



PZ Clerk &lt;pzclerk@townofnewlebanon.com&gt;

## Tilden Project

1 message

**Bill Hayes** [REDACTED]

Tue, Aug 26, 2025 at 8:03 AM

To: "pzclerk@townofnewlebanon.com" &lt;pzclerk@townofnewlebanon.com&gt;, Nlpb.brutsch@gmail.com

Good afternoon,

If you could post this in the Tilden Project Records and distribute this letter to all Planning Board members and Zoning Board members that would be greatly appreciated.

Thank you for your time,  
William Hayes  
[17 County Route 5a](#)  
[New Lebanon, NY 12125](#)

All Planning Board and Zoning Board Members:

The following comments are being submitted for the proposed Tilden Grocery/41-unit Residential Project. In following this project over the last few months, the project has been revised a number of times making it difficult to keep track of what the applicant is actually proposing. The applicant has represented as follows:

1. 28-unit senior project
2. 41-unit 1,2- and 3-bedroom family project
3. 41 unit 1- and 2-bedroom project w/mention of 10 units included for seniors

This constant changing of the number of units , bedroom count, and the occupancy along with other important aspects (project size, design, quality of life for residents, parking location and traffic patterns, dumpster and loading dock location, noise, children's safety, green space/play areas, and water/sewer) make it difficult to both keep up with what is being requested of the Town and what the Town can ultimately expect. The paperwork submitted has had a number of errors and omissions, especially notable with the SEQR form. Although the verbal remarks at the meetings have provided more details of the project they also have served as a confusing way to change the project. The paperwork does not seem to keep pace with meeting remarks nor are the verbal changes keeping pace with required paperwork. The reality of the project is thus far not supported by the paper or vice versa.

A family project would be expected to change substantially the use of water, the amount of sewer discharge and somewhat the design from the original concept of a senior project. However, in reviewing the NYS Homes and Community Renewal Design Manual (see below link and excerpts) it is readily apparent that whether a project is for seniors or families there are very specific requirements on design to lend the project to livability for the occupants, to ensure the tenants quality of life and safety and to make sure the project is an asset to the community. The project as designed for either population targeted does not seem to adequately take into consideration the location, the site limitations, nor especially the actual residents. I say this mostly based upon the site plans submitted to date. I don't see much in the way of consideration for the tenants. The notable things have been:

1. lack of green space - the Design Manual clearly requires a playground for a family project (page 20). The applicant verbally has repeatedly said there will be a public park. The Design Manual

requires private safe play areas for children. It is not clear from the most recent change in the bedroom count and size if this requirement would or would not be triggered but it certainly seems that children should warrant a play area whatever their number ultimately. For \$25 million +/- in public funds in a rural community green space should be a forefront consideration.

History has shown that failure to provide good design for families in publicly funded projects can create unforeseen issues. The HCR Design Manual seems to cover a vast array of issues to ensure project success. The addition of both a grocery store and 13 units beyond the zoning regulations with the heavier parking use is seemingly impacting the design (3 story vs townhouse), the site plan, and the resulting green space in what can only be viewed as a rather large negative for community character and quality of life for the residents.

2. flow of traffic - the combination of the limited site size and the addition of a grocery to the residential has raised many issues on parking spots. I have heard no discussion of concern of the layout/design of the parking and how it would impact the children and the residents' safety with the resulting traffic from a busy grocery store. The most recent design seems to require residents to cross traffic, which would include grocery shoppers, from the residential parking area to the residential building entrance. Parents with small children would seem to have to always worry about coming and going from the parking lot to say nothing of how children were considered to get outside to ride bikes, play or get to the playground. Maybe this has been considered but I have never seen paperwork nor heard remarks addressing this. To the contrary the applicant has repeatedly talked about the limited green space as public vs private space for residents. The flow of traffic as designed would seem to very negatively affect the tenants.

3. building location - as proposed the residential units are attached to the grocery and on the third floor some units are actually over the grocery. This raises several issues per the HCR Design Manual and even without the NYS requirements in my mind the project does not seem to consider as noted above the traffic or access to outdoors. Lebanon is a beautiful Town w/much green to love and yet the tenants of this project are seemingly sandwiched behind, attached to and living on top of the grocery. My questions on the site plan for the residents are as follows:

a. Townhouses - as detailed below from the HCR Design Manual Townhouses are recommended for families (page 25). This makes sense to me for parents to feel comfortable in their children accessing the outdoors, easy egress in and out, and enjoyment of your housing in a rural community. If the site were larger or the number of units less, it would seem to make sense for the residential to be townhouses at the back of the lot with parking for the units in front and a sidewalk that then accesses the units. A clear distinction between the two uses of the site (residential and commercial) would provide both safety to the residents and be expected to alleviate the issues raised by building literally on top of the grocery.

b. Noise /Traffic/Exhaust - I am stunned that the loading dock for the grocery is right next to the residential units. I cannot imagine the noise and exhaust at all hours from the delivery trucks unloading (Page 25 of the HCR Design Manual includes decibel limitations). It is not clear how these trucks will access the loading dock, but it seems they would be doing so from Tilden Street. It is not uncommon for the library to use Tilden Street for additional parking at the library. If trucks accessed the site from Tilden Street it would seem there would no longer be street parking for the library when there are events creating parking overflow.

Additionally, the proposed hours of the grocery are from 6 a.m. to 11 p.m. per the SEQR form. Those hours do not seem conducive to the tenant's ability to enjoy the quiet required for children or anyone to sleep. If the store is open that many hours will deliveries also be within those hours?

c. Trash - Something as necessary as dumpsters for residential garbage seems to have been overlooked. Anyone who has been to an apartment building knows that when there is an inadequate number of dumpsters the trash ends up placed on the ground in front of the dumpsters. This can be

expected to result in both unsightly conditions and unsanitary ones that would be expected to draw many of our local animal residents. The HCR Design Manual is very specific on trash and yet clearly this seems to have been overlooked (See HCR Design Manual pages 19 and 35).

The trash "plan" seemed to be a person physically collecting trash. A question was raised at the August meeting if there will be 7-day personnel to do this and the applicant said oh he would do the job on weekends. That was a giant red flag and seemed to indicate a lack of awareness of the seriousness of this aspect of the project.

It would be expected that the grocery would also generate a lot of trash including both boxes and food waste. My understanding is the only dumpster would be near or at the loading dock directly under the windows of some of the residential units. This seems both inadequate and poorly located. The dumping of the dumpsters into a garbage truck would be expected to also result in more noise for residents right under their windows.

Of utmost concern for this site is the absence of municipal water and sewer due to the proposed size and use of the project, which immediately became apparent is a large contributing reason for the requested zoning variance. The applicant has stated at meetings repeatedly that NYS HCR is the driving force behind the need for such a large project because the agency "doesn't like to fund small projects," but then followed up saying that the project did not "pencil out." [Total project cost has been stated as \$25 million +/- (\$500,000 +/- per residential unit and \$3 million +/- for the grocery, \$750,000 +/- for the sewer system)] . As noted below HCR has in fact funded a number of projects with less than 41 units. The reality is the lack of municipal water and sewer means the project needs to absorb not only the cost of the acquisition of a site with an existing building that will need to be demolished but also the cost of building out the water and sewer infrastructure.

The lack of municipal water and sewer has raised many issues as follows:

1. Water - The SEQR form indicates the site is located over a principal aquifer and that the water table is 4-6 feet below the surface. Since the project is located over a principal aquifer and although the test data of local wells had not yet been submitted at the August meeting the issue of adequate water may not be as much of an issue as the impact of the project on the quality of that water for existing and future residents. Although the SEQR form has the water usage estimated at 9,000 + gallons per day that number seems to have been raised to 11,000. The Board did request corrections to the SEQR forms so I anticipate we may know more when that re-submission is received and posted on the Town website.

In looking at the paperwork submitted to the Town for the project there have been many spills of oil etc. in Town thru the years. Once this large project is built on a principal aquifer it seems there will be changes in what the aquifer is potentially impacted by. The latest verbal change of the sewer discharge to the site vs across the road to the wetlands/stream would seem to raise questions about potential contamination of the aquifer if the sewer system malfunctions since mention was made of percolation. The use of 11,000 gallons per day and then the percolation back to the aquifer would seem to raise issues on the adequacy of this stated change. There was some discussion at the August meeting by Board Member Michael Crosby about percolation at the site, but it seemed that any testing and detail has not yet been submitted.

2. Sewer - Sewer discharge has been an issue that has not been clear from either the SEQR form or other submissions to the Town. It was only by verbal comments by the applicant in July that Town residents learned that the sewer system proposed would direct the treated sewer water across Rte. 20 to the existing wetlands and creek. Residents immediately raised concerns of the 11,000 estimated gallons per day on the area. Residents already experience flooding and provided pictures.

At the August meeting the applicant then stated their plan would no longer direct the treated sewer water across the road but would discharge back to the site. As noted above this raises more issues since the project is over a principal aquifer. Since no paperwork has been submitted to date for this there is no way for anyone to assess the impacts.

It is a major concern that the SEQR forms submitted had so many incorrect answers and detail with regard to the water and sewer for the project. It has been startling to hear little details at the meetings which directly conflict with the limited answers on the SEQR forms. These issues both would seem to require a positive declaration and the submission of a Draft Environmental Impact Study. We are all too familiar with many communities that have had their water negatively impacted by projects. Although this project is not an industrial project, its large nature over an aquifer in an area with no municipal water and sewer and wetlands with flooding issues are issues that need to be fully reviewed and vetted. The applicant has yet to inspire any confidence on how serious these issues could be for the community.

The last issue of note is one that was discussed at the July and August meetings and that is of the taxes to be paid by the project. The applicant had detailed previously that the project could form a Housing Development Fund Company and would therefore be eligible for a Payment in Lieu of Taxes (PILOT). The applicant then stated they could also decide to use another section of the tax code and pay based upon a 581-a calculation. No detail has been provided on what these two methods would result in for the payment of taxes. Most residents are concerned with the impact on the School Taxes, the triggering of the cap, and what current residents pay. The one Board Member in August detailed that a PILOT would directly impact how the cap is calculated and there is the potential for issues with school funding. The applicant is required to submit a copy of their funding application to the Town when they submit by the deadline of September 11. At that point the Operating Budget in the application should provide more information on what the applicant is anticipating doing and paying for taxes.

This project is large and complex and raises many issues which would seem to not be as complex if the site design and project size were more in keeping with the zoning, the community character, and the fact that the site has no municipal water and sewer. The decision to use the site for dual purposes raises a whole host of issues that at this point do not seem well vetted by the applicant. A local large grocery would be nice as well as additional rental housing but the appropriateness or rather the inappropriateness of this site seems further revealed at each meeting and by the constant changes to the design which to date do not seem to justify either the zoning variance or provide confidence that this project will be well built or managed with tenants and the community in mind.

The applicant has contended that a zoning variance is necessary because NYS Homes and Community Renewal will not fund smaller projects. But then the applicant stated that the smaller project will not "pencil out". At an initial meeting the applicant stated the infrastructure for the sewer system is expected to cost \$750,000. The reality seems to be not that HCR won't fund a smaller project but that the site is expensive to develop for the proposed project because of the lack of infrastructure and the decision to put two projects on one site. Below are prior funding year awards clearly showing HCR has funded smaller projects ranging from as low as 14 units. New Lebanon is a very small community of 2500+ people. The Town of Nassau is also small at around 5000 in population. HCR funded a 16-unit senior project near the Post Office in Nassau. To say a small community has to build a large-scale project is simply not borne out by the past funding history.

For all the reasons stated above this project does not seem to justify the granting of a variance nor approval of the site plan as submitted. The project would create an undesirable change in the neighborhood character. There are other feasible alternatives for the site. There do seem to be adverse impacts on the environment but determining exactly what they are is impossible with the changes stated verbally and the lack of paper submissions to review. The applicant does seem to have a self-inflicted hardship in that the plan does not comport with the site.

Links to projects funded by NYS HCR that are less than 41 units:

[https://hcr.ny.gov/system/files/documents/2021/04/fall-2020-9-percent-multifamily-awards\\_0.pdf](https://hcr.ny.gov/system/files/documents/2021/04/fall-2020-9-percent-multifamily-awards_0.pdf)

Fall 2020 9 Percent Multifamily Project Awards.xlsx

Fall 2020 9 Percent Multifamily Project Awards.xlsx Multifamily Finance Fall 2020 9% RFP - Project Awards  
hcr.ny.gov

Orangetown, Rockland County 14 units.

<https://hcr.ny.gov/system/files/documents/2020/05/multifamily-finance-fall-2019-9-rfp-award-list.pdf>

Fall 2019 Multifamily Project Awards - Homes and Community Renewal

Fall 2019 Funding Round Grand Totals \$26,124,356 \$2,999,980

hcr.ny.gov

Cortland County, Town of Cortlandville, 25 units

Monroe County, City of Rochester, 29 units.

[https://hcr.ny.gov/system/files/documents/2019/05/ForWeb2018%20UF%20Awards%20List\\_2019-05-14%20%28004%29.pdf](https://hcr.ny.gov/system/files/documents/2019/05/ForWeb2018%20UF%20Awards%20List_2019-05-14%20%28004%29.pdf)

2018 Unified Funding Mult-Famil Project Awards

2018 Unified Funding Round Grand Totals \$43,236,066 \$4,000,000

hcr.ny.gov

Cayuga County, Village of Cayuga, 24 units

Ontario County, Town of Canandaigua, 30 units

Westchester County, Village of Port Chester, 34 units

Link to NYS HCR Design Manual and pages/issues cited above:

<https://hcr.ny.gov/system/files/documents/2023/09/2023-nyshcr-design-guidelines.pdf>

Page 11 Common use areas are for exclusive use of tenants. The applicant has stated the green space would be a public park. Playground is required for children w/specific safety requirements

Page 18 -safety of residents

Pag 19 - Screening is required for dumpsters

Page 20 - Quality of Life Criteria - includes if there are 20 or more children play equipment must be provided in defined children's play area. Area must allow for easy supervision and avoid crossing vehicular paths. Play areas must be enclosed to provide safety and protection to children.

Page 21 - A clear separation between public and private space

Page 25 - Wherever possible, configure family housing as low-rise building utilizing individual exterior dwelling unit entries, or buildings w/clustered/central core dwelling unit entries. Noise mitigation measures shall be provided if outside ambient noise levels are higher than 65 decibels.

Page 35 - Provide a trash collection /recycling room on every floor of buildings with corridors serving more than 8 dwelling units. Include trash chutes and trash compaction systems where appropriate.

Provide adequate bicycle storage facilities that are secure, visible, and conveniently accessible. Although outdoor bicycle racks are acceptable, indoor or sheltered facilities are proffered; these should be easily accessible from the outdoors to minimize the movement of bicycles through the building's lobby and elevators.

Page 42 - Dwelling units shall include .....bulk storage rooms within the dwelling unit or in common storage rooms.