LAKE TOWNSHIP,
WAYNE COUNTY, PENNSYLVANIA

ORDINANCE NO. 382 – Article VIII

AN ORDINANCE OF THE TOWNSHIP OF LAKE, WAYNE COUNTY, PENNSYLVANIA, AMENDING LAKE TOWNSHIP ORDINANCE (CHAPTER 382 , SUBDIVISION LAND DEVELOPMENT), AS AMENDED, WITH RESPECT TO THE ADDITION OF ARTICLE VIII DATA STORAGE CENTERS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.

The Board of Supervisors of Lake Township (the "Board"), Wayne County, Pennsylvania, hereby ordains and enacts the following:

GENERAL PROVISIONS

Section 382-50. Short Title. This Ordinance will be known as the Lake Township Subdivision Land Development Ordinance Amendment Regarding Data Storage Centers.

Section 382-51. Legal Authority. The Pennsylvania Second Class Township Code authorizes a board of supervisors to make and adopt ordinances that are necessary for the proper management, care and control of the township, and to maintain the health and welfare of the township and its citizens. See 53 P.S. § 66506 ("General Powers"). The Pennsylvania Municipalities Planning Code authorizes a board of supervisors to plan for the development of the township through subdivision and land development regulations, and also to enact amendments to ordinances pursuant to certain procedural formalities. See 53 P.S. § 66516 ("Land Use Regulations")

Section 382-52. Legislative Intent and Purpose. Based on the above-referenced legal authority, the Board desires to amend Chapter 382, as previously amended, (Subdivision Land Development) by revising definitions of certain terms, and by providing for new regulations pertaining to "data storage centers" The Board finds that the regulations promulgated by this Ordinance are necessary to achieve the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the citizens of Lake Township; and

B. To ensure the adequate and safe development and use of property located in Lake Township.

Section 382-53. Legal Conflicts.

A. All prior Township ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.

B. If any term, provision, covenant or restriction contained in this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions contained in this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated. The Township intends that this Ordinance would have been enacted had each and every invalid provision not been included.

DEFINITIONS

Section 382-54. General Interpretation. For the purpose of this Ordinance, the present tense shall include the future tense; the singular shall include the plural; words used in masculine gender shall include the feminine and the neuter; the word "shall" is always mandatory; the word "may" is always permissive.

Section 382-55. Definitions. Chapter 382, Article VI, Section 382-37 Definitions of Ordinances is hereby amended to add the following definitions of "Arterial Road", "Collector Road", "Connector Road", "Data Storage Center"', "Data Center Accessory Uses", "Data Center Equipment" and "Cryptocurrency Mining Facility"

Arterial Road- a road that provides for high volumes of traffic at moderate speeds, and which connects together different areas within the township. Such streets are generally intended to have an average daily traffic volume of over 4000 vehicles per day.

Collector Road- a road that gathers traffic from local and marginal access roads and feeds this traffic to connector and arterial roads and expressways.
Collector roads carry heavier traffic volumes than local roads although they also provide direct access to individual uses located along them. Average daily traffic on collector roads ranges from 1,501 to 4,000.

Connector Road- a road that collects traffic from local access and collector roads and also provides a connection to arterial roads and expressways and
between connector roads and average daily traffic ranges is greater than 4,000.

Cryptocurrency Mining Facility- specialized data centers that house a large number of computers (mining rigs) dedicated to solving complex mathematical problems to validate transactions and add new blocks to a blockchain to produce newly minted cryptocurrency.

Data Center Accessory Uses - Generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center.

Data Center Equipment ("DCE") - Includes any Data Center Accessory Uses which in an un-muffled state generates noise which can be heard outside of the real property boundary from which it originates and which said level of sound constitutes a noise disturbance to any neighbor situated beyond said real property boundary and where the sound level exceeds 80 decibels for more than one minute's duration when measured at 20 meters from the noise source. DCE shall be accessory to the Data Storage Center and be located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Storage Center.

Data Storage Center - A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data Storage Center may also include Data Center Equipment and/or Data Center Accessory Uses when located on the same parcel or assemblage of adjacent parcels developed as a unified development. The Data Storage Center use shall be inclusive of Cryptocurrency Mining Facilities.

Section 382-56. Amendment to Section 382-20 to add subparagraph G- Additional Requirements for Specific Principal Uses to add Data Storage Centers containing the following standards:

Section 382-56.A. Data Storage Centers. Data Storage Centers as defined in Section 382-37 (Definitions) shall conform to the following requirements:

1. Minimum lot area: 100 acres.

    a. Data Center Accessory Use & Data Center Equipment shall be considered accessory uses per Section 382-37- Definitions.

2. The tract or assemblage of parcels developed as a unified development shall have direct access to an arterial, connector, or collector road, as defined in Chapter 382-27 of the Subdivision and Land Development Ordinance.

3. An adequate second means of ingress and egress suitable for emergency access to the site shall be demonstrated.

4. All parking, principal structures, data center equipment, data center accessory uses, outdoor storage, fuel tanks, battery cells, and/or loading/unloading areas shall be screened by a 100-foot-wide buffer yard from all property lines. A 100-foot buffer in addition to the right of way is also required along the frontage of all streets. These buffer yards shall meet the following conditions:

a. The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.

b. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.

c. The following note shall be placed on the recorded land development plan: "Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the landowner."

d. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of trees and shrubs and plantings. Such guarantee shall be released only after passage of the second growing season following planting.

e. The buffer yard may overlap the required side, front, and rear yards for building setback, and in case of conflict, the larger yard requirements shall apply.

f. All plantings shall conform to any applicable list of acceptable plant species.

5. Screening and Fencing

a. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 300 feet of a public roadway, or the lot line of any residence or other occupied structure must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

i. The landscape buffer required by 368 above.

ii. By existing vegetation that will remain on the property.

iii. By the principal Data Storage Center building or an accessory building.

iv. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.

v. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.

6. Data Center Equipment shall not be located between the principal structure(s) and the street upon which the parcel fronts. DCE shall be separated from all adjacent residential uses by principal buildings. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak.

7. All facilities with gated entrances shall be designed in such a way as to accommodate access and loading/unloading relative to the gated facility, so as not to interfere with traffic on any public road.

8. A minimum 8-foot high black poly-coated chain link fence or other material approved by the Board of Supervisors shall be installed around the perimeter of the development.

9. No parking or loading/unloading shall be permitted on or along any public road.

10. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.

11. LEED Certification is strongly encouraged as well as requiring roof-mounted accessory solar energy systems. (Leadership In Energy & Environmental Design - LEED)

12. The applicant shall coordinate with the Wayne County Communications Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Wayne County Communications Center Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems if needed to meet compliance.

13. Emergency Management

    a. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

        i. Be reviewed and accepted by the local fire department and emergency management services as part of the land development process;

        ii. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;

        iii. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;

        iv. Ensure that all first responders receive adequate training specific to the installed system;

        v. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.

    b. Any Data Storage Center proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

    c. No land development application shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

d. Local emergency responders shall have emergency access to any locked facility gates and the facility owner shall provide a local 24 hour emergency contact and phone number.

14. Evidence of adequate water and sewage disposal service shall be provided to the township with the Land Development application.

a. Public Water/Sewer Supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. This letter shall be supplied with the Land Development application.

b. On-Lot Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, upon submission of the Land Development application, submit written evidence that the they have complied with all Township and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.

c. Water Resources Impact Study. A water resources impact study shall be required for all Data Storage Center developments with an anticipated withdrawal of four thousand (4,000) or more gallons of water per day over a thirty (30) day period. The Water Resources Impact Study shall be conducted in accordance with the following:

i. Purpose. These regulations are to ensure that expansion of production from existing wells or development of new wells for Data Storage Center development in the Township are able to provide a reliable, safe, and adequate supply of water to support the intended use within the capacity of available groundwater resources, and to estimate any impacts of the additional water withdrawals on existing nearby wells, underlying aquifers, wetlands and watercourses.

ii. Pumping Test and Water Quality Analysis. All elements of the pumping test well and water quality analysis shall be completed prior to submission of the water resource impact study. A well construction permit is required for the pumping test well(s) and monitoring well(s) for preparation of the water resource impact study.

iii. Professional Preparation. The Water resource impact study shall be prepared by a professional geologist and/or professional engineer, licensed In the Commonwealth, experienced in the performance of groundwater investigations for water supply wells.

iv. Certification. The water resource impact study shall be signed and sealed by the person(s) preparing the study and shall include the following information, with respect to the proposed land development application:

(1) Calculations. Calculations of the projected water demand, including both average and peak daily consumption, using the applicable criteria set forth in the following references:

(a) The adequacy of nonresidential water supplies shall be determined based upon the minimum water requirements published in Table IV-1.2 of Part IV of the current edition of the PA DEP Public Water Supply Manual. For nonresidential facilities other than those found in Table IV-1.2, the adequacy of nonresidential supplies shall be based upon the flow assumptions published in 25 Pa. Code Chapter 73, Standards for Sewage Disposal Facilities § 73.17(b), or shall be based on actual water meter or sewage meter flow data for facilities of similar type and size. The applicant shall substantiate any meter flow data used to determine the adequacy of nonresidential supplies by submitting copies of water and/or sewer bills for the similar facilities.

(b) Guide for Determination of Required Fire Flow by the Insurance Services Office (ISO), as amended.

(c) Standards and Manuals for the American Water Works Association, as amended.

(d) In addition to the above, the projected water demand shall include any additional flow required to comply with National Fire Protection Association specifications for sprinkler systems.

(2) Area Maps. A topographic and geologic map of the area within a one (1) mile radius of the site.

(3) Regional Map Information. The following information shall be provided on a regional topographic map for the area within a 0.5-mile radius of all proposed wells. If any existing wells withdrawing over 10,000 gpd are located within one mile of the site, the mapping radius shall be extended to one mile. Said map shall be up to date by using recent aerial photographs and/or a driving survey and shall contain the following:

(a) The location of all existing and proposed wells, including the test well(s) and monitoring wells.

(b) The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges.

(c) The location of facilities storing or handling residual or hazardous wastes and substances or petroleum products.

(d) The location of all perennial and intermittent watercourses.

(4) Site Plan. A site plan shall be provided, showing existing and proposed lot lines. The following features shall be presented on an up-to-date plan for the site and area within 300 feet beyond the site perimeter:

(a) Flagged wetland boundaries.

(b) All springs, seeps and ephemeral pools.

(c) All watercourses with a statement as to whether they are perennial or intermittent.

(d) Exiting and proposed wells.

(e) Existing and proposed septic systems.

(f) Test well(s) and monitoring wells.

(g) Topography.

(h) Piezometer wells, if applicable.

(5) Pumping Test Wells. The test well shall be the supply well(s) anticipated for use by the facility. A backup well is highly recommended and should be tested on a separate well other than the primary well. It is suggested that the cooling systems be designed in a closed loop cooling system so as to minimize the impact of water usage.

(6) Monitoring Wells.

(a) At least six monitoring wells shall be employed for each pumping test. Monitoring wells shall be evenly spaced radially around the test well so as to represent the region. Wells shall be evenly distanced from the test well so as to experience background in addition to interaction conditions. At least one well shall be no more than 500 feet from the test well. If such a well is not available a monitoring well can be drilled on the site to serve that purpose. The monitoring well should be drilled in a location and constructed in a location, depth and yield so as to later be used as a house well. Information regarding monitoring well casing depth, total depth and water producing zones shall be provided in the final report.

(b) The applicant shall secure written permission from the property owner for any off-site well to be used for monitoring, that grants the Township permission for a period not to exceed 18 months after completion of the project, to obtain water level measurements and samples of the water for laboratory analysis as required to verify compliance with this chapter.

(c) Water levels in the monitoring wells shall be made at sufficient frequency during the test so as to allow for a clear understanding of the static water level trend throughout the pumping test. At least one week prior to the pumping of the test well, the monitoring wells shall be measured on at least four separate

days. During the pumping test, monitoring wells shall be measured at no less than two-hour intervals during daylight periods. *It* is highly recommended that either nighttime measurements be made or automated water level logging devices be employed to improve well level data for those wells that are in use. Insufficient or poor-quality data may negate the test results. At least four days of post well water level measurements shall be recorded over a period of a week.

(d) Ground elevation adjacent to the well(s) in addition to the static water level shall be based on USGS vertical datum.

(7) Testing Locations and Details. Prior to drilling and/or testing, the Township Engineer shall be provided with the Pennsylvania State Plane Coordinates for the monitoring and test well locations and a map of said locations of the test well(s) and monitoring wells. Prior to drilling and/or testing, the Township Engineer shall be provided with the anticipated pumping test rate and monitoring frequency program which shall be subject to approval by the Township Engineer prior to the test. Dates of drilling and testing shall be made available to the Township Engineer so that they may witness field operations as necessary.

(8) Geologic Log. An accurate geologic log should be maintained during drilling of the pumping test well(s) and monitoring well(s) if applicable, to provide a detailed description of the type and thickness of rocks and overburden encountered. Additionally, the log shall contain Information on the depth of all water bearing zones encountered and the yield from each zone. The total yield from the well shall be measured using a quantitative method. Samples shall be collected every 20 feet during drilling, or at each change in rock type, whichever occurs first.

(9) Pumping Tests. Forty-eight-hour pumping test(s) shall be conducted on the pumping test well(s) at a rate not less than 150% of the combined projected peak daily water demand for the proposed need for which the well represents. The test shall include

the monitoring of background water levels in all wells for a period not less than one week prior to start of pumping and one week after pumping. The pumping test shall be conducted during a period when there is no measurable precipitation for at least 48 hours prior to pumping and throughout the test. If precipitation is encountered during this period, the data shall be evaluated using an acceptable method to account for the effects of any recharge upon water levels in the wells, and upon all calculations at a constant pumping test data. Significant recharge during the test may cause the results to be considered invalid. The pumping test shall be followed by a recovery test, with monitoring of water levels in the test well being conducted until at least 95% recovery of draw down is observed in the test well, or until 48 hours after termination of pumping, whichever is first.

(10) Pumping Rate. The pumping test shall be conducted at a constant pumping rate that shall not deviate greater than plus or minus five percent (+/- 5%) during the test. The rate of flow shall be monitored by a water meter that tallies total flow volumes as well as reveals pumping rate. The rate of flow from the meter shall be verified periodically through the test with manual bucket and stopwatch measurements and such confirmation measurements recorded and reported.

(11) Pumping Test Discharge. The pumping test discharge shall be directed away from and downslope of the test well so as not to significantly influence draw down in the test well and monitoring wells. The means of conveyance and point of discharge shall be approved by the Township Engineer, and shall be at least 100 feet distant.

(12) Required Data. The report shall include precipitation data, static water level immediately prior to yield testing, hydrograph of depth to water surface during test pumping and recovery period of the test well, graphs of depth to water surface at monitoring wells during the test pumping period, typed and raw field notes showing original observations, water levels and flow readings, and the time readings were taken.

(13) Water Quality. Water quality samples shall be obtained from the test well at both the commencement and termination of the pumping testing to demonstrate that drinking water quality conforms to this section.

(a) All samples shall be collected, transported and analyzed in accordance with US EPA and PA DEP protocol for drinking water. Sample testing shall be performed by a laboratory certified by the commonwealth to perform drinking water analysis. Laboratory reports shall contain sufficient quality assurance and quality control data to explain any analysis and reporting conditions or deficiencies. Water quality must comply with currently published US EPA National Primary and Secondary Drinking Water Standards and Health Advisories.

(b) Water quality testing shall include, at a minimum, the following parameters: total and fecal coliform, nitrate/nitrite, pH, iron, manganese, sulfate, lead, chloride, hardness, turbidity, odor, total dissolved solids, surfactants (detergents), volatile organic compounds - Group 1 (VOCl) + 10 unknowns, mtbe, herbicides - Group 1 (Hl) and pesticides - Group 3 (P3). A library search for tentatively identified compounds (TICs). Additional analysis shall be required ifTICs are discovered. Group 1 (VOCl), etc., refers to PA DEP categories of contaminants.

(c) The applicant shall perform a survey to identify and evaluate potential sources of contamination that may impact water quality in the proposed well{s) and shall perform additional sampling and analysis as may be required to assure water quality is satisfactory for the protection of human health and the environment.

(d) A well that does not meet the above standards shall be required to meet them through adequate treatment facilities. Installation and annual maintenance cost estimates to adequately treat the water shall be provided in

the report.

(e) The laboratory report shall be included and shall contain the name, license number and address of the state drinking water certified laboratory.

(14) Aquifer capacity. Documentation shall be provided to support the requirement that the aquifer beneath the site has the capacity to provide wells of sufficient yield to meet the needs of the proposed development. Supportive evidence shall consist of wells drilled on-site, neighboring well information, and data available for wells within one-half mile of the site using the Pennsylvania Groundwater Information System (PA GWIS).

(15) Hydrologic Budget. A hydrologic budget shall be calculated, on an annual basis, for the site based upon the drought recharge capacity of the underlying aquifer and the projected peak water demand of the proposed well(s). The budget shall use groundwater recharge values from published references and a drought of at least one- in-ten-year severity. The recharge area for the budget shall consist only of the proposed development project, less impervious surface unless infiltration system considerations are made, if on-site septic systems are proposed, sand mounds, subsurface and at grade systems may allow for contribution of 90% return of water to the aquifer system. Aquifer contribution from spray, drip and stream discharge shall be determined on a case by case basis. A determination shall be made on whether or not the potential exists for adverse effects on hydrogeology of the project vicinity, including adjacent wells, springs, surface water and wetlands, based upon the results of the hydrologic budget.

(16) On-Lot Sewage System Effects. A narrative describing the design of all on-lot sewage disposal systems and their effect upon groundwater recharge and quality with respect to all proposed and existing water supplies. A nitrate study shall be performed following PA DEP mass balance policy guidelines which include average year recharge from the development site alone, less impervious surface,

sewer system design flow rates and a 45 mg/l effluent. Available existing groundwater quality nitrate data shall be obtained from test well(s), adjacent supply wells and springs to Include as background nitrate levels. Total nitrate levels shall not be allowed to exceed the 10 mg/l drinking water limit.

(17) Effects on Waters of the Commonwealth. If wetlands, seeps, springs, ephemeral pools and/or streams exist on or within 300 feet of the proposed and existing wells boundary, the report shalt address the potential to affect these features as a result of drilling and pumping of the proposed supply welts. Circumstantial evidence to support conclusions regarding this issue shalt be considered limited in value. Thus, direct monitoring of water levels and direct measurement of flows during pumping tests shall be required when said surface water features are deemed at potential risk. If staff gauges are used, measured stream and seep flow rates must be provided to quantify flows at various gauge levels. Analysis shall include evaluation of the potential effect from proposed underground utility lines that may penetrate the shallow groundwater system.

(18) Qualifications. The report shall include a brief statement of the qualifications of the person(s) preparing the study.

(19) The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects that have:

(a) Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the applicable River Basin

(b) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source

d. On-Lot Sewage Disposal. The applicant shall demonstrate safe and adequate on-lot sewage disposal capacity for the submission of the land development application. This shall include a report detailing the proposed sewage flow generation, soil testing performed and

the results of those tests, anticipated pollutant/heat removal technologies and methods, and a map showing the sewage disposal area, along with all conveyance infrastructure and treatment tanks and equipment. The township sewage enforcement officer shall be notified prior to conducting preliminary deep soil test pit evaluations and percolation/hydraulic conductivity testing.

15. An environmental impact assessment shall be performed and submitted with the application. The Assessment shall be prepared by a professional environmental engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

    a. The potential for public nuisance to residents resulting from operations, including noise, glare, light, and visual obstacles,

    b. A stormwater management plan, demonstrating compliance with Chapter 382-26, Storm Drainage and Chapter 368, Stormwater Management Ordinance.

    c. Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures which may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

    d. Additional considerations. The following shall also be addressed:

        i. Alternatives analysis. A description of alternatives to the impacts.

        ii. Adverse impacts. A statement of any adverse impacts which cannot be avoided.

iii. Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

iv. Mitigation steps. Listing of steps structural controls proposed to minimize damage to site before and after construction.

e. Critical impact areas. In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.

i. Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

ii. Plans should include a statement of impact upon critical areas and of adverse impacts which cannot be avoided.

iii. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

16. The applicant shall provide an interconnection agreement with the application from the applicable electric service provider indicating that the necessary capacity is available, and the data storage center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data storage center project shall be noted.

17. Fire protection plan. The site plan shall incorporate a fire protection plan, including, but not limited to, location of hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and the Local Volunteer Fire and EMS Company (or other applicable successor local fire company) for review and comment. A Knox-type box shall be installed on all access gates for emergency access by the Local Volunteer Fire Company (or other applicable successor local fire company) and other emergency responders.

18. Permission to apply. An affidavit or evidence of agreement between the property owner and applicant and/or operator confirming the applicant and/or operator has permission to apply for the land development.

19. Noise Control.

a. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by a professional acoustical expert to be retained by the Township, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including by not limited to generators) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 57 dB(A) as measured from all external property lines of the Data Center unified development parcel. Such sound study or studies shall be conducted using Sound level Meters described in ANSI SI.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following phases:

i. A preliminary sound study for the Data Storage Center and associated DCE shall be conducted as part of the application process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.

ii. An interim sound study shall be conducted during the building permit process based upon the proposed Data Storage Center and associated DCE depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Storage Center.

iii. An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Storage Center and associated DCE prior to the final escrow release for any Data Storage Center land development phase. An as-built sound study may also be required thereafter by the Township upon request.

iv. If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Storage Center shall promptly remediate the violation.

v. In the event of a failure by the owner or occupant to remediate a sound violation within 90 days of notification of the violation, the Township may revoke any permit(s)

previously issued for the Data Storage Center.

b. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

c. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Storage Center, Data Center Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

20. Lake Township may require the retention of professionals (or may retain professionals whose fees shall be paid by the applicant), including but not limited to, hydrogeologists and acoustical experts, to evaluate the required studies and well monitoring/testing.

21. Parking Requirements. 1 parking space for each 3 employees, computed on the basis of the estimated maximum number of employees on duty at any one time, but not less than 1 per 3,000 square feet of gross floor area; provided, however, that data centers shall be required to provide parking solely based on the number of employees and not upon gross floor area, plus five spaces for visitors.

REMEDIES

Section 382-57. Remedies:

A. It shall be unlawful for any person, firm or corporation to violate or fail to comply with or take any action that is contrary to the terms of this Ordinance or a permit issued under this ordinance or cause another to violate or fail to comply, or take any action which is contrary to the terms of this Ordinance or a permit issued under this Ordinance.

B. If, after thirty (30) days from the date of the notice of violation, Lake Township determines, in its discretion, that the parties have not resolved the alleged violation, Lake Township may institute civil enforcement proceedings or any other remedy at law or inequity to ensure compliance as provided in the Lake Township Subdivision and Land Development Ordinance.

EFFECTIVE DATE

Section 382-58. Effective Date. This Ordinance will be effective 5 days after its enactment, and will remain in force until modified, amended, or rescinded by Lake Township, Wayne County, Pennsylvania.

ENACTED AND ADOPTED by The Board of Supervisors of Lake Township, Wayne County, Pennsylvania, this 17th day of December 2025.

BOARD OF SUPERVISORS OF LAKE TOWNSHIP

Attest: