



PZ Clerk <pzclerk@townofnewlebanonny.gov>

Re: Lot size and zoning w/no municipal water and sewer

1 message

John and Bonnie Lichak <[REDACTED]>

Thu, Mar 12, 2026 at 4:34 PM

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

Cc: PZ Clerk <pzclerk@townofnewlebanon.com>, [REDACTED], Building Department <buildingdept@townofnewlebanon.com>, Town Supervisor <supervisor@townofnewlebanon.com>, "nlzba.salem@gmail.com" <nlzba.salem@gmail.com>, "nlpb.carroll@gmail.com" <nlpb.carroll@gmail.com>, Rick Stall <nlebbp3@gmail.com>, "nlpb.hanna@gmail.com" <nlpb.hanna@gmail.com>, "nlpb.muse@gmail.com" <nlpb.muse@gmail.com>, "nlebbp2@gmail.com" <nlebbp2@gmail.com>, Jeff Zimmerman <nlebbpalt2@gmail.com>, David McGinness <nlebbpalt1@gmail.com>, "nlebbpl@gmail" <nlebbpl@gmail>, "nlcac.munves@gmail.com" <nlcac.munves@gmail.com>, "spowers@townofnewlebanon.com" <spowers@townofnewlebanon.com>, Joanne Amlaw <jamlaw@townofnewlebanon.com>, "nlzba.murad@gmail.com" <nlzba.murad@gmail.com>, "nlcac.lamonaca@gmail.com" <nlcac.lamonaca@gmail.com>, "nlebcac2@gmail.com" <nlebcac2@gmail.com>

Dear Ms. Brutsch:

I know the New Lebanon Code of 5000 square feet per unit and would not want to waste the Building Depts time. The issue is the inadequacy of the code on lot size per unit given the lack of municipal water and sewer per the American Planning Association. I understand that the Planning Board for the purposes of site plan review has to operate w/in the code as adopted. This is just a heads up as to why there are serious problems w/the water and sewer engineering aspects of the project as detailed in their letters.

We are providing this information to the Town Board and the other boards so all are aware of this document and standard since the Zoning Rewrite Committee is comprised of members of these 4 boards.

We are concerned that the septic has been delineated by the Town Engineer letter as unable to meet health standards. See page 4 and 5 of the September 24, 2025 Barton and Loguidice letter. To date, there has been no further review by the Town Engineer detailing these issues are resolved. Based upon comments at the prior Planning Board meetings it was stated the Escrow account needed to be replenished and had not yet been. We are therefore going upon the information presented and reviewed to date. This is an important piece of information for the public who is being told that there has been a lot of back and forth and progress is being made. Indeed, there has been much back and forth but on two of the most pertinent issues both Engineer's have stated the health standards were not met. In fact, the projects' own engineer stated the standards could not be met. It led us to looking further at standards for zoning codes on lot size. Since the New Lebanon Zoning Code seems to ignore the existence of the grocery in its calculation of lot size that seems significant too. And since the project is looking for a variance that underlines further, the questions on lot size. We believe it bears the Town and the Zoning re-write committee relooking at the Town Code since the current is at 5000 square feet per unit and the APA states 20,000 as a standard.

<https://townofnewlebanon.com/wp-content/uploads/2025/10/2025-09-24-BL-Letter.pdf>

Here is the portion of the letter from pages 6 and 7:

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:

☐ 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)

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.

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

In this second link see page 213 for the Lamont Engineering letter which states similar findings as that of the Town Engineer on public health specifically to the well and inability to place it on the parcel in required distance from the septic:

"The property contains most of the area to be within the required 100' well projection area but there would be no location on this property able to meet the 200' well control area"

Bonnie Lichak

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

Sent: Thursday, March 12, 2026 3:32 PM

To: John and Bonnie Lichak <[REDACTED]>

Cc: PZ Clerk <pzclerk@townofnewlebanon.com>; [REDACTED]

<a [REDACTED]>; Building Department <buildingdept@townofnewlebanon.com>;

Town Supervisor <supervisor@townofnewlebanon.com>

Subject: Re: Lot size and zoning w/no municipal water and sewer

Good afternoon, Ms. Lichak,

As you are aware, our Board does not typically respond to public comments other than to distribute and post said comments in the appropriate manner. However, I wanted to loop in our Zoning Enforcement Officer, Cissy Hernandez, who can help shed some light on our zoning code in comparison to the data you have provided in your comments below. I believe you will find Cissy very well versed on the topic at hand given her experience as ZEO for a number of years and I know she is always more than happy to help our residents better understand our Codes and processes as they relate to Land Use. I encourage you to reach out to her to set up a call or meeting where I know she will be able to answer many, if not all, of your questions.

Thank you,
Elizabeth

Planning Board Chairperson
Town of New Lebanon

On Thu, Mar 12, 2026 at 3:24 PM John and Bonnie Lichak <[REDACTED]> wrote:

Apologies I had distributed at the Privilege of the Floor a hard copy of a chart that is on the APA page and forgot to amend below. Here is the chart:

Soil Type	Minimum Lot Sizes (in square feet)			
	Grade: 0-5%		Grade 6% or over	
	Type of water service		Type of water service	
	Public	Private	Public	Private
Clean coarse sand or gravel	5,000	20,000	6,000	20,000
Fine sand or light loam	6,000	20,000	8,000	20,000
Fine sand with some clay or loam	8,000	20,000	12,000	20,000
Clay with some same or gravel	10,000	20,000	15,000	20,000

Heavy clay,
shallow bedrock
or impervious
layer

15,000b

20,000b

20,000b

20,000b

Flooded,
swampy or with
a high water
table

(Lot size not directly related to sanitary requirements since both public sewer and public water connection is assumed to be provided.)

From: John and Bonnie Lichak <[REDACTED]>

Sent: Wednesday, March 11, 2026 3:44 PM

To: Elizabeth Brutsch <nlpb.brutsch@gmail.com>; nlpb.carroll@gmail.com <nlpb.carroll@gmail.com>; Rick Stall <nlebbp3@gmail.com>; nlpb.hanna@gmail.com <nlpb.hanna@gmail.com>; nlpb.muse@gmail.com <nlpb.muse@gmail.com>; nlebbp2@gmail.com <nlebbp2@gmail.com>; Jeff Zimmerman <nlebbpalt2@gmail.com>; David McGinness <nlebbpalt1@gmail.com>; nlebbp1@gmail.com <nlebbp1@gmail.com>; PZ Clerk <pzclerk@townofnewlebanon.com>

Cc: [REDACTED]

Subject: Lot size and zoning w/no municipal water and sewer

Dear Town Board Members, Planning and Zoning Board Members, and CAC Members :

At this point, the Tilden project owners have come forth and let the public know they were not funded by the State.

We are providing the link to the awardee list from which they are absent:

<https://hcr.ny.gov/news/governor-hochul-announces-more-240m-investment-create-and-preserve-1800-affordable-homes-every>

At the February Town Board meeting, we highlighted the project and Town Engineer's reviews stating the project did not meet requirements for water and sewer.

Since last month's meeting we have done further research and were astounded to find New Lebanon's current Zoning Code falls far short of required lot size for parcels lacking municipal water and sewer. We presume this issue has never been discovered before because no project of this size has ever been proposed in the Town before.

Specifically, we found the American Planning Association has a report that provides the standards for parcels without municipal water and sewer. New Lebanon has a standard of 5000 square feet per unit. The standard should in fact be 20,000 square feet per unit to comply with health standards.

<https://www.planning.org/pas/reports/report37.htm>

The Tilden parcel is 3.2 acres which is 139,302 square feet. Based upon the size of the Tilden parcel, the appropriate number of units for the site is 6, not 41.

(139,302 divided by 20,000 square feet per unit equals a maximum number of residential units of 6.9 units.) NOTE: a half-acre parcel is 21,780 square feet

We now understand why the Tilden project could not seemingly address all the water and sewer issues. We hope they and the Town will look at the American Planning Association website link and adhere to the known good health practices for the development of this parcel.

We look forward to New Lebanon updating its code to reflect known standards for lot size. We also look forward to the Tilden Project withdrawing its application for Site Plan Review and for a Zoning Variance.

Sincerely,
Bonnie Lichak
Amy Brueckmann