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April 28, 2021

Canisius High School  
Robert J. Stransky Memorial Athletic Complex  
Phase Three Development Project  
TA Project 20020

Town of West Seneca  
Town Hall  
1250 Union Road  
West Seneca, New York 14224

Gentlemen/Ladies:

## COVER LETTER – ADDENDUM DOCUMENTS FOR SITE PLAN REVIEW SUBMISSION PACKAGE

We have reviewed all of the comments we received as part of the Site Plan Review Board meeting on April 8, 2021, including comments from Mark Gaston from Erie County Soil and Water Conservation District; and comments received prior to the Board Meeting from the Town of West Seneca Planning Board and New York State Department of Environmental Conservation (DEC).

The following is a summary of the comments (regular text) and our responses (**bold text**):

### Site Plan Review Board meeting

1. Indicate trees on Site Plan, being removed and existing to remain. **The existing survey documents existing brush line along the creek and any tree greater than 4" in diameter. The Site Preparation Plans indicates the extent of brush and trees being removed.**
2. Indicate existing 100-year Floodplain line and proposed 100-year Floodplain line on same site plan drawing. **The existing and proposed 100-year flood plain is indicated on the revised drawings.**
3. Did we account for easements? In reviewing the property DEED there are only two rights-of-way's indicated in the DEED, the first being the gas pipe line that presently goes under the existing football field and running track, and the second is for the electrical power lines along the east property line. Canisius High School will continue to allow Erie County Soil and Water Conservation District / Erie Wyoming Joint Watershed Board to gain access to Buffalo Creek through their property.

### Erie County Soil and Water Conservation District / Erie Wyoming Joint Watershed Board

1. Mark Gaston presented documents pertaining to the flood issues in the adjacent Lexington Green neighborhood and the vicinity along Buffalo Creek. **We have reviewed all of the documentation presented by Mark and made revisions recommended in the Resilience Report, i.e. benching. The outfield fencing at the JV Baseball field has been revised to be removable.**
2. He stated recreational use within the flood plain is the correct use, but the area has other concerns.
3. A large ice jam flooding in 2014 occurred resulting in ice backing up onto Canisius property. **In reviewing the photos of the ice jam flooding event, the ice jam flooding backed up to the 100-year flood plain line.** It would continue to do so within the revised 100 year flood plain.
4. Town installed temporary berm on Lexington Green side of Creek which may alter the 100-year flood plain line. **The revised proposed design on the Canisius High School property provides between 35-40% more flood volume storage than the current flood plain provides.**
5. A number of stream works throughout Buffalo Creek to reduce sedimentation along Buffalo Harbor. Mark stated there are permanent easements along 57 linear miles of Buffalo waters. **In reviewing the property DEED there are only two rights-of-way indicated in the DEED, the first being the gas pipe line that presently goes under the existing football field and running track, and the second is for the electrical power lines along the east property line. There is no mention of an easement within the**

deed as indicated by Mr. Gaston. However, Canisius High School will allow Erie County Soil and Water Conservation District / Erie Wyoming Joint Watershed Board to gain access to Buffalo Creek through their property.

6. Children in that area is a grave concern, Town is involved in a wrongful death lawsuit. **Existing signage along Buffalo Creek will be maintained. Spectators for events (adults and children will be no different than for present events.**

Town of West Seneca Planning Board (Town Engineer – CPL)– Letter Dated April 1, 2021

1. We cannot recommend this project for approval given the current design. The stormwater facilities lie within the 100-year floodplain. We had exchanged emails with the engineer previously to explain that even with expanding cuts and fills in the flood plain to allow for development of the site, the stormwater pond elevation must be above the 100 year floodplain elevation and the outlet of the stormwater pond must be above the 100 year floodplain elevation to prevent reverse filling of the pond from the flood plain. The pond is supposed to hold back water from a 100-year storm so that it is slowly released as the storm recedes. As currently designed, the outlet of the stormwater pond is well below the 100-year floodplain elevation as is the entire stormwater pond. During the 100-year storm, the 100-year floodplain will most likely be filled, therefore the stormwater pond, being in the 100-year flood plain, will be filled and not allow water to enter the pond for detention. The current outlet is at an existing, non-conforming location for stormwater pond discharge and cannot be used for the outlet of this pond.

We have revised the grading within our flood plain area to provide flood plain benching more in keeping with the Resiliency Report that was mentioned at the Town of West Seneca Planning Board meeting and then re-ran the flood volume calculations. At this point we are providing between 35-40% more flood volume than the current flood plain provides. Also, the benching is more in keeping with the recommendations within the Resiliency Report which the Town Engineers had asked us to consider in a previous meeting.

On April 21, we had a zoom meeting with Steve Tanner and Dave Johnson from CPL, the Town Engineers. They seemed satisfied that we are providing more flood storage volume, have made our best attempt to mitigate downstream flooding as recommended in the Resilience Report and are satisfied with our direction regarding flooding mitigation. They indicated that they will still need to review our calculations and mapping for the flood plain area. We indicated we would be providing all the needed information with our next planning board submission for their review prior to the meeting.

Additionally we have modified the grading of the storm water management area to contain the 100 year storm event volume within the basin and not within the 100 year flood plain.

We also discussed how we will be handling storm water quantity and quality. Steve and Dave indicated what they will be looking for. The revised documents meet what they are looking for such as forebays for water quality at the inlets to the storm water basin, and control on the outlet pipe so creek flood waters do not back up into the storm water basin. Our revised drawings indicate the grading changes and a backflow check valve will be install in the existing outlet pipe.

2. Based on our review of the site plan, we did not perform a complete review of the Draft Site Plan Engineering Report. Additionally, the Draft Site Plan Engineering Report is not a Stormwater Pollution Prevention Plan. While they present data relative to the stormwater design, a full SWPPP will include data relative to site use during construction, storage of materials, MSDS sheet locations, etc. A SWPPP for this project will be required prior to approval for construction. **SWPPP documentation will be part of the permit documents.**

New York State Department of Environmental Conservation (DEC) – Letter Dated April 1, 2021

1. Portions of this site are located within New York State regulated Freshwater Wetland BU-17 and its regulated 100-foot-wide adjacent area (AA), and a wetland delineation will be required to precisely identify the regulated wetland and AA boundaries. A Freshwater Wetlands Permit pursuant to Article 24 of the New York State Environmental Conservation Law will be required by this office for any disturbance to Freshwater Wetland BU-17 or its AA. **We have contacted the DEC regarding this. We are filing a Joint Application with the DEC. They will be scheduling the review of the Joint Application. They will determine if a permit is warranted.**
2. Please note that Buffalo Creek has a water classification of B and standard of B pursuant to 6 NYCRR Part 837, Item 137. Therefore, any physical alteration (i.e., land clearing, filling, drainage pipe/ditch installation, etc.) to the bed or banks (within 50 feet of the stream) will require an Article 15, Title 5, Protection of Waters Permit from this Department. **We are not disturbing the site with 50 feet of the creek.**
3. If any 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). **SWPPP documentation will be part of the permit documents.**

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 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. **The Town of West Seneca oversees the MS4, not the DEC. We are coordinating with the Town's Engineer in order to comply with Stormwater Pollution Prevention requirements.**

4. Portions of this project area are located on hydric soils. The project sponsor should contact the United States Department of the Army, Corps of Engineers' (COE) Buffalo District Office, telephone: 716/879-4330, concerning COE regulatory jurisdiction to ensure that the project will not involve federally regulated wetlands or any other approval from that agency. If Federal Wetlands are involved, the COE may require Water Quality Certification from DEC. Please note that a request for a WQC is now subject to the new 401 WQC rule and the applicant must submit a pre-filing meeting request 30 days prior to submitting an application for a WQC (see attached form). **This is being taken care of with the Joint Permit Application process.**
5. The project 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). **discussions with the DEC a letter from OPRHP is required we are submitting a request for this.**
6. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No. 36029C0332HH that the project site is located adjacent to the designated floodway and within the 100-year floodplain. The proposed project should be designed in accordance with all applicable local municipal laws for flood

damage reduction. The 100-year flood plain delineation was part of the survey work previously performed. The proposed flood plain volume will provide 35-40% more flood volume than the current flood plain provides. This is being reviewed by the Town of West Seneca's Engineer.

Very truly yours,

Brad V. Vaillancourt, AIA, CSI, Leed AP  
Vice President

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Enc     Addendum Documents for Site Plan Review Submission Package

c        Matthew Carver, Canisius High School  
          Appel Osborne Landscape Architecture