

Ex 2 – Daly Aff

Town of Lansing
Zoning Board of Appeals 12/22/25 Meeting
Guide and Select Transcript of Video Recording

The following is a guide and select transcription of the video recording of the ZBA's meeting held on December 22, 2025 regarding interpretative appeals 25-09 and 25-10. Approximate references to the [Minutes:Seconds] from the video recording are included below.

The full video recording of the meeting may be accessed on the Town of Lansing website or using the link copied below:

<https://www.youtube.com/watch?v=ehKs7gQeN3g>

The following is not intended to substitute for the accuracy of the video recording.

Transcribed by Lisa Lincoln

J. Young speaking

At ~1:09

says they are voting on three interpretations

At ~1:44

says "No one has walked in here with their minds made up"

At ~2:27

says "We have an applicant here who believes their project falls within one of the three permitted uses in the industrial research zone."

At ~2:41

says "Those uses aren't listed specifically in the town zoning code, but not every possible use is. Our code has a lot of allowable uses, but it can't list every possible one individually. Some are very general and cover a wide area, some are very precisely and don't cover very much."

At ~3:24

says, "Or third, General Processing"

At ~5:35

says comments given by board members will be summarized by the Town Attorney to pass along to the applicant should anyone appeal, "so someone could judge whether were rational or irrational in our in our decision making."

...

CI2026-02310

Index #: EF2026-0069

Appeal No. 25-10J. Young speaking

At ~19:56

Begins discussion of Appeal #2: General Processing or a Warehouse for storage of non-agricultural goods, “each of which is a permitted use under the Town of Lansing Industrial Research Zoning Code. So we are first going to talk about the, ah, oh my, we can go right to the General Processing, I suppose.”

“So the code has General Processing provision in it as a permitted use. We don’t have any definitions of processing, as we do with Laboratory, so in this one we are dealing with a more, a vaguer determination...let’s start with Roger again”

R. VandePoel speaking

At ~21:10: “As Jack said, we don’t have definitions in the code of warehouse storage or general processing.

“My approach was to search for ‘plain language for zoning law to get some’, and what I found was for warehouse ... in legal context data is generally considered an intangible asset or goods...

At ~21:40

“general processing was a little more difficult [than warehouse] because it was a dual word [sic] what I found was that ‘processing’ was transferring raw data into useable information for analysis.”

At ~21:50

“And general means common or basic way this is done.”

At ~22:10 gives the definition of a data center

At ~22:30

“focusing on the actual purpose and not the name... I was finding the facility is the warehouse, the storage is the data, and the processing is the, just as it [sic] says, dissemination and management of the data”

At ~22:53

“Then I went on further to look at the location, the data center, as we all know, uses transmission lines, which is an approved use for utility and miscellaneous uses for the Industrial Research...that is supported for the bulk transportation of electric power in 2003, when the zoning code was written cause they say the transmission lines are approved for miscellaneous uses...”

CI2026-02310

Index #: EF2026-0069

At ~23:49

“cause I know that came up with the code enforcement officer....going a little further into the terms...general , common or basic, coordinating all aspects, it doesn’t mean just a little bit , I get the feeling, it means across the board, examples could be a general contractorI was seeing this a fit, that this is the use, the activity, the function, ..it falls under the umbrella ... I know there are two votes, but I think it falls under both.”

J. Young speaking

At ~24:27, J. Young says

“So you want your comments applied to both votes...(R. VandePoel: “Yeah”)”

At ~24:36 J Young says

“Well we can do that, I know Rick is going to do the same, and then we can proceed to both votes.”

R. Hayes speaking

At ~24:43

“ Yeah, the general processing and the warehouse, pretty much the same thing, general processing, it’s the same definition that he just read. Warehouse the same thing, but I had, ah, it for storage of non-agricultural goods. But goods, you know, ah, it’s not agricultural so its tangible or intangible, that could be data....

At ~25:47 “it’s data center but they are going to have to store some kinds of material there as well so they are going to have to have some kind of warehouse there...”

M. Stoe speaking

At ~26:07

“To stay laser focused on just what is in the appeal, my definition of a warehouse is typically a building used to store goods...spare parts before they are distributed for use. So they are storing physical products instead of data or services. From what I heard last week, from our applicant, they are storing and processing digital information, that is not a warehouse in the traditional sense of the word....

....any site activity would be installing servers, replacing components... maintenance, not assembling anything.”

S. Tabrizi speaking

~At 27:34 “Again, focusing on the land use, not the activity that goes on within, I find that the land use is the operation and housing of servers, not the physical transformation of goods as processing would have been understood in 2003 when the code was written. If processing and data processing abstract were considered general processing then banks would be general processing centers. Insurance companies, government agencies, etc., and that would really blow open the holes in our all our structures around zoning, because it could be very broad. I found that code, particularly thinking of through a lens of 2003 is talking about the processing of tangible goods.

CI2026-02310

Index #: EF2026-0069

“Focusing on land use, the land is being used to house servers and the infrastructure that allows them to operate.

“With regard to a warehouse, a warehouse is not just for storage it is intricately, you can’t take apart.. it is inextricable from the logistics that are part of a warehouse. A warehouse is not just a storage space. It is a place where physical goods, again in 2003, would be stored, staged, sorted, for distribution to a customer or a [ends by saying what the applicant will wants to do is not how the 2003 code sees general processing or warehouse land use]”

J. Young speaking

~At 30:40

“...A bank would have data that is being handled, but that is not its primary use, it’s an accessory use...incidental”...

“...my thought on the warehouse is fairly simple. There were plenty of large warehouses in 2003, but it is unclear to me [that this is not what they] were thinking of in 2003. Even though there were data centers starting in the 1960s, It would certainly not have been what they were thinking ... We do have self storage as another category. ...

~At about 31:40

“Data processing is the one I found most promising from the applicant’s standpoint. Because as you know in a situation such as this, we are supposed to looking for clear meaning in the code, and if there isn’t clear meaning and it’s really ambiguous, the law says we are supposed to favor the property owner. Because the town wrote the zoning and they had the opportunity to write the zoning the way they wanted to, so the ties [?] are held against them.

‘Data processing started long, long ago. By 2003, Google was building its first mega-sized data processor. But there are other processing facilities that are much bigger in other industries. I found that Smithfield Farms had a processing plant that was about four times as big as this data center. Obviously it is a different type of processing, but ...when you say general processing, the word general typically means that it is a wider category. If someone said ‘general retail’ you would say that could mean pet stores, clothing shops, vape shops ...the word general to me, and I think that is the norm in zoning code, means that it is fairly wide category.’

At ~33:06

“So when I look at general processing, I see the processing of physical goods and I see the processing of intangible data, which is very valuable. Even in 2003, it was quite well known.”

CI2026-02310

Index #: EF2026-0069

At ~33:30

“I think that fact that our code does not have a definition of processing or even general, leads me to think that they are ...more ambiguous than [other categories of approved uses]...so here it’s just general processing. What can be processed? It seems to me anything that can be processed as a business that takes raw material, processes it and turns it into something more valuable falls under the category of general processing. So this is the one that I am most inclined to find as a possible allowed use in this district. I do think the comment that the powerlines are there is relevant.

At ~34:35

“Also I think that the fact that the town had resolutions in 2019 and 2020 both saying ‘we would like to see this turned into a data center and have the coal plant shut down. But the town took no steps to change the zoning at that time. If they had felt that this wasn’t an approved use, and I assume there were people working with the town at that time who would have known people who were around in 2003 or have access to the data they produced when they redid the zoning in 2003, you would have thought the town, if they really felt this was not an approved use, they would have said, ‘gosh if we want a data center there instead of a coal fired plant we had better change our zoning. But we have seen no sign of that. Also the recent public controversy about the moratorium, if this was not an approved use, why would anyone be pushing for one, when there was nothing else happening in the town?’”

At ~35:32 “...being an officer on this committee... I can state that no one ever said anything about the data center not being an approved use. Really until I saw Scott Russel’s letter, I had no idea this was a possibility. Everyone I had spoken to had treated it as an accepted use, so really until I saw Scott Russel’s letter I had no idea this was a possibility”

“So I was a bit shocked. I wish he was here to explain all that to us. We weren’t able to have him at any of our meetings up to this point. So anyway that’s my point. On this one I feel a bit differently. And I think there is a lot to back up that , but then there’s five votes.

“Let’s make a motion to get the votes on these two. Let’s do warehouse first and general processing second.”

At ~36:17 Board Clerk says

“... that would be that the accepted use of warehouse includes data center. [motion, seconded, roll call]

At ~37:16 J. Young says

“the next motion would be that the project proposed by the applicant would fall under the category of general processing in the town’s zoning code. [motion, seconded, roll call]

“We need a motion to adjourn ... and I want to thank everybody for participating in this process...