

October 1, 2025

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

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

Dear Chair Brutsch,

Barton & Loguidice in a memo dated September 24, 2025, recorded comments grouped as follows. [Please find our responses inline in blue.](#)

September 11 Zoom meeting

- (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).

The requirements for play areas are to provide a designated, secure and safe play area for children. Play areas shall meet the following requirements:

- Play areas shall be well designed and include a variety of play equipment that is proportional to the number of children that may reside in the project and cater to young children and teenagers.
- Creative play spaces may include equipment such as swings, slides, climbers, spring riders, spinners, sensory panels, activity walls, talking tubes, play-houses, basketball hoops, chess tables, fitness equipment, or similar equipment in any combination.
- All play equipment shall be located along an accessible route to allow for access by strollers and wheelchairs.
- Play equipment to provide equivalent play experiences and opportunities for children with disabilities.
- Any play equipment that presents a fall hazard, shall be provided with a safety surface consisting of a unitary surfacing material such as poured rubber surfacing or rubber tiles. (See the Public Playground Safety Handbook published by the U.S. Consumer Product Safety Commission for guidance of fall height requirements.)
- Locate play areas near indoor and/or outdoor common spaces to allow easy supervision.
- Secure seating shall be included at the play area with a preference near the entrance, as applicable.

- Play areas located adjacent to drive aisles or parking lots must be protected by physical barriers capable of stopping a moving car.
- Fences shall be considered, where necessary, to secure the play area.

(2) All accessible (handicap) parking spaces must have an adjacent, striped, five (5) feet wide access aisle.

The handicap parking space layout has been modified on the site plan to address this issue.

(3) All accessible (handicap) parking spaces must maintain a maximum slope of 1:48 (or 2%) in all directions.

Spot elevations have been added to the site plan at all ADA spots to verify this requirement.

(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.

The US Route 20 site entrance has been modified to comply with the NYS DOT Minor Commercial Driveway requirements per NYSDOT.

(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.

Entrance pavement to the loading dock area has been modified and truck turning radii have been updated to show a truck with a 53' trailer accessing the loading dock area without impact beyond Tilden Road.

(6) No proposed traffic patterns or turning movements can be shown to impede onto neighboring properties.

Noted.

(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.

Noted.

- (8) Confirm NYSDOT's acceptance of the location and design of the proposed infiltration bioretention basin adjacent to NYS Route 20.

The infiltration systems have been revised following completion of infiltration testing.

- (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.

Noted, mapping notes have been added.

- (10) Dimension all site features with setback requirements from the appropriate locations.

Noted.

- (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.

Infiltration and deep test pits were completed on 9/26/25 in the presence of B&L Engineer.

- (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.

The concept of the revised stormwater design has been updated on the plans following the infiltration testing. Upon concurrence of the location and concept of the revisions from B&L, the SWPPP will be updated to incorporate those changes.

- (13) Confirm compliance with NYSDEC and/or NYSDOH standards for setbacks, etc. of proposed stormwater management structures.

Confirmed with revised layout.

- (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.

This will be completed following concurrence on the revised design.

- (15) Provide an underground grease trap.

Provided.

- (16) Provide fencing around or vegetated screening of the proposed transformer along Tilden Road.

Provided.

- (17) Update the Project Narrative to describe the Project's current plans once the above-listed comments have been addressed.

Provided.

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. [...]

Survey map will be provided. The topography shown on the drawings is based on survey grade GPS data that was collected at the site.

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.

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.

Revisions to the stormwater design have been provided on the drawings. SWPPP will be updated to reflect these changes upon concurrence from B&L.

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.

Water report has been updated to match the current fixture count for the proposed development and to address some system layout concerns.

- (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.

Schematic has been updated and well pump information has been added to the report.

- (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.

Noted.

- (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).

[See the updated site drawings to address the concerns following completion of infiltration testing.](#)

- (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. [...]

Revised.

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.

[We wish to discuss this topic with the full Planning Board.](#)

Site plan General Comment

- (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.

[Site grade in paved areas does not exceed 10%. See the revised grading plan.](#)

- (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.

[Noted.](#)

- (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.

Noted.

- (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.

Noted.

- (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.

Noted.

- (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.

Noted, screening shown.

- (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.

Noted, see revised landscaping plan.

- (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.

Drawings provided included RTK GPS topographic survey of the site. Existing site property pins were located using GPS and verified with the most recent survey provided. It was noted that there was a bust in the survey map provided by Clark Engineering most recently. Lamont corrected the boundary line in coordination with the 2022 survey provided by Fredrick J. Haley PLS to generate the boundary shown in the site plan drawings. The architectural drawings will be updated from generic FFE values to match the site plan elevations. Full design drawings with completed elevations will be provided once the concept plans have received concurrence from the Town and reviewing engineer.

We look forward to discussing these and other topics on October 15, 2025.

Very best,

Josh Young