

1                   BOROUGH OF SEVEN FIELDS  
2                   ZONING HEARING BOARD  
3                   PUBLIC HEARING

4                   - - -

5       In the matter of:

6       HUTTON ST 17, LLC

7                   - - -

8               Transcript of a videoconference hearing held  
9       before the Zoning Hearing Board of Seven Fields at  
10      the Seven Fields Borough Building, 2200 Garden  
11      Drive, Seven Fields, Pennsylvania 16046,  
12      stenographically taken before me, the undersigned,  
13      Eileen L. Drake-Ober, a Notary Public in and for  
14      the Commonwealth of Pennsylvania, commencing  
15      at 6:09 o'clock p.m., on Monday, February 15,  
16      2021.

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18      APPEARANCES (via videoconference):

19                   Zoning Hearing Board:

20                   Richard DeBlasio, Chairman  
21                   Brocton Skeen  
22                   John Popojas

23                   On Behalf of the Zoning Hearing Board:

24                   Obermayer, Rebmann, Maxwell &  
25                   Hippel, LLP:  
26                   Andrew J. Horowitz, Esquire  
27                   525 William Penn Place, Suite 1710  
28                   Pittsburgh, Pennsylvania 15219

29                   On behalf of the Borough:

30                   Weiss Burkardt Kramer, LLC:  
31                   M. Janet Burkardt, Esquire  
32                   Danielle Guarascio, Esquire  
33                   445 Fort Pitt Boulevard, Suite 503  
34                   Pittsburgh, Pennsylvania 15219

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1           On behalf of the Applicant:

2           Reed Smith, LLP:  
3           Dusty Elias Kirk, Esquire  
4           Rachel O'Neill, Esquire  
5           Nicole Prieto, Esquire  
6           225 Fifth Avenue  
7           Pittsburgh, Pennsylvania 15222

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9           Administration:

10           Thomas Smith, Borough Manager  
11           John Balewski, P.E., Borough Engineer  
12           Kate Belfiore

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14           Also present:

15           Mark Zimmerman, P.E.  
16           Joe Uhler  
17           Josh Haydo  
18           George Alexandris  
19           Cody Mora  
20           Alex Weidenhof  
21           Chris McVay  
22           Dawn Servello  
23           Dan Christenson  
24           Dicle Demiral  
25           Stephan Fatschel  
             Brian Trimble  
             Kimberly Grasso  
             Suzanne Mills  
             J.T. Thompson

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1 I-N-D-E-X

2 WITNESS: PAGE:

3 John Balewski, P.E. 53

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5 EXHIBITS: PAGE:

6 Applicant 1 - packet 98

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1 P-R-O-C-E-E-D-I-N-G-S

2 MR. DeBLASIO: That reminded me to  
3 introduce myself. Everyone, my name is  
4 Richard DeBlasio. I am chairman of the  
5 zoning board of the Borough of Seven Fields.  
6 We are now calling in the meeting that is  
7 slated for 6:00 p.m. on February 15th. 2021.  
8 Is it is being conducted entirely via Zoom  
9 due to several issues, mainly the COVID-19  
10 pandemic, as well as the impending winter  
11 storm that has since arrived here today, so  
12 for everyone's safety we thought it was  
13 better to conduct this meeting via Zoom.

14 I am going to have some comments after  
15 I do the roll call and Pledge of Allegiance.  
16 At this point, I do want to do the roll call.

17 Board Member Skeen, are you present?

18 MR. SKEEN: Present.

19 MR. DeBLASIO: Board Member Popojas,  
20 are you present?

21 MR. POPOJAS: I am present.

22 MR. DeBLASIO: Okay. I know we are  
23 doing this via Zoom, but I do still feel it  
24 appropriate that we still do the Pledge of  
25 Allegiance. If you can, just put your hand

1 on your heart.

2 (Pledge of Allegiance.)

3 MR. DeBLASIO: A brief statement  
4 before we get into the procedure of the  
5 meeting. The procedures for tonight's  
6 hearing are set forth in Section 908 of the  
7 Municipal Planning Code. This is a quasi  
8 judicial proceeding where everything that is  
9 said will be transcribed by our court  
10 reporter, and all testimony must be given  
11 under oath. The parties to this hearing are  
12 the applicant, Hutton Street 17, LLC, and  
13 Seven Fields Borough, both of whom are  
14 represented by counsel.

15 The applicant is seeking several  
16 variances to the borough's zoning ordinance,  
17 and the applicant, therefore, has the burden  
18 to prove that the variance should be  
19 approved. The applicant will present its  
20 case, followed by the borough. Once the  
21 borough has completed presenting its case,  
22 members of the community who are affected by  
23 the proposed development will have the  
24 opportunity to provide testimony regarding  
25 the project, if they wish.

1           If you are provide -- if you choose to  
2       provide such testimony, you should expect the  
3       following: First, the court reporter will  
4       swear you in to tell the truth. Given that  
5       we are doing this via Zoom, I would request  
6       that when I do open it up for comment, that  
7       you state your name and that we only have one  
8       person speaking at that time. I promise we  
9       will get to everyone. I also ask that, given  
10      the amount of interest in this hearing, that  
11      we keep our comments concise. The board  
12      members will listen to everything, but we do  
13      want to keep the comments as concise as  
14      possible. Following your testimony, you  
15      will -- may be subject to questioning from  
16      myself, the other board members, as well as  
17      counsel for the applicant and the borough.

18           Once all testimony has been completed,  
19      the board will go into an executive session  
20      in a separate board room breakout room to  
21      deliberate on the proposal. We will then  
22      come back on the record for a motion to  
23      approve or deny the requested variances.

24           Okay. At that point, I would open it  
25      up to the applicant, Hutton Street 17, LLC's

1           counsel to present their case.

2           MS. KIRK: Thank you, very much. I  
3           just wanted to -- for the record, my name is  
4           Dusty Elias Kirk, I'm an attorney at Reed  
5           Smith, and I'm here for the applicant. I  
6           wanted to -- for the record, Mr. DeBlasio,  
7           or -- or Mr. Smith, is there a record of the  
8           advertising of this zoning hearing? I know  
9           there's a lot of people on, so there must  
10          have been notice, but I just wanted that to  
11          be in the record.

12          MR. DeBLASIO: I believe there has  
13          been. I would open it up to our solicitor,  
14          Andrew, or Mr. Smith, our -- the borough  
15          manager, to confirm that.

16          MR. SMITH: Yes. This is Tom Smith,  
17          the Seven Fields borough manager. Also I  
18          serve as the zoning officer. They -- I can  
19          confirm that all legal advertisement has been  
20          fulfilled, along with the property being  
21          posted, Attorney Kirk.

22          MR. HOROWITZ: Okay. We need to swear  
23          Mr. Smith.

24          MR. SMITH: Oh. Okay.

25          MR. HOROWITZ: Well, let's start with

1       swearing both Mr. Smith, as well as anyone  
2       who's going to testify on behalf of the  
3       borough or the applicant, and we can swear  
4       people who are commenting from the public  
5       later.

6               Does that work for you, Rich?

7               MR. DeBLASIO: Yes, that is fine by  
8       me. So would all the --

9               MR. HOROWITZ: Okay.

10              MR. DeBLASIO: -- applicant, counsel,  
11       and anyone that would be speaking on behalf  
12       of the applicant, as well as the borough,  
13       raise your right hand, and we'll leave it to  
14       the court reporter.

15              (Witnesses sworn en masse.)

16              MS. KIRK: Okay.

17              MS. O'NEILL: This is Rachel O'Neill,  
18       and before Dusty continues with her  
19       presentation, may I please share my screen,  
20       showing the exhibits?

21              MR. SMITH: Yes.

22              MS. O'NEILL: Thank you. Thank you,  
23       very much.

24              MS. KIRK: So while she's doing that,  
25       I just want to make sure that you know who is



1       going to be testifying on behalf of the  
2       applicant, and there will be Joe Uhler, who  
3       is the person at Hutton who is responsible  
4       for real estate; and Mark Zimmerman, who is  
5       the engineer, Cody Mora, who may be speaking,  
6       as well, as necessary; and we have  
7       George Alexandris, who is from the developer,  
8       Hutton, as well; and Josh Haydo from the  
9       Wooster -- the traffic engineer; so I just  
10      wanted to let you know who all we have  
11      gathered here to speak today.

12               So the reason we are here is  
13      concerning the property at -- located at the  
14      southeast corner of State Route 228 and --  
15      and Northpointe Circle, so -- and I think  
16      that we have a -- a site plan to show you.  
17      This property has been vacant for a long  
18      time; in fact, it's never been developed, and  
19      one of the reasons that it's never been  
20      developed is it's a little over an acre,  
21      but -- but the -- some of this property was  
22      taken when 228 was developed, and you'll hear  
23      that, from our engineer, that was probably  
24      about 30 feet.

25               So if you look at the site, it's --

1       it's a trapezoidal site, and what -- and it's  
2       been narrowed by that taking, so we're here  
3       basically because of setbacks, and if we were  
4       to comply with those setbacks as the borough  
5       has, it would be less than an acre that would  
6       be developable; in fact, it would be -- and I  
7       think the engineer would tell you, it would  
8       be closer to half an acre, and it would not  
9       be able to be developed for this purpose, and  
10      the purpose is to construct a modern car wash  
11      in this commercial planned economic  
12      development district, and it is a use that is  
13      permitted by right as a general retail use,  
14      so we're proposing a new structure that will  
15      bring real estate taxes to this property  
16      that's never been developed.

17                So there's two zoning ordinances,  
18      Section 305(a)(c), the 50-foot front setback  
19      required, and we are asking that that be  
20      reduced to 19 feet, and for only -- not for  
21      the building, but for the vacuums, and then  
22      the zoning ordinance in the rear, 305(a)(c),  
23      25 feet, also reduced to 19.

24                We are not requesting a variance for  
25      the materials, and you'll hear from the

1 engineer, they will be complying with your  
2 ordinance.

3 So the first person that we have to  
4 testify is Joe Uhler from Hutton, so, Joe,  
5 you're going to be the next one speaking, and  
6 I'm going to ask you to talk about how you  
7 chose this site.

8 MR. UHLER: Sure. And just -- Rachel,  
9 your exhibits, I don't believe are showing,  
10 if they are intended to, so -- on the -- on  
11 the screen share, but I can -- I can go ahead  
12 from a -- from a site selection. This is  
13 Joe Uhler, director of real estate with the  
14 applicant Mod Wash.

15 So for our site selection purposes in  
16 the Pittsburgh MSA area, we've been -- we  
17 actually have quite a few projects planned;  
18 two open currently, one being in Moon  
19 Township, and one in Wilkins Township, which  
20 most people are familiar with as Monroeville.  
21 We are -- we are really looking to be within  
22 the 228 corridor. It's always been a target  
23 corridor for a -- for a few reasons. It's --  
24 it's within the retail densities of your  
25 primary grocers, your Giant Eagle, as well as

1       your Cranberry Commons. You have a lot of  
2       growth within the borough and surrounding  
3       with Adams Township with all the residential  
4       growth, and it's -- the traffic counts are  
5       very apparent, so from a retail, there's a  
6       convenience component to this. From a --  
7       from a retail site selection process, we feel  
8       this is -- this is a great site for our  
9       proposed use.

10               MS. KIRK: Before we go on -- this is  
11       Dusty Kirk speaking again, Eileen -- it  
12       appears that we may have lost Rachel, so --  
13       who was sharing her screen. I'm trying to  
14       find her, and I do not have her right now,  
15       so --

16               MR. UHLER: She's on the Zoom. I see  
17       her. She lost her camera, it looks, so --

18               MS. KIRK: And she lost -- looks like  
19       she may have lost her -- her microphone also,  
20       because it's not showing, so --

21               (Discussion off the record.)

22               MS. KIRK: Okay. So we will hopefully  
23       have her back with her screen in a -- in a  
24       moment, but the -- the next person that is  
25       going to speak is George Alexandris, also

1 from Hutton. He's going to talk about the  
2 building design and the materials, so I'm  
3 going to turn it over to George now.

4 MR. ALEXANDRIS: Hello, everybody.  
5 Thank you for having me and for listening to  
6 our case.

7 The building is made of textured  
8 block -- a combination of textured block,  
9 Hardie board that's colored in various tones  
10 of blue, and stucco, as well as glazing along  
11 some of the primary facades.

12 MS. KIRK: So if Rachel is coming  
13 back, she -- we do have a picture of what the  
14 building would look like, so if -- Rachel, if  
15 you can share your screen? I apologize for  
16 the technical difficulties. This is only one  
17 of the technical difficulties I've had doing  
18 zoom hearings.

19 MS. PRIETO: Dusty, I think I can try  
20 sharing my screen, as well. I have the  
21 exhibit package open.

22 MS. KIRK: Thank you. Thank you,  
23 Nicole.

24 I think it would help if people could  
25 see what George was speaking about, how the

1 building would look, and that's why we do  
2 backups to our backups here. Okay. Well,  
3 this is the site plan. Can you go to the --  
4 the pictures? There you go.

5 All right. George, do you want to  
6 explain what they're looking at?

7 MR. ALEXANDRIS: Yes. Again, this is  
8 a prototypical elevation. It's a  
9 computer-made rendering of our prototype. It  
10 would be very similar to this location. The  
11 building is made up of textured block, Hardie  
12 plank that's painted various tones of blue,  
13 we have glazing along some of the primary  
14 elements in the facade, and the balance is  
15 made up of stucco finish over the block.

16 MS. KIRK: Thank you, George.

17 MR. ALEXANDRIS: You're welcome.

18 MS. KIRK: So next up is  
19 Mark Zimmerman, who is the civil engineer who  
20 designed this site, so, Mark?

21 MR. ZIMMERMAN: Thank you. Nicole,  
22 could you go to Exhibit H? I'll talk about  
23 the buildable area first on this site. Thank  
24 you.

25 So what you're looking at here,

1       this -- the overall site is just a little  
2       over 1 acre, 1.078 acres. If you take into  
3       account 50-foot building setbacks along State  
4       Route 228 Northpointe Circle, it really  
5       narrows -- and the 25 foot along the -- this  
6       eastern side of the property, it really  
7       narrows the buildable area for a building to  
8       be developed on this site, knowing the issues  
9       and the reasons we're here in trying to get a  
10      variance for the development.

11             The other item here is just to the  
12      north, at the top of this page, you'll see a  
13      notch along 228. This is a right-of-way  
14      taking that was done by PennDOT back in  
15      1968-ish, when they went through and built  
16      Route 228 and took -- took right-of-way  
17      there. It used to be, we believe, 33 feet in  
18      total, but due to the development and  
19      obviously they could see -- or, foresee the  
20      development along 228 in the future, they  
21      took a good amount of property from this  
22      location.

23             There's also a guy wire here in the  
24      middle of this site, you'll notice that right  
25      where the cursor is, the 20-foot easement

1       that kind of -- that West Penn Power has that  
2       we are unable to develop in, so there's --  
3       there's a number of things on this property  
4       that keep us from maintaining setbacks as  
5       well as developing the property in a safe  
6       manner.

7               The other item of note here, if --  
8       Nicole, you could go to Exhibit B, just the  
9       site plan. Thank you. That's good.

10              MS. KIRK: So, Mark, before you --

11              MR. ZIMMERMAN: Yeah.

12              MS. KIRK: -- before you get into  
13       that, so you're -- when you were showing the  
14       notch, you said you couldn't build over it,  
15       so how did that necessitate how you had to  
16       design this site?

17              MR. ZIMMERMAN: Well, the notch  
18       created pushing the setbacks further into the  
19       property, which negated a good chunk of area  
20       that we could use for this site. If the  
21       notch wouldn't have been involved -- I  
22       believe that's 10 feet -- you would have  
23       another 10 feet along 228 that we could  
24       develop in.

25              MS. KIRK: Thank you. Okay. Go



1 ahead. You were going to talk about the  
2 access and --

3 MR. ZIMMERMAN: Yes.

4 Access on this site is also limited.  
5 We are unable to propose any access onto  
6 State Route 228, this is per Seven Fields  
7 code, and at this point we don't believe that  
8 PennDOT would allow that, either.

9 There's also the existing intersection  
10 with Northpointe Circle, which is another  
11 reason we aren't able to put another access  
12 on 228, so where we are showing our proposed  
13 driveway access on Northpointe Circle, being  
14 as far away from State Route 228 as possible,  
15 is the safest place, we believe, in -- in  
16 typical traffic standards -- is the safest  
17 place for the location of the driveway.

18 MS. KIRK: And can you talk about how  
19 people come into and out of the site?

20 MR. ZIMMERMAN: Absolutely. So a -- a  
21 customer would enter the site from  
22 Northpointe Circle and travel along the rear  
23 of the site, the southernmost portion --  
24 thank you -- right where the cursor is  
25 going -- and would enter into the pay kiosks.

1        This is where a full-time Mod Wash employee  
2        will be stationed to help patrons enter  
3        through the car wash, and if there is an  
4        issue, the person didn't want to get a car  
5        wash, they could then be bypassed through  
6        here, so having a -- an employee here at all  
7        times definitely helps with the function of  
8        the property.

9                Once you are able to pay -- or if  
10       you're not -- you go through the pay kiosks  
11       and wrap around. If you do not want to pay  
12       for the car wash, you would continue straight  
13       where you could exit the property. If you  
14       did want to go through the car wash, you  
15       would turn left and enter in through the car  
16       wash where another full-time employee will be  
17       stationed to help you get onto the conveyor  
18       belt. Typical of most conveyor belt system  
19       car washes, they help line up your tires and  
20       such.

21               As you enter the car wash and exit,  
22       you'll follow the -- the curb drive line and  
23       drive access into the vacuum areas. These  
24       are free vacuums that customers are able to  
25       use. They are included with the car wash

1 price. So we have ten along State Route 228,  
2 and then another ten along the building.

3 Once you're done with your vacuum, you  
4 would exit the -- the site, going back  
5 towards Northpointe Circle and exiting onto  
6 Northpointe Circle.

7 MS. KIRK: So, Mark -- this is Dusty  
8 again, Eileen -- I just wanted to ask for  
9 clarification on -- on what you were saying.

10 So you -- you said you looked at the  
11 best way to design this site. What kind of  
12 alternate site plans did you look, alternate  
13 designs.

14 MR. ZIMMERMAN: Well, there -- there  
15 weren't a lot of alternate designs that we  
16 could look at in a reasonable manner. With  
17 drive-thrus such as this, counter-clockwise  
18 motion, have the driver's side of the pay  
19 kiosks, this is the safest route for car wash  
20 use, is a counter-clockwise motion, and with  
21 no access onto State Route 228, and limiting  
22 the access point onto Northpointe Circle,  
23 along with the building setbacks, there  
24 weren't many options for us. This turned out  
25 to be the best one.

1 MS. KIRK: And since -- since you  
2 first designed this site plan, we amended it  
3 and submitted it.

4 What changes did you make?

5 MR. ZIMMERMAN: We modified the vacuum  
6 boom locations along the front of the  
7 building to push them as far away from the  
8 residential areas to the east as we could.  
9 There is a minor noise with this, so we  
10 wanted to make sure that we were able to keep  
11 with the Mod Wash standard as well as provide  
12 as much buffering as we could for the  
13 neighbors.

14 MS. KIRK: And how -- so how many of  
15 the vacuum booms did you eliminate?

16 MR. ZIMMERMAN: We eliminated two;  
17 three -- I guess two spaces --

18 MS. KIRK: Three.

19 MR. ZIMMERMAN: -- three total. Yes.

20 MS. KIRK: Yes.

21 MR. ZIMMERMAN: Thank you.

22 MS. KIRK: Okay. All right. And can  
23 you -- can you talk about the -- that -- you  
24 mentioned the noise, so could you then talk  
25 about that, the noise, and the access points,

1           and how the noise affects the -- going into  
2           the car wash, so --

3           MR. ZIMMERMAN:   Yes.

4           MS. KIRK:   -- I'm not sure if I asked  
5           that correctly, but I'm trying to ask you to  
6           explain where the noise flows from when you  
7           enter the car wash to when you leave, and the  
8           vacuum booms.

9           MR. ZIMMERMAN:   Absolutely.

10          Nicole, could you please go to  
11          Exhibit I?   Thank you.

12          So this is an exhibit showing the  
13          distance from the first brush inside the car  
14          wash, as well as the nearest vacuum canister.  
15          Like I said, these aren't the main noise  
16          makers of the car wash, but they are the  
17          closest to the residential area, and because  
18          of that fact, we don't believe with the trees  
19          and the additional landscaping we are placing  
20          in this area that there should be any noise  
21          that would disturb the -- the neighbors.

22          MS. KIRK:   So --

23          MR. ZIMMERMAN:   The --

24          MS. KIRK:   So, George, could you  
25          explain what the -- you know, what these

1        numbers mean, and where they're measured from  
2        exactly on this drawing? Or, actually, I  
3        guess, is -- that should be Mark, unless,  
4        George, you want to add into it. Mark should  
5        start with that, I believe.

6                MR. ALEXANDRIS: Yeah, I think Mark  
7        should start with that, yeah.

8                MS. KIRK: Yes.

9                MR. ZIMMERMAN: Yep. So the 163 feet,  
10       that is from the first brushes. Since this  
11       will be a mechanical car wash, they'll have  
12       the brush system inside the car wash. This  
13       is where the car will first go through and  
14       have the -- the brushes hit it, the 163 feet,  
15       and then the 140 feet is from the nearest  
16       vacuum canister that will be closest to the  
17       residential property building, itself.

18               MS. KIRK: And, George, what --  
19       what -- I think you were going to testify,  
20       but let -- let us get Mark through first, and  
21       then I wanted to ask you some follow-up  
22       questions, George.

23               So -- so, Mark, what is the decibel  
24       level, and where are the largest decibel  
25       noises? And maybe that's -- George has to

1           answer that, but can you talk about the --  
2           the noise level?

3                   MR. ZIMMERMAN:  Yes.  Just bring this  
4           up, real quick.

5                   Yeah, the largest noise producer will  
6           be at the exit of the car wash.  That's where  
7           the blowers are located.  At a hundred feet  
8           from there is where you will get a traffic  
9           noise, similar to what 228 would be.  So with  
10          these blowers being on the opposite end of  
11          the car wash, and over a hundred feet from  
12          the residential property building location,  
13          it should be well within the traffic noise  
14          limit of 228.

15                   MR. ZIMMERMAN:  There's also a vacuum  
16          producer that's on the end of the parking  
17          stalls closest to Northpointe Circle.  Those  
18          are the rectangular boxes shown on -- in the  
19          parking islands.  Those -- I'm trying to get  
20          that information now, I apologize, vacuum  
21          producer.  At 50 foot, that would give you a  
22          traffic level noise, so that's even better  
23          than the -- the blower noise, so all the  
24          noise should be well within the range.

25                   MS. KIRK:  Well, what is a traffic

1 level noise, for the record?

2 MR. ZIMMERMAN: That's around  
3 74 decibels, I believe.

4 MS. KIRK: And just to be clear,  
5 when -- you know, where you're talking about  
6 163 feet, and that's where you enter, first  
7 are inside the car wash?

8 MR. ZIMMERMAN: That's correct. The  
9 163 feet has -- is where the first brush is  
10 located within the car wash, so --

11 MS. KIRK: And when -- go ahead.

12 MR. ZIMMERMAN: About -- I'm sorry.  
13 That's about a third of the way through the  
14 car wash.

15 MS. KIRK: And so, I think you were  
16 saying that the highest noise and -- maybe is  
17 at the end where you exit, where the dryers  
18 are?

19 MR. ZIMMERMAN: Correct.

20 MS. KIRK: So -- so how many feet is  
21 that inside?

22 Maybe Nicole can put her cursor there.

23 So it's at the -- it's at the end as  
24 you drive out?

25 Yeah, right around there, Nicole.



1                   So how many feet is that?

2                   MR. ZIMMERMAN: That's about  
3                   240 feet --

4                   MS. KIRK: Okay.

5                   MR. ZIMMERMAN: -- from the blower to  
6                   the nearest residential.

7                   MS. KIRK: Okay. And then you  
8                   testified about landscaping; and what kind of  
9                   landscaping will there be on this site?

10                  MR. ZIMMERMAN: There will be a mix of  
11                  pine trees and deciduous and shrubbery along  
12                  that eastern side. I'm trying to find the  
13                  exhibit numbers that we have for that right  
14                  now.

15                  MR. DeBLASIO: I know we are in the  
16                  middle of some testimony here, but there are  
17                  some comments that are being made on the --  
18                  on the Zoom chat here. I would ask that we  
19                  just refrain from making any comments.  
20                  Everyone will have an opportunity to testify  
21                  and to speak. I would allow the applicant --  
22                  I wanted to allow the applicants to make  
23                  their case, and then we will open it up to  
24                  public comment where if you do have any  
25                  questions or concerns, you can certainly

1       raise them at that time, so thank you, and  
2       Ms. Kirk, you can proceed.

3               MS. KIRK: Thank you.

4               MR. ZIMMERMAN: Nicole, could you go  
5       to Exhibit C, please?

6               Okay. So this shows the amount of  
7       trees and shrubbery that we'll be planting  
8       along the -- the borders of the property.  
9       It's fairly substantial, but it does meet  
10      code. Along the eastern border adjacent to  
11      the residential area there will be a mixture  
12      of blue spruce and shrubbery. Along there  
13      were -- well, blue spruce along this property  
14      edge, just so in the fall, when the leaves  
15      change and fall off the trees, the buffer  
16      will remain and absorb any sound that may  
17      enter through there.

18              MS. KIRK: And do you have -- has  
19      there been, on other car washes like this  
20      that you've worked on, a decibel -- a noise  
21      study? Or -- and maybe that's a George  
22      question.

23              MR. ZIMMERMAN: That -- that would be  
24      a George question.

25              MS. KIRK: Because I think we need the

1       exact decibel levels, so maybe it's J.T.  
2       from -- so who can answer this for us?  
3       George?

4               MR. ALEXANDRIS: J.T. would probably  
5       be the best -- not would be -- J.T. would be  
6       the best person to -- to answer that. We  
7       have not had to produce a sound study for any  
8       of our other locations that we've been  
9       permitting in this area.

10              MS. KIRK: Okay. And where are you  
11       permitting, George, if you can say? How many  
12       other locations do you have?

13              MR. ALEXANDRIS: I'm thinking. We  
14       have another -- another four to six that --  
15       that we're permitting currently. I think  
16       Joe, with our real estate department, would  
17       be better suited to talk about the overall  
18       expectation in this area.

19              MS. KIRK: Are any of them open now,  
20       George?

21              MR. ALEXANDRIS: Joe, can you -- can  
22       we have -- can we defer those questions to  
23       Joe, please? He will -- he'll have the  
24       answers of the locations that are open.

25              MR. UHLER: Sure.

1 MS. KIRK: Okay.

2 MR. UHLER: Yeah, this is -- this is  
3 Joe, Dusty. So we have the Monroeville  
4 location open, that's Wilkins Township; we  
5 have the Moon Township location off of  
6 University Boulevard currently open. We have  
7 several -- I'm actually trying to count right  
8 now -- in -- in titlements, approvals,  
9 township approvals, that -- with -- with a  
10 handful already wrapped up, moving to close  
11 for spring starts. That number is roughly  
12 seven within the, let's say, tri-state area  
13 currently.

14 MS. KIRK: Thank you. Okay.

15 So, Mark -- and how did you adjust  
16 the -- the setback? I know you did, based on  
17 looking and amending the -- the site plan a  
18 little bit. Mark?

19 MR. ZIMMERMAN: We -- we adjusted --  
20 we pushed the pay kiosk as far into the site  
21 as we could along the rear of the property,  
22 knowing we couldn't push them any further  
23 because the turning radius of a car would not  
24 allow it, so as that car goes through the pay  
25 kiosks closest to the building, they'll need

1 proper radii there to enter into the car  
2 wash. If we pushed it any closer, they would  
3 not be able to make that turn safely.

4 MS. KIRK: Okay. And you -- you  
5 talked about the vacuum booms, and how you  
6 reduced the number. I think we have a  
7 drawing that shows what they look like and  
8 how they're located.

9 All right. Mark?

10 MR. ZIMMERMAN: Yes. So those are the  
11 vacuum booms, and those would be set at each  
12 side of your car. You'll have access to --  
13 that you can use from each side to make it  
14 easier to vacuum out the car and the trunk of  
15 your car.

16 MS. KIRK: Okay. And how many parking  
17 spaces? Can you go through -- you did talk  
18 about the traffic and how that flows through  
19 the site, but how many parking spaces, and  
20 what's required by the zoning code?

21 MR. ZIMMERMAN: 17 are required, per  
22 the zoning code. We are proposing 26 at this  
23 location. There will be three employee  
24 designated parking spaces. We would just be  
25 having three full-time employees at this

1 location.

2 MS. KIRK: All right. And what are  
3 the hours of operation?

4 MR. ZIMMERMAN: 8:00 to 8:00,  
5 8:00 a.m. to 8:00 p.m.

6 MS. KIRK: Okay. And how many  
7 spots -- spots for queuing are there on this  
8 site?

9 MR. ZIMMERMAN: 15 from the pay kiosks  
10 to the entrance point of the car wash -- I'm  
11 sorry, to the entrance point as you come in  
12 the site, as shown on this drawing.

13 MS. KIRK: Okay. And have you also  
14 looked at photometric and light?

15 MR. ZIMMERMAN: Yes. We've provided a  
16 photometric plan to the borough that  
17 satisfies borough requirements.

18 MS. KIRK: And -- and when you're  
19 saying it satisfies borough requirements, how  
20 does that affect light on other adjoining  
21 parcels?

22 MR. ZIMMERMAN: The negative impact of  
23 the lighting would not be substantial. It  
24 would be very minimal, and the 15-foot high  
25 light fixture requirement is met.

1 MS. KIRK: So -- so when you're saying  
2 minimal, it's not expected to intrude on the  
3 residential area or -- or on other  
4 properties? That's what the zoning code  
5 requires; right?

6 MR. ZIMMERMAN: Yes. There would be  
7 very minimal spillover onto adjacent  
8 properties.

9 MS. KIRK: Can you explain what that  
10 means, minimal? What does that mean?

11 MR. ZIMMERMAN: If -- hold on one  
12 second. It would be zeros along the property  
13 lines. Sorry.

14 MS. KIRK: Okay.

15 MR. ZIMMERMAN: If you were standing  
16 there, you would be able to see it.

17 MS. KIRK: Zero is minimal, so that's  
18 good.

19 MR. ZIMMERMAN: Yeah.

20 MS. KIRK: That's what I was trying to  
21 get to.

22 MR. ZIMMERMAN: Correct.

23 MS. KIRK: Okay. All right.

24 And did you receive comments from the  
25 borough engineer?

1 MR. ZIMMERMAN: We did.

2 MS. KIRK: Okay. And were you able to  
3 address those comments?

4 MR. ZIMMERMAN: Yes.

5 MS. KIRK: Okay. Are there any other  
6 comments that are not addressed at this point  
7 besides the two variances we're seeking?

8 MR. ZIMMERMAN: No. That -- are the  
9 only two comments left unresolved.

10 MS. KIRK: Okay. And then was there  
11 a -- a traffic analysis done on this site?

12 MR. ZIMMERMAN: There was.

13 MS. KIRK: And was that submitted to  
14 the -- to the borough, as well?

15 MR. ZIMMERMAN: It was, and it was  
16 reviewed and approved.

17 MS. KIRK: Okay. All right. So I  
18 think that J.T. Thompson is on, and there has  
19 been quite a few questions about the noise,  
20 so J.T.?

21 MR. THOMPSON: Yes, I'm on.

22 MS. KIRK: Okay. So, J.T., can you  
23 talk about the noise of the Mod Wash, and  
24 have you had studies about the noise and the  
25 decibels?



1           MR. THOMPSON: We -- we haven't had  
2           any studies done yet. We haven't had any  
3           requested at this time. I think we can give  
4           some technical specs in terms of decibels and  
5           such from the manufacturer, if that would be  
6           helpful.

7           MS. KIRK: Yes. Do you have those  
8           now?

9           MR. THOMPSON: I don't have those at  
10          my fingertips. I don't know if the engineer  
11          or George do, but -- but that's something  
12          that we can --

13          MS. KIRK: We need -- we need them for  
14          the -- for this hearing, so I don't know -- I  
15          thought one of you had them.

16          MR. THOMPSON: I don't. I don't have  
17          the -- I wasn't prepared to bring those with  
18          me.

19          MS. KIRK: All right. Then --

20          MR. ALEXANDRIS: Cody Mora -- Cody, do  
21          you have the -- the specs that were forwarded  
22          to you from (unreportable crosstalk) --

23          MR. MORA: I was going to say, we have  
24          information on the -- the two dominant noise  
25          producers, which are the blowers and the

1 producers. We have data, I believe, at  
2 50 feet and 100 -- and 100 feet.

3 MS. KIRK: Okay. And what does that  
4 data show, Cody?

5 MR. MORA: Give me just one second to  
6 look that up. Sorry, I've got to find this  
7 exhibit.

8 MS. KIRK: So, Mark, while he's doing  
9 that, do you know the distance from this site  
10 to the Bruster's?

11 MR. ZIMMERMAN: I do not. I can look  
12 that up, real quick.

13 MR. MORA: Okay. The producers, which  
14 are the --

15 MS. KIRK: Hold on, hold on.

16 This is Cody Mora speaking now,  
17 Eileen.

18 MR. MORA: Yes. Yes. The -- so the  
19 producers, which are the -- the -- in the  
20 left portion of the property the two  
21 rectangles that power the vacuums, and --

22 MS. KIRK: Hold on a minute. Can we  
23 adjust this so that we can see this exhibit?

24 MR. MORA: Yeah, right there.

25 MS. KIRK: Okay.

1           MR. MORA: So they're labeled on that  
2           site plan as vacuum producer. They are in  
3           there. At 50 feet, they are at 74 dba, or  
4           decibels.

5           MS. KIRK: Okay.

6           MR. MORA: Then let me see if I have  
7           100, as well, with that. The blower, which  
8           is at the exit end of the tunnel, at 50 feet  
9           is 79 dba. The blowers at 100 feet at  
10          75 dba.

11          MS. KIRK: So as you get further away  
12          from the blowers and closer to residential,  
13          the -- the decibel noise goes down?

14          MR. MORA: That's correct, and our  
15          tunnel is also situated so that the direction  
16          of the sound goes away from -- should veer  
17          away from the -- more towards the -- you  
18          know, to the left where the exit end of the  
19          tunnel, and not necessarily back the opposite  
20          direction. They blow out the tunnel, if that  
21          makes sense.

22          MS. KIRK: Okay. And what is normal  
23          traffic decibels? I think Mark testified to  
24          that. I just wanted to be clear.

25          MR. ZIMMERMAN: I believe it's 70 dba.

1 MS. KIRK: Okay.

2 MR. MORA: Yes, I've got data that  
3 says environmental noise is typically 70 dba  
4 with -- when -- if we were not producing any,  
5 with the -- with the system off, you would  
6 still be getting about 70 dba.

7 MS. KIRK: Okay. Okay. And then --  
8 so I think that at this point we can take  
9 questions from the -- the zoning board.

10 This is a right that's permitted. We  
11 have developed it so that it's the minimal  
12 variance necessary for this site. So I -- I  
13 have all these witnesses ready to take  
14 questions from the zoning board.

15 MR. DeBLASIO: Thank you. And this is  
16 Chairman DeBlasio, and I just wanted some  
17 clarification with regard to the normal  
18 traffic decibels -- decibels.

19 Am I to believe that there is almost  
20 the same amount of decibel noise that will be  
21 coming from the -- the blowers as there would  
22 be if you're under normal traffic conditions?

23 MS. KIRK: It sounded like -- and Mark  
24 or Cody can speak to that -- it sounded like  
25 it was a little bit more, but there's -- you

1 know, there is a state -- interstate road  
2 here, you know, so it sounded like 70.

3 Cody, do you have that information?

4 MR. MORA: Yes. Environmental noise  
5 with the dryer off was measured at 70, and  
6 then with the -- when the system is turned  
7 on, you know, up close, it's -- it's much  
8 louder, but as you get to 50 feet, it's to  
9 79, and then a hundred feet is 75, getting --  
10 inching closer towards typical noise as you  
11 move further away.

12 MR. DeBLASIO: Okay. And -- and how  
13 far are the homes from this -- this area, how  
14 many feet?

15 MS. KIRK: I'm not sure I understood  
16 the question. Are you asking how far the  
17 vacuums are?

18 MR. DeBLASIO: How far the vacuums  
19 from the residential area, correct.

20 MR. ZIMMERMAN: The large -- sorry,  
21 the large vacuum producer, the one that  
22 Cody's talking about, that would be  
23 approximately 250 feet away from the  
24 residential property.

25 MR. DeBLASIO: Okay. Thank you.

1           Those are all the questions that I have.

2           If either of the other board members  
3           have questions, feel free.

4           MR. SKEEN: I have none.

5           MR. POPOJAS: John Popojas has a  
6           question for Dusty Kirk.

7           Dusty, I -- I wrote some notes  
8           earlier, and very early in your presentation  
9           I wrote down that you said that the project  
10          is complying with the materials, but there's  
11          a material deviation that's on our packet  
12          here.

13          Can you clarify your statement,  
14          please?

15          MS. KIRK: Yes. We withdrew that,  
16          John. We're not -- we're not asking for a  
17          material deviation. We're -- we withdrew  
18          that request, and we will comply.

19          MR. POPOJAS: One other question,  
20          Richard, you had just asked how far the  
21          vacuum blower was from the nearest home.

22          There was a slide earlier that showed  
23          from the entrance area of the wash. From the  
24          brushes, it was 163 feet to the town homes,  
25          and then there was another device that was

1 showing at 140 feet.

2 Dusty, can you ask your folks to bring  
3 that back up?

4 MS. KIRK: Yes. We're bringing that  
5 up. I think what Mark was saying is that the  
6 biggest noise is the one that was on the far  
7 left of the site, and then there -- you know,  
8 that's where the largest vacuum producer was,  
9 and that's the 250.

10 So, Mark, there are two other numbers  
11 here. So there is a smaller vacuum, like a  
12 hand-held vacuum, and that's, I think, what  
13 you're referring to here with that arrow, and  
14 then it says 140.

15 Could you explain that?

16 MR. ZIMMERMAN: Yes, that's correct.  
17 That's just a smaller vacuum canister that  
18 would be located there with -- the larger  
19 vacuum producer noise that creates the  
20 suction, most of the suction in these vacuum  
21 booms is located on the other side of those  
22 parking stalls. It would be a rectangular  
23 box. Yep, right there.

24 MS. KIRK: So the small -- so that  
25 arrow that you're pointing, where the smaller

1 vacuum and the measurement of 140 -- could  
2 you just explain that more?

3 MR. ZIMMERMAN: Yes. I don't have the  
4 specific noise producer on there, but it is  
5 similar to a Shop-Vac noise in that the --  
6 the suction is really created at -- from the  
7 vacuum producer, and then just a small  
8 canister in this to assist with that suction.

9 MS. KIRK: And is that what the -- so  
10 what you're saying, from that -- from that  
11 vacuum to the nearest resident is how many  
12 feet?

13 MR. ZIMMERMAN: 140.

14 MS. KIRK: And so, as you go away from  
15 the vacuum, the noise level dissipates; is  
16 that what you're saying when you're saying  
17 the -- the decibel level goes down?

18 MR. ZIMMERMAN: That's correct, and  
19 these -- the numbers you heard before were  
20 from the larger vacuum producer at the end --

21 MS. KIRK: Yes. I'm not --

22 MR. ZIMMERMAN: -- of this parking  
23 row.

24 MS. KIRK: I'm not asking about that.

25 MR. ZIMMERMAN: Okay.



1           MS. KIRK: We've covered that, I  
2           think.

3           MR. ZIMMERMAN: Sorry. Sorry.

4           MS. KIRK: I'm asking about what's on  
5           this -- this drawing.

6           MR. ZIMMERMAN: Sure. Sure.

7           MS. KIRK: So -- so can you explain  
8           the 163?

9           MR. ZIMMERMAN: Yes. That would just  
10          be the mechanical brushes that are inside the  
11          vacuum that would spin and -- and just rub  
12          against your car to help clean them.

13          MS. KIRK: Okay. Were there any other  
14          questions, John, that you had about the --  
15          this drawing?

16          MR. POPOJAS: I had no other questions  
17          I wanted to ensure Richard was aware of this  
18          one, also.

19          MR. ZIMMERMAN: Thank you.

20          MR. DeBLASIO: Thank you.

21          At this point, I want to open it up to  
22          the borough to -- to present their side of  
23          things, and then, of course, we will go into  
24          public comment after that.

25          MS. BURKARDT: I'm getting a whistle.

1       That's not me. This is Janet Burkardt. I  
2       represent the borough.

3               I have only a question about that  
4       front yard setback. It's a requirement of  
5       50 feet, and you're asking for -- I'm not  
6       clear what you're asking for. I believe  
7       you're asking for 18 feet.

8               MS. KIRK: It's -- it's 19 feet, and  
9       the reason, Janet, is if you look at that  
10      notch -- maybe we can go back -- it's -- it's  
11      already in 20 feet, so I think that's what  
12      Mark said, and he can correct me if I'm  
13      wrong, so --

14              MR. ZIMMERMAN: That -- that notch  
15      is -- is 10 feet.

16              MS. KIRK: 10 feet. Okay.

17              MR. ZIMMERMAN: Yes.

18              MS. KIRK: So we are asking, instead  
19      of 50, to be at 19, so that notch, we  
20      can't -- we can't get near that because  
21      that's a -- a power easement.

22              So how many feet, then, from that  
23      notch to the nearest vacuum producer?

24              MS. BURKARDT: How many total vacuums  
25      are on the site?

1           MR. ZIMMERMAN: There are 20; vacuums,  
2           parking spaces.

3           MS. KIRK: No, I think that's -- I  
4           think that's not the question she asked you.

5           Each parking space has access to the  
6           vacuum; right? So how many actual vacuums?

7           So there are -- we have 25 parking  
8           spaces, and three or four, the employees.  
9           The code requires 17. And so, their vacuum  
10          booms are shared, correct, with the parking,  
11          so there --

12          MR. ZIMMERMAN: Correct. There are  
13          23 vacuum booms.

14          MS. KIRK: So there's ten and ten. We  
15          reduced it by three, Mark, so it's ten and  
16          ten.

17          MS. BURKARDT: I count 23.

18          MS. KIRK: Yeah.

19          MR. ZIMMERMAN: Yeah, vacuum booms for  
20          20 spaces, that's correct.

21          MS. BURKARDT: But where are the three  
22          that you eliminated, then?

23          MR. ZIMMERMAN: The additional vacuum  
24          space that we eliminated would be to the  
25          right of the handicapped spaces that we

1           currently show on the plan. Where the  
2           handicapped sign label is, there were three  
3           spaces along there.

4           MS. KIRK: So you reduced by three?

5           MR. ZIMMERMAN: Correct.

6           MS. KIRK: So it would have been 26;  
7           it's down to 23, just to be clear.

8           MS. BURKARDT: Okay.

9           MS. KIRK: And we did that after,  
10          Janet, this site plan was initially  
11          submitted.

12          MS. BURKARDT: Okay. If there were no  
13          vacuum booms in the front of the property  
14          along 228, there would be no need for that  
15          variance; is that correct?

16          MS. KIRK: Well, there would be no  
17          need for the car wash because they can't --  
18          you know, you have to have people drive  
19          around somewhere, and the way the car washes  
20          are designed is -- you know, I think J.T.  
21          or -- or George can speak to that -- they're  
22          designed so that it's a counter-clockwise  
23          flow so they can go in and out, and so, they  
24          couldn't put the vacuums --

25          MR. ALEXANDRIS: Correct. Correct.

1           This is George Alexandris.

2           I think the question was related to  
3       the -- the structures -- you know, in other  
4       words, that there's a 50 foot building  
5       setback line that's not a landscape buffer,  
6       per se. The variance would not be required  
7       if not for the booms being --

8           MS. BURKARDT: That was my question.

9           MS. KIRK: Yes, yes, but then they  
10       wouldn't be able to really have this car  
11       wash.

12          MR. ALEXANDRIS: Correct.

13          MS. KIRK: That's the point.

14          MR. ALEXANDRIS: Yes.

15          MS. BURKARDT: George, can you explain  
16       what that means, you can't have the car wash  
17       without the extra ten vacuums?

18          MR. ALEXANDRIS: Yeah, that there's --  
19       there's -- there's -- we need to have --  
20       typically our minimum amount of booms that we  
21       would want is -- well, vacuum boom spaces, to  
22       be clear, would be 18. We're at 20 at this  
23       point. There is, you know, a very desired  
24       location, just, you know, its proximity to  
25       other commercial uses, et cetera, is what

1       attracted us to this site that you and Joe  
2       spoke about a little bit earlier.

3               From that point -- from that  
4       standpoint, you don't want to have customers  
5       come in to patron at the car wash and then  
6       not able to take advantage of one of the main  
7       features of the car wash, which is the free  
8       vacuum. The free vacuum is a -- is a -- is  
9       an absolute necessity for the -- the -- the  
10      operations of the car wash, and to reduce the  
11      car wash by another ten vacuum spaces  
12      would -- would really decrease the -- the  
13      opportunity to function correctly at this  
14      location.

15             MS. KIRK: So I think your -- so the  
16      ones that Janet's referring to are the ones  
17      that were up closer to the -- the -- away  
18      from the building, so --

19             MS. BURKARDT: Correct.

20             MS. KIRK: Yeah, that's what she's  
21      referring to, so if you eliminated all those,  
22      there would still be ten?

23             MR. ALEXANDRIS: Correct.

24             MS. KIRK: And could you function?  
25      That's what she's asking. Could you

1 function?

2 MS. BURKARDT: That's what I'm asking.

3 MR. ALEXANDRIS: No, ma'am.

4 MS. KIRK: And why not.

5 MR. ALEXANDRIS: There -- there --  
6 there would be too many vehicles that would  
7 be coming in for -- again, having that --  
8 that -- that feature, and by only having ten,  
9 there would probably be -- not probably --  
10 there would be vehicles that would be leaving  
11 the car wash and more than likely not coming  
12 back because they didn't have an opportunity  
13 to vacuum their -- their -- their car wash.

14 MS. KIRK: Or would they be waiting in  
15 the drive aisle?

16 MR. ALEXANDRIS: They would be  
17 waiting -- or they would be waiting in the  
18 drive aisle, at which point that would --  
19 that would very much -- nobody wants to wait  
20 to do any -- you know, nobody wants to wait  
21 when they're paying for a service.

22 MS. BURKARDT: They would be waiting  
23 in the parking spaces because (transmission  
24 interruption) -- whether there's booms there  
25 or not; right?

1           MR. ALEXANDRIS: I -- I understand  
2           what you're -- what you're -- how you're  
3           seeing it, but that's not how the car wash  
4           functions. The -- the -- the -- the patrons  
5           are looking for a vacuum boom space. If  
6           they're not seeing a vacuum space that's  
7           open, they're -- they're turning their  
8           vehicle around and leaving, and more than  
9           likely leaving with a dissatisfied  
10          experience, which is not synonymous with our  
11          brand.

12          MS. KIRK: And that's why -- or,  
13          either they would be trying to wait there or  
14          back -- you know how it is, they want to get  
15          the next space that opens, so they may be in  
16          the drive aisle.

17          MR. ALEXANDRIS: Yeah. From a traffic  
18          standpoint, that's also creating conflicts,  
19          one person's backing out, trying to get in,  
20          maybe another car is coming around the --  
21          the -- the car wash, exiting the tunnel. The  
22          flow of the car wash really functions at its  
23          greatest when the patron goes to their  
24          destination, leaving the tunnel, which is the  
25          vacuum booms, having, you know, performed



1       their vacuuming at their space, and then  
2       leaving the -- the -- the property overall.

3               And J.T. can probably -- J.T. is  
4       obviously the CO of Mod Wash. He can  
5       speak --

6               MS. BURKARDT: Well, can I ask you,  
7       then, George, at your other locations, how  
8       many vacuum booms do you have at those  
9       locations?

10              MR. ALEXANDRIS: It would be, again,  
11       in the 18 to 20, or over 20, booms.

12              MS. BURKARDT: You don't know for  
13       exactly?

14              MR. ALEXANDRIS: There -- there are  
15       many different locations that we have, ma'am,  
16       but they would all meet -- they would all  
17       need to meet that criteria, and then they --  
18       and they do. We would not have built those  
19       locations if they didn't meet that criteria.

20              MS. KIRK: So, J.T., maybe you can  
21       speak, then, to the criteria and what you're  
22       looking for when -- as you operate the Mod  
23       Wash.

24              MR. THOMPSON: Yeah. For us -- and  
25       George is right, you know, our preference is

1       to be able to service our customers, so it  
2       does create kind of a -- a backlog on the  
3       property if we don't have enough. I mean,  
4       technically, you know, if we had to, we  
5       could, but it's -- you know, for us, when  
6       we -- we run our financial models and  
7       everything else, we want to be able to look  
8       at that, because we feel like that does drive  
9       and -- customers into our site, so typically,  
10      you know, at a minimum, you know, ideally, we  
11      would have, you know, 25-plus stalls on our  
12      site for -- for our customers, I think.  
13      Cutting it down, you know, below 20 is, you  
14      know -- at any point is not ideal for us,  
15      but, you know --

16               MS. KIRK: Could you -- could you  
17      eliminate those ten and still have this car  
18      wash be functional?

19               MR. THOMPSON: Are you talking about  
20      the ten on the one side, and then that would  
21      leave, I'm sorry, how many, ten?

22               MS. KIRK: Well, what Janet's asking  
23      is could you just have the parking and  
24      eliminate those ten that are closest to the  
25      road, the setback?

1           MR. THOMPSON: It's -- for us, it  
2           would not be ideal.

3           MS. BURKARDT: Thank you. How many  
4           cars can fit in the car wash at one time?

5           MR. THOMPSON: On this one, you know,  
6           we can -- we can run up to 120 cars an hour,  
7           based off of the -- you know, typically, on  
8           a -- in a car wash, you look at the length of  
9           the tunnel, and then there's an algorithm  
10          that runs, you know, how many cars you can  
11          run per foot, per hour.

12          MS. KIRK: But how many can get in at  
13          one time, not in an hour, I think she's  
14          asking.

15          MR. THOMPSON: Oh, so -- so typically  
16          you can have as many as, like, six on the  
17          conveyor at any given time.

18          MS. BURKARDT: Okay. Thank you.

19          MR. THOMPSON: You're welcome.

20          MS. BURKARDT: I don't have any  
21          further questions right now.

22          MR. DeBLASIO: Okay. If there's  
23          nothing else from the borough, we will open  
24          to public comment. I would ask that if you  
25          are going to comment, that you get sworn in,

1       so I would ask that you unmute yourself,  
2       state your name, and then you will be sworn  
3       in.

4               MR. HOROWITZ: Hold on a moment, to  
5       clarify, does the borough not have any of its  
6       own witnesses, or is it -- is it just that  
7       the borough is done with -- with cross  
8       examining the applicant?

9               MS. BURKARDT: The borough is done  
10      with cross examining the applicant, but we  
11      will have a witness, unless you want to ask  
12      him, Andrew.

13              MR. DeBLASIO: Well, if you -- if  
14      you -- if you do have a witness, I would ask  
15      that we -- we call the witness now, Andrew,  
16      unless you have a different course that you  
17      feel is appropriate.

18              MR. HOROWITZ: That was what I was  
19      going to suggest.

20              MR. DeBLASIO: Okay. Then I ask that  
21      you call the witness now, and then we will  
22      open it up to public comment.

23              MS. BURKARDT: That's fine. I'll call  
24      John Balewski.

25                               - - -

1 JOHN BALEWSKI, P.E.

2 called as a witness by the Borough, having first  
3 been duly sworn, was examined and testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY MS. BURKARDT:

7 Q John, can you describe what your  
8 service is you provide to the borough?

9 A Yes. I'm the borough engineer.  
10 Basically that's anything to do with, you know,  
11 subdivisions, developments, site plans, zoning,  
12 road improvements, storm water, anything the  
13 borough needs, traffic.

14 Q And you have reviewed this site plan  
15 and development plan for the borough?

16 A Yes.

17 Q And you have sent letters to the  
18 applicant, telling them what needs to be resolved?

19 A Yes.

20 Q And in your mind, what remains to be  
21 resolved?

22 A It's the two variance issues we're  
23 talking about, the front setback and the rear  
24 setback.

25 Q Can you --

1           A       There's some other -- there's some  
2   other issues that are still out there, but have --  
3   the building material, but those are the only ones  
4   out that remain.

5           Q       Can you talk about the back setback a  
6   little, please?

7           A       It's one of the -- this is a lot that  
8   has two front yards, so there is not really a side  
9   yard, so the two rear would be opposite 228, it's  
10   25 feet, and basically Mr. Zimmerman described it.  
11   There's two kiosks, that one of them would be in  
12   the rear setback the way they have it zoned right  
13   now.

14          Q       Okay. By how much?

15          A       7 feet, I believe is what the number  
16   is.

17          Q       7, leaving a setback of?

18          A       18.

19          Q       And 25 is required; is that right?

20          A       Yes.

21                 MS. KIRK: Janet, just for correction,  
22   I think it's 6 feet, and it's 19, just close  
23   enough, yes.

24                 THE WITNESS: I don't have it in front  
25   of me.

1 MS. KIRK: Yeah, we have the -- we  
2 have the engineer drawing, if you want to see  
3 it.

4 MS. BURKARDT: I have it. Thank you.  
5 I appreciate that correction. And the other  
6 is the one that we're talking about, is the  
7 vacuums in the front setback, and, again, I  
8 think you corrected a 1 foot difference  
9 between what we had written down, Dusty, the  
10 front setback is 50 feet, and you're asking  
11 for 19?

12 MS. KIRK: That's correct.

13 MS. BURKARDT: Okay. Thank you, John.

14 Does anybody have any questions of  
15 John? That's all the questions I have for my  
16 witness.

17 MR. DeBLASIO: And is that your only  
18 witness, Janet?

19 MS. BURKARDT: Yes, it is.

20 MR. DeBLASIO: Okay. At this point,  
21 we will open it up to public comment. Again,  
22 I would ask that you would unmute yourself,  
23 obviously, to speak, introduce yourself, and  
24 you will have to be sworn in to give comment,  
25 so please proceed with that, if you do plan

1 on speaking, if you're a general member of  
2 the public.

3 MS. GRASSO: I would like to speak.  
4 My name is Kim Grasso, and I'm a resident of  
5 Seven Fields.

6 MR. DeBLASIO: Okay. Thank you.  
7 Ms. Grasso, can you raise your right hand?  
8 We are going to have you sworn in. I know  
9 you're speaking, but in the event that you  
10 are providing any testimony, I would rather  
11 have you just sworn in so we don't have to do  
12 that in the middle of any conversation.

13 MS. GRASSO: Sure.

14 MR. DeBLASIO: Thank you.

15 (Witness sworn.)

16 MS. GRASSO: Okay. So my name is  
17 Kim Grasso. I'm a 20-year resident of Seven  
18 Fields, living on Covington Court.

19 First, I would like to thank you for  
20 allowing me to address you this evening.  
21 There are some points that I would like to  
22 bring up for consideration by the zoning  
23 board when making their decision on the  
24 variances for the proposed car wash.

25 So, to begin with, Seven Fields



1       Ordinance 86, Sections 1304(c) and 1305(j),  
2       describe automobile sales and automobile  
3       service to include car washing. Section 302  
4       includes a table that lists the zoning  
5       district for each category of land use.  
6       Here, automobile sales and automobile service  
7       are both denoted as conditional use  
8       industrial. However, when looking at the  
9       Seven Fields zoning map, the area in question  
10      where the proposed car wash is to be located  
11      is zoned planned economic development. Since  
12      the principal use of the proposed car wash is  
13      industrial, per these aforementioned  
14      definitions found in Ordinance 86, it's  
15      unsure that it first in the PED zoning  
16      district, especially since one of the  
17      objectives of a PED district, according to  
18      both Ordinance 86, Section 301(e) and the  
19      Seven Fields Comprehensive Plan, Part 2,  
20      Section (a)(5), planned economic development,  
21      as follows, quote, "To promote and maintain  
22      desirable economic development in a parklike  
23      setting," unquote.

24               One might say that the Sunoco and  
25      Giant Eagle are not in industrial zones, and

1       those two facilities have car washes, as  
2       well. However, Ordinance 86 was enacted  
3       after those facilities were -- were already  
4       in place; plus, a car wash is not each of  
5       these businesses' principal use.

6               But even if we assume that the  
7       proposed car wash is not an industrial type  
8       business classification, one needs to ask, is  
9       a car wash business an example of economic  
10      development in a parklike setting? The other  
11      businesses in close vicinity, for example,  
12      Bruster's and Big Springs, meet this  
13      objective, so why wouldn't -- why would a  
14      business that doesn't meet it be afforded  
15      variances?

16             The introduction of the Seven Fields  
17      Comprehensive Plan notes, quote, "The zoning  
18      ordinance is the legal instrument used to  
19      implement regulations and provisions that are  
20      consistent with the adoptive" -- "adopted  
21      comprehensive plan," end quote, so the  
22      comprehensive plan is a guiding document for  
23      community development; therefore, the  
24      function of Ordinance 86 is to protect the  
25      integrity of Seven Fields community

1 development.

2 The applicant has requested variance  
3 for front and rear setbacks that are  
4 designated in Section 303 of Ordinance 86.  
5 However, Section 103 of Ordinance 86  
6 describes community development objectives.

7 Objective D specifically states one of  
8 these objectives as, quote, "Preserving the  
9 character, appearance, and integrity of Seven  
10 Fields in keeping with the present plan and  
11 character of development," end quote.

12 Therefore, the setback requirements among  
13 other specifications are specifically listed  
14 in this ordinance in order to comply with the  
15 community development objectives. They,  
16 therefore, should be followed, as is the case  
17 for the other businesses in the vicinity.

18 Presently, Seven Fields has a  
19 small town, bedroom type community aura which  
20 can be preserved via compliance with  
21 Ordinance 86, Section 103, community  
22 development objectives, in addition to  
23 Section 303, specific dimensional standards.

24 The introduction to Section 108 of  
25 Ordinance 86, general provisions, expressly

1 states, quote, "The regulations set forth by  
2 this ordinance shall be minimum regulations,  
3 and shall be applied uniformly to each class  
4 or kind of structure or land," end quote.  
5 The key words here are uniform and minimum.

6 The proposed variance requests are  
7 contrary to these general provisions of  
8 Ordinance 86, to reiterate again, which  
9 protects the current character of our  
10 community.

11 Ordinance 86 has a section for  
12 supplemental regulations, Section 823. It  
13 seems all of these supplemental regulations  
14 may not have been addressed by the  
15 application.

16 For example, noise is addressed as  
17 follows: Noise which is determined to be  
18 objectionable because of volume, frequency,  
19 or beat shall be muffled or otherwise  
20 controlled, unless required for the  
21 protection of the public." The residents in  
22 close proximity to the proposed mechanical  
23 car wash with its exterior vacuum booms may  
24 find the noise objectionable. Furthermore,  
25 business owners in the places near the

1       proposed car wash which have outdoor seating  
2       may experience customer complaints, or worse,  
3       customer loss, due to this noise disturbance.

4               I again bring up as example both  
5       Bruster's and Big Springs, because they have  
6       outdoor seating and are located in very close  
7       vicinity -- vicinity to the proposed car  
8       wash.

9               Finally, the applicant has justified  
10       the variance requests, stating that they will  
11       not cause harm to the community. This is  
12       open to interpretation, as harm can mean not  
13       only measurable or physical harm, but can  
14       also mean harm to the present character of  
15       Seven Fields, which I have already described  
16       in detail in this statement. Thank you for  
17       consideration of my concerns.

18              MR. DeBLASIO: Ms. Grasso, thank you  
19       for that.

20              Are there any questions for her?

21              MS. KIRK: I was wondering if she is  
22       an owner of one of existing businesses --

23              MS. GRASSO: No.

24              MS. KIRK: -- that she referenced.

25              MS. GRASSO: No, I'm not. I'm a

1       20-year resident of Seven Fields, and -- and  
2       highly vested in the community.

3               MR. DeBLASIO: Anything else? Okay.

4               Anyone else from the public, please  
5       unmute yourself, give your name to be sworn  
6       in.

7               MR. FATSCHEL: This is  
8       Stephan Fatschel.

9               MR. DeBLASIO: Thank you.

10              (Witness sworn.)

11              MR. FATSCHEL: Yeah, I just have two  
12       quick concerns. I agree with everything that  
13       Ms. Grasso just discussed, but the first one  
14       was I didn't really see any discussion about  
15       sidewalks in the area, and I don't know if  
16       that affects the setbacks. That's an area  
17       that there probably would be a lot of  
18       pedestrian traffic in the future.

19              And the second question I had is -- I  
20       guess that's a question maybe for the borough  
21       counsel, but the second question is regarding  
22       the -- the noise calculations. I'm actually  
23       a mechanical engineer, myself, and I don't  
24       agree that you can just take the -- the  
25       decibels from one machine and extrapolate

1           that to ten machines as a -- as a total noise  
2           level, and I think there should be a study  
3           done on that. That's all I have.

4           MR. DeBLASIO: Any questions for  
5           Mr. Fatschel, or comments with regard to his  
6           statement?

7           MS. KIRK: No, I do not.

8           MR. DeBLASIO: Okay. At this point,  
9           moving on to another member of the public  
10          that would like to speak, again, I would just  
11          ask you to unmute yourself, and please  
12          produce yourself to be sworn in.

13          MS. MILLS: My name is Suzanne Mills.  
14          I'm a resident of 304 Covington Court.

15          (Witness sworn.)

16          MS. MILLS: Good evening, everyone,  
17          and thank you for the opportunity to speak,  
18          and thank you, also, for the very detailed  
19          and informative presentation.

20          I would like to start by saying that  
21          the -- the Seven Fields zoning ordinance is  
22          the culmination of a years-long process  
23          guided by Pennsylvania state law, and this  
24          process included developing a comprehensive  
25          municipal plan in 2013, and the subsequent

1 zoning ordinance update in 2015. It is not a  
2 haphazard collection of the rules, but rather  
3 it reflects our most important priorities as  
4 a community.

5 Presently, the car wash is proposed to  
6 be in our commercial PED district. However,  
7 in our zoning code, a car wash is included  
8 under the automobile repair use, and you as  
9 shown on Table -- in the table on Page 26 of  
10 our zoning code, this use is only permitted  
11 by conditional use in our industrial zone, so  
12 because of this, I don't understand the Reed  
13 Smith statement tonight a car wash is  
14 permitted by right as a general use.

15 Furthermore, a stated objective of our  
16 zoning ordinance is to, quote, "To create a  
17 pattern of land uses which are compatible and  
18 harmonious," unquote, and a car wash, by  
19 definition, generates car traffic, and it is  
20 not compatible with the safety or the feel of  
21 our pedestrian friendly PED district where  
22 families congregate to eat at the ice cream  
23 place and the distillery, particularly  
24 children on summer nights are biking and  
25 running around.



1           I am -- have questions about the  
2           traffic study, which uses minimum trip  
3           numbers to make their final conclusion, which  
4           is stated in a footnote -- footnote on Page 2  
5           of the same study; therefore, underestimating  
6           the amount of traffic by more than a factor  
7           of three.

8           Another variable in the traffic study  
9           seems unreasonably low that estimating that  
10          it would take three minutes to make payment  
11          and proceed completely through the service  
12          tunnel, and while their equipment may allow  
13          that under ideal circumstances, it's hard to  
14          imagine that the human interaction with the  
15          automatic payment system would be that quick.  
16          Certainly, someone who has never used the car  
17          wash would take more than three minutes to --  
18          to make payment and get through the system,  
19          and using the three minute time overestimates  
20          the efficiency of the car wash and  
21          underestimates the possible traffic backup on  
22          to Northpointe Circle.

23          The application has also requested  
24          reducing their setbacks to have space for  
25          several dozen vacuum booms, and we have

1       discussed noise here tonight, but there has  
2       been no mention of the impulsive noise  
3       created by vacuums going on and off, which is  
4       quite different in character from a constant  
5       background noise like of the nearby roadway,  
6       and it is not clear that the landscaping that  
7       Mod Wash has -- has proposed to put in would  
8       effectively control noise.

9               For the condos to the east, the  
10       landscaping appears discontinuous, rather  
11       than a wall-like hedge that would prevent  
12       passage of noise. It has been stated today  
13       that the noise level of the car wash at a  
14       distance of the condos to the east would be  
15       similar to street noise from 228. However,  
16       the residents in those condos do currently  
17       have a tall wall between them and 228 to  
18       reduce noise, and applicant has not proposed  
19       any such mitigation effort at this point, and  
20       there's currently no noise control effort  
21       proposed on the west side of the lot where  
22       local businesses and our residents' enjoyment  
23       of those local businesses could be affected.

24               Reducing the front -- the front  
25       setback could also impact anticipated future

1 expansion of Route 228. The Seven Fields  
2 Comprehensive Municipal Plan states that a  
3 priority is to, quote, "Be proactive in  
4 cooperation with PennDOT to minimize impacts  
5 during a planned Route 228 improvements  
6 project," unquote. It doesn't seem that  
7 allowing development within 19 feet of the  
8 existing roadway -- I'm sorry, that's an  
9 incorrect number, but it doesn't seem that  
10 allowing development that close to the  
11 roadway would be a proactive collaboration  
12 for our anticipated Route 228 expansion.

13 In short, the variances requested by  
14 applicant tonight are not consistent with the  
15 letter nor the spirit of our community's  
16 laws, and so I respect -- I request that the  
17 zoning hearing board not grant the requested  
18 variances, and I -- I would like to ask  
19 applicant -- they did -- I don't know if I  
20 have the -- the -- the place to do this, but  
21 I would just like to mention that I am  
22 curious, they said that they're interested  
23 in -- in having a presence in the Route 228  
24 corridor; however, there are already two car  
25 washes within our 1 square mile community,

1           and two others existing or planned within  
2           2 miles of to the east and west. Thank you,  
3           very much, for the opportunity to speak.

4           MR. DeBLASIO: Thank you, Ms. Mills.

5           Are there any -- or, is there a  
6           response to that, Ms. Kirk, or --

7           MS. KIRK: Well, thank you. I just  
8           wanted to say that the -- your borough has  
9           interpreted the car wash as permitted, so  
10          it's not a conditional use. It's not  
11          something that we decided. It's -- the  
12          borough decided that. So that's just -- you  
13          know, I wanted to speak to that.

14          And also, the building's structure is  
15          not in, you know, the -- close to 228, it's  
16          the vacuum parking spaces, so that's what  
17          we're requesting.

18          MR. DeBLASIO: Okay. Thank you.

19          Is there another member of the public  
20          that would like to speak? Again, I would ask  
21          you unmute yourself, please introduce  
22          yourself, and to be sworn in.

23          MR. TRIMBLE: This is Brian Trimble.  
24          I'm a resident of Seven Fields. I'm also on  
25          the borough council.

1 (Witness sworn.)

2 MR. TRIMBLE: All right. Thank you.

3 Thank you for allowing me to address you.

4 I guess I'm -- I'm a little concerned  
5 with the noise, and so, I guess I have a  
6 couple questions for you.

7 One, do the doors close between when  
8 the car enters the car wash, which would, in  
9 theory, shut off the sound towards the  
10 residential area, or do the doors stay open?

11 MS. KIRK: So who can answer that  
12 question? Is that --

13 MR. ALEXANDRIS: I can answer that.  
14 We -- we -- we typically only have an  
15 automated door at the exit of the car wash --

16 MR. TRIMBLE: Okay.

17 MR. ALEXANDRIS: -- but we can create  
18 the automated door at the entrance, as well.  
19 We can absolutely live with that condition.

20 MR. TRIMBLE: Yeah, and, of course,  
21 that depends on how fast people are moving  
22 through the car wash and so on.

23 Have you considered putting the vacuum  
24 producers inside of a building, or are they  
25 already inside a building?

1           MR. ALEXANDRIS: And this is  
2           George Alexandris again, just to be clear,  
3           clear, responding.

4           Mr. Trimble, yes, we -- we could  
5           enclose the vacuum producers inside of a  
6           building. That's not one of the -- again,  
7           we're looking for conditions or things that  
8           we need to consider prior to going in front  
9           of the planning commission, but things of  
10          that nature, we can -- we can live with a  
11          condition like that, as well.

12          MR. TRIMBLE: Okay.

13          MS. KIRK: Now, I guess, can we -- can  
14          we pull up the site plan again, because,  
15          Mr. Trimble, I think that that's --

16          MR. TRIMBLE: I know -- I know where  
17          they are. I'm just --

18          MS. KIRK: I'm just --

19          MR. ALEXANDRIS: That may be helpful.

20          MS. KIRK: -- I just want to make sure  
21          George knows where they are.

22          MR. ALEXANDRIS: I do.

23          MS. KIRK: Okay. So -- so the ones  
24          that are -- that we're asking for the  
25          variance are at the -- at the -- the top --

1 MR. TRIMBLE: Right.

2 MS. KIRK: -- of this site plan, and  
3 is that where you're requesting that the  
4 building be placed? I just want to make  
5 sure.

6 MR. TRIMBLE: No, no, no, no, no, if  
7 the vacuum producer -- the element, whatever  
8 that's called, if that's housed in something  
9 that would help deaden the sound, is all I'm  
10 asking.

11 MS. KIRK: So the -- the vacuum  
12 producer that is -- Nicole, if you can put --  
13 I see it on this site, but it's by the "Do  
14 Not Enter" sign, you're asking if that could  
15 be put into a building, and is that --  
16 George, is that what you're saying you could  
17 put into a building that would deaden the  
18 sound?

19 MR. ALEXANDRIS: Yes. We -- we can  
20 place both of the producers, you know, to  
21 help achieve the variances being requested in  
22 a building to help deaden the sound. You  
23 know, typically these producers and the booms  
24 are an accessory to the -- to the actual  
25 structure for a building setback, and, you

1        know, we have done everything we can to -- to  
2        shift these booms away from the shared  
3        property line with the residential neighbors,  
4        and really, you know, trying to do the best  
5        we can with the use that we are. That is one  
6        of the few uses that fit well on this site,  
7        on this particular site.

8                All that said, I'm -- I'm absolutely  
9        looking for opportunities to help engage in  
10       the concerns that the community has, like  
11       putting the producers in a house like  
12       Mr. Trimble is recommending.

13               MS. KIRK: And then there's another  
14       one that's up at the -- closer to the road,  
15       right there, that, so you are saying you  
16       could put both of those into a building?

17               MR. ALEXANDRIS: Yes.

18               MR. TRIMBLE: And maybe building is  
19       not the right term to use here. It may be  
20       enclosure. It might be --

21               MS. KIRK: A structure, like a  
22       Dumpster.

23               MR. TRIMBLE: A structure, yes, yeah.

24               MS. KIRK: Okay.

25               MR. ALEXANDRIS: Yes.



1           MR. TRIMBLE: And the last thing I  
2           guess I have is, it shows an arrow going out  
3           of the parking area.

4           Can people drive into this area and  
5           get their car vacuumed only without going  
6           into the -- into the car wash, so that would  
7           require having that being sort of a two-way  
8           street.

9           MR. ALEXANDRIS: Yeah. No, sir.  
10          That's -- that's prohibited. That's a --  
11          that's a paid use, and to -- we either -- if  
12          that became a problem, we would put a gate,  
13          as represented on the plans, which would be  
14          an automated gate that would not allow  
15          somebody to come in, would only -- would only  
16          go up in the event that a car was exiting the  
17          car wash, but there wouldn't be a sensor on  
18          the opposite side if somebody wanted to enter  
19          in that one-way exit drive aisle, if you  
20          will.

21          MR. TRIMBLE: Thank you. All right.  
22          That's all I have. Thank you, very much.

23          MR. ALEXANDRIS: My pleasure.

24          MR. DeBLASIO: All right. Whoever was  
25          just speaking, we have a little bit of an

1 echo issue. Made it difficult for us to hear  
2 you.

3 I can hear somebody speaking. If you  
4 could say your name?

5 MR. McVAY: Yeah. This is  
6 Chris McVay. Sorry about that technical  
7 difficulty.

8 MR. DeBLASIO: That's okay, Mr. McVay.  
9 And I'm assuming you're a resident of Seven  
10 Fields; is that correct?

11 MR. McVAY: Yes, since 2007.

12 MR. DeBLASIO: Okay. Great. Before  
13 you speak, I'm going to have you get sworn in  
14 by the court reporter.

15 MR. McVAY: Sure.

16 (Witness sworn.)

17 MR. McVAY: Just sticking strictly to  
18 the variance, you know, trying to get a  
19 19-foot setback, I'm assuming the reason or  
20 one of the reasons we have 50 feet as the  
21 rule for this community was enhanced  
22 community appeal, and going back to 19 feet  
23 and only 19 feet, to me, would give it, you  
24 know, an industrial look, business district  
25 look, something you would see along McKnight

1 Road or Route 19 here in Cranberry, so my  
2 concern is what it would do to our property  
3 values.

4 As a homeowner here, plan to stay  
5 here, you know, that's my biggest concerns,  
6 what's it going to do to the community and  
7 the property values, and also would it set a  
8 precedent for future businesses, you know, if  
9 one business saw that there's only 19 foot  
10 setback, would that cascade to future  
11 businesses? So I hope the zoning board  
12 considers that point in their recommendation  
13 to council. Thank you.

14 MR. DeBLASIO: Thank you for that.

15 Is there anyone else that plans on  
16 speaking? Again --

17 MS. PIRT: Yes, hello. My name is  
18 Mary Pirt. I'm a resident of Seven Fields.  
19 Can you hear me?

20 MR. DeBLASIO: Okay. Ms. Pirt, yes.  
21 I would ask you -- the court reporter is  
22 going to swear you in.

23 MS. PIRT: Okay.

24 (Witness sworn.)

25 MS. PIRT: I'll be pretty short. The

1       one thing I -- I did look over the variance,  
2       but I also looked over the -- like, a summary  
3       report from December 2nd from MS Consulting,  
4       Incorporated, and it said -- it mentioned at  
5       the end about no sidewalks, but I don't see a  
6       variance. I don't see a waiver for that. I  
7       was interested in having sidewalks since  
8       that's a requirement for the borough, so  
9       that's one thing, I'm interested in  
10      sidewalks.

11               And then another thing, the traffic  
12      flow, I see it says the traffic is supposed  
13      to come off of Northpointe Circle, but how  
14      are you controlling people not coming off of  
15      228 into a car wash, like, so if it backs up,  
16      is there's going to be a bump in the -- in  
17      the center lane, or how are you controlling  
18      that flow? That's one question I have.

19               Do you want me to keep going with all  
20      my questions, or can you answer that one, or  
21      no?

22               MR. DeBLASIO: Well, I'll ask you  
23      this, how many questions do you have?

24               MS. PIRT: I have just a few short  
25      ones, you know --

1           MR. DeBLASIO: Then I -- I would ask  
2           that you just ask the questions, and then --

3           MS. PIRT: Okay. Sounds good.

4           MR. DeBLASIO: -- we'll --

5           MS. PIRT: Okay. And then -- well,  
6           because I was just thinking I don't want it  
7           backing up to 228.

8           Okay. Then have they considered  
9           putting up the sound barrier near the  
10          townhouses, like, along that row? I don't  
11          live over there, I live up the hill but, for  
12          those people -- and with the -- with the  
13          sound, noise, like, I don't -- I'm not an  
14          engineer, but, like, if all the vacuums are  
15          running at one time, like, what is this --  
16          I'm curious, what is that decimal (sic)? If  
17          you had all the vacuums running, it seems  
18          like you might -- decimals -- it seems like  
19          you might have that much of a business, and I  
20          was wondering.

21          And then for each parking spot, is --  
22          there's two parking spots for one vacuum  
23          cleaner, it seemed like to me. I was  
24          wondering if that was the case.

25          And then two more quick questions.

1       And then I saw you had something about -- for  
2       a light sign on top of the property, but then  
3       that's taken out. I'm assuming that's going  
4       to be a separate application, but I wanted to  
5       make -- question that.

6               And then the last thing is the car  
7       washes that are in the area, like, did you  
8       mention the Pittsburgh area, are they built  
9       near houses -- housing plans? Are they,  
10      like, on a main, like, strip mall kind of  
11      thing, I was wondering. And that's it.  
12      Thank you, very much, for letting me speak,  
13      appreciate it.

14             MR. DeBLASIO: Thank you. I do  
15      appreciate those questions, and, in fact,  
16      some of those are on my mind, as well, so I  
17      open that up to the applicant to speak to  
18      those.

19             MS. KIRK: So I guess to answer -- I  
20      want to make sure I answer all the questions  
21      and I direct them to George, so -- or whoever  
22      can answer this question. So I think she was  
23      asking about the -- the number of parking  
24      spaces, and I think that Mark testified that  
25      there -- you know, there are a parking space

1 on either side, so, Mark, can you explain?

2 She was asking about the number of parking  
3 spaces.

4 MR. ZIMMERMAN: So each vacuum parking  
5 space will have vacuum boom on each side of  
6 it, so there will be two vacuum booms per car  
7 space.

8 MS. PIRT: Okay.

9 MS. KIRK: And then I'm not sure what  
10 other question, Mr. DeBlasio, you wanted us  
11 to answer. I mean, they have done -- they  
12 are locating this because they believe there  
13 is a market for the car wash, so --

14 MR. DeBLASIO: I guess --

15 MS. KIRK: -- I guess Uhler's on the  
16 test -- he looks for the sites.

17 MR. DeBLASIO: So -- and I guess one  
18 of the pertinent things from me was the  
19 collective noise of these vacuums. Is it --  
20 when we talk about -- when we talked about  
21 the decibel -- decibel level and stuff, is  
22 that from one particular vacuum, or is that a  
23 totality of them?

24 MS. KIRK: That's a -- that's a  
25 question that I think one of the engineers

1 needs to answer.

2 MR. DeBLASIO: Okay.

3 MS. KIRK: Is that Cody?

4 MR. MORA: So the data we gave was  
5 specifically from what we considered the  
6 largest -- the largest producing sound,  
7 that's what we have data from, is the blowers  
8 that actually dry the car or -- or blow the  
9 water off the car, and then the producer,  
10 which is the mechanism that creates the  
11 suction for the vacuums, so really what you  
12 have is you have two producers or two almost  
13 like -- they're the heartbeat of -- of the --  
14 the mechanics; right? That's where all your  
15 noise is coming from that creates the air  
16 suction, and I think the overall question  
17 is --

18 MS. KIRK: Nicole, can you pull up the  
19 site plan again? And then, I think, Cody,  
20 that will help you to explain. And that's  
21 exactly what Mr. Trimble asked, if we -- if  
22 there could be a structure put around to  
23 reduce the noise.

24 MR. MORA: In theory, yes, we could --  
25 we could -- we could -- and -- you know --



1 MS. KIRK: So the -- yeah, so the  
2 vacuum producer, I think Nicole has her  
3 cursor around it.

4 So, Cody, that's what you're saying,  
5 that vacuum producer, and then the one that  
6 says by the "Do Not Enter" sign, those are  
7 the ones that make the noise?

8 MR. MORA: That's -- that's what's  
9 generating the most of the -- yeah, your  
10 noise. The noise that's coming from the  
11 individual vacuums, themselves, would just be  
12 incidental to the air, you know, going  
13 through the vacuum and anything that it's  
14 suctioning out of.

15 MS. KIRK: So that's what -- that's  
16 what -- the testimony you gave before about  
17 the noise levels, that was related to these  
18 vacuum producers?

19 MR. MORA: Yeah, that -- that --  
20 that -- that's what -- that's what's --  
21 that's what would be concerned -- that would  
22 be where your noise levels -- I would think a  
23 majority of your noise comes from --

24 MS. KIRK: And so -- yeah, so  
25 Mr. Trimble asked if you all would consider

1        putting a structure around it, and George  
2        said that he would.

3                MR. MORA: That's correct.

4                MR. DeBLASIO: Okay. Thank you for  
5        that.

6                Is there any other questions or  
7        comments from the public?

8                MR. SKEEN: To Cody and Dusty, before  
9        we move on to another public -- so these  
10       producer -- like, the vacuum producers, do --  
11       does the noise and the -- like, the decibel  
12       level from them increase if we have -- like,  
13       is it the same decibel level if one vacuum  
14       hose is running compared to all 20? Like,  
15       that's, I think, one of the biggest issues,  
16       it sounds like, I've heard, so --

17               MR. MORA: It's the same. They're all  
18       constantly running all at the same time, so  
19       it's -- they're all -- when the system is on,  
20       they all have air. You know, it's not till  
21       you pull it out of its -- its mechanism that,  
22       you know, the air is stopped when it's -- you  
23       know, when it's plugged in, right, and then  
24       when you pull it out, it's -- it's -- it's  
25       always running.

1           MR. FATSCHER: This is Stephan. Can I  
2           just say something, real quick?

3           MR. DeBLASIO: Yeah, Stephan. Just  
4           make it brief, please, because you did speak  
5           previously, so --

6           MR. FATSCHER: Yeah, I just want to  
7           say that the previous comment was incorrect.  
8           When you have multiple decibels, you have to  
9           add those. It's like a logarithmic equation,  
10          so they actually need to do another study to  
11          figure out what the decibel level is in  
12          totality. That's it.

13          MS. KIRK: So just to be clear, what  
14          he said is that the other -- the vacuums,  
15          themselves, make an air brush sound, so he  
16          wasn't saying that there wasn't noise. It  
17          was more of an air rush sound, so it's not a  
18          big decibel producer, is what I think Cody  
19          said, just to be clear. The two vacuum  
20          produces are the ones that make the noise.  
21          They are situated away from the residential  
22          property.

23          So there was a suggestion of some kind  
24          of a barrier. I don't know what -- what that  
25          is. George says they've done that in other

1        locations. I don't know, George, if you want  
2        to speak to that -- a sound barrier?

3                MR. ALEXANDRIS: Yeah. I mean, the --  
4        the -- the sound barrier wall would be an  
5        enclosure around the vacuum producer.  
6        There's always walls that we can put up as a  
7        sound barrier along our shared property line;  
8        however, as we understood the variances, that  
9        would create another variance, and we, you  
10       know, just speaking openly, didn't know how  
11       to handle that, and we're looking for  
12       guidance in this hearing.

13               MS. KIRK: Right, and we were trying  
14       not to make it more industrial, or industrial  
15       at all. This is designed as not an  
16       industrial site, it's designed as a retail  
17       site, and so, if we can go back to the  
18       pictures and -- and, you know, we're not  
19       trying to put up a wall that might -- will be  
20       a variance and may not be as attractive.

21               So -- so the -- the landscaping, we  
22       think, is -- is what is critical, and that  
23       is -- show her -- can you -- yeah, blow that  
24       up a little bit. So landscaping makes -- the  
25       trees can make a good sound barrier, and I --

1       they were talking about evergreen trees, so I  
2       don't know if there's an enhancement that  
3       could be made there. So we're -- you know,  
4       we didn't want to ask for another variance  
5       here.

6               MS. PIRT: Excuse me, this is  
7       Mary Pirt again. Well, that's a good point.  
8       I appreciate you considering what -- you  
9       know, what's ugly, you know, if that's going  
10      to be ugly or not, to put that sound barrier  
11      or not, but -- and -- and I've never been to  
12      a zoning hearing, so I'm directing this to  
13      the zoning board committee, and then they can  
14      do with this information -- I just want to  
15      make sure that they, you know, are checking  
16      up about the light sign on top of the thing,  
17      is that a variance that needs to be done  
18      later or not, I'm -- you know, I don't --

19              MS. KIRK: That's not being asked for  
20      at this time. We --

21              MS. PIRT: Oh, okay.

22              MS. KIRK: -- would have (unreportable  
23      crosstalk) Mary and --

24              MR. DeBLASIO: Right. That's --  
25      that's just something we're -- we're not

1 considering at this point. It's not being  
2 asked of us.

3 MS. PIRT: Okay. And then --

4 MR. DeBLASIO: Thank you, Mary.

5 MS. PIRT: -- about the controlling  
6 traffic -- traffic flow off of 228 going into  
7 the car wash, you know, make sure that that  
8 traffic's not going to be backing up, making  
9 sure people are coming in through the  
10 Northpointe Circle to go to the car wash, so  
11 that's just something to think about. Okay.  
12 Thank you. Bye-bye.

13 MS. KIRK: No, there's no access to  
14 the car wash from 228, and the traffic  
15 engineer's report indicates there wouldn't be  
16 queuing, even on Northpointe Circle because  
17 of the number of spaces on site.

18 MR. DeBLASIO: Thank you, Ms. Kirk.

19 MS. KIRK: He's here, if you have  
20 questions for him.

21 MR. DeBLASIO: Is there any other  
22 member of the public that would like to  
23 discuss these issues?

24 MS. MILLS: This is Suzanne Mills  
25 again. I had a question. Reed Kirk said

1       that the borough decided that this is a  
2       permitted use, that this car wash is a  
3       permitted use, in our PED district, so this  
4       is a question for the -- the zoning board, is  
5       that decision made by the zoning board in  
6       another venue, or how and when is that  
7       decision made, because it doesn't seem to be  
8       consistent with our zoning ordinance.

9               MR. DeBLASIO: That is -- that is not  
10       made by the zoning board, to my knowledge,  
11       Andrew. That is something that is decided  
12       outside of this. We are limited to -- to the  
13       question of -- at issue here, which is the  
14       variance, itself. Andrew, I would defer to  
15       you, if -- if you have any other comment on  
16       that.

17              MR. HOROWITZ: Yeah, yeah, that's not  
18       part of what we're being asked to vary. The  
19       idea is that a car wash would be permitted in  
20       the zone. In general, it's just a question  
21       at this point of the setbacks.

22              If, for instance, the property were  
23       larger, the car wash could be built without  
24       seeking any variance or any involvement of  
25       the zoning board.

1           MS. MILLS: So I understand that we're  
2           just talking about variances requested  
3           tonight, and my question is, why is it not  
4           being discussed the fact that our zoning  
5           ordinance does consider a car wash an  
6           industrial use? When is the appropriate time  
7           to discuss that zoning issue, if not in front  
8           of the zoning board?

9           MR. HOROWITZ: The borough council is  
10          the entity that is responsible for creating  
11          and -- and amending the zoning ordinance,  
12          which defines what uses are allowed in each  
13          zone, and which areas of the borough are --  
14          are zoned for particular uses, so that's, I  
15          would say, really more of a question for  
16          council.

17          MS. MILLS: Thank you. I appreciate  
18          that.

19          MS. GRASSO: This is Kim Grasso. Just  
20          to back up what Suzanne just said -- and  
21          thank you, Andrew, for also giving us some  
22          more information on that, but I guess I'm  
23          still a little uncertain, a little confused  
24          about this, because Ordinance 86 already  
25          defines that a car washing is part of -- or,



1 I'm sorry, also defines that automobile sale  
2 and automobile service include car washing,  
3 and those two uses, automobile sales and  
4 automobile service, are denoted in the table  
5 in Section 302 as industrial, so I guess I'm  
6 still uncertain why it's -- why this is being  
7 considered for a PED district. I mean, I --  
8 I --

9 MR. DeBLASIO: Ms. Grasso, I want  
10 to --

11 MS. GRASSO: Go ahead.

12 MR. DeBLASIO: -- I want to -- I want  
13 to address your question. I -- I certainly  
14 understand your question and your -- and your  
15 concern, but for this specific hearing, I  
16 don't think that it's relevant. I think  
17 that's more of a question for a council  
18 meeting at this point, because we are only  
19 limited to this -- this certain issue, which  
20 is the variance being requested. We can't  
21 really comment on the other issues being  
22 raised because it's not relevant to -- to the  
23 current issue before the board.

24 MS. GRASSO: Okay. Thank you.

25 MR. DeBLASIO: Thank you.

1 Any other comments from the public?

2 Any other board member comments before  
3 we go into executive session, or any comments  
4 from either of the parties, applicant or the  
5 borough?

6 MS. KIRK: No, we just want to thank  
7 you, very much, for taking the time, and for  
8 considering this, and as you can see, that  
9 this developer, Hutton, and Mod Wash, they  
10 want to put a very quality development in  
11 your borough. They're very concerned about  
12 how it looks. They're doing the best they  
13 can to have it be something that will be a  
14 benefit to the community.

15 MR. DeBLASIO: Thank you, very much.

16 At this point, if there's no further  
17 comments, concerns, the board members, as  
18 well as Andrew, our solicitor, will break out  
19 into an executive session to discuss these  
20 issues. At that point, we will come back for  
21 a vote to -- whether or not to approve or  
22 deny the variance at issue. Thank you,  
23 everyone.

24 MR. HOROWITZ: All right. So whoever  
25 is administering the Zoom, if you could set

1 up the breakout room, that would be great.

2 (Recess taken.)

3 MR. DeBLASIO: So the board members  
4 and our solicitor obviously had a lengthy  
5 discussion in executive session regarding the  
6 issues before us today.

7 Unfortunately, we don't have enough  
8 information to go ahead and grant or deny  
9 this -- this variance request at this point.  
10 What the board requests is that some type of  
11 noise study -- a comprehensive noise study be  
12 done that can kind of address some of the  
13 concerns that -- that were listed here  
14 tonight with regard to the decibel levels,  
15 something that is more concrete, rather than  
16 just general, so to speak, information, and  
17 if that's done, and we would give you a  
18 continuance -- I think the maximum we're  
19 allowed is 45 days -- but Ms. Kirk, how long  
20 does your client think that they would need  
21 to do some type of comprehensive noise study?

22 MS. KIRK: Oh, actually, while you all  
23 were out, I was talking to my client about  
24 doing a noise study.

25 MR. DeBLASIO: Okay.

1 MS. KIRK: So --

2 MR. DeBLASIO: You read my mind.

3 MS. KIRK: -- they believe that they  
4 should do it and will do it.

5 George, do you have any idea how long  
6 that would take?

7 MR. ALEXANDRIS: I mean, the 45 days  
8 would be the maximum we would need. I would  
9 expect we can get it done within the next  
10 30 days.

11 MR. DeBLASIO: Okay. Well, let's do  
12 this, to be safe -- and, Andrew, if you  
13 disagree with me, let me know -- I think  
14 we'll just do 45 days, just to make sure that  
15 they have enough time to get the information,  
16 and because, you know, I do think the noise  
17 was a concern of the zoning board members,  
18 if -- as comprehensive as it could be, so we  
19 can make the best informed decision, that  
20 would be great.

21 MR. HOROWITZ: You know, can we  
22 just -- it needs to be a date 45 days or  
23 less, but, you know, we're all available,  
24 and, you know, the borough can make it work,  
25 so 45 days from now is April 1st, so I guess

1       then it just becomes that we need to pick a  
2       date on the calendar, and if we pick a date  
3       on the calendar now, we can forego  
4       advertising it as a new hearing, and, you  
5       know, just a continuation of this hearing,  
6       but we need to do that before adjourning the  
7       meeting.

8               MR. DeBLASIO:   Okay.   How would  
9       that --

10              MR. ALEXANDRIS:   This is  
11       George Alexandris, if I can speak for a  
12       moment, I would prefer to lock in a date and  
13       have it be sooner than the 45 days.   I can  
14       commit to the 30 --

15              MR. DeBLASIO:   Okay.

16              MR. ALEXANDRIS:   -- if that would be  
17       okay.   We're -- we're eager to -- to -- to --  
18       this is a northern location, and when the sun  
19       is shining, we can be constructing, so it's  
20       so much better for us.

21              MR. DeBLASIO:   Certainly.

22              MR. ALEXANDRIS:   Thank you.

23              MR. DeBLASIO:   I'm looking at my  
24       calendar now, and I'm speaking directly to --  
25       to Andrew and our board, more so than

1 anything. The last week of -- so next week  
2 is the last week of February. The first week  
3 of March, which it would be Monday, the 1st  
4 through the 5th, any of those dates work for  
5 me.

6 MR. HOROWITZ: But they're not --  
7 they're not going to have this ready in two  
8 weeks, I don't think. I think we're probably  
9 talking more like mid to late March; right?

10 MS. KIRK: Can we say around the 15th?  
11 I'm just looking that week, would that --  
12 that's, like, a month.

13 Would that give you enough time,  
14 George?

15 MR. ALEXANDRIS: Yes, ma'am. That  
16 would be great.

17 MS. KIRK: So does any days that week  
18 work?

19 MR. DeBLASIO: The only date that does  
20 not work for me is the 15th. That would be  
21 that Monday. Any other date works for -- for  
22 me.

23 MR. HOROWITZ: I'm wide open that  
24 week.

25 We also need to include, obviously,

1 the -- the borough solicitor, the borough  
2 engineer, and the borough manager in this.

3 MR. DeBLASIO: Why don't we do this,  
4 as far as the board, itself, do those -- any  
5 of those dates work for you?

6 MR. SKEEN: I'm free that entire week  
7 right now.

8 MR. DeBLASIO: John?

9 MR. BALEWSKI: Basically any Monday,  
10 Tuesday, or Wednesday --

11 MR. DeBLASIO: Okay.

12 MR. BALEWSKI: -- in March work for  
13 me.

14 MR. DeBLASIO: Okay. So right now, it  
15 looks like March 16th or 17th is good with  
16 the board.

17 MS. BURKARDT: Those two days are good  
18 for me.

19 MR. DeBLASIO: Okay.

20 MR. ALEXANDRIS: I'll be available.

21 MS. KIRK: Those also work. Do they  
22 work for our -- our -- so just -- I just want  
23 to be clear, so do you think we need any  
24 other -- so I can see what experts need to be  
25 here, George will be here, we'll have whoever

1       does the noise study be here, but do we --  
2       and maybe the engineer -- do we need anything  
3       else, because we need to check a bunch of  
4       schedules, so --

5               MR. HOROWITZ: What about Mr. Smith  
6       and Mr. Belushi -- Balewski, sorry.

7               MR. SMITH: We both said we'd be  
8       available, Attorney Horowitz.

9               MR. HOROWITZ: Okay. I'm sorry, I  
10      missed that.

11              MR. DeBLASIO: Okay. Well, I guess  
12      Andrew, you -- you pick the date, the 16th or  
13      17th.

14              MR. HOROWITZ: Well, seeing is the  
15      17th -- the 17th is Saint Patrick's Day, and  
16      while I'm not Irish, that might be important  
17      to some people, let's plan on the 16th.

18              MR. DeBLASIO: I like that idea.

19              MR. HOROWITZ: And shall we keep it at  
20      6:00 p.m.?

21              MR. DeBLASIO: That's fine by me.

22              MR. HOROWITZ: Okay.

23              MS. KIRK: George, the 16th at  
24      6:00 p.m.

25              MR. ALEXANDRIS: Yes. I got it. Take



1       this opportunity to thank you all for -- for  
2       hearing all that we had to -- to present  
3       today, and we'll certainly give you more on  
4       the 16th.

5               MR. DeBLASIO: We appreciate it.

6               Is there anything else, Andrew, you  
7       need from -- from our end? Just adjourn the  
8       meeting at this point?

9               MR. HOROWITZ: No. I think we're --  
10      we're -- we can just adjourn, pending  
11      reconvening on the 16th.

12              MR. DeBLASIO: Okay. So at this  
13      point, we are going to adjourn. We have  
14      continued the hearing for further evidentiary  
15      development to March 16th, 2021 at 6:00 p.m.

16              Thank you, everybody.

17              MR. HOROWITZ: Wait, one more thing,  
18      I'm sorry, are we going to plan to do this  
19      over Zoom, or do you want to try for an  
20      in-person meeting? I probably -- I would  
21      think Zoom would be better. I don't know  
22      where we'll be with the pandemic, and if we  
23      have as many people as we have tonight, we  
24      probably don't want them all in council  
25      chambers.

1           MR. DeBLASIO: Right. I think Zoom is  
2           the best way to go about this.

3           MR. HOROWITZ: Okay.

4           MR. DeBLASIO: Okay. Thank you,  
5           everyone. Meeting is adjourned.

6           MS. KIRK: Thank you. Thank you, very  
7           much.

8           MR. HOROWITZ: Thanks, everyone.

9           (Thereupon, Applicant Exhibit No. 1  
10          was marked for identification.)

11                         - - -

12           (Thereupon, at 8:37 o'clock p.m., the  
13          hearing was adjourned and continued to  
14          March 16, 2021 at 6:00 o'clock p.m.)

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1 C-E-R-T-I-F-I-C-A-T-E

2 I, Eileen L. Drake-Ober, the undersigned, do  
3 hereby certify that the foregoing ninety-eight  
4 (98) pages are a true and correct transcript of my  
5 stenotypy notes taken of the hearing held at the  
6 offices of Seven Fields Borough, 2200 Garden  
7 Drive, Seven Fields, Pennsylvania 16046, on  
8 Monday, February 15, 2021.

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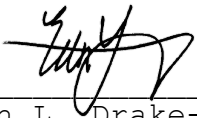
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\_\_\_\_\_  
Eileen L. Drake-Ober  
Notary Public in and for the  
Commonwealth of Pennsylvania  
My Commission expires: December 6, 2024

- - -