

KYLE AND ALEXIA GERBER,	:	IN THE COURT OF COMMON PLEAS
ANDREW AND RACHAEL DYMSKI,	:	OF CUMBERLAND COUNTY,
ROBERT AND VIOLA BYERLY,	:	PENNSYLVANIA
JODY AND STANLEY SHIVELL, AND	:	
EARLE AND BONNIE MORTON,	:	
Appellants	:	No: 2026-08758 Civil Term
v.	:	
	:	
ZONING HEARING BOARD OF	:	
MIDDLESEX TOWNSHIP,	:	CIVIL ACTION – LAW
CUMBERLAND COUNTY,	:	
PENNSYLVANIA	:	
Appellee	:	
and	:	
	:	
BOARD OF SUPERVISORS OF	:	Land Use Appeal
MIDDLESEX TOWNSHIP,	:	
CUMBERLAND COUNTY,	:	
PENNSYLVANIA	:	
Intervenor	:	
and	:	
	:	
CARLISLE DEVELOPMENT	:	
PARTNERS, LLC,	:	
Intervenor	:	

RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2026, upon consideration of Appellants' Petition to Confirm and Enforce the Stay of Proceedings Under 53 P.S. § 10915.1(a) or, in the Alternative, for a Stay Pursuant to 53 P.S. § 11003-A(d), it is hereby Ordered that:

1. A rule is issued upon the Zoning Hearing Board of Middlesex Township, Middlesex Township, and Carlisle Development Partners, LLC (the "respondents") to show cause why the moving party is not entitled to the relief requested;
2. The respondents shall file an Answer to the Petition within _____ days of this date;
3. The Petition shall be decided under Pa.R.C.P. 206.7;
4. A hearing (or Argument) on the Petition shall be held on the _____ day of _____, 2026 at _____:_____.m. before the undersigned in Courtroom _____ of the Cumberland County Courthouse;

5. Notice of the entry of this Rule shall be provided to all respondents and their counsel by the moving party.

BY THE COURT:

Matthew P. Smith, J

Distribution:

Nathan C. Wolf, Esquire for Appellants

Jennifer Bogar-Hipp, Esquire for Appellee

Charles M. Suhr, Esquire for Middlesex Township

Gregg I. Adelman, Esquire / Julie Bernstein, Esquire for Carlisle Development Partners, LLC

Shawn N. Gallagher, Esquire / Brandon Lucas, Esquire for Carlisle Development Partners, LLC

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ORDER

AND NOW, this _____ day of _____, 2026, upon consideration of Appellants' Petition to Confirm and Enforce the Stay of Proceedings Under 53 P.S. § 10915.1(a) or, in the Alternative, for a Stay Pursuant to 53 P.S. § 11003-A(d), any responses thereto, and after hearing, it is hereby ORDERED and DECREED as follows:

1. The Petition is GRANTED.
2. It is DECLARED that upon the filing on May 13, 2026 of Appellants' Substantive Validity Challenge with the Zoning Hearing Board of Middlesex Township (ZHB Case No. 2026-03), a proceeding referred to in Section 913.3 of the Pennsylvania Municipalities Planning Code, all land development pursuant to Middlesex Township Ordinance 03-2025 and the Data Center Overlay District and data center provisions of Ordinance 07-2025 (together, the "Challenged Ordinances"), and all official action thereunder, was stayed by operation of 53 P.S. § 10915.1(a) and Section 1.14(K) of the Middlesex Township Zoning Ordinance, no certification of facts indicating that such stay would cause imminent peril to life or property having been made to the Zoning Hearing Board.

3. It is further DECLARED that, the Zoning Hearing Board having failed to commence a hearing on the Challenge, and 53 P.S. § 11005-A requiring that the Challenge be heard by this Court without remand, said stay was not dissolved by the deemed denial of the Challenge and remains in force pending final disposition of this appeal or further order of court.

4. OR, In the Alternative, relief is GRANTED pursuant to 53 P.S. §11003-A(d): all land development pursuant to the Challenged Ordinances, and all official action thereunder, is STAYED pending final disposition of this appeal or further order of court.

5. While the stay remains in force:

a. no clearing, earth disturbance, grading, drilling, blasting or construction shall be performed on the approximately 694-acre property comprising tax parcels 21-06-0015-001, 21-06-0015-013, 21-06-0015-014 and 21-06-0015-015 in Middlesex Township (the "Subject Property") for the development of any data center campus, including the areas designated Phase 1-B, Phase 2 and Phase 3 of the Pennsylvania Digital 1 (PAX-1) project, or for any use accessory thereto; and

b. Middlesex Township shall take no official action under the Challenged Ordinances upon any application for the development of the Subject Property as a data center campus.

6. It is further DECLARED that the following official actions of the Board of Supervisors of Middlesex Township were taken in contravention of the stay: and such actions are DEEMED to be included to be within the jurisdiction of this Court's Order concerning the existence of the stay and all action based upon any such approval or application shall be subject to the instant order and no deadlines imposed by statute or Rule of Court shall run until thirty (30) days have elapsed from the final disposition of the instant docket. a. the July 1, 2026 conditional approval of the Preliminary Land Development Plan for PAX-1 Phase 2 (Township File No. 25-26);

b. the July 1, 2026 conditional approval of the Preliminary Land Development Plan for PAX-1 Phase 1-C (Township File No. 26-10);

c. the September 2, 2026 conditional approval of the Final Land Development Plan for PAX-1 Phase 1-B (Township File No. 26-12); and

d. the September 2, 2026 conditional approval of the Preliminary Land Development Plan for PAX-1 Phase 3 (Township File No. 25-27).

7. Notwithstanding Paragraph 4, Carlisle Development Partners, LLC may perform work necessary to: (a) stabilize areas already disturbed, including seeding, mulching and matting; (b) maintain, repair and keep functional all existing erosion and sedimentation control and stormwater best management practices; (c) abate any condition presenting an imminent danger to persons or property, provided that written notice of any such abatement work is given to counsel for all parties within twenty (20) days; and (d) proceed under the Final Major Subdivision Plan, the Final Land Development Plan for PAX-1 Phase 1-A (electrical substation), and the Preliminary/Final Land Development Plan for Cumberland Knoll-PPL Laydown (Township File No. 25-13), to the extent such work proceeds independently of the Challenged Ordinances.

8. Any party may apply to the Court on an expedited basis for a determination whether a particular activity on the Subject Property falls within the scope of this Order.

9. Any time period imposed upon Middlesex Township under the Pennsylvania Municipalities Planning Code for decision upon, or deemed approval of, any application affected by this Order is tolled while the stay remains in force, and no approval of any such application shall arise by operation of law during that time.

10. No security is required of Appellants.

11. Nothing in this Order adjudicates, suspends or modifies any permit issued by the Pennsylvania Department of Environmental Protection or the Cumberland County Conservation District.

12. The Court shall retain jurisdiction over this Order and over all matters relating to its scope, interpretation, modification and enforcement.

BY THE COURT:

Matthew P. Smith, J.

Distribution:

Nathan C. Wolf, Esquire for Appellants

Jennifer Bogar-Hipp, Esquire for Appellee

Charles M. Suhr, Esquire for Middlesex Township

Gregg I. Adelman, Esquire / Julie Bernstein, Esquire for Carlisle Development Partners, LLC

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INTRODUCTION

The Pennsylvania Municipalities Planning Code Section 915.1 provides that upon the filing of a substantive validity challenge to a zoning hearing board, "all land development pursuant to any challenged ordinance . . . and all official action thereunder, shall be stayed." Appellants filed such a challenge on May 13, 2026 with the Middlesex Township Zoning Hearing Board, who never scheduled or held a public hearing thereon. Ground disturbance on the data center site went forward following the filing of the challenge, and the Board of Supervisors continued to consider and take official action on land development applications pursuant to the challenged ordinance without regard to the stay. Appellants perfected a timely appeal from the deemed denial by the Zoning Hearing Board and now seek to have this Honorable Court issue an Order directing the captioned intervenors to immediately comply with the provisions of 53 P.S. §10915.1 and both cease all site work and official action on any pending approvals for any phase of the PAX-1 Data Center project until the final disposition of the substantive validity challenge currently pending before by this Court. In the alternative, Appellants ask for a stay under Section 1003-A(d).

**APPELLANTS' PETITION TO CONFIRM AND ENFORCE STAY OF
PROCEEDINGS UNDER 53 P.S. § 10915.1(a) OR, IN THE ALTERNATIVE, FOR
A STAY PURSUANT TO 53 P.S. § 11003-A(d)**

AND NOW come the above-captioned Appellants, by and through their attorneys, Wolf & Wolf, Attorneys at Law, and petition this Honorable Court pursuant to Sections 915.1(a) and 1003-A(d) of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §§ 10915.1(a) and 11003-A(d), to confirm and enforce the stay of land development and official action that arose upon the filing of Appellants' Substantive Validity Challenge or, in the alternative, to enter a stay pending disposition of this appeal, averring as follows:

I. PARTIES AND PROCEDURAL POSTURE

1. Appellants are the five married couples captioned above, all adult individuals residing in Middlesex Township, Cumberland County, Pennsylvania: Kyle and Alexia Gerber (585 Bernheisel Bridge Road, Carlisle, PA 17015); Andrew and Rachael Dymski (430 Bernheisel Bridge Road, Carlisle, PA 17015); Robert and Viola Byerly (263 Country Club Road, Carlisle, PA 17015); Jody and Stanley Shivell (8 Teaberry Drive, Carlisle, PA 17015); and Earle and Bonnie Morton (120 Locust Way, Carlisle, PA 17015).

2. Appellee is the Zoning Hearing Board of Middlesex Township, Cumberland County, Pennsylvania (the "ZHB"), which maintains an office at 350 North Middlesex Road, Carlisle, PA 17013.

3. Carlisle Development Partners, LLC ("CDP") is the owner and developer of the approximately 694-acre property along Country Club Road comprising tax parcels 21-06-0015-001, 21-06-0015-013, 21-06-0015-014 and 21-06-0015-015 (the "Subject Property"), upon which it proposes to develop a hyper-scale data center campus known as Pennsylvania Digital 1 ("PAX-1").

4. CDP both sought party status in the action filed with the ZHB and has also filed a notice of intervention in the instant appeal.

5. Middlesex Township (the "Township") is the governing body, acting through its Board of Supervisors (the "Board") that is authorized to enact and amend zoning and other land development ordinances under the Pennsylvania Municipalities Planning Code, 53 P.S. 10101, *et seq.* (hereinafter

MPC), and it is the official actions of the Board that adopted the zoning ordinance map and text amendments known as 3-2025 and 7-2025 which serve as the substantive basis of the instant appeal.

6. The Board was the named respondent in the action filed on May 13, 2026 with the ZHB and the Board has filed a notice of intervention in the instant action.

7. On May 13, 2026, Appellants filed with the Middlesex Township Zoning Officer, who receives filings on behalf of the ZHB, a substantive validity challenge pursuant to Section 916.1 of the MPC, 53 P.S. § 10916.1, docketed as ZHB Case No. 2026-03 (the "Challenge").

8. The Challenge contests the validity of Ordinance 03-2025, by which the Board on May 30, 2025 created the Data Center Overlay District (the "DCO") and made "Data Center" a use permitted by right within it, and of the corresponding provisions of Ordinance 07-2025, the comprehensive zoning ordinance adopted September 3, 2025 (the "Zoning Ordinance"), as unlawful spot zoning and as being violative of Article I, Section 27 of the Pennsylvania Constitution.

9. Section 915.1 of the MPC provides, in relevant part, as follows:

(a) Upon filing of any proceeding referred to in section 913.3¹ and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body.....

(Emphasis Added) (Footnote Omitted)

10. Section 913.3 of the MPC, referred to above, provides, in relevant part, as follows:

Appeals under section **909.1(a)(1)**, (2), (3), (4), (7), (8) and (9)¹ may be filed with the board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved....

(Emphasis Added)

11. Section 909.1(a)(1) of the MPC, concerns the jurisdiction of zoning hearing boards and provides as follows:

(a) The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

(1) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 and 916.1(a)(2).¹

12. Section 916.1(b) of the MPC, entitled “Validity of ordinance, substantive questions” provides, as follows:

(a) Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the zoning hearing board for a decision thereon under section 909.1(a)(1).

13. When read together, the various cited sections of the MPC provides

(1) substantive validity challenges, brought by persons aggrieved by the use or development permitted on the land of another by an ordinance or map, who desire to challenge its validity on substantive grounds shall file a challenge first to the zoning hearing board (916.1(b));

(2) the zoning hearing board has exclusive jurisdiction to hear and render final decisions on such challenges (909.1(a)(1));

(3) such challenges may be filed in writing with the board by the person aggrieved (913.3);
and

(4) upon the filing of such a challenge with the board, all land development which was approved pursuant to the ordinance that has been challenged, along with all official action by the governing body that relies upon the challenged ordinance is stayed until a final adjudication as to the validity of the ordinance has been issued (915.1(a)).

¹ Section 609.1 and 916.1(a)(2) concern landowner initiated curative amendments and inapplicable to the instant action.

14. On August 6, 2026, Appellants filed a Notice of Land Use Appeal (the "Notice") from the deemed denial of the Challenge with this Court.

15. On or about September 15, 2026 the certified record was filed by the ZHB, and notices of intervention had been filed by both the Board and CDP.

16. No other action has taken place, nor orders issued by the Court, at this docket.

17. Appellants note that they have filed two (2) land use appeals from land development approvals granted by the Board for the PAX-1 project: No. 2026-06465, from the approvals of May 6, 2026; No. 2026-08652, from the approvals of July 1, 2026; and are preparing to file appeals from the approvals of September 2, 2026 on or before October 2, 2026.

18. A Petition for Stay under Section 1003-A(d) was filed at No. 2026-06465 on August 19, 2026, was argued before the Honorable Matthew P. Smith on September 18, 2026, but was denied by Order dated September 22, 2026 without prejudice to refile.²

19. As demonstrated above, the instant challenge is precisely the type proceeding that the General Assembly enacted to prevent developers and municipalities from ignoring a pending challenge while proceeding to develop land while persons aggrieved seek relief from their zoning hearing boards.

20. Not all validity challenges are afforded such protections, but substantive challenges to the validity of an ordinance is the only means available for an aggrieved property owner to object to an ordinance which are unlawful based upon the subject matter of the enacted regulation.

21. By contrast, such stays do not apply to challenges alleging a defects in the procedure employed by the governing body when it adopted an ordinance, as those challenges are filed directly with the Court of Common Pleas, bypassing the Zoning Hearing Board.

22. Likewise, validity challenges brought by landowners seeking a curative amendment over the regulation of their own property are not subject to the provisions of Section 915.1(a).

² It is noted that the statutory stay under Section 1003-A(d) is permissive rather than mandatory. Section 915.1 stays are mandatory apply to both the landowner and the governing body and its appointed officers during the pendency of certain substantive challenges, which include the instant challenge.

23. Justification for the statutory stay is found in the notion that such stays have the effect of maintain the *status quo* while the zoning hearing board performs its duty to adjudicate such challenges.

24. Without the statutory stay, developers are free to commence construction based on their approvals and any further approvals by the governing body continue to be subject to deemed approval deadlines that protect landowners seeking approvals from inaction on subdivision or land development applications by the governing body.

25. CDP was aware of the pendency of the Challenge as it submitted a written request for party status in the proceedings before the ZHB on June 4, 2026.

26. The Township staff received the initial filing on May 13, 2026 and communicated the same to the Board, leading to the appointment of special counsel on the instant challenge.

27. The circumstances of the instant case demonstrate the need for an automatic stay of proceedings during the adjudication of substantive challenges, namely CDP continued to engage in development of the land subject to the challenge without interruption and the only entity with authority to direct CDP to cease development was the Township.

28. At no point in the public meetings between May 13, 2026 and the present has the Board or Township staff mentioned the pendency of the substantive challenge in the context of the statutory stay implicated by that filing.

29. On the contrary, the Board took action on July 1, 2026 to approve preliminary land development applications for CDP for Phase 1-C and Phase 2 of the PAX-1 Data Center Project, both of which clearly are approvals pursuant to the challenged ordinance.

30. Such approvals are the subject of Appellants' land use appeal docketed at No. 2026-08652.

31. Furthermore, the Board voted to approve CDP's applications for preliminary land development approval of Phase 3 and final land development approval for Phase 1-B at their meeting on September 2, 2026, the notice of land use appeal for which is being prepared for filing.

32. Finally, at its next regularly scheduled meeting on October 7, 2026 it is believed and therefore averred that the Board will consider applications for final land development approval for Phase 1-C and Phase 2.

33. The Township's own Zoning Ordinance adopted on September 3, 2025³, says the same thing. Section 1.14(K), titled "Stay of Proceedings," provides: "Upon filing of any proceeding with the Zoning Hearing Board and during its pendency before the Zoning Hearing Board all Land Development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property" (Zoning Ordinance § 1.14(K).

34. The stay requires no motion, no demand and no order. It arises "[u]pon filing." The Commonwealth Court, construing the materially identical language of former Section 916 of the MPC, has held that "this provision is mandatory and the protection afforded thereby extends beyond the interests of the particular appellant before the zoning board so as to preclude its amicable waiver." *Appeal of Hercek*, 20 Pa. Cmwlth. 509, 513, 342 A.2d 127,130 (1975).

35. The stay reaches the acts of the governing body as well as the work of the developer. In a Cumberland County case decided under former Section 916, the Commonwealth Court held that the provision "operates to stay the Township's requirement that the developer post security for the proposed improvements of its project during the pendency of the protestants' appeal," that such a requirement "can be considered an 'official action' under Section 916 and is, accordingly, stayed," and that this was "a logical result inasmuch as Section 916 also stays any development of the land

³ The only portion of Ordinance 7-2025, the Comprehensive Zoning Ordinance for Middlesex Township and zoning map, that is the subject of the Appellants' challenge is that which relates to the regulation of data centers and the establishment of the Data Center Overlay (DCO) district, which is located on the lands owned by CDP.

pursuant to the approval of the subdivision plan." *Akin v. South Middleton Township Zoning Hearing Board*, 120 Pa. Cmwlth. 112, 116–17, 547 A.2d 883 (1988).⁴

36. The statute provides the landowner or developer two (2), and only two (2), avenues of relief to obtain relief from the otherwise mandatory stay. The first concerns obtaining a certification of "facts indicating that such stay would cause imminent peril to life or property."

37. The second requires the developer to petition to the court "to order such persons to post bond as a condition to continuing the proceedings before the board," upon which "[i]t shall be the burden of the applicant for a bond to prove the appeal is frivolous." 53 P.S. § 10915.1(a), (b). In *Hercek*, the developer pursued both: site work to control erosion continued under "a certification by the township zoning officer under Section 916," while the "other grading and fabricating work" was "foreclosed by the pendency of the appeal." 20 Pa. Cmwlth. at 513, 342 A.2d at 130.

38. Neither avenue has been pursued here by CDP. Upon information and belief, no zoning officer, agency or body ever certified to the ZHB any facts indicating that a stay would cause imminent peril to life or property and CDP has not filed a petition seeking a bond in this Court at any time since it sought party status before the ZHB on June 4, 2026.

39. Accordingly, from May 13, 2026, all land development pursuant to Ordinance 03-2025 and the DCO provisions of the Zoning Ordinance, and all official action thereunder, was stayed by operation of law.

40. The Board's own minutes record that at its June 3, 2026 meeting the Vice Chairman "noted the pending appeal before the Zoning Hearing Board regarding the township's zoning ordinances" and "stated that the township will continue to review plans submitted by the developer while respecting the legal process and any future appeals." (Middlesex Township Board of Supervisors Meeting Minutes, June 3, 2026, at 5, Attached hereto as Exhibit B.)

⁴Former Section 916 was repealed and re-enacted as Section 915.1 by the Act of December 21, 1988, P.L. 1329, No. 170. The operative language, "[u]pon filing of any proceeding . . . and during its pendency before the board all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder shall be stayed," was carried forward without material change. *Akin* arose from an objectors' appeal to the zoning hearing board from a subdivision approval, a route that the 1988 amendments eliminated; it was not a substantive validity challenge but the operative language governing the parties to whom the stay applies is consistent, namely the developer and the governing body. Appellants have not found an appellate decision applying Section 915.1(a) to a challenge brought by neighboring landowners under Section 916.1(b), and *Akin* and *Hercek* are cited for the construction of language the two (2) sections share.

41. The development of the data center campus proceeded during the same period. The Cumberland County Conservation District ("CCCD") issued Amendment A-4 to NPDES Permit No. PAC210079 on May 18, 2026, five (5) days after the Challenge was filed, and CCCD's inspection report for that permit area records "Earth Disturbance: 100.00 acres," "Construction Stage: Bulk Earthwork," and "Date Earth Disturbance Commenced: 5/22/2026." (CCCD Chapter 102 Inspection Report, August 6, 2026, at 1, Attached hereto as Exhibit C.)

42. At the Board's June 26, 2026 meeting, the Zoning Officer reported on "a recent site visit to the Pennsylvania Digital One data center project" and "noted that grading has begun for the first data center campus (Phase 1B)." (Middlesex Township Board of Supervisors Meeting Minutes, June 26, 2026, at 6, Attached hereto as Exhibit D.) The Phase 1-B data center campus is a use permitted on the Subject Property only by the DCO.⁵

43. On July 1, 2026, at 11:36 a.m., counsel for CDP wrote to the ZHB Solicitor asking her to confirm "that the challenge has been deemed denied." (*See*, Exhibit J to Appellants' Notice of Land Use Appeal filed August 6, 2026 – hereinafter "Notice") On any computation the Challenge could not have been deemed denied before July 8, 2026, the date to which Appellants had consented for a first hearing.

44. That same evening, the Board unanimously approved, with conditions, the Preliminary Land Development Plan for PAX-1 Phase 2, the second data center campus, and the Preliminary Land Development Plan for PAX-1 Phase 1-C, the construction support area for the second campus. (Middlesex Township Board of Supervisors Meeting Minutes, July 1, 2026, at 7–9, Attached hereto as Exhibit E; Notifications of Conditional Plan Approval dated July 2, 2026, Attached hereto as Exhibits F and G.)

45. Each of those approvals was "official action" under the challenged ordinance, taken while the Challenge was, under any reading of the statute, pending before the ZHB. The Court of Common Pleas of Mercer County has described the operation of Section 915.1 in that setting: "MPC is clear that if a substantive appeal is taken to the ZHB, during its pendency before the ZHB

⁵The blasting conducted on the Subject Property between April 1, 2026 and late June 2026, including the blast of June 15, 2026 for which the blasting contractor later entered a guilty plea, is described in the Petition for Stay at No. 2026-06465 at Paragraphs 16, 22 and 67 through 69 as arising from the Phase 1-A program. Appellants do not contend in this Petition that the Phase 1-A work was land development pursuant to the challenged ordinances.

all land development under the challenged ordinance is stayed. It is assumed that if such an appeal is taken from any future township zoning amendment, no action will be taken by the township on requests for preliminary approval of land development under the challenged amendment during its pendency before the ZHB." *Mercer County Citizens for Responsible Development v. Springfield Township Zoning Hearing Board*, 81 Pa. D. & C.4th 175 (C.P. Mercer 2007) (cited for persuasive authority only as this is a Common Pleas decision, and the quoted passage was not necessary to its judgment, but it is cited for the proposition that the grant of relief on the challenged zoning ordinance would render moot any approval reliant on the validity of the challenged ordinance⁶).

46. On September 2, 2026, while this appeal was pending, the Board granted conditional final land development approval to PAX-1 Phase 1-B, and conditional preliminary land development approval to PAX-1 Phase 3, a third data center campus.

47. Site work on the Subject Property, including within the area of the Phase 1-B data center campus, has continued without interruption through the date of this Petition, as Appellants have observed from their homes and as will be established by affidavit and testimony at the hearing, if necessary.

48. A stay that arises by operation of law is not forfeited because those bound by it disregarded it. Under *Hervek*, the protection of the statute "extends beyond the interests of the particular appellant" and cannot be waived even by agreement. 20 Pa. Cmwlth. at 513. The obligation to halt development under the challenged ordinance, or to obtain the certification or the bond the statute offers, rested on CDP and the Township from May 13, 2026.

49. Appellants for their part proceeded without any period of repose. They consented on May 14, 2026 to a first hearing to be scheduled within the statutory period; inquired of the ZHB Solicitor on June 29, 2026 as to logistical questions about how the hearing would be conducted, and were advised for the first time that no hearing would be convened; wrote to her on June 30 and July 2, 2026; filed the appeal from the July 1, 2026 approvals on July 31, 2026; filed this appeal on August 6, 2026; and on August 19, 2026 filed the Petition for Stay at No. 2026-06465, which invoked Section 915.1(a) at Paragraph 98 thereof. (Notice ¶¶ 23, 34–38 and *See*, Exhibits C, I and K thereto.) That petition was argued on September 18, 2026 and decided on September 22, 2026.

⁶ During the argument on the Petition for Stay at Docket 2026-06465, Counsel for CDP suggested to the Court that if the ordinance was deemed to be invalid, that such a decision would have no effect on approvals granted prior to the challenge being filed.

50. The instant Petition is filed in this docket because this is the appeal in which the Challenge itself is before the Court, and the Challenge is the proceeding to which the statutory stay attached.

51. The matters pleaded herein occurred while the Challenge was pending before the ZHB under any reading of Section 915.1(a), and the relief requested as to that period does not depend upon what follows, i.e. the decision on the merits of the Challenge.

52. This following Section addresses the period after the deemed denial, and with it the approvals of September 2, 2026 and the site work now ongoing.

53. Section 915.1 states with particularity how a landowner may be relieved of the stay: by certification of imminent peril, or by obtaining an order for a bond which the challenger then fails to post. 53 P.S. § 10915.1(a)–(d). Nothing in Section 915.1, in Section 916.1, or in Article X-A of the MPC provides that a stay in force is dissolved when a zoning hearing board fails to commence the hearing the statute required it to hold.

54. Section 916.1(f)(1) provides that "[t]he challenge shall be deemed denied when . . . the zoning hearing board or governing body, as the case may be, fails to commence the hearing within the time limits set forth in subsection (d)." 53 P.S. § 10916.1(f)(1). The deemed denial is a device that opens the courthouse door to a challenger whom the board has ignored. *See* 53 P.S. § 11001-A (Article X-A is the exclusive mode for securing review of any decision "rendered pursuant to Article IX or deemed to have been made under this act"). It is not an adjudication. No tribunal has heard the Challenge, made a finding upon it, or decided it.

55. The words "during its pendency before the board" describe the ordinary case, in which a board hears the challenge, and renders a decision on the merits and which decision may never be the subject of an appeal to the court. In that case the challenger has had the hearing, the landowner has had the opportunity to seek a certification or a bond before a tribunal that is actually functioning, and the discretionary stay of Section 1003-A(d) takes over on appeal.

56. In the instant matter, there was no hearing and no decision, and there is no record of proceedings. The proceeding referred to in Section 913.3 has been decided by no one, and the only tribunal the statute authorizes to consider the Challenge is this Honorable Court.

57. Section 1005-A of the MPC provides that "appeals brought before the court pursuant to section 916.1 shall not be remanded for further hearings before any body, agency or officer of the municipality," and that "[i]f the record does not include findings of fact . . . the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any." 53 P.S. § 11005-A, quoted in *Harrisburg Gardens, Inc. v. Susquehanna Township Zoning Hearing Board*, 981 A.2d 405, 414 n.6 (Pa. Cmwlth. 2009).

58. By reason of Section 1005-A, the hearing on the Challenge that the ZHB was required to commence within sixty (60) days will be held, for the first and only time, in this Court. (Notice ¶¶ 67–68.) The Court does not sit here in review of a board's adjudication. It sits in the place of the board that failed to act. Appellants submit that the stay which the General Assembly attached to the hearing of a substantive validity challenge follows that hearing to the tribunal in which the statute requires it to be held.

59. Importantly, Section 1003-A(d) provides that "[t]he filing of an appeal in court under this section shall not stay the action appealed from, but the appellants may petition the court having jurisdiction of land use appeals for a stay." 53 P.S. § 11003-A(d).

60. That statutory provision makes clear that the filing of an appeal does not create grounds for a stay not already in effect. Moreover, the statute does not state that the filing of an appeal terminates a stay that arose earlier under a different section. Moreover, the "action appealed from" in this docket is the deemed denial of the Challenge, not any approval of land development; the Commonwealth Court has observed that "[l]ogically, the 'action' referred to in Section 1003-A(d) refers to the grant of a zoning permit or application." *Borough of West Conshohocken v. Soppick*, 164 A.3d 555, 561–62 (Pa. Cmwlth. 2017). A stay arising out of a deemed denial would akin to a stay where approval was denied. That differs from what Section 915.1(a) prohibits: "all land development pursuant to any challenged ordinance . . . and all official action thereunder." The two (2) sections operate on different objects and can each be given effect. 1 Pa.C.S. § 1921(a) ("Every statute shall be construed, if possible, to give effect to all its provisions.").

61. Critically, the circumstances of the instant case merit granting relief as a clear statement that the protections of 915.1(a) cannot be circumvented by the very parties who control the enforcement of the law (both MPC and the Township Zoning Ordinance § 1.14(K)).

62. Said another way, the Township staff that was prohibited from taking official action during the pendency of the appeal was also the party who is responsible for posting notice and advertising public hearings on substantive challenges. The Court has no means to inquire, nor does it matter, why the ZHB failed to advertise or convene a hearing on the Challenge, but the result of that inaction resulted in prejudice to the Appellants, compounded by the failure of the same Township staff to enforce the statutory stay by directing CDP to cease work, and compounded by the Board's failure to acknowledge the mandatory stay and refuse to take action on the approvals on at least July 1, 2026.

63. If a deemed denial under Section 916.1(f)(1) dissolves the stay, then the stay lasts only so long as the municipality's own zoning hearing board chooses to perform its duty, and never longer than sixty (60) days if it chooses not to convene a first hearing. A board that schedules and conducts hearings in good faith would hold the development in abeyance for as long as the hearings require. A board that does nothing would release it in two (2) months. The developer would have no need of the certification or the bond the statute provides, because silence would accomplish the same end without a showing of peril, without proof of frivolousness, and without a hearing of any kind.

64. In ascertaining legislative intent it is presumed "[t]hat the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable," "[t]hat the General Assembly intends the entire statute to be effective and certain," and "[t]hat the General Assembly intends to favor the public interest as against any private interest." 1 Pa.C.S. § 1922(1), (2), (5). Where the words of a statute are not explicit, the Court may consider "[t]he mischief to be remedied," "[t]he object to be attained," and "[t]he consequences of a particular interpretation." 1 Pa.C.S. § 1921(c)(3), (4), (6). The object of Section 915.1(a) is that land not be irreversibly developed under an ordinance whose validity is under challenge until the challenge has been heard. A construction under which the default of the hearing body defeats that object is not one the General Assembly can be presumed to have intended.

65. The record of this case shows the consequence in operation. The direction to "hold off on advertising" was given by the ZHB Solicitor by private email on the day after the Challenge was filed, copied to the ZHB Chairman and not to Appellants' counsel. (*See*, Notice Exhibit D.) No public action of the ZHB cancelled the hearing. (Notice ¶ 28.) Appellants only learned that there would be no hearing would be held as of June 29, 2026, nine (9) days before the anticipated date. (Notice ¶

34.) CDP's counsel asked the Solicitor to confirm the deemed denial on the morning of July 1, 2026, and the Board voted the Phase 2 and Phase 1-C approvals that evening. Under the construction CDP will urge, that sequence released the development from the stay without any showing having been made to any tribunal.

66. The closest case having application to the facts at bar, though not squarely applicable, is *Dream Mile Club, Inc. v. Tobyhanna Township Board of Supervisors*, 150 Pa. Cmwlth. 309, 615 A.2d 931 (1992). In that case, the trial court incorrectly assumed that the stay under Section 915.1(a) applied to the challenge before the court on appeal. In actuality, that statutory language excluded the type of substantive challenge at issue in that case, as it was a challenged filed under 909.1(b) concerning adjudications of planned residential developments. The Commonwealth Court opinion noted the erroneous analysis by the trial court based upon the nature of the matter appealed, but it did not state that a valid stay pursuant to Section 915.1(a) would terminate automatically upon appeal to the Court.

67. In anticipation of arguments CDP and the Township may raise, it is acknowledged that *Dream Mile Club* does not decide the question presented here but it is merely instructive of how such a stay might apply in cases to which it specifically applies. The Commonwealth Court there held that Section 915.1(a) "is not applicable" to a planned residential development appeal because such an appeal is not among the proceedings enumerated in Section 913.3, and for that reason the objector was left to Section 1003-A(d). 150 Pa. Cmwlth. at 315–16, 615 A.2d at 934. No stay under Section 915.1(a) ever arose in that case, and the court had no occasion to consider what becomes of one that did.

68. Appellants acknowledge that the statutory stay is framed by reference to the pendency of the proceeding before the board, that the Supreme Court long ago described the zoning enabling acts as providing an automatic stay upon appeal to the board and a supersedeas upon application once the matter is before the court, *Pittsburgh Outdoor Advertising Co. v. Clairton*, 390 Pa. 1, 5–7, 133 A.2d 542 (1957), and that Appellants have not found an appellate decision applying Section 915.1(a) after a deemed denial under Section 916.1(f)(1). Appellants further recognize that "[w]hen the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." 1 Pa.C.S. § 1921(b). The words "during its pendency before the board" name no event by which pendency ends, however, and as applied to a proceeding which the board never

heard, and which the statute forbids this Court to return to it, they are not free from ambiguity. Each of the decisions known to Appellants involved a board that heard and decided the matter before it. None involved a board that declined to convene, under a statute that forbids remand. Appellants submit that the question is one of first impression and that the text, the structure and the object of the MPC support the construction urged here.

69. To the extent CDP contends that Appellants' own pleading of a deemed denial between July 8 and July 13, 2026 concedes that the stay ended then, the contention mistakes the legal significance of the deemed denial. Appellants pleaded it because Section 916.1(f)(1) and Section 1002-A of the MPC made it the predicate for this appeal. (Notice ¶¶ 41–43.) A deemed denial is an appealable event; it is not an adjudication. The pleading of a statutory fiction that gives a challenger access to this Court is not a concession that the challenger has been heard.

70. In all events, and whatever the Court concludes as to the period after the deemed denial, the stay was in force from May 13, 2026 until no earlier than July 8, 2026, and the matters pleaded in Paragraphs 41 through 44 occurred within that period.

IN THE ALTERNATIVE

A STAY SHOULD BE GRANTED PURSUANT TO SECTION 1003-A(d)

71. The foregoing paragraphs are incorporated by reference as if set forth fully herein.

72. Should the Court conclude that the statutory stay did not survive the deemed denial, Appellants request in the alternative that the Court enter a stay under Section 1003-A(d), and under the authority Section 915.1(a) itself confers on "the court having jurisdiction of zoning appeals" to restrain development and official action under a challenged ordinance "on petition." 53 P.S. §§ 10915.1(a), 11003-A(d).

73. The Court of Common Pleas of Butler County entered such relief in the same posture, a stay pursuant to Section 1003-A(d) in objectors' land use appeal from a zoning hearing board's denial of a substantive validity challenge, and when the developer appealed the stay order the Commonwealth Court dismissed those appeals as moot, the trial court having by then vacated its stay, without questioning the court's power to enter it. *Delaware Riverkeeper Network v. Middlesex Township Zoning Hearing Board* (Pa. Cmwlth., Nos. 1229, 1323 & 2609 C.D. 2015, filed June 7, 2017) (unreported

memorandum), *vacated and remanded on other grounds*, 190 A.3d 1126 (Pa. 2018) (per curiam), cited as persuasive authority only pursuant to 210 Pa. Code § 69.414(a). The four criteria of *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 502 Pa. 545, 552–53, 467 A.2d 805, 808–09 (1983), govern: (1) the petitioner makes a strong showing that he is likely to prevail on the merits; (2) the petitioner has shown that without the requested relief, he will suffer irreparable injury; (3) the issuance of a stay will not substantially harm other interested parties in the proceedings; and (4) the issuance of a stay will not adversely affect the public interest. A court "when confronted with a case in which the other three factors strongly favor interim relief[,] may exercise its discretion to grant a stay if the movant has made a substantial case on the merits." 502 Pa. at 553, 467 A.2d at 809.

74. As to the merits, the Challenge rests on controlling authority. "A singling out of one lot or a small area for different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit of the owner of that lot or to his economic detriment is invalid 'spot' zoning," and "the size of the property involved is only one of the determining factors." *Mulac Appeal*, 418 Pa. 207, 210–11, 210 A.2d 275, 276–77 (1965). In *Allen Distribution v. West Pennsboro Township Zoning Hearing Board*, 231 A.3d 90 (Pa. Cmwlth. 2020), the Commonwealth Court affirmed this Honorable Court's affirmance of a Cumberland County zoning hearing board's decision sustaining a substantive validity challenge to the rezoning of a large tract, explaining that "where zoning was enacted to accommodate the plans of one landowner and was not enacted to enhance the public's health, safety, morals and general welfare, there was no justification for the differential treatment of land and, therefore, the rezoning constituted spot zoning." The DCO comprises all of the Subject Property and only the Subject Property, and it was adopted at the request of CDP's predecessor in interest. (Notice ¶¶ 13–14, 50.)

75. Appellants acknowledge their burden. A zoning ordinance is presumed valid, the challenger must show its provisions arbitrary and unreasonable, and a debatable ordinance stands. *Allen Distribution*, 231 A.3d 90. Appellants submit that the facts pleaded in the Challenge, and those that have since been produced by the Township and by the Commonwealth in response to requests for records, present at minimum a "substantial case on the merits

76. As to irreparable injury, it is undeniable that should the Appellants prevail on the merits of their substantive validity challenge, CDP's continued efforts to construct or operate a data center, that is wholly reliant on the validity of the challenged ordinances would cause irreparable harm in

the change in the character of the neighborhood in which they live, it would negatively impact their property values, call into question the availability of clean air and clean water upon which they rely to exist, and finally that the impacts to natural esthetic would be irreparably harmed. There is no work that has been completed to date that cannot be undone, but to impose no restriction would deny the Appellants their due process rights to challenge the validity of the very ordinance that the entire data center project relies.

77. As to harm to others, CDP has known that the Appellants were preparing to file their Challenge on May 6, 2026 as counsel for the undersigned advised the Board of their intention to file said Challenge at the Board meeting where approvals were granted and CDP representatives and counsel were present for that meeting. The statute informed CDP (as of absolutely no later than June 4, 2026) that development under the challenged ordinance was stayed and how relief from the stay could be sought. It sought none. A landowner who builds while its authorization remains subject to challenge "took whatever risks were involved if such an appeal were taken and were successful." *Silverco, Inc. v. Zoning Board of Adjustment*, 379 Pa. 497, 503, 109 A.2d 147 (1954); *see also Cheltenham Township Appeal*, 413 Pa. 379, 387, 196 A.2d 363, 367 (1964) (one who "begins construction prior to expiration of the appeal period ordinarily proceeds at his own peril"). Appellants do not contend that CDP's economic interests are invisible, however CDP made a calculated decision to proceed at its own risk, knowing an appeal had been filed.

78. As to the public interest, the General Assembly has already struck the balance. Section 915.1(a) reflects the legislative judgment that when the validity of a zoning ordinance is under challenge, development under it is to wait unless life or property is in peril. An order that gives effect to that judgment cannot be said to be adverse to the public interest. Appellants anticipate that CDP and the Township will invoke the project's asserted public benefits. A stay defers any such benefits until the validity of the ordinance upon which the project depends has been decided; if the ordinance is upheld, they will be realized without diminution.

79. It is therefore respectfully submitted that, based upon the merits of the underlying substantive validity challenge, that the Appellants are entitled to relief under Section 1003-A(d) and in granting such relief, the Court would honor the purpose and spirit of the statutory stay that was ignored by the Township, the Board and CDP, all at the expense of the interests of the Appellants.

SCOPE OF THE RELIEF REQUESTED

80. The foregoing paragraphs are incorporated by reference as if set forth fully herein.

81. Appellants request a declaration that, upon the filing of the Challenge on May 13, 2026, all land development pursuant to Ordinance 03-2025 and the DCO and data center provisions of the Zoning Ordinance, and all official action thereunder, was stayed by operation of Section 915.1(a) of the MPC and Section 1.14(K) of the Zoning Ordinance, no certification of imminent peril having been made. The declarations requested herein are ancillary to the enforcement of a stay that exists by statute, and are sought in aid of this Court's jurisdiction over the appeal in which the Challenge is pending, not as independent relief.

82. Appellants further request a declaration that the stay remains in force pending the final disposition of this appeal, and an Order directing that, while it remains in force: (a) no clearing, earth disturbance, grading, drilling, blasting or construction shall be performed on the Subject Property for the development of any data center campus, including the areas designated Phase 1-B, Phase 2 and Phase 3, or for any use accessory thereto; and (b) the Township shall take no official action under the challenged ordinances upon any application for the development of the Subject Property as a data center campus.

83. Appellants do not by this Petition seek to stay work that does not depend upon the challenged ordinances. The Final Major Subdivision Plan and the Phase 1-A electrical substation were approved as uses permitted in the underlying district (Notice ¶ 16), and the stone laydown yard approved in 2025 as "Cumberland Knoll-PPL Laydown," Township File No. 25-13, preceded the Challenge. Nor do Appellants seek to prevent work necessary to stabilize areas already disturbed, to maintain erosion and sedimentation controls and stormwater facilities, or to abate any condition presenting an imminent danger to persons or property, which is the province of the certification the statute provides.

84. As to the official actions taken while the stay was in force, the approvals of July 1, 2026 and, if the Court agrees that the stay continues, the approvals of September 2, 2026, Appellants request a declaration that each was taken in contravention of Section 915.1(a). Should the Township's obligation to act upon any pending application within the periods fixed by Section 508 of the MPC be affected by the stay, Appellants request that the Order provide that such periods are tolled while

the stay is in force, so that no approval arises by operation of law. *See Akin*, 120 Pa. Cmwlth. at 117 (affirming the conclusion that the time for the developer's posting of security "was tolled by the filing of the protestants' appeal").

NO BOND SHOULD BE REQUIRED OF APPELLANTS

85. The foregoing paragraphs are incorporated by reference as if set forth fully herein.

86. The stay of Section 915.1(a) is not conditioned on security. The statute instead permits the landowner to petition for a bond and places on the landowner "the burden . . . to prove the appeal is frivolous." 53 P.S. § 10915.1(b); *accord* 53 P.S. § 11003-A(d). CDP has filed no such petition in the four (4) months since the Challenge was filed.

87. "An appeal is deemed to be frivolous when there is no likelihood of success and the continuation of the contest is unreasonable." *Rickert v. Latimore Township*, 960 A.2d 912, 922 n.21 (Pa. Cmwlth. 2008) (quoting *Donohue v. Arrowhead Lake Community Association*, 718 A.2d 904, 907 (Pa. Cmwlth. 1998)). Appeal bonds "are in derogation of the right to appeal," a right "constitutional in its dimension. See Pa. Const. art. V, § 9," and the statutory bond authority "should not be construed more broadly than the statutory text will support." *PPM Atlantic Renewable v. Fayette County Zoning Hearing Board*, 623 Pa. 134, 81 A.3d 896, 901–02 (2013). The Supreme Court in the same decision recognized the role of Section 915.1 in this scheme, noting that appeal bonds "may have a salutary purpose in that they protect a developer's interests during the pendency of an appeal where development is halted and the appeal is frivolous. See, e.g., 53 P.S. § 10915.1 (governing appeals to the zoning board)." *Id.*

88. Should the Court enter a stay under Section 1003-A(d) in the alternative and require security for it, Appellants, five (5) resident couples, request that it be set at a nominal amount.

89. Appellants stand ready to present the testimony and affidavits of the individual Appellants, the documentary record cited herein, and such further evidence as the Court directs.

IX. CONCLUSION

WHEREFORE, Appellants respectfully request that this Honorable Court: (a) issue a Rule upon the Zoning Hearing Board of Middlesex Township, Middlesex Township and Carlisle Development Partners, LLC to show cause why the relief requested should not be granted, and schedule an

expedited hearing on this Petition; (b) declare that upon the filing of the Substantive Validity Challenge on May 13, 2026, all land development pursuant to Ordinance 03-2025 and the Data Center Overlay District and data center provisions of Ordinance 07-2025, and all official action thereunder, was stayed by operation of 53 P.S. § 10915.1(a) and Section 1.14(K) of the Middlesex Township Zoning Ordinance; (c) declare that said stay remains in force pending final disposition of this appeal, and direct that Middlesex Township and Carlisle Development Partners, LLC conform their conduct to it as set forth in Paragraphs 82 and 83; (d) declare that the official actions identified in Paragraph 84 were taken in contravention of the stay; (e) in the alternative to (c), enter a stay of the same scope pursuant to 53 P.S. § 11003-A(d) pending final disposition of this appeal; (f) require no bond of Appellants, or in the alternative set security at a nominal amount; and (g) grant such other and further relief as the Court deems appropriate and just.

Respectfully submitted,
WOLF & WOLF

Dated: September 30, 2026

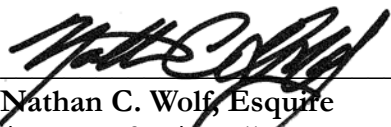
BY:


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

VERIFICATION

I, Andrew Dymski, verify that I am one of the Appellants in the above-captioned matter, and that the averments of fact set forth therein which are true and correct, and that the averments made upon information and belief are believed by me to be true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: September 30, 2026


Andrew Dymski

INDEX OF EXHIBITS

Exhibit A — Middlesex Township Zoning Ordinance (Ordinance 07-2025, enacted September 3, 2025), cover page and Section 1.14 (excerpt)

Exhibit B — Middlesex Township Board of Supervisors Meeting Minutes, June 3, 2026

Exhibit C — Cumberland County Conservation District Chapter 102 Inspection Report, NPDES Permit No. PAC210079 A-4, August 6, 2026

Exhibit D — Middlesex Township Board of Supervisors Meeting Minutes, June 26, 2026

Exhibit E — Middlesex Township Board of Supervisors Meeting Minutes, July 1, 2026

Exhibit F — Notification of Conditional Plan Approval, Preliminary Land Development Plan for PAX-1 Phase 2, Township File No. 25-26, dated July 2, 2026

Exhibit G — Notification of Conditional Plan Approval, Preliminary Land Development Plan for PAX-1 Phase 1-C, Township File No. 26-10, dated July 2, 2026

EXHIBIT A



Middlesex Township Cumberland County, PA

Middlesex Township Zoning Ordinance

ENACTED: SEPTEMBER 3, 2025
EFFECTIVE: SEPTEMBER 3, 2025

Section 1.14 Zoning Hearing Board

(A) Creation and Appointment.

1. Members. Pursuant to Article IX of the MPC, the Board of Supervisors does hereby create a Zoning Hearing Board and appoint five (5) members who shall be residents of the Township. Members of the Zoning Hearing Board shall be appointed by resolution of the Board of Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Zoning Hearing Board shall hold no other office, elected, or appointed, in the Township.
2. Alternates. Pursuant to Article 903(b) of the MPC, the Township may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other office, elected, or appointed, in the Township.

(B) Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(C) Organization of Zoning Hearing Board. The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but where two (2) members are disqualified from acting in a particular matter, the remaining member may act for the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Section 1.14(E). The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested.

(D) Expenditures for Services. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Board of Supervisors.

(E) Hearings. A hearing conducted by the Zoning Hearing Board shall be held within sixty (60) days from the date of the Applicant's request unless the Applicant has agreed in writing to an extension of time. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

1. Notice. Public Notice shall be given, and written notice shall be given to the Applicant, the Township Secretary, the Township Planning Commission, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such a manner as shall be prescribed by the Zoning Hearing Board and the requirements of the MPC 53 P.S. §10101 et seq., provided that the notices conform to the following:
 - a. Written notices shall state the time, date, and location of the proposed hearing, along with a description of the nature of the matter to be considered.

- b. Written notice shall be conspicuously posted on the affected tract of land at least seven (7) calendar days prior to the hearing.
 - c. At least seven (7) business days prior to the hearing, the Applicant shall provide written notice by U.S. Mail to all Landowners within two hundred (200) feet of the affected tract of land. Landowners are determined by the then-current Cumberland County tax records. Provided, however, that failure to give the notice as required by this Article shall not invalidate any action taken by the Zoning Hearing Board.
2. Conduct of Hearing. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- a. The parties to the hearing shall be Middlesex Township and any Person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other Person including civic, or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
 - b. The chairperson of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - c. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - e. The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer. It shall be paid by the Person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
 - f. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

3. Decision.

- a. The Zoning Hearing Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) calendar days after the last hearing before the Zoning Hearing Board or hearing officer.
- b. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- c. If the hearing is conducted by a hearing officer, and there has been no stipulation that the officer's decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) calendar days, and the parties shall be entitled to make written findings to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) calendar days after the decision of the hearing officer.
- d. Where the Zoning Hearing Board has power to render a report and the Zoning Hearing Board or the hearing officer as the case may be, fails to render the same within the period required by this subsection, or fails to hold the required hearing within sixty (60) calendar days from the date of the Applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing to an extension of time.
- e. When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give Public Notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1.15(E)1. If the Zoning Hearing Board fails to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.
- f. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the Applicant personally or mailed to them not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(F) Jurisdiction. The Zoning Hearing Board shall have exclusive Jurisdiction to hear and render final adjudications in the following matters:

- 1. Substantive challenges to the validity of any land Use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1 of the MPC.
- 2. Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.

3. Appeals from a Determination by the Zoning Officer or the Township Engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land Use ordinance.
4. Applications for variances from the terms of this Ordinance pursuant to Article 910.2 of the MPC.
5. Applications for Special Exceptions under this Ordinance pursuant to Article 912.1 of the MPC.
6. Appeals from the Zoning Officer's Determination under Article 916.2 of the MPC.
7. Appeals from the Determination of the Zoning Officer or the Township Engineer in the administration of any land Use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

(G) Board of Supervisors. The Board of Supervisors shall have exclusive Jurisdiction to and render final adjudications in the following matters:

1. All applications for approvals of planned residential development under Article VII of the MPC pursuant to the provisions of Section 702 of the MPC.
2. All applications pursuant to Section 508 of the MPC, for approval of Subdivisions or Land Developments under Article V of the MPC.
3. Applications for Conditional Use under the express provisions as specified under Section 1.15 of this Ordinance.
4. Applications for a curative amendment to this Ordinance or pursuant to Sections 609.1 and 916.1(a) of the MPC.
5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article 609 of the MPC.
6. Appeals from the Determination of the Zoning Officer or the Township Engineer in the administration of any land Use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for Land Development under Articles V and VII of the MPC. Where such Determination relates only to development not involving an Article V or VII application, the appeal from such Determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this Article. Where the applicable land Use ordinance vests jurisdiction for final administration of Subdivision and Land Development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

(H) Zoning Hearing Board Functions.

1. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in each case.

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the zoning district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- c. That such necessary hardship has not been created by the appellant.
- d. That the variance, if authorized, shall not alter the essential character of the zoning district in which the property is located, nor substantially or permanently impair the appropriate Use or development of an adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, shall represent the minimum variance that shall afford relief and shall represent the least modification possible of the regulation in issue.
- f. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this Ordinance.
- g. Township Planning Commission Review. The Township Planning Commission shall be provided with an opportunity to review and provide comment and recommendations on a zoning variance application. However, such review and recommendation shall not delay the convening of a hearing on the application to be heard by the Zoning Hearing Board and the applicant shall be provided reasonable notice of the date, time, and location of the meeting of the Planning Commission where the application will be reviewed. The comments and recommendations of the Planning Commission shall be provided in writing to the Zoning Hearing Board and the applicant by the Zoning Officer at or by the time of the first hearing on the application before the Zoning Hearing Board.

2. Special Exceptions. See Section 1.15 of this Ordinance.

- (I) Parties Appellant Before Zoning Hearing Board. Appeals under Section 1.14 may be filed with the Zoning Hearing Board in writing by the landowner affected or any officer or agency of the Township, or any Person aggrieved. Requests for a variance under Section 1.14.(H).1 and for Special Exceptions under Section 1.15 of this Ordinance may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.
- (J) Time Limitations. The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:
 - 1. No Person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such Person alleges

and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such Person has succeeded to his interest after such approval he shall be bound by the knowledge of his predecessor in interest.

2. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan, or from an adverse decision by a Zoning Officer on a challenge to the validity of this Ordinance or Zoning Map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

- (K) Stay of Proceedings. Upon filing of any proceeding with the Zoning Hearing Board and during its pendency before the Zoning Hearing Board all Land Development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the Applicant, the Applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question of whether such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

Section 1.15 Special Exception Use Procedures

- (A) General.

1. It is the intent of this Section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Article 2 of this Ordinance.
2. Where the Board of Supervisors has stated, under Article 3 of this Ordinance, Special Exceptions to be granted or denied by the Zoning Hearing Board pursuant to the standards and criteria specified below, the Zoning Hearing Board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- (B) Application. Each application for a Special Exception use shall be accompanied by a proposed Site Plan as specified under Section 1.09 of this Ordinance.

- (C) Referral to Middlesex Township Planning Commission.

1. In its review of the Special Exception application, the Township Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its recommendation may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular.

EXHIBIT B

**MIDDLESEX TOWNSHIP
SUPERVISOR MEETING**

June 3, 2026

6:00 PM

OFFICIALS PRESENT:	SUPERVISORS:	Chairman Donald S. Geistwhite, Jr. Vice Chairman Phil Neiderer William H. Goodhart
	SOLICITOR:	Keith O. Brenneman
	ENGINEER:	Gerald "Bud" Grove
	PUBLIC SAFETY DIRECTOR:	Chief Andrew Bassler
	FIRE / EMC:	Chief Edwin Beam
	ZONING OFFICER:	Mark D. Carpenter
	ASST. CODES ENFORCEMENT/ MS4 COORDINATOR:	Gerald Steigleman
	MANAGER/ ROADMASTER:	Zachary L. Zook
	SECRETARY/ TREASURER:	Eileen M. Gault
	DEPUTY FIRE CHIEF:	Robert Horning, Jr.

CALL TO ORDER AND PLEDGE TO THE FLAG: Chairman Geistwhite called the meeting to order at 6:00 p.m. at the Middlesex Township Municipal Building, followed by the Pledge of Allegiance led by Deputy Fire Chief Horning, Jr.

PUBLIC COMMENT:

Chairman Geistwhite reminded attendees of the public comment rules, stating that each speaker would be allotted three minutes to speak and that individuals could not transfer or donate their speaking time to another person. He emphasized that the allotted time is specific to each speaker.

Mr. Earl Beam of Country Club Road stated that he had submitted a letter to the Township Supervisors the previous month and noted that one of his questions had not been addressed. He asked why a residential advisory committee agreement could not be established and referenced the agenda item regarding community benefits. Vice Chairman Neiderer responded that the topic would be discussed later during the scheduled community benefits agenda item. Mr. Beam clarified that he was specifically inquiring whether any discussion would include a residential advisory committee in addition to community benefits.

Ms. Kelly Brickey of Elizabeth Way informed attendees of an upcoming data center town hall hosted by the Stewards of Cumberland County at the Carlisle Theatre on June 11, 7-9 p.m. She stated that the event would feature a panel of experts discussing topics including water resources, power generation and usage, municipal government and zoning, and Pennsylvania data center legislation. Ms. Brickey encouraged residents to attend, ask questions, and learn more about the potential local impacts of data center development.

Ms. Hilda Vazquez of Buckeye Lane raised concerns regarding conditions in the Country Manor West community. She requested clarification on zoning and grandfathering protections for the mobile home park following the rezoning associated with the PAX-1 project and inquired about

the status of an agreement between the park owner and the Middlesex Township Municipal Authority (MTMA). Ms. Vazquez expressed concerns regarding resident rights, municipal oversight, and the condition of community infrastructure, including roads, lighting, and water quality. She also alleged selective enforcement of park rules and expressed concerns about potential retaliation against residents who seek improvements. She urged the municipality to enforce ordinances and laws consistently and fairly.

Mr. Kyle Gerber of Bernheisel Bridge Road requested that the Township consider establishing an online file-sharing system to provide residents with access to data center-related documents as they are submitted. He stated that such access could reduce Right-to-Know requests and improve public understanding of the project. Vice Chairman Neiderer responded that many submitted plans contain copyrighted information that may limit public distribution. Mr. Gerber noted that other project-related documents, such as permits, may still be suitable for public access. Vice Chairman Neiderer stated that if residents provide a list of specific documents of interest, the Township would review whether those materials could be made available to the public.

MS4 / STORMWATER PUBLIC COMMENT & UPDATES: Mr. Steigleman reported that the stream restoration project is substantially complete, with all punch list items addressed. Final inspection will occur once recently installed plantings and grass seeding have been established.

Mr. Steigleman also reported that, following inquiries from residents relayed through Representative Gleim's office regarding water concerns in Country Manor, he contacted the park manager. He stated that low water pressure was attributed to two breaks in private water lines. Repairs were completed over the weekend following required PA One Call notifications. He further reported that the mobile home park is working with the Pennsylvania Department of Environmental Protection (DEP) and the Department of Health by submitting water quality and pressure samples for testing over a two-week period. It was noted that the water system within the park is privately owned and maintained, with the municipal authority supplying water only to the meter.

Additionally, Mr. Steigleman reported that an investigation into water surfacing beneath a mobile home on Aspen Drive determined that the issue stemmed from groundwater entering an abandoned sewer line and resurfacing downhill. The park is evaluating options to either remove or cap the pipe to resolve the issue. Chairman Geistwhite requested continued updates on these matters.

APPROVAL OF MINUTES: On a motion by Chairman Geistwhite, seconded by Supervisor Goodhart, the minutes of the May 6, 2026, meeting were unanimously approved.

AUTHORIZE PAYMENT OF BILLS: On a motion by Chairman Geistwhite, seconded by Vice Chairman Neiderer, the Board unanimously authorized payment of the June 2026 bills.

REPORT:

Solicitor – No report submitted.

Engineer – No report submitted.

Police – Chief Bassler submitted the monthly Police Report, which was entered into the record. Chairman Geistwhite inquired about a recent situation at the Emporium. Chief Bassler confirmed that the matter had been managed. Vice Chairman Neiderer asked whether any information could

be shared to address potential public safety concerns. Chief Bassler stated that there were no safety concerns for the public but noted that the matter remains an active investigation.

Fire / EMC - Chief Beam submitted the monthly Fire/EMC Report, which was entered into record.

Zoning – Mr. Carpenter submitted the monthly Zoning Report, which was entered into record.

Codes Enforcement – Mr. Steigleman submitted the monthly Codes Enforcement Report, which was entered into record. Mr. Steigleman provided an update on the Diamond of Carlisle property, reporting that demolition activities cannot proceed until hazardous materials and asbestos surveys are completed by an environmental consultant. He stated that the property owner has contracted Patriot Wrecking LLC of Mechanicsburg to board first-floor windows and doors within ten feet of ground level, remove debris from the front and rear of the property, maintain the grass, and await complete utility shut off. Chairman Geistwhite remarked that the new ownership appears to be trying to address the property's condition, which Mr. Steigleman affirmed.

Municipal Authority – Chairman Geistwhite representative to the Municipal Authority reported that operations are proceeding as planned and that work on the second well project is progressing well. No additional updates were provided.

Roadmaster/ Manager – Mr. Zook reported that favorable weather in May allowed the highway crew to make progress on seasonal work, including line painting of stop bars and crosswalks. Roadside mowing operations were also conducted, with an initial pass completed before Memorial Day weekend followed by more extensive mowing activities. He stated that the splash pad opened the previous day after staff spent time preparing the facility throughout May. Minor issues remain and are being addressed.

On the administrative side, Mr. Zook reported that executive sessions were held on May 21 regarding potential litigation and on May 29 regarding personnel matters, with related agenda items scheduled for later in the meeting. Mr. Zook also reported that the Township is exploring contracting with an outside company to prepare Planning Commission meeting minutes and is evaluating outsourcing payroll services to help manage staff workload. Additionally, he noted that the Township is entering the final year of its trash collection contract and has begun the process of reviewing service options and preparing a request for proposals (RFP). He stated that it is too early to identify potential respondents.

Secretary/Treasurer – Ms. Gault reported that the Treasurer's Report included in the Supervisors' packet reflects all Township funds and balances for the period from May 1 through the meeting date. She noted that some payroll expenses were not yet reflected in the report because processing had not been completed.

Discussion followed regarding Local Services Tax (LST) payments from construction workers at the data center site. It was noted that LST is generally paid to the municipality where an individual works. Ms. Gault stated that she would investigate the matter, including consulting with the Cumberland County Tax Bureau, to determine whether the Township is receiving applicable LST revenues from workers at the site. Ms. Gault also noted that the packet included reports for May earned income tax and Local Services Tax collections.

Recreation – Mrs. Jumper submitted the monthly Recreation Report, which was entered into record. Ms. Gault reported that the summer playground program is scheduled to begin the

following week and noted that planning is underway for the Fall Festival in September. She also referenced the recent opening of the splash pad. Additionally, discussion was held regarding National Night Out, which is scheduled for August. It was noted that Township staff would work collaboratively on the event, although it is not specifically a Parks and Recreation program.

UNFINISHED BUSINESS:

Discussion and Possible motion on extension of review time for Preliminary Final Land Development Plan for Ahold Delhaize Solar Development until 09/17/2026: Mr. Grove reported that the applicant requested an extension to allow additional time to address items identified in his most recent review memorandum. Chairman Geistwhite made a motion, seconded by Supervisor Goodhart, to grant an extension of the review period for the Ahold Delhaize Solar Development Unit Preliminary/Final Land Development Plan through September 17, 2026. The motion carried unanimously.

Discussion and possible action on the release of maintenance security for Jack Williams Tire Land Development Plan: Mr. Grove reviewed his June 2, 2026, memorandum regarding the second request for release of financial security. He reported that, while most outstanding items had been satisfactorily addressed, concerns remain regarding work in the parking lot islands, including issues with rocks and boulders being displaced by vehicles. Based on the remaining deficiencies, he recommended denial of the second request for release of security at this time. Chairman Geistwhite made a motion, seconded by Supervisor Goodhart, to deny the applicant's request for release of security at this time. The motion carried unanimously.

Mr. Stew Beattie of Shady Lane, speaking on behalf of his family and Country Aire Kennels regarding the Ahold Delhaize Solar Development, stated that while they do not oppose the solar project itself, they have concerns regarding recorded deed restrictions and access rights associated with the property. He noted that his family has owned property in the area for more than 40 years and was not consulted during the project's development until recently, when they were approached regarding removal of the deed restrictions. Mr. Beatty expressed concern that the restrictions had been terminated without his family's consent and stated that his family has incurred legal expenses to protect its interests.

Mr. Beattie also raised concerns regarding the use of a private road for construction or emergency access, stating that permission had not been granted for such use. He expressed disappointment with the process and indicated that earlier communication with affected property owners could have helped avoid the current dispute. Mr. Grove explained that deed restrictions had been identified during plan review and that the applicant subsequently submitted documentation indicating the restrictions had been addressed.

Mr. Brenneman clarified that the Township does not have legal authority to enforce private deed restrictions and cannot base land development decisions on such restrictions. He explained that enforcement of private deed restrictions is a matter between private parties and that any challenge to the termination of those restrictions would need to be pursued through private legal channels. Mr. Beattie acknowledged the explanation and stated that his family would continue to evaluate its options with legal counsel.

NEW BUSINESS:

Presentation of a Community Benefits Agreement for Middlesex Township on behalf of Carlisle Development Partners and PAX-1: Vice Chairman Neiderer provided an informational presentation regarding a proposed community benefits agreement between Carlisle Development Partners, PAX-1, and Middlesex Township related to the proposed data center project. No action was taken, and no question-and-answer session was held.

Vice Chairman Neiderer acknowledged community concerns surrounding the project and noted the pending appeal before the Zoning Hearing Board regarding the township's zoning ordinances. He stated that the township will continue to review plans submitted by the developer while respecting the legal process and any future appeals.

He emphasized that township staff, consultants, county agencies, the Pennsylvania DEP, and the SRBC have collectively devoted considerable time to reviewing the project, with resident concerns shaping many of the township's discussions with the developer.

Vice Chairman Neiderer explained that a community benefits agreement differs from a developer's agreement. He described the community benefits agreement as a voluntary contribution by the developer to acknowledge the project's impact on the township and residents, while a developer's agreement addresses required land development items such as stormwater, roads, landscaping, lighting, noise, and generator operations.

He reported that discussions with the developer have been ongoing for approximately five months and that no formal written agreement currently exists. The proposed framework includes:

- A **\$2.5 million Land Preservation Fund** to support farmland and open space preservation in partnership with Cumberland County programs.
- A **\$1 million Public Safety Fund** for a potential police substation along the Route 11 corridor.
- A **\$4 million Parks and Recreation Fund** for future recreational improvements, potentially including an indoor recreation facility, park improvements, or additional parks.
- A **\$5 million Taxpayer Relief Fund**, consisting of \$1 million annually for five years beginning in 2027, intended to reduce township real estate taxes by approximately 50% during the construction period. He noted that the developer would participate in a payment-in-lieu-of-taxes program to offset reduced tax revenues.

Vice Chairman Neiderer also outlined additional requests made to the developer that remain under discussion, including:

- An annual \$300,000 contribution to fire protection services to enhance funding for neighboring fire companies while reducing the township fire tax.
- Public access to Conodoguinet Creek for recreational purposes such as kayak launches.
- An increase in the proposed fee-in-lieu-of-recreation payment from \$400,000 to \$600,000.
- Consideration of compensation or property acquisition options for the twelve homeowners along Country Club Road most directly impacted by construction activities.

He stated that the proposed community benefits package currently totals approximately \$12.5 million, with the potential to exceed \$15 million if additional requests are included. He noted that

these contributions are separate from future real estate tax revenues generated by the project, which remain undetermined and would depend on county assessment values and project buildout.

Vice Chairman Neiderer concluded by reiterating that the proposal remains a work in progress and invited residents to provide comments and suggestions regarding additional community benefits.

Mr. Earl Beam of Country Club Road thanked the Township for its updates and ongoing efforts regarding the project. Speaking as a resident living across from the site, he expressed concerns about persistent pounding and vibrations from construction activities and their impacts on nearby residents. He stated that he intends to pursue private legal action regarding alleged property value depreciation.

Mr. Beam also referenced a letter he previously submitted proposing the creation of a resident advisory committee composed of Township residents to meet regularly with Township officials and staff. He stated that the purpose of the committee would be to discuss resident concerns in a professional, factual, and respectful manner. He requested that the Township consider the proposal and provide a response at a future meeting. Additionally, Mr. Beam expressed appreciation for recent discussion regarding a potential community benefits agreement and encouraged further consideration of such an arrangement.

Mr. John Manta of Wolf Bridge Road expressed concern regarding references to voluntary plans being coordinated with the developer, stating that such proposals lack enforceable commitments and do not provide assurance that the measures described will be implemented. He noted that, in his view, the proposals were not binding and could be discontinued at any time. Vice Chairman Neiderer responded that the referenced items are voluntary measures proposed as part of the project and are not mandatory requirements. He acknowledged the comment and confirmed that participation in such programs is voluntary on the part of the developer.

Ms. Viola Byerly of County Club Road expressed appreciation for ongoing Township efforts but stated that many resident concerns remain unanswered and that proposed measures are not enforceable. She noted that while recent steps were a move in a positive direction, they do not provide binding protection for nearby residents.

Ms. Byerly raised concerns regarding anticipated long-term construction activity, noise impacts, and potential operational impacts once the facility is completed. She stated that construction activity is already occurring early in the morning, including weekends, and expressed frustration regarding the lack of restrictions or enforceable commitments to address these impacts.

She further raised concerns about potential impacts to private wells, radon, and other environmental issues, stating that residents currently lack a clear point of contact or protective measures if problems arise. Ms. Byerly urged the Township to seek enforceable protections for existing residents and emphasized that voluntary or temporary measures do not adequately address long-term concerns.

Ms. Monica Kurtz of Teaberry Drive stated that her residence is among the closest to a proposed Phase 1 building (approximately 1,500 feet) and expressed strong opposition to the project. She voiced concerns that nearby residents are being unduly influenced by incentives offered by the developer and stated that such measures do not adequately address anticipated impacts. Ms. Kurtz raised concerns regarding existing water quality issues and expressed opposition to the

development of a data center in the area, citing concerns about construction duration, long-term noise, pollution, and environmental impacts. Ms. Kurtz also questioned the reliability of information supporting data center benefits and encouraged the Township to seek information from independent sources.

Discussion and Possible motion on appointing a consultant for the Middlesex Township Comprehensive Plan update: The Board discussed proposals for appointment of a consultant to complete the Middlesex Township Comprehensive Plan update. Mr. Zook reported that three firms submitted proposals: Michael Baker (\$91,654), HRG (\$73,270), and Wallace Montgomery (\$60,000). All proposals were for fixed-fee, not-to-exceed contracts with similar 12-month timelines for completion of a draft comprehensive plan. It was noted that differences in pricing reflected varying levels of allocated staff hours, with Wallace Montgomery proposing the fewest hours, HRG in the middle, and Michael Baker the most.

The Supervisors and a Planning Commission member interviewed each firm. Discussion included prior township experience with Michael Baker and HRG, as well as Wallace Montgomery's limited local experience. Mr. Grove raised concerns regarding comparability of proposals and emphasized familiarity with the township as a key factor. Vice Chairman Neiderer expressed concern about the level of resident engagement during interviews and favored HRG based on its interactive approach and responsiveness to community input.

Mr. John Manta of Wolf Bridge Road asked whether HRG currently serves as a consultant for the data center project. Staff clarified that HRG is engaged as the consultant for Middlesex Township, not for the data center developer.

Ms. Kelly Brickey inquired whether any of the consulting firms considered were female-owned (FBE) or minority-owned (MBE). It was noted that HRG is not female-owned and Michael Baker is not female-owned. HRG was identified as an employee-owned firm based in Harrisburg and described as a smaller regional company.

Following discussion, Vice Chairman Neiderer moved to appoint HRG as consultant for the Middlesex Township Comprehensive Plan update, seconded by Chairman Geistwhite. The motion passed unanimously.

Discussion and Possible motion to hire Nicholas P. Lokitis as a full-time police officer effective July 1, 2026, with the following conditions: 1) Successful completion of requirements of Act 120, 2) Successfully pass all MPOETC certification exams, and 3) serve and complete one-year probationary period with starting salary based on current Collective Bargaining Agreement: Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to hire Nicholas P. Lokitis as a full-time police officer effective July 1, 2026, contingent upon successful completion of Act 120 requirements, MPOETC certification examinations, and a one-year probationary period, with salary in accordance with the current Collective Bargaining Agreement. The motion passed unanimously.

Ms. Kelly Brickey asked a question regarding police department staffing, which was clarified that the proposed hires are intended to fill two existing vacancies and an upcoming retirement. No additional police positions are being added; all hires are replacements for current staffing needs.

Discussion and Possible motion to hire Tyler A. Thomas as a full-time police officer effective July 2, 2026, with the following conditions: 1) Successful completion of requirements of Act 120, 2) Successfully pass all MPOETC certification exams, and 3) serve and complete one-year probationary period with starting salary based on current Collective Bargaining Agreement: Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to hire Tyler A. Thomas as a full-time police officer effective July 2, 2026, contingent upon successful completion of Act 120 requirements, MPOETC certification examinations, and a one-year probationary period, with salary in accordance with the current Collective Bargaining Agreement. The motion passed unanimously.

Discussion and Possible motion to hire Fredrick J. Lewis as a full-time police officer effective July 3, 2026, with the following conditions: 1) Successful completion of requirements of Act 120, 2) Successfully pass all MPOETC certification exams, and 3) serve and complete one-year probationary period with starting salary based on current Collective Bargaining Agreement: Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to hire Frederick J. Lewis as a full-time police officer effective July 3, 2026, contingent upon successful completion of Act 120 requirements, MPOETC certification examinations, and a one-year probationary period, with salary in accordance with the current Collective Bargaining Agreement. The motion passed unanimously.

Discussion and Possible motion to accept the resignation of Detective Jeffrey Franks as a full-time police officer to a part time police officer of Middlesex Township Police Department effective July 3, 2026: Chairman Geistwhite moved, seconded by Supervisor Goodhart, to accept the resignation of Detective Jeffrey Franks from his full-time position and approve his transition to a part-time police officer position with the Middlesex Township Police Department effective July 3, 2026. The motion passed unanimously.

Discussion and Possible motion on behalf of Cumberland County Facilities Management for a waiver of Stormwater Ordinance No. 6-2011 for a proposed walking rail on county property along Claremont Rd: The Board considered a request from Cumberland County Facilities Management for a waiver of Stormwater Ordinance No. 6-2011 for a proposed gravel walking trail on county property along Claremont Road. Township staff reviewed the proposal and reported that the trail would have minimal stormwater impact due to its limited width, gravel surface, and location throughout a largely grassed 25-acre site, and recommended approval of the waiver. Vice Chairman Neiderer recused himself from discussion and voting due to a conflict of interest. On a motion by Chairman Geistwhite, seconded by Supervisor Goodhart, the Board unanimously approved the waiver.

Discussion and Possible motion to approve the engagement letter of Stevens & Lee as special counsel to the Board of Supervisors with respect to the pending zoning appeal: Mr. Brenneman reported that an appeal has been filed with the Zoning Hearing Board challenging the validity of the Township's 2021 and 2025 zoning ordinance amendment and the subsequently adopted zoning ordinance. He explained that, due to a conflict of interest arising from his role as County Solicitor and the involvement of the Zoning Hearing Board Solicitor as Assistant County Solicitor, he is unable to represent the Township in the matter. Mr. Brenneman presented an engagement letter from Stevens & Lee to serve as special counsel for the pending appeal.

Vice Chairman Neiderer moved, seconded by Chairman Geistwhite, to approve the engagement of Stevens & Lee as special counsel to the Board of Supervisors with respect to the pending zoning appeal. The motion passed unanimously.

Discussion and Possible motion to accept the resignation of Dr. William E. Harner from the Letort Regional Authority Board effective immediately: Mr. Zook reported that Dr. Harner resigned after approximately three years of service on the Letort Regional Authority Board, creating two vacancies and leaving Middlesex Township without a current representative. The Township will advertise the openings and seek applicants for the Authority Board and other vacant boards. Mr. Zook explained that the Letort Regional Authority Board consists of representatives from multiple municipalities and works to protect the Letort Creek watershed, support improvement projects, and coordinate watershed-related initiatives. Mr. Carpenter noted that the board reviews development plans within the watershed and provides recommendations for project consideration. He added that Middlesex Township has two representatives due to its extensive frontage along the Letort Spring Run and that the time commitment is generally one meeting per month.

Chairman Geistwhite moved, seconded by Supervisor Goodhart, to accept the resignation of Dr. William E. Harner from the LeTort Regional Authority Board, effective immediately. The motion passed unanimously.

Ms. Viola Byerly inquired about the Township's upcoming garbage collection contract process and asked when public comment would be appropriate. Mr. Zook responded that the request for proposals (RFP) process is just beginning and that the Township has approximately one year before a new contract is in place, expected around March. Ms. Byerly expressed concern about the cost of the current garbage service, particularly for senior residents on fixed incomes who use the service infrequently. She suggested reconsidering a "bag/tag" system or other lower-cost options for low-volume users. Mr. Zook acknowledged the feedback and noted that options such as smaller toters and low-volume service models may be considered as part of the upcoming contract review process.

SUPERVISOR / STAFF COMMENTS:
Residents Q/A:

Mr. Zook reported that blasting activities for the data center project have resumed and are ongoing, with additional blasts expected over approximately 70 days. He noted that remaining blasting work in Phase 1A will be completed before transitioning to Phase 1B, located on the north side of the site near Country Manor.

Mr. Carpenter stated that the developer is implementing dust control measures, including the use of water trucks and roadway sweeping on Country Club Road, though some residents have reported these measures as insufficient.

In response to questions from Ms. Byerly, Mr. Carpenter explained that water used for dust control is being purchased from the Middlesex Township Municipal Authority via metered fire hydrants. Vice Chairman Neiderer confirmed the water usage is metered and billed appropriately.

Ms. Byerly expressed concerns regarding dust impacts on nearby properties, including effects on her solar panels and overall quality of life. She stated that dust accumulation has reduced solar panel efficiency and requested additional mitigation measures.

Discussion also addressed construction schedule concerns. Ms. Byerly questioned whether construction could be limited to five days per week. Township officials responded that existing

approvals and agreements permit construction Monday through Saturday, generally between 6:00 a.m. and 7:00 p.m., and stated that the Township lacks authority to retroactively amend or restrict the approved construction schedule.

Mr. Earl Beam of Country Club Road reported concerns regarding potential impacts from blasting activities on nearby residential water wells. He stated that, over approximately 35 years, he had not previously experienced sediment in his water but recently observed increased sediment accumulation in his household water filter, which he believes may be related to blasting activity. He requested that the Township revisit prior discussions regarding well water testing and asked whether additional testing or monitoring could be implemented given current concerns.

Vice Chairman Neiderer responded that the issue had been previously discussed and that the developer had indicated they would address well testing and potential mitigation if impacts were confirmed. He encouraged Mr. Beam to raise the issue at an upcoming meeting with the blasting contractor and noted that the Township would follow up with the developer regarding the status of the promised well-testing plan.

Mr. Zook stated he would contact the blasting company and relevant parties to relay concerns and obtain additional information, including identification of affected properties.

Ms. Viola Byerly of Country Club Road reported that some nearby residents did not receive notice of an upcoming community meeting and expressed concern about communication and outreach. She also noted increased frequency of water filter changes and appliance maintenance in her household, which she attributed to possible environmental impacts.

Mr. Beam additionally reported a separate concern regarding construction trucks traveling on incorrect routes and stated that he had contacted Township staff, who indicated the matter would be investigated.

Ms. Hilda Vazques of Buckeye Lane requested clarification regarding Phase 1 of the current project, stating she was confused by references to earlier mapping documents she believed dated to approximately 1996. She questioned whether Phase 1 of the current development corresponded to earlier planned development in the area and whether the project had been in planning for an extended period.

Vice Chairman Neiderer clarified that the map referenced by Ms. Vazques likely related to a prior, unrelated residential development plan in the area and not the current project.

Mr. Carpenter explained that many developments include phased plans and confirmed that the current project was introduced more recently, noting that the existing proposal is divided into Phase 1A and Phase 1B.

Officials further clarified that earlier mapping reflected prior development concepts for the property and is not related to the current data center project.

There being no further business, the meeting was adjourned by Chairman Geistwhite at 7:35 p.m.

EXHIBIT C



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Clear Report

CHAPTER 102 INSPECTION REPORT

CUMBERLAND CONSERVATION DISTRICT

Permit No.: **PAC210079A-4**

Report No.: **26-02**

GENERAL INFORMATION

Project/Site Name:	<u>Pennsylvania Digital 1 (PAX-1)</u>	Permit Issuance Date:	<u>5/18/2026</u>
Site Address:	<u>Country Club Road</u>	Permit Expiration Date:	<u>12/7/2029</u>
Site City, State, ZIP:	<u>Carlisle, PA 17015</u>	Permit Type:	<u>PAG-02</u>
RP/Permittee Name:	<u>Carlisle Development Partners LLC</u>	Site Municipality(ies):	<u>Middlesex</u>
RP/Permittee Address:	<u>1660 International Drive STE 500</u>	Site County(ies):	<u>Cumberland</u>
RP/Permittee City, State, ZIP:	<u>McLean, VA 22102</u>	Earth Disturbance:	<u>100.00</u> acres
RP/Permittee Email:	<u>pottavainen@americanrepartners.com</u>	Site Latitude:	<u>40.25522</u>
Surface Water(s):	<u>Conodoguinet Creek</u>	Site Longitude:	<u>- 77.11522</u>
Special Protection?	☐ Yes ☒ No	Complaint Inspection?	☒ Yes ☐ No
Construction Stage:	<u>Bulk Earthwork</u>	Activity:	<u>Construction >= 1 ac</u>
Construction Sequence #:	<u>24</u>	Weather:	<u>Cloudy</u>
Date Earth Disturbance Commenced:	<u>5/22/2026</u>	Tax Parcel ID(s):	

Operator Name	Operator Company	Operator Email	Operator Phone
James Armor	Liberty Excavators, Inc.	jarmor@libertyinc.net	717-480-1624

INSPECTION INFORMATION

Inspection Date:	<u>8/5/2026</u>	Inspection Time:	<u>9:00</u> ☒ AM ☐ PM
Lead Inspector Name:	<u>Thomas Swartz</u>	Inspector Email:	<u>tdswartz@cumberlandcountypa.gov</u>
Inspector Title:	<u>E&S Program Manager</u>	Inspector Phone:	<u>717-240-6507</u>
Other Attendee(s):	<u>Noelle Bennese</u>	Photographs Attached?	☒ Yes ☐ No
Was a representative of the project or permittee on-site during the inspection?		☒ Yes ☐ No	
Representative Name:	<u>James Armor</u>	Email:	<u>jarmor@libertyinc.net</u>
Representative Company:	<u>Liberty Excavators, Inc.</u>	Phone:	<u>717-480-1624</u>
Type of Inspection:	☐ Initial ☒ Follow-up (Previous Report #26-01) ☐ Final (NOT)		

Brief description of the site and summary of observations:

Routine and complaint inspection of Pennsylvania Digital 1 (PAX-1) site.

1. The District requested the visual site inspection reports for the past two rain events (7.28.26 & 8.2.26). The reports were produced as requested. The VSIRs appeared to have been completed per the forms instructions.
 2. Active Street sweeping on Country Club Road was observed at the time of the inspection. Photo 1
 3. Existing PPL Laydown Sediment basin was full of stormwater but was actively being dewatered via trash pump and pumped water filter bag. The filter bag was situated on a well vegetated area and wrapped in a compost filter sock. Photos 2, 60-66.
 4. Topsoil screen berms appear to be complete and to final grade with vegetation establishing. Photos 4 & 5
 5. SCMs 4 and V5 (MRC) have been rough graded, with the current bottom elevation approx. 1' above proposed final elevation, it was noted that SCMs are required to dewater within 72 hours following each rain event. Photos 6-7
- CONTINUED PG 4

INSPECTION FINDINGS	
	☐ No violations observed at this time.
a.	☒ Failure to implement and/or maintain E&S BMPs for earth disturbance (§§ 102.4(b)(1), 102.22(a)(1)).
b.	☐ Failure to develop and/or implement a written E&S Plan (§ 102.4(b)(2)).
c.	☐ Failure to have a person trained and experienced in E&S control methods develop an E&S Plan (§ 102.4(b)(3)).
d.	☐ Failure to have the E&S Plan and/or inspection/monitoring reports on-site and available for review (§ 102.4(b)(8)).
e.	☐ Failure of permittee to obtain all necessary approvals/permits from DEP/CCD prior to commencing earth disturbance (§ 102.4(d)).
f.	☐ Failure to hold a pre-construction meeting and/or invite DEP/CCD staff and/or provide at least 7 days' notice (§ 102.5(e)).
g.	☐ Failure of an operator to submit a co-permittee acknowledgement form (CSL § 402(b)).
h.	☐ Failure to prepare and/or implement and/or provide upon request a PPC Plan when required (§ 102.5(l)).
i.	☒ Failure to temporarily stabilize areas where there will be a cessation of earth disturbance activities for at least 4 days (§ 102.22(b)).
j.	☐ Failure to complete or accurately complete visual site inspections as required by the permit, including color photographs (CSL § 402(b)).
k.	☐ Failure to implement PCSM BMPs (SCMs) as specified in the approved PCSM Plan (§ 102.8(a)).
l.	☐ Failure to operate and maintain PCSM BMPs (SCMs) as specified in an approved PCSM Plan (§ 102.8(a)).
m.	☐ Failure to have the PCSM Plan, inspection reports, and/or monitoring records available for review (§ 102.8(j)).
n.	☐ Failure to have a licensed professional or a designee present on-site during critical stages of PCSM BMPs (SCMs) (§ 102.8(k)).
o.	☐ Failure to record an instrument for PCSM BMPs (SCMs) (§ 102.8(m)(2)).
p.	☐ Failure to meet riparian forest buffer criteria (§ 102.14(b)).
q.	☐ Failure to permanently stabilize a project site or any phase or stage thereof (§ 102.22(a)).
r.	☐ Failure to remove temporary E&S BMPs once permanent stabilization has been established (§ 102.22(a)(1)).
s.	☐ Failure to obtain NPDES permit prior to commencing earth disturbance activity with at least one acre of disturbance (§ 102.5(a)).
t.	☐ Failure to obtain E&S permit prior to commencing earth disturbance activity with at least 25 acres of disturbance for timber harvesting and road maintenance (§ 102.5(b)).
u.	☐ Failure to obtain E&S permit prior to commencing earth disturbance activity with at least 5 acres of disturbance for oil and gas activities (§ 102.5(c)).
v.	☐ Failure of activity not requiring a permit to comply with Chapter 102 requirements (§ 102.5(k)).
w.	☐ Failure to follow the approved construction sequence in an E&S or PCSM Plan (CSL § 402(b)).
x.	☐ Failure to submit a Notice of Termination (NOT) (§ 102.7(a)).
y.	☐ Unauthorized discharge of polluting substances to waters of the Commonwealth resulting in pollution (CSL § 401).
z.	☐ Failure to comply with the terms and conditions of a permit or order (CSL § 402(b)).

aa.	☐	Failure to remove building materials and/or wastes from the site for recycling or disposal in accordance with DEP regulations as required by the permit (CSL § 402(b)).
bb.	☐	Failure to comply with DEP regulations or the Clean Streams Law (CSL § 611).
cc.	☐	Failure to take necessary measures to prevent pollutants from reaching waters of the Commonwealth (§ 91.34(a)).
dd.	☐	Failure to notify DEP of new or expanded earth disturbance not identified in an NPDES permit application (§ 92a.24(b)).
ee.	☐	Failure to notify and/or obtain authorization from DEP/CCD for changes to NPDES permitted activities (§ 92a.41(a)(12)).
ff.	☐	Failure to minimize the extent and duration of the earth disturbance, maximize protection of existing drainage features and vegetation, and/or minimize soil compaction (§ 102.4(b)(4)).
gg.	☐	Failure to provide notification to DEP/CCD in writing at least 3 days prior to commencing bulk earth disturbance activities as required by the permit (CSL § 402(b)).
hh.	☐	Failure to submit a complete SCM Construction Certification Form within 30 days of the completion of SCM construction as required by the permit. (CSL § 402(b)).
ii.	☐	Failure to submit a complete New Property Owner Notification Form to DEP/CCD for any property containing a PCSM SCM within 30 days of sale as required by the permit (CSL § 402(b)).
jj.	☐	Failure to submit a complete annual report to DEP/CCD by the deadline established in the permit (CSL § 402(b)).
kk.	☐	Failure of the permittee to use a qualified inspector for visual site inspections as required by the permit (CSL § 402(b)).
ll.	☐	Other:
	☐	During the inspection violations of Chapter 105 were observed and are identified in a separate Chapter 105 inspection report.
	☐	E&S BMPs were evaluated and appear to be functioning as designed.
	☐	PCSM SCMs were evaluated and appear to be functioning as designed.
	☐	Form 3800-FM-BCW0531a was used to document the PCSM SCM evaluation.
	☒	There is a need for modifications to the E&S Plan, PCSM Plan, or permit coverage. Describe: E&S/PCSM plan revisions for the addition of the retaining walls being constructed onsite.
		Date Latest Annual Report Received: 12/3/2025
COMPLIANCE ASSISTANCE RECOMMENDATIONS		
- CCCD recommends pumping the water from the Existing PPL Laydown Sediment Basin within 96 hours following a runoff event. This water may be utilized to spray the site to minimize dust. Sediment Basins are to be empty between runoff events. Using the system referenced in observation 3 of this report is ok. - Ensure the site continues to be inspected weekly and after each measurable runoff event (>0.25 inches). - Ensure any area of the site that is idle for four (4) or more days, including stockpiles, is temporarily stabilized. - The observations noted within #6, 7, 8, 9, 10, 12, 13, 14 and 15 should be corrected as soon as possible. Once corrections have been made, the District requests Liberty to send photos of all repairs to the District.		

ADDITIONAL COMMENTS

6. Sediment Basin A1 has been constructed with its outlet structure and skimmer. All seals appeared watertight based on visual observation. Plywood baffles and the sediment clean out stake were not observed to be installed at the time of inspection. Areas of erosion were visually observed at the basin's outlet; riprap had not yet been installed due to ongoing retaining wall construction in the vicinity. The potential use of R5 riprap was discussed on site with Liberty. Photos 8–14.
7. Compost Filter Sock (CFS) #4, located at the discharge of Sediment Basin A1, appeared to have overtopped during a recent storm event based on visible evidence. Photos 13–16.
8. CFS #9 was visually observed to be overtopped and undercut. Sedimentation was visible within the boundary of Wetland Y; however, the relationship between this sediment and nearby controls could not be determined with certainty during this inspection. No visual evidence indicated sediment movement beyond the LOD boundary or reaching discharge point 002 at the time of inspection. Photos 19–28.
9. Sediment Basin C1 has been constructed with outlet structure OC C1.4 and a skimmer. All seals appeared watertight based on visual observation. The emergency spillway was installed with an appropriate liner. Plywood baffles and sediment clean out stakes were not observed to be installed. A level spreader at the basin's discharge location appeared to be installed consistent with the approved plans. Photos 29–34.
10. CFS #68 was visually observed to be dislodged and appeared to have overtopped. No evidence was observed indicating sediment movement outside of the LOD boundary during this inspection. Photos 35–39 and 41.
11. Disturbances associated with the waterline relocation, conducted during March–April 2026, appeared to have achieved adequate perennial vegetation coverage based on visual observation. Photo 40.
12. CFS #72 appeared to have overtopped during the most recent storm event. Sediment was visually observed near discharge point 024; no observable evidence indicated sediment reaching surface water identified as “channel 04” at the time of inspection. Photos 42–47.
13. Sediment Basin K1 was observed to be under construction. The outlet structure, baffles, and sediment clean out stakes did not appear to be installed at the time of inspection. Liberty reported that a plan or construction sequence modification may be needed due to the planned retaining wall on the basin's southern side, which they stated may limit access once installed. Any modification would need to be coordinated and submitted by the design engineer. Photos 48, 49 & 58.
14. The north side of the topsoil pile located north of Sediment Basin K1 appeared to lack temporary stabilization. Although the topsoil pile remains active, perimeter E&S controls were visually observed to be accumulating sediment. Photos 50–52.
15. Perimeter controls on the west side of the site appeared to be functioning as intended based on visual observation. The area appeared to be in preparation for retaining wall construction. The top of slope berm has been installed and appeared to be functioning as designed. The approved construction sequence (Step 23) references Sediment Basin R1 construction prior to retaining Wall 3 for Campus 1. Photos 53–57 & 59.
16. Rock Construction Entrance #4 (referenced in previous inspection report as RCE #2) has been installed and was observed to be barricaded as recommended within the inspection report dated 6/17/2026. Photo 67.

NOTICE AND SIGNATURES

This report is official notification that a representative of the Department of Environmental Protection (DEP) has conducted an inspection of your earth disturbance activity to determine compliance with 25 Pa. Code Chapter 102 and the Pennsylvania Clean Streams Law. This representative may be an employee of a County Conservation District (CCD), which by delegation agreement with DEP is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by DEP/CCD have been noted in this report and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being assessed by DEP as specified at Section 602 of the Clean Streams Law. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation. This report does not constitute an Order or appealable action of DEP. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein. For further information or assistance contact the DEP/CCD inspector.

The Project Site Representative's signature acknowledges that they have read the report and were given an opportunity to discuss the report with the inspector. The signature does not necessarily mean the signee agrees with the report. All comments by the inspector are based on visual site observations and do not constitute professional practice under applicable law.

- ☒ This report serves as a Compliance Notice (CN). ☐ This report serves as a Notice of Violation (NOV).
☒ A follow-up inspection will occur on or about: 8/27/2026

Site Representative Signature

Date


Inspector Signature

8/6/2026
Date

CC:

EXHIBIT D

**MIDDLESEX TOWNSHIP
WORKSHOP MEETING AGENDA
June 26, 2026
7:30 AM**

OFFICIALS PRESENT:	SUPERVISORS:	Chairman Donald S. Geistwhite, Jr. Vice-Chairman Phil Neiderer William H. Goodhart Keith O. Brenneman
	SOLICITOR:	Keith O. Brenneman
	PUBLIC SAFETY DIRECTOR:	Chief Andrew Bassler
	ZONING OFFICER:	Mark D. Carpenter
	ASST. CODES ENFORCEMENT/ MS4 COORDINATOR:	Gerald Steigleman
	ENGINEER:	Gerald "Bud" Grove
	MANAGER/ ROADMASTER:	Zachary L. Zook
	SECRETARY/ TREASURER:	Eileen Gault
	FIRE/EMC:	Chief Edwin Beam

CALL TO ORDER: Chairman Geistwhite called the meeting to order at 7:30 a.m., at the Middlesex Township Municipal Building, followed by the Pledge of Allegiance.

Public Comment:

Mr. Jim Gehr of Spring Road thanked the Board of Supervisors and Township Staff for recent improvements to Township communications, including the expanded Middlesex Connections Summer 2026 newsletter and additional information posted on the Township website, stating that the enhancements have been appreciated by residents. Mr. Gehr also identified opportunities to improve the Planning Commission process. He expressed concern that Planning Commission agendas and supporting documentation are often distributed on the Friday before Monday meetings, leaving PC members insufficient time to review materials. He noted that meetings have also been canceled on short notice, making it difficult for residents to stay informed and participate. Mr. Gehr recommended that Planning Commission agendas be published by the Monday preceding each meeting, supporting materials be distributed earlier, and draft Planning Commission meeting minutes be shared and posted within 48 hours following each meeting.

Ms. Hilda Vazquez of Buckeye Lane questioned the basis for the rezoning of the Country Manor West property. She stated that, based on information she had obtained, the Township did not have a formal application, supporting documentation, conceptual plan, technical justification, or other records related to the rezoning. Ms. Vazquez asked what documentation had been used to support the rezoning decision and expressed concern that the rezoning may have occurred without the necessary supporting materials.

Discussion and possible motion to authorize the solicitor to obtain an advisory from the State Ethics Commission on a potential conflict of interest: Mr. Keith Brenneman requested Board authorization to seek an advisory opinion from the Pennsylvania State Ethics Commission regarding a potential conflict of interest involving Vice-Chairman Phil Neiderer in connection

with a future Cumberland County solar energy system proposal. Mr. Brenneman explained that, because Vice-Chairman Neiderer is related to a Cumberland County Commissioner and the County may submit a formal request to the Township, he wanted to obtain guidance to ensure compliance with ethics requirements. On the motion of Chairman Geistwhite, seconded by Supervisor Goodhart, it was unanimously agreed to authorize the request for an advisory opinion. Vice-Chairman Neiderer abstained from voting at Mr. Brenneman's request.

Discussion and possible motion on Principal Solar Energy Systems for Cumberland County on Army Heritage Dr: Mr. Kirk Stoner, Cumberland County Director of Planning, accompanied by County staff and representatives from GreenWorks Development and MSR Solar, presented an overview of the County's proposed solar energy project. He explained that the project would be located on approximately 21 acres of County-owned property off Army Heritage Drive, with about 15 acres developed as a solar array. The proposed 4.85-megawatt, net-metered facility is projected to generate approximately 98% of the electricity used by County-owned buildings within a two-mile radius and provide an estimated \$19 million in savings over a 30-year term. Mr. Stoner stated that the project site was selected due to its proximity to Interstate 81, existing natural screening, and compatibility with surrounding land uses.

Mr. Stoner explained that during the Township's recent zoning ordinance update, provisions permitting principal solar energy systems as a conditional use in the Institutional District were removed from the final adopted ordinance. He stated that the County had not been made aware of the change during the ordinance review process and requested guidance from the Board on whether the omission should be addressed as an administrative correction by the Township or through a formal zoning ordinance amendment initiated by the County.

No formal action was taken. The Board indicated that discussion would be deferred until an advisory opinion was received from the Pennsylvania State Ethics Commission regarding a potential conflict of interest involving the Vice Chairman. Mr. Stoner acknowledged the Board's position and stated it would await further direction.

Discussion and possible motion on Preliminary/Final Land Development Plan for Ahold Delhaize Solar Development: Mr. Garrett Varner, of Morris Knowles Associates and applicant Mr. Justin Nieves presented the preliminary/final land development plan for a proposed 2.3 MW solar field on the Ahold Delhaize property along Shady Lane. Mr. Varner explained that the applicant is leasing the property under a 20- to 30-year agreement, after which the solar facility would be removed. He noted that the plan complies with ordinance requirements, includes landscaping and screening along Shady Lane, provides access from Shady Lane, and that review comments have been addressed.

Mr. Varner discussed the original proposal for a temporary bridge to accommodate construction traffic due to the existing Shady Lane bridge weight restriction. He reported that, following the Planning Commission meeting, the applicant began discussions with the neighboring Beattie family regarding use of an existing private access road from Stambaugh Lane. If an agreement is finalized, the temporary bridge would no longer be needed, and construction traffic would instead utilize the private access road.

Mr. Nieves stated that discussions with the Beattie family are progressing, with a formal agreement expected after additional family discussions. He also committed to working toward reinstating previously removed deed restrictions on the property, upgrading the private access

road as necessary for emergency vehicle access, and repairing any construction-related road damage.

Township Engineer Bud Grove stated that the plan satisfies the technical requirements of the Subdivision and Land Development Ordinance. He explained that the remaining issues involve Environmental Impact Assessment (EIA) mitigation measures and construction and emergency access, both of which are policy matters for the Board's consideration rather than ordinance compliance issues. Additional discussion confirmed that the proposed solar field is located outside the floodplain and meets required setbacks from high-quality watershed areas.

Planning Commission member Jim Gehr stated that the Commission's recommendation was to delay approval until a permanent emergency access solution is secured. He noted that the Commission's goal was to improve emergency access and expressed appreciation that negotiations with the Beattie family had progressed since the Planning Commission meeting.

The Board discussed the limitations of the existing Township-owned bridge, including its posted weight restriction, and questioned how emergency vehicles would respond to a fire on the property under current conditions.

Chief Beam explained that, without alternate access, fire apparatus would be required to stop before the bridge, hand-carry large-diameter hose approximately 600 feet from the nearest hydrant and manually transport additional equipment across the bridge. He stated that this process would significantly delay firefighting efforts and complicate deployment of tankers and other apparatus needed for a major fire response. He indicated that the proposed private access road would substantially improve emergency response capabilities.

The Board discussed bonding of Stambaugh Lane, Shady Lane, and the private access road for any damage caused during construction. The applicant agreed that appropriate road bonds would be provided. The Board also discussed maintenance of the proposed emergency access road, including snow removal responsibilities. Representatives of the Beattie family stated they would maintain the private road if an agreement were finalized.

The Board requested clarification regarding previously removed deed restrictions affecting the Beattie property. The applicant stated it is working with legal counsel to restore the restrictions if possible. Ms. Erica Beattie explained that the restrictions address tree buffering, building setbacks, and roadway location, and noted that reinstatement would require agreement among all affected property owners.

Mr. Steigleman asked about maintenance of vegetation on the leased property. The applicant responded that mowing was scheduled for the following Monday. Supervisor Neiderer also noted concerns raised by a local farmer regarding invasive weeds on the site and emphasized the importance of ongoing vegetation management to protect neighboring agricultural properties.

Following discussion, the Board concluded that action should be deferred until the applicant and the Beattie family finalize their agreement regarding construction and emergency access. The applicant requested conditional approval based on completion of the agreement, but the Board declined, indicating it preferred to consider the application once all outstanding issues are resolved. The existing plan extension provides sufficient time for negotiations.

Discussion and possible motion on extension of review time for Preliminary Land Development Plan for Pennsylvania Digital (PAX-1) Phase 3: Mr. Carpenter presented a request from Carlisle Development Partners LLC for an extension of the review period for the PAX-1 Phase 3 Preliminary Land Development Plan. He explained that the current review period would expire on July 1, 2026, and that the extension would allow the Township to continue its review until August 5, 2026, as additional work on the plan remains ongoing.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to grant the extension of the review period for the PAX-1 Phase 3 Preliminary Land Development Plan to August 5, 2026.

Continued discussion and possible motion on request to release maintenance security for Jack Williams Land Development in the amount of \$27,483.21: Mr. Bud Grove reported that the developer has been making progress in addressing outstanding site improvements and has selected a contractor to complete the remaining work. Due to material procurement and construction scheduling, the developer requested a 30-day extension of the existing maintenance letter of credit, which was set to expire on July 10, 2026, and recommends extending the maintenance letter of credit through August 28, 2026, to provide sufficient time for completion of the remaining improvements and avoid the need for another extension request. He stated that the outstanding work primarily involves repairs to the landscaped parking lot islands and stabilization measures to prevent erosion and sediment runoff into the stormwater basins. He noted that the stormwater basins have already been cleaned and restored. Vice-Chairman Neiderer also discussed concerns about several dead trees along Harmony Hall Drive. Mr. Grove stated he would reinspect the site to verify the condition of the landscaping.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to deny the developer's request for release of the remaining maintenance security in the amount of \$27,483.21 and approved extending the maintenance letter of credit through August 28, 2026.

Discussion and possible motion to approve installation of new fob readers for keyless access to municipal building by Hilton Security for \$5,325.00: Mr. Zach Zook reported that the Township has completed upgrades to the access control system software and supporting hardware. He explained that the remaining portion of the project involves replacing the existing door card readers after it was determined that the current readers are not compatible with the newer, more secure access fobs. The replacement readers will transition from the existing HID system to a PDK system, which utilizes higher-security, non-duplicable access fobs. Mr. Zook noted that the project includes the Municipal Building and other Township facilities with keyless entry. He also stated that the cost of the upgrades will be shared with the Municipal Authority in accordance with the existing cost-sharing arrangement, subject to the Authority's approval.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to approve the installation of new keyless access card readers by Hilton's Electronic Security in the amount of \$5,325.00.

Discussion and possible motion to approve selling 2020 Ford Explorer and Kubota zero turn mower at CapCOG auction on July 15th: Mr. Zook reported that this is the Township's first year as a member of Capital Area Council of Governments (CAPCOG), which conducts an annual surplus equipment auction for member municipalities and school districts. He recommended selling the Township's surplus 2020 Ford Explorer police vehicle, after removal of

all police equipment and markings, and a surplus Kubota zero-turn mower at the upcoming auction.

The Board discussed the auction process, noting that a percentage of the sale proceeds are retained by the auctioneer and CAPCOG as a fundraiser. Members also compared the auction with online surplus sales and discussed the benefits of CAPCOG membership, including cooperative purchasing opportunities, access to municipal resources and surveys, and potential cost savings through joint purchasing programs.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to approve the sale of the Township's 2020 Ford Explorer police vehicle and Kubota zero-turn mower at the CAPCOG surplus auction scheduled for July 15, 2026.

Discussion and possible motion on mowing grass at Moonlight Diner: Mr. Steigleman reported that he had contacted the owner of the Moonlight Diner property regarding overgrown grass and unauthorized parking of commercial vehicles. The owner explained that he had been out of the country for approximately two months due to a family emergency and had only recently returned. He stated that he would hire a contractor to mow the property within one week and would take steps to prevent trucking companies from parking trailers and equipment on the site by securing the driveway.

Following discussion, on the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to authorize Township staff to mow the property if the owner failed to do so by July 1, 2026, with the cost to be recovered through a municipal lien against the property if necessary.

Township Board / Staff Comments: Mr. Grove reported that all streets in Phase One of Cumberland Preserve have been completed and paved. He also reported that streets in Meadowbrook Phase 10 were substantially completed with only minor repairs remaining on the existing street extension. It was noted that Meadowbrook Phase 10 is nearing completion, with the final lot currently under construction.

Mr. Zook reported that staff has begun preparing the Request for Proposals (RFP) for the Township's residential trash collection contract, which expires next year. Staff are seeking input from the Board regarding desired contract provisions. He noted that there are now approximately seven to eight waste haulers in the market, which may result in more competitive bids. Options under consideration include offering a smaller automated trash cart for residents who generate less waste, particularly single-person households, since automated collection has largely replaced tag-a-bag programs. Staff are also evaluating changes to bulk item collection. Haulers suggested returning to weekly scheduled bulk pickups, with residents calling ahead, to improve collection efficiency and reduce multiple trips on the monthly pickup day. Vice Chairman Neiderer expressed support for including multiple cart size options in the bid specifications to provide residents with more flexibility and potentially lower costs.

Mr. Zook reported that concerns were raised at the Planning Commission meeting regarding non-functioning speed signs on Country Club Road. He explained that the Township had temporarily removed its speed sign and is in the process of reinstalling it. Staff will also follow up with the developer regarding the portable speed sign, which had been relocated and was reported to be inoperable.

Vice-Chairman Neiderer thanked the Planning Commission members for their service and acknowledged the time and effort they dedicate to Township business. He recognized public concerns regarding the timeliness of meeting notices, agendas, and other information, stating that while the Township meets the legal notice requirements, staff have been working to improve communication by providing information further in advance whenever possible. He noted positive feedback on the Township newsletter and website and stated that efforts to improve communication will continue, including exploring the use of an outside firm to prepare meeting minutes more quickly so draft minutes may be posted online in a timelier manner, subject to legal review. Vice Chairman Neiderer also expressed appreciation for the Township staff, Police Department, and department heads, commending their dedication and professionalism while acknowledging that there is still room for continued improvement in Township operations and communication.

Mr. Carpenter reported on a recent site visit to the Pennsylvania Digital One data center project. He stated that construction continues to progress, with retaining wall construction underway at the PPL substation site, the Phase 1A area nearing final grade, and berm construction along Country Club Road providing increased visual screening. He also noted that grading has begun for the first data center campus (Phase 1B). Mr. Carpenter said he met with contractors during the visit, who emphasized the project's regional economic significance and anticipated employment opportunities for local trades and businesses. He also noted that the project is being completed in partnership with multiple contractors due to its scale. He commented that Township staff and consultants continue to review the project for compliance with Township ordinances and that the developer has been cooperative in addressing review comments. During Board discussion, questions were raised regarding the use of diesel versus natural gas generators. It was explained that the proposed Tier 4 diesel generators comply with applicable DEP air quality requirements, while natural gas generators would require a significantly greater number of units and are not required by Township ordinance. Additional discussion noted that the developer is proposing a centralized, double-walled fuel delivery system to reduce the potential for fuel spills during refueling. Vice Chairman Neiderer added that diesel fuel storage is commonly used for mission-critical data centers because it provides an on-site fuel supply that is not dependent on an external natural gas distribution system during emergency operations.

Residents Q/A: Ms. Kelley Brickey of Elizabeth Way asked whether there had been any progress on executing the contract with the engineering firm selected to assist with the Township's Comprehensive Plan update. Mr. Zook responded that staff recently met with HRG to begin discussing the project, including the formation of a steering committee and potential committee members. He confirmed that HRG has been selected for the project.

Mr. Earl Beam reported that the first speed display sign on Country Club Road is functioning, but the second sign near the project entrance is not. He also asked about ongoing work on Country Club Road. Mr. Zook responded that a section of the roadway was beginning to fail and is being repaired with a patch. Mr. Beam expressed concern about traffic delays and safety during the road work, noting that vehicles had queued while flaggers directed traffic. Mr. Beam also informed the Board that representatives from the Pennsylvania Digital One project have begun contacting nearby Country Club Road residents to discuss concerns related to water, radon, and property evaluations. Mr. Zook reported that he had spoken with PPL regarding construction traffic and was advised that most deliveries to the project site would access Country Club Road from Route 11, with only limited outbound traffic using the Bernheisel Bridge Road direction.

Mr. John Manta of Wolfs Bridge Road asked what benefit Middlesex Township would receive from the proposed solar project near the Army Heritage Center. Vice Chairman Neiderer responded that the project is expected to reduce Cumberland County's long-term energy costs, helping to limit future county tax increases. He noted that, because Middlesex Township residents pay county real estate taxes, any savings realized by the County could benefit Township residents. He also stated that, in his opinion, the proposed location is appropriate because it is near Interstate 81, an LNG facility, and away from residential areas.

Ms. Hilda Vazquez of Buckeye Lane asked questions regarding sewer service for the Pennsylvania Digital One (PAX-1) project and referenced documents she had obtained through Right-to-Know requests concerning prior sewer service agreements involving the former property owners. Mr. Carpenter explained that the previous agreements with the former property owners reserved sewer capacity for residential development and that those agreements are no longer applicable because PAX-1 now owns the property. He stated that, as part of the current project, PAX-1 is required to upgrade sewer infrastructure from the project site to the existing sewer main near Route 11, including installation of a pumping station and replacement of portions of the sewer line to provide adequate capacity for both the project and surrounding development. Solicitor Brennenman stated that his understanding is that PAX-1 acquired the existing sewer capacity rights when it purchased the property and that the current focus is ensuring the project provides the necessary sewer improvements. He offered to review the documents referenced by Ms. Vazquez and provide additional clarification if needed. Vice-Chairman Neiderer advised that any documents obtained through the Township could be shared with the Township Solicitor for review and noted that additional questions regarding the Municipal Authority could also be addressed at Municipal Authority meetings.

Ms. Monica Kurtz of Teaberry Drive expressed continued concerns about the Pennsylvania Digital One project and its effects on nearby residents. She stated that frequent blasting notifications, construction activity, and uncertainty about future impacts have significantly affected her quality of life and that she believes the project has negatively impacted nearby homeowners. Ms. Kurtz questioned whether Township officials had fully researched the project's developers and expressed concerns regarding the project's long-term impacts on the community. She also raised concerns about the equipment proposed for the initial phase of the project, asking whether older technology would be installed in the first buildings while newer equipment would be reserved for later phases. She requested that the quietest available equipment be used for buildings closest to neighboring residences. Ms. Kurtz further referenced discussions regarding the eventual decommissioning of the data center and suggested that financial provisions be established for the future removal of obsolete facilities and equipment. She concluded by expressing her disappointment with the project and its anticipated long-term effects on nearby residents.

Ms. Arlene Darlington of Wertzville Road expressed concerns regarding the conduct of the developer's legal representative during a recent Planning Commission meeting, stating that she found his interactions with residents to be disrespectful. Ms. Darlington also raised concerns about the proposed number of backup generators for the Pennsylvania Digital One project, noting that the total had increased from approximately 432 to 532 generators. She requested that the developer provide a generator testing and maintenance schedule, expressing concerns about the potential frequency of testing as well as possible impacts related to noise, air quality, odors, and heat. Vice Chairman Neiderer responded that he would address the concerns regarding the conduct of the developer's representatives. He also explained that the project's tenant has not yet been identified and that the final number of generators, operating schedule, and testing

requirements will be determined during the final land development process and the issuance of the DEP air quality permit. He noted that the DEP regulates generator testing schedules and stated that the Township intends to review those details when they become available. Vice Chairman Neiderer further encouraged residents to monitor publicly available air quality data, noting that the Township has been communicating with DEP officials regarding generator permitting and air quality requirements. Ms. Darlington thanked him for the explanation and for agreeing to address her concerns with the developer.

Ms. Monica Kurtz of Teaberry Drive commented on information presented at a recent Clean Air meeting, stating her belief that existing regional air quality conditions should be considered when evaluating the cumulative impacts of the proposed data center. Ms. Kurtz expressed concerns that air quality and noise conditions in the Township differ from those in other data center locations and questioned whether comparisons to facilities in other states were appropriate. She also expressed concerns about the size and location of the proposed project. Vice Chairman Neiderer advised Ms. Kurtz that she had exceeded the allotted public comment time and concluded her remarks to allow the next speaker an opportunity to address the Board.

Mr. Kyle Gerber of Bernheisel Bridge Road questioned the Township's decision to classify data centers as a "use by right" under the zoning ordinance. He stated that, in his view, data centers are a significant land use with substantial community impacts and asked why the Township did not retain greater discretion to impose project-specific conditions. Mr. Gerber further requested clarification from current and former Board members regarding the rationale for the ordinance language and noted that the public record does not clearly document the reasoning behind the decision. Vice Chairman Neiderer responded that, due to Mr. Gerber's involvement as a litigant in pending legal proceedings related to the matter, the Board would not provide substantive comment in a public forum and indicated that such questions would be addressed through the judicial process.

Mr. John Manta commented to set the record straight regarding diesel versus natural gas generators, stating that natural gas generators primarily produce water vapor and carbon dioxide, while diesel generators produce a higher level of pollutants.

Ms. Jody Shivell of Teaberry Drive raised concerns that recent blasting activity continues to cause noticeable vibrations at her home despite the blasting contractor's agreement to reduce the size of blasts following a prior DEP violation. She questioned whether the current blasting practices are sufficiently minimizing impacts on nearby residents. Vice Chairman Neiderer acknowledged her concerns, noted that the Township does not regulate blasting operations, and encouraged her to continue reporting concerns directly to the DEP. Mr. Carpenter clarified that the agreed-upon 25 percent reduction applied to the number of blast holes rather than the explosive force of individual blasts, explaining that the contractor reduced the number of holes per blast from approximately 500 to about 375. Vice Chairman Neiderer stated that he would relay residents' ongoing concerns to the developer and encourage continued efforts to mitigate blasting impacts. Ms. Shivell indicated that she would continue reporting her concerns.

Ms. Hilda Vazquez stated that, during a recent blasting meeting, she had asked whether the drilling contractor was required to conduct geological studies across the creek before blasting began and indicated that she had not yet received a response. Vice Chairman Neiderer responded that the question had been raised at the meeting held earlier that week and that the contractor had indicated the matter would be reviewed.

Ms. Ashley Asper of Horners Road asked whether future data center developments could be regulated as conditional uses or special exceptions rather than permitted by right, expressing concern that current setback requirements may be inadequate for neighboring properties. Vice Chairman Neiderer responded that the upcoming Comprehensive Plan update will provide an opportunity to review and potentially revise the Township's zoning regulations. He noted that the Township has already enacted a moratorium on additional data center overlay districts and stated that future zoning amendments could include changes to how data centers are reviewed, including consideration of conditional use or special exception requirements instead of permitting them by right.

Executive Session: There being no further business, the meeting was adjourned to Executive Session by Chairman Geistwhite at 9:32 a.m. for an update on litigation and to discuss a personnel matter, with no action to be taken as a result.

EXHIBIT E

**MIDDLESEX TOWNSHIP
SUPERVISOR MEETING**

**July 1, 2026
6:00 PM**

OFFICIALS PRESENT:	SUPERVISORS:	Chairman Donald S. Geistwhite, Jr. Vice Chairman Phil Neiderer
	SOLICITOR:	Keith O. Brenneman
	ENGINEER:	Gerald "Bud" Grove
	PUBLIC SAFETY DIRECTOR:	Chief Andrew Bassler
	FIRE / EMC:	Chief Edwin Beam
	ZONING OFFICER:	Mark D. Carpenter
	ASST. CODES ENFORCEMENT/ MS4 COORDINATOR:	Gerald Steigleman
	MANAGER/ ROADMASTER:	Zachary L. Zook
	SECRETARY/ TREASURER:	Eileen M. Gault
	DEPUTY FIRE CHIEF:	Robert Horning, Jr.

OFFICIALS ABSENT: SUPERVISOR: William H. Goodhart

CALL TO ORDER AND PLEDGE TO THE FLAG: Chairman Geistwhite called the meeting to order at 6:00 p.m. at the Middlesex Township Municipal Building, followed by the Pledge of Allegiance.

PUBLIC COMMENT: Vice-Chairman Neiderer reviewed the public comment procedures, including the three-minute speaking limit, no transferring of speaking time, and the requirement for speakers to state their name and address before commenting.

Earl Beam of Country Club Road questioned the amount of water the Country Club withdraws from the Conodoguinet Creek, expressing concern about low water levels. Vice-Chairman Neiderer explained that water withdrawals by the Country Club fall under the jurisdiction of the Middlesex Township Municipal Authority, not the Board of Supervisors.

Hilda Vasquez Rosa of Buckeye Lane expressed concerns regarding the Board's leadership, transparency, and handling of public information. She questioned the approval of the Country Manor West rezoning, stating that required compliance documentation appeared to be unavailable, and criticized the Township's responses to Right-to-Know requests as disorganized. She urged the Board to improve transparency, accountability, and communication with residents.

Frank Labatore of Mulberry Hill Road asked about the status of the Diamond Motel, describing it as an eyesore. Vice-Chairman Neiderer responded that an update would be provided during the Code Enforcement report, if possible, but noted that pending legal matters limited what could be discussed publicly. He stated that the Township is working to move the process forward as quickly as possible.

MS4 / STORMWATER PUBLIC COMMENT & UPDATES: Mr. Steigleman reported that the Pennsylvania Department of Environmental Protection (DEP) will conduct the Township's

required compliance audit on August 10. He stated that DEP provided a list of documents to be assembled in advance to facilitate the review and that inspectors will also visit selected MS4 project sites.

Mr. Zook explained that the audit is a regulatory inspection associated with the Township's MS4 permit. He noted that the Township is also preparing its annual MS4 report, which covers the reporting period ending June 30 and must be submitted by September 30.

APPROVAL OF MINUTES: On a motion by Vice-Chairman Neiderer, seconded by Chairman Geistwhite, the minutes of the June 3, 2026 and June 26, 2026 meeting were unanimously approved.

AUTHORIZE PAYMENT OF BILLS: On a motion by Vice-Chairman Neiderer, seconded by Chairman Geistwhite, the Board unanimously authorized payment of the June 2026 bills.

REPORT:

Solicitor – Mr. Brenneman reported that following the Board's June 26 meeting, an executive session was held to discuss personnel, real estate, and potential litigation matters. He stated that no action was taken following the executive session.

Engineer – Absent. No report submitted.

Police – Chief Bassler submitted the monthly Police Report, which was entered into the record. He reported that the Police Department responded to approximately 900 calls during the previous month. He also announced that three officers will begin attending the police academy on Monday.

Fire / EMC - Chief Beam submitted the monthly Fire/EMC Report, which was entered into record. Chief Beam reported repeated false fire alarms at the Holiday Inn on Harrisburg Pike, attributing them to improperly located smoke detectors and operational issues with the building's fire alarm system. He requested enforcement of the Township's ordinance by assessing fines after the two permitted false alarms. Mr. Steigleman explained that although the alarm system had been repaired, detector relocation and employee training remain unresolved. Chief Beam indicated that potential revisions to the ordinance are being discussed with the Township Solicitor.

Zoning – Mr. Carpenter submitted the monthly Zoning Report, which was entered into record. Mr. Carpenter reported that zoning activity for the month included permits for seven new homes. He noted that the final building permit was issued for Meadowbrook Farms, completing a residential development of approximately 250 homes that began in 1996. He also reported issuing a permit for renovations at the Appalachian Hotel, where more than \$1 million will be invested in upgrading the property.

Codes Enforcement – Mr. Steigleman submitted the monthly Codes Enforcement Report, which was entered into record. Vice-Chairman Neiderer asked whether there was any update that could be shared publicly regarding the Diamond Hotel. Solicitor Brenneman reported that he had invited the property owners to attend the end-of-July public meeting, but their attorney responded that they would be unavailable due to travel and requested to appear in August. The Board expressed a preference for scheduling the meeting as soon as possible, and the Solicitor agreed to coordinate an August meeting date with the owners.

Municipal Authority – Chairman Geistwhite representative to the Municipal Authority reported that work on Well No. 2 continues to progress, with the project currently awaiting permit approval from the Susquehanna River Basin Commission (SRBC).

Roadmaster/ Manager – Mr. Zook reported on development, highway, and planning activities, noting that Meadowbrook Farms and Cumberland Preserve are progressing toward road dedication to the Township in time for Liquid Fuels submission deadlines. He also updated the Board on storm sewer replacement work underway in Cloverleaf Acres and the ongoing effort to recruit residents for the Comprehensive Plan steering committee, with plans for a public kickoff event to gather community input.

Vice-Chairman Neiderer also raised concerns about school bus access in Cumberland Preserve before the start of the school year. Mr. Zook confirmed that once Elizabeth Way is accepted by the Township, school buses will be able to enter the development and safely turn around there.

Secretary/Treasurer – Ms. Eileen Gault reported that she had not yet received the monthly report from the County Tax Bureau due to the timing at the beginning of the month. She noted that the June General Fund report had been provided and indicated she had no additional items unless the Board had questions.

Vice Chairman Neiderer provided an update on the Township's ongoing review of the Local Services Tax (LST). He stated that the Township continues to evaluate how the tax may apply to workers associated with the Pennsylvania Digital One (PAX-1) project, noting that a large temporary workforce could utilize Township roads and services. He explained that the Township is working to determine how Local Services Tax revenue could be collected under those circumstances.

Recreation – Ms. Denise Jumper submitted the monthly Recreation Report, which was entered into record as well as the report from Scott Shepler for park maintenance.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Discussion and possible motion on Preliminary Land Development Plan for Pennsylvania Digital (PAX-1) Phase 2: Vice-Chairman Neiderer announced that the preliminary plans for Phase 2 and Phase 1C of the Pennsylvania Digital One (PAX-1) project would be presented together, followed by a combined public comment period.

Mr. Nick Long and Mr. Charles Courtney were present on behalf of the applicant. Mr. Courtney explained that both submissions are preliminary land development plans. He noted that Phase 2 includes additional data center buildings and that the proposed layouts, designs, and supporting information are like the previously approved plan for Phase 1B. He also stated that the requested waivers, modifications, and deferrals are generally consistent with those previously presented for Phase 1B. Mr. Long then continued with a detailed review of the proposed plans providing an overview of the project schedule, site layouts, landscaping, stormwater management, and restoration plans. He reviewed the overall project phasing, identifying the previously approved

Phase 1A substation area, the preliminarily approved Phase 1B data center campus, the proposed Phase 1C construction support area, and the future Phase 3 campus. The landscape plan was described as including stormwater basins planted with wetland seed mixes, expanded riparian buffer plantings along streams, evergreen screening, landscaped berms, and meadow plantings. The applicant also reiterated that generator yards are positioned on the west side of the buildings to maximize separation from nearby residences while meeting operational requirements for air intake and exhaust.

For Phase 1C, Mr. Long explained that the approximately seven-acre gravel area would serve as a temporary construction office and equipment laydown area. The site will include stormwater basins designed to drain within 72 hours, screening berms and landscaping along Country Club Road and the PPL right-of-way, and perimeter security fencing. Upon completion of construction, the gravel surface, access drive, fencing, and stormwater facilities would be removed, and the site restored to conditions closely resembling the existing terrain, while retaining the landscaped berms and planted trees.

Public Comment:

Robynn Eppley of Beagle Club Road asked whether the Planning Commission's draft minutes and comments had been provided to the Board of Supervisors. Vice-Chairman Neiderer confirmed that he had reviewed the information and had also discussed the meeting with Planning Commission member Jim Gehr to better understand the issues raised. Mr. Mark Carpenter stated the Planning Commission suggested that the developer consider adding natural gas service as a fuel source for the generators and recommended that the temporary construction support area be restored as closely as possible to its original condition once it is no longer needed and suggested a future community use for the Phase 1C site, such as recreational ball fields, if the developer was interested after the temporary use concluded.

Beth Legore of Teaberry Drive expressed concern that the property could otherwise be sold and used for unrelated purposes after the temporary construction operations end of the Phase 1C site. She also asked about the size, species, and long-term maintenance of the proposed street trees, including responsibility for replacing trees damaged by storms or other causes. HRG Engineer Mr. Mike Hess explained that the Township's ordinance specifies minimum planting standards, including a required tree caliper and the use of approved native trees. Mr. Carpenter added that the landscaping shown on the plans would be secured through financial security to ensure the trees are installed and successfully established. Vice-Chairman Neiderer noted that the County had recommended maintaining financial security for five years to help ensure the trees survive beyond their initial establishment period.

Kelley Brickey of Elizabeth Way asked about the number of rooftop cooling units that would be installed as part of the data center project, noting that while much attention had been given to the approximately 530 backup generators, rooftop cooling equipment could also generate noise and heat. Vice-Chairman Neiderer explained that the data center is expected to use a hybrid evaporative cooling system rather than traditional rooftop air conditioning for most buildings. He noted that only the first two Phase 1B buildings are anticipated to have rooftop cooling units due to equipment availability. Mr. Long confirmed this but said the exact number of units has not yet been determined because the buildings are still in the design phase. Vice-Chairman Neiderer added that complete information on the cooling systems, like the generators, will be available during final land development and building permit review and will be subject to applicable DEP permitting requirements.

Roberta Kribell of Sassafra Lane voiced concerns about the impacts of the data center project on nearby residents, citing limited public access to project documents and insufficient public outreach. She questioned the absence of a comprehensive 3D rendering of the completed development, asked whether a decommissioning plan would be required, and expressed concerns about noise from routine diesel generator testing as well as stormwater management and potential flooding. She also requested that Township meetings be livestreamed to improve public access. Vice-Chairman Neiderer responded that the Township is exploring livestreaming meetings as part of ongoing efforts to improve transparency and public access.

Jody Shivell of Teaberry Drive raised concerns regarding Phase 1B of the data center project due to the proximity of nearby residential areas, including Country Manor West and The Meadows. She requested that the closest neighbors receive additional consideration in the design and placement of buildings, rooftop equipment, generators, and other potential noise sources and newer technologies be considered. She also expressed concerns about future construction activity, including projected increases in workforce levels and the potential return of heavy truck traffic.

Mark Kurtz of Teaberry Drive stated that he was still trying to understand the Township's reasoning for approving the data center overlay district as a by-right use. Vice-Chairman Neiderer explained that there is currently pending litigation involving the Township related to the matter and, because the matter is active litigation, the Board cannot comment or discuss the details in a public forum.

Hilda Vasquez Rosa of Buckeye Lane asked the Roadmaster whether Country Club Road has weight restrictions for trucks and how the Township ensures that trucks traveling on the road are operating within allowable weight limits. Mr. Zook explained that Liberty Excavators, the contractor working on the project, has a bond in place with the Township that allows them to exceed the posted weight limit on Country Club Road during construction.

Earl Beam of Country Club Road asked where diesel fuel for the backup generators would be stored. Nick Long explained that there would be no central diesel storage tank, as each generator would have its own self-contained fuel tank. Jim Gehr clarified that the "fingers" discussed at the Planning Commission referred to fill pipes used by fuel trucks to refill the individual generator tanks at each building. Earl Beam also expressed concern that the berm along Country Club Road was significantly higher than the approved 12-foot height, blocking his view. Mr. Long acknowledged the berm was built a few feet higher than shown on the plans and said it could be reduced to the approved height if necessary. HRG Engineer Mike Hess said the issue would be reviewed at the next construction site meeting to determine whether the extra height was a temporary condition or needed to be corrected to match the approved plans.

Kyle Gerber of Bernheisel Bridge Road questioned whether the Board could responsibly grant preliminary approval for the data center without first reviewing 3D renderings showing its impact on the Appalachian Trail viewshed. He cited PA State Historic Preservation Office (SHPO's) determination that the project would adversely affect the trail and argued the Township has a legal duty to protect its scenic and historic values. Vice-Chairman Neiderer said the renderings were expected at the next meeting but explained that the developer would not agree to an extension and that, under state law, failure to act on the applications within the required timeframe would result in automatic approval.

Michelle DeNofa of Fieldstone Drive asked why Charlie Courtney had referenced wells in connection with the final plan. Charlie Courtney clarified that he was referring to the developer's

voluntary commitment to test and repair private wells if they are impacted by the project, not to install or operating wells on the site. He added that restrictive covenants will prohibit wells from being established on the development property.

Frank Labatore of Mulberry Hill Road expressed concern that neither the Board nor the public had seen a comprehensive 3D rendering of the proposed data center, making it difficult to understand its true scale. He also asked whether Board members had visited a comparable facility and what would happen to the site if the data center became obsolete. Vice-Chairman Neiderer replied that he and another supervisor had toured data centers in Ashburn, Virginia, and discussed the developer's decommissioning plan, explaining that equipment and hazardous materials would be removed, while the buildings would likely be repurposed rather than demolished or restored to farmland.

Viola Byerly of Country Club Road Residents raised concerns about construction hours, lighting, local employment, generator testing, diesel emissions, and health impacts. Mr. Carpenter confirmed there are currently no ordinance-based construction hour limits. Mr. Long stated temporary light towers had been removed, and remaining trailer lights were limited to motion-activated security lighting. Viola Byerly then questioned whether construction jobs were truly local; Vice-Chairman Neider responded that while not all contractors are local, many workers are within approximately 50 miles. Concerns were also raised about the potential frequency and duration of diesel generator testing. Vice-Chairman Neiderer explained that generators would likely be tested in groups rather than individually and that future DEP requirements and operating limits would provide more information. Viola Byerly also expressed concerns about noise, traffic, diesel odors, and then urged the Board to deny the project.

Andrew Dymski of Bernheisel Bridge Road raised questions regarding stormwater approvals, future cooling system designs, SRBC permitting requirements, and the independence of environmental reviews. HRG Engineer Mike Hess explained that stormwater approvals would be handled through the DEP NPDES permit process and HVAC changes would require review to ensure consistency with approved noise studies. Vice-Chairman Neiderer stated that SRBC had indicated no permit was required for municipal water use. Andrew Dymsky questioned whether the Township's zoning ordinance still required an SRBC permit and expressed concerns about the environmental review process, including consultant independence, lack of a new Environmental Impact Assessment, and limited public input regarding project impacts.

Earl Beam of Country Club Road commented that residents were previously told construction would begin at 7:00 a.m. and end by 6:00 p.m., but he stated that work crews are now starting as early as 6:00 a.m. He asked that the stated construction hours are followed.

Hilda Vasquez Rosa of Buckeye Lane questioned the use of Michael Baker as a reviewer, noting the company has an existing agreement with Middlesex Township and asking about potential conflicts. HRG's Mike Hess clarified that Michael Baker is a Township consultant, similar to HRG, and has previously reviewed traffic impact studies for Township projects. He explained that Michael Baker's role on this project was specifically to review the traffic impact study, including the proposed turn lane improvements at Country Club Road and Route 11.

Jim Gehr of Spring Road Jim Gehr questioned the status and clarity of the Master Developer Agreement, stating that discussions about its contents have been inconsistent and a draft has not been seen. He also questioned how resident and Planning Commission concerns are tracked for inclusion in the agreement. Township Solicitor Keith Breneman explained that he, Mike Hess

and Bud Grove, have been working with the applicant's attorney to develop the agreement's terms and conditions and that concerns will be considered in the final draft before being presented to the Board. Charlie Courtney clarified that the initial Master Developer Agreement will address items such as financial security and Country Club Road construction, repairs, and improvements. Additional development-specific requirements will be addressed through amendments as projects move toward final plan approval.

Arlene Darlington of Wertzville Road stated there were good comments and discussions and emphasized the need for improved communication, transparency, and project management throughout the approval process. She asked for a firm commitment from the developer regarding the timing of the requested 3D renderings. Charlie Courtney stated that the renderings were being finalized and were expected to be presented to the Planning Commission on July 13. Arlene Darlington raised concerns about delays in providing the Board with developer responses to County comments and requested improved communication of project materials. She also suggested creating a public project timeline with key milestones, deadlines, and decision dates.

Beth Legore of Teaberry Drive asked whether Board members could abstain from voting to express concerns about the project, including the lack of a new Environmental Impact Assessment, without facing legal consequences. She questioned whether abstaining or placing concerns on the record would provide a way to document disagreement. Vice-Chairman Neiderer explained that failure to act on the application would result in deemed approval under state law.

On the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to 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 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.

On the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to 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.

The applicant representatives agree to the conditions.

Discussion and possible motion on Preliminary Land Development Plan for Pennsylvania Digital (PAX-1) Phase 1-C: Mr. Nick Long and Mr. Charles Courtney were present on behalf of the applicant. They gave a brief overview of the proposed plan.

On the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to 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.[SALDO § 501.A.2.] – Modification of requirement for plan scale not smaller than one inch to one hundred feet (1"=100').

1. [SALDO § 501.A.6.] – Modification of requirement for location map scale not smaller than one inch to one thousand feet (1"=1000').
2. [SALDO § 501.C.12.] – Deferral until final plan of requirements for acceptable design and phasing of Country Club Roadway Improvements with Preliminary Plan.
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 § 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 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%).

On the motion of Vice-Chairman Neiderer, seconded by Chairman Geistwhite, it was unanimously agreed to 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.

The applicant representatives agree to the conditions.

EXECUTIVE SESSION: There being no further business, the meeting was adjourned to Executive Session by Chairman Geistwhite at 8:22 p.m. for a personnel matter and potential property acquisition with no action taken by the Board.

EXHIBIT F

MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1, CARLISLE, PA 17013

Phone Number 717-249-4409 or 844-256-7024 - Fax Number 249-8564

Board of Supervisors: Donald S. Geistwhite Jr., Philip A. Neiderer, William H. Goodhart

Date: July 2, 2026

To: Applicant for Plan Approval:
Petri Ottavainen, by email for
Carlisle Development Partners, LLC
1660 International Drive, Suite 500
McLean, VA 22102

Re: Notification of Conditional Plan Approval of
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

Dear Applicant,

I write to you on behalf of the Board of Supervisors of Middlesex Township in my capacity as Township Zoning Officer.

This letter will notify you that, at their meeting on July 1, 2026, the Board of Supervisors of Middlesex Township approved 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.12.] – Deferral until final plan of requirements for acceptable design and phasing of Country Club Roadway Improvements with Preliminary Plan.
4. [SALDO § 501.C.19., SWMO § 303.J.12., SWMO § 303.K.12.] – Deferral until final plan of requirements for metes and bounds descriptions of easements.

5. [SALDO § 703.I.4.] – Waiver of requirement for depressed curb at driveway entrance openings along PA Data Drive.
6. [SLDO § 707.] – Waiver of requirements for installation of sidewalks and pedestrian paths along both sides of new interior streets, with required note on plan.
7. [SALDO § 718.D.3.A., SALDO § 718.D.4.A., SALDO § 718.D.4.B., SALDO § 718.D.4.C., SALDO § 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.
8. [SALDO § 719.B.2., SALDO § 719.B.3.] – Deferral until final plan of requirements to provide final landscaping plan.
9. [SWMO § 302.A.13.] – Deferral until final plan of requirements to provide construction details for stormwater inlets.
10. [SWMO § 303.B.2.] – Modification of requirement for infiltration of surface water runoff at its source as the primary mechanism for stormwater management.
11. [SWMO § 303.H.12.] – Deferral until final plan of requirements for to provide Geotechnical Engineer certification of stormwater management Managed Released Concept (MRC) design.
12. [SWMO § 303.H.17.] – Modification of requirement for all stormwater infiltration practices to infiltrate the stored volume within forty-eight (48) hours.
13. [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%).

This letter will further notify you that, at their meeting on July 1, 2026, the Board of Supervisors of Middlesex Township approved 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 (copy enclosed) 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 (copy enclosed) 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 (copy enclosed).
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.

The above noted reliefs and conditions of plan approval were agreed upon by your representative, Charles M. Courtney, Esquire, at the meeting on July 1, 2026, and must be verified in writing upon receipt of this notification of conditional plan approval.

Sincerely,



Mark D. Carpenter
Middlesex Township Zoning Officer

cc: Board of Supervisors
Township Solicitor
Township Engineer
Mike Hess, HRG
Charles M. Courtney, Esquire, by email
Nick Long, Livic Civil, by email
Justin Ross, Livic Civil, by email



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



Herbert, Rowland & Grubic, Inc.
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PHASE 1B PRELIMINARY LAND DEVELOPMENT PLAN SOUND STUDY 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-B

Middlesex Twp. Plan No. TPF 25-25

April 23, 2026

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

Submission:	Dated:	Last Revised:
Sound Study	4/13/2026	--

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

SOUND

Background Information

As requested by Herbert, Rowland & Grubic, Inc., (HRG) and in conjunction with Middlesex Township, ATCS, Inc. (ATCS) has performed a thorough review of the draft *PAX1 Noise Memo 041326*, recommendations and findings for compliance with the Township Noise Ordinance. As part of this effort, ATCS has generated a list of comments to ensure the citizens of the township are protected, and the goals of the noise portion of the ordinance are met. The following sections of the memo outline our comments for your consideration.

1.0 Comments and suggestions for PAX1 – Noise Study, Middlesex Township, Pennsylvania

ATCS reviewed PAX-1 – Noise Study, primarily focusing on the technical noise portions of the report. ATCS offers the following comments and suggestions for your consideration:

Comment 1, Figure 3, Site Layout – It would be beneficial to have an additional figure showing the locations of the proposed noise walls to document their positioning for the township. This will allow the township to easily understand the mitigation locations, as well as once developed, confirm the developer has installed all the necessary mitigation as shown and documented in the technical noise analysis. In addition to the figure,

it would be beneficial to have a table that has the recommended heights and lengths of proposed noise barriers as well as the NRC/STC minimum standards of the material being used.

Comment 2, Table 2, Modeled Equipment Noise Levels – The noise study appears to rely on assumed equipment performance and mitigation measures; however, it is unclear whether the specific site equipment has already been selected. Please clarify whether the modeled equipment reflects actual specified units to be installed at the proposed facility. If equipment has not yet been finalized, describe how the developer will ensure that the installed equipment meets or exceeds the sound performance levels used in the analysis.

Additionally, please provide the source data and supporting documentation for the assumed noise reduction performance of the proposed louvers. In the absence of referenced manufacturer data or other verifiable sources, it is difficult to confirm that the modeled attenuation is achievable.

Finally, additional documentation is needed to demonstrate that the as-built condition will be consistent with the assumptions used in the noise model.

Comment 3, Ambient Monitored Noise Levels – While not a requirement of the Ordinance, there are significant issues with the field collection techniques. In several areas, snow is present during the testing duration, which can create a reflective or absorptive ground cover, depending on the characteristics of the snow, thus not accurately representing the typical ambient environment. Furthermore, review of weather data for the dates where noise levels were collected indicate rain was prevalent in the area, which causes wet roads, road spray and can magnify the effect of roadway noise on the ambient environment, thus not accurately representing the ambient acoustic environment.

2.0 Conclusion

Based on the information provided, the developer has demonstrated that the proposed site is expected to operate in compliance with the Township's Noise Ordinance. However, additional supporting documentation would be beneficial to enable the Township to verify that the as-built installation is consistent with the assumptions and standards used in the noise modeling analysis.

The observations and comments contained herein are intended to assist in confirming and maintaining compliance and should be taken into consideration, as appropriate, for future submissions and final design documentation.

PAX-1 Data Center Phase 1B
Middlesex Township, Cumberland County
April 23, 2026
Page 3

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.

A handwritten signature in blue ink, appearing to read "J. Michael Hess".

J. Michael Hess, PE
Team Leader

JMH/ARK

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

EXHIBIT G

MIDDLESEX TOWNSHIP

350 N. MIDDLESEX ROAD, SUITE 1, CARLISLE, PA 17013

Phone Number 717-249-4409 or 844-256-7024 - Fax Number 249-8564

Board of Supervisors: Donald S. Geistwhite Jr., Philip A. Neiderer, William H. Goodhart

Date: July 2, 2026

To: Applicant for Plan Approval:
Petri Ottavainen, by email for
Carlisle Development Partners, LLC
1660 International Drive, Suite 500
McLean, VA 22102

Re: Notification of Conditional Plan Approval of
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

Dear Applicant,

I write to you on behalf of the Board of Supervisors of Middlesex Township in my capacity as Township Zoning Officer.

This letter will notify you that, at their meeting on July 1, 2026, the Board of Supervisors of Middlesex Township approved 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 § 501.C.19., SWMO § 303.J.12., SWMO § 303.K.12.] – Deferral until final plan of requirements for metes and bounds descriptions of easements.

5. [SALDO § 718.D.3.A., SALDO § 718.D.4.A., SALDO § 718.D.4.B., SALDO § 718.D.4.C., SALDO § 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.
6. [SALDO § 719.B.2., SALDO § 719.B.3.] – Deferral until final plan of requirements to provide final landscaping plan.
7. [SWMO § 302.A.13.] – Deferral until final plan of requirements to provide construction details for stormwater inlets.
8. [SWMO § 303.B.2.] – Modification of requirement for infiltration of surface water runoff at its source as the primary mechanism for stormwater management.
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.H.17.] – Modification of requirement for all stormwater infiltration practices to infiltrate the stored volume within forty-eight (48) hours.
11. [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%).

This letter will further notify you that, at their meeting on July 1, 2026, the Board of Supervisors of Middlesex Township approved 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 (copy enclosed) 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 (copy enclosed).
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.

The above noted reliefs and conditions of plan approval were agreed upon by your representative, Charles M. Courtney, Esquire at the meeting on July 1, 2026, and must be verified in writing upon receipt of this notification of conditional plan approval.

Sincerely,



Mark D. Carpenter
Middlesex Township Zoning Officer

cc: Board of Supervisors
Township Solicitor
Township Engineer
Mike Hess, HRG
Charles M. Courtney, Esquire, by email
Nick Long, Livic Civil, by email
Justin Ross, Livic Civil, by email



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.

A handwritten signature in blue ink, appearing to read "J. Michael Hess".

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:	Date Received:	Date Reviewed:	Reviewed By:	Plan Number:
Middlesex Township	4/23/2026	5/11/2026	SH, EG	P26-302
Plan Title:				
Pennsylvania Digital 1 (PAX-1) Phase 1C				
Plan Status:		Plan Type:		
Preliminary		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:
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 - f. **Declaration of planned communities/condominiums documents (including amendments)**