

38 Bomboy Lane
Berwick, PA 18603

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Testimony Before the Center for Rural Pennsylvania

Presented by Brian Rhone - Zoning/Code Enforcement Salem Township

PART 1: Ordinance Development & Dimensional Controls

An effective ordinance must move beyond generalized commercial zoning definitions. It should establish a distinct **Hyperscale Data Center Overlay District** that implements precise, enforceable metrics.

Size of Buildings (Massing & Dimensional Limits)

- **Total Square Footage Limits:** Cap individual structures at a maximum of **800,000 square feet**. Aggregate building footprints must never exceed **25% of the total parcel acreage**, preserving the remaining 75% for contiguous green space and natural absorption.
- **Length and Width Constraints:** Prohibit continuous linear facades exceeding **600 feet** without a mandatory 50-foot structural articulation or offset. This eliminates the "warehouse wall" effect along rural corridors.
- **Height Restrictions:** Mandate a maximum structural height of **100 feet**. This height restriction **must be inclusive** of all roof-mounted mechanical appurtenances, cooling cells, and acoustical shielding shrouds.

Setbacks, Sensitive Receptors, & Screening

- **Property Line and Right-of-Way Setbacks:** Require principal structures to maintain a minimum **750-foot setback** from all adjacent industrial property lines, and a **1,000-foot setback** from public road rights-of-way in a residential zone.
- **Interior Building Separation:** Enforce a minimum **100-foot buffer between interior structures** on the campus to ensure unimpeded access for emergency response vehicles and adequate thermal dissipation.
- **Sensitive Receptor Buffers:** Mandate an absolute **1,500-foot setback** from any designated "Sensitive Receptor". Define these receptors to include residential zoning boundaries, active agricultural tracts, schools, churches, and public parks.
- **Within-Yard Buffers and Screening:** Require a **50-foot wide, uninterrupted vegetative buffer** inside the property line. This buffer must feature staggered rows of native primary evergreens (minimum 8 feet tall at planting) paired with a high-density, sound-absorbent security fence.

Water Infrastructure Restrictions

- **Hydrological Impact Mapping:** Require a comprehensive, multi-season **Hydrogeologic Impact Evaluation** vetted by an independent, township-retained hydrogeologist. The developer must prove zero drawdown impact on localized residential private well fields.
- **Cooling Method Prohibitions:** Mandate closed-loop **air-cooled or liquid-to-air cooling technologies** to completely eliminate structural strain on local aquifers.



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Noise Control & Acoustic Enforcement

- **Decibel Caps:** Enforce strict sound thresholds measured at the property line of any residential zone or sensitive receptor.

Fuel Storage Regulations

- **Containment Safeguards:** Emergency backup generator systems require massive fuel reserves. All diesel storage infrastructure must be **above-ground, double-walled tanks** secured inside an engineered concrete containment dike capable of holding 110% of the total tank volume.
- **Locational Setbacks for Fuel Vaults:** Prevent chemical runoff by mandating that fuel storage yards sit at least **1,000 feet away from any wetland, stream, or surface water body**, and completely outside any localized 100-year floodplain.

Township Impacts & 3rd-Party Staff Fees

- **Developer-Funded Review Escrows:** Hyperscale review processes overwhelm local volunteer boards. The ordinance must require the developer to establish a **Professional Services Escrow Account**. This account funds third-party township engineers, acoustic specialists, and legal counsel during plan reviews.
 - **Host Community Agreements:** Require an annual **Municipal Impact Fee** calculated per megawatt of power capacity or per gross square foot. This revenue offsets long-term infrastructure degradation, funds local administrative oversight, and trains emergency services in high-voltage and chemical fire suppression.
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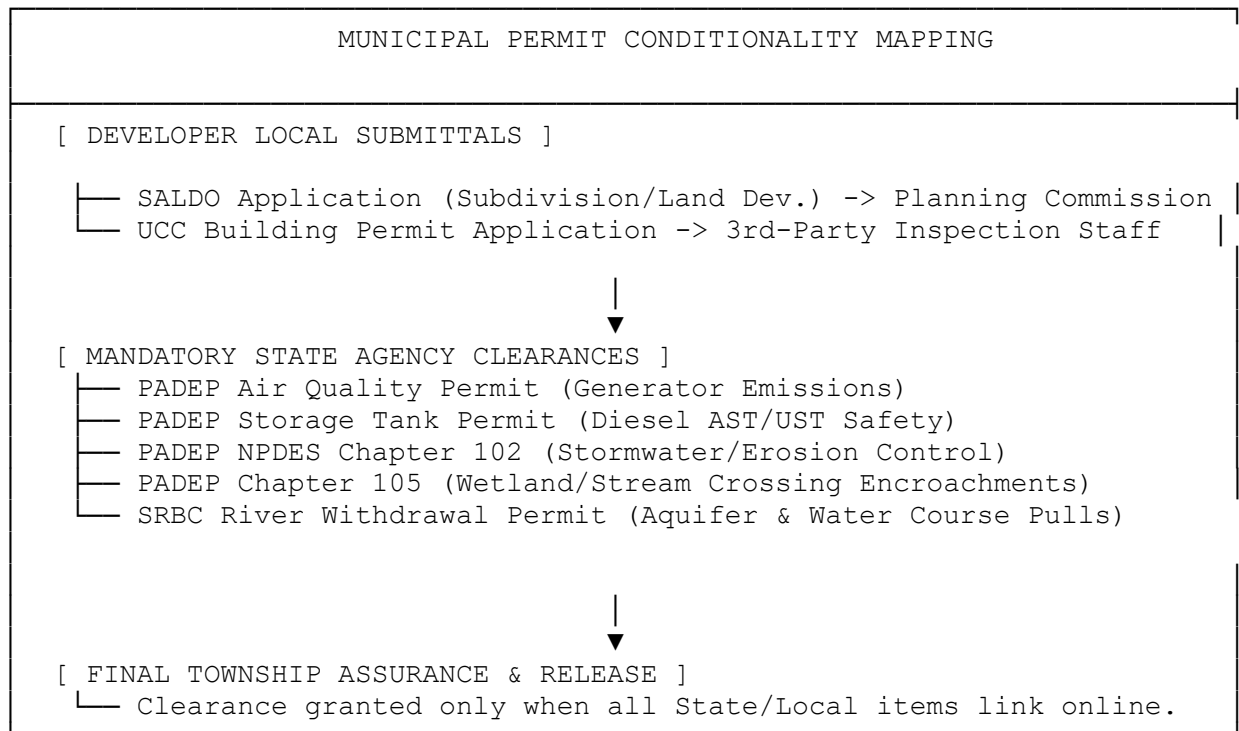
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PART 2: Construction Phase & Permit Transparency

Municipalities are frequently accused of a "lack of transparency" because the vast majority of environmental and utility reviews occur at the state level, completely outside the scope of standard monthly township meetings. To bridge this gap, Salem Township must require developers to assemble a public-facing **Permit Transparency Portal** displaying active approvals from all regulatory bodies.



Local Submittals & Inspections

- **Subdivision and Land Development (SALDO):** Developers must submit complete engineering packages—including detailed topography profiles, stormwater management routing, and utility alignments—to the [Salem Township Planning Commission](#) and Board of Supervisors for public review.
- **Building Permits and 3rd-Party Inspections:** Structural submittals must undergo exhaustive plan reviews by the township's third-party Uniform Construction Code (UCC) inspection agency.



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State Agency Permits (The Transparency Gap)

The ordinance should explicitly state that **no local building or grading permit will be issued** until the developer provides certified, unredacted copies of the following state permits:

- **PADEP Air Quality Permit:** Required for the massive banks of emergency diesel backup generators. This permit regulates potential emissions of nitrous oxides (NOx) and particulate matter (PM2.5) during testing and grid failures.
- **PADEP Storage Tank Permits:** Governs registration, monitoring, and leak detection systems for the facility's Aboveground Storage Tanks (AST) or Underground Storage Tanks (UST).
- **PADEP NPDES Chapter 102 Permit:** The National Pollutant Discharge Elimination System permit ensures that heavy earth-moving activities across 1,000+ acres do not cause mass siltation or mud runoff into local tributaries.
- **PADEP Chapter 105 Permit:** Required if the sprawling campus layout encroaches upon, bridges, or channels any localized wetlands, intermittent streams, or natural waterways.
- **Well and River Withdrawal Permits (SRBC):** If the site pulls water from the nearby Susquehanna River basin or utilizes high-capacity industrial groundwater wells, it must secure explicit allocation approvals from the **Susquehanna River Basin Commission**.

Traffic Impacts (Local vs. Construction)

- **Construction Traffic Routing Mandates:** Enforce dedicated, heavy-vehicle ingress and egress routes that completely bypass residential lanes, school bus routes, and weight-restricted rural bridges.
 - **Road Bonding Protections:** Prior to any site staging, the developer must execute a **Heavy Traffic Road Maintenance Bond** with Salem Township. If heavy machinery warps, cracks, or degrades township road surfaces, the bond ensures the developer pays for full structural restoration.
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PART 3: Information & Operational Specifications

Technical Specifications of Data Centers

- **Impacts:** Typical hyperscale facilities operations are constantly evolving to limit water usage, electrical grid usage, and environmental impacts.

Public Information Availability

- **Public Relations:** Typical hyperscale facilities operations are constantly evolving to limit water usage, electrical grid usage, and environmental impacts. Data Center owners can/should hold public meetings for informational purposes and Q & A to alleviate public scrutiny and fear.

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