

**Mount Pocono Borough Council
Public Hearing Agenda
Borough Building
Tuesday, July 7, 2026
5:30 pm**

Call To Order

Roll Call: _____Norman DeLano, _____Debra Fulton, _____Erin Melbert, _____Joe Simeone,
_____Ella Santiago, _____Claudette Williams, _____Jazmin Rivas, _____Mayor Altemose

Purpose of Hearing:

To receive public comment on the proposed data center ordinance.

Councilmember Questions or Comments

Public Comment

Adjournment

**BOROUGH OF MOUNT POCONO
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3 of 2026

AN ORDINANCE OF THE BOROUGH OF MOUNT POCONO, MONROE COUNTY, PENNSYLVANIA, AMENDING BOROUGH OF MOUNT POCONO ZONING ORDINANCE CODE OF ORDINANCES § 215, WITH RESPECT TO DATA STORAGE CENTERS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HERewith.

The Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, hereby ordains and enacts the following:

**PART 1
GENERAL PROVISIONS**

Section 101. Short Title. This Ordinance will be known as the Mount Pocono Zoning Ordinance Amendment Regarding Data Storage Centers.

Section 102. Legal Authority. The Pennsylvania Municipalities Planning Code authorizes a governing municipal body to plan for the development of the borough through zoning, subdivision and land development regulations, and also to enact amendments to zoning ordinances pursuant to certain procedural formalities. See 53 P.S. § 66516 ("Land Use Regulations") and 53 P.S. § 10609 ("Enactment of Zoning Ordinance Amendments").

Section 103. Legislative Intent and Purpose. Based on the above referenced legal authority, the Council desires to amend the Mount Pocono Zoning Ordinance code § 215, by revising definitions of certain terms, and by providing for new regulations pertaining to "Data Storage Centers"

The Board finds that the regulations promulgated by this Ordinance are necessary to achieve the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the citizens of Mount Pocono Borough; and
- B. To ensure the adequate and safe development and use of property located in Mount Pocono Borough.

Section 104. Legal Conflicts.

- A. All prior Borough ordinances and resolutions, and parts thereof, that are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and superseded by the terms of this Ordinance.
- B. If any term, provision, covenant or restriction contained in this Ordinance is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions contained in this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or

Section 302. Amendment to Article VIII (Standards for Specific Uses). Code § 215-48.1 is added for Data Storage Centers, as a specific use containing the following standards:

§215-814. Data Storage Centers. Data Storage Centers as defined in Code § 215-11 shall conform to the following requirements:

1. Minimum lot area: Ten (10) acres.
2. The tract or assemblage of parcels developed as a unified development shall have direct access to an arterial, connector, or collector road, as those terms defined in the Subdivision and Land Development Ordinance.
3. An adequate second means of ingress and egress suitable for emergency access to the site shall be demonstrated.
4. All parking, principal structures, data center equipment, data center accessory uses, outdoor storage, fuel tanks, battery cells, and/or loading/unloading areas shall be screened by a 100-foot-wide buffer yard from all property lines. A 100-foot buffer is also required along the frontage of all streets. These buffer yards shall meet the following conditions:
 - A. The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.
 - B. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.
 - C. The following note shall be placed on the conditional use plans and on the recorded land development plan: "Plant materials shall be permanently maintained and any plant material which dies shall be promptly replaced by the landowner."
 - D. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the

11. The applicant shall coordinate with the Monroe County Control Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Monroe County Control Center Public Safety Radio Communications System at the exterior of the building and shall install enhancement systems if needed to meet compliance.
12. Evidence of adequate water and sewage disposal service shall be provided to the borough with the conditional use application.
 - A. Public Water/Sewer Supply. In the case of utilization of a publicly owned or other existing centralized water supply and/or sewage disposal system the developer shall submit a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. This letter shall be supplied with the conditional use application.
 - B. On-Lot Water Supply. If an approved public water supply is not accessible and water is to be furnished on a project basis, the applicant shall, with submission of the conditional use application, submit written evidence that Applicant has complied with all Borough and state regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.
 - (1) Water Resources Impact Study. A water resources impact study shall be required for all Data Storage Center developments with an anticipated withdrawal of 4,000 or more gallons of water per day over a thirty-day period.
 - (2) The applicant shall provide proof of review and approval from the Delaware River Basin Commission (DRBC) for projects that have:
 - a. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the applicable River Basin.
 - b. Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source.
 - C. On-Lot Sewage Disposal. If public sewer disposal is not available, the applicant shall demonstrate safe and adequate on-lot sewage disposal capacity at the time of submission of the conditional use application. This shall include a report detailing the proposed sewage flow generation, soil testing performed and the results of those tests, anticipated pollutant/heat removal technologies and methods, and a map showing the sewage disposal area, along with all conveyance infrastructure and treatment tanks and equipment. The Borough sewage enforcement officer shall be notified prior

(1) Alternatives analysis. A description of alternatives to the impacts.

(2) Adverse impacts. A statement of any adverse impacts which cannot be avoided.

(3) Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations.

(4) Mitigation steps. Listing of steps and structural controls proposed to minimize damage to site before and after construction.

E. Critical impact areas. In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.

(1) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

(2) A statement of impact upon critical areas and of adverse impacts which cannot be avoided.

(3) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

14. The applicant shall provide an interconnection agreement with the conditional use application from the applicable electric service provider indicating that the necessary capacity is available, and the data storage center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data storage center project shall be investigated and provided.

15. Emergency Management

- A. For Data Storage Center uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the installation of one or more sound reducing materials or systems, approved by the Borough professional acoustical expert, will effectively reduce the sound generated by the Data Center and associated DCE during normal operations and testing and maintenance operations (i.e. all standby emergency equipment, including by not limited to generators) to a maximum daytime (7:00 AM to 8:00 PM Monday-Friday) decibel level of 67 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 57 dB(A) as measured from all external property lines of the Data Center use. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. A sound study shall be conducted at the following phases:
- (1) A preliminary sound study for the Data Storage Center and associated DCE shall be conducted as part of the Conditional Use process. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits.
 - (2) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Storage Center and associated DCE depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Storage Center.
 - (3) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Storage Center and associated DCE prior to the final escrow release for any Data Storage Center land development phase. An as-built sound study may also be required thereafter by the Borough upon request.
 - (4) If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Storage Center shall promptly remediate the violation.
 - (5) In the event of a failure by the owner or occupant to remediate a sound violation within 90 days of notification of the violation, the Borough may revoke any zoning and/or other permit(s) previously issued for the Data Storage Center.

B. Tonal noise penalty.

- (a) Each sound study shall include a narrow band frequency analysis for the purpose of identifying audible tones generated by the use. Audibility of tones shall be calculated in accordance with International Organization for Standardization Technical Specification (ISO/TS) 20065:2022 – Acoustics – Objective Method for Assessing the Audibility of Tones in Noise – Engineering Method.
- (b) If the decisive audibility of any narrow-band averaged spectrum, is 10 dB or more, a 6 dB penalty shall be applied to the overall A-weighted sound measurement for purposes of determining compliance with Paragraph (1) above.

- C. The Borough shall communicate with the other municipality with respect to approval of the project.

PART 4

Severability

Section 401.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions on the ordinance.

PART 5

EFFECTIVE DATE

Section 501. Effective Date. This Ordinance will be effective 5 days after its enactment, and will remain in force until modified, amended, or rescinded by Mount Pocono Borough Council, Monroe County, Pennsylvania.

ENACTED AND ADOPTED by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, this ____ day of _____, 2026.

MOUNT POCONO BOROUGH COUNCIL

ATTEST:

Norman DeLano, Jr., President

Marisa Duffy, Secretary

(BOROUGH SEAL)

I approve this Ordinance.

Randy Altemose, Mayor

