

East Manchester Township

Questions and Answers

October 21, 2025 Public Hearing for Data Center and AI Rezoning

***Updated 11/3/25 to include questions #37 to #66.*

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Zoning:

- 1. Has the Township or any Supervisors signed a Non-Disclosure Agreement (NDA) for a data center with Talen Energy or anyone else?**

No. The Township has not signed an NDA with Talen Energy or any other developer. The Township staff and Supervisors do not ever sign NDAs with any developer. The Township operates as a public entity which deliberates in public so it would be inappropriate to sign NDAs.

- 2. Why can't the Township restrict the zone and ordinance to make it as "painful" as possible for a developer?**

The Township can regulate the data centers closely, which the Supervisors intend to do. The text amendment to the zoning ordinance includes several pages of regulations that will apply to any data center. The solicitor's office, even prior to the public hearing, had been asked to update the draft with additional provisions from the newly released York County Planning Commission model ordinance for data centers.

The Township can restrict data centers to a small area, so long as the area has undeveloped property that is large enough to allow a data center per the regulations

adopted. The Township, however, cannot rezone only one property which would be “spot zoning” which is illegal in Pennsylvania. By creating the AI District, the Supervisors attempted to limit data centers to a small corner of the Township that included an undeveloped farm property that borders industrial land, has close access to water and close access to high voltage electrical infrastructure. The property would also be in a location that could be accessed from Wago Road which already has truck traffic for the Brunner Island power plant that does not use other Township roads.

The proposed ordinance continues to allow all uses currently permitted in the Agriculture district including golf courses. The intent of the Supervisors is to not change anything already allowed for the properties included, but to additionally allow a data center. The golf course sits on old, reclaimed ash piles so development of the golf course as anything else is highly unlikely and would also require significant clean-up and removal or remediation of the underlying ash. But by including the golf course property in the rezoning area the new district would be less likely to be challenged as illegal spot zoning. The Chairman of the Board of Supervisors has stated that based on public concerns, the golf course is being removed from the rezoning. The solicitor’s office has been tasked with identifying alternatives and will do so. While no new draft has been presented or acted on, the Township assures residents the golf course will be removed from the rezoning proposal in future drafts of the ordinance.

We note that much of the public has indicated that data centers should be allowed in the Industrial zoning district. The Supervisors will consider that option. However, allowing them in the Industrial district requires that there be undeveloped properties at the time the Ordinance that is adopted (if the land is later developed as a different use the Township does not have to provide more land, and the ordinance will still stand up to challenge). The only undeveloped parcels in the Industrial district are already approved for development or are too small to build on after application of the 500 ft setbacks from residential properties. Therefore, allowing the use in the Industrial district could be open for challenge, unless the proposed setbacks are reduced or additional parcels are added to the industrial district. In addition, the Industrial zone is not located close to water or power plants. One concept discussed during the public hearing was to require private connection to a power source rather than using a shared Met-Ed substation. This would not be possible in the current Industrial district without extending substantial new power lines across other properties in the Township from the power plants along the Susquehanna River. This could be impossible, making the ordinance exclusionary and open to challenge or it would require a substantial power line or lines to be built across numerous properties in the Township. A data center in the Industrial district would also need to use public water rather than direct withdrawal from the Conewago Creek or Susquehanna River that would be possible in the proposed Ai district location, which the Supervisors fear could negatively impact public water service to Township residents. Finally, the Industrial district includes a large land area near many residential properties.

The public should understand that the open discourse on intentionally excluding data centers by banning them or making it so hard or costly to develop that none will come to the Township is not helpful and very counterproductive. If the Supervisors were to agree with those approaches or state that intent on the record, they would make the case for a developer to claim the ordinance has exclusionary intent. The Supervisors went down the path of regulation because of their proactive understanding that data centers need to be heavily regulated. Public discussion and discourse must focus on what regulations are enforceable and legal. We ask that the public please take this into consideration.

3. Can the Township make this a conditional use instead of permitted by right?

The Township can make this a special exception or a conditional use. Special exceptions and conditional uses are similar, except a special exception involves a hearing before the zoning hearing board while a conditional use involves a hearing before the Board of Supervisors.

Residents should note that special exceptions and conditional uses are both permitted uses that allow site specific conditions to be placed on them. If an applicant either meets the checklist of requirements under the ordinance, the use cannot be denied. Therefore, providing for data centers as a special exception or conditional use does not mean the zoning hearing board or supervisors have discretion over an approval.

4. What is an overlay district?

An overlay district is a special set of zoning regulations that overlays a base zoning district. Overlays are common to establish special regulations for environmentally sensitive areas such as floodplains or steep slopes. Overlays can also allow specific uses in limited areas. For example, the Township could create a data center overlay district. However, the overlay must still include undeveloped properties, or the ordinance may be open for challenge as being exclusionary. This option is being discussed by staff and the solicitor.

5. Why did the Township name the new district Agricultural Innovation (AI)?

The new district was named Agricultural Innovation because the district retains all the agricultural uses and dimensional requirements of the Agricultural district, plus it adds data centers which are considered a new and innovative technological use. Data centers are also being constructed primarily due to the proliferation of artificial intelligence so the AI initials are fitting.

6. What are the setbacks from property lines?

The setbacks are 100 ft. front; 50 ft. side and rear. There is also a more stringent setback of 500 ft. from any residential dwelling or residential district. Generally speaking setbacks over 500 ft. are likely subject to challenge. Setbacks over 1,000 ft. have been struck down when applied to mushroom farms (odor) and quarries (blasting). The setbacks are still subject to further discussion, but must be justified by actual impacts (rather than speculation about impacts).

7. Can the Township require a Community Benefit Agreement (CBA)? Can the Township require a developer to invest in its community? Lower utility costs within the community it is located in like a landfill?

The Township can request a Community Benefit Agreement, but has no authority to force a developer to enter a Community Benefit Agreement. A forced Community Benefit Agreement that requires a developer to make payments to the municipality or another community organization is called an “exaction” which is a violation of the fifth and fourteenth amendments of the U.S. Constitution. The only exactions expressly permitted by the Municipalities Planning Code are recreation fees and traffic impact fees.

The Township collects substantial recreational fees from all major developments which funds are used to maintain the Township’s parks and recreational facilities. The Township has also built up a reserve of recreational funds with the intention to expand the Township’s recreational facilities. The recreational fees are held in separate accounts and cannot be used for other purposes.

The Township does not have a traffic impact fee. Traffic impact fees require a special study and ordinance. The traffic impact fee must then be assessed uniformly according to specific standards and can only be used for specific purposes. The Township is then limited to collecting the traffic impact fee from a developer for traffic improvements. The Township has not adopted a traffic impact fee ordinance because the Supervisors have been more successful negotiating higher traffic contributions from developers than would be allowed in a traffic impact fee ordinance. All of the traffic improvements to Zions View Road, Canal Road, Locust Point Road, Bartlett Drive and Espresso Way have been paid in full by developers. East Manchester Township, Manchester Township and Conewago Township are also holding a substantial escrow of funds from several developers to be used for the widening and resurfacing of Canal Road to Susquehanna Trail. This also includes funds to replace the bridge on Canal Road. The entirety of that work will be paid by developers and PennDOT.

The Township requires every developer to enter into a Development and Financial Security Agreement. Each Development and Financial Security Agreement includes provisions for road improvements and recreational fees. The Supervisors believe this

is more appropriate than Community Benefit Agreements, but the Supervisors are also open to any developer who voluntarily offers a Community Benefit Agreement.

Landfills do not lower utility costs for residents. Some landfill operators have offered free trash collection in the host municipality. Landfills are different from other uses because they require a state permit from the Pennsylvania Department of Environmental Protection (PaDEP) who has greater authority to require landfills to enter into host municipality agreements.

The Supervisors would readily consider any voluntary offer from a developer to provide community or other benefits to Township residents. But the Supervisors cannot condition an approval on such benefits.

8. What is the maximum size the Township is required to allow within the Township. What does the proposed ordinance allow for?

The maximum height of a data center building in the draft ordinance is 55 ft. and the maximum building coverage is 80% of the lot on which it is constructed. The building height and building coverage are open to further discussion.

9. Can the Township limit the number of Data Centers? Can you limit the number of lots for Data Centers? Do the townships have to provide multiple locations or just one to satisfy the State requirements?

Generally speaking, the Township is only required to provide a location for one data center. Once a data center is built, the Township has no obligation to provide for additional data centers under current law. If the Township provides for a location where a data center can be built, but instead something else is developed at that location, the Township does not need to provide additional locations for data centers.

The Township's zoning proposal effectively limits data centers to a somewhat remote corner of the Township. The proposed location would stand up to challenge because we know there have been informal inquiries related to that property. If developed, the Township has done its "fair share" and would not have to provide any additional locations for data center development. The Supervisors believed this was a better option than opening the entire Industrial district to data centers. The Supervisors have concerns that existing buildings could be repurposed into data centers, which may or may not be a good thing for residents. The Supervisors have listened to the public and are considering allowing data centers in the Industrial district as an alternative.

10. How much space does the Township legally have to provide for a Data Center?

There is not a definitive answer to this question in terms of acreage or area. The Township must provide a legitimately developable location for the use.

11. Are townships allowed to coordinate together to possibly share a designated area for the Data Center?

The Pennsylvania courts have held that where multiple municipalities have joined together to develop a comprehensive plan, a use may be excluded from one of those municipalities so long as it is allowed in at least one of the other municipalities participating in the comprehensive plan. East Manchester Township is not part of a joint comprehensive plan. The Township's last comprehensive plan was completed in December 2005 and resulted in the current zoning map of the Township. Comprehensive plans typically take several years, are a significant undertaking, and a large expenditure.

12. How will the Board of Supervisors protect the Township residents from Data Centers?

By doing what the Supervisors have proposed to do – adopting a robust set of regulations to govern any data centers to be built in the Township. However, the Township only controls the zoning and land development for data centers. Other impacts of data centers such as air quality, water quality (including stormwater), electric consumption and water usage are regulated by federal, state or regional agencies and organizations. The Township is preempted from regulating the same matters as are regulated by these other entities.

13. What made the proposed rezoning area be “the area” if the Township didn't want it?

See answers to # 2 and # 9 above.

14. Can the Township provide the information (i.e. Ordinance amendments, rezoning map revision) prior to the next Data Center meeting?

The Township will provide copies of the draft ordinance ahead of the next public meeting where the ordinance will be substantively discussed. A copy of the draft ordinances will be posted on the website after action from the Board to advertise them as well as printed copies for those who request them and copies at the public hearing itself. The Township will need some time to revise the ordinance because there were a lot of public comments to consider. Ordinances can be complicated to draft and so revisions and updates require consideration of the impact on other ordinances.

15. Why didn't the Township post the Rezoning signs on other parcels like in the developments?

The Municipalities Planning Code only requires the affected parcels to be posted. The same requirement applies when there is a zoning hearing for a parcel.

State/Federal:

16. Should the Township even pass Data Center regulations since Kristen Phillips-Hill is attempting to pass state regulations, trumping local government regulation?

The Township should not rely or wait on state legislation being enacted. The Supervisors prefer that zoning and land development stay local. The Supervisors prefer decisions remain local rather than be made by legislators in Harrisburg or Washington, D.C. The Township is a prime location for data centers due to the power plants and water sources that are in and near to the Township. Statewide regulation and siting of data centers could result in more data center development in the Township than currently required by the fair share doctrine.

17. How can residents voice their concerns with the State and Federal Government?

By contacting your federal, state, and local legislators and by voting. The Supervisors are also communicating their concerns to the state legislators.

18. How can residents voice their concerns to all the utility companies?

Electricity generators and utility companies and their shareholders have a lot to gain financially by data centers. Therefore, the Township does not have much hope that utilities will do anything to limit data centers. You may contact the PUC. See this article: [PUC Launches Review of Grid Impacts from Data Center Growth | PA PUC](#).

19. Is the Fair Share Doctrine inadequate? If so, what can citizens do to change it?

The pros and cons of the Fair Share Doctrine are debatable. Many people would certainly prefer to live in their own world without any development (after of course their own development has been built), but that world would be very different for everyone. The need for data centers is driven by smartphones, social media and artificial intelligence. If we all gave up those things we would not need any data centers.

There was a time twenty or so years ago when public backlash was commonly directed at residential development because it creates traffic and demands for public services without creating any jobs. Hellam Township even passed a moratorium to stop further residential development. The courts overturned the moratorium. East Manchester Township has experienced substantial residential development and growth since 2000. That was in part because earlier Township Boards could not ban residential development. Many new residents live in affordable housing in the Township because the law does not allow exclusionary zoning or moratoriums on development.

The industrial development of the Township has created jobs and a vastly increased tax base. Industrial development does not receive any permanent tax breaks (LERTA is an incremental 10-year tax phase-in plan). Many of the industrial buildings in the Township are assessed for tens of millions of dollars. The Township Supervisors have on several occasions even appealed tax assessments of industrial buildings to make sure the assessment value was maximized. One example was the Starbucks warehouse about ten years ago. The Supervisors appealed the assessment value of that building and were successful in getting the building re-assessed from approximately \$35 million to about \$65 million. That is significant additional tax revenue every year for the school district and Township.

20. With Fair Share: Is there a ratio in commercial to residential to green space? Doesn't there come a point where having Fair Land Share doesn't work, because there is not land available?

There is not a ratio of commercial to residential. A balance is preferable to support the tax base and services a Township must provide as well as provide local jobs. By balancing those land uses and allowing development of residential subdivisions and commercial and industrial land, the Township has maintained a balanced tax base that has allowed the Supervisors to keep tax millage rates level in the face of rising inflation.

There can come a point where the Fair Share Doctrine may not apply due to the full development of a municipality. However, the Township is only partially developed and not able to use that as a defense.

Golf Course:

21. Where is the latest rezoning map without the golf course?

The Township is working on several options such as an overlay or Industrial district that will not include the golf course. Alternatively, the Supervisors may decide to only allow data centers in the Industrial district opening a broader area of the Township, that align with some residents' comments. See # 14 above regarding draft information.

22. When did the decision for the golf course get eliminated from the rezoning and did the Supervisor's break the Sunshine Act when removing the golf course?

The Supervisors have not taken any formal action to remove the golf course. The formal action will be taken when a revised draft of the Ordinance that does not include rezoning of the golf course is presented to the Board for action. However, at the October 14th public meeting, Chairman Naylor stated, "it is not the Board's intent to rezone the golf course and we will reevaluate the properties that should be rezoned so that it makes the most sense for the community." The Supervisors all recognize that including the golf course in any district that allows data centers is unpopular to

our residents. The Township staff and solicitor have taken the directive from that meeting to remove the golf course from the rezoning. The public can rest assured that land will not be included in the next iteration of the Ordinance. The reasons for initially including the golf course are stated above.

23. How will the traffic get to the Hendrich parcel since it won't have road frontage if the golf course is removed from the rezoning?

This is the primary problem and concern with removing the golf course from the map. The Hendrich property could possibly be rezoned as Industrial connected to the Brunner Island Industrial land but that will open the rest of the Industrial land in the Township to possible redevelopment for data centers. Other options will be explored to create an overlay Data Center district that would include the northern end of Brunner Island and therefore give access from Wago Road. However, there have not been any discussions with Talen Energy or a full analysis of whether such an option would stand up to a legal challenge.

24. Will there be traffic studies? Do Data Centers generate a lot of traffic and what type of traffic?

Traffic studies and noise studies are required by the Township's Subdivision and Land Development Ordinance at the time of land development. Data centers generate substantial construction traffic, but once constructed do not generate much ongoing traffic. Nevertheless, the existing Township ordinances will require any proposed data center to perform traffic studies, and any traffic impacts will be evaluated.

25. Why was the golf course in the proposal to begin with?

See Answer # 2 above.

26. What is to stop a Data Center developer developing into the golf course or other areas of the Township? Could this make a developer petition more land not within the designated zone?

A developer could request to rezone more land but the Township can deny that request so long as the Supervisors have proactively provided an area in the Township adequate for a reasonably sized data center. Without an ordinance in place, a developer can apply to put a data center anywhere as a "use not provided for" or through an exclusionary zoning challenge to the Township's zoning ordinance.

General Gov't:

27. Where is the current Zoning Map?

On the Township website homepage, click on the selection that says "Zoning Map".

28. Can the Township post the Agenda sooner?

Making the deadline too early for the sake of posting it on the website much earlier puts a hardship on applicants, staff, and third-party reporting that is reviewed at the Board meetings. There is a deadline to be on the agenda therefore, staff needs time to put the agenda together.

29. Can the Township livestream other boards with the Township?

The Board of Supervisors has agreed to stream the Planning Commission and Zoning Hearing Board meetings in addition to the already streamed Board of Supervisors meetings beginning in November 2025.

30. Why is the Township not on Social Media platforms?

The Township is not on social media platforms as the management of those platforms requires significant additional expenses. However, the Supervisors and staff are investigating a notification system to be implemented in 2026 with the upgrade of the website for ADA compliance. The Township has witnessed a significant amount of misinformation on various social platforms and asks the public to please not rely on that for information but visit the Township's website at www.emanchestertwp.com.

Fire Department:

31. Is the Fire Department capable of fighting a fire at a Data Center? Will the Data Center have its own fire safety equipment?

This would be dependent on a specific proposal for a data center. Any data center proposal would have to be reviewed by the Township's Fire Chief, Joe Stevens. The facility will be required to meet all fire codes and electrical safety codes. The Township could also legitimately require a data center developer to provide any special fire equipment needed to fight a data center fire.

Taxes:

32. Will this make my taxes increase?

No, a data center would not make taxes increase. A property owner of a data center would have to pay taxes on its assessed value. The Township's budget process considers the expenses needed to maintain the township and the revenues generated by township taxes.

East Manchester Township last increased its tax millage in over 20 years. The last Countywide reassessment was in 2006. Because property assessed values can only be changed by a countywide reassessment, and Township taxes are paid by multiplying your property assessed value by the Township tax millage rate, the actual dollars paid by residents for Township taxes have remained the same since 2006.

During that time the average annualized inflation rate has been 2.9%. Therefore, in inflation-adjusted dollars, the average Township resident has seen a 37.68% decrease in taxes. This has mainly been possible because of the commercial and industrial development in the Township in alignment with the Township's 2005 Comprehensive Plan. That development has greatly increased the overall taxable assessed property value in the Township by adding new taxable buildings and increasing land values. In this way, the Township has been able to maintain the same tax rate for over 20 years.

33. Will the developer receive tax breaks such as LERTA?

LERTA only applies in the Industrial district. The Supervisors amended their LERTA ordinance a few years ago to provide that LERTA must be approved on a case-by-case basis using criteria set forth in that ordinance. A developer is unlikely to get a LERTA benefit.

Sound and Vibration:

34. Does the Sound Ordinance and additional sound requirements cover high and low frequencies? Electrical engineers question whether the sound/noise ordinance would be effective due to the Hertz levels.

The Township recently updated its noise ordinance standards with the assistance of an Institute for Noise Control Engineers (INCE) accredited noise control engineer. The ordinance does cover high and low level frequencies of sound.

35. Please further explain the process of a sound study and when they would be done.

Sound studies would be required during the land development plan approval process or as soon as the noise generating equipment for the facility is known. The initial sound study would model the noise projected from any exterior noise-generating equipment. If the noise model predicts any noise exceedances, the developer will be required to change equipment or provide adequate noise mitigation measures.

A sound study measuring actual noise will also be required after construction to assess the actual noise from a facility. The sound study must demonstrate the facility meets the Township noise requirements. Upon being constructed, any facility must continue to meet the noise requirements of the Ordinance.

36. Will the new ordinance prevent light pollution?

Yes. The Township Ordinances already have provisions that regulate lighting fixtures on commercial and industrial buildings. The Township also has years of experience from other facilities regarding what types of lighting fixtures are effective to minimize light pollution.

Environmental:

37. To what extent can the Township control the environmental concerns of the public such as air/water pollution?

The Township regulates stormwater pollution through its stormwater ordinance and the subdivision and land development approval process. The Township can regulate air, odor, dust, vibration and noise through performance standards in the zoning ordinance. The state through the Pennsylvania Department of Environmental Protection (PaDEP) regulates air emissions through air quality permits and regulates water pollution through National Pollutant Discharge Elimination System (NPDES) permits. The PaDEP through the York County Conservation District also regulates stormwater runoff through NPDES permits. The PaDEP additionally through separate permit programs regulates the storage, handling and disposal of hazardous substances and the cleanup of hazardous substance contamination.

Although the Township may establish performance standards in the zoning ordinance for environmental hazards such as air emissions, the Township cannot implement stricter standards than PaDEP for environmental concerns regulated by PaDEP. The Township can and does require compliance with state regulations and permits. The Township can also monitor the PaDEP permitting processes to ensure the permits are as strict as possible, although the final decisions on state-issued permits lie with PaDEP.

38. Can air pollution reports be sent to the Township and can the Township enforce the reports?

Yes. Air Pollution reports may be sent to the Township. If the reports demonstrate a violation of air quality laws or an air quality permit, the Township can report the violations to the PaDEP. Residents can also report environmental complaints directly to PaDEP by calling (866) 255-5158 or filing an online complaint form at <https://greenport.pa.gov/obPublic/EnvironmentalComplaintForm/>. Environmental emergencies should be reported directly to PaDEP by calling (800) 541-2050.

39. Will a Data Center harm the wildlife and/or make the wildlife leave?

We cannot say at this time because there are no pending projects in any specific locations. The Solicitor's office will include Ordinance provisions to require an environmental impact statement with provisions for studying wildlife impacts for any proposed data center. Ordinance will require any project that requires an NPDES permit for stormwater must also perform a Pennsylvania Natural Diversity Inventory (PNDI) search to determine if the project will harm any habitat of known threatened or endangered species. Most common animal species in East Manchester Township such as small game and whitetail deer are highly resilient and adaptable. They already co-exist with a major power plant, railway lines and numerous industrial and commercial facilities, as well as large residential developments.

There are also multiple large farms in the Township that have been voluntarily preserved by their landowners, most notably the 404-acre farm across North Sherman Street from Sherman Oaks which can never be developed. Those landowners have elected to preserve their farms permanently through conservation and agriculture preservation easements. An interactive map of the preserved farms in York County is maintained by the York County Agricultural Preservation Board and can be found here at this link:

https://experience.arcgis.com/experience/160a8cf82c4a4fc58409ff4b99d34d32/#data_s=id%3A1f0067a7db414867bf50af11741bd928-Parcels_1311-0%3A39591

The Township also has certain sensitive environmental areas zoned Conservation on the zoning map. These areas can also help provide wildlife habitat and areas of the Township protected from Development.

In addition, the Township Supervisors back in 2006 implemented a sliding scale for development for farms in the Agriculture district. Farms in the Agriculture district are assigned a limited number of dwelling rights allowing the development of those tracts. The number of dwelling rights per acre decreases as the size of the farm increases. This is another tool the Township has implemented to reduce the density of development in the Agriculture district which also helps to preserve open space and wildlife habitat.

40. Will a Data Centers' air pollution have a negative impact on people with health issues such as breathing problems?

We do not know at this time. We cannot make general statements about health and breathing problems because those situations will depend on the type of data center and health concerns. There are no data center proposals that have been submitted to the Township at this time. The Solicitor's office will include provisions in the Ordinance for an environmental impact statement and the consideration of sensitive receptors near the proposed site. Additional setbacks will be provided around any sensitive receptors. The solicitor's office will propose changes to the Ordinance to provide for approval of the data center by special exception before the zoning hearing board where anyone with sensitive issues can put forth evidence and experts to demonstrate any proposed data center will have a negative impact on them. The zoning hearing board can then take those specific concerns into consideration when reviewing a specific data center proposal.

41. Do Data Centers emit greenhouse gases?

It depends. This depends on how a specific data center is constructed and operated. No matter how the data center is constructed or operated, it will require large amounts of electricity which will likely be generated primarily from fossil fuels which will emit greenhouse gases. However, greenhouse gases are not regulated at the local level and concerns about greenhouse gases should be directed to state legislators and,

more importantly for greenhouse gas regulation, to federal legislators who have more control over state and federal policy on greenhouse gas emissions.

42. Will the Township consider hiring an engineering firm or specialist to review the project and its environmental impact on this community, putting first and foremost, the protection of its residents and resources?

Yes. Depending on the size and complexity of a proposed data center, the Township may hire specialists such as noise control engineers to review any application for a data center to ensure the project complies with Township Ordinances and will not harm Township residents.

43. Can the Township require native plantings and place restrictions on non-native plantings?

Yes. The Ordinance will have robust landscape screening provisions. The Supervisors will consider requiring native species but will have as their primary concern the selection of species that will produce a robust, resilient and full vegetative buffer around the structures and property.

44. Can the Township require or conduct archaeological digs or protect historical sites? The resident explained that she believes the area was a Native American habitat and the location of a Civil War skirmish.

Yes. The Solicitor's office will include provisions requiring an environmental impact statement for any proposed data center. Those provisions will include a review of the site to determine if any archeologically important sites exist near the site of any proposed data center.

Water:

45. What is the recourse or enforcement the Township can take if the Data Center does have a negative water impact on the community?

The proposed Ordinance requires extensive hydrogeologic studies for any water withdrawals, including the review and study of any other water sources such as wells or streams within 1,000 feet of a proposed data center. Any withdrawals from groundwater or surface water source that exceeds 100,000 gallons per day (gpd) over a 30-day average or involves the consumptive use of water greater than 20,000 gpd also requires approval from the Susquehanna River Basin Commission.

If a data center violates its permits or approvals or the permits or approvals from the Township for water withdrawals, the Township may take action to enforce the terms of the permits and approvals. Likewise, the SRBC would also be able to enforce its permits and approvals against a data center.

46. Can the Township require a Data Center to have a closed water system?

Yes. The Township is researching and considering language to require closed-loop or near closed-loop coolant systems. The Supervisors will consider allowing only these types of systems.

47. If noise, air quality, and water quality are involved in the ordinance; what is stopping the data center from just ignoring the complaints? Just paying the fines or whatever the repercussions are without making changes? Can we do something if they don't hold up to their end of the agreement/ordinance?

Yes. If the data center continues to violate the zoning ordinance provisions for data centers or the performance standards in the Ordinance, the Township can apply to the York County Court of Common Pleas for an injunction to stop the operations that are causing the violations. The Township may also in some circumstances suspend or revoke the data centers certificate of use and occupancy.

48. Can provisions be placed to lower water usage and/or to clean the water?

Yes. See above answer to # 45.

Electric and Utility:

49. What is the recourse or enforcement the Township can take if the Data Center does have a negative electric impact on the community (black outs/brown outs)? Could this have an adverse effect on residents on special lifesaving equipment (i.e. oxygen tanks, pacemakers)?

The Township does not have any authority to regulate electrical service. Met-Ed as the local electric utility regulates electrical service through its electrical tariff. The tariff is a set of rate and rules that are approved by the Pennsylvania Public Utility Commission (PaPUC) for each utility.

The Supervisors will consider a provision in the Ordinance requiring data centers to have direct “micro-grid” power sources where the data center would take its electricity directly from a power source using its own lines and equipment from power source to the data center. This requires locating data centers near power plants so that it is feasible to establish the interconnection directly to a power plant substation.

50. Would the Township, Community, or Developer “foot the bill” for the substations it would take to operate a Data Center?

We do not know. The developer will likely have to pay the costs to construct any new substations for the facility. However, the Township does not have zoning control over the electrical facilities. Public utilities are exempt from zoning

regulation except in limited circumstances. This would be a question better directed at Met-Ed.

51. Will the community's utility bills increase if a Data Center is placed within the Township?

We do not know. The impact of data centers on electricity prices is unknown at this time. The electricity markets are complex. We know data centers will use large amounts of electricity which could tighten the electricity market if enough generation capacity does not come on-line to satisfy the demands of data centers. However, we do not know how data centers will impact local electricity prices. The Township cannot regulate the electricity usage of data centers. The Township has not been granted that authority.

52. Can the existing infrastructure handle a Data Center use including treatment facilities?

Probably not. This will depend on the location and size of any proposed data center and also the size and capacity of existing electrical infrastructure facilities. Most likely substantial upgrades will be required to substations and potentially power lines and supporting poles or towers.

Industrial vs. Agricultural:

53. Residents showed concern for "taking away more green". Why would the Township place a use like this on agricultural land and not industrial?

See Answers to # 2 and # 9 above.

54. Can a Data Center occupy an existing vacant warehouse? Is it feasible within East Manchester Township to allow this?

Yes. Existing warehouses can be re-purposed as data centers. The Township can allow this if desired. This may, however, require some reductions in setbacks and relaxation of other standards so that existing warehouse properties would be able to meet the data center regulations. See #2 and #6 above.

55. How many warehouses are currently vacant within East Manchester Township?

We do not know the exact number. Warehouses are not required to report their occupancy to the Township. Some warehouses are vacant from time to time in between tenants, similar to other commercial properties. Warehouses pay the same taxes whether vacant or occupied.

56. How did the Industrial Warehouses come into East Manchester Township if they used to be Agricultural?

The Township completed a Township-wide Comprehensive Plan in 2005. A copy of the Comprehensive Plan is available at <https://emanchestertwp.com/wp-content/uploads/2020/10/East-Manchester-2005-Comprehensive-Plan-Update-Complete-File.pdf>. The Comprehensive Plan was the culmination of several years of public surveys, public meetings and public comments. A centerpiece of the Comprehensive Plan was the future land use map showing the preferred locations of future development in the Township based on extensive public input. The future land use map was later adopted as the zoning map for the Township in order to guide development in accordance with the Comprehensive Plan.

The future land use map updated the Industrial district to provide for development near Interstate 83 in the western half of the Township due to proximity to roads and infrastructure. The Agricultural districts of the Township were moved out to eastern and southeastern half of the Township. The middle section of the Township was reserved for residential uses. The Comprehensive Plan also provided for the placement of future land uses in the various proposed zoning districts. However, at the time of the Comprehensive Plan some uses like data centers did not exist so were not included or anticipated in the Comprehensive Plan. Data centers have some unique characteristics which make them different than many other industrial uses, which the Supervisors are trying to take into account in their work to update the zoning.

57. Will a Data Center even be needed by the time it gets built?

We again clarify that there is no pending data center proposal in the Township. The Township has only been contacted informally about a possible data center. We do not know if land will ever be secured for a data center or if any plans will ever be submitted. The Supervisors are taking action to amend their ordinances in case a data center is formally proposed in the future. We do not know if data centers will still be needed in the future, but must assume they will be needed in order to properly plan for them.

58. Can the Township place decommissioning regulations on a Data Center? If a datacenter closes, who is stuck with the cleanup/decommissioning of the facility?

The Township is reviewing this concept. There are some non-permanent land uses such as mining, mineral extraction, quarrying, landfills and solar farms that commonly require decommissioning. However, those uses anticipate the return of the surface of the land to a future useable condition. Data centers are in buildings, and the Township does not provide for the decommissioning of any other buildings in the Township. The Township cannot discriminate against particular uses without a supportable justification to do so. Because the Township does not require decommissioning for other residential, commercial or industrial buildings, we have concerns this type of requirement could be discriminatory. Nevertheless, the Township has asked the solicitor's office to do more research on whether decommissioning requirements and bonding may be included in the Ordinance.

Talen Energy:

59. Can the Township monitor or test the soils/water under the coal ash on the Talen Energy properties?

No. The PaDEP regulates the coal ash beds on the Talen Energy properties. Any questions that pertain to the testing or monitoring of those coal ash beds should be directed to the PaDEP and Talen Energy.

60. Where are all the coal ash pits?

The Township does not have a map of the coal ash beds because it does not regulate or monitor them. The PaDEP regulates the coal ash beds on the Talen Energy properties. Any questions that pertain to the testing or monitoring of those coal ash beds should be directed to the PaDEP and Talen Energy.

61. Could NEYSA's soccer fields be used as the location for the data center and we look for another place for the soccer fields?

The NEYSA soccer fields are leased by the Township from Talen Energy. Talen Energy could do something else with that land. The Township believes it would be very difficult to develop any of the coal ash beds without substantial remediation so the Township feels Talen Energy is unlikely to develop that land as a data center. Under the initial ordinance proposal data centers would not be allowed in that location. If the data center use is moved to the Industrial district that location is in the Industrial district and would then be zoned to allow data center uses.

62. Once a Data Center is in operation and owned by a corporation with deep pockets, will it be difficult to conduct enforcement as they have the money to pay small fines?

No, if the Township adopts legally enforceable Ordinance provisions that are not too technically detailed or specific that the Township does not have the resources or expertise to enforce or that are preempted by other state or federal agencies. The Township is also limited by law on what it can fine landowners under its Ordinances. But if the violations are ongoing, the Township can also seek injunctions to stop any ongoing violations. The Township also requires Development and Financial Security Agreements and Stormwater Maintenance and Monitoring Agreements from all developers. The Township includes additional remedies and bonding requirements in those agreements to strengthen the Township's ability to enforce those requirements.

63. Is the Township involving a consultant firm to assist in writing this zoning amendment to ensure it is not only unattractive to those wanting to build a data center in our area, but will stand up to legal challenges as well?

No, the Township has not so far. The solicitor's office continues to research the requirements and may recommend parts of the proposed Ordinance such as noise standards be reviewed by outside consultants. The solicitor's office also continues to monitor and collect model ordinances from other jurisdictions in Pennsylvania and other states to stay up to date on what is being proposed elsewhere. The solicitor's office will also be attending an upcoming workshop and training sponsored by the Pennsylvania State Association of Township Supervisors (PSATS) specifically on data center ordinances.

Fox 43 – Melena Brown

64. Referred to last week's meeting (Oct 14), saying that first, the public was told that there were no inquiries, now the Township says there are two inquiries. Why should the residents trust them?

The statement about inquiries is inaccurate. Chairman Naylor said at the opening of the October 14 meeting that the Township has received informal inquiries from residents and developers about the possibility of developing data centers which raised enough concern to proactively try to adopt an Ordinance with regulations for data centers. Solicitor Miller later clarified that the Township has not received any proposals for a data center, meaning there have not been any informal or formal plans submitted to the Township for any data centers at any specific location. The comment by Solicitor Miller was to clarify that any discussion about a specific data center is premature because there are no plans or details of any proposal for a data center. Also to clarify, Talen Energy has not made any inquiry to the Township regarding development of a data center.

65. Why was no specific information given for the public to check on its own?

See response to # 64. As stated in the October 14 meeting and again at the October 21 public hearing, an informal inquiry was made related to the Hendrich farm parcel at 5544 Board Road and a separate informal inquiry was made regarding another large farm parcel to the northeast of Gravel Hill Road (no street address available). The Township does not have any more specific information to give the public. The Township cannot fulfill requests for information that does not exist. The Township has not considered rezoning or otherwise allowing data centers on the property along Gravel Hill Road.

66. What about harmful noise, etc.? So many residents voiced their concerns to this effect, doesn't this qualify as inherently objectifiable? Go research other areas in the country to see why the zoning must be put in place. She doesn't think it needs to be.

This has already been done and the Solicitor's office continues to research other ordinances. Data center ordinances are being rapidly adopted in various states. The Township developed its initial draft Ordinance from Urban Land Institute's 2024 research paper on Local Guidelines for Data Center Development: <https://knowledge.uli.org/en/reports/research-reports/2024/local-guidelines-for-data-center-development> , which was a leading resource on data center ordinances at the time the draft Ordinance was created. Since the Township began the drafting process, both York County and Cumberland County have also produced model ordinances and guidelines for data center development. The Solicitor's office continues to collect resources and model ordinances for data centers to use in developing the Township's data center ordinance. We also note that a data center ordinance, like any other Township ordinance is a living document that may be updated on an ongoing basis as technology, law and land use goals change.

The Township always considers strengthening and improving its ordinances. The Supervisors updated and amended both the Zoning Ordinance and the Subdivision and Land Development Ordinance within the last 12 months. The Supervisors additionally adopted regulations to govern solar farms in 2021 and to govern small cell wireless facilities in 2024 as those new technologies were becoming more and more prevalent. The Township Supervisors and staff have done their best to be proactive regulating all types of new technology that could impact Township residents.