

April 13, 2026

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

Re: TDE Review
Comments from Review of Applicant Materials
Tilden Commons
538 US Route 20
File: 1229.010.001

Dear Chairperson Brutsch,

Barton & Loguidice, D.P.C. (B&L) has completed a fifth-round technical review of revised materials submitted in support of the site plan and special use permit applications for the proposed Tilden Commons project located at 538 US Route 20 in the Town of New Lebanon, as proposed by Tilden Project LLC (Applicant). This review was conducted following B&L's prior comment letters dated August 13, 2025 (Comment Letter #1), September 23, 2025 (Comment Letter #2), December 17, 2026 (Comment Letter #3), and March 10, 2026 (Comment Letter #4) and focuses on evaluating the Applicant's responses to outstanding comments, revisions to plans and reports, and supplemental materials submitted since the Planning Board's most recent review.

The documents reviewed as part of this third-round submission include, but are not limited to, the following:

- Exhibit A:** *Updated Project Narrative, dated April 1, 2026*
- Exhibit B:** *Copy of the Permit from the Town Highway Superintendent, dated March 30, 2026*
- Exhibit C:** *Updated Drawings, dated April 1, 2026*
- Exhibit D:** *Lighting Package Cutsheets*
- Exhibit E:** *Updated Water System Engineering Report, dated April 1, 2026*
- Exhibit F:** *Responses to Town Designated Engineer's Comments*
- Exhibit G:** *Stormwater Pollution Prevention Plan (SWPPP)*
- Exhibit H:** *Traffic Assessment Report prepared by Creighton Manning PLLC, dated November 25, 2026*



Based on our review of the above-referenced documents and information, we offer the following comments.

Exhibit A – Updated Project Narrative (Comments in *Italics* are Old & Not Addressed)

1. The narrative references affordability targets and suggests that a an anticipated 10 residential units will be reserved for seniors aged 62 and older.
2. *The Project Narrative states that the proposed water supply and wastewater systems will not adversely affect neighboring properties and implies that agency review is substantially complete. These statements are not supported by the technical record. The supporting materials identify outstanding regulatory reviews, unresolved design conditions, and agency determinations that remain pending, including but not limited to those documented in the Hydrogeologic Evaluation Report (Exhibit C), NYSDEC correspondence regarding SPDES General Permit eligibility (Exhibit D), and the Revised Water and Sanitary System Engineer’s Report (Exhibit H). The Project Narrative shall be revised to remove conclusory statements, accurately reflect the current status of agency review, and clearly identify all remaining permits, approvals, and conditions required prior to project approval and construction.*

Exhibit B – Copy of the Permit from the Town Highway Superintendent, Dated March 30, 2026

1. The Applicant has obtained permit authorization to install two commercial driveway entrances on Tilden Road from the Town Zoning Enforcement/Deputy Code Enforcement Officer. This permit applies to the drawings dated April 1, 2026 and any changes to the design as shown thereon will render this permit null and void. We have no further comments at this time.

Exhibit C – Engineering and Architectural Plans, prepared by Lamont Engineers and Substrate Architecture, dated April 1, 2026 (Comments in *Italics* are Old & Not Addressed)

C-000 – TITLE PAGE, LOCATION MAP AND DRAWING INDEX

1. No comment at this time.

Sheet G-015 – EXTERIOR RENDERINGS

1. No comment at this time.

Sheet C35 – STORMWATER POLLUTION PREVENTION NOTES

1. *The SWPPP notes do not address the performance, limitations, or maintenance of stormwater management practices under winter conditions, including frozen ground, snow storage, snowmelt runoff, and the application of deicing materials. The Applicant shall revise the SWPPP notes to include winter operation and maintenance considerations for all proposed stormwater management practices, consistent with current NYSDEC guidance and the comments provided under Exhibit I.*



Sheets C36–C37 – EROSION AND SEDIMENT CONTROL DETAILS

1. *The erosion and sediment control details shown on Sheets C36–C37 are general in nature and do not constitute a site-specific, detailed erosion and sediment control plan. The Applicant shall prepare and submit a detailed erosion and sediment control plan consistent with the New York Standards and Specifications for Erosion and Sediment Control (NYSDEC “Blue Book”), coordinated with the proposed grading, drainage, construction sequencing, and SWPPP.*

Sheet C100 – EXISTING CONDITIONS AND DEMOLITION PLAN

1. No comment at this time.

Sheet C110 – OVERALL SITE PLAN

1. *Zoning and Setback Verification*
The Site Plan references zoning compliance; however, setback distances from property lines, rights-of-way, and other regulated features are not consistently dimensioned. The Applicant shall dimension all required setbacks on the Site Plan to demonstrate compliance with Town zoning requirements.
2. A table of bulk zoning regulation requirements for the lot is provided. The required setback lines are shown and dimensioned on the site plan, but this table should also include a row of the proposed dimensions, cover areas, heights, etc. to verify all requirements are met.
3. Refuse Calculations indicate a need for 20 yards of refuse storage capacity and say this will be achieved by providing 3 x 8 yd dumpsters. C120 and C120A call out 2 x 9 yd dumpsters, providing an insufficient capacity of 18 yds.

Sheet C111 – DETAILED PLAN VIEW

1. Septic tank 4 is located under a heavy traffic area. Provide adequate details and notes pertaining to heavy-duty pavement section, separation distance, tank access, and tank load rating.
2. *Dumpster Location and Screening*
The Site Plan depicts a dumpster/refuse area; however, screening details are not clearly shown. In accordance with Town of New Lebanon Zoning Code requirements, all refuse and recycling collection areas shall be adequately screened from view. The Applicant shall revise the Site Plan to include fencing and/or vegetative screening for the dumpster area.

3. Dumpster access appears impeded by proposed curb shown to the north of the dumpster enclosure.

Sheet C112 – DETAILED PLAN VIEW

1. An apparent stilling basin is proposed north of the western driveway entrance, at the location of the proposed catch basin outlet. At 1:10 scale, the side slopes are 1.5:1. The swales shown on this sheet also appear to have side slopes of 2:1. Side slopes of stormwater capture and conveyance practices located at grade should be reduced to no steeper than 3:1 in compliance with the NYSDEC Stormwater Design Manual.
2. Provide “FIRE LANE – NO PARKING” markings in the proposed fire lane.
3. A catch basin is placed in the middle of the drive aisle on the eastern side of this plan. Grading appears to pitch downward beyond this catch basin until the curblineline to the west. We recommend locating this basin against the curb line at the apparent low point of the drive aisle.
4. The ramp on the northwest side of the building spans from elevation 704.8 to elevation 706.2, however no 705 or 706 contour are shown. Show proposed contours in this area that show how this ramp area ties back into grade or if any walls are proposed.

Sheet C115 – GRADING & STORMWATER PLAN

1. *Any revisions to grading required as a result of supplemental testing shall be reflected on the Grading Plan and coordinated with the stormwater modeling and stormwater management details.*
2. Side slopes of stormwater capture, conveyance, and treatment areas shown in 1:20 scale on this sheet appear to have side slopes of 2:1. Side slopes of stormwater capture, conveyance, and treatment practices located at grade should be reduced to no steeper than 3:1 in compliance with the NYSDEC Stormwater Design Manual.
3. A catch basin is placed in the middle of the drive aisle on the eastern side of this plan. Grading appears to pitch downward beyond this catch basin until the curblineline to the west. We recommend locating this basin against the curb line at the apparent low point of the drive aisle.

Sheets C120 – C120A – TURNING RADIUS PLANS

1. No comment at this time.

Sheet C130 – NYSDOT ENTRANCE & GENERAL PLAN

1. Sheets C130–C131 depict the proposed site access connection to NYS Route 20. Review and approval of driveway location, geometry, grading, drainage, and construction within

the State highway right-of-way are subject to final review and approval by the New York State Department of Transportation (NYSDOT) and issuance of a Highway Work Permit. No work within the NYS Route 20 right-of-way may occur without NYSDOT approval.

2. *While the plans generally depict the proposed entrance configuration, final driveway geometry, curb radii, lane widths, and tie-ins to existing pavement are not fully detailed. The Applicant shall ensure that all entrance design elements are finalized in accordance with NYSDOT standards as part of the Highway Work Permit review process.*

Sheet C131 – NYSDOT SITE PLAN & DETAILS

1. Sheets C130–C131 depict the proposed site access connection to NYS Route 20. Review and approval of driveway location, geometry, grading, drainage, and construction within the State highway right-of-way are subject to final review and approval by the New York State Department of Transportation (NYSDOT) and issuance of a Highway Work Permit. No work within the NYS Route 20 right-of-way may occur without NYSDOT approval.
2. *The plans indicate available sight distance for the proposed entrance has been determined. The Applicant shall either graphically depict the required sight distance triangles on the plans or add a note stating that sight distance has been evaluated, verified to meet NYSDOT standards, and identifying who performed the analysis and when it was completed.'*

Sheet C132 – NYSDOT ENTRANCE NOTES

1. No comment at this time. NYSDOT may provide additional comments as part of its review.

Sheets C150–C151 – STORMWATER DETAILS

1. No comment at this time.

Sheets C155–C156 – SITE DETAILS

1. *Details related to site furnishings, fencing, screening, or enclosures (including dumpster and transformer screening where applicable) are not clearly identified or coordinated with the Site Plan. The Applicant shall provide or reference appropriate details demonstrating how required screening and enclosures will be constructed.*
2. Add notes to all sidewalk details that cross-slopes are to pitch away from structures/towards curblines.
3. All sidewalk cross slopes should be designed cross-pitched at 1.5%. Notes currently show sidewalks with either a 1.5% MAX cross-pitch or 1/8"/ft. (approximately 1%).



4. Cast in Place Concrete Stair Detail should include concrete material specifications and reinforcement details. Per NYS Building Code, a flight of 4 or more risers in series also requires a handrail, a detail for which should be provided.

Sheets C160 – C164 – SEPTIC PLAN AND SANITARY DETAILS

1. Sheets C160–C164 depict proposed septic and sanitary system details associated with an intermediate wastewater treatment system. Final design, construction, and operation of the proposed system are subject to review and approval by the New York State Department of Environmental Conservation (NYSDEC), including coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit, as applicable.
2. The septic and sanitary details shown on these sheets shall be coordinated with NYSDEC requirements and any conditions associated with SPDES permit coverage. The Applicant shall obtain all required NYSDEC approvals and SPDES permit coverage prior to construction of the wastewater treatment system.

Sheet C165 – UV SYSTEM PLAN AND SECTION

1. No comment at this time.

Sheet L-100 – LANDSCAPE PLAN

1. Existing tree to remain shown in parking island is in an area of proposed fill. Grading should be revised in this area to minimize fill over the existing root system as this would adversely affect the long-term health of this tree. If fill cannot be reduced to 3" max. this tree should be marked for removal.
2. There is a ± 2 ft. cut proposed over the root system of the existing locust to remain in the southwest of the site. This tree should be marked for removal.

Sheet A-110 – ROOF PLAN

1. No comment at this time.

Sheets A-200 – A-203 – EXTERIOR ELEVATIONS

1. No comment at this time.

Sheet L-500 – LANDSCAPE DETAILS

1. No comment at this time.

Sheet L-400 – PLANTING SCHEDULE

1. No comment at this time.



Sheet LT-100 – SITE LIGHTING LAYOUT

1. No comment at this time.

Sheet LT-101 – SITE LIGHTING LIGHT LEVELS

1. No comment at this time.

Sheets LT-200 – LT-201 – LIGHTING FIXTURE SCHEDULES

1. No comment at this time.

Exhibit D – Lighting Package Cutsheets

1. No comment at this time.

Exhibit E – Updated Water System Engineer’s Report, Dated April 1, 2026 (Comments in *Italics* are Old & Not Addressed)

1. *The report confirms that the proposed development constitutes a regulated community water system subject to New York State Department of Health (NYSDOH) Part 5 requirements and that final approval of the water system is contingent upon completion of outstanding water quality testing, treatment design (if required), and NYSDOH review and approval. The Applicant shall ensure that all plans and narratives accurately reflect the regulatory status of the proposed water system and clearly identify remaining approvals required prior to construction and operation.*
2. *The report describes the proposed wastewater treatment system as an intermediate system subject to NYSDEC review and SPDES permitting. The Applicant shall ensure consistency between the sanitary system description in this report, the SPDES correspondence included as Exhibit D, and the Project Narrative, and shall avoid implying that regulatory approvals have been granted prior to permit issuance.*

Exhibit E, Attachment F – Hydrogeologic Evaluation Report (Comments in *Italics* are Old & Not Addressed)

1. No comment at this time.

Exhibit F – Responses to Town Designated Engineer’s Comments

1. No comment at this time.

Exhibit G – Updated Stormwater Pollution Prevention Plan (SWPPP) (Comments in *Italics* are Old & Not Addressed)

1. *Exhibit G includes an Updated Stormwater Pollution Prevention Plan (SWPPP) prepared by Lamont Engineers for the proposed development. While the SWPPP has been revised*

since prior submissions, several technical deficiencies and inconsistencies identified in earlier reviews have not been fully resolved.

- 2. The SWPPP does not clearly demonstrate that adequate pretreatment is provided for runoff entering the proposed infiltration and bioretention practices, particularly from paved and parking areas. The plans and calculations do not quantify pretreatment volumes, sediment capture capacity, or compliance with NYSDEC Stormwater Management Design Manual pretreatment requirements. The Applicant shall clearly identify all pretreatment measures serving each practice, demonstrate that pretreatment is appropriately sized for the contributing drainage areas, and revise the SWPPP and modeling as necessary to confirm compliance.*

Exhibit E – Traffic Assessment Report, prepared by Creighton Manning Engineering & Surveying, PLLC. (Comments in *Italics* are Old & Not Addressed)

- 1. Available storage length for the US Route 20/Tilden Road eastbound direction of 100 ft., as identified in Table 6 – 95th Percentile Queueing Summary, should be revised to account for the future mid-block crossing refuge island depicted in Aerial 1 of Section 2.0. The storage space appears like it could accommodate approximately 1 vehicle (25 ft.). Are there any concerns with left turning vehicles, from US Route 20 to Tilden Lane, departing the eastbound traffic stream with no space to decelerate in the two-way left turn lane? The proposed condition has the potential to contribute to rear-end type vehicle crashes. What is the status of the future mid-block crossing implementation (assumed by others), specifically, can its positioning be adjusted farther east or west on US Route 20?*
- 2. The plans do not adequately address how site access and turning movements interact with the proposed mid-block pedestrian crossing on US Route 20 located near the Tilden Road intersection. While the crossing does not appear to accommodate large right-turning vehicle movements from Tilden Road to US Route 20, its proximity may affect vehicle queueing and operational safety. The Applicant shall coordinate the site circulation design with planned pedestrian improvements and confirm that access, turning movements, and queueing conditions function safely and consistently with NYSDOT requirements.*

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

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



Christian Bertram, P.E.
Senior Managing Engineer