

Penn Forest Township Planning Commission

(Comments were provided at an earlier date – Summary and Additional Comments Included Here)

Date: 2/28/2026

To: Penn Forest Township, Penn Forest Township Board of Supervisors & Penn Forest Township Solicitor

2010 State Route
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Re: Planning Commission Review – Proposed Curative Ordinance Amendment

This letter is a summary of the comments and concerns provided by individual members of the Planning Commission who partook in the review. One member of the Planning Commission abstained from provided comments, and one member declined to provide comments.

I. Introduction and Procedural Clarification

A review of the proposed Curative Zoning Ordinance Amendment pertaining to data centers, along with the existing Township Zoning Ordinance, the Carbon County Comprehensive Plan, and the Middle Carbon County Comprehensive Plan was conducted.

Public comments presented at Planning Commission meetings, comments provided at public meetings from attorneys representing both residents and a potential developer, and information and responses to questions provided by the licensed Professional Hydrogeologist who wrote portions of the ordinance amendment regarding potential water supply impacts were considered.

Approval of an ordinance amendment designating a zoning district where data centers may be permitted does **not** constitute approval of any specific data center project.

It is the understanding that if adopted, the proposed amendment would allow applicants to submit conditional use applications pursuant to Part 8, Section 240-40.2.B. The conditional use process described in Section 240-23 of the Township Zoning Ordinance and Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC) requires at least one public hearing. This process provides the public with an opportunity to be heard and to raise non-arbitrary legal objections.

Furthermore, under the MPC, it is the understanding that the applicant bears the burden of proof to demonstrate compliance with the ordinance. This includes providing impact assessments and supporting studies sufficient to establish that the proposed use:

- Will not endanger public health and safety
- Will not be detrimental to the proper use of other properties, and
- Complies with all applicable ordinance provisions.

Absent sufficient proof, the application cannot be approved.

II. Responsible and Sustainable Development

The importance of responsible and sustainable development that protects public health, safety, welfare, state constitutional obligations to conserve and maintain natural resources for present and future generations, and federal constitutional obligations involving equal protection is recognized.

It is recognized that land use decisions must carefully balance economic development opportunities with:

- Long-term water resource sustainability
 - Public safety
 - Environmental protection
 - Preservation of community character
 - Future development needs consistent with adopted comprehensive plans
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III. General Concerns Regarding Data Center Development

Without submission of a specific application detailing facility size, design, water source, energy source, and operational characteristics, it is difficult to determine the precise extent of potential impacts.

The following general concerns have been identified:

1. Public Safety and Fire Protection

Concerns exist regarding whether existing municipal infrastructure, equipment, and emergency services would be sufficient to control and extinguish fires associated with:

- Large-scale industrial structures
- Accessory uses
- Associated electrical infrastructure, and

- Adjacent forested lands

Concerns exist as it pertains to the impact that existing traffic issues would have on emergency services access including those identified in the Middle Carbon County Comprehensive Plan along State Route 903 “Proper access management is imperative to avoid creating hazardous and congested driving conditions on these roads. Limiting access points and curb cuts by permitting front and/or rear access from service roads would help reduce safety concerns.”

2. Water Supply and Natural Resource Impacts

Significant concerns exist regarding:

- Direct daily consumptive water use, which may range from thousands to millions of gallons per day
- Indirect consumptive water use associated with electricity generation
- Impacts to the availability of groundwater and surface water
- Potential changes in surface water flows resulting from groundwater withdrawals, including possible impacts to the Lehigh River and Beltsville Lake
- Long-term availability of water for future generations

Based on discussions with Mr. Diacont, hydrogeologic impacts may be variable and may extend to and impact Lehigh River flows.

3. Allocation of Developable Land and Proposed Location

Concerns exist involving:

- Limited suitable developable land
- The impact on the availability of land to support future residential development growth and infrastructure needs including those identified in the Middle Carbon County Comprehensive Plan
- Non-traditional use of an overlay district and potentially conflicting regulations

4. Community Character and Scenic Impacts

Concerns are:

- Potential alteration of the Township’s rural character and scenic mountain viewsheds
- Associated impacts to the proper use of other properties including potential economic impacts to local businesses

IV. Conditional Use as an Evaluation Mechanism

The conditional use process provides a structured mechanism to:

- Require detailed studies
- Evaluate impacts to public safety and natural resources
- Determine whether impacts can be mitigated
- Ensure compliance with ordinance provisions and
- Protect the proper use of properties

If an applicant fails to provide sufficient evidence that the use will not endanger public health and safety or adversely affect the proper use of the surrounding area, the application cannot be approved (Part 12 §240-67.M).

V. Ordinance Clarifications and Adjustments

A. Specimen Tree Definition

Part 2 - 240-26.A

Consider revising the definition of a specimen tree from a minimum of 20-inch DBH to 12-inch DBH.

B. Dimensional Standards

Part 8 - 240-40.2.C(4) (Impervious Area)

This may create significant stormwater management challenges. Consider whether surface water collection and reuse (e.g., for cooling) could be required.

Part 8 - 240-40.2.C(4) Building Height (60' + 15')

This may create the tallest structures in the Township and significantly impact the viewshed. Consider whether additional visual mitigation standards are appropriate.

C. Buffer Yard

Part 8. 240-40.2.D(2)

Provide clarification as to the extent of and utilization of existing features in the buffer yard.

Part 8. 240-40.2.D(2)(c)

Consider clarification for the “extent feasible” regarding preservation of existing trees >6" DBH.

Part 8. 240-40.2.D(2)(g)

Consider providing clarification as it pertains to the type of plantings. The use of native plantings to replicate existing habitat rather than ornamental species is encouraged.

Part 8. 240-40.2.D(2)(i)

Elevated plantings in berms expose plant material to greater stress during drought and other weather cycles and should be avoided. If plantings must be placed in newly created elevated soil areas, they should be of adequate width to offer better long term health and survivability without supplemental irrigation.

D. Power Supply

Part 8 – 240-40.2.D(6)

Consider providing clarification as it pertains to ensuring long-term availability of dedicated power supply infrastructure as well as any additional studies that may be needed.

E. Emergency Management

Part 8 – 240-40.2.D(7)

Clarification that additional studies may be needed to show that the project won't endanger public safety may be helpful to include in this section. This could include studies and/or plans to show fires can be extinguished including any that may spread, what equipment will be used, that there will be a sufficient amount of trained professionals, and to show how risks will be mitigated and managed.

Part 8 – 240-40.2.D(7)(a) &(c)[8]

Clarification in this section that traffic studies, and studies that show the time it would take for sufficient emergency personnel to arrive could be added.

Part 8 – 240-40.2.D(7)(f)

Consider providing clarification as to what may need to be provided to address municipal fire department equipment inadequacies and/or how this will be addressed and accounted for.

F. Building Facades

Part 8 – 240-40.2.D(8)

Further clarification may could be added regarding facade requirements to ensure aesthetic impacts are adequately addressed.

G. Tree, Woodland, and Shrub Replacement

Part 10 - 240-48.1

Consider requiring replacement trees of at least 2.5-inch DBH.

Consider providing clarification of the purpose and methodology of referenced sample plots.

H. Definition of “Surrounding Area”

Part 12 – 240-67.M

To satisfy constitutional obligations it is implied that “surrounding area” describes all impacted properties regardless of distance. However, defining “surrounding area” may help to provide clarification.

I. Impact Assessments

Part 13 – 240-68.C

To adequately assess the impacts to public health and safety and proper use, and to assure compliance with constitutional obligations additional studies may be needed. This may include additional testing and studies outside of ranges specified for environmental impact assessments and water feasibility studies. To clarify the following language could be used:

“Though additional studies may be required to prove that the use will not endanger public health and safety or be detrimental to the proper use of the surrounding area where required, impact assessments and studies shall at minimum comply with the following:”

J. Environmental Impact Area

Part 13 - 240-68.C(1)

An additional environmental impact assessment extending beyond 3,000 feet may be necessary where impacts extend further to evaluate all impacts to proper use. Adding additional language to this section may provide clarification.

K. Water Supply Provisions

Part 13 – 240.68.C(4)(a)

The words “in the vicinity of the proposed use” is a bit vague, though in the following sentence it is clear that the use cannot endanger or adversely affect any other users anywhere or the environment no matter its proximity to the proposed project “No use shall be approved unless...that the proposed water withdrawals and discharges will not endanger or adversely affect other users or environment”. This statement also implies that the impacts of the rate of proposed withdrawals from all proposed wells must be assessed as well. This and providing proof that the use is in compliance with Part 12 240-57.M may necessitate that additional analysis and/or modeling be performed using the data collected, and that additional information be obtained as a result of testing provisions be provided. Additional modeling studies to assess impacts to flow rates in rivers and streams outside of the AOI and/or at distances greater than 3,000 feet resulting from the redirection of flows that would ordinarily flow outside of the area of influence, but don’t because pumps are redirecting them may be needed as well. Additional wording here and/or in 4(b)[20] may provide clarification.

Part 13 – 240.68.C(4)(b)[20]

The following wording change “Supportive evidence shall include but is not limited to...” may provide clarification.

Part 13 – 240.68.C(4)(b)[22]

Clarification to explain that if there are impacts to surface waters as defined under this provision outside of the AOI and/or at distances greater than 3,000 feet that additional studies need to be performed to assess the impact, and information about the impacts to these waters need to be included in the report may be helpful.

Part 13 – 240.68.C(4)(b)[8]

Consider allowing qualified Professional Engineers or other technical experts, in addition to Professional Geologists, to perform appropriate testing and analysis. Providing clarification on the qualifications and expertise needed may be helpful.

Part 13 – 240.68.C(4)(e)[2]

Clarification to indicate that additional wells and other impacted water sources used by residents outside of the AOI and/or at distances greater than 3,000 feet that are impacted can be included in the agreement may be helpful.

Part 13 – 240.68.C(4)(e)[4]

A definition for what constitutes a “suitable supply of potable water” may be helpful and clarify acceptable long-term remedies. Bottled water may serve as an interim measure but may not ensure long-term proper use. Although, bottled water doesn’t address proper uses associated with the need for hot water.
