

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – SEPTEMBER 15, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on September 15, 2026. Mr. Schwartz called the meeting to order.

Those present:

Zoning Hearing Board: Christian Schwartz, Chair
 James McCartney, Vice Chair
 Mike McVan, Secretary
 Larry Borda, Member
 Robert Heinz, Member
 Tony Zamparelli, Alternate (not voting)

Others: Dan McLoone, Planner
 Adam Flager, Zoning Hearing Board Solicitor

APPEAL #Z-26-24 - STEVENS
Tax Parcel #20-020-254
1251 HOLLY COURT, YARDLEY, PA 19067

Mr. Borda moved, Mr. McVan seconded and it was unanimously carried to Continue the matter to October 6, 2026.

APPEAL #Z-25-48 – FELIZ/VON SPRECKELEN
Tax Parcel #20-021-006
1675 YARDLEY LANGHORNE ROAD, YARDLEY, PA 19067

Mr. Flager noted some Exhibits were marked in March. The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The five-sheet Renderings were marked as Exhibit A-3. The December 4, 2025 letter from Kestra Kelly to Mike Kirk explaining the requested relief was marked as Exhibit A-4. The Deed was marked as Exhibit A-5. The Redacted Lease was marked as Exhibit A-6. The CV of Kestra Kelly was marked as Exhibit A-7. The Aerial Photograph of Existing Property Conditions and Existing Conditions Alternate Plan from BL Companies dated 8/28/25 was marked as Exhibit A-8. The LMT Zoning Map was marked as Exhibit A-9. The Rendered Zoning Plans from BL Companies dated 3/16/26 was marked as Exhibit A-10. The Building Renderings by BL

Companies was marked as Exhibit A-11. The CV of Guy DiMartino, the traffic engineer, was marked as Exhibit A-12. The Traffic Evaluation Letter from TPD dated November 14, 2025 was marked as Exhibit A-13. The Interior Photos of the car wash were marked as Exhibit A-14. Amended Rendered and Non-Rendered Zoning Plans from BL Companies originally dated March 16 of this year and last revised September 15, 2026 were marked as Exhibit A-15. The Exterior Elevations from Sample Architects and BL Companies dated September 15, 2026 were marked as Exhibit A-16. The Comparison Renderings of the Existing Building Facades and the Proposed Amended Car Wash Building Facades were marked as Exhibit A-17. The Proof of Publication was marked as Exhibit B-1. The Proof of Posting was marked as Exhibit B-2. The Notice to the neighbors was marked as Exhibit B-3.

Mr. Flager stated even those who requested Party Status previously will be asked to do so formally now as well. Mr. Flager stated you do not have to request Party Status to make comment, and he reviewed what it means to have Party Status. Mark Labrum, attorney, was present and stated he is representing Alfred and Sherry Lordi, 1581 Clark Drive, Thomas and Ilhama Anzabi, 1582 Clark Drive, and Douglas and Elizabeth Hausner, 1586 Clark Drive each within the appropriate setback to gain Party Status by Notice that they received.

Mr. Flager stated the Township is participating, and the Township solicitor is present and may have questions for the witnesses.

Julie Von Spreckelsen, attorney, was present on behalf of the Applicant. She stated at the prior Hearing Ray Garganio and Kestra Kelly had testified. She stated since the last Hearing they revised the Plan and Architectural Renderings, and she would like Ms. Kelly to review the changes made and have cross examination of Ms. Kelly; and this was acceptable to the Board.

Ms. Kestra Kelly was sworn in and stated she works for BL Companies, and is the civil engineer for the project for Spotless. She stated she is a professional engineer in Pennsylvania in good standing and has been doing land development and civil engineering for over twenty years. She has been accepted as an expert in civil engineering.

The Rendered Plan was shown. Since the March 17th Hearing, Ms. Kelly stated they amended the Zoning Plans after hearing the concerns from the neighbors and the Township, and they looked at ways to make the project less intense than it was proposed to be. Ms. Kelly stated one of the largest changes was the elimination of all of the outdoor vacuum cleaners,

which eliminated the parking spaces, the vacuums, the producer, which is the motor, and the mat cleaner. She stated all of the car wash operations will be contained within the building.

Ms. Kelly stated access will be off of Yardley Langhorne Road with one-way circulation. She showed the entrance at the bottom where all cars will enter. She stated they then go into the pay stations noting that there are no speakers at the pay stations and there will be no sound. She added an employee will be stationed there if someone needs help. She stated cars then circulate back into the building and go through a traditional wet wash where the customer stays inside the car, the exterior of the car is cleaned, and then goes out of the building or they could circulate back into the building into one of the dry belts which is where the customer would get out of the car and go into an interior waiting area while employees clean out the inside of the car. She stated this helped to eliminate any turning and conflict points on site with the vacuums.

Ms. Kelly stated they have improved upon where the employee parking spaces are located, and currently they have 12 spaces proposed all located in parking spaces that are parking spaces on the site today.

Ms. Kelly stated with these changes, they have been able to enhance the green space on site, and they have reduced the overall impervious from approximately 57% that it is today down to 44%. She stated this allows them additional room to do screening and buffering. She stated the site has several large stormwater management basins which previously made it challenging to do buffering in certain areas she noted on the Plan. She stated with the changes they are now able to put in sound fencing and landscaping, and she noted areas where sound fencing and vegetation will be installed which will screen and buffer neighboring properties.

Ms. Kelly stated they have also added a loading space; and while originally they had asked for relief from that as it was not needed for Spotless operation, it was required by Zoning. With the revised lay-out they are now able to fit a loading space in an area which was already impervious, and that Variance request has been eliminated.

Ms. Kelly stated they have simplified the site circulation and reduced the vehicle activity on site as well as eliminated any crossing vehicular movements and encouraged one-way circulation. She stated there is more than adequate stacking similar to what was testified previously, and none of the changes impact the stacking. She stated they have over 14 spaces to the pay stations and an additional 9 at the entrance of the wet tunnel.

Ms. Kelly stated they are also implementing heated concrete at the exit of the tunnel so that if there is any drippage of water, it will not freeze or get onto the roadways.

Ms. Von Spreckelsen asked Ms. Kelly if these changes are beneficial in terms of improved site design and lessening of impact, and Ms. Kelly agreed. She added that it eliminates any of the car wash operations from being outside of the building. She stated any noise generated from this use is all contained within the building. She stated they have reduced impervious, increased green area, landscaping, and buffering. She feels they have responded to the concerns that were brought forth.

Ms. Von Spreckelsen asked Ms. Kelly to speak about changes made to the architecture of the building façade. Exhibit A-16, the Exterior Elevations, were shown. Ms. Kelly stated they are looking to adaptively reuse the building, and it will maintain the same massing and the same height. She stated they have changed the aesthetics to be more compatible with the surrounding neighborhood and more consistent with a Bucks County architectural style. She stated they have included a traditional roof form, stone clad walls, board and batten siding, roof dormers, double-hung windows, and overhead doors designed to look like carriage house doors. She stated the design team feels the proposed building design will enhance the character of the local community.

Exhibits showing existing conditions and what is proposed for various sides of the building were shown along with an aerial view rendering. The archway over the pay stations was shown which matches the building itself.

Ms. Von Spreckelsen stated Ms. Kelly had previously testified that in her opinion the car wash use as designed would not alter the essential character of the neighborhood, impair use of adjacent properties, or be detrimental to the public welfare. She asked Ms. Kelly if her opinion has changed based on the changes that were made to the Zoning Plan and the Building Renderings, and Ms. Kelly stated she believes it “even more so now.” She added that the Revised Plan represents a less intense and better-buffered development than what was originally proposed and over what is existing today. She stated the enhancements will improve the compatibility with the surrounding properties.

Mr. Borda thanked them for the efforts made to accommodate some of the feedback. He asked if all of the noise will now be contained in the building, and Ms. Kelly stated any noise that is generated from the car wash use will be

contained in the building. She added that she means anything that is generating noise is within the building, and she is not saying that there will not be sound heard outside of the building.

Mr. Borda asked what was the feedback they received that they were trying to respond to, and Ms. Kelly stated there was concern with the use and how it fit into the neighborhood. She stated she knows that typically there are concerns about car washes. She stated they did not get an opportunity to get feedback directly from the neighbors although they tried as they had a community meeting and invited people to come speak to them. She stated they sent out mailings and did a QR Code to elicit feedback, and they attempted to get as much feedback as possible. She stated they had a general understanding of what was “going around on Facebook,” and they felt that the changes they made would be beneficial improvements to the site. Mr. Borda asked if there were any other meetings since the last time they were before the Zoning Hearing Board, and Ms. Kelly stated she has not.

Mr. Borda stated Ms. Kelly had previously testified that since she had dealt with other similar projects that were close to Residential areas, that she did not feel the use was a major detriment in terms of effecting the character of the neighborhood. Ms. Kelly agreed adding that this is a Commercially-Zoned property with a Commercial use on it today on an already-developed site. Mr. Borda asked if any of the projects that she previously worked on adjacent to a public square dedicated to Veterans, and Ms. Kelly stated they were not. He asked if they were adjacent to playgrounds, and Ms. Kelly stated they were not that she recalls

Mr. Borda asked Ms. Kelly if she did any research to determine whether or not another type of use could be on the property such as a restaurant, nursing home, etc. Mr. Schwartz stated they represent a car wash company and do not own the property. He stated the Applicant would not be developing it to something else, and that would be up to the owner of the property. Mr. Borda stated while he understands that, they are also arguing that this is a hardship, and he believes the hardship is based in part on the fact that they do not feel that they could do something else there. Ms. Kelly stated she previously testified that she researched the Code and is aware of the permitted uses on the site. She stated she also testified to the unique physical characteristics as it is an undersized lot, very irregular in shape, and the building itself is a very unusual shape. She stated based on those factors and looking at the a lot of the permitted uses, she felt it would be a hardship to repurpose the property. She stated while it would not be impossible, it would be more difficult.

Mr. Heinz asked if the doors will normally be closed, and Ms. Kelly stated it would be closed if there was a lag in time between customers; however, on a busy day, if there were cars one after the other, it would not be closed. Mr. Heinz asked if that would be the same for the exiting traffic on the other side, and Ms. Kelly agreed. Mr. Heinz asked if the sides of the building will be the same other than changes to the façade, and Ms. Kelly agreed.

Mr. McCartney asked Ms. Von Spreckelsen if they did a highest and best use study to determine if there were other options at this property, and Ms. Von Spreckelsen stated that is not the Law and she provided an example of Case Law involving the Commonwealth Court in 2024. Mr. McCartney asked what is their hardship; and Ms. Von Spreckelsen stated Ms. Kelly has discussed this twice noting the size of the lot, which is half the size of what is required in the Zoning Ordinance. She stated it is also an irregular-shaped lot and fully developed with a building that is an odd shape that makes it difficult for any proper reuse of the building.

Ms. Von Spreckelsen stated there are no C-District properties available for development in the Township. She stated the property is vastly residentially zoned. She stated there are no properties to develop for this type of use. She added that this use is not permitted anywhere within the Zoning Ordinance even though it is a legitimate land use that has to be provided for in the Zoning Ordinance but has not been provided for. Mr. McCartney asked if that is just part of the Township's Comprehensive Master Plan of plots in the Township, and Ms. Von Spreckelsen stated that does not matter as by law you have to provide for every legitimate land use or else a substantive validity challenge could be filed and those have been brought before the Zoning Hearing Board previously.

Mr. McCartney asked how long the CVS has been in business at the location; and Ms. Von Spreckelsen stated she believes it was developed in 2002, and it has been closed for about three years. Mr. McCartney stated the Township did provide under that Zoning Use an opportunity for the landowner to use the property under C-1 for the CVS for 20 years. Ms. Von Spreckelsen stated she does not know how it was permitted although it is a Commercially-zoned property. Mr. McCartney stated he agrees that the Township has to allow an owner to use the land based on what the Zoning allows. He stated it has been demonstrated that the Township allowed it to be used as a CVS for the last 20 years.

Ms. Von Spreckelsen stated the argument is that the Township does not allow a car wash use at any property in the Township; and while it has to be permitted somewhere in the Township, it is not. She stated they are indicating that this is a very good location for this use for all the reasons that Ms. Kelly has testified to. She added that Flagship did a lot of work and tried to reach out and do public relations with the residents, but the residents did not want to meet with them adding that they did not have to as that is their right. Ms. Von Spreckelsen stated Flagship has tried to be good neighbors and substantially revised the Plans to provide for the least impact possible to the surrounding area, and the building looks “beautiful.” Mr. McCartney stated he agrees the new rendering looks amazing.

Mr. McCartney asked how far they went to see what the impact of marketability on the surrounding neighborhoods is going to be. Ms. Von Spreckelsen stated Flagship owns many locations that directly abut Residential properties, and they have not had issues with it. She stated they are good stewards and good community members. She stated there is no impact on the value of any surrounding properties based on this use, and there are no abutting Residential properties as it is surrounded by Commercially-Zoned properties.

Mr. Zamparelli stated he agrees that the building is beautiful but he has an issue with the traffic. Mr. Schwartz stated a traffic engineer will address this.

Ms. Carlton stated the Applicant’s attorney correctly testified that the Township must provide for lawful uses within the Township; however, this is in a C-1 District with a Traditional Neighborhood Overlay, and this District specifically does not permit a car wash by Right, Special Exception, or Conditional Use.

Ms. Von Spreckelsen Objected stating that this is supposed to be cross-examination, and Ms. Carlton can make statements at the end.

Ms. Carlton stated Ms. Kelly has testified as to the quietness of the building as renovated, and she asked if there will be any interior insulation walls put in to further insure that no noise will emanate from it. Ms. Kelly stated the dryers that will be inside the building will be the quietest ones on the market. She stated they will also implement acoustical tiles inside the building which help prevent the sound from bouncing off. She stated they also limited the size of the door openings. She stated all of these factors will make this the quietest car wash possible. She stated there is no noise that is being generated outside of the building although there is noise being generated inside the building that will be audible outside of the building, but it will be below the Township’s

required noise level at all property lines. She stated the sound fencing that is being added is in addition to that so they meet the Sound Ordinance even without the sound fence, but they have added that for the additional buffering and screening and even further noise attenuation.

Ms. Carlton asked Ms. Kelly to discuss the water filtration system and if there will be any water event that will occur as a result of the car wash. She asked how the water is being contained with the stormwater basins that are on site. Ms. Kelly stated the water used in the car wash operation will be fresh water, and everything within the car wash will be contained within the car wash. She stated recycling happens and there are underground reclaim tanks, and a portion of the water is reused in the car wash operation. She stated ultimately it goes through an oil/water separator and into the sanitary sewer system. Ms. Kelly stated they implement heated concrete at the exit from the wet wash so in case there is a drop or two of water, the heated concrete will take that. She stated all on-site water from when it rains will be treated in the existing stormwater management system. She stated they are reducing the amount of impervious on the site, and the existing stormwater system is more than adequate to treat the proposed impervious.

Ms. Carlton stated it was testified that one of the hardships is that this is an irregularly-shaped building, and she asked how it is an irregular building since it seems to be a standard-sized Commercial building and does not have any “strange” jut outs; and it is just a long rectangular building with a square portion off the back. Ms. Kelly stated the shape is very unusual when you compare it to other types of pharmacy buildings. She stated they are adaptively reusing a lot of different pharmacy buildings. She stated they are typically more square in nature; and while size wise it is about the same as other pharmacy buildings, a portion of the building is offset from the rest; and it is not a perfect square or rectangle. She stated the building was uniquely fit into the site when it was constructed, and it was not a proto-typical layout. She stated the ability for the car wash operation to work within that building footprint is unique.

Ms. Carlton stated the building was built for CVS, and she asked if the hardship is because it is to be used as a car wash or to be used as a pharmacy since it was built for CVS to CVS' specifications. She asked if the hardship is that it is irregular in shape for a car wash. Ms. Kelly stated it is for any reuse of the building. She stated CVS moved to a new building that is not that far away so she feels that this building did not fit the needs that they currently have.

Ms. Carlton stated the location may not have fit their needs, and that was a business decision.

Mark Labrum, attorney, stated he is representing three of the residents who reside on Clark Drive – the Housners, the Lordis, and the Anzabis. He stated Ms. Von Spreckelsen had indicated that this site is “surrounded by Commercial use.” Ms. Von Spreckelsen stated she said, “Commercially-Zoned properties.” Mr. Labrum asked Ms. Kelly if her position is that this site is surrounded by Commercial Use. Ms. Kelly stated she knows that there are adjacent Commercial uses, specifically a medical office, the Edgewood Giant Center, a Church, and immediately adjacent is Veterans’ Square. An aerial was shown and Mr. Labrum noted the project site and surrounding roads including Clark Drive. He noted the location of his clients’ homes on the aerial which is part of an entire Residential neighborhood. He also noted the opposite side of the project site where there is an entire area of woodlands which is the Historic District. Mr. Labrum stated above that are at least two farmlands. He stated at the bottom of the site view, there is the intersection of Heacock and Edgewood Roads. Mr. Labrum asked Ms. Kelly if she is aware that a location he noted on the corner is the Lower Bucks Masonic Hall which is not Commercial; and Ms. Kelly stated she would have to refer to the Zoning maps to see what it is zoned although she agrees that the use is not Commercial. Mr. Labrum noted a development across Heacock which is the Woodside Church which is also not a Commercial use, and Ms. Kelly agreed. Mr. Labrum noted the location of Veterans’ Square which and the playground which are not Commercial uses. Mr. Labrum asked Ms. Kelly if she would agree that out of all the areas he has pointed out the playground is the closest to the project site, and Ms. Kelly agreed. Mr. Labrum asked Ms. Kelly if she would agree that the site is not surrounded by Commercial use. Ms. Kelly stated there are adjacent Commercially-zoned properties. Mr. Labrum stated the majority is not Commercial use, and Ms. Kelly agreed.

Mr. Labrum asked Ms. Kelly if she has done an analysis of the difference in the estimated daily usage of water for the car wash and the impact on the sewer capacity in the Township to account for the difference between a use of the building as a pharmacy versus the use of the proposed structure as a car wash with a bay, two dry belts, and the related use throughout the entire location. Ms. Kelly stated she had previously testified to that. Mr. Labrum asked if she did an analysis of the EDUs; and Ms. Kelly stated based on her experience with working on 40 of these conversions that a typical CVS has about 1 EDU, and they are proposing to increase that to between 30 and 35 EDUs. Mr. Labrum stated that is 35 times the number of EDUs needed for a CVS versus the need for the operations of the car wash, and Ms. Kelly agreed.

Mr. Labrum referred to Exhibit A-17 and noted an arrow on the plan which shows only a right-hand turn coming out of the driveway while another plan showed a right-hand turn and a left-hand turn coming out of the driveway; and he asked which is correct. Ms. Kelly stated it is going to be both a right-out and a left out. Mr. Labrum asked about the entrance and asked if that will be right in and left in. Ms. Kelly stated she will defer the traffic questions to the traffic engineer, but then answered that it will be both.

Mr. Labrum asked what will happen if cars start to stack into the driveway and potentially out to the street. Ms. Kelly stated while she will defer the details to the traffic engineer, based on her experience and understanding of the traffic studies done, one of the things that has been done to support this project and others are real world traffic counts. She stated they have not defaulted to the ITE trip generations, but have studied existing Flagship Car Washes with the same configuration of one wet and two dry tunnels and gotten real world data on trips, stacking, and queuing. She stated based on that they know the maximum stacking that occurs on a Saturday afternoon is 20 cars. She stated for the purpose of stacking in that instance they count that as the entrance to the wet tunnel not the pay stations. She stated they have more than 23 stacking spaces before cars even would start to stack onto the driveway at the entrance. She stated she does not see a situation where there would be cars backed onto the public right-of-way.

Ms. Kelly stated Spotless and Flagship employees are trained on how to operate and manage their sites; and they will not allow cars to stack up. She stated the site is designed that if for some reason there was an issue, they could help direct traffic to avoid that situation. Mr. Labrum asked if they will be directing traffic on Yardley Langhorne Road, and Ms. Kelly stated they will direct traffic on the site to not allow a situation where cars would need to stack onto the roadway. Mr. Labrum asked Ms. Kelly if she would agree that it is not impossible for some stacking to occur and may even be probable on the busiest day; however, Ms. Kelly stated that was not what she said. Mr. Labrum asked Ms. Kelly if it is possible that there could be stacking of traffic in both directions on Yardley Langhorne Road on a busy Saturday afternoon. Ms. Kelly stated she would not agree with that.

Mr. Labrum noted the location of a stormwater basin on the property which was not depicted on the photograph being shown. Ms. Kelly stated what is being shown is an architectural rendering and the green space indicates the area of stormwater management where the basin is located. Mr. Labrum stated there is nothing on the Exhibit showing what the area would look like for the stormwater

management, and Ms. Kelly stated it is a surface stormwater management basin today. She stated the retaining wall shown is the edge of it, and the water pools on the surface of the basin, and there is no piping. She stated there is a connection underneath the driveway, but that level of detail is not reflected on the rendering being shown. Mr. Labrum pointed to an area on the rendering and asked if there is not currently piping in that location, and Ms. Kelly stated there is a culvert underneath the driveway as she just noted. Mr. Labrum asked if what is shown on the rendering is what the area will look like when all of the stormwater management is complete. Ms. Kelly stated that is not what she said. Mr. Labrum stated what they are showing on the rendering is not stormwater management, and it looks like green lawn with some trees.

Ms. Von Spreckelsen objected adding that Ms. Kelly indicated that what is shown in a rendering and that she indicated there is a basin there. Mr. Flager stated he can ask questions about how accurate the photo is and what it does and does not show although he would agree not much more is needed on that topic.

Ms. Kelly noted they could look at the aerial showing the existing conditions which shows from Yardley Langhorne Road looking at the building showing the wall, trees, and green space. Ms. Kelly noted photos in Exhibit A-17.

Mr. Labrum asked Ms. Kelly if she would agree that when vehicles come off the site they are not 100% dry, and Ms. Kelly agreed. Mr. Labrum stated she would agree that the vehicles could drip water, and Ms. Kelly stated she did not say that. Ms. Kelly stated they have taken every measure possible to prevent that, but that could happen. Mr. Labrum asked Ms. Kelly if she would drink the water that is coming off of a car that is dripping.

Ms. Von Spreckelsen objected citing relevance of the question.

Mr. Labrum stated they have testified as to how the water from these vehicles is captured and utilized and re-generated, but they have not accounted for the fact that by her own admission cars are not 100% dry when they leave the site. He stated he is asking if a vehicle is dripping water leaving the site, would she drink that water since that is an issue of public health.

Ms. Von Spreckelsen asked who would drink water coming off of a car wash site.

Mr. Flager stated he understands Mr. Labrum's question as to whether it drips; however, he is not with him whether she could drink the water. Mr. Labrum stated they represented that this is a clean operation that they have been doing around the Country, and that they have these various methodologies of capturing the water; and yet, they must admit that these cars are not 100% dry when they leave the site, and therefore they can be susceptible to dripping water. He stated during the course of an entire day throughout a year, he is asking what potential impact that water could have on the local water table. Mr. Flager stated whether it is drinking water or not does not mean that it is inherently dangerous to the environment. Mr. Labrum stated he feels they have to admit that there is water discharge from any vehicle coming off the site, and that is not water that is being accounted for. Mr. Flager stated that was asked and answered.

The rendering of the new building was shown. Mr. Schwartz stated at the bottom right there is a sidewalk stopping at the exit driveway, but there is no sidewalk beyond that. He stated there are also no sidewalks on the other side of the street. He stated the subject property is part of the beginning of the Overlay that has been studied since January for walkability in this part of the Township. He asked if there is a chance that the sidewalk can be safely continued for walkability.

Ms. Von Spreckelsen noted Exhibit A-9, the Township Zoning Map and noted where the property is located. Ms. Von Spreckelsen stated Mr. Labrum had indicated that the Historic District was to the north; however, that is the Historic-Commercial District, and Ms. Kelly agreed. Ms. Von Spreckelsen stated Mr. Labrum referred to the playground and Veterans' Park, and she noted that they are zoned C-1, and Ms. Kelly agreed. Ms. Von Spreckelsen noted that the Edgewood Shopping Center to the south is also located in the C-1 District, and there are residences across the different roadways from the Edgewood Shopping Center, and Ms. Kelly agreed. Ms. Von Spreckelsen stated there is also C-1 to the north of the subject property, and Ms. Kelly agreed.

Mr. Borda stated Ms. Kelly testified about the vehicle count used to determine whether stacking would result in back-ups onto the main road, and he asked how she knows that the volumes they will be dealing with here are the same as the stores that they took the traffic counts from. Ms. Kelly stated it was based on the projections that Spotless has for this location and knowing the daily cars at the existing locations. Mr. Borda asked if they ran an analysis using standard engineering principles for what would normally be anticipated for this use such as an ITE trip generation; and Ms. Kelly stated she will let the traffic engineer speak to that in more detail, but typically that is based on

square footage of the building which does not accurately reflect the more modern car washes with the one wet and two dry configurations. She stated based on the standards of the sites they have in Pennsylvania, this is the actual data that PennDOT has accepted. Mr. Borda asked Ms. Kelly if she knows if they were to use the ITE criteria whether or not that would make the site more amenable to what they are trying to do versus not; and Ms. Kelly stated she does not know, but the traffic engineer may know that.

Mr. McVan asked if it is known who owns the property to the east where it is grass, and Mr. McLoone stated it is owned by the Township. Mr. McVan asked the hours of operation, and Ms. Kelly stated it is 8 a.m. to 8 p.m. every day. She added that typically in the winter and on rainy days, they would likely close around 6 p.m. Mr. McVan stated he felt at the last meeting there was some discussion about possibly amending those hours; and Ms. Kelly stated she feels the Applicant would be willing to accept conditions on that.

Mr. Schwartz asked if anyone knows about events held at Veterans Square, and Mr. Flager stated he believes they only have one event on Veterans Day; and Mr. McLoone agreed.

Ms. Von Spreckelsen asked if the Board had any further questions for Mr. Garganio who testified at the last Hearing, and it was noted that the Board did not. Ms. Carlton and Mr. Labrum also had no cross examination of Mr. Garganio.

Mr. Guy DiMartino was sworn in. He stated he is a registered professional engineer in Pennsylvania specializing in transportation engineering and has been employed by Traffic Planning & Design, Inc. for over 25 years. He reviewed his education background and experience. Ms. Von Spreckelsen asked Mr. DiMartino approximately how many traffic impact studies and evaluations he has prepared for car washes, and Mr. DiMartino stated for Flagship/Spotless he has worked on over 25 and numerous other traffic studies throughout his career with TPD. Ms. Von Spreckelsen if he has previously testified as an expert, and Mr. DiMartino agreed that he has been accepted as an expert in traffic engineering planning and design with various Zoning and Municipal Boards in Pennsylvania. Exhibit A-12 was noted which is Mr. DiMartino's CV. Ms. Von Spreckelsen offered Mr. DiMartino as an expert in traffic engineering planning and design, and he was accepted by the Board.

Ms. Von Spreckelsen asked Mr. DiMartino the scope of the engagement of TPD by the Applicant; and Mr. DiMartino stated it was to perform a traffic evaluation focusing primarily on the trip generation and queuing for the proposed use. Ms. Von Spreckelsen asked Mr. DiMartino if he reviewed the existing site conditions and surrounding roadways, and he agreed he did. He also reviewed the Zoning Plan and the amended Zoning Plans. He also prepared the Traffic Evaluation letter dated November 14, 2025 that is Exhibit A-13 in the Exhibit booklet.

A short recess was taken so that the Board could be provided with Exhibit A-13.

When the meeting reconvened Exhibit A-13 was shown. Mr. DiMartino stated the building itself is just under 10,000 square feet, which is proposed to be reused as a car wash in the same size. He stated there is one wash tunnel and two dry detailing tunnels proposed. He stated the site as noted by Ms. Kelly is currently served by two driveways to Yardley Langhorne Road, which is a PennDOT State roadway. He stated they are proposing to modify the existing driveway configuration although the driveway locations will remain the same. He stated the northernmost access is proposed to be exit only and the southernmost access is proposed to be ingress only. He stated the driveways will be subject to PennDOT's review and approval through the PennDOT HOP process as they advance the project.

Mr. DiMartino stated as noted by Ms. Kelly, there is stacking accommodated which he will detail when reviewing his letter.

Mr. DiMartino stated with regard to trip generation, this type of car wash is bigger than the typical car wash that he was familiar with before he heard of Flagship and Spotless. He stated ITE Trip Generation Manual is the industry standard for various uses including car washes. He stated the challenge is that the ITE Trip Generation Manual is for smaller, more traditional tunnel car washes that are generally 4,000 to 5,000 square feet. He stated when Spotless/Flagship first came into the region, one of the first projects he worked on with them was new to everyone building a car wash of this size; and they were tasked with working through the Municipal process and with PennDOT was that they had questions like those being posed this evening as to how much traffic a car wash of this size generates. He stated they went to facilities that Flagship/Spotless operated similar to this in the D.C. region including two in Virginia that they evaluated and two in Maryland. He stated they are similar in terms of scale and size of about 10,000 to 15,000 square feet, with a similar configuration in terms of the one wash tunnel and the two dry belts.

He stated based on the data they collected, they have since utilized that data to derive the trip generation for facilities that are proposed like the subject project. He stated ITE recommends collecting specific data when you are outside of the typical range, which they are with this use.

Mr. DiMartino stated using the trip generation data they collected at the various sites, they developed trip generation for this proposed use; and they anticipate that the proposed car wash will generate 74 total trips during the weekday p.m. peak hour, and 134 trips during the Saturday afternoon peak hour. He stated comparing that to the former pharmacy use (shown on Table 4) it generates less traffic on a 24-hour weekday basis and during the p.m. peak hour it would also generate less traffic. He stated a car wash on a Saturday afternoon would generate more than a pharmacy use of the same size.

Mr. DiMartino stated the queuing evaluation is shown in Table 5. He stated they collected data from the four sites in Maryland and Virginia during a four-hour period during a weekday afternoon from 3 p.m. to 7 p.m. and also on a Saturday from 10:00 a.m. to 3 p.m. He stated the highest instance of queuing was a total of 20 vehicles back from the tunnel entrance to the furthest point where you enter the line at the pay station. He stated at this location they have a total of 23 as shown in Exhibit A-15. He stated as Ms. Kelly testified that a total of 23 vehicles can be accommodated from the entryway of the wash tunnel working your way back to an area he showed on the Plan. He stated even beyond that you can accommodate additional vehicles on site before you get to Yardley Langhorne Road. He stated they do not feel that the queue will exceed the storage that they are providing.

Mr. DiMartino stated from a trip generation standpoint the car wash will generate less traffic than the former pharmacy on a typical weekday and during the weekday p.m. peak hour. He stated on a Saturday afternoon the proposed car wash would generate more than the former pharmacy use. He stated with regard to the queuing/stacking the area they have provided is more than sufficient to accommodate what they anticipate will be utilizing the proposed site.

Ms. Von Spreckelsen stated Mr. DiMartino's report dated November 14, 2025 was prior to the amendments that were made to the Zoning Plan, and Mr. DiMartino agreed. She asked Mr. DiMartino if any of the amendment to the Zoning Plan change any of his analysis or conclusions, and Mr. DiMartino stated they do not.

Ms. Von Spreckelsen asked Mr. DiMartino if in his professional opinion as an expert in traffic engineering planning and design, will the proposed car wash use operation, if approved, in any way adversely impact or be detrimental to the health, safety, and welfare of the community and the general public in terms of traffic-related issues; and Mr. DiMartino stated he believes that it will not. He added he has discussed the trip generation where this use will generate less during the given time periods. He stated the Application will also be subject to PennDOT's review and approval for the access modifications; and as part of going through that process with PennDOT, they are charged with complying with all the PennDOT standards with one of the most notable factors being that they are required to mitigate their impact and address any issues that are identified as part of the Traffic Impact Study. He stated they will have to satisfy PennDOT standards and comply with them as well as any Township Ordinance requirements.

Ms. Von Spreckelsen asked Mr. DiMartino if in his professional opinion as an expert in traffic engineering planning and design is the access to and from the property and the stacking area adequate to protect the public roadway from undue congestion and hazard; and Mr. DiMartino stated he believes it is. He added that the queuing that they are accommodating on site is more than sufficient based on the information provided that they have evaluated, and the access will be subject to PennDOT's review and approval; and they will have to design the access points to their standards which inherently require safe and efficient access points.

Ms. Von Spreckelsen stated Mr. DiMartino discussed the analysis that he went through and that he did not use the ITE. She stated he has been working on numerous sites in Pennsylvania, and Mr. DiMartino agreed. Ms. Von Spreckelsen asked Mr. DiMartino if he employed the same analysis at the existing sites, and Mr. DiMartino stated he did adding that this analysis has been utilized and has been regularly accepted by PennDOT and other Municipalities.

Mr. Schwartz asked Mr. DiMartino what kind of mitigation methods has PennDOT forced them to employ in some of the other projects and what problems does he foresee with this property the way it is laid out with regard to the entrance and exit and whatever PennDOT requires. Mr. DiMartino stated they will have to go through the PennDOT and Traffic Study process per the Township Ordinance. He stated typical improvements that may or may not be applicable could include whether turning lanes are necessary at the driveway access locations. He added

that there are Warrants that they are held to based on a number of factors including traffic volumes, speed on the roadway, etc. He stated another mitigation measure could be signal re-timing at surrounding intersections.

Mr. Borda asked Mr. DiMartino if the projects that he looked at in his report averaged between 11,000 square feet and 13,000, and Mr. DiMartino agreed. Mr. Borda asked the square footage of the proposed site, and Mr. DiMartino stated it is roughly 10,000 square feet. Mr. Borda stated he understands that Mr. DiMartino indicated that the ITE trip generation models were too small for a project of this size, and he asked what the models go up to. Mr. DiMartino stated they range from approximately 1,800 square feet to 6,200 square feet with the average being 4,000 to 5,000 square feet. Mr. Borda asked why he could not extrapolate based on what those models show as to what a 10,000 square foot facility would do. Mr. DiMartino read from Exhibit A-13 at the bottom of Page 1 where ITE recommends using caution when extrapolating the ITE data beyond the size ranges and recommends collecting local data to establish a trip-generation rate. He stated they did what ITE recommends.

Mr. Zamparelli stated he feels the left-hand turn exiting the car wash could be an issue during peak hours on Friday and Saturday. He asked if there is a plan in place if something goes wrong with the car wash mechanically and has to be shut down which would cause traffic to back up. He stated it was indicated that the employees are highly trained to watch out for traffic queuing and possibly stacking up into the street, and he would like to know what is the training and how they monitor that. Mr. DiMartino stated at this time, they do have any concern with left-hand turns exiting the car wash; however, that will be studied as it will be a requirement of PennDOT, and they will have to demonstrate that the left turn movement operates at an acceptable level of service with sufficient sight distance and not being blocked by queues from the traffic signal adjacent to that location. He stated this will all be reviewed by the Township traffic engineer and PennDOT in order to insure that the left turn can be made during the critical peak periods. He stated if it cannot be made PennDOT and the Township could impose a restriction.

Mr. DiMartino stated with regard to the question as to what would happen if there was a mechanical failure within the car wash he showed Exhibit A-15 and stated if the belt equipment failed and vehicles were entering the site and could not utilize the wash during that period, there is around the outer perimeter of the site a lane where the vehicles could circulate and not enter the pay station lanes and then exit to the northernmost driveway.

Mr. Zamparelli asked how drivers would know that there is an issue, and Mr. DiMartino stated there is staff on site who would direct them not to get into the pay station lane because the belt was not operating.

Mr. DiMartino stated with regard to Mr. Zamparelli's last question about the training the employees have and how they are notified if there is a back-up in the queue longer than usual, if there is a long queue the employees would notice vehicles stacking. He stated in any convenience type use it is self-regulating, and some customers may decide not to get in a long queue. He stated if there is a very long line, customers could be directed to use the by-pass lane he described and not get into the lane although they do not believe that will be the case based on the data they have collected.

Mr. Zamparelli stated he finds it difficult to believe that they would station an employee to permanently stand at the point of sale. He asked if there would also be an employee by the gate. Mr. DiMartino stated there is always an employee at the pay station to serve the customers.

Mr. Ray Garganio was sworn in. He stated there is always someone at the POS, and in busier times there are two people. He stated they track it, and there is a person at the front of the wash tunnel who has direct eye contact; and if something happens, they will talk. He stated if something breaks down, they will start clearing people out of the queue. He stated they can also pull people from the dry belt since nothing would be going through there. He stated if there is a very bad problem, they will have someone at the entrance waving people by. He stated they have put in gates in the past and would not be against doing that; but there are mixed feelings on those. Mr. Garganio stated there will always be someone there. Mr. Zamparelli stated he would like that to be their standard operating procedure; and Mr. Garganio stated while he does not believe that has ever been put into an Agreement, they would.

Mr. Heinz stated the original proposal discussed vacuum stalls, and he asked if those are eliminated is there an increased reduction in any impact to the transportation aspect; and Mr. DiMartino stated there is no impact.

Mr. Heinz noted the CVS comparison in Table 4, which was drawn from the ITE data; however, there is data from the sites in Maryland and Virginia which was the data that was used as comparison for the Table as well. Mr. DiMartino stated the data for the car wash is based on the data that they collected at

similar car wash facilities in Maryland and Virginia. He stated the trip generation for the CVS is based on ITE trip generation data because it is consistent with the sizes and what ITE recommends for developing traffic for that type of use.

Mr. Heinz asked if ITE is accepting the comparison of the similar data versus the ITE data. He added he is not familiar with ITE. Mr. DiMartino stated ITE is the Institute of Transportation Engineers Trip Generation Manual which is a compilation of all land uses and based on studies done to develop trip generation rates based on variables. He stated typically for a Commercial use, it is based on size, but it can be based on other factors as well. He stated the size of the proposed car wash is not compatible with the ITE Trip Generation Manual, although the size of the former CVS Pharmacy is compatible with most typical pharmacies so it was appropriate to utilize the ITE Trip Generation data.

Mr. Heinz asked if there is any post-analysis data that is generated for an existing site as to how much traffic they are actually generating versus what the proposal was. Mr. DiMartino stated that is essentially what they did in counting the four sites in Virginia and Maryland, and they captured the post-development numbers for those sites. Mr. Heinz asked how those numbers were generated before development; however, Mr. DiMartino stated he was not responsible for preparing those pre-development.

Mr. Heinz asked Mr. Garganio if he could answer his question; and Mr. Garganio stated the four sites that Mr. DiMartino looked at were very mature sites, and he does not know what the calculation was “early.” He stated they pulled out sites that are busy and very mature, and that is what Mr. DiMartino used.

Mr. DiMartino stated one of the first sites that he worked on for Flagship and Spotless was a site in Chester County which opened earlier this year. He stated when they did the Traffic Study they used the data he testified to this evening that is in Exhibit A-13. He stated they recently went out and counted that site, and the numbers are dramatically less than what they predicted.

Mr. Heinz stated in the project description it indicates that the site is currently serviced by two existing lanes with the northern providing full access, and the southern being right-out only. He stated he understands that they will be switching that in this plan, and he asked if either of the two will be right-out only. Mr. DiMartino stated the northern-most access is an exit only, and it is currently proposed to allow for right and left-out subject to PennDOT’s review and approval. He stated the southern-most driveway which is currently a right-out only is proposed to be an ingress-only with entering left and entering right being proposed.

Mr. Borda asked if they account for proximity of other car washes in competition and what that means in terms of trip generation. Mr. DiMartino stated the standards they are held to in performing a Traffic Study are solely based on the given use, the size, and characteristics of the use. He stated it is independent of the number of nearby car washes. Mr. Borda stated they are basing their analysis on the trip counts of the other facilities, and he does not know how much competition they have. He stated the proposed car wash would not have any competition within five miles. Mr. DiMartino stated nearby competition is not a consideration for performing these types of evaluations and is not a standard that PennDOT has. Mr. DiMartino added that they are still obligated to meet PennDOT standards. Mr. Borda asked if in the past has PennDOT come back and asked for more specifics on the geographics and the competition for the other facilities that were used for comparison; and Mr. DiMartino stated they have not in his years of experience for any Application, and it was just based on the standard practice of the ITE Trip Generation or the type of trip generation data that they have collected and presented in Exhibit A-13.

Mr. Garganio stated the sites that they reviewed were busy sites, and he believes that the proposed site is projected to be, at maturity, less than at least two of those. He stated the original projection was based on having the vacuums which generates more traffic, and going to the full serve, which they are doing, lowers the amount at maturity although it is still economically-feasible.

Mr. McCartney stated the study was done in November, 2025, and he asked Mr. DiMartino if he took into account any new Subdivisions that were being planned in the Township since November, 2025. Mr. DiMartino stated any new Subdivisions within the Township since November, 2025 would not change the results presented in his letter; however, when they perform the Traffic Study, if there are any planned developments in the area, they will have to take those into consideration when evaluating the operation of the driveways and other off-site intersections that they evaluate.

Mr. McCartney stated with regard to the comparable car washes that were noted the one at Bowie, Maryland is at a busy corridor, and Mr. DiMartino agreed. Mr. McCartney stated another was at the St. Charles Center, and Mr. DiMartino agreed. Mr. McCartney stated that location there is a huge mall complex, and Mr. DiMartino stated he believes that is correct. Mr. McCartney asked if the reason he picked those locations to compare was because they were similar in terms of square footage, and Mr. DiMartino stated they were similar in square footage to the proposed location and had similar characteristics in terms of queuing lanes, one wash tunnel, and two

dry tunnels. Mr. McCartney asked if there are any existing locations that are similar to the proposed location as far as the immediate local area since those existing locations he just noted do not look the same as the location in Lower Makefield. Mr. DiMartino stated there are a number of factors that can be considered. He stated in terms of population the four sites that they evaluated ranged from 18,000 to 80,000 so they covered a wide range. He stated there are also characteristics of roadways. He stated the data is based on real world data that has been accepted by PennDOT and other Municipalities.

Mr. McCartney stated while he recognizes that, he wants an idea from a comparable standpoint whether or not these are adequate comparable sites. He stated 18,000 to 80,000 is a broad range. He asked if there is a similar location to what the Township has that is not at a busy corridor, at a busy mall, or at a busy Commercial stretch. Mr. DiMartino stated these four sites were identified when they were working on one of the first applications that Flagstaff had in the region which was the one in Phoenixville. He stated as they started to propose their car washes in other Municipalities Mr. McCartney's question came up which is the reason why they recently counted the Phoenixville site post-development because it is one that is operational and is more local than the ones in the D.C. area. He stated the findings of the Phoenixville counts were substantially less than the predictions noting that it is not a mature site. He stated there is no other data that would be comparable to the high-end trip generation that they are predicting.

Mr. McCartney stated the Phoenixville location is between a Wawa and a Taco Bell, and across the street from a Starbucks, a McDonald's, another car wash, and Phoenixville Plaza. Mr. DiMartino stated there are also some homes in the area. Mr. McCartney asked Mr. DiMartino if he has worked on any locations that are they similar to the location in Lower Makefield or are they more Commercial-influenced. Mr. DiMartino stated from a traffic engineering perspective, he does not feel that has any bearing; and the standards that they are held to are the trip generation of a given use of a given size, and it does not consider what use may or may not be adjacent to or surrounding the property.

Mr. McCartney asked his question of Mr. Garganio, and Mr. Garganio stated they have about 20 locations that have direct, adjacent Residential. He noted the St. Patrick's location, and Mr. McCartney stated that location is more similar to the car wash near the Oxford Valley Mall. Mr. Garganio stated behind the car wash it is all Residential. Mr. McCartney stated it may be a conversion as the area is a giant mall.

Ms. Von Spreckelsen objected adding that these facts are not in the Record as they cannot see what Mr. McCartney is looking at, and they do not know what he is referring to. Mr. McCartney stated he is looking at Google Maps.

Ms. Von Spreckelsen stated it is not relevant, which is what the traffic engineer testified; and it is the traffic engineer who is testifying at this time. Mr. Flager stated Ms. Von Spreckelsen is correct that if Mr. McCartney is looking at something that no one else is looking at, they are not all looking at the same Evidence; and what Mr. McCartney is looking at is not in Evidence or marked for Evidence.

Mr. McCartney asked if the Applicant has maps of the other locations that they can share Evidence. Ms. Von Spreckelsen Objected to the question as it is not relevant since Mr. DiMartino has indicated four times that it is not relevant. Mr. McCartney stated he is asking this of Mr. Garganio, and Ms. Von Spreckelsen stated Mr. Garganio is not testifying at this time.

Ms. Carlton stated the Township is concerned about the sight triangles/sight distances at the entrance and exit, and she believes that Mr. DiMartino testified that he has not done a thorough analysis of the sight distances/sight triangles for the entrance and exit particularly since the change from the original report of November, 2025 to the present when the entrance and exit have been modified. She stated he indicated that he would work with PennDOT and the Township engineer to make those determinations. Mr. DiMartino stated with regard to the Site Plan that Ms. Kelly testified to this evening as well as at the prior Hearing, nothing changed in terms of the location of the two driveways. He stated the exit is one way and the entrance is one way, and they are permitting right turns in and left turns in at the southernmost driveway and the northernmost driveway will have right turns out and left turns out.

Mr. DiMartino stated while he did not testify that he had not done a thorough analysis of the sight distances/sight triangles, once the design is done for the access points, they will evaluate the sight distance and make sure it meets PennDOT standards; and both PennDOT and the Township traffic engineer would review what they submit and either concur or provide comments. Mr. DiMartino stated PennDOT will not issue an HOP if they cannot provide adequate sight distance. Mr. Flager stated the Township traffic engineer has not done a review of this; and Ms. Carlton stated they have not done a formal review that would elicit a written opinion, and that would be done at Land Development.

Mr. Flager stated the ingress and egress is being flipped from the configuration that CVS had, and he asked Mr. DiMartino to explain why that was done.

Mr. DiMartino stated it is to better accommodate the flow of the site and provide adequate stacking as well as to minimize conflicts on site in and out of the various tunnels.

Mr. John McDonough was sworn in.

Mr. Flager marked the CV of John McDonough, Land Planner, as Exhibit A-18. The Planning Report prepared by John McDonough dated September 15, 2026 was marked as Exhibit A-19.

Mr. McDonough stated he is a member of the American Institute of Certified Planners. He stated they were commissioned by the Applicant to conduct a standard planning analysis in connection with the Application and conducted a standard evaluation review of existing conditions and the proposed conditions. He stated this Application is clean from a bulk standpoint, and it is not introducing any new bulk relief working on a nice site in the community.

Ms. Von Spreckelsen asked Mr. McDonough about his daily duties so that he could be qualified. Mr. McDonough stated as a professional planner he testifies and attends public hearings on a regular basis. He stated he writes and reviews Comprehensive Plans, Zoning Ordinances, and Development Plans; and he has been doing that for forty years. He reviewed his education and identified Exhibit A-18 as his CV. Mr. McDonough was offered and accepted as an expert in land planning.

Mr. McDonough stated he went to the site to look at existing conditions for an hour today. He complimented the Applicant for their plan to repurpose the site. He stated they looked at the proposed conditions, the Zoning regulations, and the relief that the Applicant is seeking which is just the use, and there is no bulk relief requested. He stated they then apply the statutory criteria. He stated he also looked at the Master Plan and the Comprehensive Plan.

Mr. McDonough stated he provided in the Planning Report an overall description of the property with the surrounding land use context. He stated there is also a narrative about the nature of the use and this experienced developer of car washes. He stated land use is supposed to evolve and get better, and that is what they see with this land use which may have had a stigma in the past which has evolved to be neat, clean, highly-automated, and more sensitive to the public that is around it.

Mr. McDonough stated the parcel is 2.62 acres with an irregular shape which presents challenges. He stated it contains a closed CVS which proves to him that there are challenges here for National retailers. He stated CVS moved to another part of the Township where there is established Retail and other uses around it, which plays into his argument why this site is distinct.

Exhibit A-8, the aerial, was shown. Mr. McDonough stated the site is an “out-parcel” compared to the rest of the Commercial District as the core of the Retail/Commercial Use is on Stony Hill Road with the shopping center and the retail center at Yardley Langhorne Road. He stated retailers and commercial uses like to be close together, and this parcel is an outlier which is conducive to lower-order services which are needed on a regular basis such as gas stations or a car wash. Mr. McDonough stated there are 21 permitted uses in the Zone, 6 Special Exemptions uses, and 1 by Conditional Use; and they all have practical difficulties because of the location of this property, and many of the uses are eliminated by virtue of the distinct and unique location of this site where you would look for more independent type uses like a car wash that is not relying upon other uses and caters to pass-by traffic on the roadway.

Mr. McDonough stated based on the shape, the size, the rather large setbacks that are imposed, and the location it is challenging; and he feels that there is unnecessary hardship.

Mr. McDonough stated there is well-established criteria for how the Board should evaluate a Use Variance. He stated at the outset counsel indicated they are looking at this as a de minimus Use Variance under recent Case Law, and because this use is substantially similar to the list of permitted uses and similar to the use that was there previously. He stated they will apply the stricter standard for a Use Variance. He stated the existing building will not need to be demolished, and it can be converted to accommodate the car wash use. He stated he feels a minor variation is being requested and rigid compliance is not necessary to protect public policy concerns.

Mr. McDonough reviewed the criteria for Variance relief under the Township Ordinance including the unique physical characteristics of the property and the unnecessary hardship that is triggered by such conditions. He stated he feels that all the relief relates to the land and the structures that are lawfully thereon, and he reiterated that the site location presents challenges for permitted uses as it is on the fringe and not in the core. He stated he also talked about the size and shape of the property, and Ms. Kelly talked about the practical difficulties in

that regard when there is a triangular-shaped piece of property and when there are encroaching setbacks. Mr. McDonough stated that would also present challenges for many of the permitted uses.

Mr. McDonough stated what he likes about this Application is that it is a retrofit. He stated it is a good site, completely shaded, with no trees coming down, working within the confines of what is there, and beautifying the building as shown in the Renderings which were presented so that it is compatible with the character of the area. He stated the use will revitalize the site and bring in a good use adding stagnation serves no public purpose.

Mr. McDonough noted the Lower Makefield 2019 Master Plan update. He stated as counsel indicated earlier, there is no developable land left in the C-1 Zone for a new, raw land development in C-1. He stated the scarcity of land creates practical difficulty for development potential under C-1, and the real development mechanism in C-1 is through adaptive reuse which is what the Applicant is doing.

Mr. McDonough stated a Variance is necessary to enable the reasonable use of the property; and there has been solid testimony that this is an experienced developer of modern car washes who has been repurposing existing buildings, and the car wash can be readily accommodated on the site.

Mr. McDonough stated the unnecessary hardship has not been created by the Applicant, and this is an occupancy of what is already there. He stated there was discussion about the scarcity of land which is not the result of any actions of this Applicant. He stated this Applicant is willing and able to take the site as is, and repurpose it and revitalize it. He stated this was not a self-created hardship.

Mr. McDonough stated the Variance if authorized will not alter the essential character of the neighborhood. He stated he knows that there are property owners nearby, and he feels the Applicant has done a good job to be sensitive to the neighbors. He stated it has been an interactive process which is why there are Public Hearings. He stated the Applicant has responded with the changes which have been discussed including the most active part of the use, the vacuum bays, which have been eliminated as has the Variance was for the loading space. He stated there is also additional buffering and sound attenuation, and improvements to the aesthetics of the building. He stated they have eliminated the mat cleaner, added two parking spaces, and reduced impervious surface from 57% to 47%.

Mr. McDonough stated the Variance if granted will represent the minimum Variance that will afford relief. He stated there are no new bulk Variances. He stated if this Application were to get denied, the former development stays intact.

Mr. McDonough stated the Application satisfies the statutory criteria that was set forth by the Supreme Court related to unnecessary hardship. He stated the physical conditions of the property are such that it cannot be accommodated for a permitted use. He stated as to central place and how far people are willing to travel for a particular service; and he stated three miles is a generally-accepted range for a car wash, and he heard it stated that there are none within five miles of this location. He stated this is a basic service that people want.

Mr. McDonough reviewed the 21 uses permitted by right. He noted agriculture, but stated the site is small and irregularly-shaped and is not contiguous to other farmland. He stated the site is already paved over and developed. He stated Commercial recreation is permitted which is a higher-order service which prefers to cluster around other Commercial uses, and this site is remote from the other Commercial uses. He stated this use would probably require significantly more parking than the subject use.

Mr. McDonough stated a Community Center is a permitted use, but he could not find any documents to indicate the Township's interest in developing a Community Center here. He stated he also feels more parking would be needed. He stated a Day Care use would be permitted. He stated the main child care center in the area are in the 10,000 square foot range which is the size of this building; and while the location may appeal to working parents because it is along the travel way, the size and shape of the property is too challenges to accommodate this use. He noted the setback and buffer requirements which he feels would present spatial challenges to safely accommodate parking needs and public safety requirements associated with this land use as well as the required outdoor play spaces. Mr. McDonough stated another permitted use is emergency services and much like a Community Center, he saw no public documents indicating any Municipal or civic interest in using this site for emergency purposes. Mr. McDonough stated financial services is also a permitted use. He stated given the ease and popularity of on-line banking, there is a significant decline in brick and mortar retail. He stated FDIC statistics indicate that for every one new bank branch that opens, four bank branches are closing. He stated based on market demand, from a planning standpoint he sees the reuse of this site for a bank

use is not realistic. He stated another permitted use is a funeral home, and new start-ups are rare. He stated most funeral homes in communities are long-standing. He stated there is also a growing rise in cremations over traditional burial services. He stated for a large public gathering, the site lacks parking capacity, and he does not believe this use would be realistic at this site.

Mr. McDonough stated another permitted use is general business, professional, or Governmental office. He stated there has been no market interest in this use, and Bucks County has a vacancy rate of well over 20% for this type of use. Mr. McDonough stated health/fitness club is a permitted use, and these uses are higher order like Commercial recreation which prefer to cluster around other Commercial uses. He stated this land use would also probably require significantly more parking than the subject use with more people coming onto the site all at once. Mr. McDonough stated a kennel is also permitted, but is customarily sited on the outskirts away from Residential areas given concerns about waste, odors, and noise; and he does not believe this site is feasible for this use because it does not have the safeguards and controls that the car wash will have. Mr. McDonough stated another permitted use is a library or museum; however, like the other civic uses no public documents have been found to indicate any Municipal or civic interest in using this site for these purposes. He stated this would also probably require more parking because it is a place of public assembly.

Mr. McDonough stated a medical office is also a permitted use and has special design considerations catering to people who are in need of health services due to injury, illness, and other medical reasons. He stated they would be subject to the setbacks plus buffers, and there are too many spatial challenges on the undersized lot. He stated there would also be considerations for handicap accessibility and medical waste.

Mr. McDonough stated another permitted use is nursery, greenhouse, and horticultural which would be very similar to agriculture and would not be practically feasible due to the cut-off site. He stated the site is also small and paved over. He stated a nursing home is a permitted use, but as with medical and care uses previously described, the size and shape of the property cannot accommodate the complex needs of this use including parking, pick-up, drop-off, medical services, medical waste, and handicap accessibility.

A religious use is also a permitted use; and Mr. McDonough stated as with a funeral home use, the site lacks parking capacity for high holiday days, special religious events, fellowship, and large gatherings. A restaurant use is permitted, and Mr. McDonough stated this is another higher-order specialty land use that

prefers cluster around other Commercial uses or other restaurants, offices, or stores. He stated use of this site for a restaurant is practically not feasible given the remote location and the reasonable probability that this land use would require significantly more parking than the project use.

Mr. McDonough stated a Retail or personal service shop is also permitted use, and this is another higher-order specialty land use that prefers to cluster around other Commercial uses. He stated in this location, they are remote from other Commercial uses. Mr. McDonough stated Delorenzo's is much closer to the heart of the Commercial Center, and this is an outparcel much farther away. He stated a shopping center is permitted, but the site is too small for a shopping center, and there is already an established shopping center right there.

Mr. McDonough stated a veterinary hospital is permitted, but the site is not suitable for this land use for the same reasons that a kennel is not realistic at this location because of noise, waste, and odor. Mr. McDonough stated also permitted are uses and structures that are accessory to permitted uses except for accessory outdoor storage; and he stated since he just reviewed why he does not feel it is practically feasible for the permitted uses he has outlined 1 through 19, accessory uses that go with them could not locate there as well. He stated the last permitted use is forestry/timber harvesting, and since it is a cleared site it would not be conducive to this use.

Mr. McDonough stated the uses permitted by Special Exception include outdoor accessory storage, and he does not feel this is practical for the same reason he gave for uses and structures accessory to permitted uses. He stated another use permitted by Special Exception is a hospital; but noted it is substantially undersized for a hospital. He stated a third use permitted by Special Exception is a utility; however, no utility needs have been identified at this location. He stated the fourth use permitted by Special Exception is a restaurant with a drive-through service, and he noted that he previously discussed the difficulties with a restaurant by itself and adding a drive-through would not be feasible for the same reasons. He stated a riding stable is also a permitted use by Special Exception, and this would be similar to the horticultural and agricultural uses. He stated the final use permitted by Special Exception is a trade or Commercial use, and he noted that the site is too small for intensive instructional use.

Mr. McDonough stated looking at the Supreme Court criteria, the property can be conformed for a permitted use only at a prohibitive cost; and as he noted the significant challenges to adaptive reuse of the building for a permitted use is practically difficult. He stated the entire site would need to be redeveloped, and the cost to cure would in all likelihood not bear a reasonable return to justify the relief. He stated the last criteria is the property is valueless for any purpose permitted by the Zoning Ordinance. He stated given the hardships, he feels that strict or little enforcement would present no realistic use of the land or return on the land.

Mr. McDonough stated he believes that the proposed adaptive reuse will benefit the public, will provide car cleaning services in an environmentally-sensitive way and a neighborhood-context sensitive way, improve driver visibility, improve driver safety, comfort, and prolonged life since a lot of money is spent on cars, and it will protect that investment. He stated the relief can be granted with minimal, if any, impact; and he feels the criteria for all the relief as established by law are met and approval is warranted.

Ms. Von Spreckelsen asked Mr. McDonough if based on his report it is his professional opinion that the Use Variance requested is necessary to make reasonable use of the property, and Mr. McDonough agreed for all the reasons he just went through. Ms. Von Spreckelsen asked if he feels the car wash use will alter the essential character of the neighborhood, and Mr. McDonough stated it will not based on the reasons in his report.

Ms. Von Spreckelsen asked Mr. McDonough if the use will be detrimental to the public welfare, and Mr. McDonough stated it will not for the reasons he has given. Ms. Von Spreckelsen asked Mr. McDonough if it is his professional opinion that this Variance is the minimum Variance necessary to afford relief, and Mr. McDonough agreed. He added that no bulk relief is needed, and this is the reuse of an existing site; and he feels they have done a really good job of reusing it.

Mr. McDonough stated he did include some supplemental photographs including drone photographs.

Mr. Zamparelli stated at the last meeting the Applicants compared their Trooper and Phoenixville locations to the proposed location, but from listening to Mr. McCartney it does not sound like they are comparable. He stated it was noted that could not be brought up because the evidence had not been submitted, but he feels we should have that evidence submitted. Mr. Flager stated Real Estate is unique, and he stated questions should be asked about this

particular site. Mr. Zamparelli stated he feels that what they are proposing is a beautiful building but he still has concerns, and it seems that there are issues that we are evading including the traffic.

Mr. Heinz suggested a Commercial Recreation alternative such as an indoor driving range or an escape room. Mr. McDonough stated he feels those would fall under the category of Specialty Retail which is a higher-order service which typically does not want to be off by itself.

Ms. Carlton stated she did not have a chance to review Mr. McDonough's report prior to tonight. She asked Mr. McDonough if he is familiar with Lower Makefield Township other than his visit today, and Mr. McDonough stated he has been to Lower Makefield before. Ms. Carlton stated she understands that Mr. McDonough has concluded that it is his professional opinion that the property is valueless for any purpose permitted by the Zoning Ordinance, and she asked if it is his professional opinion that the only use for the property is the proposed car wash. Mr. McDonough stated he feels it is practically infeasible for those other uses for the reasons he gave, and he does not feel that there is a realistic probability that those other uses could locate here.

Ms. Carlton stated when Mr. McDonough was going through his list, one thing that was permitted by Special Exception in this Zoning District is a restaurant with drive-through service; and his testimony was that it was not feasible because of the queuing/stacking, etc. of cars going into a drive-through restaurant. She asked Mr. McDonough if that is not exactly what they are talking about with the proposed car wash as it would involve queuing/stacking of cars going into a building for service. Mr. McDonough stated the testimony on the Record is that the queue capacity here is adequate to accommodate the proposed use. He stated he does not know that is the case for other permitted uses by Right or by Special Exception given all of the other constraints of the site. He stated most of those type of restaurants have their own prototype and they would want to completely re-do the site, and he feels reuse of that building as a restaurant is not highly probable.

Ms. Carlton asked Mr. McDonough if his opinion would change at all for this adaptive reuse as a car wash at this site if he knew that after a quick review of the surrounding area, they located at least 19 car washes within a 5-mile radius. Mr. McDonough stated he did not see any within 3 miles which is generally what he hears as the industry standard. He added the car wash is a convenience land use as noted by the traffic engineer. Ms. Carlton stated this goes back to

her question as to whether Mr. McDonough is familiar with Lower Makefield Township which is a car-driven Municipality. She stated driving 3 miles is not that far away.

Ms. Von Spreckelsen stated Ms. Carlton is arguing with the witness putting in facts that are not in the Record. Ms. Carlton stated she is bringing to the Board's attention that the assessments and reviews were in Mr. McDonough's professional opinion, and she believes that they are questionable.

Ms. Von Spreckelsen stated Ms. Carlton is testifying. Mr. Flager stated at this point just questions should be asked, and argument can be made at the end.

Mr. Labrum stated Mr. McDonough wrote throughout his report "practically infeasible." He stated earlier in his testimony he talked about practical difficulties. Mr. Labrum asked Mr. McDonough if he would agree that a practical difficulty is not an undue hardship, and Mr. McDonough agreed. Mr. Labrum asked Mr. McDonough if he would agree that practical infeasibility does not mean undue hardship, and Mr. McDonough stated he believes that there is a nexus between the two. Mr. Labrum stated they are not entirely the same because the legal standard is undue hardship. Mr. McDonough stated in his view the fact that those land uses are practically infeasible here means that the site is highly unlikely to be developed for another purpose which creates an undue hardship on the subject property.

Mr. Labrum asked Mr. McDonough if he is an expert in every one of the 21 different uses that he reviewed that are proposed within the Commercial use allowance of this Zoning District.

Ms. Von Spreckelsen objected stating she does is not sure how someone would be an expert in uses. Mr. Labrum stated Mr. McDonough testified throughout his report and his testimony tonight about what is practically feasible and practically infeasible going through 21 different potential uses. He asked if he is an expert on these uses or not since if he is not an expert on the uses, how is he providing the testimony regarding each of his conclusions about the uses. Ms. Von Spreckelsen stated he is an expert in land planning and not an expert in every single use adding she does not feel you could find anyone who is an expert in every single use. She stated his opinion is based on his land planning experience.

Mr. Flager stated Mr. McDonough has been accepted as an expert in planning, and under that is uses for land planning and land development. Mr. Labrum asked if he can testify as to each of the individual uses of the development of the property under each such use as to whether or not it is feasible or not at this particular location. Mr. Flager stated he can testify as an expert in land planning as he is knowledgeable about uses, but he they are not qualifying anyone an expert in veterinary hospital development, place of worship development, etc.

Mr. Labrum stated Mr. McDonough testified that this was an interactive process with the public, and Mr. McDonough agreed. Mr. Labrum asked Mr. McDonough if he spoke to any of his clients who live directly across the street from this site about their feelings about whether or not this should be appropriately developed as a car wash, and Mr. McDonough stated he did not. Mr. Labrum stated from Mr. McDonough's standpoint with respect to his clients, there was no interaction.

Ms. Von Spreckelsen objected and stated that she had conversations with Mr. Labrum about his clients' issues so that is not a fair question. She stated Mr. McDonough would understand from her what those issues were. Mr. Labrum stated Mr. McDonough testified that it was an interactive process, and his question was if he spoke to his clients about the proposed used; and the answer was "no." Ms. Von Spreckelsen stated Mr. Labrum spoke to her about his clients' issues, and she then conveyed them to Mr. McDonough.

Mr. Labrum asked if Mr. McDonough spoke to his clients before he was involved as their counsel. Mr. Flager stated after they were represented by Mr. Labrum, contact with those clients would be through Mr. Labrum. Mr. Labrum asked Mr. McDonough if at any time he spoke to any members of the public who were not represented by counsel about the proposed development of this site as a car wash, and Mr. McDonough stated he did not. Mr. McDonough added that is not what constitutes an interactive process at all. Mr. Labrum stated he was quoting Mr. McDonough's statement "interactive process with the public." Mr. McDonough stated that is exactly what tonight is since it is a public forum with the public present who can comment on the Application. Mr. Labrum asked Mr. McDonough if prior to tonight did he talk to any residents concerning this proposal.

Ms. Von Spreckelsen objected stating that is not relevant.

Mr. McDonough stated that is not what planners do, and they do not knock on people's doors. He stated they go to public forums and listen and respond. He stated if there are public concerns about the Application, the Applicant is

here. Mr. Labrum stated the answer is therefore that Mr. McDonough talked to “no public.”

Ms. Von Spreckelsen objected.

Mr. Flager stated he believes this has been answered.

Mr. Flager noted Page 4 of the report under “Zoning Considerations” it states that this is a de minimus Use Variance, and he asked if that is the official position. Ms. Von Spreckelsen stated it is either a de minimus Use Variance or in the alternative a traditional Use Variance. She stated she gave that discussion in her opening statement and went through Case Law and how a de minimus Use Variance would apply here as well as the traditional Use Variance.

Mr. Flager asked which use or uses would it be from. Ms. Von Spreckelsen stated it is a de minimus Use Variance request, and there are certain standards to the request. She stated it is not from a particular use. She stated in her prior discussion she had gone through the Decision of the Soland case, and she read it into the Record.

Mr. Flager stated it still would be based off an actual use. Ms. Von Spreckelsen stated it has similar aspects in terms of the drive-through which the CVS had. She stated she also argued that this particular use is not permitted anywhere within the Zoning Ordinance. She stated if this use were permitted in the Ordinance, she would argue that it would be permitted in the C-1 District because that is what it is most similar to and is where it would fit given the uses that are within the C District. Mr. Flager asked of the 21 uses by Right and the 6 by Special Exception are there any that it is similar to. Mr. McDonough noted #17 – Personal Services. He stated he feels this would be a similar use as it is a service for personal property, and he believes that it is within the realm de minimus. He stated it is technically a drive-through as well, and drive-throughs are allowed in this Zone, and this would be uses accepted by Special Exemption #4.

Ms. Von Spreckelsen stated while she understands Mr. Flager’s argument, that is not what the Soland case was based on as it was not based on a use that was similar that she recalls. Mr. Flager stated his understanding is that if it is not compared to anything how is it technical or not. Ms. Von Spreckelsen stated a car wash is unique and is different type of use but a personal service shop is probably the closest use.

Ms. Von Spreckelsen stated she has no further witnesses and would move her Exhibits into Evidence, but would reserve the right for rebuttal in case any other Parties are putting on witnesses or testimony. There was no objection to the Exhibits being admitted.

Mr. Schwartz stated that given the late hour and the need to still hear any Public Comment, he would like to adjourn the matter to another evening.

Mr. Flager asked Mr. Labrum if he will be providing any Testimony and Exhibits, and Mr. Labrum stated there is likely to be Testimony. He asked Ms. Carlton if there will be anything from the Township, and Mr. Flager stated Ms. Carlton has indicated that there may be a Witness for the Township. After discussion it was agreed to Continue the matter to November 2, 2026.

Mr. Schwartz moved, Mr. Heinz seconded and it was unanimously carried to Continue the matter to Monday, November 2, 2026.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Mike McVan, Secretary