

**Statement to Introduce Public Input Session for Town's Options in Light of EO 62
To be read by Supervisor Groff at TB Meeting on 9/16/26**

On July 14, 2026, Governor Kathy Hochul signed Executive Order 62 Establishing a Temporary Moratorium on Data Centers in New York while the State Develops Higher Standards for Data Center Development and Benefits Blueprint to Support Localities ("EO 62"). Since the issuance of EO 62, the Town Board has been working to understand what it means for the Town of Lansing.

EO 62 creates significant uncertainty and confusion for local governments because its directives are aimed at State agencies and not local governments. As a result, the Town Board intends to begin consideration of several options for Town Board action in light of EO 62. To assist in the Town Board's consideration, the Town will be holding a public input session on September 29, 2026, at 6:30 p.m. at the Lansing Middle School auditorium.

Overview of EO 62's Requirements

EO 62 defines a data center as "a facility or group of facilities located on the same or contiguous sites used to house computer servers, associated components, or computing or telecommunications equipment for the storage, processing, distribution, and/or management of data." EO 62 does not directly impact local reviews and approvals, specifically stating "[t]his provision does not apply to permits, approvals, licenses, or similar forms of permission from local governments." That means the Town does not get a reprieve from reviewing any data center applications during the EO 62-imposed moratorium. Rather, EO 62 indirectly impacts the Town through the requirements it imposes on multiple State agencies, and the resulting uncertainty of how the State agencies will resolve those directives. The Town anticipates that

specific directives within EO 62 will affect the Town's potential review of any proposed data centers.

EO 62 directs the Department of Public Service ("DPS") to examine the impacts associated with the interconnection of data centers to the electric distribution network. It directs DPS to create a General Environmental Impact Statement ("GEIS") in accordance with the State Environmental Quality Review Act ("SEQRA") to assess the potential environmental impacts of the construction and operation of data centers in New York, including energy demand, water use and quality, air quality, disproportionate impacts on disadvantaged communities, and noise levels. DPS is required to submit a report of a Final GEIS ("Final GEIS") and findings statement.

Until DPS submits its Final GEIS, EO 62 prohibits DEC from issuing discretionary permits, approvals, licenses, and similar authorizations related to the construction or expansion of data centers 50 megawatts or more in size. This prohibition does not apply to "a facility that is primarily used for manufacturing, research (including but not limited to quantum computing research or biomedical research), education (including but not limited to such facilities used by accredited colleges and universities in New York State, to the extent such colleges and universities are engaging in academic research, and the Empire AI consortium, or the institute, as defined in section three hundred sixty-one of the Economic Development Law), or the provision of medical care, is not covered by this definition and thus not subject to this Executive Order." Notably, EO 62's moratorium on discretionary permits only applies to DEC, which raises questions for the Town on whether permitting or review processes with other State agencies will be business as usual or not, meaning that the potential ripple effect of the moratorium on discretionary DEC permits could cause additional complications for the Town.

EO 62 also directs DEC to create a report analyzing whether any new or amended policies should be implemented regarding water withdrawal program requirements for large use customers, including data centers. EO 62 directs Empire State Development to create a Community Investment Framework to “assist localities across New York in analyzing and attaining local economic benefits and mitigating potential negative effects of serving as a host community for a data center.” The framework is to include guidance regarding negotiations with data centers related to (1) creation and maintenance of a community investment fund; (2) investments in local infrastructure; (3) frameworks for providing organized labor a seat at the table; and (4) transparency through reporting requirements.

Uncertainty for the Town

The outstanding GEIS, the moratorium on DEC permitting, and the outstanding Community Investment Framework create significant uncertainty for the Town. This is because even if a project receives local approvals, it cannot receive discretionary DEC permits until the moratorium ends. The list of discretionary permits a facility may require will vary with the location and design of the project, among other factors. Under applicable State and local laws, a data center developer likely cannot commence construction without required discretionary permits regardless of the specific permits. This raises concerns for the Town that it could incur the expense of reviewing a proposed application, and then the project will sit idle until DEC may or may not issue discretionary permits.

The outstanding GEIS creates additional uncertainty for the Town’s review of any project subject to EO 62. The GEIS may include recommendations for the construction and operation of data centers, which raises several questions for the Town including:

- How will DEC's involvement in a project-specific environmental review be affected by the outstanding EO 62 GEIS?
- Will any recommendations in the GEIS and associated findings be implemented solely at the State level or will the recommendations extend to municipal reviews?
- If the Town has completed its review of a potential project, will the Town be able to implement any recommendations?
- If the Town has completed its review of a potential project and the GEIS and associated findings require changes to the project, how will it impact the Town's review and authority?

Until the Town's questions are answered, there is a risk that the Town will expend significant resources to complete work that may ultimately be displaced by the State's review and findings.

The Town is not the only one facing this uncertainty with data centers. Since the start of 2026, nearly forty New York State municipalities have adopted local laws implementing moratoria on data centers. Others have implemented bans on data centers. And others have done nothing. In light of the considerable uncertainty before the Town, the Board must consider what action, if any, is in the best interests of the Town moving forward. The public input session will help inform the Town Board's decision.