

**TOWN OF CLARKSTOWN
PROPOSED LOCAL LAW NO. __ OF 2027**

**A LOCAL LAW DEFINING AND PROHIBITING DATA CENTERS AND
CRYPTOCURRENCY MINING FACILITIES AS LAND USES IN ALL ZONING
DISTRICTS OF THE TOWN**

BE IT ENACTED by the Town Board of the Town of Clarkstown as follows:

Section 1. Legislative Findings and Intent.

The Town Board of the Town of Clarkstown hereby finds and declares:

1.1. Nature of the Use: A data center, as that term is defined in Section 2 of this Local Law, is a large-scale industrial facility housing computer servers and associated cooling, power generation, water storage, and utility infrastructure. The land use characteristics of such a facility differ materially from the office, manufacturing, storage, and warehousing uses currently permitted within the Town's zoning districts.

1.2. Electric Demand: Data centers impose electric demand disproportionate to their employment and tax-base contribution. On July 14, 2026, the Governor of the State of New York issued Executive Order No. 62, which recites that, as of May 2026, nearly 12 gigawatts (12,000 megawatts) of data center load requests were in the New York Independent System Operator interconnection queue, with more than eight gigawatts entering that queue in 2025 alone, representing accelerating demand growth and a need for action. Executive Order No. 62 further recites that the growth of statewide electric load caused by data centers challenges the clean energy targets of the State and will require the procurement of additional energy supply to serve this incremental electric load, and that data center development can be unpredictable and creates potential risk for utilities and ratepayers, including when infrastructure investments are made in anticipation of loads that may not fully materialize. Executive Order No. 62 declares it to be the policy of New York State that the cost of electric system upgrades required to provide electric utility service to large loads should not be paid for by every-day New Yorkers.

1.3. Local Electric Infrastructure: The Town has not undertaken any study establishing that its electric distribution infrastructure can accommodate a load of the magnitude associated with data center operations. The Town Board notes that the New York State Public Service Commission has instituted Case 26-E-0045, Proceeding on Motion of the Commission to Address Interconnection Reforms for Large Loads, to examine the impacts associated with the interconnection of data centers to the electric distribution network, and that the standards and cost-allocation mechanisms to be developed in that proceeding are not yet final.

1.4. Water and Sewer Capacity: Data centers require substantial volumes of water for cooling and mechanical systems. The Town's water supply and sanitary sewer infrastructure was not designed or sized to accommodate such demand, and diversion of water resources to such a use may adversely affect the availability, reliability, and cost of water for existing residential, commercial, institutional, and agricultural users within the Town.

1.5. Noise and Community Character: Data centers generate continuous mechanical noise from cooling equipment, backup and primary power generation equipment, and related infrastructure. Such noise is incompatible with the character of the Town's residential and hamlet center districts, and with the low-impact, park-like character intended for the Town's Limited Light Industrial Office (LIO) District under § 290-6L of the Town Code.

1.6. Inefficient Use of Industrial Land: Unlike other uses permitted in the Town's Light Industrial Office and Manufacturing (M) Districts under §§ 290-6L and 290-6M of the Town Code, data centers employ comparatively few persons relative to the land area, building volume, and utility capacity such facilities occupy and consume. Permitting such use would not further the efficient use of land contemplated by § 290-6M and by Town Law § 263 to the same degree as the office, manufacturing, storage, and related uses those districts are intended to accommodate.

1.7. State Regulatory Framework; Local Authority Preserved: Executive Order No. 62 directs the Department of Environmental Conservation to hold in abeyance certain applications for discretionary State permits for the construction or expansion of a data center pending completion of a Generic Environmental Impact Statement, and applies to facilities that consume or can consume 50 megawatts of energy or more. Executive Order No. 62 expressly provides that its abeyance provision does not apply to permits, approvals, licenses, or similar forms of permission from local governments. The Town Board finds that the State framework accordingly does not displace the Town's authority to determine, through its zoning local law, whether data centers are an appropriate land use within the Town, and does not reach facilities below the 50-megawatt threshold. The Town Board further finds that Executive Order No. 62 contemplates that data center projects will remain subject to zoning code and other local approvals, and that this Local Law is enacted in the exercise of that local authority.

1.8. Cryptocurrency Mining as a Distinct Use: Cryptocurrency mining facilities present the same categories of land use impact identified in Findings 1.2 through 1.6 above, and such facilities are characterized by continuous operation of computing equipment at high electrical load with minimal on-site employment. A cryptocurrency mining facility is not necessarily encompassed within the term "data center" as that term is commonly understood. This Local Law therefore defines and prohibits each use separately, so that the prohibition of one shall not be construed to permit the other.

1.9. Avoidance Through Thresholds and Phasing: A definition keyed to a minimum electrical load, floor area, site area, or equipment count would invite avoidance through incremental or phased development, through subdivision of a project among contiguous parcels under common ownership or control, or through deployment in separate modular or containerized units. This Local Law therefore adopts definitions that apply with no limitation as to peak, connected, or aggregate electrical load, that require aggregation across contiguous lots under common ownership or control, and that apply without regard to phasing, so that the prohibitions enacted herein are not defeated by the manner in which a facility is configured, described, or brought into service.

1.10. Accessory Installations Preserved: Ordinary business, institutional, and municipal operations routinely include server rooms and similar information technology installations that are genuinely incidental to a principal use, and such installations do not present the land use impacts identified in Findings 1.2 through 1.6 above. This Local Law therefore exempts an Accessory Data Center from the prohibition enacted herein, subject to limitations on gross floor area, on the proportion such use may bear to the principal use on the lot, and on connected electrical load. A limitation on connected electrical load is the measure most directly related to the impacts this Local Law addresses, because the electric demand, cooling water demand, and generator noise associated with these facilities scale with power rather than with floor area, and a limitation expressed in terms of nameplate or rated capacity shown on equipment schedules permits determination at the time of permit review rather than after a facility is placed in service. A proportionality limitation is appropriate because a fixed floor area that is genuinely subordinate to a large principal use may dominate a smaller one.

1.11. No Pending Application: No application for a data center or cryptocurrency mining facility, and no related application for site plan approval, subdivision approval, special permit, use variance, or building permit, is pending before the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Inspector, or any other board or official of the Town, and no such use is known to the Town Board to exist within the Town. This Local Law is therefore prospective and general in its operation, is not directed at any particular applicant, property, project, or parcel, and is enacted deliberately in advance of any such application so that the Town's land use policy on these uses is settled as a matter of general legislation rather than determined in the course of reviewing an individual proposal.

1.12. Statutory Authority: In adopting this Local Law, the Town Board exercises the Town's authority under Town Law § 261 to regulate and restrict the location and use of buildings, structures, and land for trade, industry, and other purposes for the purpose of promoting the health, safety, and general welfare of the community, and acts in accordance with the purposes set forth in Town Law § 263, including securing safety from fire and other dangers, promoting health and general welfare, preventing the overcrowding of land, and facilitating the adequate provision of water, sewerage, and other public requirements.

1.13. Consistency With the Comprehensive Plan: This Local Law is in accordance with the Town's comprehensive plan as required by Town Law § 272-a(11)(a). The Town of Clarkstown 2021 Comprehensive Plan Update: Focused on the Future was adopted by the Town Board on September 14, 2021, following the Town Board's acceptance of a Final Generic Environmental Impact Statement ("2021 FGEIS") on August 10, 2021. This Local Law directly advances the following goals and objectives stated in that Plan: under Environmental Resources, to protect and conserve both the sources and supply of potable water and the natural features which add to water quality; to continue the investigation of and action against complaints of noise, dust, odor and light pollution; to continue to assess the potential for noise, dust, odors and light pollution in projects under review and to require the elimination or mitigation of these pollutants as a condition of approval; and to preserve the suburban and remaining semi-rural character of the Town. Under Health, Safety and Welfare, this Local Law advances the objective to develop zoning and building regulations, and implement roadway changes, that reduce or restrict odors, sounds, light pollution, commercial traffic and other negative environmental impacts on residential areas. Under Sustainability and Resiliency, this Local Law advances the objectives to develop programs to reduce greenhouse gas emissions and to increase the Town's resiliency to the effects of climate change.

1.14. Economic Development Objective Addressed: The 2021 Comprehensive Plan Update includes, under Economic Development, an objective to work to ensure the Town's Zoning Code can accommodate new and upcoming commercial and industrial uses, and the Plan identifies distribution and delivery centers, high-technology enterprises, filming, and autonomous vehicles as uses of particular note in that connection. The Plan does not identify data centers among those uses. The accommodation objective is qualified elsewhere in the Plan by the companion Economic Development objective to apply zoning changes to create and expand commercial and industrial development only in areas that are best served by the Town's existing infrastructure and that would not conflict with existing residential uses. For the reasons set forth in Findings 1.2 through 1.6 above, data centers are not served by the Town's existing infrastructure and would conflict with existing residential uses, and prohibition of this use is therefore consistent with the Plan read as a whole.

1.15. Purpose and Intent: Based on the foregoing, the Town Board finds that data centers and cryptocurrency mining facilities are land uses whose demands upon electricity, water, and sewer infrastructure, and whose noise and community character impacts, are incompatible with every zoning district in the Town. The purpose of this Local Law is to define these uses expressly and to prohibit them expressly, rather than to rely upon their omission from the use tables adopted pursuant to § 290-11 of the Town Code, thereby settling the question by clear legislative text and protecting the public health, safety, and general welfare.

Section 2. Amendment to § 290-3 (Definitions) of the Town Code.

Section 290-3 of the Town Code is hereby amended to add the following definitions, to be inserted in alphabetical order among the existing definitions in that section:

ACCESSORY DATA CENTER — A room, floor, or portion of a building or structure containing computer servers, network equipment, data storage systems, or other information technology equipment that is secondary, subordinate, and customarily incidental to, and located on the same lot as, a principal use lawfully established and operating under this chapter, and that does not itself constitute or function as an independent principal use of the lot. An Accessory Data Center shall serve only the principal use located on the same lot, and shall not exceed any of the following: (a) [] square feet of gross floor area; (b) [] percent of the gross floor area of the principal use on the lot; or (c) a connected electrical load of [] kilowatts. Exceedance of any one of the foregoing limitations shall cause the use to constitute a Data Center. For purposes of this definition, “connected electrical load” means the aggregate nameplate or rated capacity of the information technology equipment together with its dedicated cooling, uninterruptible power supply, and power conditioning equipment, as shown on the equipment schedules submitted with the application for a building permit or certificate of occupancy. An Accessory Data Center is not a Data Center for purposes of this chapter. [THE BRACKETED GROSS FLOOR AREA, PROPORTIONALITY PERCENTAGE, AND CONNECTED ELECTRICAL LOAD FIGURES IN THIS DEFINITION ARE TO BE FINALIZED UPON THE BUILDING DEPARTMENT’S INVENTORY OF EXISTING ACCESSORY SERVER CAPACITY WITHIN THE TOWN, SO THAT THE THRESHOLDS ADOPTED DO NOT RENDER ANY LAWFULLY EXISTING INSTALLATION NONCONFORMING.]

CRYPTOCURRENCY — A digital or virtual medium of exchange, unit of account, or store of value that is secured by cryptographic means, recorded on a blockchain or other distributed ledger, and that is not legal tender issued by the United States or any foreign government. The term includes digital assets commonly described as cryptocurrency, virtual currency, digital currency, crypto tokens, and non-fungible tokens.

CRYPTOCURRENCY MINING FACILITY — A building, structure, or group of buildings or structures, whether of permanent, modular, or containerized construction, on a lot or on contiguous lots under common ownership or control, used or intended to be used, in whole or in significant part, as a principal use for the operation of computing equipment to solve cryptographic algorithms in connection with validating, verifying, securing, or adding transactions to a blockchain or other distributed ledger, or otherwise to mint, mine, or earn cryptocurrency, together with associated cooling systems, backup or primary power generation equipment, water storage or cooling facilities, utility substations, or other infrastructure serving such equipment. This definition includes,

without limitation, facilities employing proof-of-work, proof-of-stake, or any successor or comparable consensus mechanism, and facilities commonly described as crypto mines, mining farms, hashing facilities, or blockchain verification facilities. This definition applies with no limitation as to peak, connected, or aggregate electrical load, and no minimum electrical load, gross floor area, site area, hash rate, or number of mining units shall be required in order for a facility to constitute a Cryptocurrency Mining Facility. For purposes of this definition, the electrical load, gross floor area, and site area of all buildings and structures located on a lot, or on contiguous lots under common ownership or control, shall be aggregated, and no facility shall be excluded from this definition by reason of being designed, permitted, constructed, energized, occupied, or placed into service in phases, stages, increments, or separate modular or containerized units. A facility is a Cryptocurrency Mining Facility under this definition without regard to the name by which it is described in any application, permit, deed, lease, or other document. For purposes of this chapter, a Cryptocurrency Mining Facility shall be considered a distinct land use, separate and different from a Data Center as defined in this section, and the prohibition of one such use shall not be construed to permit the other.

DATA CENTER — A building, structure, or group of buildings or structures, whether of permanent, modular, or containerized construction, on a lot or on contiguous lots under common ownership or control, used or intended to be used, in whole or in significant part, as a principal use for the storage, management, processing, or transmission of digital data, and housing computer servers, network equipment, data storage systems, or other information technology equipment, together with associated cooling systems, backup or primary power generation equipment, water storage or cooling facilities, utility substations, or other infrastructure serving such equipment. This definition includes, without limitation, facilities commonly described as colocation facilities, server farms, cloud computing facilities, hyperscale data centers, and modular or containerized data centers. This definition applies with no limitation as to peak, connected, or aggregate electrical load, and no minimum electrical load, gross floor area, site area, or number of servers or processing units shall be required in order for a facility to constitute a Data Center. For purposes of this definition, the electrical load, gross floor area, and site area of all buildings and structures located on a lot, or on contiguous lots under common ownership or control, shall be aggregated, and no facility shall be excluded from this definition by reason of being designed, permitted, constructed, energized, occupied, or placed into service in phases, stages, increments, or separate modular or containerized units. A facility is a Data Center under this definition without regard to the name by which it is described in any application, permit, deed, lease, or other document, and without regard to whether the facility is described in such application or document as an office, warehouse, laboratory, public utility substation, industrial use, or other use classification. A Data Center does not include an Accessory Data Center as defined in this section.

Section 3. Amendment to § 290-18 (Prohibited Uses) of the Town Code.

Section 290-18 of the Town Code is hereby amended to add new Subsections I and J, to read as follows:

- I. Data centers, as defined in § 290-3 of this chapter, in all zoning districts of the Town.
- J. Cryptocurrency mining facilities, as defined in § 290-3 of this chapter, in all zoning districts of the Town.

Section 4. Environmental Review.

4.1. This Local Law constitutes an action subject to review under the State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”). The Town Board hereby declares its intent to serve as lead agency for the environmental review of this action.

4.2. **Type I Classification:** This action is a Type I action under 6 NYCRR § 617.4(b)(2), which classifies as Type I the adoption of changes in the allowable uses within any zoning district affecting 25 or more acres of the district. This Local Law changes the allowable uses within every zoning district of the Town, and the districts so affected comprise substantially more than 25 acres. This action is not among the actions listed in 6 NYCRR § 617.5(c), and, as provided in 6 NYCRR § 617.5(b)(2), no action classified as Type I under 6 NYCRR § 617.4 may be treated as a Type II action.

4.3. **Presumption; Determination of Significance:** As provided in 6 NYCRR § 617.4(a)(1), classification as a Type I action carries with it the presumption that the action is likely to have a significant adverse impact on the environment and may require the preparation of an environmental impact statement, and the determination of significance must be made by comparing the impacts which may reasonably be expected to result from the proposed action with the criteria set forth in 6 NYCRR § 617.7(c).

4.4. **Coordinated Review:** As provided in 6 NYCRR § 617.4(a)(2), designation of a Type I action requires coordinated review by all involved agencies. Prior to final adoption of this Local Law, the Town Board shall identify all involved agencies, complete lead agency coordination, cause the Environmental Assessment Form required for a Type I action to be prepared and reviewed, and adopt a determination of significance by separate resolution. Nothing in this Section shall be construed to limit the Town Board’s obligations under SEQRA.

Section 5. Referral to the Rockland County Department of Planning.

5.1. This Local Law constitutes the adoption or amendment of a zoning local law within the meaning of General Municipal Law § 239-m(3)(a)(ii). Because this Local Law applies

townwide, it applies to real property within five hundred (500) feet of one or more of the features enumerated in General Municipal Law § 239-m(3)(b), including the boundaries of adjoining municipalities and the rights-of-way of county and state highways. Accordingly, prior to taking final action on this Local Law, the Town Board shall refer this Local Law to the Rockland County Department of Planning in accordance with General Municipal Law § 239-m.

5.2. The referral shall include a full statement of the proposed action as defined in General Municipal Law § 239-m(1)(c), including the complete text of this Local Law and all existing provisions of the Town Code to be affected hereby, together with the completed Environmental Assessment Form and all other materials required for the Town Board's determination of significance under SEQRA.

5.3. In the event the Rockland County Department of Planning recommends modification or disapproval of this Local Law, the Town Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof, and shall set forth the reasons for such contrary action in the report required by Subsection 5.4 of this Section, as provided in General Municipal Law § 239-m(5) and (6).

5.4. Within thirty (30) days after final action on this Local Law, the Town Clerk shall file a report of the final action taken with the Rockland County Department of Planning, as required by General Municipal Law § 239-m(6).

Section 6. Preexisting Uses.

Nothing in this Local Law shall be construed to authorize or require the termination of any use lawfully established and in actual existence on the effective date of this Local Law. Any such use shall be governed by Article VII of Chapter 290 of the Town Code, §§ 290-27 through 290-29, relating to preexisting nonconforming uses.

Section 7. Construction; Saving Provision.

This Local Law shall not be construed to prohibit any use, facility, or installation to the extent that the Town is preempted from prohibiting such use, facility, or installation by federal or New York State law, including without limitation any personal wireless service facility to the extent protected under 47 U.S.C. § 332(c)(7), and any facility of a public utility to the extent the Town is precluded from excluding such facility under applicable New York law. In any such case, this Local Law shall be applied to the maximum extent permitted by law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law, or the application thereof to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not

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affect, impair, or invalidate the remainder of this Local Law, or the application of such clause, sentence, paragraph, subdivision, section, or part to other persons, firms, corporations, or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such order or judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law, and each and every section, subdivision, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Section 9. Effective Date.

This Local Law shall take effect immediately upon its filing with the New York Secretary of State.

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**NOTICE OF PUBLIC HEARING
TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK**

PLEASE TAKE NOTICE that the Town Board of the Town of Clarkstown will hold a public hearing on [Date of Hearing] at [Time] p.m., at Clarkstown Town Hall, 10 Maple Avenue, New City, New York, to consider the adoption of Proposed Local Law No. __ of 2027, entitled: “A LOCAL LAW DEFINING AND PROHIBITING DATA CENTERS AND CRYPTOCURRENCY MINING FACILITIES AS LAND USES IN ALL ZONING DISTRICTS OF THE TOWN.”

The purpose of this proposed Local Law is to amend Chapter 290 (Zoning) of the Town Code to add definitions of “Data Center,” “Accessory Data Center,” “Cryptocurrency,” and “Cryptocurrency Mining Facility” to § 290-3, and to add data centers and cryptocurrency mining facilities to the list of uses prohibited throughout the Town under § 290-18.

The proposed Local Law would prohibit these uses in all zoning districts of the Town. It would not prohibit an Accessory Data Center, meaning a server room or similar information technology installation that is incidental to a principal use on the same lot and that remains within the limitations on floor area, proportion, and connected electrical load set forth in the proposed Local Law. The proposed Local Law would not require the termination of any use lawfully established and in actual existence on its effective date.

The stated purpose of the proposed Local Law is to address the demands that these uses place upon the Town’s electric, water, and sanitary sewer infrastructure, and their noise and community character impacts, and to settle the Town’s land use policy on these uses by clear legislative text in advance of any application, consistent with the Town’s adopted 2021 Comprehensive Plan Update and Final Generic Environmental Impact Statement (FGEIS).

A full copy of the text of the proposed Local Law is on file and available for public inspection at the office of the Town Clerk during regular business hours.

All interested persons will be given an opportunity to be heard on said proposed Local Law at the public hearing.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN

[Name of Town Clerk], Town Clerk

Dated: New City, New York
[Date of Notice]