

NEIGHBORS AGAINST PAX-1

StopPAX1.com

FOR IMMEDIATE RELEASE

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JUDGE SETS NOVEMBER 13 HEARING ON THE MERITS OF MIDDLESEX FAMILIES' SPOT ZONING CHALLENGE BEFORE DECISION ON WHETHER TO PAUSE PAX-1 DATA CENTER DEVELOPMENT

Five families have waited since May 13 for a hearing on the zoning change that cleared the way for a \$15 Billion project

MIDDLESEX TOWNSHIP, Pa. (October 6, 2026) – A Cumberland County judge on October 5 ordered a November 13 hearing on the merits of five Middlesex Township families' challenge to the zoning change behind PAX-1, a 16-building data center campus proposed on 694 acres of farmland that the developer values at \$15 billion. ***The hearing begins Friday, November 13, 2026, at 2:00 p.m. in Courtroom No. 1 of the Cumberland County Courthouse, 1 Courthouse Square, Carlisle, and is open to the public.***

The hearing is the next step in deciding the families' request to pause development while their appeal continues. The same order found that a state rule that automatically pauses development while a zoning challenge is before a township zoning hearing board does not apply now that the case is in court. No court order currently pauses work at the site. The Zoning Hearing Board, the Board of Supervisors, and developer Carlisle Development Partners, LLC have until October 30 to respond to the families' request.

What Happens on November 13

Judge Matthew P. Smith set the hearing under Section 1003-A(d) of the Pennsylvania Municipalities Planning Code, the state law that governs land use appeals and gives the Court the ability to stay proceedings if the Court finds the appeal to be meritorious. Once that determination is made, the Court can rule on the request to pause land development under the zoning change. This hearing does not represent a final ruling on the challenge, but it is an important step in the process.

"Having successfully litigated spot zoning challenges before, I have every confidence that once the merits of this case are heard, we will be successful," says Nathan C. Wolf, Wolf & Wolf, attorney for the five Middlesex families. "This challenge bears all the hallmarks of a spot zone. The evidence will bear that out."

"The zoning hearing board never gave us a hearing and never applied for the stay that should have been enforced from the beginning. That delay has caused irreversible damage to the land and a lot of emotional damage to the residents that live closest to the site," says Andrew Dymski, farm owner, resident, and one of the five families on the appeal. "Once our case reached the Court, the Court moved quickly, and we're grateful."

How the Challenge Reached the Court

The Gerber, Dymski, Byerly, Shivell, and Morton families filed their challenge with the Middlesex Township Zoning Hearing Board on May 13, 2026, six months to the day before the November 13 hearing. They argue that the Data Center Overlay, which the Township Board of Supervisors adopted on May 30, 2025, to allow data centers on the PAX-1 land, is spot zoning. Pennsylvania courts use that term for zoning that singles out one property for different treatment than the land around it.

“At the developer’s request, and largely in the developer’s own language, our supervisors ushered in PAX-1, doubling the industrial footprint of our rural community in the process,” says lifelong Middlesex resident Kyle Gerber who is one of the five families on the appeal and is raising the fifth generation to live on his family’s farm located about a mile northeast of the site.

Township records show a hearing on the challenge was set for July 8. The families’ appeal cites a May 14 email in which the board’s solicitor asked the zoning officer to “hold off on advertising for the July hearing.” The board never held a hearing. On August 6, the families appealed to the Cumberland County Court of Common Pleas, treating the board’s inaction as a denial

“What we’ve said since May 13 hasn’t changed,” says Dymski. “Pennsylvania has a name for an overlay drawn around one landowner’s property: spot zoning. Courts have struck it down for decades, and we’re asking this Court to strike it down here. We’re confident in the facts of this case, and the evidence tells the story plainly.”

“We’ve had overwhelming community support in our fight because it’s obvious that PAX-1 doesn’t belong here,” says Gerber. “Stop PAX-1 has become a name people are rallying behind, because there is nowhere left to turn. If there had been an easier way out, we would have taken it. But our supervisors wouldn’t listen to us before and refuse to listen to us now. Even our own zoning hearing board wouldn’t give us a hearing. We are overjoyed that the truth of PAX-1’s origins will finally come to light in a court of law.”

Documents and Citations for Public Review

Judge Smith’s October 5 order, the families’ petition, the August 6 appeal and the original May 13 challenge are posted at StopPAX1.com, the public hub for the PAX-1 record: meeting recordings, project plans, Right-to-Know correspondence, a comprehensive project timeline, and a detailed breakdown of each legal challenge. The case is Gerber et al. v. Zoning Hearing Board of Middlesex Township, No. 2026-08758 Civil Term, Court of Common Pleas of Cumberland County. The order cites 53 P.S. § 11003-A(d) and § 10915.1(a). The challenged ordinances are Middlesex Township Ordinance 3-2025 and the overlay provisions of Ordinance 7-2025 (Zoning Hearing Board Case 2026-3).

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.

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