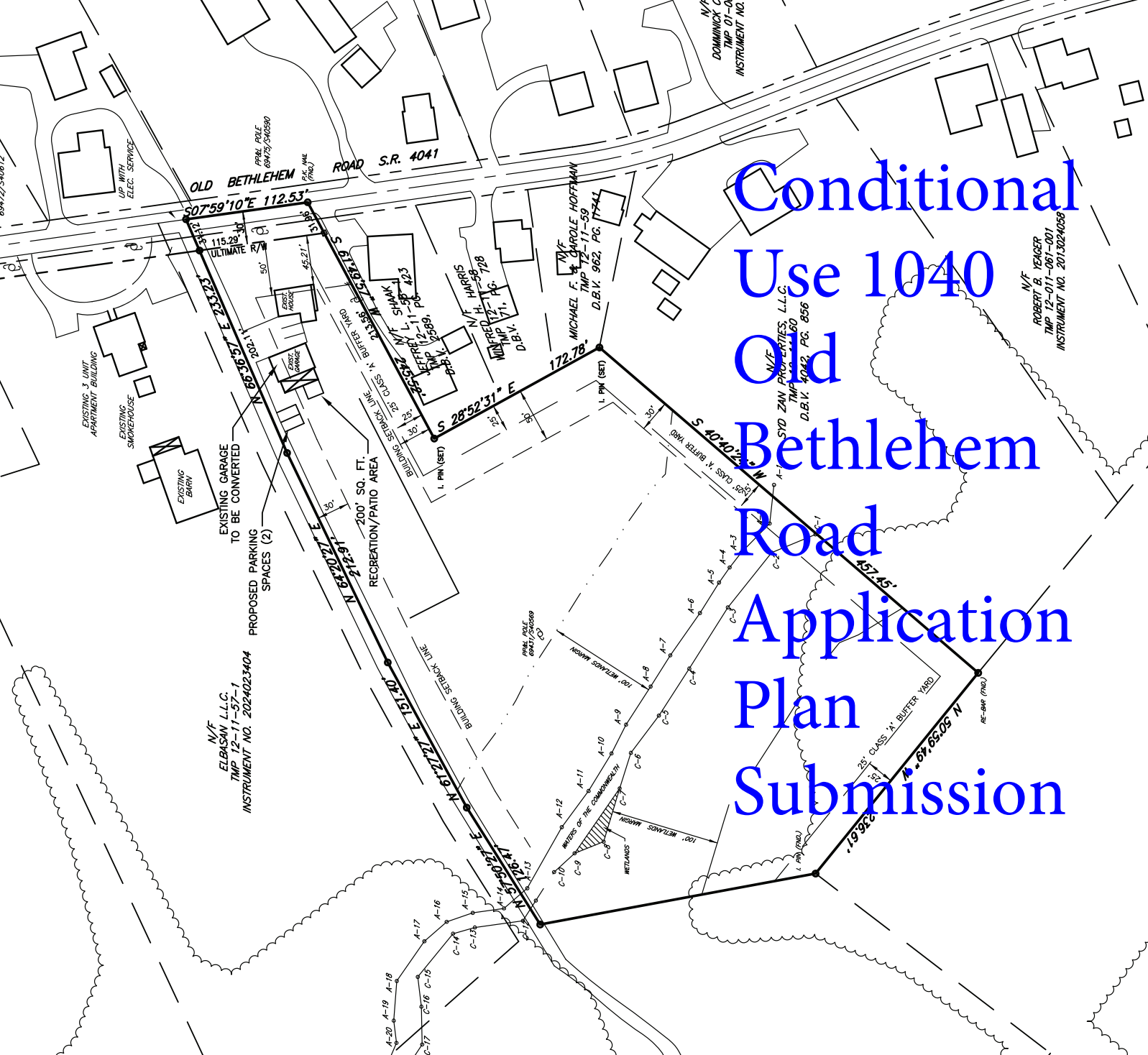


Conditional Use 1040 Old Bethlehem Road Application Plan Submission

East Rockhill Township Board of Supervisors

DRAFT

September 22, 2026

2027 Preliminary Draft Budget Work Session Meeting Minutes

The draft budget work session meeting of the East Rockhill Township Board of Supervisors was held at 6:15 PM on September 22, 2026 in the meeting room at the East Rockhill Township Municipal Office, 1622 North Ridge Road, Perkasie, PA 18944.

Present:	Dave Nyman	Supervisor Chairperson
	Gary Volovnik	Supervisor Vice-Chairperson
	Jim Nietupski	Supervisor Member
	Marianne Hart Morano	Township Manager
	Jeff Scholl	Public Works Director

The meeting was called to order at 6:15 PM by Mr. Nyman.

Revenues:

Proposed fee schedule changes and revenues were reviewed and discussed. No formal action was taken by the Board.

Expenses:

Proposed expenses were reviewed and discussed.

Pennridge Regional Police Department 2027 draft budget is currently a 13.6 percent increase which is equal to a 2 mil tax increase. The draft will be reviewed by the Police Commission at their public meeting.

A new full-time administration position or administration procedure changes were proposed to continue to maintain efficient administrative operations. The Board supported closing the office to the public on Fridays; incoming calls directly to voicemail; eliminating golf token discounts; installing a secure document drop off and pick up box in the vestibule; instituting online zoning permit submission and eliminating the public works hourly activity and elected tax collector monthly reports in place of adding a new position.

The Board supported the sale of the inoperable road mower to Haycock Township.

The Board shared recommendations for consideration. No formal action was taken by the Board.

Road Projects Discussion:

Proposed road projects were reviewed and discussed. The Board shared recommendations for consideration. No formal action was taken by the Board.

Funds Review and Discussion:

Sewer Fund proposes $492,000 in treatment plant repair expenses. Ms. Morano stated the Building Debt Fund currently has a deficit. The Board shared recommendations for consideration. No formal action was taken by the Board.

Public Comment:

There was none.

Adjournment

Mr. Nyman closed the budget work session at 6:57 PM.

Respectfully submitted,

DRAFT

Marianne Hart Morano
Township Manager

East Rockhill Township Board of Supervisors

September 22, 2026

Regular Business Meeting Minutes

DRAFT

The regular business meeting of the East Rockhill Township Board of Supervisors was held at 7:00 PM on September 22, 2026, in the meeting room at the East Rockhill Township Municipal Office, 1622 North Ridge Road, Perkasie, PA 18944.

Present:	Dave Nyman	Supervisor Chairperson
	Gary Volovnik	Supervisor Vice-Chairperson
	Jim Nietupski	Supervisor Member
	Marianne Hart Morano	Township Manager
	Will Oetinger, Esq.	Township Solicitor
	Steve Baluh, P.E.	Township Engineer
	Jeff Scholl	Public Works Director
	Chief Dickinson Jr.	Pennridge Regional Police

The meeting was called to order at 7:01 PM by Mr. Nyman with the Pledge of Allegiance.

Members of the public and press were present.

ANNOUNCEMENT:

- The next 2027 Preliminary Budget Work Session is advertised for Tuesday, October 27, 2026 at 6:15 PM
- The next regular meeting is advertised for Tuesday, October 27, 2026 at 7:00 PM
- An executive session will take place following the meeting for potential real estate acquisition

PUBLIC COMMENT #1:

- George Hawthorne, 690 W. Schwenkmill Road, stated his neighbor Jim Yoder was talking to the mower for Renew Church and was recently at the District Court with the neighbor.

APPROVAL OF MINUTES AND BILLS PAYABLE:

Approval of Minutes and Approval of Bills Payable.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the meeting minutes from the Board of Supervisors August 25, 2026 Regular Meeting as presented. With no additional discussion, all present voted in favor.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve payment of the Bills List dated September 18, 2026 for a total amount of $672,702.98 as presented. With no additional discussion, all present voted in favor.

BOARD AND COMMISSION REPORTS:

Pennridge Regional Police Department (PRPD): Chief Dickinson, Jr.

Chief Dickinson Jr. shared the August, 2026 Pennridge Regional Police activity report. The report is on file.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to accept the Pennridge Regional Police Department report. With no additional discussion, all present voted in favor.

Planning Commission: Marianne Hart Morano

The September 10, 2026 agenda and draft minutes were provided to the Board. Ms. Morano noted the conditional use application for 1040 Old Bethlehem Road was recommended contingent on a deed restriction for family use only; the draft data center / zoning amendment was recommended with no changes and the Commission recommended future work sessions be advertised on an as needed basis.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to accept the Planning Commission report. With no additional discussion, all present voted in favor.

Pennridge Wastewater Treatment Authority (PWTA): Dave Nyman

Mr. Nyman stated the meeting is scheduled for next week and therefore not on the agenda; however, Sellersville Borough has asked if any members would like to surrender excess capacity. Consensus of the Board was to decline.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to accept the Pennridge Wastewater Treatment Authority report. With no additional discussion, all present voted in favor.

TOWNSHIP MANAGER'S REPORT: MARIANNE HART MORANO

Resolution 2026-12 PennDOT Traffic Signal Agreement at State Routes 313 and 563.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to adopt **Resolution 2026-12** as presented. With no additional discussion, all present voted in favor.

Reaffirm Trash District bid renewal for 2027 and 2028 Alternate Years

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to reaffirm accepting trash district 2027 and 2028 alternate years as presented. With no additional discussion, all present voted in favor.

Consider a donation from Kirks Auto Body in the amount of $600.00

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to authorize a donation letter to Kirks Auto Body in the amount of $600.00 as presented. With no additional discussion, all present voted in favor.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Township Manager report. With no additional discussion, all present voted in favor.

PUBLIC WORKS REPORT: JEFF SCHOLL

Public Works activities as of September 18, 2026 were provided to the Board. The report is on file.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to approve the Township Public Works report. With no additional discussion, all present voted in favor.

TOWNSHIP ENGINEER REPORT: STEVE BALUH, P.E.

There was none.

TOWNSHIP SOLICITOR REPORT: WILL OETINGER, ESQ.

Authorization to advertise Data Center and Zoning Amendment Ordinance.

- Lesia Petrizio, 7 High Point Circle, stated support for proposed setbacks and decommissioning provisions in the draft Ordinance and had concern of night time noise levels and generator noise levels if testing was done at one time. It was stated the use required Conditional Use Hearing approval and conditions could be placed at that time.

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to authorize advertisement of the Data Center and Zoning Amendment Ordinance as presented. With no additional discussion, all present voted in favor.

On motion by Mr. Nietupski, seconded by Mr. Volovnik, to approve the Township Solicitor report. With no additional discussion, all present voted in favor.

DEPARTMENT AND EMERGENCY SERVICES REPORTS:

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to acknowledge receipt of the Department and Emergency Services reports. With no additional discussion, all presented voted in favor.

NEW OR OTHER BUSINESS SUPERVISORS' ITEMS:

- Mr. Nietupski asked if Fred Diseroad artwork replaced the proposed mural. Yes.
- Mr. Volovnik stated three pick up trucks are laying rubber in the roundabout and asked Steve Baluh for the status of a Three Mile Run Road trail extension plan. Chief stated to call 911 when occurring for investigation. Mr. Baluh stated cost estimate is being prepared.

PUBLIC COMMENT #2:

- Vicki Sellers, 505 E. Callowhill Street, asked when Old Bethlehem Pike bridge would be completed. Thanksgiving.
- Lesia Petrizio, 7 High Point Circle, stated there is speeding on Stone Edge Road. Mr. Volovnik stated all speed studies do not support there is speeding.
- Vicki Sellers, 505 E. Callowhill Street, stated she sees white and black pick-up trucks speeding.

ADJOURNMENT:

On motion by Mr. Volovnik, seconded by Mr. Nietupski, to adjourn the regular meeting into executive session. With no additional discussion, the meeting was adjourned at 7:40 PM.

Respectfully submitted,

DRAFT

Marianne Hart Morano
Township Manager

East Rockhill Township

Bills List

October 23, 2026

Summary of Fund Expenses

FUND NAME	DESCRIPTION	TOTAL
General	*General Purposes*	$ 298,200.81
Fire	*Revenue from Real Estate 1.0 mil. Expenses related to Fire Volunteer Services.*	$ 112,298.38
Open Space	*Revenue from Earned Income 0.25. Expenses for preservation and maintenance per HB1523.*	$ 6,650.16
Sewer	*Revenue from sewer rates and connections. Expenses for sewer operations.*	$ 210,905.17
Park & Recreation / Golf Driving Range	*Revenue from token sales, park reservations & contributions. Expenses for driving range and park maintenance.*	$ 3,647.51
Street Light	*Revenue from annual street light assessment for properties in district. Expenses payable to PPL for street light rental and maintenance.*	$ 2,080.29
Capital Improvement	*Revenue from Real Estate 1.25 mil. Expenses for capital projects as budgeted and approved by Board of Supervisors.*	$ 3,170.77
Building Debt	*Revenue from Real Estate 1.26 mil. Expenses for Police Headquarter and Municipal Complex building debt.*	$ 5,797.25
Capital Reserve	*Revenue from grants and contributions. Expenses per allocations as budgeted and approved by Board of Supervisors.*	$ 83,226.60
State Aid (Liquid Fuels)	*Revenue from State fuel tax. Expenses according to PennDOT guidelines for road and vehicle maintenance.*	$ 6,349.29
Escrow	*Revenue for consultant review time. Expenses for projects under review with escrow requirements.*	$ 7,245.50
	Bills List Total	**$ 739,571.73**

October 23, 2026

Detail of Fund Expenses

Payable To	Memo	Amount	
General Fund - 01			
21st Century Media	Advertising	68.51	
Amazon Business	Office Supplies	124.38	
Amazon Business	Giving Tree	623.99	
BCATO	Fall Reception - DN, JN	100.00	*
BIU	Code Services 8/2026	2,929.50	
BIU	Code Services 9/2026	2,835.00	
BR Scholl	Diesel Fuel	117.00	
Catapultweb	Website Annual Fee	3,600.00	
Chase Credit Card	Quill	88.70	
Chase Credit Card	Lowes	450.00	
Clemens Uniform	Uniforms	51.13	*
Clemens Uniform	Uniforms	256.20	
Clemons Reiss MacNair & Kushto	Jones	20.00	
Costco	Annual Renewal	195.00	
Cooper Electric	Township Office	146.37	
Coopersburg Materials	Rockhill Road Paving	65,576.09	
DCED	July - September Permits	463.50	
Debbies Cleaning	Township Office & Maint	716.00	
Delaware Valley Health Insurance (DVHT)	Insurance Premium	6,383.93	
Emerald Garden	Lawn Maintenance	1,880.00	*
Emerald Garden	Lawn Maintenance	2,350.00	
Faegre Drinker Biddle & Reath	Township Environmental Solicitor	6,750.00	
Fred Diseroad	250th Celebration Artwork	6,000.00	*
Grim, Biehn & Thatcher	Township Solicitor General	892.50	
Grim, Biehn & Thatcher	Township Solicitor Rock Hill Quarry	35.00	
Grim, Biehn & Thatcher	Township Solicitor Code Enforcement	455.00	
Home Depot	Supplies	39.95	
IT Business Solutions	Monthly Service	477.00	
IT Business Solutions	Computer Install	695.00	
Jeff Scholl	2026 Boot Stipend	140.00	
Josh Gotwals	2026 Boot Stipend	140.00	
Josh Gotwals	Phone Reimbursement	150.00	
Keystone Collections Group	EIT Commission	1,244.33	*
Keystone Collections Group	Costs Retained by Tax Officer (Act 192)	1,040.06	*
Keystone Collections Group	EIT Taxpayer Refunds	41.14	*
Keystone Collections Group	LST Commission	6.33	*

East Rockhill Township

Bills List

October 23, 2026

Detail of Fund Expenses

Payable To	Memo	Amount	
Land Mobile	Quarterly Service	675.00	
Latrell Belfield	2026 Boot Stipend	140.00	
Lincoln National	Insurance Premium	326.41	
Meliora Design	Rock Hill Quarry	2,232.50	
NAPA	Supplies	231.84	
Nyce Crete & Landis Block	Wall Block	530.00	
ORE	Equipment Rental	2,094.09	
Paul Behr	2026 Boot Stipend	140.00	
Pennridge Regional Police	Police Service	109,248.00	
PP&L Electric	Substation	119.14	
PP&L Electric	Parking Lot Lights	193.93	
PP&L Electric	Municipal Office	126.54	
PP&L Electric	Brick Garage	29.98	
PP&L Electric	PW Building	397.89	
Pitney Bowes	Postage	400.00	
PK Moyer	Rockhill Road Paving	6,510.00	
PMRS	2026 MMO & Admin Fee	59,630.00	
Primo Brands	Water Service	21.96	*
Reiss Hauling & Recycling, Inc.	Trash & Recycling Service	2,645.00	
Ricoh	Copier Rental	132.23	*
Riggins	Unleaded Fuel	856.77	
Riggins	Diesel Fuel	1,056.20	
T-Mobile	Cell Phone Service	155.24	*
TRAISR LLC	Permit Software	650.00	
Verizon	FIOS Service	119.00	
Waste Management	Trash Removal	978.34	
Wynn Associates	Township Engineer General	585.19	
Wynn Associates	Township Engineer MS-4	893.95	
	General Fund	***$ 298,200.81***	

Fire Fund - 03

Perkasie Vol Fire Relief Association	2026 State Aid Contribution	31,364.89
Perkasie Fire Company	2026 Fire Tax Distribution	43,963.51
Quakertown Vol Fire Relief Association	2026 State Aid Contribution	6,918.73
Quakertown Fire Company	2026 Fire Tax Distribution	11,595.81
Sellersville Vol Fire Relief Association	2026 State Aid Contribution	3,689.99
Sellersville Fire Company	2026 Fire Tax Distribution	3,656.73
Haycock Vol Fire Relief Association	2026 State Aid Contribution	2,998.12

East Rockhill Township

Bills List

October 23, 2026

Detail of Fund Expenses

Payable To	Memo	Amount	
Haycock Fire Company	2026 Fire Tax Distribution	5,024.85	
Dublin Vol Fire Relief Association	2026 State Aid Contribution	1,153.12	
Dublin Fire Company	2026 Fire Tax Distribution	1,932.63	
	Fire Fund	***$ 112,298.38***	

Open Space Fund - 05

Grim Biehn & Thatcher	Township Solicitor Real Estate	158.00	
H&K Materials (OS Maint)	In-House Paving	5,808.54	
Keystone Collections Group	EIT Commission	622.10	*
Keystone Collections Group	Taxpayer Refunds	20.57	*
Wynn Associates (OS Maint)	Trail Review	40.95	
	Open Space Fund	***$ 6,650.16***	

Sewer Fund - 08

ARRO Consulting	Engineering Treatment Plant	7,325.62	
Comcast	Treatment Plant Phone Service	121.28	
Commonwealth of PA	NPDES Permits Annual fee	1,000.00	
Delaware Valley Health Insurance (DVHT)	Insurance Premium	5,914.81	
Eastern Environmental Contractors	Treatment Plant S. Aer Tank Application #1	67,500.00	
Emerald Garden	Lawn Maintenance	440.00	*
Emerald Garden	Lawn Maintenance	550.00	
Kevin Franks	Treatment Plant	1,850.00	
Lingo	Pump Station Alarm Service	243.21	
MJ Reider Associates	Lab Analysis	605.80	
PA One Call	Monthly Activity	56.60	
PP&L Electric	Pump Station	850.40	
PP&L Electric	Treatment Plant	2,245.74	
PMRS	2026 MMO	59,570.00	
PWTA - Capital Fund	Quarterly Billing	6,659.00	
PWTA - Operating Fund	Quarterly Billing	52,662.00	
Sunbelt Rentals	Equipment Rental	2,370.71	
US Postal Service	10/2026 Sewer Billing	940.00	*
	Sewer Fund	***$ 210,905.17***	

East Rockhill Township

Bills List

October 23, 2026

Detail of Fund Expenses

Payable To	Memo	Amount	
Park & Recreation / Driving Range Fund -09			
Chase Credit Card	Lowes	43.42	
Emerald Garden	Lawn Maintenance	900.00	*
Emerald Garden	Lawn Maintenance	955.00	
George Allen Portable Toilets Inc.	Markey Centennial Park	165.00	
Lapps Landscape	Wood Chips	640.00	
Miller Tire & Auto	Mower Tires	90.60	
PP&L Electric	Markey Centennial Park Sign	31.04	
PP&L Electric	Markey Centennial Park Buildings	66.14	
Riggins	Unleaded Fuel	467.31	
Telford Recycling	Trash Removal	210.00	
Verizon	FIOS Service	79.00	
	Park & Rec / Driving Range Fund	***$ 3,647.51***	
Street Light Fund - 13			
PP&L Electric	Street Lights	2,080.29	
	Street Light Fund	***$ 2,080.29***	
Capital Improvement Fund - 19			
Chase Credit Card	Agway	304.97	
Davis Feed	Berm	315.80	
Nyce Crete & Landis Block	Berm	300.00	
Scarlet Oaks	Berm	2,250.00	
	Capital Improvement Fund	***$ 3,170.77***	
Building Debt Fund - 22			
Pennridge Regional Police Department	Principle and Interest Debt Payment	5,797.25	
	Building Debt Fund	***$ 5,797.25***	
Capital Reserve Fund - 30			
Bergey's Buick GMC	2026 GMC Truck Replaces 2022	52,068.75	*
Traffic Planning & Design	Stone Edge Rd Phase II	31,035.00	
Wynn Associates	Township Engineer Stone Edge Road	122.85	
	Capital Reserve Fund	***$ 83,226.60***	

East Rockhill Township

Bills List

October 23, 2026

Detail of Fund Expenses

State Aid (Liquid Fuel) Fund - 35

Payable To	Memo	Amount
Bergeys	Truck Inspection	182.00
Chase Credit Card	Auto Zone	130.17
Established Traffic Control	Roundabout Delineators	1,335.00
Flail Master	Parts	1,823.80
H&K Materials	Supplies	35.42
Lawson	Supplies	1,926.30
Naceville Materials	Supplies	28.16
NAPA	Parts	289.07
PP&L Electric	Signal 313 & 5th	47.82
PP&L Electric	Flasher 5th Street	28.19
PP&L Electric	Signal Campus & 5th	44.54
PP&L Electric	Signal 313 & 563	46.53
PP&L Electric	Flasher Schwenkmill Road	28.00
PP&L Electric	Signal 313 & Mountain View	67.04
PP&L Electric	Flasher Mountain View	28.24
Stephenson Equipment	Parts	302.31
Trumbauers	Parts	6.70
	State Aid Fund	***$ 6,349.29***

Escrow Fund - 90

Grim Biehn & Thatcher	Township Solicitor Muse	20.50
Grim Biehn & Thatcher	Township Solicitor Brahimi	205.00
Aaron & Jeanette Harris	Escrow Closure	313.99
Michael & Kristen Spadafora	Escrow Closure	53.25
Wynn Associates	Township Engineer Almanzor	641.27
Wynn Associates	Township Engineer Renew Bible Church	68.25
Wynn Associates	Township Engineer DR Horton	2,452.30
Wynn Associates	Township Engineer Weidner	60.55
Wynn Associates	Township Engineer Everleigh Woods	913.98
Wynn Associates	Township Engineer Brahimi	491.11
Wynn Associates	Township Engineer Kibunjah	122.85
Wynn Associates	Township Engineer Roehrer	109.20
Wynn Associates	Township Engineer Muse	211.28
Wynn Associates	Township Engineer Harris	200.92
Wynn Associates	Township Engineer Cramer	259.35

East Rockhill Township

Bills List

October 23, 2026

Detail of Fund Expenses

Payable To	Memo	Amount
Wynn Associates	Township Engineer Webster	107.43
Wynn Associates	Township Engineer Trauger	108.91
Wynn Associates	Township Engineer Park Hill	905.36
	Escrow fund	***$ 7,245.50***
	Total Bills List	**$ 739,571.73**

**denotes already paid*

ORDINANCE NO. 2026-___

AN ORDINANCE OF THE EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 27 OF THE EAST ROCKHILL TOWNSHIP CODE BY CREATING A NEW USE FOR DATA CENTERS; BY CREATING A NEW DEFINITION FOR SAID USE AND TERMS RELATING TO SAID USE; BY ADDING ADDITIONAL REGULATIONS FOR SAID USE; BY AMENDING A1 GENERAL FARMING USE TO DISTINGUISH IT FROM USES I11 AND I12; BY CONFIRMING THAT LANDSCAPERS ARE INCLUDED IN CONTRACTOR USE; BY AMENDING ALL TABLES OF USES TO PROVIDE FOR SAID USES; AND BY PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the East Rockhill Township Board of Supervisors has determined that reasonable regulations of the increasingly prevalent data center use would support the general health, safety, and welfare of East Rockhill Township;

WHEREAS, the East Rockhill Township Board of Supervisors has determined that agricultural uses governing general farming as a primary use must be distinguished from uses I11 and I12, which govern homestead animals that are only permissible as accessory uses to a residential use; and

WHEREAS, the East Rockhill Township Board of Supervisors has determined that landscapers are contractors and should be explicitly included in the contractor use to avoid confusion.

NOW, THEREFORE, the East Rockhill Township Code is hereby amended as follows:

ARTICLE I. DEFINITIONS

Chapter 27, Zoning, Part 2, Definitions, of the East Rockhill Township Code shall be amended with the inclusion of new definitions for the terms “Agriculture,” “Data Center,” “Data Center Accessory Uses/Structures” and “Data Center Equipment.” The terms shall be added alphabetically within Chapter 27, Part 2, and shall read as follows:

Agriculture.

The cultivating of the soil, and the raising and harvesting of the products of the soil, including, but not by the way of limitation, nurseries, horticulture and forestry, and animal husbandry. The term “Agriculture” shall not include agricultural entertainment uses.

Data Center.

A use, either on-premise or co-location, which is occupied primarily by computers and/or telecommunications and related equipment, including, without limitation, a facility where information is processed, transferred and/or stored; this shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A data center may include data center equipment. The Data Center Use is characterized by the following instructive but non-exhaustive criteria:

a. Dedicated server halls or data halls exceeding 10,000 square feet in aggregate floor area.
b. Electrical demand exceeding 30 kilowatt hours per square foot of building coverage or which requires redundant electrical feeds, substations, or multiple backup generators.
c. Mechanical cooling systems devoted to computing operations.
d. Twenty-four-hour operation, staffing, monitoring, or security associated with the around-the-clock computing infrastructure.
e. Limited on-site employment density relative to building size.

Data Center Accessory Uses/Structures.

Ancillary uses or structures associated with data centers including but not limited to: utilities; utility lines; administrative, logistical, fiber optic, storage, and security buildings or structures; electrical substations; domestic and non-contact cooling water and waste-water treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); redundant data communications connections; and security features, provided such data center accessory uses/structures are located on the same tract.

Data Center Equipment.

Outdoor mechanical equipment adjacent to a data center that provides redundant power capacity to a data center.

ARTICLE II. DATA CENTER USE REGULATIONS

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 of the East Rockhill Township Code is hereby amended with the creation of a new use entitled “H19. Data Center” which shall read as follows:

H19. Data Center

A. Data Center Development. Data centers shall comply with this section and all applicable local, state, and federal regulations and laws.

B. Minimum Lot Size- 50 acres

C. Accessory Uses/Structures. Data center equipment shall be permitted by right in support of a data center. Data center accessory uses/structures shall be permitted by right in support of a data center. For purposes of the minimum distance between

buildings, data center equipment and unoccupied data center accessory structures shall be deemed as auxiliary buildings that are not subject to the 12-foot setback between buildings required by Section 27-1708(c).

D. Sound.

(1) **Residential Adjacent.** The soundproofing must ensure that any site adjacent to an existing residential use or a zoning district which allows a residential use under §803.B of the Joint Municipal Zoning District does not exceed 50 dB(A) at the parcel line.

(2) **Non-Residential Adjacent.** The soundproofing must ensure that any site adjacent to any other use or zoning district does not exceed 62 dB(A) at the parcel line.

(3) **Pre-Construction Study.** As part of the Conditional Use application, the applicant shall supply a noise study of existing conditions at the time of a submission of the Conditional Use application. The study is used to determine a baseline decibel level from the parcel and surrounding parcels and must include different times of day.

(4) **Post-Construction Study.** If approved as a conditional use, the Board of Supervisors may condition approval upon submission of a noise study of existing conditions at the time of operations, submitted to the Zoning Official at least 1 month but no more than 12 months after the issuance of the first Certificate of Occupancy. Noise studies shall be submitted quarterly thereafter demonstrating compliance with Chapter 6, Part 2 of the East Rockhill Township Code.

(5) **Noise Mitigation.** If the Post-Construction Study does not meet the applicable maximum sound level, noise mitigation measures are required to verify conformance with the limit. Mitigation measures must be shown on a site plan and must be designed in compliance with all mitigation measures identified by the noise study. The Zoning Officer has the authority to interpret and enforce the post-construction study and any necessary noise mitigation measures.

E. Height. Data centers shall not exceed 35 feet in height.

F. Setbacks. All data centers, data center equipment, and data center accessory uses and structures except for parking shall be set back 400 feet from all property lines and 500 feet from all property lines adjacent to an existing residential use or zoning district which permits any uses identified under §27-304.B.

G. Architectural Standards.

(1) Principal building facades shall require a horizontal offset of at least ten feet at intervals of no more than 150 linear feet (measured horizontally) of principal building façade.

(2) No more than 80 percent of a principal building façade may consist of one building material.

(3) No more than 80 percent of a principal building façade may consist of one color, texture, or pattern.

(4) Principal building facades shall require fenestration, step-back(s), cantilever(s), projection(s), or other architectural elements extending horizontally across at least 60 percent of the façade.

(5) Each principal building shall include an articulated main entrance. This main entrance shall be differentiated from the rest of the building with a change in building material, pattern, texture, color, or architectural accent. It shall also either project or be recessed from the adjoining building plane.

(6) Elevations/renderings of all principal building facades visible from off-site shall be submitted with the conditional use application.

(7) Fencing shall comply with the Township fence requirements set forth under §27-1709 and may not be barbed nor razor wire fences.

H. Parking. At least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser. No parking for a data center shall be located within one hundred (100) feet of a property line abutting a residential district or having a residential use nor within fifty (50) feet of any property line

I. Off-Street Loading. A minimum of 1 off-street loading space/dock shall be provided for a data center.

J. Utility Review. The proposed use shall be serviced by public utilities. As part of the conditional use application, the applicant shall provide the Township:

(1) Demonstration of exhaustive efforts to provide for on-lot electricity generation prior to provide electricity for the use prior to connection to a public electricity provider.

(2) Demonstration of exhaustive efforts to provide for public water and sewage disposal prior to resort to on-lot production of water and/or on-lot sewage disposal.

(3) A will-serve letter by a public utility provider and/or a written assessment by a certified professional in the field of engineering and utility design has been made of the potential electrical, water, and/or sewer consumption of the proposed use which ensures that there is sufficient capacity available to serve the proposed use as well as the projected service needs for future growth.

(4) If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at their own expense, the necessary system improvements necessary to mitigate any limits or system constraints to accommodate the proposed use. The necessary system improvements shall conform to all specifications, procedures, and timelines required for the public utility such as the relevant provisions of the East Rockhill Township Code, including but not limited to Chapter 18, Sewers and Sewage Disposal, and Chapter 26, Water. If the necessary system

improvements are determined by both the Township Engineer and the respective public utility providers to be infeasible, then on-site water production and sewage disposal methods may be considered if developed in compliance with all Township ordinances.

(5) The applicant shall provide proof of review and approval from the Delaware River Basin Commission for water withdrawals from ground water, impoundments, or running streams of 10,000 gallons per day or more over a 30-day average and for importation of water into or exportation of water out of the Delaware River Basin whenever the design capacity is 10,000 gallons per day or more.

(6) If utilizing on-site water, the Applicant shall provide a water resource impact study with its conditional use application. The water resource impact study shall include all of the components set forth in Chapter 22, Section 408 of the East Rockhill Township Code, including the requirement for posting of financial security to protect against degradation of off-site water wells.

K. Utility Lines. To the extent practical, utility lines, including but not limited to electronic, fiber optic, cable, and telephone lines, from substations to a data center shall be placed underground. This requirement shall not apply if the utility company requires above-ground lines, or the placement of under-ground lines is not feasible. Utility lines to the substations from off-site may be placed above ground.

L. Buffer Yards.

(1) The Applicant shall provide a Class 1 Buffer Yard in accordance with §27-1905(d)(1).

(2) Buffer Yards shall incorporate landscaped earthen berms of at least six feet in height.

M. Emergency Access and Response. As part of the conditional use application the applicant shall:

(1) Demonstrate that there is an adequate second means of ingress and egress suitable for emergency access to the site. Written approval from the Fire Chief shall be provided demonstrating there is adequate emergency access, truck turning, fire suppression, fire hydrant availability on the site.

(2) Submit a safety plan to the satisfaction and approval of the Township Fire Chief. The safety plan shall include all of the elements provided for in the safety plan template attached hereto and incorporated herein as ***Exhibit "A."*** The property owner shall annually recertify the safety plan and allow for a site inspection by the Fire Chief or his designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.

N. Outdoor Lighting. All lighting shall conform to provisions of this section, unless regulations for lighting included in the §27-1719 are more stringent, in which case the more stringent regulations will apply.

(1) The maximum height of all parking lot and street lighting shall be 15 feet.

(2) All lighting shall be a fully shielded with zero up-light design. All non-LED lights shall be full cutoff. All lighting shall meet the Illuminating Engineering Society (IES) standards, except where those standards are in conflict with this Ordinance.

(3) A lighting plan shall be submitted with the conditional use plan.

(4) All luminaires shall be shielded, controlled and appropriately oriented so that the light levels shall not exceed 0.2 footcandles as measured at grade at the common property line of a nonresidential property, and the intensity illumination projected onto a residential property or use shall not exceed 0.1 footcandles, measured at grade at the common property line. The intensity of illumination onto adjoining public roadways shall not exceed 0.5 footcandles, except within the pavement of an ingress/egress driveway where light levels shall be permitted up to a maximum of five footcandles.

(5) Lighting shall be dimmed to 50% no later than one hour past the close of business unless the use is a twenty-four-hour-per-day operation.

O. Environmental Impacts. Environmental impacts associated with a data center shall be mitigated by demonstrating compliance with the following standards as part of the conditional use application:

(1) Air pollution controls. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§ 4001 through 4015, as amended, and the following standards:

i. Visible emissions. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, or equal to or greater than 60% at any time, and shall comply with Pennsylvania Code Title 25, Chapter 127A(7), or its most recent update.

ii. Hazardous air emission. All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR 61, or its most recent update.

iii. Dust, fumes, smoke, vapors, gases, and odor. *See* Sections 6-301, 6-302, 6-304.

(2) Vibration control. *See* Section 6-306.

(3) Glare or heat control. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines. *See* Sections 6-303, 6-305.

(4) Electrical power. Every use shall be designed and operated so that the service lines, substation, etc., shall conform to the most acceptable safety requirements

recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., as to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed in accordance with the landscaping requirements herein.

P. Construction Hours. Construction and related operation of heavy machinery, operating or permitting the operation of any tools, equipment or heavy machinery used in construction, drilling, or demolition work for a data center may occur between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday. The Township may permit additional construction hours by administrative modification upon request by an applicant.

Q. On-Site Energy Generation. Any form of on-site energy generation, including substations and fuel cell power stations, shall be approved by the Township Fire Inspector. As part of the conditional use application, the applicant shall submit a safety plan for the on-site energy generation use to the satisfaction and approval of the Township Fire Chief. The property owner shall annually recertify the safety plan and allow for a site inspection by the Fire Chief or his designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.

R. Decommissioning.

(1) Financial Security. Prior to the issuance of any zoning permit or land development approval for a Data Center, the applicant shall post financial security in a form acceptable to the municipalities, including a bond, irrevocable letter of credit, or escrow, to guarantee full decommissioning in accordance with this section.

i. The amount of financial security shall be based on a decommissioning cost estimate prepared by a qualified professional and reviewed and approved by the municipalities. The estimate shall include the cost of removing all computing equipment; removing backup generators, fuel tanks, switchgear, and electrical infrastructure; removing cooling systems, chillers, and Data Center Equipment; removing specialized structural components; disposing of hazardous materials; and restoring and stabilizing the site.

ii. At the discretion of the municipality, the cost estimate and security shall be updated every three years to reflect inflation, changes in equipment, or changes in the facility's configuration.

(2) Abandonment. A Data Center shall be presumed abandoned if the facility ceases operations for a period of twelve consecutive months, or if electrical demand falls below twenty-five percent of the facility's designed operational load for twelve consecutive months, unless the owner demonstrates ongoing bona fide operations. Upon determination of abandonment, the municipalities shall provide written notice to the property owner requiring submission of a Decommissioning Plan within ninety days.

(3) Decommissioning Plan.

i. Within ninety days of abandonment or as otherwise required by the municipalities, the owner shall submit a Decommissioning Plan prepared by a qualified professional.

ii. The Decommissioning Plan shall include an inventory of all computing, electrical, and Data Center Equipment; a plan for removal and disposal of equipment, including hazardous materials; a plan for removal of backup generators, fuel tanks, and associated piping; a plan for removal of cooling systems, chillers, and refrigerants; a plan for removal of specialized structural elements; a plan for restoration of the site, including grading, stabilization, and removal of impervious areas if required; and an estimated timeline for completion.

iii. The municipalities shall review and approve, conditionally approve, or reject the Decommissioning Plan within sixty days.

(4) Removal Requirements.

i. **Equipment Removal.** All computing equipment, servers, racks, cabling, switchgear, UPS systems, batteries, generators, fuel tanks, cooling systems, and Data Center Equipment shall be completely removed from the site.

ii. **Hazardous Materials.** All hazardous materials, including batteries, refrigerants, fuels, and electronic waste, shall be removed and disposed of in accordance with federal and state law.

iii. **Structural Elements.** Specialized structural components installed solely for data center operations, such as raised floors, containment aisles, reinforced pads for generators, or specialized cooling infrastructure, shall be removed unless the municipalities approve their retention.

(5) Site Restoration.

i. The property shall be restored to a condition that is safe, stabilized, free of abandoned equipment, and suitable for future permitted uses.

ii. Decommissioning and restoration shall be completed within twelve months of approval of the Decommissioning Plan, unless extended by the municipality.

(6) Municipal Rights.

i. If the owner fails to complete decommissioning in accordance with the approved plan, the municipalities may draw upon the financial security, enter the property, and complete the decommissioning and restoration.

ii. Any costs exceeding the posted security shall be the responsibility of the property owner and may be collected as a municipal lien.

S. Phased Development. A data center development may be developed in one or more phases. An individual site plan for each data center developed as part of a phased development shall be submitted to the Township prior to the issuance of any building permit. Copies of any applicable third-party permits shall be submitted to the Township prior to the issuance of any building permit. Applicable third-party permits may include, but are not limited to, highway occupancy permits, NPDES permits, and ESCGP permits.

ARTICLE III. ZONING DISTRICTS AND TABLE OF USES

1. Chapter 27, Part 13, Industrial-1 District, Section 27-1301.b of the East Rockhill Township Code related to principal uses permitted by conditional use in the Industrial-1 District shall be amended to add (8) H19 Data Center as a use permitted by conditional use.
2. Chapter 27, Part 14, Industrial-2 District, Section 27-1401.b of the East Rockhill Township Code related to principal uses permitted by conditional use in the Industrial-2 District shall be amended to add (6) H19 Data Center as a use permitted by conditional use.
3. Chapter 27, Attachment 1 is amended to reflect the changes set forth in this ordinance and is hereby replaced with the table of uses attached hereto and incorporated herein as ***Exhibit "A."***

ARTICLE IV. AGRICULTURAL USES

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 of the East Rockhill Township Code hereby amends subsection j. of use A-1, which shall read as follows, with the italicized language added:

j. The keeping and raising of livestock and poultry on parcels of land less than 10 acres in area shall be limited to the keeping and raising of two head of livestock or 100 fowl per one acre. *This use is separate and distinct from uses I11 and I12, which regulate the keeping of homestead animals that are only permissible as an accessory to a residential use. This A1 use governs the keeping and raising of livestock and poultry as agricultural operations that are a principal use.*

ARTICLE V. CONTRACTING USE AMENDMENT

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 of the East Rockhill Township Code hereby amends use H-5, which shall read in its entirety as follows with the italicized language added:

H5. Contracting. Contractor offices and shops such as building, cement, electrical, heating, *landscaping,* masonry, painting and roofing.

a. The buffer requirements of § 27-1905 of this chapter shall be met.

b. All materials and vehicles shall be stored within a building or an enclosed area which is properly screened.

c. Parking. One off-street parking space for each employee on the largest shift or one off-street parking space for every 500 square feet of total floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

ARTICLE VI. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ARTICLE VII. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality by a court of competent jurisdiction, such illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of East Rockhill Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part had not been included.

ARTICLE VIII. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this DRAFT _____, 2026

ORDINANCE NO. 2026-___

SIGNATURE PAGE

ATTEST:

EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS

_____
Marianne Morano, Manager

_____
David R. Nyman, Chair

DRAFT

_____
Gary Volovnik, Vice-Chair

_____
James C. Nietupski, Member

(Municipal Seal)