

Planning Commission- County of Wyoming Pennsylvania

Minutes # 689

July 15, 2026

6:00 pm

WYOMING COUNTY PLANNING COMMISSION

Randy Ehrenzeller
Matthew J. Austin
Jeremy Leaidicker

Ed Coleman
Dale Brown
Paul Rowker

Stacy Huber
Roger Hadsall
Robert Thorne

Meeting Location:

Wyoming County Emergency Operations Center
3880 State Route 6, Tunkhannock, PA

I. Call to Order and Pledge of Allegiance

Chairman Randy Ehrenzeller calls the Planning Commission to order. The pledge was taken. Staff Director Matt Jones verbally notified all participants that audio from the meeting would be recorded.

II. Roll Call

Chairman Ehrenzeller stated there are seven (7) members present constituting a quorum. Mr. Paul Rowker appeared at the meeting later and made the member total eight (8).

Present	Absent	Staff
Randy Ehrenzeller, Chair		Matthew C. Jones, Director
Ed Coleman, Vice-Chair		Meghan Coury, Assistant
Stacy Huber, Secretary		Paul Litwin, Solicitor
Dale Brown		
Roger Hadsall, Treasurer		
	Matthew J. Austin	
Robert Thorne		
Paul Rowker		
Jeremy Leaidicker		

III. Approval of Today's Agenda (additions or deletions?)

Mr. Ehrenzeller asked if there were any additions or deletions to the Agenda. Director Jones responded in the negative.

IV. Public Comment- (If audience members wish to address the commission, please let the Chairman know which Agenda item you wish to address, or that you wish to address an item not on the agenda)

Chairman Ehrenzeller said the public could comment now or at any time during the meeting on any item on the Agenda or on any item they would like to discuss with the members. Members have copies of the draft meeting minutes of June 24, 2026.

V. Announcements: None to report from Staff.

VI. Approval of minutes #688 from last meeting of June 24, 2026

Mr. Ehrenzeller said he wished to thank Meghan Coury, Administrative Assistant for a very thorough, extensive and exhaustive minutes. They seemed to reflect everything that happened at the last meeting. She thanks Mr. Ehrenzeller for his comment. He asks if there are any questions on the presented minutes. There are no questions and Dale Brown makes a motion for them to be approved. Ed Coleman seconds the motion and it is passed unanimously.

VII. Correspondence: Review of Chronological Report from June 11, 2026 through July 1, 2026.

Mr. Ehrenzeller said Item VII is a Review of the Chronological Report from June 11th through July 1st. He asks if there are any questions or comments about the chronological report. Hearing no questions or comments it was approved as presented.

VIII. Subdivision and Land Development

A. Review Minor/Unique Plans Report from June 11th through July 1, 2026.

Mr. Ehrenzeller said members have copies and asked if there were any questions or comments on the Minor/Unique Plans Report. Hearing no questions or comments the Minor/Unique Plans Report will stand approved as presented.

B. Bunker Hill Solar – Land Development Plan – Tunkhannock Township – File #2024-32

- The Applicant, SR1 Captura Sage Holdco (c/o Penn Renewables), recently bought back this project.
- Applicant recently revised draft Decommissioning paperwork to be more Ordinance-compliant.
- Applicant has agreed to remedy errors identified by Staff in the new paperwork.
- Director recommends Planning Commission vote to approve Time Extension Request to 9/16/2026.
- Director recommends Planning Commission vote to empower the Chairman to sign and execute the Decommissioning Agreements on conditions that the Applicant continue to cooperate with Staff to revise; issue; ratify; and record the Decommissioning Agreement, Decommissioning Bonds, and Decommissioning Plans in an expeditious and Ordinance-compliant manner by 9/16/2026.

Mr. Ehrenzeller asks the Director to bring the Commission up to date on this project. Matt Jones said the project has been kicked around for the past two years. The original Applicant was SR1 Captura Sage Holdco I (SRI) (which is affiliated with another company called Penn Renewables with a presence in Philadelphia as well as San Francisco). They initially proposed this project. They needed financial muscle to enjoin with them. At one point they effectively sold interest in the prospective facilities to a company called Aligned Solar in New York City. Two weeks ago SR1 bought back interest in the prospective facilities. They bought back the project and are fully in control of it again. Three weeks ago they sent a package to the Planning Office containing revised Decommissioning paperwork. They made certain edits that staff had pointed out several months prior that needed to be made to become Ordinance compliant. He pointed out that there were still

errors in the paperwork. They agreed to rectify those errors and they were received on Monday of this week. The draft Decommissioning paperwork now looks perfect. Their project will expire tonight if they are not granted an approval of their latest time extension request being extended to September 16th. This is the September meeting date of the Commission. He would recommend that you approve the request for the time extension. He would also recommend that you empower Chairman Ehrenzeller, the County Commissioners and himself to sign and execute the Decommissioning paperwork as long as they continue to act in a proactive and Ordinance compliant manner.

The next step would be that they issue the 5 bonds. Each bond is roughly \$100,000.00. They float that as an insurance policy and they pay an annual premium on that. Once we have the bonds in hand we take the Agreement paperwork and have it signed with Mr. Ehrenzeller and the Commissioners. All of the paperwork gets recorded with the Recorder of Deeds Office. Once this is accomplished, they receive their final approval letter and their notice to proceed with construction.

Mr. Ehrenzeller asks if there are any questions or comments before he calls for the vote for the recommended approval. He asks if there is a motion to approve the time extension request for the Bunker Hill Solar Project to September 16, 2026. Mr. Coleman makes the motion to approve and Jeremy Leadicker seconds the motion. Any other questions or comments? Mr. Coleman asks if a month is enough. He doesn't want to have to give another extension next month. He is told they are being given two months. The time extension request was passed unanimously.

The second item is asking for a motion to empower the Chairman and various people to sign the Decommissioning Agreements when they are available so long as they remain ordinance compliant. He asks for questions or comments on the motion. There are no questions and a motion is made by Stacy Huber and seconded by Mr. Brown to empower the Chairman and others to sign the Decommissioning Agreements when available so long as they remain ordinance compliant. The motion was unanimously approved.

- IX. Old Business: Continue Discussing/Formulating Recommendations** to the Board of Commissioners regarding the **Draft Amendment** to the Wyoming County Subdivision and Land Development Ordinance: **"Affecting Land Developments Including Those Pertaining to Data Centers"**.

Mr. Ehrenzeller said they would continue discussing the possible amendments to the County Ordinance regarding Land Developments now being referred to as High Intensity Non-Residential Land Developments. The Planning Commission's review process was started last month and the Director has provided a synthesis of options that can be discussed. The proposal provided in black ink would be what the Director provided in his earlier document. The items listed in red ink are what Solicitor Paul Litwin has suggested. Mr. Ehrenzeller asks for confirmation on this information and is told this is correct.

The Chairman suggests moving on Item by Item listed in the Proposal. Attorney Litwin had put together some recommendations/suggestions. In most cases his recommendation is to retain many of the themes that Matt Jones had put together. Attorney Litwin has some other suggestions or refinements that might make the SALDO (Subdivision and Land Development Ordinance) revision more understandable to other parties.

Commissioner Tom Henry asks if he would be out of line if he raised something important. He is

welcomed to the discussion by Chairman Ehrenzeller. Commissioner Henry said he feels that a lot of the responsibility for deciding how this issue might best be regulated lies with the Townships and the Boroughs. What can be done by the County is limited. He likes Director Jones' suggestions presented the previous month. He would like to go forward with that plan that he presented. He offers no disrespect to the alternate amendment prepared by Solicitor Litwin. He appreciates all the work presented by Attorney Litwin and Director Jones. He believes that both draft amendments say pretty much the same thing. He believes that the Ordinance Matt Jones presented would give them one clear path forward. He asks if the other Commissioners share his beliefs. Both Commissioner Rick Wilbur and Commissioner Ernie King agree with Commissioner Henry that they would like to proceed in the manner he suggested.

Mr. Ehrenzeller asks if the Commissioners are open to suggestions from the Planning Commission members. Mr. Henry responds absolutely. He agrees that the wording Data Centers should be replaced with High-Intensity Non-Residential Land Developments. He does not believe there is a lot more that can be put forward and he would like to place responsibility for any further regulation of the matter with the Townships and Boroughs.

Commissioner Wilbur said they have had quite a few discussions amongst themselves regarding this matter. He respects Attorney Litwin's advice but does not support the concept of countywide zoning. He says he and the other Commissioners are absolutely against county wide zoning. He states that Pennsylvania has been historically a local zoning State and zoning is handled by the Township and Boroughs in the vast majority of counties. He does not believe it would be wise or desirable for the County to force zoning on anyone in this County. Therefore, the only tool that is available is the SALDO. The Commissioners understand completely that it gives them limited authority. Mr. Wilbur believes that municipalities should be educated that the possibility of regulating where these developments can be located most appropriately lies with them and not the County. He states: We are absolutely, 100% unequivocally against county wide zoning. The Commissioners will not vote for county wide zoning. He knows that Susquehanna, Bradford and Tioga have regulated this matter through their SALDO. He is aware that SALDOs have limitations. Under the Commissioners' power that is the best they can do. They need support from the municipalities. He mentions Falls Township and says they have done a good job amending their zoning to thoughtfully restrict where Data Centers may be proposed/allowed. He does not believe this will stop a data center from applying but it will regulate where it is located. Hopefully their zoning will lessen it being a nuisance to their residents.

Commissioner Wilbur's hope is that we come up with something stronger in our County SALDO than those counties surrounding us. He doesn't want to speak out of turn. Commissioner Henry and Commissioner King state they are in agreement with him. Mr. Wilbur said he doesn't believe it's the perfect situation, but they feel they have to address this through the SALDO.

Mr. Ehrenzeller said he appreciates the Commissioners' perspective, and they will proceed going through the proposals presented tonight so the members can make suggestions. It is agreed that the Agenda should proceed this way. Commissioner Wilbur said they would like the decisions and final ratification of the Ordinance amendment to wrap up within two months. There is a concern that a data center could present an application without any protective amendments in place. With all the advertising that is required for SALDO amendments before the Commissioners could even vote on it, they would like the Planning Commission to complete their recommendations within two months. The Commissioners would review the recommendations presented to them. If possible they would

like to establish this as a time table for completion. Mr. Wilbur reiterates that they definitely want the advice of the Planning Commission.

Mr. Brown said he has two questions. Last month it was mentioned that the Pennsylvania House was considering a moratorium bill on data center applications. He was told that the bill has stalled. His second item was mentioned on the news this morning. It was stated that New York's governor had placed a moratorium on data centers. He felt it would put more pressure on Pennsylvania to accept applications. Mr. Wilbur said that both Senator Lisa Baker and Representative Tina Pickett had suggested a 180 day moratorium. He believes that more time would be needed by municipalities to put their regulations in place. When they passed the budget it was supposed to be part of it but they dropped it.

Chairman Ehrenzeller directs everyone to Item One Definitions. He said it was discussed at last month's meeting that one definition change should be made from Data Centers to High Intensity Non-Residential Land Development. He asks Director Jones if his additions to Subsection 204 are that different from Attorney Litwin's and should they be reviewed line by line. Matt Jones said that the Planning Commission made the recommendation to strike Data Centers for High Intensity Non-Residential Land Development and that Data Centers not be mentioned. The Commissioners have said they are amenable to the change from Data Centers to High Intensity Non-Residential Land Development. They think it's a very good suggestion.

Mr. Jones says that at the risk of sounding antagonistic he did several months of research on this matter. He truly feels that his May 15th version of an Amendment is the best path forward top to bottom. He thinks it is important to explain explicitly how you define noise and decibel limits. He thinks it's important to retain the decibel limits as discussed last month. He has learned that the Commissioners want to proceed the same way. They want mitigation from the developer. Also, he would like to draw a line in the sand such as having a 55 decibel limit at the property boundary as the requirement to be achieved by Sound Studies and mitigation plans.

Mr. Coleman asks how the change from data centers to High Intensity non-residential land development changes this. Matt Jones says we are trying to agree on a set of definitions and he believes his list of definitions clearly define the noise items well. Mr. Ehrenzeller asks if they can proceed looking at both proposals side by side. Matt Jones continues that square footage shouldn't necessarily be a trigger defining a high intensity non-residential land development. He believes it can be better defined by the development bringing a certain level of noise or heat generating features. These are the policy objectives that might be desirable to have impacts mitigated for. Expected noise and heat from a facility can be mitigated during the planning and approval process. He knows there are arguments on whether a noise ordinance or regulation can be addressed through the SALDO. He believes the County Code and the MPC (Municipalities Planning Code) afford this.

Mr. Ehrenzeller said that based on last month's decision Data Center and Data Center Campus would be struck from the definitions and be replaced with High Intensity Non-Residential Land Development as the definition. The screening, noise, sound pressure and other definitions listed would be more technical in nature and may or may not be exclusive in yours or Attorney Litwin's list. He's not sure that it needs to be debated line item by line item. They agree that Matt Jones' remaining definitions could be used. Mr. Wilbur said that some would need to be incorporated from each proposal. Mr. Leaidicker said some will be necessary as they relate to other notes from Attorney Litwin. Mr. Wilbur said he would like to see this done before the next meeting so the

Commissioners have some time to review.

Attorney Litwin states that the lighting definition was added not necessarily for data centers but for other high-intensity uses. Mr. Coleman said this is important because there are other businesses that are not data centers but would reach the criteria for high intensity.

Matt Jones said there is an extensive listing of provisions for prevention of glare in our existing SALDO. All new lights listed in a development of any scale must be downward facing. They can't create glare offsite. We can require that photometric plans be presented to demonstrate that.

Mr. Ehrenzeller said that having it in the list of definitions is helpful then. He states that he will ask for a motion for each section with whatever modification is discussed this evening. The Motion is under definitions that Matt Jones has prepared data center and data center campus will be struck and keep the remaining items the same and to blend in off site lighting and glare and lighting options as he reviews the final definitions. Commissioner Wilbur said that it would be a preliminary vote because it would be edited by Matt Jones and then go to the Commissioners as a direction to him. Mr. Ehrenzeller said the Motions are to document what the Planning Board is recommending. A motion is made by Mr. Brown regarding the definitions striking the top two paragraphs and adding glare and lighting impact with other options as the Planning Director looks over the final documentation. The motion is seconded by Mr. Huber. It was passed unanimously.

Item Two is regarding electric utility connection. Mr. Coleman inquires what would happen if a new electric supplier company came in that was not listed. He would like to see it more inclusive and have any potential future companies listed. It is suggested that not all present companies should be listed. Mr. Jones said it is helpful to have the developers know who to contact. Mr. Wilbur says it is not necessary and they should know who their electric provider is for their project.

A motion is made by Mr. Coleman to change the word "may require" to "shall require" when it is relative to the action the County Planner would take in Item 2 Section 613.1. For Item 2 Section 613.2 eliminate the specific electric providers. The motion was seconded by Mr. Leadicker. There was no discussion and it was passed unanimously.

Attorney Litwin asks if this motion applies only to High Intensity Non-Residential Land Development. He questions if changes to 613.1 and 613.2 only apply to High Intensity Non-Residential Land Development and not all developments. Mr. Coleman affirms this. Matt Jones said no; the wording is for any development. Mr. Ehrenzeller said Item 4 erosion is not unique to High-Intensity Non-Residential Land Development. It is also required by everyone to have a will serve letter. He asks Matt Jones if these 2 paragraphs are still needed under Black Item #2. Matt Jones said yes; they are still needed. The reason he used the word "may" is because maybe we don't necessarily want to require it of all applicants. Maybe we just want it if a development has a big electric presence. At that point we could go to them and have them show how they are going to interconnect this big facility to the grid. They should provide us a letter from the electric company that says they approve in concept to that connection and show us where that connection line will be. We'll ask to see transmission lines, transformers, big infrastructure and that allows us to require it on the plans as part of the plan review process.

Mr. Ehrenzeller said if someone came in with a large home development such as 1,500 homes we could ask for this electric information. Matt Jones said it was asked of a prior land development,

Tunkhannock Solar. Mr. Coleman said he's been told the Board must always be objective. He doesn't like the idea of choosing who will meet the requirements and who won't. Attorney Litwin says the opening line of Matt Jones' draft explains how it would proceed with regulations. If a development anticipates that it won't be self-sufficient with regard to its own electric needs then it would apply to them. Matt Jones says it applies to both. If they are bringing their own power plant it applies to you as well as if you aren't bringing your own power plant. If you have a huge facility and you are going to need to be connected to the electric grid and it will involve substantial electric infrastructure then it would also apply. That is why there are two separate paragraphs describing each development. Mr. Coleman asks if the word "may" is removed and replaced with "shall" can they still ask for a waiver request. He was told yes. Mr. Brown said he'd like to see the requirement for everyone and then the lesser developments can be given a waiver. It's confirmed that the word "shall" will be used in both cases.

Matt Jones said different applications are presented. If a development could have unsightly features the Planning Commission may, can, shall, require buffering in the form of evergreens or fencing. That is in the range of Planning Commission prerogative and it's a judgment call. Some applicants will say they don't need to do that. They will or not based on the Planning Commission's estimation. Mr. Ehrenzeller will leave it up to the Director as to if the developer would need to request a waiver from the Planning Commission. It's decided.

Black Item Three relative to water usage is discussed. Matt Jones states that the SRBC (Susquehanna River Basin Commission) is the interstate and federal hybrid government agency that regulates water use. If a development is going to use more than 20,000 gallons of water per day for a 30 days average then a permit is required from them. The County does not regulate water use. We can hold certain developments to certain considerations about water resources. The SRBC is the expert on certain water allotments. He wants to put a development on notice that if they are using 20,000 gallons per day they need to contact the Planning Office and we would direct them to the SRBC and permitting of the project will be required. This gives us an opportunity to condition land development approval on the condition that they get the SRBC permit. Presumably, SRBC is looking to see how much water is sustainably in the watershed.

Mr. Coleman asks if they take private wells into consideration. He doesn't want a private citizen to have their well sucked dry. Commissioner Wilbur said that the SRBC does a lot more than watching the watershed. He agrees with Matt Jones including it in the Item. He wants the developer to have to go through SRBC in order to get approval to proceed. He believes it gives the regulation more teeth to go through a government agency. It's important to list it in the Item. It's important for them to come up with a plan with SRBC for water usage. Commissioner King is in agreement with him.

Attorney Litwin said he has two concerns with the Director's draft at Section 611I. The sentence that begins with "any days a property" should be struck. At Section 611J he would stay away from operational matters. Mr. Ehrenzeller agrees and says we should not tell them how to design their system. Mr. Litwin has asked for further discussion to be made in executive session to have an attorney client discussion. He asks for it to be tabled and go further with other items.

Mr. Ehrenzeller wanted to discuss Item 611J saying he's not sure it's appropriate to have design features in a SALDO. Matt Jones said it's asking them to consider using a closed loop system. Attorney Litwin said in his proposal High Intensity developments are separated from a regular development. They should identify the cooling type and alternatives they considered.

Commission Wilbur said the problem with not using closed loop is that there will be too much water used. A lot of problems with Data Centers is that there is a lot of water used for cooling. Most of the modern ones are designed with the closed looping option. The ones from fifteen years ago did not use closed loop. Mr. Coleman asks if these matters can be settled between the Director and the Developer. When there is a problem with the water usage there can be conversations held on how to mitigate and not be dealt with through the SALDO. Mr. Hadsall asks if they would produce the SRBC permit. He was told yes.

Mr. Ehrenzeller said Red Item 4 Section 611I for the High Intensity Non-Residential Land Development shall submit a water demand utility narrative, identify water sources, infrastructure, proposed cooling system and alternatives considered. That seems to put the same impetus on them to do that. As opposed to saying you must consider, or shall consider, we are giving them options. The other paragraph is saying they can look at all the options because we are going to look at the water withdrawal, impact and other things anyway.

He asks Attorney Litwin about Section 611I and why he does not want to incorporate SRBC violations as also constituting County SALDO violations. He responds that a SALDO is a development regulation and should not have anything to do with operational standards and operations after approval. Once you approve a development... that gives them permission to build their site. Regulating use and performance standards of that use is a different animal than a SALDO. Language like that would require us to have some type of enforcement procedure if there is a violation of a third-party agency's rules and regulations. He says this should be discussed in an Executive Session.

Mr. Coleman said his concern is if they violated the SRBC then the SRBC should handle the violation. Commissioner Wilbur said that he is in agreement with him and it doesn't need to be listed here and that an Executive Session is unnecessary to vote to strike the paragraph. Mr. Hadsall said we need to keep the sentence about them getting approval from the SRBC.

Mr. Ehrenzeller said that he was attempting to create a motion and suggests that the last sentence on Black 611I should be struck. Then 611J would be struck completely. Mr. Brown made a motion that the last sentence of Black 611I should be struck and 611J would be struck completely. The rest of Black Item 3 will be kept. Red Item 4 will not be used. Mr. Coleman seconded the motion and it was unanimously approved

Next discussion was for Black Item 4. Attorney Litwin said his proposal has a Red Item 4A that does not pertain to data centers but would pertain to High Intensity Non-Residential Land Development. He was attempting to address traffic and access requirements. If the Planning Commission does not even want to address his 4A he is fine with that. Matt Jones says he believes we already have provisions in our SALDO to address all of Red Item 4A.

They move past Red Item 4A and address Item Black 4. It describes erosion and is noted that it is required of each applicant today through the SALDO. Mr. Ehrenzeller asks if we need this additional wording. Matt Jones says yes. This Item has to do with different NPDES permits (National Pollutant Discharge and Elimination System). He has learned that PA-DEP has NPDES permits not only for erosion and sedimentation but to address water pollution that is anticipated to be generated by a particular development. The permits are the Industrial Discharge Wastewater Permit and sometimes also a PA-03 Stormwater NPDES permit can be required. There has been a lot of talk of these

developments bringing pollution. Pollution is in the wheelhouse of the State DEP. We can require them to report to us. Will there be pollution that requires these types of permits? If so, then they must get in touch with the State and pursue these permits. This way we are connecting them to a third-party regulator.

Matt Jones said the NPDES permit in our current SALDO is only addressed in a generic way and refers to a Chapter 102 NPDES permit. It is the permit most are familiar with. It deals with erosion and sedimentation. Any project that is less than an acre they are required to get a county conservation erosion permit. Anything one acre or larger would receive the NPDES permit that's erosion and sedimentation that's also from the State DEP. They co-ordinate the process together for those larger projects.

Mr. Coleman asks if the DEP makes the determination. He is told we co-police it with the County Conservation District and DEP. When he sees there will be a project that creates more than one acre of earth disturbance he flags it for the County Conservation District and the State DEP. We have not been flagging projects for water pollution or stormwater under NPDES. He would tell the developer that if they anticipate to produce a certain pollution to contact DEP for a permit and make sure that they are on their radar. If DEP does not consider a permit is necessary then good, that determination can be sent to our office. Give us the one line email that informs our office that the permit is not required. They discuss whether the word "may or "shall" should be used here. They decide to keep the contents of Black Item 4 (Section 403.4G).

A motion is made to accept Black Item 4 (Section 403.4G) as presented. Mr. Coleman makes the motion to approve and Robert Thorne seconds the motion. It passes unanimously. Red Item 5 (alternate language from Mr. Litwin) is discarded.

Black Item 5 and Red Item 6 relative to noise making are discussed. Matt Jones said he can fold some of his language into Attorney Litwin's definition of what might qualify as a High Intensity Land Development. The noise making devices generating more than 55 decibels including gas fired turbines, back up electric generators, roof mounted equipment and the chillers that are deafening. Commissioner Henry mentions the size of the equipment at the jail often brings complaints. Matt Jones mentions that if the jail development came in for a new submission today they could be asked to put in sound barriers if it was in the SALDO.

Commissioner Wilbur states the one thing that he likes about Attorney Litwin's definition of noise is that he does not go into detail on the noise producing equipment. His concern is if something else is created or used in the facility that is not listed. He prefers it being more generic. Attorney Litwin notes that his Red Item #6 addresses the vibrational element of the equipment used. Matt Jones states that it is harder to regulate vibrational impact. Science-based concepts of measurement and mitigation of vibration are less established. Some vibration that is caused by a back up generator could be mitigated by putting rubber footies on the equipment or if it is encapsulated or surrounded. Some vibration is at such a frequency that it travels through everything. Attorney Litwin proposes that if they generate these low sounds that they must document the sound and then model what they create. Then they must show on the Plan how it will be mitigated. He strongly disagrees with listing a decibel limit for ambient sound. He believes that anything the Planning Commission would look at after approval as a violation should not be put into a SALDO. It was asked what would happen to municipalities without zoning. This would fall on the shoulders of the Planner and Solicitor to help them through the SALDO. Mr. Coleman said the Planning Commission has limited enforcement resources at their disposal. Attorney

Litwin reminds him that the Commissioners are encouraging the municipalities to create zoning in their areas if they have a concern on this matter. On their plan they can list measures they plan to make to mitigate the noise level, vibration, etc. In the future they can be held to the mitigation they listed. There should be no further enforcement beyond this, he suggested.

Matt Jones disagrees that they shouldn't be held to these thresholds post construction. He gives an example that if extra buildings were created on a property that only listed 5 they would be in violation of the SALDO. Mr. Ehrenzeller said that would be a violation of the plans they submitted and not a violation of some operational procedure. A SALDO approves the design of the building plans as submitted, it doesn't say how intensely you can run the machines inside the building, he suggested. Both recommendations presented say that a sound study should be produced. The Planning Commission would say that there should be mitigating measures to keep it under a certain decibel. They should not enforce operating procedures afterwards, it was suggested.

Matt Jones said a sound study could say they are approved for 50 gas fired turbines and 100 back up generators with mitigating noise measures to keep the level at 55 at the boundary. If a year transpires and they put up double their turbines and generators they may no longer be achieving the decibel level. Mr. Ehrenzeller said that would be a violation of the plan submitted increasing their plans. We do not have authority to enforce their noise level, he suggested. Director Jones said this would constitute adding features to a development site in violation of a development Ordinance. Mr. Ehrenzeller said they violated the plan they submitted. Commissioner Henry agrees with Attorney Litwin that it might be best to go to the next Item number for discussion.

Attorney Litwin said that Subdivision and Land Development is defined by state law as any commercial buildings or two or more residential buildings. Internal operations are not part of the SALDO, he suggested. Mr. Coleman said there have been projects in front of them before that were in violation of adding to their plan. They have limited enforcement techniques other than taking them to court. Matt Jones said they could seek an injunction for violation of the Ordinance, seek a stop work order, seek financial penalties.

Attorney Litwin said that he would recommend that they adopt Red Item 6. He said they could include that they must be modeled and designed for a level of 55 decibels. He would also include the vibration items. Even if it doesn't have a standard it shows they are identifying what the vibration is and they have looked at different mitigating techniques and show them on the plan. Our engineer will also be reviewing the sound study and mitigation plan at the Developer's cost. If they design a plan that says they will keep it at 55 decibels at the application stage their engineer will sign the plan that states that. Our engineer will review and verify this plan. It will proceed just like when we hire engineers to review storm water management on plans. If we need a deeper discussion then he suggests an Executive Session.

Mr. Ehrenzeller confirmed that the 55 decibel goal should be included in the Ordinance. Mr. Hadsall said it should state that it be designed to achieve 55 decibels or less. Attorney Litwin and Commissioner Wilbur said yes. Mr. Ehrenzeller asks if there is a recommendation that we include Red Section 702 adding the modeling design to achieve the limits listed in Black Section 702.2F.5; 702.2F.6 and 702.2F.7 adding the modeling design to achieve 55 decibels or less? He said we will accept Red 702 and we will add that any modeling relative to noise control, the design must achieve 55 decibels or less. He asks if there is a motion to that effect. Mr. Thorne made a motion. Mr. Hadsall seconded the motion. It was passed unanimously as described.

Matt Jones asked if they planned to address the facility's back-up generators being held to 70 decibels. Attorney Litwin said he wanted to discuss the back up generators. Once they are operational and whether they are using back- up generators or not there is nothing the county planning commission or the county should do to address this. If it's designed for normal operations to be at a certain level then it will come under that. But abnormal events will not come under that level. You will have events that are louder than normal levels such as maintenance or emergency levels. Attorney Litwin states that this is where he and Director Jones differ greatly.

Matt Jones states that if an operation is supposed to maintain 55 decibels at the property boundary but it is frequently at 70 instead of just on occasion it would seem to be that they are in violation. Mr. Hadsall confirmed that 70 decibels should be the level they be held to for maintenance or emergency. He states that the sewer authority runs their generators for maintenance once weekly. Mr. Ehrenzeller asks how they would even know they were running. Matt Jones said there would be complaints from the neighbors. Attorney Litwin suggested that once a land development is approved the Planning Commission be done with the project.

Mr. Ehrenzeller said they would move onto Item Red 6A. Attorney Litwin said if there would be a two tier approach for High Intensity Non-Residential Land Developments then item 6A comes into play. If the Planning Board chooses not to address it then he is fine with it. He placed this item based on his work on zoning board conditional uses. Solar Projects that have been presented are very emotionally charged with neighbors being very concerned with glare. This process allowed glint glare experts to be brought in. He was trying to address a past issue. Mr. Wilbur states that he does not believe this particular issue would be connected with data centers. Red Item 6A is discarded.

Mr. Ehrenzeller starts to discuss Black Item 6. Mr. Coleman asked if buffering was not already a part of the SALDO. Matt Jones said this would address a loophole that we would only require buffering if the site requires an NPDES permit or is one acre or larger of earth disturbance. We often get applications that are quite elaborate but disturb less than an acre. If this language is ever noticed we might not be able to require them to do tree planting, buffering and fencing. Sometimes many of our commercial developments should have that kind of screening, planting and fencing. We should be able to require it even for smaller scale projects. He would like the amendment to fix this loophole in our SALDO. The other two provisions would strengthen our ability to do buffering and landscaping for these larger developments that may come into the county.

The Director discusses a current project, Bunker Hill Solar Project. It is a 5 array solar project on three properties on a large hillside in Tunkhannock Township. There were rolling hills and mountainsides and lots of different neighboring property owners. Some had houses in direct view of the impact and some hid behind trees. Some of the trees were deciduous and leaves were off in the winter. It was a lot of visual buffering on that plan. Their engineer proactively gave us some visual artistic renderings. He mentions a neighbor's front porch that will be in the line of sight and mentions eastern red cedars that will be put in as a buffer. Black Item 6 will give us the authority to always be allowed to ask for artistic renderings. When it's a large project with a lot of angles we can be shown all proposed buffering.

Mr. Ehrenzeller said a Motion would be made to accept Black Item 6 with the change of "may require" to "shall require." Attorney Litwin said that they should keep in mind that this motion would include all developments. Any person who wants to get land development approval will need to hire someone

to do artistic renderings. Mr. Ehrenzeller said they can always approach the Planning Commission to request a waiver.

The Motion is made to include Black Item 6 and the word “may” is replaced with “shall.” Mr. Leaidicker made a motion to approve and Mr. Brown seconded the Motion. It was approved unanimously. Red Item 7 is discarded.

Item Black ink 7 is about fire safety. Mr. Ehrenzeller asks Attorney Litwin if his earlier document from last month said to retain the Director’s fire safety comments. He would like him to explain what the trigger would be to distinguish a Non-Residential High Intensity Land Development from a person trying to build 2 homes. What in the SALDO will say that a High Intensity Development should follow these rules but it would not apply to a person trying to build 3 homes. Attorney Litwin refers him to his proposal Red Item 2 and says that it should be included to differentiate. He states that Director Jones would have to fill in all the blanks in this item and additions should be based upon Planning principals and the Comprehensive Plan. This will enable the Planning Commission to identify a High Intensity Nonresidential Development from the beginning.

Mr. Coleman said he does not see anything that contradicts what has been done so far. Attorney Litwin said they have not approved it yet. By approving it he doesn’t see where there has been a conflict on a matter such as sound. He was told by members that there were 3 different questions on how they would determine high-intensity development.

Director Jones said there have been a lot of different developments coming in. Between the Planner and the Planning Commission they can determine such things as if the fire department can reach the development’s location successfully. This was addressed in the Mehoopany Solar Project. If a development seems large enough or the road system is questionable, we can assess if a water reservoir would be necessary for fire fighters to manage or contain fire.

Mr. Coleman makes a motion that definitions under red with the exception of taking out off site lighting and glint and glare, that this would be the basis of deciding High Intensity Non-Residential Land Development. Commissioner Wilbur said it should be noted that it will take some work by Matt Jones. Mr. Coleman acknowledges this and says he does not want future applicants saying they had a subjective decision before the Planning Commission.

Mr. Ehrenzeller confirms that a motion would be made to accept Red Item 1 with the exception of off site lighting and glint and glare and it is requested that the Planner should provide all information that needs to be inserted such as trigger points for square footage, gallons of water for usage, any place that requires a blank parenthesis to be filled.

The group begins to look at Red Item 2. Matt Jones inquires if this is being used to embellish the definitions or if it is being used to set up an alternate review process as Attorney Litwin is suggesting. Mr. Ehrenzeller, Commissioner Wilbur and Jeremy Leaidicker said they would be used as triggers for identifying a high-intensity development and which development would only be required to meet lower standards. Attorney Litwin offers that the two paragraphs in red at page 5 of 16 should be struck since the Planning Commission does not want to conduct public hearings as part of its review.

The motion is presented as follows. Mr. Leaidicker makes a motion to accept Red Item Number 2 minus the last two paragraphs regarding public hearings and asking the Planer to insert appropriate

trigger recommendations. Mr. Brown seconds the motion. It passes unanimously.

Item Black 7 is addressed once again and it is decided that the language “For particularly large and complex development sites” should be struck and be replaced with “High Intensity Non-Residential Land Developments. Mr. Ehrenzeller believes we can accept the whole of Black item 7 with that development name change. Matt Jones said this paragraph uses the word “may” and asks if it should be replaced with “shall”. Commissioner Wilbur confirmed that “shall” should be used instead of “may”.

Black Item 7 is accepted in full with the change from large and complex development sites to High Intensity Non-Residential Land Development and replacing the word “shall” instead of the word “may”. Mr. Brown made the above motion. Mr. Huber seconded the motion. It was passed unanimously. Red Item 8 is discarded.

Black Item 8 and Red Item 9 are addressed regarding heat generation. It is asked if it is only included for High Intensity Non-Residential Land Development. Director Jones said that language could be added to make it specific. Mr. Coleman asks if it should appear in the existing SALDO, or put it in for the larger developments. Mr. Jones said it was his intention to put it in the SALDO generally that if something came in with broad heat generating features we needed to be notified. They may need to implement heat mitigating measures as a result. If they are classified as a separate sub animal because they are high-intensity non-residential land development that is fine.

Commissioner Henry comments that this would be good for everyone, including installation of green roofs. Matt Jones said he had research from the University of Cambridge that data centers can raise the ambient air temperature by sixteen degrees Fahrenheit and it can be felt as far away as 6 miles. He says it may not be that bad but it is a serious study from scientists at a serious university. It can certainly change the character of a local neighborhood.

Mr. Coleman’s concern is that if someone tries to build a new house he doesn’t want them to have to install a green vegetation roof. Members said that should be taken care of under definitions. Commissioner Wilbur believes Attorney Litwin’s definitions are much more succinct. It covers everything that’s listed individually. Paul Litwin said he tried to incorporate everything that Matt Jones had listed. Commissioner Henry said he is fine either way. There is discussion over Red Item Nine and the use of the wording site design narrative. It is noted that narrative is still relative because everything is not visual on a plan and wording is necessary. A motion is made by Mr. Coleman to accept Red number 9 as worded. Mr. Robert Thorne seconds the motion and it passes unanimously. Black Item 8 is discarded.

Matt Jones directs all to Black Item Number Nine. It is a special set of setbacks that the Commissioners had contemplated. It says that if you have heat or noise generating features you must have a setback of 400 feet unless a waiver is granted. Red Item 10 also pertains to special setbacks. This is a substantial reach. There was private consultation on this previously with Solicitor Litwin. Mr. Coleman suggests approving Item Black 9. There can be a meeting between the Planner and the Solicitor scheduled. It can be kept the same, adjusted or brought back with no setbacks. Attorney Litwin suggests going into Executive Session again to discuss this item. It was decided that these items would be tabled until the Executive Session.

Matt Jones introduces Black Item Ten discussing decommissioning of the interior of the building.

There was a desire to explore interior decommissioning due to the concern of toxic or hazardous materials inside the buildings. The buildings could be readily repurposed but only if the guts were removed and dispositioned responsibly instead of being left as a hazardous waste for the next owner. Commissioner Wilbur said there may also need to be decommissioning on the exterior of the building and not just on the inside or both. Red Item 11 would accomplish this.

Attorney Litwin said we would not know what was inside a building in most cases. He suggests decommissioning be discussed in the Executive Session. Mr. Coleman asks if the Applicant is told they must present a decommission plan they would be required to show a list of items contained in the building that can be presented as part of the application process to let someone know what's in there. Mr. Litwin said if they complied there would be safety data sheets to examine. Matt Jones said they could bring solar panels as part of their project. Commissioner Wilbur said the life of solar panels is not very long and electronics are often updated. Commissioner King noted that the economic life of solar panels is a problem. Commissioner Wilbur thought a building could be reused if it was not filled with out dated electronic equipment. A company may go out of business or go where it is more profitable for them. His intent was to be able to have a profitable building that could be used for something else.

Attorney Litwin said decommissioning agreements and bonding are expensive and time consuming. Even twenty to thirty years post construction someone has to be administering it. We are administering a subdivision and land development ordinance. We work with lines and words on a plan. Things inside an operation are best left non-applicable, he suggests. Commissioner Wilbur asks how the solar panels are being managed. Attorney Litwin said they are on the plan as facilities or improvements. Mr. Coleman asks why they can't decommission and bond like the current solar project. Attorney Litwin said we're talking about interior operations with data center decommissioning.

Mr. Ehrenzeller said the previous month Attorney Litwin said they would focus on exterior items shown on the plan, hazardous materials or components effecting site safety. He asks if that wording would include that.

Attorney Litwin said there is a difference between solar panels and data centers. When discussing decommissioning for a data center it's an administratively onerous. It's certainly an environmental concern but there are other agencies set up to address this other than the County Planning Commission through a subdivision and land development ordinance.

Mr. Coleman asks what will happen if a business leaves a big mess for the County to deal with that could be toxic. Attorney Litwin said that PA-DEP could be contacted to deal with that situation. It's not an ideal situation. The SALDO should not deal with operational regulations for different types of businesses that use hazardous materials, and there are many of them, he suggested.

Mr. Jones said he does not particularly like decommissioning. It's a noble idea that they would want something readily reusable or prevent a toxic legacy. But it's a long process. The Developer has to float an insurance instrument and they have to pay a premium on the bond for years. If they default, we take the money from that surety and then we are left to clean out the interior of the building.

Mr. Ehrenzeller said wind turbines are asked to decommission so why would we not request it of these facilities. Matt Jones said commercial wind energy are included in the 2024 SALDO amendment. Mr. Ehrenzeller asks why these developments would be given a free pass. Attorney Litwin said wind mills

are standing in the middle of the woods and solar panels in the middle of fields visible to people. They can be considered unsightly legacy facilities because no one has the incentive to remove them. A building on the other hand on a substantial piece of land with all infrastructure there is probably going to be reused.

Mr. Coleman mentions the Geisinger Building being too large to sell. If you took the building thirty miles south or east then it would more readily sell. He asks if a decommissioning agreement can be restricted to including these data center buildings. Mr. Litwin thinks Geisinger will be repurposed. He states a windmill or a solar panel has only one purpose and it can't be reused such as a building. Mr. Coleman's concern after hearing a story from Northern Virginia regarding data centers: During the last heat wave Dominion Power was asked to cut their power. Their response was that they would run 600 diesel generators to maintain their power outside. What would happen to multiple diesel generators that were abandoned on a development? Attorney Litwin said the items they would reclaim on this type of property are very valuable to a company and would be retained, sold or repurposed.

The decision is made to strike Black Item 10 and Red Item 11 regarding decommissioning. Mr. Hadsall makes the motion to strike Item Black 10 and Item Red 11 based on the recommendation of the professionals present. Mr. Robert Thorne seconds the motion and it is passed unanimously.

After the vote is taken Attorney Litwin said the Commissioners do have absolute control to include it when it is presented to them for review and acceptance if they have a difference of opinion and decide to keep it. Mr. Ehrenzeller said he believes it is good to have a discussion from different perspectives. The Commissioners agree to have the best product possible.

Mr. Ehrenzeller said he believes that is the end of the proposals. Matt Jones agrees except for the setbacks in Black Item 9 and Red Item 10 and he suggests giving the audience an opportunity to ask any questions.

Mr. Eric Mark of the Wyoming Examiner states he is confused regarding two items. He believes it was settled at the last meeting to striking the language on Data Centers and to call them High Intensity Non- Residential Land Developments. Mr. Ehrenzeller said it was regarding a definition at the time and now they have taken several motions to include it properly throughout the body of the SALDO amendment. Mr. Mark asks if after these two votes the whole term data centers is completely removed. He is told yes.

He said he is confused as to why the subject of an operational detail such as a closed loop system needs to be discussed in an executive session. Mr. Ehrenzeller said he believes they're already decided to strike that language from the amendment. They will discuss the concepts of special setbacks and the difference between plan reviews and what is presented in plans versus operational considerations during their private consultation with legal counsel. The closed loop is simply an example of an operational use. Attorney Litwin said the purpose of the Executive Session is to have a confidential communication regarding various methods of plan review-and-approval that might bring a significant litigation risk, including operational controls.

Mr. Coleman makes a motion to adjourn the public meeting and Mr. Leaidicker seconds it. The meeting adjourns and they move into Executive Session.

The public meeting concluded at 8:01 p.m.

Visitor and Guests: Commissioner Rick Wilbur, Commissioner Ernie King, Commissioner Tom Henry, Mauri Rapp, Rocket Courier, Eric Mark, Press Examiner

Commission staff may be reached at:

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