

Comments received November 11th, 2025

From: Oscar Pachasa

Sent: Tuesday, November 11, 2025 1:27 AM

Subject: Please do not support the AI Data Center.

Please reconsider the proposal to open an AI data center in Lansing. Myself, a former Lansing resident & life long Tompkins County resident, as well as several community members are not in favor of it's construction and potential use.

Please fully consider its impacts on personal security, the impact on the local environment, and its complicity in participating with unethical companies who use AI for harm.

From: Asirameth Nakornthab

Sent: Tuesday, November 11, 2025 4:41 AM

Subject: No AI Data Center

My name is Asirameth Nakornthab and I live in Dryden, NY. Building an AI center here will negative impact all of the residence in Ithaca and surrounding area. AI, the way it's operated right now, is inherently unethical and is a drain on resources wherever it data center is located. I do not support this.

Submitted on Tuesday, November 11, 2025 - 6:50am

Rose Rennekamp

I support the moratorium. I think it makes sense to adopt it, along with the modifications suggested by the P & Z board, except their suggestion that the moratorium apply only to specific targets.

Targeting the moratorium to data centers, etc. would invite expensive litigation.

The Lansing Town Board needs to adopt codes and policies that conform to the long range plan.

Taking time to rewrite those codes and policies is prudent.

I have done extensive reading about data centers. They consume huge amounts of water and electricity. They produce very few jobs beyond initial short term construction positions. Local residents end up "footing the bill" for the power company and water treatment facility to increase capacity.

Lansing residents are already paying high electric and water rates. And it's nearly impossible to find contractors to do maintenance and remodeling projects.

I also think that we need to protect Cayuga Lake as the precious resource that it is.

Thank you for your consideration of these view.

From: Barbara Usher

Sent: Tuesday, November 11, 2025 8:28 AM

Subject: Public Comment for 11/19/2025 Public Hearing

Please enter my comment below into the record for the November 19th, 2025 Public Hearing regarding Local Law No. 7 of 2025

I am a close neighbor of Lansing living in the Town of Dryden near Ithaca. I would like to express my support for the proposed moratorium because I am concerned that the TeraWulf AI data center will have a negative impact on the environment. Further warming of Cayuga Lake will impact the ecological health and beauty of the lake and its usefulness for recreation and tourism. The algal blooms that occasionally make swimming in the lake dangerous will be more frequent. Lake

warming will impact the local climate, which impacts agriculture. Our Finger Lakes wineries depend on the delicate balance of the lakes, which protects the vines from winter damage. The company proposing to build and operate the data center has a track record of dishonest dealings with towns like ours, and their proposal lacks specifics on key details. In order to meet the surge in electricity demand from a new AI data center, NYSEG will have to increase energy production, which means increasing home energy bills. You are leaders in the Cayuga Lake community; please consider the wider range of long term costs, including environmental damage with consequent loss of tourism and agricultural costs, in addition to higher energy costs.

From: Robert Sternberg
Sent: Tuesday, November 11, 2025 8:28 AM
Subject: Public Comment for 11/19/2025 Public Hearing

Please enter my comment below into the record for the November 19th, 2025 Public Hearing regarding Local Law No. 7 of 2025

I am a resident of Lansing. This is my second statement. I would like to point out that if the corporate structure for this proposed data center is deeply unethical and, if the data center happens, they will try to run the town and likely will succeed. They already are calling for the resignation of town board members, as though they are town residents. What standing do they have to be trying to control what happens in the town when they are not even resident here? This will become yet another town run by money-grubbing, sold-out, unethical corporate interests for their own profit, and I cannot even imagine why anyone would support this project, which will be disastrous for Lansing.

From: Lora K. Hine
Sent: Tuesday, November 11, 2025 8:57 AM
Subject: Comment for the Record – November 19, 2025 Public Hearing on Local Law No. 7 of 2025

Dear Members of the Lansing Town Board and New York DEC,
Please enter the following comment into the record for the November 19, 2025 Public Hearing regarding **Local Law No. 7 of 2025**.

I am a resident of Tompkins County in the Town of Ulysses, located directly across Cayuga Lake from Lansing, NY. I am writing to express my **support for the proposed land-use moratorium** involving TeraWulf AI and the Town of Lansing.

I am deeply concerned that the proposed TeraWulf AI data center could have **negative environmental impacts** on Cayuga Lake. The company's plan to discharge thousands of gallons of heated water into the lake poses a serious risk to the local ecosystem. Additionally, TeraWulf AI's proposal lacks transparency and specificity on several key operational details, and the company has a concerning history of questionable dealings with other municipalities.

A **one-year moratorium** would give the New York State Department of Environmental Conservation (DEC) and other agencies time to thoroughly study the potential environmental consequences of these operations. It would also allow the Town of Lansing and Tompkins County to assess the **energy impacts** of the proposed data center. Meeting the facility's increased electricity demand could require NYSEG to expand energy production—potentially increasing fossil fuel use and raising energy costs for local residents.

I strongly urge the Town Board to adopt the moratorium to ensure that any decisions made are fully informed and in the best interest of our community and environment.
Thank you for considering my comments and for your attention to this important matter.

From: Aaron Guilbeau
Sent: Tuesday, November 11, 2025 9:25 AM
Subject: Zoning & Moratorium

Good morning. Lansing resident and tax payer here.

I'm writing to present some distilled concerns about our town's future. My objective is not to stop the data center or other large businesses like Dandy etc but to explain the issue with going forward without protections and limits in place first. Whether moratorium is the correct path or not, our town needs guardrails in place before any more large disturbances take hold and we are stuck with them.

Thank you for considering the following:

- 1) We don't have noise ordinance
- 2) I'm rather sure we don't have light pollution control measures either. I'd be nice to have in our town's plan Dark Sky ordinances (very safe and very effective all over USA and world)
- 3) Terawulf's FAQ distributed at their first open house in September already contains information they have verbally walked back: no noise at property border (see attachment of their FAQ)
- 4) The old powerplant's property border is also our town border, their noise and light pollution directly affects abutting towns. I'm unsure the laws protecting neighboring town of our approved industries. What point do our neighboring towns sue Lansing for disturbances? And the scientific facts behind noise being carried over the lake rather than being reduced by it is amazing.
- 5) I'm concerned about the hyper focus on the proposed Data center's "closed loop" and no water from the lake statements. I can't get an answer from Terawulf on the root concern here that this may be concealing- where is all of that heat going? A closed loop system using no water from the lake is very possible while using the lake as heat transfer. This is the 2nd worst case situation on causing lake warming and HABs. Again, they are on our town's border and directly impacting a very large shared resource.
- 6) Other large operations should not have excessive and unnecessary light and also should not make noise that is audible at people's homes. That's just being a good neighbor and considerate member of our town.

We are Lansing, how do we want to be viewed as a member of the Finger Lakes? The noisy, light polluting town that uses Cayuga lake for industry? I'd prefer a cooperative community that welcomes big industry when they are considerate to those around them, will contribute, uplift, and support a quiet and disturbance-free Lansing.

From: Glen M Sanders
Sent: Tuesday, November 11, 2025 9:37 AM
Subject: Comment on TeraWulf and Building Moratorium

Dear Lansing Town Officials and Citizens,

"Only when the last tree has been cut down, the last fish caught, and the last stream poisoned, will we realize we cannot eat money." - Cree proverb

I am writing to express my opposition to and deep concerns over the proposed AI data center project being pushed by TeraWulf. Simply stated up front: the proposed data center is a bad idea

and will harm our local environment and economy. TeraWulf is a corporation seeking to extract resources from our community and their promises will not be fulfilled. Even if they made good on their promises it would not be worth the costs that we will have to bear.

My concerns over the data center are environmental, economic and political. TeraWulf has identified the power plant in Lansing given its proximity to a water source - Cayuga Lake. Regardless of their promises they will use lake water without regard to environmental impact. This corporation is driven to maximize profits and will not prioritize our local environment. (If TeraWulf was serious about data center expansion let them build a center in their backyard, but I doubt their CEO Paul Prager would do that.) One need only look at what this corporation has done in Somerset, New York to see the negative environmental impacts. Residents there have complained of constant noise pollution the equivalent of a running lawn mower. These data centers never turn off - they are always on. The impact is not limited to noise but will affect the delicate ecological balance of Cayuga Lake.

My economic concerns are centered on the ever rising cost of electricity. The proposed plant will soak up more electricity than is used by every house in Tompkins County! Let that sink in. A massive drain on our electrical grid that never turns off. The cost of electricity will skyrocket and we, as local residents will be given the bill. That is unacceptable. Paul Prager will not be funding the massive electricity costs. That will be left to us. Simply put, the math does not work out. The potential upside would be tax revenue for Lansing which TeraWulf will work at every turn to limit. Their promised jobs - mostly in construction - will be short lived. The costs for the proposed data center will be placed on local residents with little positive to show for it.

The political process around how TeraWulf secured a lease was not transparent. The lease was signed before much was known publicly about the proposed project. This lack of transparency flies in the face of democracy. And more recently Paul Prager has inserted himself into local town politics claiming duly elected town officials should resign for using an email listserve and threatening a lawsuit if they do not comply with his wishes. Let us make it very clear that this CEO does not reside in Lansing and he has no place attempting to pressure and influence local governance. Large, wealthy corporations must be stopped when they attempt such behavior. It is bullying. They do not vote here, they do not live here. Tell TeraWulf this land is not for sale.

TeraWulf's attempts to build an AI data center is a prime example of extractive economics. They promise, they build and they take. Extraction is short sighted and dangerous. Years ago the fracking industry wanted to come and extract natural resources here in New York. Citizens united and defeated those attempts because they had time to respond and we are all better for their efforts. TeraWulf attempted backroom politics to push through a data center we do not want. Extractive corporations have no place here in Lansing. Take that behavior back to Maryland where TeraWulf is based.

Pass the land-use moratorium. Keep TeraWulf away for good. As the Cree proverb warns, don't wait until it is too late to realize we are out of balance with nature. Local people will pay the price.

From: Jonathan Frankel

Sent: Tuesday, November 11, 2025 11:07 AM

Subject: Public Comment for 11/19/2025 Public Hearing

Please enter my comment below into the record for the November 19th, 2025 Public Hearing regarding Local Law No. 7 of 2025

I am a resident of Ithaca, and I would like to express my support for the proposed moratorium because I am concerned that the TeraWulf AI data center will increase my energy bills, and have a negative impact on our shared environment, Cayuga Lake. All residents who live on the lake have a

right and a responsibility to protect it as a natural area. The company proposing to build and operate the data center has a track record of dishonest dealings with towns like Lansing, and their proposal lacks specifics on key details.

In order to meet the surge in electricity demand from a new AI data center, NYSEG will have to increase energy production, which means increasing my home energy bill. I need you, as leaders in my community, to take steps to reduce our energy bills right now, not increase them.

From: Hilary Mayton

Sent: Tuesday, November 11, 2025 11:07 AM

Subject: Public Comment for 11/19/2025 Public Hearing

Please enter my comment below into the record for the November 19th, 2025 Public Hearing regarding Local Law No. 7 of 2025

I am a resident of Lansing, and I would like to express my support for the proposed moratorium because I am concerned that the TeraWulf AI data center will increase my energy bills, and have a negative impact on the environment. The company proposing to build and operate the data center has a track record of dishonest dealings with towns like ours, and their proposal lacks specifics on key details.

In order to meet the surge in electricity demand from a new AI data center, NYSEG will have to increase energy production, which means increasing my home energy bill. I need you, as leaders in my community, to take steps to reduce our energy bills right now, not increase them.

From: Kathleen Hulsebosch

Sent: Tuesday, November 11, 2025 11:17 AM

Subject: Local Law # 7 of 2025

As a resident of Lansing, I am writing to ask the Town Board to enact the temporary moratorium. I have concerns about the potential environmental and economic impacts of the proposed AI center. I am also not convinced of TeraWulf's reliability and integrity as a town partner. The recent threat of a lawsuit has not allayed my fears and I am concerned that this threat is just the first of many. Please take the time that's needed to fully investigate TeraWulf's track record, as well as the multifaceted impacts the AI center will have on our community.

From: Yassi Hafezi

Sent: Tuesday, November 11, 2025 11:54 AM

Subject: Public Comment for 11/19/2025 Public Hearing

I am a resident of the town of Ithaca, and I would like to express my support for a moratorium on the TeraWulf AI data center. I am concerned about the negative impact of a data center on the environment. We need more details on how the company will take responsibility for and offset the impact their work has on the entire local community.

From: Anne McLaughlin

Sent: Tuesday, November 11, 2025 12:01 PM

Subject: WIRED: If the US Has to Build Data Centers, Here's Where They Should Go

If the US Has to Build Data Centers, Here's Where They Should Go

A new analysis tries to calculate the coming environmental footprint of AI in the US and finds that the ideal sites for data centers aren't where they're being built.

Read in WIRED: <https://apple.news/AukhfxqyrSwih3FAOZXjwDQ>

Submitted on Tuesday, November 11, 2025 - 1:04pm

Nicole Keating

Hello! I am a resident of Lansing (Algerine Rd). I'm writing to urge the town board to uphold their plans of a year long moratorium on large scale developments which they have been discussing since 2018. I specifically oppose the approval of an AI data center without up to date zoning in place. As a resident, not having a thorough and long process is extremely alarming due to long term impacts if processes are rushed and key details are missed.

Submitted on Tuesday, November 11, 2025 - 1:50pm

Emily Friedman-Carroll

To the members of Lansing Town board,

Firstly, thank you for all your hard work, especially in recent months as you considered a development moratorium especially as it pertains to signing a lease with TeraWulf. It seems TeraWulf has been friendly to certain board members and threatening to others which I find reprehensible.

As a lifelong Tompkins County resident I strongly urge you to pass the moratorium or at the very least put a freeze on the TeraWulf project.

Across the country data has shown the disastrous effects that data centers have on local utility costs and the environment.

While a data center in Lansing would create some jobs during the construction phase those jobs would disappear once the data center is up and running. Also, I have yet to hear any guarantees from TeraWulf that construction jobs at the proposed data center would even be offered to local residents.

From: Suzanne K

Sent: Tuesday, November 11, 2025 4:02 PM

Subject: Moratorium

I am: Suzanne Klaessig, (redacted). I am writing to support the Moratorium, and express my displeasure with the idea of a data center in our area . Although we residents are not the owners of the property, perhaps it is time for the town of Lansing to do everything it can to protect our lake, and our residential community.

From: Sheila Ann Dean

Sent: Tuesday, November 11, 2025 5:36 PM

Subject: Local law #7 of 2025 for Temporary Moratorium

Nov. 11, 2025

Dear Town of Lansing:

I am writing in favor of the Temporary Moratorium for the proposed data center in Lansing. The companies involved have barely started to discuss the many issues that have been raised, and I am certain we need at least a year to better understand them.

These include:

- 1) Where is the energy coming from for this data center, and how will it affect our electric bills in a year, five years, twenty years?
- 2) It is still not clear where the water is coming from (see Kelles's commentary in *Ithaca Times*, Oct 27), whether it is from a previous tenant's withdrawals from Cayuga Lake, how much of a closed system its circulation would entail, with no information given yet (as far as I know) about secondary sources. The following recent article discusses the difficulty some data centers have had in fully disclosing their water use: <https://www.theguardian.com/technology/2025/oct/25/amazon-datacentres-water-use-disclosure>.
- 3) Both (1) and (2) are discussed in the following article: <https://www.theguardian.com/technology/2025/feb/07/call-to-make-tech-firms-report-data-centre-energy-use-as-ai-booms>.
- 4) It is difficult to imagine that no water at all is released from a data center, and residents in the Cayuga Basin deserve to know how much, when, and what its quality (temperature and chemistry) would be, and where it would be discharged.
- 5) Which of the several companies involved are responsible for and answerable to environmental questions?

Our NYS Assembly Member Anna Kelles wrote a carefully researched comment in the *Ithaca Times* (Oct. 27, 2025) in regard to some of these questions, [highlighting "the need for regulatory oversight."](#) She notes: "Companies can legally use a range of corrosion inhibitors, phosphonates, and non-chlorine biocides without public disclosure. The lack of publicly available reporting of these chemical additives leaves communities unable to see what is entering shared water bodies." In the same publication the company's CEO wrote a comment on Nov. 3 in which he complained about town governance, and noted the need for transparency, and yet did not respond to ANY of Kelles's valuable questions. His approach offered no suggestion of the company's transparency in regard to potential or actual environmental impacts of the data center.

And Anna Kelles's comment on Nov. 5 revealed an additional frightening (and confusing) aspect of the layered LLC's involved in this and many data center developments. Tom Sigler noted on Oct. 13 that "data centers are not going away . . ." I disagree, because some already have not been allowed to be built, including a large one proposed (in part by Amazon) in Tucson, AZ, and one far closer to us in Genesee County, sited adjacent to Seneca-Tonawanda Nation land.

But many others have been built. Because AI is "new" and exciting to many, and immensely profitable to a few, the rapid layout of data centers continues to be generally unregulated and unplanned. This industry is developing so quickly and is not receiving the careful oversight required. In this era of climate change when young people's futures are threatened, we need to slow down and cautiously consider any new source of emissions, as well as water pollution.

Lansing, and those in the Cayuga Basin at large, deserve a thorough review of this data center. As Kelles wrote: "Cayuga Lake is both a drinking-water source and the ecological and economic heart of the region" A temporary moratorium will provide at least some time to get answers from Terrawulf, and to determine if an Environmental Impact Statement would be appropriate.

Sincerely yours,
Dr. Sheila Ann Dean
Town of Dryden, NY

From: Eric Eisenhut

Sent: Tuesday, November 11, 2025 5:52 PM

Subject: Public Comment regarding Moratorium/Local Law # 7

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Lansing Town Clerk,

Please include the attached PDF as my public comment regarding the moratorium.

Sincerely

Eric Eisenhut-Lansing Resident

...

Subject: Public comment in opposition to proposed Development Moratorium (Local Law #7)

I am writing to convey my strong opposition to Local Law #7 as it was originally drafted and I remain against it despite proposed changes for limited expansion of allowable development during the proposed moratorium period.

The Lansing Community is being flooded by misinformation regarding the potential of a datacenter being proposed by TeraWulf. Below is formulated email from a statewide organization that is prioritizing their broad environmental goals without regard for the Lansing taxpayers and the actual development plans being prepared by TeraWulf. It is simply fear mongering for an agenda, a complete absence of compromise and awareness of societal demands for technology.

While we understand that this issue impacts people beyond the Lansing community, we ask that only residents of Lansing, NY participate in this action.

Deadline for submissions: November 12th, 2025 at 4:00pm

Here is the message we will send

Please enter my comment below into the record for the November 19th, 2025 Public Hearing regarding Local Law No. 7 of 2025

I am a resident of Lansing, and I would like to express my support for the proposed moratorium because I am concerned that the TeraWulf AI data center will increase my energy bills, and have a negative impact on the environment. The company proposing to build and operate the data center has a track record of dishonest dealings with towns like ours, and their proposal lacks specifics on key details.

In order to meet the surge in electricity demand from a new AI data center, NYSEG will have to increase energy production, which means increasing my home energy bill. I need you, as leaders in my community, to take steps to reduce our energy bills right now, not increase them.

[your full name will go here](#)
[your email will go here](#)
[your location will go here](#)

150 words of

First name

I ask that the Town Board prioritize the needs of the Lansing community and respect the ability of the town's employees, planning board and advisory committees to manage the updating of zoning as it is related to the comprehensive plan and development projects that will come before the town.

From: Rosemary Mead

Sent: Tuesday, November 11, 2025 6:35 PM

Subject: Public Comment for 11/19/2025 Public Hearing

Please enter my comment below into the record for the November 19th, 2025 Public Hearing regarding Local Law No. 7 of 2025

I would like to express my support for the proposed moratorium. I was born and raised in Tompkins County, and I when I return after college I don't want to return to an area disrupted by a data center that consumes loads of fresh water and disrupts the natural environment with noise pollution. I really don't see any way that a data center could benefit my community.

Additionally, I am concerned that the TeraWulf AI data center will increase energy bills in the area. The company proposing to build and operate the data center has a track record of dishonest dealings with towns like Lansing, and their proposal lacks specifics on key details.

In order to meet the surge in electricity demand from a new AI data center, NYSEG will have to increase energy production, which means increasing home energy bills. I need you, as leaders in my community, to take steps to reduce our energy bills right now, not increase them.

From: Robert Lieberman

Sent: Tuesday, November 11, 2025 6:36 PM

Subject: Public Comment for 11/19/2025 Public Hearing

Please enter my comment below into the record for the November 19th, 2025 Public Hearing regarding Local Law No. 7 of 2025

I am a resident of Lansing, and I would like to express my support for the proposed moratorium because I am concerned that the TeraWulf AI data center will increase my energy bills, and have a negative impact on the environment. The company proposing to build and operate the data center has a track record of dishonest dealings with towns like ours, and their proposal lacks specifics on key details.

In order to meet the surge in electricity demand from a new AI data center, NYSEG will have to increase energy production, which means increasing my home energy bill. I need you, as leaders in my community, to take steps to reduce our energy bills right now, not increase them.

From: Nicole Keating

Sent: Tuesday, November 11, 2025 7:14 PM

Subject: Moratorium

Hello! My name is Nicole Keating and I'm a resident of Lansing, NY. I am vehemently urging the town board to uphold plans of a year long moratorium on any large scale developments. This has been in discussion since 2018. I especially oppose the approval of an AI data center without up to date zoning in place due to long term repercussions of not thoroughly evaluating in detail all possible risks and consequences to the local community and environmental resources.

From: Mark Hulsebosch

Sent: Tuesday, November 11, 2025 7:37 PM

Subject: Temporary construction moratorium (Local Law # 7 of 2025)

As a resident of Lansing, I am writing to ask the Town Board to enact the temporary moratorium. I have concerns about the potential environmental and economic impacts of the proposed AI center. I am also not convinced of TeraWulf's reliability and integrity as a town partner. The recent threat of a lawsuit has not allayed my fears and I am concerned that this threat is just the first of many. Please take the time that's needed to fully investigate TeraWulf's track record, as well as the multifaceted impacts the AI center will have on our community.

From: Rohanah Kujawa Luce
Sent: Tuesday, November 11, 2025 7:42 PM
Subject: Lansing Data Center Concerns

My name is Rohanah and I've lived my whole life in Tompkins county. I'm writing to oppose the data center being built in Lansing and support a temporary moratorium on environmentally harmful projects.

It is my belief that damaging the environment for the profit of individuals is not in the interest of the community and that Terawulf's practices are questionable at best. Their continued duplicity in their dealings here and their actions on previous projects, convince me that they are not a path forward. Thank you for your continuing attention to this critical topic.

From: Leon Miller-Out
Sent: Tuesday, November 11, 2025 8:45 PM
Subject: Public comment on Terawulf data center

Hello, my name is Leon Miller-Out and I am a technologist and small business owner based in Ithaca. I am completely opposed to the Terawulf data center being located in our county and on our lake, for a wide variety of reasons.

- * AI and crypto mining consume vast quantities of energy. This new plant will consume 400% the amount of energy that the entire county currently uses! This will lead to dramatic increases in energy supply and delivery costs for all of us as NYSEG struggles to provide the energy to feed this beast. (NYSEG can barely keep the lights on at my house as it is.)

- * The energy used by this plant will be largely fossil-fuel based, producing an enormous amount of greenhouse gases and other air pollution. Again, we can expect there to be as much as 4x as much pollution from this single business as the entire county currently produces.

- * Terawulf has lied repeatedly about how they will use water from our lake. They've said they're not going to use lake water, but they're applying to extract up to 1 MILLION gallons of water PER DAY from Cayuga Lake, our most valuable natural resource.

- * There is very little public benefit to be had from this problem. AI is a wasteful technology that threatens jobs, fills the internet with low quality slop content, and has a great deal of potential for harm when used by those with nefarious intent. It's also making students dumber, according to studies.

Thank you for being deliberate in your approach to the Terawulf data center. You have the power in your hands to protect our community, our lake, and our planet from this short-sighted, greedy corporation. Please, for the sake of your neighbors, your families, and your descendents, do not let this monstrous project move forward!

From: Amy Wells
Sent: Tuesday, November 11, 2025 9:37 PM
Subject: Public Comment on Proposed Moratorium

Please find attached my public comment on the proposed moratorium to be included with the official record.

...

Dear Lansing New York Town Board Members,

As a Lansing resident and taxpayer, I am writing in strong opposition to the proposed moratorium. I do not have a legal background, but I am well steeped in compliance systems and after reviewing the proposed moratorium and the legal requirements of building moratoriums in New York state, I am very concerned. Based on established New York State legal precedent governing the implementation of building moratoriums, the proposed moratorium presents numerous vulnerabilities that expose the Town to a high risk of costly and likely successful legal challenges.

1. **Reasonableness of Duration:** The proposed initial duration of 365 days, with an option for extension, is unusually long relative to common practice in New York. While courts evaluate "reasonableness" on a case-by-case basis, the standard practice for initial adoption is often six months. The burden will be on the Town to strictly demonstrate that a full year is the minimum time necessary to resolve the issue, especially given the next point.
 2. **Lack of a Valid Public Purpose/Arbitrary and Capricious Action:** A building moratorium must be a good-faith planning measure linked to a valid public purpose. The facts surrounding this proposal strongly indicate it may be an illegal targeted action.
-

- a. **Targeting Specific Projects:** Courts have consistently invalidated (made the local law void from the moment of its adoption) moratoriums used as a weapon against a specific developer after they have committed resources. Comments and discussions surrounding this law suggest it is an attempt to "stop a specific project" rather than update general zoning, which is not a valid public purpose.
 - b. **Suspicious Timing:** The Town's seven-year history of a "glacial pace" of zoning updates makes the sudden, rushed timing of this moratorium, concurrent with a specific project's advancement, highly vulnerable to a judicial finding that it is arbitrary and capricious. This lack of "nexus" between a genuine, sudden planning need and the timing of the law is a primary reason moratorium are struck down in NYS courts
-

3. Procedural and Transparency Failures

- a. **Lack of Transparency:** Reports of a lack of transparency and the need for FOIL requests to track basic compliance demonstrate poor adherence to the spirit of public law. The process must be fully public and documented.
 - b. **Alleged NYS Open Meetings Law Violations:** The serious allegations that board members violated the NYS Open Meetings Law by deliberating privately could, if proven, lead to the moratorium being vacated (thrown out) entirely by a court. This exposes taxpayers to significant legal expenses with zero benefit.
-

4. Vested Rights Doctrine

- a. In New York, a developer may acquire "vested rights" to continue a project under prior zoning laws if they have already undertaken substantial construction or incurred substantial expenses in good faith reliance on a validly issued permit. This protects developers from last-minute legislative changes. The proposed moratorium fails to define "substantial construction" or "substantial expenses" within the proposal. Without a clear metric, the determination of what qualifies as "substantial" is left entirely to the discretion of the Zoning Board of Appeals (ZBA). This subjectivity makes the ZBA's decision vulnerable to a legal challenge (an Article 78 proceeding) by the developer, who can argue that the ZBA's interpretation was arbitrary, capricious, or a "taking" of their property rights.
-

5. Interaction with the Environmental Review Process (SEQRA)

- a. The State Environmental Quality Review Act (SEQRA) process is a detailed review that municipalities must conduct to assess the environmental impacts of a project. The Town's Planning Board has been engaged in the environmental review process for the data center. The moratorium essentially pauses this established legal process. An argument can be made that the Town is misusing the moratorium power to circumvent the neutral findings of its own Planning Board's environmental review, especially if that review was proceeding in good faith and found no insurmountable issues. This can reinforce the argument that the moratorium is arbitrary and capricious.
-

In summary, the confluence of an extended duration, strong evidence of targeted action against a single entity, potential procedural and transparency violations, poorly defined vested rights, and arguable intent to circumvent the Planning Board creates an exceptionally high risk of litigation. I urge the board to reconsider this action and pursue good-faith, transparent planning measures that do not expose the town's taxpayers to unnecessary and costly legal liability.

Sincerely,
Amy Wells
