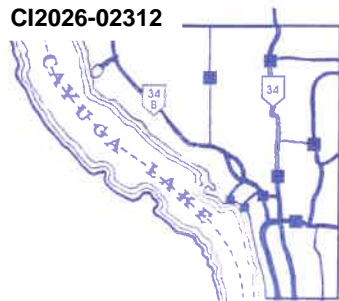


# Ex 4 – Daly Aff

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## TOWN of LANSING

*"Home of Industry, Agriculture and Scenic Beauty"*

ZONING, PLANNING AND CODE ENFORCEMENT

Box 186  
Lansing, NY 14882

E-mail: [tolcodes@lansingtown.com](mailto:tolcodes@lansingtown.com)

Fred DelFavero  
Project Manager, Terawulf  
228 Cayuga Drive  
Lansing, NY 14882

10 Nov 2025

Dear Mr. DelFavero

This letter is issued in response to your application dated October 29, 2025, for a site plan review from the Town of Lansing Planning Board.

### Request Summary:

According to the October 29, 2025, site plan review application, you have applied for a site plan review from the Town of Lansing Planning Board for an industrial use involving General Processing and a Data Warehouse, as well as a data center. The project is proposed to be located at a 228 Cayuga Drive, Lansing NY, TPN 11.-1-3.211. This project is located within the IR – Industrial/Research Zoning District. The type of development listed within Project Information is described as a “modern research and technology campus” and a “next generation research and technology campus”. The primary use listed in the Non-Residential Use Building Information portion of the application is “General Processing and Data Warehousing”.

An email narrative submitted on 18 Oct 2025 by Fred DelFavero, Project Manager, further describes the project:

**“The core purpose of the project is scientific and educational research, enabled through high-performance computing. The facility will provide infrastructure for research, investigation, testing, and experimentation — including AI model development, institutional research workloads, and scientific/engineering simulations such as energy and grid modeling. There is no manufacturing or commercial production component.**

**High-performance computing is widely recognized as the modern research environment used by universities and scientific institutions. Google, for example, operates its HPC platform specifically for these purposes through the Google Cloud Research Credits Program, which provides compute to university researchers for experimentation and model development. HPC is not commercial hosting — it is the research infrastructure itself. As you may know, TeraWulf is partnered with Google at our Lake Mariner campus in Niagara County, and regional academic institutions — including Cornell and TC3 — have expressed interest in a regional innovation and research hub with Lake Mariner and the Cayuga campus serving as anchors.**

Importantly, zoning classification is determined by the primary function of the facility, and in this case the primary function is data processing, not commercial hosting or manufacturing. The Town Code defines a laboratory as “facilities for research, investigation, testing or experimentation,” and this definition is purpose-based and technology-neutral — it does not limit research to wet-lab settings. The facility also fits within any common or dictionary definition of scientific research laboratory...”

### Zoning Ordinance Review:

The IR -Industrial/Research district is defined in § 270-5.H of the Town’s Zoning Code.

**§ 270-5.H Industrial-Research (IR) District.** The intent of the IR District is to designate areas where some form of light manufacturing, fabrication, assembly or research, mining and power generation/utilities are appropriate and desired land uses. These areas will become small employment centers that could contain a variety of land use activities. To achieve the type of development that will be compatible with the surroundings, it is appropriate to consider each proposal individually. Site planning concerns relate to accessibility, impact on nearby neighborhoods, parking and safe traffic movement, landscaping, buffers, environmental factors, lighting, size, location and such other elements as may be reasonably related to health, safety, property value and the general welfare of the Town.

**Schedule I: Schedule of Land Use or Activities** permits several land uses through various review processes, such as site plan review, under the general category of Industrial/Research. Schedule I has already been provided.

### **§ 270-8 Uses not listed as permitted are not allowed.**

Any land use not specifically permitted under this chapter shall be disallowed uses unless a use variance therefore shall be properly obtained, unless such use is a lawful pre-existing, non-conforming use, or unless such use is permitted in any newly created zone, such as (but not limited to) planned development zones. As to preexisting, nonconforming uses, this chapter shall be interpreted and applied so as to eliminate the same as soon as legally practicable.

### Definitions Town Code 270-3

**LABORATORY** A building or group of buildings within which are located facilities for research, investigation, testing or experimentation, but not facilities for manufacturing or selling of products except as may be necessary for prototype development or as incidental to the main purpose of the laboratory.”

**MANUFACTURING ESTABLISHMENT** An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products.

**NYS 2025 Building Code Definition DATA CENTER.** A room or building, or portions thereof, used primarily to house information technology equipment (ITE) and serving a total ITE load greater than 10kW and 20 W/ft<sup>2</sup> (215 W/m<sup>2</sup>) of conditioned floor area.

**NYS 2025 Building Code Definition INFORMATION TECHNOLOGY EQUIPMENT (ITE).** Computers, data storage, servers and network communications equipment.

NYS 2025 Building Code Definition INFORMATION TECHNOLOGY EQUIPMENT FACILITIES (ITEF). Data centers and computer rooms used primarily to house information technology equipment.

The American Planning Association (APA) defines a “data center” as “a physical facility that houses servers, storage, and networking infrastructure to support digital applications and services.”

### **Merriam Webster Dictionary Definitions**

Warehouse - a structure or room for the storage of merchandise or commodities

Commodities - an economic good: such as

a: a product of agriculture or mining

b: an article of commerce especially when delivered for shipment

c: a mass-produced unspecialized product

Research –noun

1: studious inquiry or examination especially: investigation or experimentation aimed at the discovery and interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories or laws

2: the collecting of information about a particular subject

3: careful or diligent search

transitive verb

1: to search or investigate exhaustively - research a problem

2: to do research for -research a book

intransitive verb

: to engage in research

### **Interpretation:**

After reviewing the September 9, 2025, site plan application submitted, the October 29, 2025, site plan application submittal, the Terawulf webpage, all allowed uses in the I/R Zoning District, all applicable sections of the Town Ordinance, and reputable locations on the internet, it is my determination that:

The proposed use is a data collection campus which is not defined by the Town of Lansing Zoning Code and is not on the list of allowed uses in the I/R Zoning District. Per § 270-8 of the Town Zoning Code disallows uses not specifically permitted. Therefore, the proposed use in the current application of “**General Processing and Data Warehouse**” as found in the October 29, 2025, site plan application project description, or “**modern research and technology campus**” as stated in the October 29, 2025, site plan application are not uses consistent with the September 9, 2025, application, the multiple references in the current application calling out the structures as data centers which contradicts the General Processing and Data Warehouse use, and is inconsistent with the information provided on the Terawulf website. In addition, the Town definition of the Industrial / Research District specifically calls out the intent being light manufacturing, fabrication, assembly or research. The determination by the Zoning Officer after an exhaustive review is that the primary use of the proposed project at 228 Cayuga Drive are three (3) data collection centers of 138 MW (with mention of plans to expand to 400MW), and that use is not meeting any of the permitted uses in the I /R District

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and, more importantly not meeting the definition of the Industrial/Research District (I/R District) with the magnitude of the proposed project.

**Conclusion:**

Based on the above, the project at 228 Cayuga Drive, TPN 11.-1-3.211, as proposed, is not permitted in the I / R District as none of the proposed uses meets any of the allowed uses in the I/R District specifically with the intensity of the primary use of the proposed project. Engaging in such a use without appropriate zoning relief (e.g., rezoning or ordinance amendment) may be subject to enforcement action under Article X of the Zoning Code.

This interpretation is issued pursuant to the authority granted to the Code Enforcement Officer under § 270-62 of the Town of Lansing Zoning Ordinance. Should you disagree with this determination, you have the right to appeal to the Board of Zoning Appeals. You may also have the right to petition the Town Board for a change of zoning or the formation of a Planned Development Area per § 270-32 of the Zoning Code.

Please contact our office if you have further questions or require assistance with the appeal or application process.

Sincerely,



Scott Russell  
Code Enforcement Officer

Sworn to me this 10<sup>th</sup>  
day of November, 2025  
Ashley P. Workman  
Notary

ASHLEY P. WORKMAN  
Notary Public, State of New York  
No. 01WO0012974  
Qualified in Tompkins County  
Commission Expires Aug. 30. 2027