



September 24, 2025

Elizabeth Brutsch
Planning Board Chairperson
Town of New Lebanon
PO Box 328
New Lebanon, NY 12125

Re: TDE Review
Comments from September 11, 2025 Zoom Meeting and Review of Applicant Materials
Tilden Commons
538 US Route 20
File: 1229.010.001

Dear Chairperson Brutsch,

In accordance with our professional services agreement with the Town of New Lebanon (Town), Barton & Loguidice, D.P.C. (B&L) has provided the below summary of topics discussed during the Zoom videoconference meeting held on Thursday, September 11, 2025 (Meeting) to discuss Tilden Commons (Project) located at 538 NYS Route 20 in the Town as proposed by Tilden Project LLC (Applicant). Additional comments B&L on the Project materials submitted by the Applicant have been provided as well.

In attendance during the Meeting were the following participants:

- Elizabeth Brutsch, Chairperson of Town of New Lebanon Planning Board (TPB);
- David McGinness, Board Member of TPB;
- Jim Carroll, Board Member of TPB;
- Stephanie Ferradino, Attorney for TPB;
- Christian Bertram, B&L;
- Matthew Miller, B&L;
- Brendon Becker, Lamont Engineers (Lamont).

During the course of the Meeting, the following revisions were requested by the members of the TPB and B&L:

1. Confirm the requirements for the proposed playground structure(s) to be installed within the Project's playground area based on the design manual issued by New York State Homes and Community Renewal (NYSHCR).



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2. All accessible (handicap) parking spaces must have an adjacent, striped, five (5) feet wide access aisle.
3. All accessible (handicap) parking spaces must maintain a maximum of slope of 1:48 or 2% in all directions.
4. Reconfigure the Project's driveway off of NYS Route 20 so that it complies with New York State Department of Transportation (NYSDOT) standards including width, turning radii, etc.
5. Determine feasibility of rotating the proposed loading dock along Tilden Road by ninety (90) degrees clockwise (i.e., so that it would be parallel with rather than perpendicular to Tilden Road) to allow delivery trucks to pull onto Tilden Road, then onto a paved area adjacent to the eastern side of Tilden Road, and then backup to the loading dock without obstructing traffic on Tilden Road.
6. No proposed traffic patterns or turning movements can be shown to impede onto neighboring properties.
7. The Planning Board reached a consensus that the proposed dumpster location is acceptable and may remain as shown, provided that the pickup schedule is appropriately adjusted to accommodate site operations. Barton & Loguidice recommends, at a minimum, that the dumpster area be screened and contained within a fence enclosure to reduce visual impacts and maintain site aesthetics.
8. Confirm NYSDOT's acceptance of the location and design of the proposed infiltration bioretention basin adjacent to NYS Route 20.
9. Provide details, including the date(s), surveyor name, methodology employed, etc., of the boundary and topographic surveys completed for the Project site and include survey references on the drawings.
10. Dimension all site features with setback requirements from the appropriate locations.
11. Complete infiltration testing within the Project site to determine viability of the Project's proposed stormwater management system. Lamont shall provide both the Town and B&L with advance notice of the scheduled date(s) for infiltration testing so that representative(s) from both the Town and B&L may be present to observe.

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12. Provide an updated Stormwater Pollution Protection Plan (SWPPP) that reflects any revisions to the Project's proposed stormwater management practices required in response to the results of the infiltration testing as noted above in Comment #11.
13. Confirm compliance with NYSDEC and/or NYSDOH standards for setbacks, etc. of proposed stormwater management structures.
14. Provide appropriate detail and section views of proposed stormwater management structures/systems. These should reflect any revisions required in response to the results of the infiltration testing noted above in Comment #11.
15. Provide an underground grease trap.
16. Provide fencing around or vegetated screening of the proposed transformer along Tilden Road.
17. Update the Project Narrative to describe the Project's current plans once the above-listed comments have been addressed.

During the Meeting, the following was agreed to:

- B&L will wait to provide further TDE review comments to the TPB and Applicant until such time as Applicant addresses the above-listed comments.
- The TPB would accept revised plans from Applicant during its meeting scheduled for the evening of September 17, 2025. It is B&L's understanding that, as of September 19, 2025, revised plans have not been provided by the Applicant.

Below are additional comments provided by B&L based on the following Project materials submitted by the Applicant:

- Water and Sanitary System Engineer's Report dated July 2, 2025 as prepared by Lamont.
- Stormwater Pollution Prevention Plan (SWPPP) dated July 2025, last revised September 2025 as prepared by Lamont.
- Civil Engineering Plans dated August 4, 2025, last revised September 3, 2025, as prepared by Lamont.
- Traffic Study Letter Report dated July 1, 2025 as prepared by Lamont.

Please note that Barton & Loguidice has not performed a comprehensive, in-depth review of all project materials at this stage. Our comments are based on a focused review of the most significant items identified to date. Due to the nature and magnitude of these identified issues,

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substantial revisions or redesigns may ultimately be necessary to achieve compliance with applicable standards. We have remained cognizant of review fees and have sought to keep costs to the Town and Applicant reasonable by limiting the scope of this submission, given the issues identified in this focused review.

Survey

1. A stamped, up-to-date boundary survey prepared by a licensed land surveyor is required prior to the next submission, in accordance with § 205-14 and § 205-15 of the Town of New Lebanon Zoning Code (Subdivision and Site Plan Application Requirements). In addition, surveyed topography must be provided on the plans to ensure accurate representation of existing site conditions. This is necessary for compliance with:
 - NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001, Part III.A.2 & Appendix B), which requires that SWPPP design be based on accurate existing conditions, including site topography and drainage features.
 - NYSDEC Design Standards for Intermediate-Sized Wastewater Treatment Systems (2014, Chapter 5, Table 5), which require accurate surveyed setbacks and elevations to demonstrate compliance with minimum separation distances to groundwater, property lines, drainage swales, and other sensitive features.

Without a stamped survey and surveyed topography, it is not possible to verify compliance with these requirements or to adequately review the proposed grading, stormwater management, and wastewater system designs.

SWPPP

1. Per page 13 of the SWPPP, the minimum depth to water table in the area of the Project site is approximately 48 inches (4.0 feet) below existing grade. For the proposed bioretention basin, the existing ground elevation is El. 704.0 with a surface elevation of El. 702.5 (1.5 feet below existing grade) and a section depth of 43 inches (3.58 feet). This places the bottom elevation at approximately El. 698.9, which is ~5.1 feet below existing grade. Relative to the reported groundwater depth, the basin bottom would extend ~1.1 feet into groundwater.

For the proposed infiltration basin, the existing ground elevation is El. 706.0 with a bottom elevation of El. 703.0, placing the bottom 3.0 feet below grade. Relative to the reported groundwater depth, the basin bottom provides only 1.0 foot of separation to groundwater.

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According to the NYS Stormwater Management Design Manual (2010, Chapter 6 & Chapter 9), infiltration practices (including bioretention designed for infiltration credit) must maintain a minimum 2-foot vertical separation from the seasonal high groundwater table (SHGWT). The Project's current designs do not meet this requirement and, as proposed, both basin bottoms are within the water table.

Given the documented shallow depth to groundwater, it is evident that infiltration practices will be difficult to achieve on the Project site. It is crucial that Applicant conduct soil testing at the exact location of each proposed stormwater practice, with both Town and B&L representatives present during testing. This is especially important since Applicant has already identified a high groundwater table condition.

Water and Sanitary System Engineer's Report

1. Under the "II. Proposed Water System Demand" heading, the fixture count is included in Attachment B rather than Attachment C as is shown in the text. The report text also indicates maximum water supply demand of 40 gallons per minute (GPM). However, calculations included in Attachment B indicate a total peak demand of 105 GPM which includes both residential and commercial usage. Additionally, the 2,500 gallon clearwell shown on the "Proposed Water System Schematic" drawing (Sheet # ATT-A) included in Attachment A does not have the capacity to hold enough water for a 60 minute period at 105 GPM.
2. Under the "IV. Well Pump" heading, it is indicated that the well pump will convey water to 3 hydro-pneumatic tanks and that the pump is equipped with a constant pressure controller. However, the "Proposed Water System Schematic" drawing (Sheet # ATT-A) included in Attachment A indicates that the hydro-pneumatic tank is located after the 2,500 gallon clearwell, though the drawing does not specify whether the clearwell is pressurized. If it is not pressurized, the well pump should be designed to pump to the clearwell. Applicant should also provide the well pump data cut sheet and pump curve to show the pump's design operating point.
3. Under the "IV. Well Pump" heading, the text does not match the design as depicted on the "Proposed Water System Schematic" drawing (Sheet # ATT-A) included in Attachment A. The drawing shows only 1 hydro-pneumatic tank rather than the 3 tanks indicated in the text. Additionally, the hydro-pneumatic tank is shown as being located between the 2,500 gallon clearwell and the booster pumps. The tank should be located after the booster pumps and the booster pumps should include a pressure controller. Applicant should also provide the data cut sheet and pump curve for the booster pumps to show the pump's design operating point.

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4. The Project's proposed septic system indicates 18 inches of minimum cover over the infiltrator chambers, 6 inches of stone above the chambers, 30-inch chambers, and 9 inches of stone below. This results in a total system depth of approximately 63 inches (5.25 feet) from the proposed finished grade (El. ~703) to the bottom of the system.

Based on the applicant's own report, groundwater is encountered at approximately 48 inches (4.0 feet) below existing grade. As designed, the septic system would therefore extend approximately 15 inches into groundwater. This demonstrates that the proposed system does not provide the required minimum vertical separation to seasonal high groundwater as set forth in NYSDEC Design Standards for Wastewater Treatment Works (2014).

5. The proposed septic system layout does not meet the minimum horizontal separation distances required by the New York State Department of Environmental Conservation (NYSDEC) Design Standards for Intermediate-Sized Wastewater Treatment Systems (2014), Table 5. Based on the Plans provided:
 - The 13,000-gallon pre-anoxic tank is located 7.9 feet from a property line and less than 2 feet from a drainage swale. Table 5 requires a minimum separation of 10 feet to a property line and 50 feet to a drainage swale or surface water conveyance.
 - The AX-MAX treatment units are located approximately 10 feet from a drainage swale, whereas Table 5 requires a 50-foot minimum separation.
 - The infiltrator leach fields are located 11 feet from the building, 6 feet from a drainage swale, and 8 feet from the right-of-way (ROW). Table 5 requires 20 feet from a building, 50 feet from a drainage swale or surface water conveyance, and 10 feet from a ROW/property line.

For reference, NYSDEC Design Standards (2014), Table 5 specifies the following minimum horizontal separation distances:

- Property line / ROW: 10 feet
- Building foundation: 20 feet
- Drainage swale or surface water conveyance: 50 feet
- Septic or treatment tanks: 10 feet (to property line), 50 feet (to drainage swale or watercourse)
- Absorption fields / infiltration trenches: 20 feet (to building), 50 feet (to drainage swale), 10 feet (to ROW)

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As proposed, the Project's septic system does not comply with these separation requirements. The reduced setbacks conflict with the DEC Design Standards (2014, Chapter 5, Section 5.4.3–5.4.4 and Table 5) and raise concerns regarding hydraulic interference with drainage features, insufficient buffering to neighboring properties, and risks to both system performance and public health.

Traffic Study Letter Report

1. For a proposed development that will generate over 100 new vehicle trips during the peak hour, a site specific Traffic Impact Study should be prepared.
2. Existing traffic volumes will need to be collected at the Project site.
3. The trip generation estimates for the proposed development need to be updated to the current ITE Trip Generation Manual, 12th Edition.
4. Level of Service and Delay time will need to be calculated using the procedures outlined in the Highway Capacity Manual or a traffic modeling software that utilizes these same procedures.
5. A background growth rate for the area should be established, and all traffic volumes should be projected out to the construction completion year by utilizing this background growth rate.
6. Truck Traffic on Tilden Road: The plan indicates that Tilden Road, a dead-end local street, would serve as the backup/loading access. This could introduce substantial conflicts with residential and small commercial uses on the road. The report does not evaluate truck turning movements, delivery frequency, or the impact of queuing/backup during loading operations.
7. Queueing and Backups on US Route 20: Without actual count data or modeling, it is difficult to validate the conclusion that maximum queues will remain at only 2–3 vehicles. If queues extend back into NYS Route 20, this could create safety issues at the intersection.
8. Access Management: While the report recommends consolidating exits, it does not evaluate whether dedicated turn lanes or improved intersection control (e.g., signal warrants, stop control upgrades) might be needed to accommodate the added volume.

Site plan General Comment

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1. The site grading must be thoroughly reviewed and revised by the project engineer prior to resubmission. Portions of the proposed parking lot grading exceed 10%, whereas maximum slopes in parking areas should not exceed 5% to provide safe and accessible vehicular and pedestrian circulation (per ADA and industry standards such as ITE and NYSDOT). In addition, the grading plans appear incomplete: contour lines are not tied back into existing conditions, finished floor elevations are not shown, and several curb islands are depicted as depressions rather than raised features. These issues must be corrected to provide a consistent, code-compliant grading plan that can be properly evaluated for stormwater management, accessibility, and constructability.
2. The stormwater infrastructure must be clearly labeled on the plans. This includes top-of-frame and invert elevations for all structures, pipe sizes, lengths, slopes, and material types. The current plans lack sufficient detail to confirm the system layout and functionality. The Applicant must also verify that all storm piping provides adequate cover consistent with NYSDOT Standard Specifications and accepted engineering practice to ensure long-term structural integrity and freeze protection. Without these details, the stormwater system cannot be adequately reviewed for compliance with NYSDEC SPDES General Permit design requirements.
3. All ingress and egress locations into the proposed building(s) must be clearly shown on the plans, including primary entrances, secondary/service doors, and any required emergency exits. Each access point should be dimensioned and coordinated with proposed walkways, parking areas, and accessible routes. Plans must also demonstrate compliance with the New York State Building Code and ADA Standards for Accessible Design, including accessible entrances and routes from handicap parking spaces to building entries.
4. The site plans must be clearly labeled with all relevant dimensions. This includes lengths of sidewalks, widths and lengths of drive aisles, parking space dimensions, and the radii of all curves within the parking areas. Without these details, the plans cannot be properly evaluated for compliance with Town zoning requirements, ADA accessibility standards, and general engineering design practices.
5. Existing stormwater infrastructure must be fully documented on the plans, including pipe sizes, material, lengths, slopes, and invert elevations at all structures. For example, the existing 15-inch culvert is shown without any invert elevations. This data are necessary to verify hydraulic connectivity, evaluate tie-in conditions with proposed infrastructure, and ensure compliance with NYSDEC and Town design standards.

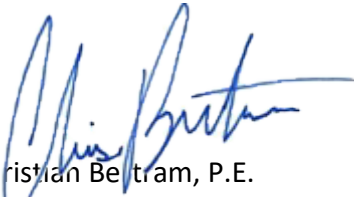
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6. In accordance with the Town of New Lebanon Zoning Code (§205-17 Site Plan Review Standards), all refuse and recycling collection areas, including dumpsters, must be adequately screened from view. The proposed dumpster location should therefore include fencing and/or vegetative screening to comply with these requirements and to minimize visual impacts.
7. In light of § 205-14 (Site Plan Review) and the intent in Chapter 205 to promote “site amenities and visual ... qualities,” the Applicant should submit a detailed landscaping plan as part of the next submission. The landscaping plan should show species, sizes, locations of trees/shrubs, screening plantings, and buffering between the development and surrounding properties. This requirement is especially appropriate given the Board’s authority to require such amenities under site plan review. Further, in the Commercial district, buildings over 15 feet in height are explicitly required to include foundation plantings and trees.
8. The materials submitted are more consistent with a sketch plan submission rather than a complete site plan review submission under the Town of New Lebanon Zoning Code (§ 205-14 and § 205-15). Numerous key elements are either missing or incomplete, including surveyed boundary and topography, finished floor elevations, complete grading tied into existing conditions, full stormwater infrastructure labeling, ingress/egress details, and landscaping. These deficiencies must be addressed in order for the Planning Board to properly conduct a site plan review in accordance with the Code.

If you have any questions, please feel free to contact our office.

Sincerely,
BARTON & LOGUIDICE, D.P.C.



Christian Beirtram, P.E.
Senior Managing Engineer