

Memorandum

To: Town of Orangetown Planning Board
From: AKRF, Inc.
Date: October 1, 2025
Re: Databank Phase 2 Review

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TOWN OF ORANGETOWN
LAND USE BOARDS

This technical memorandum summarizes AKRF's review of the following documents in connection with the proposed Databank Orangeburg Phase 2 located at 2000 Corporate Drive, Orangeburg:

- Submission letter prepared by Kimley-Horn dated May 16, 2026
- Response to Comments prepared by Kimley-Horn dated May 16, 2025
- Site Development Plan prepared by Kimley-Horn dated May 16, 2025
- Architectural Elevations prepared by Highland Associates dated May 15, 2025
- Revised Full Environmental Assessment Form, Part 1 prepared by Kimley-Horn dated May 10, 2025
- Watercourse Diversion Permit prepared by Kimley-Horn dated May 5, 2025
- Site Sound Study prepared by Acentech dated February 12, 2025
- Wetland Delineation Report prepared by Kimley-Horn dated March 3, 2025
- 2025 Bald Eagle Nest Monitoring Report prepared by Kimley-Horn dated March 20, 2025 and NYSDEC correspondence

A. PROJECT DESCRIPTION

Databank (the "Applicant") proposes to construct a 146,480-square foot (sf) data center with an additional 7,906 sf of office space, 7,395 sf of administration/office space, a 52,095 sf standby power equipment yard, a 72,812 sf electrical substation, 36 parking spaces, and two loading bays (the "Proposed Project" or "Databank Phase 2") at 2000 Corporate Drive in the LIO District (the "Project Site").

The Proposed Project is an expansion of the existing Databank Phase 1 project, which includes a 145,000 sf data center, 41,000 sf of office space, 10,000 sf of administration/office space, 69 parking spaces, and two loading bays ("Databank Phase 1"). Databank Phase 1 was granted a variance by the Town of Orangetown Zoning Board of Appeals for the number of parking spaces, number of loading berths, exterior loading berths, and buffers. As part of the variance, the Applicant was required to provide land banked parking spaces to meet the parking requirements of 739 parking spaces, for a total of 670 land banked parking spaces located where Databank Phase 2 is proposed. The Applicant was granted all requested variances for Databank Phase 1 by the Town of Orangetown Zoning Board of Appeals on September 21, 2022, on the condition that there was room dedicated for the required 670 land banked parking spaces.

The portion of the Project Site proposed for Databank Phase 2 is presently improved with stormwater infrastructure for Phase 1. The Proposed Project requires site plan approval from the Town of Orangetown Planning Board, a Stream Diversion permit from the Town of Orangetown Town Board, and three variances from the Zoning Board of Appeals.

B. NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

The Proposed Project is a Type I Action under SEQRA because it involves the disturbance of over 10 acres of land (§ 617.4(b)(6)(i)) and exceeds 100,000 square feet of gross floor area (§ 617.4(b)(6)(v)). As a Type I Action, the Proposed Project has a greater potential to result in significant adverse impacts, and the Lead Agency is required to take a requisite “hard look” prior to considering any approvals.

The next step in the SEQRA process is the establishment of Lead Agency. The Lead Agency is responsible for conducting a coordinated review of the project among the state and local agencies that have approval or review authority. AKRF understands that the Planning Board’s previous circulation of Intent to be Lead Agency classified the Proposed Project as an Unlisted Action. The classification should be corrected in the Planning Board’s Lead Agency declaration and any further SEQRA documentation.

The Planning Board, once it has been declared Lead Agency, may issue a Negative Declaration or a Positive Declaration. A Negative Declaration can only be issued if the Planning Board finds that the Proposed Project does not have the potential to result in any significant adverse impacts. To achieve a Negative Declaration, the Applicant would be required to submit additional analysis and documentation that would support such determination. If a Negative Declaration is granted, that would conclude the environmental review process.

To issue a Positive Declaration, the Planning Board must review the EAF Part 2 and reach the conclusion that the Proposed Project has the potential to result in one or more significant adverse impacts. A Positive Declaration would require the Applicant to prepare an Environmental Impact Statement (EIS). The Lead Agency does not need to prove that there would be a significant adverse impact to issue a Positive Declaration. If the Planning Board determines an EIS is required, the potential significant adverse impacts would be evaluated in the EIS. The EIS process also formalizes the public comment period and would require the Applicant to analyze alternatives to the Proposed Project. If the Planning Board issues a Positive Declaration, we recommend that the technical comments included in this memorandum be addressed as part of the EIS.

At the next Planning Board meeting, AKRF recommends reviewing the EAF Part 2 and discussing whether the potential impacts of the Proposed Project warrant the preparation of an EIS. In particular, we note that at the time of the Phase 1 application, a Phase 2 was considered but later dropped to provide space for land banked parking. The resumption of an application for a Phase 2 could be considered segmentation under SEQRA, the remedy for such would be the preparation of an EIS that considers the cumulative impacts of Phase 1 and Phase 2.

C. TECHNICAL COMMENTS

ZONING AND LAND USE

1. The Proposed Project includes the expansion of an existing data center and accessory office use in the LIO District, allowed previously through a determination by the ZBA with conditions.
2. There are discrepancies in the proposed height, between the elevations, EAF, and zoning table. Please verify and correct.
3. The Proposed Project meets the majority of the bulk and area requirements for the LIO District; however, variances are required for the following:
 - a. Per Chapter 43, Table 3.11, column 6, the minimum number of required parking spaces is 1,264 and only 105 are proposed.
 - b. Per Chapter 43, Table 3.11, Column 7, #2, “...all accessory off-street loading berths shall be within completely enclosed buildings...”, therefore the proposed outdoor berths require a variance.
 - c. Per Chapter 43, Article VI, Section 6.4, the minimum number of required loading berths is 18 with 4 proposed.

- d. Per Chapter 43, Article V, Section 5.226, “a fence or freestanding wall not more than 4 ½ feet in height is permitted within a required front yard.” A portion of a retaining wall on the southeast is located as close as 53.9 feet within the required 100-foot setback and is proposed to be approximately 11.9 feet tall and will require a variance. Additionally, please confirm/show the retaining wall over around the substation is not located in the required 100-foot setbacks.
4. The layout and size of the proposed substation should be confirmed and shown.
5. A lighting plan has been provided; however, it is incomplete and the proposed lighting for the substation needs to be included. Additionally, the color temperature is not specified, but it appears the color temperature can vary depending on how the Applicant programs the lights; therefore, AKRF recommends the Applicant commits to 3000K or lower to be dark sky compliant.
6. A landscaping plan has been provided; however, no landscaping is shown around the proposed substation. The Applicant should provide a landscaping plan that incorporates the northern section of the property around the substation.

COMMUNITY FACILITIES

7. The materials submitted did not include an assessment of potential impacts to community facilities. The Applicant should assess the potential impacts of the proposed project on community services, in particular fire and emergency services. The analysis should describe existing fire protection in the area and any anticipated changes to service levels in the future without the project. Using quantitative information obtained from comparable commercial projects, assess potential impacts of the proposed project on fire protection. Describe any on-site measures to be used to prevent or fight fires.

INFRASTRUCTURE

8. The FEAF states that there will be 5,295 gallons of liquid waste generated a day for both Phase 1 and Phase 2; however, the submitted sanitary and water flow calculation letter says Building 2 data hall is only 14,687 square feet, when it should be 146,480 square feet. Please recalculate and resubmit. Additionally, a letter from the utility company stating that they have the capacity to serve the Proposed Project should be provided to the Planning Board.
9. The FEAF indicates that 11,955 gallons of water per day will be used for both Phase 1 and Phase 2; however, the submitted sanitary and water flow calculation letter says Building 2 data hall is only 14,687 square feet, when it should be 146,480 square feet. This analysis should be updated and resubmitted. The Applicant should obtain a will serve letter from the water company verifying that it has sufficient capacity to serve the Proposed Project and that the new demand will not exceed the safe and sustainable withdrawal capacity rate of the local supply or aquifer.
10. The FEAF indicates that Phase 2 will demand 1,681,920,000 kilowatt-hours (kWh) a day. The cumulative energy demand for both Phase 1 and Phase 2 should be provided. In addition, the Applicant should obtain a will serve letter from the utility company indicating that they have sufficient capacity to serve the Proposed Project and identifying any system or electrical grid upgrades required.
11. The FEAF D.2.e states that runoff will occur on adjacent properties. This should be addressed in the SWPPP and potential impacts to adjacent properties evaluated.

ECONOMIC

12. The materials submitted did not include an economic impact analysis. The Applicant should prepare an economic impact analysis that considers the construction period and operation period benefits of the project. The analysis should consider the number of jobs to be created and tax revenue generated. It should also identify if any Payment In Lieu of Taxes (PILOT) agreements would be sought.

VISUAL AND COMMUNITY CHARACTER

13. The FEAF indicates that the Proposed Project has the potential to be seen from the Scenic Palisades Interstate Parkway, however, the materials submitted did not include any visual assessments. Potential

impacts to views from the Palisades Interstate Parkway should be assessed during leaf-off (winter) conditions.

14. The Proposed Project has the potential to be visible from adjacent residential neighborhoods to the south, ball fields to the north, and Lake Tappan. A visual impact analysis that considers views from public vantage points should be prepared.

CULTURAL AND HISTORIC RESOURCES

15. The FEAF notes that the Proposed Project is located in or adjacent to a site designated as archeologically sensitive. The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) was consulted during Phase 1 and the entire property was evaluated for potential impacts to archaeological resources. As part of that review, OPRHP issued a letter of no effect. AKRF recommends OPRHP continue to be included as an interested agency; however, given the determination under Phase 1, potential impacts to archeological resources are not anticipated.
16. The FEAF also identified historic buildings adjacent to the project site; however, the identified historic resources are approximately 900 feet away and not substantially contiguous to the Proposed Project.

NATURAL RESOURCES

The Proposed Project requires a detailed evaluation of potential impacts to natural resources because it will result in the loss and/or modification of wetlands, surface waters, vegetation, and wildlife habitat. The detailed evaluation should include the following information.

EXISTING CONDITIONS

17. Groundwater
 - a. Provide a description of the principal aquifer at the project site, depth to groundwater onsite, current uses of aquifer if applicable
18. Wetlands
 - a. Provide a description of the existing wetlands, including location, size, dominant vegetation, connection to surface waters, function and value, any other notable features.
19. Surface waters
 - a. Provide a description of the stream at the project site and identify whether it is a state or federally regulated surface waterbody
 - b. Provide a description of Lake Tappan including state waterbody classification, whether it is impaired (303d list), general water quality summary
20. Terrestrial resources
 - a. Detailed natural resources evaluation should include a description of the existing ecological communities and potential habitat onsite
 - b. Summarize the wildlife that could occur at the project site, including a review of the NYS Breeding Birds Atlas, migratory birds protected under the Migratory Bird Treaty Act, NYS 1999 Herp Atlas Project database for reptiles and amphibians
 - c. Section should mention the Hudson River Valley Greenway and whether there are important habitats or any landscaping requirements associated with the planning district
21. Threatened, endangered, and special concern species
 - a. Identify protected species under NYSDEC and USFWS jurisdiction that have the potential to occur near the project site (state species identified by NYNHP through the EAF Mapper or Environmental Resource Mapper; federal species identified through USFWS IPaC database)
 - b. Include brief species descriptions, habitat preferences, and whether they have the potential to occur at the project site given the available habitat

POTENTIAL IMPACTS ON NATURAL RESOURCES

22. Groundwater

- a. Evaluate potential impacts of the project on groundwater quality and quantity, including an estimated amount of water withdrawal per day and potential introduction of contaminants
- b. Describe possible effects of regular application of pesticides/herbicides on groundwater

23. Wetlands

- a. Describe the project activities that will impact the wetlands (clearing, filling)
- b. Quantify area of wetlands that would be permanently affected/lost and summarize compensatory mitigation proposed to offset the permanent impacts, if known. If unknown indicate that mitigation would be developed in coordination with USACE/NYSDEC
- c. Evaluate the potential effects of post-construction stormwater runoff and stream impacts on any remaining wetland areas onsite

24. Surface waters

- a. The Applicant should state whether or not they plan to withdraw any water from Lake Tappan (e.g., for irrigation or other uses).
- b. Describe possible effects of regular application of pesticides/herbicides on surface waters
- c. Quantify area and linear feet of stream onsite that would be permanently lost or modified with the project and summarize any compensatory mitigation required to offset the permanent impacts
- d. Identify erosion and sediment control measures that would be used to protect adjacent surface waters from stormwater runoff during construction, and post-construction measures that would be incorporated into the design to minimize effects of increased impervious surface and associated stormwater runoff
- e. Quantify the increase in impervious surface and explain why pervious surfaces and other green infrastructure designs are not feasible
- f. Evaluate potential impacts of post-construction stormwater runoff on Lake Tappan, remaining wetlands and streams onsite or adjacent to the site

25. Terrestrial resources

- a. Describe possible effects of regular application of pesticides/herbicides on vegetation and wildlife
- b. Include an assessment of potential noise impacts on wildlife during construction and operation of the data center, and an evaluation of the effects of nighttime lighting on wildlife
- c. Quantify the acreage of tree removal or number of trees that would be removed and evaluate the potential impacts of this action on species that have the potential to occur at the project site, including breeding and migratory birds. Identify any time-of-year restrictions that would be implemented for the tree removal (typically allowed from November 1 through March 31 to protect bats – this timeframe would also protect breeding and migratory birds)
- d. Include a summary of post-construction landscaping plans and any tree replacement, and how the loss of habitat might affect wildlife that occur at the project site

26. Threatened, endangered, and special concern species

- a. For federally listed species, prepare any IPaC Determination Key that applies to the project to get a May Affect, May Affect Not Likely to Adversely Affect, or No Effect determination from USFWS.
 - i. Projects that involve tree removal typically “May Affect” threatened or endangered bat species, and time-of-year restrictions for tree removal may be applicable.
 - ii. Evaluation of potential effects on protected bat species should consider tree removal and outdoor nighttime lighting

- b. Clarify whether the inactive eagle nest would be removed or if it would remain in place. Even though it is inactive, the impact assessment should include a brief evaluation of potential impacts from construction noise if eagles were to start using the nest again. A nest must be inactive for 5 consecutive years for actions to have “no effect”
- c. Include a summary of the correspondence with NYSDEC regarding the nest and explain why time-of-year restrictions for construction are not applicable.
 - iii. The NYSDEC correspondence attachment does not provide a conclusion from NYSDEC – this consultation should be completed or final correspondence added to the attachment.

TRAFFIC

- 27. Provide the existing trip generation, using traffic counts and including vehicle classification, of Databank Phase 1.
- 28. Provide the anticipated trip generation of Databank Phase 2, including truck trips, both per the Institute of Transportation Engineers Trip Generation Manual, 12th Edition and based on the trip generation of the existing Databank Phase 1 site.
- 29. Provide a parking study of the existing Databank Phase 1 site, showing peak parking demand of the site.
- 30. Based on the parking demand of the Existing Databank Phase 1 site, provide the anticipated parking demand of Databank Phase 2.
- 31. Provide a summary of the utilization of the existing loading docks, including the number of trucks generated at the site on a typical day.

SITE ASSESSMENT AND REMEDIATION

- 32. Provide a Phase I Environmental Site Assessment (ESA) of the site. Should the Phase I ESA require the preparation of a Phase II ESA, provide a Phase II ESA.

AIR QUALITY

- 33. Please provide a general description of the annual usage of the emergency generators including testing/maintenance schedules, estimated number of hours of engine use within a year, and confirmation that the engines would not operate to either provide power to the facility outside of emergencies or act within a peak load shaving/demand response program.
- 34. Please confirm there are no other combustion sources (e.g. fossil fuel-fired HVAC or hot water boilers) currently installed and operating at the facility.
 - a. If there are additional combustion sources, please provide the make, model, fuel type, and heat input capacity for each unit.
- 35. Please confirm if the potential expansion would require additional fossil fuel-fired equipment (including additional emergency generators).
 - a. If there would be additional units, please provide the make, model, fuel type, and heat input capacity for each unit.
- 36. Please provide estimates of the annual consumption of electricity for the existing facility.
- 37. Please provide estimates of the annual consumption of electricity for the proposed expanded facility (either incremental consumption over the existing or total facility consumption).
- 38. Confirm whether the facility incorporates any energy consumption reduction measures such as on-site renewable energy generation or battery storage for off-peak charging.

NOISE**GENERAL**

39. Please provide noise emissions analysis report previously conducted for LGA3, dated November 30, 2022.
40. Please provide information on the Databank's generator testing procedures, i.e. duration of generators testing, number of generators tested simultaneously, frequency of testing per month/year, time of day/week for testing, and any other relevant information.
41. Please confirm if there are plans to operate the generators outside of routine testing, for example to participate in a load shedding program or supplement power received from the electrical grid.
42. Please confirm if the Databank plans to install cooling equipment under the "reduced" chiller condition.
43. Please provide information on the planned construction and surface weight of the rooftop parapets.
44. Please provide information on the planned construction and surface weight of the generator yards, along with the percentage of louver area comprising the generator yard walls.

NOISE EMISSIONS EVALUATION CRITERIA

45. Discussion of noise evaluation criteria and noise emission analysis does not include New York State Department of Environmental Conservation guidelines for "Assessing & Mitigating Noise Impacts". The noise emissions analysis should be revised to reflect these guidelines, using ambient noise data collected prior to the completion of LGA3, including both daytime and nighttime.
46. Discussion of noise evaluation criteria and noise emission analysis does not include noise limits found in Town of Orangetown zoning ordinance. The noise emissions analysis should be revised to also reflect these limits. The relevant ANSI standards should be used to convert old octave band limits to new octave band limits.
47. The noise analysis should be revised to include comparison of worst-case octave band noise emissions to octave band limits provided by the State of New Jersey.
48. We understand that there currently are complaints about noise from LGA3 operations. As such, cumulative noise from both LGA3 and LGA4 operation should be evaluated according to all applicable criteria. Exceedance of any criteria due to cumulative operations would warrant mitigation measures, including mitigation measures on LGA3 equipment.

AMBIENT NOISE SURVEY

49. Please provide a figure/markup showing where ambient sound levels were measured and photos of the sound level meter.
50. Please comment on why ambient sound levels were not also measured near the senior living center, north of the data center.
51. The noise analysis states that LGA3 was under construction during the time of the report. Please clarify whether noise from construction activities was significant or not during the time of ambient sound level measurements.
52. Historical weather data from the nearest weather station at Teterboro Airport indicates that there were periods of significant wind speeds on January 28th and 29th during the ambient noise survey. Please comment on measurement techniques and analysis methods used to minimize data contamination and exclude any contaminated data.
53. Please clarify which ambient sound level metric was used to numerically evaluate the stated 3 dB sound level increase and provide information on the analysis approach for this conclusion.

NOISE EMISSIONS MODELING

54. Enforcement guidelines issued by the NJDEP indicate that evaluation of sound emissions, calculated or measured, should be carried out at the point of reception of an affected individual. For nighttime

sound emissions, this would be at residential facades, including upper story windows. Therefore, the noise analysis should be revised to include evaluation of noise emissions at worst-case residential facades, including upper stories.

55. The Town of Orangetown code indicates that noise emissions should be evaluated at or beyond the site property line. Since many noise sources are elevated, building edge effects may provide significant shielding at property line locations and worst-case sound emissions may occur beyond the site property line. As such, model results should be updated to include nearby worst-case points of reception such as nearby building facades, outdoor patios, etc.
56. Please comment on justification for generator source sound levels (75 dBA at 23 feet). Noise analysis should include the generator manufacturer's provided sound level data for the generator model to be installed rather than engineering judgement. Alternatively, the 75 dBA at 23 feet sound level could be considered a commitment for site plan approval.
57. The analysis should be updated to describe sound emissions from emergency condition, i.e. all generators from LGA3 and LGA4 operating. While sound emissions are not regulated under actual emergencies, individuals should be able to communicate without needing to substantially raise their voice to minimize any safety concerns from emergency operations.
58. Please comment on whether the CadnaA noise analysis included future site topography and existing topography exterior to the site. If not, the CadnaA noise analysis should be revised to include existing and planned topography.
59. Please comment on the modeled reflective properties of the Databank buildings and any modeled barriers, in addition to the reflective properties of buildings exterior to the site.
60. A ground absorption coefficient of 0.9 is considered too absorptive for soil areas, especially during winter months when the ground is frozen. The model should be revised for more reflective ground surfaces.
61. Noise emission contour figures should be revised to reflect sound level contours at 1 dB increments at higher resolutions. A minimum resolution of 10'x10' is recommended.
62. Noise emission contour figures should include contours calculated at 15 feet above grade to evaluate noise emissions at upper residential floors.
63. Now that LGA3 is operational, existing sound levels from LGA3 should be measured and the noise emissions model should be calibrated to match existing sound levels.
64. Noise emissions analysis shows exceedance of nighttime code with 1 generator. Based on predicted sound levels, daytime code exceedances (greater than 65 dBA) would be expected any time multiple generators are operated simultaneously. Will there be a commitment to avoid generator non-emergency operation at night and multiple generator non-emergency operation during the day.
65. Please provide CadnaA model file or CadnaA input/output tables for AKRF review.

CONSTRUCTION

66. The FEAF indicated that construction will be over a year; however, the materials submitted did not include an assessment of construction impacts. Construction period impacts, such as noise, dust, and vibration should be evaluated.