

Town of Lansing
Zoning Board of Appeals Meeting
Monday, December 22, 2025 6:30 PM
Lansing Town Hall, 29 Auburn Rd

Present

- 6 Jack Young, Chair
- 7 Susan Tabrizi, Vice Chair
- 8 Mary Stoe
- 9 Rick Hayes
- 10 Roger VandePoel
- 11 Jamie Jones

Excused

Other Staff Present

14 Kelly Geiger, Planning Clerk
15 Megan Dorritie, Legal Counsel
16 Guy Krogh, Legal Counsel

Public Present

19 Attendance sheet for this meeting is located on pages 7 of the minutes

21 Jack Young opened the meeting at 6:30 pm

Action Items:

Appeal of Code Enforcement Officer's written zoning interpretation dated October 22, 2025

27 Project: Cayuga Data Campus

28 **Applicant:** Fred DelFavero

29 **Location:** 228 Cayuga Drive, TPN 11.-1-3.211

30 **Project Description:** Appeal of Code Enforcement Officer's (CEO) written zoning
31 interpretation dated October 22, 2025, that the proposed high-performance computing ("HPC")
32 research facility is not a permitted principal use in the IR District. The Applicants appeal that
33 determination and seek a finding that the proposed use is properly classified as a "Scientific
34 Research Laboratory", a permitted principal use within the IR District under the Town of
35 Lansing Zoning Code.

36 Anticipated Action Items: Deliberation and determination of appeal

Summary of Discussion:

- Board deliberation of proposed data center project as a “scientific research laboratory”
- Determination for Appeal #1 - Jack Young Moved and Susan Tabrizi Seconded the motion, Roll Call Vote- (4) No, (1) Yes

RESOLUTION 25-09

INTERPRETATION APPEAL FINDINGS AND DECISION TOWN OF LANSING ZONING BOARD OF APPEALS

BACKGROUND INFORMATION

Appellants:

Cayuga Operating Company LLC
TeraWulf Inc.

Appeal Dated: November 5, 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 October 22, 2025 zoning interpretation finding that the Project is not a permitted principal use in the IR District.

RESOLUTION AND FINDINGS

WHEREAS, on or about 09 September 2025, Appellants TeraWulf Inc. and Cayuga Operating Company LLC (“Appellants”), along with Lake Hawkeye LLC, submitted a 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 October 23, 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 5, 2025, Appellants submitted an appeal contesting the CEO's determination, and arguing that the project should be properly classified as a "Scientific Research Laboratory," 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

89 WHEREAS, on December 19, 2025, Appellants submitted a written rebuttal in response to
90 written public comment accepted at the December 16, 2025, public hearing; and
91

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

95
96 **NOW, THEREFORE, THE ZBA FINDS:**

97 The Project's proposed function is to house, process, and disseminate data; and
98

100 The Project's proposed function is not to research or test; and
101

102 The Project's proposed function is not investigative or experimental in nature; and
103

104 The term "Laboratory" is defined in the Town Code to be "a building or group of buildings within
105 which are located facilities for research, investigation, testing, or experimentation...."; and
106

107 The Project's proposed use and functions do not fall within the definition of "Laboratory" in the
108 Town Code;

109
110 The Project is not a "Scientific Research Laboratory" as that term is used in and/or contemplated
111 by the Town of Lansing Code; and

112
113 The Town Code specifically prohibits any use not specifically allowed.

114
115 **UPON SPECIFIC VOTE AS TO WHETHER THE APPEAL SHOULD BE GRANTED BECAUSE THE
116 PROJECT IS A SCIENTIFIC RESEARCH LABORATORY, THE LANSING ZONING BOARD OF APPEALS
117 VOTED AS FOLLOWS:**

118
119 **Motion by:** Jack Young

120 **Seconded by:** Susan Tabrizi

121
122 Richard Hayes – Aye

123 Mary Stoe – No

124 Susan Tabrizi – No

125 Roger VandePoel – No

126 Jack Young – No

127
128 Dated: December 22, 2025

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135 **Appeal of Code Enforcement Officer's written zoning interpretation dated November 10, 2025**

136

137 **Project:** Cayuga Data Campus

138 **Applicant:** Fred DelFavero

139 **Location:** 228 Cayuga Drive, TPN 11.-1-3.211

140 **Project Description:** Appeal of Code Enforcement Officer's (CEO) dated November 10, 2025, that the proposed high-performance computing

141 facility is not a permitted principal use in the IR District. The Appeal Dated: November 12, 2025

142 determination and seek a finding that the proposed use is proper Zoning District: IR –

143 Industrial/Research

144 Processing" and/or "Warehouse / Storage of non-agricultural goods Public Hearing Published on: 12/11/25

145 use within the IR District under the Town of Lansing Zoning Co

146 **Anticipated Action Items:** Deliberation and determination of appeal

147

148 **Summary of Discussion:**

- 149 • Board deliberation of proposed data center project as a “warehouse”
- 150 • Determination for Appeal #2 - Mary Stoe Moved and Roger VandePoel Seconded the motion, Roll Call Vote- (3) No, (2) Yes
- 153 • Board deliberation of proposed data center project as a “general processing” facility
- 154 • Determination for Appeal #2 Richard Hayes Moved and Roger VandePoel Seconded the motion, Roll Call Vote- (2) No, (3) Yes

155

156

157 **RESOLUTION 25-10**

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160

161 **INTERPRETATION APPEAL FINDINGS AND DECISION**

162 **TOWN OF LANSING ZONING BOARD OF APPEALS**

163

164 **BACKGROUND INFORMATION**

165

166 Appellants:

167 Cayuga Operating Company LLC

168 TeraWulf Inc.

169 Lake Hawkeye LLC

170

171 Property Location: 228 Cayuga Drive, Lansing, NY 14882

172 Tax Parcel #: 11.-1-3.211

173

174 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.

181 **RESOLUTION AND FINDINGS**

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

186
187 WHEREAS, after initial review of the Project, by letter dated November 10, 2025, the Town of
188 Lansing’s Code Enforcement Officer (“CEO”) determined that the Project is not a permitted use
189 within the Town; and

190
191 WHEREAS, on or about November 12, 2025, Appellants submitted an appeal contesting the CEO’s
192 determination, and arguing that the project should be properly classified as a facility for “General
193 Processing” and/or a “Warehouse/ Storage of Non-Agricultural Goods,” each of which is a
194 permitted use under the Town Code; and

195
196 WHEREAS, at the December 10, 2025, meeting, this body: (1) determined the appeal
197 application was complete; (2) classified the appeal as a Type II Action under 6 NYCRR
198 617.5(c)(37) (interpretation of an existing code), with no further environmental review
199 required; (3) scheduled a public hearing on the appeal for December 16, 2025; and (4) directed
200 the clerk for the ZBA to publish and otherwise provide notice of the public hearing as required
201 by law; and

202
203 WHEREAS, notice of the public hearing was published in The Ithaca Journal on 11 December
204 2025, and posted on the Town’s website and in Town Hall; and

205
206 WHEREAS, the ZBA held the public hearing on December 16, 2025, where the Appellants, the
207 CEO, and all people wishing to be heard on this appeal were heard, and written public
208 comment was accepted; and

209
210 WHEREAS, on December 19, 2025, Appellants submitted a written rebuttal in response to
211 written public comment accepted at the December 16, 2025, public hearing; and

212
213 WHEREAS, on December 22, 2025, the ZBA convened in a duly noticed open meeting to
214 deliberate on this appeal; so, upon due deliberation upon the foregoing, this appeal and all
215 evidence and testimony presented to the ZBA:

216 **NOW, THEREFORE, THE ZBA FINDS:**

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

218
219 The term “warehouse” is not defined in the Town Code; and

220
221 The Project’s proposed primary function is not storage of non-agricultural goods as that term is
222 contemplated by the Town Code; and

226 The Project's proposed function is not a "Warehouse" as that term is contemplated by the Town
227 Code; and
228
229 The term "general processing" is not defined in the Town Code; and
230
231 The Town Code does not limit term "general processing" to tangible goods; and
232
233 The word "general" expands the meaning of the word "processing," thus encompassing anything
234 that can be processed by a business; and
235
236 The law requires that zoning regulations be strictly construed against the municipality; and
237
238 The Project is a facility for a "General Processing" as that term is used in and/or contemplated by
239 the Town of Lansing zoning code.
240

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

243
244 **Motion by:** Mary Stoe
245 **Seconded by:** Richard Hayes
246

247 Richard Hayes – Aye
248 Mary Stoe – No
249 Susan Tabrizi – No
250 Roger VandePoel – Aye
251 Jack Young – No
252

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

256
257 **Motion by:** Richard Hayes
258 **Seconded by:** Roger VandePoel
259

260 Richard Hayes – Aye
261 Mary Stoe – No
262 Susan Tabrizi – No
263 Roger VandePoel – Aye
264 Jack Young – Aye
265

266 Dated: December 22, 2025

267
268 Jack Young adjourned the meeting at 10:09 PM
269
270 Minutes taken and executed by Kelly Geiger

Zoning Board Meeting

December 22, 2025

ATTENDANCE SIGN IN SHEET

PRINT NAME

IRA GOLDSTEIN

Tessa Sage Flores

Kady Nawrocki

Steph Nawrocki

Marcus Converse

Allison DeSario

Conny Bryant

Sabrina Johnston

HAOUD MULS

Evan Alvarez

Jerry Goodenough

Rebecca Frye

Cory McNaughton

John Glouster

Melissa DeGroot

Ken Walker

Maureen Stanhope

Lisa Martin

Brennen Fent

Lauren Baker

Conny Baker

Taiha Moymham

Josh Chamberlain

ADDRESS

154 COMPTON RD, ITHACA 14850

154 Compton Rd Ithaca

515 Hector St Ithaca

515 Hector St Ithaca

139 Cemetery Lane Freeville

8 Sunrise drwl Newfield

8 Sunrise drwl Newfield

110 Ludlow Rd Lansing

110 LUDLOW RD. LANSING

2922 Lower Lake Rd Seneca Falls

Freetown, NY

Marathon, NY

Newfield NY

Newfield NY

154 C Ludlowville Rd Lansing

Collins Rd, Freeville

720 Ridge Rd

Lansing, NY

Lansing, NY

Lansing, NY

Ithaca

Ithaca/Enfield