



May 20, 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 sixth-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 April 14, 2026 (Comment Letter #5) 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 sixth-round submission include, but are not limited to, the following:

- Exhibit A: Updated Project Narrative, dated May 6, 2026
- Exhibit B: Updated Engineering Drawings
- Exhibit C: Updated Landscaping Plan, dated May 6, 2026
- Exhibit D: Updated Rendering and an Architectural Context Study (with elevations to scale of nearby buildings), dated May 1 and May 6, 2026, respectively
- Exhibit E: Noise Study regarding the proposed HVAC equipment and emergency generator, with manufacturer cut sheets, dated May 6, 2026
- Exhibit F: Correspondence from the Town Highway Superintendent confirming the road widening on Tilden Road will be outside of the NYS Route 20 Right-of-Way, dated May 6, 2026
- Exhibit G: Responses to Town Designated Engineer's Comments, dated May 6, 2026



- Exhibit H: "No Effect" Letter from New York State Office of Historic Preservation, dated May 20, 2025
- Exhibit I: Email from Fire Chief, dated May 6, 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 an anticipated 10 residential units will be reserved for seniors aged 62 and older.

Exhibit B – Updated Engineering Drawings, prepared by Lamont Engineers, dated June 7, 2024, last revised May 6, 2026 (Comments in *Italics* are Old & Not Addressed):

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.*

-A SWPPP has not been resubmitted with this submission. Please include with the next submission and ensure comment is addressed.

Sheet C100 – EXISTING CONDITIONS AND DEMOLITION PLAN

1. The erosion and sediment control measures are shown on this plan. Please make a separate erosion and sediment control plan.
2. Call out the existing well to remain and be protected.
3. Show and call out the limit of disturbance on this plan and on the erosion and sediment control plan.
4. Please show the construction entrance as 50' length and 12' width as shown in the erosion and sediment control details and add length and width dimensions.

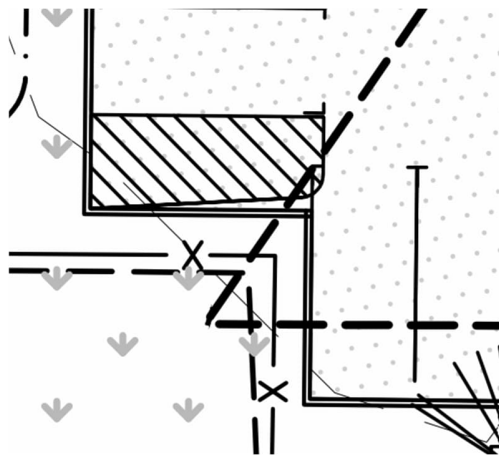


5. Only show one construction entrance on the site off Tilden Road instead of U.S. Route 20.
6. Add silt fence around the topsoil stockpile area.
7. Silt fence shall be installed parallel to existing contours and should not be shown as being installed over the construction entrance. Also, ensure silt fence is within the limit of disturbance.
8. The landscaping plan was revised to remove the two trees to remain. Revise on this plan.
 - a. It appears that the existing shrubs along the property line of Pierre & Patricia Joseph are to remain. They will likely be disturbed during construction and shall be replaced.

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.
 - Per the Town of New Lebanon code 205-7B(9)(c)[2](b), no accessory building shall be set back less than 10' from any lot line. The dumpster/enclosure is within 5' of the property line. Revise.
 - Also, setbacks should be dimensioned perpendicular to the centerline of the road. It appears that some of the dimensions are not perpendicular, please revise.
2. Show radii dimensions for all curves on the plan.
3. The handicap parking spaces shall have ADA signage in front of the handicap spaces and no parking signage in front of the striped spaces.
4. Provide a buffer at the end of the parking lot so the cars in the end parking stalls have sufficient room to back out to leave.

5. Beneath the title of the overall site plan it states 1"=30' and the graphic scale states 1" = 40'. Please ensure the scale is accurate and that they both match. It appears based on the length of the parking stalls that the graphic scale should show 1"=30'.
6. It appears that the two parking spaces shown in the image below are overlapping. Please revise.



7. It appears there may be landscape boulders along the side of the commercial building near US Route 20, please add a callout for these and include a detail.

Sheet C111 – DETAILED PLAN VIEW

1. *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.
-Provide a detail for the dumpster and the fence around the dumpster.

Sheet C112 – DETAILED PLAN VIEW

1. Add more dimension labels for the sidewalk since the width changes throughout.
2. Label the handicap parking spaces on the plan as 10' wide and the striped no parking spaces as 9' wide.



3. Add dimensions on the plan for the length and width of the fire lane no parking area, all drive areas, all sidewalk areas, etc.
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.*
 - Still not addressed. 705 and 706 contour lines have been added across the sidewalk but they need to be shown tying into other 705 and 706 contour lines and/or show the TC/BC spot grades for it to make sense. There is still a 704 spot grade east of Tilden road and a 706.2 contour south of it that don't have a 705 and 706 contour between the two.

Sheet C115 – GRADING & STORMWATER PLAN

1. *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.*
 - There are still several areas on the site that are graded at a 2:1 slope. Revise slopes to be no steeper than 3:1 as previously requested.
2. Add top of curb and bottom of curb spot grades at all corners/ends of the curb.
3. Add spot grades at all pavement corners.
4. *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 curblin to the west. We recommend locating this basin against the curb line at the apparent low point of the drive aisle.*
 - The catch basin has moved, however, the spot grade of 706.7 from the catch basin location in the previous submission in the middle of the road is still there. Please revise.
 - Provide an erosion control blanket detail and note on the plans that erosion control blanket shall be provided on all slopes 3:1 or steeper.

Sheets C120 – C120A – TURNING RADIUS PLANS

1. *The plans indicate that the Applicant is proposing to widen Tilden Road on both sides of the roadway for an approximate length of 40 feet in the vicinity of the intersection with U.S. Route 20; however, the proposed tie-in to U.S. Route 20 is not clearly depicted. The*



Applicant shall clearly show and label all proposed improvements, including the full limits of widening, and shall provide detailed curb radius and tie-in geometry demonstrating how the proposed widening transitions into the existing curb along U.S. Route 20.

- a. This comment has still not been addressed. Show the proposed pavement sawcut line in U.S. Route 20 for tying the proposed pavement into the existing pavement. Add a callout stating “Proposed pavement shall match existing pavement line and grade.”

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.*
 - Show the sawcut line on the plan, add a callout stating “proposed pavement shall meet existing line and grade”, provide spot grades at the tie in corners, label the radii, show the demo of the existing curb, etc.
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.’*
 - It is acknowledged that the site distances are stated on the plans, however, please show the site distance triangles on the plans.



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. Provide a bike rack, landscape boulder (if applicable), and lawn restoration detail.
3. *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.*
-Please provide a constructible cast in place concrete stair detail.

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.*

Exhibit C (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.*
-Ensure these changes are also reflected on all of the site plans. There are proposed trees shown on the landscaping plan that are shown as existing on the site plan. There are two trees still called out on the existing conditions plan as existing tree to remain.
2. Show all proposed utilities on the landscape plan to ensure no proposed trees are within 10' of any utilities.



Water System Engineer's Report (from April 2026 submission – it was not included with this submission) (Comments in *Italics* are Old & Not Addressed)

1. The Water System Engineer's Report has not been included with this submission. Please include in next submission.
2. *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.*
3. *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 (from the April Submission), and the Project Narrative, and shall avoid implying that regulatory approvals have been granted prior to permit issuance.*
4. Based on the Water System Engineer's Report submitted by the Applicant, unresolved compliance and operational concerns remain associated with the proposed community public water supply system, including source protection, separation distances, system capacity, and fire protection coordination. The report states that the proposed development will constitute a regulated community water system subject to NYSDOH Part 5 requirements and further states that "there would be no location on this property able to meet the 200' well control area as suggested by the DOH requirements." Based on the plans submitted, the proposed public water supply well appears to be located approximately 56 feet from the property line and approximately 156 feet from components of the proposed onsite wastewater treatment system.

The submitted report estimates an average daily water demand of approximately 8,710 gallons per day (gpd) and a maximum daily demand of approximately 13,065 gpd for the proposed 41-unit mixed-use development. The report further states that the existing well demonstrated a sustained yield of approximately 13 gallons per minute (gpm) during a 72-hour pump test and that the domestic water system is proposed to be designed for a peak fixture demand of approximately 101 gpm. In addition, the project



proposes a separate 30,000-gallon underground fire protection storage tank intended to supply approximately 500 gpm for 60 minutes through a fire pump system.

While the submitted materials conclude that the proposed well yield is sufficient for the development, the submission does not include written confirmation from NYSDOH or Columbia County DOH indicating that the proposed well location, separation distances, source protection measures, water quality, long-term sustainable yield, and overall public water supply system configuration are acceptable for permitting purposes under NYSDOH Part 5 requirements. The Applicant's engineer references additional hydrogeologic evaluation and potential consideration of the well's cone of influence relative to setback limitations; however, no formal agency determination accepting this approach has been provided.

Additionally, based on the materials submitted, it is not fully clear how domestic demand, peak demand conditions, emergency conditions, and fire protection demands will be coordinated to ensure reliable long-term operation of the community water system without adverse impacts to water quality, pressure, neighboring wells, or overall system reliability. The Applicant should provide formal written documentation from NYSDOH and/or Columbia County DOH confirming that the proposed public water supply system is acceptable for permitting purposes, including compliance with applicable separation distance and source protection requirements, confirmation of sustainable long-term yield and water quality, and coordination of domestic and fire protection water supply requirements prior to final approval and construction

5. The submission does not clearly identify the long-term owner/operator responsible for operation, maintenance, monitoring, sampling, reporting, emergency response, and regulatory compliance associated with the proposed community water system and intermediate wastewater treatment system. The application materials do not clearly identify the entity responsible for ongoing operation of the proposed water treatment equipment, booster pumps, UV disinfection systems, wastewater treatment equipment, alarm systems, monitoring requirements, emergency response procedures, or long-term regulatory compliance obligations associated with the proposed utility systems. The Applicant shall provide additional information regarding long-term ownership, operational responsibility, maintenance obligations, and emergency response procedures for all proposed utility and treatment systems.
6. The submission includes a proposed emergency generator; however, the submitted materials do not clearly identify emergency power provisions, redundancy measures, or demonstrate that the proposed generator has been properly sized to support all critical building, life safety, water supply, wastewater treatment, treatment system, alarm, and



fire protection loads during emergency operating conditions. The submitted materials do not include generator sizing calculations, connected load analysis, transfer switch information, fuel storage duration, system redundancy details, or identification of which systems and equipment will remain operational during utility interruptions. Given that the proposed development relies on multiple utility-dependent systems, including booster pumps, UV disinfection equipment, wastewater treatment equipment, controls, alarms, and fire protection infrastructure, the Applicant shall provide additional information demonstrating that the proposed generator capacity and emergency power configuration are adequate to support all critical systems necessary for continued operation of the proposed community water supply system, wastewater treatment system, fire protection system, emergency lighting, alarms, and other required life safety systems during power outage conditions.

Stormwater Pollution Prevention Plan (SWPPP) (from April 2026 submission – it was not included with this submission) (Comments in *Italics* are Old & Not Addressed)

1. The SWPPP has not been included with this submission. Please include in next submission.
2. *Exhibit G (from April submission) 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.*
3. *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.*

Traffic Assessment Report (from April 2026 submission – it was not included with this submission), prepared by Creighton Manning Engineering & Surveying, PLLC. (Comments in *Italics* are Old & Not Addressed)

1. The Traffic Assessment Report has not been included with this submission. Please include in next submission.



2. *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?*

3. *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.*

While the Applicant has continued to revise portions of the project design in response to prior comments, significant technical, operational, and regulatory issues remain unresolved across multiple disciplines, including stormwater management, wastewater treatment, public water supply, site circulation, utility coordination, and agency permitting. Additional revisions, supporting analyses, agency determinations, and inter-agency coordination remain necessary before the project can be fully evaluated for compliance with applicable engineering standards, regulatory requirements, and long-term operational feasibility.

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