

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
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[www.dec.ny.gov](http://www.dec.ny.gov)

November 17, 2020

Mr. Jeffrey Schieber  
Code Enforcement Officer  
Town of West Seneca  
1250 Union Road  
West Seneca, New York 14224

Dear Mr. Schieber,

**SEQR Lead Agency Designation  
Retail Store Construction  
5203 Seneca Street  
Town of West Seneca, Erie County**

This is to acknowledge receipt of your letter by this Department on November 16, 2020 which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The Department concurs that the Town of West Seneca 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 is 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). Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at [www.dec.ny.gov/chemical/8468.html](http://www.dec.ny.gov/chemical/8468.html).

The Town of West Seneca 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 official from the MS4 community, or by a duly authorized representative of that

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person, and submitted, along with the NOI form, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

2. Cazenovia Creek is located to the south of the property and has a Class and Standard of "B" and is, therefore, protected. If the proposed project causes the bed or banks (within 50 feet of the stream) this stream to be physically disturbed (i.e. land clearing, filling, drainage pipe/ditch installation, etc.), a Protection of Waters Permit (Article 15, Title 5 of the Environmental Conservation Law) will be required from this Department.

If you have any questions, please feel free to contact me or Mr. Mark Passuite at 716/851-7165.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Czechowicz".

Lisa M. Czechowicz  
Deputy Regional Permit Administrator