

NARRATIVE FOR TILDEN COMMONS

Prepared for New Lebanon's Planning Board and Zoning Board of Appeals

August 4, 2025

Project Overview

The proposed development is a mixed use development on a 3.2-acre parcel in the Town's Central Commercial District. We are seeking to build a new space for an existing downtown business on the same block and to build housing that is affordable to middle-class individuals and families who live in the area.

We are seeking local permitting for the housing, as a multifamily dwelling use, and for the grocery, as a retail store use. We expect this project to have a major positive impact on the downtown community and the Town overall. The project includes 118 parking spaces, an outdoor courtyard, and a park with a playground open for public use.



Rendering from the corner of Route 20 and Tilden Road



Rendering from residential vehicle entry along Tilden Road

HOUSING — The proposed development includes 41 apartments, a mix of 21 one-bedroom apartments and 20 two-bedroom apartments. We anticipate reserving 10 apartments for seniors aged 62 and up. According to state and federal housing guidelines, each apartment can house a maximum of 2 people per bedroom. Based on substantial previous experience with similar developments, we expect an average of 1.25 people across the one-bedroom apartments and an average of 3.0 people across two-bedrooms apartments. Thus we expect this development to house approximately 86 people.

Using State and Federal funds will require all of these apartments to be "affordable," which is defined as total housing costs no greater than 30% of a household's gross income. We are targeting households whose gross incomes are 60% of Area Median Income (AMI). Here is a summary of anticipated expected monthly rents, organized by number of people in the household:

	HOUSEHOLD SIZE			
	1 person	2 persons	3 persons	4 persons
AMI	\$78,900	\$90,200	\$101,400	\$112,700
60% of AMI	\$47,340	\$54,120	\$60,840	\$67,620
Monthly rent	\$1184	\$1353	\$1521	\$1692

GROCERY — The proposed project also includes a roughly 12,500 square-foot grocery including 9500 square feet of retail space and an off-street 2-bay loading dock suitable for anticipated deliveries. We have in place an agreement with the New Lebanon Farmers Market & Grocery to be the tenant for this space. It is committed to supporting local farmers and food producers. It expects this expansion from its current size of 2,400 square feet to enable it to scale its operations, lower prices, and serve a dramatically greater share of the local community.

Design and construction

The design team is led by Ari Goldstein of Substrate Architecture, based in Austerlitz, NY, and includes Brendon Becker of Lamont Engineers, based in Cobleskill, NY, and landscape designer Jocine Valesco, based in New Lebanon, NY.

The design takes inspiration from the Town's rural and agricultural character and Shaker history. Its design adheres to strict design guidelines authored by New York State's Homes and Community Renewal, a recent copy of which can be accessed online at <https://tinyurl.com/hcr-design>. The project is a model for the newly revised zoning code and the comprehensive plan, including parking located in the rear, dark sky compliant lighting, architectural details reflective of Shaker and rural vernacular buildings, and a generous, privately maintained public greenspace, which will enrich use of the adjacent Rail Trail.

The project will take place on a corner lot. It will conform to 50ft front setbacks from the center lines of Route 20 and Tilden Rd. It will conform to a 15ft side setback from the northerly property (i.e., 19.2-1-20) and to a 25ft rear setback from the easterly properties (e.g., 19.2-1-68). It is within the 50' height and 3-story limit. Lot coverage is 19%, while the maximum allowable is 75%.

Environmental and safety considerations

WATER — Since the project will include the construction of more than 5 residential units on one parcel, this project will need to comply with NYSDOH regulations as a community water system. The system well was tested to comply with these regulations. This included a 72-hour draw down pumping test to ensure that the well is more than able to meet the calculated demands. During this pumping test, the hydrogeologist installed monitoring equipment to monitor existing wells within a 1000–1500-foot radius of the existing well on the project site to ensure the anticipated water withdrawal during extreme conditions will not affect any nearby property wells. Full results from this test are pending. This water system will also require chlorination and treatment in order to comply with NYSDOH regulations.

WASTEWATER — The project will fall under the review and regulations of NYSDEC for an intermediate system. The NYSDEC regulations do not allow for a conventional subsurface discharge septic system, so an advanced treatment system will be used for wastewater treatment with clean discharge. This will require the project to apply for a SPDES permit, and the wastewater system will need to comply with the treatment quality requirements of the permit. The anticipated treatment system to be utilized is a conventional septic tank for solids removal,

an Orenco Advantex treatment system for secondary treatment, and UV disinfection. These treatment steps render the wastewater as clean as stormwater. All wastewater will then discharge to an underground infiltrator system, ensuring that all wastewater stays on the site and filters back into the earth.

STORMWATER — Proposed stormwater treatment for the new impervious surface areas for the project site will mostly be provided by infiltration basins along the Tilden Road portion of the site. Site soils testing has been completed to ensure this is a viable treatment option for the site. This will allow stormwater to percolate slowly into the soils and avoid any impact on any of the existing roadway drainage systems. These infiltration basins will be landscaped with appealing plantings. The filtration media will be changed according to a maintenance plan.

Traffic

The NYSDOT traffic count data for US Route 20 indicates Annual Average Daily Traffic in front of the project site of 7,603. We estimate that the project could result in approximately 300 additional daily trips to and from the project site. This would result in a traffic impact of less than 4% of the existing traffic on US Route 20 and, on Tilden Road turning onto Route 20, roughly twenty second wait times only times of at peak usage.

We contacted NYSDOT. They concur with the Planning Board being lead agency for SEQR. Given the plan to use an existing entrance, they indicated that they do not need to review or comment on plans till the project receives local permitting.

Electricity

NYSEG completed a load study. It confirmed that the grid currently has enough power to serve the site. The project will likely need to install several new poles and transformers.

Project timeline

Our timeline is anchored to the State's annual application process for affordable housing. Given the competitiveness of this funding, the State effectively requires projects that are shovel-ready and fully permitted. If the State approves the application, we anticipate breaking ground in 3Q 2026 and beginning operation in 1Q 2028.

Further discussion, including responses to PB & ZBA questions

We believe that how wealth factors into the income test for residents has no bearing on any of the factors that are appropriate for the Planning Board or the Zoning Board of Appeals to consider. However, the way this works is that, if you have \$5000 or more in, e.g., a savings account, we would look at the actual income that you receive from interest, and if you have some asset worth at least \$5000 where we can't verify actual income produced, we assume it produces 6% annually.

We believe that the mix of public and private funding has no bearing on any of the factors that are appropriate for the Planning Board or Zoning Board of Appeals to consider. However, we will not break ground until we are certain that funds are in place to complete construction.

Similarly, a taxing jurisdiction cannot force a property owner to enter into a PILOT, nor is it permissible for a local zoning or land use board to deny an approval because a property owner has chosen to enter into a PILOT agreement — it is beyond the delegated authority of such boards. See e.g., *CSG-Gutami LLC et al. v. Town Bd. of the Town of Chemung et al.*, Index No. 203-5505 (Sup. Ct. Chemung Cty. 2023) (citing *Kamhi v. Town of Yorktown*, 74 N.Y.2d 423, 427 (1989) (“In general, towns have only the lawmaking powers the legislature confers on them,” and “[w]ithout legislative grant, an attempt to exercise such authority is ultra vires and void.”)); see also *Sunken Pond Estates, Inc. v. O’Dea*, 11 A.D.3d 471 (2d Dep’t 2004). Whether the project enters into a PILOT is not a relevant consideration for the Planning Board or the Zoning Board of Appeals; it is simply not a zoning concern. PILOT agreements with the Town are beyond the jurisdiction of either board. Further, a PILOT, if sought, would permit this project to get off the ground and provide essential services — i.e., affordable housing and a grocery store — to the Town, and once the PILOT ends, the project would then pay full taxes. Lastly, a PILOT has no bearing on special district taxes (e.g., water and sewer), which are paid regardless of whether a property owner enters into a PILOT.

We believe that we have already made our case that this project will have strong positive impacts on New Lebanon, including on economic development. Hudson River Housing will be responsible for property management, adding these 41 units to the over 500 units already managed capably. Given the policies and practices we have explained elsewhere, we believe there is no legitimate basis to suspect problematic levels of police or fire calls to the facility, unusual levels of noise complaints, or excessive traffic congestion.