

**WEST SENECA TOWN OFFICES**  
**1250 Union Road**  
**West Seneca, NY 14224**

**TOWN BOARD PROCEEDINGS**  
**Special Meeting**  
**August 17, 2015**

Supervisor Sheila M. Meegan called the meeting to order at 9:30 A.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Code Enforcement Officer John Gullo.

**ROLL CALL:** Present - Sheila M. Meegan Supervisor  
Eugene P. Hart Councilman  
Absent - William P. Hanley, Jr. Councilman

Councilman Hart noted that Councilman Hanley had a scheduled business trip and was unable to change it.

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

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Mike Shevlin of Concept Construction appeared before the Town Board to request approval of a restricted use permit to develop a 15,000 sf one-story pharmaceutical distribution facility in the West Seneca Industrial Park.

Town Attorney John Fenz questioned if a wetlands delineation had been done.

Mr. Shevlin responded a wetlands delineation was done and there were no wetlands found.

Mr. Fenz stated at the Industrial Park Review Committee meeting Mr. Niederpruem had concerns about SEQR and thought a negative declaration was required for the project. A Final Environmental Impact Statement was accepted by the town in 1991; however, the ECIDA and other environmental attorneys have recommended the town issue a consistency finding at this time. Mr. Fenz referred to the buffer at the rear of the property and stated there will be 225' from the rear of the building to the end of the buffer and 400' to the rear of the nearest residence.

Mr. Shevlin added there will be pine trees planted along the buffer on the north property line for screening the building from the residences to the north.

Mr. Fenz questioned if the rooms at the rear of the building are vented and if any fumes will be emitted.

Mr. Shevlin responded there will be fans installed, but they are mostly for temperature and not to disburse fumes.

Mr. Fenz questioned what will happen to Upstate Pharmaceutical's old location.

Mr. Shevlin responded they were renting the old location and will be relocating to the new facility.

Mr. Fenz questioned if pharmaceuticals are manufactured on site, if there is radiation on site for the manufacturing process and if there are proper safety precautions in place.

Gregory Sayer of Upstate Pharmaceuticals responded there will be no manufacturing at the proposed site. The site will be a distribution center where pharmaceuticals are packaged and there will be no retail sales. They will have security cameras and security personnel on site.

Mr. Fenz noted the 10' buffer is outside the restricted use area, so the restricted use permit does not apply to the entire parcel. A public hearing is only required when property abuts a residential zoning district.

Town Clerk Jacqueline Felser read the recommendation Senior Code Enforcement Officer John Gullo on behalf of the Industrial Park Review Committee: "As the Town Board is aware, Concept Construction Corporation applied for a restricted use permit for Upstate Pharmacy's development of a 15,000 sf one-story pharmaceutical distribution facility and paved surface parking lot. This application was considered by the Industrial Park Review Committee on June 25, 2015. Please be advised that: 1) the Industrial Park Review Committee has received all requested information from the developer; 2) the developer's application complies with the review standards set forth in Town Code §120-28.8; and 3) all required reviews have been completed. In light of the foregoing, I recommend approval of the above-referenced project subject to the condition as set forth by the developer, that the northern boundary of the land considered by the restricted use permit shall be ten (10) feet from the northerly property line as set forth in the application."

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution:

WHEREAS, the Town of West Seneca sent correspondence to other potentially "involved agencies," as that term is defined in the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617, indicating the town's desire to be designated as SEQRA lead agency through the coordinated review process; and

WHEREAS, each of the involved agencies has agreed to or raised no objections to West Seneca as SEQRA lead agency for the proposed action; and

WHEREAS, the town has determined that the proposed action is subject to the Final Environmental Impact Statement accepted by the Town of West Seneca on August 12, 1991; and

WHEREAS, the applicant is not required to prepare a new Environmental Impact Statement, but rather it must demonstrate that its project is consistent with the previously accepted Final Environmental Impact Statement; now, therefore, be it

RESOLVED, pursuant to and in accordance with the coordinated review requirements of SEQRA, the Town of West Seneca has hereby established itself as SEQRA lead agency for the proposed action; and be it further

RESOLVED, that based upon an examination of the Final Environmental Impact Statement, the town's knowledge of the environmental setting, magnitude and importance of the proposed action and the town's desire to fully consider potentially significant environmental impacts, the applicant will be required to demonstrate consistency with the previously accepted Final Environmental Impact Statement.

Ayes: (2) Supervisor Meegan, Councilman Hart

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution:

WHEREAS, on August 12, 1991 the Town of West Seneca accepted the Final Environmental Impact Statement for the West Seneca Industrial Park which was prepared by Waste Resource Associates, Inc.; and

WHEREAS, the Town of West Seneca received an application for a restricted use permit from Concept Construction, Inc. to develop a 15,000 sf one-story pharmaceutical distribution facility and paved surface parking lot in the West Seneca Industrial Park; and

WHEREAS, this application was considered by the Industrial Park Review Committee on June 25, 2015 and all conditions of review have been met; and

WHEREAS, the Town Board of the Town of West Seneca, as lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed the Final Environmental Impact Statement for the West Seneca Industrial Park Overlay District ("FEIS"), analyzing the potential for the project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

WHEREAS, upon such review the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the subject property and has determined the project is consistent with the Final Environmental Impact Statement and no further Environmental Impact Statement is necessary; and

WHEREAS, the Industrial Park Review Committee reviewed the project on June 25, 2015 and the Senior Code Enforcement Officer recommended to the Town Board that the restricted use permit be granted; and

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WHEREAS, pursuant to the Town Code the Town Board further finds that granting a restricted use permit for the subject property to allow for the project is appropriate for the location and will not adversely affect surrounding properties; now, therefore, be it

RESOLVED, the Town of West Seneca Town Board certifies that any environmental impacts resulting from the project are consistent with the provisions of the Final Environmental Impact Statement; and be it further

RESOLVED, the Town Board hereby grants to the applicant a restricted use permit for the Industrial Park Overlay District.

Ayes: (2) Supervisor Meegan, Councilman Hart

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:45 A.M.

Ayes: All

Noes: None

Motion Carried

  
**JACQUELINE A FELSER, TOWN CLERK**

# TOWN OF WEST SENECA



JOHN A. GULLO  
CODE ENFORCEMENT OFFICER,  
CFEI, CHS-IV, CDP-1

TOWN SUPERVISOR  
SHEILA M. MEEGAN  
TOWN COUNCIL  
EUGENE P. HART  
WILLIAM P. HANLEY, JR.

TO: The Honorable Town Board

FROM: John Gullo  
Senior Code Enforcement Officer  
Chairman – Industrial Park Review Committee

DATE: August 14, 2015

RE: Upstate Pharmacy Development - Restricted Use Permit  
Advisory Opinion

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As the Town Board is aware, Concept Construction Corp. applied for a Restricted Use Permit for Upstate Pharmacy's development of a 15,000 sf one-story pharmaceutical distribution facility and paved surface parking lot. This application was considered by the Industrial Park Review Committee on June 25, 2015.

Please be advised that: 1.) the Industrial Park Review Committee has received all requested information from the developer 2.) The developer's application complies with the review standards set forth in Town Code §120-28.8, and 3.) All required reviews have been completed.

In light of the foregoing, I recommend approval of the above-referenced project, subject to the condition as set forth by the developer, that the northern boundary of the land considered by the restricted use permit shall be ten (10) feet from the northerly property line as set forth in the application.