

**SPECIAL MEETING OF THE TOWN BOARD  
MARCH 1, 2018**

The Town Board of the Town of Dunkirk held a special meeting on Thursday, March 1, 2018 at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York with Supervisor Richard A. Purol presiding.

**PRESENT**

Supervisor Richard A. Purol  
Councilman Henry Walldorff  
Councilman Juan Pagan  
Councilman Penharlow  
Councilman G. Jay Bishop

**OTHERS PRESENT**

Attorney Jeffrey Passafaro, Attorney Jeffrey R. Passafaro, Town Clerk, Jean Crane, Jimmy McCarthy, Observer reporter, Justin Francis representing Pike Company, Jay Warren, Planning Board Chairman.

Supervisor Purol opened the meeting at 6:45 p.m.

**ABSTRACT OF AUDITED VOUCHERS**

Councilman Bishop made a motion to approve the payment of bills as presented by the Town Clerk on the March 1, 2018 Abstract. The motion was seconded by Councilman Pagan and carried.

General Fund	\$81,588.75
Highway Fund	\$2,023.59

**RESOLUTION APPROVING THE SITE PLAN SUBMITTED BY ATHENEX DUNKIRK MANUFACTURING PLANT  
PURSUANT TO THE TOWN OF DUNKIRK ZONING LAW CODE SECTION 91 AND  
FOLLOWING**

WHEREAS, a public hearing of the Town of Dunkirk was held on the 1<sup>st</sup> day of March 2018 at 6:30 p.m. at the Dunkirk Town Hall to consider the proposed site plan of the Athenex Dunkirk Manufacturing Plant, a Federal Drug Administration and New York State licensed pharmaceutical plant to be located at 3805 Lake Shore Drive East, Town of Dunkirk, New York, and

WHEREAS, the Athenex site plan is the subject of State Environmental Quality Review proceeding, and Empire State Development ("ESD") determined it would be the lead agent under SEQR review with respect to the Athenex site plan; and a negative declaration pursuant to SEQR has been issued, and

WHEREAS, the Town of Dunkirk Zoning Law §91 through §94 grants to the Town Board site plan review and approval, and

WHEREAS, the Town Board referred the matter to the Planning Board of the Town of Dunkirk to review and report, and

WHEREAS, the Planning Board of the Town of Dunkirk held numerous public meetings at which the applicant presented details of the project, and

WHEREAS, the Planning Board of the Town of Dunkirk on February 21, 2018 recommended conditional approval of the Athenex Site Plan with the following conditions:

1. As a condition of site plan approval, Athenex shall secure the necessary water and sewer connection permits from the City of Dunkirk. The connection approvals or permits shall be forwarded to the Town of Dunkirk when completed;

2. As a condition of site plan approval, Athenex shall secure entrance and utility permits from the New York State Department of Transportation. The approvals and permits shall be forwarded to the Town of Dunkirk when completed;

3. As a condition of site plan approval, Athenex shall secure the necessary Department of Health approvals, including Chautauqua County and New York State. The approvals shall be forwarded to the Town of Dunkirk when completed; and

4. Applicant will resubmit a landscaping plan to the Town Board which addresses privacy issues of the homeowners to the north side of the building, and

WHEREAS, the Athenex Site Plan has been submitted to the Zoning Board of Appeals of the Town of Dunkirk for height and parking lot variances, which have been approved, and

WHEREAS, all parties interested in the matter have been heard, and

NOW THEREFORE, on motion of Councilman Walldorff, seconded by Councilman Penharlow, it is

RESOLVED that the Town Board of the Town of Dunkirk does hereby approve the Site Plan submitted by Athenex Dunkirk Manufacturing Plant, subject to the same four conditions as recommended and recited in the Planning Board report; and also conditioned upon the applicant filing a bond in an amount to be determined pursuant to Section 92 of the Town of Dunkirk Zoning law.

ROLL CALL

Supervisor Richard Puro	AYE
Dr. G. Jay Bishop	AYE
Juan Pagan	AYE
Robert Penharlow	AYE
Henry Walldorff	AYE

Councilman Penharlow thanked the Town Planning Board for all their time and effort put in on the project. "They spent a lot of time away from their jobs and families and I know the board appreciates it. They're kind of in the background, but they are the heart of the thing."

Councilman Pagan stated the project was a step closer to coming to fruition thanks to all members working together. "All of us have done a fine job in making sure they move forward and that we're not a stumbling block".

Duly moved by Councilman Pagan, seconded by Councilman Walldorff to adjourn the meeting at 7:03 pm. The motion carried.

Respectfully submitted,

Jean Crane  
Town Clerk