

**KYLE AND ALEXIA GERBER,
ANDREW AND RACHAEL
DYSKI, ROBERT AND VIOLA
BYERLY, JODY AND STANLEY
SHIVELL, AND EARLE AND
BONNIE MORTON,**

Appellants

v.

**BOARD OF SUPERVISORS OF
MIDDLESEX TOWNSHIP,
CUMBERLAND COUNTY,
PENNSYLVANIA**

Appellee

IN THE COURT OF COMMON
PLEAS OF CUMBERLAND
COUNTY, PENNSYLVANIA

No: _____ Civil Term

Land Use Appeal

CIVIL ACTION - LAW

NOTICE OF LAND USE APPEAL

AND NOW come Appellants, by and through their attorneys, Wolf & Wolf, and file this Notice of Land Use Appeal from two decisions of the Board of Supervisors of Middlesex Township announced at its public meeting of July 1, 2026, averring as follows:¹

¹Protective-filing note, Appellants submitted a Right-to-Know request for copies of any approvals granted on July 1, 2026 and conditions thereto, by response: (i) The Township's July 15, 2026 Right-to-Know response produced the two written motions with the caveat that they "are considered draft and may have been changed or altered verbally during the meeting. For official actions please refer to the Minutes of that meeting recorded on the Township webpage" (Exhibit 7 at 1); the approved July 1, 2026 minutes have not yet been published to Appellants. (ii) As of the date of this filing, no written decision under Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508, has been received by Appellants. (iii) This Notice is accordingly pled in material part on information and belief from the Township's own Right-to-Know production, and Appellants expressly reserve the right to amend and supplement this Notice upon receipt of the written decisions and the approved minutes of the July 1, 2026 meeting. Appellants nonetheless plead each ground fully and specifically herein.

I. JURISDICTION AND STATUTORY BASIS

1. This is a land use appeal brought pursuant to Article X-A of the Pennsylvania Municipalities Planning Code (“MPC”), Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §11001-A et seq., including Sections 1001-A, 1002-A and 1003-A thereof, 53 P.S. §§11001-A, 11002-A, 11003-A.

2. This Court has jurisdiction pursuant to 42 Pa.C.S.A. §933(a) and 53 P.S. §10107(b).

3. This appeal is taken from two separate decisions of the Board of Supervisors of Middlesex Township (the “Board”), each announced at the Board’s July 1, 2026 public meeting: (a) the conditional approval of the Preliminary Land Development Plan for PAX-1 Phase 1-C, Township File No. 26-10 (plan dated April 17, 2026, last revised May 22, 2026) (the “Phase 1-C Decision”); and (b) the conditional approval of the Preliminary Land Development Plan for PAX-1 Phase 2, Township File No. 25-26 (plan dated November 26, 2025, last revised May 22, 2026) (the “Phase 2 Decision”).

4. On information and belief from the Township’s Right-to-Know production (Exhibits 1 and 2), each Decision was effected by two motions: a first motion granting relief (waivers, modifications and deferrals) from enumerated provisions of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017, as amended (“SALDO”), and the Middlesex Township Stormwater Management Ordinance (“SWMO”) (“Motion #1”); and a second motion granting conditional preliminary approval (“Motion #2”).

5. This Notice is filed within thirty (30) days of July 1, 2026, in compliance with MPC §1002-A, 53 P.S. §11002-A, measured conservatively from the date of the Board’s votes. ²

² It is noted that given the “draft” nature of the approvals, it is unclear what the mailing date of the decisions might be or is, as the RTK response does not confirm the finality of the nature of the approval but the instant appeal is being submitted to prevent such an appeal from being time-barred by the provisions of the MPC.

II. IDENTIFICATION OF PARTIES

6. Appellants Kyle and Alexia Gerber are adult individuals residing at 585 Bernheisel Bridge Road, Carlisle, Pennsylvania 17015.

7. Appellants Andrew and Rachael Dymski are adult individuals residing at 430 Bernheisel Bridge Road, Carlisle, Pennsylvania 17015.

8. Appellants Robert and Viola Byerly are adult individuals residing at 263 Country Club Road, Carlisle, Pennsylvania 17015.

9. Appellants Jody and Stanley Shivel are adult individuals residing at 8 Teaberry Drive, Carlisle, Pennsylvania 17015.

10. Appellants Earle and Bonnie Morton are adult individuals residing at 120 Locust Way, Carlisle, Pennsylvania 17015.

11. Appellee, the Board of Supervisors of Middlesex Township, Cumberland County, Pennsylvania, is the governing body of Middlesex Township empowered pursuant to the MPC, 53 P.S. §10501 et seq., to review and act upon subdivision and land development applications within the Township.

12. The owner and developer of the subject property is Carlisle Development Partners, LLC ("CDP" or the "Applicant"). The project is developed and marketed under the name "PAX-1" by Pennsylvania Data Center Partners, whose Chief Operating Officer is Justin Ross. Mr. Ross is simultaneously a principal of LIVIC Civil ("LIVIC"), the Applicant's project engineer, and Mr. Ross personally signed, as "Justin Ross, P.E., Principal" of LIVIC, the June 19, 2026 waiver/modification justification letter for Phase 2 upon which the Board acted (Exhibit 2 at 18).

III. SUBJECT PROPERTY

13. The subject property consists of approximately 694 acres comprising four tax parcels located at 246, 248, 250 and 256 Country Club Road, Middlesex Township, Cumberland County, Pennsylvania, bearing Parcel Identification Numbers 21-06-0015-001, 21-06-0015-013, 21-06-0015-014 and 21-06-0015-015 (the "Property").

14. The Property is located within the Township's MU-1 zoning district and is subject to the Data Center Overlay ("DCO") adopted by Ordinance 3-2025.

IV. PROJECT BACKGROUND

15. In or about late 2024, the developer and the Township began discussions concerning the development of a hyperscale data center campus on the Property.

16. On May 30, 2025, the Board adopted Ordinance 3-2025, creating the DCO applicable to the Property.

17. The Applicant filed the Phase 2 Preliminary Land Development Plan, Township File No. 25-26, with a plan dated November 26, 2025. The Cumberland County Planning Department/Commission ("CCPC") issued its review of that plan, Plan No. P25-1176, dated January 12, 2026, containing forty-three (43) comments (Exhibit 2 at 9-13).

18. The Township Engineer's consultant, Herbert, Rowland & Grubic, Inc. ("HRG"), issued review letters on the Phase 2 plan including Letter #1 dated February 6, 2026 (Exhibit 3); two letters each captioned "Review Letter #3," dated April 13, 2026 (Exhibit 4) and May 8, 2026 (Exhibit 5); and Letter #4 dated June 8, 2026 (Exhibit 2 at 4-8). No HRG Phase 2 letter #2 appears in the record produced to Appellants.

19. The Applicant filed the Phase 1-C Preliminary Land Development Plan, Township File No. 26-10, with a plan dated April 17, 2026. HRG issued Review Letter #1 dated May 8, 2026 (Exhibit 6) and Review Letter #2 dated June 8, 2026 (Exhibit 1 at 4-9). The CCPC issued its review, Plan No. P26-302, dated May 11, 2026, containing thirteen (13) comments (Exhibit 1 at 10-11).

20. Both plans were last revised on May 22, 2026.

21. On May 6, 2026, the Board granted conditional approvals to the PAX-1 Final Subdivision Plan (CA 26-2), the Phase 1-A Final Land Development Plan (CA 26-5), and the Phase 1-B Preliminary Land Development Plan (CA 25-25). Appellants appealed those approvals to this Court in June 2026 at Docket No. 2026-06465 (the “First Appeal”).

22. On May 13, 2026, Appellants filed a substantive validity challenge to the DCO with the Middlesex Township Zoning Hearing Board pursuant to MPC §916.1, which remains pending.³ That challenge is referenced herein as context only and is not pled as a ground of this appeal.

23. By letters dated June 19, 2026 — after the May 22, 2026 final plan revisions and after the Planning Commission review cycle — LIVIC transmitted written waiver/modification “justification” letters for each phase; the Phase 1-C letter is signed by Nick Long, Sr. Project Manager (Exhibit 1 at 15), and the Phase 2 letter is signed by Justin Ross, P.E., Principal (Exhibit 2 at 18).

24. At its July 1, 2026 public meeting, the Board adopted, for each of Township Files 26-10 and 25-26, a Motion #1 granting waivers, modifications and deferrals and a Motion #2 granting conditional preliminary approval.

³ It is noted that Appellants filed their substantive validity challenge which was deemed denied due to the failure of the Middlesex Township to conduct a hearing on the challenge within 60 days of the filing thereof. An appeal to this Court of said deemed denial is being perfected as of the time of the instant filing.

25. By Right-to-Know response dated July 15, 2026, the Township produced the two written motions, stating that they “are considered draft and may have been changed or altered verbally during the meeting. For official actions please refer to the Minutes of that meeting recorded on the Township webpage” (Exhibit 7 at 1).

26. As of the date of this filing, no written decision under MPC §508, 53 P.S. §10508, has been received by Appellants, and the approved minutes of the July 1, 2026 meeting are not available to Appellants. The averments herein concerning the content of the Decisions are made on information and belief from the Township’s Right-to-Know production.

V. ALLEGATION OF ERROR AND STANDARD OF REVIEW

27. The Phase 1-C Decision and the Phase 2 Decision, and each of them, were arbitrary, capricious, an abuse of discretion and contrary to law.

28. Under MPC §1005-A, 53 P.S. §11005-A, the findings of the Board stand only “if supported by substantial evidence,” and a reviewing court determines whether the Board committed an error of law or an abuse of discretion.

VI. STANDING OF APPELLANTS

29. Each Appellant is a “person aggrieved” within the meaning of MPC Article X-A: each owns and resides at property in immediate proximity to the Property and to the specific improvements approved by the Decisions, and each will suffer harm — including construction and operational traffic on Country Club Road, noise, impacts to private water supply, downstream stormwater impacts, and loss of use and enjoyment — that is direct, immediate and substantial, and distinguishable from that of the general public.

30. Appellants Robert and Viola Byerly reside at 263 Country Club Road, on and fronting directly upon Country Club Road — the roadway whose improvement design and phasing the Board deferred (see Grounds below) — and in close proximity to the laydown lot that is the subject of the Phase 1-C plan. Viola Byerly appeared at the Planning Commission's May 11, 2026 meeting and questioned the Phase 1-C construction laydown area, expressing concerns regarding localized flooding and wet conditions (PC Minutes, May 11, 2026, at 7-8).

31. Appellants Andrew and Rachael Dymski reside at 430 Bernheisel Bridge Road and aver, on information and belief, that their property lies in proximity to the reach of the Conodoguinet Creek and its floodplain to which the approved stormwater design will "discharge laterally" (Exhibit 1 at 14; Exhibit 2 at 17). Further, the properties of said Appellants is sufficiently close to the Property to impact viewshed, potential impacts to groundwells upon which Appellants rely vis a vis the subsurface aquifer, in sufficient proximity to be subjected to noise exposure, and impacts of construction traffic along Country Club Road, along with potential downstream stormwater impacts.

32. Appellants Jody and Stanley Shivell reside at 8 Teaberry Drive, opposite the Phase 1-B portion of the campus and in proximity to the Phase 2 campus and its generator installations. Further, the properties of said Appellants is sufficiently close to the Property to impact viewshed, potential impacts to groundwells upon which Appellants rely vis a vis the subsurface aquifer, in sufficient proximity to be subjected to noise exposure, and impacts of construction traffic along Country Club Road, along with potential downstream stormwater impacts.

33. Appellants Kyle and Alexia Gerber (585 Bernheisel Bridge Road) and Earle and Bonnie Morton (120 Locust Way) reside in immediate proximity to the Property, the properties of said Appellants is sufficiently

close to the Property to impact viewshed, potential impacts to groundwells upon which Appellants rely vis a vis the subsurface aquifer, in sufficient proximity to be subjected to noise exposure, and impacts of construction traffic along Country Club Road, along with potential downstream stormwater impacts.

34. No appearance before the Board was required to perfect standing to appeal a land development approval. Appellants Andrew Dymski and Stanley Shivel in fact made public comments during the proceedings below, as the Applicant itself documented in the First Appeal (Applicant's Motion to Quash, nn.2-3).

VII. GROUNDS FOR APPEAL — TOWNSHIP FILE NO. 26-10 (PHASE 1-C DECISION)

A. The SALDO/SWMO waivers, modifications and deferrals were granted without the written request and justification that MPC §512.1 mandates, and were conditioned on a subsequent submission requesting the same

35. Phase 1-C Motion #1 granted relief from ten enumerated provisions: SALDO §501.A.2 (plan scale); SALDO §501.A.6 (location map scale); SALDO §501.C.12 (deferral of Country Club Road improvement design and phasing); SALDO §§718.D.3.A and 718.D.4.A-D (EIA map scale); SALDO §§719.B.2 and 719.B.3 (deferral of final landscaping plan); SWMO §302.A.13 (inlet construction details); SWMO §303.B.2 (infiltration as primary mechanism); SWMO §303.H.12 (geotechnical MRC certification); SWMO §303.H.17 (dewatering); and SWMO §303.J.3 (basin slopes) (Exhibit 1 at 1).

36. Section 512.1(a) of the MPC, 53 P.S. §10512.1(a), permits the governing body to grant a modification of the requirements of its land

development ordinance only **“if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.”** Emphasis added.

37. Section 512.1(b) of the MPC provides: **“All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.”** Emphasis added.

38. Section 512.1(d) of the MPC requires that the governing body **“shall keep a written record of all action on all requests for modifications.”** Emphasis added.

39. The Township’s SALDO modification provision is authorized by, and must be exercised in conformity with, MPC §503(8), 53 P.S. §10503(8).

40. The inclusion of the word shall in the statutory language is a clear, unambiguous and mandatory provision that is not subject to interpretation.

41. It is averred that Motion #1 inverted the required statutory sequence contemplated for such a waiver to be valid, it granted the relief first and made the statutory predicate a condition to be supplied later, moving to “approve relief from the following sections . . . **subject to providing written request and justification for each relief sought** and listing the relief sought on the cover sheet of the plan set” (Exhibit 1 at 1).

42. As noted above, §512.1(b) requires the written request to “accompany and be a part of the application for development” — not to post-date the grant of relief.

43. The only waiver justification letter in the Phase 1-C record is LIVIC's letter dated June 19, 2026 (Exhibit 1 at 12-15), which post-dates the last plan revision (May 22, 2026) and the Planning Commission review cycle. As of June 8, 2026 — one month after the plan was complete for review — the Township Engineer was still asking: "Waiver requests are listed on the plan. **Please provide a formal waiver/modification request letter**" (Exhibit 1 at 5).

44. The deferral of SALDO §501.C.12 (Country Club Road improvement design and phasing) was granted with **no written request or justification for that section anywhere in the record**: the LIVIC June 19, 2026 letter contains no §501.C.12 item (Exhibit 1 at 12-15).

45. The deferral of the final landscaping plan under SALDO §§719.B.2 and 719.B.3 was granted on a copy-pasted justification belonging to a different waiver: the corresponding LIVIC item recites "Ordinance: Provide Construction Details for non-standard inlet boxes / Facts of Hardship: Final engineering/configuration of inlet structures may change prior to Final LDP" (Exhibit 1 at 15). No landscaping justification exists in the record.

46. The relief granted does not match the relief requested: LIVIC's letter requests a SALDO §703.A.10 curb/sidewalk waiver (Exhibit 1 at 13) that is not in Motion #1, and HRG's table of requested relief lists a SALDO §707.A.1 sidewalk waiver (Exhibit 1 at 5) that is not in Motion #1.

47. The "hardship" recitations that do exist are boilerplate reciting convenience and legibility, not "peculiar conditions pertaining to the land in question" — e.g., the plan-scale modifications were justified as "for project clarity and presentation where appropriate" (Exhibit 1 at 12) — and are duplicated verbatim in the Applicant's Phase 2 letter (Exhibit 2 at 14).

48. It is well established that the failure to establish the nature of a hardship sufficient to grant a waiver is reversible error on the part of the governing authority.

49. A waiver may stand only on record proof of hardship or functional equivalence, and it is an abuse of discretion for a governing body to grant such a waiver when such a grant is not supported by substantial evidence.

50. The Board did not table these requests for decision at the preliminary plan stage; it **granted** them on July 1, 2026, without the written predicate MPC §512.1(b) mandates, on justifications that are duplicated, mismatched, or absent altogether.

51. The grant of relief from each of the ten enumerated sections without compliance with MPC §512.1 was arbitrary, capricious, an abuse of discretion and contrary to law, and that failure alone is sufficient to have denied approval to the Phase 1-C application.

B. The deferral of Country Club Road improvement design and phasing was granted with no written request and contrary to the stated premise of the Township Engineer, despite it being an express preliminary plan requirement.

52. The Township Engineer stated in his June 8, 2026 Phase 1-C letter, “The applicant has indicated that a roadway improvement phasing strategy will be prepared prior to the approval of the Phase 1C Final Plan. **Unless a modification is granted, roadway improvement designs are a preliminary plan requirement [501.C.12]**” (Exhibit 1 at 7).

53. No written request or justification for §501.C.12 relief exists anywhere in the record (see Paragraph 44 above), so the deferral was granted in violation of MPC §512.1(b) and (d).

54. HRG's same letter also required the Phase 1A developer's agreement to be updated "to include any proposed offsite improvements to Country Club Road such as widening west of the property to accommodate construction traffic," and CCPC Comment 8 concerning traffic control at the Country Club Road access (stop sign, stop bar, crosswalk; SLDO 715) remained open at approval (Exhibit 1 at 11).

55. As argued in the first appeal by CPD, once a preliminary application has been approved, the application is entitled to final approval in accordance with the original preliminary application. Thus, the preliminary stage is therefore the only stage at which the adequacy of the Country Club Road improvements can be adjudicated; the deferral permanently evacuates that adjudication while construction traffic already uses Country Club Road.

56. The deferral of SALDO §501.C.12 was arbitrary, capricious, an abuse of discretion and contrary to law, and that failure alone is sufficient to have denied approval to the Phase 1-C application.

C. The Environmental Impact Assessment does not comply with SALDO §718: the preparer was not "mutually agreed upon" and is conflicted; the objective content standards were waived without lawful basis; and the EIA is internally inconsistent on the Board's own record.

57. SALDO §718.C provides: "**The study shall be prepared by a qualified consultant who shall be mutually agreed upon by the developer and the Township. . . . The EIA Report shall be certified as correct by the preparer.**" SALDO §503.A.11 requires "A Preliminary Environmental Impact Assessment (EIA) Report, as required by This Ordinance (Reference Article VII §718)," and SALDO §718.B provides that "An updated EIA report shall accompany and form a part of the Final Plan."

58. The EIA relied upon was prepared by LIVIC. LIVIC's principal, Justin Ross, is simultaneously the Chief Operating Officer of the developer entity, and Mr. Ross personally signed the Phase 2 waiver letter upon which the Board acted (Exhibit 2 at 18). Appellants aver — as a fact raised by Appellants from the Township's own Right-to-Know production — that the record contains no evidence of any mutual agreement between the Township and the developer on the EIA preparer.

59. Motion #1 waived the objective EIA content standards of SALDO §§718.D.3.A and 718.D.4.A-D: all five required EIA maps are drawn at 1"=500' rather than the required 1"=100', on a convenience justification ("A scale of 1"=500 has been utilized to more clearly show the required information and features . . . given the large project area") (Exhibit 1 at 1, 13), in violation of MPC §512.1 as set forth in Ground A above.

60. The Township Engineer's June 8, 2026 letter, open at approval, states: **"The stormwater volumes in Table 4.2 on page 865 of the EIA do not appear to match those in the PCSM narrative [718.D.19]"** (Exhibit 1 at 7). The Board's finding of environmental adequacy thus rests on a document its own engineer flagged as internally inconsistent.

61. If a preliminary subdivision plan fails to comply with the substantive requirements of the subdivision ordinance, its rejection or conditional approval is within the discretion of the governing body rather than granting an approval as filed.

62. Approval of the Phase 1-C plan on a non-compliant, conflicted and internally inconsistent EIA was arbitrary, capricious, an abuse of discretion and contrary to law, and that failure alone is sufficient to have denied approval to the Phase 1-C application.

D. The Board approved a plan whose stated use — a “temporary construction site trailer” use — requires a special exception from the Zoning Hearing Board that was never sought or granted

63. The Township Engineer’s June 8, 2026 letter, states that the Applicant “revised the zoning data table (sheet 3) to indicate a temporary construction site trailer use. **It appears temporary uses require a special exception [3.06(A)2]**” (Exhibit 1 at 5).

64. Motion #2, Condition 5, confirms the Board itself treated the use as temporary, requiring a plan note “that when the temporary construction site trailer use on PAX-1 Phase 1-C is no longer needed, the site will be returned to original grades and meadow conditions . . .” (Exhibit 1 at 3). The Applicant’s May 22, 2026 response letter confirms the use change (Exhibit 8). CCPC Comments 1 and 1a regarding the long-term use of the laydown lot were likewise unresolved at approval (Exhibit 1 at 10).

65. Nothing in the July 1, 2026 record resolves the zoning authorization for that use: no special exception was sought from or granted by the Zoning Hearing Board and the Board lacks any authority to grant relief from the Zoning Ordinance by way of variance, and lacks jurisdiction to grant special exceptions.

66. The Board merely ignored the requirements of the Ordinance and granted relief to CDP.

67. Approval of a preliminary plan whose stated use lacks zoning authorization on the face of the Board’s own engineer’s letter is an error of law, and that failure alone is sufficient to have denied approval to the Phase 1-C application.

E. The SWMO waivers — including waiver of the ordinance’s primary infiltration mandate — were granted on a record showing “nearly no permeability” and an unapproved design “new to the state”

68. Motion #1 granted modification of SWMO §303.B.2, which makes infiltration of surface water runoff at its source the primary stormwater mechanism, together with relief from SWMO §§302.A.13, 303.H.12, 303.H.17 and 303.J.3 (Exhibit 1 at 1).

69. The Applicant’s own justification concedes that “it has been concluded that **the site has nearly no permeability,**” and that the substitute is a DEP “new alternative BMP design **which new to the state**” under which “the majority will discharge laterally to the adjacent floodplain of the creek” (Exhibit 1 at 14).

70. The Township Engineer’s June 8, 2026 letter states that documentation of PADEP or conservation district approval of the MRCs remains outstanding and that “this comment will remain until either DEP or the CCCD has issued the NPDES permit” [302.D]; the geotechnical MRC certification (§303.H.12) was deferred because DEP “guidelines . . . are recommended but not official”; and surface runoff channelization at Country Club Road remained open. (Exhibit 1 at 6-7).

71. The waiver of the ordinance’s primary design mandate in favor of a design that is unapproved and uncertified, without having satisfied 53 P.S. §10512.1 (*see* Subsection A above), constitutes an abuse of discretion as the decision to grant the waiver was not supported by substantial evidence.

F. The Phase 1-C compliance findings on noise rest on a study that was not in the submission

72. The Township Engineer’s June 8, 2026 letter directed: “Provide a sound study for Phase 1C, or an update to the previously submitted sound

study . . . [419.F],” and found: “**The Phase 1B sound study was not included in the submission**” (Exhibit 1 at 5) — notwithstanding the Applicant’s May 22, 2026 representation that the study was “provided with this submission” (Exhibit 8 at 2).

73. The Board approved the Phase 1-C plan without the referenced sound study in the record; to the extent the Board found noise-related compliance, that finding is unsupported by substantial evidence. MPC §1005-A.

74. The Ordinance required the Applicant demonstrate compliance with this requirement and preliminary land development approval, even if conditioned on future compliance is fundamentally flawed as the applicant cannot even demonstrate an ability to comply without an updated study.

G. Motion #2 unlawfully converted issues of unresolved substantive ordinance compliance into post-approval conditions to be satisfied to the Township Engineer’s private satisfaction.

75. Motion #2, Condition 1, provides verbatim: “That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review letter #2 of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated June 8, 2026 **in a manner acceptable to the Township Engineer, subject to his final review**” (Exhibit 1 at 3). Condition 2 likewise requires that the applicant “satisfies all comments” of the CCPC review dated May 11, 2026 (P26-302), all thirteen of which were open at the time approval was granted (Exhibit 1 at 3, 10-11).

76. The conditional approval converted substantive matters addressed by engineering comments as set forth above: (1) the zoning authorization of the stated use despite having been flagged as a matter for special exception approval, (2) the absent sound study, (3) surface-runoff channelization along Country Club Road, (4) the EIA’s internal

inconsistency (§718.D.19), (5) street trees (§719.C.6), (6) perimeter screening of the laydown yard (SALDO 719.C.14.a), (7) traffic control at the Country Club Road access (SLDO 715), and (8) whether “the traffic impact study and environmental impact assessment” must be updated to include Phase 1-C (CCPC Comment 11) (Exhibit 1 at 5-7, 10-11).

77. 53 P.S. §10503(9) of the MPC, contemplates conditional approval being granted to an applicant only upon fashioning “conditions acceptable to the applicant and a procedure for the applicant’s acceptance or rejection”; MPC §508(4)(ii) recognizes approval “by the applicant’s acceptance of conditions.”

78. The record available to Appellants does not show any written acceptance of the conditions by the Applicant. And while conditions are proper for defects in the plan notations and labels correctable by fairly simple amendments, conditions are not appropriate for objective defects in the subdivision itself.

79. It is respectfully submitted that generic reliance on engineer “comments” without any reference to the source or date of those comments is an inadequate decisional basis for approval.

80. Further, a promise to comply or conditions compelling future compliance cannot cure an otherwise non-compliant application; rather, the standard is whether the plan complies with specific ordinance requirements at the time the plan comes before it.

81. Because the conditions defer the substantive ordinance-compliance adjudication itself — not mere technical confirmation — the preliminary approval of Phase 1-C lacks adequate substantial evidence of compliance, and the conditions cannot cure the defects set forth in Grounds A through F above. This specific deficiency is included herein as additional

basis for relief and should also be construed as cumulative to those Grounds identified above.

VIII. GROUNDS FOR APPEAL — TOWNSHIP FILE NO. 25-26
(PHASE 2 DECISION)

A. The SALDO/SWMO waivers, modifications and deferrals were granted without the written request and justification as mandated by 53 P.S. §10512.1

82. Paragraphs 36 through 40 (the text of 53 P.S. §10512.1(a), (b) and (d), 53 P.S. §10503(8)) are incorporated as if fully set forth as to the Phase 2 Approval herein appealed.

83. Phase 2 Motion #1 granted relief from thirteen (13) enumerated provisions: SALDO §501.A.2; SALDO §501.A.6; SALDO §§501.C.19, 303.J.12 and 303.K.12 (deferral of easement metes and bounds); SALDO §703.I.4 (depressed curb waiver); SALDO §707 (sidewalk waiver); SALDO §§718.D.3.A and 718.D.4.A-D (EIA map scale); SALDO §501.C.12 (deferral of Country Club Road improvement design and phasing); SWMO §302.A.13; SWMO §303.H.12; SWMO §303.J.3; SWMO §303.H.17; SWMO §303.B.2; and “SWMO § 719.B.2., § 719.B.3.” (deferral of final landscaping plan) (Exhibit 2 at 1-2).

84. As in Phase 1-C, the Motion granted relief “subject to providing written request and justification for each relief sought” (Exhibit 2 at 1) — relief first, statutory predicate later, in violation of MPC §512.1(b).

85. The only justification letter in the Phase 2 record is LIVIC’s June 19, 2026 letter, signed by Justin Ross, P.E., Principal (Exhibit 2 at 14-18), thus dated after the most recent plan revision (May 22, 2026) and the Planning Commission’s review. On June 8, 2026 the Township Engineer was still noting: “It appears that **several waiver or modification requests have changed since the request letter dated 3/27/2026. Please**

provide an updated waiver/modification request letter.” (Exhibit 2 at 5).

86. The deferral of the requirements of §501.C.12 was granted with **no written request or justification for that section anywhere in the LIVIC letter** (Exhibit 2 at 14-18).

87. The landscaping deferral (§§719.B.2/719.B.3) again carries the copied and pasted inlet-box “hardship” (“Final engineering/configuration of inlet structures may change prior to Final LDP”) — no landscaping justification exists (Exhibit 2 at 18) — and Motion #1 erroneously cites §719 of the SALDO as a provision, of the “SWMO.”

88. The relief granted does not match the relief requested. Specifically, HRG’s table of requested relief lists a waiver of SALDO §703.A.10 (curb/sidewalk along Country Club Road and PA Data Drive) and a waiver of SALDO §718.D.3.B (plans and elevations), neither of which appears in Motion #1; in fact, the LIVIC letter shows the §718.D.3.B item struck through and marked “NOT NEEDED” (Exhibit 2 at 5, 16).

89. The Township Engineer further warned: “Due to the presence of wet soils beneath portions of Country Club Road, and potentially beneath portions of PA Data Drive, **a modification should not be granted** to eliminate the requirement for pavement base drain” (Exhibit 2 at 5).

90. The “hardship” texts are duplicated verbatim from the Phase 1-C letter and recite convenience and legibility (e.g., “for project clarity and presentation where appropriate,” Exhibit 2 at 14), not “peculiar conditions pertaining to the land in question.”

91. Paragraphs 47 through 50 above, and the granted-not-tabled point are incorporated as to the Phase 2 Decision.

92. The grant of relief from each of the thirteen enumerated sections without compliance with 53 P.S. §10512.1 was arbitrary, capricious, an abuse of discretion and contrary to law, and that failure alone is sufficient to have denied approval to the Phase 2 application, and is sufficient to justify the relief sought herein.

B. The deferral of Country Club Road improvement design and phasing (SALDO §501.C.12) was granted with no written request and contrary to the stated position of the Township Engineer.

93. The Township Engineer stated in his June 8, 2026 Phase 2 letter, **“Unless a modification is granted, roadway improvement designs are a preliminary plan requirement [501.C.12]”** (Exhibit 2 at 7), and required the developer’s agreement to address offsite Country Club Road improvements including “widening west of the property to accommodate construction traffic.”

94. No written §501.C.12 request exists in the Phase 2 record (*see*, Paragraph 86 above); the deferral violated 53 P.S. §10512.1(b) and (d).

95. Paragraph 55 above is incorporated: preliminary approval vests entitlement to final approval, so the deferral permanently forecloses the sole preliminary-stage adjudication of roadway adequacy.

96. The §501.C.12 deferral was arbitrary, capricious, an abuse of discretion and contrary to law, and that failure alone is sufficient to have denied approval to the Phase 2 application.

C. The Phase 2 data-center use was approved without the water feasibility study and without the proof of Susquehanna River Basin Commission review and approval that the Zoning Ordinance makes mandatory prerequisites

97. Middlesex Township Zoning Ordinance §3.04(G)(2)(e)(9) provides: **“The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC)** for projects that have: (a) Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin. (b) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.”

98. The same ordinance subsection requires that “A water feasibility study . . . shall be provided with the zoning permit application” and provides that **“No data center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity.”**

99. 53 P.S. §10503(10), authorizes subdivision and land development provisions to insure “a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.”

100. CCPC review P25-1176, Comment 6, states: **“A water feasibility study should accompany the submission (zoning 3.04.G.2.e)”**; that comment was not satisfied but was instead folded into Motion #2 Condition 3 — i.e., it was open at approval (Exhibit 2 at 3, 9). CCPC Comment 21 likewise states: “A hydro-geologic study and water quality testing report should accompany the submission (SLDO 503.A.6)” (Exhibit 2 at 11). The Township Engineer’s June 8, 2026 submission list contains no water feasibility study (Exhibit 2 at 4).

101. By email dated May 28, 2026, the SRBC (per Mr. Todd Eaby) confirmed that consumptive-use approval is required at or above 20,000 gpd, that the requirement has been “fully communicated to the PAX-1 developer,” and that **“To date, the Commission has not received an application”** (Exhibit 9). It is believed that requirement had not been met as of the time of the July 1, 2026 approval.

102. The Township Engineer’s Phase 2 Letter #1 (February 6, 2026) stated that “water will be consumed at a rate that will trigger the need for an SRBC Consumptive Use Permit Application”; that “the proposed project is taking all available additional capacity not currently identified by ‘Future Development Allocations’”; and that Well 2 design, permitting and construction (noted to be June 2027) “shall be completed . . . before this project should be connected to the public potable water systems” (Exhibit 3 at 7). Those water comments do not reappear in HRG Letter #4, and no record document resolves them.

103. Motion #2, Condition 4, provides verbatim: “That a restrictive covenant be added to the plan by note stating that no water wells will be drilled on the property and that all existing water wells on the property will be properly abandoned and sealed in accordance with PA DEP regulations” (Exhibit 2 at 3) — locking the project’s total dependence on the municipal supply pathway that itself triggers the SRBC consumptive-use approval for which no application has been made.

104. The defect in the approval noted here is the absence of the Applicant’s own mandatory submissions — the water feasibility study and the “proof of review and approval” the ordinance requires the applicant to provide — not the pendency of any outside agency’s permit. The ordinance makes water sufficiency a pre-condition of approving the data-center use, adjudicated on this land development record.

105. The SRBC and water-feasibility requirements are not waivable and are mandatory, and that failure alone is sufficient to have denied or justified tabling approval of the Phase 2 application.

D. The Environmental Impact Assessment does not comply with SALDO §718

106. Paragraphs 57 through 61 above are hereby incorporated as the same are applicable to the Phase 2 Decision. In Phase 2: (a) Motion #1 waived SALDO §§718.D.3.A and 718.D.4.A-D on the identical convenience justification (all five EIA maps at 1"=500' versus the required 1"=100') (Exhibit 2 at 1, 16); (b) the Township Engineer's June 8, 2026 letter, open at approval, repeats: "The stormwater volumes in Table 4.2 on page 865 of the EIA do not appear to match those in the PCSM narrative [718.D.19]" (Exhibit 2 at 7); and (c) the Applicant's principal engineer who signed the operative Phase 2 waiver letter. Note, Justin Ross, P.E., also serves as the developer's Chief Operating Officer (Exhibit 2 at 18).

107. CCPC Comment 35 incorporated into the approval and referenced in the conditional approval, references the Appalachian Trail Conservancy's concerns that project structures will be "visible for approximately 800 feet of Appalachian Trail" and that the "Applicant should coordinate visual impact analysis with the Appalachian Trail Conservancy and the National Park Service" (Exhibit 2 at 9-12) — objective EIA standards under SALDO §718.D that remained unaddressed at approval.

108. Approval of the Phase 2 plan on a non-compliant, conflicted and internally inconsistent EIA was arbitrary, capricious, an abuse of discretion and contrary to law, and that failure alone is sufficient to have denied approval to the Phase 2 application.

E. Noise: a use-prerequisite compliance finding was made on a record containing no verified Phase 2 sound study and a review letter that is not in the record

109. Paragraphs 72 through 74 are incorporated by reference as if set forth fully herein.

110. CCPC Comment 8 states: “**A noise study should be provided (zoning 3.04.G.2.g),**” and the CCPC’s acoustic-barrier and generator-yard comments remained unaddressed at the time of approval (Exhibit 2 at 9).

111. Motion #2, Condition 2, requires that the applicant satisfy “all comments and conditions of the Township Engineer . . . in **written sound study review letter #1** of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. **dated 04/23/2026** in a manner acceptable to the Township Engineer, subject to his final review” (Exhibit 2 at 3). That April 23, 2026 letter is captioned to the Phase 1-B sound study — it is the same HRG Phase 1-B sound study review letter enclosed with the Board’s May 6, 2026 Phase 1-B conditional approval — and no Phase 2-specific sound study review letter exists in the record.

112. The Township Engineer’s May 8, 2026 Phase 2 letter found: “It appears that the submitted sound study **includes the same documents that were submitted in association with Phase 1B.** Please confirm . . . or provide a table, list, or similar means to identity changes or updates made to the study associated with Phase 2” (Exhibit 5 at 3). No confirmation or update appears in the record. The Engineer’s June 8, 2026 letter still lists as a final-plan item: “Provide an updated Sound Study . . . [§419.F]” (Exhibit 2 at 8).

113. Any finding that the Phase 2 use complies with the Township’s noise standards therefore rests on the wrong phase’s documents plus a review letter addressed to that other phase’s study — a finding unsupported

by substantial evidence, MPC §1005-A. That failure is an additional and independent basis upon which the Board should have based a denial, rather than granting approval.

F. Motion #2 unlawfully converted issues of unresolved substantive ordinance compliance into post-approval conditions to be satisfied to the Township Engineer's private satisfaction.

114. Paragraphs 75 through 81 are incorporated as to the Phase 2 Decision. Phase 2 Motion #2, Conditions 1 through 3, require the applicant to satisfy (1) all comments of HRG review letter #4 dated June 8, 2026 “in a manner acceptable to the Township Engineer, subject to his final review”; (2) all comments of the absent April 23, 2026 sound study review letter (Paragraph 111); and (3) all forty-three comments of CCPC review P25-1176 dated January 12, 2026 (Exhibit 2 at 3, 9-13).

115. The comments so converted include the water feasibility study, the hydro-geologic study, the noise study, the sewage planning module, the EIA inconsistency, and stormwater design items — the substantive compliance adjudication itself. For the reasons set forth in Paragraphs 75 through 80 (53 P.S. §10503(9); 53 P.S. §11105-A), the Phase 2 approval rests on no substantial evidence of compliance and the conditions cannot cure the defects pled in Grounds A through E and G through H of this Section. This ground is pled as additional and cumulative.

G. The SWMO §303.B.2 infiltration waiver was granted on a record showing “nearly no permeability,” an unapproved design “new to the state,” and over the County's express preconditions

116. Paragraphs 68 through 71 are incorporated as to the Phase 2 Decision; the Applicant's Phase 2 justification is verbatim identical (“the site has nearly no permeability”; a DEP “new alternative BMP design which new

to the state”; “the majority will discharge laterally to the adjacent floodplain of the creek”) (Exhibit 2 at 17).

117. CCPC Comment 13.b, on the Board’s own record, stated that “The township should require methods to limit erosion **prior to approval of the waiver**” and that “The applicant should address impacts to threatened and rare populations in the floodplain **prior to approval of the waiver**” (Exhibit 2 at 10). The waiver was granted on July 1, 2026 with both preconditions unaddressed.

118. The Township Engineer’s June 8, 2026 letter, open at approval, states that the MRC approval comment “will remain until either DEP or the CCCD has issued the NPDES permit” and that an NPDES permit had not been demonstrated (Exhibit 2 at 7).

119. The waiver of the ordinance’s primary infiltration mandate on this record was unsupported by substantial evidence and an abuse of discretion, and compounds the MPC §512.1 violations pled in Ground A.

H. The Phase 2 application was objectively incomplete under the SALDO’s own preliminary-plan checklist

120. The Township Engineer’s June 8, 2026 letter, open at approval, directs: “**Provide a completed PADEP Sewage Planning Module [503.A.3]**” (Exhibit 2 at 6) — a comment carried unresolved since at least April 13, 2026 (Exhibit 4).

121. Retaining-wall design calculations certified by a professional engineer (SALDO §716.B) were deferred to final plan at the Applicant’s request (Exhibit 2 at 6); CCPC Comment 21 (hydro-geologic study and water quality testing, SLDO 503.A.6) and Comment 27 (sight distances) remained open (Exhibit 2 at 11).

122. The SALDO §503.A.9 preliminary municipal-authority capacity report was unmet while the Township Engineer had reported that “the proposed project is taking all available additional capacity not currently identified by ‘Future Development Allocations’” (Exhibit 3 at 7).

123. A preliminary approval resting on an application missing the ordinance’s enumerated preliminary submissions is not a matter of plan “notations and labels” in the aggregate these omissions rendered the application incomplete as a matter of the ordinance’s own terms. This ground is pled as additional and cumulative, and in support of Grounds A and F.

IX. RELIEF REQUESTED

124. The Phase 1-C Decision and the Phase 2 Decision were each erroneously granted by the Board as an abuse of its discretion and as a product of its arbitrary and capricious action in violation of its own governing ordinances, and lacking substantial evidence, and inconsistent with the Pennsylvania Municipalities Planning Code, and each should be vacated.

125. In the alternative, and without waiver of the foregoing, this Court may strike the unlawful waivers, modifications, deferrals and conditions, or remand for the statement of the basis for the waivers that the record lacks.

126. Appellants reserve the right to amend and supplement this Notice, including upon receipt of the written decisions required by 53 P.S. §10508 and the approved minutes of the July 1, 2026 meeting, and to file a supplemental notice within thirty (30) days of the mailing of any written decision. (See footnote 1.)

WHEREFORE, Appellants respectfully request that this Honorable Court grant their appeal, reverse the decisions of the Board of Supervisors

granting conditional preliminary approval to the PAX-1 Phase 1-C Preliminary Land Development Plan (Township File No. 26-10) and the PAX-1 Phase 2 Preliminary Land Development Plan (Township File No. 25-26), together with the waivers, modifications and deferrals granted therewith, and remand this matter to the Board of Supervisors for denial of the appealed applications, and grant such other relief as the Court deems just.

Dated: July 31, 2026

BY:

**Respectfully submitted,
WOLF & WOLF**



**Nathan C. Wolf, Esquire
10 West High Street
Carlisle, PA 17013
Supreme Court I.D. No. 87380
(717) 241-4436
Attorneys for Appellants**

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted By:



**Nathan C. Wolf, Esquire
Attorney for Appellants
Attorney ID: 87380**

INDEX OF EXHIBITS

- Exhibit 1** Township Written Motions #1 and #2, Board of Supervisors meeting of July 1, 2026 — Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-C, Township File No. 26-10, with enclosures (HRG Review Letter #2 dated June 8, 2026; Cumberland County Planning Department Review Report P26-302 dated May 11, 2026; LIVIC Civil Waiver/Modification/Deferral Request letter dated June 19, 2026), as produced in the Township's July 15, 2026 Right-to-Know response (15 pages)
- Exhibit 2** Township Written Motions #1 and #2, Board of Supervisors meeting of July 1, 2026 — Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2, Township File No. 25-26, with enclosures (HRG Review Letter #4 dated June 8, 2026; Cumberland County Planning Department Review Report P25-1176 dated January 12, 2026; LIVIC Civil Waiver/Modification/Deferral Request letter dated June 19, 2026), as produced in the Township's July 15, 2026 Right-to-Know response (18 pages)
- Exhibit 3** HRG Phase 2 Preliminary Land Development Plan Review Letter #1, Twp. Plan No. TPF 25-26, dated February 6, 2026 (12 pages)
- Exhibit 4** HRG Phase 2 Preliminary Land Development Plan Review Letter #3, Twp. Plan No. TPF 25-26, dated April 13, 2026 (10 pages)
- Exhibit 5** HRG Phase 2 Preliminary Land Development Plan Review Letter #3, Twp. Plan No. TPF 25-26, dated May 8, 2026 (7 pages)
- Exhibit 6** HRG Phase 1C Preliminary Land Development Plan Review Letter #1, Twp. Plan No. TPF 26-10, dated May 8, 2026 (8 pages)
- Exhibit 7** Middlesex Township Right-to-Know response letter of Zachary Zook, Right to Know Officer, to Andrew Dymski, dated July 15, 2026 (1 page)
- Exhibit 8** LIVIC Civil Submission Summary / comment-response letter to the Middlesex Township Planning Commission, PAX-1 Phase 1C Preliminary Land Development Plan, dated May 22, 2026 (12 pages)
- Exhibit 9** Email of Todd Eaby, Susquehanna River Basin Commission, to Andrew Dymski, "Middlesex Twp Data Center SRBC Permit Question," dated May 28, 2026 (1 page)

EXHIBIT 1

Draft Motions for Board of Supervisors, at July 1, 2026 Meeting

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-C

Plan prepared by: Livic Civil

Plan dates: 04/17/2026; last revised 05/22/2026

Township File No. 26-10

MOTION #1

I move that we approve relief from the following sections of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017 (SALDO), and the Middlesex Township Stormwater Management Ordinance No. 6-2011 (SWMO), for the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-C, subject to providing written request and justification for each relief sought and listing the relief sought on the cover sheet of the plan set.

1. SALDO § 501.A.2. Modification of requirement for plan scale not smaller than one inch to one hundred feet (1"=100').
2. SALDO § 501.A.6. Modification of requirement for location map scale not smaller than one inch to one thousand feet (1"=1000').
3. [SALDO § 501.c.12.] – Deferral until final plan of requirements for acceptable design and phasing of Country Club Roadway Improvements with Preliminary Plan.
4. [SALDO § 718.D.3.A., § 718.D.4.A., § 718.D.4.B., § 718.D.4.C., § 718.D.4.D.]
Modification of requirements for minimum plan scale of not more than one inch to one hundred feet (1"=100') for required maps of physical resources within the Environmental Impact Assessment Report.
5. [SALDO § 719.B.2., § 719.B.3.] – Deferral until final plan of requirements to provide final landscaping plan.
6. [SWMO § 302.A.13.] – Deferral until final plan of requirements to provide construction details for stormwater inlets.
7. [SWMO § 303.B.2.] – Modification of requirement for infiltration of surface water runoff at its source as the primary mechanism for stormwater management.

8. [SWMO § 303.H.12.] – Deferral until final plan of requirements for to provide Geotechnical Engineer certification of stormwater management Managed Released Concept (MRC) design.
 9. [SWMO § 303.H.17.] – Modification of requirement for all stormwater infiltration practices to infiltrate the stored volume within forty-eight (48) hours.
 10. [SWMO § 303.J.3.] – Modification of requirement for stormwater detention basin side slopes to not be steeper than four (4) units horizontal to one (1) unit vertical and for stormwater detention basin bottom slopes not to be less than two percent (2%).
-

MOTION #2

I move that we approve the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-C, subject to the following conditions:

1. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review letter #2 of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 06/08/2026 in a manner acceptable to the Township Engineer, subject to his final review.
2. That the applicant satisfies all comments of the Cumberland County Planning Department, in written review dated 05/11/2026 for Plan Number P26-302.
3. That per Section 710.E.2.b. of the Subdivision and Land Development Ordinance No. 8-2017, as amended, the applicant pays to Middlesex Township the required fee in lieu of dedication of park and recreation areas for the subdivision of \$1,000 per disturbed acre of development area, prior to the final plans being signed by the Township and released for recording.
4. That the applicant enters into a developer's agreement with Middlesex Township regarding required public improvements and posts financial security for required public improvements, as-built plans and engineering inspection fees for this plan with the Township in an amount acceptable to the Township Engineer and form acceptable to the Township Solicitor, prior to the final plans being signed by the Township and released for recording.
5. That a note be added to the plan indicating that when the temporary construction site trailer use on PAX-1 Phase 1-C is no longer needed, the site will be returned to original grades and meadow conditions, except for areas with established berm buffers and landscaping screenings, with language of such plan note being in a manner acceptable to the Township Engineer, subject to his final review.



Herbert, Rowland & Grubic, Inc.
369 East Park Drive
Harrisburg, PA 17111
717.564.1121
www.hrg-inc.com

PHASE 1C PRELIMINARY LAND DEVELOPMENT PLAN REVIEW LETTER #2

MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA

Attn: Mr. Bud Grove, Township Engineer

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-C

Middlesex Twp. Plan No. TPF 26-10

June 8, 2026

We have completed our review of the following information for the above-referenced project:

Submission:	Dated:	Last Revised:
Plan Set for Phase 1C (92 sheets)	04/17/2026	05/22/2026
E&S Plan Set	4/16/2026	5/22/2026
Plan Set for Country Club Road (24 Sheets)	08/18/2025	02/06/2026
Post Construction Stormwater Management Report for Phase 1C (PCSM Report)	April 2026	05/22/2026
Comment Response Letter	05/22/2026	--
Environmental Impact Assessment (EIA)	May 2026	--
EIA Summary of Changes	5/22/2026	
Recreation Fee Memo	5/22/2026	

The applicant has submitted the following requests for relief:

Requested Waiver(s)	Ordinance Section
Plan Size and Scale	SALDO 501.A.2
Location Map Scale	SALDO 501.A.6

Sidewalk Requirements (See Waiver Note 2)	SALDO 707.A.1
Plan Scale for Maps and Exhibits within the EIA	SALDO 718.D.3.A, 718.D.4.A, 718.D.4.B, 178.D.4.C, 718.D.4.D
Detention Basin Side Slopes > 4:1	SWM 303.J.3
Dewatering	SWM 303.H.17
Infiltration of Stormwater	SWM 303.B.2

We offer the following comments (* - Indicates comments not addressed from previous review letters):

WAIVER NOTES

1. Waiver requests are listed on the plan. Please provide a formal waiver/modification request letter.
2. A note has been added to the plan which reads, "The owners of these lots, upon notification by Middlesex Township, shall be responsible for the construction of sidewalks to Township specifications within six (6) months of the date of such notification."

ZONING

1. Within the Zoning Regulations, change the proposed Phase 1C use as no data center is proposed on this lot. The Zoning Officer should advise as to whether the proposed use is an Outdoor Storage Yard, Temporary Construction Site Trailer, Construction Trade and Contractor, or another use as described in the zoning ordinance (Section 3.04 and 3.05). Additional zoning requirements may apply depending upon the use determination (5/8/26). *The applicant revised the zoning data table (sheet 3) to indicate a temporary construction site trailer use. It appears temporary uses require a special exception [3.06(A)2].*
2. The buffering, landscaping and screening Section [4.03] references the Subdivision and Land Development Ordinance Section 719. Street trees shall be provided [719.C.6.a.3)] (5/8/26). *It does not appear street trees were added, update the Plan accordingly.*
3. Provide a sound study for Phase 1C, or an update to the previously submitted sound study. In doing so, provide a list, summary table, or similar means to identify changes or updates made to the prior study in association with Phase 1C [419.F] (5/8/26). *The applicant indicates the Phase 1B sound study was included and notes no ongoing or permanent sources of sound are associated with this phase. The Phase 1B sound study was not included in the submission. Temporary activities relating to construction and maintenance, including site preparation, are exempt from the noise standards. The applicant shall provide an update to the prior sound study noting this and/or a construction note (sheet 2).*

SUBDIVISION AND LAND DEVELOPMENT

1. It appears the Phase 1C Land Development Plan and the Phase 1C Erosion and Sediment Control Plan are duplicated in the provided plan set. Please reconcile [501.A. 12].
2. All new private driveways must be paved for a minimum distance of fifty feet (50') from the street right-of-way line with bituminous surface material, concrete, brick pavers or other material acceptable to the Township. Provide a label or legend description showing the shaded area is to be paved and the 50' dimension from the ROW line on Sheet C1C 201 [703.I.8].
3. Sidewalks must be installed along both sides of all new interior streets in all commercial and industrial land developments within the Township unless otherwise waived by the Township. Sidewalks must also be constructed along the side of all exterior streets upon which the land development fronts [707.A.1]. A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter.
4. Non-residential developments shall dedicate a minimum of ten percent (10%) of gross land area for park or recreation use. The developer is electing to provide a fee-in-lieu of dedication, per Section 710.E. The developer has offered a fee-in-lieu of dedication in the amount of \$1,000 per disturbed acre as stated in SALDO Section 710.E.2.b [710.A.3.b]. This comment will be removed when the fee-in-lieu is provided and accepted by Middlesex Twp.
5. It appears that surface water runoff will become concentrated at the eastern edge along Country Club Road, the western edge of the laydown yard, and the southeastern edge of the laydown yard where proposed contours tie into existing; please reconcile by means of stormwater conveyance techniques as shown in other areas of the laydown yard, or label this section as a channel and design as required. The southeastern edge of the laydown yard, where the proposed bank contours meet the existing contours, continues to indicate a potential for runoff to channelize. Please revise the plan accordingly. [1102.A.2 / 1102.A.3].

ENVIRONMENTAL IMPACT ASSESSMENT

1. Provide a Geological Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'). A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter. [718.D.4.a].
2. Provide a Site Development Plan at a scale of not more than one inch to one-hundred feet (1" = 100'). A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter. [718.D.3.a].
3. Provide a Topographical Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500') A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter. [718.D.4.b].
4. Provide Soil Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'.) A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter. [718.D.4.c].

5. Provide the Hydrogeological Plan and Wetlands Exhibit at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scales are 1" = 500'.) A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter. [718.D.4.d].
6. The stormwater volumes in Table 4.2 on page 865 of the EIA do not appear to match those in the PCSM narrative [718.D.19].

STORMWATER MANAGEMENT

1. Demonstrate that an NPDES permit has been secured for the proposed site disturbance. [109] Provide copy of the E&S plan and any other submitted documents for reference [103.J & 301.Q]
2. The minimum inside side slopes for a detention basin is 4:1 and the bottom of the basin shall be sloped at a minimum of 2% [303.J.3]. A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter.
3. Provide documentation that all infiltration practices or alternative volume mitigation measures such as MRC Cells move all surface ponding sub surface within 48 hours. [303.H.17]. A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter.
4. Infiltration of surface water is to be the primary mechanism for meeting stormwater management requirements [303.B.2]. A waiver of this section is indicated on the plan cover sheet. Please provide a waiver/modification request letter.
5. The invert into the flow splitter structure FS-Z2-1.1 is inconsistent between the plan/profile (448.58') and the detail (445.00'). According to the comment response letter, it appears the intent was to lower the inflow pipe invert to 445.00' [302.12].
6. The storm profile for OS-Z1-1.4 to FES-Z1-1.8 is inconsistent between the routing calculations and the Basin Z1 outlet structure detail. Revise accordingly [302.A.12 & 302.A.13].* *The T/G elevation on the profile should be revised to be 443.50' to be consistent with the outlet structure detail and the routing calculations.*
7. Provide documentation that PADEP or a delegated conservation district has approved the use of MRCs on the site or an NPDES permit has been obtained [302.D]* *The Engineer states that no review by PADEP is necessary as the MRC meets the design criteria and no design variations are proposed. This may be the case, however, the MRC design guidance dated August 15, 2025 specified that DEP or a delegated conservation district may approved the use of MRC on a site. Therefore this comment will remain until either DEP or the CCCD has issued the NPDES permit.*

COUNTRY CLUB ROADWAY IMPROVEMENTS

1. The applicant has indicated that a roadway improvement phasing strategy will be prepared prior to the approval of the Phase 1C Final Plan. Unless a modification is granted, roadway improvement designs are a preliminary plan requirement [501.C.12]

ITEMS TO BE INCLUDED IN THE DEVELOPER'S AGREEMENT

1. Include a Stormwater Management Operation and Maintenance (SWM O&M) Agreement.

2. Demonstrate that a deed restriction has been established to require SWM O&M by any future owners of the affected properties.
3. Update the Phase 1A developers agreement to include any proposed offsite improvements to Country Club Road such as widening west of the property to accommodate construction traffic, or additional ROW to accommodate communications lines or other utilities.

ITEMS TO BE ADDRESSED IN THE FINAL LAND DEVELOPMENT PLAN

1. Provide a signed and executed O&M agreement. The O&M agreement shall be recorded within fifteen (15) days of approval of the O&M Plan by the Middlesex Township [502].
2. The deed of each lot shall contain a covenant binding the grantee and all successors title and interest designating the responsibility for operation and maintenance of the stormwater management facilities. Reference to this covenant shall be noted on the cover of the Plans [501.B.1.a].
3. Specify on the storm profiles where a non-standard inlet box is required. Provide a construction detail and labeling for any type of box utilized [302.A.13].
4. Provide a min. 20' wide drainage easement with metes and bounds along all stormwater management facilities, channels and inlets [SALDO 501.C.19, SWM 303.J.12 & 303.K.12].
5. Prior to construction of storm sewer facilities, specifications and/or details shall be submitted to the Township for review and approval, including but not limited to, pipes, inlets and tops, catch basins, head and end walls, stone bedding, and backfill material, as applicable [1406.A.6].
6. Provide a Final Landscape Plan (719.B.2 and 3)
7. Establish financial security for on-site improvements. Provide a cost estimate of these improvements for review [Section 1301]. Site grading shall be a financially secured site improvement and shall be included in the construction cost estimate for site improvements required by Article XIII of the SALDO [1104.B].
8. Provide an updated Final Environmental Impact Assessment, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [§718].

PAX-1 Data Center Phase 1C LD Plan TPF 26-10
Middlesex Township, Cumberland County
June 8, 2026
Page 6

This review is based solely on the documents referenced above and does not relieve the design professional of any responsibility, nor does it imply any design responsibility by Herbert, Rowland & Grubic, Inc. HRG reserves the right to make additional comments in the future based on newly-supplied or revised information as provided by the applicant or their representative(s).

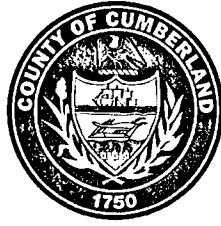
Sincerely,

Herbert, Rowland & Grubic, Inc.



J. Michael Hess, PE
Team Leader

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PLANNING DEPARTMENT
C u m b e r l a n d C o u n t y

**Cumberland County
Subdivision and Land Development
Review Report**

Cumberland County Planning Department
310 Allen Road, Suite 101
Carlisle, PA 17013
Telephone: (717) 240-5362

Municipality: Middlesex Township	Date Received: 4/23/2026	Date Reviewed: 5/11/2026	Reviewed By: SH, EG	Plan Number: P26-302
Plan Title: Pennsylvania Digital 1 (PAX-1) Phase 1C				
Plan Status: Preliminary		Plan Type: Land Development Plan		

Comments and Recommendations:

1. Project note #4 on sheet C1C 003 states that the purpose of the plan is to share the broader vision for the full build out of the project. The purpose statement should address the specific purpose of Phase 1C.
 - a. The plan should address long-term use of the lot. Is the proposed laydown area permanent or is it temporary for construction. If temporary, what is the long-term plan and future use of the lot?
2. Project note #8 on sheet C1C 003 should be verified. It appears that public sewer and public water service will not be provided to the development (SLDO 501.A.15.c and d).
3. When applicable, the township should verify that the instrument number, parcel number and property address are shown on the site data block on sheet C1C 003 (SLDO 501.A.15.e and f).
4. The waiver request for sidewalk installation should be changed to a deferral. The owner of the lot should be responsible for construction of sidewalks upon notification by Middlesex Township (SLDO 707.A.1).
5. Curbing should be placed at the proposed access drive and along Country Club Road. If applicable, the township may consider a deferral of requirements as the owner of the lot should be responsible for future construction of curbs upon notification by Middlesex Township (SLDO 708.A).
6. The plan should address a dedication of recreation land or a fee in lieu of dedication (SLDO 710).
7. The township should determine whether lighting should be proposed and a lighting plan should be provided (SLDO 711).
8. The proposed access drive intersection with Country Club Road should include traffic control and safety measures such as a stop sign, stop bar and a crosswalk (SLDO 715).
9. The township should determine whether street trees should be provided along Country Club Road (SLDO 719.C.6).

10. A screen buffer should be provided between the entire perimeter of the proposed laydown and the adjacent residential land uses (SLDO 719.C.14.a).
11. The township should review the previously submitted reports and studies for the PAX-1 projects. Do the reports (including, but not limited to the traffic impact study and environmental impact assessment) need to be updated to include phase 1C?
12. Please work with the municipal addressing authority to determine addresses as soon as possible. Providing complete and accurate addressing information to Cumberland County GIS when plans are finalized, but before construction, ensures that they can be added to the Master Street Address Guide (MSAG). An up-to-date MSAG is critical to ensuring that addresses validate in the 9-1-1 system. Other utility providers also depend on the MSAG to validate installations in new developments. If you have any questions regarding addressing or the MSAG, please contact Garrett McKinney, MSAG Coordinator, at (717)240-6418 or ghmckinney@cumberlandcountypa.gov.
13. Cumberland County strives to create the most accurate public records possible. The following electronic AutoCAD files (.dwg) are **required** by the Planning Department prior to or at the time of recording any plan. Please note that the Planning Department **will not sign the plan for recording** until this information is emailed to planningreviews@cumberlandcountypa.gov. Links to online file downloads are acceptable. Applicants are required to provide the following information:
 - a. Parcel boundaries
 - b. Lot lines
 - c. Building footprints
 - d. Road rights-of-ways
 - e. Edge of pavement
 - f. Declaration of planned communities/condominiums documents (including amendments)



June 19, 2026

To: Middlesex Township Board of Supervisors
350 N Middlesex Rd
Carlisle, PA 17013

Re: Pennsylvania Digital 1 (PAX-1) Phase 1C – Preliminary Waiver/Modification/Deferral Requests

Middlesex Township Board of Supervisors,

Per Section 1502 of Middlesex Township's Subdivision and Land Development Ordinance, the following outlines the preliminary waivers and modifications requested for the PAX-1 Phase 1C Preliminary Land Development Plan Submission.

This document is being presented to identify ordinance provisions that may not be fully applicable to this project, areas where deviations have been made in order to deliver a higher-quality plan set, or instances where full compliance is limited by engineering and design constraints.

Each item includes the background of the request, the specific hardship or limitation, the relevant ordinance provision, and the minimum modification necessary.

MODIFICATION REQUESTS

SALDO:

1. Section 501.A.2 (Plan Scale) MODIFICATION

Ordinance: Plans shall be drawn to a scale not smaller than 1"=100' and individual plan sheets shall not exceed 1"=50'.

Facts of Hardship: Modification to permit sheet scale exceeding 1":50' for project clarity and presentation where appropriate. The plans are set at an adequate scale to allow comprehensive review and legibility of the large campus.

Provision of Ordinance Involved: Plan Scale

Minimum Modification Necessary: Most plans are 1"=50' but others are greater to show larger views of the campus.

2. Section 501.A.6 (Map Scale) MODIFICATION

Ordinance: The location map scale shall not exceed 1"=1000'.

Facts of Hardship: Modification to permit map scale exceeding 1":1000' for project clarity.

The plans are set at an adequate scale to allow for legibility and smaller due to the large campus.



Provision of Ordinance Involved: Plan Scale

Minimum Modification Necessary: Only applies to location map.

3. Section 703.A.10 (Curb & Sidewalk Country Club Road) **WAIVER**

Ordinance: When a land development abuts a street (Country Club Road and PA Data Dr) which does not meet Township design criteria, curbing and sidewalks shall be provided.

Facts of Hardship: Modification to permit Country Club Road Improvements without the addition of sidewalk and curb since none are currently located within the vicinity of the project and do not benefit the community or project given the rural character of this road. 708.C also permits township judgement to waive curbing requirements.

Provision of Ordinance Involved: Township's ability to waive such requirements for curb and sidewalk when neither exist in adjacent development.

Minimum Modification Necessary: Road improvements are proposed otherwise in accordance with the ordinance.

EIA:

4. Section 718.D.3.A, 718.D.4.A, 718.D.4.B, 718.D.4.C, 718.D.4.D (Plan Scale) **MODIFICATION**

Ordinance: EIA exhibit plan scale 1"=100'

Facts of Hardship: A scale of 1"=500' has been utilized to more clearly show the required information and features on and surrounding the project area given the large project area.

Provision of Ordinance Involved: Plan Scale

Minimum Modification Necessary: Only applies to included maps, all other sections are provided for.

STORMWATER:

5. Section 303 J.3 Detention Basin Slopes **MODIFICATION**

Ordinance: The maximum inside side slopes of Detention Basins shall not be steeper than four (4) horizontal to one (1) vertical (4H:1V). The minimum required slope for the basin bottom is (2%) unless the designer demonstrates to the Township's satisfaction that the basin bottom will be landscaped with appropriate wetland vegetation pursuant to Section 303.L herein.

Facts of Hardship: Detention basin side slopes are designed at 3H:1V to utilize existing topography efficiently and provide greater storage. Basin bottoms are proposed to be flat with appropriate seeding and deep-rooted, plantings. This landscaping will remove the need for routine mowing.

Provisions of Ordinance Involved: Detention basin side and bottom slopes.

Minimum Modification Necessary: We request the ability to set side slopes at 3H:1V and for basin bottoms to be flat. Basins will be landscaped with specific vegetation and will not be



mowed. The MRC cells will allow the detention basin to fully dewater and not saturate and compromise these planting. Furthermore, basin side slopes of 3:1 are stable without matting and acceptable per the state BMP manual.

6. Section 303.H.17 (Dewatering) MODIFICATION

Ordinance: All infiltration practices shall infiltrate the stored volume within 48 hours)

Facts of Hardship: The applicant has designed the stormwater BMP facilities in accordance with DEP requirements and worksheets which allow up to 72 hours for dewatering to occur. A modification to allow the design to adhere to DEP requirements is requested.

Provisions of Ordinance Involved: Basin Dewatering

Minimum Modification Necessary: The project is utilizing a DEP approved alternative stormwater design as required by the state. This design includes a 72-hour dewatering calculation as a requirement.

7. Section 303 B.2 Infiltration of Stormwater MODIFICATION

Ordinance: Infiltration of surface water runoff at its source is to be the primary mechanism for stormwater management.

Facts of Hardship: Following extensive infiltration test of the site, it has been concluded that the site has nearly no permeability. In a couple select locations infiltration basins have been designed and included to the maximum extend practical. Otherwise, DEP has required that we utilize a new alternative BMP design which new to the state. This utilizes small MRC cells for water quality with bypass of higher storms for detention. While not designed for these detention and MRC basins will naturally infiltrate some small amount of water while but the majority will discharge laterally to the adjacent floodplain of the creek and mimic existing runoff characteristics of the site.

Provisions of Ordinance Involved: Stormwater Infiltration

Minimum Modification Necessary: A waiver from Section 303.B.2 for infiltration basin requirements subject to an approved PA DEP Stormwater BMP per Section 301.E.

ITEMS TO BE ADDRESSED IN FINAL PLAN

8. Section 302.A.13 Construction Detail (Inlets) DEFERRAL

Ordinance: Provide Construction Details for non-standard inlet boxes

Facts of Hardship: Final engineering/configuration of inlet structures may change prior to Final LDP

Provisions of Ordinance Involved: Construction Details



Minimum Modification Necessary: Defer approval of this construction detail until Final Land Development approval

9. Section 719.B.2 and 3 Final Landscape Plan DEFERRAL

Ordinance: Provide Construction Details for non-standard inlet boxes

Facts of Hardship: Final engineering/configuration of inlet structures may change prior to Final LDP

Provisions of Ordinance Involved: Construction Details

Minimum Modification Necessary: Defer approval of this construction detail until Final Land Development approval

10. Section 303. H.12 – Geotechnical Engineer MRC Certification DEFERRAL

Ordinance: Infiltration shall be in accordance with DEP BMP Manual

Facts of Hardship: DEP has new guidelines that are recommended but not official and clarity between the two is necessary from geotechnical engineer and DEP

Provisions of Ordinance Involved: 3rd Party Approval and Regulations Clarity

Minimum Modification Necessary: Request to provide these 3rd Party approvals and confirmation as part of Final Land Development approval

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Long".

Nick Long

Senior Project Manager

888-987-1993

EXHIBIT 2

Draft Motions for Board of Supervisors, at July 1, 2026 Meeting

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2

Plan prepared by: Livic Civil

Plan dates: 11/26/2025; last revised 05/22/2026

Township File No. 25-26

MOTION #1

I move that we approve relief from the following sections of the Middlesex Township Subdivision and Land Development Ordinance No. 8-2017 (SALDO), and the Middlesex Township Stormwater Management Ordinance No. 6-2011 (SWMO), for the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2, subject to providing written request and justification for each relief sought and listing the relief sought on the cover sheet of the plan set.

1. SALDO § 501.A.2. Modification of requirement for plan scale not smaller than one inch to one hundred feet (1"=100').
2. SALDO § 501.A.6. Modification of requirement for location map scale not smaller than one inch to one thousand feet (1"=1000').
3. SALDO § 501.C.19., § 303.J.12., § 303.K.12. Deferral until final plan of requirements for metes and bounds descriptions of easements.
4. SALDO § 703.I.4. Waiver of requirement for depressed curb at driveway entrance openings along PA Data Drive.
5. [SLDO § 707.] – Waiver of requirements for installation of sidewalks and pedestrian paths along both sides of new interior streets, with required note on plan.
6. [SALDO § 718.D.3.A., § 718.D.4.A., § 718.D.4.B., § 718.D.4.C., § 718.D.4.D.] Modification of requirements for minimum plan scale of not more than one inch to one hundred feet (1"=100') for required maps of physical resources within the Environmental Impact Assessment Report.
7. [SALDO § 501.c.12.] – Deferral until final plan of requirements for acceptable design and phasing of Country Club Roadway Improvements with Preliminary Plan.

8. [SWMO § 302.A.13.] – Deferral until final plan of requirements to provide construction details for stormwater inlets.
 9. [SWMO § 303.H.12.] – Deferral until final plan of requirements for to provide Geotechnical Engineer certification of stormwater management Managed Released Concept (MRC) design.
 10. [SWMO § 303.J.3.] – Modification of requirement for stormwater detention basin side slopes to not be steeper than four (4) units horizontal to one (1) unit vertical and for stormwater detention basin bottom slopes not to be less than two percent (2%).
 11. [SWMO § 303.H.17.] – Modification of requirement for all stormwater infiltration practices to infiltrate the stored volume within forty-eight (48) hours.
 12. [SWMO § 303.B.2.] – Modification of requirement for infiltration of surface water runoff at its source as the primary mechanism for stormwater management.
 13. [SWMO § 719.B.2., § 719.B.3.] – Deferral until final plan of requirements to provide final landscaping plan.
-

MOTION #2

I move that we approve the Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2, subject to the following conditions:

1. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written review letter #4 of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 06/08/2026 in a manner acceptable to the Township Engineer, subject to his final review.
2. That the applicant satisfies all comments and conditions of the Township Engineer, Bud Grove, P.E. in written sound study review letter #1 of J. Michael Hess, PE of Herbert, Rowland & Grubic, Inc. dated 04/23/2026 in a manner acceptable to the Township Engineer, subject to his final review.
3. That the applicant satisfies all comments of the Cumberland County Planning Department, in written review dated 01/12/2026 for Plan Number P25-1176.
4. That a restrictive covenant be added to the plan by note stating that no water wells will be drilled on the property and that all existing water wells on the property will be properly abandoned and sealed in accordance with PA DEP regulations.
5. That per Section 710.E.2.b. of the Subdivision and Land Development Ordinance No. 8-2017, as amended, the applicant pays to Middlesex Township the required fee in lieu of dedication of park and recreation areas for the subdivision of \$1,000 per disturbed acre of development area, prior to the final plans being signed by the Township and released for recording.
6. That the applicant enters into a developer's agreement with Middlesex Township regarding required public improvements and posts financial security for required public improvements, as-built plans and engineering inspection fees for this plan with the Township in an amount acceptable to the Township Engineer and form acceptable to the Township Solicitor, prior to the final plans being signed by the Township and released for recording.



Herbert, Rowland & Grubic, Inc.
369 East Park Drive
Harrisburg, PA 17111
717.564.1121
www.hrg-inc.com

PHASE 2 PRELIMINARY LAND DEVELOPMENT PLAN REVIEW LETTER #4

MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA

Attn: Mr. Bud Grove, Township Engineer

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2

Middlesex Twp. Plan No. TPF 25-26

June 8, 2026

We have completed our review of the following information for the above-referenced project:

Submission	Dated	Last Revised
Plan Set for Phase 2 (86 sheets)	11/26/2025	5/22/2026
Post Construction Stormwater Management Report for Phase 2 (SWM Report)	December 2025	May 2026
Comment Response Letter	5/22/2026	--
Environmental Impact Assessment (EIA)	May 2026	--
EIA Summary of Changes	5/22/2026	
Sight Distance Report	4/28/2026	--

The applicant has submitted the following requests for relief:

Requested Waiver(s)	Ordinance Section	Relief Requested
Plan Size and Scale	SALDO 501.A.2	Modification
Location Map Scale	SALDO 501.A.6	Modification
Provide metes and bounds for easements	SALDO 501.C.19, 303.J.12, 303.K.12	Deferral (until Final Plan)

Curb and Sidewalk along Country Club Road and PA Data Drive (See Waiver Note 1)	SALDO 703.A.10	Waiver
Depressed Curb at Driveway Entrance	SALDO 703.I.4	Waiver
Provide Sidewalk	SALDO 707	Waiver
Scale of maps and exhibits within the EIA	SALDO 718.D.3.a, 718.D.4.a, 718.D.4.b, 718.D.4.c, 718.D.4.d	Modification
Plans and Elevation	SALDO 718.D.3B	Waiver
Detention Basin Side Slopes > 4:1	SWM 303.J.3	Modification
Dewatering time > 48 Hrs.	SWM 303.H.17	Modification
Infiltration of Stormwater	SWM 303.B.2	Modification

We offer the following comments (* - Indicates comments not addressed from previous review letters):

WAIVER NOTES

1. In the applicant's Waiver/Modification/Deferral request dated 3/27/2026, a waiver of pavement base drain requirements is also noted for this section. Due to the presence of wet soils beneath portions of Country Club Road, and potentially beneath portions of PA Data Drive, a modification should not be granted to eliminate the requirement for pavement base drain.
2. It appears that several waiver or modification requests have changed since the request letter dated 3/27/2026. Please provide an updated waiver/modification request letter.

ZONING

1. * ADA parking spaces and paths are now shown but the grading should be reviewed further [4.15(C)]. The five (5) data center buildings all have a finish floor of 437.50, and all ADA parking spaces appear to include 437.50 spot grades. The applicant should review this further to confirm runoff is directed away from buildings (4/13/26). The slope between the finish floor elevation (437.50) and ADA parking spaces (437.30) is 0.3%. The slope label shows 1.0%. Confirm the elevations and slope and whether the parking lot spot grades are top or bottom of curb. A 437.30 bottom of curb grade is needed for positive parking lot flow, however this would result in the top of curb elevation above the finish floor elevation (5/8/26). *The ADA parking space grading appears to be in compliance. The grade from the ADA parking space rear to the nearest inlet varies from 0.5% to 0.34% (Bldg B and Bldg A, respectively). Grades of less than 1% are difficult to construct and may result in wavy grading and/or pockets of water (SALDO table 703.1). This should be reviewed/corrected.*
2. Additional curb labels were added to the Plan, showing curbing throughout the campus. The access drive/parking lot and curb grading should be reviewed. The internal access drives between the buildings contain a drive high point of 437.05. The finish floor elevation is 437.50. The 437.05 drive grade may

result in the top of curb being located above the building finish floor based on the proposed contours and/or the reverse crown access drive section (sheet 60). The applicant shall review the grading further and provide additional top/bottom of curb grades (5/8/26). *The applicant raised the building finish floor elevation (FFE) to assist with grades. Grades within internal access drives between the data centers range from 0.6%-0.7% +/- (high point to inlet). Grades of less than 1% are difficult to construct and may result in wavy grading and/or pockets of water (SALDO table 703.1). This should be reviewed/corrected. It's recommended that drive high point elevations be added between Bldg A & B (sheet 22 & 25).*

SUBDIVISION AND LAND DEVELOPMENT

1. Provide a completed PADEP Sewage Planning Module [503.A.3].
2. Ensure the plan complies with Section 703.I.4 for any proposed driveways [703.I.4]. **The applicant has requested a waiver of this requirement.**
3. Non-residential developments shall dedicate a minimum of ten percent (10%) of gross land area for park or recreation use. The developer is electing to provide a fee-in-lieu of dedication, per Section 710.E. The developer has offered a fee-in-lieu of dedication in the amount of \$1,000 per disturbed acre as stated in SALDO Section 710.E.2.b [710.A.3.b]. **This comment will be removed when the fee-in-lieu is provided and accepted by Middlesex Twp.**
4. Design calculations must be provided for all design conditions. Provide retaining wall designs prepared and certified by a Professional Engineer in the Commonwealth of Pennsylvania experienced in structural design and geotechnical engineering principles [716.B]. *The applicant has requested this is deferred to the Final Plan. Due to discussions at the 5/6/2026 job conference, we understand that the applicant may wish to start the review of this feature prior to the Final Plan in order to reduce construction delays.*

ENVIRONMENTAL IMPACT ASSESSMENT

1. Provide a Geological Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'). **A waiver has been requested for this requirement [§718.D.4.a].**
2. Provide a Site Development Plan at a scale of not more than one inch to one-hundred feet (1" = 100'). **A waiver has been requested for this requirement [718.D.3.a].**
3. Provide a Topographical Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500') **A waiver has been requested for this requirement [718.D.4.b].**
4. Provide Soil Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'.) **A waiver has been requested for this requirement [718.D.4.c].**
5. Provide the Hydrogeological Plan and Wetlands Exhibit at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scales are 1" = 500'.) **A waiver has been requested for this requirement [718.D.4.d].**

6. The stormwater volumes in Table 4.2 on page 865 of the EIA do not appear to match those in the PCSM narrative [718.D.19].

STORMWATER MANAGEMENT

1. Demonstrate that an NPDES permit has been secured for the proposed site disturbance [109].* Provide a copy of the E&S plan and any other submitted documents for reference [103.J & 301.Q].*
2. The minimum inside side slopes for a detention basin is 4:1 and the bottom of the basin shall be sloped at a minimum of 2%. A waiver has been requested for this requirement [303.J.3].*
3. Provide documentation that all infiltration practices or alternative volume mitigation measures such as MRC Cells move all surface ponding sub surface within 48 hours. [303.H.17]. A modification has been requested for this requirement to allow a dewatering time of 72 hours which is consistent with PADEP standards.*
4. Infiltration of surface water is to be the primary mechanism for meeting stormwater management requirements [303.B.2]. A waiver has been requested to utilize MRC cells as an alternative approach to meeting volume and water quality requirements.*
5. It is understood that final design will be revised to MRCs with forebay cells. Provide clarification of review status of MRC designs with PaDEP and ensure that all design variations flagged in the worksheets are documented, justified, and approved by PaDEP. [302.D]* *The Engineer states that no review by PADEP is necessary as the MRC meets the design criteria and no design variations are proposed. This may be the case, however, the MRC design guidance dated August 15, 2025 specified that DEP or a delegated conservation district may approved the use of MRC on a site. Therefore this comment will remain until either DEP or the CCCD has issued the NPDES permit.*
6. Sheet C02 507 appears to have three (3) profiles that are missing for the Basin V1 manifold system [302.A.12].

COUNTRY CLUB ROADWAY IMPROVEMENTS

1. The applicant has indicated that a roadway improvement phasing strategy will be prepared prior to the approval of the Phase 2 Final Plan. Unless a modification is granted, roadway improvement designs are a preliminary plan requirement [501.C.12]

ITEMS TO BE INCLUDED IN THE DEVELOPER'S AGREEMENT

1. Include a Stormwater Management Operation and Maintenance (SWM O&M) Agreement.
2. Demonstrate that a deed restriction has been established to require SWM O&M by any future owners of the affected properties.
3. Establish an Operation and Maintenance agreement for PA Data Drive or demonstrate that the entirety of PA Data Drive was covered by an Operation and Maintenance agreement executed in a prior phase.
4. Update the Phase 1A developer's agreement to include any proposed offsite improvements to Country Club Road such as widening west of the property to accommodate construction traffic, or additional ROW to accommodate communications lines or other utilities.

ITEMS TO BE ADDRESSED IN THE FINAL LAND DEVELOPMENT PLAN

1. Provide a signed and executed O&M agreement. The O&M agreement shall be recorded within fifteen (15) days of approval of the O&M Plan by the Middlesex Township [502].
2. The deed of each lot shall contain a covenant binding the grantee and all successors title and interest designating the responsibility for operation and maintenance of the stormwater management facilities. Reference to this covenant shall be noted on the cover of the Plans [501.B.1.a].
3. Specify on the storm profiles where a non-standard inlet box is required. Provide a construction detail and labeling for any type of box utilized [302.A.13].
4. Provide a min. 20' wide drainage easement with metes and bounds along all stormwater management facilities, channels and inlets [SALDO 501.C.19, SWM 303.J.12 & 303.K.12]. In addition, storm run I2-1.3 to I2-1.2 and MH2-12 to I2-1.2 are located below the security entrance which would require the entrance to be located within the 20' wide drainage easement.
5. Prior to construction of storm sewer facilities, specifications and/or details shall be submitted to the Township for review and approval, including but not limited to, pipes, inlets and tops, catch basins, head and end walls, stone bedding, and backfill material, as applicable [1406.A.6].
6. Provide a Final Landscape Plan (719.B.2 and 3)
7. Establish financial security for on-site improvements. Provide a cost estimate of these improvements for review [Section 1301].
8. Provide an updated Sound Study, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [§419.F].

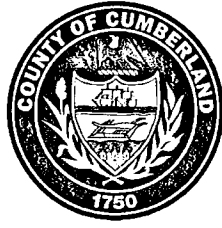
This review is based solely on the documents referenced above and does not relieve the design professional of any responsibility, nor does it imply any design responsibility by Herbert, Rowland & Grubic, Inc. HRG reserves the right to make additional comments in the future based on newly-supplied or revised information as provided by the applicant or their representative(s).

Sincerely,

Herbert, Rowland & Grubic, Inc.



J. Michael Hess, PE
Team Leader



PLANNING DEPARTMENT
Cumberland County

**Cumberland County
Subdivision and Land Development
Review Report**

Cumberland County Planning Department
310 Allen Road, Suite 101
Carlisle, PA 17013
Telephone: (717) 240-5362

Municipality: Middlesex Township	Date Received: 12/16/2025	Date Reviewed: 1/12/2026	Reviewed By: SH, EG, KS	Plan Number: P25-1176
Plan Title: Pennsylvania Digital 1 (PAX-1) Phase 2				
Plan Status: Preliminary/Final		Plan Type: Land Development Plan		

Comments and Recommendations:

1. The submission should be accompanied by architectural renderings of the building exterior (zoning 2.18.G.1).
2. Each of the data center buildings include an adjoining 'generator yard'. The plan should include a typical layout of the generator yard. The type of generator should be provided. The details should include any proposed screening, buffering or fencing proposed around the generators (zoning 2.18.G.1.b).
3. The main entrance(s) and any secondary entrance(s) to each building should be labeled on the plan (zoning 2.18.G.1.c.1). A handicapped accessible sidewalk should be provided for employees and visitors.
4. An acoustic barrier may be required for mechanical equipment that abuts a residential use or zoning district (zoning 2.18.G.2.b.1.d). The township should review the location of the proposed 'generator yards'.
5. A traffic impact study should accompany the submission (zoning 3.04.G.2.d).
6. A water feasibility study should accompany the submission (zoning 3.04.G.2.e).
7. An electric interconnection agreement should be provided (zoning 3.04.G.2.f).
8. A noise study should be provided (zoning 3.04.G.2.g).
9. A parking analysis report is required to determine the number of parking spaces required for a data center. The report should be provided to the township (zoning table 4.15.1 and 4.15.D).
10. The township engineer should determine whether curbing is required throughout the proposed development (zoning 4.15.F.4). Curb detail is provided. If applicable, curbing should be shown on the plan.

In addition, if curbing is not required, parking stops should be provided to prevent vehicles from encroaching into landscaped areas.
11. A recycling and trash dumpster should be provided for each building (zoning 4.27.A).

12. A small key map should be provided on each sheet. The appropriate match lines should be highlighted to depict the area shown on the sheet (SLDO 501.A.2).
13. The following refer to the request of waiver block on the cover sheet (SLDO 501.A.8):
- a. Section 303 J.3 (detention basin slopes) indicates that stormwater basin bottoms will be flat and landscaped with wetland vegetation that will not be mowed. The township should verify whether the basins should be mowed for maintenance of the stormwater management facilities.
 - b. Section 303 B.2 (infiltration of stormwater) indicates that a majority of the stormwater produced will discharge laterally to the adjacent floodplain of the creek and mimic existing runoff characteristics of the site. Will the post-construction runoff mimic the rate, volume and concentration of the existing stormwater runoff? The applicant should provide evidence that sheet flow is proposed.
 - i. The applicant should consider the feasibility of installing tanks to hold the excess stormwater to be used for cooling the data center.
 - ii. The existing conditions and demo plan indicates that many areas along the floodplain include steep banks and sensitive features that may be susceptible to erosion from increased stormwater flow. The township should require methods to limit erosion prior to approval of the waiver
 - iii. The PNDI results found on sheet 2 indicate that no known conflicts are identified on the project site. It appears that the requested waiver will create impacts beyond the project disturbed area. Two of the identified species are identified as 'extensive' and 'small' floodplain populations. The applicant should address impacts to threatened and rare populations in the floodplain prior to approval of the waiver.
 - iv. In addition, the PA Natural Heritage Program identified the area of the Conodoguinet Creek at Bernheisel Bridge as supporting habitat for two plant species of concern and one animal species of concern of regional significance. The program also identified the area of the Conodoguinet Creek at Wolf's Bridge as supporting aquatic species of concern. The habitat conservation recommendations in their report should be observed and followed in development of this project site.
 - 1. Maintaining water quality in the Conodoguinet will benefit these species, which also occur downstream at several locations along the creek. The plant species of concern will benefit from minimizing disturbance on the floodplain and by allowing a wider forested buffer to grow along the creek.
 - v.
14. The instrument and parcel number should be provided in the site data on sheet 2 (SLDO 501.A.15.e.1).
15. This property is enrolled in the Cumberland County Clean and Green Program and may be subject to roll-back taxes. Contact the Cumberland County Tax Assessment Office for information (SLDO 501.A.18).

16. Adjoining property owner information should be provided (SLDO 501.A.19).
17. Sheet 2, general note 11 should be clarified as the township has recently adopted a new zoning ordinance. The zoning regulations block (sheet 2) indicates that the September 3, 2025 ordinance applies (SLDO 501.A.21).
18. Each fire hydrant should be connected to the proposed fire line (SLDO 501.A.26.k).
19. The phasing plan should include a schedule for each phase of the development (SLDO 501.B.3).
20. The plan should include the proposed building size. Each phase of the development should include the square footage of proposed buildings, the square footage of each phase and the overall cumulative square footage of the entire project (SLDO 501.C.2.B).
21. A hydro-geologic study and water quality testing report should accompany the submission (SLDO 503.A.6).
22. Emergency service providers should review and comment on the plan (SLDO 602.M).
23. Each watercourse, drainageway, channel or stream should be provided with a drainage easement (SLDO 704.I).
24. The applicant has requested a waiver (deferral) of sidewalk requirements. The township should consider requesting pedestrian pathways in the floodplains and riparian buffer areas adjacent to the Conodoguinet Creek (SLDO 707.C).
25. Surveying monuments and / or markers should be identified or placed at each corner of the property line (SLDO 709).
26. The plan should address a dedication of recreation land or a fee in lieu of dedication (SLDO 710).
27. The applicant should consider traffic control signage at intersections throughout the proposed development (SLDO 715.A.1). In addition, clear sight triangles should be shown and the required / provided sight distances should be provided (zoning 4.14 and SLDO 703.K).
28. An environmental impact assessment report should accompany the submission (SLDO 718).
29. Existing trees with a trunk diameter of 20 inches or more should be identified on the landscape plan (SLDO 719.B.2.d).
30. Sheet C1B 602 includes a small 'reforestation area.' Sheet C1B 601 includes a tree schedule for reforestation areas. The tree reforestation schedule proposes almost 6,000 trees placed 10 feet on center. The landscaping plan should be reviewed by a registered landscape architect to verify the spacing proposed and the goal for these planting areas. (SLDO 719.b.3). The township should consider a forestry professional review of the plan as the concentration of trees in the limited proposed reforestation areas will require extensive thinning over time. CCPD recommends that all proposed trees are spread out to a larger defined area that will support the trees at full maturity (SLDO 719.C.2).
 - a. The applicant should provide a replacement program for non-surviving plants (SLDO 719.C.19). The replacement program should address tree maintenance and replacement for a minimum of 5 years to ensure establishment of the plantings. The township should consider and discuss a bond to be used for tree maintenance and replacement.

31. Phase 3 of the Pennsylvania Digital 1 (PAX-1) project includes a reforestation area and a riparian buffer enhancement area. The applicant should include a riparian buffer enhancement area for each phase of the project.
32. In addition to other landscape requirements, the plan should provide one tree for every 1,000 square feet of gross floor area of building (SLDO 719.C.15.a). The landscape plan should provide a total square footage of gross floor area and proposed trees to meet this requirement.
33. At least 10% of the gross area of the parking lots should be landscaped and include a deciduous tree per 20 parking spaces (SLDO 719.C.16.f). The landscape plan should include proof of compliance including the area of each parking lot and the area of landscaping provided in each lot.
34. The landscape plan is proposing trees that are not on the list of recommended trees. The township should determine whether the trees should be approved by the board of supervisors (SLDO 719.D.3).
35. The applicant should coordinate a visual impact analysis with the Appalachian Trail Conservancy and the National Park Service. The Appalachian Trail Conservancy has provided the following concerns:
 - a. The character of the landscape along the entire Cumberland Valley stretch of the Appalachian Trail is historically agricultural, pastoral, and rural. Several landowners hold special use permits to maintain this landscape character in this area. The proposed development will fundamentally change the character of the landscape everywhere they are visible. The proposed structures will be visible for approximately 800 feet of the Appalachian Trail. Native, non-invasive, tall evergreen plantings should be considered to block the buildings between the trail and the eastern border of the subject property.
 - b. The applicant and the township should consider the view from the Appalachian Trail when the development area is viewed from above, for example at the Cumberland Valley Overlook. The roofs of the buildings will be geometric, with straight lines, on landscape full of organic shapes and curving lines. If the roof, and the accessories on the roof, are white, light or reflective, it will stand out in terms of color, line and landscape character. The applicant should consider planting a green roof on the buildings, and/or having the roofs and any roof-top infrastructure painted a darker, muted/natural color.
 - c. Given the proximity to the Appalachian Trail, the applicant should consider impacts from habitat loss and noise.
 - d. The applicant and the township should verify that dark sky standards are used to ensure minimal impacts.
36. A "master plan" is referenced throughout the land development plan. The master plan should accompany the submission.
37. The zoning regulations block should be clarified. The Middlesex Township zoning ordinance was enacted in 2025.
38. The existing driveway on the existing conditions plan should be labeled.

39. Sheet C02 601 includes an overall plant schedule and includes a reforestation area on the lower left corner of the sheet. The reforestation area planting breakdown note should include a sheet number.
40. Sheet C02 607 shows reforestation area 1 and reforestation area 2. Areas 1 and 2 should also be identified on the overall landscaping plan (sheet C02 601).
41. Phase 1B included a list of anticipated conditions of preliminary plan approval. The township should review both phases and determine whether this list should be included on the phase 2 plan.
42. Please work with the municipal addressing authority to determine addresses as soon as possible. Providing complete and accurate addressing information to Cumberland County GIS when plans are finalized, but before construction, ensures that they can be added to the Master Street Address Guide (MSAG). An up-to-date MSAG is critical to ensuring that addresses validate in the 9-1-1 system. Other utility providers also depend on the MSAG to validate installations in new developments. If you have any questions regarding addressing or the MSAG, please contact Garrett McKinney, MSAG Coordinator, at (717)240-6418 or ghmckinney@cumberlandcountypa.gov.
43. Cumberland County strives to create the most accurate public records possible. The following electronic AutoCAD files (.dwg) are **required** by the Planning Department prior to or at the time of recording any plan. Please note that the Planning Department **will not sign the plan for recording** until this information is emailed to planningreviews@cumberlandcountypa.gov. Links to online file downloads are acceptable. Applicants are required to provide the following information:
- a. **Parcel boundaries**
 - b. **Lot lines**
 - c. **Building footprints**
 - d. **Road rights-of-ways**
 - e. **Edge of pavement**
 - f. **Declaration of planned communities/condominiums documents (including amendments)**



June 19, 2026

To: Middlesex Township Board of Supervisors
350 N Middlesex Rd
Carlisle, PA 17013

Re: Pennsylvania Digital 1 (PAX-1) Phase 2 – Preliminary Waiver/Modification/Deferral Requests

Middlesex Township Board of Supervisors,

Per Section 1502 of Middlesex Township's Subdivision and Land Development Ordinance, the following outlines the preliminary waivers and modifications requested for the PAX-1 Phase 2 Preliminary Land Development Plan Submission.

This document is being presented to identify ordinance provisions that may not be fully applicable to this project, areas where deviations have been made in order to deliver a higher-quality plan set, or instances where full compliance is limited by engineering and design constraints.

Each item includes the background of the request, the specific hardship or limitation, the relevant ordinance provision, and the minimum modification necessary.

MODIFICATION REQUESTS

SALDO:

1. Section 501.A.2 (Plan Scale) MODIFICATION

Ordinance: Plans shall be drawn to a scale not smaller than 1"=100' and individual plan sheets shall not exceed 1"=50'.

Facts of Hardship: Modification to permit sheet scale exceeding 1":50' for project clarity and presentation where appropriate. The plans are set at an adequate scale to allow comprehensive review and legibility of the large campus.

Provision of Ordinance Involved: Plan Scale

Minimum Modification Necessary: Most plans are 1"=50' but others are greater to show larger views of the campus.

2. Section 501.A.6 (Map Scale) MODIFICATION

Ordinance: The location map scale shall not exceed 1"=1000'.

Facts of Hardship: Modification to permit map scale exceeding 1":1000' for project clarity.

The plans are set at an adequate scale to allow for legibility and smaller due to the large campus.



Provision of Ordinance Involved: Plan Scale

Minimum Modification Necessary: Only applies to location map.

3. Section 501.C.19; 303.J.12 & 303.K.12 (Metes and Bounds) DEFERRAL

Ordinance: Description of easements require metes and bounds.

Facts of Hardship: Providing metes and bounds for easement descriptions prior to final approval and design of the subject utilities would unnecessarily burden Township staff with additional review.

Provisions of Ordinance Involved: Easement metes and bounds on Preliminary Plan.

Minimum Modification Necessary: Provide accurate metes and bounds for the approved easement design at the time of Final Plan approval.

4. Section 703.A.10 (Curb & Sidewalk Country Club Road and PA Data Dr) WAIVER

Ordinance: When a land development abuts a street (Country Club Road and PA Data Dr) which does not meet Township design criteria, curbing and sidewalks shall be provided.

Facts of Hardship: Modification to permit Country Club Road Improvements without the addition of sidewalk and curb since none are currently located within the vicinity of the project and do not benefit the community or project given the rural character of this road. 708.C also permits township judgement to waive curbing requirements.

Provision of Ordinance Involved: Township's ability to waive such requirements for curb and sidewalk when neither exist in adjacent development.

1. Minimum Modification Necessary: Road improvements are proposed otherwise in accordance with the ordinance. Section 703.I.4 (Depressed Driveway Curbs) WAIVER

Ordinance: Where driveways access a curbed street, the driveway opening shall contain depressed curb with 1 ½" curb reveal across the driveway.

Facts of Hardship: The campus does include driveways access the street however, this traffic will be greater than typical residential or small business driveway traffic. The depressed curb will fail if placed in areas of routine traffic as well as in areas of heavy transport loadings.

Provision of Ordinance Involved: Curbing at Driveways

Minimum Modification Necessary: The driveways into each campus are proposed to have routine flow of employee and delivery traffic and traversing an elevated curb is not practical for longevity of the concrete. Similarly, curbs pose challenges for transport delivery into and out of the substation yards as well as long term integrity of the curbs due to these heavy loads. Each driveway is proposed to paved meeting or exceeding the ordinance minimum length thus depressed curbs at each driveway is not necessary.



2. Section 707 (Sidewalk) WAIVER

Ordinance: Sidewalks and Pedestrian Pathways

Facts of Hardship: Modification to not require sidewalks along new interior streets since the development is not intended to be walkable nor promote pedestrian activities within a high security campus facility.

Provision of Ordinance Involved: Township's ability to waive such requirements for curb and sidewalk when neither exist in adjacent development.

Minimum Modification Necessary: Waiver of sidewalk requirements. Street improvements are proposed otherwise in accordance with ordinance.

EIA:

3. Section 718.D.3.A, 718.D.4.A, 718.D.4.B, 718.D.4.C, 718.D.4.D (Plan Scale) MODIFICATION

Ordinance: EIA exhibit plan scale 1"=100'

Facts of Hardship: A scale of 1"=500' has been utilized to more clearly show the required information and features on and surrounding the project area given the large project area.

Provision of Ordinance Involved: Plan Scale

Minimum Modification Necessary: Only applies to included maps, all other sections are provided for.

~~4. Section 718.D.3.B. (Plans and Elevations) NOT NEEDED~~

~~Ordinance: Plans and elevations depicting the proposed size, square footage, height, number of rooms of buildings and/or other structures.~~

~~Facts of Hardship: Buildings contain proprietary, security sensitive, and confidential information and are currently under development.~~

~~Provisions of Ordinance Involved: Plans and elevations of proposed buildings.~~

~~Minimum Modification Necessary: Deferring of this requirement to forthcoming building permit applications. Granting this modification would protect the proprietary and security-sensitive nature of the building design details, avoid redundant or premature submission of information, streamline the land development review process for both the applicant and Township staff, and ensure that complete and final building information is appropriately submitted and evaluated under building permit procedures.~~

STORMWATER:



5. Section 303 J.3 Detention Basin Slopes MODIFICATION

Ordinance: The maximum inside side slopes of Detention Basins shall not be steeper than four (4) horizontal to one (1) vertical (4H:1V). The minimum required slope for the basin bottom is (2%) unless the designer demonstrates to the Township's satisfaction that the basin bottom will be landscaped with appropriate wetland vegetation pursuant to Section 303.L herein.

Facts of Hardship: Detention basin side slopes are designed at 3H:1V to utilize existing topography efficiently and provide greater storage. Basin bottoms are proposed to be flat with appropriate seeding and deep-rooted, plantings. This landscaping will remove the need for routine mowing.

Provisions of Ordinance Involved: Detention basin side and bottom slopes.

Minimum Modification Necessary: We request the ability to set side slopes at 3H:1V and for basin bottoms to be flat. Basins will be landscaped with specific vegetation and will not be mowed. The MRC cells will allow the detention basin to fully dewater and not saturate and compromise these planting. Furthermore, basin side slopes of 3:1 are stable without matting and acceptable per the state BMP manual.

6. Section 303.H.17 (Dewatering) MODIFICATION

Ordinance: All infiltration practices shall infiltrate the stored volume within 48 hours)

Facts of Hardship: The applicant has designed the stormwater BMP facilities in accordance with DEP requirements and worksheets which allow up to 72 hours for dewatering to occur. A modification to allow the design to adhere to DEP requirements is requested.

Provisions of Ordinance Involved: Basin Dewatering

Minimum Modification Necessary: The project is utilizing a DEP approved alternative stormwater design as required by the state. This design includes a 72-hour dewatering calculation as a requirement.

7. Section 303 B.2 Infiltration of Stormwater MODIFICATION

Ordinance: Infiltration of surface water runoff at its source is to be the primary mechanism for stormwater management.

Facts of Hardship: Following extensive infiltration test of the site, it has been concluded that the site has nearly no permeability. In a couple select locations infiltration basins have been designed an included to the maximum extend practical. Otherwise, DEP has required that we utilize a new alternative BMP design which new to the state. This utilizes small MRC cells for water quality with bypass of higher storms for detention. While not designed for these detention and MRC basins will naturally infiltrate some small amount of water while but the majority will discharge laterally to the adjacent floodplain of the creek and mimic existing runoff characteristics of the site.



Provisions of Ordinance Involved: Stormwater Infiltration

Minimum Modification Necessary: A waiver from Section 303.B.2 for infiltration basin requirements subject to an approved PA DEP Stormwater BMP per Section 301.E.

ITEMS TO BE ADDRESSED IN FINAL PLAN

8. Section 302.A.13 Construction Detail (Inlets) DEFERRAL

Ordinance: Provide Construction Details for non-standard inlet boxes

Facts of Hardship: Final engineering/configuration of inlet structures may change prior to Final LDP

Provisions of Ordinance Involved: Construction Details

Minimum Modification Necessary: Defer approval of this construction detail until Final Land Development approval

9. Section 719.B.2 and 3 Final Landscape Plan DEFERRAL

Ordinance: Provide Construction Details for non-standard inlet boxes

Facts of Hardship: Final engineering/configuration of inlet structures may change prior to Final LDP

Provisions of Ordinance Involved: Construction Details

Minimum Modification Necessary: Defer approval of this construction detail until Final Land Development approval

10. Section 303. H.12 – Geotechnical Engineer MRC Certification DEFERRAL

Ordinance: Infiltration shall be in accordance with DEP BMP Manual

Facts of Hardship: DEP has new guidelines that are recommended but not official and clarity between the two is necessary from geotechnical engineer and DEP

Provisions of Ordinance Involved: 3rd Party Approval and Regulations Clarity

Minimum Modification Necessary: Request to provide these 3rd Party approvals and confirmation as part of Final Land Development approval

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Ross".

Justin Ross, P.E.

Principal

888-987-1993

EXHIBIT 3



Herbert, Rowland & Grubic, Inc.
369 East Park Drive
Harrisburg, PA 17111
717.564.1121
www.hrg-inc.com

PHASE 2 PRELIMINARY LAND DEVELOPMENT PLAN REVIEW LETTER #1

MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA

Attn: Mr. Bud Grove, Township Engineer

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2

Middlesex Twp. Plan No. TPF 25-26

February 6, 2026

We have completed our review of the following information for the above-referenced project:

Submission	Dated	Last Revised
Plan Set for Phase 2 (68 sheets)	11/26/2025	--
Post Construction Stormwater Management Report for Phase 2 (SWM Report)	December 2025	--
Waiver Request Letter for Phase 2	11/26/2025	--
Letter of Transmittal	11/26/2025	--
Middlesex Twp Application and Checklist	12/01/2025	--

The applicant has submitted the following requests for relief:

Requested Waiver(s)	Ordinance Section
Plan Size and Scale	SALDO 501.A.2
Location Map Scale	SALDO 501.A.6
Depressed Driveway Curb	SALDO 703.I.4
Sidewalks (See Waiver Note 1)	SALDO 707.A.1

Scale of maps and exhibits within the EIA	SALDO 718.D.3.a, 718.D.4, 718.D.4.b, 718.D.4.c, 718.D.4.d
Detention Basin Side Slopes > 4:1	SWM 303.J.3
Swale Grades < 2.0% (See Waiver Note 2)	SWM 303.K.9
Infiltration of Stormwater (See Waiver Note 3)	SWM 303.B.2
Dewatering time > 48 Hrs.	SWM 303.H.18

We offer the following comments (* - Indicates comments not addressed from previous review letters):

WAIVER NOTES

1. In the Waiver Request Letter, this section appears to be cited incorrectly. Is it the applicant's intent to request a waiver of section 707.A.10? Also, please clarify the request for a waiver versus a deferral. Is it the applicant's intent to request a *waiver* of sidewalk requirements for roadways within the site, but a *deferral* of sidewalks along Country Club Road?
2. In the Waiver Request Letter, this section references the shallow grade of swales around the PPL Substation, but the PPL substation is located within Phase 1A. Please clarify.
3. Recommendations regarding a potential modification of infiltration requirements on this site are provided as a separate memo.

ZONING

1. Confirm the Lot 2 impervious coverage and percentage, Zoning regulations (sheet 2 – 40.34 ac) and the existing/proposed conditions (sheet 3 – 50.33 ac) differ [2.18(F)]. Revise sheets for consistency. Include any sidewalks in the cover calculation.
2. Update the 1,000 foot building façade setback (sheets 5, 10-11, 20-26) [2.18(G)1.a]. Based on the 12/22/25 call our understanding is the façade should follow the entire property as the property is bound by public streets, residential uses and/or residential districts. Agricultural Districts (A) allow for residential dwellings as a permitted use and are deemed a residential district.
3. Submit Architectural Plans documenting compliance with the building façade requirements [2.18(G)1].
4. Provide the required foundation plantings at the main entrances for each building and each applicable building facade [2.18(G)1.c.(1)(a)ii].
5. Ground level and roof mounted mechanical equipment requires screening. Generator yards are deemed as mechanical equipment. The generator yard northeast of Building 1 shall include screening along the northeast side (sheets 36-37) [2.18(G)2.b].
6. The Floodplain Conservation Overlay District, as depicted in the Legend, the same key is used for multiple features and does not match the plan. Please reconcile sheets C02 301-306 [2.19].

7. The Riparian Buffer Overlay District, as depicted in the Legend, the same key is used for multiple features and does not match the plan. Please reconcile sheets C02 301-306 [2.21].
8. Where slopes of twenty-five (25) percent or greater are located within the fifty (50) foot riparian buffer area, this buffer area shall extend the entire distance of the steep sloped area [2.21(E)3.b].
9. Provide an Interconnection Agreement from the electric service provider [3.04(G)2.f]. A 10/30/25 PPL confirmation of service availability letter was provided as Exhibit 5 in Section D.10 of the EIA (page 721 of 761). The letter notes that PPL has the ability to provide 1.35 GW of peak demand load, also noting that system upgrades will be required. It notes that the applicant needs to complete all agreement requirements by January 2026 in order to provide service by June 2027. As discussed during the 2/4/2026 meeting with PPL, if quantitative rate data cannot be forecasted, provide a qualitative description of the project's potential to impact the generation, distribution, and transmission portions of electric rates.
10. Provide a Noise Study that considers the cumulative impacts of all phases of the development, or, at a minimum, the subject phase and any prior phases. [3.04(G)2.g].
11. A 25-foot lighting height is noted in the luminaire schedule (sheet 43) [4.10]. A 25-foot height may be permitted at the discretion of the Board of Supervisors, when full cutoffs are provided. Provide a lighting cut sheet confirming that full cutoffs are provided and note this in the luminaire schedule description.
12. Provide the Parking Analysis Report to support the parking requirements [Table 4.15.1 & 4.15(D)2].
13. Provide the required/proposed ADA parking space count in the Zoning Regulations [4.15(C)].
14. ADA parking spaces are shown on sheets 10-16. There are no sidewalks shown or building doors shown, the accessible route is not clear. Show the accessible route and grading to the door on the Plan. A concrete walk detail is included on sheet 50 [4.15(C)].
15. It is not clear if/where curbing is proposed. It appears curbing is needed for stormwater conveyance, parking area definition, landscape delineation/protection and pedestrian/vehicle separation. Show and label proposed curbing (sheets 10-16). A curb detail is included on sheet 50 [4.15(F)4].
16. Provide required/proposed loading spaces in the Zoning Table; recommended under Parking Requirements [4.15(G) & 2.18(G)2.a].
17. The Cover Sheet drawing index includes sheet numbers (C1B 001-807 and ES1-ES12). Include the sheet numbers (1-68) in the index to facilitate the plan review.

SUBDIVISION AND LAND DEVELOPMENT

1. Dimensions of proposed streets, driveways, and parking areas shown on the plans do not appear to be consistent with what can be scaled from the plans. Please reconcile [501.A.11].
2. Sheet CO2 804 is missing from the sheet index table. Please reconcile [501.A. 12].

3. Revise the legend on the Easement plan to clearly identify the line type and hatch for all easements shown on the plan [501.A. 14 & 501.C.19].
4. Show the location of the existing septic system and wells serving the existing structures on the plan [501.A.26.g, 501.A.26.h, & 501.C.1.d].
5. Identify the use of all proposed buildings on the plan [501.C.2.b].
6. Address the requirement to provide elevations of bottom of box stormwater inlets & manholes shown on all drawing sheets [501.C.10.c & d].
7. Provide spot elevations at all pertinent locations on BMPs (berms, spillways, etc.) as need to provide clarity to the design and ease of construction [501.C.e].
8. Unless a modification is granted, all street profiles shall be drawn at a minimum vertical scale of 1" = 5' [501.C.12].
9. Several hydrant connections to the proposed "PVC Fire Line" are not shown on the plan. Please reconcile [501.C.13].
10. Provide the location of and description of all existing and proposed survey monuments and markers on the plan [501.C.16].
11. Show the size, location, pavement markings, and signage for any fire lanes on the plans [501.C.17]
12. Provide a typical cross-section for the proposed access drive that shows the entire street width including shoulders, pavement and subbase materials and depths, and crown/cross-slopes of the proposed access driveway [501.C.18].
13. Clarify why proposed easements do not encompass utilities located within the fence area [501.C.19].
14. Provide a completed PADEP Sewage Planning Module [503.A.3].
15. The Middlesex Township Municipal Authority shall have the responsibility to ensure that all requirements of the Ordinance that pertain to public water and/or sanitary sewerage facilities are complied with [712]. Provide documentation that the Middlesex Township Authority has agreed to provide water and sewer service for the proposed development.
16. Provide documentation from the Middlesex Township Municipal Authority confirming adequate proposed water and sewer designs meet technical requirements [503.A.9].
17. HRG understands that the Geotechnical report submitted with Phase 1A is intended to cover all phases of development. We ask that the developer confirm this intention. If confirmed, any of our Geotechnical report comments from the Phase 1A plan review apply equally to this [503.A.13.a & b].
18. Proposed grading between Retaining Wall #3 and #4 is shown as a 2:1 fill slope but should be a minimum 3:1 slope. Please provide justification for how stabilization of this fill slope will be met for the 200 linear feet of grading or revise as necessary [1101/1103.A].
19. There is an unknown spot elevation on Sheet C02 303 to the southeast of the MRC Cell at the upper-right portion of the sheet [1101].

20. Provide adequate information, such as spot elevations, to ensure that stormwater runoff drains appropriately away from proposed Buildings 1-6, and to the appropriate stormwater facilities, to prevent ponding as the general grading area, and stormwater inlet grates, in the vicinity shows a 436.00 elevation [1102.A.1].

21. Provide plan notes to address the following ordinance requirements:

- a. What measures will be taken during grading operations to prevent erosion or siltation of natural drainageways and what measures for dust control will be exercised [1102.A.5/6].
- b. What provisions will be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills [1103.B].
- c. All fill shall be placed and compacted so as to minimize sliding or erosion of the soil [1103.D].
- d. How will fill placed adjacent to natural watercourse or constructed channels be protected against erosion during periods of flooding [1103.F].
- e. Existing stream valleys and other wetland areas shall remain as designated open space [1202.C.2].
- f. The Township Engineer shall be present, unless indicated otherwise, during storm sewer construction to perform material checks and to observe for proper construction. Storm sewer trenches shall not be backfilled and closed without prior approval of the Township Engineer. Failure to adhere to these requirements shall render storm sewer construction defective and shall be removed and replaced at the Applicant's sole expense. Prior to construction, specifications and/or details (shop drawings) shall be submitted to the Township or the Township Engineer for review and approval so as to ascertain compliance with the approved plans. [1406.A.5/6].
- g. The Township Engineer shall be present, unless indicated otherwise, during construction of stormwater Best Management Practices (BMPs), to perform material checks and to observe for proper construction. Prior to construction, specifications and/or details shall be submitted to the Township for review and approval [1407.B/C].
- h. In the event that changes to approved plans are required prior to or during the construction phase of the work due to unforeseen field conditions, final utility design, or other similar changes or conflicts encountered during construction, the Township shall be notified immediately so that the proposed changes can be reviewed prior to implementation. Any design changes made without review and approval by the Township shall be considered defective work and shall be subject to removal and reconstruction [1408.A].
- i. Requirements for the measurement, branching, grading, quality, and burllapping of all shrubbery shall follow the code of standards recommended by the American Association of Nurserymen, Inc. in the American Standard Nursery Stock, ANSIZ60, 1-1973, as amended [719.C.13].

22. Site grading shall be a financially secured site improvement and shall be included in the construction cost estimate for site improvements required by Article XIII of the SALDO [1104.B].

23. Ensure the plan complies with Section 703.I.4 for any proposed driveways [703.I.4]. The applicant has requested a waiver of this requirement.
24. Provide a turning analysis, turning templates or other similar efforts to demonstrate that street and driveway intersections have been properly designed to accommodate larger and/or emergency vehicles [703.J.8].
25. Provide Intersection Sight Distance information and clear sight triangle information [703.K.1,3].
26. Easements shall be provided for storm drainage facilities, storm water management areas, Best Management Practice (BMP) areas, sanitary sewer and water facilities, natural features areas, access ways, overhead or underground public or private utilities, and other special purpose easements. All easements must connect to a public street in order to provide access to said easement area. Provide easements for natural features areas [704]
27. Sidewalks must be installed along both sides of all new interior streets in all commercial and industrial land developments within the Township unless otherwise waived by the Township. Sidewalks must also be constructed along the side of all exterior streets upon which the land development fronts [707.A.1] The applicant has requested a waiver of this requirement. Clarify the intent of the waiver as opposed to a deferral.
28. Non-residential developments shall dedicate a minimum of ten percent (10%) of gross land area for park or recreation use [710.A.3.b]. Provide the required recreational area or a calculation for the fee-in-lieu.
29. All land developments shall be provided with stop signs, street name signs, speed limit signs, and other regulatory and/or advisory signs as may be required by the Township [715.A.1].
30. Design calculations must be provided for all design conditions, and such wall design shall be prepared and certified by a Professional Engineer in the Commonwealth of Pennsylvania experienced in structural design and geotechnical engineering principles [716.B].
31. Provide a Preliminary Landscape Plan that contains all requirements set forth in Section 719.B.1.a-h [719.B.1.a-h].
32. Label Country Club Road on Plan Sheet C02 200 and on other sheets in the plan set [General].
33. Provide grading, spot grades, flow arrows as necessary to exhibit positive drainage away from the buildings [General].
34. Provide additional detail on grading around the access drive on Sheet C02 303. The grading does not appear to tie back into existing contours and a low point in the access drive appears to need a cross pipe for drainage [General].

ENVIRONMENTAL IMPACT ASSESSMENT

1. Technical review associated with the Environmental Site Assessment is included with the Phase 1A plan review. We request that the applicant confirm their intent to address the EIA requirements of the overall development (Phase 1A, 1B, 2, and 3) in association with the Phase 1A plan. If confirmed, any of our EIA comments from the Phase 1A plan review apply equally to this review.

2. As Phase 2 will present a significant water demand, Middlesex Township has asked that HRG expand our review of the EIA under this phase to include a cursory review of the water and sewer requirements. We have therefore performed a review for consistency with section 718.D.10 and offer the following comments. These comments are intended to be advisory in nature and we recognize that the Middlesex Township Municipal Authority ultimately has jurisdiction over water and sewer service.
 - a. Final design for equalization/attenuation systems is not yet complete. The Applicant should work with the applicable utilities during the design of these systems to ensure potable water allocations and receiving sewer capacity will not be limited by peak flows.
 - b. It is noted that Campus 1, 2, and 3 water planning feasibility and preliminary design was not included in this report; and correspondingly was not reviewed. Clarify when this information will be provided, in light of the stated intent for the submitted EIA to cover all phases of the proposed development.
 - c. Well 2 design, permitting and construction shall be completed (noted to be June 2027) before this project should be connected to the public potable water systems.
 - d. This Project team should coordinate not only with the Well 2 project being completed by Middlesex Township Municipal Authority but also the neighboring potable water systems owned by Pennsylvania American Water and South Middleton Township, coordinating any impacts the project's 0.4MGD request will have on the referenced interconnect agreement to ensure adequate redundancy for existing customers.
 - e. This Project team should work with MTMA as applicable to identify the need for additional potable water storage as discussed on PDF Page 732.
 - f. It is noted for both water and wastewater that the proposed project is taking all available additional capacity not currently identified by "Future Development Allocations". All receiving sanitary sewer systems and providing potable water systems should give approvals that their Future Development Allocations are adequate to provide capacity to planned development, until future capital projects can increase capacity as required.
 - g. Design of sewer discharge equalization system should be coordinated in detail with receiving sewer systems, and the discharges hydraulically modelled from this project to Carlisle Borough Authority's WWTP. Including both gravity and pumped conveyance systems.
 - h. The Project should be approved under the current Industrial Pretreatment Program of the Carlisle Borough Sewer Authority, with adherence to their latest Headworks analysis approved by PADEP/EPA. With a permit being issued from the Borough Authority. As required, Cooling Water Blowdown water should be treated by a pretreatment industrial wastewater treatment system. With particular care given to the mass loadings of TDS to the Carlisle Borough Authority WWTP.
 - i. As noted on PDF Page 740, the proposed Project's available cooling water will decrease through each phase of construction. Confirm the proposed Project will ensure that water usage, storage, and water reuse systems will be designed to not exceed the proposed allocation provided by MTMA.
 - j. It is noted that water will be consumed at a rate that will trigger the need for an SRBC Consumptive Use Permit Application. The Applicant should coordinate with MTMA and SRBC for the application of that permit.
 - k. The Applicant shall coordinate with SRBC, PADEP, and any other applicable regulatory or planning agencies for approvals

STORMWATER MANAGEMENT

1. The Engineer has noted that the stormwater management design for Phase 2 is preliminary and will be significantly modified (to include MRC facilities) with the next submission. As such, the stormwater management design has been reviewed for concept purposes only. A detailed review of calculations and consistency between the PCSM Plan and Report will be completed with the next review [General].
2. Demonstrate that an NPDES permit has been secured for the proposed site disturbance [109].
3. Provide proof of NPDES and any other required regulatory permit submission. Provide copy of submitted documents for reference [103.J & 301.Q]
4. Provide a drainage easement with metes and bounds along the existing watercourses. Alternatively, the drainage easement may follow the same lines as the 50' Township riparian buffer [301.P].
5. Provide the PA rare, endangered, or threatened species note within the floodplain on the existing conditions plan similar to the note found on Phase IB sheet C1B 008 [301.T & 302.A.3].
6. It appears that a portion of the site at the north and north eastern corner of Building 6 and the west and south western side of Building 4 is missing from the Grading & Stormwater Plan sheets. This includes storm sewer runs I-V2.12 to I-V2.15 and I-V1.7 to I-V1.6 [302.A.10].
7. The existing conditions plan should depict the entirety of Phase IA as existing conditions. This should include all Phase IA contours and storm sewer system as well [302.A.3].
8. The Phase 2 plans should clearly depict how the storm sewer system and drainage channels from Phase IA, which currently discharges into the existing basin, will be conveyed through the Phase 2 site [302.A.10].
9. Provide inlet structure labels on all storm sewer profiles [302.A.12].
10. Storm structures shall be placed such that no more than three hundred (300) feet of storm pipe is proposed without a structure for access. Storm run FES-V3.2 to MH-V4.1 contains more than 300 feet of storm pipe [303.K.7].
11. Clarify if curb is proposed around the Campus 2 access drives. The construction details provide a curb detail, however, the plan view and grading do not appear to include curb. If curb is proposed, include a Type-C inlet detail [302.A.10].
12. The grading & Stormwater Plan should be revised to include detailed spot shots and/or flow arrows around the Campus 2 access drives to depict how stormwater will flow throughout the site and be captured by the proposed conveyance system. Currently the entirety of the Campus is shown at a flat elevation of 436.00' which makes it unclear how the drainage system will capture runoff without bypassing the drainage system or ponding on the site [302.A.10].
13. Assess the need to include conveyance facilities, such as drainage swales, along the grass perimeter between the access drives and the double security fence to ensure drainage is directed to the appropriate stormwater management facilities. Currently, the grass area is proposed to be at a flat elevation of 436.00' which may result in the overland flow to bypass the stormwater management facilities [302.A.10].
14. Ensure the grading on the south eastern side of the site (by Basins V3 and V4) show adequate proposed contours to tie-into the existing drainage channel that discharges into the existing basin [302.A.10].
15. Provide additional existing contour labels on all plan sheets. Additionally, provide additional proposed contour labels on sheets C02 303 and C02 306 [General].
16. Clarify if there are roof drains on each building and depict the location and how they tie into the proposed storm sewer system [302.A.10].
17. Storm structure I-R3.8 appears to have the T/G elevation significantly below finished grade. Revise accordingly [302.A.10].

18. The vertical scale on the Profile Plan sheets appears to be incorrect (listed as a 1" = 5' scale but drawn at a 1" = 10' scale). Revise accordingly [302.A.1].
19. Provide soil boundaries and their HSG on the SWM Plan. Ensure that all soils are labeled on each plan sheet so that the soils can be easily identified without viewing a separate plan sheet [302.A.7].
20. Depict the limit of disturbance on the Grading & Stormwater Plan sheets [302.A.18].
21. It is recommended to revise the storm sewer run from OS-V4 to FES-V3.2 so that the storm pipe does not cross the 50' access easement. It appears that a suitable alignment can be placed between the double security fence and the access easement [General].
22. Revise sheet C02 303 so that the proposed grading does not encroach upon the MRC cell for Basin R2 [General].
23. Provide the operation and maintenance (O&M) plan on the Land Development Plans. The O&M plan should clearly explain who is responsible, how the proposed facilities operate, how they shall be maintained and any other items as listed in 501.C of the Stormwater Management Ordinance [302.F & 501.C].
24. The O&M Plan should contain a note, in a form satisfactory to the Township Solicitor, designating the entity responsible for operation and maintenance of the stormwater management facilities consistent with the approved O&M Plan, and in the event that the responsible person or entity fails to do so, granting to Middlesex Township the right but not the duty to enter upon the premises to repair or restore said facilities, to charge and assess the costs thereof to the owner, and to enforce said charges and assessments by lien upon the property [501.B.1.a].
25. Provide protection from excess compaction around the proposed stormwater management facilities to promote the possibility of infiltration as much as feasible. The Engineer provided a note on Sheet C02 002 that the Contractor shall provide protection around the stormwater facilities. These controls should be shown on the erosion control plan at a minimum and should include fencing installed around any stormwater management facility that is not proposed to be utilized as a sediment control BMP prior to bulk earthwork commencing [303.H.20].
26. It is understood that the final PCSM design for Phase 2 will include MRC cells and detention facilities. As such, the minimum inside side slopes for a detention basin is 4:1 and the bottom of the basin shall be sloped at a minimum of 2%. **A waiver has been requested for this requirement [303.J.3].**
27. It is understood that the final PCSM design for Phase 2 will include MRC cells and detention facilities. Discharges into and out of detention basins shall be separated by the maximum length possible in order to preclude short-circuiting of flow directly to the basin outlet structure and to maximize the flow path through the basin. It appears that several inlets into the basin would be discharged near the outlet structures. Demonstrate compliance with this ordinance wherever detention basins are proposed [303.J.5].
28. It is understood that the final PCSM design for Phase 2 will include MRC cells and detention facilities. As such, pipe inverts into a detention basin shall be a minimum of six (6) inches above the bottom of the basin. Revise accordingly [303.J.4].
29. It is understood that the final PCSM design for Phase 2 will include MRC cells and detention facilities. Ensure that a sediment forebay with a hardened bottom is provided at each inlet into detention basins [303.J.11].
30. Provide documentation that all infiltration practices or alternative volume mitigation measures such as MRC Cells move all surface ponding sub surface within 48 hours. [303.H.17]. A modification has been requested for this requirement to allow a dewatering time of 72 hours which is consistent with PADEP standards.

31. Infiltration of surface water is to be the primary mechanism for meeting stormwater management requirements[303.B.2]. A waiver has been requested to utilize MRC cells as an alternative approach to meeting volume and water quality requirements.
32. Provide riprap apron details on the Land Development details [302.A.13 & 302.D].
33. It is recommended that all inlets provide a minimum 2" drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation [General].
34. It is recommended that for inlets containing a change in pipe size, the elevation for the crown of the pipes shall be the same or the smaller pipe's crown shall be at a higher elevation [General].
35. Provide utility crossings (waterline and sanitary sewer) on all storm profiles where applicable [302.A.12].
36. Provide inlet drainage area maps [302.A.16].
37. Ensure that the construction details for the revised stormwater facilities are consistent between the PCSM Report and Land Development Plans (such as emergency spillway lining, outlet structure elevations, riprap sizing, etc.) [302.A.13].
38. Depict the Emergency Spillway for Basin V4 on the Grading & Stormwater Plan [302.A.10].
39. The minimum distance between a proposed discharge point and a downstream property boundary is twenty-five (25) feet. The Outlet Structure for Basin V3 is located on the property line. Revise accordingly [303.J.10].
40. Ensure that the provided erosion and sediment control plan depicts all interim phases (as applicable) and the construction sequence is revised to be specific for this phase [302.E].
41. Revise the drainage area maps to include contour labels and proposed contours on the Post Phase 2 Drainage Area Map [302.A.17].
42. Provide existing conditions ground cover map delineated by shading, hatching, color coding, etc. which includes percentage of existing cover on the map. Provided existing conditions map does not contain sufficient detail to review volume calculations. Additional detail required in the location of POA drainage boundaries, POA locations, and survey information/aerial imagery to support delineation. Exhibit scale should conform with other PCSM sheets [302.A.4].
43. Provide proposed conditions ground cover map delineated by shading, hatching, color coding, etc. which includes percentage of existing cover on the map. Provided conditions map does not contain sufficient detail to review volume calculations. Additional detail required in the location of POA drainage boundaries, POA locations, and survey information/aerial imagery to support delineation. Exhibit scale should conform with other PCSM sheets [302.A.9].
44. The drainage area to Basin R3-1 and Basin V1 do not match the drainage area when scaled from the Post Phase 2 Drainage Area Map. The routing analysis does not match the measured drainage areas as well [302.A.17 & 302.D].
45. The overall drainage areas for Phase 2 does not match in the pre-development and post-development conditions with the post-development conditions having approximately 76 less acres of drainage area than pre-development conditions. Revise the drainage area boundaries and routing analysis between the conditions to ensure the analysis is consistent from pre-development to post-development conditions [302.A.17 & 302.D].
46. Provide indications of where flow path segments transition on Pre and Post DA maps [303.D.1].
47. The Phase 2 analysis of POA R did not include area from the Phase 1A and Phase IB portion of the project. Update the Phase 2 SWM analysis with portions of the project that are occurring in previous phases. Rather than modelling the improvements from the previous phases within this PCSM report, it is acceptable to model the Phase IA and Phase IB as two separate custom hydrographs developed from the respective PCSM reports. Please ensure that any future updates to Phase IA and IB are then reincorporated into this report [302.D & 303.D.3].

48. The Phase 2 analysis of POA V did not include areas from the Phase 1A portion of the project. Update the Phase 2 SWM analysis with portions of the project that are occurring in previous phases. The existing conditions analysis does not need to include the analysis of the Existing Basin as this is part of the previous Land Development Plan. Additionally, rather than modelling the improvements from the previous phase within this PCSM report, it is acceptable to model the Phase 1A as a custom hydrograph developed from the respective PCSM reports. Please ensure that any future updates to Phase 1A are then reincorporated into this report [302.D & 303.D.3].
49. It is understood that the final design will be revised to MRCs with forebay cells. Provide additional detail on the layout and hydraulic function of each individual MRC when design is revised. [302.D]
 - a. Provide plan view layout of MRC underdrains and cleanouts on PCSM plan and Utility plan.
 - b. Ensure routing hydraulic analysis reflects final drainage areas and MRC basin design.
 - c. Provide quantification of planting totals for MRC plantings.
 - d. Clarify how pretreatment will be implemented upstream of the MRC cells and associated forebays.
50. It is understood that final design will be revised to MRCs with forebay cells. Provide clarification of review status of MRC designs with PaDEP and ensure that all design variations flagged in the worksheets are documented, justified, and approved by PaDEP. [302.D]
51. Provide a Stormwater Soils and infiltration investigation report similar to final submission in 1A which included methodology, soil profiles, photos, etc. [303.B.2 & 303.H.9]
52. Provide locations of soil test pits, soil profiles, and infiltration tests on either the "Phase 2 Overall Stormwater and Grading Plan" and/or the PCSM Report/Stormwater Soils and Infiltration Investigation Report. This documentation should demonstrate compliance with section 303.H.12, including, but not limited to, the number of infiltration test pits and soil profiles located at the bottom elevation of each proposed BMP/SCM. Provide documentation similar to phase 1A showing locations and association of each test pit relative to each proposed SCM.

TRAFFIC

1. The Township's Traffic Engineer (Michael Baker) has reviewed and recommends acceptance of the project's Traffic Impact Study, third revision. A financial security estimate for the construction of a right-hand turn lane from westbound Route 11 (Harrisburg Pike) to north-bound Country Club Road has been submitted and is under review by the Traffic Engineer.

COUNTRY CLUB ROADWAY IMPROVEMENTS

1. Provide design drawings for the proposed improvements to Country Club Road along the frontage of Phase 2. Clarify if these improvements are to be attached to the Phase 2 plan, or if all Country Club Roadway improvements are to be attached to the Phase 1A plan.

ITEMS TO BE INCLUDED IN THE DEVELOPER'S AGREEMENT

1. Include a Stormwater Management Operation and Maintenance (SWM O&M) Agreement.
2. Demonstrate that a deed restriction has been established to require SWM O&M by any future owners of the affected properties.
3. Establish an Operation and Maintenance agreement for PA Data Drive or demonstrate that the entirety of PA Data Drive was covered by an Operation and Maintenance agreement executed in a prior phase.

ITEMS TO BE ADDRESSED IN THE FINAL LAND DEVELOPMENT PLAN

1. Provide a signed and executed O&M agreement. The O&M agreement shall be recorded within fifteen (15) days of approval of the O&M Plan by the Middlesex Township [502].
2. The deed of each lot shall contain a covenant binding the grantee and all successors title and interest designating the responsibility for operation and maintenance of the stormwater management facilities. Reference to this covenant shall be noted on the cover of the Plans [501.B.1.a].
3. Specify on the storm profiles where a non-standard inlet box is required. Provide a construction detail and labeling for any type of box utilized [302.A.13].
4. Prior to construction of storm sewer facilities, specifications and/or details shall be submitted to the Township for review and approval, including but not limited to, pipes, inlets and tops, catch basins, head and end walls, stone bedding, and backfill material, as applicable [1406.A.6].
5. Provide a Final Landscape Plan (719.B.2 and 3)
6. Establish financial security for on-site improvements. Provide a cost estimate of these improvements for review [Section 1301].

This review is based solely on the documents referenced above and does not relieve the design professional of any responsibility, nor does it imply any design responsibility by Herbert, Rowland & Grubic, Inc. HRG reserves the right to make additional comments in the future based on newly-supplied or revised information as provided by the applicant or their representative(s).

Sincerely,

Herbert, Rowland & Grubic, Inc.



J. Michael Hess, PE
Team Leader

EXHIBIT 4



Herbert, Rowland & Grubic, Inc.
369 East Park Drive
Harrisburg, PA 17111
717.564.1121
www.hrg-inc.com

PHASE 2 PRELIMINARY LAND DEVELOPMENT PLAN REVIEW LETTER #3

MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA

Attn: Mr. Bud Grove, Township Engineer

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2

Middlesex Twp. Plan No. TPF 25-26

April 13, 2026

We have completed our review of the following information for the above-referenced project:

Submission	Dated	Last Revised
Plan Set for Phase 2 (82 sheets)	11/26/2025	3/27/2026
Post Construction Stormwater Management Report for Phase 2 (SWM Report)	December 2025	March 2026
Waiver Request Letter for Phase 2	3/27/2026	--
Comment Response Letter	3/27/2026	--
SWM Infiltration Response Letter	3/6/20226	--
Phase 2 Parking Analysis Report	March 2026	

The applicant has submitted the following requests for relief:

Requested Waiver(s)	Ordinance Section	Relief Requested
Plan Size and Scale	SALDO 501.A.2	Modification
Location Map Scale	SALDO 501.A.6	Modification

Provide metes and bounds for easements	SALDO 501.C.19, 303.J.12, 303.K.12	Deferral (until Final Plan)
Curb and Sidewalk along Country Club Road and PA Data Drive (See Waiver Note 1)	SALDO 703.A.10	Waiver
Depressed Curb at Driveway Entrance	SALDO 703.I.4	Waiver
Provide Sidewalk (See Waiver Note 1)	SALDO 707	Waiver
Scale of maps and exhibits within the EIA	SALDO 718.D.3.a, 718.D.4, 718.D.4.b, 718.D.4.c, 718.D.4.d	Modification
Detention Basin Side Slopes > 4:1	SWM 303.J.3	Modification
Dewatering time > 48 Hrs.	SWM 303.H.17	Modification
Infiltration of Stormwater	SWM 303.B.2	Modification
Provide Construction Details for Inlets	SWM 302.A.13	Deferral to Final Plan
Provide a Final Landscaping Plan	SALDO 719.B.2 and 3	Deferral to Final Plan
Provide Geotechnical Engineer Certification for MRC Design	SWM 303.H.12	Deferral to Final Plan

We offer the following comments (* - Indicates comments not addressed from previous review letters):

WAIVER NOTES

1. A sidewalk note which reads, "The Owners of these lots, upon notification by Middlesex Township, shall be responsible for the construction of sidewalks to Township Specifications within six (6) months of the date of such notification" has been added to the plan. The applicant should clarify the applicability of the sidewalk waiver requests (703.A.10 and 707) and this note as they relate to PA Data Drive and Country Club Road.

ZONING

1. *The 1,000 foot building façade setback was provided. Please provide a label or include the line type in the legend for the setback line on sheet 15 [2.18(G)1.a].
2. *Provide the required foundation plantings at the main entrances for each building and each applicable building facade [2.18(G)1.c.(1)(a)ii]. The applicant notes plantings were provided. The applicant shall provide a mix of evergreen and deciduous shrubs, grasses, sedges, or rushes, and/or herbaceous perennials, ferns, or vines per the requirement.
3. *Ground level and roof mounted mechanical equipment requires screening. Generator yards are deemed as mechanical equipment. The generator yard northeast of Building 1 shall include screening along the northeast side (sheets 36-37) [2.18(G)2.b]. A screening wall was added. A detail shall be provided.

4. *Where slopes of twenty-five (25) percent or greater are located within the fifty (50) foot riparian buffer area, this buffer area shall extend the entire distance of the steep sloped area [2.21(E)3.b]. Confirm this is correctly shown on sheet 13. Also include the delineation on sheets 20-25.
5. *Provide the Parking Analysis Report to support the parking requirements [Table 4.15.1 & 4.15(D)2]. The parking report and Zoning Regulations (sheet 3) both note 289 parking spaces are proposed. 286 parking spaces are shown on sheets 9 and 14-19, update the references accordingly.
6. *ADA parking spaces and paths are now shown but the grading should be reviewed further [4.15(C)]. The five (5) data centers all have a finish floor of 437.50, and all ADA parking spaces appear to include 437.50 spot grades. The applicant should review this further to confirm runoff is directed away from buildings.
7. *It is not clear if/where curbing is proposed. It appears curbing is needed for stormwater conveyance, parking area definition, landscape delineation/protection and pedestrian/vehicle separation. Show and label proposed curbing (sheets 14-19). [4.15(F)4]. Curbing appears to have been added along the outer drive perimeter. No curbing appears to be provided for parking area definition, landscape delineation/protection and pedestrian/vehicle separation. Additional labels are needed since the site is relatively flat and the contours do not clearly depict curb lines. The curbing proposed does not appear to meet the Zoning Ordinance requirements. (The curb concept also appears to differ from Phase 1B.)
8. *Provide required/proposed loading spaces in the Zoning Table; recommended under Parking Requirements [4.15(G) & 2.18(G)2.a]. The parking report and Zoning Regulations (sheet 3) both note 8 loading spaces are proposed. Ten (10) loading spaces are shown on sheets 9 and 14-19, update the references accordingly.

SUBDIVISION AND LAND DEVELOPMENT

1. Show the location of the existing septic system and wells serving the existing structures on the plan [501.A.26.g, 501.A.26.h, & 501.C.1.d]. *Provide existing on-lot septic systems*
2. Unless a modification is granted, all street profiles shall be drawn at a minimum vertical scale of 1" = 5' [501.C.12]. *The scale of profiles Basin V2 Manifold, Basin V2 Cell 1-7 Outlet, FS2-3.1 to FES-V2.1, OS-V2 to FES-V2.10, and 4" Sanitary Sewer Waste Water Forcemain do not appear to be consistent with the scale bars provide on the profile sheets. Please reconcile.*
3. Provide a completed PADEP Sewage Planning Module [503.A.3].
4. Ensure the plan complies with Section 703.I.4 for any proposed driveways [703.I.4]. The applicant has requested a waiver of this requirement.
5. Provide Intersection Sight Distance information and clear sight triangle information [703.K.1,3]. *Provide a report sealed by a Pennsylvania Professional Engineer for the sight distance information and label the CSTs dimensions on the plan*
6. Easements shall be provided for storm drainage facilities, storm water management areas, Best Management Practice (BMP) areas, sanitary sewer and water facilities, natural features areas, access ways, overhead or underground public or private utilities, and other special purpose easements. All

easements must connect to a public street in order to provide access to said easement area. Provide easements for natural features areas [704] *Add natural features to the note on Sheet C02 012 granting access.*

7. Non-residential developments shall dedicate a minimum of ten percent (10%) of gross land area for park or recreation use [710.A.3.b]. Provide the required recreational area or a calculation for the fee-in-lieu.
8. Design calculations must be provided for all design conditions, and such wall design shall be prepared and certified by a Professional Engineer in the Commonwealth of Pennsylvania experienced in structural design and geotechnical engineering principles [716.B]. *The applicant has requested this is deferred to the Final Plan.*
9. Provide a Preliminary Landscape Plan that contains all requirements set forth in Section 719.B.1.a-h [719.B.1.a-h]. *Depict the location of all utilities and all grading in excess of 3:1.*
10. Provide additional detail (spot grades, flow arrows, proposed contour labels) on grading around the access drive near the proposed building on Sheet C02 303. The grading does not appear to tie back into existing contours [General].

ENVIRONMENTAL IMPACT ASSESSMENT

1. No EIA was provided in the submission package. Provide an Environmental Impact Assessment with the Phase 2 submission and clarify any updates or changes made to the document from when it was submitted with prior phases. [§718].
2. Provide a Geological Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'). **A waiver has been requested for this requirement [§718.D.4.a].**
3. Provide a Site Development Plan at a scale of not more than one inch to one-hundred feet (1" = 100'). **A waiver has been requested for this requirement [718.D.3.a].**
4. Provide a Topographical Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500') **A waiver has been requested for this requirement [718.D.4.b].**
5. Provide Soil Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'.) **A waiver has been requested for this requirement [718.D.4.c].**
6. Provide the Hydrogeological Plan and Wetlands Exhibit at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scales are 1" = 500'.) **A waiver has been requested for this requirement [718.D.4.d].**

STORMWATER MANAGEMENT

1. Demonstrate that an NPDES permit has been secured for the proposed site disturbance [109].*
2. Provide proof of NPDES and any other required regulatory permit submission. Provide copy of submitted documents for reference [103.J & 301.Q].*
3. Revise the drainage easements to include the riprap aprons for Basin V3, V1 and R3 [SALDO 501.C.19, SWM 303.J.12 & 303.K.12].

4. It appears that a portion of the site at the north and north eastern corner of Building 6 and the west and south western side of Building 4 is missing from the Grading & Stormwater Plan sheets. This includes storm sewer runs I-V2.12 to I-V2.15 and I-V1.7 to I-V1.6 [302.A.10].* *A small portion of the site around inlet I2-1.5 to MH2-1.2 and the surrounding access drive is still missing from the Grading & Stormwater Plan sheets.*
5. The existing conditions plan should depict the entirety of Phase IA as existing conditions. This should include all Phase IA contours and storm sewer system as well [302.A.3].* *It appears that some of the Phase IA contour lines are missing such as the channel grading from EW-38 to FES-38 and EW-19.2 to EW-19.1 and the temporary access road/PPL laydown area. The Grading & Stormwater Plan sheets C02 301 to C02 306 should depict the Phase IA contour lines as well.*
6. The Phase 2 plans should clearly depict how the storm sewer system and drainage channels from Phase IA, which currently discharges into the existing basin, will be conveyed through the Phase 2 site [302.A.10].* *It is still unclear how drainage from Phase IA (storm sewer runs EW-38 to FES-38 and EW-20.4 to EW-20.1) will be conveyed around the Phase 2 site since the existing sediment basin will be removed.*
7. Provide inlet structure labels on all storm sewer profiles [302.A.12].*
 - a. Provide a structure label on FES-V4.4 on storm profile FES-V4.2 to FES-V4.4 on sheet C02 503.
 - b. Provide a structure label on MH2-1.4 on storm profile OS-V4.4 to FES-V4.8 on sheet C02 504.
8. Storm structures shall be placed such that no more than three hundred (300) feet of storm pipe is proposed without a structure for access. Storm run FES-V3.2 to MH-V4.1 contains more than 300 feet of storm pipe [303.K.7].* *Storm sewer run from FES2-2.1 to MH2-2.1 contains more than 300' of storm sewer pipe.*
9. The grading & Stormwater Plan should be revised to include detailed spot shots and/or flow arrows around the Campus 2 access drives to depict how stormwater will flow throughout the site and be captured by the proposed conveyance system. Currently the entirety of the Campus is shown at a flat elevation of 436.00' which makes it unclear how the drainage system will capture runoff without bypassing the drainage system or ponding on the site [302.A.10].* *The grading appears to be preliminary as the contour lines throughout the internal portion of the site is jagged with abrupt changes that do not appear to be intentional.*
10. Ensure the grading on the south eastern side of the site (by Basins V3 and V4) show adequate proposed contours to tie-into the existing drainage channel that discharges into the existing basin [302.A.10].* *The Phase IA contour lines are not depicted.*
11. Provide additional proposed contour labels throughout the internal portion of the site [General].
12. Depict the limit of disturbance on the Grading & Stormwater Plan sheets [302.A.18].* *Provide the acreage of the limit of disturbance on the Grading & Stormwater Plan sheets as well.*
13. Revise sheet C02 303 so that the proposed grading does not encroach upon the MRC cell for Basin R2 [General].* *The Phase IA contour lines are no longer depicted on sheet C02 303.*
14. Revise the Access and/or Drainage Easements section of the O&M notes to specify the correct sheet pages that the drainage easements are shown on [302.F & 501.C].
15. Provide protection from excess compaction around the proposed stormwater management facilities to promote the possibility of infiltration as much as feasible. The Engineer provided a note on Sheet C02 002 that the Contractor shall provide protection around the stormwater facilities. These controls should

be shown on the erosion control plan at a minimum and should include fencing installed around any stormwater management facility that is not proposed to be utilized as a sediment control BMP prior to bulk earthwork commencing [303.H.20].*

16. The minimum inside side slopes for a detention basin is 4:1 and the bottom of the basin shall be sloped at a minimum of 2%. **A waiver has been requested for this requirement [303.J.3].***
17. It is understood that the final PCSM design for Phase 2 will include MRC cells and detention facilities. Ensure that a sediment forebay with a hardened bottom is provided at each inlet into detention basins [303.J.11].* *Depict the location of the water quality snouts and their sump depth on the plan/stormwater profiles similar to what was done for Phase IA and IB. Once the snouts are added to the plan/profiles, this comment will be considered addressed.*
18. Provide documentation that all infiltration practices or alternative volume mitigation measures such as MRC Cells move all surface ponding sub surface within 48 hours. [303.H.17]. **A modification has been requested for this requirement to allow a dewatering time of 72 hours which is consistent with PADEP standards.***
19. Infiltration of surface water is to be the primary mechanism for meeting stormwater management requirements [303.B.2]. **A waiver has been requested to utilize MRC cells as an alternative approach to meeting volume and water quality requirements.***
20. Provide riprap apron details on the Land Development details [302.A.13 & 302.D]* *Provide riprap details for FES-V4.2 to FES-V4.4.*
21. Provide utility crossings (waterline and sanitary sewer) on all storm profiles where applicable [302.A.12].* *Depict the crossings on profile I2-5.18 to I2-5.14.*
22. Ensure that the provided erosion and sediment control plan depicts all interim phases (as applicable) and the construction sequence is revised to be specific for this phase [302.E].* *It appears that the provided E&S plan is preliminary in nature. Provide a copy of the E&S plan once submitted to the Conservation District for NPDES approval.*
23. Revise the storm sewer run from MH-2.1 to FES-V3.1, MH2-4.1 to FES-V1.1 and OS-V1.2 to FES-V1.3 such that the pipe invert into the detention basin is a minimum of six (6) inches above the bottom of the basin [303.J.4].
24. Revise the OS-R3.9 to FES-F3.18 Profile such that the T/G elevation and outlet pipe size is consistent with the PCSM Report and Basin R3 Outlet Structure Detail [302.A.12].
25. Revise the OS-V4.4 to MH2-1.4 Profile such that the T/G elevation is consistent with the PCSM Report and Basin V4 Outlet Structure Detail [302.A.13].
26. Revise the OS-V3.5 to FES-V3.7 Profile such that the T/G elevation and outlet pipe size is consistent with the PCSM Report and Basin V3 Outlet Structure Detail [302.A.13].
27. Revise the OS-V2.8 to FES-V2.10 Profile such that the T/G elevation is consistent with the PCSM Report and Basin V2 Outlet Structure Detail [302.A.13].
28. Revise the OS-V1.7 to FES-V1.11 Profile such that the T/G elevation is consistent with the PCSM Report and Basin V1 Outlet Structure Detail [302.A.13].

29. Ensure that the slope of the outlet pipes are consistent between the PCSM Report routing calculations and the Plans for all basins [302.D].
30. Provide an emergency spillway for the rate control Basin V4 [303.J.8].
31. Revise the North American Green emergency spillway calculations to specify a channel slope of 33% for all emergency spillway calculations [303.J.8.c].
32. Clarify how the 100-year plugged flow was determined for the emergency spillways as the values utilized do not match the PCSM Report values [303.J.8.f].
33. Revise the Basin V3 MRC Cell Profile to specify that the rate control basin bottom elevation is 425.00' rather than 424.00' [302.A.10].
34. Revise the Basin V1 MRC Cell Profile such that the bottom of the soil media and the underdrain elevation are consistent with the PCSM Report [302.A.10].
35. Provide a childproof non-clogging trash rack on all outlet structure openings exceeding twelve (12) inches in diameter [303.J.7.e].
36. Ensure all storm structures on the Grading & Stormwater Plan are labeled. An example is the Basin V4 and V3 Manifold storm run [302.A.10].
37. Manhole structure MH-1 does not appear to be constructible as the Final Phase IA plans have an invert in of 434.11' whereas the T/G elevation on the Phase 2 plan is at 433.00'. Revise accordingly [302.A.12].
38. The soils legend on sheet C02 303 covers up a portion of the site that is not shown on any other sheet. Specifically, I2-5.13 to I2-5.12 is not shown [302.A.12].
39. There are several storm sewer runs that are proposed at a slope less than minimum (0.5%). The use of a pipe slope less than minimum is highly discouraged as it is difficult to construct to slopes less than 0.5% over long storm runs and the reduced ability for the pipe to self-clean (scour) from sufficient pipe velocity. Any storm sewer pipe proposed at less than minimum slope should have a minimum 2 fps velocity during the 2-year design storm to alleviate the concern for self-cleaning. If a velocity of 2 fps cannot be achieved during the 2-year design storm then the pipes should be revised to be at minimum slope. An example of this is storm run I2-5.10 to I2-5.9, MH2-5.5 to I2-5 and I2-5.8 to I2-5.7 [302.B.2].
40. Provide a callout on the plan specifying the pipe size for the roof drains from the cleanouts to the inlet connections [302.A.12].
41. Revise OS-R3.1 on the profiles sheet (C02 511) to reflect the correct T/G elevation [302.A.12].
42. Revise the Invert Out elevations on the MRC Cell Outlet Structure detail to be consistent with the profiles as it appears the MRC design has the outlet pipe located lower than the underdrain invert for all MRC cells [302.A.13].
43. Clarify how the concrete weir elevation for the basin flow splitter structures were determined as not detailed modeling was done and the weir elevation does not match up with the outlet structure elevations [302.A.13].
44. Revise the Basin V2 and Basin R3 Flow Splitter Structure details such that the invert out elevations to the rate control basin is consistent with the storm profile and plans [302.A.13].

45. The pipe size from MH2-1.3 to FES-V4.10 on the plan and profile depict the pipe as a 24" SLCPP but the riprap and storm sewer calculations utilize either a 30" or 42" SLCPP. Revise accordingly [302.A.12 & 302.D].
46. Revise the riprap apron detail and riprap apron calculations to utilize the correct pipe size for FES-V4.5-4.7, FES-V3.3-3.6, FES-V2.3-2.9, FES-V1.5-1.10 and FES-R3.2-3.9. Also, clarify how the peak flow rate utilized in the riprap apron calculations were determined for these riprap aprons [302.A.12 & 302.D].
47. The storm lines 5-7 on the I2-2.6 to FES-V3.1 100-Hydraflow storm sewer analysis has surcharging during the 100-year storm event. Address accordingly [302.D].
48. Provide storm profiles for the following storm sewer runs [302.A.12]:
 - a. MFLD-V3-CO2 to FES-V3.4
 - b. MFLD-V2-CO2 to FES-V2.4
 - c. MFLD-V2-CO3 to FES-V2.5
 - d. MFLD-V2-CO4 to FES-V2.6
 - e. MFLD-V2-CO5 to FES-V2.7
 - f. MFLD-V1-CO5 to FES-V1.9
 - g. MFLD-V1-CO4 to FES-V1.8
 - h. MFLD-V1-CO3 to FES-V1.7
 - i. OS-V1.1 to FES-V1.2
 - j. OS-V1.2 to FES-V1.3
 - k. MFLD-R2-CO7 to FES-R3.8
 - l. MFLD-R2-CO6 to FES-R3.7
 - m. MFLD-R2-CO5 to FES-R3.6
 - n. MFLD-R2-CO4 to FES-R3.5
 - o. MFLD-R2-CO3 to FES-R3.4
49. It is understood that final design will be revised to MRCs with forebay cells. Provide clarification of review status of MRC designs with PaDEP and ensure that all design variations flagged in the worksheets are documented, justified, and approved by PaDEP. [302.D]*
50. Provide a Stormwater Soils and infiltration investigation report similar to final submission in 1A which included methodology, soil profiles, photos, etc. [303.B.2 & 303.H.9]* *A summary table is provided. Submission information from 1A appears to cover the site please confirm and resubmit the full report if changes were made.*
51. Provide locations of soil test pits, soil profiles, and infiltration tests on either the "Phase 2 Overall Stormwater and Grading Plan" and/or the PCSM Report/Stormwater Soils and Infiltration Investigation Report. This documentation should demonstrate compliance with section 303.H.12, including, but not limited to, the number of infiltration test pits and soil profiles located at the bottom elevation of each proposed BMP/SCM.* *Provide documentation similar to phase 1A 1B highlighting tests associated with each SCM.*
52. Update the Phase 2 routing analysis as follows:
 - a. POA R - the pre-POA R Detained R1 drainage area comes from an old version of the Phase 1B routing analysis. The drainage area used is 21.08 acres while the latest Phase 1B report reviewed had a drainage area of 20.93 acres. [302.D]

- b. POA S - Revise the Pre DA POA S Tc as the sheet flow measures less than 150 feet in length on the Pre Phase 2 Drainage area map. [302.D]
 - c. POA T - Revise the Pre DA POA T Tc as the sheet flow measures less than 150 feet in length on the Pre Phase 2 Drainage area map. [302.D]
53. Update the Tc flow change locations for POA U and POA V on the Pre Phase 2 Drainage Area map. The flow change locations are not consistent with the flow lengths used in the Tc calcs within the routing analysis. Specifically, the sheet flow lengths are both shown to be considerably longer than the 150 feet used in the calculation. [302.A]
54. Update the Tc flow change locations for the Undetained POA R on the Post Phase 2 Drainage area map. Current flow change locations are not consistent with the Tc calculations within the routing analysis. [302.A]
55. Update Tables 3.2, 4.1, and 4.2 for consistency with the routing analysis and PADEP PCSM Spreadsheets as follows:
- a. POA R - Post-construction peak rate values for POA R do not match the routing analysis [302.B]
 - b. POA V - Table 4.1 shows a net decrease in the 1-year peak rate but the peak rate increases. [302.B]
56. Update Phase 2 DEP PCSM Spreadsheets as follows:
- a. POA U Rate tab - The post-construction peak rates are consistent with the routing analysis or Tables 3.2 and 4.1 of the narrative. [302.D]
 - b. POA V Rate tab - The pre-construction 2-year storm rate does not match the routing analysis or Tables 3.2 and 4.1 of the narrative. [302.D]
57. Update the MRC SCM Layouts
- a. FES-V3.5 is missing riprap outlet protection on sheet C02-305.
 - b. There are inconsistencies for outfall protection for outlets from MRC cells into rate basins. Most outfalls do not have outlet protection while some do. Note, on previous phases, outlets from MRC cells into rate basins did not have outfall protection due to storms larger than 2-year being routed around MRC cells. Please clarify.

COUNTRY CLUB ROADWAY IMPROVEMENTS

1. The applicant has indicated that no improvements along Country Club Road are proposed in association with Phase 2 because no access to Country Club Road is proposed in association with Phase 2, but that the remainder of Country Club Roadway Improvements will be designed and constructed in association with Phase 3. Unless a deferral is granted, roadway improvements are required because Lot 2 abuts the roadway. [703.A.10]

ITEMS TO BE INCLUDED IN THE DEVELOPER'S AGREEMENT

1. Include a Stormwater Management Operation and Maintenance (SWM O&M) Agreement.
2. Demonstrate that a deed restriction has been established to require SWM O&M by any future owners of the affected properties.

3. Establish an Operation and Maintenance agreement for PA Data Drive or demonstrate that the entirety of PA Data Drive was covered by an Operation and Maintenance agreement executed in a prior phase.

ITEMS TO BE ADDRESSED IN THE FINAL LAND DEVELOPMENT PLAN

1. Provide a signed and executed O&M agreement. The O&M agreement shall be recorded within fifteen (15) days of approval of the O&M Plan by the Middlesex Township [502].
2. The deed of each lot shall contain a covenant binding the grantee and all successors title and interest designating the responsibility for operation and maintenance of the stormwater management facilities. Reference to this covenant shall be noted on the cover of the Plans [501.B.1.a].
3. Specify on the storm profiles where a non-standard inlet box is required. Provide a construction detail and labeling for any type of box utilized [302.A.13].
4. Provide a min. 20' wide drainage easement with metes and bounds along all stormwater management facilities, channels and inlets [SALDO 501.C.19, SWM 303.J.12 & 303.K.12]. In addition, storm run I2-1.3 to I2-1.2 and MH2-12 to I2-1.2 are located below the security entrance which would require the entrance to be located within the 20' wide drainage easement.
5. Prior to construction of storm sewer facilities, specifications and/or details shall be submitted to the Township for review and approval, including but not limited to, pipes, inlets and tops, catch basins, head and end walls, stone bedding, and backfill material, as applicable [1406.A.6].
6. Provide a Final Landscape Plan (719.B.2 and 3)
7. Establish financial security for on-site improvements. Provide a cost estimate of these improvements for review [Section 1301].

This review is based solely on the documents referenced above and does not relieve the design professional of any responsibility, nor does it imply any design responsibility by Herbert, Rowland & Grubic, Inc. HRG reserves the right to make additional comments in the future based on newly-supplied or revised information as provided by the applicant or their representative(s).

Sincerely,

Herbert, Rowland & Grubic, Inc.



J. Michael Hess, PE
Team Leader

EXHIBIT 5



Herbert, Rowland & Grubic, Inc.
369 East Park Drive
Harrisburg, PA 17111
717.564.1121
www.hrg-inc.com

PHASE 2 PRELIMINARY LAND DEVELOPMENT PLAN REVIEW LETTER #3

MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA

Attn: Mr. Bud Grove, Township Engineer

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 2

Middlesex Twp. Plan No. TPF 25-26

May 8, 2026

We have completed our review of the following information for the above-referenced project:

Submission	Dated	Last Revised
Plan Set for Phase 2 (83 sheets)	11/26/2025	4/24/2026
Post Construction Stormwater Management Report for Phase 2 (SWM Report)	December 2025	April 2026
SWM Infiltration Report	10/24/2025	0/23/2026
Comment Response Letter	4/24/2026	--
Environmental Impact Assessment	April 2026	--
Parking Analysis Report	March 2026	--
Noise Memo	April 2026	--
Ambient Sound Monitoring Report	April 2026	--
Zoning Officer Determination	April 2026	--

The applicant has submitted the following requests for relief:

Requested Waiver(s)	Ordinance Section	Relief Requested
Plan Size and Scale	SALDO 501.A.2	Modification
Location Map Scale	SALDO 501.A.6	Modification
Provide metes and bounds for easements	SALDO 501.C.19, 303.J.12, 303.K.12	Deferral (until Final Plan)
Curb and Sidewalk along Country Club Road and PA Data Drive (See Waiver Note 1)	SALDO 703.A.10	Waiver
Depressed Curb at Driveway Entrance	SALDO 703.I.4	Waiver
Provide Sidewalk	SALDO 707	Waiver
Scale of maps and exhibits within the EIA	SALDO 718.D.3.a, 718.D.4.a, 718.D.4.b, 718.D.4.c, 718.D.4.d	Modification
Plans and Elevation	SALDO 718.D.3B	Waiver
Detention Basin Side Slopes > 4:1	SWM 303.J.3	Modification
Dewatering time > 48 Hrs.	SWM 303.H.17	Modification
Infiltration of Stormwater	SWM 303.B.2	Modification
Provide Construction Details for Inlets	SWM 302.A.13	Deferral to Final Plan
Provide a Final Landscaping Plan	SALDO 719.B.2 and 3	Deferral to Final Plan
Provide Geotechnical Engineer Certification for MRC Design	SWM 303.H.12	Deferral to Final Plan

We offer the following comments (* - Indicates comments not addressed from previous review letters):

WAIVER NOTES

1. In the applicant's Waiver/Modification/Deferral request dated 3/27/2026, a waiver of pavement base drain requirements is also noted for this section. Due to the presence of wet soils beneath portions of Country Club Road, and potentially beneath portions of PA Data Drive, a modification should not be granted to eliminate the requirement for pavement base drain.

ZONING

1. *ADA parking spaces and paths are now shown but the grading should be reviewed further [4.15(C)]. The five (5) data center buildings all have a finish floor of 437.50, and all ADA parking spaces appear to

include 437.50 spot grades. The applicant should review this further to confirm runoff is directed away from buildings. *The slope between the finish floor elevation (437.50) and ADA parking spaces (437.30) is 0.3%. The slope label shows 1.0%. Confirm the elevations and slope and whether the parking lot spot grades are top or bottom of curb. A 437.30 bottom of curb grade is needed for positive parking lot flow, however this would result in the top of curb elevation above the finish floor elevation.*

2. Additional curb labels were added to the Plan, showing curbing throughout the campus. The access drive/parking lot and curb grading should be reviewed. The internal access drives between the buildings contain a drive high point of 437.05. The finish floor elevation is 437.50. The 437.05 drive grade may result in the top of curb being located above the building finish floor based on the proposed contours and/or the reverse crown access drive section (sheet 60). The applicant shall review the grading further and provide additional top/bottom of curb grades.
3. It appears that the submitted sound study includes the same documents that were submitted in association with Phase 1B. Please confirm that this is the case, or provide a table, list, or similar means to identify changes or updates made to the study associated with Phase 2.

SUBDIVISION AND LAND DEVELOPMENT

1. Provide a completed PADEP Sewage Planning Module [503.A.3].
2. Ensure the plan complies with Section 703.I.4 for any proposed driveways [703.I.4]. The applicant has requested a waiver of this requirement.
3. Provide Intersection Sight Distance information and clear sight triangle information [703.K.1,3]. *Provide a report sealed by a Pennsylvania Professional Engineer for the sight distance information.*
4. Non-residential developments shall dedicate a minimum of ten percent (10%) of gross land area for park or recreation use [710.A.3.b]. Provide the required recreational area or a calculation for the fee-in-lieu.
5. Design calculations must be provided for all design conditions. Provide retaining wall designs prepared and certified by a Professional Engineer in the Commonwealth of Pennsylvania experienced in structural design and geotechnical engineering principles [716.B]. *The applicant has requested this is deferred to the Final Plan. Due to discussions at the 5/6/2026 job conference, we understand that the applicant may wish to start the review of this feature prior to the Final Plan in order to reduce construction delays.*

ENVIRONMENTAL IMPACT ASSESSMENT

1. Provide a Geological Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'). **A waiver has been requested for this requirement [§718.D.4.a].**
2. Provide a Site Development Plan at a scale of not more than one inch to one-hundred feet (1" = 100'). **A waiver has been requested for this requirement [718.D.3.a].**
3. Provide a Topographical Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500') **A waiver has been requested for this requirement [718.D.4.b].**

4. Provide Soil Plan at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scale is 1" = 500'.) **A waiver has been requested for this requirement [718.D.4.c].**
5. Provide the Hydrogeological Plan and Wetlands Exhibit at a scale of no more than one inch to one-hundred feet (1" = 100'). (Note the provided plan scales are 1" = 500'.) **A waiver has been requested for this requirement [718.D.4.d].**

STORMWATER MANAGEMENT

1. Demonstrate that an NPDES permit has been secured for the proposed site disturbance [109].* Provide a copy of the E&S plan and any other submitted documents for reference [103.J & 301.Q].*
2. Revise sheet C02 303 so that the proposed grading does not encroach upon the MRC cell for Basin R2 [General].* *Provide spot elevations along the proposed tie-into the existing MRC Cell to confirm that the top of the proposed 5' berm will be at 442.50'*
3. The minimum inside side slopes for a detention basin is 4:1 and the bottom of the basin shall be sloped at a minimum of 2%. **A waiver has been requested for this requirement [303.J.3].***
4. Provide documentation that all infiltration practices or alternative volume mitigation measures such as MRC Cells move all surface ponding sub surface within 48 hours. [303.H.17]. **A modification has been requested for this requirement to allow a dewatering time of 72 hours which is consistent with PADEP standards.***
5. Infiltration of surface water is to be the primary mechanism for meeting stormwater management requirements [303.B.2]. **A waiver has been requested to utilize MRC cells as an alternative approach to meeting volume and water quality requirements.***
6. Revise the OS-R3.9 to FES-F3.18 Profile such that the T/G elevation and outlet pipe size is consistent with the PCSM Report and Basin R3 Outlet Structure Detail [302.A.12].* *The outlet pipe size is inconsistent between the profile, plan, and PCSM report.*
7. Provide an emergency spillway for the rate control Basin V4 [303.J.8].* *An emergency spillway is required for all basins. It is understood that the basin is entirely in cut and a traditional earthen berm spillway cannot be constructed. However, the emergency routing calculations utilize the existing primary outlet as still functioning without the low flow orifice. A secondary outlet should be installed that is solely utilized for emergency situations to permit the safe passage of flows from a 100-year storm. For the purpose of this requirement, model the lowest point at which water will overflow the basin as the emergency spillway.*
8. Revise the Invert Out elevations on the MRC Cell Outlet Structure detail to be consistent with the profiles as it appears the MRC design has the outlet pipe located lower than the underdrain invert for all MRC cells [302.A.13].*
9. Provide storm profiles for storm sewer run MH2-1.8 to EW2-1.1 which depicts how the outlet pipe will tie into the Phase IA channel [302.A.12].
10. The invert in from the proposed roof drain is higher than the invert out of the structure for MH2-5.5. Revise accordingly [302.A.12].
11. The spot elevations on basin V3 appear to have moved and no longer label important features such as top of berm, emergency spillway, etc. [General]

12. The elevations depicted on the Basin V4 MRC Cell profile appear to be incorrect with the plan view and PCSM Report. Revise accordingly [302.A.10].
13. It appears that a viewport may have been moved resulting in all of the MRC cells profiles to be drawn in wrong. Revise accordingly [302.A.10].
14. Revise the storm sewer run from I2-1.6 to FES-V4.8 such that the pipe invert into the detention basin is a minimum of six (6) inches above the bottom of the basin [303.J.4].
15. At the end of the northern access drive into the site (by inlets I2-5.4 and I2-5.3), there appears to be a low point in the curblin at elevation 436.25' whereas the lowest inlets are at 436.40' which may cause some ponding on the site. Address accordingly [302.A.10].
16. The Tc flow path for Post Undetained POA R was updated to show the appropriate flow change locations. However, the routing analysis in the latest report did not include the TR55 Tc Calculations to verify the calculations. Please provide. [303.D]
17. Please review the Tc flow path for Pre POA V on DA map, DA-2. The flow path was updated, however, the flow path does not start at the boundary of the drainage area and does not represent the longest flow path within the drainage area. This will affect the location of the TR55 Sheet Flow calculation and slope of the sheet flow path. Please update the flow path as necessary and update the TR55 Tc Calculation for the drainage area. [303.D]
18. It is understood that final design will be revised to MRCs with forebay cells. Provide clarification of review status of MRC designs with PaDEP and ensure that all design variations flagged in the worksheets are documented, justified, and approved by PaDEP. [302.D]* *The Engineer states that no review by PADEP is necessary as the MRC meets the design criteria and no design variations are proposed. This may be the case, however, the MRC design guidance dated August 15, 2025 specified that DEP or a delegated conservation district may approved the use of MRC on a site. Therefore this comment will remain until either DEP or the CCCD has issued the NPDES permit.*

COUNTRY CLUB ROADWAY IMPROVEMENTS

1. The applicant's response letter indicates that improvements to Country Club Road along the Phase 2 frontage are to be designed and constructed in association with Phase 1C. Generally, HRG does not object to this approach as long as the Final Phase 1C plan is approved before, or simultaneously with the Final Phase 2 plan. Several aspects of this proposal are unclear:
 - a. Separate plan sheets for Country Club Roadway Plans were not included with the 1C plan submission. Will a stand-alone plan set be provided similar to what was done with Phase 1A, or is it the applicant's intent to describe the Country Club Roadway design on the other land development plans (layout, grading, etc.)?
 - b. The applicant should confirm that this arrangement includes the roughly 325' long portion of Country Club Road from the eastern boundary of Phase 2 to the Eastern boundary of Phase 1C. [703.A.10]. Currently, the limit of disturbance shown in the Phase 1C plan does not include this area.

ITEMS TO BE INCLUDED IN THE DEVELOPER'S AGREEMENT

1. Include a Stormwater Management Operation and Maintenance (SWM O&M) Agreement.

2. Demonstrate that a deed restriction has been established to require SWM O&M by any future owners of the affected properties.
3. Establish an Operation and Maintenance agreement for PA Data Drive or demonstrate that the entirety of PA Data Drive was covered by an Operation and Maintenance agreement executed in a prior phase.
4. Update the Phase 1A developers agreement to include any proposed offsite improvements to Country Club Road such as widening west of the property to accommodate construction traffic, or additional ROW to accommodate communications lines or other utilities.

ITEMS TO BE ADDRESSED IN THE FINAL LAND DEVELOPMENT PLAN

1. Provide a signed and executed O&M agreement. The O&M agreement shall be recorded within fifteen (15) days of approval of the O&M Plan by the Middlesex Township [502].
2. The deed of each lot shall contain a covenant binding the grantee and all successors title and interest designating the responsibility for operation and maintenance of the stormwater management facilities. Reference to this covenant shall be noted on the cover of the Plans [501.B.1.a].
3. Specify on the storm profiles where a non-standard inlet box is required. Provide a construction detail and labeling for any type of box utilized [302.A.13].
4. Provide a min. 20' wide drainage easement with metes and bounds along all stormwater management facilities, channels and inlets [SALDO 501.C.19, SWM 303.J.12 & 303.K.12]. In addition, storm run I2-1.3 to I2-1.2 and MH2-12 to I2-1.2 are located below the security entrance which would require the entrance to be located within the 20' wide drainage easement.
5. Prior to construction of storm sewer facilities, specifications and/or details shall be submitted to the Township for review and approval, including but not limited to, pipes, inlets and tops, catch basins, head and end walls, stone bedding, and backfill material, as applicable [1406.A.6].
6. Provide a Final Landscape Plan (719.B.2 and 3)
7. Establish financial security for on-site improvements. Provide a cost estimate of these improvements for review [Section 1301].
8. Provide an updated Environmental Impact Assessment, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [\$718].
9. Provide an updated Sound Study, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [\$419.F].

PAX-1 Data Center Phase 2 Prelim LD Plan, TPF 25-26
Middlesex Township, Cumberland County
May 8, 2026
Page 7

This review is based solely on the documents referenced above and does not relieve the design professional of any responsibility, nor does it imply any design responsibility by Herbert, Rowland & Grubic, Inc. HRG reserves the right to make additional comments in the future based on newly-supplied or revised information as provided by the applicant or their representative(s).

Sincerely,

Herbert, Rowland & Grubic, Inc.



J. Michael Hess, PE
Team Leader

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EXHIBIT 6



Herbert, Rowland & Grubic, Inc.
369 East Park Drive
Harrisburg, PA 17111
717.564.1121
www.hrg-inc.com

PHASE 1C PRELIMINARY LAND DEVELOPMENT PLAN REVIEW LETTER #1

MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PA

Attn: Mr. Bud Grove, Township Engineer

Preliminary Land Development Plan for Pennsylvania Digital 1 (PAX-1) Phase 1-C

Middlesex Twp. Plan No. TPF 26-10

May 8, 2026

We have completed our review of the following information for the above-referenced project:

Submission	Dated	Last Revised
Plan Set for Phase 1C (45 sheets)	04/17/2026	--
Post Construction Stormwater Management Report for Phase 1C (SWM Report)	April 2026	--
Geotechnical Engineer Report for Stormwater Management	10/24/2025	01/23/2026
Middlesex Twp Application and Checklist	04/17/2026	--

The applicant has submitted the following requests for relief:

Requested Waiver(s)	Ordinance Section
Plan Size and Scale	SALDO 501.A.2
Location Map Scale	SALDO 501.A.6
Sidewalk Requirements	SALDO 707.A.1
Detention Basin Side Slopes > 4:1	SWM 303.J.3
Dewatering	SWM 303.H.17
Infiltration of Stormwater	SWM 303.B.2

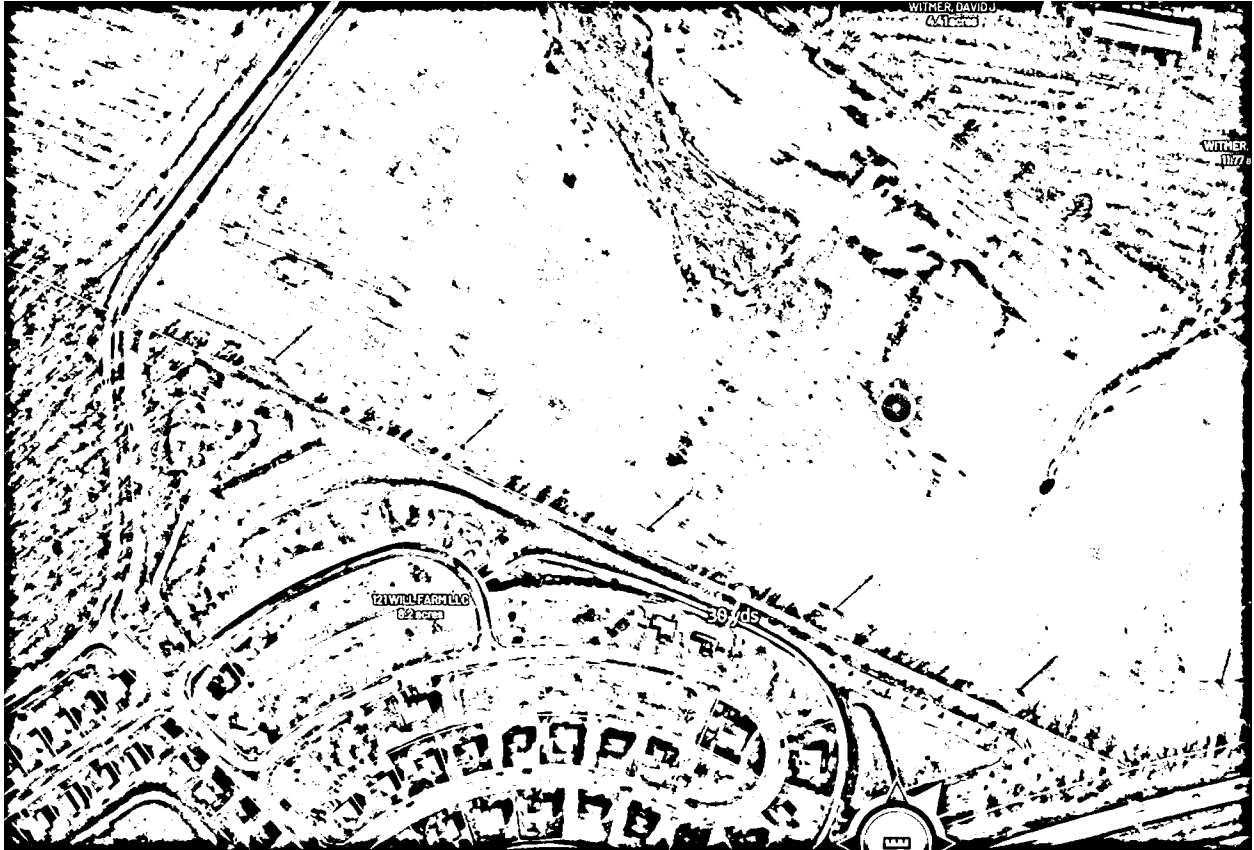
We offer the following comments (* - Indicates comments not addressed from previous review letters):

ZONING

1. Confirm the Lot 1C impervious coverage and percentage, Zoning regulations (sheet 3) and the existing/proposed conditions (sheet 4) differ [2.18(F)]. Revise sheets for consistency.
2. Include setback dimension labels (sheets 8 & 13-16), similar to previous Plans [2.18.F & 2.18.G.2.c].
3. Within the Zoning Regulations, change the proposed Phase 1C use as no data center is proposed on this lot. The Zoning office should advise as to whether the proposed use is an Outdoor Storage Yard, Temporary Construction Site Trailer, Construction Trade and Contractor, or another use as described in the zoning ordinance (Section 3.04 and 3.05). Additional zoning requirements may apply depending upon the use determination.
4. The buffering, landscaping and screening Section [4.03] references the Subdivision and Land Development Ordinance Section 719. Street trees shall be provided [719.C.6.a.3)]. A screen buffer shall be provided [719.C.14.a.1)]. A buffer appears to be provided along the south side of the lot (adjacent to the residential use). A buffer shall be provided along the north side of the lot adjacent to the residential use.
5. The Cover Sheet drawing index includes sheet numbers (C1C 001-805 and ES1 001-304). Confirm the sheet numbers in the index. C1C 801-805 is shown as 26-40, these appear to be 29-33. Confirm the other sheets.
6. Provide a sound study for Phase 1C, or an update to the previously submitted sound study. In doing so, provide a list, summary table, or similar means to identify changes or updates made to the prior study in association with Phase 1C [419.F]
7. Clarify whether or not outdoor lighting is to be installed on the subject lot. If so, demonstrate compliance with the applicable lighting requirements. [4.10 and 711]

SUBDIVISION AND LAND DEVELOPMENT

1. The numbering on sheet index does not appear to be consistent with the plan sheets for the Profile Plan, Landscaping Plan, and Civil Details/Operation and Maint. Plan. Please reconcile [501.A. 12].
2. Based on recent aerial imagery it appears that there may be existing man-made structures within 100' of the southern property boundary that are not shown on the plan. Please revise as necessary [501.A.26]



3. Based on discussions at the 5/06/2026 job site meeting, HRG understands that Phase 1C will be used in part to accommodate job trailers. Depict and identify the use of all proposed buildings on the plan [501.C.2.b].
4. Address the requirement to provide elevations of the bottom of box for all stormwater inlets & manholes shown on all drawing sheets [501.C.10.c & d]
5. Provide a listing of all local, state, federal and other agency permits and approvals which are ultimately required for Final Plan approval and construction [503.A.8].
6. Clarify whether or not the geotechnical report submitted with Phase 1A is intended to cover Phase 1C. If not, provide a geotechnical report for Phase 1C. [503.A.13.a & b].
7. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the streets. Provide drainage design for the driveway crossing [703.I.5].
8. All new private driveways must be paved for a minimum distance of fifty feet (50') from the street right-of-way line with bituminous surface material, concrete, brick pavers or other material acceptable to the Township [703.I.8].
9. Cut slopes shall begin a minimum distance of two feet (2') behind the right-of-way line to allow for the proper placement of the shoulder or sidewalk and for rounding of the slope. Where site drainage

conditions dictate, additional area behind the right-of-way line shall be provided to accommodate the placement of drainage facilities [703.M.a.2].

10. Sidewalks must be installed along both sides of all new interior streets in all commercial and industrial land developments within the Township unless otherwise waived by the Township. Sidewalks must also be constructed along the side of all exterior streets upon which the land development fronts [707.A.1]. **A waiver of this section has been requested**
11. Non-residential developments shall dedicate a minimum of ten percent (10%) of gross land area for park or recreation use [710.A.3.b].
12. Provide Landscape Plan [719.B.1]
 - a. All trees shall have a minimum trunk diameter of two and one-half inches (2.5") at a height of six inches (6") above finished grade [719.C.11]
 - b. Requirements for the measurement, branching, grading, quality, and burlapping of all shrubbery shall follow the code of standards recommended by the American Association of Nurserymen, Inc. in the American Standard Nursery Stock, ANSIZ60, 1-1973, as amended [719.C.13]
 - c. All newly planted landscaping trees shall have a minimum two and one-half-inch (2.5") caliper at the time of planting [719.D.2]
13. Note: It appears there is disturbance within the PPL Right-of-Way shown on Sheet C1C 010. Revise the proposed grading or provide documentation that approval was granted by PPL [General]
14. Ensure that all proposed grading along Country Club Road ties smoothly into the existing contours along the western edge, as applicable [1101]:
15. It appears that surface water runoff will become concentrated at the eastern edge along Country Club Road, the western edge of the laydown yard, and the southeastern edge of the laydown yard where proposed contours tie into existing; please reconcile by means of stormwater conveyance techniques as shown in other areas of the laydown yard, or label this section as a channel and design as required [1102.A.2 / 1102.A.3].
16. Site grading shall be a financially secured site improvement and shall be included in the construction cost estimate for site improvements required by Article XIII of the SALDO [1104.B].
17. Existing stream valleys and other wetland areas shall remain as designated open space [1202.C.2].
18. The Township Engineer shall be present, unless indicated otherwise, during storm sewer construction to perform material checks and to observe for proper construction. Storm sewer trenches shall not be backfilled and closed without prior approval of the Township Engineer. Failure to adhere to these requirements shall render storm sewer construction defective and shall be removed and replaced at the Applicant's sole expense. Prior to construction, specifications and/or details (shop drawings) shall be submitted to the Township or the Township Engineer for review and approval so as to ascertain compliance with the approved plans. [1406.A.5/6].

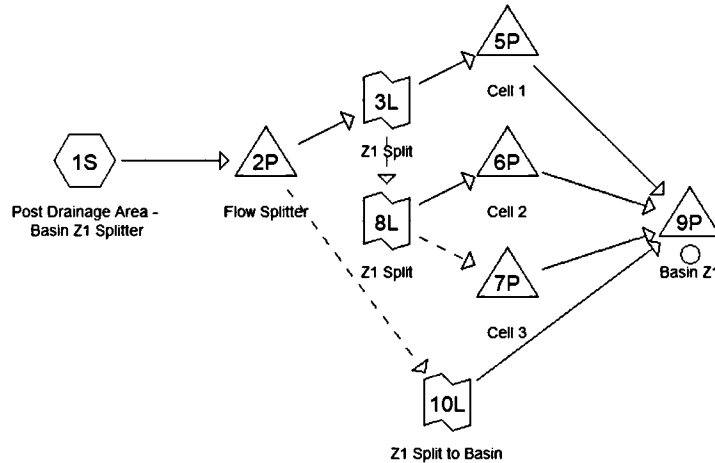
ENVIRONMENTAL IMPACT ASSESSMENT

1. Provide an environmental impact assessment for Phase 1C [718].

STORMWATER MANAGEMENT

1. Demonstrate that an NPDES permit has been secured for the proposed site disturbance. [109] Provide copy of the E&S plan and any other submitted documents for reference [103.J & 301.Q]
2. The minimum inside side slopes for a detention basin is 4:1 and the bottom of the basin shall be sloped at a minimum of 2% [303.J.3]. **A waiver has been requested for this requirement.**
3. Provide documentation that all infiltration practices or alternative volume mitigation measures such as MRC Cells move all surface ponding sub surface within 48 hours. [303.H.17]. **A modification has been requested for this requirement to allow a dewatering time of 72 hours which is consistent with PADEP standards.**
4. Infiltration of surface water is to be the primary mechanism for meeting stormwater management requirements [303.B.2]. **A waiver has been requested to utilize MRC cells as an alternative approach to meeting volume and water quality requirements.**
5. Provide soil boundaries and their HSG on the SWM Plan [302.A.7].
6. Provide additional existing conditions contour labels on the Grading & Stormwater Plan and E&S plan sheets [302.A.6].
7. It is recommended that all inlets provide a minimum 2" drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation [1401.B].
8. Provide the acreage of the limit of disturbance on the Grading & Stormwater Plan [302.A.18].
9. A sediment forebay with a hardened bottom shall be provided at each inlet into detention basins. Similar to what was done for Phases IA and IB, depict the location of the water quality snouts and their sump depth on the plan/stormwater profiles. Once the snouts are added to the plan/profiles, this comment will be considered addressed. [303.J.11].
10. Provide spot elevations on the top of the 11' wide berm [302.A.19].
11. Storm run from IC-2.3 to IC-2.4 is negatively sloped towards inlet IC-2.3 and storm run from IC-1.3 to IC-1.2 is negatively sloped towards inlet IC-1.3. Revise accordingly [302.A.12].
12. Confirm that there is sufficient cover over the pipe for storm runs I-1C.4 to I-1C.5 and IC-3.1 to IC-3.2 [302.A.12].
13. The manifold system for the Basin Z1 MRC cells appears to be at varying elevations rather than a flat elevation from each MRC cell to the flow splitter structure. Additionally, the invert of the 18" SLCPP into each SCM varies. Confirm that this is the intended design or revise accordingly [302.A.12].
14. Ensure that the flow splitter structure FS-Z1-1.1 detail is consistent with the profile depending on the revisions per the comment above [302.A.13].

15. MH-Z2-1.1 has an invert out of 427.25' which is higher than the invert in. This may cause reduced flow getting to the MRC cell. Revise accordingly [302.A.12].
16. The invert out to the rate basin of flow splitter structure FS-Z2-1.1 is inconsistent between the plan and profile. Revise accordingly and ensure that the invert out to the rate basin is at the same invert elevation or lower than the inverts to the MRC cells [302.12].
17. It is recommended to lower the invert elevation of the inflow pipe at both flow splitter structures to reduce the potential of flow to 'arch over' the weir and bypass the MRC cells.
18. Revise structure MFLD-Z1-1.1, MFLD-Z1-1.2, MFLD-Z2-1.1, MFLD-Z2-1.2 and MH-Z2-1.1 to have a T/G elevation at the proposed grade elevation [302.A.12].
19. Revise the T/G elevation for the MRC cell outlet structures to be consistent with the routing calculations and details for both basins [302.A.12 & 302.A.13].
20. The storm profile for OS-Z1-1.4 to FES-Z1-1.8 is inconsistent between the routing calculations and the Basin Z1 outlet structure detail. Revise accordingly [302.A.12 & 302.A.13].
21. The storm profile for OS-Z2-1.4 to FES-Z2-1.8 is inconsistent between the routing calculations and the Basin Z2 outlet structure detail. Revise accordingly [302.A.12 & 302.A.13].
22. Provide riprap apron and supporting calculations for FES-Z2-1.5 and FES-Z1-1.3 [303.J.9].
23. Confirm that the flows utilized in sizing the riprap aprons for FES Z2-1.1, FES-Z2-1.3 and FES-Z2-1.6 are correct as the hydroCAD outputs have a peak inflow to these MRC cells as ~6.3 cfs [302.D].
24. Provide clarification of review status of MRC designs with PaDEP [303.D.1]
25. Provide quantification of planting totals for MRC plantings as described on sheet C1C 802 [302.G].
26. Review scale on DA map, POST-DA LOD, in the PCSM Report. The scale shown (1" = 200 ft) is inconsistent with the scales of other DA maps (1" = 150 ft). [302.A]
27. Confirm the storm events being captured and treated in the Z2 MRC Overflow cells in the Post-development condition. The HydroCAD output indicates little overflow from the cells for the 10-year and 25-year events. This is inconsistent with the POA Z2 MRC Worksheet that indicates a maximum 2-year event is being treated in the MRC cells. [303.C.11]
28. The HydroCAD routing diagram utilizes a link to split the MRC inflow hydrographs into the three MRC cells. It appears that this may be better modeled as the inflow hydrograph going to a single MRC overflow structure and then split using the link. This would eliminate the need to model three separate flow splitter structures when there is only one proposed. This may also address the comment above. See diagram below for clarity [302.D].



29. Provide documentation of the ponding times provided in the POA Z1 and POA Z2 MRC worksheets. [303.C.11 & 303.H.17]
30. Provide documentation that PADEP or a delegated conservation district has approved the use of MRCs on the site or an NPDES permit has been obtained [302.D]

COUNTRY CLUB ROADWAY IMPROVEMENTS

1. The applicant has indicated that improvements to Country Club Road along the Phase 2 frontage are to be designed and constructed in association with Phase 1C. Generally, HRG does not object to this approach as long as the Final Phase 1C plan is approved before, or simultaneously with the Final Phase 2 plan. Several aspects of this proposal are unclear:
 - a. Separate plan sheets for Country Club Roadway Plans were not included with the 1C plan submission. Will a stand-alone plan set be provided similar to what was done with Phase 1A, or is it the applicant's intent to describe the Country Club Roadway design on the other land development plans (layout, grading, etc.)?
 - b. The applicant should confirm that this arrangement includes the roughly 325' long portion of Country Club Road from the eastern boundary of Phase 2 to the Eastern boundary of Phase 1C. [703.A.10]. Currently, the limit of disturbance shown in the Phase 1C plan does not include this area.

ITEMS TO BE INCLUDED IN THE DEVELOPER'S AGREEMENT

1. Include a Stormwater Management Operation and Maintenance (SWM O&M) Agreement.
2. Demonstrate that a deed restriction has been established to require SWM O&M by any future owners of the affected properties.
3. Update the Phase 1A developers agreement to include any proposed offsite improvements to Country Club Road such as widening west of the property to accommodate construction traffic, or additional ROW to accommodate communications lines or other utilities.

ITEMS TO BE ADDRESSED IN THE FINAL LAND DEVELOPMENT PLAN

1. Provide a signed and executed O&M agreement. The O&M agreement shall be recorded within fifteen (15) days of approval of the O&M Plan by the Middlesex Township [502].
2. The deed of each lot shall contain a covenant binding the grantee and all successors title and interest designating the responsibility for operation and maintenance of the stormwater management facilities. Reference to this covenant shall be noted on the cover of the Plans [501.B.1.a].
3. Specify on the storm profiles where a non-standard inlet box is required. Provide a construction detail and labeling for any type of box utilized [302.A.13].
4. Provide a min. 20' wide drainage easement with metes and bounds along all stormwater management facilities, channels and inlets [SALDO 501.C.19, SWM 303.J.12 & 303.K.12].
5. Prior to construction of storm sewer facilities, specifications and/or details shall be submitted to the Township for review and approval, including but not limited to, pipes, inlets and tops, catch basins, head and end walls, stone bedding, and backfill material, as applicable [1406.A.6].
6. Provide a Final Landscape Plan (719.B.2 and 3)
7. Establish financial security for on-site improvements. Provide a cost estimate of these improvements for review [Section 1301].
8. Provide an updated Final Environmental Impact Assessment, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [\$718].
9. Provide an updated Final Sound Study, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [\$419.F].

This review is based solely on the documents referenced above and does not relieve the design professional of any responsibility, nor does it imply any design responsibility by Herbert, Rowland & Grubic, Inc. HRG reserves the right to make additional comments in the future based on newly-supplied or revised information as provided by the applicant or their representative(s).

Sincerely,

Herbert, Rowland & Grubic, Inc.



J. Michael Hess, PE
Team Leader

EXHIBIT 7



MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1 • CARLISLE, PA 17013 • 717-249-4409 • FAX 717-249-8564

Board of Supervisors
Donald S. Geistwhite, Jr., Phil Neiderer, William Goodhart

Municipal Manager:
Zachary L. Zook

Zoning Officer:
Mark D. Carpenter

July 15, 2026

Andrew Dymski
430 Bernheisel Bridge Rd
Carlisle, PA, 17015

Dear Mr. Dymski,

This letter will serve to respond to request for records that were received by Middlesex Township on July 2, 2026, under the Pennsylvania Right-to-Know Law.

You requested records pertaining to the 2 draft written motions from the Board of Supervisors meeting held on July 1, 2026, regarding the PAX-1 data center project. These motions will be supplied to you; however, they are considered draft and may have been changed or altered verbally during the meeting. For official actions please refer to the Minutes of that meeting recorded on the Township webpage.

Please note that you have the right to file an appeal with the Office of Open Records within fifteen business days of the mailing date of this response. If you file an appeal, the appeal must state the grounds upon which you assert that the records requested are a public record and address any grounds stated by the undersigned for denying the request. Please note that a copy of your original request and this letter must be included when filing an appeal. Please see Section 1101 under the Right-To-Know Act with respect to your rights to file an appeal.

The appeal may be filed in writing to:

Pennsylvania Office of Open Records
555 Walnut Street, Suite 605
Harrisburg PA 17101

Or it is encouraged to file electronically on the OOR appeals portal or at <https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>. There are also other ways to file an appeal. Please see [OOR - How to File an Appeal \(pa.gov\)](#).

Sincerely,

Zachary Zook,
Right To Know Officer
Middlesex Township

EXHIBIT 8



May 22, 2026

Middlesex Township Planning Commission
Attn: Mark Carpenter / Bud Grove
350 North Middlesex Road, Suite 1
Carlisle, PA 17013

SUBMISSION SUMMARY

PLAN NAME: PAX-1 PHASE 1C PRELIMINARY LAND DEVELOPMENT PLAN
APPLICANT: Carlisle Development Partners, LLC
PROJECT: Country Club Road, Carlisle, PA 17015
LOCATION:
PLAN DATES: 04/17/2026; Last Revised 05/22/2026

Dear Mr. Carpenter and Mr. Grove,

We received your comment letter, dated May 8, 2026, regarding the PAX-1 Phase 1C Preliminary Land Development Plan. Our responses to your comments can be found below in bold.

ZONING COMMENTS

1. Confirm the Lot 1C impervious coverage and percentage, Zoning regulations (sheet 3) and the existing/proposed conditions (sheet 4) differ [2.18(F)]. Revise sheets for consistency.
Response: Lot 1C impervious coverages have been updated for consistency. Please see Sheets C1C 003 and 004.
2. Include setback dimension labels (sheets 8 & 13-16), similar to previous Plans [2.18.F & 2.18.G.2.c].
Response: Setback dimensions have been added to Sheets C1C 008 and 201-204.
3. Within the Zoning Regulations, change the proposed Phase 1C use as no data center is proposed on this lot. The Zoning office should advise as to whether the proposed use is an Outdoor Storage Yard, Temporary Construction Site Trailer, Construction Trade and Contractor, or another use as described in the zoning ordinance (Section 3.04 and 3.05). Additional zoning requirements may apply depending upon the use determination.
Response: Proposed use had been updated to Temporary Construction Trailer Site on Sheet C1C 003.
4. The buffering, landscaping and screening Section [4.03] references the Subdivision and Land Development Ordinance Section 719. Street trees shall be provided [719.C.6.a.3)]. A screen buffer shall be provided [719.C.14.a.1)]. A buffer appears to be provided along the south side of the lot (adjacent to

the residential use). A buffer shall be provided along the north side of the lot adjacent to the residential use.

Response: Screening will be provided through privacy mesh attached to the proposed fencing as shown on Sheets C1C 201-204 and 806.

5. The Cover Sheet drawing index includes sheet numbers (C1C 001-805 and ES1 001-304). Confirm the sheet numbers in the index. C1C 801-805 is shown as 26-40, these appear to be 29-33. Confirm the other sheets.

Response: Sheet index on C1C 001 has been updated for consistency.

6. Provide a sound study for Phase 1C, or an update to the previously submitted sound study. In doing so, provide a list, summary table, or similar means to identify changes or updates made to the prior study in association with Phase 1C [419.F]

Response: Sound study provided as part of Preliminary Phase 1B is provided with this submission. There are no ongoing or permanent sources of sound associated with the proposed use of this phase.

7. Clarify whether or not outdoor lighting is to be installed on the subject lot. If so, demonstrate compliance with the applicable lighting requirements. [4.10 and 711]

Response: There is no lighting associated with this Plan as identified by Construction Note 35 of C1C 002.

SUBDIVISION AND LAND DEVELOPMENT COMMENTS

1. The numbering on sheet index does not appear to be consistent with the plan sheets for the Profile Plan, Landscaping Plan, and Civil Details/Operation and Maint. Plan. Please reconcile [501.A. 12].

Response: Sheet index on C1C 001 has been updated for consistency.

2. Based on recent aerial imagery it appears that there may be existing man-made structures within 100' of the southern property boundary that are not shown on the plan. Please revise as necessary [501.A.26]



Response: Manmade structures associated with adjacent properties have been updated per public information and available aerial mapping. Please see Sheets C1C 005-010.

3. Based on discussions at the 5/06/2026 job site meeting, HRG understands that Phase 1C will be used in part to accommodate job trailers. Depict and identify the use of all proposed buildings on the plan [501.C.2.b].
Response: There are no proposed buildings as part of this Plan. Job trailer locations are subject to change through the course of construction per contractor needs. Any area within fencing may be expected to be utilized for temporary job trailers. Job trailer locations will be identified through job trailer permitting requirements coordinated by Whiting-Turner and Middlesex Township.
4. Address the requirement to provide elevations of the bottom of box for all stormwater inlets & manholes shown on all drawing sheets [501.C.10.c & d]
Response: Bottom of box elevations have been added to Sheets C1C 301-304.
5. Provide a listing of all local, state, federal and other agency permits and approvals which are ultimately required for Final Plan approval and construction [503.A.8].
Response: Please see Plan Note 19 on Sheet C1C 002.
6. Clarify whether or not the geotechnical report submitted with Phase 1A is intended to cover Phase 1C. If not, provide a geotechnical report for Phase 1C. [503.A.13.a & b].
Response: The report submitted as part of Phase 1A is intended to be provide the information needed for Phase 1C.
7. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the streets. Provide drainage design for the driveway crossing [703.I.5].
Response: The storm sewer report that includes this pipe crossing design is within Appendix V of the PCSM report.
8. All new private driveways must be paved for a minimum distance of fifty feet (50') from the street right-of-way line with bituminous surface material, concrete, brick pavers or other material acceptable to the Township [703.I.8].
Response: Paving has been added to this area. Please see Sheets C1C 201 and 801 for detail.
9. Cut slopes shall begin a minimum distance of two feet (2') behind the right-of-way line to allow for the proper placement of the shoulder or sidewalk and for rounding of the slope. Where site drainage conditions dictate, additional area behind the right-of-way line shall be provided to accommodate the placement of drainage facilities [703.M.a.2].
Response: Please see updated grading on Sheet C1C 301.
10. Sidewalks must be installed along both sides of all new interior streets in all commercial and industrial land developments within the Township unless otherwise waived by the Township. Sidewalks must also be constructed along the side of all exterior streets upon which the land development fronts [707.A.1].
A waiver of this section has been requested.
Response: A waiver has been requested as noted.

11. Non-residential developments shall dedicate a minimum of ten percent (10%) of gross land area for park or recreation use [710.A.3.b].

Response: The developer has elected to utilize a fee in lieu of dedication in accordance with previous phases. Please see the recreation fee memo provided with this submission.

12. Provide Landscape Plan [719.B.1]

- a. All trees shall have a minimum trunk diameter of two and one-half inches (2.5") at a height of six inches (6") above finished grade [719.C.11]
- b. Requirements for the measurement, branching, grading, quality, and burlapping of all shrubbery shall follow the code of standards recommended by the American Association of Nurserymen, Inc. in the American Standard Nursery Stock, ANSIZ60, 1-1973, as amended [719.C.13]
- c. All newly planted landscaping trees shall have a minimum two and one-half-inch (2.5") caliper at the time of planting [719.D.2]

Response: Please see Sheets C1C 601-604. Notes in accordance with above comments are available on Sheet C1C 601.

13. Note: It appears there is disturbance within the PPL Right-of-Way shown on Sheet C1C 010. Revise the proposed grading or provide documentation that approval was granted by PPL [General]

Response: Grading has been revised to remove disturbance within PPL ROW. Please see Sheets C1C 301-304.

14. Ensure that all proposed grading along Country Club Road ties smoothly into the existing contours along the western edge, as applicable [1101]:

Response: Grading has been updated to smooth tie-ins. Please see Sheets C1C 301-304.

15. It appears that surface water runoff will become concentrated at the eastern edge along Country Club Road, the western edge of the laydown yard, and the southeastern edge of the laydown yard where proposed contours tie into existing; please reconcile by means of stormwater conveyance techniques as shown in other areas of the laydown yard, or label this section as a channel and design as required [1102.A.2 / 1102.A.3].

Response: A proposed channel calculation using Worksheet 11 from the E&S Manual and SCS flow methodology for flows (100-yr event) is included within Appendix V of the PCSM report. This analysis includes site drainage to the Country Club Road roadside channel and the west side pad concentrated runoff area. The drainage areas used in the design were taken from the inlet drainage areas to IC-1.5 and IC-3.1 and are shown on the Inlet Drainage Area map within Appendix III of the PCSM report. The southeastern edge of the laydown pad will not cause concentrated flow or erosion since the proposed contours tie into relatively flat existing grade not creating concentrated flow paths. The channel design worksheet and NAG Lining printout verifies these concentrated flow areas will be stable with grass (roadside channel) and un-vegetated (gravel laydown channel) with no other stability matting. Note these two "channel" calculations were not labeled or detailed as vegetated channels since they are strictly proposed grading tie in points to the existing surface, therefore, creating a "v-notch" type concentrated flow path.

16. Site grading shall be a financially secured site improvement and shall be included in the construction cost estimate for site improvements required by Article XIII of the SALDO [1104.B].

Response: Noted. Financially security will be agreed upon as a condition of Final Land Development approval.

17. Existing stream valleys and other wetland areas shall remain as designated open space [1202.C.2].

Response: No streams or wetlands are disturbed as part of this Plan.

18. The Township Engineer shall be present, unless indicated otherwise, during storm sewer construction to perform material checks and to observe for proper construction. Storm sewer trenches shall not be backfilled and closed without prior approval of the Township Engineer. Failure to adhere to these requirements shall render storm sewer construction defective and shall be removed and replaced at the Applicant's sole expense. Prior to construction, specifications and/or details (shop drawings) shall be submitted to the Township or the Township Engineer for review and approval so as to ascertain compliance with the approved plans. [1406.A.5/6].

Response: As per the 4/22/26 on-site construction meeting, it was agreed between Middlesex Township, HRG, and LIVIC that the Township would receive copies of the approved stormwater submittals from LIVIC for inspection purposes and Middlesex Township/HRG would review and approve submittals for Township use (Country Club Road). Additionally, HRG requested to be notified of inspections of items shown on financial security documents with the opportunity, not requirement, to attend if possible. As the engineer of record, LIVIC will conduct day-to-day inspections and is responsible for PCSM critical-stage inspections and confirmation. Whiting-Turner will provide weekly lookaheads for HRG to coordinate scheduling and LIVIC will advise day-to-day.

ENVIRONMENTAL IMPACT ASSESSMENT COMMENTS

1. Provide an environmental impact assessment for Phase 1C [718].

Response: Please see the attached, updated Environmental Impact Assessment.

STORMWATER MANAGEMENT COMMENTS

1. Demonstrate that an NPDES permit has been secured for the proposed site disturbance. [109] Provide copy of the E&S plan and any other submitted documents for reference [103.J & 301.Q]

Response: The NPDES submission and copy of the permit will be provided when available.

2. The minimum inside side slopes for a detention basin is 4:1 and the bottom of the basin shall be sloped at a minimum of 2% [303.J.3]. **A waiver has been requested for this requirement.**

Response: Noted.

3. Provide documentation that all infiltration practices or alternative volume mitigation measures such as MRC Cells move all surface ponding sub surface within 48 hours. [303.H.17]. **A modification has been requested for this requirement to allow a dewatering time of 72 hours which is consistent with PADEP standards.**

Response: Noted.

4. Infiltration of surface water is to be the primary mechanism for meeting stormwater management requirements [303.B.2]. **A waiver has been requested to utilize MRC cells as an alternative approach to meeting volume and water quality requirements.**

Response: Noted.

5. Provide soil boundaries and their HSG on the SWM Plan [302.A.7].

Response: Soil boundaries and their HSG are now shown on the plans.

6. Provide additional existing conditions contour labels on the Grading & Stormwater Plan and E&S plan sheets [302.A.6].

Response: Additional existing contour labels have been added to the Grading & Stormwater and E&S plan sheets.

7. It is recommended that all inlets provide a minimum 2" drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation [1401.B].

Response: Selected drops have been incorporated where appropriate.

8. Provide the acreage of the limit of disturbance on the Grading & Stormwater Plan [302.A.18].

Response: The LOD acreage has been added to the Grading & Stormwater plan sheets.

9. A sediment forebay with a hardened bottom shall be provided at each inlet into detention basins. Similar to what was done for Phases IA and IB, depict the location of the water quality snouts and their sump depth on the plan/stormwater profiles. Once the snouts are added to the plan/profiles, this comment will be considered addressed. [303.J.11].

Response: SNOUTs have been added to inlets and have been called out on the plan/profile sheets as well as showing their sump depths.

10. Provide spot elevations on the top of the 11' wide berm [302.A.19].

Response: Spot elevations have been added to the top of the 11' high berm and are shown on the plans.

11. Storm run from IC-2.3 to IC-2.4 is negatively sloped towards inlet IC-2.3 and storm run from IC-1.3 to IC-1.2 is negatively sloped towards inlet IC-1.3. Revise accordingly [302.A.12].

Response: The pipe networks and profiles have been revised.

12. Confirm that there is sufficient cover over the pipe for storm runs I-1C.4 to I-1C.5 and IC-3.1 to IC-3.2 [302.A.12].

Response: There is sufficient cover over the applicable storm pipe runs.

13. The manifold system for the Basin Z1 MRC cells appears to be at varying elevations rather than a flat elevation from each MRC cell to the flow splitter structure. Additionally, the invert of the 18" SLCPP into each SCM varies. Confirm that this is the intended design or revise accordingly [302.A.12].

Response: The manifold system pipe network/profiles has been updated to be at a consistent 445' elevation which corresponds to the MRC cell bottom elevations. The 18" SLCPP inflow pipe into each cell has been updated to have consistent inverts.

14. Ensure that the flow splitter structure FS-Z1-1.1 detail is consistent with the profile depending on the revisions per the comment above [302.A.13].

Response: The profiles have been updated to be consistent with the flow splitter details for each MRC SCM.

15. MH-Z2-1.1 has an invert out of 427.25' which is higher than the invert in. This may cause reduced flow getting to the MRC cell. Revise accordingly [302.A.12].

Response: The invert out of MH-Z2-1.1 has been updated to be 447' which is consistent with the inflow pipe invert in of each MRC cell.

16. The invert out to the rate basin of flow splitter structure FS-Z2-1.1 is inconsistent between the plan and profile. Revise accordingly and ensure that the invert out to the rate basin is at the same invert elevation or lower than the inverts to the MRC cells [302.12].

Response: The invert out of the flow splitter to the rate basin for Z2 has been updated to be consistent with the invert elevations to the MRC cells.

17. It is recommended to lower the invert elevation of the inflow pipe at both flow splitter structures to reduce the potential of flow to 'arch over' the weir and bypass the MRC cells.

Response: The profiles have been updated to lower the invert elevations of the inflow pipes at the flow splitters and are now consistent with the flow splitter details for each SCM.

18. Revise structure MFLD-Z1-1.1, MFLD-Z1-1.2, MFLD-Z2-1.1, MFLD-Z2-1.2 and MH-Z2-1.1 to have a T/G elevation at the proposed grade elevation [302.A.12].

Response: The profiles have been updated to have the T/G elevations for the above-mentioned structures at the proposed grade.

19. Revise the T/G elevation for the MRC cell outlet structures to be consistent with the routing calculations and details for both basins [302.A.12 & 302.A.13].

Response: The T/G elevations for the MRC cell outlet structures have been updated on the plans and profiles and are now consistent with the routing calculations.

20. The storm profile for OS-Z1-1.4 to FES-Z1-1.8 is inconsistent between the routing calculations and the Basin Z1 outlet structure detail. Revise accordingly [302.A.12 & 302.A.13].

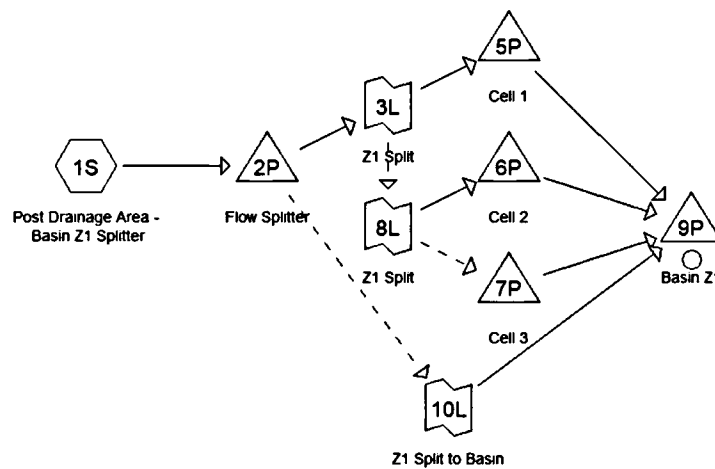
Response: The routings, Basin Z1 OS detail, and the profile have been updated to be consistent.

21. The storm profile for OS-Z2-1.4 to FES-Z2-1.8 is inconsistent between the routing calculations and the Basin Z2 outlet structure detail. Revise accordingly [302.A.12 & 302.A.13].

Response: The routings, Basin Z2 OS detail, and the profile have been updated to be consistent.

22. Provide riprap apron and supporting calculations for FES-Z2-1.5 and FES-Z1-1.3 [303.J.9].
Response: Riprap apron nomograph worksheets have been included within Appendix V of the PCSM report. They are also shown on the plan sheets and the Riprap Apron at Pipe Outlet W/ Flared End Section detail.
23. Confirm that the flows utilized in sizing the riprap aprons for FES Z2-1.1, FES-Z2-1.3 and FES-Z2-1.6 are correct as the hydroCAD outputs have a peak inflow to these MRC cells as ~6.3 cfs [302.D].
Response: The flows utilized were the 2-yr event rational flows from the provided stormsewers report to the MRC cells. The storm sewer model was run as 3 barrels to replicate the three inflow pipes into 3 cells. The total flow of 9.53 cfs was divided by 3 to get a flow of ~3.18cfs into each cell. This flow was utilized for the riprap apron calculation.
24. Provide clarification of review status of MRC designs with PaDEP [303.D.1]
Response: Since the MRC Spreadsheets meet the maximum equivalent impervious area parameters within the SCM drainage area, the design is met and no further coordination with PADEP is required.
25. Provide quantification of planting totals for MRC plantings as described on sheet C1C 802 [302.G].
Response: The quantities of the plant species for each of the MRC SCMs, within the cells, have been added to the Plug Planting Detail.
26. Review scale on DA map, POST-DA LOD, in the PCSM Report. The scale shown (1" = 200 ft) is inconsistent with the scales of other DA maps (1" = 150 ft). [302.A]
Response: The POST-DA LOD map scales have been updated to be consistent with the other maps at 1" = 150'.
27. Confirm the storm events being captured and treated in the Z2 MRC Overflow cells in the Post-development condition. The HydroCAD output indicates little overflow from the cells for the 10-year and 25-year events. This is inconsistent with the POA Z2 MRC Worksheet that indicates a maximum 2- year event is being treated in the MRC cells. [303.C.11]
Response: The model has converted to a Hydraflow model to be consistent with the previous phases.

28. The HydroCAD routing diagram utilizes a link to split the MRC inflow hydrographs into the three MRC cells. It appears that this may be better modeled as the inflow hydrograph going to a single MRC overflow structure and then split using the link. This would eliminate the need to model three separate flow splitter structures when there is only one proposed. This may also address the comment above. See diagram below for clarity [302.D].



Response: The suggested HydroCAD model above was investigated and ultimately converted to a Hydraflow model similar to the previous phases. The Hydraflow model includes a manual split of the drainage area into 3 even areas to the MRC cells.

29. Provide documentation of the ponding times provided in the POA Z1 and POA Z2 MRC worksheets. [303.C.11 & 303.H.17]

Response: The ponding time has been changed to be 72 hours to be consistent with the previously approved MRC designs.

30. Provide documentation that PADEP or a delegated conservation district has approved the use of MRCs on the site or an NPDES permit has been obtained [302.D]

Response: Since the MRC Spreadsheets meet the maximum equivalent impervious area parameters within the SCM drainage area, the design is met and no further coordination with PADEP is required. A copy of the submission and permit will be forwarded when complete.

COUNTRY CLUB ROADWAY IMPROVEMENT COMMENTS

1. The applicant has indicated that improvements to Country Club Road along the Phase 2 frontage are to be designed and constructed in association with Phase 1C. Generally, HRG does not object to this approach as long as the Final Phase 1C plan is approved before, or simultaneously with the Final Phase 2 plan. Several aspects of this proposal are unclear:
 - a. Separate plan sheets for Country Club Roadway Plans were not included with the 1C plan submission. Will a stand-alone plan set be provided similar to what was done with Phase 1A, or is it the applicant's intent to describe the Country Club Roadway design on the other land development plans (layout, grading, etc.)?
 - b. The applicant should confirm that this arrangement includes the roughly 325' long portion of Country Club Road from the eastern boundary of Phase 2 to the Eastern boundary of Phase 1C. [703.A.10]. Currently, the limit of disturbance shown in the Phase 1C plan does not include this area.

Response: Roadway improvement strategy will be confirmed prior to Final Phase 1C approval. POA V accounts for the impervious area added by the Country Club Road widening occurring on the western side of the roadway.

ITEMS TO BE INCLUDED IN THE DEVELOPER'S AGREEMENT

1. Include a Stormwater Management Operation and Maintenance (SWM O&M) Agreement.
Response: Noted.
2. Demonstrate that a deed restriction has been established to require SWM O&M by any future owners of the affected properties.
Response: Noted.
3. Update the Phase 1A developers agreement to include any proposed offsite improvements to Country Club Road such as widening west of the property to accommodate construction traffic, or additional ROW to accommodate communications lines or other utilities.
Response: Noted.

ITEMS TO BE ADDRESSED IN THE FINAL LAND DEVELOPMENT PLAN

1. Provide a signed and executed O&M agreement. The O&M agreement shall be recorded within fifteen (15) days of approval of the O&M Plan by the Middlesex Township [502].
Response: Noted.
2. The deed of each lot shall contain a covenant binding the grantee and all successors title and interest designating the responsibility for operation and maintenance of the stormwater management facilities. Reference to this covenant shall be noted on the cover of the Plans [501.B.1.a].
Response: Noted.
3. Specify on the storm profiles where a non-standard inlet box is required. Provide a construction detail and labeling for any type of box utilized [302.A.13].

Response: The box sizes have been added to each non-standard box and appropriate detail also added.

4. Provide a min. 20' wide drainage easement with metes and bounds along all stormwater management facilities, channels and inlets [SALDO 501.C.19, SWM 303.J.12 & 303.K.12].

Response: Noted.

5. Prior to construction of storm sewer facilities, specifications and/or details shall be submitted to the Township for review and approval, including but not limited to, pipes, inlets and tops, catch basins, head and end walls, stone bedding and backfill material, as applicable [1406.A.6].

Response: As per the 4/22/26 on-site construction meeting, it was agreed between Middlesex Township, HRG, and LIVIC that the Township would receive copies of the approved stormwater submittals from LIVIC for inspection purposes and Middlesex Township/HRG would review and approve submittals for Township use (Country Club Road). Additionally, HRG requested to be notified of inspections of items shown on financial security documents with the opportunity, not requirement, to attend if possible. As the engineer of record, LIVIC will conduct day-to-day inspections and is responsible for PCSM critical-stage inspections and confirmation. Whiting-Turner will provide weekly lookaheads for HRG to coordinate scheduling and LIVIC will advise day-to-day.

6. Provide a Final Landscape Plan (719.B.2 and 3)

Response: Noted.

7. Establish financial security for on-site improvements. Provide a cost estimate of these improvements for review [Section 1301].

Response: Noted.

8. Provide an updated Final Environmental Impact Assessment, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [§718].

Response: Noted.

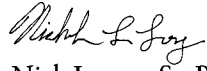
9. Provide an updated Final Sound Study, including any changes to the plan associated with the final design. Provide a summary table, list, or similar means to identify any changes made to the document from when it was submitted with the preliminary plan. [§419.F].

Response: Final Sound Study does not apply to this phase due to the lack of sound sources as part of the proposed use.

10. LIVIC NOTE: Restoration plans to be incorporated in Final Land Development Plan. NPDES submission and coordination required to provide accurate information.

Please feel free to contact me with any questions or concerns. I can be reached via email at nlong@livicco.com.

Sincerely,



Nick Long – Sr. Project Manager
LIVIC Civil
1015 Mumma Road, 2nd Floor
Wormleysburg, PA 17043

Enclosures

Cc: File (1258-03)

EXHIBIT 9



Gmail

Andrew Dymski <[REDACTED]>

Middlesex Twp Data Center SRBC Permit Question

Eaby, Todd <teaby@srbc.gov>

Thu, May 28, 2026 at 9:57 AM

To: Andrew Dymski <[REDACTED]>

Andrew,

I tried reaching you by phone, but indicated you were not available. I will try to answer your questions and then you can respond or call me if you have additional questions.

We have had conversations with the developer regarding the PAX-1 Data Center project. My answers are based on the limited verbal information we have received.

The project is anticipated to be provided water from the Middlesex Township water system through a service connection and a will serve letter for up to 400,000 gallons per day max has been provided. Under this arrangement, the data center would not need a "withdrawal" approval from the Commission because the water system is completing the withdrawal and that source is fully reviewed by both the Commission and PADEP. The water system is required to achieve and maintain approvals from both agencies for the withdrawal.

It is expected that the PAX-1 Facility will consumptively use water equal to or above 20,000 gallons per day at least a portion of the year. The facility operator will be required to apply for and receive an approval for consumptive use from the Commission prior to operating. This requirement has been fully communicated to the PAX-1 developer. To date, the Commission has not received an application for the PAX-1 project.

I hope this helps clear up the confusion.

Thanks

Todd

[Quoted text hidden]

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

Cumberland

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☐ Petition ☒ Notice of Appeal
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Kyle Gerber, et al

Lead Defendant's Name:

Middlesex Township Board of Supervisors

☐ Check here if you are a Self-Represented (Pro Se) Litigant

Name of Plaintiff/Appellant's Attorney: Nathan C. Wolf, Esquire

Are money damages requested? : ☐ Yes ☒ No

Dollar Amount Requested: _____ within arbitration limits
(Check one) _____ outside arbitration limits

Is this a **Class Action Suit**? ☐ Yes ☒ No

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure
☐ Partition
☐ Quiet Title

☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Zoning Board
☒ Statutory Appeal: Other
Land Use Appeal

Judicial Appeals
☐ MDJ - Landlord/Tenant
☐ MDJ - Money Judgment
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin

☐ Other:

Case# 2026-08652-0 Received at Cumberland County Prothonotary on 07/31/2026 11:19 PM, Fee = \$181.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.