NOTICE OF

PUBLIC HEARING

Notice is hereby given that the Gregg Township Board of Supervisors, Union County, Pennsylvania, will hold a Public Hearing on **Monday, July 20, 2026 at 6:00pm.**, at the Warrior Run Fire Dept. Social Hall, 106 White Deer Ave., Allenwood Pennsylvania. The Board will consider the following applications in connection with a proposed Use of the property municipally designated as 198 Enterprise Blvd., Allenwood, PA, located in the Commercial Manufacturing District ("C-M"):

First: PNK P2 LLC is requesting an Amendment to the township Zoning Ordinance to add Data Center & Data Center Accessory Use --Article 2, Section 2.2,Article 10, Section 10.2 & Article 16, Section 16.20, of the Gregg Township Zoning Ordinance.

Second: PNK P2 LLC is requesting a Conditional use approval for a Data Center Use and Accessory Data Center Use as a "use not provided for" pursuant to Sections 1.8.4, 16.17 and 26.2 of the Gregg Township Zoning Ordinance.

Anyone desiring a copy of the applications or applicant's proposed ordinance, or anyone with a special interest concerning these matters should contact Tom MacDonald at (570) 522-1322, Central Keystone Council of Governments. If you have a disability and wish to attend the Hearing, but require special accommodations to participate in the proceedings, please contact the Township Building at (570) 538-5499 to discuss how such requirements may be met.

FILE COPY

Application for Zoning Ordinance Amendment

Municipality Gregg Township, Union County Fee $ 1,500.00

(Payable to Central Keystone COG) Agreement to extend hearing on file *

APPLICANT

Fee $1,500.00

Do Not Write In This Space Checklist Continued...	Case No. GTZA 26-01
Actions Taken	Date
Application filed	MAR 02 2026
Fee paid ✓	2-19-26
Receipt issued	"
Place on calendar for Supervisors meeting on	7-20-26 @ 6pm
Hearing notices a. mailed to Applicant b. mailed to Adjoining Property Owners c. mailed or faxed to local newspaper	6-29-26
~~Sign sent for posting~~ Legal Ad Runs:	7-3-26 + 7-11-26
Posting sighted by Zoning Officer	
Hearing held	
Decision made	
Notification of Decision sent	
Appeal filed	

Name: PNK P2 LLC
Address: 17 State Street, Suite 3930, New York, NY 10004
Phone: (646) 517-7915 Email: info@pnkgroup.com
PROPERTY OWNER (if other than Applicant)

Name: Same as above
Address:
Phone:

PROPERTY

Address 198 Enterprise Boulevard, Allenwood, PA
Present Zoning District Commercial Manufacturing (CM)

Exact Legal Description

Union County Tax Parcel No. 003-068-125.00300, which is approximately 34.60 acres in size, Union County Tax Parcel No. 003-068-126.10000, which is approximately 23.37 acres in size, Union County Tax Parcel No. 003-068-125.0030L, which is 8.23 acres in size, Union County Tax Parcel No. 003-068-126.90000, which is approximately 42.38 acres in size, Union County Tax Parcel No. 003-068-126.8000L, which is approximately 1.91 acres in size, Union County Tax Parcel No. 003-068-126.80000, which is approximately 19.55 acres in size, Union County Tax Parcel No. 003-068-126.70000, which is approximately 29.73 acres in size, Union County Tax Parcel No. 003-068-126.11000, which is approximately 5.16 acres in size ("Applicant's Property"). All of these parcels are located in the Commercial Manufacturing District ("CM District")

A plot plan of property drawn to scale must accompany this Application.

Date purchased _____ Present use _____
Size _____ Width _____ Proposed use _____
Depth _____ Area _____
square feet

Date of previous application (if applicable) _____

To the Planning Board and Board of Supervisors of Gregg Township, Union County, Pennsylvania

I, J. Michael Wiley of McCormick Law Firm, as representative of PNK P2 LLC do hereby make an application to amend the Zoning Ordinance of the Township of Gregg Township as herein requested to Amend Article 2, Section 2.2, Article 10, Section 10.2, and Article 16, Section 16.20 as follows: To add definitions for Data Center and Data Center Accessory Use in Article 2, Section 2.2; and, amend Article 10, Section 10.2 to add a Section 10.2.1.24 to add Data Center Use and Data Center Accessory Use in the Commercial Manufacturing District (CM District); and, amend Article 16 to add a Section 16.20 to add

Supplemental Use Criteria applicable to Data Center Use and Accessory Data Center Use. This Application is to be attached to the Application for Curative Amendment filed with Tom McDonald, Gregg Township Zoning Officer, on February 19, 2026 along with payment of the applicable $1,500.00 filing fee.

(PLEASE USE AN ATTACHEMENT IF NECESSARY)

Signature of Applicant _____ Date March 2, 2026*

* The Curative Amendment Application was filed and payment of the Application Fee was made on February 19, 2026. At the request of the Zoning Officer, this Application Form was completed and submitted on March 2, 2026.

June 29, 2026

Daily Item Newspaper

REF: Gregg Township Hearing—PNK Zoning Amendment

PLEASE RUN AD 2 TIMES: **7/3/26 & 7/11/26**

SEND BILL TO: Gregg Township

c/o Jodi Willow

18084 Russell Rd.

Allenwood, PA 17810

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Second: PNK P2 LLC is requesting a Conditional use approval for a Data Center Use and Accessory Data Center Use as a "use not provided for" pursuant to Sections 1.8.4, 16.17 and 26.2 of the Gregg Township Zoning Ordinance.

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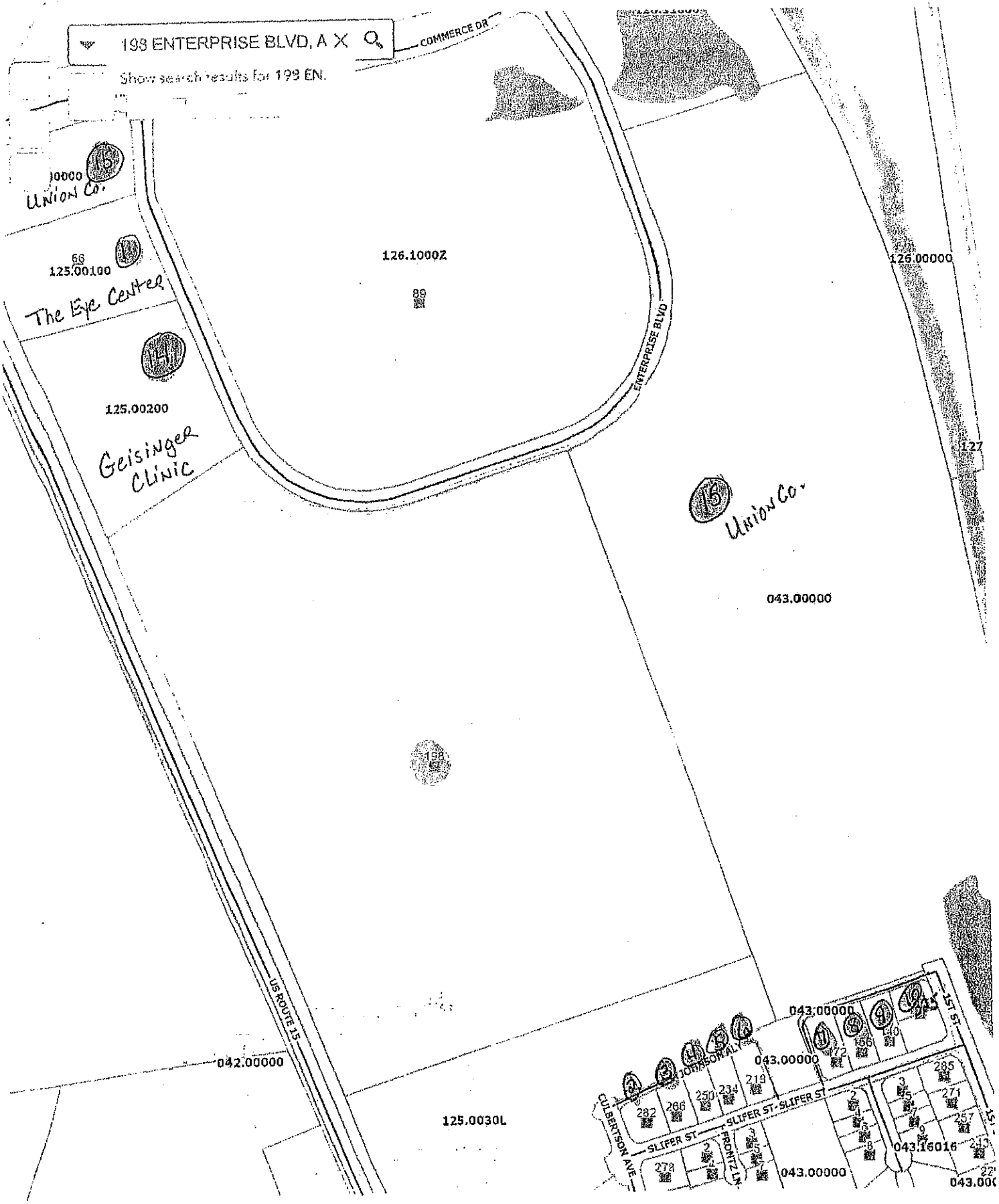
Hearing Adjacent Property Owners Notified: GT Zoning Amendment

6/29 /26

1. Store Master Funding XX LLC [redacted] PA 17844 & The Eye Center of Central PA [redacted] Allenwood, PA 17810
2. Earl & Judy Wertman [redacted] Allenwood, PA 17810
3. Jack & Sharon Fisher [redacted] Allenwood, PA 17810
4. James Krouse [redacted] Allenwood, PA 17810
5. Jared Welch [redacted] Allenwood, PA 17810
6. Dilshan Rangana Gamaralalage [redacted] Allenwood, PA 17810
7. Kimberly Palm [redacted] Allenwood, PA 17810
8. Donald & Cheryl Palm [redacted] Allenwood, PA 17810
9. Bryan Steinbacher [redacted] Allenwood, PA 17810
10. Shawn Snyder & Tina Shemory [redacted] Allenwood, PA 17810
11. Michael & Carlene Weaver [redacted] Allenwood, PA 17810
12. Lucinda Yoder [redacted] Allenwood, PA 17810
13. Holden & Alison Midkiff [redacted] Allenwood, PA 17810
14. Geisinger Clinic [redacted] Danville, PA 17822 ATTN: Real Estate & Space Utilization Department
15. Union County Planning Department 155 N. 15th St. Lewisburg, PA 17837 Attn: Shawn McLaughlin
16. Patton Industrial Development, LLC [redacted] Milton, PA 17847
17. JM Industrial Realty, LLC [redacted] Watsontown, PA 17777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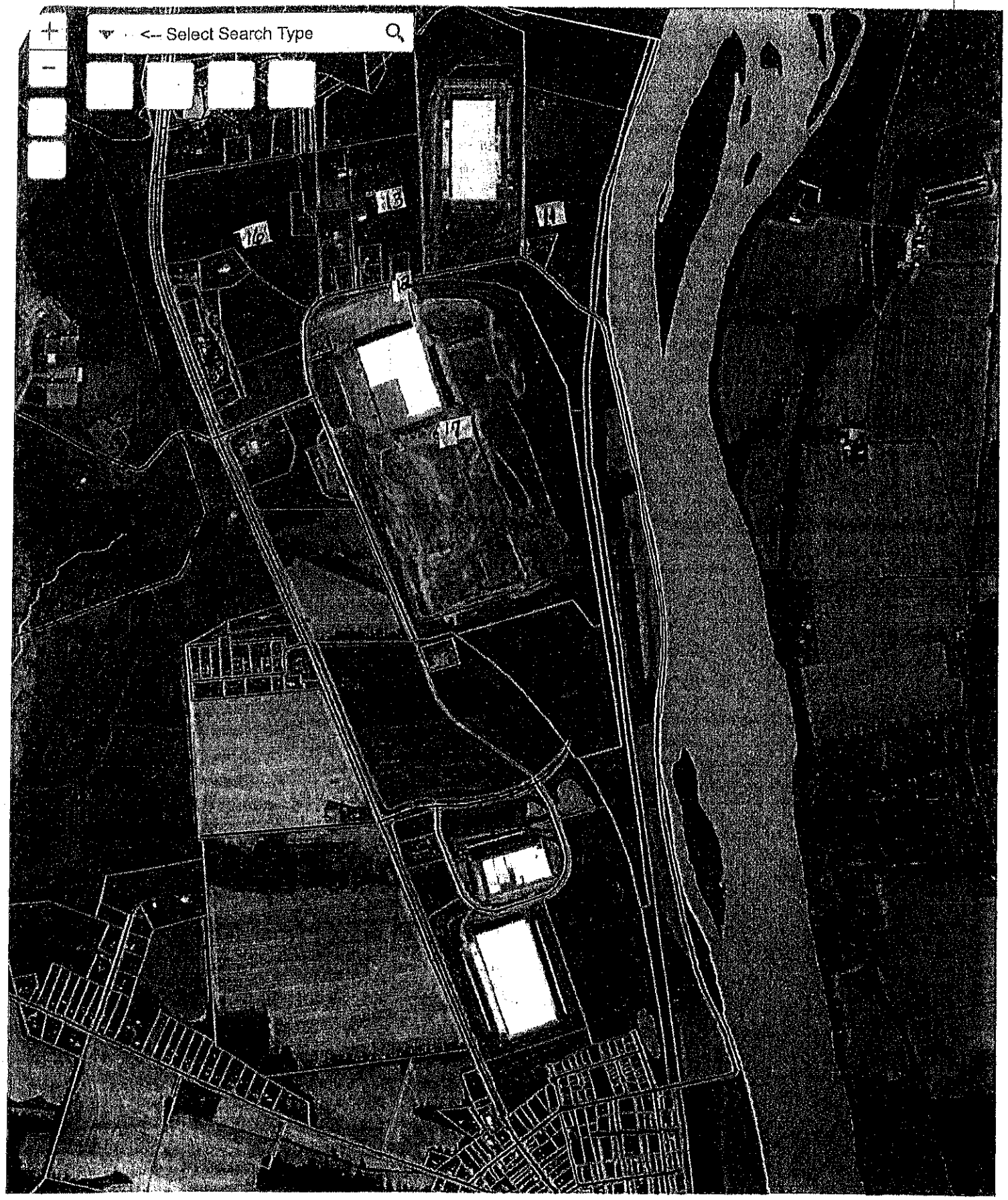
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Application for Conditional Use

The Township of Gregg

(pd. Twp. Directly)
Fee $1,000.00

Do Not Write In This Space Checklist	Case No. GTCU26-01
Actions Taken	Date
Application filed	MAY 22 2026
Fee paid ✓	5-20-26
Receipt issued	"
Place on calendar for Supervisors meeting on	7-20-26 @ 6pm
Hearing notices a. mailed to Applicant b. mailed to Adjoining Property Owners c. mailed or faxed to local newspaper	6-29-26
~~Sign sent for posting~~ Legal Ad Runs:	7-3-26 * 7-11-26
Posting sighted by Zoning Officer	
Hearing held	
Decision made	
Notification of Decision sent	
Appeal filed	

APPLICANT

Name PNK P2 LLC
Address 17 State Street, Suite 3930, New York, NY 10004
Phone (646) 517-7915

PROPERTY OWNER (if other than Applicant)

Name Same as Applicant
Address
Phone

PROPERTY

Address 198 Enterprise Boulevard, Allenwood, PA 17810
Present Zoning District Commercial Manufacturing (CM)

Exact Legal Description
The Property is located at 198 Enterprise Boulevard , Allenwood, PA 17810, and is known for identification purposes as Union County Tax Parcel No. 003-068-125.00300, and is approximately 42.59 acres in size. Applicant purchased the Property on or about January 18, 2022 and the deed of transfer was recorded on or about January 26, 2022 in Union County Record Book 3312, Page 197.

A plot plan of property drawn to scale must accompany this Application. Conditional Use Plans with scaled plans are part of this Application.

Date purchased January 18, 2022
Present use Warehouse
Lot Size Width 879.6 feet Depth 1,115.2 feet
Area 42.59 acres
Proposed use Data Center Use
Date of previous application (if applicable) N/A

The Applicant requests a Hearing before the Gregg Township Supervisors and a Determination on this Conditional Use.

Before any Conditional Use permit may be granted, the following information must be completed. The proposed use at the location is claimed by the Applicant:

1. That similar uses are present nearby.
Proposed Data Center Use is located in Commercial Manufacturing (CM) District situated in the Great Stream Commons industrial park, surrounded by warehousing, manufacturing, and commercial operations consistent with CM District zoning. See Conditional Use Application 17 page narrative accompanying this Application form and submitted plans.

2. That the use is permitted in an adjoining district.
Proposed Data Center is a use not provided for under the Zoning Ordinance. See Conditional Use Application 17 page narrative accompanying this Application form.

3. That the use is compatible with the provisions of the Gregg Township Comprehensive Plan.
The Data Center Us is consistent with the Comprehensive Plan. See Conditional Use Application 17 page narrative accompanying this Application form and submitted plans.

4. That there is sufficient lot area to provide effective screening from adjacent residential uses.
Yes, sufficient lot area is available to provide effective screening from adjacent residential uses. See Conditional Use Application 17 page narrative accompanying this Application form and submitted plans.

5. That the use will not detract from permitted uses in the district.
Use will not detract from permitted uses in the Commercial Manufacturing (CM) District. See Conditional Use Application 17 page narrative accompanying this Application form and submitted plans.

6. That the use complies with the applicable requirements listed within Article 26 Section 26.2 Conditional Uses.
Yes, Data Center Use complies with applicable requirements listed in Article 26, Section 26.2 of the Ordinance. See Conditional Use Application 17 page narrative accompanying this Application form.

7. That the adjoining property owners have been notified.
Yes, adjoining property owners are aware and have been notified of the proposed Data Center Use and multiple meetings have been held regarding the Data Center Use have been held through Gregg Township and organized by Applicant.

8. That the use complies with the provisions of the Township's Subdivision and Land Development Ordinance.
Yes, proposed Data Center Use complies with the Subdivision and Land Development Ordinance provisions. See Conditional Use Application 17 page narrative accompanying this Application form and submitted plans.

Note: Should any conditional use require a variance from this Ordinance or any other Ordinance, that variance shall be authorized prior to the scheduling of a conditional use hearing.

The Township Supervisors shall hold a public hearing for all conditional uses listed in this Ordinance.

The Township Supervisors may attach such reasonable conditions to a conditional use permit as they may deem appropriate and advisable. Failure of the Applicant to agree to said conditions shall result in the immediate revocation of the permit.

Should the work authorized under a conditional use permit fail to commence within one hundred and eighty (180) days of the issuance of the permit, it shall be conclusively presumed that the Applicant has waived, withdrawn, or abandoned said permit and all such permits shall be deemed automatically rescinded by the Borough Council.

All applications for conditional use shall be submitted to the Gregg Township Planning Commission for their review and recommendation.

Additional information required by the Township Supervisors will accompany this application for hearing.

I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Signature of Applicant _____
Date May 20, 2026

FILE COPY

RECEIVED
MAY 20 2026
Central Keystone COG

If returning by mail, please mail to:
Central Keystone Council of Governments
1610 Industrial Blvd., Suite 400A
Lewisburg, PA 17837

Date _____
Municipality: Gregg
Fee: _____
Date Paid _____
Construction Cost _____

Please call (570) 522-1326 (ext. 2) for more information
Please make check payable to Central Keystone Council of Governments

Application for Zoning Permit

Permit No. _____ Project _____ Applicant _____

I. This is to certify that:

A. Property Owner: PNK P2, LLC
B. Address: 17 State Street, Ste 3930
C. Phone Number: New York, NY 10004
D. Contractor Name: TBD
Address/Phone: TBD

1. ___ Erect a sign
2. ___ Establish a new business
3. ___ Construct an addition
4. ___ Construct an accessory structure
5. ___ Relocate a structure
6. ___ Construct a new structure
   a. Number of dwelling units _____
   b. Proposed Use _____
7. Other Construct a substation

Location of Project: 198 Enterprise Blvd., Allenwood, PA 17810
Zoning District: CM - Commercial and Manufacturing District
HARB Required? ___ Yes X No (Lewisburg Historic District Only)
Tax Map/Parcel ID#: 003-068-125.00300
Estimated Starting Date: July 2026
Estimated Completion Date: July 2028
Approximate Construction Cost: $ TBD

II. Complete the appropriate section(s)

A. Business Permit

___ Retail
___ Professional Service
___ Restaurant
___ Automotive Sales or Service
___ Motel or Hotel
___ Shopping Center
___ Club or Lodge
___ Business, Professional or Government Office
Other Substation

Proposed Parking

Total number of spaces: n/a
Size of each parking space: n/a
Total area of parking lot: n/a

B. Sign Permit n/a

1. Building Frontage n/a feet

2. Type of Sign: n/a

___ Flush mounted on the wall

___ Mounted perpendicular to supporting wall (Projecting Sign)

___ Freestanding

- distance from lot line and/or public right-of-way _____

3. Size of Sign Height n/a Width n/a

4. Wording of Sign n/a

C. New Construction

Lot Information

1. Road or street frontage (measured at front building line) 897.63 feet
2. Proposed building setback from right-of-way 80 and feet
3. Side yard clearance(s) 110 feet and _____ feet
4. Rear yard clearance n/a feet
5. Area of the lot 42.6 acres square feet

Structure Information

1. Proposed Structure
   a. Width n/a feet x depth n/a feet
   b. Height n/a feet
   c. Number of stories (including basement) n/a
2. Existing Structure(s): house, garage, shed, etc.
   Width 1011 feet x depth 473 feet
   Width _____ feet x depth _____ feet
   Width _____ feet x depth _____ feet
   Width _____ feet x depth _____ feet
3. Driveway & Parking Lot Area
   Width 520 feet x depth 50 feet
   Width 540 feet x depth 60 feet

4. Stormwater Plan? X YES ___ NO

5. Flood Plain? ___ YES X NO

6. Existing Utilities & Utility Easements
   a. Are there any utility connections on the property? X YES* ___ NO
   b. Is this property subject to any easements or right-of-way agreements with your Municipality or any Utility Provider? X YES* ___ NO
   c. Is this property subject to any easements or right-of-way agreements with any adjacent property holders? ___ YES* X NO

* YOU MUST NOTE THE LOCATION OF ALL UTILITIES, EASEMENTS AND RIGHTS-OF-WAY ON YOUR SITE PLAN

Sewage Disposal (Check one)

1. Public Sanitary Sewer X
2. Private Sanitary Sewer _____
3. Indiv. On-lot Disposal System _____

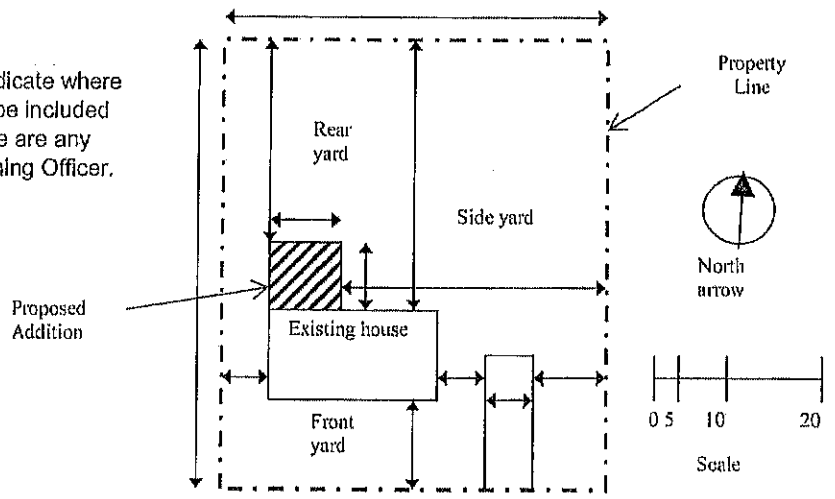
Water Supply (Check one)

1. Public Water System X
2. Private Water System _____
3. On-lot Well _____

Site Map *(REQUIRED* - You may draw your site plan on this form or submit a separate drawing)
Scaled drawing showing all existing structures, proposed construction, and relation to all existing private or public roads, existing utilities, utility or other easements & rights-of-way. Show all setbacks and all existing boundary lines.

Example Map

** Double-ended arrows (↔) indicate where a setback (measured in feet) should be included by the owner and/or Applicant. If there are any questions, please ask the issuing Zoning Officer.



Place your scaled drawing here
For sign projects, a scaled drawing of the sign is required.

See Separate Drawing

III. Certifications (must be completed by owner before permits will be issued):

a. That all information set forth in the above application is true and correct.

b. That all construction activity will comply with all applicable codes and ordinances, including but not limited to: zoning, floodplain, lighting, subdivision and land development, erosion and sedimentation control, etc.

c. It shall be the responsibility of the permit applicant to contact all utility providers (water, sewer, electric, TV, telephone) for this property. The applicant shall be required to meet any or all utility location or re-location requirements of the respective utility provider. By signing this application, the applicant agrees and understands that issuance of this permit does not approve or waive the applicant from meeting all requirements of utility providers.

_____ _____ 5/20/26

ıture Date

Indicate: _____ *Signature as Owner(s) OR* X *Authorized Agent*

IV. Application Review Record - For office use only:

Approved _____

Zoning Officer _____

A. Sign

Meets:
1. District Requirements _____
2. Size Requirements _____
3. Setback Requirements _____
4. Height Requirements _____

B. Business

Meets:
1. Zoning District Requirement _____
2. Parking Requirements _____

C. New Construction

Meets:
1. Setback Requirements _____
2. Frontage Requirements _____
3. Impervious Coverage _____ %
4. Structure Dimension Requirements _____
5. Floodplain Requirements (if applicable) _____
6. PennDOT Access approval (if required) _____ Date: _____

D. Variance Required -- Reason _____

E. Special Exception Required -- Reason _____

RECEIVED
MAY 20 2026
Central Keystone COG

GTCU26-01

FILE COPY

APPLICATION OF PNK P2 LLC FOR
USE NOT PROVIDED FOR / CONDITIONAL USE APPROVAL
UNDER SECTIONS 1.8.4, 16.17 AND 26.2 OF THE
GREGG TOWNSHIP ZONING ORDINANCE
198 Enterprise Boulevard | Tax Parcel No. 003-068-125.00300

I. INTRODUCTION AND RELIEF REQUESTED

PNK P2 LLC ("PNK" or "Applicant") submits this Application for approval of a Data Center Use and Accessory Data Center Use as of a "use not provided for," pursuant to Sections 1.8.4, 16.17 and 26.2 of the Gregg Township Zoning Ordinance ("Ordinance").

More specifically, Applicant seeks approval of:

> **Data Center Use and Data Center Accessory Use at 198 Enterprise Boulevard, Allenwood, Pennsylvania, Union County Tax Parcel No. 003-068-125.00300, located in the Commercial Manufacturing (C-M) District, substantially as shown on the Conditional Use Plans accompanying this Application, subject to conditions of approval and subsequent land development plan approval.**

The relief sought is limited to this site, this district, this building, and this Applicant, subject to the enforceable conditions proposed below.

II. APPLICABLE ORDINANCE PROVISIONS

Section 1.8.4 of the Ordinance provides:

"When a specific use is neither permitted nor prohibited in the schedule of district regulations, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. See Sections 16.17 and 26.2 for further information regarding this procedure."

Section 16.17 ("Uses Not Provided For") establishes the three substantive criteria the Board must apply. Section 26.2 ("Conditional Uses") establishes the procedural and general substantive criteria that apply to all conditional uses.

A "data center" is not listed as a permitted use, a special exception use, or a conditional use in any district under the Ordinance.

The issue is whether this particular use, on this particular site, in the Commercial Manufacturing District, satisfies the three criteria of Section 16.17 and the general criteria of Section 26.2.5. The Ordinance does not authorize the Board to deny the Application on grounds beyond those criteria, and Pennsylvania law requires the Board to apply objective ordinance standards rather than generalized concerns. *See* Bray v. Zoning Board of Adjustment of the City of Pittsburgh, 48 Pa. Cmwlth. 523, 410 A.2d 909 (1980); South Whitehall Township v. Karoly, 891 A.2d 780, 786–87 (Pa. Cmwlth. 2006).

III. APPLICANT, PROPERTY, AND PROPOSED USE

A. Applicant

Name: PNK P2 LLC
Address: 17 State Street, Suite 3930, New York, NY 10004
Telephone: +1 (646) 517-7915
Email: info@pnk.group

PNK P2 LLC is a Delaware limited liability company authorized to conduct business in the Commonwealth of Pennsylvania, and is a wholly-owned subsidiary of PNK Group. PNK Group is an industrial real estate developer with substantial existing operations in Gregg Township through PNK Park Allenwood, a five-building industrial campus at Great Stream Commons. To date, PNK Group has delivered two of those buildings, totaling approximately 0.7 million square feet, and has attracted ModCorr, LLC, a manufacturing tenant, to the 252,282-square-foot facility at 89 Enterprise Boulevard. PNK is a known, present, and continuing developer in Great Stream Commons.

B. Property Owner

The Property is owned by Applicant, PNK P2 LLC.

C. The Property

The Property at issue is located at 198 Enterprise Boulevard in Gregg Township and is identified as Union County Tax Parcel No. 003-068-125.00300, comprising approximately 42.59

acres (the "Property"). The Property is located in the Commercial Manufacturing (C-M) District ("CM District"). It is situated within the Great Stream Commons industrial park, surrounded by warehousing, manufacturing, and commercial operations consistent with the C-M District's established character.

The Property currently contains an existing industrial/warehouse building of approximately 478,379 square feet, constructed by PNK Group using its proprietary Building Assembly Set (BAS) modular construction system. The building features 40-foot clear height, an 8-inch reinforced concrete slab, ESFR fire suppression, LED lighting, and other standard industrial-park specifications. The Property is served by Pennsylvania American Water (public water), the Gregg Township Municipal Authority (public sewer), PPL Electric Utilities, and existing telecommunications infrastructure. The Property is located within a designated Keystone Opportunity Zone (KOZ) through 2027.

There are some residential properties to the south of the Property. The Conditional Use Plans depict the screening, buffering, setback, and lighting controls proposed to mitigate any impact on those residential properties. As set forth in Section VIII below, Applicant is prepared to accept enforceable conditions on noise, lighting, screening, generators, and emergency coordination.

D. Present Use

The Property is presently developed for industrial/warehouse use, consistent with the C-M District. The existing warehouse building is the structure proposed to be converted to Data Center Use.

E. Proposed Use

Applicant proposes to convert the existing industrial/warehouse building on the Property to Data Center Use, with associated Data Center Accessory Use, substantially as depicted on the Conditional Use Plans. A data center is an enclosed facility that houses computing, storage, and networking equipment in racks within a climate-controlled industrial building. The facility is

monitored by a Network Operations Center (NOC) and supported by administrative office space, utility rooms, and limited loading and receiving areas.

The proposed use is a reuse of an existing industrial building, in an existing industrial park, served by existing infrastructure. In its operational characteristics – limited employees, very low truck traffic, no manufacturing emissions, no industrial odors, no outdoor storage, and only periodic generator testing – the proposed use is less intensive than warehousing, distribution, trucking terminals, and manufacturing operations already permitted by right in the C-M District.

IV. THE ZONING OFFICER'S MAY 6, 2025 DETERMINATION

The Township's own zoning professional has already addressed the central question this Board must answer under Section 16.17.1. By determination letter dated May 6, 2025, addressed to Shawn McLaughlin, AICP, Planning and Economic Development Director for Union County, Gregg Township Zoning Officer Tom MacDonald analyzed whether a data center would be allowed in the Commercial Manufacturing District. The Zoning Officer concluded:

"... the nature of a data center is equivalent to commercial office building and warehouse uses."

Based on that equivalency determination, the Zoning Officer further concluded:

"... since both commercial businesses and warehouses are permitted uses as per Zoning Ordinance Article 10, Section 10.2.1, the development, construction, operation, and maintenance of a data center would be allowed in the Commercial Manufacturing zoning district."

This determination is significant for several reasons:

(1) It is the Township's own administrative interpretation of the Ordinance, rendered by the official charged with interpreting and administering the Ordinance under Section 26.1.

(2) It directly answers the operative question under Section 16.17.1: whether a data center is "similar to and compatible with" permitted uses in the C-M District. The Zoning Officer found it equivalent to two such uses – commercial office buildings and warehouses.

(3) It was issued in connection with the County's contemporaneous consideration of data center investment at Great Stream Commons, and Applicant relied on it in proceeding with this Application.

(4) It is consistent with the conclusion this Board must reach on this record under Section 16.17.1.

The Zoning Officer's May 6, 2025 determination is attached hereto.

V. STATUTORY AND ORDINANCE FRAMEWORK

A. Pennsylvania Municipalities Planning Code

The Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10101 et seq., authorizes municipalities to designate permitted, special exception, and conditional uses. 53 P.S. § 10603. Section 603(c)(2) authorizes the Board of Supervisors to approve conditional uses in accordance with the standards set out in the Ordinance. 53 P.S. § 10603(c)(2).

Pennsylvania courts construe restrictions on land use strictly in favor of the landowner and construe provisions expanding permissible use liberally. PA Northwestern Distributors, Inc. v. Zoning Hearing Board of the Township of Moon, 526 Pa. 186, 193, 584 A.2d 1372, 1375 (1991). This principle applies to the interpretation of Sections 16.17 and 26.2.

B. Section 1.8.4 – Referral of Uses Not Provided For

As set out in Section II above, Section 1.8.4 directs the Zoning Officer to refer a use that is neither permitted nor prohibited to the Board of Supervisors for decision as a conditional use under Sections 16.17 and 26.2. That procedural posture has been followed here.

C. Section 16.17 – Uses Not Provided For

Section 16.17 of the Ordinance establishes three substantive criteria the applicant must satisfy:

"16.17.1. The proposed use is similar to and compatible with other permitted uses within the zone in which it is proposed."

"16.17.2. The proposed use is not permitted in any other zone."

"16.17.3. The proposed use in no way is in conflict with the general purposes of this Ordinance."

D. Section 26.2 – Conditional Uses

Section 26.2 establishes the procedural and general substantive framework for conditional use applications, including application requirements (§ 26.2.1), the written statement requirement (§ 26.2.2), site plan requirements (§ 26.2.3), hearing requirements (§ 26.2.4), general criteria for review (§ 26.2.5), and decision requirements (§ 26.2.6). The general criteria require the Board to consider whether the proposed use satisfies the specific criteria established elsewhere in the Ordinance (here, Section 16.17) and the impact of the proposed use on public health, safety, and welfare.

E. The C-M District: Purpose and Permitted Uses

The purpose of the C-M District, as stated in Article 3, Section 3.1 of the Ordinance and reaffirmed in Article 10, Section 10.1, is to provide for the majority of uses designed for the Commercial District in addition to industrial, manufacturing, and heavy uses. The permitted uses in the C-M District under Article 10, Section 10.2.1 include, among others:

- Manufacturing, Research and Testing Laboratories (§ 10.2.1.17) (Permitted)
- Warehousing, Distribution Center (§ 10.2.1.23) (Permitted)
- Trucking or Rail Terminal / Intermodal Freight Facility (Permitted)
- Retail, Banks, Wholesale, Printing, Non-Automotive Service or Repair Business (Permitted)
- Professional Office (§ 10.2.1.19) (Permitted)
- Professional Office Group (Permitted)
- Communications Antenna, Equipment Building (§ 10.2.1.8) (Permitted)
- Self Storage Facility (Special Exception)
- Industrial Park (Special Exception)

VI. THE APPLICATION SATISFIES SECTION 16.17

A. Section 16.17.1 – Similar to and Compatible with Permitted C-M Uses

The May 6, 2025 determination finds a data center equivalent to commercial office buildings and warehouses – two uses permitted by right in the C-M District. The strongest comparisons are to three uses already permitted by right in the C-M District: warehousing/distribution, professional office, and communications equipment buildings.

1. ***Similarity to Warehousing, Distribution Center.*** A data center is, at its core, an enclosed industrial building used to store and operate equipment racks. Both warehouses and data centers involve the physical storage of valuable assets in a secure, climate-controlled building; both require controlled access, surveillance, and security infrastructure; both involve periodic receiving of equipment (a data center substantially less frequent than a typical distribution warehouse); both operate at low staffing density relative to building size; and both serve a distribution function (a data center distributes information through fiber networks, a distribution center distributes physical goods). The Zoning Officer's May 6, 2025 determination expressly identifies warehouse use as one of the two equivalents to a data center.

2. ***Similarity to Professional Office and Professional Office Group.*** The Ordinance defines a Professional Office as the office of a single member of a recognized profession, and a Professional Office Group as the offices of more than one professional including assisting staff. A data center includes a Network Operations Center (NOC) staffed by IT professionals, together with administrative offices, conference space, reception, and support areas. The on-site personnel work at desks and workstations in a climate-controlled, professionally designed office environment. The traffic, parking, and employee-activity profile of a data center is closely comparable to a professional office building. The Zoning Officer's May 6, 2025 determination expressly identifies commercial office building use as the second equivalent to a data center.

3. ***Similarity to Communications Antenna, Equipment Building.*** A data center is functionally analogous to a scaled communications equipment building. Both house electronic equipment used

in the transmission, reception, processing, and management of communications data. The Ordinance already permits communications equipment buildings in the C-M District, confirming that the legislative intent of the district encompasses communications and technology infrastructure of this character.

4. ***Manufacturing, Research and Testing Laboratories – Additional Support.*** While the foregoing three comparisons are sufficient on their own, the C-M District's authorization of Manufacturing, Research and Testing Laboratories provides additional support. The Ordinance does not by its terms limit that use category to facilities that produce tangible physical products, and under *PA Northwestern Distributors*, use categories should be construed in favor of the landowner. Applicant does not rest the Section 16.17.1 analysis on this comparison, but notes that it provides further confirmation of compatibility.

5. ***Compatibility With the C-M District.*** In addition to specific similarity, the proposed use is broadly compatible with the operational character of the C-M District. As shown in the comparison chart below, the data center is less intensive than warehousing, manufacturing, and trucking uses already permitted in the district: less truck traffic, no industrial odors or manufacturing emissions, no outdoor storage, no heavy equipment operation, and a noise profile limited to controllable mechanical equipment.

Comparison Chart: Data Center vs. Uses Already Permitted in the C-M District

Issue	Data Center (Proposed)	Warehousing/ Distribution Center	Manufacturing/ Research & Testing	Truck/Rail Terminal	Professional Office
Permitted in C-M District	Subject of this Application	Yes (§ 10.2.1.23)	Yes (§ 10.2.1.17)	Yes (§ 10.2.1)	Yes (§ 10.2.1.19)
Truck traffic	Very low	High	Medium / high	Very high	Low
Employees on site	Low	Medium	Medium / high	Medium	Medium / high

Issue	Data Center (Proposed)	Warehousing/ Distribution Center	Manufacturing/ Research & Testing	Truck/Rail Terminal	Professional Office
Odor / emissions	None / minimal	Minimal	Possible	Diesel / truck impacts	None
Noise sources	Mechanical (controllable)	Trucks, loading docks	Machinery, processes	Trucks, backup alarms	Minimal
Outdoor storage	None	Possible	Possible	Possible	None
Loading dock activity	Negligible	Continuous	Frequent	Continuous	None
Hazardous Emissions	None	Variable	Possible	Diesel exhaust	None
Residential Compatibility (with conditions)	Strong	Less Favorable	Variable	Less Favorable	Strong

(See also Exhibit A – one-page comparison chart prepared for hearing use.)

B. Section 16.17.2 – Not Permitted in Any Other Zone

The Ordinance establishes seven zoning districts: Woodland Preservation (WP), Agriculture (A), Rural Residential (RR), Village (V), Commercial (C), Institutional (I), and Commercial Manufacturing (C-M). A review of the Schedule of Uses confirms that "data center" does not appear as a permitted use, a special exception use, or a conditional use in any of those districts. That is precisely the fact pattern that triggers Section 1.8.4 and Section 16.17.2. The criterion is satisfied.

C. Section 16.17.3 – Not in Conflict With the General Purposes of the Ordinance

The general purposes of the Ordinance are set forth in Article 1, Section 1.4:

"1.4.1 In consideration of the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures."
"1.4.2 To promote the public's health, safety, morals, and the general welfare, encourage the most appropriate use of land, conserve and stabilize the value of property; provide adequate open spaces for light and air, prevent undue concentration of population, and lessen congestion on streets and highways."

Section 1.4.1 – Character and Suitability. The Property sits inside an established industrial park, in the C-M District, surrounded by warehousing, manufacturing, and commercial operations. The proposed use is consistent with the character of that area and with the suitability of the C-M District for commercial and industrial uses.

Section 1.4.2 – Health, Safety, Welfare, and Traffic. The proposed use does not concentrate population, does not generate congestion on streets and highways, and does not introduce industrial activity more intensive than what the Ordinance has already determined is appropriate for the C-M District. The proposed use is consistent with conserving and stabilizing property values within Great Stream Commons.

The proposed use is not in conflict with the general purposes of the Ordinance. Section 16.17.3 is satisfied.

VII. THE APPLICATION SATISFIES SECTION 26.2

A. Written Statement (§ 26.2.2)

This Application constitutes the written statement required by Section 26.2.2.

B. Site Plan (§ 26.2.3)

The Conditional Use Plans accompanying this Application satisfy the site plan requirement of Section 26.2.3 for purposes of conditional use review. Detailed land development plans will follow under Section 26.2.8 and the Township Subdivision and Land Development Ordinance.

C. General Criteria (§ 26.2.5)

The Board's general review under Section 26.2.5 considers the impact of the proposed use on public health, safety, and welfare. The criteria set forth in Section 26.2.5 is satisfied as follows:

1. Impact on neighboring properties. As depicted on the Conditional Use Plans, the proposed use will incorporate screening, buffering, and setback measures to mitigate visual and acoustic impact on the residential properties to the south. The use will be less impactful on neighbors than the warehousing, manufacturing, and trucking operations already permitted by right in the C-M District.

2. Utilities and infrastructure. The Property is served by Pennsylvania American Water, the Gregg Township Municipal Authority, PPL Electric Utilities, and existing telecommunications infrastructure. Applicant will coordinate with each utility provider regarding any capacity assessment and will bear all costs of any necessary upgrades attributable to the use, consistent with standard practice for commercial development. Applicant intends to incorporate state-of-the-art cooling design to minimize water consumption.

3. Traffic and access. Data centers generate substantially less traffic than virtually any other commercial or industrial use of comparable building size. The Property is accessed via Enterprise Boulevard within Great Stream Commons, with connections to Route 15 and Interstate 80. The existing road network was designed to accommodate the more intensive trucking and warehousing uses already permitted in the industrial park.

4. Dimensional and area requirements. The facility will comply with the dimensional, setback, height, coverage, and impervious surface requirements applicable in the C-M District under Article 10 and with the lot area, width, and yard requirements specified in Sections 10.3 and 10.4. The proposed use is a reuse of the existing building.

5. Supplemental regulations. The proposed use will comply with applicable supplemental regulations, including § 15.9 (Nuisance Standards), § 15.10 (Off-Street Parking and Loading), §

15.11 (Outdoor Lighting), § 15.14 (Screening and Landscaping), § 15.18 (Water Supply and Sewerage Facilities), Article 19 (Exterior Lighting Standards), and § 16.12 (Industrial Park supplemental criteria).

VIII. RECORD EVIDENCE ON HEALTH, SAFETY, AND WELFARE

Under Pennsylvania law, a conditional use applicant's burden is to demonstrate compliance with the objective criteria set forth in the ordinance. Once the applicant satisfies that burden, the burden shifts to objectors to come forward with competent record evidence establishing a high probability of substantial harm to the public health, safety, or welfare. Generalized concerns, speculation, and unsupported assumptions are not sufficient. Bray v. Zoning Board of Adjustment of the City of Pittsburgh, 48 Pa. Cmwlth. 523, 410 A.2d 909 (1980); South Whitehall Township v. Karoly, 891 A.2d 780, 786–87 (Pa. Cmwlth. 2006).

Applicant respects the residents of Gregg Township. The conditions proposed below are offered to address legitimate concerns proactively. Applicant addresses the principal areas of community interest as follows:

A. Water consumption. The facility will be designed to minimize water consumption through air-cooled chillers, dry coolers, or closed-loop recirculating systems. Applicant will coordinate with Pennsylvania American Water during the land development phase regarding system capacity and will bear all costs of any necessary infrastructure improvements attributable to the use.

B. Power consumption and grid impact. Data center load is predictable and dispatchable. PNK is not asking the Township to guarantee electric capacity, interconnection, or transmission upgrades, and the Township has no obligation to do so. Capacity, interconnection, and any transformer, substation, or transmission improvements are matters for the appropriate utility process between PNK and PPL Electric Utilities. PNK will coordinate with PPL Electric, must bear all costs of utility upgrades attributable to this use consistent with standard practice for commercial development, and cannot operate the facility unless utility capacity and interconnection are resolved through that process. The Board's decision under Sections 16.17 and

26.2 is therefore a zoning determination only; it does not relieve PNK of any obligations to PPL Electric, the Pennsylvania Public Utility Commission, or PJM.

C. Noise. Data center noise originates primarily from mechanical cooling equipment and, periodically, from generator testing. The facility will be designed with sound-attenuating enclosures, acoustic barriers, and setbacks consistent with Section 15.9. Compliance will be demonstrated through acoustical engineering analysis submitted with the land development plan. Applicant is prepared to accept enforceable noise conditions at the residential property line.

D. Traffic. Traffic generation is low. The existing road network was designed for far more intensive uses. A traffic impact study will be submitted with the land development plan if requested.

E. Environmental impact. The proposed use produces no manufacturing emissions, no industrial wastewater, no hazardous waste, no particulate matter, and no industrial odors. The only stack emission associated with the facility is the exhaust from backup generators during periodic testing and actual power outages. Generators will comply with applicable EPA and PaDEP standards.

F. Visual impact and aesthetics. The facility will reuse the existing industrial building and will be visually consistent with the surrounding industrial park. No outdoor storage, no outdoor process equipment (other than standard rooftop HVAC and screened mechanical yards), and no signage beyond standard identification signage.

On this record, the criteria of Section 16.17 are met and the general criteria of Section 26.2.5 are met. If objectors disagree, the legal standard requires them to do so with competent record evidence of a high probability of substantial harm – not generalized concerns. *Bray*; *Karoly*.

IX. PROPOSED CONDITIONS OF APPROVAL

Without limiting the Board's authority to impose additional reasonable conditions, grounded in Ordinance requirements, and without waiving Applicant's rights to modify or alter these proposed conditions based upon evidence presented at the hearing, Applicant proposes the

following enforceable conditions as part of any approval of this Application, to be incorporated into the Board's written decision and land development approval:

1. Use Limited to Approved Site and Building. The data center use approved hereunder is limited to Tax Parcel No. 003-068-125.00300 at 198 Enterprise Boulevard, and within and around the existing industrial/warehouse building thereon, substantially as depicted on the Conditional Use Plans, subject to plan amendments required in connection with development, submission and approval of future land develop plans for the project once approved.
2. Subsequent Land Development Approval. The conditional use approval is conditioned upon submission, review, and approval of land development plans in accordance with the Township Subdivision and Land Development Ordinance prior to commencement of construction or conversion.
3. Noise. Operational noise at the residential property line shall comply with Section 15.9 of the Ordinance. Sound-attenuating enclosures and acoustic mitigation shall be designed in accordance with acoustical engineering analysis submitted with the land development plan.
4. Generators. Backup generators shall be acoustically enclosed and shall comply with Section 15.9. Routine generator testing shall be limited to weekday daytime hours, except for emergency operation and except for testing required by the utility, manufacturer, or applicable code. Generators shall comply with applicable EPA and Pennsylvania Department of Environmental Protection emissions standards.
5. Fire, Battery, and Hazardous Materials Safety. Applicant shall identify any UPS/battery systems, generator fuel storage, fire suppression systems, and emergency shutoff protocols during land development review and shall coordinate the design and operation of those systems with the Gregg Township Volunteer Fire Department and applicable emergency responders before commencement of operations. To avoid any potential for confusion, the project is not proposing any large storage batteries in connection with powering the Data Center Use itself.

6. Lighting. Exterior lighting shall comply with Section 15.11 and Article 19, including full-cutoff fixtures and limitations on light trespass at residential property lines.
7. Screening and Landscaping. Screening and landscaping along boundaries adjacent to residential properties shall be installed and maintained in accordance with Section 15.14 and the Conditional Use Plans.
8. Traffic and Access. Vehicular access shall be limited to Enterprise Boulevard. No regular tractor-trailer through-trips are anticipated; any required deliveries shall use the existing industrial-park routing.
9. Utilities. Applicant shall coordinate with Pennsylvania American Water, the Gregg Township Municipal Authority, and PPL Electric Utilities regarding capacity, and shall bear all costs of any necessary utility upgrades attributable to the use. The Township is not asked to guarantee, and is not undertaking any obligation to provide, electric, water, or sewer capacity beyond existing infrastructure.
10. No Outdoor Storage. No outdoor storage of equipment, materials, or supplies is permitted. Mechanical yards and equipment pads shall be screened in accordance with the Conditional Use Plans.
11. Emergency Coordination. Applicant shall coordinate with the Gregg Township Volunteer Fire Department and applicable emergency services regarding site access and emergency response, in addition to the matters covered by the Fire, Battery, and Hazardous Materials Safety condition above.
12. Compliance With Supplemental Regulations. Applicant shall comply with all supplemental regulations of the Ordinance, including Sections 15.9, 15.10, 15.11, 15.14, 15.18, Article 19, and Section 16.12.
13. Other Approvals Not Waived. Approval of this conditional use is a zoning use determination only. It does not waive, modify, or substitute for any other approval required for the construction or operation of the facility, including without limitation Subdivision and Land Development Ordinance approval, stormwater management approval, building code review, fire code review,

utility approvals, Pennsylvania Department of Environmental Protection approvals, or any other federal, state, or local approval required by law.

14. Expiration. This conditional use approval shall expire as provided in Section 26.2.8 of the Ordinance if construction or substantial conversion of the existing building does not commence within the time period prescribed by the Ordinance.

X. CONCLUSION AND NARROW REQUEST FOR RELIEF

The proposed Data Center Use and Accessory Data Use as set forth in Applicant's submission and the Conditional Use Plans is exactly the kind of use the C-M District is intended by its language and purpose to accommodate. The project is located inside an established industrial park, uses and is in an existing industrial building, and is generally surrounded by industrial and commercial uses. It is similar to office, warehouse, communications equipment, and research/testing uses already allowed in the CM-District. The use is not contemplated by the Ordinance and is not an allowed use in any other zoning district pursuant to the Ordinance. The use is less impactful than many uses already permitted by right. In addition, any potential impacts are appropriately mitigated and addressed by the reasonable conditions Applicant proposes regarding noise, traffic, lighting, screening, utilities, generators, and emergency coordination. The criteria of Section 16.17 and the general criteria of Section 26.2.5 are satisfied.

WHEREFORE, PNK P2 LLC respectfully requests that the Board of Supervisors:

1. Find and conclude that the requirements of Sections 1.8.4, 16.17 and 26.2 of the Gregg Township Zoning Ordinance are satisfied;

2. Approve Data Center Use and Data Center Accessory Use at 198 Enterprise Boulevard, Tax Parcel No. 003-068-125.00300, substantially as shown on the Conditional Use Plans, subject to the conditions of approval set forth in Section IX of this Application and any additional reasonable conditions the Board may impose; and

3. Enter the proposed Decision and Order submitted contemporaneously with this Application.

Respectfully submitted,

McCORMICK LAW FIRM

By: _____
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EXHIBIT A

Data Center Compared to Uses Already Permitted in the C-M District

Application of PNK P2 LLC – 198 Enterprise Boulevard – Tax Parcel No. 003-068-125.00300 – Gregg Township, Union County, PA

Issue	Data Center (Proposed)	Warehousing / Distribution Center	Manufacturing / Research & Testing	Truck or Rail Terminal	Professional Office
Permitted in C-M District	Subject of this Application	Yes (§ 10.2.1.23)	Yes (§ 10.2.1.17)	Yes (§ 10.2.1)	Yes (§ 10.2.1.19)
Truck traffic	Very low	High	Medium / high	Very high	Low
Employees on site	Low	Medium	Medium / high	Medium	Medium / high
Odor / emissions	None / minimal	Minimal	Possible	Diesel / truck impacts	None
Noise sources	Mechanical (controllable)	Trucks, loading docks	Machinery, processes	Trucks, backup alarms	Minimal
Outdoor storage	None	Possible	Possible	Possible	None
Loading dock activity	Negligible	Continuous	Frequent	Continuous	None
Hazardous emissions	None	Variable	Possible	Diesel exhaust	None
Residential compatibility (with conditions)	Strong	Less favorable	Variable	Less favorable	Strong

Summary. The proposed Data Center Use is functionally similar to, and less intensive than, multiple uses already permitted by right in the Commercial Manufacturing District. The Township Zoning Officer's May 6, 2025 determination reached the same conclusion, finding a data center equivalent to office and warehouse uses already permitted in the C-M District.

Source: Gregg Township Zoning Ordinance, Article 10 (C-M District permitted uses); Zoning Officer determination letter dated May 6, 2025; PNK P2 LLC Application for Use Not Provided For / Conditional Use Approval.

EXHIBIT B

Resident Protection Conditions

Application of PNK P2 LLC — 198 Enterprise Boulevard — Gregg Township, Union County, PA

Summary. PNK has agreed to accept the following enforceable conditions, to be incorporated into the Board's written Decision and Order if the Application is approved. The approval is site-specific and zoning-only; all other Township and outside approvals are separately required.

Resident Concern	Condition PNK Has Agreed to Accept
Site-specific approval	Approval is limited to 198 Enterprise Boulevard, Tax Parcel No. 003-068-125.00300, in the C-M District. This Application is not a green light for data centers anywhere else in Gregg Township.
Existing building	PNK is reusing the existing industrial/warehouse building already on the Property. No new industrial building is added by this approval.
Noise	Operational noise at the residential property lines south of the Property will comply with Section 15.9 of the Ordinance. Acoustical engineering analysis must be submitted before construction.
Generator testing	Routine generator testing is limited to weekday daytime hours, except in actual emergencies or when testing is required by the utility, generator manufacturer, or applicable code. Generators must be acoustically enclosed.
Fire and battery safety	PNK will identify all UPS/battery systems, fuel storage, fire suppression, and emergency shutoff protocols, and will coordinate them with the Gregg Township Volunteer Fire Department and emergency responders before operations begin.
Lighting	Full-cutoff fixtures. No light trespass at residential property lines. Compliance with Section 15.11 and Article 19.
Screening and landscaping	Screening and landscaping along boundaries adjacent to residential properties, as shown on the Conditional Use Plans, in accordance with Section 15.14.
Traffic	Very low employee and truck traffic. Far less than warehousing, distribution, or trucking uses already permitted by right in the C-M District. Vehicular access limited to Enterprise Boulevard.
Outdoor storage	None. Mechanical yards and equipment pads will be screened in accordance with the Conditional Use Plans.
Water	Cooling-system design will minimize water consumption (air-cooled chillers and closed-loop recirculating systems, as appropriate).
Utilities and the power grid	PNK pays for utility upgrades attributable to the project. PNK is not asking the Township to guarantee electric, water, or sewer capacity. Capacity and interconnection are matters between PNK and PPL Electric Utilities and other utility providers.
Emergency response	Site access, emergency-response coordination, and Volunteer Fire Department site familiarization will be addressed before operations begin.
Other approvals	This conditional use approval does not waive Subdivision and Land Development Ordinance approval, stormwater management approval, building code review, fire code review, utility approvals, PaDEP approvals, or any other federal, state, or local approval required by law.
Land development plan	Construction cannot begin until full land development plans are reviewed and approved through the normal Township process.
Township enforcement	Nothing in the approval limits the Township's ordinary zoning enforcement authority under the Ordinance and the Municipalities Planning Code.

These conditions are also reflected in the proposed Decision and Order. References to Ordinance sections are to the Gregg Township Zoning Ordinance.

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BEFORE THE BOARD OF SUPERVISORS

GREGG TOWNSHIP, UNION COUNTY, PENNSYLVANIA

IN RE: APPLICATION OF **PNK P2 LLC** **FOR USE NOT PROVIDED FOR /** **CONDITIONAL USE APPROVAL** Sections 1.8.4, 16.17 and 26.2 Gregg Township Zoning Ordinance 198 Enterprise Boulevard Tax Parcel No. 003-068-125.00300	**PROPOSED** **DECISION AND ORDER** Docket No. _____ Hearing Date: _____ Decision Date: _____

PROCEDURAL HISTORY

AND NOW, this _____ day of _____, 20___, upon consideration of the Application of PNK P2 LLC ("Applicant") for approval of a use not provided for in the Gregg Township Zoning Ordinance (the "Ordinance"), pursuant to Sections 1.8.4, 16.17, and 26.2 of the Ordinance, after public notice and public hearing, and upon the record before the Board of Supervisors of Gregg Township (the "Board"), the Board enters the following Findings of Fact, Conclusions of Law, and Decision and Order.

By Application filed _____, 20___, Applicant requested approval of Data Center Use and Data Center Accessory Use at 198 Enterprise Boulevard, Union County Tax Parcel No. 003-068-125.00300, located in the Commercial Manufacturing (C-M) District. The Gregg Township Zoning Officer referred the Application to this Board for decision as a conditional use under Section 1.8.4 of the Ordinance, based on the determination that "data center" is not specifically listed as a permitted use, special exception use, or conditional use in any district under the Ordinance.

Public notice of the hearing was given in accordance with Section 26.2.4 of the Ordinance and Section 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10908. A public hearing was held on _____, 20___, at which Applicant, the Township, and members of the

public had the opportunity to be heard and to present evidence. The hearing was closed on _____, 20___.

FINDINGS OF FACT

Upon the record before it, the Board finds the following facts:

1. Applicant PNK P2 LLC is a Delaware limited liability company authorized to conduct business in the Commonwealth of Pennsylvania and is the owner of the Property at issue.
2. The Property is located at 198 Enterprise Boulevard in Gregg Township, Union County, Pennsylvania, and is identified as Union County Tax Parcel No. 003-068-125.00300, comprising approximately 34.60 acres.
3. The Property is located within the Commercial Manufacturing (C-M) District as designated by the Gregg Township Zoning Ordinance.
4. The Property is situated within the Great Stream Commons industrial park.
5. The surrounding area is industrial and commercial in character, including warehousing, manufacturing, and distribution operations consistent with the C-M District. There are some residential properties located to the south of the Property, for which the Conditional Use Plans depict screening, buffering, and setback measures.
6. The Property is presently improved with an existing industrial/warehouse building of approximately 478,379 square feet constructed by Applicant's parent, PNK Group, using its Building Assembly Set (BAS) modular construction system. The Application proposes to convert and reuse that existing building for Data Center Use, with Data Center Accessory Use, substantially as shown on the Conditional Use Plans.
7. The Property is served by public water (Pennsylvania American Water), public sewer (the Gregg Township Municipal Authority), electric service (PPL Electric Utilities), and existing telecommunications infrastructure.
8. The Property is located within a designated Keystone Opportunity Zone (KOZ) through 2027.

9. "Data center" is not specifically listed as a permitted use, a special exception use, or a conditional use in any district under the Ordinance.

10. By determination letter dated May 6, 2025, addressed to the Union County Planning and Economic Development Director, the Gregg Township Zoning Officer determined that "the nature of a data center is equivalent to commercial office building and warehouse uses" and further determined that "since both commercial businesses and warehouses are permitted uses as per Zoning Ordinance Article 10, Section 10.2.1, the development, construction, operation, and maintenance of a data center would be allowed in the Commercial Manufacturing zoning district." That determination is part of the record before the Board.

11. Pursuant to Section 1.8.4 of the Ordinance, the Zoning Officer referred the Application to the Board for decision as a conditional use under Sections 16.17 and 26.2.

12. The C-M District permits, by right, the following uses relevant to this Application: Manufacturing, Research and Testing Laboratories; Warehousing, Distribution Center; Trucking or Rail Terminal/Intermodal Freight Facility; Retail, Banks, Wholesale, Printing, Non-Automotive Service or Repair Business; Professional Office; Professional Office Group; and Communications Antenna, Equipment Building.

13. The proposed Data Center Use is functionally similar to, and operationally compatible with, the permitted uses identified in the preceding paragraph. Like a Professional Office, the proposed use includes staffed administrative and monitoring functions (the Network Operations Center). Like a Warehousing, Distribution Center, the proposed use involves enclosed storage of physical equipment in a climate-controlled industrial building, with controlled access and security. Like a Communications Antenna, Equipment Building, the proposed use houses electronic equipment used for the transmission, reception, processing, and management of communications data. Like Manufacturing, Research and Testing Laboratories, the proposed use involves the processing, transformation, and generation of digital information.

14. The proposed use is less intensive than warehousing, manufacturing, and trucking operations already permitted by right in the C-M District in respect of truck traffic,

employee count, industrial emissions, industrial odors, outdoor storage, and loading dock activity.

15. Applicant has proposed enforceable conditions of approval addressing the use, future land development approval, noise, generators, lighting, screening and landscaping, traffic and access, utilities, outdoor storage, fire/battery/hazardous materials safety, and emergency coordination, as set forth in the Application and incorporated below.

16. The proposed use, as conditioned by the conditions set forth below, will not generate noise, emissions, traffic, or other off-site impacts in excess of those produced by uses already permitted by right in the C-M District.

17. Electric, water, and sewer capacity, interconnection, and any associated utility upgrades are matters between Applicant and the relevant utility providers. The Board has not been asked to, and does not by this Decision and Order, undertake any obligation to provide such capacity or to guarantee any utility service. Costs of utility upgrades attributable to the proposed use are the responsibility of Applicant.

18. Approval of this conditional use is a zoning use determination only. The proposed use will require additional approvals separate from this Decision and Order, including without limitation Subdivision and Land Development Ordinance approval, stormwater management approval, building code review, fire code review, utility approvals, Pennsylvania Department of Environmental Protection approvals, and any other federal, state, or local approval required by law. This Decision and Order does not waive any such requirement.

19. The Application complies with the written statement requirement of Section 26.2.2 and the site plan requirement of Section 26.2.3 of the Ordinance for purposes of conditional use review. Detailed land development plans will be submitted for review under the Township Subdivision and Land Development Ordinance as a condition of approval.

20. Public hearing on the Application was duly noticed and held in accordance with Section 26.2.4 of the Ordinance and Section 908 of the Pennsylvania Municipalities Planning Code. Applicant, the Township, and members of the public were given the opportunity to be heard.

21. Objectors, if any, did not present competent record evidence establishing a high probability of substantial harm to the public health, safety, or welfare arising from the proposed use as conditioned.

CONCLUSIONS OF LAW

Upon the foregoing Findings of Fact and the record before it, the Board reaches the following Conclusions of Law:

1. The Board has jurisdiction over the subject matter of this Application and over the parties pursuant to Section 603(c)(2) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10603(c)(2), and Sections 1.8.4, 16.17, and 26.2 of the Ordinance.

2. Public notice of the hearing was given in accordance with the Ordinance and the Municipalities Planning Code, and the hearing was conducted in accordance with Section 26.2.4 of the Ordinance and Section 908 of the Municipalities Planning Code, 53 P.S. § 10908.

3. "Data center" is a use that is neither specifically permitted nor specifically prohibited in the schedule of district regulations of the Ordinance. The Zoning Officer therefore properly referred the Application to this Board under Section 1.8.4 of the Ordinance to be heard and decided as a conditional use under Sections 16.17 and 26.2.

4. Section 1.8.4 of the Ordinance and Section 16.17 govern the substantive criteria the Board must apply. The Board's role under those provisions is not to determine whether data centers are, as a general matter, desirable in Gregg Township, but to determine whether this proposed use, on this Property, in the C-M District, satisfies the three criteria of Section 16.17 and the general criteria of Section 26.2.5. *See Bray v. Zoning Board of Adjustment of the City of Pittsburgh*, 48 Pa. Cmwlth. 523, 410 A.2d 909 (1980); *South Whitehall Township v. Karoly*, 891 A.2d 780, 786–87 (Pa. Cmwlth. 2006).

5. The proposed Data Center Use is similar to and compatible with other permitted uses within the C-M District, including Professional Office, Professional Office Group, Warehousing/Distribution Center, Manufacturing/Research and Testing Laboratories, and Communications Antenna/Equipment Building. Section 16.17.1 is satisfied.

6. The proposed Data Center Use is not permitted in any other zoning district under the Ordinance. Section 16.17.2 is satisfied.

7. The proposed Data Center Use is not in conflict with the general purposes of the Ordinance as set forth in Article 1, Section 1.4. It is consistent with the character and suitability of the C-M District (§ 1.4.1) and with the promotion of the public health, safety, morals, general welfare, the most appropriate use of land, the conservation and stabilization of property values, and the prevention of congestion on streets and highways (§ 1.4.2). Section 16.17.3 is satisfied.

8. The proposed use, as conditioned by the conditions set forth below, complies with the general criteria for conditional use approval under Section 26.2.5 of the Ordinance, including impact on neighboring properties, utilities and infrastructure, traffic and access, dimensional and area requirements, and supplemental regulations.

9. Applicant has carried its burden of demonstrating compliance with the objective criteria of the Ordinance. Once that burden is met, the burden shifts to objectors to come forward with competent record evidence establishing a high probability of substantial harm to the public health, safety, or welfare; generalized concerns and speculation are not sufficient. *Bray*, 410 A.2d 909; *Karoly*, 891 A.2d at 786–87. On this record, objectors have not met that burden.

10. The May 6, 2025 determination of the Township Zoning Officer is the administrative interpretation of the Ordinance by the official charged with its administration. The Board has considered that determination and finds it consistent with the conclusion reached herein under Section 16.17.1. *Cf. PA Northwestern Distributors, Inc. v. Zoning Hearing Board of the Township of Moon*, 526 Pa. 186, 193, 584 A.2d 1372, 1375 (1991) (zoning provisions construed strictly against restrictions on use and liberally in favor of the landowner).

11. Approval of the Application, subject to the conditions set forth below, is the legally appropriate result under Sections 1.8.4, 16.17, and 26.2 of the Ordinance.

DECISION AND ORDER

Upon consideration of the foregoing Findings of Fact and Conclusions of Law, the Board hereby ORDERS that the Application of PNK P2 LLC for approval, pursuant to Sections 1.8.4, 16.17, and 26.2 of the Gregg Township Zoning Ordinance, of Data Center Use and Data Center Accessory Use at 198 Enterprise Boulevard, Allenwood, Pennsylvania, Union County Tax Parcel No. 003-068-125.00300, located in the Commercial Manufacturing (C-M) District, substantially as shown on the Conditional Use Plans submitted with the Application, is hereby APPROVED, subject to the following conditions:

1. Use Limited to Approved Site and Building. The conditional use approval granted hereunder is limited to Union County Tax Parcel No. 003-068-125.00300 at 198 Enterprise Boulevard, and to the reuse of the existing industrial/warehouse building thereon, substantially as depicted on the Conditional Use Plans. This Order does not authorize any data center use or data center accessory use at any other property in Gregg Township.

2. Subsequent Land Development Approval. Construction or substantial conversion of the existing building shall not commence until land development plans have been submitted, reviewed, and approved in accordance with the Township Subdivision and Land Development Ordinance and all other applicable Township ordinances and regulations.

3. Noise. Operational noise levels at the residential property lines south of the Property shall comply with the noise protection levels established in Section 15.9 of the Ordinance. Acoustical engineering analysis demonstrating compliance shall be submitted with the land development plan.

4. Mechanical Equipment and Cooling. All mechanical cooling equipment shall be located, enclosed, and acoustically treated as necessary to comply with Section 15.9. Outdoor mechanical yards and equipment pads shall be screened in accordance with the Conditional Use Plans and Section 15.14.

5. Backup Generators. Backup generators shall be acoustically enclosed and shall comply with the noise protection levels established in Section 15.9. Routine generator testing shall be limited to weekday daytime hours, except (a) in the event of emergency operation, or (b) testing required by the utility, generator manufacturer, or applicable code. All generators shall comply with applicable EPA and Pennsylvania Department of

Environmental Protection emissions standards. Generator fuel storage shall comply with applicable federal, state, and local requirements.

6. Fire, Battery, and Hazardous Materials Safety. Prior to commencement of operations, Applicant shall identify, in coordination with the Gregg Township Volunteer Fire Department and applicable emergency responders, the type, location, and quantity of any UPS/battery systems, generator fuel storage, fire suppression systems, and emergency shutoff protocols on the Property. The design and operation of those systems shall be coordinated with the Volunteer Fire Department and emergency responders during land development review and prior to commencement of operations. Applicant shall make site-familiarization opportunities available to the Volunteer Fire Department upon reasonable request.

7. Lighting. All exterior lighting shall comply with Section 15.11 of the Ordinance and Article 19 (Exterior Lighting Standards), including provisions for full-cutoff fixtures, shielding, and prevention of light trespass at residential property lines.

8. Screening and Landscaping. Screening and landscaping along boundaries adjacent to residential properties shall be installed and maintained in accordance with Section 15.14 and the Conditional Use Plans.

9. Traffic and Access. Vehicular access to the Property shall be limited to Enterprise Boulevard. The Applicant shall coordinate with the Township regarding any traffic management measures necessary for construction-period activity.

10. Utilities. Applicant shall coordinate with Pennsylvania American Water, the Gregg Township Municipal Authority, and PPL Electric Utilities regarding capacity assessments and shall bear all costs of any necessary utility upgrades attributable to the use, consistent with standard practice for commercial development. The Township is not asked to guarantee, and is not undertaking any obligation to provide, electric, water, or sewer capacity beyond existing infrastructure. Capacity, interconnection, and any transformer, substation, or transmission improvements are matters for the appropriate utility process.

11. No Outdoor Storage. No outdoor storage of equipment, materials, or supplies shall be permitted on the Property, except for screened mechanical yards and equipment pads as depicted on the Conditional Use Plans.

12. Water Conservation. The facility shall incorporate cooling-system design intended to minimize water consumption, which may include air-cooled chillers, dry coolers, liquid immersion cooling, or closed-loop recirculating systems, as appropriate to the final design.

13. Emergency Coordination. In addition to the matters covered by the Fire, Battery, and Hazardous Materials Safety condition above, Applicant shall coordinate with the Gregg Township Volunteer Fire Department and applicable emergency services regarding site access and emergency response.

14. Compliance With Supplemental Regulations. The Applicant shall comply with all applicable supplemental regulations of the Ordinance, including Sections 15.9 (Nuisance Standards), 15.10 (Off-Street Parking and Loading), 15.11 (Outdoor Lighting), 15.14 (Screening and Landscaping), 15.18 (Water Supply and Sewerage Facilities), Article 19 (Exterior Lighting Standards), and Section 16.12 (Industrial Park supplemental criteria), as applicable.

15. Compliance With Dimensional Requirements. The facility shall comply with all dimensional, setback, height, coverage, impervious surface, lot area, lot width, and yard requirements applicable in the C-M District under Article 10 of the Ordinance.

16. Other Approvals Not Waived. This Decision and Order is a zoning use determination under Sections 1.8.4, 16.17, and 26.2 of the Ordinance only. It does not waive, modify, or substitute for any other approval required for the construction or operation of the facility, including without limitation Subdivision and Land Development Ordinance approval, stormwater management approval, building code review, fire code review, utility approvals, Pennsylvania Department of Environmental Protection approvals, or any other federal, state, or local approval required by law.

17. Expiration. This conditional use approval shall expire as provided in Section 26.2.8 of the Ordinance if construction or substantial conversion of the existing building does not

commence within the time period prescribed by the Ordinance, unless extended in accordance with the Ordinance.

18. Ordinance Enforcement Authority. Nothing in this Decision and Order limits the Township's ordinary zoning enforcement authority under the Ordinance and the Municipalities Planning Code. Material violations of these conditions may be addressed through enforcement proceedings under the Ordinance.

BY ORDER OF THE BOARD OF SUPERVISORS
OF GREGG TOWNSHIP, UNION COUNTY, PENNSYLVANIA

_____

Chair, Board of Supervisors

_____

Vice Chair / Supervisor

_____

Supervisor

ATTEST:

_____

Township Secretary

Date of Decision: _____

(This Decision and Order shall be issued to the Applicant in accordance with Section 908(9) of the Municipalities Planning Code, 53 P.S. § 10908(9), and Section 26.2.6 of the Ordinance, and is subject to appeal as provided by law.)

Proposed by:

McCORMICK LAW FIRM
J. Michael Wiley, Esquire (Pa. I.D. No. 69657)
Attorney for Applicant PNK P2 LLC