

NEIGHBORS AGAINST PAX-1

StopPAX1.com

FOR IMMEDIATE RELEASE

August 18, 2026

Contact:

Andrew Dymski

717-385-7231

andrew@dymski.com

MIDDLESEX FAMILIES TAKE DATA CENTER FIGHT TO ENVIRONMENTAL HEARING BOARD AND COUNTY COURT AS TOWNSHIP MEETS AUGUST 19 TO LOCK IN PAX-1 APPROVALS

Residents allege developer helped write the zoning ordinance and were allowed to amend DEP permits that cleared the way for a 694-acre hyperscale data center campus

MIDDLESEX TOWNSHIP, Pa. – Five families fighting the PAX-1 hyperscale data center project have filed two new legal challenges in the past two weeks, alleging Middlesex Township allowed a developer to help draft the zoning ordinance that paved the way for 16 proposed data centers on farmland surrounded by homes and that stormwater and earthmoving permits originally issued for residential development in 2019 were allowed to be amended for data center development without proper notice and public participation. ***The filings come as the Middlesex Township Board of Supervisors prepares to act on three PAX-1 agenda items: the Phase 3 preliminary plan, a DEP sewage planning module and Component 3, and the Phase 1-B final plan at a special meeting on Wednesday, August 19, at 6 p.m. in the Middlesex Elementary School gymnasium, 250 North Middlesex Road.***

All three items carry the same stated BOS action deadline of August 19, 2026, meaning the Supervisors intend to act on all of them at the same meeting. The public is encouraged to attend, though public comment is limited to Middlesex Township residents and taxpayers.

Environmental Hearing Board Appeal

On August 13, the Dymski and Shivel families asked the Environmental Hearing Board, the state panel that hears appeals of DEP decisions, to throw out all four amendments to the project's stormwater and earthmoving permit, along with the Department of Environmental Protection's decision upholding them. The appeal argues that the 694-acre hyperscale data center project was permitted by amending a 2019 permit originally written for 58 houses on 15.3 acres, rather than through an individual permit that would have required real public notice and participation.

A December 2025 amendment labeled "Water Main Relocation" expanded the permit from 36 acres to 694 acres and was approved just seven days after the DEP district office said technical review was only beginning, according to the appeal. No notice in the Pennsylvania Bulletin ever identified the site's address, acreage, or project name; residents learned the true scope of the project only through a Right-to-Know request filed in May 2026. Of the 44 objections residents raised at DEP's informal hearing, the agency's determination addressed only two and left the rest unaddressed, the appeal states.

-MORE-

Zoning Hearing Board Appeal

A separate appeal, filed August 6, brings five resident couples' substantive validity challenge to the data center overlay ordinance's legality to Cumberland County Court after the Middlesex Township Zoning Hearing Board never advertised or held a hearing on their spot-zoning challenge. Township records show the zoning officer scheduled a hearing for July 8; three hours later, the ZHB solicitor emailed him privately, copying the ZHB chairman but not residents' counsel, asking him to "hold off on advertising." No public hearing was ever granted.

State law gives a zoning board 60 days to hold hearings on a challenge. The board never scheduled one, so residents say their challenge died in early July without anyone ever hearing it. The appeal further alleges the developer is racing to secure approvals to claim vested rights and undercut the pending challenge so the project survives. These are the same approvals at stake at the August 19 Board of Supervisors meeting.

How the Overlay Ordinance Was Written

At the center of both appeals is Middlesex Township's Data Center Overlay, which was drawn around 694 acres of farmland at a single landowner's request. Right-to-Know records obtained by residents show the developer's attorney sent the Township a pre-drafted overlay ordinance, with the boundary already drawn, on December 4, 2024. By January 7, 2025, the Township's own planning consultant confirmed the developer's draft had been folded into the Township's ordinance, all outside any public meeting.

Days after the Cumberland County Planning Commission recommended against the ordinance, the developer's counsel asked to place it on the agenda for Friday, April 25, 2025. Thirty-five days later, the Supervisors adopted the ordinance at a 7:30 a.m. Friday workshop with text nearly identical to what the developer had submitted the previous December. Because the ordinance makes data centers permitted by right rather than a conditional use, residents say it stripped them of any hearing on the actual project and stripped the Supervisors of any power to attach conditions. The Board voted with no environmental information before it; the project's environmental impact analysis did not arrive until nearly three months after the vote and was written by the developer's own chief engineer and chief operating officer.

Community Response

"The community response has been overwhelmingly supportive, and one of our chief goals is to make sure every resident and taxpayer understands what PAX-1 is and how the township Board of Supervisors got us here," says Andrew Dymski, farm owner, resident, and one of the five families filing the appeals. "When you allow the developers to help write the ordinances that govern their use, you hand them the keys and they build as they see fit."

Dymski continues, "The township zoned this land wrong. They denied us a hearing before the township Zoning Hearing Board, so we've appealed in Cumberland County court. We hold the commonsense position that 16 massive data centers don't belong on farmland surrounded by homes and agricultural land."

-MORE-

“There is a data center bonanza happening across the country and in Pennsylvania. The question every township should be asking is: Who writes the rules before the applications arrive? Residents need to attend their municipal meetings and ask one question: who drafted the ordinance governing data center use here? In Middlesex Township, the developer’s attorney did. Five families are in Cumberland County court now to make sure that decision receives a full hearing,” says Dymski.

Interview Availability on August 19 at 5 p.m. in Advance of the Township Meeting

Residents on the appeal: Jody Shivell, Kyle Gerber, Andrew Dymski, and their attorney Nathan Wolf will be available for interviews at Middlesex Elementary prior to the Board of Supervisors meeting.

Viola Byerly will be available tomorrow, August 19, for an interview from 9-11 a.m. She lives across the street from the PAX-1 site.

Documents and Citations

Both filings, the Right-to-Know records, and the December 4, 2024 draft ordinance are posted at StopPAX1.com. The stormwater appeal covers four amendments to NPDES permit PAC210079 and DEP’s July 16, 2026 determination in response to an informal hearing. The zoning appeal arises under Section 916.1 of the Pennsylvania Municipalities Planning Code. The three items on the August 19 agenda are the Phase 3 preliminary plan, the DEP sewage planning module Component 3, and the Phase 1-B final plan.

About the Meeting

The Middlesex Township Board of Supervisors’ scheduled meeting for August 5 was rescheduled for Wednesday, August 19, 2026, at 6:00 p.m. at Middlesex Elementary School, 250 North Middlesex Road. The public is welcome to attend; public comments are limited to Middlesex Township residents and taxpayers.

About Neighbors Against PAX-1

Neighbors Against PAX-1 is a community action group of Cumberland County residents, farmers, and taxpayers organized in response to the proposed PAX-1 data center complex in Middlesex Township. Learn more at StopPAX1.com.

###