

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
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[www.dec.ny.gov](http://www.dec.ny.gov)

August 17, 2021

Sarah K. desJardins  
Town of Hamburg Planning Department  
6100 South Park Avenue  
Hamburg, New York 14075

Dear Sarah desJardins:

**SEQR Lead Agency Coordination  
Adjacent to 4046 Lake Shore Road  
Proposed Brewery & Restaurant Project  
Town of Hamburg, Erie County**

This is to acknowledge receipt of your August 2, 2021 notice which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The Department concurs that the Town of Hamburg Planning Department should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However, please be advised of the following:

1. If project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator will be required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as the NOI form, is available on the Department's website at [www.dec.ny.gov/chemical/43133.html](http://www.dec.ny.gov/chemical/43133.html).

The Town of Hamburg is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4<sup>th</sup> Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

2. This proposed project requires a sanitary sewer connection that is designed to convey 8,750 gallons/day or more of municipal sewage and is therefore considered a sanitary sewer extension. The Erie County Health Department, 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800, which acts as our agent, will be the approving agency.

A detailed Downstream Sewer Capacity Analysis must be performed and submitted for the proposed project. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
  - This dated information can consist of instantaneous flow measurements or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
  - Depth or flow measurements should continue until a significant wet weather event occurs, but would not have to extend beyond three months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission from the municipality (sewer owner) that signs the "Application for Approval of Plans" form. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

3. The project location is within a designated Coastal Management Area. This should be considered during the Town's decision-making.
4. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 36029C0338J that the project site includes designated 100-year floodplain. The proposed project should be designed in accordance with all applicable local municipal laws for flood damage reduction.
5. The whole site appears to be within an archaeologically sensitive area based on information obtained through the Cultural Resource Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) website at <https://cris.parks.ny.gov/>. As part of the SEQR process, this concern should be evaluated, unless it can be verified by appropriate documentation that the sites have

been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If there are any questions regarding this, contact OPRHP (telephone: 518/237-8643). Note: If any of the described Department approvals are required, an appropriate archaeological investigation must be conducted in order to satisfy the New York State Historic Preservation Act.

6. Hydric soils were identified within the proposed project site. The project sponsor should consult with the United States Department of the Army, Corps of Engineers Office (COE), telephone: 716/879-4330, concerning COE regulatory jurisdiction to ensure that the project will not involve federally regulated wetlands or require any other approval from that agency. If Federal Wetlands are involved, the COE may require the project sponsor to obtain a Water Quality Certification (WQC) from this Department. Please note that a request for a WQC is now subject to the new 401 WQC rule and you (or the applicant) must submit a pre-filing meeting request 30 days prior to submitting an application for a WQC (see attached form).

If you have any other questions, please feel free to contact Ms. Lisa Connors of my staff or me at 716/851-7165.

Sincerely,

*David S. Denk*

David S. Denk  
Regional Permit Administrator

LDC

ecc: Anthony Pandolfe, Carmina Wood Morris  
Molly Bebak, P.E., NYSDEC Division of Water