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SEQR Public Hearing Comment Letter

1 message

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Dear Ms. Brutsch, Planning Board Chair, & Planning Board Members

This letter is submitted for the Public Hearing on Tilden Commons application for a 41-unit apartment complex and 12,500+/- square foot grocery on a 3.2-acre parcel located at [538 US Highway 20, New Lebanon NY](#). The project has requested a variance, a special use permit, and site plan approval.

The Full Environmental Assessment Form, Part 1, has raised a number of questions that require further studies to determine the environmental, social and economic impacts of Tilden Commons under the State Environmental Quality Review Act (SEQR). **We believe the impacts, as detailed below, of this project are vast and to date not fully vetted or efforts made to remediate these impacts.** The documents and statements made to date do not indicate adequate steps have been taken to either seek approvals or to detail the engineering aspects with regard to the water, sewer, stormwater, traffic, or noise, that can all be expected to have negative impacts on the community and especially those in closest proximity.

We are requesting that this Application receive a Positive Declaration and thereby be required to prepare a Draft Environmental Impact Statement for the following reasons:

I. Well Location /Public Water System Approvals and/or Waiver of Site Separability

By their Engineer's own statements in letters dated in July 2025, December 2025, and April 2026 the most significant failure to provide assurance of no impacts or remediation is the location of the well which Lamont Engineering has stated, and which we have previously commented in a letter submitted May 13 (and other prior submitted comments) , there is a major issue of site separability required by the Dept of Health Regulations.

The project cannot meet the NYS Dept of Health (DOH) Regulations, and NO information has been submitted to any agency for approval of the required Public Water System.

The applicant verbally after 10 months stated at the May 2026 Planning Board meeting that they will seek a waiver of the NYS Dept of Health Regulations on site separability. The fact that this issue was NEVER discussed despite being first raised in July 2025 makes this issue of heightened concern since there is a very specific process for approval of a Public Water System. In our letter of May 13, 2026, we provided a link to NYS DOH slides that details for the Board the process for approvals of a Public Water System (see pages 28-42)

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

You will note that nowhere in this document is there any information on seeking a Waiver of the site separability.

We reached out to the State and to the County to determine the status of the applicant's submissions. *Though the applicant has addressed letters to the Columbia County Health Dept in its submissions to the New Lebanon Planning Board (Michael DeRuzzio, P.E. and Sean Howard, P.E.) we were advised the County has received none of these letters and neither of those Engineers has worked for the County for a long time (exact times were not determined).*

We were advised the County has no County Engineer and contracts out these services to 3 firms. They stated they have no submissions by Tilden Commons from Lamont Engineering for approvals and/or waivers for a NYS Public Water System.

We were quite taken aback that **no action seems to have been taken to seek approvals from either NYS or Columbia County by the applicant in a near year time frame.** It appears from conversations with public officials that the process has not even started. The most recent call to the County and State was on Friday, May 29, 2026. We were advised that any correspondence with those seeking approvals requires submissions sent by certified mail. If in fact the applicant has started the process or has approvals, the Planning Board should be able to obtain proof of the submissions, the reviewers' names, and the status of the approvals or denials.

On what grounds can the applicant make assertions of a safe drinking water source for this project?

How can they make assertions that a waiver will be issued deviating from the NYS DOH requirements of site separation?

We have seen no details of what upgrades would be made to systems to seek a waiver.

The contention that the applicant can obtain a waiver for the site separability requirements of DOH regulations appear at best a wild speculation. One would expect a developer of a \$25 + million project to fully comply with all Regulations and after nearly a year to actually have plans for doing so and if not final approvals to have at least started the process. The developers seem to be intent on redirecting attention away from this very serious issue. We are not distracted by architectural drawings, talk of a project that meets a community's need when the very serious engineering issues seem given short shrift or more aptly completely ignored.

By the applicant's own SEQR form they state that the project is on a principal aquifer. The contamination of this aquifer because the applicant desires a variance of protective standards and to put in place a lesser standard should not be easily assumed as obtainable or as a normal occurrence. To the contrary we believe the Town of New Lebanon owes all its current residents the greatest degree of protection to their water sources. New Lebanon of all communities knows full well the importance of protecting their water sources. Indeed, the Conservation Advisory Council has spent years in its efforts and is to be commended for putting in place a Water Source Protection Plan. All those efforts could be for naught if this project fails to do all due diligence in its water plans.

II. Public Water System Requirements

[A second issue with the protection of the local water supply is the much higher standards that apply for a Public Water System in its ongoing monitoring and maintenance.](#)

You will note in the same letter of May 13 and the link to the DOH slides that details the DOH process for approvals of a Public Water System (see page 5) it references **10 NYCRR Subpart 5-4 which requires a Certified Drinking Water Treatment Operator** . There is a document that must be submitted to NYS DOH to be on file for who will perform this oversight of the system.

- To our review , we have found no information that the project is aware of this requirement or has provided any information as to who they intend to contract with to fill this regulatory requirement. We presume that this job is a paid position, and it along with the maintenance of any proposed septic system will require maintenance to maintain operations and protect public health. [As a proposed regulated publicly financed housing project with restricted rents, we again as in prior correspondence, raise the issue of the expense of the on-going maintenance of systems on a restricted revenue stream.](#) As the applicant has stated, the project is oversized for the parcel because it did not "pencil out. " We are concerned that the long-term obligations of the operations may also not be able to "pencil out."

[Since the applicant has provided no assurances of a water system designed to protect the community and project's water source, we believe that the environmental concerns for not only initial approvals, but long-term protections remain at question given the expected restricted revenue stream.](#)

The applicant was required to submit to the Town copies of pages to the NYS Homes and Community Renewal (HCR) as a mandate of that process. The pages are to be sent to the Town certified mail return receipt requested. In absence of the mail receipt, the application would have been deemed incomplete, and yet those pages have not been disclosed to the public. We once again encourage the Planning Board to receive and review all documents that are to be afforded to them and the community.

The HCR application includes many documents that would benefit the board, and those pages should be required. They must be at Town Hall. It is curious they remain missing since last September.

III. Impact on Neighboring Wells and necessary Hydrological Study

[In addition, water issues include not only those for the project , but for those in surrounding homes and businesses, including the library.](#)

The Hydrology Report seems woefully inadequate to ascertain both the long-term protection and health of the aquifer and the availability of water to surrounding households and the library.

We have reviewed the Hydrology Report and found it lacking. The area tested primarily wells within 500 feet to the east, the library to the west, and an extension to one household at 700 feet. Properties to the west included in the report seem to be only 614 Rte. 20 who declined to participate in the well-testing.

Only 5 in use wells were tested (the library test was an abandoned well because of their new geo-thermal system). If this is a principal aquifer how can 5 test sites determine transmissivity and the shape of a cone of depression. When a well is pumped, the resulting cone of depression (drawdown) in the aquifer depends on several factors, but transmissivity is a key control on its shape.

With high transmissivity water can move easily through the aquifer. This results in a broad, shallow cone of depression, meaning the drawdown spreads laterally but does not extend very deep into the aquifer.

Low transmissivity means water moves slowly , so the drawdown is narrow and deep, with a steeper slope near the well.

Transmissivity governs how quickly pressure changes propagate through the aquifer. A high transmissivity means the aquifer can respond quickly to pumping, spreading the drawdown over a wider area but with less depth. If an aquifer produces a broad, shallow cone of depression, it is a strong indicator that the aquifer has high transmissivity. In practical terms, such an aquifer is efficient at transmitting and is less likely to cause interference with nearby wells, because the drawdown is wide but shallow.

We do not believe the Hydrology report in any way provides enough data to determine if there is a broad, shallow cone of depression or if the aquifer can transmit water quickly and efficiently. This project could have a very detrimental impact on all parcels that are currently a part of this ground water source with its projected use of 11,000 gallons per day.

This aquifer is a confined aquifer, and drawdowns can extend 100s or 1000s of feet. No current resident should lose their water because an oversized project was proposed for such a small parcel that must rely upon a well and an aquifer that has not been determined to be able to provide water to those who currently rely upon it. In addition, as stated above, there is the additional concern of contamination as the applicant is choosing to seek a waiver of site separation. There will also be changes to stormwater run-off, increased traffic on the site, and other changes that could introduce contaminants to the aquifer.

When the well testing was done, the community was at a high-water mark which later changed as the summer progressed with the County issuing a memo advising of drought conditions in the County.

Water is a precious resource and is predicted to become more precious in the coming decades due to climate issues. We are all familiar of the degradation of our water sources. The NYS Dept of Health Regulations are in place to avoid degradation from bacteria, viruses, protozoans, parasites, and chemicals as well as to protect the quality & quantity.

How can the applicant make assertions that the surrounding owners will not be negatively impacted by the expected drawdown of 11,000 gallons per day?

IV. Sewer System

The proposed sewer system has changed multiple times, making it hard for the public to determine the full aspects of the systems locations and most importantly the final location of the effluent which is projected to be 11,000 gallons per day. What we do know is that the water table is 4-6 feet below grade per the SEQR form. In the most recent test for percolation, there was water encountered at as high as 3 feet below grade.

The high-water table was cited in multiple Town Engineering reviews as an issue for the septic tanks and the effluent. At last submission, the applicant stated the system would be a partial mound system to achieve the required State separation requirements from the water table. **As stated in the issue of Public Water System approvals, we again are requesting that the Planning Board ensure that the design of the Septic System meets all State requirements.** In early May when we made calls to the DEC, they too stated as the County did on the Public Water System they had no submissions. We do not believe the Planning Board has enough information on the proposed systems to ensure that the environmental impacts are not catastrophic.

In early meetings there was discussion that the effluent was to be directed across Route 20 to the Wyamonack which is prone to flooding and impacting residents already. We do not know where the 11,000- gallons of water are now projected to be directed. The last proposal has the Orenco tanks at the north end of the site which one of the Planning Board members stated is narrow. If that area is narrow, **the**

concern remains as to whether it could be expected that the 11,000 gallons may result in flood conditions to those with backyards on West Street.

As you know, the parcel is surrounded by wetlands which are designated on the maps. Indeed, the CAC's Co-Director, Peg Munves, in her presentation at the Library on its Water Source Protection Plan stated she believed that in the absence of Rte. 20 that the whole area would be a wetland.

We believe the Town is fully aware of the special hydrological conditions of the area and the parcel. For this reason, we believe a full DEIS and approvals by all NYS reviewers must be submitted to the Planning and Zoning Boards. The SEQR has highlighted the very serious environmental issues of this parcel.

V. Dewatering

Another issue with the high-water table is the impact during construction of de-watering.

The proposal includes a 30,000-gallon water tank under the building to service the sprinkler system. Our understanding for the installation of this tank and other aspects of construction will require dewatering.

Dewatering is typically **pumped to a designated discharge point** and then released into a body of water with a lower groundwater level, such as a lake, pond, or stream. This is done to maintain a dry, stable work area and to prevent hazards like unstable soil, equipment damage, and mosquito breeding.

This issue does not seem to be addressed in any of the submissions and could be expected to have additional environmental impacts.

What is the process for this dewatering and what are the impacts? Where will the water go?

As previously discussed, the dewatering CAN NOT involve pumping water to the Wyomanock because there are already flood issues with that creek and properties.

VI. Traffic

A. Library Impacts - congestion, safety, loss of parking

Traffic issues include the expected delivery of products to the grocery by 42-foot tractor trailers. The submissions to date have resulted in the proposed widening of Tilden Road taking property from both the library and project side. We are very concerned with the impact this will have on the library.

Although the library has no rights to parking on the pavement, we know that their small parking lot does not always afford enough spaces for some programs the library offers. This seems a very direct negative impact on a community resource. In addition, many programs are for children at the library. It is hard to imagine how tractor trailers will not be a potentially dangerous impact.

We have no suggestions on how the undersized small parcel Tilden has selected with nearly all parts covered in buildings; parking and infrastructure could even address remediating this mismatch of parcel uses and size.

B. Grocery Impacts - traffic circulation & apartment entry

The second traffic issue of grave concern is that the combination of the apartments and grocery on one site has resulted in no ability to separate the two uses from traffic.

The NYS HCR Design Manual recommends family housing be townhouses and that pedestrian routes are protected from vehicle conflicts. One would have expected if the parcel was to accommodate the two uses there would have been a much greater effort to separate the two uses, but as with so many parts of this project the over size of the project and under size of the parcel have made it impossible to do so. How much better would it have been for the apartments to meet the HCR Design Manual recommended townhouses for families with parking in front and a backyard for the children. But instead, this overdeveloped proposal had to move the Orenco part of the septic to the back of the parcel and children crossing grocery traffic.

The Site Plan has the grocery traffic circling the building, and the tenants enter the apartments thru a back entrance that must cross this traffic. We shudder at the potential dangers to children from this multi-use of the site with seemingly no real consideration of families safety.

Again, we have no suggestions on how the undersized small parcel Tilden has selected could remediate this mismatch of parcel uses and size.

VII. School

The School submitted a letter in August 2026 raising the issue of the potential mismatch of taxes and needed services for the children.

It is expected the project will request a Payment in Lieu of Taxes (PILOT). The School Board letter details how this PILOT could further negatively impact an already stressed school budget. Again, Tilden failed to properly disclose the impact as the pages required to be submitted to the Town of the NYS HCR application are missing somewhere in Town Hall. The applicant has provided NO information on the proposed PILOT.

SEQR requires a review of economic impacts and we believe this issue is an economic impact.

VIII. Stormwater - SWPPP & Stormwater Plan

To date, the Stormwater Pollution Prevention Plan still has issues. There has been no information addressing the performance, limitations, or maintenance of the stormwater management practices under winter conditions. In addition, there are still slope and grading issues with the Stormwater Plan.

As with so many other issues, we worry about the potential impact on the library and other surrounding parcels from stormwater. Weather conditions are constantly changing with climate change. This site, as stated above, is small and highly overbuilt as proposed. Stormwater must be properly managed, and to date all those plans have not been submitted to meet the required standards.

IX. Noise, Discrimination and incompatible uses due to site size and location

The increase in noise in the neighborhood is expected to be significant from grocery deliveries and the noise associated with tractor trailers and other issues including the onsite generators which will require periodic testing and use in power outages.

The decibels for the unloading at the store can be expected to be 70-80 dB. Residential noise limits for daytime by comparison are in the 55- 65 dB range. The noise impacts on the library, other surrounding properties, and the proposed apartment residents will be significant.

From the beginning, we have had major concerns as stated above of the proximity of the apartment units to the noise and traffic that will be generated by the combination on this site of two seemingly incompatible uses for this community. The Town of New Lebanon is a bucolic place. It is unclear with the Town encompassing over 35 square miles and over 20,000 acres of land why the project is proposing to sandwich family apartments on a site that will be loud and busy in contrast to the whole rest of the Town .

Simply stated this project will be disturbing the peace for the library and subjecting tenants to noise levels not experienced in other parts of the Town. Affordable housing residents deserve as much peace and quiet as other residents. It seems the developers gave no thought to this aspect of environmental impacts. **Noise is a known health issue for people.** We see no way to attenuate the sound impacts for residents or the rest of the neighborhood.

Conclusion

As stated above, the documents and statements made to date do not indicate adequate steps have been taken to either seek approvals or to detail the engineering aspects with regard to the water, sewer, stormwater, traffic, dewatering or noise, that can all be expected to have negative impacts on the community and especially those in closest proximity. Many of the economic, environmental, and social impacts of this project simply cannot be remediated.

We are requesting that this Application receive a Positive Declaration and thereby be required to prepare a Draft Environmental Impact Statement.

Sincerely,

Bonnie Lichak
Amy Brueckmann
Peggy Brueckmann