



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

## **AGENDA**

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

**Date:** January 2, 2026

**Call to Order**

**Pledge to the Flag**

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

**New Business:**

- Discuss and potentially enter into a proposed settlement agreement with 1778 Rich Pike LLC and JCO, LLC

**\*Public Comment Period**

**Adjournment**

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

**IN RE: APPEAL OF 1778 RICH PIKE LLC**

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, and the Procedural 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 Court of Common Pleas of Lackawanna County as part of Developer's appeal from the denial of the Validity Challenge by the Zoning Hearing Board of Clifton Township, which appeal is docketed at No. 25-CV-9492.

2. Resolution of Validity Challenge. The Developer agrees that the final and unappealable approval of this Stipulation by the Court of Common Pleas shall constitute a full and complete resolution of the Validity Challenge and Developer shall not further pursue the Validity Challenge. Furthermore, Developer and/or Owner shall withdrawal 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 Court of Common Pleas.

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 battery storage and as 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 for battery storage, and 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 Development in accordance with this Stipulation.

4. Development Standards. The development and use of the Property for battery storage and as a Data Center Development 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 (Settlement 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 Court of Common Pleas to file an application with the Township for preliminary subdivision and land development approval for the development of the Property for the proposed Data Center Development in accordance with this Stipulation.

6. No Admission of Invalidity of current Zoning Ordinance, as amended. 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 Court 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/was 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 Meeting and Approval. The parties agree to jointly present this Stipulation to the Court of Common Pleas of Lackawanna County. The Township shall adopt and approve this Stipulation at a duly advertised public meeting.

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:

Title:

**DEVELOPER:**

JCO, LLC

By: \_\_\_\_\_

Name:

Title:

**TOWNSHIP:**

CLIFTON TOWNSHIP

By: \_\_\_\_\_

Name: Jill Zindle

Title: Supervisor

By: \_\_\_\_\_

Name: Ted Stout

Title: Supervisor

By: \_\_\_\_\_

Name: Richard Grab

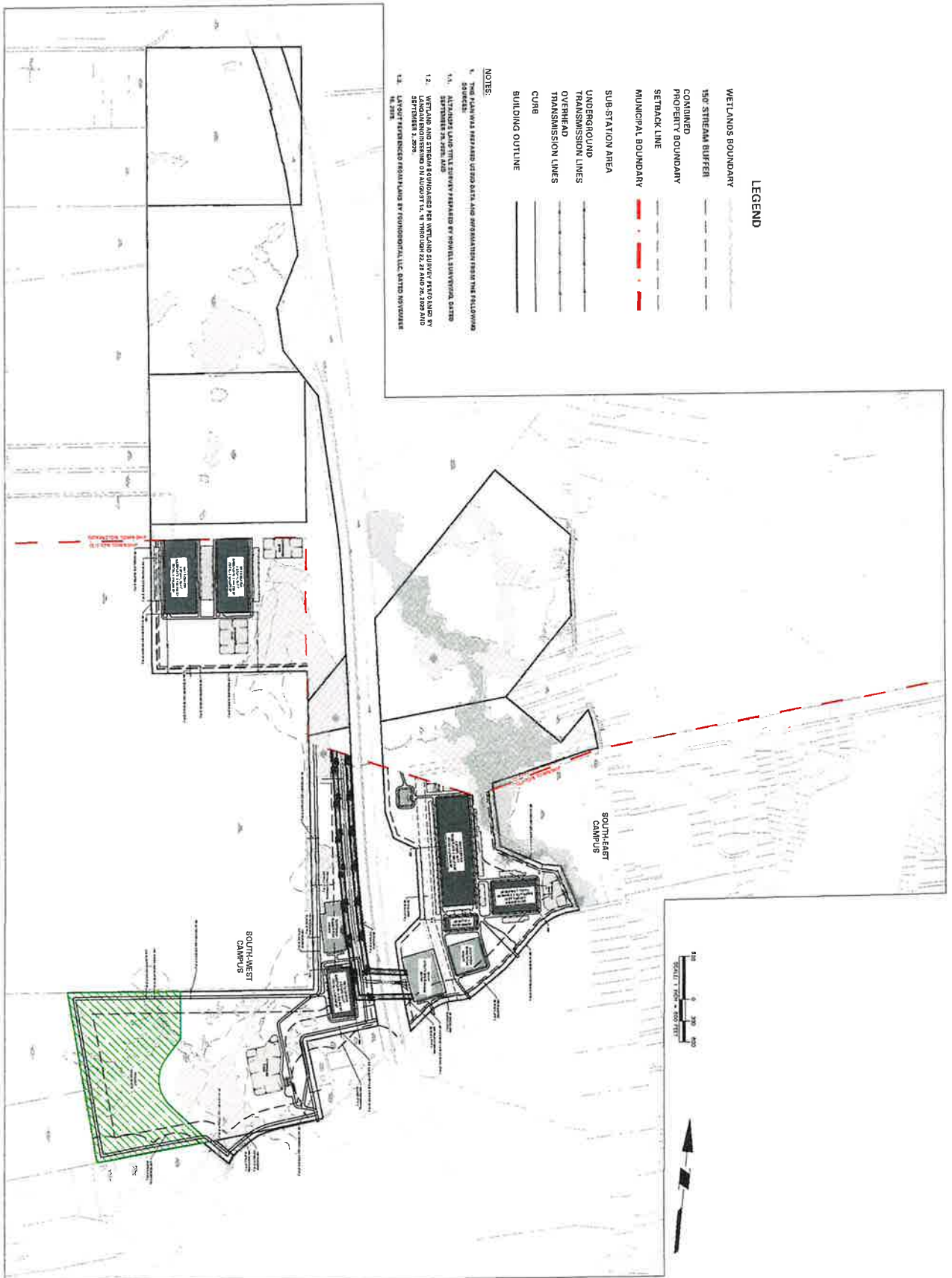
Title: Supervisor

FORM ORDER TO BE INSERTED

# LEGEND

- WETLANDS BOUNDARY
- 150' STREAM BUFFER
- CONFINED
- PROPERTY BOUNDARY
- SETBACK LINE
- MUNICIPAL BOUNDARY
- SUB-STATION AREA
- UNDERGROUND TRANSMISSION LINES
- OVERHEAD TRANSMISSION LINES
- CURB
- BUILDING OUTLINE

- NOTES:
1. THIS PLAN WAS PREPARED USING DATA AND INFORMATION FROM THE FOLLOWING SOURCES:
  2. AIRPHOTOS LAND TITLE SURVEY PREPARED BY PERKINS SURVEYING, DATED SEPTEMBER 16, 2011, AND
  3. WETLAND AND STREAM BOUNDARIES PER WETLAND SURVEY PERFORMED BY DEPTERSON S. 2011.
  4. LAYOUT REFERENCE FROM PLANS BY PERKINS SURVEYING, DATED NOVEMBER 16, 2011.



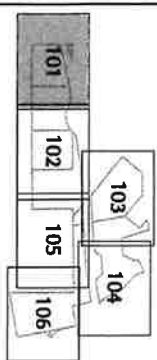
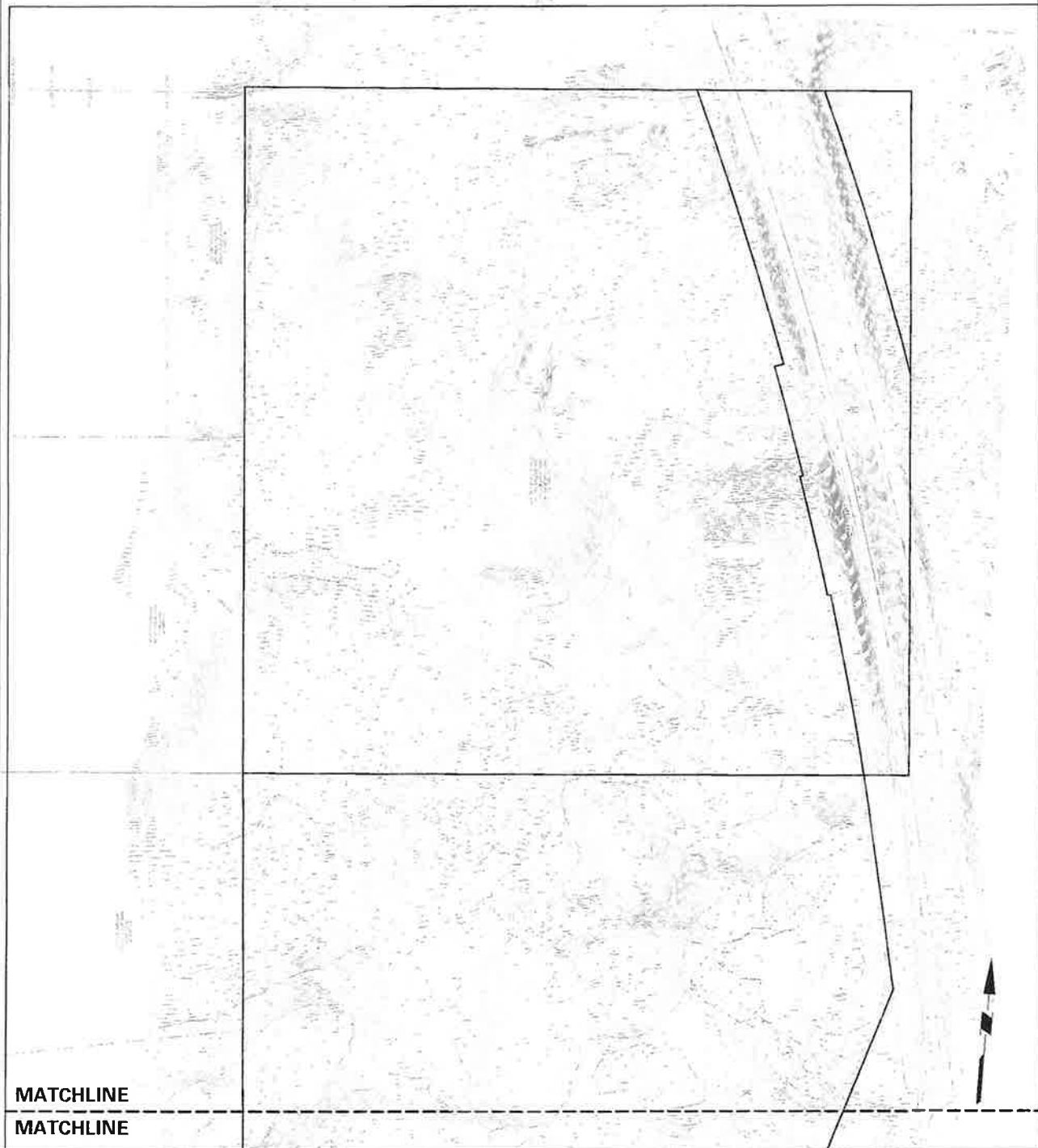
Date	Description	No.
REVISIONS		

<b>PROJECT</b> PROJECT NO. 200234201 Scale 1/8" = 1'-0" Drawn By CM Checked By Z		<b>TITLE</b> DRAWING NO. EX-01	
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<b>PROJECT GOLD</b> LOCKMAN/GRANT CLINTON PENNSYLVANIA		<b>LANGAN</b> Langan Engineering and Consulting, Inc. State House Campus, 2700 N. State, Suite 200 Warrenton, OR 97146 T 503.861.1500 F 503.861.1501 www.langan.com	
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KEY MAP SCALE: 1' = 3,000'



0144	Reception	No.
REVISIONS		
		
PROJECT: 00000000, RTN 5, QTR 5P DATE: 04/01/00, 00:00:00 DATE: 05/04/00		
<b>LANGAN</b> CONSULTANTS, INC. Environmental Services, LLC 3000 Market Street, Suite 200 Warfordsburg, PA 16806 www.langan.com		
PROJECT		
PROJECT GOLD		
CLINTON		
PENNSYLVANIA		
Drawing Title		
SITE PLAN		
Project No.	Drawing No.	
0000000001		
14510001		
Scale of 1" = 40'		
Drawn by: CM		
Sheet 3 of 7		
EX-02		



MATCHLINE  
MATCHLINE

MATCHLINE

TOWNSHIP  
VNSHIP

100' BUILDING SETBACK (TYP.)  
75' WOODLAND BUFFER (TYP.)

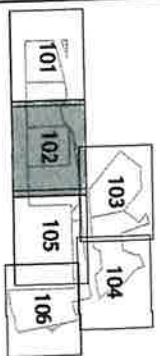
DATA CENTER  
2 STORY, 85 FT  
BASEPLATE: ± 459,650 SF  
TOTAL: ± 919,300 SF

DATA CENTER  
2 STORY, 85 FT  
BASEPLATE: ± 460,250 SF  
TOTAL: ± 920,500 SF

STORMWATER  
BASIN

KEY MAP

SCALE: 1"=3,000'



Project No. 20024201  
Date 10/20/2015  
Scale 1"=3,000'  
Checked By CM  
Sheet 3 of 7

SITE PLAN

PROJECT GOLD

**LANGAN**

Langdon Engineering and  
Environmental Services, LLC  
One New Corporate Center, 2700 Valley Road, Suite 200  
Warrenton, OR 97146  
F 503.861.0000 www.langan.com

Professional Engineer  
STATE OF OREGON  
No. 20024201

DATE 10/20/2015

REVISIONS

DATE

DESCRIPTION

BY

CHK

APP

DATE

DESCRIPTION

BY

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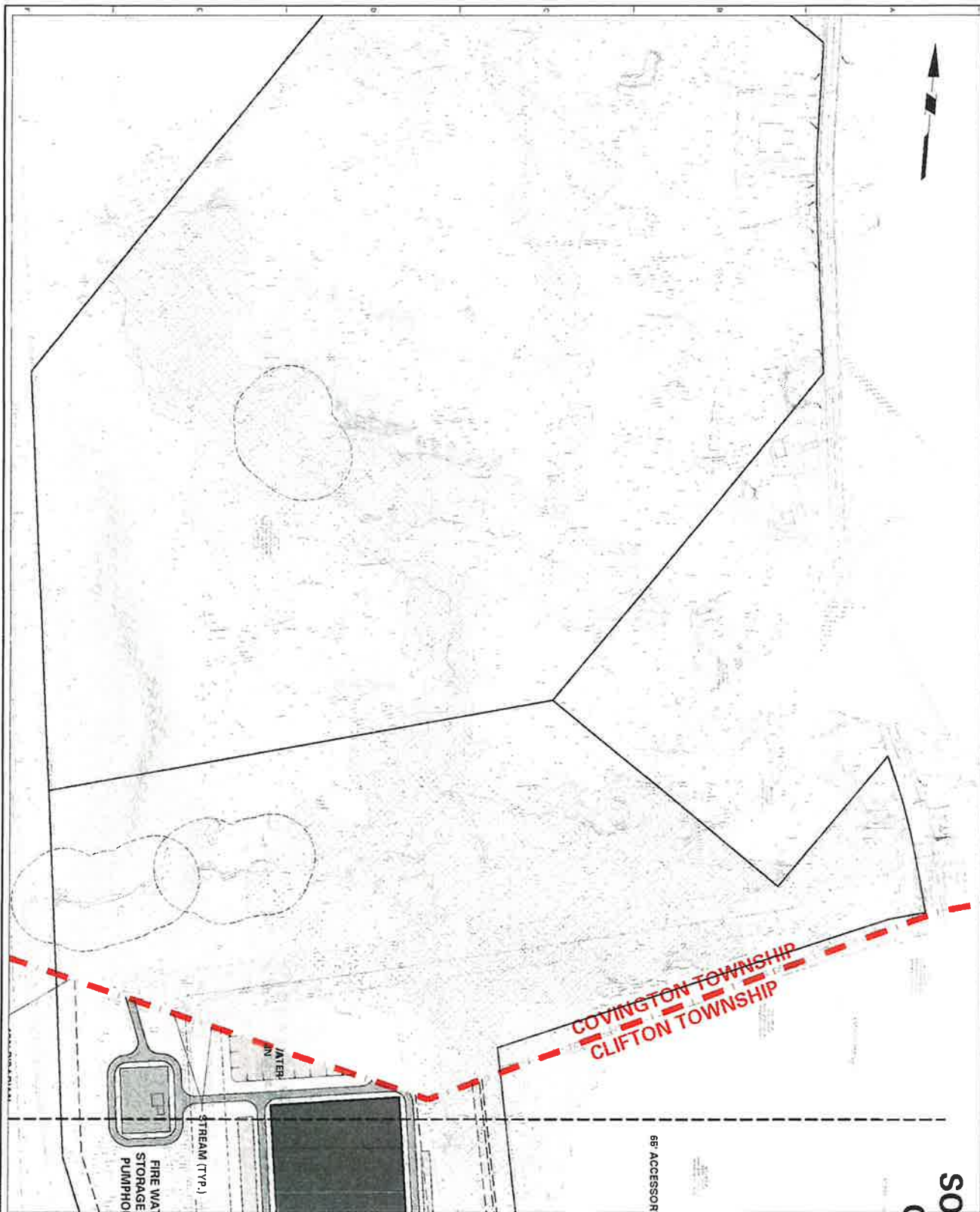
BY

CHK

APP

DATE

DESCRIPTION



**KEY MAP** SCALE: 1"=3,000'

101	102	103	104	105	106
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**PROJECT GOLD**

**SITE PLAN**

**EX-04**

Project No. 200224201  
Scale 1/2"=100'  
Drawn By: JMA  
Checked By: JMA

**LANGAN**  
Langan Engineering and Environmental Services, LLC  
300 New Castle Street, 200 West Road, Suite 200  
Washington, PA 15381  
Tel: 724.491.8600 Fax: 724.491.6501 www.langan.com

**CLIFTON**  
CLIFTON TOWNSHIP  
CLIFTON TOWNSHIP

**66' ACCESSOR**

**STREAM (TYP.)**

**FIRE WA STORAGE PUMPHO**

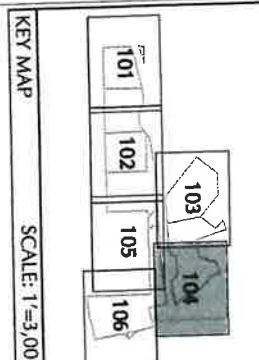
**INTER**

**COVINGTON TOWNSHIP**  
**CLIFTON TOWNSHIP**

**SO**

**DATE** 2002/24/201  
**DESCRIPTION** REVISIONS  
**REV**




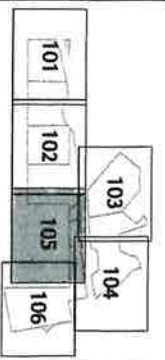
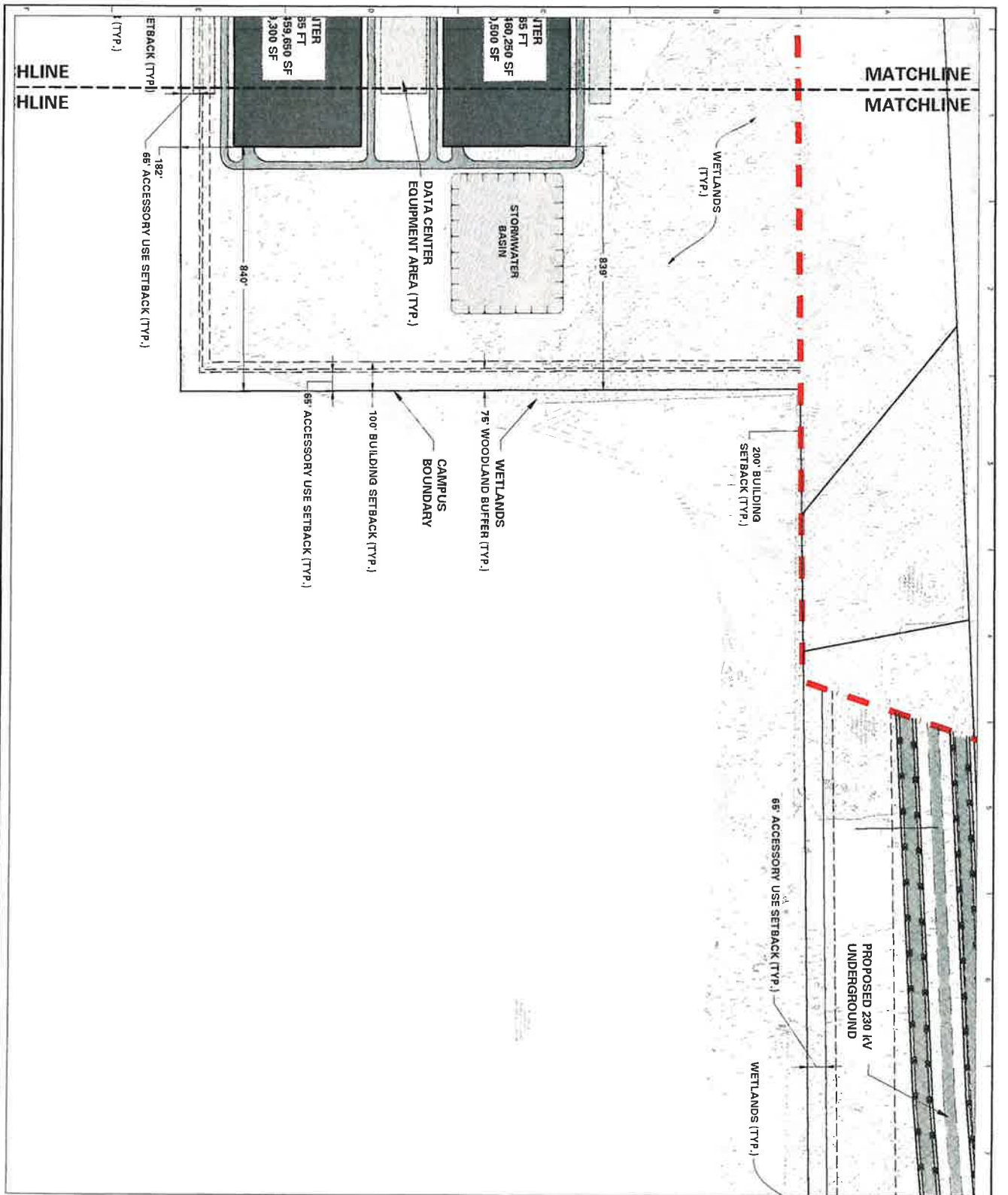


KEY MAP SCALE: 1"=3,00'

Printed No. 2011470

LANGAN

Date	Description	No.
REVISIONS		
		
PROJECT NO. <b>EX-05</b> DRAWING NO. <b>EX-05</b> SHEET NO. <b>EX-05</b> DATE <b>EX-05</b> BY <b>EX-05</b> CHECKED BY <b>EX-05</b> DESIGNED BY <b>EX-05</b> SCALE <b>EX-05</b> SHEET NO. <b>EX-05</b> OF <b>EX-05</b>		



KEY MAP SCALE: 1"=3,000'



<b>PROJECT GOLD</b> CLIFTON PROJECT NO. 2002242501		<b>LANGAN</b> Langan Engineering and Environmental Services, LLC 2700 Walnut Street, Suite 200 Wallingford, PA 19086 P 215 681 1900 F 215 681 6601 www.langan.com	
<b>SITE PLAN</b> Drawing No. 2002242501-06 Scale 1/8"=100'-0" Drawn By: OA Checked By: 2		Date: 2/26/08 Description: REVISIONS No.	







**EXHIBIT A**

Settlement Plan

(to be attached)

## 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, 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”). Power generation, grid based and/or primary “island generation” is expressly not permitted under this Agreement.
  - b. “Data Center Accessory Uses” – Generally include utilities, utility lines, electrical substations, sanitary pump stations, water towers, fire pumps, fire pump houses/structures, fire water storage towers, mechanical equipment and environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications, commissioning buildings, “rack recycling” and/or disassembly buildings, warehouse for use in the Data Center Development (not for third party use), 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. “Data Center Backup Generator (DCBG)” —includes all forms of onsite generation, including natural gas, diesel and/or other non-electric grid supported forms of power supply, for emergency use.
  - e. “Power Storage System” – A power storage system and the infrastructure system and process used to efficiently store, distribute and manage the power delivered to the Data Center Development, but which may also be used by a utility as part of a public utility grid connected solution. Power Storage System may also include



BESS (Battery Energy Storage System), which provides energy support to the Property, local, regional or overall power grid.

- f. “Power Generation” - New power generation systems, using natural gas, or other fuel sources, to provide new on-site (aka “island”) generation or grid connected power generation. It is specifically agreed that no power generation shall be developed by the Developer on the Property. This restriction does not restrict Data Center Backup Generators. As a material condition of this Settlement Agreement, Developer shall not seek to develop new power generation at any other property in the Township.

3. For clarity, the following terms are also used in this Agreement:

- a. “Northwest Campus” shall be the area, shown on Exhibit A, closest to Dorantown Road and to the west of RT. 380. This part of the Data Center Development Property is located in more than one township.
- b. “Southwest Campus” shall be area shown on Exhibit A, closest to Clifton Beach Road and to the west of RT. 380.
- c. “Southeast Campus” shall be the area shown on Exhibit A, closest to Clifton Beach Road, Drinker Turnpike Road, and to the east of Rt. 380. This part of the Data Center Development is located in more than one Township.

The relief contained in this Agreement ONLY applies to the portions of the proposed Data Center Development located in Clifton Township and any other development, even if shown on Exhibit, but which is located in another Township, shall be subject to the laws and regulations of such other township(s). All Data Center Uses are permitted in all three campuses noted above.

4. The development and use of the Property as a Data Center Development in Clifton Township, 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 Development or any of the Data Center Uses on the Property.
- b. Primary access for no more than one (up to 320,000 sq. ft.) Data Center building and any associated Data Center Accessory Uses on the Southwest Campus, shall be permitted from Clifton Beach Road.
- c. Primary access for any other Data Center and/or support buildings on the Northwestern Campus shall be from Sandy Beach or Dorantown Road, as applicable, and as shown on the Exhibit A. Clifton Township agrees to permit access to these buildings through other townships.

- d. As it relates to the Southwest Campus, the distance from residences for the Data Center Building and any Data Center Accessory Uses shall be shown on 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 Southwest Campus. No Data Center Building shall be located on the portion of the Property that is zoned Residential, but access and utility related improvements shall be permitted in the Residential zone. In the event the Zoning Line for the Southwest campus was not established by a survey at time of adoption, then Exhibit A shall control as to the location of the zoning district boundary for the Southwest Campus.
- e. Developer agrees to not seek relief, nor propose development in the Data Center Development, for power generation (grid connected or primary use), at the Data Center Development (this includes abandoning plans for an SMR and/or combined cycle gas fired generation plant) on the Southeast Campus, as shown on the Plan. Developer shall be permitted to construct two-story Data Center buildings, subject to the height limitations set forth herein, of not more than 2,000,000 sq. ft. (no more than 1,000,000 sq. ft. of aggregate building footprint), together with such Data Center Accessory uses and Data Center Equipment as permitted hereby, on the Clifton Township portion of Southeast Campus. All such Southeast Campus Data Center Development must be consistent with the terms of this Agreement. Developer shall use reasonable efforts, to gain access to the Southeast Campus from Drinker Turnpike Road provided that no additional wetland crossings or bridges are necessary. Developer shall comply with and construct, or have posted financial security with the Township and/or PennDOT as applicable for, all PennDOT required improvements on Drinker Turnpike Road, Sandy Beach Road and Clifton Beach Road prior to the issuance of an occupancy permit for any development in the Southeast Campus. Primary access to any Power Storage System in Clifton Township shall, to the extent practical, be from Drinker Turnpike Road, or from a combined entrance from Clifton Beach Road as part of the Southeast Campus development.
- f. Public Utility and privately owned and used in the Data Center Development utility lines, power lines, and substations/switchyards, for both public and private utility usage, and connection to the electric grid, 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.
- g. Disposal and treatment of all sewage and wastewater generated by the Data Center Development shall occur outside of Clifton Township and, to the extent permitted and approved, may be by way of a centralized collection and treatment system located outside of Clifton Township. Notwithstanding the foregoing, collection and conveyance systems, such as pipes and pump stations, are not prohibited. "Pump and Haul", for temporary treatment and disposal while connection are built to the public system shall be permitted, subject to current PA DEP and local regulations. Clifton Township shall amend its Act 537 Plans (sewer planning), approve sewer

planning modules, and enter into such reasonable, customary and necessary intermunicipal agreements with any local or regional provider of centralized sewage treatment 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 intermunicipal agreements shall be borne by Developer. All costs of preparation of such agreements shall be paid by Developer.

- h. A woodland buffer equal to a minimum of one hundred (100) feet in depth shall be maintained on the SW Campus and seventy-five (75) feet in depth shall be maintained on the NW Campus and SE Campus, adjacent to all exterior property boundaries of the Data Center Development, except along Rt 380, where no additional buffer will be required. In the event the roof deck height of any building is increased for any reason above 75 feet, including via variance relief, then the woodland buffer shall be increased to a depth equal to the height of proposed roof deck. The woodlands buffer shall be outside any perimeter fence constructed for security of the Data Center Development, excepting along access roads and utility easements where the fence may be inside the woodland buffer and/or atop any retaining walls as required by building codes. Notwithstanding the foregoing, fences, access roads and utility crossings/poles and emergency access features may be permitted in the woodland buffer.
- i. In the event that the 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. Existing vegetation shall be maintained to a distance of not less than fifty feet (50') from a property line, except for access and utility easements/rights-of-way, fencing and/or retaining walls for which existing vegetation may be removed. When abutting any residential use, that distance shall be consistent with the woodland buffer in 4(h) next-above. The removed vegetation will be replaced in accordance with this Agreement after completion of construction.
- j. 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. The following setbacks shall be maintained for the Data Center Development and any truck parking or staging areas and shall be measured from the property lot line, or the edge of the ultimate right-of-way of any public road.
    - 1. Data Center principal buildings shall be located at least 100 feet from the any property line, adjoining the proposed Data Center Development, subject to J.i.3, below. and if any building is over 65 feet to the primary roof (excluding dunnage) for any reason, then two feet shall be added to the setback for any one foot over 65 ft,

2. Truck Parking and staging areas of three hundred feet (300') from all property lines and road rights-of-way.
  3. Data Center Buildings shall be no less than four hundred feet (400') from any presently existing, occupied residential structure which is not part of the project parcel.
- ii. Data Center Accessory Uses shall have a minimum setback from any adjoining property line of sixty-five (65'). Roadways and retaining wall shall not be subject to the setback and are not considered to be Data Center Accessory Uses.
  - iii. Notwithstanding any other provision hereof, where any lot line of the Property adjoins other property which is zoned residential, building setbacks, determined on an individual building basis, shall be the greater of the specific building height of the building or 400 feet measured from the nearest currently occupiable primary residence on the adjoining property at the time of the execution of this Stipulation. Such estimated setbacks are shown on Exhibit A. This increased setback for any particular building will not apply to future built residences or structures not in existence as of the execution of this Stipulation.
  - iv. The above-described setback standards shall not apply to those property lines that abut the right-of-way of Route 380. The setback from the property line abutting Rt. 380 shall be 65 feet.
  - v. To the extent otherwise applicable, these setback requirements shall not apply to access roads, underground utilities and high voltage lines.
  - vi. Security operations, but not vehicle rejection courts, 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, except Route 380.
  - vii. Maximum building height, as measured to the roof deck and exclusive of parapet and rooftop equipment screening for a Data Center shall 65 feet for either a one-story or two-story building. The parapet, screening and dunnage for said rooftop equipment and such equipment placed on such dunnage, in combined height above the tallest portion of the roof, shall be no more than 15 feet high. Screening shall be set no higher than such combined height of 15 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 80 feet. For purposes of illustration, if the equipment and

screening in an area of the roof is 15 feet, then the maximum roof height shall be 65 feet. Pilot houses/elevator access points (doors, elevator landings, etc.) and roof access floor level to such dunnage shall not extend beyond the height of the dunnage. The total roof height of said access shall be limited to 80 feet.

- viii. Maximum building height for all other non-data center and non-power generation buildings in the Data Center Development shall not exceed thirty-five feet (35'). Examples of structures that are subject to this height restriction are administrative buildings, warehouses, commissioning facilities, storage facilities related to the Data Center Development only (and not for third-party rental/usage), security buildings, etc. Data Center Equipment, including cooling equipment, which is not contained in a building, shall not exceed a height of thirty- five feet (35').
- ix. Data Center Backup Generators shall not be located between the building(s) and a Township and/or PennDOT street/road upon which the Property fronts, excepting Rt 380, nor between any Data Center Building and a residential property boundary. For avoidance of confusion, Data Center Equipment and Data Center Backup Generators may face Route 380 so as to place the Data Center Building between any Data Center Equipment or Data Center Backup Generators and any adjoining property boundary in Clifton. 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.
- x. Data Center Equipment shall be screened from all adjacent Township and PennDOT roads and all residential uses in existence at the time of the execution of this Stipulation with the minimum vegetative buffer set forth herein. All Data Center Equipment between a Data Center Building and a residential property boundary must meet the sound requirements set forth in this Agreement, and/or must be attenuated/screened to achieve the permitted sound levels as required by this Agreement.
- xi. The Land Development Plan(s) submitted by Developer for the Data Center Development, including Preliminary Plan(s), shall, in addition to all other information required by law or ordinance, illustrate the following:
  - 1. The location of all proposed uses, accessory uses, preserved land, Data Center(s), Data Center Accessory Uses, DCE, Backup generator power storage, substations, cooling and heating equipment, water supply, storage and management systems, fuel supply, storage and management systems, wastewater treatment system(s), waste disposal systems, all currently proposed infrastructure, and the location of all buildings and structures.

2. Existing and proposed public and private roadways, conservation areas, floodplains, steep slopes, relationships to other properties, proposed setbacks, proposed buffers and landscaping, proposed sidewalks, proposed emergency access locations.
  3. All parcel boundaries and existing topography.
  4. All waterways and the delineation of all wetlands.
  5. A lighting plan which proposes and uses Dark Sky International compliant fixtures for external lighting, excepting emergency lights which shall meet applicable codes. In the event of a conflict between any Dark Sky International proposals any building or safety code, the building/safety code shall control.
- xii. 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, to document potential impacts and necessary mitigation measures revealed in such studies. Developer shall also submit a Community Fiscal Benefit/Impact Study as part of its Preliminary Land Development Plan submission.
1. The Traffic Study shall include the number of employees expected per shift and the frequency and volume of all anticipated vehicle and truck traffic after construction is completed. The trip generation for these items shall be provided using the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
  2. The Community Fiscal Benefit/Impact Study shall include a good faith estimate of the costs incurred to the Township related to infrastructure, emergency preparedness, administrative costs, and fire protection shall be provided and itemized. Additionally, a good faith estimate of the revenues generated by the Data Centers shall be provided as well. The revenue estimate shall include revenues generated from real estate sales, real estate taxes and income taxes and submitted to the Township, North Pocono School District and Lackawanna County.
- xiii. The Data Center Developments shall, to the extent practical, use the latest technology to eliminate or reduce the number of Data Center Backup Generators. For example, if PPL can provide sufficient power and redundancy, commonly referred to as “N-1-1” redundancy and “4-9’s”

reliability, the Developer will explore not using backup generators at each Data Center Building. It is agreed and understood that approximately 60MW of total Data Center Backup Generators may be needed in Clifton Township for the control and administrative buildings and for security for the Data Center Development, even if the other Data Center Backup Generators are otherwise eliminated.

k. Water Service

- i. **For clarity and to avoid confusion, no centralized water system served by wells may be used for the cooling system of any Data Center Development.**
- ii. 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 licensed in Pennsylvania and reasonably approved by the Township, indicating the proposed quantity of water required.
  1. The study of raw water needs shall be segregated into a minimum of 2 components, to wit: 1) cooling system and/or non-potable, fire suppression and/or humidification needs (hereinafter “Non-Potable Uses”) and 2) humidification/potable use/fire suppression uses (hereinafter “Potable Uses”).
  2. If the source of any water use is from a municipal system or public utility, the Developer shall submit documentation that the public utility/authority/system will supply the water needed.
  3. If the source of any water use is from a non-municipal source or system or non-public utility provider then the Developer shall provide, at the request of the Township, but in no event more frequently than every 2 years or upon documented impact to neighboring wells testing in accordance with Water Service subsection iv.10 below.
  4. Private wells for Potable Uses may be located in Clifton Township to service a building or group of buildings, recognizing that individual wells for each building may be impractical, solely for the purpose of Potable Uses. **For clarity, the closed loop cooling system in the Data Center Development may not be used for Potable Uses.**
- iii. 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, if applicable, 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.

- iv. 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 for Non-Potable Uses and for Potable Uses.
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, a determination of the long-term safe yield.
6. A determination, in the opinion of a licensed professional hydrogeologist to be retained by Developer and reasonably approved by the Township, in its reasonable exercise of discretion, of the effects of the proposed well-based 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 used internally in the data center buildings will be recycled or released into surrounding water bodies, if any such discharge is proposed or shown on a building permit or land development application.



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, said approval shall be deemed sufficient to satisfy the conditions of this Section.
  10. If not otherwise required by the DRBC and/or SRBC, Developer may choose to conduct well monitoring on neighboring wells during any testing for any Non-Potable Uses and Potable Uses in a centralized water system and/or in Clifton. Private wells on properties within 1000 feet of the proposed well(s) for the Data Center Development and located within Clifton Township shall be offered such testing if Developer elects to perform such testing.
- v. All well water needed for the initial fill of each building cooling system will be provided from an outside source, which may include water delivered by truck, and shall not be provided by any well located in Clifton Township.
  - vi. All nonpublic well water supply sources in Clifton Township serving the Data Center Development in Clifton Township will have a gauge to monitor usage. The Developer shall provide to the Township a monthly report of water drawn by each well used for Non-Potable Uses and for Potable Uses.
  - vii. Where feasible, nonpublic well water supply sources serving Potable Uses may be linked together in a system serving more than one Data Center building.
  - viii. Nonpublic well water supply sources serving the Data Center Development that exceed the following limits are prohibited and shall not be located within Clifton 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.
  - ix. Clifton Township consents to wells that are located outside Clifton Township, and other outside water services to serve buildings and facilities located in Clifton Township and shall issue such permits 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.

- x. Water storage tanks, including those specifically designed for fire suppression and safety shall not exceed a height of eighty-five feet (85'). Notwithstanding the foregoing, the height of any such water storage tank shall be limited to the height specified by the architect/mechanical engineer designing the Data Center Buildings, such that if less than 85 feet is needed, the water storage tanks shall be limited to the demonstrated minimum necessary height.

l. 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. Developer shall make all utility-required contributions and pay all costs set forth in any interconnection agreement or electric service agreement, as applicable.

m. 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 m.ii, next below. Proof of materials used will be provided to the Township as part of the preliminary and final land development plans. Developer may amend the material submitted, based on then currently available materials, provided they are equal or better at sound absorption than the material identified previously 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. For purposes of clarity, the preliminary sound study by submitted by Developer shall be an assumption based on industry standard equipment (trade secret

equipment information and other proprietary information may be redacted but shall be certified by the Acoustical Engineer retained by Developer as representative). For further clarity, a sound study is a forward-looking estimate of sound levels, and a sampling/measuring is of actual existing conditions (accounting for background levels from areas such as Rt. 380 and the nearby industrial park). After the initial sound study, only samplings/measuring shall be required. A sound study and/or sound sampling/measuring shall be conducted at the following phases:

1. Prior to the Preliminary Plan submission, Developer shall perform an acoustical and sound level sampling at the perimeter of its Property to establish baseline and background noise. The sampling shall be completed in accordance with the recommendations of the Acoustical Engineer. This sampling shall establish the existing conditions at the Property. The study will be submitted to the Township in advance of the preliminary plan submission, and the Township shall have 30 days to request additional samples, and if no such request is made, the sampling shall be deemed conclusive as to background levels.
2. A preliminary sound study, using “typical industry equipment” guidelines, as established by an Acoustical Engineer retained by Developer for the Data Center Development and associated DCE shall be submitted 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 also have a preliminary sound study generated on its behalf. The cost of the study shall be reasonable and funded by the Developer during the preliminary land development process.
3. An interim sound sampling and evaluation, using actual equipment and still accounting for background levels, shall be conducted during construction for every 3 buildings completed in Clifton Township 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 preliminary sound study shall be incorporated into the construction plans for the Data Center Development, and any supplemental sound reducing materials shall be added after the interim sound samplings, if required. The Township may have an additional interim sound samples generated on its behalf. The cost of the Township ordered sample, if there is a proven violation of the noise standards set forth herein, shall be paid by the Developer and shall be deducted from any escrow account or invoiced to Developer if the escrow is insufficient and shall be paid within thirty (30) days.

4. After completion of all proposed construction in Clifton Township, an as-built sound survey (measuring actual sound levels, and accounting for background levels from areas such as Rt. 380 and the nearby industrial park), 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 survey may also be required thereafter by the Township upon reasonable request after a documented exceedance of the standards set forth herein.
- iii. If it is determined by an as-built sound survey that there is a violation of the aforesaid sound limits, then the owner or occupant of a Data Center shall promptly remediate the violation, or provided to the Township a corrective action plan to mitigate any violation within the shortest time frame reasonably possible, but in no event greater than 30 days, and shall provide a sound survey showing that the sound does not exceed the limits set forth at subsection m.ii, above. The Township may select an entity to conduct an independent sound survey to verify that the sound does not exceed the limits established by this Agreement, and the cost of the sound study, if a continued exceedance is established, shall be borne solely by the Developer. If the non-compliance is not remedied within thirty (30) days, the zoning permit for the individual building causing the exceedance, may be rescinded until compliance is achieved. If work is delayed due to a force majeure, the time period for compliance shall be reasonably extended.
  - iv. 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 building causing the exceedance until compliance is achieved.
    1. 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.
- n. Emergency Response Preparedness
    - i. All Data Center Development structures shall adhere to the standards of National Fire Protection Association (NFPA) 75, "Standard for the Fire Protection of Information Technology Equipment," as amended. Owners and operators of Data Centers shall be required to participate in annual

emergency management and fire mitigation training with the local Fire Departments and mutual aid companies.

- ii. All buildings shall maintain perimeter access around all sides of the building for fire protection at least twenty feet (20') wide.
- iii. The applicant shall furnish evidence of an on-site water supply adequate for and exclusively used for firefighting purposes. The supply must include ample water to mitigate a fire in anticipation of a 10-minute response time for fire service arrival and shall be approved by the Fire Chiefs of two (2) local Fire Departments on an annual basis. This water requirement may be provided by wells located in Clifton Township.
- iv. The applicant shall furnish evidence of an on-site water supply adequate for and exclusively used for firefighting purposes. The supply must include ample water to mitigate a fire in anticipation of a 10-minute response time for fire service arrival and shall be approved by the Fire Chiefs of two (2) local Fire Departments on an annual basis.
- v. All Data Centers shall be required to provide the local fire departments with any required equipment to properly and safely extinguish a fire. (i.e. foam, equipment or vehicles etc.) This will be at the sole expense of the owner/operator.

[END OF DOCUMENT]

## NOTICE OF PUBLIC MEETING

TAKE NOTICE that the Board of Supervisors of Clifton Township will hold a special meeting on Friday, January 2, 2026 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 Lackawanna County Court of Common Pleas, Docket No. 25-CV-9492. 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>.

DURNEY, WORTHINGTON & MADDEN, LLC

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