Kaplin Stewart
Attorneys at Law

Marc B. Kaplin, Esquire
Direct Dial: (610) 941-2666
Direct Fax: (610) 684-2000
mkaplin@kaplaw.com
www.kaplaw.com

August 11, 2026

BY HAND DELIVERY

Julia Heilakka, Township Manager
Smithfield Township
1155 Red Fox Road
East Stroudsburg, PA 18301

RE: Conditional Use Application of DEPG Mosier Associates, L.P. & DEPG of Shawnee II, LP
Smithfield Gateway Data Centers
Our File No. 9819-146

Dear Ms. Heilakka:

As you may know, Kaplin Stewart Meloff Reiter & Stein, P.C. represents DEPG Mosier Associates, L.P. and DEPG of Shawnee II, LP (**"DEPG"** or **"Applicants"**), in connection with the proposed development of the approximately 91.96-acre Smithfield Gateway property (**"Property"**), located to the northeast of the intersection of Seven Bridge Road (SR 209) and Independence Road in Smithfield Township (**"Township"**).

By way of background, on April 1, 2026, Applicants submitted to the Township its application seeking Conditional Use approval (**"Application"**) pursuant to Section 27-511.22 of the Township's Zoning Ordinance to permit a Data Center development on Phases 1B, 2A and 2B of the Smithfield Gateway Property (**"Project"**). The Application was accompanied by, *inter alia*, a Conditional Use plan set (**"Plans"**) prepared by Langan. On or around June 21, 2026, Applicant received a review letter dated June 18, 2026, issued by T&M Associates / Jon S. Tresslar, P.E., P.LS., the Township's Engineer (**"Review Letter"**). This receipt occurred 81 days after the April 1, 2026, submission, representing a lengthy delay. Applicants' design team has since revised the Plans and supplemental materials to address all comments in the Review Letter.

I. RESUBMISSION

Along with this letter, we are submitting the Plans and related materials that have been revised in response to the comments received. This Resubmission includes each of the following:

1. Ten (10) copies of a letter compiled by Langan, dated August 10, 2026, which contains responses to the June 18, 2026 Review Letter;

2. Ten (10) full size (30" x 42") copies of revised Plans, prepared by Langan, dated March 31, 2026, last revised (rev. 1) August 10, 2026, consisting of eighteen (18) sheets and all supplemental sheets appended thereto;

3. Ten (10) full size (30" x 42") copies of exterior renderings, prepared by Miller Rosentel Associates, Inc., dated August 10, 2026, consisting of two (2) sheets;

4. Ten (10) full size (36" x 48") copies of exterior elevations, prepared by Miller Rosentel Associates, Inc., dated August 10, 2026;

5. Ten (10) copies of a Traffic Statement for Conditional Use Application for Smithfield Gateway Data Centers, prepared by Langan, dated March 24, 2026, last revised August 10, 2026;

6. Ten (10) copies of correspondence from the Brodhead Creek Regional Authority (**"BCRA"**) indicating that the Project is ineligible for a "Water Will-Serve" Letter pursuant to BCRA Resolution No. 2022-03, but confirming that BCRA holds a 400,000 gallon-per-day (GPD) allocation from the Borough of East Stroudsburg. Because the Township currently utilizes approximately 150,000 GPD, an available capacity of 250,000 GPD remains to service new developments, including the Project. Additionally, the Data Center will be designed using best practices and Best Available Technology, including the use of closed loop and/or air-cooled systems to minimize water usage. Should adequate capacity ultimately not be available through BCRA, the Project could address its water demand through commercially available water truck hauling services;

7. Ten (10) copies of a Confirmation of Current Wastewater Capacity Availability for Smithfield Gateway, issued by the Smithfield Sewer Authority, dated August 6, 2026;

8. Ten (10) copies of a Detailed Load Study Report with respect to the Project's electrical load requirements, issued by First Energy PA;

9. Ten (10) copies of an Emergency Response Plan, prepared by Delta Development Group, Inc., dated August 10, 2026;

10. Ten (10) copies of an Acoustical Evaluation of Sound Emissions Report and Vibration Analysis, prepared by Ostergaard Acoustical Associates, dated March 31, 2026, revised (rev. 1) August 10, 2026; and

11. One (1) check in the amount of Five Hundred Dollars ($500.00) made payable to Smithfield Township representing the escrow replenishment fee in connection with the Township's review of the Project.

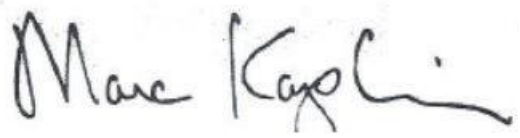
II. REVIEW

In light of the Township's intent to amend the current zoning to restrict Applicants' proposed data center use, our policy dictates that we fully resolve all review comments prior to presenting the Project at any public meetings or hearings. We intend to address all future engineering feedback through subsequent resubmissions, and will present the Project to the Planning Commission and/or Board of Supervisors (**"Board"**) only after all conditional use issues are settled. As such, please forward the enclosed materials to the appropriate Township staff, consultants and bodies for review, and please provide us with copies of any and all review letters as soon as they are generated or received. Additionally, please remove this matter from the agenda for the Planning Commission meeting scheduled for this Thursday, August 13, 2026, at 7:00 p.m.

In connection with this request, on behalf of Applicants, I hereby grant the Board an extension of the applicable timeframes prescribed by the Township's Zoning Ordinance and the Pennsylvania Municipalities Planning Code to commence a hearing on the pending Application through and including October 31, 2026.

If you have any questions or require any further information, please contact me. Thank you for your attention to this matter.

Very truly yours,



Marc B. Kaplin, Esquire

MBK:jrw
Enclosures

cc: DEPG Mosier Associates, L.P. & DEPG of Shawnee II, LP
Langan Engineering
Miller Rosentel Associates, Inc.
Greener by Design, LLC
Ostergaard Acoustical Associates
Delta Development Group, Inc.