



**Town of Oneonta  
TOWN BOARD  
Regular Meeting  
November 12, 2025  
07:00PM**

The regular meeting of the Oneonta Town Board was held on November 12, 2025, with the following members present:

Interim Supervisor:	Brett D. Holleran	(BDH)
Town Board Member:	Kim Fierke	(KF)
Town Board Member:	Joseph M. Camarata	(JMC)
Town Board Member:	Patricia Riddell Kent	(PRK)

Others present: Ryan F. Pereira, Town Clerk; Anna Marie Lusins; Tirusha Dave; Prashanth Gorantala; Nathaniel Nichols; Scott Furman; Chris Maby; Jenny Koehn; Teresa DeSantis; Mary Ann Hurtubise; George Berberich; Jaquelyn Curlo; Jacquelyn Christensen; Nancy Smalley; Robert Smalley; Patricia Jacob; Rich Harlem; Caroline Williams, SUNY Oneonta; Michelle Catan; Jim Hurtubise; Jason Ballard, B&L; Dale Webster.

**§ "Privilege of the floor" §**

Tirusha Dave of Eco-Yotta, Inc. addressed the Board regarding their project proposal, clarifying that their project is agricultural in nature, focusing on hydroponic farming using sustainable technology. They expressed frustration that their July presentation to the Planning Board was not accurately reflected in the official minutes, contributing to misunderstandings about the project's nature. They emphasized that their proposal would use existing barn structures, not construct new buildings, and disputed characterizations about energy consumption and environmental impact.

Brett Jennings spoke in opposition to the Eco-Yotta, Inc. proposal, stating that the project had transformed from a data center (as described in their May filing) to an "Agri-Business" in their September filing. He expressed concerns about contradictions between filings, including a 20-fold increase in projected electricity usage, and questioned the viability of the business model.

Marie Lusins, who owned and lived at 357 County Highway 9 for 40 years, spoke in support of the Eco-Yotta, Inc. project, explaining the history of the property and emphasizing that water should not be an issue since the property has sufficient water capacity and the project would recycle water.

Jacquelyn Christensen expressed concerns about transparency regarding the farmhouse rezoning hearing, particularly about potential Stewart's Shop development. She was concerned that a presentation on the property would show disregard for the hearing outcome and community input.

Patricia Jacob read a letter from Keith Schillo criticizing the Eco-Yotta, Inc. proposal, noting concerns about environmental impacts, water usage, waste management, electricity demands, and the project's economic viability.

Several other residents spoke about transparency issues with the Eco-Yotta, Inc. project and concerns about its changing descriptions from an AI data center to an agricultural operation.

**PRESENTATION: SHORT TERM RENTAL AD-HOC COMMITTEE**

Board Member, Kim Fierke, presented findings from the Short-Term Rental Ad-Hoc Committee, which reviewed current policies, regulations, and practices related to short-term rentals in the town. The committee included representation from the Town Board, Planning Board, and community members both with and without short-term rentals.

As of September 11, 2025, there were 79 active short-term rentals in the town, primarily concentrated in West Oneonta, the West End, and along Old South Side. A community survey with 41 respondents highlighted concerns about housing affordability and availability, though there was also support for short-term rentals due to tourism dollars and additional income for families.

Local housing data showed that the average days on the market have dropped by more than 20% compared to 2023, and inventory is at a historic low. The Board has already implemented several changes, including increasing permit fees based on occupancy, adding a yearly checklist with attestation, collecting non-local owner information, and planning to publish contact information for short-term rental owners.

The committee presented several considerations supported by other municipalities, including restricting the number of short-term rentals in residential zones, encouraging them in commercial and rural zones, and exploring owner occupancy and residency requirements. The committee also supported encouraging accessory dwelling units (ADUs) on current properties.

**PRESENTATION: STEWART'S SHOPS**

Chuck Marshall from Stewart's Shops presented information regarding their interest in the farmhouse property. He clarified two points: first, that the building on the property has been condemned and will be demolished; and second, that Stewart's cannot locate at the Price Chopper Plaza due to prohibitions in the Price Chopper lease agreement.

Marshall explained that Stewart's is a contract vendee for the property, which is owned by Marty Patton. The property would need to be rezoned to B-2 to enable subdivision and trigger Stewart's contract. Interim Supervisor Holleran reminded Marshall that a subdivision had already occurred independent of the zoning decision.

The Board noted that they had voted against rezoning the property at the previous month's meeting (a 2-2 tie vote). Barry Fineman, who works with Marty Patton, asked for clarification on the process and whether they could reapply based on the new information presented. The Board will be following up with legal counsel for guidance since the Attorney to the Town was not present at the meeting.

**PRESENTATION: TIRUSHA DAVE DBA ECO-YOTTA, INC., ZONING AMENDMENT APPLICATION FOR 357 COUNTY HIGHWAY 9, RA-40 TO PDD/B**  
Attorney Nathaniel Nichols from Whiteman, Osterman, and Hanna LLP introduced his client, Eco-Yotta, Inc. (the "Applicant"), stating they were ready to answer any questions from the Board. He noted they were awaiting written questions and would be willing to answer those as they came in.

A lengthy and sometimes tense discussion ensued with Board members expressing frustration about the lack of concrete information about the project. Board members asked specific questions about energy usage, oversight, and operational details. The Applicant explained that their project would be conducted in phases, with Phase 1 involving research in a garage space on how to utilize waste heat from servers, and Phase 2 involving hydroponic farming in the barn.

The Board expressed concerns about the shifting description of the project and the lack of specific details about equipment, water usage, waste management, and business operations. The Applicant maintained that because the project was research-oriented rather than a standard business, many details would evolve as the research progressed.

The Board noted that the Planning Board had recommended against approving the rezoning request. After extensive discussion, the Board decided to schedule a special meeting on December 9, 2025, at 6:00 PM specifically for the Applicant to present more detailed information. The goal would be to then potentially refer the project for a 239 review by the County Planning Department.

**RESOLUTION 2025-0136 (08:44) Motion by JCM, seconded by BH;**

Whereas the Town Board votes to set special meeting December 9<sup>th</sup> @06:00pm;  
Whereas Eco-Yotta, Inc., *Zoning Amendment Application for 357 County Highway 9, RA-40 to PDD/B*;  
Whereas presentation will be made;  
Now therefore be it resolved;  
Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>      </u>	<u>  X  </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>
The foregoing resolution was thereupon declared duly adopted.			
VOTE	AYES (3) NAYS (1)		

MOTION CARRIED

The Board continued the public hearing for the adoption of the 2026 preliminary budget. The budget has a combined value of \$3,941,662, with the general fund at \$1,644,700 and the highway budget at \$1,296,962. There is no tax increase, maintaining the same rate of \$2.70 per \$1,000 assessed value for the third consecutive year.

Whereas the Town Board votes to close the 2026 Preliminary Budget hearing;

Whereas will stay pending further review;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE AYES (4)

MOTION CARRIED

With no questions or comments from the public, the Board closed the public hearing and adopted the 2026 budget.

\*Public notice published in The Daily Star, October 30, 2025.

**NOTICE OF PUBLIC HEARING**

Town of Oneonta, State of New York

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Oneonta at the Oneonta Town Hall, 3966 State Highway 23, on the 6th day of November, 2025 at approx. 05:05 PM; for the purpose of which to present the preliminary budget.

This hearing will be followed by a regular meeting on the 12<sup>th</sup> of November; for the purpose of which to adopt the budget at approx. 07:05 PM.

All interested residents are encouraged to attend; at such time and place all persons interested in the subject matter thereof will be heard concerning the same before approval.

Copies of the tentative budget shall be available at the time of the hearing and shall be available at times prior to and after the hearing at the Town Clerk's Office during normal business hours for the purpose of inspection or procurement by interested persons.

Dated: October 27, 2025

Oneonta, NY

Town Board

Town of Oneonta

Whereas the Town Board votes to adopt the 2026 Oneonta Town Budget;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE AYES (4)

MOTION CARRIED

**COMMITTEE REPORTS**

Highway, Water and Sewer Committee

The committee reported that the highway department is facing challenges with their trucks. A new truck has been ordered but won't arrive until March, and they are trying to maintain their current fleet in the meantime.

The committee requested approval for the purchase of a Jetter trailer with accessories, a budgeted item at \$97,500, and a Metro Tech 810 locator for services for gas, water, and electric at \$4,206.92.

Regarding the Woodland Water and Hemlock Extension Water District, the committee is still waiting for a response from attorneys about the proper procedure for its creation.

The committee recommended the hire of Ryan Yager as a motor equipment operator for the highway department.

#### Public Safety Committee

The committee reported continued struggles with vacant properties. The code enforcement officer has given notice to no less than five properties in the last week, making positive progress on addressing these issues.

#### Facilities Technology Parks

The committee announced plans to replace the Pine Grove Pavilion at Fortin Park. They are working on getting estimates and specifications for a 30' x 40' structure with a concrete floor instead of the current cinder floor. The pavilion is frequently used for family reunions and birthday parties.

#### Legislative Committee

Nothing to report.

#### Human Resources and Public Benefit

Nothing to report.

#### Attorney

No report was given as legal counsel was not present.

#### Code Enforcement

As mentioned in the Public Safety report, the code enforcement officer has been making progress placarding vacant properties.

RESOLUTION 2025-0139 (08:52) Motion by JCM, seconded by PRK;

Whereas the Town Board votes to approve purchase;

Whereas *Jetter Trailer with all accessories*;

Whereas budgeted item for Water Dept. use;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE AYES (4)

MOTION CARRIED

RESOLUTION 2025-0140 (08:53) Motion by BH, seconded by JCM;

Whereas the Town Board votes to approve purchase;

Whereas *Metro Tech 810 Locator* for Highway and Water Dept. use;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE AYES (4)

MOTION CARRIED

RESOLUTION 2025-0141 (08:55) Motion by PRK, seconded by BH;

Whereas the Town Board votes to approve new hire;

Whereas *Ryan Yagger, MEO*;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

AYE	NAY
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Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE                      AYES (4)

MOTION CARRIED

Miscellaneous

RESOLUTION 2025-0142      (09:05)                      Motion by KF, seconded by JCM;

**RESOLUTION AND DETERMINATION**

**ESTABLISHING TOWN OF ONEONTA WEST END WATER DISTRICT NO. 002 IN THE TOWN OF ONEONTA, COUNTY OF OTSEGO, STATE OF NEW YORK PURSUANT TO ARTICLE 12 OF THE LAW OF THE STATE OF NEW YORK**

WHEREAS, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of the Town of Oneonta West End Water District No. 002 in the Town of Oneonta, County of Otsego, State of New York, has heretofore been filed in the Town Clerk's Office; and

WHEREAS, Barton and Loguidice, D.P.C., competent engineers, duly licensed by the State of New York, in a manner and detail as required by Article 12 of the Town Law, duly filed a map, plan and report in the office of the Town Clerk of the Town of Oneonta, in accordance with the requirements of the Town Law; and

WHEREAS the said Town Board did on the 11<sup>th</sup> day of June, 2025 duly adopt an order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection.

WHEREAS, said Town Board did determine that a public hearing was not required as all the parcels within the district were owned by the same entity, and that the same entity would be responsible for all costs related to the water system improvements for the district.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board, Town of Oneonta, in the County of Otsego, that it be and hereby is determined as follows:

- (1) That a public hearing was not required as all the parcels in the district are owned by the same entity;
- (2) That the property and property owner, within the proposed Water District is benefitted thereby;
- (3) That the property and property owner benefitted are included within the proposed Water District;
- (4) It is in the public interest to establish the proposed Water District as hereinafter described;
- (5) That the first-year cost for the properties within the district is \$46,525 per annum; and it is

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as Town of Oneonta West End Water District No. 002, as described and set forth in the map, plan and report of Barton and Loguidice, D. P. C.; and be it further

RESOLVED, that the proposed improvements, including the cost of rights of way, construction costs, legal fees and other expenses at a maximum cost of \$1,800,000 shall be self-funded by the property owners and entities; and be it further

RESOLVED, that this resolution is subject to permissive referendum, pursuant to the Town Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE                      AYES (4)

MOTION CARRIED

Whereas the Town Board votes to accept October meeting minutes;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE AYES (4)

MOTION CARRIED

Whereas the Town Board votes to approve payment of the bills;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE AYES (4)

MOTION CARRIED

### **§ “Privilege of the floor” §**

During the final privilege of the floor, residents expressed continued concerns about the Eco-Yotta, Inc. project and asked for clarification about the December 9th special meeting. The Board clarified that it would be a presentation meeting and not a public hearing, though the public could attend.

A resident also addressed Michelle Catan’s earlier comments about county costs for mental health services, expressing concern that this might be used to discourage supportive housing development in the future.

Whereas the Town Board votes to adjourn;

Whereas the Town Board having no further business;

Now therefore be it resolved;

Whereupon the resolution was put to a vote and recorded as follows:

		AYE	NAY
Kim Fierke	Board Member	<u>  X  </u>	<u>      </u>
Joseph M. Camarata	Board Member	<u>  X  </u>	<u>      </u>
Patricia Riddell Kent	Board Member	<u>  X  </u>	<u>      </u>
Brett D. Holleran	Interim Supervisor	<u>  X  </u>	<u>      </u>

The foregoing resolution was thereupon declared duly adopted.

VOTE AYES (4)

MOTION CARRIED

Respectfully submitted,

Ryan F. Pereira  
Oneonta Town Clerk

**Abstract #****11**Dates 10/10/25-  
11/12/25  
Friday - Wednesday**General Checking**

<b><u>Fund</u></b>			<b><u>PrePaid</u></b>		<b><u>To Be Paid</u></b>		<b><u>Total PrePaid/To Be Paid</u></b>
General	<b>1</b>	\$	-	\$	121,428.74	\$	121,428.74
Highway	<b>3</b>	\$	-	\$	72,903.95	\$	72,903.95
St Lights #1	<b>7</b>	\$	-	\$	2,543.24	\$	2,543.24
St Lights #2	<b>14</b>	\$	-	\$	269.95	\$	269.95
St Lights #3	<b>15</b>	\$	-	\$	916.89	\$	916.89
St Lights #4	<b>16</b>	\$	-	\$	54.56	\$	54.56
St Lights #5	<b>17</b>	\$	-	\$	261.46	\$	261.46
Butler Creek-Blanchard Capital	<b>28</b>	\$	-	\$	-	\$	-
Butler Creek-Winney Hill Capital	<b>29</b>	\$	-	\$	17,155.91	\$	17,155.91
Fire Protection	<b>25</b>	\$	-	\$	477,000.00	\$	477,000.00
<b>Subtotal</b>		\$	-	\$	692,534.70	\$	692,534.70

**District Checking**

WESD	<b>8</b>	\$	-	\$	5,003.32	\$	5,003.32
WSSD	<b>9</b>	\$	-	\$	1,882.93	\$	1,882.93
SSD	<b>10</b>	\$	-	\$	9,651.73	\$	9,651.73
WWD	<b>11</b>	\$	-	\$	3,270.57	\$	3,270.57
PWD	<b>12</b>	\$	-	\$	18,845.60	\$	18,845.60
SSWD	<b>21</b>	\$	-	\$	15,241.07	\$	15,241.07
District Subtotal		\$	-	\$	53,895.22	\$	53,895.22

**Trust and Agency Checking**

T & A	<b>99</b>	\$	61.24	\$	166.27	\$	227.51
		\$	61.24	\$	166.27	\$	227.51

**CDBG**

CDBG Grants	26	\$	-	\$	-	\$	-
		\$	-	\$	-	\$	-
Totals		\$	61.24	\$	746,596.19	\$	746,657.43

**Clerk:** Approved Expenses / Voucher #

General	\$	121,428.74	2025-588 to 2025-670
Highway	\$	72,903.95	
St Lighting	\$	4,046.10	
Winney Hill -Butler Crk	\$	17,155.91	
Fire Protection	\$	477,000.00	
WESD	\$	5,003.32	
WSSD	\$	1,882.93	
SSD	\$	9,651.73	
WWD	\$	3,270.57	
PWD	\$	18,845.60	
SSWD	\$	15,241.07	
T&A	\$	166.27	
CDBG	\$	-	
	\$	746,596.19	



## **§-PUBLIC STATEMENTS-§**

Good evening members of the Board,

I want to thank the board for their time and for allowing us the opportunity to continue addressing questions transparently and factually.

At the last meeting, a statement was read that included several inaccuracies and mischaracterizations about both our project and our process. I would like to respectfully clarify those points on record.

First and foremost, this is not a data center. The core function of our project is agricultural — a hydroponic farming operation that grows produce year-round using sustainable technology. The AI servers on site are simply a utility source — they capture and repurpose their own waste heat to warm the barn and circulate water through a closed-loop system. The technology serves the farm — it does not define it.

This explanation was clearly presented and discussed at the July Planning Board meeting, and we encourage anyone with lingering uncertainty to review the recording of that meeting. Unfortunately, this portion of the discussion was not accurately reflected in the official minutes, despite our explicit request that it be included. That omission has contributed to continued misunderstanding about the nature of our project, even though the facts were already placed on record months ago.

Second, the term "Agri-business" is not something we created or redefined. It is a term used widely by the USDA and the New York State Department of Agriculture & Markets. It refers to any business engaged in agricultural production, processing, or technology that supports farming. Our proposal fits squarely within that scope.

However, I also want to highlight a broader procedural concern. The Board has a legal obligation to interpret permitted uses under the zoning code — such as "Farm" or "Agriculture" — and then apply the standard Accessory Use Test to determine whether supporting technology or infrastructure is consistent with those uses. Instead, much of the recent discussion has centered on a term — "Agri-business" — that is not defined anywhere in the zoning code, and has been used as a basis to suggest prohibition. That approach represents a misapplication of the law, because it bypasses the Town's responsibility to interpret existing, permitted categories and evaluate how this project aligns with them.

There were also comments suggesting that our project would consume enough energy to power 400 homes and therefore is not environmentally friendly. That is incorrect. The 3 GWh figure referenced was a theoretical peak estimate used for system sizing — not the project's actual energy use. In practice, consumption depends on the hydroponic design and research cycle, and our goal is to optimize energy efficiency, not overuse it. This project seeks to solve a problem in agriculture — improving thermal efficiency and reducing waste — not create one.

It was also stated that NYSEG had not been consulted. That is false. We have been in contact with NYSEG engineers to confirm grid compatibility, and our projected load is well within local capacity.

Another misconception is that our proposal covers 153 acres of development. We clarified this in July: we are not constructing new buildings and will use the existing barns only. Any suggestion to the contrary is speculative and misleading.

In addition, there has been confusion regarding our Zoning Determination Letter. That letter was part of a separate procedural process and unrelated to this PDD application. Linking the two misrepresents their intent and confuses both the Board and the public.

Finally, I want to address the concern that this project would "fundamentally change a neighborhood." In reality, our footprint is small, quiet, and sustainable. We are reusing existing farm infrastructure and introducing clean technology that reduces water use by more than 90% and energy costs by over 50%. This is innovation in agriculture, not industrialization of rural land.

As always,  
remain open and transparent and have nothing to hide.

we

I urge the Board and the community to evaluate this proposal based on facts and documentation, not assumptions or misinformation. We are proud to bring forward a model that reflects both Oneonta's agricultural heritage and its potential for sustainable growth.

There's been a repeated theme in these meetings — that the board "has so many questions" about this project. But I think it's fair, and necessary, to ask in return: Has the board ever actually sent us those questions?

We've made it very clear, on multiple occasions, that we welcome open dialogue. We invited both the Town and Planning Board members to tour the property on July 16, 2025 — to walk through the barn, see the layout, and understand physically what this project is and is not.

Not one person has taken us up on that offer or even replied to our request.

No written list of questions has ever been shared with us.

No site visit has been scheduled.

And no effort has been made to sit down with us — people who are ready and willing to provide any clarification this board might need.

So, the idea that "we don't have enough information" doesn't hold up when every opportunity to learn more has been declined.

The truth is simple:

We can't move toward understanding if there's no willingness to engage.

You can't keep saying "we have questions" when you've never asked them directly to the people who have the answers.

We remain ready —today, tomorrow, or any day you choose — to walk through the site and show you exactly what this project looks like.

All we ask in return is that this process be guided by facts and fairness, not assumptions or avoidance.

By: Tirusha Dave

Submitted to the Town of Oneonta Board

Date: November 12, 2025

\*December 04, 2025 Addendum: Tirusha Dave and Prashanth's full statements and documents submitted for the record shall appear at the end of this document.

To: Town of Oneonta Board

Brett Holleran  
Patricia Riddell Kent  
Kim Fierke  
Joe Camarata

Cc: Ryan Pereria, Town Clerk

From: Keith K. Schillo

Re: Eco-Yotta, Inc. application for Planned Development District (PDD)

I have been following discussions of the Eco-Yotta application for a Planned Development District in the Town of Oneonta and have read copies of their original and amended applications and respectfully offer the following analysis for your consideration. I don't believe many of the issues I raise have been addressed thus far and ask that they be read at the November 12 Board meeting and/or entered into the minutes of this meeting. I would present these comments in person, but I am not able to attend the meeting because I am scheduled for outpatient surgery on that date. The Eco-Yotta proposal for a PDD should not be approved for the following reasons.

**1. Eco-Yotta underestimates and/or misrepresents the potential for negative environmental and aesthetic impacts.**

- a. The justification for rezoning the entire 153-acre property is unclear. The PDD application indicates that activities will be confined to an existing garage and barn (a total of 11,300 square feet), yet the proposal requests rezoning of the entire 153-acre property. The justification for the large acreage is unclear and could pave the way for expansion of the business. A vertical farming operation on 153 acres, run by computer servers, will likely generate unintended consequences such as increased demand for electricity, increased traffic, and generation of agricultural pollutants.
- b. The proposed operation will generate wastewater. In its Full Environmental Assessment Form, Eco-Yotta asserts the business will not impose major impacts on waste management. This is a glaring misrepresentation of indoor farming operations. Although the proposed growing system recycles water, the proposed operation will require 2,200 gallons of water per day. Approximately 110 gallons will be wastewater (assuming 95% recycling efficiency) that will contain nitrate and phosphate, both of which are considered agricultural pollutants. The application should stipulate this and explain how the wastewater will be treated.
- c. The proposed operation will generate large amounts of solid waste. Eco-Yotta asserts that its work "will not involve or require management or disposal of solid waste (excluding hazardous materials)." However, indoor growing operations are known to generate various solid waste from plants (roots), growing medium, growing containers, latex gloves, etc. An operation for lettuce generates 1.5 pounds of waste per pound of lettuce. The amount of waste from a 11,000 square foot operation will average 90,750 pounds per year. Although most of this waste will be organic and can be composted, proper aerobic composting is required to avoid production of greenhouse gases, and the compost must be disposed of.
- d. The proposed operation will require a large increase in electricity. Eco-Yota admits that the proposed operation will increase additional demands for electricity, presumably from LED lighting and use of computer servers. They estimate an annual electricity demand of 3,000,000 kWh. This is within the range reported by several indoor farming publications. It should be noted that this increase in demand is equivalent to an increase of 103 houses (5%) in the Town of Oneonta (103 houses). The long-term impact of this increase is worth considering because it will contribute to a growing demand for power which underlies rate hikes recently proposed by NYSEG.
- e. The requirements for running the proposed farming operation are not adequately addressed. The amount of food produced by an 11,000 square foot indoor growing facility is not insignificant and will require daily harvesting, packaging and distribution. Eco-Yotta anticipates 5 to 10 people (staff and students) will travel to the site each day. A highly automated indoor farm typically requires 4-6 full-time employees who possess specific technical skills to oversee automation. In addition, a farm manager with expertise in plant science is necessary to maintain proper

growing conditions and oversee disease prevention. Operations assistants and packers are also required to perform daily oversight of crops and prepare products for shipping. A sales and marketing specialist is also routinely employed. It seems unlikely that "student researchers" will fulfill these needs.

## 2. The proposed Eco-Yotta, agri-business is ill-conceived and offers little-to-no benefit to the community.

- a. Misclassification of the proposed agricultural operation. Eco-Yotta's has no record of experience with agriculture let alone indoor growing systems. Their ignorance is illustrated by their description of their proposed operation. They classify their facilities as "indoor greenhouses", but the indoor growing system will be housed in a "garage" and "barn." Greenhouses take advantage of natural sunlight whereas the facility described by Eco-Yotta is more appropriately classified as a vertical farming system that requires high-intensity artificial light.
- b. No evidence of support for agricultural research. Eco-Yotta plans to focus on "agricultural research" but lacks both the professional skills and institutional support required for meaningful scientific research. They claim they will collaborate with SUNY Oneonta to seek grants and engage in research. However, the memorandum of understanding with SUNY Oneonta does not mention agricultural research or collaboration on grant development. Moreover, the school has no academic or research programs that deal with agriculture production and therefore cannot provide the expertise and facilities required for developing competitive grant proposals for agricultural research. Although the school's Biology Department has a greenhouse, it is not equipped for growing crops in the manner described by Eco-Yotta. It is important to note that neither the department nor the faculty member responsible for the facility were made aware of any agreement between the SUNY Oneonta President and Eco-Yotta.
- c. The proposed project will not benefit the community. The idea that the Eco-Yotta facility will offer benefits to local agriculture or consumers is disingenuous. According to most financial analyses, vertical farming operations have not been economically sustainable, and many have declared bankruptcy in the past three years. Most experts now believe that indoor farming should be confined to locations with low utility costs (e.g. oil-rich Middle Eastern nations) or where high utility costs can be offset by a lower the cost of transporting produce to markets, e.g., converting abandoned urban structures into indoor farms near large population centers. In this region of New York State, conventional farms or those that use true greenhouses are more common and more cost effective than indoor farms. Indoor growing systems are the standard in cannabis production. It is unlikely that local farmers who use conventional production methods will benefit from the work proposed by Eco-Yotta. The high start-up costs associated with indoor agriculture are prohibitive for most local market gardeners, and the types of crops (high-value salad greens and fruiting crops like tomatoes and strawberries) are more suitable for the restaurant trades of large metropolitan areas. Finally local producers may view the proposed indoor farming operation as unwelcome competition to their businesses.

In summary, the Eco-Yotta proposal lacks credibility. Based on available information it seems likely that the proposed "agribusiness" will not be a sustainable enterprise and will be more of a burden than benefit to the community.

## §

November 12, 2025

### Transparency.

When I spoke in October, transparency was my central concern regarding the Farmhouse rezoning hearing.

Due to tonight's order of operations and the vague agenda, I'm unsure why Stewart's is presenting. I'm here to listen. Perhaps it's about a gas station near Price Chopper. Those of us on the east end were *never opposed* to a gas station in general. We were opposed to **rezoning perfectly good residential property** when there is already **ample commercial land** available on the business side of Route 7. Fortunately, that rezoning request was not approved—and honestly, I thought my calendar would be clear tonight.

So, I can only hope that Stewart's presentation is *not* about the Farmhouse property—for two reasons.

First, because it would be a very, very bad look for those who insisted there was "no development associated with the proposal" and who dismissed it as "just a rumor." Even Mr. Maby became defensive last month when residents suggested otherwise.

Second, because it would show **blatant disregard** for the hearing's outcome, the lack of support (per the available data gathered), and for the **many community members** who spent time and energy participating in good faith.

If this presentation is, in fact, about the Farmhouse property, I want to say: while I sympathize with Mr. Patton's desire to generate revenue from his property, that is his problem. It should not become a **community problem**. He needs to figure out a solution that respects the residential zoning, instead of embarking on a drawn-out, Machiavellian effort to push through a project that contradicts the Town's comprehensive plan and public sentiment.

Let me reiterate what I said in October:

When **money and property interests exploit bureaucratic loopholes** to override community needs, that's a problem. When officials allow it, that's not just a policy failure—it's a **breach of public trust**.

I also see Eco Yotta on the agenda tonight, and I look forward to learning more. But I have to point out a troubling inconsistency. In September and October, we were told that a zoning request could exist *without* development plans. Yet in this case, the board is digging deeply into Eco Yotta's plans to justify whether rezoning makes sense. Why does it matter what Eco Yotta is doing? Because apparently, it was supposed to "not matter" when it came to the Farmhouse property. I understand these are different types of zoning requests (B-2 vs. PDD), but the principle is the same.

If transparency matters, then it must apply equally. Let's hold every rezoning proposal—Farmhouse, Eco Yotta, or any other—to the same fair, open, and honest standard.

Jacquelyn Christensen  
Oneonta, NY

Good evening members of the Board,

I want to thank the board for their time and for allowing us the opportunity to continue addressing questions transparently and factually.

At the last meeting, a statement was read that included several inaccuracies and mischaracterizations about both our project and our process. I would like to respectfully clarify those points on record.

First and foremost, this is not a data center. The core function of our project is agricultural — a hydroponic farming operation that grows produce year-round using sustainable technology. The AI servers on site are simply a utility source — they capture and repurpose their own waste heat to warm the barn and circulate water through a closed-loop system. The technology serves the farm — it does not define it.

This explanation was clearly presented and discussed at the July Planning Board meeting, and we encourage anyone with lingering uncertainty to review the recording of that meeting. Unfortunately, this portion of the discussion was not accurately reflected in the official minutes, despite our explicit request that it be included. That omission has contributed to continued misunderstanding about the nature of our project, even though the facts were already placed on record months ago.

Second, the term “Agri-business” is not something we created or redefined. It is a term used widely by the USDA and the New York State Department of Agriculture & Markets. It refers to any business engaged in agricultural production, processing, or technology that supports farming. Our proposal fits squarely within that scope.

However, I also want to highlight a broader procedural concern. The Board has a legal obligation to interpret permitted uses under the zoning code — such as “Farm” or “Agriculture” — and then apply the standard Accessory Use Test to determine whether supporting technology or infrastructure is consistent with those uses. Instead, much of the recent discussion has centered on a term — “Agri-business” — that is not defined anywhere in the zoning code, and has been used as a basis to suggest prohibition. That approach represents a misapplication of the law, because it bypasses the Town’s responsibility to interpret existing, permitted categories and evaluate how this project aligns with them.

There were also comments suggesting that our project would consume enough energy to power 400 homes and therefore is not environmentally friendly. That is incorrect. The 3 GWh figure referenced was a theoretical peak estimate used for system sizing — not the project’s actual energy use. In practice, consumption depends on the hydroponic design and research cycle, and our goal is to optimize energy efficiency, not overuse it. This project seeks to solve a problem in agriculture — improving thermal efficiency and reducing waste — not create one.

It was also stated that NYSEG had not been consulted. That is false. We have been in contact with NYSEG engineers to confirm grid compatibility, and our projected load is well within local capacity.

Another misconception is that our proposal covers 153 acres of development. We clarified this in July: we are not constructing new buildings and will use the existing barns only. Any suggestion to the contrary is speculative and misleading.

In addition, there has been confusion regarding our Zoning Determination Letter. That letter was part of a separate procedural process and unrelated to this PDD application. Linking the two misrepresents their intent and confuses both the Board and the public.

Finally, I want to address the concern that this project would “fundamentally change a neighborhood.” In reality, our footprint is small, quiet, and sustainable. We are reusing existing farm infrastructure and introducing clean technology that reduces water use by more than 90% and energy costs by over 50%. This is innovation in agriculture, not industrialization of rural land.

As always, we remain open and transparent and have nothing to hide.

I urge the Board and the community to evaluate this proposal based on facts and documentation, not assumptions or misinformation. We are proud to bring forward a model that reflects both Oneonta’s agricultural heritage and its potential for sustainable growth.

There’s been a repeated theme in these meetings — that the board “has so many questions” about this project. But I think it’s fair, and necessary, to ask in return:  
Has the board ever actually sent us those questions?

We’ve made it very clear, on multiple occasions, that we welcome open dialogue. We invited both the Town and Planning Board members to tour the property on July 16, 2025 — to walk through the barn, see the layout, and understand physically what this project is and is not.

Not one person has taken us up on that offer or even replied to our request.  
No written list of questions has ever been shared with us.  
No site visit has been scheduled.

And no effort has been made to sit down with us — people who are ready and willing to provide any clarification this board might need.

So, the idea that “we don’t have enough information” doesn’t hold up when every opportunity to learn more has been declined.

The truth is simple:

We can’t move toward understanding if there’s no willingness to engage.

You can’t keep saying “we have questions” when you’ve never asked them directly to the people who have the answers.

We remain ready — today, tomorrow, or any day you choose — to walk through the site and show you exactly what this project looks like.

All we ask in return is that this process be guided by facts and fairness, not assumptions or avoidance.

By: Tirusha Dave

Submitted to the Town of Oneonta Board

Date: November 12, 2025



Tirusha &lt;tirushadave@gmail.com&gt;

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## Attention Planning Board - EcoYotta Clarifications

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**Tirusha** <tirushadave@gmail.com>

Wed, Jul 16, 2025 at 1:09 PM

To: Wendy Cleaveland &lt;codesadmin@townofoneonta.org&gt;

Cc: "pgorantala@gmail.com" &lt;pgorantala@gmail.com&gt;

Bcc: Sean Lewis &lt;slewis@otsegocc.com&gt;, Anna Marie Lusins &lt;amlusins@hotmail.com&gt;

Hello Wendy,

I hope this email finds you well; I have attached two documents to this email, which I would greatly appreciate if you can please circulate to both the Planning & Town board members.

Thank you,

Tirusha

[Quoted text hidden]

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### 2 attachments

**Economic Impact Summary.pdf**

101K

**Request for Reconsideration of PDD Application.pdf**

124K



## **Economic Impact Summary**

### **Proposed R&D Facility & Edge Data Center – Oneonta, NY**

**Applicant:** Tirusha Dave/Prashanth Gorantala | **Zoning Request:** PDD Overlay on RA-40

### **Project Overview**

The project proposes a small-scale, research-focused data center and AI computing lab housed within an existing 1,300 sq. ft. garage on a residential parcel. This facility will support research, education, and startup development through partnerships with SUNY Oneonta and regional innovation networks.

### **Direct Economic Benefits**

#### **Construction & Local Services**

- Estimated \$500,000+ in local contracting and materials purchases.
- Immediate engagement of local electricians, HVAC specialists, solar installers, and IT vendors.

#### **New High-Tech Jobs**

- 2–4 direct roles in system management, AI modeling, and facility operations over the first 2 years.
- Up to 10 student internships annually via SUNY Oneonta partnership.
- Pipeline for future permanent hires as demand scales.

#### **Increased Tax Revenue**

- Improvements and equipment add assessable value to property.
- Minimal burden on schools or public safety services.

### **Educational & Workforce Development**

- Supports SUNY Oneonta's AI and computer science curriculum.
- Creates real-world learning environments for students through internships and senior projects.
- Encourages tech entrepreneurship among graduates and local innovators.

## **Sustainability Contributions**

- Reuse of garage space avoids land disturbance or new construction.
- Exploring use of server waste heat to support house heating needs.

## **Broader Economic Impact**

- Attracts external research projects and grant collaborations to the region.
- Serves as a **digital infrastructure anchor** for regional small businesses and rural innovation.
- Enhances Oneonta's competitiveness in state and federal broadband, tech, and R&D funding opportunities.

## **Low Risk, High Value**

- No traffic, emissions, or noise impact; designed to blend into residential character.
- Easily monitored, small-scale operation with no external commercial signage or public access.
- High economic value per square foot compared to traditional retail or industrial uses.

## **Conclusion:**

This modest, clean, tech-forward R&D initiative can serve as a **template for rural innovation**, bringing jobs, training, and tax revenue to the Town Oneonta with minimal impact—and substantial upside. Approval under a PDD would allow the town to manage its growth responsibly while welcoming 21st-century development.

**Subject:** Request for Reconsideration of PDD Application – 357 County Road 9 (For Distribution to Planning and Town Board Members)

Dear Honorable Members of the Planning Board and Town Board,

I hope this message finds you well. I am writing to respectfully request formal reconsideration of our Planned Development District (PDD) application for 357 County Road 9 and to reaffirm our commitment to working collaboratively with the Town of Oneonta in a way that reflects transparency, fairness, and long-term shared goals.

We appreciate the time and service that each of you has committed to this matter. We believe recent proceedings raise several factual and procedural concerns that merit a thoughtful reexamination. We also wish to clarify the project's legal eligibility under New York State Town Law and present enhancements that may address prior feedback and benefit the broader community.

## **1. A Legally Supported Fit Under the PDD Framework**

Our proposed use aligns directly with the intent of the **Planned Development District (PDD) mechanism under New York Town Law § 261-c**, which exists to support flexible zoning for community-enhancing projects that offer creative land use solutions beyond rigid residential or commercial classifications.

This initiative involves **no new construction**, no land subdivision, and no negative impact on traffic, services, or the environment. Rather, it proposes the **repurposing of an existing, internal garage space** to host small-scale **educational research and technology development activities** in formal partnership with SUNY Oneonta. The project is consistent with the principles of sustainable reuse, minimal impact, and public benefit—core values of PDD zoning.

To ensure full understanding of the site and scale, we **formally request a joint site visit** to 357 County Road 9 by any interested members of both Boards. This firsthand review will provide essential factual context and help clarify the proposal's true character, which may have been misunderstood during prior discussions.

As established, land use determinations must be based on rational findings and substantial evidence—not generalized concerns or assumptions.

## **2. Clarifying Project Purpose and Community Value**

This is not a traditional data center or commercial operation. It is a **small, research-driven facility** focused on educational programming, workforce training, and sustainable technology—all housed discreetly within an existing residential structure. There will be **no exterior construction, no new impervious surfaces, and no increased utility or traffic load**.

Through partnerships with SUNY Oneonta and similar institutions, this project will offer **internships, STEM education opportunities, and digital access infrastructure** with the goal of retaining talent and supporting regional economic development.

### 3. Concerns Regarding Public Hearing Process

We recognize and value public input. The recent hearing included many **statements that were speculative, factually inaccurate, or emotionally driven**—rather than grounded in the project’s actual details. Additionally, several speakers were **not residents of Otsego County** and appeared to have been brought in by one local opponent.

While outside perspectives can be welcome, New York case law is clear that **zoning decisions must be based on local conditions, expert input, and the statutory framework—not public opinion alone.**

### 4. Respectful Concern Regarding Professional Conduct

Following the meeting, we were informed that a Planning Board member was seen discarding our application materials in public view. While we assume this act does not reflect the Board's official stance, it may contribute to public perceptions of bias or prejudice.

We raise this respectfully to affirm that **equal treatment in municipal proceedings is a constitutional right**, and applicants are entitled to a process that reflects impartiality and respect—regardless of profession, background, or project type.

### 5. Readiness to Strengthen and Adapt the Proposal

In response to feedback, we are prepared to include the following enhancements:

- **Increased vegetative screening and setbacks** to preserve visual character.
- Integration of **solar power and energy-efficient design**
- Potential for **community broadband benefits or digital learning tools**
- Hosting **student-led informational sessions** to promote public understanding.

These features align with the Town of Oneonta’s goals for innovation, education, and sustainability.

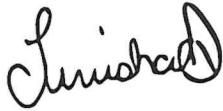
### 6. Request for Reconsideration and Site Review

We respectfully request the following:

1. That both the **Planning Board and Town Board reconsider** our PDD application based on a complete legal, factual, and procedural record.
2. That a **site visit** be conducted at 357 County Road 9 to ensure physical context is understood firsthand
3. That future discussions focus on **legally relevant factors and community impact**, supported by objective documentation.

We remain fully committed to working with the Town of Oneonta in good faith and ensuring that this proposal reflects the community's needs, values, and long-term planning objectives. Thank you for your time, your service, and your thoughtful consideration of this request.

Warm regards,

A handwritten signature in black ink, appearing to read 'Tirusha Dave', with a stylized, cursive script.

**Tirusha Dave**  
**CEO / ECO-YOTTA**

### **Selected Legal References Supporting PDD Eligibility and Review Standards**

- **New York Town Law § 261-c**  
Authorizes Town Boards to adopt Planned Development Districts for “flexibility in zoning regulations to achieve more desirable development.”
- **Asian Americans for Equality v. Koch**, 72 N.Y.2d 121 (1988)  
Requires that land use decisions be based on **rational evidence** and not arbitrary or capricious grounds.
- **Sun-Brite Car Wash, Inc. v. Board of Zoning Appeals**, 69 N.Y.2d 406 (1987)  
Holds that **generalized community opposition** without expert or factual support **cannot form the basis of a valid zoning denial**.
- **Matter of Smith v. Town of Mendon**, 4 N.Y.3d 1 (2004)  
Establishes that **equal treatment** in zoning decisions is a constitutional requirement and that **differential treatment requires justification**.

To:

Chair McGuinness and Members of the Town of Oneonta Planning Board

Supervisor Holleran and Members of the Town Board

From:

Tirusha Dave – Applicant / EcoYotta Inc.

357 County Highway 9, Oneonta NY 13820

Date: November 12, 2025

Subject: Correction of Factual and Procedural Errors in Record – 357 County Highway 9 (PDD Application)

### **Purpose of This Submission**

This letter and the attached documents are being provided before the start of tonight's meeting to ensure that the Town Board and Planning Board each possess the same factual record and understand the specific omissions, inaccuracies, and procedural irregularities that have occurred throughout EcoYotta's zoning review.

Our intent is to reaffirm the true purpose of this project and to request that the Boards formally correct and update the minutes from all meetings between May 14 and October 20, 2025.

### **Key Project Facts Ignored or Misrepresented**

Across multiple meetings, our application was repeatedly mischaracterized as a "data center."

However, as documented in our July 16, 2025 Request for Reconsideration of PDD Application and Economic Impact Summary, the proposal is unequivocally:

"A small-scale, research-driven facility focused on educational programming, workforce training, and sustainable technology—all housed within an existing barn and garage with no exterior construction."

### Chronological Record Omissions & Procedural Violations

Date / Meeting	Errors & Omissions	Violation or Issue
May 14 – Town Board	Minutes list the zoning request as “RA-40 → IDD for Data Center.”	R&D purpose omitted.
June 11 – Town Board	PDD resubmission ignored; “no new construction” statement excluded. but minutes still refer to <b>IDD</b> and focus on fear of <i>"potential Industrial activity"</i>	Record error / factual omission. <b>Pre-Judgment:</b> Board member rejected the resubmission based on fear of the initial, abandoned IDD concept
July 7 – Planning Board	Hydroponics component and heat-reuse explanation absent; public comment taken in non-hearing. Chair McGuinness stated she <i>"overall questions this location"</i> .	<b>Lack of Substantial Evidence:</b> Decision tainted by questioning the <i>location</i> based on vague concerns, ignoring the actual <i>use</i> and facts provided.
July 9 – Town Board	Public opposition recorded, applicant response not; narrative remains “industrial.”	One-sided record.
Oct 8 – Town Board	Re-submission (clarifying AI as utility) not acknowledged; no notice of referral to Planning Board.	Lack of notice / administrative error.
Oct 20 – Planning Board	Meeting held without applicant notice; the public spoke after the Chair said “no comment”; hydroponics aspect omitted; Board adopted the conclusion that the use is “industrial” and “not supported.”	Multiple due-process violations: lack of applicant notice and <b>final arbitrary denial</b> based on a prejudicial legal misclassification, factual inaccuracy.

### Project Reality:

- Use Type: Hydroponic agricultural R&D facility utilizing AI server waste-heat as a utility.
- Footprint: Existing 10 ,875 ft<sup>2</sup> barn + garage; no new construction.
- Purpose: Research, STEM internships (SUNY Oneonta partnership), and year-round sustainable farming.

### Specific Points of Omission to Be Corrected in Minutes

1. Add project definition as “Agricultural Hydroponics R&D Facility utilizing AI heat as utility,” not “Data Center.”
2. Insert explicit statement: “No new construction; use limited to existing barn and garage totaling ~ 10 ,875 sq ft.”
3. Include clarification: “AI servers supply heat for hydronic greenhouse system”
4. Reference SUNY Oneonta partnership and educational R&D collaboration.
5. Note our site-visit requests (July 16, 2025 & Oct 8, 2025) that were never scheduled.
6. Append Energy and Economic Impact Summaries to record for completeness.

### Statutory and Ethical Basis for Corrections

- Town Law § 274 & § 276: Applicant must receive notice and right to be heard on referrals.
- Public Officers Law § 106: Minutes must accurately reflect all statements and proceedings.
- Town Law § 261-c: PDD exists to enable flexible zoning for innovative community-benefit projects.
- Sun-Brite Car Wash v. BZA, 69 N.Y.2d 406 (1987): Decisions must be based on factual record, not general opinion.
- Matter of Smith v. Town of Mendon, 4 N.Y.3d 1 (2004): Equal treatment and rational basis required.



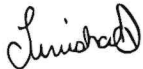
### **Requested Board Actions**

1. Formally amend minutes of June 11, July 7, Oct 8, and Oct 20, 2025 meetings to correct omissions and mischaracterizations.
2. Withdraw or reconsider the Oct 20, 2025 Planning Board recommendation due to lack of applicant notice and incomplete record.
3. Direct a joint site visit for both Boards to review the actual facility and project scale.
4. Acknowledge in minutes receipt of the attached documents ("Request for Reconsideration of PDD Application," "Economic Impact Summary," and supporting letters).

EcoYotta Inc. has acted in good faith throughout this process and is simply requesting a factual, complete, and lawful record.

We respectfully ask that these corrections be acknowledged on record tonight and entered into the Town's official minutes.

Respectfully submitted,



Tirusha Dave

EcoYotta Inc. | 357 County Highway 9, Oneonta NY 13820

### **Attachments:**

1. Request for Reconsideration of PDD Application (July 16, 2025)
2. Economic Impact Summary

Before this meeting concludes, I must formally enter a final statement into the public record regarding the flawed process and the specific legal defects in the administrative file for the EcoYotta project at 357 County Highway 9.

### **1. Core Factual Reaffirmation**

The EcoYotta project is an Agricultural Hydroponics R&D Hub, in which AI servers function as an accessory utility — a custom-sized, closed-loop thermal generator that is incidental and subordinate to the principal agricultural use. Its sole purpose is to provide the necessary utility (heat) for year-round farming.

We have demonstrated — through our *Request for Reconsideration* and *Economic Impact Summary* — that this project involves no new construction, no additional utility load, and limited & focused commercial use with no industrial-scale use. It is a research partnership with SUNY Oneonta, offering internships, workforce training, and sustainable food production benefits for the community.

We have repeatedly requested a site visit, which this Board has ignored. That omission has prevented members and the public from directly observing the project's small scale and agricultural nature.

### **2. Arbitrary Misclassification & Lack of Information**

The Planning Board's October 20, 2025 denial rested on the false claim that this is an "industrial data center."

That misclassification originated from the July 7, 2025 minutes, which omitted our explanation of the hydroponic system and waste-heat reuse, despite our written July 16, 2025 submission correcting that record.

The Board's rejection constitutes a clear Error of Law. The Board substituted the undefined, non-code term "agri-business" (as raised by Member Patricia Riddell Kent) for the permitted use "Farm", and relied on the arbitrary conclusion that the project is an "industrial data center."

This misclassification fundamentally violates the requirement for rational decision-making and contradicts the Town's obligation to protect bona fide agricultural uses.

### **3. Abuse of Discretion & Prejudgment**

Board Member Patricia Riddell Kent's sustained opposition, based on the absence of a definition for "agri-business," represents an attempt to substitute subjective belief for the rational application of the zoning code.

Furthermore, the documented instance of a Planning Board member discarding our application materials in public view, as noted in our July 16 correspondence, demonstrates a profound lack of respect for the applicant and the impartiality required of the review process.

Such conduct, observed in a quasi-judicial context, undermines the presumption of fairness and impartiality that administrative officers are legally obligated to maintain.

### **4. Taint of Due Process & Discriminatory Climate**

This process was poisoned by public threats and personal insults, including direct statements from Jim Hurtubise and the use of vulgar language ("these mother f---ers") during official meetings.

Additionally, a member of the public falsely stated on record:

*Yes. I spent a little time looking at the EcoYotta company, analyzing it, which is my background — I specialized in analyzing companies for four years. And what I found is that it's a subsidiary of a subsidiary of a company based in Mumbai, India, that has a 600-acre data-center operation near Mumbai and another one near Delhi, India.*

That defamatory statement — explicitly false and racially charged — was allowed to remain uncorrected in the official record. We formally requested that these threats, slurs, and false allegations be updated in the minutes of meeting as documented, yet no such correction or amendment was ever made.

Furthermore, during a Zoom meeting with the Town Supervisor and Town Attorney, we directly requested that these false, defamatory, and racially charged statements — including the “Mumbai subsidiary” allegation and the public threats — be entered and corrected in the official minutes.

The town supervisor refused our request, asserting that such remarks were “personal opinions.”

This response, made by the Town’s own leadership during an official proceeding, demonstrates a knowing and willful disregard for maintaining an accurate record and constitutes deliberate indifference to discriminatory conduct.

The Board’s repeated silence and failure to enforce order in the face of these public threats, slurs, and vulgarities (documented in the minutes) constitutes tacit approval of harassment.

This failure occurred despite the presence of the Town Attorney, demonstrating an institutional failure to protect the Applicant’s constitutional right to a fair hearing and Equal Protection.

### **5. Political Incitement & Exploitation**

Supervisor-Elect Will Rivera used this project as a campaign instrument, publicly posting and speaking about “massive data centers” and urging community opposition.

His actions amplified misinformation that originated from the Town’s own incomplete and inaccurate records, weaponizing a zoning file for political advantage.

Such conduct compromises the neutrality of this proceeding and disqualifies him from future deliberations involving this application.

### **6. Legal Summary**

Any land-use decision influenced by bias, unequal treatment, or reliance on inaccurate records is arbitrary and capricious. The administrative record for this application is demonstrably tainted by those very defects and cannot lawfully serve as the basis for a denial.

### **7. Formal Request**

Accordingly, we respectfully demand that the Board:

1. **Correct the July 7 and October 20, 2025 minutes** to include all omitted factual statements regarding hydroponics, heat-reuse systems, and the public threats and false claims made on record.
2. **Acknowledge and attach our July 16, 2025 submission**, including the *Request for Reconsideration of PDD Application* and *Economic Impact Summary*, as official exhibits to the record.
3. **Provide written acknowledgment** that this statement and supporting documents have been entered into the official minutes and preserved under the Freedom of Information Law.

### **8. Closing**

This project was designed to benefit the Town of Oneonta — economically, educationally, and environmentally. What should have been a model of rural innovation has instead exposed a system vulnerable to prejudice, misinformation, and procedural neglect.

Let this statement stand as both a factual record and a warning: silence in the face of bias — whether racial or political — is not neutrality. It is complicity.

Thank you.

Prashanth Gorantala  
Submitted on 11/12/2025