

TOWNSHIP OF LOWER MAKEFIELD
ZONING HEARING BOARD
MINUTES – MARCH 17, 2026

The regular meeting of the Zoning Hearing Board of the Township of Lower Makefield was held in the Municipal Building on March 17, 2026. Mr. Dougherty called the meeting to order at 7:30 p.m.

Those present:

Zoning Hearing Board: James Dougherty, Chair
Christian Schwartz, Vice Chair
Mike McVan, Secretary
Larry Borda, Member (joined meeting in progress)
James McCartney, Member (joined meeting in progress)
Robert Heinz, Alternate Member (left meeting in progress)
Peter Solor, Alternate Member (left meeting in progress)

Others: James Majewski, Community Development Director
Maureen Burke-Carlton, Township Solicitor
Adam Flager, Zoning Hearing Board Solicitor

APPEAL #Z-25-51 – MURPHY/DELUCA
Tax Parcel #20-45-095
71 MANOR LANE SOUTH, YARDLEY, PA 19067
(Continuance Requested to 4/7/26 meeting)

Mr. Schwartz moved, Mr. Solor seconded and it was unanimously carried to Continue the matter to April 7, 2026.

APPEAL #Z-25-13 – UMANSKY
Tax Parcel #20-032-001
136 OLD OXFORD VALLEY ROAD, LANGHORNE, PA 19047
(Remanded from 8/5/25 Meeting)

Mr. Flager stated this matter was before the Board in the summer of 2025 and was Appealed at a Rule 27 Conference with the Appellants and the Applicant's attorney. Mr. Flager stated it was agreed to Remand the case for the sole purpose of allowing Mr. Bob Nemeroff to cross-examine the Applicant's witnesses. Mr. Flager stated after that happens, Mr. Nemeroff as well as Mr. Jeff Garton, the Applicant's attorney,

will make final argument to the Board, and the Board will vote. There is to be no additional evidence or testimony outside of the sole purpose of the cross-examination of the witnesses from the last meeting. No additional public comment will be heard. This is specifically from a January 13, 2026 order from Judge Jordan Yeager which was marked as Exhibit A-11.

Mr. Garton stated Mr. Nemeroff agreed that he did not need to see the engineer again tonight and only Mr. Umansky and the planner are present tonight, and Mr. Nemeroff agreed.

Mr. Eugene Umansky and Mr. Jerome Skrincosky were sworn in.

Mr. Nemeroff stated he is present before the Board in his capacity as an effected party and not as an attorney. He stated this is no different from his appearance before the Board on August 5, 2025 in the capacity of an effected party. He stated they are here by virtue of a Remand Order from the Court of Common Pleas that was issued for the purpose of giving him a limited opportunity to cross-examine the Applicant's witnesses who were present on August 5, 2025. He stated there were three witnesses, but he only intends to cross-examine two of them – Mr. Umansky and Mr. Skrincosky.

Mr. Nemeroff asked Mr. Umansky if he has reviewed the transcript from the meeting held on August 5, 2025, and Mr. Umansky stated he has reviewed most of the transcript where he was answering questions. Mr. Nemeroff stated the caption of the case as it appears on the transcript is In Re: Appeal #Z-25-13 Eugene Umansky for the property located at 136 Old Oxford Valley Road. Mr. Nemeroff stated Eugene Umansky in his individual capacity is not the Applicant before the Zoning Board. Mr. Umansky asked for further clarification. Mr. Nemeroff stated he is trying to clarify whether or not Mr. Umansky as an individual is the Applicant before the Zoning Hearing Board. Mr. Umansky asked if he means the Applicant as an entity, and Mr. Nemeroff. Mr. Nemeroff asked if that entity is Oxford Valley Road Owner LLC, and Mr. Nemeroff agreed. Mr. Nemeroff asked Mr. Umansky if he is a managing member of that limited liability company, and Mr. Umansky agreed.

Mr. Nemeroff noted Exhibit A-3 – the Agreement of Sale. Mr. Nemeroff asked if this is the Agreement of Sale for Commercial Real Estate between Dryden Court Development LLC and/or Assignee as the buyer and Heiber Family Limited Partnership as the seller, and Mr. Umansky agreed. Mr. Nemeroff asked Mr. Umansky if he had reviewed this document prior to tonight; and Mr. Umansky stated his partner reviewed the document when they were first entering into the Agreement, and while he has seen the document, he is not familiar with all of the

terms. Mr. Nemeroff noted Page 10 indicates that the document was signed on September 6, 2024. Mr. Nemeroff noted Page 2, Section 4 of the document which reflects a Settlement date of May 30, 2025.

Mr. Nemeroff noted Page 10, Section 31 Special Clauses, and asked Mr. Umansky if he had read that Section prior to this evening; and Mr. Umansky stated he has. Mr. Nemeroff noted Section 31 D – Additional Terms. Mr. Nemeroff asked Mr. Umansky if he had read before this evening that the Settlement date under the Agreement was subject to Zoning Approval, and Mr. Umansky agreed.

Mr. Nemeroff noted Page 7, Section 19 which applies to Assignment which he read. Mr. Umansky stated this is the first time he is reading this Section, but he understands it.

Mr. Nemeroff noted Exhibit A-4 entitled Repudiation and Novation of Agreement of Sale. He asked Mr. Umansky if he was familiar with this document, and Mr. Umansky stated he is familiar with it, but his partner goes over all of the legals. Mr. Nemeroff stated as a result of this document being signed as shown on Page 3, this document caused the Agreement of Sale to be assigned from Dryden Court to Mr. Umansky's Limited Liability Company; and Mr. Umansky agreed. Mr. Nemeroff stated on this document, although there is a reference in the introductory section to the month of December of 2024, there is no specific date; and the document does not appear to be dated. Mr. Umansky stated it could have been an omission by error, but they know the date because of when the document was circulated. Mr. Nemeroff asked Mr. Umansky if he knows the date when the document was fully signed, and Mr. Umansky stated he could check into that. Mr. Nemeroff asked if it would have been some time in December, 2024, and Mr. Umansky stated he is "pretty sure it was" but would have to check. Mr. Nemeroff stated as a result of this document being signed, Oxford Valley Road Owner LLC replaced Dryden Court as the purchaser of this property; and Mr. Umansky stated that was the intent. Mr. Nemeroff asked if as a result of that Assignment would Mr. Umansky agree that the limited liability company, Oxford Valley Road Owner LLC became bound by the terms of the original Agreement of Sale that is marked as Exhibit A-3; and Mr. Umansky stated the Agreement and future Addendums. Mr. Nemeroff stated that is why Oxford Valley Road Owner LLC is the Applicant in this case, and Mr. Umansky agreed.

Mr. Nemeroff noted Exhibit A-5 which is a compilation of two Addenda to the original Agreement of Sale – the first of which is dated December 12, 2024. Mr. Nemeroff stated Section 2 of that document changes the Settlement Date from May 30, 2025 to November 25, 2025. Mr. Nemeroff stated in Section 3

under Additional Terms modified Section 31B of the Agreement of Sale by requiring Settlement to occur within 10 days of receipt of all approvals including Zoning approvals, and Mr. Umansky agreed. Mr. Nemeroff stated the second Addendum which is Page 2 of the document is dated May 3, 2025 through the buyer's signature and May 5, 2025 through the seller's signature; and Mr. Umansky agreed. Mr. Nemeroff stated Section 2 of this document changes the Settlement date to December 31, 2025, with the same changes to Section 31B of the Agreement of Sale as reflected in Section 3 of this document; and Mr. Umansky agreed.

Mr. Nemeroff stated with respect to each of the Addenda, Mr. Umansky's signature appears on both of these documents in his individual capacity. Mr. Umansky agreed that he signed the documents. Mr. Nemeroff stated the documents do not indicate that he signed on behalf of the LLC.

Mr. Umansky asked if it needs to since at the top it says "Buyer."

Mr. Nemeroff stated the buyer is Oxford Valley Road Owner LLC, and Mr. Umansky agreed. Mr. Nemeroff stated these two Addenda are not signed by the LLC. Mr. Umansky asked if they need the seller to validate the documents. He stated he agrees that at the bottom it does not say "on behalf of."

Mr. Nemeroff stated the Closing did not take place on December 31, 2025, and Mr. Umansky agreed. Mr. Nemeroff stated that was because of the pendency of this proceeding; and Mr. Umansky stated this proceeding is one item in approvals, and there are many approvals that still need to take place before they are obligated to Close. Mr. Nemeroff stated it is therefore "in part" due to the pendency of these proceedings, and Mr. Umansky agreed.

Mr. Nemeroff noted a third Addendum to the Agreement of Sale which he has marked Nemeroff A for 136 Old Oxford Valley Road, and the date of the Agreement is September 6, 2024. Mr. Nemeroff stated Section 2 of this document changed the Settlement date from December 31, 2025 to May 28, 2026, and Mr. Umansky agreed. Mr. Nemeroff stated this document as indicated at the bottom was signed by Mr. Umansky individually and not by the LLC. Mr. Umansky asked how you would sign for an LLC. He stated he did sign it. Mr. Nemeroff stated it does not indicate anywhere that it is on behalf of the LLC, and Mr. Umansky stated only at the top of the document where it shows the buyer and seller. Mr. Nemeroff asked if he is referring to the reference to buyer – Oxford Valley Road LLC at the top of the document, and Mr. Umansky agreed.

Mr. Nemeroff stated the Closing has been extended and none of the other terms in the other two Addenda other than the extension of the Closing Date have changed; however, Mr. Umansky stated the inspection period also changed.

Mr. Nemeroff asked Mr. Umansky if Zoning relief that has been requested is denied by the Board, does he intend to develop this tract for a use that is different from the proposed use in the C-3 Zoning District such as a day care facility. Mr. Umansky stated he cannot answer that at this time, and it would be either another Residential use that does not require a Variance or it would be a Commercial use that makes sense financially on this property. Mr. Nemeroff stated if they were to develop the property for a use other than a Residential use such as a day care facility, nursery school, or kindergarten, it would not require a Variance under Section 200-47A3a, that would be possible. Mr. Umansky stated he would have to go through the list of allowed uses. He stated some of the uses that Mr. Nemeroff indicated still require a 10-acre site so they would need an exception because the site is 2 acres.

Mr. Garton stated Mr. Umansky is a member of the buyer which is Oxford Valley Road LLC, and Mr. Umansky agreed. Mr. Garton asked Mr. Umansky if he is authorized to execute legal documents on behalf of the that limited liability company, and Mr. Umansky stated he is. Mr. Garton asked when he signed the various documents that were referenced was he signing in his capacity as a member authorized to sign those by the LLC, and Mr. Umansky agreed.

Mr. Nemeroff advised Mr. Skrincosky stated that his questions will relate in part to his direct testimony from the Hearing on August 5, 2025 which relate in part to his report of April 14, 2025, and in part with respect to his CV. Mr. Nemeroff asked Mr. Skrincosky if he reviewed the notes of testimony from the Hearing of August 5, 2025, and Mr. Skrincosky stated he has including his own direct testimony.

Mr. Nemeroff stated Mr. Skrincosky has been a Certified Planner for the last 40 years; and Mr. Skrincosky stated he has 41 years of professional planning experience with 25 of those as a Certified Planner. Mr. Nemeroff asked if he is familiar with Article 9 of the Municipalities Planning Code related to Zoning Hearing Board proceedings, and Mr. Skrincosky stated he is. Mr. Nemeroff stated the application of that Article to Land Development Plan reviews require Zoning relief, and Mr. Skrincosky agreed. Mr. Nemeroff stated Mr. Skrincosky's CV touted his experience, and he read the first page of the CV, second paragraph with regard to his knowledge of the Municipalities Planning Code and other land use laws.

Mr. Nemeroff asked Mr. Skrincosky if he is familiar with Section 9 – 10.2 of the Municipalities Planning Code related to Zoning Hearing Board functions and Variances, and Mr. Skrincosky stated he is generally. Mr. Nemeroff provided Mr. Skrincosky a copy of that Section which he marked as Exhibit Nemeroff 2. Mr. Nemeroff asked Mr. Skrincosky if he is familiar with the Lower Makefield Township Zoning Ordinance specifically Section 200-97 pertaining to Variance Appeals which he marked as Exhibit Nemeroff 3. Mr. Skrincosky stated he is familiar with that, and he included that in his report. Mr. Nemeroff asked Mr. Skrincosky would agree that both Sections of these respective Codes mirror one another, and Mr. Skrincosky agreed.

Mr. Nemeroff read the introductory paragraph of Section 9-10.2 of the MPC under Sub-Section A with regard to Variance requests being heard by the Board when it is alleged that provisions of the Zoning Ordinance inflict unnecessary hardship upon the Applicant and that a Variance may be granted provided specific findings are made where relevant in a given case. Mr. Nemeroff stated that there are 5 separate requirements. He stated looking at Section 200-97A2 of the Lower Makefield Township Zoning Code the same 5 requirements appear, and Mr. Skrincosky agreed.

Mr. Nemeroff noted the MPC 9-10.2a Section 2 which he read with regard to properties which have no possibility of being developed in strict conformity with the Zoning Ordinance, and a Variance is therefore necessary to enable the reasonable use of the property. Mr. Nemeroff noted in Section 200-97A2, the Lower Makefield Township Zoning Code, the same Sub-Section 2 appears; and Mr. Skrincosky agreed.

Mr. Nemeroff stated the Variance in question is to Section 200-47A3a with regard to the Mixed-Use requirement, and Mr. Skrincosky alluded to that Section in his report of April 14, 2025 on Page 6. Mr. Nemeroff stated it indicates in the report that Section 200-47A3a requires no more than 60% of the proposed Residential uses shall be single-family attached units, and the Applicant proposes that 100% of the 16 proposed units will be attached units; and Mr. Skrincosky agreed. Mr. Nemeroff asked Mr. Skrincosky if he would agree that for the type of use, the construction of townhomes on the tract in question, the Township Code under Section 200-47A3a requires no more than 60% attached homes, and Mr. Skrincosky agreed.

Mr. Nemeroff stated he assumes that Mr. Skrincosky is aware that the Lower Makefield Township Ordinance has many permitted uses in the C-3 Zoning District including an age-qualified community. Mr. Skrincosky stated there are many uses that are permitted by right, by Special Exception, and by Conditional Use; but most are not able to be developed on this site. Mr. Nemeroff stated Mr. Skrincosky identified those many uses in his report at the bottom of Page 5/ top of Page 6, and he did the same in his direct testimony which is found in the transcript at the bottom of Page 37 and top of Page 38; and Mr. Skrincosky agreed.

Mr. Nemeroff stated there are a number of different uses such as day care facility, kindergarten, nursery school, etc. Mr. Nemeroff stated the Applicant in this case, the LLC, has chosen to develop one of those uses – specifically an age-qualified community; and Mr. Skrincosky agreed adding that was the most compatible use.

Mr. Nemeroff stated had the Applicant chosen to develop a different use, Section 200-47A2 would not have been an issue in this matter; however, Mr. Skrincosky stated most of the uses permitted by right would not be permitted on this tract because of the lot size and the narrowness of the lot. Mr. Nemeroff asked if Mr. Skrincosky is stating that there is no other use that could be developed on this property other than an age-qualified town-home community. Mr. Skrincosky stated agriculture would require 5 acres and a Variance would be required. He stated an automobile/body shop needs 10 acres, a cemetery needs 5 acres, and a convenience store needs 10 acres. He stated a crematorium could be on the property if it has 1 acre, but there are other circumstances that would apply from State Law. He stated a day care center would require 10 acres. He stated emergency services requires 2 acres but other requirements would apply to this site which would not permit it. Mr. Nemeroff stated this tract is a 3.551 acre-tract, and Mr. Skrincosky agreed.

Mr. Skrincosky stated a funeral home would need 10 acres, general business/ professional governmental office would require 10 acres, health or fitness center would require 10 acres, a hospital would require 10 acres, a kennel would require 10 acres, a large Retail store would require 10 acres, a light manufacturing use would require 10 acres, a medical office would require 10 acres, a mobile home park would require 15 acres, a nursery/horticulture or greenhouse would require 5 acres, a nursing home would require 5 acres, a research and development facility would require 10 acres, a restaurant would require 10 acres, a restaurant with drive-thru service would require 10 acres, a Retail or personal service establishment would require 10 acres, a service

station would require 10 acres, vehicle sales would require 10 acres, a veterinary office or hospital would require 10 acres, a warehouse and distribution facility would require 10 acres, a wholesale use would require 10 acres, and an accessory use would not be applicable because it would correlate with the principal use. He stated a forestry or timber harvesting facility would require 2 acres, but State-wide requirements would also apply. He stated an age-qualified, retirement community would require 10 acres.

Mr. Nemeroff asked about a day care facility, and Mr. Skrincosky stated he had stated that it would require 10 acres. Mr. Nemeroff asked about a nursery school, and Mr. Skrincosky stated he had stated that would require 5 acres. Mr. Nemeroff asked about a kindergarten, and Mr. Skrincosky stated a kindergarten is put in the line item with day care or group day care and nursery school.

Mr. Nemeroff stated he believes that Mr. Skrincosky stated there were at least two other uses that would require less than 3.551 acres; and Mr. Skrincosky stated while there were, they would require outside agency review, and this site would never qualify for those. Mr. Nemeroff asked what his opinion is based on, and Mr. Skrincosky stated it is based on his 41 years of experience.

Mr. Nemeroff stated at the Hearing on August 5, 2025, Mr. Skrincosky was asked his opinion about whether this property could be developed for the proposed townhome use, and he indicated that in accordance with the Zoning Code of 60% attached homes it would be impractical to do so due to the shape and size of the lot; and Mr. Skrincosky agreed. He added that is because if you integrate the single-family homes with the townhouses or apartments, you would not be able to have a linear design. He stated the townhouse option that has been proposed provides a linear design and is compatible with all of the surrounding properties.

Mr. Nemeroff stated Mr. Skrincosky did not say in his testimony that there was no possibility to develop this property for any other use that would be in strict compliance with the Lower Makefield Township Zoning Code.

Mr. Skrincosky stated he does not believe that the provisions for age-qualified community, including the 10-acre requirement as well as the mix of uses, can be accomplished. Mr. Nemeroff stated the standard is not practicality but impossibility, and Mr. Skrincosky did not testify that it would be impossible to develop this tract for any other type of use in strict compliance with the Zoning Code. Mr. Skrincosky stated Zoning relief would be required to permit this

use, but this use is the most compatible use to the surrounding neighborhood. Mr. Nemeroff asked Mr. Skrincosky if he would agree that he did not address the impossibility requirement in his direct testimony. Mr. Skrincosky stated he did not understand the question. Mr. Nemeroff stated Sub-Section 2 of the Municipalities Planning Code 9-10.2, as well as the Lower Makefield Township Zoning Code Ordinance, requires a showing by the Applicant that there is no possibility that the property could be developed in strict conformity with the provisions of the Zoning Code; and Mr. Skrincosky did not address that issue in his direct testimony. Mr. Skrincosky stated it is in his report. Mr. Nemeroff stated the report and the direct testimony simply say that it would be impractical. Mr. Skrincosky stated his report specifies that the uses cannot be developed on this site that are permitted by right, by Special Exception, which he has not yet gone through, or by Conditional Use, which he also did not go through yet. Mr. Skrincosky stated the report was entered as an Exhibit.

Mr. Nemeroff read page 41, Mr. Skrincosky's testimony on August 5 with regard to why you would not want a mix on a small number of lots here and have singles and attached dwellings; and it was indicated that it would be impractical because the lot is too small, and the area would be best designed because of its linear fashion with townhouse units in groups. Mr. Skrincosky stated that is what he just testified to again. He stated you cannot intermix on this 3.55 acre property a single family home and townhouses/apartments with the required mix because of the linear width of the property, and integrating single-family homes is impossible. Mr. Nemeroff stated he accepts that with regard to the proposed use.

Mr. Nemeroff stated his question is did or did not Mr. Skrincosky testify with regard to the practicality of that use rather than the lack of possibility that the property could be developed for some other use in conformity strictly with the Zoning Code. Mr. Skrincosky stated he did not understand the question.

Mr. Nemeroff asked Mr. Skrincosky to look at the requirements which state that because of such physical circumstances or conditions that there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. Mr. Nemeroff noted the two examples from Mr. Skrincosky's list of uses that do not require more than 3.551 acres to develop, and he asked if there is no possibility that either of those uses could be developed on the property even with additional approvals that may be necessary. Mr. Skrincosky stated Zoning relief would be required which

is the purpose of the Zoning Hearing Board. Mr. Nemeroff stated it is possible; and Mr. Skrincosky stated while it is possible, they chose the most compatible use.

Mr. Dougherty stated Mr. Skrincosky was asked about two uses which would be by right which would not require a Variance but would require outside State agency approvals, and he asked what were those uses and what agencies would need to make approvals. Mr. Skrincosky stated there are three uses. He stated one is a crematorium which would require one acre and would require State approval. He stated another use is emergency services which would require two acres, but there are other specifications that do apply under Section 200-68A11, and that would be either the local or regional Fire Department's proof that they can comply. He stated the lot is too narrow. Mr. Dougherty asked what State agency approval would be needed for the crematorium, and Mr. Skrincosky stated it would be State Permitting procedures for handling a corpse. He stated emergency services has specifications separately written in 200-68A11 which deal with compatibility within the neighborhood. He stated while it does meet the lot size, he does not feel it would meet the other requirements that would be specified which is the width of the property needed to allow the fire trucks to go through although if it was just an ambulance service, it may have the possibility to be located at this location. Mr. Skrincosky stated the third use is a funeral home which goes back to the same thing as the crematorium, and a funeral home would require State Permitting requirements due to handling of a corpse. Mr. Dougherty asked Mr. Skrincosky if he feels what would be required for these three uses would be more onerous than the Variance being requested, and Mr. Skrincosky agreed.

Mr. Nemeroff stated he believes there is a burden of proof issue. He stated there are five requirements that have to be met, and there has to be a showing by the Applicant that all five requirements are met in order to qualify for a hardship to be excused from complying with the Zoning Code in connection with the attached home requirement. He stated during the Hearing of August 5, 2025 no evidence was introduced in the Applicant's case on that point. He stated they attempted to justify their showing by claiming that it was simply impractical to develop the proposed townhome plan in accordance with the Zoning Ordinance that requires no more than 60% attached homes. He stated while it is a technical requirement, it is also a legal requirement; and the standard is not impracticality, the standard right from the Code is the lack of possibility of the property being developed in strict accordance with the Zoning Code. He stated the absence of any evidence

on that point resulted in a failure on the part of the Applicant to meet its burden of proof in this case, and the decision to develop a townhome community that requires a Variance and does not strictly comply with the Zoning Code was a self-created hardship particularly when there were one or two other possible uses to be made of this property even though outside approvals may have been necessary. He stated this act does not qualify it by saying the lack of possibility unless outside approvals are necessary. He stated it is very clear, and the language should be applied strictly on its face as that is what is required. He stated the hardship that is being promoted is one based on impracticality not impossibility. He stated for that reason the Application should be denied.

Mr. Garton stated the Board approved the prior request for Variances subject to a “back and forth,” by reducing the number of units by one, by preserving the old house, by reducing the impervious surface level for the proposed project, and including a buffer for adjoining neighbors. He stated it was demonstrated previously the nature of why the relief was appropriate, and Mr. Nemeroff through the testimony on cross of the planner, reconfirmed that by going through the litany of permitted uses within the C-3 Zoning District; and there are no permitted uses other than speculations about a crematorium, a funeral home, and an emergency facility that may not even meet the requirements. He stated he feels the Applicant has demonstrated that a townhouse project is appropriate. He stated the only question is how many. He stated they could not do a mixed-use Senior Citizen housing project here because of the restrictions. He reminded the Board that they previously approved a similar Variance for a property that was much larger than this which is in the general vicinity. He stated the Applicant believes that they are entitled to the Variance requested which was previously approved.

Mr. Solor moved, Mr. Schwartz seconded and it was unanimously carried to affirm the previous Decision of the Zoning Hearing Board on Z-25-13.

Mr. Heinze and Mr. Solor left the meeting at this time, and Mr. Borda and Mr. McCartney joined the meeting at this time.

A short recess was taken at this time.

APPEAL #Z-25-48 – FELIZ/VON SPRECKELSEN

Tax Parcel #20-021-006

1675 YARDLEY LANGHORNE ROAD, YARDLEY, PA 19067

Ms. Julie Von Spreckelsen, attorney, was present with Mr. Raymond Garganio, Ms. Kestra Kelly, and Mr. Guy DiMartino who were sworn in.

Mr. Flager marked the Exhibits as follows: The Application was marked as Exhibit A-1. The Site Plan was marked as Exhibit A-2. The 5-sheet Renderings were marked as Exhibit A-3. The December 4, 2025 letter from Kestra Kelly from BL Companies to Mike Kirk explaining the requested relief was marked as Exhibit A-4. 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.

Ms. Von Spreckelsen stated she is present on behalf of the Applicant, Flagship Pennsylvania OPCO LLC, which is the lessee of the property located at 1675 Yardley Langhorne Road. She stated the property is located in the C-1 Commercial Neighborhood District and is also within the TND, the Traditional Neighborhood Development Overlay District. She stated the property is an undersized lot, and is 2.62 acres so it is a non-conforming lot area as the lot area requirement is 5 acres in this Zoning District. She stated the existing conditions are that it is a very highly irregularly-shaped property, which is the shape of a triangle. She stated it is improved with a shuttered CVS Pharmacy with drive-thru use and comprises 9,952 square feet. She stated it also has associated parking, lighting, landscaping, and stormwater management facilities on the site.

Ms. Von Spreckelsen stated the Applicant is proposing to re-develop and re-purpose the shuttered CVS Pharmacy which has been vacant for about two years. She stated they are able to re-purpose it by making interior renovations to accommodate a state-of-the-art, environmentally-friendly car wash.

She stated Flagship understands that the Township residents and Township representatives have a lot of concerns. She stated they are hoping that through the testimony tonight of the Flagship representatives that they can address all of those concerns.

Ms. Von Spreckelsen stated they are requesting a Use Variance as this use is not permitted in this Zoning District or in any Zoning District as it is not provided for in the Township Ordinance. She stated in the alternative, because of that fact, a de minimus Use Variance is requested; and the basis for that relief is because the Zoning Ordinance does not allow for this use in any Zoning District within the Township. She stated it is a legitimate land use, Commercial in nature, is similar to the types of Commercial uses permitted in the C-1 Neighborhood District, and is similar to the shuttered drive-thru CVS.

Ms. Von Spreckelsen stated the basis of the de minimus Use Variance is the recent Commonwealth Court Case of Soland versus Zoning Hearing Board of East Bradford Township in 2024. She stated that case held that a Use Variance can be considered de minimus for Zoning purposes; and the Court stated that if the Use Variance requested is more technical in nature than substantial and it is reasonable and falls within the intent of the Zoning Ordinance, the Use Variance request may be considered de minimus, and a de minimus Variance has no set criteria and the grant of a de minimus Use Variance request depends on the circumstances of each case. Zoning Hearing Boards have discretion to grant a de minimus Variance where the variation requested is minor, and rigid compliance with the Zoning Ordinance is not necessary to protect public policy concerns. Ms. Von Spreckelsen stated the Use Variance requested is more technical than substantial because a car wash use is a legitimate land use that is not permitted in the Township by Ordinance, it is similar to the type of use that exists at the site today, and the District it is in is a Commercial District.

She stated it is a Commercial Use going into a Commercial District where the use is not permitted anywhere within the Township. Ms. Von Spreckelsen stated it has similar impacts as other C-1 District uses, and it falls within the intent of the Zoning Ordinance although it is technically barred because it is not permitted in any Zoning District.

Ms. Von Spreckelsen stated the existing building does not need to be demolished, and the site does not need to have many changes to it; and it is just a minor request for re-purposing and re-using a shuttered building that has been vacant for two years and needs to be re-developed rather than sit empty on the premises.

Ms. Von Spreckelsen stated in the alternative they are requesting a regular Use Variance because it is a non-conforming lot size, and the lay-out of the fully-developed property and the location of the existing building with the drive-thru and other physical improvements to the property create this physical

hardship as well as its irregular shape. She stated because of that hardship a Use Variance is necessary in order to make reasonable use of the property based on the physical constraints of the property.

Ms. Von Spreckelsen stated no dimensional relief is needed as it complies. She stated the only other Variance is to not require a loading berth because this type of use does not need a loading berth. She stated while they could have it, it will add impervious coverage; and while they would still comply with the impervious coverage requirements, they do not need a loading berth for this type of use because there are not deliveries that will be bigger than a box truck to the site.

Ms. Von Spreckelsen provided the following additional Exhibits this evening: Exhibit A-5 is the Deed to the property. Exhibit A-6 is the Redacted Lease Agreement Cameron C. Troilo and Olga Jean Troilo and Flagship Pennsylvania OPCO LLC. Exhibit A-7 is the CV of Kestra Kelly, professional engineer with BL Companies. Exhibit A-8 is an Aerial Photograph of Existing Property Conditions and Existing Conditions Alt Plan prepared by BL Companies dated August 28, 2025. Exhibit A-9 is the Lower Makefield Township Zoning Map. Exhibit A-10 is the Rendered Zoning Plan prepared by BL Companies dated March 16, 2026. Exhibit A-11 is Building Renderings prepared by BL Companies. Exhibit A-12 is the CV of Guy DiMartino, professional engineer with Traffic Planning & Design. Exhibit A-13 is the Traffic Evaluation letter prepared by TPD dated November 14, 2025.

Mr. Garganio stated he is employed by Spotless Brands, the parent company of Flagship, and he is Vice President of Development and Construction. He stated he has been employed there for three years. He stated his job is to work with the team that helps their Real Estate Department when they find sites, and they do due diligence, work with professionals to do Permits, and build the sites. He has assisted with developing 20 car wash sites with Spotless, and prior to that with a different company another 10 to 15. Mr. Garganio stated Spotless Brands is a parent company which has four different car wash brands across the County. He stated Flagship is a brand that has started in the northern Virginia/Washington D.C. area, moved into Maryland, and they currently have opened sites in Delaware, New Jersey, Pennsylvania, and New York. He stated the concept is not to be all over the Country, but to pick spots and have good solid coverage in those locations; and that is one of the reasons they are looking at this location.

Ms. Von Spreckelsen asked for background on Spotless Brands, and Mr. Garganio stated it was stated in 2020/2021 and was meant to be a parent company. He stated it purchased four existing chains working with those owners who stayed with the company, and they continue to do that. He stated they grow through new locations, and they purchase some locations. Ms. Von Spreckelsen asked if any Flagship sites have been approved and construction in southeastern Pennsylvania; and Mr. Garganio stated they have opened two sites in Pennsylvania – one in Trooper in early January and one in Phoenixville which opened after January 1. He stated Phoenixville is similar to this location being discussed today as it was an existing pharmacy. Mr. Garganio stated they are also under construction at two additional sites – one in Philadelphia which was an old gym and a ground-up build in Chalfont. He stated they have a significant amount coming behind that.

Ms. Von Spreckelsen asked when Flagship entered into the Lease Agreement with the property owner, and Mr. Garganio stated it was signed on December 26, 2025. Mr. Von Spreckelsen asked how long the CVS has been shuttered; and Mr. Garganio stated it has been two years, but he believes they had been marketing it since 2023.

Ms. Von Spreckelsen asked why Flagship is interested in this property for development and operation of a car wash; and Mr. Garganio stated the first reason is because it is an existing, empty building that they can re-develop which is something that they are trying to do a lot of. He stated across their entire chain, there are about 30 that they are working on. He stated Yardley/Lower Makefield is a great area, and for this location they are recommending their best version which is a wash and an inside full service on 12' wide belts that go through along with free vacs. He stated they will put a significant amount of money into the inside of the existing building as well as on the outside.

The Rendered Zoning Plan – Exhibit A-10 was shown, and Mr. Garganio showed where cars come in at the POS (point of sale). He stated their system includes a membership, and the outside lane is for members. He stated there is no sound coming from the POS. He noted the area where the wash tunnel is located which has very new equipment. He noted the area for full-service which is similar to a detail as well as the area with the free vacuums.

Mr. Garganio stated they are normally open 7 days a week from 8 to 8, but they normally close earlier in the winter. He stated there are a handful of employees including one who will be at the POS to help keep traffic moving. He stated there will be a person who keeps the outside clean, and a crew of people who will be doing the cleaning of the cars.

With regard to deliveries, Mr. Garganio stated all deliveries will come in a truck the size of an Amazon van. He stated soaps used come in 5 gallon pails, and they also get towels and trash bags.

Mr. Garganio stated with regard to the vacuums, each vacuum has compressed air and multiple towels that can be used.

Ms. Von Spreckelsen stated since he has developed a lot of these sites, Mr. Garganio has heard concerns raised by neighboring property owners and Township representatives. Mr. Garganio stated sound is raised as a concern, and they have done some preliminary reports on sound for this location. He stated this site will meet the Township level of sound required. He stated all of the equipment other than the vacuums are inside the building. He showed where the motors are located for the vacuums and they will be enclosed in buildings which will match whatever architectural touches they do at this location. He stated sound also comes from the tunnel itself, and they will treat that sound by using special blowers inside with mufflers, and they put sound-grabbing panels inside that section, and they make the door coming in very small. He stated the building will meet the Township Code for sound.

Mr. Garganio stated another issue people are concerned about is environmental. He stated the water that is in the wet tunnel is meant to stay in the wet tunnel. He stated the water goes into a re-claim system which will re-use about 40% of the water. He stated the water is gathered, goes through a separating system, goes back in the building, gets cleaned, and is used for the lower parts of the vehicle. He stated some water does come out the front. He stated when the car first comes in, the undercarriage is washed with clean water which has no chemicals; and some of that water will come out. He stated that takes a lot of chemicals out such as grease which goes into the re-claim system as opposed to into the storm system like it would if you were driving your car in a rainstorm. He stated what is in the settling tanks gets removed every three to four months. Mr. Garganio stated the water that does not go back into the system, goes into the sanitary sewer. He noted areas where they will have heated concrete which will make sure there is no ice when they come out of the wash in the winter and it will also provide for water that does come off the car to evaporate.

Mr. Garganio stated they will use just under 20 gallons of fresh water per car, and when you wash a car in your driveway it is between 30 gallons to 50 gallons.

Mr. Garganio stated with regard to traffic this use will overall have less traffic trips than the CVS, and their traffic engineer will discuss that. He stated at their busiest locations, they stack 20 cars; and at this location they should never stack on the road. He stated if there were to be a back-up for mechanical reasons, they would put an employee on the road so that additional cars cannot get in. He stated at some locations they put a gate, and they would be willing to do that here.

Renderings were shown, and Mr. Garganio stated they knew that when CVS came in for approval, the Township Boards commented on how they wanted the building to look; but he is not sure that is still what the Township is looking for, and they are looking to get comments from the various Boards. He stated they are willing to look at other options for what the aesthetics should be. Mr. Garganio stated their Trooper location is a wood clapboard building with stone, and was agreed to with that Township's Boards; and they are willing to work with the Township.

Ms. Von Spreckelsen asked about complaints from neighboring property owners where they have operating sites. Mr. Garganio stated while there have been some complaints, they have never gotten into an issue where they had a violation or summons. He stated when they have issues, they try to work them out.

Ms. Von Spreckelsen asked why a loading space is not needed, and Mr. Garganio stated the truck used for deliveries is similar to an Amazon van. He stated it normally comes before they open or right at opening. He stated while they could put one in, it is not necessary and would take up more impervious areas. Mr. Garganio stated there have been no operational or safety issues at their other locations without having a loading space.

Ms. Von Spreckelsen asked Mr. Garganio what he feels will be the impact of this use if it is permitted to move forward, and Mr. Garganio stated he feels it will be a positive impact. He stated they are taking an empty building and making it a viable, modern, good-looking site. He stated they are a good corporate citizen, they hire locally, and they support their communities.

A short recess was taken at this time.

When the meeting was re-convened, Mr. Schwartz asked Mr. Garganio how many cars can queue up from the point of service back out to the street; and Mr. Garganio stated from that point back it is 16 cars, and from that point forward, it is 9 cars. Mr. Schwartz asked about the number of cars he anticipates seeing on an average day or at their busiest time given their track record with the other sites. Mr. Garganio stated that the traffic engineer can better answer that question.

Mr. Schwartz stated there was discussion about noise. Mr. Schwartz stated most car washes have high-powered blowers at the end of the line which are noisy, and he also noted the vacuum system. Mr. Garganio stated the loudest thing at a car wash are the blowers, and they spend extra money to get the quietest blowers. He noted the Township's Code is slightly lower than the surrounding area, and they knew they needed to hit the 60 megahertz at the property line outside of the blowers. He stated they also make the door smaller than normal so less noise can get out. He stated inside they also put sound-absorbing panels. Mr. Garganio stated with regard to the vacuums, there is a single motor that sucks approximately 15 vacuums which is a central system. He stated in this location, they will put the motor inside a building and sound-proof it so it will not be seen and there is no sound.

Mr. Schwartz stated the exit doors of the wash line where the blowers are face toward the Church across the lot. Mr. Schwartz asked the location of the new Point development, and Mr. Majewski stated that is being built to the west of this site at the corner of Edgewood and Yardley-Langhorne. Mr. Garganio stated at their property line they will be below 60 megahertz which is the Township requirement. Mr. Majewski stated the requirement is 60 decibels.

Mr. Schwartz stated there is a large retention basin in the front of the site and a stream that runs through on the side of the site, and he feels people will be concerned how they will be mitigating the water run-off that comes from the wash process of oils, debris, etc. He asked how they are preventing that from seeping into the ground. Mr. Garganio stated everything inside the wet tunnel slopes back to the middle. He stated the water being used that goes on and underneath the car goes into a trench as the car goes through. He stated that trench then goes out to 3 continuous 2,000 gallon settling tanks; and all the grease, dirt, etc. fall out. He stated as it gets to the last one, generally clean water goes back into the building and goes through a re-claim system that cleans it one more time, and then it goes back in and 40% of the water gets re-used. He stated the water that does not go back into the system goes through an oil water separator and into the sewer system. He stated all

of the chemicals and soaps that they use are bio-degradable, and they break down and work in sanitary sewer systems. Mr. Garganio stated sometimes there is dripping for about 20' to 30' when the car comes out, and most of that is clean water. He stated they are going to mitigate that a little more by having heated concrete. Mr. Schwartz asked if the tanks that the water will collect in are below ground; and Mr. Garganio stated they are, and they are concrete, pre-cast tanks.

Mr. Schwartz asked what type of complaints they have had at their other locations, and Mr. Garganio stated they are usually minor such as they hear the cars and see the lights. Mr. Garganio stated they look into where lights will shine and they work through that with trees, fences, etc. He stated they do not get a lot of complaints. He stated they have about 15 locations that have Residential around them, and they do not get a lot of complaints; and when they get them, it is very important for them to fix things. Mr. Schwartz asked if they roll back their hours when the sun starts to set earlier, and Mr. Garganio stated they normally do that, but they would be willing to have that specified.

Mr. Schwartz asked if they are keeping the building footprint as it is now, and Mr. Garganio stated the only thing they are taking down is the drive-thru in the back. He stated when they discuss alternative lay-outs, there may be some areas which come in and go out, but generally, the building is staying the way it is.

Mr. Schwartz stated they are looking for a Variance to not have a loading berth, and he asked if CVS was not required to have a loading berth; and Mr. Garganio that there is a significant loading dock there now.

Mr. Borda asked if this deal is subject to approval by the authorities before it goes forward, and Ms. Von Spreckelsen stated Flagship will be leasing the property. She stated there is a Lease Agreement, but it will not start running until they obtain approval.

Mr. Borda stated other permitted uses at this site would be banks, funeral homes, gymnasiums, and medical facilities. Ms. Von Spreckelsen stated she would have to refer to what is permitted in the C-1 District. She stated it also depends on property size, and this is an undersized lot, and a lot of those uses require five acres.

Mr. Borda asked if there are specifics on decibel levels for the vacuum booms and the dryers. Mr. Garganio stated when they get a final design and are moving toward Planning Board approval, they will finalize their sound study which lays

that out; and he does not have that available tonight. Mr. Borda asked if they have not done that for their other facilities, and Mr. Garganio stated while they have it depends on how each one reacts. Mr. Garganio stated the way they preliminarily laid out this one, the loudest part of the space is the exit out of the tunnel, and they are under 60 decibels at the property line. Mr. Borda stated he is concerned about the sound for the neighbors, because Veterans Square is immediately behind this property, and because the Church is close by.

Mr. Borda stated Mr. Garganio had indicated that they have done comparisons on the CVS traffic usage, but the traffic report that he saw said that you have to extrapolate a little because the data they have is only based on existing properties that are smaller than the one proposed; and he asked Mr. Garganio if that is correct. Ms. Von Spreckelsen stated that is not for this witness to testify to, and the traffic engineer can answer that question. Mr. Borda stated he thought Mr. Garganio may have talked to the traffic engineer, and he again asked Mr. Garganio if he knows the answer. Mr. Garganio stated he would prefer the traffic engineer answer this question since he knows the specific; however, he believes the site that he has talked to are busier than what they expect this one to be.

Mr. Borda asked Ms. Von Spreckelsen if Mr. Garganio is the appropriate person to address the sewer and water impact compared to the CVS, and she stated he can answer if he knows. Mr. Garganio stated it is significantly more as they will use a lot more water than CVS would use. Mr. Borda stated there would also be more sewer impact, and Mr. Garganio agreed.

Mr. Borda stated he understands from a lighting impact, they will try to do what is necessary to minimize the impact of that meaning downward-facing lighting, etc.; and Mr. Garganio stated they would meet all of the Codes, and keep shields on them.

Mr. Borda stated the wastewater that will go into the concrete tanks will need to be pulled out by trucks periodically. Mr. Garganio stated they would not need to take out the water, it would be the sediment that settles that will need to be taken out. He stated at some locations it is every three months and some it is every six months depending on how they fill. He stated there is a meter that gives an alarm, and a truck comes and takes out the sediment.

Mr. Borda asked about the process of the operation. Mr. Garganio stated there are 2 12' wide entrances that are loading belts. He stated you go on the 20' loading belt and get out of the car, and it puts the car on an 80' working belt

where the car goes through and is cleaned, windows are done, the rugs/mats are done, and they do the door jambs. Mr. Garganio stated if you go through the full service, the car gets vacuumed. Mr. Borda asked why they then need the vacuum pods, and Mr. Garganio stated that is a different level wash; and if you are not going through the full serve, you can buy something similar to other car washes where you go through it and then go directly to the vacuums and vacuum it yourself.

Mr. Borda asked if any EPA approval is needed, and Mr. Garganio stated they have not needed any EPA approval. He stated before they buy or lease a site they do a Phase 1; and if they need a Phase 2, they do it, but they would not need any approvals for this site neither Federal nor State.

Ms. Von Spreckelsen marked Exhibit A-14 Interior Photos of the Car Wash.

Mr. McCartney stated he looked at some of their locations, and he noted their location in Phoenixville which is Zoned MG – Mixed Use Growth District. He asked if a Variance was needed for that, and Ms. Von Spreckelsen stated the Project engineer can speak to that. Mr. Garganio stated there are very few sites that they do that do not need either a Special Exception or a Use Variance. Mr. McCartney at that location there is a Wawa, Taco Bell, Starbucks, and Giant, and it is a busy Commercial area; and Mr. Garganio agreed.

Mr. McCartney noted their location in Trooper where the Zoning is Ridge Pike Business District, and they needed a Conditional Use approval from the Board of Supervisors; and Mr. Garganio agreed. Mr. Majewski stated location has a Dairy Queen, Advance Auto Parts, Pep Boys, and Auto Zone in proximity; and Mr. Garganio agreed adding that there is also a Lidl and a TD Bank.

Mr. McCartney asked the locations in New Jersey; and Mr. Garganio stated there are several with one in Vineland. Mr. McCartney asked if they are in a similar-type Commercial District. Mr. Garganio stated the one in Vineland is less, but there is a Wawa across the street. Mr. McCartney stated similar to the Lower Makefield site, there may have been some watershed and streams at the Trooper location, so they had to go through environmental studies. Mr. Garganio stated there is drainage all through there, and he believes that they are a good distance away from any creeks there.

Mr. Dougherty asked about the lighting plan proposed. Mr. Garganio stated they will lay out the amount of lighting required to meet Township requirements for light, spread, and maximums and minimums; and they will shield the lights properly so that the light stays on their property. He stated they will meet the Township Code. He stated they shut their lights off when the building is shut down so the latest lights would be on 8:15 p.m., and in the winter they will be off sooner although some towns ask them to leave a certain amount of lights on. He stated if the town does not want lights on, the only lights on when they are closed would be the lights that are there now which are the emergency lights around the exterior of the building.

Ms. Kestra Kelly stated she is a Civil Engineer specializing in land development and civil engineering. She stated she has been licensed for over 22 years. She stated she works for BL Companies, which is a full-service engineering firm. She stated she is a Senior Project Manager and Principal of the firm. She stated she works on projects mostly in Pennsylvania but also some in New Jersey, Delaware, Maryland, and Virginia; and she is responsible for all aspects of the design, Permitting, and Entitlements which included land development but also outside agency approvals. She reviewed her educational background and work experience.

Ms. Kelly stated BL is working on at least 40 locations for Spotless/Flagship, after starting to work with them in early 2024. She stated she has worked on a number of sites in this area for them including the one in Phoenixville referenced earlier. She stated that went to the Zoning Hearing Board for a Special Exception. She stated was also involved in a project in Upper Providence Township which is in Permitting now, and that went to the Zoning Hearing Board for a Use Variance. She stated in that instance there were residents immediately adjacent on two sides of that property.

Ms. Von Spreckelsen asked Ms. Kelly if she has testified as an expert before Municipal Boards; and Ms. Kelly stated she has and been accepted as an expert witness at a number of Townships. Her CV was noted as Exhibit A-7. Ms. Kelly was offered as an expert in Civil Engineering, Zoning, and Land Development and was accepted.

Ms. Von Spreckelsen asked Ms. Kelly the scope of her engagement by the Applicant with regard to this project; and Ms. Kelly stated initially it was to do an evaluation of the site, review the Zoning Code, and see the feasibility of converting this site into a car wash. She stated that has expanded into the Zoning Hearing Board Application which includes meetings with the Township

staff, submission of a Sketch Plan for review to get feedback and confirm the Zoning relief. Ms. Kelly stated they were also hired to try to engage coordinating with the public and neighbors to get feedback, and they did targeted mailings, created a QR Code to get feedback questions so that they could provide information, and they also hosted an open house at the site to invite people to come and learn more about what they were proposing for the site. Ms. Kelly stated BL Companies also did complete survey services, building elevations, and renderings; however, she herself did not do that work.

The aerial photograph of the property was shown. Ms. Kelly stated the site is located at 1675 Yardley Langhorne Road in a triangle created between Heacock Road, Edgewood Road, and Yardley Langhorne Road. She stated the site is Zoned C-1 Commercial Neighborhood District with a TNP – Traditional Neighborhood Overlay. She stated the site is not located within the Historic Commercial District. Ms. Kelly stated there is R-2 Zoning and C-1 Zoning adjacent. She stated the site was developed as a CVS and includes the CVS building, the drive-thru, and loading docks. She stated there is significant stormwater management on the site which takes run-off from the site as well as the road frontage. She stated there are retaining walls on site which are between the stormwater management and the existing parking spaces. She stated there is also typical lighting, landscaping, and trash enclosure that you would expect on a developed site.

Ms. Kelly stated the site itself is unique for some of the physical conditions. She stated as noted, it is not a conforming lot based on the Zoning Code. She stated the Zoning Code requires lots to be 5 acres, and this is 2.62. She stated it has 523' of frontage and it is irregular in shape – essentially a triangle where the depth of the lot varies greatly between 97' to over 350'. She stated the site has a very uniquely-shaped building. she stated a lot of times pharmacies are more square or rectangular in site, but this shape is unique.

Ms. Von Spreckelsen asked about the neighboring Zoning and uses. Ms. Kelly stated immediately adjacent there is a medical office, some Commercial/the Edgewood Giant Center, a church, and it is immediately adjacent to Veterans Square Park.

Ms. Kelly stated the footprint of the existing building will remain with the exception of the drive-thru pharmacy cover which will be removed. She stated there will be no change in square footage. She stated they are proposing to change the way the site circulates since as a CVS it provide for circulation and drive-thru; but they are looking to enter the site at the bottom entrance.

She stated customers would enter the pay station, and there would be no speaker or noise generated from that. She stated the car would then go through the wet wash; and when they come out, they either leave the site or they can circulate into one of the vacuum spaces to self-vacuum their car or circulate back into the building and go through the dry belt.

Ms. Kelly stated they are proposing 10 employee parking spaces. She stated the Code does not have a specific car wash use so there is no specific requirements about number of employees, but they are providing adequate parking for the number of employees. She stated there is no need for any customer to park their car and go into the building as there is nothing to buy so the only people who need a parking space are the employees. Ms. Kelly stated they are proposing 20 vacuum spaces.

Ms. Kelly stated they have worked very hard on the site to work within the existing developed footprint, and they are only proposing a de minimus 4% increase in impervious surface over what is there today. She stated that is mainly just for some of the pockets of green space around the building that need to be converted to facilitate the turning movements in and out.

Ms. Kelly stated as noted the stacking at the pay station is 14. She stated that is 14 without interfering with any accessway in or interfering or stacking onto the road. Ms. Kelly stated there are an additional 9 spaces of stacking to get into the wet tunnel so there are 23 total stacking spaces. She stated the wet tunnel entrance is the pinch point because there are 3 pay stations.

Ms. Kelly stated Spotless has hired TPD to do traffic studies and knows the operations of their existing sites/similarly-sized sites of one wet tunnel and two dry vacs to prove that the 23 stacking spaces are more than adequate of what is required. Ms. Kelly stated at other sites there had been concerns about cars stacking on the roadway, and Spotless agreed to install a gate which basically stays open, but it has the ability to close it in case there was a need to do so; however, under normal operation procedures, it would not need to be used. Ms. Kelly stated once you leave the wet tunnel and circulate back into the dry belt there is an additional seven spaces of stacking. She stated seven is adequate because there are two wet belts for one dry belt.

Ms. Kelly stated as noted there is heated concrete at the access to the wet tunnel and around the pay stations as well.

Ms. Von Spreckelsen asked Ms. Kelly to describe the changes proposed to the building's façade. The Perspective View was shown as to what the building would look like. Ms. Kelly stated in speaking with the architect, the intent of this rendering was to have more of an authentic re-use with minimal interventions to the existing building, maintaining the existing massing, materials, and features similar to the adjacent Edgewood Village Historic District. She stated Spotless does have programmatic standards that they would like their facilities to look like, but they are very willing to work with Townships to make the architecture be what works best for the Township. Ms. Kelly stated while she was not personally involved with the Trooper location, she knows that BL Companies did the architecture for that based on working with the Township on what they wanted. She stated she is involved in other projects Spotless is working on where they are engaging with the Township on the architecture that they feel best fits the character of the neighborhood.

Ms. Kelly stated with regard to buffering, there is some significant existing stormwater management in the front and along one of the sides. She stated there is some existing landscaping. She stated she has visited the site, and she feels that some of the existing landscaping is in need of improvement, and there are enhancements that can be done and additional landscaping and buffering. She stated there is stormwater management in those facilities, and there are berms associated with that so there are certain technical limitations as to what they can do from that perspective; however, they will have the ability to enhance and improve some of the existing vegetation and screening.

Ms. Von Spreckelsen asked if the proposed re-purposing of the building and the site Zoning compliant other than the use, and Ms. Kelly agreed other than the use and the loading space.

Ms. Von Spreckelsen asked Ms. Kelly to explain the requested Use Variance. Ms. Kelly stated the Zoning Code does not identify car washes as a specific use; however, the site is in a Commercial District, it is Zoned Commercial, and it is currently a Commercial Use. She stated they feel that a car wash is staying with the intent of that same use. Ms. Kelly stated she has reviewed the Township's Comprehensive Plan which is directing the growth to appropriate areas including existing Commercial corridors. She stated the site is a Commercial site, it is a Commercial Use, and they are proposing a Commercial Use. She stated in her experience in working on these car washes, a lot of times car washes are an approved use within a Commercial Zone. She stated the Comprehensive Plan also talks about coordinating development with infrastructure, and that speaks to the site as currently developed which has existing utilities and

existing stormwater management. She stated it also talks about preserving the Township's established Residential character, and she would argue that adaptively re-using the site is keeping in line with that much more than keeping a property vacant as well as the fact that Spotless is willing to work on aesthetically how the site looks. She stated it also speaks to allowing for balance of Residential, Industrial, Office/Research, and Commercial development that will meet the needs of Township residents and enhance the economic vitality of the Township. She stated she feels that taking a vacant building and turning it into a successful, vibrant use is meeting that requirement. Ms. Kelly stated the Comprehensive Plan also talks to the very limited number of sites within the C Zoning that can be developed, and it points to the need to re-develop existing sites.

Ms. Kelly stated the site itself has a lot of constraints. She stated it is an under-sized lot so it anticipates the uses needing 5 acres, and they are a 2.62. She stated the lot and the building are irregular in shape. She stated it is fully developed, and they are looking to adaptively re-use it. She stated the departure of chain pharmacies has left a lot of these sites vacant all over the Country. She stated these buildings have become historically difficult to re-purpose for many permitted uses. She stated there are not a lot of retail users that need that same amount of space. She stated these sites are designed for parking, circulation, and they already have drive-thru capabilities. She stated it lends itself to being challenging to sub-divide the site and/or sub-divide the building into multiple tenants.

Ms. Kelly stated Spotless has the ability to modify their programming to work within the existing site and building, and they take care and coordination with Spotless to determine how to best fit and work with the existing sites. Ms. Kelly stated there is a benefit having a known end user for this site so they can talk about potential impacts and concerns, and how they can address them. She stated they know that there are other permitted uses by right that could have greater or different impacts. She stated Mr. Garganio has stated that Spotless is willing to work with the Township and accept conditions which gives the Township more control of the site.

Ms. Kelly stated she has reviewed the Code and found other permitted uses including a restaurant which could involve longer hours, more odors from exhausts and trash, would have more regular trash pick-up, and larger vehicles delivering food more regularly. She also noted a veterinary hospital or kennel which could result in noise from animals and there could be outdoor

animal activity and odor as well as potentially overnight operations. She also noted health club, fitness club, day care center, and nursery school all of which have higher parking demands, lack of outdoor space, and high traffic pick-up and drop-off periods. Ms. Kelly stated in comparison the car wash operation that Spotless is proposing is highly controlled; and modern car washers are different from older, open-wash facilities. She stated the wash tunnel is fully enclosed, and there is new technology improve upon the sound. She stated there is also a water-recycling system, limited noise, and the ability to mitigate for that noise. She stated there is also no noise after closing. She stated they have contained vehicle stacking that they have the back-up data to prove. She stated there are employees on site who are focused on the cleanliness and efficiency of the operation. She stated they can also control the lighting, and they will work with the Township to either turn off the lights or have very reduced lights for safety.

Ms. Von Spreckelsen asked Ms. Kelly is the Use Variance request more technical in nature than substantial, and Ms. Kelly stated in her opinion it is mainly because the Zoning Code does not identify car washes as a specific use. She stated this is an existing Commercial site in a Commercial Zone that they are maintaining a Commercial Use at. She stated it is a similar intensity to the existing permit and other permitted uses, it is using an existing developed site, and they are limiting the overall changes to the site.

Ms. Von Spreckelsen asked Ms. Kelly if she feels the Use Variance requested is reasonable and in keeping with the intent of the Zoning Ordinance; and Ms. Kelly stated she could not the specific intent of the C-1 Zoning District, but in reviewing the Zoning Ordinance, she would state yes. She stated it is not introducing a new Commercial intensity, it is not re-developing new sites that has no development, and it is really re-purposing a site that was designed to have this type of use. Ms. Von Spreckelsen asked Ms. Kelly if rigid compliance with the Zoning Ordinance necessary to protect public policy concerns; and Ms. Kelly stated it is not because the Zoning Code does not identify car washes as a specific use. She stated it is an existing Commercial site, there will be controlled operation, environmental sensitivity with water recycling, and re-use of a vacant property.

Ms. Von Spreckelsen asked Ms. Kelly if she feels the Use Variance requested is necessary to make reasonable use of the property, and Ms. Kelly stated it is. She added that the site is undersized, is irregular in shape, there is a vacancy of these buildings there is not a market demand to re-purpose these buildings, and she feels adaptive re-use is better than a new development.

Ms. Von Spreckelsen asked Ms. Kelly if she feels the car wash will alter the essential character of the neighborhood, and Ms. Kelly stated it will not because it was already a Commercial Use. She added that it is a site that had supported vehicle activity, and there was an expected high turn-over with people coming in and then quickly leaving. She stated it is a similar site in intensity to the permitted uses. She stated the proposed operations are contained and controlled.

Ms. Von Spreckelsen asked Ms. Kelly if she feels the car wash will substantially or permanently impair the use of adjacent property, and Ms. Kelly stated it will not. Ms. Kelly added that as discussed previously the noise and operation are controlled, and they comply with the Lighting and Noise Ordinances. She stated there will be no traffic spill-over and no concern with stacking. She stated the area is already used to having Commercial activity, and it will actually limit the hours of that activity, and it will bring back activity and life to a vacant site.

Ms. Von Spreckelsen asked Ms. Kelly if she feels that the car wash use will be detrimental to the public welfare, and Ms. Kelly stated it will not based on everything she has stated prior.

Ms. Von Spreckelsen asked Ms. Kelly if she feels that the Use Variance or the de minimus Use Variance the minimum Variance necessary to afford relief, and Ms. Kelly agreed. Ms. Kelly stated granting this minimum relief allows for the productive re-use of this vacant site without really requiring substantial re-development.

Ms. Von Spreckelsen asked why the Variance is being requested for the loading dock. Ms. Kelly stated as noted earlier the deliveries to the site do not happen often, and typically it is not even weekly, although it could be once a week. She stated it is an Amazon-sized box truck that makes the deliveries, and it is not a tractor-trailer. She stated nothing is coming out on pallets that would require a loading dock. She stated it is typically a box truck with a dolly to wheel in detergents and other equipment used. She stated the deliveries tend to be scheduled so they are not during the busiest time of the car wash operation, and there would be plenty of area open so they would not impede any use of the car wash. Ms. Kelly stated they have been traditionally asking for relief when they go in front of Zoning Hearing Boards as they do not feel they should be required to add more impervious if it is not needed. She stated in this case, she feels it would be a benefit to not have it as the operations do not need it. She stated they are below the maximum impervious allowed on the site so it could be added, but they do not feel it is a good design and is not needed.

Ms. Von Spreckelsen asked Ms. Kelly if not providing that loading space alter the essential character of the neighborhood, substantially or permanently impair the use of adjacent property, or be detrimental to the public welfare, and Ms. Kelly stated it will not. Ms. Von Spreckelsen asked Ms. Kelly if not having a loading space the minimum Variance necessary to afford relief along with the Use Variance discussed, and Ms. Kelly agreed.

Mr. Dougherty referred to the Rendering Perspective and noted the trees shown in the detention basin. He asked Mr. Majewski if trees could be planted inside the retention basin, and Mr. Majewski stated he feels that would be difficult due to the small size of the basin. Ms. Kelly stated there is a perimeter lining of trees there now; and while they are not in the bottom of the basin, they are on the edge along the property line. She stated some of them are not in good shape, and she feels that what was there could be replaced and enhanced; but they would not be able to infill the whole area between the edge of the existing retaining wall which is the edge of the property line. Mr. Dougherty stated he wants to note that this is a misleading rendering since it is highly unlikely they will be able to get trees that size where they are shown on the rendering. Ms. Kelly stated she feels the angle of the rendering makes it look a little deceiving, but there are existing trees and vegetation that exist along the road today.

Mr. Dougherty stated there are a lot of people present this evening who are our neighbors and are probably not in favor of this proposal. He asked what the hardship is since there are some other uses that may be more objectionable to the neighbors such as a restaurant which may not need to come before the Board as they would be permitted by right. Mr. Dougherty stated he agrees that there is no need for a loading dock, but would like to know what the hardship is to have the Board approve the Use Variance. Ms. Kelly stated the Zoning Code requires 5 acres for most of the uses. She stated the site's shape and the existing building are unique hardships. She stated the fact that this is a developed site, and they are working within that site in the existing building which is a benefit and enables them to not completely demo an existing site and send all of that to the landfill which is a sustainability effort. She stated the Township is going to want a use at this site that will be used, vibrant, and maintained; and they believe that what they are proposing is that. Mr. Dougherty stated he is not sure that a hardship exists to grant a car wash. He stated this could be re-purposed as a day care center, a financial services building, a medical office, a restaurant, retail, or a personal services shop. He stated he is aware that there would also be a non-conformity due to the lot size for whatever goes in there. Ms. Kelly stated she agrees that any use that goes in will have a non-conformity for the lot size

because it is a non-conforming lot. She stated the Zoning Code proposes to have minimum lot sizes for these uses to help support these uses; and her expectation is that is what is needed. She stated for a day care, there would be challenges with providing the right elements you would want in a day care that would include outside spaces given the limited constraints of the site. She stated there are large stormwater management basins on site, and some of that treats the existing impervious on site and some of that is run-off from the adjacent roadways as well.

Mr. Dougherty stated he neglected to ask Ms. Carlton if she wanted to cross-examine Mr. Garganio, and he asked Ms. Carlton if she would like to cross-examine Ms. Kelly once the Board has completed questioning her. Ms. Carlton stated can wait until the end to cross-examine Mr. Garganio and Ms. Kelly. She added that the Township did send her to oppose this Application.

Mr. Dougherty stated after they question Ms. Kelly, they will need to adjourn the meeting; and all of those present for public comment have been able to hear the testimony. Mr. Majewski stated tonight's Hearing will also be posted tomorrow on YouTube and the Township's Website so anyone can review the tape. Mr. Dougherty stated no public comment will be taken this evening.

Mr. Mark Labrum, attorney, stated he is present representing three residents who reside across Heacock Road from where the site is located, and they will be seeking Party Status and the opportunity to ask questions of all of the witnesses. Mr. Dougherty stated that will be granted at the time when there will be the opportunity for public comment.

Mr. Schwartz asked to be shown the aerial photograph of the property and the surrounding neighborhoods on the three sides. Mr. Schwartz asked what areas besides the subject property are Zoned Commercial Neighborhood District/C-1, and the Zoning Map was shown. Mr. Majewski stated C-1 covers the area that is the current CVS, two parcels he showed on the map which he believes have been combined into one parcel since this Zoning Map was done, Veterans Square, Woodside Presbyterian Church, the Edgewood Village Shopping Center that has McCaffrey's, and the Lower Makefield Shopping Center that has the Giant.

Mr. Schwartz stated this year the Township has hired a consultant, and they are starting the Integrated Master Plan that covers a lot of this area; and they are looking to improve walkability, drivability, etc. and they are looking to make some Zoning changes. He asked Mr. Majewski where the border of that area is

that they are looking at or has that not yet been completely defined. He added he knows that it covers Edgewood Village. Mr. Majewski stated he does not recall the outcome of the last meeting whether the CVS was included although he believes that it was included. Mr. Schwartz stated there is a potential that the Zoning for this area could change, and Mr. Majewski agreed. Mr. Schwartz stated they hope to complete this process by December of this year. He stated the Steering Committee has met twice, and they are starting to hold interviews with stakeholders and members of different Boards and Commissions to ask for input.

Mr. Borda asked Ms. Kelly if she knows what the difference is in sewer and water impact for this business compared to what CVS did. Ms. Kelly stated a typical CVS or Rite Aid would be about 1 EDU which is an Equivalent Dwelling Unit; and while she does not know the exact number, it is typically between 250 and 300 gallons per day that is 1 EDU. She stated depending on the projections, usually the amount for the proposed use is about 15 EDUs. Mr. Borda asked the differential on a percentage basis, and it was noted that it is 15 times. Mr. Borda stated that would be on the water usage side, and he asked what it would be on the sewer side. Ms. Kelly stated that was specifically for sewer, and there is a percentage of the water that is re-used which is typically about 40% that is re-used. She stated she was focusing on sewer because that is something that does require outside agency approval, and they will need to get sewer approval through PADEP as part of being in line with the Sewage Planning for the Township. Mr. Borda stated that would in part address whether or not the systems can handle that capacity, and Ms. Kelly stated it will talk about whether the conveyance system and the wastewater treatment can handle that. She stated that is the effluent from just the car wash operation inside the building, and anything outside the building such as when it rains will continue to operate as it does and go to the existing stormwater management system. Mr. Borda stated Ms. Kelly had indicated that stormwater management will not be impacted at all by this proposal, and Ms. Kelly agreed.

Mr. Borda asked Ms. Kelly if she was part of any analysis on what the decibel levels are that are generated by this, and Ms. Kelly stated personally she was not. She added that Spotless has an outside consultant that they typically use to do sound modeling, and she has had some correspondence with them, and they have been provided the Township Code for sound. She stated they feel that they can put the necessary measures in place to meet the Code. She stated they are not anticipating to request any relief from sound.

Mr. Borda asked if he saw a request for a Variance on parking standards; and Ms. Kelly stated originally when they submitted the Application, they had relief noted for the width of the aisles into the pay stations, but that was deemed by the Township to not be necessary. She stated they are not requesting relief for parking because there is no specific car wash use, and there is not a specific parking requirement associated with that use. Mr. Borda stated there will also be no retail sales in the building, and Ms. Kelly agreed.

Mr. Borda stated Ms. Kelly had been asked if she felt this would alter the character of the neighborhood, and she indicated it would not; and he asked what professional standards she was bringing to bear on that answer. Ms. Kelly stated it is her professional opinion based on working on these sites and other Land Development projects for over 22 years. She stated she fully acknowledges that it is in close proximity to Residential, but there is a lot of Commercial/Residential interface within the Township and many other Townships where you have Commercial uses near and adjacent to Residential uses. She stated she had mentioned that several of the projects that she has worked on have had that, and they have tried very hard to engage with the residents to hear their concerns and understand what measures they can do to help to alleviate them.

Mr. McCartney asked Ms. Kelly if she was involved in the Phoenixville project, and Ms. Kelly agreed. She stated BL Companies did both the civil engineering and architecture on that, and she specifically worked on the civil engineering. Mr. McCartney stated that is Zoned MG which is Mixed Use Growth District, and he understands that District is to grow Commercial use in that area. Ms. Kelly stated it is a Mixed Growth District, and that site itself was a vacant Rite Aid. Mr. McCartney stated the idea of that District is to grow Commercial space, and Ms. Kelly stated it is and to re-develop. Mr. McCartney stated in that location they had a Wawa, Taco Bell, Starbucks, and Giant. Mr. McCartney stated at the Trooper location that is the Ridge Pike Business District. Ms. Kelly stated for that site BL Companies did the architecture, but they did not do the civil engineering on that site.

Mr. McCartney asked Ms. Kelly if she has an opinion why Lower Makefield does not have car wash as a specific use in their C-1 Zoning. Mr. Kelly stated she does not know, and sometimes it is just an error that a use is left out of a Code. She stated it is a readily-accepted Land Use category. She stated it may also be a slightly older or outdated Code that has not gotten up to speed with some of the new, modern car washes; and they have run into that in other Townships where they do not specifically have a car wash use, or when they do, it is sometimes looped in with a fuel center. She stated when they originally came to the

Township and had a pre-Application meeting, they had that conversation, and asked if they would fall into the fuel center use since they had seen that before. She stated she does not know specifically why the Township Code does not address it, and it is her understanding that Townships have to allow for all viable land uses within their Townships.

Mr. McCartney asked if she has seen where Municipalities would specifically name a car wash as a use that they would not want, and Ms. Kelly stated she has seen that in certain Districts, but not within the Township as a whole. He asked Ms. Kelly if she has seen specifically that car washes are not specifically allowed in C-1 Zoning, and Ms. Kelly stated she has seen that.

There was discussion about when the matter would be Continued to, and April 21 was suggested. While Mr. Borda was not available that evening it was noted that Mr. Heinz had heard most of the Testimony either in-person or on-line, and that he could review the Minutes/Transcript and the video of the meeting for the portion that he did not hear. Mr. McCartney moved, Mr. Schwartz seconded and it was unanimously carried to Continue the matter to April 21, 2026.

Mr. Flager stated with regard to public comment, there are two groups of people – one of which are those who received formal notification from the Township about this Hearing; and if they would like, those people are generally granted Party Status. He stated everyone outside of that would have to prove that their property is somehow impacted, and they are an aggrieved Party in order to get Party Status. He stated if you are granted Party Status, you have the opportunity to present evidence, to cross-examine witnesses, and the right to Appeal any Decision. If you are not granted Party Status, you can still make comment and raise concerns, but you do not have the opportunity to cross-examine witnesses or Appellant rights if you want to Appeal the Decision to the Court of Common Pleas in Doylestown.

OTHER BUSINESS

Mr. Dougherty asked why 600 Township Line Road was coming back before the Board, and Mr. Flager stated it is a Substantive Validity Challenge based on the fact that there is no recognized use in the Township for a mental health treatment facility.

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There being no further business, Mr. Schwartz moved, Mr. McCartney seconded and it was unanimously carried to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,

Mike McVan, Secretary