

**Tilden Commons Comments**

1 message

John and Bonnie Lichak

Sun, Jan 4, 2026 at 3:17 PM

To: Elizabeth Brutsch <nlpb.brutsch@gmail.com>, PZ Clerk <pzclerk@townofnewlebanon.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 <nlepbalt1@gmail.com>, Jeff Zimmerman <nlepbalt2@gmail.com>, "nlpb3@gmail.com" <nlpb3@gmail.com>

Dear Ms. Brutsch and Planning Board Members:

This letter is a follow up to my 12/18 comments submitted after review of the Tilden Commons December submission.

After the December Planning Board meeting ended, I reviewed the septic plan document presented at the meeting and spoke to the project Engineer. I received clarification that the sewer plan was re-dated to reflect the latest submission. However, in re-looking at the documents, I see that there are 7 additional dates on the septic plan including a date of 10/16 labeled For DEC Review. This raises additional questions including did the Planning Board and Town engineer ever receive a copy of the submissions to DEC, and does this latest revision differ from documents submitted to DEC for approval or are these documents a result of DEC comments? If so, one would expect the re-date to indicate DEC/Planning Board, so it is clear both are reviewing the same submissions. Instead, the dates reflect 10/16 DEC, 10/29 Planning Board, and 12/2 Planning Board (page 356).

A major concern remains on the discrepancies between Lamont Engineer's letter to Sean Howard, P.E., County Engineer (page 211) and the septic plan drawings (page 357) which appear to be missing a septic tank. The project Engineer stated the narrative was incorrect but that in no way resolves the issue since as previously noted, this leaves the project w/inadequate septic tank capacity based upon the use calculations in the letter to Sean Howard, P.E., County Engineer (page 211). This coupled with the statement by the project Engineer that the well control area cannot be met for the well seems to leave the project with major red flags after 7 months.

How can these vital parts of the infrastructure keep changing when submissions have been made to the Health Dept., Dept of Environmental Conservation and Homes and Community Renewal for approvals and funding.

With the movement of the sewer system again, the question is what was submitted to the Health Dept. It seems the septic plan is integral to determining the safety of the well and an accurate up to date septic plan would be integral in reviewing for the 200 feet well control area. The movement of the sewer to the west and north with issues still outstanding underline how "overbuilt" the proposal is for the parcel which is certainly understood given the project does not comply with w/zoning and requires an area variance. A very real concern is that with the constant back and forth it becomes readily apparent that serious mistakes could occur. How will the Town know that what they are reviewing matches what the agencies are reviewing. How will there be a continuity of documents, approvals, and final documents to the builder?

The latest review by the Town Highway Superintendent also highlights how the proposed project is too heavy of a use for the site. I remain concerned about the safety of residents from the traffic and the issues related to the tractor trailers. In the absence of knowing where the other septic tank will be (ST-6) which is not on the septic plan drawing how can the safety of those tanks be ensured? With the movement of the tanks to the west they are now within how many feet of those tractor trailers? The septic system would not seem to be able to withstand trucks on those septic tanks. ST-4 looks to be partially in the loading dock area. Where is ST-6 (page 357)?

In addition, to my conversation with the project Engineer I was also confronted by Mr. Murad. He stated that the Town Lawyer had absolved him of the Ethics Issue and advised that if I had a problem, I should file an Article 78. With all due respect, I advised Mr. Murad that his statement was in direct conflict with what the School Board Attorney's letter stated (August 29). I remain steadfast in standing with the Attorney's letter that Mr. Murad and Mr. Young are in violation of the State and Local Ethics Laws as they have and continue to appear before the Boards upon which they sit despite their financial interests.

Lastly, the absence of the posting of the documents submitted on 9/11 to NYS Homes and Community Renewal (HCR) for funding remains a major problem for transparency and compliance on this project. Below, I have posted a copy of the documents from the NYS HCR application. The applicant must submit documents from the application to the Chief Executive Officer of the Town, and the applicant must provide proof of compliance with this IRS regulation. In other words, the application to HCR would be incomplete and in violation of IRS requirements if the Town Supervisor were not provided with these documents. I highly doubt that an applicant with a \$22 million + project would risk being found incomplete for failure to submit these documents to the town. An incomplete application would render them ineligible for review for funding. Why have these documents not been posted to the applicant case file online? We have been asking this question for nearly 4 months. These documents are integral to the review of the application by the Town, both the Boards and the public. The purpose of the IRS requiring these documents be submitted to the municipality is transparency and the ability to comment. Their absence is a major problem for all parties.

Please post these comments in the online file.

Sincerely,

Bonnie Lichak

ATTACHMENT H-2: CHIEF EXECUTIVE OFFICER NOTIFICATION LETTER

Section 42(m)(1)(A)(ii) of the Internal Revenue Code (IRC), requires that any applicant for 9% LIHTC (and SLIHC pursuant to SLIHC Statute) must notify the Chief Executive Officer (CEO) of the project locality about the proposed project, and allow the CEO time to comment on it. Specifically, the IRC states:

“(A) IN GENERAL – Notwithstanding any other provision of this section, the housing credit dollar amount with respect to any buildings shall be zero unless – (i) such amount was allocated pursuant to a qualified allocation plan..., and (ii) such agency notifies the chief executive officer (or the equivalent) of the local jurisdiction within which the building is located of such project and provides such individual a reasonable opportunity to comment on the project.”

To comply with these requirements, all 9% LIHTC and/or SLIHC applicants must transmit a copy of Exhibit B-1 Request for Multifamily Finance 9% Programs, Attachment B-2: Project Narrative, Exhibit B-3: Project Summary, and the Summary Tab from the 9% LIHTC Underwriting Application, together with the appropriate signed transmittal letter (below). For projects located outside of the 5 boroughs of New York City, the CEO Notification Letter and attachments should be sent via USPS certified mail, return receipt requested, or other express overnight package delivery service which provides for documented evidence of delivery and receipt, to the CEO of the locality in which the proposed project is located. Upload evidence that the Notification Letter was received by the CEO of the project locality as part of this attachment if available at the time of application submission to DHCR.

For projects located within the 5 boroughs of New York City, the CEO Notification Letter and attachments must be ADDRESSED TO:

Kimberly Darga
Deputy Commissioner of Development
NYC Housing Preservation and Development

The CEO Notification Letter and attachments must be EMAILED TO the following HPD staff. Upload evidence that the Notification Letter was received via email by NYC HPD if available at the time of application submission to DHCR.

Sanchero@hpd.nyc.gov; ChenJi@hpd.nyc.gov; DietzM@hpd.nyc.gov; Huangjo@hpd.nyc.gov

To demonstrate compliance with the IRC, upload the following as Attachment H-2 of the application per the Application Instructions:

- A copy of the transmittal letter sent to the CEO;
- For projects outside the 5 boroughs of New York City, a copy of the required certified mail receipt stamped with the date of the mailing, and addressed to the CEO of the project locality. For projects located within the 5 boroughs of New York City, a copy of the email sent to NYC HPD at the email address listed above; and,
- Evidence that the CEO has received the Notification Letter. Acceptable forms of evidence are: the signed return receipt (green card), a copy of the signed return receipt card, a copy of an on-line report of delivery used by a number of overnight/express mail services, a hand stamped/signed receipt (on municipal letterhead) acknowledging receipt by the CEO, or email receipt from NYC HPD. If not available at the time of application submission to HCR, the signed return receipt or evidence of email receipt must be submitted to HCR within 30 days of application submission to:

Arnon Adler, LIHTC Program Manager
NYS Homes and Community Renewal (HCR)
Office of Finance and Development
38-40 State St., 6th Floor
Albany, NY 12207
arnon.adler@hcr.ny.gov

[2025-hcr-multifamily-finance-9-pct-project-detail-application_v6.6.xlsx](#)

EXHIBIT A-1: APPLICATION SUBMISSION CHECKLIST*

*To be used for projects applying for HCR 9% LIHTC and subsidy sources. For projects requesting non-residential CIF funding ONLY, use Exhibit A-1a instead.

Project Name:
City/Town/Village:
County:

Application Submission Requirements				
SECTION	TAB	CONTENT	FORMAT	ü or N/A
A	Applicant & Development Team			

	A-1	Application Submission Checklist	Exhibit
	A-1a	Application Submission Checklist (CIF STAND-ALONE ONLY*)	Exhibit
	A-2	Development Team Summary	Exhibit
	A-3	Development Team Experience and Sponsor's Current Workload	Exhibit and pdf upload if applicable
	A-4	Project Organizational Chart	Attachment
	A-5	Non-Profit Participation as Applicant or Owner	Exhibit and pdf upload
Project/Site Information			
B	B-1	HCR Multifamily Finance 9% Programs	Exhibit
	B-2	Project Narrative	Attachment
	B-3	Project Summary	Exhibit
	B-3a	Multiple Sites and/or Buildings	Exhibit
	B-4	Evidence of Site Control	Attachment
	B-5	Federal, State and Local Government Approvals	Exhibit and pdf upload
	B-6	Persons in Need of Supportive Housing	Attachment
	B-7	CIF Project and Market Information	Attachment
Community Needs/Market Information			
C	C-1	Market Study/Market Analysis	Attachment
	C-2	Neighborhood-Specific Revitalization Plan	Attachment
Design & Construction Documents			
D	D-1	Preliminary Plans	Attachment
	D-2	Area Calculations	Exhibit
	D-3	Outline Specifications	Exhibit
	D-4	Construction Cost Estimates	Exhibit
	D-5	Davis-Bacon Act Wage Rate Summary	Exhibit
	D-6	Sustainability and Clean Energy Initiative	Attachment
	D-7	Visitable, Accessible and Fully Adapted Units	Exhibit
Environmental Documents			
E	E-1	Environmental Requirements Affirmation	Exhibit
	E-2	Short Environmental Assessment Form	Attachment
	E-3	Phase I Environmental Site Assessment	Attachment
	E-4	SHPO Impact Determination Letter	Attachment
	E-5	Smart Growth Impact Evaluation Form	Exhibit and pdf upload if applicable
	E-6	Site Suitability Narrative	Attachment
Financial Analysis			
F	F-1	Funding Commitments	Attachment
	F-2	Appraisal Report	Attachment
	F-3	Operating Expenses Documentation	Attachment
	F-4	ESSHI Subsidy Information	Exhibit
	F-5	Historic and Brownfield Tax Credit Worksheets	Exhibit
Occupied Projects			
G	G-1	Integrated Physical Needs Assessment	Attachment
	G-2	Prior Capital Expenditures	Exhibit
	G-3	Current Residential Rent Roll	Exhibit
	G-4	Three Year Occupancy History & Waitlist Information	Exhibit
	G-5	Current Regulatory Agreement Requirements	Exhibit and pdf upload
	G-6	Current Debt Information	Exhibit
	G-7	Current Non-Residential Rent Roll	Exhibit
	G-8	Tenant Relocation Plan	Attachment
	G-9	Required Tenant Notices	Attachment
H	LIHTC/SLIHC		
	H-1	Credit Fee Transmittal/Deferral Request	Attachment

	H-2	Chief Executive Officer Notification Letter	Attachment
	Consents and Certifications		
	I-1	Background Search Consent and Authorization to Release Information	Attachment
	I-2	Omnibus Certifications	Attachment
	I-3	Threshold Review Checklist	Exhibit
	I-4	Program Eligibility Checklist	Exhibit
	I-5	Applicant Certification	Attachment