



Clifton Township
361 State Route 435
Clifton Township PA 18424
Call: (570) 842-4272 Fax: (570) 842-2608
Email: Secretary@cliftontownship.com

AGENDA

Clifton Township Board of Supervisors will hold a Special Meeting at 7:00pm at the Gouldsboro Firehouse, 490 Main Street Gouldsboro PA 18424

Date: September 29, 2025

Call to Order

Pledge to the Flag

***Public Comment Period on Agenda Items only**

New Business:

Consideration and possible action on proposed settlement agreement regarding the data center validity challenge

***Public Comment Period**

Adjournment

**Public comments will be limited to (3) minutes per person to speak.*

IN RE: APPEAL OF 1778 RICH PIKE LLC :

THIS SETTLEMENT STIPULATION AND AGREEMENT (this “Stipulation”) is entered into this ____ day of _____, 2025, by and between 1778 RICH PIKE LLC, a Pennsylvania limited liability company (the “Developer”), JCO, LLC, a Pennsylvania limited liability company (the “Owner”) and CLIFTON TOWNSHIP, a Pennsylvania municipal corporation (the “Township”).

WHEREAS, the Developer is the equitable owner of certain parcels located in Clifton Township, Lackawanna County at: (1) Clifton Road, Parcel ID 23202020001, owned by JCO, LLC; (2) Clifton Road, Parcel ID 23802010001, owned by JCO, LLC; and (3) R State Rd Rt 611 & 380, Parcel ID 22604020001, owned by Judge Family Estates, LLC (collectively, the “Property”);

WHEREAS, on April 17, 2025, the Developer filed a substantive validity challenge (the “Validity Challenge”) with the Clifton Township Zoning Hearing Board (the “ZHB”) pursuant to Sections 909.1(a)(1) and 916.1(a)(1) of the Pennsylvania Municipalities Planning Code (the “MPC”) alleging that, *inter alia*, the Clifton Township Zoning Ordinance (the “Zoning Ordinance”) unlawfully excluded the following uses: Data Center and Data Center Equipment, Data Center Uses/Structures, and Private Power Generation Facility, as those uses are defined in the Validity Challenge;

WHEREAS, the Developer also included in the Validity Challenge a request for site-specific relief pursuant to Section 916.1(g) of the MPC as shown on the Site Plan prepared by Langan Engineering and Environmental Services, Inc. dated April 16, 2025 and consisting of eight (8) sheets (the “Site Plan”) on the basis that the Property is suitable for the development of a data center and that such relief is warranted if the Zoning Ordinance is found to be invalid;

WHEREAS, the Site Plan has been amended to reflect the negotiated terms of this Agreement and is attached, in amended form, as EXHIBIT A

WHEREAS, subsequent to the filing of the Validity Challenge, the Township adopted Ordinance 2025-3 (the “Data Center Ordinance”) which, *inter alia*, permitted a Data Center, Data Center Accessory Uses and Data Center Equipment, as those uses are defined in the Data Center Ordinance, by conditional use within the Industrial (I) Zoning District and provided additional regulations for such uses;

WHEREAS, the Township acknowledges that the Zoning Ordinance in effect at the time of the filing of the Validity Challenge may have been found by a court of competent jurisdiction to be exclusionary as it relates to the Data Center Uses but further believes that the adoption of the Data Center Ordinance addressed said exclusion;

WHEREAS, the Township and the Developer, in the interest of avoiding protracted litigation and promoting sound land use planning, agree to settle the Validity Challenge pursuant to this Stipulation.

NOW, THEREFORE, intending to be legally bound hereby, the parties hereto agree as follows:

1. Purpose and Authority. This Stipulation is made pursuant to Sections 909.1(b), 910 and 916.1 of the MPC and shall be submitted for approval to the ZHB as part of the Validity Challenge Proceedings.
2. Conditional Withdrawal of Validity Challenge. The Developer agrees to withdraw (i) the Validity Challenge; and (ii) any and all other procedural and/or substantive validity challenges to the Data Center Ordinance and/or the Zoning Ordinance in effect subsequent to the adoption of the Data Center Ordinance with prejudice upon full execution and final, unappealable approval of this Stipulation by the ZHB.
3. Acknowledgment of Site-Specific Relief. The Township acknowledges and agrees that (i) the Developer shall be permitted to use the Property for the development and operation of a data center, including all customary and accessory uses thereto, in accordance with the terms and conditions set forth on EXHIBIT B attached hereto and incorporated herein; (ii) the use of the Property as a data center in accordance with the terms and conditions set forth on EXHIBIT B shall be deemed site-specific relief granted under Section 916.1(g) of the MPC; and (iii) the relief granted herein shall apply exclusively to the Property and shall not be construed as an amendment to the Zoning Ordinance applicable to any other parcels within the Township. The Township agrees that any subsequent ordinances which may be proposed or enacted after the date of this Stipulation shall not void or modify the site-specific relief provided herein, nor otherwise restrict the development and use of the Property as a data center in accordance with Section 4 herein.
4. Development Standards. The development and use of the Property as a data center shall be governed by the terms and conditions set forth on EXHIBIT B attached hereto and incorporated herein. In the event of any conflict or inconsistency between Exhibit A (Site Plan) and Exhibit B (Terms and Conditions), Exhibit B (Terms and Conditions) shall control.
5. Additional Permits and Approvals. This Stipulation does not relieve the Developer from obtaining any and all necessary federal, state and local permits and approvals for the development of the Property for the Data Center Uses (as defined in EXHIBIT B), including, without limitation, subdivision and land development approval from the Township. In accordance with Section 916.1(g) of the MPC, the Developer shall have two (2) years from the date of the approval of this Stipulation by the ZHB to file an application with the Township for preliminary subdivision and land development approval for the development of the Property for the data center uses in accordance with this Stipulation.
6. No Admission of Invalidity. This Stipulation is not, and shall not be construed as, an admission by the Township that its Zoning Ordinance, as presently enacted, is invalid or unlawfully exclusionary. It is a compromise and settlement of disputed claims. For the purposes

of presentation of this Stipulation to the ZHB for approval in accordance with Section 7 hereof only, the Township agrees that the Zoning Ordinance, as in effect at the time of the filing of the Validity Challenge, is unlawfully exclusionary as it relates to Data Center, Data Center Equipment, Data Center Uses/Structures and Private Power Generation Facility, as those uses are defined in the Validity Challenge.

7. Public Hearing and Approval. The parties agree to jointly present this Stipulation to the ZHB for approval as a part of the record of the Validity Challenge.

8. Binding Effect. This Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns.

9. Entire Agreement. This Stipulation constitutes the full and complete agreement between the parties with respect to its subject matter and fully supersedes any prior discussions, negotiations and representations of any kind. This Stipulation shall only be amended, modified or waived by an agreement in writing signed by all parties.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

Signature page follows.

IN WITNESS WHEREOF, the parties hereto have executed this Settlement Stipulation and Agreement as of the date first written above.

DEVELOPER:

1778 RICH PIKE LLC

By: _____

Name: Matthew Corrigan

Title: Authorized Signatory

DEVELOPER:

JCO, LLC

By: _____

Name: Joseph Occhipinti

Title: Authorized Signatory

TOWNSHIP:

CLIFTON TOWNSHIP

By: _____

Name: Jill Zindle

Title: Supervisor

APPROVED by the Clifton Township Zoning Hearing Board as of this ____ day of _____, 2025:

CLIFTON TOWNSHIP
ZONING HEARING BOARD

Wayne Fiene, Chairman

Michael Shatynksi, Member

Jennie Shatynski, Member

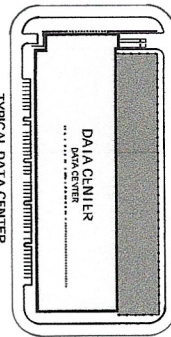
Michael Stocoski, Member

Erin Horrigan, Secretary

EXHIBIT A

Site Plan

(Plan Sheets EX-01 through EX-06)



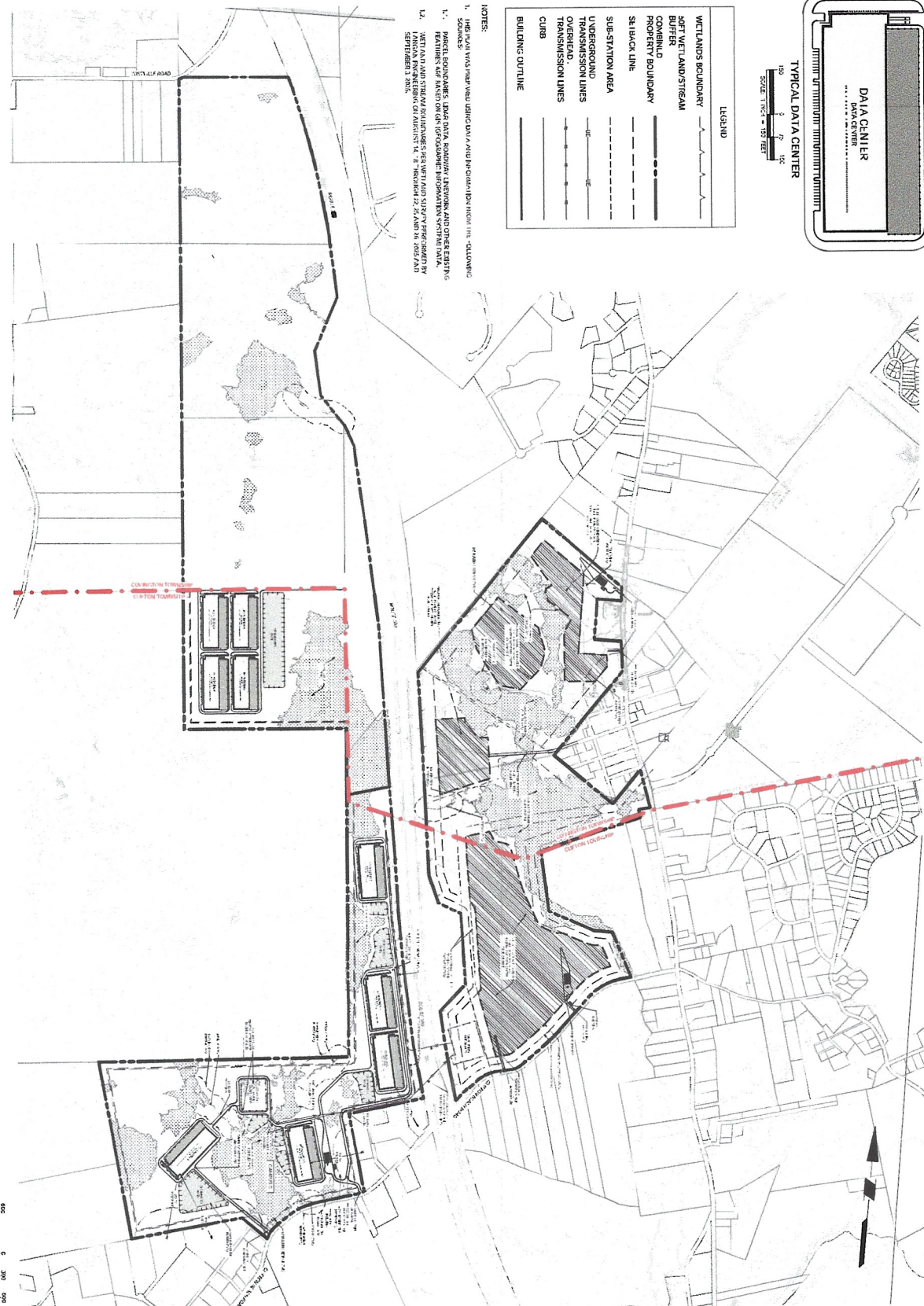
1" = 100' 0"

0 50 100

SCALE 1" = 100' 0"

LEGEND	
WETLANDS BOUNDARY	---
SOFT WETLAND/STREAM BUFFER	---
CONVEYED PROPERTY BOUNDARY	---
SEWERAGE LINE	---
SUB-STATION AREA	---
UNDERGROUND TRANSMISSION LINES	---
OVERHEAD TRANSMISSION LINES	---
CLUB	---
BUILDING OUTLINE	---

- NOTES:
1. THE DATA WAS FIELD USED DATA AND INFORMATION FROM THE FOLLOWING SOURCES:
 - 1.1. PARCEL BOUNDARIES, LAND DATA, ROADWAY, UTILITY AND OTHER EXISTING FEATURES WERE OBTAINED FROM THE FOLLOWING SOURCES:
 - 1.2. LAND DATA AND UTILITY INFORMATION WAS OBTAINED FROM THE FOLLOWING SOURCES:



0 50 100

SCALE 1" = 100' 0"

DATE	DESCRIPTION	NO.
9/23/2025	EX-01	
Drawn By	ZS	
Checked By	MD	

PROJECT NO. _____ DRAWING NO. _____

PROJECT GOLD

LANGAN

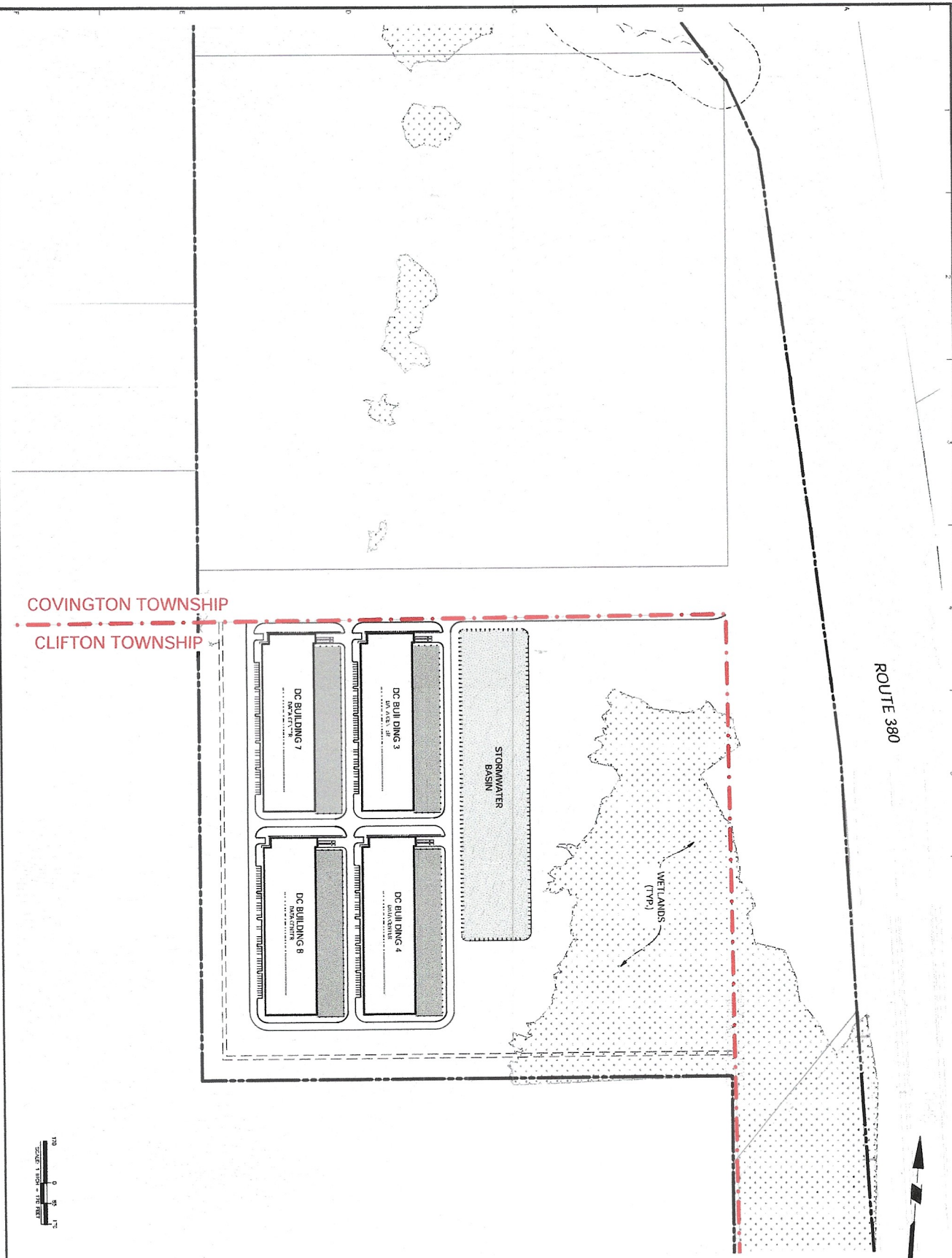
LANGAN Engineering and Construction, Inc.
 1000 North 10th Street, Suite 200
 Westport, PA 19380
 T: 215.435.0500 F: 215.435.0501 www.langan.com

CONV. TOWNSHIP & CONVENT TOWNSHIP
ADAMSWORTH TOWNSHIP
CONVENT TOWNSHIP

ZONING AND SETTLEMENT PLAN



PROJECT GOLD CLINTON TOWNSHIP & CONNINGTON TOWNSHIP ALCOHOLIC COUNTY PENNSYLVANIA Planning Unit		ZONING AND SETTLEMENT PLAN EX-02	
Project No. _____ Date 8/28/2003 Drawn By JH Checked By MD		Drawing No. _____ Date 8/28/2003 Drawn By JH Checked By MD	
LANEY LANEY Engineering and Surveying 2000 West Corporate Center Westport, PA 19380 T 215-651-6500 F 215-651-6501 www.laney.com		PROJECT NO. 0000000000	



ROUTE 380

COVINGTON TOWNSHIP
CLIFTON TOWNSHIP

Figure 1 is a schematic diagram of a rectangular structure, likely a bridge or pier, oriented horizontally. The structure is divided into three main sections. The leftmost section is labeled '170' at its top edge. The middle section is labeled '8.5' at its top edge. The rightmost section is labeled '170' at its top edge. Below the structure, there is a scale bar with the text 'SCALE: 1 INCH = 170 FEET'.

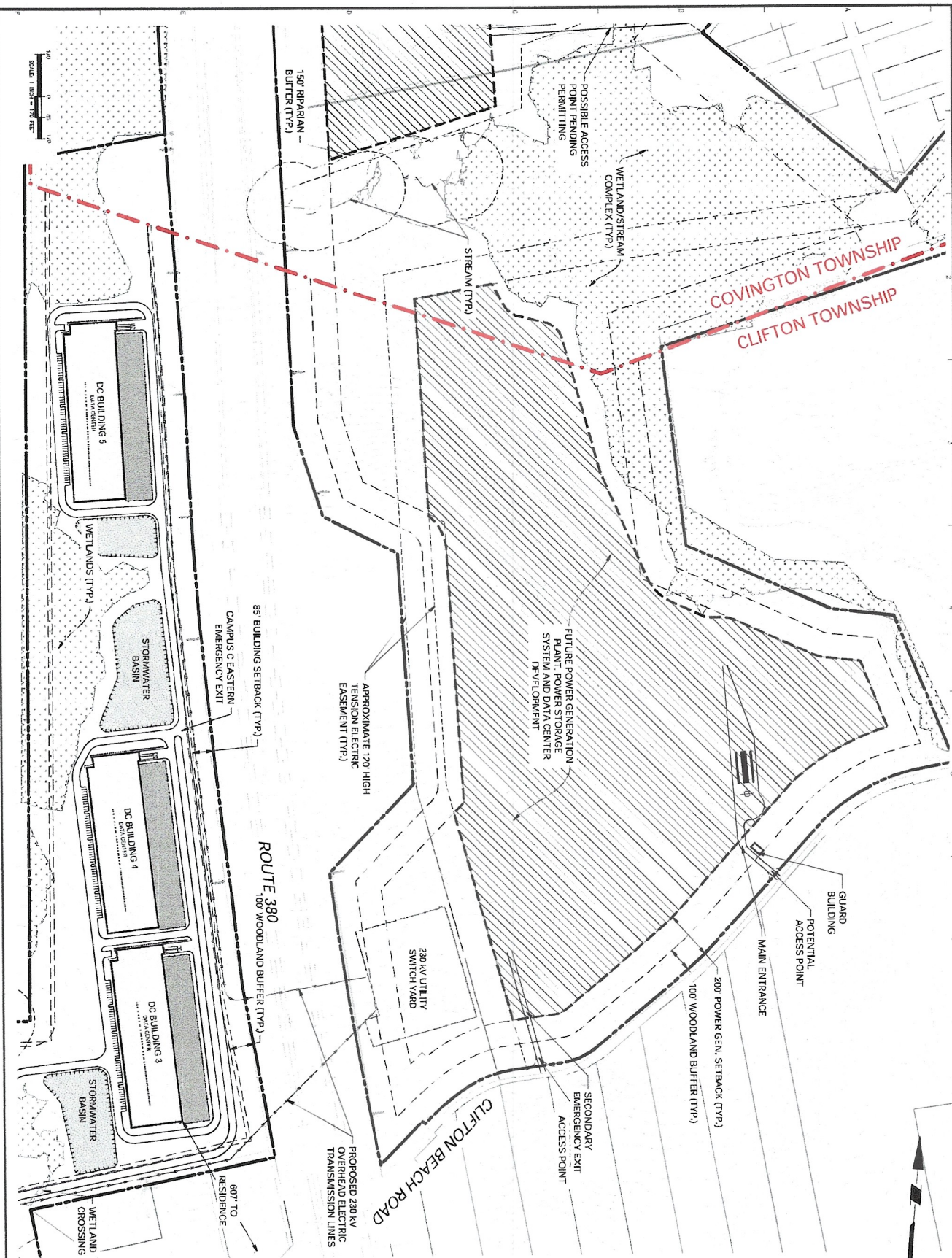
Date	Description	No.
	REVENUE	
		
ISSUANCE	DATE	DATE
11/18/15	11/18/15	11/18/15
PROFESSIONAL REGISTERED IN CA No. 15007-0000		
LANGAN ENGINEERS 15000 E. 15th Avenue Englewood, Colorado 80150 Phone 303.756.4700 Fax 303.756.4701 www.langan.com		
DRAWN BY: WILLIAM J. BROWN CHECKED BY: WILLIAM J. BROWN DATE: 11/18/15 PROJECT NO.: 15007-0000 SHEET NO.: 1 OF 1		

PROJECT NO. #####

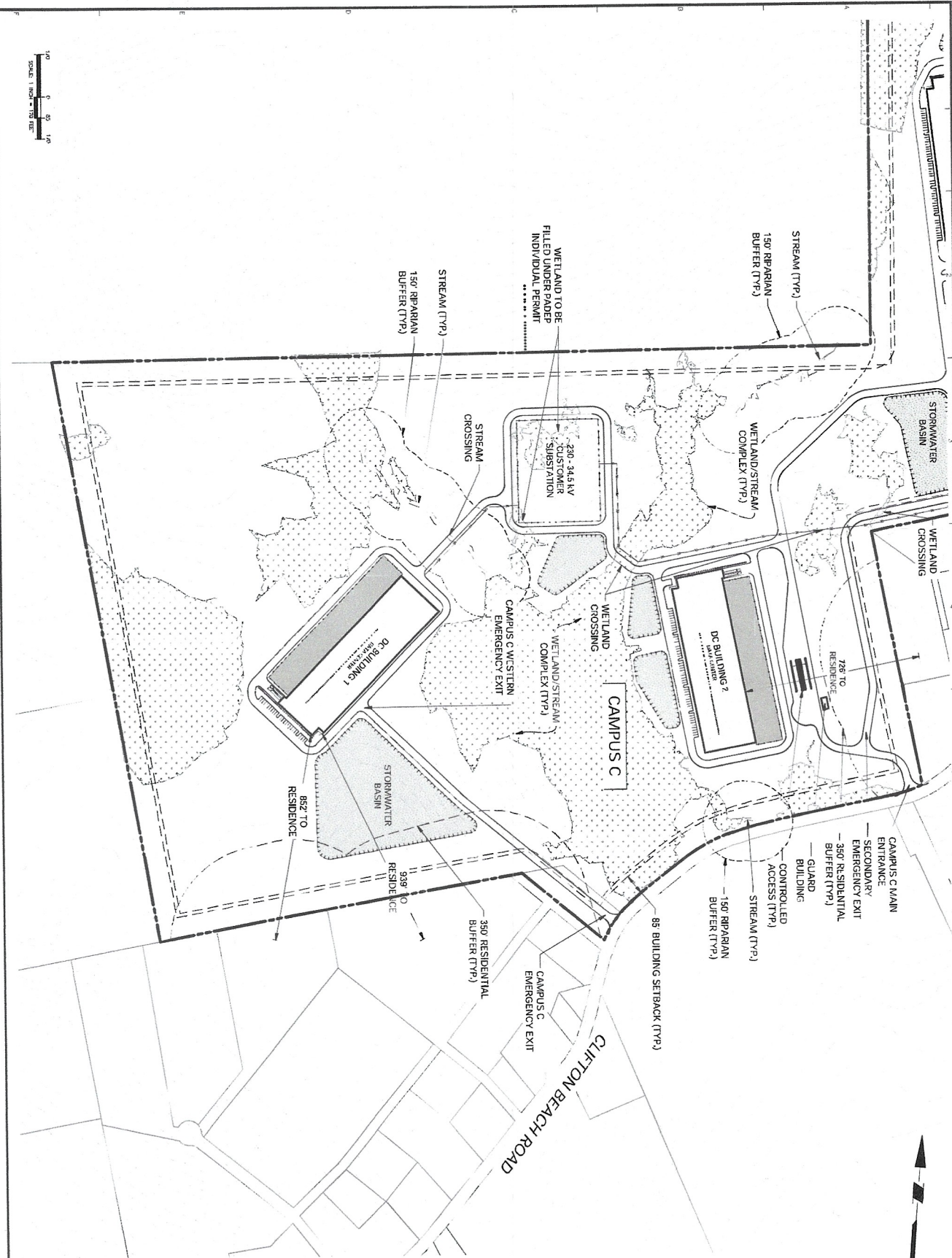
LANSAN



CLIFTON TOWNSHIP & COVINGTON TOWNSHIP COMMONWEALTH OF PENNSYLVANIA Planning File:		PROJECT GOLD	
ZONING AND SETTLEMENT PLAN		PROJECT GOLD	
Date: 8/23/2005 Drawn By: JZ Checked By: NO	Project No.: Version No.:	LANGAN Langan Engineering and Environmental Services, Inc. 2000 Market Street, Suite 200 Warrenton, OR 97146 T: 503.865.0200 F: 503.865.0201 www.langan.com	
SCALE: 1" = 100'		PROJECT NO. 000000000	



PROJECT GOLD CLIFTON TOWNSHIP & CONCORDIA TOWNSHIP ADAMS COUNTY PENNSYLVANIA ZONING AND SETTLEMENT PLAN Project No. EX-05 Date 8/23/2015 Drawn By MD Checked By MD	LANGAN Langan Engineering and Consulting, Inc. Environmental Engineering 3200 Rock Road, Suite 200 Warriorsburg, PA 15086 724.645.0200 F 724.645.0201 www.langan.com	Scale: AS SHOWN North Arrow
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PROJECT PROJECT NO. PROJECT GOLD CLIFTON TOWNSHIP & CONINGTON TOWNSHIP WILKES-BARRIE, PENNSYLVANIA DRAWING TITLE: ZONING AND SETTLEMENT PLAN		LANGAN Langan Engineering & Consulting, Inc. 2000 Corporate Center, 2000 Rte. 200 Williamsport, PA 17706 T 717.431.6500 F 717.431.6501 www.langan.com	
Date: 9/29/2005 Drawn By: ZI Checked By: MD	Drawing No.: EX-06	Date: 9/29/2005 Description: ZONING AND SETTLEMENT PLAN REVISIONS:	No.

EXHIBIT B

Conditions of Approval

1. This Stipulation pertains only to the Property.
2. The Developer shall be permitted, without the need for conditional use approval, to use the Property for the following uses (collectively, the “Data Center Uses”):
 - a. “Data Center” – A facility used primarily for or intended to be used primarily for the housing, operation and/or co-location of computer and communications equipment and for handling, storing and backing up the data necessary for the operation of a business or organizational entity. Data Center may also include Data Center Equipment (“DCE”), Data Center Accessory Uses, Power Generation Plant and/or Power Storage System when located on the same parcel or assemblage of adjacent parcels developed as a unified development (a “Data Center Development”).
 - b. “Data Center Accessory Uses” – Generally include utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center and used in connection with the Data Center Development.
 - c. “Data Center Equipment (“DCE”)” – Includes any Data Center Accessory Uses which in an un-muffled state generate noise in excess of the permitted maximum dB(A) in §27-602.C.38.b.8 at the point of generation. DCE shall be accessory to the Data Center Development and be located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center Development.
 - d. “Power Generation Plant” – A power generation plant fueled by natural gas, combined or single cycle power plant, or natural gas linear generation, fuel cell, or similar non-nuclear, non-oil or non-coal based power generation systems and equipment, which creates electricity to be used in connection with the Data Center Development, sold to or by a utility company, or in some combination of sale or purchase.
 - e. “Power Storage System” – A power storage system and the infrastructure system and process used to efficiently store, distribute and manage the power generated within Data Center Development. Power Storage System may also include BESS (Battery Energy Storage System), which provides energy support to the Property, local, regional or overall power grid by storing energy during off-peak hours and releasing it back into the grid as demand warrants.
3. The development and use of the Property as a Data Center Development shall be and remain subject to all provisions of the Zoning Ordinance with the following exceptions and requirements:

a. The Developer shall not be required to obtain conditional use approval for the Data Center Uses on the Property.

b. Primary access for no more than five (5) Data Center buildings to the west of Rt. 380 shall be permitted from Clifton Beach Road. Such Data Center buildings shall not exceed the maximum individual or total square footage for Data Center buildings permitted to the west of Rt. 380 set forth in Section 3.h.x hereof. The distances from residences for each of the five (5) buildings shown to the southwest of Rt. 380 shall be no less than as shown on the attached Site Plan (Exhibit A) for this portion of the Data Center Development. Secondary/emergency access shall also be provided to the Data Center Development from Clifton Beach Road. For the portions of the Data Center Development located in Covington Township, primary access shall be located in Covington Township. For the portions of the Data Center Development to the east of Rt. 380 within Clifton Township, primary access for any primary grid-connected (meaning connection to PPL, PJM and/or other utility/grid assets) power generation (or for additional data center buildings as may be permitted in Section 3.h.x hereof in the event that the primary grid-connected power generation plant is not constructed) may be from Clifton Beach Road and/or Drinker Turnpike Road. Developer shall use reasonable efforts to gain access from Drinker Turnpike Road provided that no additional wetland crossings or bridges are necessary or required to gain access. Developer shall comply with and construct all PennDOT required improvements on Drinker Turnpike Road and Clifton Beach Road prior to the issuance of an occupancy permit for the grid-connected power-generation. Primary access to any Power Storage System in Clifton Township shall, to the extent practical, be from Drinker Turnpike Road only, or from a combined entrance with the Power Generation Plant. Developer may seek approval from Covington Township to gain access over and improve Woodland Avenue, but if said paper-street improvement is not approved by Covington Township, access may be from some other connection point to Drinker Turnpike Road, or from Clifton Beach Road if additional wetland crossings cannot be permitted in a reasonable/cost effective manner.

c. All small modular reactor (SMR) power generation facilities, all other nuclear-based power generation facilities, and all power generation plants, natural gas storage facilities and all water storage facilities serving the Data Center Development shall be located in Covington Township. Fire suppression tanks, if required by the applicable building code, may be located next to each building, even in Clifton Township. Fire suppression tanks shall not exceed the height of the building. No SMR may be located in Clifton Township. Notwithstanding any other provision in this Stipulation, the area located to the east of I-380 and designated "Reserved for Future Development" on EXHIBIT "A" may be used for the development of a grid connected, natural gas fired Public Power Generation Plant and its associated natural gas storage and water storage facilities following the procedure set forth at 53 P.S. §10619, as amended, provided that the primary Power Generation Plant building is located at least 500 feet from any residence or 200 feet from any street or road within a Clifton Township right-of-way. Notwithstanding the foregoing, Developer shall use commercially reasonable efforts to maximize the distance from the primary Power Generation Plant building to any street or road within a Clifton Township right-of-way up to 300 feet. No private or "island generation" shall be permitted in Clifton Township. Power Storage Systems are not considered private generation and are not included in this prohibition on private/island generation in Clifton Township. Nothing in this Stipulation shall be construed or limit private or "island power" generation in Covington Township.

d. Substations, for both public and private utility, are permitted in Clifton Township to the extent necessary to connect power lines and distribute power internally to the Data Center Development and/or to redeploy back into the electric grid.

e. Disposal and treatment of all sewage and wastewater generated by the Data Center Development shall be through facilities located in Covington Township. Clifton Township shall amend any Act 537 Plans (sewer planning), approve sewer planning modules, and enter into such reasonable, customary and necessary intermunicipal agreements with Covington Township in connection with the disposal and treatment of sewage and wastewater generated by the Data Center Development. Costs, if any, imposed upon Clifton Township by any such intermunicipal agreements shall be borne by Developer. All costs of preparation of such agreements shall be paid by Developer.

f. A woodland buffer of at least one hundred (100) feet in depth shall be maintained adjacent to all exterior property boundaries of the Data Center Development. The woodlands buffer shall be outside any perimeter fence constructed for security of the Data Center Development. Notwithstanding the foregoing, access roads and utility crossings may be permitted in the woodland buffer.

g. In the event that existing woodlands are insufficient to meet the woodland buffer requirement, additional trees of a type common in Clifton Township and having a minimum caliper width of 3 ½ inches at planting and an anticipated minimum height of 15 feet shall be planted to meet the woodland buffer requirement.

h. Dimensional standards shall be in accordance with Schedule 27-2 (Bulk and Coverage Controls) of the Zoning Ordinance applicable to the Industrial District, with the following exceptions:

i. Building setbacks shall be the greater of 65 feet or the height of the building as measured from any ultimate right-of-way and shall be the greater of 50 feet or the height of the tallest building within the Data Center Development from any other lot line.

ii. Where any lot line of the Property adjoins property that is zoned residential, building setbacks shall be the greater of the height of the building, measured from the lot line, or 400 feet measured from the nearest occupiable primary residence on the adjoining property at the time of the execution of this Stipulation.

iii. Maximum building height, exclusive of parapet and rooftop equipment screening for a Data Center shall be 85 feet. The dunnage for said rooftop equipment shall be no more than 6 feet high and such equipment placed on such dunnage shall be no more than 8 feet high. Screening shall be set no higher than such combined height of 14 feet, but a visual study shall be prepared to show proper screening height, and said screening shall be limited to the height required in said study. Notwithstanding the foregoing, the maximum combined roof, pilot house/elevator access and equipment/screening height shall not exceed 95 feet. For purposes

of illustration, if the equipment and screening in an area of the roof is 14 feet, then the maximum roof height shall be 81 feet. Pilot houses/elevator access and roof access shall not extend beyond the height of the dunnage.

iv. Maximum height of a grid connected Power Generation Plant stacks shall be 200 feet and primary Power Generation Plant buildings shall be a maximum of 85 feet. Notwithstanding the foregoing, for any Power Generation Plant the Developer shall submit an engineering or architectural expert report supporting the height required for any Power Generation Plant stacks, and the height of such stacks shall be limited to the lesser of 200 feet or such height required in such report.

v. Maximum building height for all other non-data center and non-power generation buildings in the Data Center Development shall not exceed 35 feet. Examples of structures that are subject to this height restriction are administrative buildings, security buildings, etc.

vi. Data Center Equipment shall not be located between the building(s) and the Township and/or PennDOT street upon which the Property fronts. Visibility to the side of a building and/or Data Center Equipment viewed from the side of the building shall not be a violation of this provision.

vii. Data Center Equipment shall be substantially separated or screened from all adjacent residential uses in existence at the time of the execution of this Stipulation by principal buildings or additional screening.

viii. In connection with the Preliminary Land Development Plan for the Data Center Development, and in addition to all other plans, surveys and studies as required by applicable law, Developer shall submit an Environmental Impact Study, a Traffic Study, an Emergency Response Plan, and a Community Fiscal Impact Study to document potential impacts and necessary mitigation measures.

ix. Data Center Accessory Uses shall comply with all principal building setback standards from roads or streets within a Clifton Township right-of-way. For the sake of clarity, Rt. 380 is not considered a road or street within a Clifton Township right-of-way for purposes of determining applicability of this section. To the extent applicable, this shall not apply to underground utilities and high voltage lines. Security operations, including but not limited to gates and guard shacks, shall be subject to a minimum setback of one hundred (100) feet from all Township and/or State roads.

x. In the event a Power Generation Plant is constructed in Clifton, no more than nine (9) 2-story Data Center buildings, totaling less than 3,000,000 total square feet, and 2 administrative buildings, shall be located in Clifton Township to the west of Rt. 380. In the event a Power Generation Plant is not developed in the former Industrial District to the east of Rt. 380, then Developer may develop the portion reserved for Power Storage System and/or an additional Data Center campus, Data Center Equipment and Data Center Accessory Structures in accordance with the provisions of this Stipulation. The Data Center buildings proposed on Exhibit

A, are proposed as 2-story, 162,500 square foot per floor plate, but may be modified provided the total square footage of 3,000,000 square feet is not exceeded for the 9 buildings. Notwithstanding the restriction of nine (9) maximum data center buildings in Clifton Township, in the event the Developer does not build the grid connected Power Generation Plant, then the Developer may add up to 3 additional Data Center buildings, similar in size and square footage to the rest of the Data Center Development, and one administrative building, plus ancillary security and access control buildings in place of the area reserved for Power Generation Plant located within Clifton Township. If the 12 Data Center buildings are built, the total Data Center building square footage shall not exceed 3,900,000 square feet. Notwithstanding the above, no individual Data Center building located within Clifton Township shall exceed 500,000 total square feet.

i. Water Service

i. In connection with the Preliminary Land Development Plan for the Data Center Development, the Developer shall submit an analysis of projected raw water needs (groundwater or surface water) from either private or public sources, conducted by a certified hydrologist approved by the Township, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed. At the request of the Township, which request may be made at any time, the Developer shall fund a water study to be conducted on behalf of the Township by an entity selected by the Township.

ii. If the Data Center Development is to rely upon nonpublic sources of water, a water feasibility study shall be provided with the preliminary land development plan application. The purpose of the study will be to determine if there is an adequate supply of water for the proposed Data Center Developer and to estimate the impact of the Data Center on existing wells in the vicinity. No Data Center Development shall receive final land development approval without sufficient water supply, which may include "trucked in" water for filling, wells, beneficial reuse of treated water, water storage systems, and such other systems approved by the Delaware River Basin Commission and Susquehanna River Basin Commission, and no Data Center Development shall receive final land development approval that demonstrates the likelihood of adverse impacts on existing wells, without mitigation, in the vicinity.

iii. Notwithstanding the foregoing, the water system and water supply sources, may be developed in phases and over a period of time. Developer is permitted to demonstrate, for each proposed phase, adequate water supply and no adverse impact on said water supply or suitable mitigation of any impacts for each phase. The cumulative studies of each phase must show, at full buildout, that the proposed water usage is not detrimental or that adverse impacts have been adequately mitigated. A water feasibility study, submitted with the preliminary plan, shall include the following minimum information:

1. Calculations of the projected water needs.
2. A geologic map of the area with a radius of at least one mile from the site.
3. The location of all existing wells available through Pennsylvania Department of Environmental Protection or Clifton Township records

within the Township which are within 1,000 feet of each proposed well site on the subject property to be developed, with a notation of the capacity of all high-yield wells.

4. The location of all streams within 1,000 feet of the site and all known point sources of pollution.
5. Based on the geologic formation(s) underlying the Property, the long-term safe yield shall be determined.
6. A determination, in the opinion of a professional hydrogeologist to be retained by Developer and approved by the Township, in its reasonable exercise of discretion, of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
7. Identification of how, and at what temperature, water will be recycled or released into surrounding water bodies.
8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
9. To the extent DRBC and/or SRBC approval is required for any wells or draw permits within Clifton Township, the same shall be deemed sufficient to satisfy the conditions of this Section.

iii. All nonpublic well water supply sources serving the Data Center Development will have a gauge to monitor usage. The Developer shall provide to the Township a monthly report of water drawn by each well.

iv. All well water needed for the initial fill of each building cooling system will be provided from an outside source and not pulled from wells in Clifton Township.

v. All nonpublic well water supply sources serving the Data Center Development that meet the following criteria shall be located in Covington Township:

1. Well water withdrawals of 50,000 gallons per day (gpd) or more over a 30- day average from any source or combination of sources.
2. Well water withdrawals involving consumptive water use of 10,000 gpd or more over a 30-day average from any water source.

vi. Clifton Township consents to wells that are located in Covington Township serving buildings located in Clifton Township and shall issue such permit and/or execute any agreements reasonably and customarily required for the provision of said intermunicipal service. All costs of such agreements and service shall be paid by Developer.

j. Electric Service

- i. In connection with the Preliminary Land Development Plan, the Developer shall provide an interconnection agreement or feasibility study from the applicable electric service provider indicating that the necessary capacity is available, and that the Data Center Development will be served by the electric service provider. If provided by the electric service provider in its feasibility study, the Developer shall identify known impacts on electric rates or availability for other uses directly attributable to the Data Center Development and said impacts shall be forth in the interconnection agreement.

k. Noise Control

- i. Developer shall incorporate absorptive sound barriers and materials in and around all generators in sufficient design to meet the sound performance standards set forth in subsection k.ii., next below. Proof of materials used will be provided to the Township.
- ii. For Data Center Uses, the Developer shall demonstrate through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing and/or absorbing materials or systems, approved by the Township professional acoustical expert, will effectively reduce the sound generated by the Data Center Uses (including DCE) during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 65 dB(A) and a maximum nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level of 55 dB(A) as measured from all external property lines of the Data Center Development. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following phases:
 1. A preliminary sound study for the Data Center Development and associated DCE shall be conducted as part of the Preliminary Land Development process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits. The Township may have a preliminary sound study generated on its behalf. The cost of the study shall be reasonable, funded by the Developer and the Township shall solely select the entity conducting the sound study.
 2. An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center Development and associated DCE depicted on the building

plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center Development. The Township may have an interim sound study generated on its behalf. The cost of the study shall be reasonable, funded by the Developer and the Township shall solely select the entity conducting the sound study.

3. An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center and associated DCE prior to the final escrow release for any Data Center Development land development phase. An as-built sound study may also be required thereafter by the Township upon request.
4. If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of a Data Center shall promptly remediate the violation and shall provide a sound study showing that the sound does not exceed the limits set forth at Paragraph k.ii, above. The Township may select an entity to conduct a sound study to verify that the sound does not exceed the limits established by the Zoning Ordinance, and the cost of the sound study shall be borne solely by the Developer. If the non-compliance is not remedied within thirty (30) days, the zoning permit may be rescinded until compliance is achieved.
5. In the event of a failure by the owner or occupant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the Data Center Development.
 - a. Notwithstanding the foregoing, during a power outage which removes power from all or a part of any Data Center building, of the Data Center Development, the above noise limits shall not be in effect; it being recognized that the Data Center must be able to operate 24 hours per day, and 7 days per week without power interruption. In the event of such power outage, the Data Center building, or Data Center Development, Operator, as applicable, must re-establish compliance with the noise provisions herein within three (3) hours of the restoration of power.

1. Decommissioning Plan for Power Generation Plant.

If a Power Generation Plant is proposed for construction, as part of the preliminary plan submission, the Developer shall submit a suggested decommissioning plan for the Power Generation Plant if it is no longer used at the end of its useful life. Such decommissioning plan shall include reuse, demolition and other adaptive reuse options. Such decommissioning plan may be amended by the Developer and/or Power Generation Plant operator at a future date, and

shall be accepted for review and reviewed by the Township upon receipt of such amendment. The decommissioning plan will not require the abandonment of the property reserved for power generation, nor require any dedication of property to any governmental agency. The decommissioning plan may include redevelopment in accordance with this Settlement Agreement.

[END OF EXHIBIT B]

NOTICE OF PUBLIC MEETING

TAKE NOTICE that the Board of Supervisors of Clifton Township will hold a special meeting on Monday, September 29, 2025 at 7:00 p.m., at the Gouldsboro Fire Company, 490 Main St, Gouldsboro, PA 18424. The purpose of the meeting is to discuss and potentially enter into a proposed settlement agreement with 1778 Rich Pike LLC and JCO, LLC ("Applicants") with regard to the Applicants' substantive validity challenge that is presently before the Clifton Township Zoning Hearing Board. The proposed settlement agreement is available for inspection at the Township's office at 361 State Route 435, Clifton Township, Pennsylvania between 9:00 A.M. and 1:00 P.M. on Tuesdays, Wednesdays and Thursdays. The proposed settlement agreement is also viewable as an attachment to the meeting agenda posted on the Township's website: <https://www.cliflontownship.com>.

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