

Ex 8 – Daly Aff

CI2026-02316

Index #: EF2026-0069

**INTERPRETATION APPEAL FINDINGS AND DECISION
TOWN OF LANSING ZONING BOARD OF APPEALS****BACKGROUND INFORMATION**

Appellants:
Cayuga Operating Company LLC
TeraWulf Inc.
Lake Hawkeye LLC

Appeal Dated: November 12, 2025
Zoning District: IR –
Industrial/Research
Public Hearing Published on: 12/11/25

Property Location: 228 Cayuga Drive, Lansing, NY 14882
Tax Parcel #: 11.-1-3.211

Relief sought: (1) determination that the proposed high-performance computing research facility (the “Project”) is a permitted principal use in the IR District; and (2) reversal of the Code Enforcement Officer’s November 10, 2025, zoning interpretation finding that the Project is not a permitted principal use in the IR District.

RESOLUTION AND FINDINGS

WHEREAS, on or about October 29, 2025, Appellants TeraWulf Inc., Cayuga Operating Company LLC, and Lake Hawkeye LLC (“Appellants”) submitted a second site plan review application to the Town of Lansing Planning Board, seeking approval to construct a high-performance computing research facility at 228 Cayuga Drive (the “Project”); and

WHEREAS, after initial review of the Project, by letter dated November 10, 2025, the Town of Lansing’s Code Enforcement Officer (“CEO”) determined that the Project is not a permitted use within the Town; and

WHEREAS, on or about November 12, 2025, Appellants submitted an appeal contesting the CEO’s determination, and arguing that the project should be properly classified as a facility for “General Processing” and/or a “Warehouse/ Storage of Non-Agricultural Goods,” each of which is a permitted use under the Town Code; and

WHEREAS, at the December 10, 2025, meeting, this body: (1) determined the appeal application was complete; (2) classified the appeal as a Type II Action under 6 NYCRR 617.5(c)(37) (interpretation of an existing code), with no further environmental review required; (3) scheduled a public hearing on the appeal for December 16, 2025; and (4) directed the clerk for the ZBA to publish and otherwise provide notice of the public hearing as required by law; and

WHEREAS, notice of the public hearing was published in The Ithaca Journal on 11 December 2025, and posted on the Town’s website and in Town Hall; and

WHEREAS, the ZBA held the public hearing on December 16, 2025, where the Appellants, the CEO, and all people wishing to be heard on this appeal were heard, and written public comment was accepted; and

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WHEREAS, on December 19, 2025, Appellants submitted a written rebuttal in response to written public comment accepted at the December 16, 2025, public hearing; and

WHEREAS, on December 22, 2025, the ZBA convened in a duly noticed open meeting to deliberate on this appeal; so, upon due deliberation upon the foregoing, this appeal and all evidence and testimony presented to the ZBA:

NOW, THEREFORE, THE ZBA FINDS:

The Project's proposed function is to house, process, and disseminate data; and

The term "warehouse" is not defined in the Town Code; and

The Project's proposed primary function is not storage of non-agricultural goods as that term is contemplated by the Town Code; and

The Project's proposed function is not a "Warehouse" as that term is contemplated by the Town Code; and

The term "general processing" is not defined in the Town Code; and

The Town Code does not limit term "general processing" to tangible goods; and

The word "general" expands the meaning of the word "processing," thus encompassing anything that can be processed by a business; and

The law requires that zoning regulations be strictly construed against the municipality; and

The Project is a facility for a "General Processing" as that term is used in and/or contemplated by the Town of Lansing zoning code.

UPON SPECIFIC VOTE AS TO WHETHER THE APPEAL SHOULD BE GRANTED BECAUSE THE PROJECT IS A "WAREHOUSE," THE LANSING ZONING BOARD OF APPEALS VOTED AS FOLLOWS:

Motion by: Mary Stoe

Seconded by: Richard Hayes

Richard Hayes – Aye

Mary Stoe – No

Susan Tabrizi – No

Roger VandePoel – Aye

Jack Young – No

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UPON SPECIFIC VOTE AS TO WHETHER THE APPEAL SHOULD BE GRANTED BECAUSE THE PROJECT IS A
FACILITY FOR "GENERAL PROCESSING," THE LANSING ZONING BOARD OF APPEALS VOTED AS FOLLOWS:

Motion by: Richard Hayes
Seconded by: Roger VandePoel

Richard Hayes – Aye
Mary Stoe – No
Susan Tabrizi – No
Roger VandePoel – Aye
Jack Young – Aye

Dated: December 22, 2025

Received in the Lansing Town Clerk's Office on Dec 30, 2025

Debbie Munson
Debbie Munson, Town Clerk
Town of Lansing
Tompkins County, New York