TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – NOVEMBER 2, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on November 2, 2026. Mr. Schwartz called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board:	Christian Schwartz, Chair
	James McCartney, Vice Chair
	Mike McVan, Secretary
	Larry Borda, Member
	Robert Heinz, Member
	Tony Zamparelli, Alternate Member (not voting)
Others:	Dan McLoone, Planner
	Adam Flager, Zoning Hearing Board Solicitor

APPEAL #Z-25-48 – FELIZ/VON SPRECKELSEN
Tax Parcel #20-021-006
1675 YARDLEY-LANGHORNE ROAD, YARDLEY, PA 19067
(Continued from 9/15/26)

Mr. Schwartz stated the Appellants sent a letter regarding the solutions used at their car wash. Mr. Flager marked this as Exhibit A-20 adding it is product information received about the chemicals and cleaning agents which will be used. Mr. Schwartz stated the letter is from the company that provides their cleaning solutions and states that they do not contain PFAS, PFQAS, PFOA; and everything they are using is biode-gradable. Ms. Von Spreckelsen agreed.

Mr. Mark Labrum, attorney, was present on behalf of Alfred and Sherri Lordi, Thomas and Ilhama Anzabi, and Douglas and Elizabeth Hausner. Mr. Labrum stated he intends to call each of them and allow them to provide testimony concerning the impact of this Application on their respective residences.

Ms. Von Spreckelsen asked for clarification as to what is being presented since this is the time to put on a Case. She stated they do have the right to make public comment; however, this is the time to put on evidence. Mr. Labrum stated the evidence is their testimony.

Mr. Douglas Hausner and Ms. Elizabeth Hausner, 1586 Clark Drive, were sworn in.

Mr. Labrum stated he provided the Board a three-page Exhibit identified as Hausner 1.

The location of the Hausner home was shown on an aerial. Mr. Labrum stated their home is directly across the street from the proposed location of the car wash; and Mr. Hausner agreed adding that they can see it from their back yard. Mr. Hausner stated they have lived at the location for 14 years, and he has a 14 year-old son and 11 year-old daughter.

Mr. Labrum asked Mr. Hausner to describe how the proposed car wash will impact the use of his home. Mr. Hausner stated they already see frequent accidents at the intersection, and this will bring in increased traffic. He stated this increased traffic will occur at times when they already see heavy usage. He stated at least two to three times a summer there are accidents there. He stated it is not a perpendicular intersection so turns are challenging. He stated their family walks and rides bikes in the area where the accidents occur on the corner.

Mr. Hausner stated it was previously argued that because this was an out-parcel only stand-alone businesses like the car wash would work; however, he stated this is an area which is walkable, and people did walk to CVS. He stated a car wash will have a lot more car traffic than foot traffic which will impede the character and charm of the area. He stated people often walk in the area to go to the grocery store and the other shopping areas and to Veteran's Square, DeLorenzo's, etc. He stated other businesses have been built in this area that do well, even though it was indicated this parcel was not good for that type of use. Mr. Hausner noted an area on the aerial where apartments are being constructed which will increase the amount of foot traffic where they want to introduce cars exiting and entering the proposed car wash.

Mr. Labrum noted the location of Veteran's Square, and he asked if that will be impacted by the proposed car wash. Mr. Hausner stated a car wash is not a typical type use behind a playground, and a car wash does not fit the character of the area. He stated car washes do occur at the Masonic Temple where different youth groups do charity events. Mr. Labrum asked if the location of the Masonic Hall, the Woodside Church, and the extension of Mr. Hausner's neighborhood impact his position with regard to whether

or not the car wash should be built. Mr. Hausner stated from a personal perspective he feels it will have an impact on their personal property values, the safety of their children, and on the broader community.

Mr. Labrum stated Mr. Hausner indicated that he frequented the CVS when it operated at this site; and Mr. Hausner agreed, adding he had gone there about 12 to 13 years. Mr. Labrum asked Mr. Hausner if he would have any objection if the building were used for another type of pharmaceutical location like a CVS, and Mr. Hausner stated he would not.

Mr. Labrum stated one of the Applicant's witnesses went through Section 200-39 of the permitted uses within the Zoning Ordinance; and he asked Mr. Hausner of the 21 uses by-right, would he agree that there are a number of uses in there that he would have no objection to this property being used for. Mr. Hausner agreed and stated there are also a number of uses that he would prefer that it not be used for. Mr. Labrum stated it is not Mr. Hausner's position that nothing should be built here but rather what should be built and utilized should be consistent with the Zoning Ordinance, and Mr. Hausner agreed.

Mr. Zamparelli asked what intersection Mr. Hausner was referring to, and Mr. Hausner stated the intersection he was pointing out was the intersection of Yardley-Langhorne and Heacock.

Ms. Von Spreckelsen asked Mr. Hausner if the CVS was located at this property when he moved into his residence, and Mr. Hausner stated he believed so. Ms. Von Spreckelsen stated he knew it was a Commercially-zoned property when he moved in; and Mr. Hausner stated he did not have the understanding of Zoning to say it was Commercially-zoned, but he knew that it was a CVS. Mr. Hausner stated it was a low-traffic, relatively quiet business which they and others could walk to. Ms. Von Spreckelsen asked if he walked on a sidewalk to get to the CVS, and Mr. Hausner stated he did. He showed on the aerial where the sidewalk is located which went right to the CVS. He also showed the location of a crosswalk. Ms. Von Spreckelsen stated along the frontage of Heacock Road and behind Mr. Hausner's residence, there is significant buffering; but Mr. Hausner questioned the definition of "significant" in this case. Ms. Von Spreckelsen stated it can be seen on the aerial.

Mr. Hausner stated he has trees in his back yard, and he can see through the trees and see the CVS. Ms. Von Spreckelsen asked Mr. Hausner if his objection is that he can see this use, and Mr. Hausner stated he sees it every morning now.

Ms. Von Spreckelsen stated Mr. Hausner has significant buffering along his property line. Mr. Hausner stated he does not know if he agrees with the term "significant," and although he does have trees along his property, he can still view the structure as it stands today.

Ms. Von Spreckelsen stated Mr. Hausner stated there were no Commercial uses; however, all Commercial properties abut the subject property. Mr. Hausner stated he did learn that from attending the meetings; however, if you did not attend the meetings and were just a resident living in the area, you would not believe that would be the case. Ms. Von Spreckelsen stated Edgewood Shopping Center is right there; and on the aerial you can see the Giant and the DeLorenzo's. Mr. Hausner stated it is nicely buffered by a park, a church, and a Masonic Temple.

Ms. Von Spreckelsen stated there was testimony that the Veteran's property is used once a year. Mr. Hausner stated that is incorrect as there is a play-ground there, and people go there with children and use it all of the time. Ms. Von Spreckelsen stated testimony on the Record states differently. Mr. Hausner stated his testimony right now under oath is that he has seen flag football games there, they used to do the farmer's market, and plenty of things have been there before. Mr. Schwartz stated once a year was the ceremony for Veteran's Day. Mr. Hausner stated the Veteran's Parade ends there each year; but because it is a public park, it gets used for public park uses.

Ms. Elizabeth Hausner stated when they first received the letter about the property, she was concerned as to how it would impact her property with regard to noise, traffic, and lights. She stated she is also concerned about the environmental impact as her children play in the back yard and use the adjacent retention basin with neighborhood friends. She stated after attending the meetings, her concerns have grown more about the comm-unity. She stated from the angle of her house, they have sight lines down Clark Drive and over to the cul-de-sacs. She stated there have seen count-less community members use the other businesses and social areas through-out the neighborhood. She stated the children ride their bikes to a path at the end of the cul-de-sac that leads them to the Park and stores in the area. She stated it is a community area as opposed to what the Applicants called it as an "outparcel." She stated the Applicants indicated that because this plot was further away from the Commercial District than any other piece, it meant that only a business like a car wash could be there; however, she

sees what people are using it for, and that is not all that it could be used for. She stated there are approved uses which would be used by people especially those moving into the apartments. She stated there are some uses on the list that she feels would be fine options as a business. She stated they moved there when it was a CVS, and it was not an issue, and they were probably there weekly. She stated there are probably other uses that would provide great value to the community and not be a detriment with the extra traffic and would allow them to walk to it and use it.

Mr. Labrum asked what she believes will be the most significant impact of the site as a car wash as opposed to the CVS. Ms. Hausner stated she feels it will impact how people will be able to walk and use the intersection to be able to get to all of the businesses. She stated this intersection is used by their neighborhood to "get to everywhere." She noted there have been a number of accidents. She stated their neighborhood is the largest in the Township, and she feels there will be a huge impact to all of their community members trying to get places both in a car and on foot.

Mr. Heinz asked Ms. Labrum to provide an estimate of the number of accidents that she has seen in the past year, and Ms. Hausner stated she feels there are a couple within each calendar year that she has heard from her property.

Mr. Heinz asked Ms. Hausner if this were a nursery or a swim school, which are use-by-right options, does she feel the traffic would be higher or lower than a car wash.

Ms. Von Spreckelsen Objected noting that Ms. Hausner is not a traffic engineer and cannot speculate to that.

Ms. Von Spreckelsen asked Ms. Hausner if she was present when the Applicant's traffic engineer testified, and Ms. Hausner stated she was. Ms. Von Spreckelsen stated she must have heard his testimony that the proposed car wash use will actually generate less peak hour traffic than the CVS, and Ms. Hausner stated she did hear that testimony.

Mr. Alfred Lordi and Ms. Sheri Lordi were sworn in.

Ms. Lordi noted where her home is located on the aerial. Mr. Labrum asked Ms. Lordi if she has a clear sight distance to what is the CVS building that is proposed to be the car wash from the front of her home, and Ms. Lordi agreed. Mr. Labrum asked if there is any significant buffering in front of

her home that prevents them from seeing that location; and Ms. Lordi stated there are a few trees in front of the retention basin, but otherwise they have a clear view of the building that is on that property. She stated they have lived in their home for over eleven years, and they have one daughter who attends University and lives with them when school is out.

Mr. Labrum asked if they frequented the CVS when it was located at the location, and Ms. Lordi stated they did. Ms. Lordi added that one of the draws that brought them to this neighborhood was that it was so walkable. She stated they often walked to the CVS and other nearby services including Veteran's Square park land for personal use, the Edgewood Shopping Center, and participated in activities taking place at the Masonic Hall.

Mr. Labrum noted an area on the aerial in the northwest where it indicates "Millstone", and he stated above that is large farm area, and Ms. Lordi agreed. Mr. Labrum asked if the proximity of those properties gives her concern about developing the property in question as a car wash, and Ms. Lordi agreed. Ms. Lordi stated the surrounding area is largely Residential as well as farmland that gives a nice feel to the community. She stated while there are some Commercial properties along Yardley-Langhorne Road, it is nice to have the preserved farmland and spaces to retain the Bucks County flavor. Mr. Labrum asked Ms. Lordi if she believes that the development of this site as a car wash would impact the historic area that is in proximity to that location, and Ms. Lordi stated it would not align with the historic feel of the neighborhood.

Mr. Labrum stated that there was testimony from the Applicant's expert about the 21 uses that could be allowed on the property by-right under the Township Zoning Ordinance, and Ms. Lordi stated she heard that testimony. She stated there were some uses on the list that she would be fine with and some that she would not. Mr. Labrum stated this is not a matter of Ms. Lordi not wanting this built in her back yard, it is just this particular use that she does not want built in her back yard; and Ms. Lordi agreed.

Mr. Lordi stated he moved into the neighborhood because of the neighborhood feel. He stated there are Commercial aspects that are close to the property that he utilizes including the grocery store and restaurants which are useful. He stated while he can see that a car wash can be useful, he also sees this community with a public park, a Masonic Lodge, a church, and preserved farm space; and he does not think the feel of a car wash belongs in that community. He stated he feels it could be placed other places. Mr. Labrum asked Mr. Lordi

with regard to the allowed uses under the Zoning Ordinance, if he agrees there are uses on the approved list that he would not have a problem with at that location, and Mr. Lordi agreed as well as uses that he would prefer not be built. Mr. Labrum stated this is not an issue of not building anything there, it is just to not build a car wash there; and Mr. Lordi agreed.

Mr. Thomas Anzabi, 1582 Clark Drive, was sworn in.

Mr. Anzabi noted his home on Exhibit Housner-1 adding it is across the street from the location of the proposed car wash. Mr. Anzabi stated there is buffering across his back yard, but he is still able to see the location where the car wash is proposed to be built as well as the intersection of Heacock and Yardley-Langhorne Road from the second story of his home. Mr. Labrum asked Mr. Anzabi to describe the impact he believes the car wash would have on his residency where he and his wife reside. Mr. Anzabi stated even at this time if he is in his back yard he can see the security lights from the CVS. He stated the car wash will be open from 8 a.m. to 8 p.m., and they will have a lot of lights so it will be very bright. He stated Yardley-Langhorne Road is one lane in each direction, and he has never seen a car wash located at places where there is only one lane in each direction. He stated he feels the road will be blocked especially in the winter when snow is piled up. He also stated it is not a good intersection, and there are many close calls there. He stated he has lived here for 32 years and he does not feel that this is a place for a car wash.

Mr. Labrum asked Mr. Anzabi if he has frequented Veteran's Square and the park located there, and Mr. Anzabi stated he has been there when taking a walk.

Mr. Labrum stated other than the drive-through all of the patrons at the former CVS were inside, and Mr. Anzabi agreed. Mr. Labrum stated with the operation of a car wash, all of the vehicles would be circulating through the property. Mr. Anzabi agreed. He also stated there will be 35 employees there during busy times, and they will have to park someplace. He stated he feels this location is small for the proposed car wash. He stated it is also a beautiful Residential area, and the last thing needed here is a car wash.

Ms. Von Spreckelsen asked Mr. Anzabi if Aerial 1 shows significant buffering between the property that is the subject of the Application and Veteran's Square; and Mr. Anzabi stated there are trees. Ms. Von Spreckelsen asked Mr. Anzabi if lighting and other impacts is all speculation, and Mr. Anzabi

stated it is not. He added that if the place is open as a Commercial place, it is required to have lights for people's safety; however, Ms. Von Spreckelsen stated that is all speculation. Mr. Anzabi disagreed.

Ms. Von Spreckelsen asked Mr. Anzabi if the hours of operation proposed for the car wash are less than the hours of the operation of the CVS, and Mr. Anzabi stated he does not remember what the CVS hours were. Ms. Von Spreckelsen asked Mr. Anzabi if he frequented the CVS, and Mr. Anzabi stated he did not really.

Mr. Labrum requested the submission of Housner-1, Aerial 1 only since he did not refer to Aerials 2 and 3; and this was admitted.

Mr. McCartney stated the Applicant keeps saying "significant buffering;" and he asked Mr. McLoone as a Planner to provide context as to what that would typically look like in this Zoning. Mr. McLoone stated while he cannot speak from a Zoning perspective, typically "significant buffering" is a large amount of trees. Mr. McCartney asked if there are a number of rows that planners typically look at, but Mr. McLoone stated he did not know that.

Mr. McCartney asked Ms. Von Spreckelsen if there is a number she is speaking of when she says "significant buffering" or is that just based on aerial views. Ms. Von Spreckelsen asked Mr. McCartney if he is challenging the Applicant's attorney on the word "significant," and Mr. McCartney agreed. Mr. Schwartz stated he just wants an understanding as to what she believes to be significant. Ms. Von Spreckelsen did not answer the question. Mr. Schwartz stated when you are looking at an aerial view you see tree tops; but from the ground some branches are cut higher so you lose that buffer. He stated he feels there is significance in the types of buffering.

Ms. Von Spreckelsen stated she is sure that they have all been to Veteran's Square so they have an idea themselves of what the buffering is there. Mr. McCartney stated he was told before he could not use his own experience. Ms. Von Spreckelsen stated that was when he was "Googling" different properties. Mr. McCartney stated he is also not allowed to say that he was at Veteran's Square and knows what the buffering is. Ms. Von Spreckelsen stated that is not true.

Mr. Zamparelli asked Mr. McLoone if there are not restrictions with lighting, and could they not have down-lighting so that it would not spread out.

Mr. McLoone stated he believes that there is a Glare Ordinance, and he feels it was previously provided in testimony. Ms. Von Spreckelsen agreed adding that the lighting as proposed will comply with the Ordinance. She stated it is possible to be shielded and pointed down. Mr. Flager stated that would also be addressed at Land Development.

Ms. Carlton stated she has two witnesses this evening including Supervisor Dan Grenier. She stated she also has a packet of Exhibits which she provided to the Board and Ms. Von Spreckelsen. Ms. Von Spreckelsen asked for an Offer of Proof of the Supervisor's testimony. She stated he is not an expert and he is also a Township representative. Ms. Carlton stated she could start her presentation and Offer him as a Fact Witness.

Mr. Daniel Grenier was sworn in.

Mr. Flager stated what Ms. Carlton has provided has 6 tabs, and they were marked as Exhibits T1-6.

Ms. Carlton asked Mr. Grenier to state his position within the Township, and Mr. Grenier stated he is an elected member of the Board of Supervisors as well as a member of the SR 332 Stony Hill Road and Edgewood Village Integrated Master Plan Steering Committee, and has served as the Board of Supervisors' liaison to various Advisory Boards and Committees while serving as a member of the Board of Supervisors.

Mr. Grenier stated he has lived in the Township since 2011. He stated he was first elected as a Supervisor in November, 2017, sworn in January, 2018, and was re-elected November, 2023. Ms. Carlton asked how long he has been a liaison to the SR 332 Stony Hill Road and Edgewood Village Integrated Master Plan Steering Committee (the Steering Committee); and Mr. Grenier stated he has been a liaison and member of the Steering Committee since its first meeting in January, 2026.

Ms. Carlton moved to admit Mr. Grenier as a Fact Witness.

Ms. Von Spreckelsen stated she believes that the testimony that is going to be presented is inappropriate, irrelevant, and immaterial to the Use Variance that is being requested. She stated they are now referring to a Steering Committee and "some kind of proposal letter" that is not relevant to the Variance that is being requested. She stated it is immaterial and should be excluded. She stated she does not understand the basis of Mr. Grenier's testimony.

Mr. Schwartz stated at the first meeting he indicated the process the Steering Committee was going through this year which had a December timeline for completion; and Ms. Von Spreckelsen stated while she understands that, it is not completed. Mr. Schwartz stated he believes that Mr. Grenier is just going to give an understanding of what the Committee is trying to accomplish in this Zone, and it is relevant to this particular property and its relationship to the neighborhood on both sides of it.

Ms. Von Spreckelsen stated this is an on-going meeting. She asked if Mr. Baker will be present to testify or whoever is from Baker & Associates. She stated he is the one who should be here to testify. She stated she cannot cross-examine him, and it is not fair, and it violates her client's due process. She stated she has the ability to cross-examine whoever the representative is – not a Supervisor since a Supervisor is not the one conducting the study. Ms. Carlton stated a Supervisor has been involved in the study since it started. Ms. Von Spreckelsen stated it does not matter if he has been involved, he is not the one conducting the study. She stated it is wholly prejudicial to her client to bring this testimony.

Mr. Flager stated Mr. Grenier is going to be testifying about his involvement in the Steering Committee. He asked that they put on the Record what the purpose of the Steering Committee is to know whether it is appropriate or not.

Ms. Carlton asked Mr. Grenier to describe the Steering Committee's role; and Mr. Grenier stated the Steering Committee was conceived in 2025 based on recommendations of the 2019 Comprehensive Master Plan. The goal of the Steering Committee is to ensure future land use compatibility and integration of the study area region within the adjacent Prickett Preserve Town Center development and the Historic Edgewood Village. As stipulated in the 2019 Update of the Township's Comprehensive Plan, it is necessary to foster pedestrian connectivity to and economic synergies with Edgewood Village and to promote efficient traffic flow and vehicular access to and from the Stony Hill Road/Newtown By-Pass intersection. In addition, the Comprehensive Plan recommends that in completing build-out of Edgewood Village, efforts should be made to maximize pedestrian connectivity with the adjoining O/R District to encourage patronage of Village businesses and assist in providing long-term economic sustainability for the Village.

Ms. Von Spreckelsen stated she absolutely objects as this is violating due process to bring this in.

Mr. Flager asked Mr. Grenier to tell the Board and the public what geographic area constitutes Edgewood Village. Mr. Grenier stated the study area which includes Edgewood Village runs from the By-Pass. He stated the northern end of the study includes Prickett Preserve and Shady Brook Farm, runs along Stony Hill Road down to the two office parks, and then into the Historic Edgewood Village as mapped. He stated it is inclusive of both McCaffrey's and the Giant Shopping Center as well as the entire area included in the TNP Zone which also encompasses the C-1 Zone up to Heacock. He stated it includes the subject property.

Mr. Flager stated if this is an ongoing study, there can be testimony about what they want to do; but once it gets passed or may not get passed, it may not include anything that Mr. Grenier testified about.

Ms. Carlton stated that Mr. Grenier as a Supervisor has instructed Michael Baker as to what to look at as has the Steering Committee, and they are the ones driving this not Michael Baker. She stated Michael Baker International is producing information that is requested by the Supervisors and the Steering Committee. She stated it may or may not be passed, but this is part of a Comprehensive Plan; and just like Comprehensive Plans, every box is not checked off at the end of a specified period of time. Mr. Flager stated a Comprehensive Plan is a completed project. Ms. Carlton stated she would argue that they are both the same, and they are both living documents.

Ms. Von Spreckelsen stated it is all speculation until there is a Plan that is adopted. She stated speculation is not permitted. She stated she has no ability to question Mr. Baker who is conducting the study, and this violates her client's due process rights; and she objects to it.

Mr. Flager asked if the testimony is about what the Supervisors are instructing Mr. Baker to do and what the purpose of his work is, and Ms. Carlton agreed. Mr. Flager asked if there are any other areas or topics that would be discussed. Ms. Carlton stated she would limit it to that if that is the request. She stated it is instructions from the Supervisors and the Steering Committee, and Mr. Grenier was going to state who was on the Steering Committee.

Ms. Von Spreckelsen stated she objects. She stated there is no legal basis for this information to come in.

A short recess was taken at this time for the Board to go into Executive Session.

Mr. Flager stated the Board was in Executive Session discussing legal procedural issues, and a determination has been made to not permit this line of questioning as they find it to be outside the scope of what the Variance request is. He stated it is potentially highly prejudicial in violation of due process for the Applicant. He stated if there is other evidence that the Township would like to present, they can entertain that.

Ms. Carlton stated while they will respect the Board's decision, this is a Use Variance; and Mr. Grenier would like to testify as to the current and prospective use of this property as the Township sees it. Mr. Flager stated the issue is looking at the standards for deciding a Variance, he does not believe any of that testimony would relate to hardship, essential character of the neighborhood, impairing the appropriate use of adjacent property, or detrimental to the public welfare which are what is relevant. He stated how the Township likes to use property, etc. is outside of what the scope is to be considered as it relates to that specific issue and what has been presented in T-1 through T-6. He stated it is not that Mr. Grenier does not have any information, it is that it is not germane to the issue in front of the Board. Ms. Carlton stated those issues are the Applicants to prove not ours. Mr. Flager agreed that they have to prove it, but that testimony is not related to those issues which is why he has indicated that it is irrelevant to the consideration.

Ms. Carlton stated Mr. Grenier is a Township resident and would have the ability to speak as a Township resident during public comment.

Ms. Von Spreckelsen stated she assumes that the Exhibits in the packet that Ms. Carlton provided as Exhibits 1 through 6 will not be admitted into evidence.

Ms. Carlton stated they would move for admission of T-3 and T-6. T-3 is the Zoning Districts and T-6 is the report from Mr. Comitta. This was acceptable to Ms. Von Spreckelsen.

Mr. Thomas J. Comitta of Thomas Comitta Associates Incorporated was sworn in.

Mr. Comitta stated they are planners and landscape architects, and he is the President and founder. He stated since 1973 he has worked primarily as a Municipal Planning consultant representing over 149 Municipalities over the years and assisted on matters like that which they are present tonight to discuss. He stated he has prepared Comprehensive Plans, Zoning Ordinances, reviewed Plans, and testified at various Hearings. Mr. Comitta stated he is also

a landscape architect, who in recent years for Lower Makefield Township did landscape plans for all of the Township-owned property including Veterans Park He noted the trees along Heacock.

Ms. Von Spreckelsen objected. She asked if they are going through his qualifications first or is he going into testimony. She stated she has questions about qualifications.

Mr. Comitta described his education and experience. He stated currently he actively works for 23 Municipalities in Pennsylvania as their Planning consultant. Ms. Carlton asked Mr. Comitta how many Zoning Ordinances, Comprehensive Plans, and Traditional Neighborhood Development Codes he has prepared; and Mr. Comitta stated over 30. Ms. Carlton asked Mr. Comitta how many times he has testified as an expert and on what kind of matters. Mr. Comitta stated he has testified over 1,200 times on matters pertaining to Zoning Ordinance enactments, Curative Amendments, Validity Challenges, Special Exceptions, and Conditional Uses. Ms. Carlton asked Mr. Comitta if he has experience in Historic Preservation Planning; and Mr. Comitta stated he does adding that last year he was awarded the Historic Preservation Legacy Award from the West Chester Downtown Foundation where since 1988 he has been the Borough of West Chester Planning Consultant during which time he had many opportunities to work on various Comprehensive Plans, Zoning Ordinances, and Historic Preservation projects.

Ms. Carlton requested that Mr. Comitta be admitted as an expert in Land Planning, Zoning, and Town Planning.

Ms. Von Spreckelsen stated Mr. Comitta is not the Lower Makefield Township Planner, and Mr. Comitta agreed he is not. Ms. Von Spreckelsen asked if Mr. McLoone is the Township Planner. Mr. Comitta stated Lower Makefield Township uses various consulting planners. Ms. Von Spreckelsen stated her question was whether Mr. McLoone was not the Township's Planner, and Mr. Comitta stated he is. Ms. Von Spreckelsen asked if the Township is paying Mr. Comitta in addition to the Planner it already has to oppose this Application. Mr. Comitta stated he assumes that he will be paid.

Ms. Von Spreckelsen stated she had no objection to Mr. Comitta being admitted as an expert, and he was accepted by the Board.

Ms. Carlton asked Mr. Comitta what he was asked to do by the Township. Mr. Comitta stated he was asked to review the Application for the Variance for the car wash use in the C-1 District. He stated he reviewed the Zoning Ordinance, the Comprehensive Plan, the Applicant's Exhibit booklets, and the Zoning map. He stated since 2023 he has visited Edgewood Village several times, and he went to the Village for several hours today during the day and evening.

Exhibit T-3 was noted which are the applicable provisions of Chapter 200 of the Zoning Ordinance. Ms. Carlton asked Mr. Comitta to identify what District the property is in, and Mr. Comitta stated it is in the C-1 District with a TND Overlay. Ms. Carlton asked if a car wash is permitted in the C-1 District by-right, by Special Exception, or by Conditional Use; and Mr. Comitta stated it is not. Ms. Carlton asked where service stations and car washes are permitted, and and Mr. Comitta stated they are permitted in C-2 and C-3 Districts. Mr. Comitta showed on the Zoning Map the location of the proposed car wash which is in the C-1 District. He also noted the locations of the C-2 andC-3 Districts.

Ms. Carlton asked on December 11, 2025 when the Application was filed how did the Ordinance treat a lawful use not otherwise permitted in any District. Mr. Comitta stated in the C-3 District there is Section C5 which recites the any other lawful use provision. Ms. Carlton stated that means that if it was not necessarily specified, that it would be permitted by Conditional Use, and Mr. Comitta agreed. Ms. Carlton asked if on December 11, 2025 could a car wash have been proposed as a by-right or alternatively as a Conditional Use in the C-3 District, and Mr. Comitta agreed.

Ms. Carlton stated Flagship's counsel stated in the September 15th transcript that a car wash had to be permitted somewhere in the Township, but it is not. Ms. Carlton asked if that is an accurate statement; and Mr. Comitta stated it is not since as he just stated, it is permitted in C-2 and C-3 through the service station provision and the Uses Section of the Zoning Ordinance it says that a service station includes the washing of vehicles. Ms. Carlton stated as noted earlier it is permitted in C-3 as lawful use not otherwise permitted, and Mr. Comitta agreed.

Ms. Carlton asked from a planning standpoint why does the Ordinance send auto-oriented uses and unlisted uses to the Highway and Business District rather than the C-1 District, and Mr. Comitta stated it is because it is a more intense Commercial area compared to the more passive C-1 District.

Ms. Carlton stated this property is in the C-1 District, and she asked if it borders the HC Historic-Commercial District; and Mr. Comitta agreed and showed the location of the Historic-Commercial District on the Zoning map. Ms. Carlton asked what is the intent of the HC District; and Mr. Comitta stated it is the core of the original building ensemble in Edgewood Village and has a number of buildings that are approximate to the frontage streets. Ms. Carlton asked if the H-C District specifically prohibits gasoline stations, motor vehicle stations, or similar facilities; and Mr. Comitta stated it does.

Ms. Carlton asked Mr. Comitta if in his expertise as a planner would he include a car wash as a use that would not be permitted in the H-C District, and he stated he would not include a car wash in the H-C District.

Ms. Carlton asked Mr. Comitta when the CVS was built and how long it operated, and Mr. Comitta stated he believes it operated for about 20 years starting around 2002. Ms. Carlton asked if a pharmacy was a permitted use in the C-1 District, and Mr. Comitta agreed. Ms. Carlton asked if the lot size was the same size and shape as it is now, and Mr. Comitta agreed.

Ms. Carlton asked Mr. Comitta the proximity of the proposed car wash to neighboring properties. Mr. Comitta showed the location of the building on the map in the northern portion of the C-1 District, just north of Veteran's Park. He stated it is bounded by Yardley-Langhorne Road, Edgewood Road, and Heacock Road. He stated the C-1 District on the south side of Edgewood Road is bounded by Stony Hill Road and Heacock Road. He stated along Stony Hill Road are the two shopping centers – the Lower Makefield Shopping Center and the Edgewood Village Shopping Center. He stated the Lower Makefield Shopping Center is anchored by the Giant store and the Edgewood Village Shopping Center is anchored by McCaffrey's. He stated there are liner shops that include restaurants, health related and personal service businesses, and smaller buildings in each of the two shopping centers. He stated there are also churches, small offices, and the Masonic Hall all within about a 5-mnute walk from the CVS.

Ms. Carlton stated there was testimony from witnesses Mr. Labrum introduced who were residents, and she asked Mr. Comitta if he would acknowledge that there are residential areas surrounding the subject property. Mr. Comitta showed on the Zoning map the R-2 District, which includes the Masonic Hall, the Fire Company land, and Residential properties along various roads. Ms. Carlton stated there was also earlier testimony that Veteran's Square Park and playground are located close to the proposed car wash, and Mr. Comitta stated it is immediately to the south.

Ms. Carlton stated there was earlier testimony by the Applicant's planner that the site is "effectively the last lot before the land use pattern transitions to Residential." Ms. Carlton asked Mr. Comitta if he agrees, and Mr. Comitta stated it is a gateway location into the Village heading from east to west as "opposed to being Alaska." He stated it is not a remote out-post and it is within the C-1 District which is a relatively small District.

Ms. Carlton asked Mr. Comitta to describe the purpose of the Traditional Neighborhood Development Overlay District.

Ms. Von Spreckelsen objected due to relevance. She stated this Application is not brought under the TND, and that Ordinance states that the underlying Zoning takes precedence over the TND. She stated it is not relevant to this proceeding. Ms. Carlton stated she would argue that it is relevant as this is a C-1 District with a TND Overlay and it is endemic to the use of the property and the Zoning. Mr. Flager stated they will allow it, and Ms. Von Spreckelsen could cross; and if it goes too far, she could object again.

Mr. Comitta stated the purpose of the TND is to maintain, preserve, and enhance the integrity of Historic Edgewood Village. Ms. Carlton asked how does the TND Overlay treat drive-in windows.

Ms. Von Spreckelsen objected due to relevance. Ms. Carlton stated she will establish why it is relevant. Ms. Von Spreckelsen stated it was a CVS pharmacy with a drive-through, and they are not going under the TND. She stated there is the underlying C-1 which is what they brought the Application under, and then there is an overlay TND. She stated they are not using the TND, and the TND specifically says the underlying Zoning governs. She stated it is absolutely irrelevant to this Application. Ms. Carlton stated she would argue that it is relevant. She stated this is a C-1 with a TND Overlay. She stated they are presented with the property that they are trying to put a car wash on, and the Zoning of this property is a C-1 District with a TND Overlay.

Mr. Flager advised Mr. Comitta that he can continue at this time.

Mr. Comitta stated the TND, except for a bank, prohibits the drive-through.

Ms. Carlton asked if the existing building site and building are suitable for retail, personal services, financial services, office, medical offices, or a restaurant; and Mr. Comitta stated he agrees with everything but would switch "medical" to "professional," which would be a broader umbrella under which medical would fit.

Ms. Carlton asked Mr. Comitta if he feels that a car wash would alter the essential character of the neighborhood; and Mr. Comitta agreed. He added that with his familiarity of Edgewood Village, he believes that it is a place where people can walk from place to place and enjoy the proximity of opportunities to use and visit buildings and the park, and enjoy the ambience of complementary uses and the synergy of the complementary uses. He stated he has driven through and walked completely through the C-1 District; and he believes that it is very walkable, proximate, and has complementary uses.

Ms. Carlton asked Mr. Comitta if he feels that granting a Use Variance for a car wash at a gateway site while the Township is preparing for a Master Plan and Zoning Amendments for this area would be sound planning, and Mr. Comitta stated he does not know because he does not know about that project.

Ms. Carlton stated in preparing for the Hearing, Mr. Comitta had the opportunity to review the submission by the Applicant's planner, and she asked if Flagship has proven that the property cannot be used for any of the twenty-one uses permitted by right or the uses by Special Exception. Mr. Comitta stated that was the planner's opinion, but he disagrees.

Ms. Carlton noted Mr. Comitta's report which was marked as Exhibit T-6. Mr. Comitta stated the report is dated today and consists eight pages and his curriculum vitae. He stated Page 1 identifies the ten items he used as a basis for his testimony – the Application, the Variance request, the Lower Makefield Township Zoning Ordinance and Zoning Map, the Lower Makefield Township Comprehensive Plan, the Planning Report by John McDonough dated September 15, the Amended Rendered and Non-Rendered Zoning Plans prepared by BL dated March 16, 2026, last revised September 15, 2026, the Exterior Elevations prepared by Stampel, Comparison Renderings of the existing building facades and the proposed facades, the transcript from the

September 15 Hearing, current aerial photograph and street view, and visits to Edgewood Village on various dates which he stated were probably four plus several hours today.

Mr. Comitta stated in the context of those items, he believes that there are four threshold issues before the Zoning Hearing Board that he can weigh in on based on his qualifications and experience. He stated the first is the potential for adaptive reuse of the CVS building for one or more uses permitted in C-1. He stated second is the extent to which other vacant CVS buildings have been reused for viable commercial uses at other locations. He stated third is the fact that the C-2 and C-3 Districts already allow car wash uses, and the fourth is his opinion that the car wash use will alter the essential character of the neighborhood at the property in which it is located.

Mr. Comitta stated Page 3 he talks about his 53 years of professional practice and assisting 149 Municipalities, currently with 23 as their Planning Consultant. He stated he has worked in many unincorporated villages similar to Edgewood Village. He stated he served as the Planning Consultant and Landscape Architect on an as-needed basis to Lower Makefield Township on various assignments since 2023 primarily doing landscape plans for all of the Township properties and parks. He stated he lived for 12 years in Marshallton Village which is similar to Edgewood Village. Mr. Comitta stated in his capacity as a Municipal planning consultant he has prepared many Zoning Ordinances, reviewed many re-development plans, and seen many vacant building in Commercial Districts adaptively re-used for other viable Commercial uses.

Mr. Comitta stated it his opinion that there are 9 sections of the 21 uses enumerated in C-1 that could get into the vacant CVS building. He stated they include day care center, nursery school, general business office, professional office, health or fitness club, medical office, restaurant, retail shop, and personal services shop. Mr. Comitta stated when he toured the Village today he saw a number of restaurants, personal services and health-related services, and retail.

Mr. Comitta stated in some cases in the same square footage you would have for the vacant CVS store, you could fit several different viable uses that are currently permitted in the C-1 District that he lists on the bottom of Page 3.

Mr. Comitta stated Page 4 relates to the extent to which other vacant CVS buildings have been re-used. He stated he was the Easttown Township, Chester County planning consultant for many years and is working on a complete streets initiative for Berwyn Village. He stated the CVS there closed, and it is now a Trader Joe's. He stated that store is 14,000 square feet. Mr. Comitta stated he did research on CVS stores in Pennsylvania to find out their average square footage since several of them have been adaptively re-used, and he found them to be in the range of 8,000 to 15,000 square feet. He stated the vacant CVS store at 1675 Langhorne-Yardley Road is 9,952 square feet. He stated typically Trader Joe's have re-purposed vacant Commercial buildings in the range of 8,000 to 15,000 square feet, and he believes that the 9,952 square feet in Edgewood Village could be used for the use listed under the permitted uses as a Retail shop.

Mr. Comitta stated based on his research he has found that CVS stores have been Dollar Trees, beauty and hair shops, coffee shops, burger shops, and donut shops.

Mr. Comitta stated the comments on Page 5 reiterate the provisions of the C-2 District which in Section 200-42.A(17) allows service stations, and in the Principal Use provisions in 200-68.A(39) it sets forth the regulations for service stations which may include facilities for washing motor vehicles. He stated similarly in C-3 in Section 200-45.A(24) a service station is a permitted use in C-3 and again under the Use Regulations a service station may include washing of motor vehicles. He stated in the C-3 District Section 200-45.C(5) allows a lawful use not otherwise permitted as a Conditional Use therefore it is his opinion a car wash can be considered a lawful use.

Mr. Comitta stated with regard to altering the essential character of the neighborhood, one of the five criteria the Zoning Hearing Board considers in making their decision, having visited Edgewood Village on several occasions since 2023 in his capacity of planning consultant and landscape architect for the Township, it is his professional opinion that the proposed Flagship Car Wash will alter the character of the neighborhood. He stated Edgewood Village is a place where people can walk from place to place, enjoy the proximity of opportunities to use and visit buildings and parks. He stated if the vacant CVS store were to be used as a car wash, there will be no pedestrian connections to other uses and buildings because people do not walk to car washes. He stated Edgewood Village enjoys the ambience of complimentary uses and the synergy of complimentary uses.

He stated he believes that the proposed car wash will change the character of Edgewood Village and will not be complimentary to the other uses in the Village. He stated when he toured the area today, he considered what is the the character of the C-1 District now. He stated in the east portion he feels it is more passive in character, more quiet, and there is less traffic. He stated the east portion is bounded by Yardley-Langhorne Road, Edgewood Road, and Heacock Road. He stated in the west portion, bounded by Stony Hill Road, Edgewood Road, and Heacock Road, there is more activity and more traffic and it includes the two shopping centers and a number of liner shops. He stated he feels that if they put a car wash in the C-2 and C-3 Districts it is part of the more intense Commercial portion of the Township whereas if they put it in the C-1 District it dramatically changes the character because it is unlike any other use that people enjoy today.

Mr. Comitta stated on Page 7 he has provided his evaluation and conclusions that based on Pages 3 to 6 it is his professional opinion that the Zoning Hearing Board of Lower Makefield Township should deny the Variance request for the use of a car wash because other permitted uses could take place in the vacant CVS building which are already allowed in C-1. He stated a car wash is also already permitted in C-2 and C-3. He stated if a car wash were not allowed in C-2 and C-3 "we would all be in trouble," but it does allow washing of motor vehicles and other lawful uses in C-3. He stated he also disagrees with the information in the Planning Report by John McDonough as he believes that one or more of the nine uses listed on the bottom of Page 3 could potentially take place in the vacant CVS building.

Ms. Carlton stated she believes that Mr. Comitta stated in his testimony that he has been retained in various phases throughout the past few years by Lower Makefield Township, and Mr. Comitta agreed. He stated he had the major assignment on the landscape plan for all of the parks; but from time to time Mr. Kratzer, Mr. McLoone, and others will call or send him something so he can provide his opinion on a land use or land development approval on an as-needed basis. Ms. Carlton stated "as wonderful as the staff is in Lower Makefield Township, they cannot all be experts in everything," and Mr. Comitta agreed.

Ms. Carlton asked to Move the Exhibits T-3 and T-6. Ms. Von Spreckelsen had no objection.

Ms. Von Spreckelsen stated Mr. Comitta stated that a car wash use is permitted in the Commercial Highway Services C-2 District, and she asked where it says "car wash" in that provision of the Ordinance. Mr. Comitta stated it says "washing of motor vehicles." Ms. Von Spreckelsen stated it does not say that.

Mr. Comitta stated in both C-2 and C-3 there is the explanation of the service station in Section 200-68.A(39) under the Use Regulations. Ms. Von Spreckelsen stated it says "automobile service station where gasoline, oil, grease, batteries, automobile accessories, and small convenience food and beverage items are sold at retail and/or where routine automobile services is provided which may include facilities for lubricating, washing, repairing, or servicing motor vehicles." She stated it is a service station use, and there is no stand-alone car wash use permitted anywhere in the Township. Mr. Comitta stated that is correct as stated a car wash.

Ms. Von Spreckelsen stated Mr. Comitta was talking about the Historic-Commercial District for quite some time, but this property is not located in the H-C District; and Mr. Comitta agreed. Ms. Von Spreckelsen stated there are no Residentially-Zoned properties that abut the property in question. Mr. Comitta noted on the Zoning Map the location of the vacant CVS in the northern portion of C-1 along Yardley-Langhorne Road which adjoins the R-2 District on the other side of Heacock Road. Ms. Von Spreckelsen stated Heacock Road is in between the Commercial District and Residential, and there is no Residential property that directly abuts this property, and Mr. Comitta stated directly adjacent that is correct. Ms. Von Spreckelsen stated the TND Overlay Ordinance is subordinate to the underlying Zoning Ordinance which is C-1, and Mr. Comitta agreed TND is the overlay to C-1.

Ms. Von Spreckelsen stated this development is not changing the walkability of the area in question, and Mr. Comitta stated he disagrees. She asked how will the property that is currently a shuttered CVS Commercial property change the walkability of the area if it is remaining a Commercial property. Mr. Comitta stated he believes Ms. Von Spreckelsen is trying to get him to look at this vertically, but people walk horizontally; and as it was mentioned by the neighbors who walked to the former CVS, he feels as a car wash it would rule out the possibility of continued walkability to this site for a use, nine of which could viably occur on the property in his opinion. Ms. Von Spreckelsen asked if Mr. Comitta does not feel employees could walk there if they lived in the Residential area that he spoke of; and Mr. Comitta stated they could walk there.

Ms. Von Spreckelsen noted Mr. Comitta's report on Page 3 where he listed a number of uses that he believed to be viable there. She noted that for a day care center use, there is an Ordinance provision that the use be conducted wholly within the building, and she stated day care center use could not be conducted wholly within the building. Mr. Comitta stated he recently took his granddaughter to a day care center, and it did not have anything outside. Ms. Von Spreckelsen stated the Ordinance requires that day care centers have an outdoor play area, and Mr. Comitta stated he was not aware of that.

Ms. Von Spreckelsen stated a nursery school requires five acres, and this is a 2.62 acre property, and Mr. Comitta agreed.

Ms. Von Spreckelsen stated general business office and professional office are not viable at this site because there are numerous office vacancies. She stated since COVID it has changed the character of office use, and there are buildings that cannot be filled. She asked Mr. Comitta if she is correct; and he stated perhaps it could be an office adding that there is an office next door to the immediate west of the car wash in the historic Woodside Chapel where there are offices inside. Ms. Von Spreckelsen asked how long those offices have been there and if they are occupied, and Mr. Comitta stated they are occupied by doctors. She asked how long they have been established there, but Mr. Comitta did not know.

Ms. Von Spreckelsen asked how many parking spaces are on the CVS property, but Mr. Comitta stated he did not do a count. She asked Mr. Comitta if he knows that a restaurant, retail shop, etc. could be supported by the site if he does not know how many parking spaces there are or what the parking requirements would be for those uses. Mr. Comitta stated he has designed shopping centers and he ate at a local restaurant today which had the same number of parking spaces that are at the CVS. He added it would depend on the type of restaurant, whether it was a multi-tenant building, and a lot of variables.

Ms. Von Spreckelsen stated Mr. Comitta did not do any kind of calculations to determine whether there was sufficient parking on the site for any of the uses, and Mr. Comitta stated it is his opinion that they could fit them in although he did not do a Land Development Plan for the nine uses he listed.

Ms. Carlton stated Ms. Von Spreckelsen asked Mr. Comitta if office space is a viable use of the property, and she had indicated that there is vacant office space so therefore it is not viable; and Ms. Carlton stated that is incongruent.

Ms. Von Spreckelsen objected stating that Ms. Carlton is leading the witness. Mr. Flager asked that Mr. Comitta answer the question.

Mr. Comitta stated there are two offices that currently have fewer parking spaces than the vacant CVS – the medical-related business just west of the Park and across from Veteran's Park, the Historic Grange, which is multi-tenant office with a parking lot a little smaller than the CVS. He stated lights were on and cars were in the parking lot of that office. Ms. Carlton stated Mr. Comitta's testimony was that a general business office was a permitted use and was a viable use at this space, and Mr. Comitta stated that is his opinion.

Ms. Carlton asked Mr. Comitta to review the definition for a service station. Ms. Carlton stated service stations are permitted by right in the C-2 and C-3 Districts, and Mr. Comitta agreed. Ms. Carlton asked what is a service station, and Mr. Comitta stated an automobile service station is where gasoline, oil, grease, batteries, automobile accessories, and small convenience food and beverage items are sold at retail, and/or where routine automobile services are provided which may include facilities for lubricating, washing, repairing, or otherwise servicing motor vehicles but which should not include painting, body, and fender repairs or vehicular sales.

A short recess was taken at this time.

When the meeting reconvened, Mr. Schwartz advised those wishing to speak, if they live within the area where they were notified, they have the opportunity to declare standing if they have not already.

Mr. David Miller was sworn in.

Mr. Schwartz stated Mr. Miller had asked for standing and provided a letter declaring his standing, and it was noted that he was on the list as he owns a property adjacent to the site. Mr. Miller stated his property is across the street.

Ms. Von Spreckelsen stated she objects as Party Status was already closed. She stated there have already been multiple rounds of cross-examination of witnesses who are not going to be presented again. She stated the objectors have concluded their case, and she does not understand that they are now putting on "evidence."

Mr. Flager asked Mr. Miller if he is just going to make comment about his feelings about this, and Mr. Miller stated he would like to. He stated at the first meeting he put in a request to be Party to this discussion. Mr. Schwartz stated the general feeling at some of the meetings is that they believe that if you have Party Status you can cross-examine witnesses as the Hearing progresses. Mr. Schwartz stated at this point with Party Status, they are just giving the opportunity to speak, ask questions, but they are not going to bring all the witnesses back. Mr. Schwartz stated with Party Status you would also get notified of any proceedings going forward.

Ms. Von Spreckelsen asked that her Objection be noted for the Record.

Mr. Miller stated he does not want to cross-examine.

Mr. Miller stated he lived across the street from the site for over fifty years.

Mr. Miller presented a document which was marked as Miller-1 for identification purposes and was provided to the Board and the Applicant's attorney.

Ms. Von Spreckelsen objected to evidence being presented now.

Mr. Flager stated Mr. Miller is a neighbor who lives in the Notice zone. Ms. Von Spreckelsen stated there is no address for him. Mr. Miller was asked to identify his property. Mr. Miller stated directly across Yardley-Langhorne Road there are two properties. He stated one property has all of the buildings including the house which he had owned, but has been sold. He stated there is an adjoining two and a half acres that he owns. Mr. McLoone asked the address of the property that he owns; however, Mr. Miller stated it has no address because it has no mailbox. Mr. Flager stated the Tax Map Parcel is 20-16-47-001.

Mr. Schwartz asked Mr. Miller to identify what is on Page 2 of what he provided to the Board; and Mr. Miller stated the one shown in red is the Applicant's property and the black rectangle is his property.

Mr. Miller stated this matter could have been settled years ago when the boundaries for Edgewood Village were first drawn. He stated this property should never have been Zoned Commercial. He stated he heard tonight that it happened because it was the furthest point from the shopping centers, but it should not have been because it is right in the Village. He stated to his knowledge it is the only Commercial C Zoning on both sides of the road from

the traffic light at Mirror Lake Road to the overpass of 95/295 in the whole Village. He stated he does not know why it was done that way. He stated he got involved trying to get the then Supervisors to flip what is now the Park and that property, and he was dealing with the owners of the property then and there was some pushback from the Supervisors, and it never went forward for a lot of reasons. Mr. Miller stated the have to deal with it the way they are dealing with it now.

Mr. Miller stated Lower Makefield Township has Zoning laws, Building Laws, Building Codes, etc. and they have had them for a long time. He stated the Village itself is the oldest part of all of Lower Makefield with pre-Revolutionary houses and buildings. He stated it is the kind of lifestyle that the people who live in Lower Makefield want. He stated the main comments were "the look," and you cannot put a buffer around that property or properties that are similar where you cannot see it. Mr. Miller stated he had trees all along the road frontage, and when the drug store was open and the lights were on, you could see it as plain as day. He stated people do not want to see it, and they are not used to seeing "that kind of thing." Mr. Miller stated when they first built the drug store and put the lights on in the parking lot, he associated it with "a used car lot down on US 1." He stated what he has read is that it is going to be even brighter if this car wash is allowed to open there.

Mr. Miller stated while he was not at the last meeting, he read the Minutes, and he had already written notes from the first meeting in April which he would like to read.

Mr. Miller asked if the argument can be made that Lower Makefield does not designate specific locations where a car wash is permitted. Mr. Miller stated it is not that simple, and the problem is unique with this site because the site is environmentally and historically-sensitive. He stated historically the Zoning is not consistent with the rest of the Zoning in the Village. He stated with regard to the environment, it is across the road from the 234-acre Patterson Farm which is a "gem of a preservation effort" that has been going on for a very long time. He stated just recently it has been nominated to be a National Historic Place; and that will happen because the Township and other people stand behind it.

Mr. Miller noted the first photo which is a map of the area, and the blue star is where the CVS is. He stated down from that is a blue line going along Mirror Lake which goes down to a pond which is on the Patterson Farm. He stated it then goes across another half of a lake and winds its way across Newtown and then becomes the main branch of Buck Creek which goes through Yardley and

down to the River. He stated Brock Creek enters that same basin and ends up joining up with Buck Creek at the River. Mr. Miller stated the first basin of water in the creek is just before the creek flows under Mirror Lake; and it is next to the pond where wintering geese deliver their young.

Mr. Miller noted the second page of his hand-out where the red rectangle and blue triangle are shown. He stated the red rectangle is the site of the proposed car wash and the blue triangle is a detention basin. He stated you can also see the creek running down Mirror Lake Road. He stated the bottom picture at the right shows the spring house that is on his property, and the driveway on the left in the northeastern corner. He stated a car wash can be environmentally-sensitive. He stated he did a lot of research about car washes, and what he will discuss is not his writing.

Ms. Von Spreckelsen objected since this is not public comment, and Mr. Miller is trying to bring in "evidence," citing other sources.

Mr. Flager asked that Mr. Miller read what he wrote without the commentary. Mr. Miller stated he has rough notes. He stated a car wash is an environmentally—sensitive area and poses risk of stormwater run-off contamination and habitat destruction. He stated the Patterson Farm and the surrounding area has an abundance of wildlife that drink and bathe in the same water. He stated there are fox, deer, groundhogs, squirrels, doves, hawks, geese, ducks, rabbits, pheasants, coyotes, and once in a while a bear.

Mr. Miller noted the third picture showing flooding. He stated the right-hand side of the pictures is where the drug store is, and the left-hand side of the picture is his property. He stated that is what flooding can be in that exact area where the car wash wants to be built. Mr. Miller stated sporadically the sensitivity of the Farm is already threatened by flooding of the regional detention basin adjacent to the car wash, and the road in front of it also. He stated the basin handles stormwater run-off from as far away as Flowers Field, and it encompasses about sixty acres of area. He stated the basin was never designed for that much run-off and was built much before the new construction was approved in Edgewood Village.

Mr. Miller stated according to the Minutes of September 15 meeting there was discussion about drainage from the property stating that there is a culvert under the driveway. He stated it seemed to say that the stormwater from the property was going to load into the basin. He stated underneath this property there are

cisterns where the stormwater drains into the cisterns, and it then goes into the pipe that was discussed; and it does not go into the basin. He stated it continues to Mirror Lake Road and goes along the side of Mirror Lake Road and dumps the water into the Patterson Farm part of Mirror Lake.

Mr. Miller stated impervious surfaces are artificial hardened surfaces such as asphalt and concrete. He stated they prevent or significantly retard the infiltration of water into the soil. He stated run-off from these non-porous areas can lead to reduced water quality in local streams. He stated operations in sensitive areas can destroy natural habitats, cause erosion, impact local wildlife, and also lead to increased noise and lighting. He stated run-off acts like as a conveyor belt picking up pollutants like oil, grease, heavy metals, and litter and carry them directly into the local streams and rivers. He stated vehicles leave behind car dirt which includes copper from the brake pads and zinc from tire wear; and about half the zinc and copper in urban run-off is attributed to automobiles. He stated also iron and antimony are commonly associated with brake wear. He stated carbon particles from auto exhaust settle on the road.

Mr. Schwartz stated whether the car wash is there or not everything that is being noted that comes from cars will be on the roads. Mr. Miller stated he disagrees. Mr. Schwartz stated everything listed comes off cars every day whether the car wash is there or not, and it has nothing to do with the car wash itself. Mr. Miller stated they are washing the dirt off the cars. Mr. Schwartz stated when it rains, it runs off of cars and onto the roads.

Mr. Miller stated he has traffic concerns which were discussed at the last meeting. He stated there are two driveways - the northern one which is the main driveway, and the southern one. He stated it seems that the proposal is each driveway will have an in and an out aspect; however, Mr. Schwartz stated that is incorrect, as one driveway is in and the other is out. Mr. Schwartz stated the driveway closest to the intersection will be coming out, and the one further up the road is going in. Mr. Miller asked if they can get in from both directions, and Mr. Schwartz stated you can. Mr. Miller stated currently you cannot. Mr. Miller stated there were two two different proposals that were discussed at the last meeting. Mr. Schwartz stated both proposals had the same in and out pattern. Mr. Schwartz stated the one closest to the Village is the only one in.

Mr. Miller stated the manse was recently sold, and it is now occupied as offices. He stated offices are being built in that area regardless of what some people are saying.

Mr. Miller stated if you are coming toward Yardley, it is a curve, and there is a sewer and power line area between the drug store and the church property which is all overgrown. He stated when you come around there, you cannot see the driveway until you are right on top of it which will be a problem if it is a car wash. Mr. Schwartz stated the traffic engineer testified at the last meeting. Mr. Miller stated he read about it, and he asked whose engineer it was. Mr. Schwartz stated they will have to work with PennDOT to get approvals for everything they establish there and line of sight is part of that. Mr. Miller stated he feels that is more important to be handled at this level. Mr. Schwartz stated that is between PennDOT and the Applicant. Mr. Miller stated he would like everyone to remember that it could become a very dangerous place.

Mr. Miller stated with regard to landscaping using landscaping or buffer yards to screen the facility from adjacent areas is not enough. He stated it is important to control the noise, the light glare, the dust, and the odors. He stated modern car washes are designed with high intensity lighting to create a bright, inviting and secure environment that will act as a roadside beacon at night to draw in customers. He stated colored lighting is increasingly used to provide a ”show” for customers and to strengthen brand identity. Mr. Schwartz asked Mr. Miller if this is information he read from his research on how to create a car wash which would be irrelevant to this. He stated the Applicant has presented their lighting plan, and they have heard about their hours including how in the winter time, they would scale the hours back, and there would be no lights on overnight.

Mr. Miller stated he opposes this Application because we should maintain dignity. He stated one of the entrances to Edgewood Village is right there, and he does not feel there should be a brightly-lighted car wash at that entrance. He stated for the first 40 years that he lived there, they had no public sewer or water, and when they finally got it, it was because his family paid for it to run from Edgewood Road to Yardley-Langhorne up to their property which was expensive. He stated the size of the pipes that were put in there were only designed for minimal additions to the sewer and water needs. He stated he does not know where they are going to get the sewer and water from, and he hopes that it is not from the lines that he paid for which could possibly cut down on his use.

Mr. Miller stated there were comments made about the essential character of the neighborhood at the last meeting, and it was stated that the enhancements that had been made since the first meeting will only add to the character of the Village; but he disagrees. He stated the building as proposed will not add any character. Mr. Miller asked the Applicants to reconsider this. He stated if they would withdraw their Application, he feels the Township would work with them to help them find a site that is not in the Historic Village of Edgewood which is on the National Registry.

Mr. Richard Preston was sworn in.

Mr. Preston stated noise levels can be within spec and still be very annoying. He stated he heard comments at the previous meetings that the noise to be generated by the car wash will be within the decibel levels that are allowed there. He stated those living under the flight paths of the Airport take little comfort in hearing from the FAA and the Airport that the noise levels are within regulation. He stated if the Board accepts this proposal, the people in that neighborhood are going to be hearing noise that they do not hear now, and it is going to be annoying over time; and it is something that could have been avoided.

Mr. Preston stated the pond on Mirror Lake Road that Mr. Miller was discussing is on his property. He stated the pipe that brings the stormwater down Mirror Lake Road from the water retention basin at the CVS goes right into his pond. He stated the pond is spring fed from the Patterson Farm side, and it has all the wildlife that Mr. Miller was discussing. He stated it is also the source of Buck Creek. He stated if there is an anomaly or some kind of accident, and the water backs up and puts 35 times more water into the sewer system than is currently being done with the CVS, and the water comes out of their holding tanks it will go right into the retention basin, into the pipe, and into his pond. He stated the Zoning Hearing Board has the ability to avoid that kind of incident which would affect the wildlife in the pond and all the way down to the Delaware.

Ms. Amy Preston, 1522 Stapler Drive, was sworn in.

Ms. Preston stated there are an additional 250 historic places in Lower Makefield that are not designated as far as the National Registry which is a big number for a little area; and she feels it demonstrates the fact that this community for centuries has been committed to a historic environment that does not include a car wash. She asked if anyone from the car wash other than their attorney looked at Lower Makefield to get a feel for the Township, and she asked if they feel good about

putting that here. She stated she does not believe anyone would come to the Township and feel that would be the perfect place for a car wash. She stated she hopes those from Corporate look at the area and think about where they live and consider how they would feel about this if this were down the street from their home. She stated this is a historic community and is where everyone wants to live. She asked that they not put a car wash here as it is not what this portion of Lower Makefield is about.

Mr. Anthony DeSantis was sworn in.

Mr. DeSantis stated he lives at 1577 Clark Drive and he agrees with a lot of what others have stated that the car wash goes against the essential nature of the neighborhood. He stated he agrees with what was stated about people walking and using the Park and local businesses. He stated having a car wash is the opposite of what people are expecting from that area.

Ms. Maryanne Smith, 1514 Harvest Drive, was sworn in

Ms. Smith stated she lives in the Mirror Lake Development and has seen a lot of development in the over 40 years that she has lived in Lower Makefield. She stated she feels it is a testament to our Board and the Zoning that it has been overall in very good taste. She stated she understands the problem with the CVS when it was initially put in; however, adding something to a decision that was not the best decision at that time and making something even larger might not be a good thing to do for the future.

Ms. Smith stated one of her concerns is the safety of pedestrians, automobile drivers, and bicyclists. She stated the Township has been trying to have more accessibility for walkers and bicyclists for health reasons and enjoyment. She stated it is an extremely busy intersection, and the way the road curves down Yardley-Langhorne Road, the line of sight is incredibly limited. She stated if they add more traffic especially if someone is not familiar with where the car wash is and where they have to turn, it is going to add a lot of unsafe traffic. She stated it is also an extremely short amount of space between the exit that is planned and the major intersection. She stated the way it is now designed, they have moved the stop line back far because when people make the left-hand turn off of Heacock Road onto Yardley-Langhorne Road, it is an extremely difficult way to make a turn without hitting a car that would come out of the CVS. She stated when they do the full traffic analysis, she hopes that they will determine that it is very unsafe to add any additional traffic.

Ms. Smith stated she was very concerned about adding additional water to the area because living here forty years, she knows that Mirror Lake floods. She stated there have been several floods where it had to be closed off and there have been accidents in that area. She stated she learned tonight how the water flows down into Buck Creek which goes through all of the development in Mirror Lake and continues down Sandy Run. She stated she is concerned there could be some kind of incident as well as just increasing the volume 35 times from what it is typically now.

Ms. Von Spreckelsen stated this has nothing to do with the stormwater management, the pond, or all of the comments.

Ms. Smith stated while she is not a sewer expert, she is concerned that there will be more water added into our roads.

Mr. Richard Preston stated he understands the water is not going into the sewer system; but if the 35 times water going into the sanitary system backs up, that is going to go back through their system and show up. Mr. Schwartz stated they have holding tanks. He stated all of the water from their system goes into the holding tanks where it is recycled, and some water gets reused and the rest gets pumped out and taken away with some going into the sewer system. Mr. Preston stated he had not heard that there was a pumping process, and he asked if there are trucks that come to do that. Someone from the audience commented on the process, and Mr. Preston stated he was hoping to hear that there was a safeguard. Mr. Schwartz stated this was all explained at the first meeting.

Mr. Peter Kakoyiannis, 1413 Silo Road, was sworn in.

Mr. Kakoyiannis stated he is an original owner in the Mirror Lake development. He stated it is not just cars coming into the area of the car wash, but there is also Residential that will be coming in there as well as some other developments; and when you put in all of these cars, there is a stacking effect that is going to develop in that narrow two-lane road. He stated he recalls that it was indicated that the analysis that was done on the number of cars that would be there would be less than the number that had gone to the CVS. He stated he feels they must have done a business plan to understand how many cars would have to go through there to make a profit. He asked that the Board find out exactly what those projections are. Mr. Schwartz stated that has nothing to do with the Variance. Mr. Kakoyiannis stated he is just speaking to the veracity as to what was said and what is realistic. Mr. Schwartz stated he does not

believe that they would spend this kind of money if they were not going to make money at it. Mr. Kakoyiannis stated that also assumes that to make that profit, there is a certain amount of cars that are going to go through the system; and using the industry standard is not the standard to be used. He stated he does not feel it should be at this site, and he feels the Township should work with them to find an appropriate location.

Ms. Janice Blumberg was sworn in.

Ms. Blumberg stated she lives at 1469 Clinton Drive, and has lived in Yardley Hunt for 40 years. She stated she has seen development changes, and is not happy about all of them. She stated she agrees with much of what others have stated. She stated she is very concerned about the amount of accidents that are already happening at that intersection and what might happen going for-ward. Ms. Blumberg asked why we have to wait for PennDOT to come in to do an analysis. She stated making the left-hand turn from Heacock and making a left-hand turn into the potential car wash with cars coming in both direction with people on their cell phones is going to result in accidents. She stated she sees children there on bikes and electric bikes, and she wants the Zoning Board to think about the safety of the drivers, walkers, and bikers. She stated she feels it is their due diligence to get PennDOT in before they give a Variance.

Mr. Schwartz stated that process does not work that way and it is not under the Zoning Hearing Board's control. Mr. Schwartz stated Variances are the first thing they need to start their process. Ms. Blumberg asked. the Board to say no to the Variance as it is not what is needed at that place at this time.

She stated she hopes the Board will listen to the community and not just the laws. She stated there must be other places. She stated she feels the people who have lived here and are moving into the area deserve their say as well, and she hopes that the Board will take that into consideration.

Ms. Abigail Tolbert, 1496 Woodview Road, was sworn in.

Ms. Tolbert stated the character of the car wash despite the changes still does not feel like it fits the area. She stated they have other locations in Bucks and Montgomery County, and the character of those neighborhoods do not look like Lower Makefield Township including specifically the Edgewood Village area with farms nearby and residences. She stated the Applicant's other locations are very much more Commercial. She stated this will change a lot of the flavor. She stated the Variance argument "feels off" since she would

not get her car washed when she was out getting groceries. She stated she believes that there are two gas stations in the Township, and they are more near highways or distant areas although one is family owned. Ms. Tolbert stated a lot of Lower Makefield is against this, and she feels they will be more likely to go other car washes than this one so their business may suffer.

Ms. Judy Hoechner was sworn in.

Ms. Hoechner stated she has lived in Lower Makefield since 1994 and strongly encouraged the Board to deny this Use Variance. She stated this car wash does not fit the tenor of a historic village, across the street from a preserved farm, within a Residential area. She stated there will be negative impacts even if they do not exceed regulations, and there will be air pollution from idling cars. She stated there will also be noise from the vacuums. She stated she feels this Application falls under the concept of "buyer beware." She stated she understands that they bought or own a property that they claim needs a Variance to be viable, and she sees that as their problem not the residents, not the Supervisors' problem, and not the Zoning Board's problem.
Ms. Hoechner encouraged the Board to deny the Use Variance.

Mr. Schwartz stated they do not own the property, and it will be a Lease. He stated the owner is the owner of a lot of properties already here in the Township. He stated for those wondering why they chose this location, it is their business model to find empty CVS and Rite Aid stores and re-purpose those. He stated CVS stores do not empty very often, but this one moved to Prickett Preserve.

Mr. Daniel Grenier stated he is speaking as a Township resident, and has lived here since 2011. He stated he has spent a lot of time in this area of the Township for recreation and shopping and there are a lot of local small businesses. He stated he was appointed to is first Planning Commission as a High School student in 1995, and since that time he has worked in land development. He stated he is not trying to establish himself as a witness, but he spends a lot of time looking at Land Use planning. He stated he chose to live here because we have land use planning and Zoning so that they could live in a place that has compatible uses. He stated this particular area is Zoned C-1 which is the Commercial Neighborhood Shopping District which is intended for small-scale neighborhood serving retail service uses compatible with nearby residential areas emphasizing walkability and access. He stated it is a small Village-type setting, and those are the type of businesses that are in this type of setting including the animal hospital, Edgewood Café, DeLorenzo's, and a few other smaller shops in the area that you can walk to.

Mr. Grenier stated looking at Zoning, Land Use, and compatibility the Township also has a C-2 District and a C-3 District, which is generally more intense Commercial as you go up in number. He stated the Township cannot know every use that could possibly happen. He stated Nationally we hear about data centers and big box that was not conceived of twenty to thirty years ago when some of the Zoning Code was first put together. He stated we have the ability in the Code to put in what is known as "lawful uses not otherwise permitted." He stated the Lower Makefield Township Code includes this as a Condition Use in the C-3 District and has for quite some time. Mr. Grenier stated he would argue that applies in this case because that lawful use not otherwise permitted has been around since prior to this Application. He stated that the Township also just recently added the same language for C-2 although he believes that was later than this Application so that would not apply.

Mr. Grenier stated he is not going to argue the definition of a service station that allows for the washing of car and whether or not that is a car wash. He stated the MPC (Municipal Planning Code) does not define a car wash or service station; and it is up to the Townships to do it in the Zoning Code. He stated possibly our Zoning Code does not do a good enough job defining specific uses so there is some leeway there.

Mr. Grenier stated in this C-1 Zone he looks for walkability, Village character, and connectivity; and that is establishing how these uses interconnect and how people can safely live, shop, act there, and recreate. He stated he also works in the private sector so you need some flexibility and you need to allow the market to determine what could be successful; however, when you look at a heavily car-dependent use in an area that is designed to be walkable, family-oriented, and designed for connectivity, and in this case is directly connected to the Historic Edgewood Village District, a car wash in his opinion is not a compatible use because this particular parcel serves as the gateway to the Edgewood Village Historic District.

Mr. Grenier stated he could talk about what is planned for in the future because he has been part of different Committees. He stated he has been liaison to HARB, has been on the EAC, has been on the Board of Supervisors, and has been the liaison to the Planning Commission.

Ms. Von Spreckelsen objected and stated she thought Mr. Grenier was going to limit his comments to being a resident and not part of all of these different Committees that they have already established is not relevant and is not permitted at this Hearing. Mr. Grenier stated if every volunteer for every

Committee in the Township were not allowed to speak because they are a member of a Committee and have history with the Township and understand how things have been established and looking to the Township future in general, he does not understand how that does not limit their First Amendment rights as residents. Ms. Von Spreckelsen stated she did not say Mr. Grenier was not allowed to speak, she is saying he is not allowed to speak as part of a Committee.

Mr. Flager stated if Mr. Grenier is talking about his involvement with Land Use, and keeping it general, that is fine. He stated he does not want Mr. Grenier to "back door" what they indicated he could not talk about earlier. Mr. Grenier stated he is not trying to do that, but he has learned a lot from the people on these Committees that have been here for a long time about how the District was established and what historically land development has been. He stated he has also learned a lot about what various Boards and Committees look at for this area. He stated they nearly always emphasize the Village character.

Ms. Von Spreckelsen stated Mr. Grenier is speaking on behalf of these Boards.

Mr. Grenier stated he is not, but he is giving a history of what has been said in the past adding that he could point to many meeting Minutes and many decisions that they emphasized throughout. He stated he feels it is very important to recognize that this is an incompatible use in this area. He stated it should also be recognized that this is a use allowed in different parts of the Township for a reason. He stated he feels there are areas of the Township where they allow for car detailing and car washes, and there are several other car washes within just a few miles from here. He stated he is not trying to dictate where a business chooses to locate based on market forces, but he feels Zoning matters, and we allow for this use in other areas of the Township on purpose. He stated it is a viable use and people want it and use it. He stated we put these uses typically in Commercial areas that are closer to highways on purpose to keep them out of areas that are close to Residential areas and keep them out of areas that are made to be walkable and to keep them out of historic areas. He stated that is a general statement about Zoning across the Country.

Mr. Grenier stated he does not feel that this is a compatible use. He stated the Township has worked with this particular landowner on other properties immediately adjacent to this use and come up with "some interesting stuff." He stated the landowner owns the Delorenzo's and the Point Project which

is a Residential project which is currently under construction, which is just a few hundred feet from the Applicant's site. Mr. Grenier stated he feels this project could be done somewhere else, and he would be happy to work with the Applicant to put this use in the C-2 or C-3 Zone.

Ms. Von Spreckelsen stated she had reserved the right of rebuttal, and she would ask for another Hearing although she is not 100% sure that she will present rebuttal. She stated she wants the opportunity for another Hearing which she is permitted under the MPC. After discussion it was agreed to Continue the matter to December 1, 2026.

Mr. Schwartz moved, Mr. McVan seconded and it was unanimously carried to grant a Continuance to December 1, 2026.

There being no further business, Mr. McVan moved, Mr. McCartney seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Mike McVan, Secretary