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NORTH FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

IN RE: Public Hearing

HEARING BOARD: Bob Sabot, Chair
Mike Quinn
Ben Johnson

SOLICITOR: Gary Sweat

DIRECTOR OF PLANNING: Erin Dinch

ENGINEER: Vince Seyko

HEARING LOCATION: North Franklin Township
Municipal Building
345 Franklin Farms Road
Washington, PA 15301

HEARING DATE: Tuesday
April 14, 2026
4:30 p.m.

REPORTED BY: Kathy D. Landock
Certified Realtime Rep.

TRANSCRIPT OF HEARING

1 P R O C E E D I N G S

2

3 MR. SABOT: The hearing of the
4 North Franklin Township Supervisors is called
5 to order for this date at 4:30 p.m. We have
6 here, and I'm going to be turning it over to
7 our solicitor, all three township supervisors
8 are in attendance. We do have a stenographer
9 here, everything will be recorded.

10 So at this point I will turn it over
11 to our solicitor, Gary Sweat.

12 MR. SWEAT: Thank you,
13 Mr. Chairman. This is the date and time that
14 the Board of Supervisors scheduled a public
15 hearing on two ordinances that they are
16 considering.

17 The first ordinance concerns fossil
18 fuel electric-generating facilities that would
19 be permitted as a conditional use in the
20 township's I-1 industrial zoning district and
21 in the township's planned economic development
22 district, referred to as PED.

23 The second ordinance, because they
24 go hand in hand almost as accessories, is an
25 ordinance that defines and regulates

1 cryptocurrency mining, commonly known as data
2 centers, once again as a conditional use in the
3 township's industrial zoning district I-1 and
4 in the planned economic development zoning
5 districts of the township, the PED districts.

6 This hearing has been properly
7 advertised in the legal section of the
8 Observer-Reporter. The proposed ordinances
9 have been on file at the township building for
10 review by the public. The draft ordinances,
11 and they have been amended a number of times
12 based upon give and take and discussions with
13 the North Franklin Planning Commission, they
14 reviewed it, which is required by the
15 Municipalities Planning Code. And the
16 Washington County Planning Commission has
17 reviewed both ordinances and provided some
18 comments.

19 We have a stenographer here to
20 transcribe exhibits, testimony, comments that
21 are made.

22 Initially I will overview and review
23 for you the two ordinances and break them down
24 so that you understand exactly what the
25 ordinances say and how these uses are to be

1 regulated.

2 I will then open it up for comments
3 or questions from the Board of Supervisors and
4 our staff that's worked on this, and then we'll
5 open it up for any questions or comments from
6 the public. If anybody from the public wants
7 to say anything, you're going to have to be
8 sworn in. The stenographer will do that.

9 I'm just going to go through the
10 exhibits that are going to be a part of this
11 record. Hearing Exhibit A is the data center
12 ordinance. And I'm just short phrasing these.
13 Exhibit B is the electric-generating facilities
14 ordinance.

15 Exhibit C is the proof of
16 publication that we received from the
17 Observer-Reporter based on the advertisements.
18 Exhibit D is the comment letter dated March 9,
19 2026 from the Washington County Planning
20 Commission concerning data centers.

21 Exhibit E is the comment letter from
22 the Washington County Planning Commission dated
23 March 13, 2026 on the electric-generating
24 facilities ordinance.

25 Exhibit F are the minutes of the

1 North Franklin Township Planning Commission
2 concerning their review and comments. Exhibit
3 G, just so you can understand the locations of
4 the I districts and the PED districts is the
5 zoning map for the township, and we'll be able
6 to put that up on the screen as we get further
7 into this.

8 Exhibit H is a series of photographs
9 showing these types of facilities that have
10 actually been built in various parts of the
11 country so you can understand what the township
12 could conceivably be dealing with and what they
13 look like.

14 Let me just say at the outset that
15 this is not being done in response to an
16 application that we think is pending, to an
17 inquiry from any kind of data group. We
18 haven't gotten any emails, any phone calls,
19 there's no showing of any interest within this
20 township for data centers or electric-
21 generating facilities.

22 And the supervisors are just trying
23 to be proactive because you hear about it, see
24 about it, read about it every day. It's here
25 to stay with the AI phenomenon. You have the

1 biggest corporations in the world that are
2 pushing this, spending hundreds and hundreds of
3 millions of dollars to build these facilities.

4 So we know close by South Strabane
5 is wrestling with a project. That one is
6 proceeding as a land development project
7 because there is an applicant and there is
8 property that they're looking at. That's not
9 the case here.

10 And the reason we're moving is
11 because it's so public, it's so popular, and
12 that seems to be the wave of economic
13 development in our country right now. And
14 because these are considered land uses, if we
15 don't identify them as land uses within our
16 township, they could come in and put it
17 anywhere they want without any conditions or
18 any restrictions.

19 So that's another reason for
20 stepping out, defining these uses and do our
21 best within the bounds of the law to regulate
22 them.

23 What we're always concerned with
24 when you have a land use that's not defined is
25 something called exclusionary zoning, that

1 means if you haven't defined a use, they can go
2 anywhere they want without any restrictions.
3 Conversely, when you do an ordinance you can
4 make it so restrictive that it's impossible for
5 the applicant to develop, and that's the
6 reverse exclusionary rule, yeah, you provided
7 for it but there's no way that this company or
8 this developer could ever create this use
9 within the township, if you make unreasonable
10 setbacks and things that they just can't meet.

11 so we have to be careful as we draw
12 the ordinance that we're aware of the
13 exclusionary rules.

14 we're going to consider both
15 ordinances in this single hearing because they
16 basically go hand in hand. The data center
17 type facility is self-explanatory. The
18 electric-generating facilities are stand-alone
19 power plants, and the data centers require a
20 lot of power. If they're placed in an area
21 where the power grid isn't sufficient to meet
22 their needs, we see developers building their
23 own on-site power generation facilities.

24 so with every development if this
25 were to occur, you see both of the structures

1 on same parcel of ground. That's why I say
2 that they complement each other, and we're
3 going to consider them both.

4 Now, we have some photos, these are
5 data centers that have been built. This shows
6 you what a data center would look like. I
7 believe it's in Frankfurt, Kentucky possibly.
8 That's a 40 megawatt data center that you're
9 looking at.

10 Next picture, this is in Loudoun
11 County, Virginia. It is a 48 megawatt data
12 center. You can see that these are buildings
13 where all of the computers are confined to the
14 inside of the building.

15 what are the two main attributes
16 when you deal with a center like this, their
17 need for an extreme amount of power to run them
18 and their need for a lot of water to cool the
19 system down.

20 The next slide, this is what is
21 called a hyperscale site, it's a 100 plus
22 megawatt facility. These types of facilities
23 require hundreds of acres if you're going to go
24 that big.

25 Next is the need for power sources

1 next to the data centers. Power source can be
2 from an electrical company, a West Penn, a
3 First Energy, it can be from solar, from
4 windmill. Power is a big deal. That's one of
5 the considerations of these developers when
6 they come in, what is the power grid like, can
7 it handle our structure.

8 You can see the bottom, the
9 tremendous amount of electrical apparatus
10 needed to supply power to that facility.

11 The next one, this is inside the
12 data centers, this is what they look like.
13 It's just yards and yards, if you will, of
14 computers. They take a lot of power to run
15 those. And then they take a lot of water to
16 cool them.

17 Lastly, this is the inside of a
18 large data center. That's what they look like.

19 Now, one of the things we've seen at
20 least in my time at the county where we have
21 data center people talking to the county
22 commissioners and looking around, the two big
23 projects I'm aware of right now, one is in
24 South Strabane in the land development stage,
25 and the other one is in Robinson Township, the

1 Imperial Land Company property. They look for
2 big acreage, the ones that I'm aware of and
3 participating in discussions, they want
4 anywhere from 500 to 1,000 acre parcels and
5 they want it to be as level as possible.

6 That's why so many of these
7 facilities are growing up in Ohio and in
8 Virginia. Our topography is not good for a
9 major facility because it's not flat enough.

10 That's some of the things that we're
11 seeing as the developers come through and they
12 do their due diligence on various properties.

13 The data center ordinance, I just
14 want to highlight some of the provisions. The
15 ordinance defines cryptocurrency mining data
16 center as a definition, accessory uses,
17 protected structures. Now, protected
18 structures are hospitals, schools, cemeteries,
19 religious institutions. And our ordinance has
20 a 1,000-foot required setback from any
21 protected structure.

22 The next part deals with the data
23 center being permitted as a conditional use in
24 the I-1 and in the PED zoning districts. This
25 ordinance identifies the setbacks, the initial

1 setback has to be 500 feet from an existing
2 residential building unless the owner of the
3 building provides written consent and waiver;
4 the minimum lot size, minimum is 5 acres if
5 it's under a 40 megawatt facility; greater than
6 40 megawatt requires a 30-acre minimum parcel.

7 All the equipment and machinery as
8 you can see has to be in an enclosed building.
9 Office space cannot exceed 10 percent of the
10 total building area. These are the conditions
11 that are written into this proposed ordinance.

12 Proof of capacity by the applicable
13 water and electric utility companies has to be
14 provided as part of the application to deal
15 with the power that they need and the water
16 that's required.

17 They have to include the latest
18 technology in water conservation, utilizing
19 closed loop systems in order to reduce the
20 demand for public water.

21 We're requiring a project summary,
22 we want to know what you're going to do, how
23 you're doing to do it, what is the timeline,
24 how much disturbance, what kind of big trucks
25 are going to be coming over our roads.

1 It's going to require a gated
2 emergency exit with a Knox box so fire fighters
3 and emergency people can get in. They have to
4 provide proof of adequate liability insurance.

5 They have to be able to provide 1.5
6 parking spaces for employee for each 1,500
7 square feet of gross floor area. They have to
8 comply with the township's noise and sound
9 requirements.

10 So you can see these are all the
11 conditions that if someone comes in here with
12 an application, they have to meet that and that
13 would be tested at a public hearing.

14 They also have to submit what's
15 called a decommissioning plan. Let's say one
16 of these facilities just is abandoned, dries
17 up, you've got a lot of equipment that you just
18 can't put in a dumpster and have it hauled
19 away. There's special ways that this has to be
20 d commissioned. Harold, you're aware of all of
21 that stuff.

22 We have a decommissioning plan
23 that's required at the outset, where our
24 township engineer will review the
25 decommissioning plan and agree on the value.

1 And they have to post a bond of 125 percent of
2 the decommissioning plan, and it has to be
3 reviewed every three years and updated and
4 increased for inflation, cost of doing
5 business, whatever it might be. That's pretty
6 important, obviously.

7 Other conditions they would need to
8 address at a public hearing is the maximum
9 generating capacity of the data center, buffer
10 zones, wildlife corridors, an analysis of soil,
11 deforestation, job fairs, hours of
12 construction, public safety, EMS training.

13 We believe these are all relevant
14 inquiries that the Board of Supervisors or any
15 township can make. And in the event this
16 township received an application, a conditional
17 use hearing would be advertised and held, and
18 our engineer would review the application and
19 make sure they have complied with the
20 ordinance. And then we would be permitted to
21 hear what they want to do, ask questions and
22 even attach additional considerations,
23 depending on what happens at the public
24 hearing.

25 There's also significant violations

1 where they can be fined per day \$1,000 a day,
2 and there can even be criminal charges brought.

3 so there's a lot of disclosure in
4 this ordinance and there's a lot of teeth in
5 the ordinance. I think it's fair. I doubt
6 from a personal standpoint based on what I know
7 and what I'm seeing, I just don't see where we
8 have the land mass in this township to handle a
9 big center.

10 That's just not the way they
11 develop. When you look at a developer spending
12 hundreds and hundreds of millions of dollars,
13 they gotta have the right property, they have
14 to have the right power grid, and they have to
15 have the water source.

16 Of course we're requiring that they
17 disclose that up front to us, because I know
18 one of the big concerns is would their drawing
19 of water inhibit the residents' use of water.
20 Same thing with the big questions that we see
21 raised, will their draw of the power grid
22 increase our utility bills.

23 Those are things that need to be
24 developed and would be discussed in the event
25 there was a legitimate application.

1 The next ordinance is the electric-
2 generating facility. And once again, they're
3 limited to the I-1 district and the planned
4 economic development district.

5 Could we put that zoning map up.
6 You'll be able to see the one small purple is
7 industrial. The PED is really Vankirk Road,
8 that area where the airport is. Those are the
9 two zoning districts that we're allocating for
10 the data center and the electric-generating
11 facilities as a conditional use.

12 A farm could make sense, but under
13 our zoning map the farm and residential are all
14 zoned R-1. So down the road we may want to
15 consider carving out some of the R-1 that's
16 pure agriculture, because the big thing is
17 buffer, you want a lot of space, you want to be
18 able to buffer it and it doesn't effect people.

19 This is not as onerous as say an oil
20 and gas pad, what that looks like, the sounds
21 that you hear, the constant truck traffic
22 coming in and out. Once these things are
23 built, you can see it's pretty much enclosed,
24 and it's power and water that are the big
25 issues.

1 An electric-generation facility is a
2 facility whose primary purpose is for the
3 generation of electric power in excess of 100
4 megawatts powered by fossil fuel or off-site
5 use.

6 Page 4 or section 3 of the proposed
7 ordinance identifies the information that a
8 developer has to include in their conditional
9 use application just so that information is
10 made available to the public and it's discussed
11 at a public hearing.

12 It's a narrative of the proposed
13 plan, including fossil fuel electric-generating
14 projects, any legal challenges or claims which
15 have been made. We want that narrative to
16 touch on every aspect of what that developer
17 has done with previous electric-generating
18 facilities.

19 We want proof of ownership of the
20 parcel; we want a letter of commitment from the
21 utility company who will interconnect to the
22 fossil fuel power-generating facility and a
23 statement of line capacity before and after
24 interconnection; a list of all adjacent
25 property owners and the tax parcel IDs and

1 addresses so that they can be given proper
2 notice that this is happening or at least it's
3 proposed; the description of the uses of nearby
4 property; payment obviously of the application
5 and review cost and advertising; a preliminary
6 site plan prepared by a Pennsylvania licensed
7 engineer that identifies the description of the
8 parcels, the property lines and setbacks; a
9 land survey; existing proposed buildings and
10 structures; the location and nature of proposed
11 buffers and screening elements, including
12 vegetative and constructive buffers; existing
13 and proposed access roads, drives, turnout
14 locations and parking; locations of
15 substations, electric cabling from the fossil
16 fuel electric-generating facilities and the
17 substations; any ancillary equipment,
18 buildings, structures that are applicable to
19 the setback; and limits of all water conveyance
20 systems and wetlands.

21 we also require a grading plan; a
22 proposed landscape maintenance plan showing
23 shields to adjoining property owners from site
24 lines; and of course a proposed decommissioning
25 plan showing the anticipated life of the

1 project, the cost to decommission prepared by a
2 third-party Pennsylvania licensed professional,
3 reviewed by the township engineer and approved.

4 We want to know how that estimate
5 was determined, the manner and method of
6 ensuring the funds will be available for
7 decommissioning; the proposed methods and steps
8 required for removal of structures, materials,
9 buildings, roads, cabling, electrical
10 components; steps to restore the site to
11 conditions prior to the commencement of the
12 project; the name and physical address of the
13 person or entity responsible for the
14 decommissioning plan. That's all part of the
15 application process to even get approval.

16 Then we also are going to require
17 copies of any permit applications or associated
18 materials submitted to the Pennsylvania
19 Department of Environmental Protection,
20 Washington County Conservation District; and of
21 course stormwater permits, NPDES permits for
22 National Pollution Discharge and Elimination
23 Services, that's issued through the Department
24 of Environmental Protection.

25 Then we would require information on

1 the design and the installation, requiring that
2 the design and installation meet industry
3 standards as promulgated by the American
4 National Standards Institute, the Underwriters
5 Laboratories, and the American Society for
6 Testing and Materials; as well as compliance
7 with the safety and fire requirements of the
8 Uniform Construction Code.

9 so that basically identifies what an
10 applicant land developer would require to be
11 included in their conditional use application
12 for consideration by the board. That's the
13 overview.

14 I wanted to make sure you saw what
15 one of these facilities look like and where in
16 our zoning of the township these uses would be
17 placed.

18 with that, I ask if the supervisors
19 have any comments or questions.

20 MR. JOHNSON: My only comments
21 would be I see the challenges these other
22 townships have gone through, and we're just
23 trying to avoid that up front and stress again
24 there is no interest as of now, we're just
25 trying to get ahead of it. Those are really my

1 only comments.

2 MR. SWEAT: Let me just say I
3 spent a lot of times saying what the
4 conditional use applications have to present,
5 what the requirements are, what the conditions
6 are, there's a lot of hoops that they would
7 have to jump through.

8 If you don't have a land use
9 ordinance for this particular use, they get to
10 do whatever they want, wherever they want, and
11 we can't say, okay, we want you to meet these
12 requirements, they don't have to, we have to
13 have the ordinance in place.

14 MR. SABOT: My only comment is
15 that we've seen some horror stories throughout
16 the State of Pennsylvania. Pennsylvania is
17 considered the hub of data centers. There are
18 now like a number of them, a lot of them in
19 Pennsylvania. And the state is considered one
20 of the hubs nationwide for these data centers.

21 And it's my personal interest that I
22 make sure that the township is protected the
23 best we can without getting ourselves in court
24 in a situation where we will lose because we
25 are trying to restrict them too far. So we

1 want to go up against that as far as we can,
2 realizing whole well that we cannot totally
3 block one from coming in; however, the Board of
4 Supervisors has done its due diligence both on
5 the amount of distance between residential
6 facilities, schools, cemeteries, churches, that
7 type of thing.

8 I'm open for any changes that need
9 to be made that I hear that we need to make
10 any, but by looking at that map and maybe for
11 the sake of the board and everyone else here in
12 the room, we can explain once again exactly
13 what areas possibly if someone came in could
14 possibly build a data center. Who wants to do
15 that?

16 MR. SWEAT: This is the PED,
17 as I said, that's Vankirk Road, the airport.
18 This is the only I-1 that we have presently in
19 the township. R-1 is residential and farm
20 land. That's why we couldn't say it can go in
21 agricultural because that would mean R-1. So
22 that may be something we consider down the
23 road.

24 I would be a proponent of increasing
25 the industrial, that's pretty small, I don't

1 know how much you can put on that little
2 portion. A candidate for industrial could be
3 the PA American property where we have two big
4 gas well pads. There's nothing more industrial
5 than a gas well pad.

6 So these are things that this
7 ordinance can be amended, it can be tweaked,
8 our zoning map can be amended. And I know the
9 board is going to be continually watching that
10 and working with the planning commission on
11 whether or not that needs to be updated.

12 Let me just say, too, how serious
13 this is. I'm not involved in any transactions,
14 but I've talked to attorneys that have done
15 these transactions, and if you're familiar with
16 the Columbus, Ohio area, Arlington near the
17 Easton development, NVIDIA bought like 1,000
18 acres there, they paid \$350,000 an acre. That
19 shows you how serious these developments are.
20 And I know that up in Indiana a farmer was
21 close to \$500,000 an acre because his farm is
22 right next to the major power structure.

23 So if they get the right lay of the
24 land and if they get located next to a big
25 power grid, you can see what kind of money

1 they're willing to spend, and that's just for
2 the land. And the big boys, Meta, Google,
3 Amazon, that's who's pushing this.

4 MR. QUINN: The solicitor and
5 the board have spent a good many of hours on
6 this, and it's all for you residents, it's not
7 for us, it's all for the residents of the
8 township, trying to protect as much land and
9 all the residents that we can in here.

10 The only way to do that, as the
11 solicitor explained, is to throw as many road
12 blocks as we can at them in a legal way, and I
13 think we've covered most of that. If anybody
14 else has any ideas on it, feel free to tell me,
15 be sworn in, give your statement and see if we
16 can incorporate it into the ordinance.

17 MR. SWEAT: Erin, do you have
18 anything to add?

19 MS. DINCH: NO.

20 MR. SWEAT: If the public has
21 anything they would like to comment or
22 question, feel free to come to the podium and
23 be sworn in.

24 (The witness was sworn in.)

25 MS. REILLY: My name is Joann

1 Reilly, R-E-I-L-L-Y. I reviewed the South
2 Strabane ordinance, and it is huge compared to
3 what I just read on these ordinances, and
4 there's a lot that's included in there. And I
5 have a suggestion that they should be reviewed,
6 South Strabane's should be reviewed and include
7 some of their stuff, like they would have to
8 show whether there is any mining underneath
9 because of the possibility of methane
10 collection in your old mine works.

11 what if there isn't any kind of
12 water supply that they can get close, what if
13 they would have to build a water facility with
14 a dam? There's just an awful lot of things
15 that need to be taken into consideration.

16 They also need to decide or show on
17 any of the plans that they present gas wells,
18 gas lines, that kind of thing. And if they're
19 going to be doing shallow wells, they need to
20 just show the vertical part of that. But if
21 they're going to be doing anything that's
22 horizontal, they might want to consider that on
23 their plans.

24 So I'm just making suggestions. I
25 understand what you're saying, that it's our

1 topography is not that great for this kind of
2 thing, but the thing that sticks in my mind is
3 those two big lakes that's up there, and would
4 they want to tap into them and draw water off
5 of that.

6 MR. SWEAT: Those are all
7 possibilities.

8 MR. SABOT: Can we have your
9 address so everyone has it.

10 MS. REILLY: Sunnybrook Road,
11 down below those big lakes.

12 MR. SABOT: Thank you.

13 MR. SWEAT: I skipped over our
14 township engineer. Vince, do you have any
15 comments from what you've been seeing in your
16 travels?

17 MR. SEYKO: I started doing
18 some gathering. One of the things that, it's
19 only a preliminary discussion, we represent
20 some of the authorities in the area, and one of
21 the things that they're looking into is doing
22 an additional permit application request when
23 things like these come in, similar to a
24 conditional use hearing that the board is
25 presenting here.

1 So there's definitely some cause and
2 concern out there with others of the demand
3 that's required for these things, but I think
4 everything you went over was pretty much
5 standard from everything I've reviewed from
6 other states.

7 MR. SWEAT: Anybody else from
8 the public? Leo, one of the township fathers,
9 a lot of the development you see this guy
10 spearheaded.

11 MR. TRICH: My name is Leo
12 Trich, T-R-I-C-H.

13 MR. SWEAT: Leo, you need to
14 be sworn in.

15 (The witness was sworn in.)

16 MR. TRICH: Again, I want to
17 thank the supervisors for having this meeting
18 and Gary as the solicitor for going over the
19 information as thoroughly as you did.

20 From everything I am hearing around
21 Pennsylvania, and unfortunately it's a little
22 bit the same thing that Bob Sabot is hearing,
23 they're kind of honing in on Pennsylvania for a
24 lot of reasons, because of our location to the
25 industrial northeast and a lot of other good

1 things like that.

2 I believe that from what I've just
3 heard you go over that the very least we could
4 hope for is that this will be a deterrent for
5 someone who's looking to come in and figure
6 they can just slide in and get it done. So I
7 compliment you for that.

8 At the very best it at least
9 protects the residents of North Franklin
10 Township. In any event someone comes in and
11 this becomes a legal issue, you at least have
12 done everything you can to prepare ourselves
13 for that. So again, I congratulate what all of
14 you have done.

15 My only question would be, and I'm
16 going to piggyback on a comment made just a
17 minute ago, I was going to ask that question if
18 we have had an opportunity to talk with other
19 townships who have dealt with this as well to
20 make sure we can learn from them if that is
21 going to help us or not. That's question
22 number one.

23 The other one is, only because of
24 looking at the map, have we been in
25 conversation at all with the townships

1 surrounding us, most notably South Franklin
2 Township, have any of the other townships tried
3 to do pretty much what you're doing or we don't
4 know?

5 MR. SWEAT: Not to my
6 knowledge.

7 MR. JOHNSON: I think a lot of
8 the townships that have been caught in these
9 situations didn't do anything previously. I
10 could be wrong, they don't have any ordinances
11 and it's all fair game, and then someone
12 proposed a plan and then they're basically
13 caught. That's the biggest challenge, right,
14 that's why we're just trying to get ahead of
15 it.

16 I appreciate Joann, Mrs. Reilly's
17 feedback. I think it's a good idea to look at
18 these other townships, especially the ones that
19 are having issues, because I'm assuming that
20 South Strabane with their situation going on
21 they probably really dug into what they can do
22 to make it more difficult I'll say.

23 MR. SABOT: If I understand
24 what's going on in South Strabane, is it a case
25 that an application has been filed?

1 MR. SWEAT: I think it's the
2 CNX property. That's like 1,200 or 1,400
3 acres.

4 FROM THE FLOOR: 1,400.

5 MR. SABOT: So an application
6 has been filed and an ordinance is not in
7 place.

8 MR. SWEAT: It hasn't been
9 voted on. It may be a pending ordinance, which
10 means they'll have to come in under the
11 eventual ordinance. But I know CNX, they have
12 lawyered up in a big way. And I know that I've
13 heard that the existing ordinance will be
14 legally challenged. The CNX attorneys believe
15 that it's overreaching and it may be impossible
16 to develop. You don't want to get bogged down
17 in a court case with heavyweights, but we'll
18 see.

19 The other one is in Robinson
20 Township. Those are the two big parcels of
21 ground that I know people are looking at.
22 There was something in, was it East Findlay or
23 West Findlay.

24 FROM THE FLOOR: There's one
25 near Robena Mine in Greene County.

1 MR. IVERY: Robinson, Smith,
2 Hanover all have them, Smith and Hanover have
3 ordinances in place.

4 MR. SWEAT: Smith is going to
5 get it because they have the two cryogenics
6 plants.

7 MR. IVERY: Hanover is going
8 to get the first one. Starpointe is what I
9 call an ideal spot, because it's already
10 cleared, there's no houses around, the highway
11 runs on one side, so it's a better place.

12 I understand where you guys are at
13 because if you plop one of these down in the
14 middle of somebody's neighborhood, you got a
15 problem.

16 MR. SABOT: Absolutely.

17 MR. TRICH: Again, in closing,
18 I appreciate what the township has attempted to
19 do in a preemptive manner, I think that's a
20 smart way of doing it for a township our size
21 and for the land that is available. So again,
22 I compliment you on that.

23 Again, I would just hope to the
24 extent you can work with other townships that
25 have gone through this, maybe you don't have to

1 reinvent the wheel. Thank you.

2 MR. SWEAT: Thank you, Leo.

3 MR. SABOT: Is there anything
4 the township can do in the ordinance to require
5 some type of buffer, meaning trees?

6 MR. SWEAT: They require a
7 landscaping plan, setbacks and buffers, that's
8 one of the conditions they have to address in
9 saying this is our plan; do we accept it or do
10 we expand on it.

11 One of the beauties of a conditional
12 use hearing is they have to satisfy the
13 conditions, but you can also add reasonable
14 conditions. You're sitting in the driver's
15 seat at least as far as land use is concerned
16 when it's classified as a conditional use with
17 a lot of requirements that they have to meet.

18 MR. SABOT: That question I
19 brought up because of concerns I've heard that
20 the sheer amount of computers cause a humming
21 noise that is just so intolerant to people.
22 Trees would certainly break that down, so
23 that's why I asked that question.

24 MR. SWEAT: It is very similar
25 to what we see with oil and gas drilling, that

1 if the wells make too much noise and we're not
2 happy with their sound study, they put up those
3 screens, we can require that.

4 But our ordinances say they have to
5 present sound studies and the noise decibel has
6 to be permitted in our sound ordinance, so that
7 would be something that would be considered.

8 I think they call them acoustic
9 blankets. There are things that you can do to
10 dull the sound if that becomes an issue.

11 MR. SABOT: Is it your opinion
12 that we are up against it as far as how far you
13 think we can go before we start dipping into an
14 area that we don't want to go legally?

15 MR. SWEAT: I think we're
16 there. I think we're as restrictive, asking as
17 many questions and imposing as many conditions
18 as we can.

19 We're watching court cases as
20 appeals are being filed, just like oil and gas,
21 oil and gas started back in 2011 with the Oil
22 and Gas Act, there was a challenge at the
23 Supreme Court level where Robinson Township was
24 able to convince the Supreme Court that certain
25 provisions were unconstitutional. And then you

1 see cases that have developed.

2 So data centers and these kind of
3 facilities will have the same kind of life, you
4 know, as these cases work through the court
5 system, we'll learn more about what we can do
6 and what we can't do.

7 Right now we're just trying to do
8 the best we can, asking for as much information
9 as possible, and making sure that we deal with
10 the health, safety and welfare of the community
11 as these uses are considered.

12 MR. SABOT: For our residence
13 I take it we have a height restriction as well
14 in this ordinance.

15 MR. SWEAT: The conditional
16 use section would, how high the buildings could
17 be.

18 MR. IVERY: I noticed in the
19 ordinance it has for the building 25 feet. I
20 thought that was low because that's a normal
21 house, a normal house is 35 feet.

22 MR. SWEAT: It's possible that
23 an applicant comes in and says, can we get a
24 waiver or can we go to the zoning hearing board
25 and get a variance. That's always available to

1 any developer, if they show hardship and good
2 cause, they get waivers, they get variances,
3 but that's what they would have to do.

4 MR. SABOT: The issue with
5 that would not only be the noise level if it's
6 higher, it would also be the issue involving
7 our volunteer fire company if something happens
8 at one of these facilities. That's why a
9 height restriction is absolutely needed.

10 MR. SWEAT: It's 25 feet right
11 now in the ordinance, right?

12 MR. IVERY: In the written
13 ordinance. I'm not sure if that's what it is
14 in the industrial, though. It's higher, maybe
15 35. we can look at it.

16 MR. QUINN: I think one other
17 thing that the residents of the township have
18 to be aware of also, there's a bill circulating
19 around Harrisburg, I believe it's House Bill
20 502, if it passes, that gives the state power
21 to supersede any local community, if you turn
22 down, the state can say, we know better than
23 you, the local people, they'll give them
24 permission to go ahead and do it.

25 Residents need to keep that in mind.

1 Talk to your legislators and make sure that
2 does not pass, because Harrisburg don't need to
3 be telling us what to do. It's just as simple
4 as that. I can't put it any plainer than that.
5 I can, but you don't want to hear it.

6 MR. SABOT: Don't think that
7 can't happen. That already happened on other
8 issues that come before the board of
9 supervisors. One would be fireworks, when
10 things are taken out of our hands, another
11 would be firearms, which are taken out of our
12 hands.

13 So there are things that we're
14 restricted to do as a township, any township is
15 because of edicts that come down from either
16 Harrisburg or Washington, DC. So that's
17 something we can't control. We can only do
18 what we can do within the confines of those
19 lines of this township, and we're going to do
20 it.

21 MR. SWEAT: Anybody else? If
22 not, I'm going to close the record and turn it
23 back to our chairman.

24 MR. SABOT: If that is all we
25 have, does the board have anything else it

1 wants to be added. Erin, did you have anything
2 you want to add?

3 MS. DINCH: NO.

4 MR. SABOT: Harold, anything
5 else?

6 MR. IVERY: NO.

7 MR. SABOT: If that's the
8 case, what we're going to do is we're going to
9 adjourn, and then this matter will be on the
10 agenda for the 5:30 meeting coming up here
11 shortly. Motion to adjourn?

12 MR. JOHNSON: Motion.

13 MR. QUINN: Second.

14 MR. SABOT: Seconded by Mike.

15 Roll call.

16 MS. KOTCHMAN: Mr. Quinn?

17 MR. QUINN: Yes.

18 MS. KOTCHMAN: Mr. Sabot?

19 MR. SABOT: Yes.

20 MS. KOTCHMAN: Mr. Johnson?

21 MR. JOHNSON: Yes.

22 MR. SABOT: We're adjourned
23 until 5:30.

24 (At 5:12 p.m., the public
25 hearing was concluded.)

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me on the hearing of the within cause, and that this is a true and correct transcript of the same.

/s/ Kathy D. Landock
Kathy D. Landock
Certified Realtime Reporter

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