



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

## Fwd: NYS and Town Ethics - Town implementation & Tilden Project Ethics Board decision

1 message

Elizabeth Brutsch &lt;nlpb.brutsch@gmail.com&gt;

Thu, Dec 18, 2025 at 8:19 AM

To: PZ Clerk &lt;pzclerk@townofnewlebanon.com&gt;, [REDACTED] &lt;nlebbp3@gmail.com&gt;



You were not copied on this email from a member of the public.

Courtney, Please post the new information to the website.

Thanks,  
Elizabeth

Planning Board Chairperson  
Town of New Lebanon

----- Forwarded message -----

From: **John and Bonnie Lichak** <[REDACTED]>

Date: Thu, Dec 18, 2025 at 7:34 AM

Subject: Re: NYS and Town Ethics - Town implementation & Tilden Project Ethics Board decision

To: Elizabeth Brutsch <nlpb.brutsch@gmail.com>

Cc: nlpb.carroll@gmail.com <nlpb.carroll@gmail.com>, nlpb.hanna@gmail.com <nlpb.hanna@gmail.com>, nlpb.muse@gmail.com <nlpb.muse@gmail.com>, David McGinness <nlebbpalt1@gmail.com>, Jeff Zimmerman <nlebbpalt2@gmail.com>

Dear Ms. Brutsch and Planning Board Members:

The following are comments on the most recent submission of December 2 on the Tilden project (300+ pages) which were posted on 12/16/25. My comments are focused on the proposed water and sewer for the project since a site that is 3.2 acres proposing both a grocery of 10,000- nearly 13,000 square feet and 41 units of family housing absent municipal water and sewer are a major concern for viability. NOTE: The size of the grocery remains a constant question since in various documents its size has been listed multiple square footage.

Prior to remarks on this latest submission however I am going to include other comments on the application and the submissions.

As you know, the project has changed multiple times since its "inception" as was covered by the media in January 2025 to its submission to the Town in May 2025 to now. The applicant team includes Tilden Project LLC and Hudson River Housing, who has applied to NYS Homes and Community Renewal, for the proposed 25 + million project. It is presumed that the current owner of the property Tilden Project LLC has an option on the property by Hudson River Housing who will form a partnership to purchase the property if funded by NYS HCR. This is the normal sequence of events and paper for the project proposed.

It has remained unclear to me why Mr. Murad of the Zoning Board of Appeals and Mr. Young of the Planning Board as the current owners of the parcel have been the applicants to the Town since they are both on these boards and are precluded by the General Municipal Law and the Town Law from appearing before

these boards which they have done repeatedly despite the state violations of these ethics laws. A letter by Keane and Beane Inc, Attorneys at Law, stated this fact in their letter of 8/29/25 which is now posted on the Town website with this application as NLCS Letter #1. Since this letter was received from the School Board Attorney, I have consulted with other Attorneys who all agree that this is an ethics violation. However, the Town continues to ignore this conflict from the Town Supervisor to the Ethics Board. This has tainted the review process as well as made the submissions a scramble for the public to discern what is going on.

The lengthy time this application has been under review seems related to these conflicted board members and their appearance before the boards. The project has changed substantially from 28 units to 41 units, from senior to family, and with submissions that have been incomplete as well as incorrect. It is not clear to me why Hudson River Housing is not the lead applicant on this application for Site Plan Review and the Area Variance. They are the ultimate owners, the experts, and one would presume the actual developer. Putting Mr. Murad and Mr. Young front and center have led to no real answers on the many important aspects of this application to the Town. The development team includes an architect, engineer, and the NFP and yet when the Town Engineer, Barton and Loguidice, issued a letter of the many issues with the project on September 24, 2025, it was Mr. Young who responded on October 1 rather than the project Engineer. There seems to be no one with knowledge of the very many serious issues of site plan review presenting before the board. Why is that? I would venture to say the Ethics issue rears its head as an answer. Mr. Young does not have the professional license nor experience to address the number one issue with this project and that is the lack of municipal infrastructure of water and sewer.

Despite the project submitting paperwork to the DOT, DEC, and DOH for reviews, the Town remained in the dark for months.

The design of the building has raised many issues with the major one being from traffic. These include tenants crossing the traffic with children to reach the apartment complex residential door due to the grocery traffic circling the building, the location of the grocery loading dock in proximity to the apartments with the noise and exhaust as well as the questions on turning radius and blocking egress from the site via Tilden Road, and the location of the play area for the children which has again changed with this submission.

The project developers one would have expected for a project that is expected to garner more than a \$2 million developer fee should have a better more coordinated team preparing documents and presenting these documents and yet the town is not getting this professional team before its boards. The NYS Homes and Community Renewal application REQUIRE that pages of the application be submitted to the Town. To date, they have not been posted on the application file. Where are they? These pages are important for the boards as well as the Town residents. Who in the Town received these pages and failed to post them and distribute them? The Town Supervisor? Shame on the applicants and the Town for failing to post these most important documents so residents can learn more about this project. A project that has a budget of over \$25 million should most certainly include any and all of the pages submitted to the State for Federal and State Tax Credit funds, Housing Trust Fund monies, and CIF funds (grocery) and any other requested.

This latest submission is substantial and its very late submission one would hope would address the many issues raised by the Town Engineer review of September 24, but it does not. It would have been most helpful for there to have been a letter from the developer (Hudson River Housing) going point by point to the Town Engineer letter as a cover to the 375 +/- submission, but once again the Town was not afforded a way to easily get thru the submission. There is a letter from Lamont Engineers (see pages 211-217) which I focused on but as stated previously by the Town Engineer this submission once again looks more like "a sketch plan submission rather than a complete site plan review submission."

Here is this latest submission as posted:

<https://townofnewlebanon.com/wp-content/uploads/2025/12/2025-12-04-PB-Submission-Tilden.pdf>

### Water Comments

Lamont Engineers states that NYS DOH requires a 200 foot well control area and that the parcel is only 200 feet in width and the well is currently in the middle of the site and "there would be no location on this property able to meet the 200 feet well control area." This seems to be a rather major problem for the project. I looked up the cited NYS DOH Part 5 regulations and found these DOH slides. On page 36 it does indeed state: A septic system, that is non-watertight...which this is.....has 200-foot separation distance.

If the parcel is only 200 feet in width, and the well is currently in the middle of the site Lamont's statement that "there would be no location on this property able to meet the 200 feet well control area" would seem to be an insurmountable issue for a safe and permitted source of water for the project. The Engineer offers no resolution.

<https://mdw.srbc.net/pwsap/funding-resource-management-public-water-suppliers-2019/assets/docs/1245-srbc-presentation-doh-v3.pdf>

The other water issue noted is that the water was tested twice at Capital Region Environmental Laboratory. Second test was Oct. 30. Why is second lab testing still outstanding?

### Sewer Comments

The septic tanks have increased from 5 to 6 plus add of grease trap since now showing food service which we suspected was always the case based on verbal and the drawings of seating out front. The drawings submitted are dated 6/30/25. The two pages are pg. 356 and 357. I can't see on these pages 6 septic tanks. Only 5 seem to be marked. The Lamont letter states 5 2500-gallon tanks for residential and a 3000-gallon tank for commercial.

Page 357 detail page shows a 3500-gallon tank which makes no sense w/the Lamont letter. On prior submission you could see the complete system of septic tanks to pre-anoxic tank to 3 Orenco to UV disinfection. Where is this detail with this submission? I can't see it or find it!

Prior submission had 5 total 3500-gallon tanks for capacity of 17,500 w/16,530 cited as required per DEC calc (13,530 residential and 3000 commercial).

New write-up stating a total of 15,500 septic capacity (12,500 residential and 3000 commercial) with 13,065 required. This is due to the change in the unit configuration from initial submission, which included 3-bedroom units.

Note that Exhibit B providing these new calculations is dated 9/3 and clearly shows there would be food service and the need for the grease trap. The drawings need to be re-dated to reflect this submission to avoid confusion.

The submission seems to still not address the issues w/water and sewer. The issue of the 200 feet separation required by DOH is stated as unable to comply with the current well. The sewer system was to move north but seems to have moved west and does not show either the number of septic tanks listed nor the Orenco system.

I could not find if this submission addressed the septic system extending into the groundwater.

In closing this submission seems to not address all of the issues raised by the Town Engineer letter of September 24 and has raised more issues. The sloppy submissions have continued with drawings dated way back to June and September and an inability to find what is stated in the Engineer's narrative. There is clearly no one on the development team that is coordinating submissions. Is this deliberate to wear the Town down? It really makes me wonder what was submitted to the State (HCR, DOH, DEC) and how any of it can be accurate. The original septic was never clear. We were advised verbally that the sewer water would go across Route 20 raising wetland issues. Then in November it was stated that the sewer was moving north on the site. The documents submitted but dated June seem to show the sewer is on the west side of the parcel, but I cannot find where the Orenco system is now located from these drawings. Were the wrong drawings submitted? It would seem so if they are dated in June.

I cannot see how the Board can possibly schedule a public hearing in January w/this again incomplete submission. I would appreciate these comments posted to the applicant online file.

Sincerely,  
Bonnie Lichak

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