

SUPREME COURT  
STATE OF NEW YORK      COUNTY OF TOMPKINS

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In the Matter of the Application of

FLX STRONG by its President Kenneth Wolkin and CAYUGA  
LAKE ENVIRONMENTAL ACTION NOW by its President John  
V. Dennis,

Petitioners,

**AFFIRMATION OF  
STEPHEN D. DALY,  
ESQ. IN SUPPORT  
OF VERIFIED  
PETITION**

For a Judgment Under Article 78 of the Civil Practice Law And  
Rules,

Index No.:

vs.

TOWN OF LANSING ZONING BOARD OF APPEALS,  
TERAWULF INC., CAYUGA OPERATING COMPANY LLC,  
LAKE HAWKEYE LLC, and FRED DELFAVERO,

Respondents.

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I, Stephen Daly, Esq., of legal age, affirm under penalty of perjury pursuant to N.Y.C.P.L.R. § 2106 the following:

1. I am an attorney admitted to practice law in the State of New York and am the managing partner of the law firm Citizen Environmental Law PLLC.
2. I maintain my law office at 6 N. Main St., Suite 200-J, Fairport, New York in the County of Monroe.
3. I am counsel for both FLX Strong and Cayuga Lake Environmental Action Now, the Petitioners in this proceeding.

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4. I attended the public hearing on December 16, 2025 concerning the appeals and am personally familiar with the proceedings that culminated in the ZBA's written decision that is the subject of this proceeding.

5. A true and correct copy of the current version of Schedule I of the Town of Lansing Zoning Ordinance is attached as **Exhibit 1**.

6. I watched the live stream of the ZBA's December 22, 2025 meeting, which has since been made available as a recording on the internet. A member of FLX Strong prepared a guide and select transcript of the video recording from the December 22 meeting, a true and correct copy of which is attached as **Exhibit 2**. The Exhibit contains an internet link to the full video recording of the meeting.

7. Earlier versions of the Town's Ordinance are available on the Town of Lansing's website. Attached as **Exhibit 3** is a true and correct copy of Schedule I from the 1998 and 2001 Ordinance, respectively. This information was included as an exhibit to FLX Strong's submission to the ZBA during the public hearing on December 16, 2025.

8. A true and correct copy of the Code Enforcement Officer's ("CEO") decision regarding "general processing" and "warehouse" uses dated November 10, 2025 is attached as **Exhibit 4**.

9. A true and correct copy of TeraWulf's November 12, 2025 appeal of the CEO's determination in ZBA Appeal 25-10, not including the exhibits, is attached as **Exhibit 5**.

10. By way of the Freedom of Information Law, my office obtained a copy of the CEO's letter statement to the ZBA in support of his determinations in the two ZBA appeals. A true and correct copy of the CEO's letter my office obtained via FOIL is attached as **Exhibit 6**.

11. On behalf of FLX Strong, my office prepared a written submission concerning the ZBA Appeals and which was submitted by hand to the ZBA during the December 16, 2025 public hearing. A true and correct copy of the submission, excluding exhibits, is attached as

**Exhibit 7.**

12. A true and correct copy of the ZBA's written decision and resolution deciding Appeal No. 25-10 is attached as **Exhibit 8.**

13. A true and correct copy of an email chain that was made available on the Town of Lansing's website involving the ZBA Chairperson (Jack Young) and Town Supervisor (Ruth Groff) in September 2025 is attached as **Exhibit 9.**

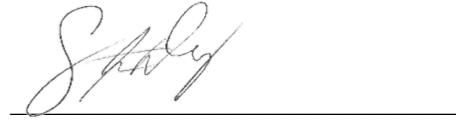
14. A true and correct copy of postings on the Lansing list serv dated October 1, 2025 containing comments by Jack Young obtained via the Freedom of Information Law is attached as **Exhibit 10.**

15. A true and correct copy of postings on the Lansing list serv dated October 8, 2025 containing comments by Jack Young obtained via the Freedom of Information Law is attached as **Exhibit 11.**

16. A true and correct copy of postings on the Lansing list serv dated October 29, 2025 containing comments by Jack Young obtained via the Freedom of Information Law is attached as **Exhibit 12.**

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Pursuant to N.Y. C.P.L.R. 2106, I affirm this 29th day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Stephen Daly

### CERTIFICATION OF WORD COUNT

I, Stephen D. Daly, Esq., counsel of record for Petitioners FLX Strong and CLEAN, hereby certify that the foregoing Affirmation contains 593 words as counted by the Microsoft Word software program, not including the caption and signature block, and further certify that it complies with the applicable word limit under 22 NYCRR § 202.8-b(a).

/s/ Stephen D. Daly, Esq.

Stephen D. Daly, Esq.  
*Counsel for Petitioners*

Dated: January 29, 2026