

RESOLUTION No. 2023–

***RELATIVE TO NORTH EAST DATA LLC  
HIGH ENERGY OVERLAY DISTRICT APPLICATION***

BY:

Council Member Kenny Tompkins

**WHEREAS**, the City of Niagara Falls City Council (hereinafter referred to as “City Council”) has received an application for the operation of a cryptocurrency mining facility from North East Data, LLC at 5380 Frontier Ave (SBL# 160.14-1-1.2)(the “Project”); and

**WHEREAS**, the application includes a request to create a High Energy Overlay Usage Overlay District through a rezoning, issuance of a Special Use Permit, and approval of a Site Plan through the Level 2 Site Plan process; and

**WHEREAS**, the City Council has reviewed the Full Environmental Assessment Form (FEAF) part 1 and other information, and determines that the Project is an Unlisted under part 617.4 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the City Council intends to act as Lead Agency under SEQR for the Project.

**NOW, THEREFORE BE IT RESOLVED**, the City Council hereby directs the Corporation Counsel to issue a Notice of Intent to act as Lead Agency to all Involved and Interested Agencies; and

**BE IT FURTHER RESOLVED**, the City Council refers the rezoning application and the Site Plan to the Planning Board and the Special Use Permit to the Zoning Board of Appeals; and

**BE IT FURTHER RESOLVED**, that this Resolution is effective immediately.

Bax \_\_\_\_\_ Cauley \_\_\_\_\_ Myles \_\_\_\_\_ Tompkins \_\_\_\_\_ Zajac \_\_\_\_\_