

Lower Mount Bethel Township
A Report to the Board of Supervisors
July 13, 2026
By John Mauser

Topics to be Covered

1. Report on Planning Commission Meetings
2. Parks and Recreation Update
3. Morning Call Article July 8, 2026
4. August 2025 NDA Clarification
5. Meeting of July 6, 2026 with Data Center Developers

This report should be available on the township website.

Topic 1

Planning Commission Meetings

The Planning Commission met publicly twice at the Centerfield Building after being given the task of developing an amendment to zoning to provide regulations for data center projects. I attended both meetings.

Patrick McNerney, chairman, ran very professional meetings and led the discussion on modifying the Lowhill Township ordinance. Having a model to follow, permitted the commission to quickly adjust the Lowhill ordinance to LMBT needs.

As I remember, only one issue required extra deliberation. In the first submission to legal and engineering, the setback limit was 1000 feet. Legal and engineering recommended 500 feet. A member of the planning commission stated that Project Atlas data center is located in the Parkland School District and South Whitehall Township. SWT went with a set back of 1000 feet. The commission voted to keep the 1000 feet.

The next steps involve sending the ordinance to the Lehigh Valley Planning Commission for their review and comments. Upon receiving LVPC's review, the Board of Supervisor's will review the ordinance, make any changes, schedule a public hearing, and vote on the ordinance.

The draft ordinance will be on the township website for public review as soon as final edits are made by legal.

The Board of Supervisors and the public owe the Planning Commission members a well deserved thank you for completing this task in a timely and professional manner.

The members are:

Patrick McInerney, Chair

Timothy Resh

Karly Biggs-Sebia, Zator Law

Melissa Mastrogiovanni, Manager and Secretary for the PC

Jim Horwath, Project Manager for Carroll Engineering

William Rush, Vice-chair

Bruce Smith

Justin Coyle, Carroll Engineering



Topic 2

Parks and Recreation

Catherine Buehler has been spending hours maintaining and improving the gardens at the Welcome Center.



Also, a special thanks to Howard Klein who has passed the torch to Catherine after having spent many years working on the gardens.



The Martins-Jacoby Watershed (MJWA) Association has been very active in LMBT for over 21 years.

Riparian buffer expansion is an on-going effort with planting and watering of trees at The Meadows.



Richard Budihas is the president and project manager for the MJWA .



Also, at the Meadows, one stream bank stabilization project with habitat improvement has been completed and another is planned for 2027. The MJWA has completed numerous projects in LMBT on both private and public lands.



The Delaware River Sojourn is an annual seven-day event . Paddlers (of all ages) ate two meals at the Welcome Center and ended their paddling day at LMBT's Riverton site.
June 24, 2026



A tough hurdle

Why can't towns just say no to data centers?

By Laurie Mason Schroeder
The Morning Call

Not since the start of the Lehigh Valley warehouse boom a decade ago have development projects caused so much angst. Nobody, it seems, wants a large data center in their backyard.

But the angry crowds who fill municipal meetings chanting “just say no” may be wasting their collective breath, because town leaders don't have the power to ban a project just because residents don't like it. Here's why.

Pennsylvania is a “fair share” state

A 1968 law that created the Municipalities Planning Code, which gives local governments the power to enact zoning ordinances, requires that all types of zoning have a space. Because data centers are lawful, municipalities are legally required to provide space for them, typically in industrial-zoned districts.

Towns can attempt to ban data centers, but that would be considered illegal exclusionary zoning, potentially opening the municipality up to expensive lawsuits.

What else could happen?

When a Pennsylvania municipality violates the fair share zoning doctrine, its zoning ordinance can be declared invalid in court. This strips the municipality of its authority to block the development.

That's what happened in 1977 to Upper Providence Township in Delaware County. A developer named Robert Surrick wanted to build townhouses on 22 acres of land he owned. Multifamily homes like apartments and townhomes were allowed in Upper Providence, but only in a 43-acre business district, which was less than 2% of the municipality's land and mostly developed.

Surrick's application was denied, so he sued, complaining that the town's zoning was unconstitutional. The Pennsylvania Supreme Court agreed, and invalidated that part of the town's zoning ordinance, making it impossible for Upper Providence to stop Surrick from building townhouses.

Can't towns just change their zoning ordinances to thwart data center developers? Pressing a pause button and trying to rewrite zoning ordinances to exclude data centers may also be illegal. Under the law, if a developer submits a proper application while an ordinance is being rewritten, the municipality must review it under the laws that were in place at the time of submission. That's why Allentown's new ordinance, which limits where data centers can be built and requires a public hearing on each project, won't affect the proposed West Emmaus Avenue project.

Developers got their application in before the ordinance passed.

Extra, significant hurdles in the Lehigh Valley

The Project Atlas data center near Parkland High School in South Whitehall Township, for example, is proposed for the township's Planned Innovation, Research and Technology overlay district.

This unique zoning feature permits data centers "by right," allowing developers to bypass a zoning board hearing and move straight to the planning phase.

"It essentially places the burden of proof on the municipality to prove that the developer does not meet the requirements of all applicable ordinances, laws and required permits," said Spurgeon J. Dunbar, a member of the South Whitehall Alliance, a group formed to fight the data center.

The PIRT zoning also makes it easier for data centers to repeatedly revise their plan if its rejected, Dunbar said.

The Planning Commission will meet Thursday to review Project Atlas.

Can lawmakers do anything?

Besieged with pleas to stop data centers, lawmakers are pitching bills to halt or limit where the projects can be built. State Sen. Jarrett Coleman, R-Lehigh, in May introduced a package of bills in the state Senate and House along with Rep. Jamie Walsh, R-Luzerne, to repeal the 2021 tax break being given to data centers to locate in Pennsylvania and allow municipalities to place a moratorium on data center

development applications. The bill recently advanced out of the Senate Local Government Committee.

Coleman, who attended a packed zoning board hearing on the proposed data center at the former Air Products headquarters in Upper Macungie Township and has held telephone town halls on the subject, has urged residents to keep up the fight.

“When you show up at meetings and you make public comment and tell them your personal stories, those are your elected officials who are sitting up there. They’re going to have to see you in the community. You’re a lot more influential than you think,” Coleman told callers.

Lawmakers in other parts of the state are waging similar battles against data centers. The state House of Representatives on June 24 passed a bill that would empower local governments in Pennsylvania to place up to a six-month pause on their consideration of a data center application. If adopted, the law would allow municipalities to adopt, amend or repeal sections of their related land-use ordinances during the pause. Those changes would then apply to any projects submitted during the pause.

The measure’s sponsor, state Rep. Paul Friel, D-Chester, said the pause window would give local governments time to research, draft and pass comprehensive land-use ordinances pertaining to data centers.

“The bill gives our local officials necessary breathing room to update these ordinances, evaluating demands like water and energy usage and other considerations related to protecting our communities from potential harms caused by data center development,” Friel said.

The bill is now with the state Senate for consideration.

Topic 4

Non-Disclosure Agreement NDA with Talen Energy

Sometime in May of 2025, Talen representatives approached the township to discuss something on their planning radar. The discussion did mention the idea of a data center. No scale or scope or development partners were mentioned.

It was brought up that Talen would like to acquire some property adjacent to the tank farm and around Depues and Del Haven Roads.

Talen requested a NDA in order to ensure that word would not circulate around the community and cause a dramatic increase in values needed to purchase the adjacent property and/or other properties that Talen might be able acquire and/or to trade with a landowner who had limited or no interest in selling.

From: John Mauser <johnmauser@lowermtbethel.org>

Sent: Wednesday, June 4, 2025 10:02 AM

To: Jackson, Marc A <Marc.Jackson@talenenergy.com>

Cc: Jennifer Smethers <manager@lowermtbethel.org>; Chris Cook <ccook@lowermtbethel.org>; Joseph A. Zator II Esq. <jzator@kingspry.com>

Subject: Contact Information for [REDACTED]

[External Email]

Marc,

This portion listed contact information for another land owner who might be interested in selling farmland that could be used in a deal to acquire another parcel Talen was interested in acquiring. I believe the land owners did not entertain any offers by Talen.

Megan Hart is the new township manager and her e-mail is the same as Jennifer Smethers, the former manager. Please add Megan to all communications.

Please note Joe Zator has a new e-mail and is copied with this e-mail. When a sample NDA is available for review, please forward to all parties listed above. It is my understanding that upon agreement of an NDA agreeable to both parties, the parties will have a joint evening meeting at the township's Centerfield School building.

That meeting never occurred.

Please let me know if you have any questions. Thank you.

Take care,

John

Why would or should the Board want to talk with Talen?

I believe we should know what Talen, other companies, or individuals are contemplating so as to prepare the township for any development without surprises and hopefully ensure best results moving forward for the township.

A NDA was forwarded to the township and reviewed by legal. The NDA was signed by township supervisors around August 21, 2025.

To my knowledge no additional contact occurred between the two parties. The township was operating with the understanding the Board of Supervisors were to follow the NDA.

During the November Planning Commission meeting, a member announced that a data center maybe or is coming to LMBT.

My term expired in December of 2025. Nothing new on my part

On July 7, 2026 after the Planning Commission meeting, I was approached by two individuals who I had conversations with on prior occasions. Elizabeth DeOrnellas, Morning Call reporter, and Jane Therese, photo journalist, asked me some questions on the NDA. I answered briefly and stated I would be giving a report to the Board of Supervisors at their meeting on July 13.

The morning of July 8, Mark Jackson, Talen, called me to tell he did talk with a Morning Call reporter. I believe the same day or a day later, Deornellas called me. She was told by Talen that the NDA was never signed by Talen. Obviously, this was the reason LMBT staff could not locate the NDA which included Talen signatures.

I left a message for Mark Jackson asking for an e-mail or written notice that the NDA was not in effect. I later talked with Julie LaBella, Talen, who said the lawyers need to review the notice of no binding NDA between LMBT and Talen. At that point, an e-mail would be sent to the township office stating no binding NDA existed now or in the past.

From: Jackson, Marc A <Marc.Jackson@talenenergy.com>
Sent: Friday, July 10, 2026 3:44 PM
To: Melissa Mastrogiovanni <secretary@lowermtbethel.org>
Cc: John Mauser <johnmauser@lowermtbethel.org>
Subject: Lower Mount Bethel NDA

Good Afternoon, Melissa – I wanted to reach out regarding Talen’s position as it pertains to the non-disclosure agreements that were signed by the Lower Mount Bethel Township Supervisors on August 21, 2025.

Talen did not sign these agreements or send back to the Township executed versions for its files. Consistent with past communication with the Township, please allow this email to reiterate Talen’s position. There has not been a valid and enforceable non-disclosure agreement in place between the Township and Talen, and, as such, Talen does not intend to enforce any of the terms and conditions therein.

Please feel free to reach out to me should you have any questions or need any additional information.

Thank you,
Marc

Marc Jackson
Director of Real Estate

Topic 5

Meeting of July 6, 2026 with Data Center Developers

An informational meeting was held at LMBT office from 4:00 PM to about 5:30 PM.

Developer:

Marc Jackson, Talen Energy

Julie LaBella, Talen Energy

John Callahan, Peron Development

Peter Polt, Petrucci

LMBT:

John Mauser, Supervisor

Chris Cook, Supervisor

Melissa Mastrogiovanni, Manager

Megan Hart, Manager

The developer presented 3 maps on zoning and 3 pages from the township comprehensive plan.

There were no negotiations just strictly sharing of thoughts.

No plan has been submitted for review.

Current Zoning Map As shown by Developer*



*Bold white on this page and
next two pages inserted by me

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JUSTIN A. GEONNOTTI

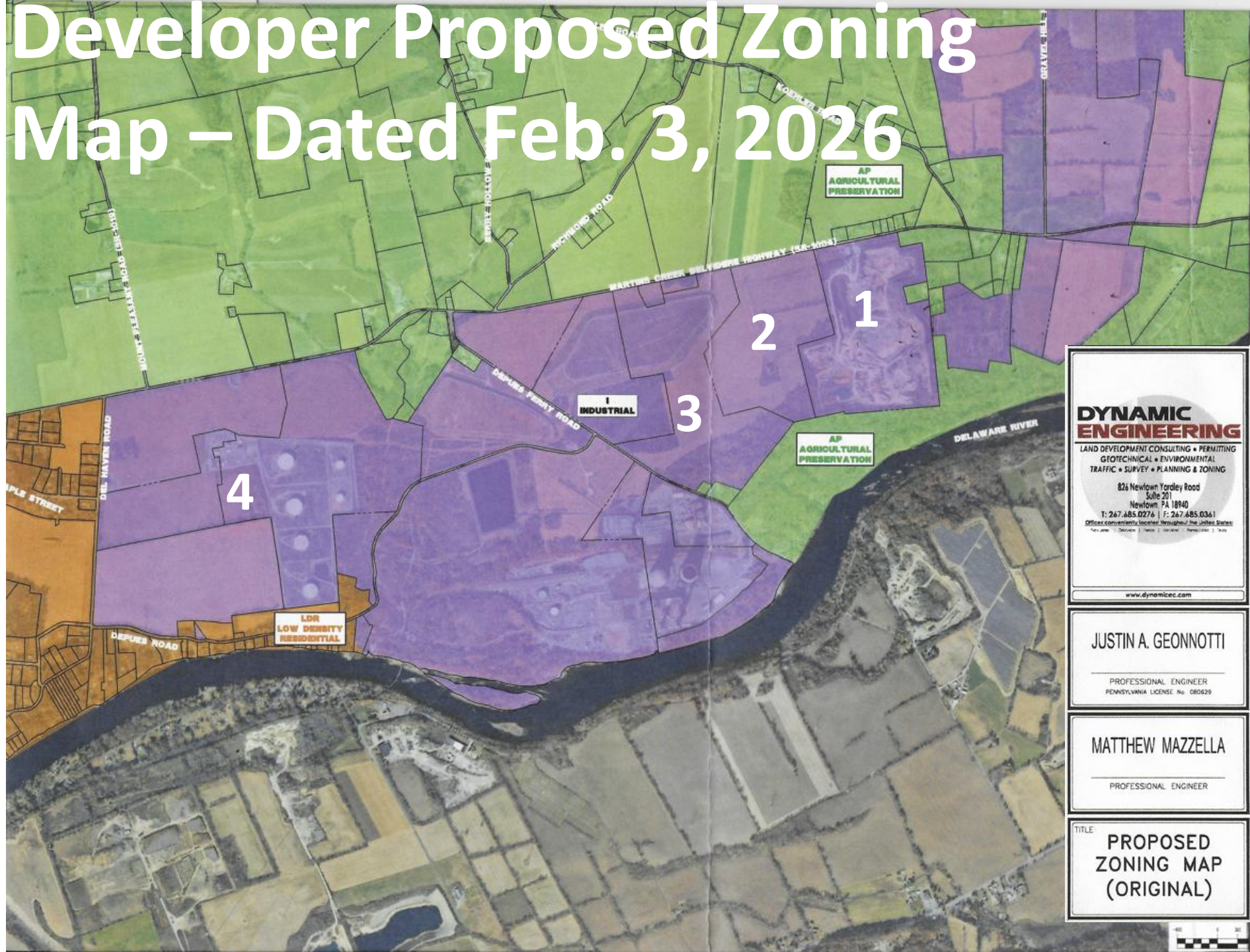
PROFESSIONAL ENGINEER
PENNSYLVANIA LICENSE No. 080629

MATTHEW MAZZELLA

PROFESSIONAL ENGINEER

TITLE
**EXISTING
ZONING MAP
EXHIBIT**

Developer Proposed Zoning Map – Dated Feb. 3, 2026



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MATTHEW MAZZELLA

PROFESSIONAL ENGINEER

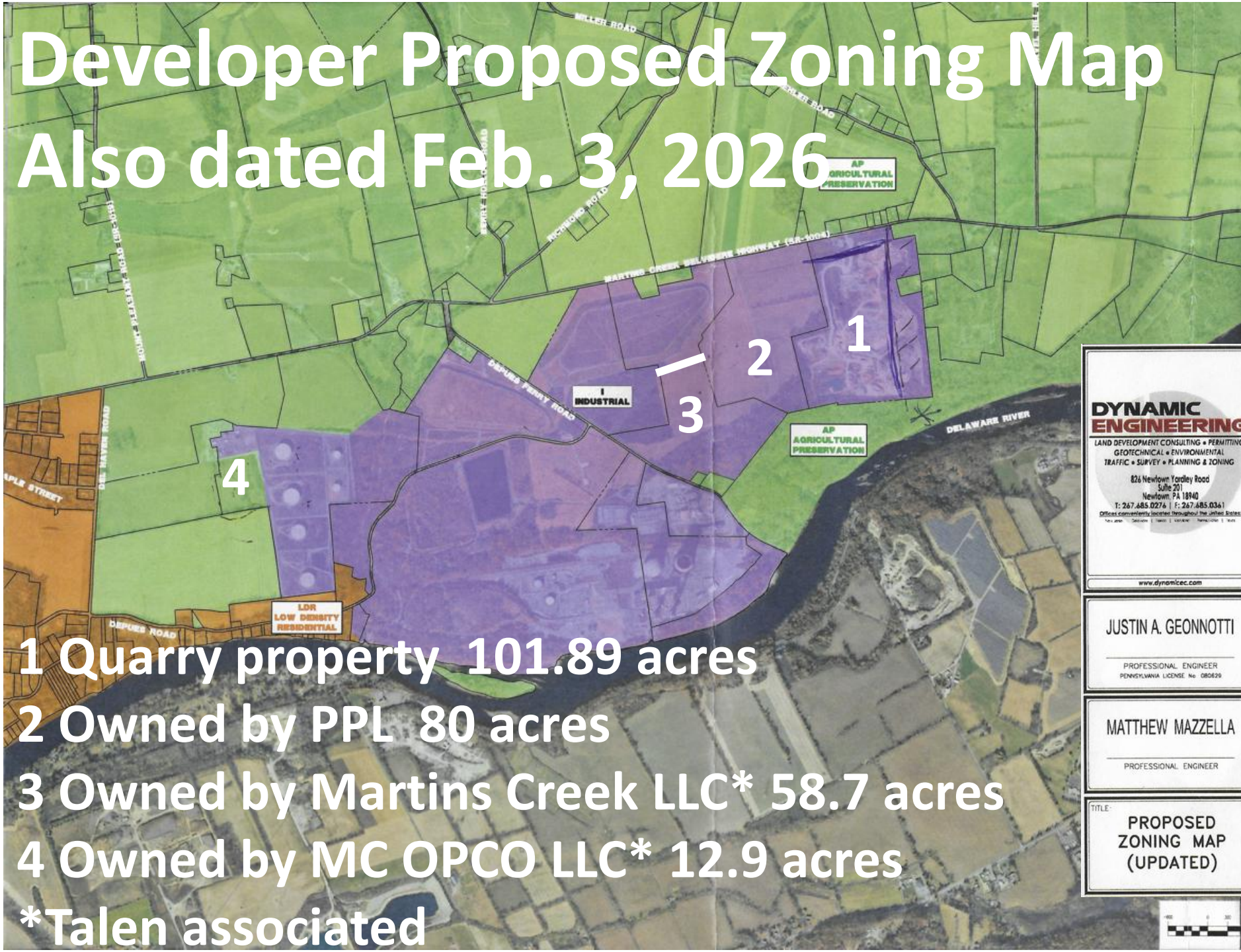
TITLE:

PROPOSED
ZONING MAP
(ORIGINAL)



Developer Proposed Zoning Map

Also dated Feb. 3, 2026



1 Quarry property 101.89 acres

2 Owned by PPL 80 acres

3 Owned by Martins Creek LLC* 58.7 acres

4 Owned by MC OPCO LLC* 12.9 acres

*Talen associated

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PENNSYLVANIA LICENSE No. 080299

MATTHEW MAZZELLA

PROFESSIONAL ENGINEER

TITLE:

PROPOSED
ZONING MAP
(UPDATED)

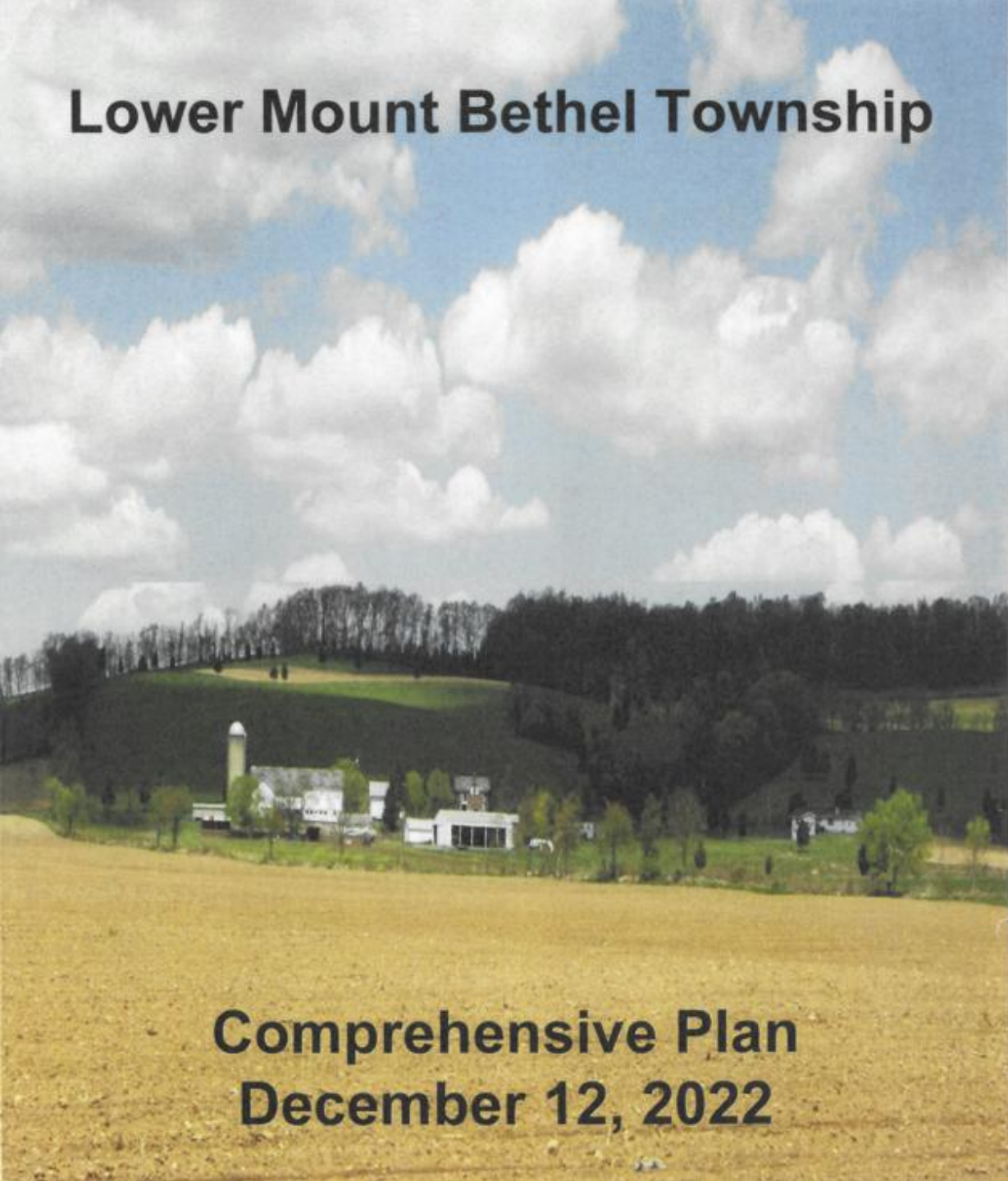
Developer's
Proposal
Dated Feb. 3, 2026



?

Developer's
Scaled Back
Dated Feb. 3, 2026





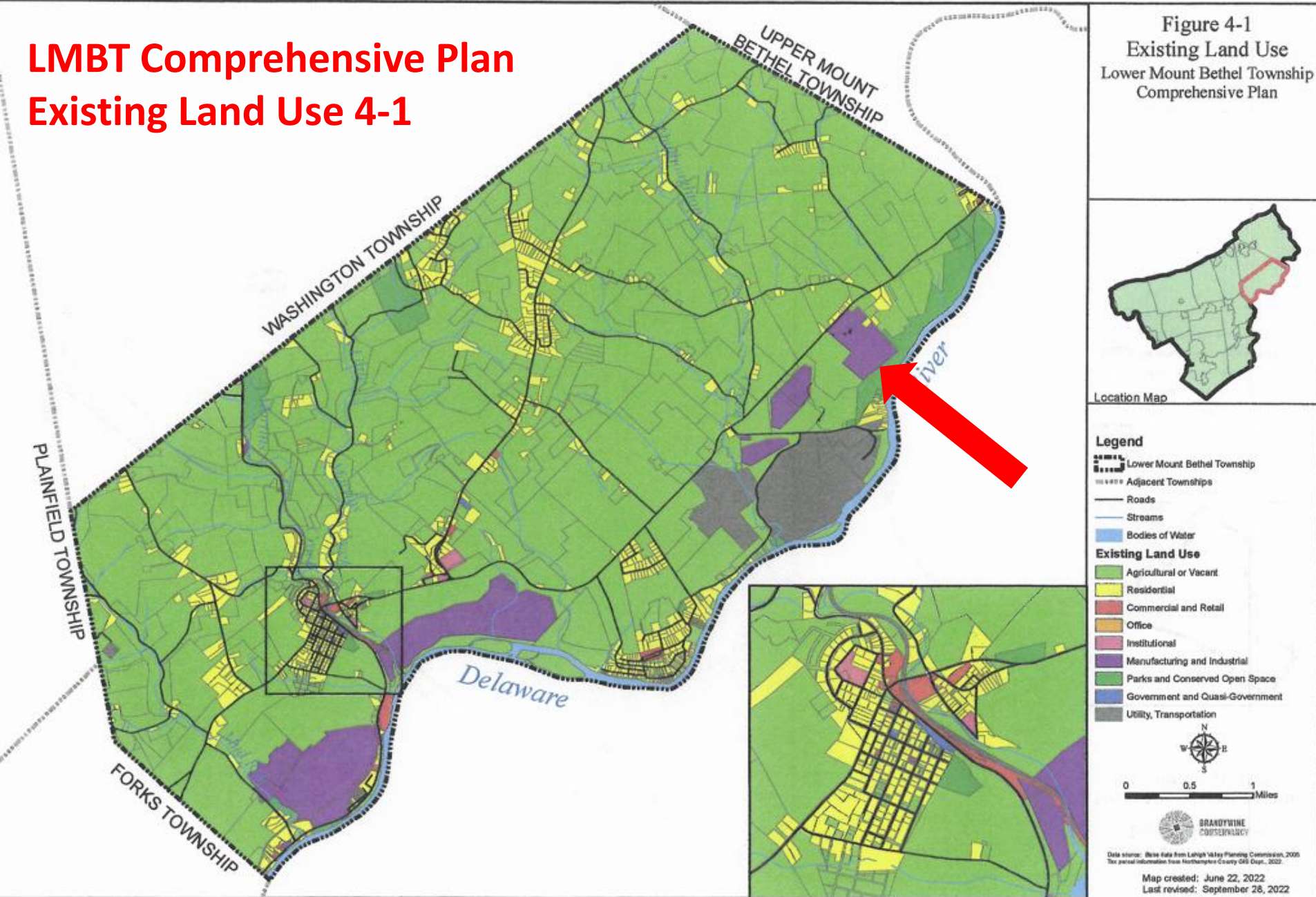
Lower Mount Bethel Township

**Comprehensive Plan
December 12, 2022**

The developer's legal team is actively reviewing the township's comprehensive plan, zoning, and other documents to determine how to make any future submission meet legal requirements or perhaps create a path for a future challenge.

LMBT Comprehensive Plan

Existing Land Use 4-1

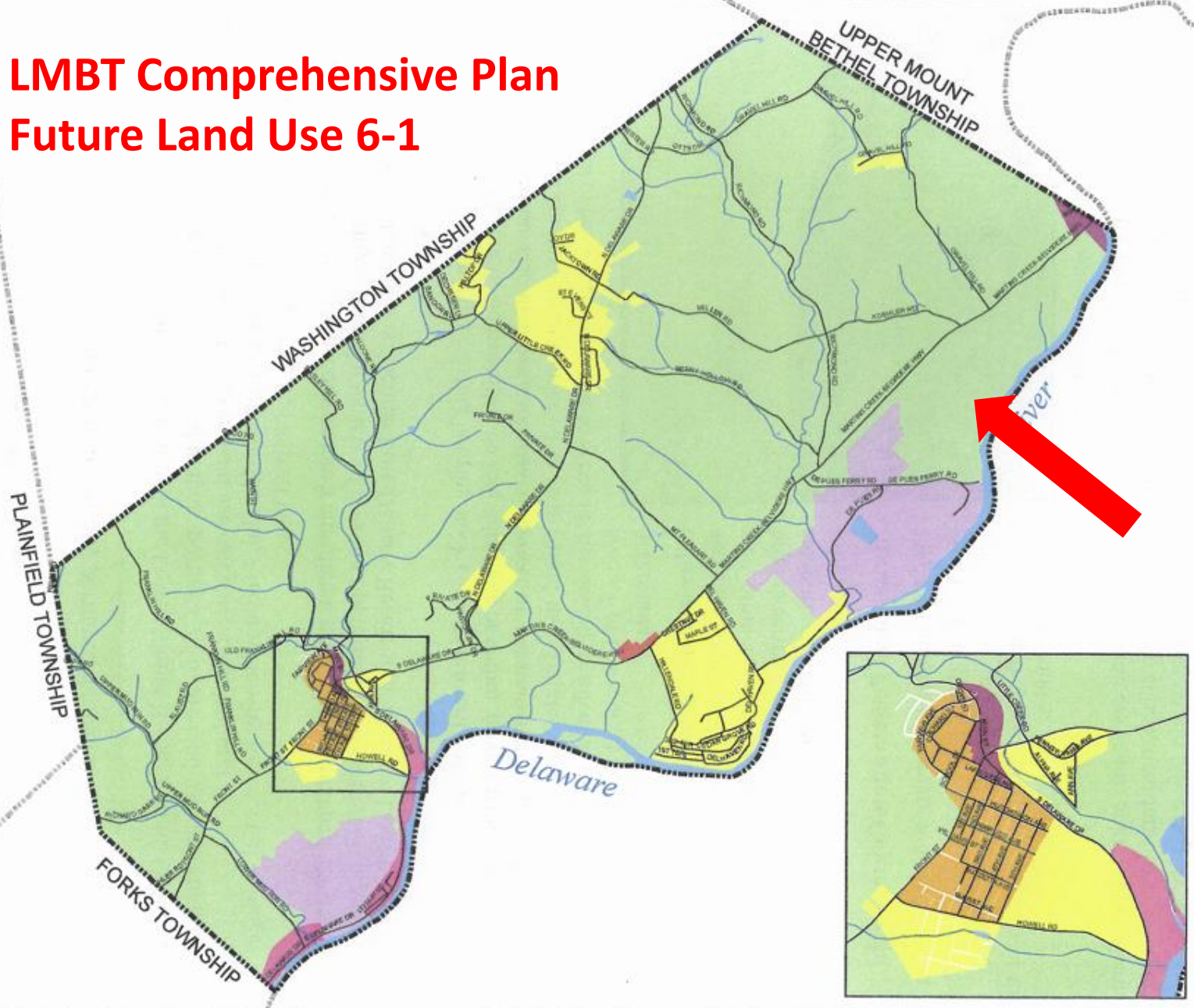


The developer mentioned the quarry was industrial in figure 4-1

LMBT Comprehensive Plan

Future Land Use 6-1

Figure 6-1
Future Land Use
Lower Mount Bethel Township
Comprehensive Plan



Legend

- Lower Mount Bethel Township
- Adjacent Townships
- Roads
- Streams
- Bodies of Water

Future Land Use

- Agricultural Preservation/Conservation
- Commercial
- Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Village Mixed Use

0 0.5 1 Miles

BRANDYWINE CONSERVANCY

Data source: Base data from Lehigh Valley Planning Commission, 2005
Tax parcels from Berks County, 2022.
Zoning adopted July 2022.
Map created: August 16, 2022

The developer mentioned the quarry is now agricultural, preservation, conservation.

LMBT Comprehensive Plan – The developer highlighted in yellow a portion of the plan shown below (I bracketed the highlighted part).

Industrial

The Industrial land use category primarily recognizes the location of existing industrial properties, particularly operating quarries and power generation facilities. The Future Land Use Plan allocates a limited amount of additional lands adjoining these industrial uses to this land use category to allow for limited industrial expansion, and to allow for buffering of these uses, which are potentially noisy, dusty, flammable, and hazardous, from nearby residentially developed or zoned land uses. This land use category intentionally excludes the immediate frontage of Martins Creek-Belvidere Highway, part of the Delaware River Valley Scenic Byway. Existing and former industrial properties along the Route 611 portion of the Byway south of the village of Martins Creek are included.

In addition to existing industrial uses and potential similar uses, the Industrial land use category anticipates a wide variety of lawful uses not otherwise compatible within conventional residential, commercial or agricultural/conservation areas, in a manner that respects surrounding residents and landowners while providing employment opportunities and diversification of the local tax-base. Potential new uses include research labs, wholesale businesses, sale of building materials, and sales of fireworks and ammunition. Additional uses subject to specific design and

1. The developer is willing to put roughly 400 acres in farmland preservation.
2. The developer is looking at 300-foot-wide buffers.
3. The developer would consider putting development in the quarry and consider lowering ground on surrounding areas to the quarry level.
4. The developer is willing to purchase surrounding properties. They have spoken to several neighboring owners.
5. The developer cannot use eminent domain.

6. The developer would require the PPL parcel #2.
7. Besides the quarry the developers would like **140+** acres to be rezoned to industrial
8. The developer is considering removing two large capacity fuel tanks and asking for a small parcel (#4) to be changed to industrial
9. The developers are willing to have exteriors of buildings that blend in with the environment.
10. At least one area in the industrial zone is environmentally sensitive.

11. Talen is looking to improve relations with LMBT.
12. Talen reaffirmed a \$20,000 donation to LMBT for the fire department.

13. Talen is redirecting \$30,000/yr for 10 yrs to the fire company which was repayable by LMBT to Talen due to a court case on taxes.

14. I asked about tours for BOS, planning commission, neighboring property owners, etc.

15. The Berwick site (owned by Talen) is under development but very noisy while under construction. To me this is a site worth touring.

16. Talen mentioned that they will be supplying power to the UMBT data center.

17. Virginia is basically the data center capital of the world.

18. Virginia would have some of the most advanced data center facilities similar to what would be built here.

19. Tara Zrinski, Northampton County Executive, toured a large data center site in New Jersey.

20. There was no talk about the size or number of buildings.

21. The PPL site (#2) is a potential sub station site. Meaning a sub station area may be needed at another site.

22. The school district would get the greatest amount perhaps \$14 million.

23. LMBT might receive about \$500,000 per year.

24. The developer has concerns about 1000-foot-wide buffers and several other items in the new zoning amendment.

25. According to the developer, LVPC had several concerns with Lowhill Township amendment.

26. The developer did not give any indication when a plan would be submitted and I didn't ask.

27. I showed the location of my house relative to the two generating plants (see slide 33).

28. I mentioned when the stacks blow (my description, not sure what is going on) my windows vibrate and this may occur at 1:00 am or any time.

29. We talked about karst geology and the Tatamy Stockerton area. I mentioned I attended a Karst Geology Advisory Committee meeting that morning with Tara Zrinski, County Executive, among others.

At the planning commission meeting, a resident mentioned about the noise level at his house 1 ½ miles away from the power plant.

If and when a plan is submitted, perhaps the township should request as a condition of moving forward the installation of updated sound measures at the power plant itself. This request cannot be forced on Talen as it is an operating business.

I feel the BOS may need to start thinking about all outcomes with legal and engineering providing guidance at every step forward so the township does not make a costly mistake.

Martins Creek

Disclosure: I will be positively affected by any sound mitigation at the power plant.



MEAC

MIDWEST ENVIRONMENTAL ASSISTANCE CENTER

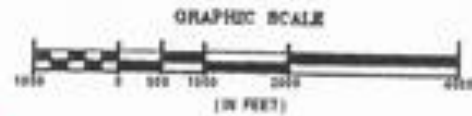
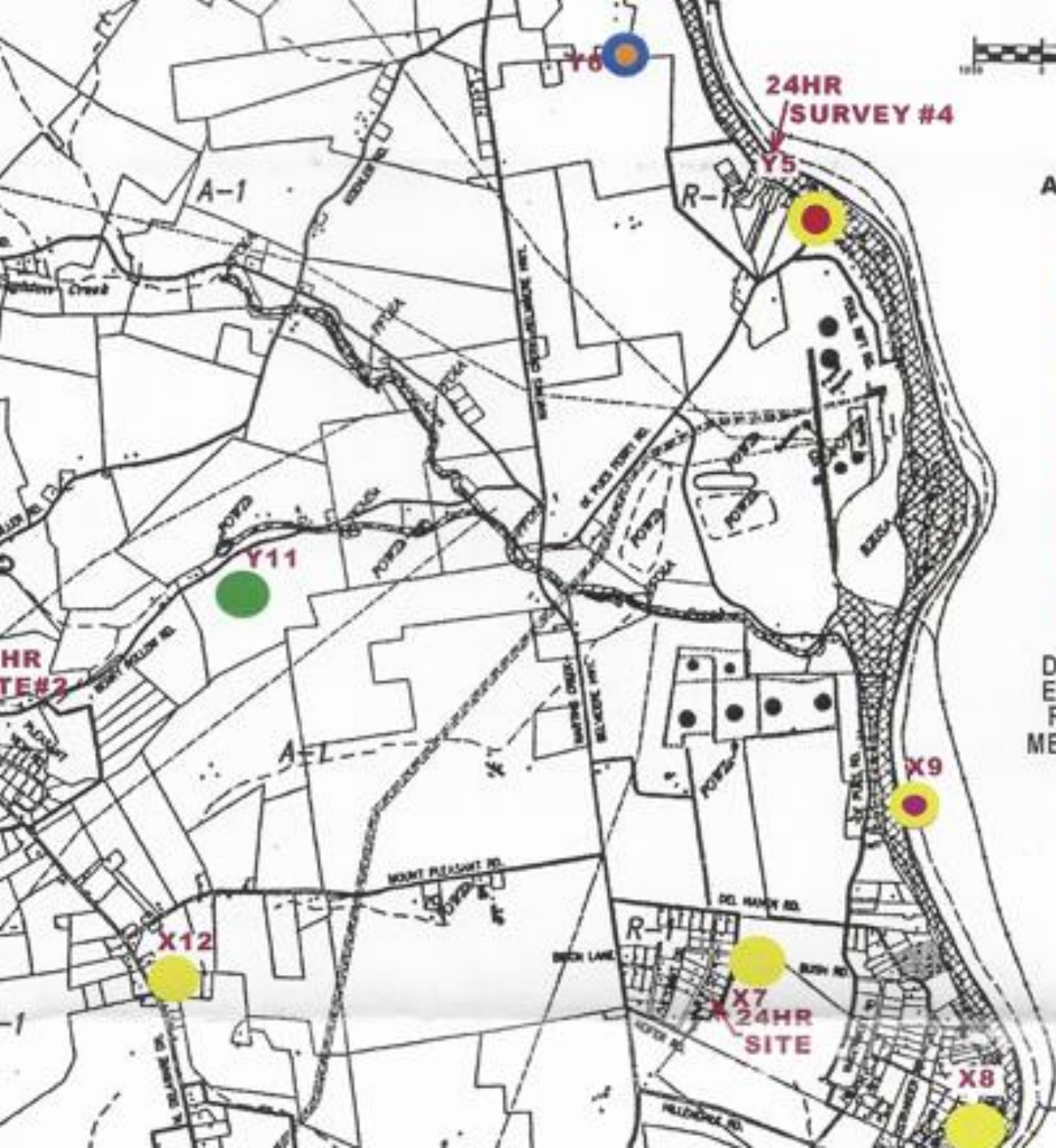
Community Noise Survey and Analysis Lower Mount Bethel Township, PA

January 31, 2002

4. 24 Hour Survey #4; 7751 De Pues Road; R-1 to I-1 Zone

This site is located approximately 600 feet north of the PPL Plant property. The survey began at 12:15 p.m. December 4th and ended 12:15 pm December 5th. The PPL construction noise is shown on 24 Hour Chart #4, with ambient levels in the 55 dB(A) range, on an average, peaking to 61 dB(A) for the 7:00 a.m. hour of December 5th. Nighttime background L90 sound levels without PPL Plant in operation ranged from 39 to 42 dB(A), with Leq levels of 41 to 45 dB(A) without construction noise.

The Tuesday Leq average noise level was 50.5 dB(A) and the Wednesday Leq average noise levels was 53.6 dB(A) due to more construction noise present in the daytime averaging. Nighttime noise levels taken on previous survey nights with the PPL Plant in operation indicated a Leq level of 50 to 52 dB(A) due to speaker intercom and the other Plant Facility noise source propagation.



**COLOR CODE FOR
AMBIENT AVERAGE
A-WEIGHTED DECIBELS**

- 33 - 37 DBA
- 38 - 40 DBA
- 41 - 43 DBA
- 44 - 46 DBA
- 47 - 49 DBA
- 50 - 52 DBA
- > 52 DBA

DAYTIME (7:00 AM - 10:00 PM)
EXISTING AMBIENT SURVEY
RESULTS FOR MEAC DATA
MEASURED 11/30 - 12/05, 2001



24HR
SURVEY #4

COLOR CODE FOR
AMBIENT AVERAGE
A-WEIGHTED DECIBELS

- 33 - 37 DBA
- 38 - 40 DBA
- 41 - 43 DBA
- 44 - 46 DBA
- 47 - 49 DBA
- 50 - 52 DBA
- > 52 DBA

NIGHTTIME (10:00 PM - 7:00 AM)
EXISTING AMBIENT SURVEY
RESULTS FOR MEAC DATA
MEASURED 11/30 - 12/05, 2001

24HR
SITE

Concluding Comments

- I am requesting that my report be posted on the township website.
- I am suggesting that the entire 2002 Community Noise Survey and Analysis be posted on the township website.
- I suggesting that my report be reviewed by the BOS, legal, and engineering prior to the next scheduled BOS meeting.
- At the next BOS meeting, an agenda item to consider is a discussion on reviewing my report and planning the township's next steps.
- Should we have a subcommittee consisting of two supervisors, legal, engineering, and the manager. They might meet by Zoom to develop a coherent plan or strategy.
- Thank you for your patience. John Mauser