

For Immediate Release: May 20, 2025

Fact Sheet: Niagara Digital Campus Filings to the City of Niagara Falls Planning Board

On May 14, 2025, Niagara Falls Redevelopment (NFR) made two separate filings to the City of Niagara Falls Planning Board in furtherance of its efforts to develop the \$1.48 billion Data Center at Niagara Digital Campus project planned for approximately 53 acres in downtown Niagara Falls.

- I. The Data Center at Niagara Digital Campus Planned Unit Development District Petition (full petition [here](#)):** An updated planned unit development (PUD) Petition, pursuant to Section 1318 of the City Zoning Ordinance.
 - a.** The document answers all questions raised by counsel to the City of Niagara Falls related to the completeness of an earlier, 500-page PUD submission filed in October 2024,
 - b.** PUD Petition also provides critical new noise data showing the Data Center will comply with the applicable standards.
 - c.** NFR and its attorneys point out in the new filing that they do not regard the completeness review performed by Hodgson Russ last fall to be compliant with Section 1302.4.2 of the Zoning Code because the code makes clear that the City Planning Board is the only authority authorized to perform such review. Nevertheless, in its continued attempt to work cooperatively with the City to make the Data Center at Niagara Digital Campus a reality, NFR's PUD Petition addresses every item raised in the Hodgson Russ letter.
- II. Text Amendment Request to Revise the City's High Energy Use Law (HEUL) (full Request [here](#)):** Designed to provide the City Council with greater flexibility regarding the location of high energy uses where power is more readily available and to address noise restrictions that have proven to be unattainable and problematic for City officials, businesses, and residents.
 - a.** The filing notes a key issue that makes compliance with the 2022 ordinance an impossibility: Even without any additional development on property currently zoned as residential, commercial, and downtown, noise studies commissioned by NFR show that ambient noise levels already exceed the limits imposed by the law.
 - b.** This has resulted in numerous lawsuits against the City of Niagara Falls by other parties, and highlights the arbitrary, duplicative, and unnecessarily restrictive noise controls under the HEUL.
 - c.** HEUL was enacted *after* NFR and Urbacon began planning the Niagara Digital Campus for land it owns in Niagara Falls. It was also noted at the time to be a temporary solution that was to be revisited by the City Council.¹

¹ Councilmember Zajac, in fact, stated this at the public hearing for the HEUL on September 6, 2022. Zajac said: "And, you know, is this Code perfect? Probably not. Will we go back to it and revisit it in a year or so? I would probably say most definitely, just to make some changes and try to make it even better. But I do think this is in the right direction to welcome an industry." He added: "To close, my last comment is that I do believe we have to make a full evaluation of this Code if it is approved within the next year with all parties involved, the industry, the administration, our residents, and see what needs to be tweaked on it."

NFR has requested that both the PUD Petition and the Text Amendment Request be put on the schedule for the June 11, 2025, City Planning Board meeting for a required public hearing.

III. Timeline of NFR Engagement with the City of Niagara Falls:

- a. NFR and Urbacon began having discussions with City representatives about locating a data center on the property in the **Spring of 2021**.
- b. After the administration voiced early enthusiasm for the project through 2021, City leaders decided that the property should instead be the site of what has become known as Centennial Park, an event center that is, as of this date, still unfunded and without an anchor tenant.
- c. Nevertheless, on **July 22, 2024**, NFR's representatives met with the City's Planning Department to discuss the preparation of a PUD, which had been suggested by the City and its outside counsel to be the most sensible zoning path for NFR's Data Center. During that meeting, Planning Department representatives agreed to provide an outline of the procedure for NFR to follow in its pursuit of the PUD, since there is no such procedure set forth in the Zoning Code.
- d. Also during that **July 2024** meeting, NFR submitted a voluminous PUD Pre-Application packet, which provided both broad plans and significant detail on the proposed Data Center.
- e. Despite this, on **August 21, 2024**, NFR received a letter from Hodgson Russ, withdrawing the City's offer to outline the appropriate PUD procedure, and instead directing that a "complete application" be filed with the Office of the Mayor, with copies to the Planning Department, Corporation Counsel, and Building Department.
- f. On **October 18, 2024**, NFR filed this formal PUD submission with those entities.
- g. On **December 18, 2024**, NFR received another letter from Hodgson Russ notifying NFR that the October PUD Submission was incomplete for various reasons, and indicating a different procedure for NFR's pursuit of the PUD than previously stated in August.
- h. A procedurally proper and complete PUD Petition was submitted on **May 14, 2025**, and NFR expects that the City will issue a Notice of Complete Application and schedule the required public hearing for **June 11, 2025**.

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