# HAZLE TOWNSHIP
# P.O. BOX 506
# HARLEIGH, PA. 18225-0506

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| Code Enforcement | (570) 453-2466 | | | Municipal Authority | (570) 459-5921 |
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October 30, 2026

Hazle Township Board of Supervisors
PO Box 506
Harleigh, PA 18225

**RE: Formal Recommendation**
**Proposed Zoning Ordinance Text and Map Amendments Relating to Data Centers, Battery Energy Storage Systems, Associated Energy Infrastructure, and Other Nonresidential Uses**

Dear Board of Supervisors,

Please be advised that, at its special meeting held on October 29, 2026, the Hazle Township Planning Department continued its review and discussion of the proposed amendments to the Hazle Township Zoning Ordinance concerning data centers, battery energy storage systems, associated energy infrastructure, and other nonresidential uses. The Planning Department considered the October 26, 2026 discussion draft prepared by the Township's planning consultant, Environmental Planning & Design, together with the accompanying illustrative map. The Planning Department also received public comments concerning the proposed regulations and their potential impacts upon Township residents, properties, infrastructure, and natural resources.

The Planning Department acknowledges the written comments submitted in connection with its review, together with the oral comments received during its meetings, including those presented at the October 29, 2026 special meeting. The Planning Department recommends that all written submissions and the record of public comments be transmitted to the Board of Supervisors for consideration in connection with the proposed amendments. Any additional written comments received following the Planning Department's final meeting should also be transmitted to the Board for its consideration. Following discussion and consideration of the proposed amendments and public comments, the Planning Department voted to recommend that the Board of Supervisors proceed with its consideration of the proposed zoning amendments, substantially consistent in concept with the October 26, 2026 discussion draft and accompanying illustrative map, subject to the specific recommendations and further considerations identified below.

*I. General Recommendation*

In making this recommendation, the Planning Department requests that the Board of Supervisors consider the public comments received, the concerns and recommendations expressed during the Planning Department's discussions, and any additional revisions recommended by the Township's planning consultant, engineer, solicitor, and other appropriate professionals. Particular consideration should be given to the proposed location and geographic limitations for these uses, the protection of residential properties and sensitive receptors, setbacks and buffering, noise and environmental standards, infrastructure and emergency-service capacity, and the appropriate approval procedures for the uses addressed in the ordinance.

## *II. Specific Recommendations Adopted by the Planning Department*

In addition to the foregoing general recommendation, the Planning Department expressly identified the following matters for consideration and possible incorporation into the proposed ordinance by the Board of Supervisors and the Township's professional consultants:

1. Increase Decommissioning Financial Security to 120%. Revise the proposed decommissioning provisions to increase the required financial security from 110% to 120% of the estimated decommissioning and restoration costs, including the applicable requirements for data centers and battery energy storage systems.

2. Require Decommissioning Financial Security Review Every Three Years. Amend the proposed ordinance to require the decommissioning cost estimates and corresponding financial security to be reviewed and updated at least once every three (3) years, rather than every five years, with appropriate adjustments to ensure adequate security remains available.+

3. Require Independent Monitoring Studies Prepared by Qualified Experts. Strengthen the proposed regulations to provide for independent monitoring and testing studies conducted by qualified professionals with appropriate expertise, including studies necessary to determine compliance with applicable performance and environmental standards.

4. Proceed with a Zoning Map Amendment. Recommend that the Board of Supervisors proceed with consideration of an accompanying zoning map amendment, supported by an appropriately prepared and defined map exhibit, together with the proposed text amendments, subject to the applicable statutory requirements and procedures.

5. Strengthen Fire Protection, Emergency Services, and Training Requirements. Further review and improve the ordinance provisions addressing fire prevention, fire suppression, emergency response capabilities, emergency-service access, coordination with the Township Fire Chief, and appropriate initial and continuing training for emergency personnel.

6. Enhance Wildlife Conservation Protections. Review and strengthen the proposed environmental provisions to better address wildlife conservation, natural habitats, existing vegetation, and environmentally sensitive areas potentially affected by development.

7. Strengthen Decommissioning Requirements, Including Hazardous Materials. Further improve the decommissioning provisions to address the identification, removal, handling,

transportation, and lawful disposal of hazardous materials, batteries, electrical components, fuel storage systems, and other potentially harmful materials, together with appropriate site restoration requirements.

8. Require Independent Compliance Monitoring and Reporting. Strengthen the ordinance to provide for independent verification of ongoing compliance with applicable operational, environmental, noise, and safety standards, together with appropriate reporting to the Township and procedures for addressing identified violations.

9. Increase or Improve Earthen Mounds, Landscaping, and Buffering. Review and enhance the proposed requirements for earthen berms or mounds, vegetative screening, landscaping, and buffer areas, particularly where development may affect nearby residences, residential zoning districts, and other sensitive uses.

10. Further Limit Emergency Generator Operation. Review and strengthen the proposed provisions governing backup and emergency generators, including appropriate limitations on non-emergency operation, maintenance, testing, and other uses, while accounting for necessary emergency operations.

11. Reduce the Maximum Number of Generators Tested Per Day. Revise the proposed generator-testing requirements to reduce the number of generators that may be tested during any one day, with consideration given to cumulative noise, emissions, and impacts upon surrounding properties.

12. Strengthen Lithium Battery Fire Protection Requirements. Review and enhance the proposed fire safety and emergency-response provisions applicable to lithium-based battery systems, including battery energy storage systems, with appropriate consideration of thermal runaway, fire detection and suppression, hazardous gas release, emergency response procedures, and applicable safety standards.

13. Review and Revise Permitted Construction Days and Hours. Further evaluate the proposed construction schedule and associated exceptions, including the days and hours during which construction may occur, with particular consideration given to the protection of nearby residences and sensitive uses.

14. Remove Nuclear Power Generation from the Present Ordinance. Remove provisions authorizing nuclear power generation, including small modular nuclear reactor uses, from the proposed amendments presently under consideration. The Planning Department recommends that any potential regulation of nuclear power generation be addressed separately through future consideration and an appropriate ordinance review process.

## *III. Additional Matters Raised During Public Discussion and Professional Review*

In addition to the specific recommendations incorporated into the Planning Department's motion, the following matters were identified during public participation, Planning Department discussions, or subsequent professional review. These matters are forwarded for further consideration by the Board of Supervisors and the Township's professional consultants. They are not represented as additional provisions separately adopted by the Planning Department's October 29th motion.

A. Re-Vegetation and On-Site Wildlife Conservation. Consider additional or revised requirements concerning re-vegetation of previously cleared or disturbed areas, preservation and restoration of native vegetation, and incorporation of appropriate on-site wildlife conservation features.

B. Independent, Applicant-Funded Acoustical Studies. Consider requiring acoustical studies and other technical evaluations to be performed by qualified independent professionals at the applicant's expense, particularly where sound-level projections are used to establish or justify reduced setbacks or other development standards.

C. Review of Day-Night Average Sound-Level Standards. Consider the public comments requesting elimination or revision of the proposed day-night average sound-level measurement methodology, including whether alternative sound standards and monitoring methods would provide more effective protection against intermittent, peak, low-frequency, and nighttime noise.

D. Stronger Penalties for Ordinance Violations. Consider additional or strengthened enforcement provisions, including meaningful monetary penalties and other legally authorized remedies for violations of applicable development, operating, noise, environmental, and safety requirements.

E. Transparency of Monitoring and Testing Information. Consider provisions promoting transparency and public access to information submitted to or maintained by the Township concerning required monitoring, testing, compliance reports, and identified violations, consistent with applicable law and any legally protected information.

F. Clarification of Ancillary Power Generation Systems and Ordinary Emergency Generators. Consider revising the proposed definition and permitted-use classification of "Ancillary Power Generation System" to distinguish customary accessory and emergency backup generators serving otherwise lawful principal uses from larger-scale, independent or commercial power-generation facilities. Particular attention should be given to ensuring that ordinary generators serving existing industrial or other permitted buildings are not inadvertently subjected to special-exception approval merely because they provide backup or ancillary electrical power. Appropriate distinctions should be maintained between customary accessory equipment and power-generation facilities warranting more extensive zoning review.

G. Reconsideration of Proposed Section 802.56- All Other Nonresidential Uses Not Otherwise Listed. Consider removing proposed Section 802.56 from the present ordinance amendment and addressing any proposed changes to the regulation of otherwise unlisted nonresidential uses through a separate future ordinance review. The Township's existing Zoning Ordinance contains Section 320, which establishes a special-exception procedure for uses not otherwise addressed by the ordinance. The proposed Section 802.56 would establish a separate procedure for certain unlisted nonresidential uses within the I-2 Industrial District. The Board of Supervisors should consider whether this broader change to the treatment of unlisted uses is necessary as part of the present data center ordinance amendment or should be evaluated independently, with appropriate consideration of the existing provisions of Section 320, the Township's various zoning districts, and the potential consequences for otherwise lawful development. If Section

802.56 is removed, related provisions elsewhere in the proposed amendments should be reviewed for consistency. Such review should include the proposed definition of "All Other Non-Residential Uses" in Section 202 and the corresponding special-exception use provision proposed for Section 506.2, to ensure that removal of Section 802.56 does not create inconsistencies or unintentionally alter the application of existing Section 320.

## *IV. Further Professional Review and Consideration by the Board of Supervisors*

The Planning Department recognizes that the proposed ordinance addresses complex technical, environmental, infrastructure, and legal issues and that further refinement may be necessary before final enactment. Accordingly, the Planning Department recommends that the Board of Supervisors continue its review with the assistance of the Township's planning consultant, engineer, solicitor, Fire Chief, and other appropriate professionals to determine how the foregoing recommendations and additional considerations should be incorporated into the proposed ordinance and any accompanying zoning map amendment. The Planning Department further recommends that the Board consider any necessary refinements to ensure that the ordinance is clear, enforceable, consistent with the Township's planning objectives, and compliant with applicable law.

This recommendation is intended to complete the Planning Department's current review and forward the proposed amendments, the specific recommendations adopted by the Planning Department, and the additional matters raised during public discussion and professional review for further consideration by the Board of Supervisors. The Planning Department's action should not be construed as an endorsement or approval of every provision of the October 26, 2026 discussion draft in its present form. The Planning Department's recommendation is advisory in nature. The final determination concerning the proposed zoning text and map amendments, including their specific provisions and ultimate enactment, rests with the Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code.

Respectfully submitted,

HAZLE TOWNSHIP PLANNING DEPARTMENT

By: _____
John G. Synoski, Director

cc: Township Secretary
Township Zoning Officer
Township Solicitor
Township Engineer
Environmental Planning & Design

Enclosures

1. October 26, 2026 Zoning Ordinance Discussion Draft
2. Accompanying Illustrative Map
3. Written public comments received by the Township, as available
4. Record of oral public comments, as reflected in the Township's meeting recording and/or minutes, when available