

EAST MARLBOROUGH TOWNSHIP

Municipal Building
721 Unionville Road
Kennett Square, PA 19348

PLANNING COMMISSION
Tuesday, July 7, 2026
7:00 P. M.

Meeting Minutes from July 7, 2026

1. Call to Order and Attendance

Chair Cuyler Walker called the meeting to order at 7:01 PM.

Planning Commissioners present:

Josh Cauffman, Jane Donze, Susan Elks, Cuyler Walker, Soren Rubin, Marnie Conley, and Charles Streitwieser.

A quorum was present.

Township Supervisors present:

Ellen Sosangelis, Jim Chance, and Chris Manning.

Other Township Officials:

Neil Lovekin, Township Manager.

2. Discussion and Appointment of a Secretary

The Commission discussed the appointment of a Secretary.

- A motion to appoint Daniella Reilly as Secretary was made by Josh Cauffman and seconded by Jane Donze.
 - The motion carried.
-

3. Preliminary/Final Subdivision & Land Development Plans

Minor Final Subdivision Plan for 207 Marlboro Road

- Mark Padula, P.E., presented a minor subdivision plan to subdivide the property into two lots.
- The plan was submitted approximately three months ago; Township consultants provided comments in a letter dated June 10.
- According to Mark Padula, the Fire Marshal had no objections and Traffic Engineer raised concerns about parking, specifically related to two-car / two-story dwellings.

Commission Discussion:

- Cuyler Walker asked for an update regarding the traffic engineer's concerns.
- Neil Lovekin noted the plan was tabled because this is a subdivision, not a large residential development.
- The applicant requested waivers related to shadow analysis and landscaping.
 - The landscape consultant had no objections.

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- Cuyler noted the Township has not had issues with shadow analysis in past subdivision applications.
- Neil confirmed there were no issues with the waiver requests.

Motion:

- Susan Elks made a motion to recommend final approval of the minor subdivision plan for 207 Marlboro Road, including the requested waivers for shadow analysis.
 - Soren Rubin seconded the motion.
 - The motion passed.
-

4. Conditional Use Application

Walmart, 516 Schoolhouse Road, Kennett Square, PA

- This item was tabled at the request of the applicant.
 - The applicant is requesting an amendment to the existing Opinion and Order to allow the proposed building expansion and associated striping, signage, and lighting to support the store's online pickup program.
-

5. Township Plans & Ordinances

Discussion of Draft Data Center Ordinance

- Cuyler Walker introduced the discussion on the draft data center ordinance (Agenda Item 5). He explained that the Planning Commission has carefully reviewed the materials, including ordinances from other townships used for guidance. He thanked Neil Lovekin for compiling and drafting the materials quickly.
- The draft ordinance addresses engineering and operational issues, including:
 - Noise
 - Water usage
 - Power
 - Vibration
 - Environmental impacts
 - Screening and buffering
- Cuyler noted the document is thorough and invited comments and questions from Commission members.

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Public Comment:

1. Terence Gibbs, 135 Violet Drive

- Referenced Section 10, page 6, and asked about the phrase “ the data center shall not use ground water... as primary source,” inquiring whether the use could also function as a secondary use.
- Josh Cauffman responded that this was addressed in the study, part two.
- Jane Donze added that there was also mention of needing a pond or similar feature on site.

2. Lauren Mayne, 659 Byrd Road

- Agreed with the concern about the word “primary”, noting the potential for manipulating the classification so that the use is effectively not regulated as intended.
- Referenced County guidance (page 20 of a county PDF available on the Township website) relating to water feasibility and suggested that this be incorporated.
- Neil Lovekin suggested revising Section 10(D) to remove the word “primary” and add “the data center shall not use ground water or direct withdrawal from... as its source of pulling water.” Add a water feasibility requirement (G) consistent with County recommendations.

3. Robert Reilly, 220 Daylesford Court

- Reported on personal research into how other townships handle connections to external sewer systems with WWTP (waste water treatment plant). Noted that the Township's current wastewater system handles approximately 440,000 gallons per day at max capacity, which would need to be roughly doubled for certain large uses. If flows had to be doubled to around 900,000 gallons per day (max capacity, per PA DEP 537 planning), the Township would likely need:

- Expanded spray fields and lagoons
- Increased monitoring of fields
- Upgrading piping from 4" to 6"–8", and possibly 10" in some areas
- An increased number of 600 grinder pumps
- Estimated that such modifications could take 2–5 years and would require an estimated budget increase of \$10–30 million.
- Stated that if a large data center application were ever submitted, these infrastructure implications would need to be clearly noted as covered or partially covered by the applicant.
- Emphasized that wastewater would need to be addressed through a wastewater treatment plant (WWTP).

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Josh Cauffman

- Noted that additional language (“verbiage”) should be added to address applicant responsibilities.

4. Matthew McBride, 205 Whitestone Drive

- Raised concerns about wastewater and fire protection.
- Stated that the proposed escrow amount may be too low, particularly if fines or other costs arise, and that it currently feels more like an escrow appropriate for a single residential home rather than a large data center.
- Pointed to Section 22(A) – Technical Performance Standards, noting that while performance standards are stated there, the water section does not appear to include specific standards for usage or enforcement.

Susan Elks

- Asked whether a data center could seek connection to the East Marlborough sewer system or instead approach Kennett or another provider.

Neil Lovekin

- Responded that Aqua is involved and clarified that Kennett already pays East Marlborough for some sewer capacity.

Cuyler Walker

- Observed that a data center may or may not be able to connect to other systems, depending on legal and infrastructure constraints.

Susan Elks and Matthew McBride

- Susan noted the need to look carefully for potential loopholes.
- Matthew asked whether such an arrangement could amount to, or require, a zoning change.

Matthew McBride (continued)

- Reiterated his concern that Section 22(A) – Technical Performance Standards appears more robust than the water section, which lacks clear standards.
- Stated there does not seem to be enough detail on:
 - How much water could be used
 - The fines or penalties if limits are exceeded

Lauren Mayne

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- Asked whether a “water violation” could involve using alternative or unauthorized water sources.

Matthew McBride

- Asked what could be added to ensure:
 - Water usage is measured and recorded, and
 - Violations of limits or conditions can be identified and enforced.

Neil Lovekin

- Asked who would actually be responsible for monitoring and reviewing water usage.

Lauren Mayne

- Suggested adding language consistent with County recommendations, such as:
 - Requiring that if any water is drawn from subsurface sources or outside of the public water supply, that water source is something the applicant must pay for and fully disclose.
- Recommended additional ordinance language to clarify this obligation.

Matthew McBride

- Suggested requiring annual updates to the ordinance language, so reporting remains current and enforceable.

Soren Rubin

- Asked for clarification on whether they were looking for how the Township could require applicants to share water usage data if it is not publicly available from a utility or other source.

Lauren Mayne

- Suggested requiring a dedicated meter to track the facility’s water usage.

Robert Reilly

- Referred back to prior comments estimating:
 - 450,000–750,000 gallons per day system use, and
 - 60–100 gallons per capita per day as a reference.
- Noted that a 200,000 sq. ft. data center could add 500,000–1,000,000 gallons per day, potentially increasing total water usage up to sevenfold.

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- Suggested that in a drought, usage could be limited to 120% of normal (or some protective cap) to avoid overtaxing resources.

Matthew McBride

- Asked what would happen during a drought if the facility's water consumption is not being measured.
- Emphasized the need for measurement and/or a specific system in the water section to handle such situations.

Susan Elks

- Proposed, after Section C(10), adding a new subsection D along the lines of:
 - "Use shall provide annual reporting of water use/consumption."
- Suggested using this as a "holding point" to:
 - Require annual documentation from the user regarding:
 - Total volume of water used,
 - Compliance with regulations imposed by relevant agencies, and
 - The sources of water used.
- Noted that this would clarify the authority of the relevant jurisdiction over these issues.

5. Robert Reilly

- Asked whether the ordinance addresses chemicals used for corrosion mitigation and other additives in cooling or other systems.
- Expressed concern that:
 - Because the Township uses a lagoon and spray field system, the system may not be capable of filtering out such agents.
 - These chemicals could settle at the bottom of the lagoon, be pushed out, and eventually reach the groundwater and private wells.
- Noted that while 70–80% of system water may evaporate, any remaining contaminated water would need to be properly handled by a wastewater treatment plant (WWTP).

Susan Elks

- Suggested looking at regulations from areas where fracking occurs as a model.
- Noted that fracking wastewater cannot be sent to a standard WWTP and must go to a specialized treatment facility.

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- Recommended ensuring ordinance language that clearly places the cost and responsibility on the applicant for any special treatment required.

Lauren Mayne

- Pointed to Section 11(A), which relates to connected facilities and limited uses, and suggested that:
 - Water used for cooling may need to follow guidance similar to that for fracking water to prevent contamination.

Jane Donze

- Expanded on these concerns and the need for clear treatment and accountability language.

Josh Cauffman

- Suggested the possibility of referring broadly to “all wastewater” to ensure no category is unintentionally excluded.

Cuyler Walker

- Stated it would be very helpful if residents could summarize their comments or provide a short written blurb.
- Encouraged sending comments by email to Neil, so the information can be incorporated or used to refine ordinance language.

Matthew McBride

- Suggested the Township post the draft on its website and explicitly invite community input.
- Asked when the ordinance might be adopted.

Robert Reilly

- Noted that information has already been shared on social media.

Cuyler Walker

- Explained that the draft ordinance still needs to go to the Board of Supervisors, likely next month.
- Emphasized that nothing is final at this stage and that the main goal is to get a framework in place to stay ahead of any potential data center proposals.

Matthew McBride

- Asked whether there should be a formal deadline for public comment.

Cuyler Walker

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- Stated that the proposed timeline should provide sufficient time for input.

6. Joe Misiewicz, North Mill Road

- Echoed Cuyler's comments about the importance of public input.
- Thanked Neil for the information and efforts in drafting the ordinance.
- Praised the proactive nature of the Township's work.
- Emphasized the need to tighten the language around:
 - Water usage
 - Wastewater management
- Noted that benchmarking against neighboring municipalities would be helpful in refining the wording and standards.

Cuyler Walker

- Acknowledged that this work will require significant time and effort from Neil.
- Reiterated that none of the ordinance language is final and that the process will continue even after the draft is sent to the Supervisors.

Joe Misiewicz

- Added that the ordinance should also address noise by covering both typical and non-typical (emergency or backup) operations.

7. Lauren Mayne

- Noted that the standard of "best" is highly qualitative and may not be sufficient by itself.
- Recommended focusing on what is best for East Marlborough, which may differ from other communities, while still using external information and benchmarks for support.
- Offered detailed suggestions, including:
 - Page 1 – Data Center Accessory Use: Add language such as "including but not limited to diesel generators" to clarify that backup systems are included.
 - Definitions – Page 19: Expand the definition of "preserved" or "conservation" land as protected lands, and consider adding language about green spaces and agricultural lands.
 - Section 5 – Minimum Setbacks: Noted that a 1,000-foot setback had been discussed, but that the draft currently reflects 500 feet; she warned that applicants might seek to reduce even the 500 feet and encouraged revisiting the higher number.
 - Energy Usage: Commented that existing language seems too general or distant from practical oversight.

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- Noise/Vibration: Observed that the draft does not explicitly mention low-frequency vibration, which can be an important impact for nearby residents.
- Questioned why the Township is not fully following County recommendations for noise levels (County suggestions of 45 dBA / 60 dBC, compared to the draft's 60 dBA).

Neil Lovekin

- Indicated that the draft can be updated to reflect noise limits of 45 dBA and 60 dBC, consistent with County guidance.

Lauren Mayne

- Proposed setting noise limits at 45 dBA / 60 dBC for normal working operations, and 40 dBA / 50 dBC for evenings and weekends.
- Emphasized that these values are not arbitrary, but are based on County recommendations.

Soren Rubin

- Suggested that the Township should understand why the County uses certain standards and not others, to ensure the Township's rationale is clear.

Robert Reilly

- Asked whether adopting stricter standards could invite a legal challenge on the basis that the Township is being too restrictive.

Lauren Mayne

- Reiterated that relying on County recommendations provides a defensible basis for the standards.

Susan Elks

- Stated that the Township must clearly understand and be able to explain why it is adopting any particular numeric standards.

Marnie Conley

- Added that for any changes the Township makes to the ordinance, there should be a documented rationale.

Neil Lovekin

- Noted that the County allows a higher height allowance than East Marlborough currently does.

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- Explained that the Township presently limits rooftop accessories to 15 feet, and that it is important to formalize and clarify this in the ordinance.

Lauren Mayne

- Agreed and stressed that all such height and accessory limits need to be correctly reflected “on the books.”

Robert Reilly

- Referenced HB 42926, Section 201-1 at the state Senate level, stating that it gives a municipality 180 days to pause review and adjust its ordinance once a data center application is submitted.

Jane Donze

- Suggested returning to the language the Township had previously discussed as a foundation for modifications.

Lauren Mayne (continued)

- Section 9 – Noise and Vibration:
 - Observed that the current language appears to apply only to the data center itself, not to backup generators or on-site power generation.
 - Suggested adding language to ensure that if the existing ambient baseline noise is already above the ordinance limits, the data center must not exceed that baseline, even if it is higher than the numeric standard.
 - Expressed appreciation for the inclusion of noise and vibration provisions generally.
- Section 10 – Water:
 - Supported requiring a water feasibility study, and suggested clarifying what happens once that study is completed (e.g., how it is documented and used).
- Section 12(G)(1)(e) – Energy Supply:
 - Appreciated the added clause addressing energy supply, but questioned why a 5-year time restriction is included.

Neil Lovekin

- Explained that the 5-year limit was modeled after other municipalities, notably East Whiteland, which has an active data center application and uses a similar 5-year horizon in its ordinance.

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Lauren Mayne

- Section 12(G)(2):
 - Recommended incorporating language from Section 17 (Electronic Waste) into Section 12(G)(2), so that obligations regarding handling electronic components and related waste are consistent.
- Section 14(B):
 - Suggested revising “licensed real estate agent” to instead reference a municipality-appointed independent real estate professional, to reduce potential conflicts of interest.

Shelly Mincer

- Recommended using a licensed appraiser rather than a generic real estate agent.

Susan Elks

- Suggested adding a certified planner, with language indicating that:
 - The Township must approve any expert engaged,
 - The applicant may suggest professionals, but
 - The Township retains the right to veto those suggestions.

Marnie Conley

- Reiterated that a licensed appraiser should be specified in the ordinance text.

Lauren Mayne

- Section 14(C):
 - Noted that the ordinance requires an environmental study but does not specify by whom or what qualifications are required; she recommended adding more detail.

Soren Rubin

- Explained that this ordinance is just a general fence to put around the township. It needs to get up and rolling in case some crazy application comes through the township.

Lauren Mayne

- Section 14(D) and Possible 14(E):
 - Suggested adding more detail to Section 14(D) and possibly a new subsection 14(E) addressing light pollution.

Matthew McBride

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- Supported adding more technical documentation requirements for environmental and impact studies.

Robert Reilly

- Noted that the Township already has a light pollution ordinance, including a 35-degree downward angle requirement for lighting.

Lauren Mayne

- Section 23(A):
 - Agreed with the section as written but suggested explicitly adding references to “electric supply” or “electric cost” to make it clear that energy costs and infrastructure are considered.

Terry Gibbs

- Asked why the ordinance uses a 5-year interval (for certain reviews or financial security) instead of no fixed interval or a shorter one.
- It was noted that this question had already been discussed earlier, and that the 5-year standard was adapted from other municipalities’ ordinances.

Matthew McBride

- Indicated he will send an email summarizing his key points, and highlighted two major concerns:
 1. Five-Year Review Horizon for Decommissioning (Section 18):
 - Noted that data centers are based on chip technology that often has a 12–18 month life cycle, after which it may become obsolete.
 - Explained that chips can be used as collateral for loans, and that as their value drops, the financial security based on that value may no longer be adequate.
 - Stated that the 5-year horizon for updating financial security in Section 18 (Decommissioning) is too long and suggested a more frequent review, possibly annually, as is common for landfills.
 - Argued that the ordinance should more clearly address how much must be set aside for decommissioning and how often that amount is recalculated.
 2. Electric Infrastructure and Zoning Parameters:

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- Raised concerns about electric utilities clearing land behind homes or constructing infrastructure in advance of a data center, to serve future loads.
- Noted a large queue of data centers seeking connection to the grid, which can drive extensive electric infrastructure expansion.
- Asked what zoning parameters exist for related electrical uses, such as substations, towers, and major lines, especially if generators are limited or prohibited on site.
- Questioned whether there is, or should be, a conditional use framework specifically addressing substations and other supporting electric facilities.

Susan Elks

- Explained that the Public Utility Commission (PUC) has significant authority over utility infrastructure.
- Stated that, similar to fracking pipelines, if the PUC authorizes certain infrastructure (e.g., pipelines or lines coming in), the Township often has little to no control over that decision.

Neil Lovekin

- Noted that if a data center substation is presented as a PUC-directed facility, the Township could face similar limitations on local control.

Jane Donze

- Confirmed that, in many such utility cases, the Township has limited or no say in whether the infrastructure is installed.

Robert Reilly

- Observed that many questions keep returning to “what if” scenarios where a data center or related infrastructure is located outside the intended industrial areas.
- Asked whether the draft ordinance addresses potential zoning changes, especially if an applicant seeks to place a data center in an area not currently zoned for that use.

Susan Elks

- Explained that a municipality must allow certain uses somewhere within its boundaries, but:
 - If a use is allocated to a specific zoning district,

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- An applicant seeking to place it elsewhere would likely need to pursue a zoning change, which would have to go through a formal legal process.

Cuyler Walker

- Noted that if an applicant wants to place easements, typically there must be a third-party holder (e.g., a utility or land trust), and that easements can add complexity to how and where facilities are located.

Lauren Mayne

- Observed that the “blue areas” under consideration do not all have easements.
- Raised a scenario in which an academic institution might wish to include a data center as an accessory use supporting its primary operations.
- Emphasized that the ordinance’s emphasis on limited industrial zoning is important to avoid unintended siting of large data centers.

Matthew McBride

- Asked what happens if a data center operator wants to expand after initial approval.
- Questioned whether the definition of “data center” in the ordinance covers expansions, or whether new or expanded uses would trigger a fresh review.

Cuyler Walker

- Stated that an expansion would still fall under the original conditional use approval, and that the applicant would have to return to the beginning of that conditional use process for any substantial changes or expansions.

Susan Elks

- Explained that after the ordinance is reviewed by the Planning Commission and Board of Supervisors, it is then sent to the Chester County Planning Commission for advisory review.
- Noted that the County cannot make final decisions for the Township but can identify gaps or recommend additions or changes the Township may want to consider.

Public Comment (for Matters Not on the Agenda)

- No additional public comments were recorded for matters not on the agenda.

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Review and Approval of Minutes

- A motion to approve the previous meeting minutes was made by Charles Streitwieser and seconded by Jane Donze.
 - The motion carried.
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Adjournment

- Soren Rubin moved to adjourn the meeting.
 - The meeting adjourned at 8:33 PM.
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Respectfully submitted,
Daniella Reilly