



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE DEMOCRATIC POLICY COMMITTEE**

ON

DATA CENTERS: IMPACTS, OPERATIONS, AND POLICY CONSIDERATIONS

PRESENTED BY

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Chairman Miller, Senator Flynn and members of the Senate Democratic Policy Committee:

Thank you for inviting PSATS to present remarks on behalf of the 1,453 townships of the second class represented by our association. My name is Holly Fishel and I am the Policy and Research Director for PSATS.

PSATS is the Pennsylvania State Association of Township Supervisors and we are a nonprofit, nonpartisan organization committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Our members cover 95% of Pennsylvania's land mass and represent 5.7 million Pennsylvanians — more residents than any other type of municipality in the commonwealth.

Pennsylvania is blessed with an abundance of natural resources and a diverse landscape covering urban, suburban, and rural communities. Our state has the resources and talent to be an economic and energy powerhouse, and we agree it should be. When the state succeeds, our local communities succeed.

Local governments play a critical role in the planning and development of their municipalities as the elected officials closest to the people they represent and are uniquely positioned to oversee this process. Local government's role in land use decisions is meant to balance the wishes of residents with the wants of developers, and to do it with an eye on safety and affordability. It is not a responsibility our members take lightly and is heavily governed by the Pennsylvania Municipalities Planning Code (MPC). If a municipality has zoning, they must plan for every use and follow timelines for plan approvals.

Due to the recent explosive developments in artificial intelligence, data centers have become a fast-emerging land use and township governments are at the forefront of the discussion. To prepare for this new industry, township officials have rolled up their sleeves and are updating land use ordinances with the input of residents to determine the most appropriate locations for these facilities and to mitigate negative impacts.

Municipalities can plan for data centers, but like any allowable use, cannot stop them or keep them out. The MPC gives municipalities the authority to plan for growth in their community through a comprehensive plan. This plan is enforced through zoning and subdivision and land development ordinances (SALDOs). Zoning directs where different uses may be placed within a municipality, while SALDOs provide standards for the infrastructure that will support new development. If a municipality chooses not to zone, it cannot restrict where a use may be placed. Zoning must be comprehensive and changes to a single site to acquiesce to a developer's desires are generally considered by the courts to be illegal spot zoning.

Municipalities must follow a strict public process when adopting new ordinances or amending existing ones, including legal notices, public hearings, and consideration and action at advertised public meetings, with an opportunity for public input. In addition, land use approval processes are strictly regulated by state law and failure to act timely results in "deemed approvals." Faster isn't better if rights are trampled.

To be clear, PSATS opposes any effort to preempt local control of land use decisions, as the retention of municipal control of planning, zoning, subdivision, and other land use decisions is critical to townships' ability to manage growth. Local governments must continue to be allowed to set commonsense rules that vary by community and deal with things like setbacks, noise, light pollution, and reasonable height requirements.

Township officials spend a lot of time thoughtfully planning for development and crafting ordinances that balance development with community needs. For townships expecting the first data centers in Pennsylvania, both elected and appointed officials have been aggressively working to learn about the impacts of these facilities and experiences in other states. While promising a windfall in new property tax revenues, positives need to be balanced with mitigation of the impacts on the residents who live down the street and share a well with the facility or the fire department who will respond to an emergency.

Some may question these requirements, but they are rooted in careful examination of the issues. Height limits ensure that volunteer fire department's equipment can access the roof in the case of an emergency response or fire. Noise restrictions and setbacks correspond with the closest residential buildings and ensure a quality of life for residents from data centers that will be operated 24 hours a day, seven days a week.

One of the largest impacts of data centers is water use, which, without thoughtful planning, could have devastating impacts on existing residents and businesses. Depending on its size, a single data center could use 1 to 5 million gallons a day. Water is a limited and vital resource, so residents have valid concerns about water usage. Townships must ensure that the developer has documented an adequate water supply that will not leave residents unable to use their homes and businesses if water supplies go dry and require the township to truck in water for daily use.

Finally, the electricity needs of each data center may exceed that for the entire metropolitan region or even county. While generally outside the purview of the municipality, proper planning ensures that the developer has worked with electricity suppliers and utilities to provide for their needs, as well as that for the generators that will supply backup power to these facilities. This demand will, in the short term, lead to higher consumer electricity costs until grid capacity is increased.

PSATS supports efforts to streamline permitting at the state level, as our members have experience firsthand with cumbersome state permitting processes. However, streamlining permitting processes should not amount to waivers that cost us the necessary oversight to protect our residents and environment.

In closing, data centers have a place in our Commonwealth. However, like any land use, we should not rush their development for the sake of a headline or news hit. These projects will have long-lasting impacts on the communities that host them, which is why it is critical to preserve local decision making and avoid one size fits all state defined schemes.