

Board of Supervisors

July 8, 2026

Board Members: Scott Lambert, Chair; Peter Fixler, Vice Chair; Clinton Smith, Member, Bernadette Kearney, Township Solicitor

Staff Present: Steve Brown, Township Manager; Catherine Ricardo, Assistant Township Manager; Donna Wikert, Operations Manager, Township Secretary; Dave Grady, Director of Finance; Zach Barner, Director of Planning; John Neild, Director of Public Works; Chris Yeager, Police Chief; Greg Lewis, Fire Chief.

Call to Order by Chair – Pledge of Allegiance, Mr. Lambert introduced the Board of Supervisors and Staff.

Board Briefings:

Executive Session(s) June 19, 2026 (legal, personnel and real estate) and July 8, 2026 (legal, personnel and real estate)

Update Grant Awards – Ms. Ricardo stated that there is a new grant application on the agenda, which will be discussed when that agenda item is reached.

Park & Recreation Updates – Ms. Ricardo provided updates on upcoming Parks & Recreation events, including Chill on the Hill on July 16, 6:30pm Valley Creek Park, Shakespeare in the Park on July 24 at Valley Creek Park, and the Summer Movie Night featuring Super Mario Galaxy on August 28 at 6:30pm movie will start at dusk.

Update on Sentinel/Green Fig Application – Ms. Ricardo said the Township has received information from Sentinel/Green Fig to request to make changes to their method of cooling (water chilled is approved and air chilled is now proposed) and also to downsize the buildings to two- 250,000 square foot buildings. The Land Development Agreement offers a procedure that the Township Engineer or Board of Supervisors could approve a field change pertaining to the cooling methodology.

The township worked with the developer to cease earth disturbance work on the data center site last week. This pause was to allow the township time to review and respond to *EPA* comments on the site's soil management plan and health and safety plan.

As a condition of issuing the erosion and sedimentation control permit, the developer must implement all comments provided by the *EPA*, the *DEP*, and the Township. These comments will be shared with the public.

While the *EPA* declined an invitation to attend a public meeting, they have provided written responses to the township's questions to clarify their position on the remediation status. The township plans to post these questions and responses on their official website.

Board Motions & Resolutions:

Motion to authorize the Solicitor to execute the Agreement and Mutual Release with Andrew Schneider, Shivakumar Kapsi, Michael Deegan and the Zoning Hearing Board as to the Schneider/Kapsi/Deegan's withdrawal with prejudice of following appeals and Declaratory Judgment: 2026-002502 (2018 Zoning

Appeal); 2026-03896 (Land Use Appeal) and 2026-04455 (Declaratory Judgment), with the terms being subject to the satisfaction of the Township Solicitor, insurance counsel, and the Township ZHB Solicitor.

Full details of this section were transcribed and are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building.

Mr. Fixler made a motion to approve; Mr. Smith seconded the motion; the motion passed unanimously.

Motion to Authorize a field change for the Data Center Property pursuant to paragraph 2 of the Land Development Agreement and Financial Security Agreement with Sentinel Green Fig to permit removing the cooling towers on the property and eliminating water cooling for the computer equipment and installing air chilled units on the roofs of the proposed buildings limited to 50 units on each roof, with required roof sound attenuation, subject to Applicant reducing the building sizes to 536,000 square feet (in total); reducing the number of generators per building and moving them indoors; and incorporation of the enhanced landscaping plan (i.e., the wave forest).

Full details of this section were transcribed and are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building.

Mr. Lambert explained that the matter was brought forward because the applicant was preparing to submit construction permit applications. During the land development approval process, the Township retained the authority to approve modifications, including replacing the originally approved water-cooled towers, which were projected to consume approximately three million gallons of water per day, with air-cooled towers that would eliminate that daily water usage. He also noted that the proposed revisions would eliminate the basement and reduce the building size to approximately 536,000 square feet, which he viewed as an improvement over the previously approved plan.

Mr. Lambert stated that, in his opinion, the proposed revisions qualified as a field change and would not require the applicant to undergo the full land development approval process. However, he acknowledged that several questions had been raised during the discussion and that additional research was warranted. He also expressed concern that delaying action could result in the applicant withdrawing the proposed changes and proceeding under the previously approved plan.

Mr. Lambert moved to table the matter until the outstanding questions could be answered. Mr. Smith seconded the motion. The motion passed by a vote of **2-1**, with **Mr. Fixler** voting in opposition.

Approve the submission and funding commitment letter for DCED MTF Grant application for the installation of flashing warning signs at the intersections of the Chester Valley Trail and Phoenixville Pike and Bacton Hill Rd. This grant has a 30% match. The estimated cost is \$250,000. The match would be \$75,000

Mr. Fixler made a motion to approve; Mr. Smith seconded the motion; the motion passed unanimously.

Public Hearing:

Ordinance #381-2026: Single Use Retail Plastic Ban

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building. Ms. Kearney returned back into the Public meeting to vote on this Ordinance.

Mr. Smith made a motion to approve; Mr. Fixler seconded the motion; the motion passed unanimously.

Conditional Use application 2026-04-CU for Chester Valley Golf Club

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building. Ms. Kearney returned back into the Public meeting to vote on this Ordinance.

Mr. Fixler made a motion to approve; Mr. Smith seconded the motion; the motion passed unanimously.

Planning & Development:

Consider Referral to Township and County Planning Commissions and Consider Authorizing Advertisement for Hearing on September 9, 2026:

Amendment to Subdivision & Land Development Ordinance to Require Environmental Remediation prior to Approval

Mr. Fixler made a motion to approve; Mr. Smith seconded the motion; the motion passed unanimously.

Amendment to Zoning Map for 164 Conestoga Road to Rezone the Property from the OS (Open Space) to PO (Professional Office) District

Mr. Fixler made a motion to approve; Mr. Lambert seconded the motion; the motion passed unanimously.

Zoning & Code Enforcement:

Consider Authorizing the Township Solicitor to Support or Oppose the following Zoning Hearing Board Applications:

NONE

Public Comment:

Deb Mobile expressed concern regarding comments made by the Constitutional Drive Partners attorney at last month's meeting. She questioned why the attorney was permitted to speak if he was unable to provide an update. Deb noted that the attorney stated Constitutional Drive Partners would not honor the written agreement and conditions that were accepted as part of the project's preliminary approval. She reminded the Board that these conditions were reviewed and approved by a judge as part of a court proceeding. Deb also questioned whether the Supervisors had personally reviewed the EPA documents or had relied solely on consultants. She emphasized that the responsibility for voting rests with the Board, not its consultants.

Bob Logan recalled that several months ago, Mr. Lambert had expressed interest in creating a "Main Street" concept for East Whiteland Township. Bob stated that he would be interested in assisting with the initiative should it come before the Board of Supervisors in the future. He noted that he previously served as President of the Business and Professional Association of Malvern and believes his experience would be valuable in supporting a project of this nature.

Tony Gianino expressed concerns regarding the legal definitions and processes surrounding development approvals, specifically questioning the classification of a 'field change' versus a formal plan amendment. He noted that while an engineer might describe a field change as a minor adjustment, such as a pipe modification, he felt that major site changes were being categorized as field changes instead of requiring a more rigorous,

public-facing application process. He sought clarification on how these determinations are made and expressed frustration that such classifications might bypass the scrutiny provided by a formal amendment process.

Mr. Brown explained that the term “field change” is defined within the Land Development Agreement, and that the Township's use of the term is based on the language established in that agreement.

Kelly Donia expresses that these changes are changing what the building is even though it's the same footprint. These changes are drastic they are changing the type of building that is going to be built. This is changing from a regular data center to a hyper scale.

Consent Agenda:

Approve Meeting Minutes from June 10,2026

Ratify Payment of Bills: \$449,247.47

Accept Treasurer Report

Approve the proposal from Signal Service for the repair and replacement of the conduit and wiring for the traffic signals at Rt 29 and Liberty Blvd. for a cost of \$28,020

Mr. Fixler made a motion to approve as read; Mr. Smith seconded the motion; the motion passed unanimously.

Adjournment: 10:20PM

Donna Wikert

Board Secretary