



LOCAL LAW (INTRO.) - 2026
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A LOCAL LAW ENTITLED "TOWN OF TONAWANDA MORATORIUM
ON DATA CENTERS".

BE IT ENACTED by the Town Board of the Town of Tonawanda, New York as follows:

ARTICLE I: ENACTMENT, AUTHORIZATION, TITLE, PURPOSE

Section 1. Enactment and Authorization.

The Town Board of the Town of Tonawanda does hereby ordain and enact the Town of Tonawanda Moratorium on Data Centers, pursuant to authority and provision of Section 10 of the Municipal Home Rule Law.

Section 2. Title.

This local law shall be known as the Town of Tonawanda Moratorium on Data Centers.

Section 3. Purpose.

The Town Board finds that the Town Code as it currently exists does not adequately regulate the zoning of data centers in the Town. Data Centers are defined as a facility that is primarily used for the storage, management, processing, and transmission of digital data, and which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and processing as a principal land use on a parcel. Equipment and accessories

customary to data centers including but not limited to air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure shall also be considered part of a data center.

The Town Board has requested the Town Planning Board and the Development Services Staff to study these issues and make recommendations regarding Code amendments as part of its ongoing comprehensive zoning law amendment. Additional time is required to complete these amendments, which will aid the Town in regulating development in this area. The Town Board desires to maintain the status quo in the Town until such time as the amendments can be completed and presented to the Town Board.

ARTICLE II: IMPOSITION OF MORATORIUM

Section 1. Imposition of Moratorium.

For a period of one (1) year from and after the effective date of this local law, no application for a building permit or site plan approval for development of any data center with peak demand of 20 MW or more may be filed, accepted or processed by the Town of Tonawanda, exclusive of the Village of Kenmore.

This moratorium is intended to ensure that no applications for review or approvals for such building permits or site plan applications duly filed after the effective date of this local law proceed until the Town Board completes its review and has the opportunity to consider and enact, if appropriate, new zoning regulations.

Section 2. Exception to Moratorium.

The exceptions to this moratorium are as follows:

a. The temporary moratorium established herein shall not apply to, nor prohibit the development, expansion, or permitting of, data center facilities that meet the following criteria:

(1) Healthcare Facilities: Data centers owned, operated, and utilized primarily by licensed hospitals, medical centers, or healthcare systems to support clinical operations, electronic health records (EHR), and patient care management.

(2) Educational and Academic Institutions: Data centers owned, operated, and utilized primarily by accredited K-12 schools, colleges, or universities, including those engaged in academic research and institutional administration.

(3) Critical Infrastructure Support: Facilities designed exclusively to maintain data for municipal services, emergency dispatch, public water/utility management, or local public school districts.

(3) Primary Use Clause: To qualify for this exemption, the data center must be located within or immediately adjacent to the qualifying entity, and its computing capacity must be primarily dedicated to serving the operational needs of said entity rather than third-party commercial cloud hosting or retail collocation.

b. The adoption of a local law determining that this moratorium shall no longer be effective; or

c. The adoption of an amended local law regulating the zoning of data centers in the Town of Tonawanda.

Section 3. Extension of Moratorium.

At the discretion of the Town Board, this moratorium may be extended for one (1) additional one (1) year period, after proper notice and a public hearing, to be held within forty-five (45) days prior to the expiration of said moratorium period.

ARTICLE III: VALIDITY

If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of the law.

ARTICLE IV: SEVERABILITY

If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE V: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

