

ORDINANCE NO. 2026-04

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LOPATCONG, CHAPTER 243, ZONING AND LAND USE, ARTICLE II TERMINOLOGY, ARTICLE XIV ZONING DISTRICT AND USE REGULATIONS, AND ARTICLE XV CONDITIONAL USES

WHEREAS, the Township Council wish to amend the Zoning Code regarding data centers.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Township of Lopatcong, County of Warren, and State of New Jersey, as follows:

Section 1. The Code of the Township of Lopatcong, Chapter 243, Zoning and Land Use, Article II, Terminology, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

§ 243-5 Definitions

DATA PROCESSING CENTER

A facility used primarily to house computer systems and associated components, including, but not limited to telecommunications devices, switches, routers, and servers, which are used to manage network operations, host web services, store and process data, enable cloud computing, and otherwise support information technology functions for either a single user or multiple users. Data Processing Center may include limited accessory office areas for administrative, security, and maintenance of systems.

Section 2. The Code of the Township of Lopatcong, Chapter 243, Zoning and Land Use, Article XIV, Zoning District and Use Regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

§243-75 ROM Research Office and Manufacturing Zone

A. Permitted principal uses shall be as follows:

- (1) Farms
- (2) (reserved)
- (3) Industry which involves only the processing, assembly, packaging or storage of previously refined materials, such as but not limited to the following industries:
...
- (4) Offices for business, executive, professional and administrative purposes.
- (5) ~~Computer and data processing centers.~~ (reserved)
- (6) Scientific, engineering and/or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on the premises for the purpose of sale except such as may be incidental to the research or design operation.
- (7) Integrated industrial/office park development.
- (8) Except for the ROM Zone situate along Belview Road, collocation of wireless telecommunication equipment and facilities shall be permitted in the ROM Zone, and wireless telecommunication towers shall be a conditional use in the same part of the ROM Zone. The same uses shall also be permitted and conditional, respectively, in the HB Zone.
- (9) Hospital support services.

- (10) Mini-warehouse/self-storage facility. A self-storage and/or mini-warehouse facility that is designed exclusively for such use, subject to the following provisions:
...
 - (11) Flexible office/warehouse. A flexible office/warehouse facility that is designed exclusively for such use, subject to the following provisions:
...
 - (12) Solar and photovoltaic energy facilities. Solar or photovoltaic energy facilities or structures shall be permitted, subject to the following provisions:
- C. Conditional Uses, subject to the standards set forth in Article XV, Conditional Uses, shall be as follows:
- (1) Advertising signs.
 - (2) Asphalt-manufacturing facilities.
 - (3) Concrete-manufacturing facilities.
 - (4) Resource-recycling facilities.
 - (5) Data Processing Centers

Section 3. The Code of the Township of Lopatcong, Chapter 243, Zoning and Land Use, Article VI, Application Procedures, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

§243-29.1 Construction Management Submission Requirements.

- A. Applicant shall submit a Construction Traffic Management Plan identifying haul routes.
- B. Heavy truck deliveries shall be limited to defined hours.
- C. The Township shall collect roadway repair bonding for potential damage from construction traffic.
- D. An emergency access plan shall be approved by Fire Official and OEM Coordinator.

Section 4. The Code of the Township of Lopatcong, Chapter 243, Zoning and Land Use, Article XV, Conditional Uses, is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

§243-77.3 (Reserved) Data Processing Centers

A. Bulk requirements

- (1) Minimum lot area: 5 acres.
- (2) Maximum building height: 35 feet, plus up to 15 additional feet for roof-mounted equipment such as cooling and ventilation systems, HVAC units, and cooling towers.
- (3) Setbacks
 - (a) Building and lot coverage shall comply with the standards for the zoning district.
- (4) Coverage and Heat Island Mitigation
 - (a) Building and lot coverage shall comply with the standards for the zoning district.
 - (b) Development shall use reflective roofing materials (“cool roofs”), rooftop solar, or intensive green roofs.

B. Parking

- (1) 1 space per 10,000 square feet of gross floor area

C. Buffers, Landscaping, and Screening

- (1) Site plans shall comply with buffer, screening, and landscaping requirements of §243-62 unless otherwise modified herein.
- (2) A tree preservation plan shall be provided, with replacement ratios meeting or exceeding ordinance requirements.
- (3) A landscape buffer is required between Data Processing Centers and any adjoining residential use or zone, as follows:

- (a) The landscape buffer shall be at least 25 feet in width and may be part of the required setback.
 - (b) The landscape buffer shall be free of any structure or use, including accessory buildings, dumpsters, outdoor storage, signs, loading areas, and parking.
 - (c) The landscape buffer shall include plantings to achieve a dense, opaque, four-season screen with a variety of species to prevent monocultural plantings. At the time of planting, trees shall be a minimum of 8 feet in height and shrubs shall be a minimum of three feet in height.
 - (d) In the event that existing topography and/or vegetation is adequate to meet the intent of the required buffer yard, such existing topography and/or vegetation may constitute all or part of the required buffer yard.
 - (e) All buffer plantings shall be maintained by the property owner. Any plant material that dies, is removed, is diseased, or is severely damaged shall be replaced by the property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
- (4) Off-street parking areas which provide parking for 10 or more vehicles shall be provided with shade trees of a type approved by the Board. The shade trees shall be located in curbed islands within the parking lot area, in quantity equal to one shade tree for every 10 parking spaces, according to an approved landscape plan. Proposed landscaping shall consist of native plants to the maximum extent feasible. At a minimum, 80% of all proposed trees, shrubs, grasses and other ground covers shall be native varieties.
 - (5) Any required security fencing shall be softened by landscaping.
 - (6) Equipment Screening. Ground-mounted and roof-mounted must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view with fencing, landscaping, or similar means.

D Lighting

- (1) Lighting levels shall comply with §243-48.B(1) of the municipal code.
- (2) Light fixtures shall be fully shielded, downward-directed lighting (dark sky compliant).
- (3) Applicant shall comply with local glare and light trespass standards.
- (4) Lights shall be dimmed or turned off during evening hours when limited staff are on-site.

E Noise and Vibration

- (1) Data Processing Centers shall be subject to Chapter 147 – Noise of the municipal code as well as NJDEP noise standards at property lines.
- (2) Data Processing Center Applications shall provide data analysis demonstrating through a sound and vibration study conducted by a professional acoustical expert that the sound and vibration generated by a Data Processing Center will not exceed permitted levels at any property lines. An as-built study shall be conducted within six months after issuance of the certificate of occupancy. If it is determined by the as-built study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.
- (3) Sound attenuation enclosures may be required for rooftop and ground mounted equipment.
- (4) Backup generator testing hours shall be limited to weekday daytime hours only.
- (5) All backup generators shall be contained within the principal structure, or in a dedicated accessory structure to mitigate noise during testing, and during power outages.

F Air Quality

- (1) All emergency generation equipment must obtain applicable NJDEP Air Permits.
- (2) Non-emergency generator operation is prohibited. Emergency generator use can only be used during times of power outage.

- (3) Applicant shall use ultra-low sulfur diesel, natural gas, propane, or alternative fuel for backup generators.
- (4) Generator fuel spill prevention and secondary containment systems are required.

G Feasibility

- (1) Applicant shall submit a Utility Capacity Certification from the electric and natural gas provider(s), demonstrating adequate capacity for future users.
- (2) Applicant shall submit a Grid Impact Study prior to Final Site Plan approval.
- (3) Phased energization shall be tied to confirmed infrastructure upgrades.
- (4) Data Processing Centers shall engage in demand-response or peak-load management programs where available.
- (5) Implementation of renewable energy production, either on-site or within close proximity, in order to serve the intended use is encouraged. These facilities should also include new technologies including battery storage to serve as either backup power, or power supply during periods where power is not being generated on-site

H Natural Gas Feasibility.

- (1) Applicant shall submit a Gas Supply Demand Report with any site plan application.
- (2) Data Processing Centers shall engage in demand-response or peak-load management programs where available.

I Public Water Supply Feasibility.

- (1) All water consumed on site shall ~~to~~ be supplied through public water utility and not on-site groundwater (well) sources.
- (2) Applicant shall submit a Water Demand and Impact Report with any site plan application.
- (3) Data Processing Center Application shall provide documentation that there is an adequate supply of water for the proposed use and that proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. If the use will be served by a public water supply, the Applicant shall submit documentation from the public authority certifying that the public utility authority will supply the water needed.
- (4) Applicant shall use water-efficient or closed-loop cooling systems where feasible.
- (5) Applicant shall use innovative cooling systems, including geothermal, recirculation, and stormwater/snow melt capture/re-use (e.g. cisterns, holding tanks, blue roofs).
- (6) Applicant shall submit an annual reporting of water consumption to the municipal engineer.

I Sewer and Stormwater Feasibility.

- (1) Applicant shall comply with NJ Stormwater Management Rules (N.J.A.C. 7:8).
- (2) Applicant shall employ enhanced stormwater best management practices (BMPs) beyond minimum standards where feasible.
- (3) Green infrastructure integration shall be used to reduce runoff and heat island effects.

J Administrative Procedures

- (1) Applicant shall post performance and maintenance guarantees for all required improvements in accordance with MLUL requirements.
- (2) Execution of a Developer's Agreement shall be required.
- (3) Application shall include a Sustainability Operations Plan.
- (4) Applicant or operator shall submit an annual reporting to the municipal engineer summarizing:
 - (a) Electrical consumption
 - (b) Gas/fuel consumption
 - (c) Water consumption
 - (d) Generator testing hours
- (5) Applicant shall submit electronic waste recycling program documentation to the municipal engineer, subject to applicable DEP solid waste regulations.

- (6) Applicant shall submit infrastructure cost-sharing agreements where applicable as required by Chapter 153 Off-Tract Improvements of the municipal code. In addition, any data center development shall be responsible for the cost of any required or requested infrastructure or utility extensions, upgrades, or capacity improvements.

Section 5. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Lopatcong inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 6. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 7. This ordinance shall take effect as required by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on Wednesday, May 6, 2026 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on Wednesday, June 3, 2026 at 7:30 PM or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building located at 232 So. Third St., Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, MMC