

**Proposed Environmental Assessment Form Part III
Narrative**

Tilden Commons

Town of New Lebanon Planning Board

DRAFT

Introduction

Tilden Project LLC (Applicant) proposes to develop Tilden Commons (the Project) at 538 Route 20 New Lebanon, New York 12125 (Tax Map ID 19.2-1-69) (Property) in the Town of New Lebanon, New York (Town). The Project will replace the vacant building currently on the Property with a mixed-use building comprising a grocery store and multi-family residential space with 41 affordable apartment units. The Town of New Lebanon Planning Board (Planning Board) is the Lead Agency for the environmental review of the Project under the State Environmental Quality Review Act (SEQRA). The Planning Board has reviewed the application materials for the Project, prepared the Full Environmental Assessment Form (FEAF) Part 2, and will prepare the FEAF Part 3.

To further assist the Planning Board in its environmental review, the Applicant has completed this proposed FEAF Part 3 narrative to indicate why any areas of concern identified by the Planning Board in the FEAF Part 2 as potentially imposing any impact will not result in a significant adverse environmental impact, allowing the Planning Board to issue a Negative Declaration of Environmental Significance for the Project. Pursuant to SEQRA and its implementing regulations, the Lead Agency must evaluate the magnitude and importance of each potentially “moderate to large impact” to determine whether such impact will be significant. An impact that is considered potentially moderate to large on Part 2 of the FEAF does not mean that it is also necessarily significant. *See Merson v. McNally*, 90 N.Y.2d 742, 751 (1997). The Lead Agency must take a hard look at each environmental area of concern by considering the materials, studies, and reports submitted by the applicant, concerns raised by the community through public comment, and any mitigation measures proposed by the applicant to address any environmental concerns raised by the public and the Lead Agency. However, each and every conceivable environmental impact, mitigating measure, or alternative does not need to be addressed—only the relevant areas of concern related to and reasonably expected from the action must be reviewed. *See Neville v. Koch*, 79 N.Y.2d 416, 425 (1992). Lastly, mitigation that will be incorporated by an applicant to address potential impacts deemed moderate or large must be taken into consideration when determining significance. *See N.Y. STATE DEP’T OF ENVTL. CONSERV., Full Environmental Assessment Form (FEAF) Workbook SEQR Environmental Assessment Form Guidance Documents (FEAF Workbook) at 282 (“Part 3 gives the reviewing agency an[] opportunity to examine the proposed project in relation to the potential impacts and identify if any mitigations have been included in the project plans ... It is feasible that the reviewing agency will identify a potential large, long-lasting, important impact that is likely to occur but the project includes features that mitigate those effects to the point where the impact is no longer a significant concern[.] Some projects include aspects that mitigate impacts partially or fully. This needs to be taken into consideration when determining significance of an impact.”).*

The items identified and checked “Yes” by the Planning Board in the FEAF Part 2 are listed below and are thoroughly reviewed herein.

- Impact on Land (FEAF Part II, Item No. 1)
- Impact on Groundwater (FEAF Part II, Item No. 4)
- Impact on Historic and Archeological Resources (FEAF Part II, Item No. 10)
- Impact on Transportation (FEAF Part II, Item No. 13)
- Impact on Energy (FEAF Part II, Item No. 14)
- Impact on Noise, Odor, and Light (FEAF Part II, Item No. 15)

- Consistency with Community Plans (FEAF Part II, Item No. 17)
- Consistency with Community Character (FEAF Part II, Item No. 18)

DRAFT

I. Impact on Land.

1.a) The proposed action may involve construction on land where depth to water table is less than 3 feet.

The average depth of the water table is approximately four to six feet. As such, the Project will not have any significant adverse impact on the water table.

1.b) The proposed action may involve construction on slopes of 15% or greater.

The entirety of the Property contains slopes of zero to ten percent. There will therefore not be any construction on slopes of 15 percent or greater. As such, the Project will not have any significant adverse impact in this regard.

1.c) The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

The average depth to bedrock on the Property is greater than six feet and there are no bedrock outcroppings on the Property. As such, the Project will not have any significant adverse environmental impact regarding depth to bedrock.

1.d) The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.

The Project will require excavation of approximately 2,000 tons of soil; however, the proposed site grading requires fill, which will be sourced from this excavated soil to the greatest extent practicable. The Applicant's engineers have estimated that approximately 500 tons of the 2,000 tons of soil to be excavated will not be suitable for grading and fill and will be removed from the Property. It is therefore estimated that 2,000 tons of material will be excavated, but only 500 tons will be removed from Property, with 1,500 tons remaining onsite as fill. As such, there will not be a significant adverse environmental impact in this regard.

1.e) The proposed action may involve construction that continues for more than one year or in multiple phases.

The Project will be constructed in one phase, lasting approximately 12 to 18 months. This is a typical construction period for a mixed-use building of this size. Although the construction period for the Project *may* exceed 12 months, there will be no significant adverse environmental impact in this regard as no site impacts will require remediation (there is no contaminated soil or groundwater present), there will be no need for construction of avoidance measures for streams and wetlands (as no such features exist on the Property), there are no construction timing constraints due to presence of protected species onsite (no such species exist on the Property), etc. And once the building is framed, an extensive amount of work will be done on the interior of the building, which will not present any significant impacts to neighboring properties or the area generally, as the work will be conducted in a fully enclosed building. As such, even if the Project construction lasts more than one year, it will not result in a significant adverse environmental impact.

1.f) The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment of herbicides).

The Project will not result in increased erosion. There will be very little vegetation removal as part of the Project since the Applicant will be redeveloping a vacant commercial property. Any potential erosion impacts from installation of the Project's impervious areas, including the building and parking area, will be fully mitigated through the Project's stormwater control design, as well as by following and implementing the measures in the New York State Department of Environmental Conservation (NYSDEC) Stormwater Design Manual and NYSDEC Standards and Specifications for Erosion and Sediment Control (*i.e.*, The Blue Book) and as per the approved Stormwater Pollution Prevention Plan (SWPPP). The SWPPP includes erosion and sediment control measures in compliance with the Clean Water Act and is enforced by state and local agencies. *See* SWPPP (rev. April 2026). The Planning Board's engineer reviewed the SWPPP and has indicated satisfaction with the most recent version, which will be implemented by the Applicant. Lastly, there will not be any herbicide use on the Property.

As such, the Project will not have any significant adverse impact related to increased erosion given the full mitigation of any potential impacts by implementation of the SWPPP, including installation of erosion and sediment control measures.

1.g) The proposed action is, or may be, located within a Coastal Erosion hazard area.

The Property is not located in a Coastal Erosion Hazard Area, and as such, there is no potential for a significant adverse environmental impact in this regard.

II. Impact on Groundwater.

2.a) The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.

The mixed-use building that will be constructed is expected to have an average daily demand of 8,710 gallons per day, and a maximum daily demand of 13,065 gallons per day. This equates to 6 gallons per minute and 9 gallons per minute, respectively. This is an increase compared to the current water demand, which is zero given that the existing commercial building on the Property is vacant. However, the Applicant's engineers conducted a 72-hour pump test on the well that is already installed onsite and determined that the onsite well has a safe long-term draw down capacity of 13 gallons per minute. See LAMONT ENGINEERS, *Water and Sanitary System Engineer's Report – REVISED* (April 1, 202[6]). As such, the increased demand for water will be fulfilled by the currently installed well and will not require a new water supply well. Moreover, based on the results of the 72-hour pump test, the Applicant's engineers determined that the proposed building's use of water will not negatively affect the majority of the neighboring properties' wells or water supply. Therefore, the proposed water demand for the building will be fully satisfied by the onsite well and will not cause a significant adverse environmental impact.

2.b) Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.

See response to Item 2.a, above. The water supply demand created by the Project will be fully satisfied with the well already installed onsite.

2.c) The proposed action may allow or result in residential uses in areas without water and sewer services.

The Property has a well onsite which is expected to fully satisfy the increased water supply demand for both the residential and commercial uses of the building. See response to Item 2.a, above. Further, the Applicant will be installing a wastewater treatment system servicing both the residential and commercial uses of the building that will include primary treatment (*i.e.*, a standard septic tank for settling that will be designed to NYSDEC standards), secondary treatment with an Orenco AX MAX treatment system and pre-anoxic tank, a UV treatment system, and a Stormtech underground dispersal system where the treated wastewater will be discharged into groundwater. See LAMONT ENGINEERS, *Water and Sanitary System Engineer's Report – REVISED* (April 1, 202[6]). This treated wastewater will meet intermittent stream discharge limits, even though it will only be discharged into groundwater, not surface water, similar to a leach field. As such, the onsite well and the Applicant's proposed wastewater treatment system are expected to accommodate the residential and commercial water and wastewater needs of the Project, and there will therefore not be any significant adverse environmental impact in this regard.

2.d) The proposed action may include or require wastewater discharged to groundwater.

As noted in response to Item 2.c, above, the proposed mixed-use building will generate sanitary wastewater. However, this sanitary wastewater will be adequately managed with the

Project's proposed treatment system that will have a conventional septic tank for solids removal, an Orenco Advantex treatment system for secondary treatment, and will conduct UV disinfection before discharge. The site wastewater will be treated to surface water discharge quality standards but will be discharged onsite to the subsurface to avoid creation of additional surface water. Once the water is treated, it will be discharged to a subsurface stormwater dispersal structure to allow the wastewater to percolate into the existing site soils, similar to a leach field. *See id.* As such, because the wastewater to be discharged into groundwater will be successfully treated to surface water discharge quality standards, any concerns will be fully mitigated, and there will be no significant adverse environmental impact.

2.e) The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.

See response to Item 2.a, above. The Project will not require a new water supply well to be installed. The applicant is required to obtain a variance from the New York State Department of Health regarding the applicable well and septic setback distances. The Department of Health shall consider the criteria for awarding such variance. As such, there is no potential for a significant adverse environmental impact related to wastewater.

2.f) The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.

The Project will not require any bulk storage of petroleum or chemical products, and as such, there is no potential for a significant adverse environmental impact in this regard.

2.g) The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.

The Project will not require any application of pesticides, and as such, there is no potential for a significant adverse environmental impact in this regard.

2.h) Other impact: existing well contamination.

Due to the onsite well remaining unused for several years, the Applicant's engineers conducted water quality testing several times over the design development of the Project. The initial test results showed elevated levels of iron, turbidity, and other naturally occurring materials over the New York State Department of Health (NYSDOH) Maximum Contaminate Limit (MCL). This was determined to likely be due to the lack of consistent use. After completion of the 72-hour pump test and some sporadic pumping, the iron and turbidity levels significantly decreased. *See* LAMONT ENGINEERS, *Water and Sanitary System Engineer's Report – REVISED* (April 1, 202[6]) ("Turbidity in the well dropped below 1 NTU but the Total Dissolved Solids remains at 623, over the 500 mg/L limit. Iron Dropped to 0.22 and Manganese dropped to 0.61, with manganese still being over the 0.3 mg/L limit, the combined value of both being over the 0.5 mg/L recommended limit ... It is our suspicion that these levels may continue to drop as the well is pumped more frequently, possibly even under the recommended limits for all contaminates."). Total coliform was also detected in the onsite well water; however, this will be fully addressed with the system's chlorination process that is required pursuant to NYSDOH and Columbia County Department of Health standards. Further, given

these testing results, the Applicant updated its water system design to include installation of a 16 gallon per minute (GPM) reverse osmosis (RO) treatment system to address any contamination concerns. *See id.* (“A Polar RO PRO XL-24000 treatment skid with a 5 micro pre-filter still be installed at the service line coming from the well, rated for 16.66 GPM with a 75% recovery range. Following the RO system, the water will be chlorinate[d] and storage [will be] in a clearwell for distribution.”).

As such, given the additional treatment and storage that will be included in the proposed water system for the Project, any concerns will be fully mitigated, and there will not be a significant adverse environmental impact in this regard.

DRAFT

III. Impact on Historic and Archeological Resources.

10.a) The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.

The Property does not contain any buildings, archaeological sites, or districts which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. However, the Property is near such listed historic buildings (*i.e.*, the New Lebanon District No. 8 School) as well as historic buildings *eligible* for listing (*i.e.*, the Abbott-Perry House and New Lebanon Railroad Depot (which is across the road from the Project)). The Applicant submitted its proposed Project to the New York State Historic Preservation Office (SHPO), which conducted a review of same in accordance with Section 106 of the National Historic Preservation Act of 1966, and found that no historic properties, including archaeological and/or historic resources, will be affected by the Project. *See* “No Impact Letter” from SHPO (May 20, 2025). As such, there will be no significant adverse environmental impact in this regard.

10.b) The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

The Property is not within or substantially contiguous to an area designated as sensitive for archaeological sites on the SHPO archaeological site inventory. As noted above, SHPO reviewed the proposed Project in accordance with Section 106 of the National Historic Preservation Act of 1966, finding that no historic properties, including archaeological and/or historic resources, will be affected by the Project. *See* “No Impact Letter” from SHPO (May 20, 2025). As such, there is no potential for a significant adverse environmental impact in this regard.

10.c) The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.

The Property is not in or substantially contiguous to an archeological site not included on the SHPO inventory. As noted above, SHPO reviewed the proposed Project in accordance with Section 106 of the National Historic Preservation Act of 1966, finding that no historic properties, including archaeological and/or historic resources, will be affected by the Project. *See* “No Impact Letter” from SHPO (May 20, 2025). As such, there is no potential for a significant adverse environmental impact in this regard.

10.d) Other impacts.

None.

10.e) If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3.

N/A.

DRAFT

IV. Impact on Transportation.

13.a) Projected traffic increase may exceed capacity of existing road network.

The Project will be sited on a highway, U.S. Route 20, which has sufficient capacity for local traffic. The Applicant's engineers conducted a Traffic Study and prepared a Traffic Study Report to review the potential impacts on traffic from the Project. The Traffic Study Report indicates that existing Annual Average Daily Traffic (AADT) volume for this corridor of Route 20 is approximately 7,300 vehicles and that the existing peak hour traffic on Route 20 is 365 to 395 vehicles per hour. See LAMONT ENGINEERS, *Traffic Study Report* (July 1, 2025). Based on this analysis, the Project is expected to generate approximately 73 new vehicle trips during the AM peak hour and 128 new vehicle trips during the PM peak hour, which would result in a volume to capacity ratio of 0.62, which is under the capacity of the existing roads. Lamont Engineers concludes that "[e]xisting traffic conditions on US Route 20 can support the expected increase without significant degradation to traffic operations." *Id.* The Applicant's engineers also reviewed the sight distances to determine adequacy of the ingress and egress to the Property. As indicated in the Traffic Study Report, the "existing sight distance in both directions at the Tilden intersection are 500'+. The AAHTO Sight stopping distance minimum recommendations for a design speed of 45 MPH on a level grade are 360' so this intersection more than meets those requirements." *Id.*

Further, the Applicant retained Creighton Manning Engineering & Surveying, PLLC (CM) to conduct a Traffic Assessment, dated November 25, 2025. After conducting a site survey, traffic data collection, and traffic modeling, CM concluded that the Project will generate

56 new vehicle trips during the AM peak hour, 133 new vehicle trips during the PM peak hour, and 160 new vehicle trips during the Saturday peak hour ... It is noted that the distribution of travel in and out of the site will result in a maximum increase of approximately 35 new trips on any one approach of the study area intersections. The level of service analysis indicates that the unsignalized study area intersections will operate at LOS C or better through Build conditions during the AM and PM peak hours with an increase in average vehicle delay less than two (2) seconds to any movement. No mitigation is recommended at these existing locations ...

A review of expected queuing at the study area intersections indicates that construction of the Tilden Mixed-Use Development will not significantly increase queuing during the peak hours when compared to No-Build conditions. The SimTraffic simulation indicates that adequate traffic operations will be provided at the Site Driveway intersections on US Route 20 and Tilden Road.

CREIGHTON MANNING ENGINEERING & SURVEYING, PLLC, *Traffic Assessment, Tilden Mixed-Use Development, 538 Route 20, Town of New Lebanon, Columbia County, New York; CM Project No. R251170.00* (Nov. 25, 2025) at 9 (emphasis added).

Moreover, this area of the Town is designed for higher levels of traffic. Even though the Project will lead to increased vehicle trips to the Property as noted above, the surrounding roads are suitable for this type of commercial (and residential) traffic.

A significant impact that has been remedied is the inability of emergency vehicles and

other traffic to access Tilden Road during the times when the proposed commercial use is receiving tractor trailer deliveries, as the project has located the loading dock off of Tilden Road. The Town Highway Superintendent reviewed the Project plans and determined that a portion of Tilden Road, to the east side of the Project, would need to be widened to accommodate potential emergency vehicles or any other large vehicles traveling on Tilden Road. The Applicant agreed to such road widening at their own expense in its entirety and revised its Project plans accordingly. Following that revision, the Town Highway Superintendent approved the Project plans and issued the Applicant the necessary curb cut permits. *See Zoning Permit, BP-2026-013 (issued March 30, 2026).* The New York State Department of Transportation (NYSDOT) also reviewed the Project plans and determined that “they are concurrent with NYSDOT regulations and requirements. At this point, the project has completed the technical review process and upon providing the contractor's insurance and bonding certificates, NYSDOT can issue a permit for the project.” Ltr. from NYSDOT to Lamont Engineers (Nov. 24, 2025). The NYSDOT will not issue its permits for the Project until the Planning Board issues its SEQRA determination. As such, the existing road network, including the planned widening of Tilden Road, will more than accommodate any potential increase in traffic from the Project and therefore will not result in a significant adverse environmental impact.

13.b) The proposed action may result in the construction of paved parking area for 500 or more vehicles.

The Project will not require a paved parking area for 500 or more vehicles. The parking area that will be constructed as part of the Project will have 113 parking spaces to be used by both residents and grocery store patrons. As such, there is no potential for a significant adverse environmental impact in this regard.

13.c) The proposed action will degrade existing transit access.

Pursuant to the SEQRA guidance, “[t]ransit services or facilities” include “bus, taxi, train, park and ride lots, parking lots, and subways.” N.Y.S. DEP’T OF ENVTL. CONSERV., *Full Environmental Assessment (FEAF) Workbook, SEQRA Environmental Assessment Form Guidance Documents* (“FEAF Workbook”) at 235. There are no transit services or facilities such as buses, taxis, trains, park and ride lots, or subways in the area that the Project will impact. The Project will also not impact access to existing roads, including U.S. Route 20 and Tilden Road. Rather, the Project will enhance this commercial center of Town by adding three vehicular access points to the Property as well as sufficient parking, which will allow all Town residents and other regional community members to access the grocery store from both Route 20 and Tilden Road. Additionally, as noted above, the Town Highway Superintendent recommended that a portion of Tilden Road, to the east side of the Project, be widened to better accommodate potential emergency vehicles or any other large vehicles traveling on Tilden Road. The Applicant revised its Project plans accordingly and will conduct this road widening during construction. Following that revision, the Town Highway Superintendent approved the Project plans and issued the Applicant the necessary curb cut permits on Tilden Road. *See Zoning Permit, BP-2026-013 (issued March 30, 2026).* As such, the Project will not degrade existing transit access.

13.d) The proposed action will degrade existing pedestrian or bicycle accommodations.

The Project will in no way degrade existing pedestrian or bicycle accommodations, as such

accommodations do not currently exist on the Property. Rather, the Project will be providing these accommodations. The Project includes bicycle parking, and there will be sidewalks installed at the front of the grocery store and continuing to the rear of the building near the residential entrance, including a path from the rear parking area through to the residents' entrance. As such, there is no potential for a significant adverse environmental impact in this regard.

13.e) The proposed action may alter the present pattern of movement of people or goods.

The Project site will increase the vehicle trips to and from the Property as the Applicant will be converting a vacant commercial property into a mixed-use building with 41 affordable apartment units and a grocery store. This will lead to a higher number of residents and local community members entering and exiting the Property. Operation of the grocery store will also require daily truck deliveries. However, the Project design includes three access points for vehicles allowing for adequate ingress and egress, as well as circulation of vehicle movement throughout the site. There will be one point of access via an existing curb cut from U.S. Route 20 for patrons, residents, and guests. There will be another point of access along Tilden Road for patrons, residents, and guests as well as an additional point of access along Tilden Road exclusively for truck deliveries to the grocery store. Together with the design of the parking lot, movement of such traffic will be efficient.

Further, as discussed above, the Applicant has provided a Traffic Study Report as well as a Traffic Assessment, indicating that the existing traffic conditions of US Route 20 and Tilden Road can support the expected increase in traffic from the Project without significant degradation to local traffic operations and that the Project will not significantly increase queuing during the peak hours when compared to No-Build conditions. As noted above, the Town Highway Superintendent reviewed the Project plans and determined that a portion of Tilden Road, to the east side of the Project, would need to be widened, which the Applicant agreed to at their own expense in its entirety and revised its Project plans accordingly. Following that revision, the Town Highway Superintendent approved the Project plans and issued the Applicant the necessary curb cut permits. *See* Zoning Permit, BP-2026-013 (issued March 30, 2026). Further, the NYSDOT has also reviewed the Project plans and has no concerns. The NYSDOT determined the Project plans are consistent with NYSDOT regulations and it will issue a permit once the SEQRA process is completed (*see* Ltr. from NYSDOT to Lamont Engineers (Nov. 24, 2025)). As such, any change to the present pattern of movement of people or goods from the Project will not result in a significant adverse environmental impact.

V. Impact on Energy.

14.a) The proposed action will require a new, or an upgrade to an existing, substation.

New York State Electric & Gas (NYSEG) will provide electricity service to the Property as the utility provider and there are three-phase power lines available at the Property already. The Project may require an upgrade to the local electrical infrastructure owned by NYSEG (e.g., poles and transformers), *not* a substation, as discussed with NYSEG (a copy of such correspondence has been provided to the Planning Board). *See* Narrative for Tilden commons (April 1, 2026) (“NYSEG completed a load study and confirmed that the grid currently has enough power to serve the site. The development will likely need to relocate one pole and install a new pad mount transformer. *See NYSEG email dated Wednesday August 6 2025 from Sierra Dexheimer.*”).

Moreover, the Applicant intends to utilize efficient appliances and heating and cooling systems to the extent practicable. Because the potential impact will be fully mitigated by the installation of the requisite upgrades, if ultimately determined to be necessary by NYSEG, the Project will not create a significant adverse environmental impact in this regard.

14.b) The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.

The Project does not include more than 50 single- or two-family residences. Further, the Project will not require the creation or extension of an energy transmission or supply system to serve the commercial use. The SEQRA guidance states that “[t]here is not likely to be any impacts on energy if the proposed action does not require new, upgraded, creation, or extension of substations, energy transmission supply systems, nor does it use more than 2500 MWhrs or energy or is a building less than 100,000 square feet of building area.” FEAF Workbook at 239. There is already a nearby substation and three-phase power lines near the Property that will serve the Project. No new infrastructure needs to be built, nor does such infrastructure need to be extended to the Property. There may just be a simple upgrade to poles or the transformer onsite, to be determined by NYSEG. Further, as noted below, the building will not use more than 2,500 MWhrs of electricity, nor will the building footprint exceed 100,000 square feet. As such, the Project will not create a significant adverse environmental impact in this regard.

14.c) The proposed action may utilize more than 2,500 MWhrs per year of electricity.

The Project will not utilize more than 2,500 MWhrs per year of electricity. The Applicant estimates that a typical apartment in the building will use approximately 1,000 kilowatt-hours (KWh) per month based on similar facilities. This would equate to about 500 megawatt-hours (MWhs) annually for the residential portion of the building (1,000 KWh x 41 units x 12 months = 492,000 KWh, which equates to approximately 500 MWh). The Applicant estimates that the commercial portion of the building will use 50 KWh per square foot annually, resulting in an additional estimated 600 MWh per year for the commercial portion. In total, the maximum anticipated annual electrical usage for the entire building would be 1,100 MWh per year, well below the 2,500-MWhr threshold. As such, the Project will not create a significant adverse environmental impact in this regard.

14.d) The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

The Project will not require heating and/or cooling of more than 100,000 square feet of building area. The proposed mixed-use building will total approximately 55,430 square feet. And the Applicant intends to utilize efficient appliances and heating and cooling systems to the extent practicable. As such, the Project will not create a significant adverse environmental impact in this regard.

DRAFT

VI. Impact on Noise, Odor, and Light.

15.a) The proposed action may produce sound above noise levels established by local regulation.

The Zoning Law of the Town of New Lebanon, New York (Zoning Law) limits maximum noise levels at property lines to 70 dB. *See* Zoning Law § 205-13(B)(3). There does not appear to be an exception from this requirement for typical civil construction conducted with all necessary local approvals, which is common for most zoning laws. Nevertheless, there will be temporary noise generated from the Project during construction that *may* exceed this noise limit at certain times given use of certain equipment. However, construction noise will not continuously exceed this noise limit and given the absence of bedrock on the Property, blasting and hammering is not expected to be conducted during site prep work, which will minimize construction noise. Construction will be conducted in a single phase, lasting approximately twelve to eighteen months, and will take place only during the hours of 7 a.m. and 4 p.m.. Project construction will produce noise typical of any civil construction project that takes place in the Town.

Once operational, however, the Project will generate noise typical of any mixed-use commercial and residential building, including daily truck deliveries, patrons entering and exiting the grocery store, and residents coming and going from apartments. Included in the Residential Policies for tenants will be quiet hours from 11 pm to 7 am, during which tenants shall not make noise disturbing other residents, whether inside apartment units or anywhere on the Property. *See* Tilden Commons Residential Tenant Policies. Regardless, the Project will not generate noise above ambient levels, as the Property is located in a commercial district, on a state highway. The noise of residents coming and going from the Property or customers shopping at the grocery store will largely blend into the current level of ambient noise in this area.

Further, the Planning Board requested an analysis of the noise levels potentially generated by the building's HVAC equipment and backup generator. The Applicant is proposing to install two 150 KW diesel-fueled backup generators with Level 1 sound enclosures. The Applicant's engineers conducted a noise analysis and determined that

[a]t a 7 meter distance from the unit, during a typical power cycle operation the average sound generated would be 72 dB, under full load in an actual power outage the average sound level would be 77dB. The screen fencing that is provided around the generator and transformer provides a Sounds Transmission Class (STC) estimate of 25. *This would reduce the maximum anticipated sounds level of the generator under load from 77dB to about 52 dB at Tilden Road.*

LAMONT ENGINEERS, Noise Study and Evaluation of Site (May 6, 2026) at 1-2 (emphasis added).

The Applicant's engineers also analyzed the noise levels from the proposed building HVAC equipment and determined that "the sound levels generated from the equipment to serve the facility will not exceed 70 dB and will likely be under 60 dB at the property line which is equivalent to the sound of a running dishwasher[.]" *See id.* at 2 ("Because these units will be located within the attic space of the building, there will be some mitigation of sound transmission as a result of the building structure. A conservative estimate for the framed roof structure with roof sheathing, asphalt shingles in no insulation (although insulation will be provided) would provide

an STC rating of 33 for this space. This would reduce the sounds transmission of all HVAC units operating at the same time to 58.6 dB at the building. This would be further reduced at the limits of the property line since the attic space is 20+ feet above grade and 50+ feet away from the property line.”) (emphasis added).

As such, given that the Project will only produce typical construction noise for a temporary period and will not produce noise above ambient levels in this commercial area of the Town during operation, there will not be a significant adverse environmental impact related to noise from the Project.

15.b) The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.

There will not be any blasting associated with construction of the Project, and thus there is no potential for a significant adverse environmental impact in this regard.

15.c) The proposed action may result in routine odors for more than one hour per day.

The Project will not produce any odors. There will be a dumpster near the loading dock entrance, which will be screened by fencing and landscaping. It will be emptied regularly by a waste removal contractor. Thus, there will not be a significant adverse environmental impact related to odors.

15.d) The proposed action may result in light shining onto adjoining properties.

There will be some exterior lighting on the Property, on the building and in the parking lot, for safety of residents and grocery store patrons. However, this lighting will be downcast, shielded, and dark sky compliant, and has been specifically designed and will be installed so as not to cause any glare or light pollution onto adjoining properties. See Site Plan, LT-100 (Site Lighting Layout), LT-101 (Site Lighting Light Levels), LT-200, LT-201 (Lighting Fixture Schedule) and Luxsi Lighting Cut Sheets. Additionally, the grocery store will also be closed by 10 pm, or earlier as determined by the Planning Board during the special use permit consideration. As such, any potential impacts related to lighting on the Property will be fully mitigated.

Further, as discussed above, the Project will be constructed in the commercial center of Town where other businesses also operate into the evening hours and have parking lot and other exterior lighting. As such, given the surrounding properties’ use of exterior lighting and the intentional design and use of the lighting onsite, there will not be a significant adverse environmental impact related to light shining onto adjoining properties.

15.e) The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

See response to 15.d., above. As discussed above, the Project will be constructed in the commercial center of Town where other businesses also operate into the evening hours and have parking lot and other exterior lighting. The Project’s proposed outdoor lighting will therefore not cause “sky-glow” any brighter than existing conditions. But in any event, the exterior lighting that will be included in the Project design will be downcast, shielded, and dark sky compliant and has

been specifically designed and will be installed so as not to cause any glare or light pollution onto adjoining properties. *See* Site Plan, LT-100 (Site Lighting Layout), LT-101 (Site Lighting Light Levels), LT-200, LT-201 (Lighting Fixture Schedule) and Luxsi Lighting Cut Sheets. Further, the Applicant has offered to dim the exterior lights servicing the residential entrance and parking area after 10 pm. Additionally, the grocery store will also be closed by 10 pm.

As such, there will be no significant adverse environmental impacts related to lighting creating sky-glow brighter than existing area conditions, and even if there was, any potential impact will be fully mitigated as discussed above.

DRAFT

VII. Impact on Consistency with Community Plans.

The Project is a specially permitted use in the Central Commercial (CC) District, as Mixed Uses and Multifamily Dwellings are specially permitted, and Retail Uses, including grocery stores, are permitted with site plan approval. *See* Zoning, Use Table. The Town Board made a very specific legislative determination when it enacted the Zoning Law that these land uses are appropriate in this district and in harmony with the zoning plan and character of this area of the Town. *See North Shore Steak House, Inc. v. Bd. of Appeals of Incorporated Vill. of Thomaston*, 30 N.Y.2d 238, 243 (1972) (“[i]nclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood.”). Additionally, where a zoning law permits “a use permit subject to administrative approval, the applicant need only show that the use is contemplated by the ordinance and that it complies with the conditions imposed to minimize anticipated impact on the surrounding area[,]” and if it does so, the authority having jurisdiction “is required to grant a special use permit unless it has reasonable grounds for denying the application.” *See Edwards v. Zoning Bd. of Appeals of Town of Amherst*, 163 A.D.3d 1511, 1512 (4th Dep’t 2018).

17.a) The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

The Project is directly adjacent to other apartment units and residential properties and is surrounded by other commercial uses, including an auto parts store, shopping centers, restaurants, a barber shop, a gas station, etc., as well as community buildings, including the library and community center. The uses involved in the Project—multifamily residential and commercial—are the same uses of land surrounding the Property and which make up this central commercial area of the Town. As such, the use—a mixed-use building with 41 apartment units and a grocery store—is entirely consistent with the surrounding land use pattern.

As noted above, the Project is proposed to be located in the CC District, specifically, the commercial center of Town, which has the densest concentration of commercial uses. *See* Zoning Law § 205-4(B)(3) (“Central Commercial (CC). This district represents the “Town center” of New Lebanon, having the densest concentration of commercial properties. In furtherance of the Town’s comprehensive plan, this district is intended to have vibrant, customer intensive commercial activity ... Residential and community-oriented uses are consistent with this downtown feel.”); *see also* Town of New Lebanon Comprehensive Plan Update 2021 (Comp Plan) at 19 (“the Routes 20/22 corridor, which has been considered the “center of Town” for the last few decades.”). A grocery store is the exact type of business typically located in a “Town Center.” The addition of apartment units to a mixed-use building with a grocery store is similarly well-suited to a busier, higher density area, like this one, as the higher number of people coming and going from the apartments and the grocery store is what makes a bustling town center, which is not only suitable in this area, but desired by the Town as stated in the Comp Plan. The Project is directly adjacent to other multifamily housing and is surrounded by other commercial uses, including an auto parts store, restaurants, shopping centers, a barber shop, a gas station, etc. Thus, the Project is indeed consistent with the surrounding commercial and residential land use pattern. There will be no significant adverse environmental impact due to a divergence from the current surrounding land use pattern.

However, the Project is significantly larger than in scale and density than these adjacent

uses and this aspect has been adequately mitigated. The height, square footage, density of units, and presence on the street are mostly in line with the Bulk and Area Regulations for the Central Commercial District, the density of units is of significant deviation and has created a building that is the tallest and largest of its noted neighbors, and in the entire district. The potentially significant adverse environmental impact has been mitigated based upon the context of the Project in relation to the Comprehensive Plan and recently changed zoning.

17.b) The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.

The Project proposes 41 apartment units, with a mix of 21 one-bedroom apartments and 20 two-bedroom apartments. The Applicant anticipates reserving ten apartments for seniors aged 62 and up. Based on substantial previous experience with similar developments, the Applicant expects an average of 1.25 people across the one-bedroom apartments and an average of 3.0 people across the two-bedroom apartments, resulting in full occupancy of approximately 86 people. This will not result in an increase in the permanent population of the Town by more than 5 percent. As such, there is no potential for a significant adverse environmental impact due to population growth.

17.c) The proposed action is inconsistent with local land use plans or zoning regulations.

As noted above, the use—a mixed-use building with 41 apartment units and a grocery store—is consistent with the local land use plans and zoning regulations. The Project is consistent with the Comp Plan and meets several of its stated goals. The Comp Plan states that one of the Town’s weaknesses is the lack of a grocery store and limited affordable rental housing, and that one of its opportunities is that “[v]acant commercial spaces can be repurposed to meet resident needs.” See Comp Plan at 13-14; see also Comp Plan at 19 (“Survey respondents and focus group members identified a grocery store as the single most important need for the Town. Despite considerable efforts over several years, it has not been possible to attract a store ... Focus group members envisioned a smaller, independent grocery as a more likely possibility.”). Some of the housing concerns include a desire to attract younger residents as well as the need to support an aging population and low-income families. See *id.* at 16-17; see also *id.* at 55 (“Sub-goals ... Expand housing options for seniors ... Expand housing options in order to retain and attract younger and low income individuals and families”). Another major goal in the Comp Plan is to increase economic development “through constructive growth of existing businesses and attracting appropriate new businesses[.]” *Id.* at 52. This includes using “un- and under-utilized properties, in commercial zones[.]” *Id.* at 53. The Project consists of renovating a vacant property in the center of Town with a newly constructed mixed-use building with an expansion of an existing local business into a highly desired grocery store and much needed affordable housing. While the Project cannot and does not guarantee that apartments will be made available to existing residents of the town, the Project uses do respond to needs identified in the Comp Plan and therefore, the Planning Board finds the Project consistent with the Comp Plan.

The Project also furthers the goals of the Town as stated in the Pro-Housing Communities Pledge by providing affordable housing for the community, with a portion of the units specifically reserved for senior citizens. See Town Bd. Res. (Oct. 10, 2023) (“the housing crisis has negative effects at regional and local levels ... we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the

needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities ... we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits”). The Project will assist the Town in meeting its policy goals of expanding housing opportunities for the benefit of the Town and region.

Further, the Project is fully consistent with the Town’s intention for the CC District as stated in Section 205-4(B)(3) of the Zoning Law. The CC District serves as the commercial center of Town, which has the densest concentration of commercial uses. *See Zoning Law § 205-4(B)(3)* (“Central Commercial (CC). This district represents the “Town center” of New Lebanon, having the densest concentration of commercial properties. In furtherance of the Town's comprehensive plan, this district is intended to have vibrant, customer intensive commercial activity ... Residential and community-oriented uses are consistent with this downtown feel.”) (emphasis added); *see also* Comp Plan at 19 (“the Routes 20/22 corridor, which has been considered the “center of Town” for the last few decades.”). The proposed land uses are perfectly suited for this area of the Town. A grocery store, which is permitted as of right in the CC District, is the exact type of business typically located in a “Town Center.” The addition of apartment units to a mixed-use building with a grocery store, which is specially permitted in the CC District, is similarly well-suited to a busier, higher density area, like this one, as the higher number of people coming and going from the apartments and the grocery store is what makes a bustling town center—which is not only suitable in this area, but desired by the Town as stated in the Zoning Law and Comp Plan.

However, the Project requires variances from the Town of New Lebanon Zoning Board of Appeals (ZBA) requesting relief from the requirement in Zoning Law § 205-13(E)(10)(a) that multifamily dwellings be sited on property with a minimum lot size of 5,000 square feet per dwelling unit. The ZBA is an involved agency in the SEQRA process and is the agency with the most relevant expertise related to the granting of such variances. The Zoning Board shall ultimately consider and act upon the requested variances.

17.d) The proposed action is inconsistent with any County plans, or other regional land use plans.

The Columbia County Planning Board (CCPB) reviewed the Project pursuant to New York General Municipal Law § 239-m and recommended that all requested town approvals be granted for the Project. *See* Ltr. from CCPB to the Planning Board and ZBA (Aug. 19, 2025) (“The CCPB finds that this proposed action will likely result in positive county-wide or intercommunity impacts in terms of increasing the amount of housing stock while catering to the growing demand for rental housing and shifting demographic. This is consistent with Columbia County development policies.”) (emphasis added). There are no other relevant County or regional land use plans. As such, there will be no significant adverse environmental impact regarding consistency with County or other regional plans.

17.e) The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.

The Project will increase the density of the property—converting a vacant property into a

mixed-use building with 41 apartment units and a grocery store. This increase in density is not currently supported by existing infrastructure, and said infrastructure will need to be upgraded by the Applicant, as well as the new systems the Applicant will install as part of the Project. Additionally, the Applicant has been in discussions and verbally committed to the town their agreement to pay for and tie into a proposed municipal water system which is in a feasibility review process with the Town Board. Therefore, it is entirely possible, particularly given the Project's current lack of guidance from DOH on the existing well, that this project could result in new infrastructure. SEQRA guidance states that this question "explores whether the proposed project will result in a change in density that will require new or expanded infrastructure[]" including "water, sewer, new or upgraded roads, sidewalks or paths, and solid waste facilities." FEAF Workbook at 259.

As noted above, the Project may require an upgrade to the local electrical infrastructure owned by NSYEG (e.g., poles and transformers), which the Applicant will install if ultimately deemed necessary by NYSEG. See above response to Item 14.a. The Project may require new but is not expected to require new expanded water infrastructure. Although there is no public water infrastructure anywhere in the Town, the onsite well has been tested and confirmed to be suitable for the proposed water demand. See above response to Item 2.a. The Project will also not require expansion of sewer infrastructure as such infrastructure similarly does not exist in the Town, but it may require new infrastructure in the future, as stated by the Applicant Josh Young at multiple meetings of the Town Board, through the Conservation Advisory Council, and elsewhere. Currently, the Project design includes a sophisticated wastewater treatment system servicing both the residential and commercial uses that is designed to meet the wastewater needs of the Project. See above response to Item 2.c. Further, the Project does not require new public roads as it is located on an active, well-maintained highway. In accordance with the Town Highway Superintendent's requirements from his review of the curb cut permit application, the Applicant will widen at their own expense a portion of Tilden Road to better accommodate potential emergency vehicles and other larger vehicles during the times their Project is receiving daily deliveries. The Applicant is also adding sidewalks along the entry of the grocery store and at the rear of the building to the residential entrance. Lastly, the Project will not result in solid waste requiring new or expanded solid waste facilities. There will be dumpsters onsite near the loading dock entrance servicing the residential and commercial uses. The dumpsters will be screened by fencing and landscaping and emptied regularly by a waste removal contractor.

As such, the Project is expected to be mostly supported by all current infrastructure as well as the planned improvements to such infrastructure included in the Project design, and thus, there will be no significant adverse environmental impact related to density of the Project, pending Department of Health review and approval.

17.f) The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.

The Project is located in an area of current low-density development, based on the existing structures and uses surrounding the site. However, as noted above, the Project is proposed to be located in the CC District, specifically, the commercial center of Town, which is desired to have the densest concentration of commercial uses. See Zoning Law § 205-4(B)(3) ("Central Commercial (CC). This district represents the "Town center" of New Lebanon, having the densest concentration of commercial properties. In furtherance of the Town's comprehensive plan, this

district is intended to have vibrant, customer intensive commercial activity ... Residential and community-oriented uses are consistent with this downtown feel.”); *see also* Comp Plan at 19 (“the Routes 20/22 corridor, which has been considered the “center of Town” for the last few decades.”). The Project does not require new or expanded infrastructure such as new roads, new water wells, new power lines, etc. As noted above, the Town Highway Superintendent reviewed the Project plans and determined that a portion of Tilden Road, to the east side of the Project, would need to be widened, which the Applicant agreed to do at their own expense, and revised its Project plans accordingly. Following that revision, the Town Highway Superintendent approved the Project plans and issued the Applicant the necessary curb cut permits. *See* Zoning Permit, BP-2026-013 (issued March 30, 2026). Further, as mentioned, the Applicant will upgrade the local electrical infrastructure owned by NSYEG, if ultimately required by the utility, to fully support the electrical needs of the new building. No other public infrastructure, such as sewer or water, exists in the Town that will need to be expanded or modified to accommodate the Project, although the Project is one of the driving factors for the development of a wastewater system. As discussed, the onsite well has been tested and confirmed to be suitable for the proposed water demand (*see* above response to Item 2.a) and the design includes a sophisticated wastewater treatment system servicing both the residential and commercial uses that is designed to meet the wastewater needs of the Project (*see* above response to Item 2.c.).

As such, given that the Project will begin to increase the density of the current area and may help drive the need for municipal systems in what is desired to be a vibrant Town center.

17.g) The proposed may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action).

The Project will include 41 new apartments and a grocery store. This development is not likely to increase residential development; however, there may be an increase in commercial development—such as restaurants and stores—given that some of the new residents may be new customers for such businesses. However, given that the Project will be located in the commercial center of Town, in the CC District, this area is perfectly suited to such new or expanded businesses (if they arise). As such, there will be no significant adverse environmental impact in this regard.

VIII. Impact on Consistency with Community Character.

As noted above, the Project is a specially permitted use in the CC District, as Mixed Uses and Multifamily Dwellings are specially permitted. *See* Zoning Law Use Table. Retail Uses, including grocery stores, are permitted with site plan approval in the CC District. *See id.* The fact that Multifamily Dwellings (*i.e.*, residential portion of the Project) and Mixed Uses are specially permitted in the CC District establishes a legislative determination by the Town Board that such land uses are “in harmony with the general zoning plan and will not adversely affect the neighborhood.” *See North Shore Steak House, Inc., v. Bd. of Appeals of Incorporated Vill. of Thomaston*, 30 N.Y.2d 238, 243 (1972); *see also Edwards v. Zoning Bd. of Appeals of Town of Amherst*, 163 A.D.3d 1511, 1511-12 (4th Dep’t 2018). Moreover, the character of this area of the Town is defined by higher density development. The Zoning Law states that the CC District, “represents the ‘Town center’ of New Lebanon, having the densest concentration of commercial properties. In furtherance of the Town's comprehensive plan, this district is intended to have vibrant, customer intensive commercial activity ... Residential and community-oriented uses are consistent with this downtown feel.”). Zoning Law § 205-4(B)(3); *see also* Comp Plan at 19 (“the Routes 20/22 corridor, which has been considered the “center of Town” for the last few decades.”). Indeed, the Project is wholly consistent with the character of this Town center community.

18.a) The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.

The Project will not replace or eliminate existing facilities or areas of historic importance. It is expected to eliminate one existing former mini-mall structure that has no historical significance. The Project site is not located in or adjacent to an area designated as sensitive for archaeological sites on the SHPO archaeological site inventory nor have any archaeological or historic sites or resources been identified on the Project site. *See* FEAF Part 1 § E.3.f-g. Further, the Property is near historic buildings both listed and eligible for listing (*i.e.*, the New Lebanon District No. 8 School, Abbott-Perry House, and New Lebanon Railroad Depot); however, SHPO reviewed the proposed Project in accordance with Section 106 of the National Historic Preservation Act of 1966, and found that no historic properties, including archaeological and/or historic resources, will be affected by the Project. *See* “No Impact Letter” from SHPO (May 20, 2025). As such, there will be no significant adverse environmental impact in this regard.

18.b) The proposed action may create a demand for additional community services (e.g. schools, police and fire).

The Project will not create a demand for additional community services that cannot be absorbed by such facilities and systems already in place. Here, the Project is expected to increase the number of students in the local school district, thereby having a potential fiscal impact on the district, such as the need for more teachers. The Applicant and its partner Hudson River Housing, Inc. (HRH) conducted research into housing developments HRH manages and estimates the proposed building to house approximately 15 to 18 school-age children. Without knowing specifically the needs of the children who will live in the apartments, it cannot be stated with absolute certainty that the district does not need to build additions to their current buildings, but it can be stated that a new school would not be required given the total number of expected residents of all ages in the Project.

In addition, the Applicant previously submitted that it intends to pay full property taxes, which is currently calculated to be approximately \$51,193.97 annually, and the grocery store portion of the Project is also currently estimated to generate at least \$10,000.00 in annual property taxes. This would make the Project the largest property taxpayer in the Town. The Applicant has stated on the record that they will forgo requesting a PILOT for the project, and therefore, should the Applicant be unable to obtain funding or management of the Project due to this stipulation, they will either fully support the project themselves or discard the Project.

Lastly, the Fire Chief reviewed the Project and issued an email response to the Applicant indicating that he has no concerns about the Lebanon Valley Protective Association's ability to service the proposed building. *See* Email from Stephen Houghtling, LVPA Chief to Joshua Young (May 6, 2026) ("I have seen the minor changes to your plan for the tilden project, as I stated before as long as all the nys fire codes are being followed, we at the LVPA would have no problem providing fire coverage for this building."). There will, therefore, be no impact on the local police or fire departments from any modest increase in services that would result from the Project.

18.c) The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.

The Project will not displace any affordable or low-income housing in the area. Quite the contrary, the Project proposes construction of a mixed-use building with 41 affordable housing apartments units. The Project will be adding needed affordable housing to an area where little exists. This not only fulfills a larger regional need but squarely addresses a stated weakness of the Town as noted in the Comp Plan, namely, the lack of a grocery store and limited affordable rental housing. *See* Comp Plan at 13-14; *see also* Comp Plan at 19 ("Survey respondents and focus group members identified a grocery store as the single most important need for the Town. Despite considerable efforts over several years, it has not been possible to attract a store ... Focus group members envisioned a smaller, independent grocery as a more likely possibility."); Comp Plan at 55 ("Sub-goals ... Expand housing options for seniors ... Expand housing options in order to retain and attract younger and low income individuals and families"). As such, there is no potential for a significant adverse environmental impact in this regard.

18.d) The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

The Project will not interfere with the use or enjoyment of any officially recognized or designated public resources as such resources are not located on the Property, which is privately owned. As such, there is no potential for a significant adverse environmental impact in this regard.

18.e) The proposed action is inconsistent with the predominant architectural scale and character.

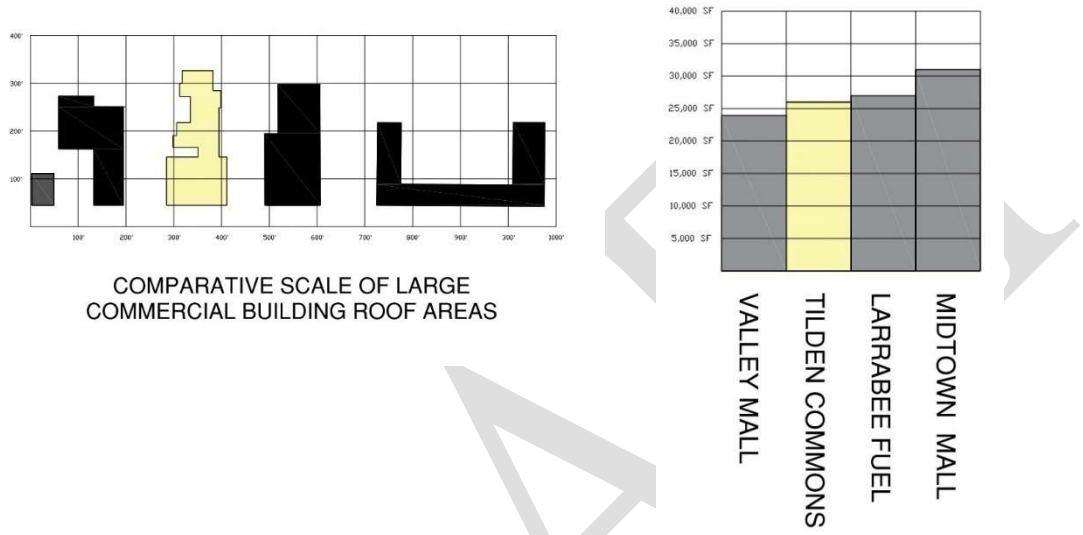
As discussed herein, the Project will be in the CC District—the commercial center of Town, which has the densest concentration of commercial uses. *See* Zoning Law § 205-4(B)(3) ("Central Commercial (CC). This district represents the "Town center" of New Lebanon, having the densest concentration of commercial properties. In furtherance of the Town's comprehensive plan, this district is intended to have vibrant, customer intensive commercial activity ... Residential and

community-oriented uses are consistent with this downtown feel.”); *see also* Comp Plan at 19 (“the Routes 20/22 corridor, which has been considered the “center of Town” for the last few decades.”). A grocery store is the exact type of business typically located in a “Town Center.” And the addition of apartment units to a mixed-use building with a grocery store is similarly well-suited to a busier, higher density area, like this one, as the higher number of people coming and going from the apartments and the grocery store is what makes a bustling town center, which is not only suitable in this area, but desired by the Town as stated in the Comp Plan. The Project is directly adjacent to other multifamily and single-family housing and is surrounded by other commercial uses, including an auto parts store, shopping centers, restaurants, a barber shop, a gas station, etc., as well as community buildings, including the library and community center.

The scale of the building is not consistent with other residential and commercial buildings in this area of the Town—such as the Midtown Mall, Valley Plaza, the Larabee building (a former bowling alley), and the Tilden Mansion (see below table)—nor will it be fully supported by the size of the Property, which is approximately 3.2 acres. While the project complies with the Bulk and Area Regulations table of the Town for this district, it will be significantly taller and larger than all other buildings in this district.

	Tilden Commons	Midtown Mall	Larabee Heating	Valley Plaza	Tilden Mansion
Height	43 ft.	Approx. 28 ft.	Approx. 30 ft.	Unknown	Approx. 38 ft.
Stories	3	2	1	N/A	3
Length	291 ft.	Approx. 340 ft.	Approx. 265 ft.	Approx. 220 ft.	Approx. 105 ft.
Parking spaces	113	99	N/A	N/A	N/A
Square footage	55,430 sf.	Approx. 36,000 sf.	Unknown	Unknown	Unknown

The Applicant has prepared various renderings and conducted an architectural context study to demonstrate how the proposed building may fit within the character of this area of the Town and the comparable size and scale of nearby buildings. See Rendering and Architectural Context Study (May 6, 2026). For instance, see below comparative scale and square footage of the large commercial buildings in this area of the Town (with the proposed building in yellow). While the building’s footprint on the site is similar to other buildings as identified in the graphics below, the overall square footage and building dimensions remain somewhat consistent with the comparable commercial buildings. However, as this is the CC District, the Applicant believes this building will provide a desirable precedent for future development in the corridor.



Further, the building has been designed to complement the Town’s rural architectural character and to be fully compliant with the Town’s Downtown Design Guide. See Applicant’s Planning Board Architecture Memo (July 2, 2025) (“The proposed building is a traditional New England–style barn with a ... cupola. A secondary porch faces most of the south face of the building. The proposed building’s street-facing façade references the classic barn form with large openings and a full porch. The proposed building retains the cupola but reimagines it as a warm beacon on Main Street. The roof is set back to reduce the bulk at the edges ... The monochrome Evergreen wall color, stone base ... come from the local classic vernacular agricultural architecture, whose buildings are often much larger than the proposed project.”); see also Zoning Law Att. 5, Downtown Design Guide. The building has also been designed to include architectural and design elements consistent with the area’s Shaker history. See *id.* (“The proposed design pays homage to the local Shaker Heritage in New Lebanon, NY, and other nearby Shaker communities. The yellow ochre as accent in the color palette comes from the 6 Shaker colors referenced in the Shaker Millennial Laws ... The design incorporates several architectural details that reflect the Shaker building tradition: 1. Pentice roofs over the entry doors[;] 2. Clapboard siding[;] 3. Single double hung windows with flat trim and trim extensions on top frame[;] 4. Water table at 18”[;] 5. Cove soffit at street facing façades of commercial building[;] 6. Sliding Barn doors at storefront openings”). The building is also similar in its agricultural and Shaker design to the Meetinghouse, also located on Route 20 in Town. Thus, the Project is consistent with the predominant architectural character and history of this area, negating any potential for a significant adverse environmental impact in this regard.

18.f) Proposed action is inconsistent with the character of the existing natural landscape.

The Project will be sited in the CC District, specifically in the Town’s commercial center. The Project site is a vacant commercial building and property. There is no existing natural landscape on or adjacent to the Property, beyond the typical tree screening between various properties and trees with a small landscaped retention pond at the front of the property. The Project will be developed with robust landscaping and stormwater retention area (identified as a lawn), creating a sense of natural landscape. As such, there will not be a significant adverse environmental impact in this regard.

DRAFT

Conclusion

The Town of New Lebanon Planning Board has carefully considered the facts, analysis, and conclusions set forth in the Full Environmental Assessment Form (FEAF) Part 1, site plans, architectural and landscape drawings, Traffic Study Report, Traffic Assessment, Water and Sanitary System Engineer's Report, soils report, lighting plan, survey, Aquatic Resource Delineation Report, SWPPP, NYSDEC wetland jurisdictional determination, Hydrogeologic Evaluation Report, correspondence with SHPO, NYSDOT, NYSEG, and NYSDEC, and all other supplemental information provided by the Applicant. Based upon its review of the entire environmental record and the Applicant's identified mitigation measures and third party approvals to reduce the Project's potential impacts, and upon a determination that the Project will provide for better development of the Central Commercial District and to bring needed amenities and housing to the Town, the Town of New Lebanon Planning Board has determined that the Action will not result in any significant adverse environmental impacts, and a Negative Declaration can be issued under SEQRA.

DRAFT