TOWNSHIP OF GREGG
UNION COUNTY, PENNSYLVANIA

In Re: Application of PNK P2, LLC
Case No.: GTZA 26-01

DECISION MEMORANDUM

Nature of Application

This matter involves the Conditional Use Application of PNK P2, LLC ("Applicant"), owner of the property known as 198 Enterprise Drive, Allenwood, Pennsylvania, bearing tax parcel number 003–068–125.00300 ("Premises"), seeking permission pursuant to Gregg Township Zoning Ordinance (the "Zoning Ordinance"), Article 16, Supplemental Use Criteria, Section 16.17, Uses Not Provided For, to develop the Premises as a data center, a currently undefined use in the Ordinance (the "Plan").

The Premises is improved with an existing approximately 478,379 square foot warehouse. The Premises is in the Commercial Manufacturing ("CM") zoning district.

Hearing

A public hearing of record was opened July 20, 2026, before the Gregg Township Board of Supervisors, with a quorum of members present. All witnesses were sworn in at the initial hearing and remained under oath throughout the proceedings. Subsequent hearings were held on August 25, 2026, and September 14, 2026. Present on behalf of the Applicant was J. Michael Wiley, Esquire of McCormick Law Office. Testifying for the Applicant was Justin Moceri, P.E. of Kimley-Horn, Anton Voronkin, of PNK P2, LLC, and Ryan Knox and Alex Hornecker of Salas O'Brien. The Township Board of Supervisors was represented throughout the proceedings by Richard J. Shoch, Esquire, of Shoch Law Office, P.C. Special Counsel for the Township was

present on August 25, 2026, and September 14, 2026. J. Michael Spencer of JMS Acoustics testified on behalf of the Township.

Notice

Notice of the July 20th and August 25th hearings were duly published, posted at the Premises, and delivered to the Applicant and other property owners in accordance with the requirements of the Municipalities Planning Code, 53 P.S. §§ 10101 *et seq.*, ("MPC"). The hearing of September 14, 2026, was announced on the record at the immediately preceding hearing, thus, satisfying the requirements for public notice.

Audience members were provided the opportunity to provide public comment. None requested party status.

Findings of Fact

1. The Premises is known and numbered as 198 Enterprise Drive, Allenwood, Pennsylvania, bearing tax parcel number 003–068–125.00300. (Application).

2. The Premises is located in the Commercial Manufacturing District and currently improved with an existing warehouse. (Notes of Testimony ("N.T.") 25:5, Jul. 20, 2026).

3. The Township received a Conditional Use Application regarding the proposed data center project on the Premises on May 22, 2026. (N.T. 5:10, Jul. 20, 2026).

4. Mr. Moceri, P.E., of Kimley-Horn, testified as an expert in civil engineering and site design, in data center project design and impacts, and in the municipal regulation of data centers and specifically as to the proposed project. (N.T. 18:4-22, Jul. 20, 2026).

5. The applicant intends to modify the existing building to act as the shell of a data center and incorporate all necessary modifications. (N.T. 25:12–20, Jul. 20, 2026).

6. The project will use a closed loop cooling system with the daily water usage for domestic requirements. (N.T. 30:4, Jul. 20, 2026).

7. The Applicant expects to seek the reservation of approximately 50,000 gallons per day from PA American Water. (N.T. 30:2-7, Jul. 20, 2026).

8. Using a closed loop system limits the significant water usage to the initial filling of the circulating system. After which, the daily needs are smaller amounts necessary to maintain a full system. (N.T. 30:13-23, Jul. 20, 2026).

9. The system will likely incorporate glycol into the circulating liquid. *Id.*

10. Any disposal of fluid from the closed loop system other than potable water will require disposal offsite. (N.T. 53:16–20, Jul. 20, 2026).

11. The project will have 38 generators of 3 MW each (N.T. 56:5, Jul. 20, 2026).

12. The only generators considered have been diesel and not natural gas or other fuel source. (N.T. 136 12–13, Aug. 25, 2026).

13. The generators will be tier four compliant diesel generators. (N.T. 59:9–10, Jul. 20, 2026).

14. Each generator will be served by a storage tank of 5,000 to 8,000 gallons of diesel generator fuel. (N.T. 62:5–10, Jul. 20, 2026).

15. The site is expected to employ approximately fifty permanent employees with the site staffed twenty-four hours per day, 365 days a year. (N.T. 32:7, Jul. 20, 2026). This does not include construction or vendor contractor roles. (N.T. 67:16, Jul. 20, 2026).

16. The only toxic chemicals on the property would be the diesel fuel and the glycol. (N.T. 80:2–6, Jul. 20, 2026).

17. The Applicant is proposing sound walls for noise attenuation that would surround the chillers and the generators. (N.T. 82:10–12, Jul. 20, 2026).

18. The electric service will be provided through the existing 69 kV lines parallel to Route 15. (N.T. 89:7–9, Jul. 20, 2026).

19. There will be twenty-eight chillers used in the building. (N.T. 90:5–7, Jul. 20, 2026).

20. Traffic and access to the site will be from Route 15 with the existing internal ingress and regress to remain unchanged. (N.T. 31:19–20, Jul. 20, 2026).

21. Less traffic will access the site for the data center use than if the property was maintained as a trucking terminal. (N.T. 35:4–7, Jul. 20, 2026).

22. The Applicant testified that the equipment will be oversized to use less capacity of the equipment itself. The chillers will be working at less than 75% of their capacity and transformers for the substation will be working at less than 50% capacity, which reduces noise and tonal emissions. (N.T. 117:1–7, Jul. 20, 2026).

23. The compressors will use a magnetic bearing engine as it will reduce mechanical vibrations. (N.T. 117 15–16, Jul. 20, 2026).

24. The purpose of the oversized equipment and machine selection is to reduce noise and avoid mechanical vibration. (N.T. 117: 22–23, Jul. 20, 2026).

25. The Applicant will place the generators inside the building, which will provide two layers of noise suppression. There will be a separate enclosed room that is fire rated with noise suppression walls inside the exterior walls of the building. (N.T. 10:20–20 25, Jul. 20, 2026).

26. The Applicant will provide the required equipment and training to the local fire department (N.T. 25:24–25, Aug. 25, 2026).

27. The Applicant confirmed that it would be responsible for remediating any negative impact to the community, residences, or animals created by the project. (N.T. 31:17–24, Aug. 25, 2026).

28. Ryan Knox, vice president of acoustics with Salas O'Brien, testified on behalf of the applicant as to the sound impacts of the project. (N.T. 53:2–9, Aug. 25, 2026).

29. The project will have chillers that run constantly. (N.T. 59:1, Aug. 25, 2026). A chiller operates using fans to provide for heat exchange (N.T. 59:6–7, Aug. 25, 2026).

30. The cooling equipment is one of the louder constant sources of noise from a data center project (N.T. 58:20–23, Jul. 20, 2026).

31. The most effective mitigation techniques are equipment selection and site selection. (N.T. 60:18–20, Jul. 20, 2026).

32. The applicant testified that the level of mitigation required is significant. It intends to use magnetic levitation bearings on the chillers to reduce the noise from the compressors. (N.T. 60:9–12, Jul. 20, 2026).

33. The Zoning Ordinance provides a target of 37 dB(A) for sensitive receptors. (N.T. 42:6–9, Sep. 14, 2026).

34. Acoustically, five decibels is generally considered a readily noticeable change. A change of 10 decibels is perceived to be twice as loud. (N.T. 45:12–20, Sep. 14, 2026).

35. A twenty-decibel increase is considered four times as loud. (N.T. 46:7–9, Sep. 14, 2026).

36. The applicable metric is the equivalent continuous sound level ("Leq") for this conditional use proceeding. (N.T. 66:20–21, Sep. 14, 2026).

37. The Applicant is projecting noise levels during regular operation of between 39 and 45 dB(A) during the day and 36 to 42 dB(A) at night along the property line nearest to the existing homes. (N.T. 82:23–25; 83:1, Aug. 25, 2026).

38. Along the Route 15 corridor, the Applicant is projecting 46 to 48 dB(A) during the day and 43 to 46 dB(A) at night. (N.T. 83:16, Aug. 25, 2026).

39. At the northern end of the property, the Applicant is projecting 45 dB(A) to 48 dB(A) during the day and 42 to 45 dB(A) at night. (N.T. 83:21–23, Aug. 25, 2026).

40. The Applicant testified that meeting the requirements of Section 15.9.4 of the Ordinance is achievable with significant levels of mitigation. (N.T. 84:19–21, Aug. 25, 2026).

41. With all of the generators running, the Applicant expects sound levels of 43 to 47 dB(A) during the day and 42 to 45 dB(A) at night along the residential properties at the southern end. (N.T. 86:10–18, Aug. 25, 2026).

42. Along the Route 15 corridor with all generators operating, the Applicant is projecting 48 dB(A) to 51 dB(A) during the daytime and 46 to 49 dB(A) during the evening. (N.T. 86:17–21, Aug. 25, 2026).

43. The Applicant testified that the emergency use of the generators is expected to meet the Zoning Ordinance requirements set forth in Section 15.9.4. (N.T. 86:25; 87:1–2, Aug. 25, 2026).

44. The generators will be tested approximately fifteen to thirty minutes per month per generator. (N.T. 89:16–18, Aug. 25, 2026).

45. With the generators inside the building, the air intake and exhaust will all need to be mitigated for sound emissions, tonal impacts, and vibrations. (N.T. 92:1–5, Aug. 25, 2026).

46. The modeling was prepared assuming thirty-eight generators in high mitigation enclosures. (N.T. 94:24–25; 97:1, Aug. 25, 2026).

47. The Applicant performed ambient sound measurements on the south side of the building facing the residences, approximately 500 to 800 feet away from Route 15. (N.T. 97:19–20; 98:9-13, Aug. 25, 2026).

48. The Applicant modeled mitigation measures based upon the assumed mechanical equipment, however equipment has not yet been selected. (N.T. 100:8-16, Aug. 25, 2026).

49. Modeling of tonal emanations of the generators or other equipment was not completed at the time of the hearing. (N.T. 101:4–7, Aug. 25, 2026).

50. Mr. Knox testified that the level of mitigation that will be required for the project to meet the Ordinance is more significant than a standard project because of the proximity to property lines and the size of the site. (N.T. 102:17–25, Aug. 25, 2026).

51. John Michael Spencer of JMS Acoustics testified on behalf of the Township. Mr. Spencer testified that Sections 15.9.1.2 and 15.9.4.1 of the Zoning Ordinance work in concert as one provides a cap or maximum not to exceed number and one is an assessment based on ambient conditions. (N.T. 18:13–20, Sep. 14, 2026).

52. The 38 generators will be the main noise producing source on the site because of the scale of the power being generated. (N.T. 28:17–23, Sep. 14, 2026).

53. Each mechanical opening in the building will require mitigation as there's potential for noise, whistling, hums or hissing. (N.T. 29:21–25; 30:1–9, Sep. 14, 2026).

54. The Premises directly borders a village district south of the site with little intervening acoustical shielding from the terrain or buildings. As such there is little attenuation from natural spreading. (N.T. 35:1-7, Sep. 14, 2026).

55. Mr. Spencer performed his own measurement, particular to this application, in line with the rear property line of the residences to the south of the Premises. (N.T. 37:10–20, Sep. 14, 2026).

56. Mr. Spencer's measurements indicated a very quiet ambient noise level typical of rural areas. (N.T. 40: 16–25, Sep. 14, 2026).

57. Location one of Mr. Spencer's measurement yielded a nighttime maximum noise level of 51 dB(A) with the daytime maximum of 50 dB(A). The daytime average was 46 dB(A). (N.T. 68:7–12, Sep. 14, 2026).

58. Mr. Spencer testified that due to the amount of information presented by the Applicant, he is not able to offer a third-party review or opinion as to the results because he has not received a written study or measurement results. (N.T. 93:1–11, Sep. 14, 2026).

59. Alex Hornecker of Salas O'Brien testified for the Applicant as to ambient measurements taken at one location for forty-eight hours. (N.T. 127:13–16, Sep. 14, 2026).

60. Mr. Hornecker testified that at this stage of the process, the applicant is showing proof of concept that the limits of the ordinance are feasible to achieve. (N.T. 139:13–15, Sep. 14, 2026).

61. The Applicant testified that a full sound study would be performed at the time of land development based upon the final selection of equipment. (N.T. 140:2–9, Sep. 14, 2026).

Ordinance Provisions

The Zoning Ordinance provides that whenever a use is neither specifically permitted or denied, the application must be submitted to the Board of Supervisors to hear and decide such request as a conditional use. ZONING ORDINANCE, § 16.17. The Board of Supervisors may permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 26.2 of the Ordinance. Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purpose of this Ordinance. *Id.* § 26.2 The use may only be permitted if:

1. it is similar to and compatible with the other uses permitted in the zone where the subject property is located;
2. it is not permitted in any other zone under the terms of this Ordinance; and
3. it in no way is in conflict with the general purposes of this Ordinance.

Id. § 16.17.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located. *Id.*

In deciding upon the application, the Supervisors shall determine:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;

5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district; and
7. whether satisfactory provision and arrangement has been made concerning the following:
    a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
    b. off-street parking and loading areas;
    c. waste collection, storage or disposal;
    d. utilities, with reference to location, availability and compatibility;
    e. screening and buffering with reference to type, dimensions and character;
    f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and
    g. required yards and open spaces.

Conclusions of Law

1. The Pennsylvania Municipalities Planning Code authorizes a municipality's zoning ordinance to provide for "conditional uses" in a district that are allowed or denied by the governing body, which in this case is the Board of Supervisors, pursuant to standards and criteria set forth in the zoning ordinance. *See* 53 P.S. § 10603(c)(2). In allowing a conditional use, the governing body may attach reasonable conditions and safeguards as it may deem

necessary to implement the purposes of the municipality's planning code and the zoning ordinance. *See Id.*

2. The applicant bears the initial burden of establishing that its application complies with the objective standards and criteria of the zoning ordinance. The municipal legislative body may grant a conditional use pursuant to the express standards and criteria set forth in the zoning ordinances enacted pursuant to the police powers to regulate land use. *In re Richboro CD Partners, L.P.*, 89 A.3d 742, 745 (Pa. Commw. Ct. 2014).

3. An applicant for a conditional use bears the initial burden of proving compliance with the specific, objective standards and criteria set forth in the zoning ordinance. *Visionquest National, Ltd. v. Board of Supervisors of Honey Brook Township, Chester County*, 524 Pa. 107, 112, 569 A.2d 915, 917 (1990); *City of Hope v. Sadsbury Township Zoning Hearing Board*, 890 A.2d 1137, 1147 (Pa. Commw. 2006). Once the applicant satisfies that burden, it has made out a prima facie case, and a presumption arises that the use is consistent with the health, safety, and welfare of the community, and the application must be granted unless objectors present sufficient evidence that the proposed use will have a detrimental effect on the public health, safety, and welfare. *Id.*; *Susquehanna Township Board of Commissioners v. Hardee's Food Systems, Inc.*, 59 Pa. Commw. 479, 430 A.2d 367, 369 (1981).

4. The Board is the exclusive finder of fact with exclusive province over matters of credibility and weight to be afforded the evidence. *Caln Nether Company, L.P. v. Board of Supervisors of Thornbury Township*, 840 A.2d 484, 490 (Pa. Commw. Ct. 2004). As such, the Supervisors may reject even uncontroverted testimony if they find it lacking credibility. *Id.* 840 A.2d at 490-491.

5. The Township timely opened the first hearing in the matter of the conditional use application of PNK P2, LLC in accordance with the MPC on July 20, 2026.

6. Notice of all subsequent hearings was provided in accordance with the MPC by either advertisement in the newspaper along with the required posting of the property and mail to the specified properties, or announced on the record at the immediately preceding hearing date.

7. The Applicant demonstrated that the proposed use can likely be conducted in compliance with the Township Ordinances. The Applicant has not selected the final equipment to provide modeling of the exact impacts of the project.

8. The Premises is in the Commercial Manufacturing zoning district, which serves as the industrial district in the Township.

9. The Premises could operate as trucking terminal under its current configuration and approvals.

10. A data center will require fewer truck trips than a trucking terminal.

11. The data center will emit noise and likely vibrations that will affect the surrounding residential uses. The most significant potential impact to the community from the data center is the impact of the sound and vibrations emitted from the Premises. The Supervisors believe that, based upon the testimony, the Applicant will be able to meet the requirements of the Zoning Ordinance. However, further studies are necessary to protect the health, safety, and welfare of the residents. As such, the Supervisors find that such risk can be mitigated through the application of conditions as set forth herein.

12. The Premises has adequate egress and ingress to meet the needs of the data center use and not cause a negative impact on the community due to traffic.

13. The project has the potential to create harmful wastewater and solid waste in the form of liquids from its cooling system and diesel generators. Additionally, the electronic waste from the data center cannot be readily disposed of at the end of its lifetime should the data center cease operations.

14. No objector sought party status before the Board.

Order Granting Application for Conditional Use Subject to Conditions

The Application for Conditional Use seeking permission to use the Premises for a data center is hereby GRANTED, subject to the following conditions:

1. Generators shall not be operated except between 8:00 AM and 5:00 PM during non-federal holiday weekdays or in the event of an emergency loss of power to the site.
2. Generators may not be voluntarily operated for peak shaving or grid stabilization.
3. The Applicant must submit the project to the Township for land development approval prior to undertaking any significant changes to the Premises.
4. As part of the land development process and as a condition of final land development approval, the Applicant shall provide the following:
    a. A complete noise study in accordance with Township approved methodologies that demonstrates to Township satisfaction that the project can operate in compliance with applicable Township ordinances.
    b. An Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
        i. Evaluate the impacts of the proposed data center and required equipment upon emergency services and fire protection.

ii. Be reviewed in consultation with the local or county fire department as part of the conditional use process.

iii. Include procedures for fire suppression, containment, ventilation, and evacuation.

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

c. A Community Impact Mitigation Plan. The plan shall evaluate and mitigate broader community impacts, including:

i. Open space preservation or dedication offsets where siting impacts rural or environmentally sensitive areas;

ii. Contributions to public infrastructure such as storm water upgrades, broadband/fiber expansion, or utility enhancements; and

iii. A compatibility summary demonstrating mitigation of adverse impacts on adjacent residential, agricultural, or conservation zones.

iv. Entering into a Community Benefits Agreement with the Township that contains terms that the Township Supervisors deem appropriate to offset the project's anticipated impacts on the community.

d. A decommissioning plan that ensures the return of all participating properties to a useful condition, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning bond shall be reviewable every five years. The Decommissioning Plan shall include but is not limited to:

i. Identification of all above-ground structures, equipment, and facilities that have no ongoing purpose which shall be removed;

ii. Hazardous materials, including batteries, fuel, or refrigerants shall be disposed of in compliance with all local, state, and federal regulations;

iii. Disturbed soil shall be stabilized and re-vegetated;

iv. Any utility connections shall be safely disconnected and capped; and

v. The site shall be restored to a condition compatible with the surrounding land uses or consistent with the most restrictive adjacent zoning district.

e. The Applicant shall submit an analysis of the wastewater disposal, indicating the amount of wastewater generated and the method of disposal. The wastewater may not be disposed on site or discharged into surface waters.

5. The Applicant will ensure that all first responders receive adequate training specific to the installed systems. To the extent that specialized training is required related to the installed systems, applicant shall bear the reasonable costs of any specialized training required.

6. The Applicant will provide funding to cover any specialized apparatus and/or equipment identified in the EPR and provide pro-rated share of costs for initial purchase and periodic replacement of the equipment required for data center.

7. The Applicant will cause the Premises to submit to an annual fire safety inspection in accordance with applicable codes and standards demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.

8. The Applicant will provide 24-hour emergency contact signage that is visible at the main entrance.

9. If the Applicant determines that it will use a 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, it shall demonstrate compliance with National Fire Protection Associations (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standard and shall include fire suppression systems designed specifically for battery storage at the time of land development approval.

10. At the time of issuance of the permit for the construction of the data center, the facility owner or operator shall provide financial security to the Township to secure the expense of dismantling and removing the data center, including accessory equipment, and restoration of the land to its original condition, except that any facilities that have a continuing alternative use compatible with the site's zoning district need not be removed. The financial security shall be in the amount of one hundred and ten percent (110%) of the estimated cost of decommissioning. The decommissioning funds shall be posted and maintained during the life of the project in the form of a Performance Bond, Irrevocable Letter of Credit or other financial form of security acceptable to the Township. The same shall be with a financial Institution acceptable to the Township. The Bond shall be posted prior to final land development approval.

11. The Applicant shall install a landscape buffer consisting of a minimum of two rows of large evergreen trees with a distance of not less than twenty feet apart for a minimum landscape buffer width of forty feet. All landscape buffer planting shall be perpetually maintained by the data center user or property owner. Any plant material that dies, is removed, diseased, or severely damaged shall be replaced as soon as practical,

considering the growing season, but not more than ninety days following notification to the Applicant or discovery by the Applicant.

12. The Applicant shall use minimum tier 4 compliant generators or the best available technology equivalent.
13. The data center shall not use private groundwater wells or direct withdrawals from surface water for cooling purposes.
14. The data center shall utilize a closed loop or functionally equivalent cooling system in terms of water usage, vibrations, and noise, to cool processing equipment. The Applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed loop system subject to review and approval by the municipal engineer.
15. The sound emanating from the data center shall not exceed the limits in the Township's Zoning Ordinance, Article 15.9.4.1 and Article 15.9.1.2. The Applicant shall demonstrate compliance assuming operating conditions, inclusive of emergency conditions when back-up power systems are operating. Installation of new or materially different sound producing equipment, or a material change in operating conditions that may increase Project Sound, shall be evaluated by an Acoustical Professional prior to implementation. The Township may require updated predictive modeling, additional compliance testing, or both where reasonably necessary to demonstrate continued compliance.
16. The operator shall perform and submit a post construction noise verification study prepared by an acoustical professional demonstrating compliance with applicable Township ordinances within three (3) months of reaching ninety-percent operational capacity. The study shall be completed in accordance with the requirements of the Township.

17. Testing shall evaluate the maximum reasonably representative operating condition achievable during the verification period and shall include dBA, dBC, octave band/Low Frequency Sound, tonal characteristics, and representative generator testing, as applicable. The Operator shall document the operating condition of significant sound producing equipment during each measurement period.
18. The Township may require additional testing when operational conditions during the initial verification study do not reasonably represent maximum sound producing operating conditions, inclusive of emergency conditions when back up power systems are operating.
19. Following completion of the initial post construction noise verification study, the operator shall demonstrate continuing compliance with this Section through periodic acoustical compliance testing performed by an acoustical professional at the operator's sole cost and expense. Periodic acoustical compliance testing shall be conducted annually for the first three (3) years following Commencement of Operations and at least once every three (3) years thereafter for the life of the facility.
20. Prior to conducting each periodic acoustical compliance test, the Operator shall submit the proposed measurement protocol and measurement locations to the Township and the Township's independent Acoustical Professional for review and approval. The Township or the Township's independent Acoustical Professional may require additional or alternative measurement locations where reasonably necessary to evaluate compliance with the requirements of this Section.

21. Periodic testing shall comply with the measurement and compliance requirements of the Township Ordinances and shall include dBA, dBC, octave band/Low Frequency Sound, tonal characteristics, and representative generator testing, as applicable.
22. The Operator shall submit the complete results of each periodic acoustical compliance test to the Township, including measurement data, equipment operating information, meteorological data, calibration information, and supporting analysis.
23. If periodic testing does not adequately represent maximum sound producing operating conditions or otherwise does not provide sufficient information to demonstrate compliance, the Township may require supplemental testing.
24. Where periodic acoustical compliance testing demonstrates noncompliance with this Section, additional compliance testing shall be conducted following implementation of required corrective action and no later than three (3) months following the initial determination of noncompliance, unless an alternative timeframe is approved by the Township based upon circumstances requiring additional time to implement corrective action.
25. Where the Township has reasonable cause to investigate compliance with this Section, including as a result of a complaint, observation, operating information, measurement data, or other credible information, the Township may require or undertake sound or vibration measurements, testing, analysis, and investigation reasonably necessary to determine compliance.
26. The Operator shall be required to conduct sound monitoring when directed by the Township in response to a sound complaint by conducting a minimum of forty-eight (48) hours of sound monitoring at a location approved by the Township's Acoustical

Professional. Where vibration monitoring is necessary to evaluate a complaint, vibration measurements shall be conducted for a duration and under operating conditions sufficient to characterize the condition under investigation. The vibration measurement protocol, including measurement locations, instrumentation, measurement duration, operating conditions, and measurement procedures, shall be coordinated with and approved by the Township's Acoustical Professional.

27. The monitoring shall be completed within thirty (30) days of the Township notification to the Operator, unless otherwise approved by the Board of Supervisors. If three consecutive sets of sound monitoring are completed in response to complaints in a twelve month period, without violation of the applicable sound limits, the Operator shall not be required to conduct additional sound monitoring for the next twelve months in response to additional sound complaints. Any violation will automatically reset the twelve-month period, nullifying the earlier complaints made without violation.

28. The Operator shall provide the Township with a copy of all sound monitoring reports and supporting monitoring results required by this Section within five (5) days of completion of the monitoring.

29. If testing demonstrates noncompliance, the Operator shall promptly submit a corrective action plan prepared by an Acoustical Professional. The corrective action plan shall identify:

    a. the nature and magnitude of the exceedance;

    b. the sound sources causing or contributing to the exceedance;

    c. the corrective mitigation measures proposed;

    d. the schedule for implementation, and

e. the procedures and measurements that will be used to verify compliance following implementation.

30. The Operator shall implement all measures necessary to achieve compliance within a timeframe approved by the Township. Following completion of corrective measures, additional compliance testing shall be conducted to demonstrate compliance.

31. All noise-producing equipment (generators, chillers, etc.) shall be located at least 500 feet from any sensitive receptor if all generators are fully enclosed, and at least 750 feet from any sensitive receptor if all generators are not fully enclosed.

GREGG TOWNSHIP
BOARD OF SUPERVISORS

Dated: October 27, 2026

By: David E. Masser
David E. Masser, Chairman

NOTICE: Any party aggrieved by this decision may appeal to the Court of Common Pleas of Union County within thirty (30) days of the issuance of this decision.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Decision of the Gregg Township Board of Supervisors, was delivered to Applicant by electronic mail on October 29, 2026, addressed as follows:

J. Michael Wiley, Esquire
McCormick Law Office
23 835 West Fourth Street
Williamsport, Pennsylvania 17701
mwiley@mcclaw.com

By: J. Michael Wiley