

**TOWN OF NEW LEBANON PLANNING BOARD**

**SEQRA FULL EAF – PART III NARRATIVE**  
**TILDEN COMMONS PROJECT**  
**TOWN OF NEW LEBANON, COLUMBIA COUNTY, NEW YORK**

The Proposed Action involves the construction of a three-story building located at 538 Route 20, New Lebanon, New York 12125 into a mixed-use building containing an approximately 12,500 square foot grocery store and multi-family residential space, inclusive of forty-one (41) apartment units. The plan sets forth twenty-one (21) one (1) bedroom apartments and twenty (20) two (2) bedroom apartments. Ten (10) apartments are anticipated to be reserved for residents aged sixty-two (62) years and older.

The Project site consists of approximately 3.2 acres of land within a lot in downtown New Lebanon, within the recently created Central Commercial District.

The Town of New Lebanon Planning Board is the Lead Agency for the Project’s environmental review, and the Planning Board has reviewed the application materials for the project, completed Part 2. This Part 3 evaluation considers the magnitude and importance of potential environmental impacts identified in Part 2, based on the information provided in Part 1 and the supporting materials.

The Proposed Action’s potential environmental impacts must be reviewed pursuant to the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”). Pursuant to 6 NYCRR § 617.6(a)(1)(iv), “as soon as an agency receives an application for...approval of an action, it must” make a preliminary classification of the action as Type 1, Type 2 or Unlisted. This “preliminary classification will assist in determining whether a full EAF and coordinated review is necessary.” Based on the materials submitted the Proposed Action would be considered a “Type 1 Action”.

The Planning Board circulated its Intent to act as the SEQRA Lead Agent on October 29, 2025, thereby sending to the involved and interested agencies, their notice of its intention to serve as SEQRA lead agency for the Application. Subsequently, on \_\_\_\_\_, 2026, the Planning Board declared itself Lead Agency.

The Lead Agency must consider the criteria for determining the significance of potential environmental impacts from the Proposed Action as set forth in the SEQRA regulations at 6 NYCRR § 617.7(c). To do this, the Lead Agency reviews all relevant information and completes Parts 2 and 3 of the EAF to provide the basis for its SEQRA determination.

**Detailed Review and Narrative**

The proposed project contains 21 one-bedroom apartments and 20 two-bedroom apartments. The proposed project anticipates allocating 10 apartments for residents 62 years and older. Residents, aged 62 years and older, must have qualifying income – gross income must not exceed 60% of the Area Medium Income. The Applicants have determined that due to projected funding requirements, they cannot guarantee that current New Lebanon residents will be given preference in the application process, despite in their initial presentation to the Lead Agency in June 2025 stating their goal was to provide affordable housing for New Lebanon residents. The Applicant has not demonstrated an ability to meet the Town's identified housing needs for residents.

The planned grocery store includes approximately 9,500 square feet of retail space, plus support spaces and a two-bay loading dock. The projected tenant is the New Lebanon Farmers Market and Grocery, which currently resides in 2,400 square feet. The proposed new grocery space is four times as large as the current operating space. During conversations with the Lead Agency, the proprietor of the Market (and also Applicant) stated that the expanded number of employees will remain mostly part time and will therefore not be able to acquire benefits such as health insurance, retirement, etc. Expected employee counts will go from the current 10 to no more than 25. Despite statements in the Comprehensive Plan that a grocery store is desired for the community, the actual language relates to a grocery store with a pharmacy, which is not proposed. Public comments have also been received that share a concern with affordability of the current store and lack of mainstream items. The Applicant has not submitted any confirmatory materials to the Planning Board regarding these identified items and concerns.

The proposed project sits on 3.2 acres of land, with two front setbacks – the first being along State Routes 20 and 22 and the second being along the town road called Tilden Road. The project consists of one building. The building footprint on the site is over 20,000 square feet, with a total square footage of all three stories being just under 60,000 square feet. The proposed building height is approximately 43 feet tall, with a monitor structure bringing the total height to just over 49 feet tall. The building is over three hundred feet long and one hundred feet wide.

The Applicant represented that forty-one (41) apartment units are necessary to increase the likelihood of obtaining grant funding. They have partnered with Hudson River Housing (HRH). Despite repeated requests, the Applicant has failed to answer the Board's questions related to the role of HRH as a project manager, the length of said partnership, whether the project will seek a PILOT, and what restrictions may be in place despite the local Applicants' indicating otherwise. At multiple meetings in the Summer and early Fall of 2025, members of Tilden Commons LLC (the local Applicant) and representatives of HRH provided conflicting answers to such questions the Lead Agency asked related to building management, building amenities, whether the proposed project would seek a PILOT, length of partnership, and one member of the local Applicant group stated he did not know who would actually be in charge of the building property, as upon completion of construction, the current LLC will be dissolved.

The proposed 41 apartment units are inconsistent with the Town's zoning in the Central Commercial district. Current zoning permits no more than 28 units on this size parcel. 41 units equates to an almost 50% increase in the number of units on the 3.2 acre parcel. The application is currently seeking a variance from the Zoning Board of Appeals, who deferred Lead Agency for the SEQRA review to the Planning Board.. During its SEQRA review, the Lead Agency has found this 50% increase in requested units has created significant ripple effects throughout a number of environmental areas leading to concern and identified impacts and therefore this Positive Declaration.

In addition to the requested variance for the number of units, the proposed project has also requested relief on the required parking for the project. While able to comply with the number of parking spaces required for the apartments (41 spots required), the application cannot comply with the number of parking spaces required for the grocery retail (1 per 50 square feet of retail equals 250 spots required.) The Lead Agency expressed concern throughout the process that persons living in the apartments may require more than one vehicle per apartment, as there is no public transportation in the town. Therefore, the applicant agreed to a minor increase of parking spaces for the apartments. The only similarly comparable grocery retail store that the applicant or the Lead Agency could identify to compare the project to is the Guido's Supermarket in Pittsfield, Massachusetts. This store is of comparable size with comparable goods for sale. Their parking lot permits approximately 60 vehicles in designated parking stalls, with additional spots possibly available at the adjacent businesses and hotel. However, it is widely recognized that on weekends, Guido's must provide traffic control persons to direct and monitor traffic entering and departing the site. The proposed Tilden Commons project requested a comparable number of parking spaces and has therefore provided 116 total parking spaces on the project site. This amount of parking does not take into account potential, obvious and foreseeable growth and expansion of the business's market and the lack of municipal parking in the town, therefore causing people to park in adjacent businesses, homes, or alongside roads. No additional parking could ever be provided on the project site due to the size of the building, the size of the wastewater system, and the size of the groundwater treatment system. The Planning Board cannot determine that there exists adequate parking at the site for the Project.

The project has also requested from the Town Highway Department the right to widen Tilden Road to permit delivery trucks to back across the road into the loading dock located off Tilden Road. The Highway Superintendent's engineer previously brought up safety concerns related to these backing maneuvers and thus the Applicant proposed widening the road by two feet on each side. The Highway Superintendent has provided approval of said curb cut and road widening, with the caveats that the project obtains all necessary approvals and that the road widening does not impact the state highway right of way or curb cut at the mouth of Tilden Road. While the applicant has updated engineering plans to identify this road widening, they did so without a site visit to determine the impact to the Library's property and without providing in writing confirmation the proposed project will be paying for the redevelopment of Tilden Road to

accommodate their proposed project. In addition, despite widening the road, the Applicant is limited to bringing in trailers no longer than 43'. This will prohibit larger supermarkets and grocery providers from making deliveries and will limit future opportunities for grocery retail in the space. Based upon the Applicant's inability to satisfy parking requirements and required road widening, the Planning Board cannot determine that there will not be a moderate to large impact on transportation. This impact is likely immediate and is probable to occur.

Of greatest significant concern is the proposed project's inability to meet Department of Health standards for a Public Water Supply. Per DOH regulations, the well requires a 100 foot setback from the proposed project's own wastewater system and a 200 foot setback from all property lines. The applicant is proposing to reuse the existing well on the property which does not comply with this regulation. The Applicant has not indicated any consideration of drilling a new well in a different location to accommodate this regulation. Nor have they received conditional approval from the DOH or provided a record of conversations, other than a submission to a previously retired employee, that they may have had with the DOH on this topic. It should also be noted that drawdown water tests were performed in the late Summer of 2025 with one neighboring well being affected. Poor water quality as shown in tests completed at the same time is also a concern, which has not been fully addressed by the Applicant. This impact on water quality, supply and other water related aspects is likely immediate and probable to occur.

The Lead Agency has also found significant concerns related to the density of the development on this 3.2 acre parcel and the overall scale and context of the project. The density of the building with the 50% requested increase in apartments has resulted in the entirety of the site needing to be built out to accommodate all required systems. There is no room remaining for future growth of the facility or replacement of systems should they fail. In fact, as described above, the project has built the site out so much that the adjacent town road must be widened in order to accommodate traffic specific to this project. It should also be noted that initial designs showed a community connection to the adjacent rail trail and a playground in green space for children were removed from the project. The only green space remaining on the site is over the wastewater treatment plant and within the stormwater catchment area – both spaces that traditionally building management discourages people from using for recreational purposes. With the exception of these two locations, more than half the site will also be covered with impervious surfaces, more than doubling what currently exists on the project site.

The designed density has also inflated the size of the building to be significantly taller than and larger than its immediate neighbors. In a rendering provided by the applicant in May 2026, the building dwarfs the adjacent buildings and the library, all of which are former residential structures of 2 stories or single story commercial buildings. While the applicant has argued the proposed project is not the largest in the community, a sheet of elevations of town buildings provided by the proposed project's Architect indicate the proposed building is at least 10 feet taller than all other buildings in town, with the exception of the mansion at the corner of State Routes 20 and 22. The difference between these two sites is that the mansion sits back from the

road with large trees shading the front yard and an ornamental garden taking up much of the remaining property. Therefore, this building does not impose the same massive presence on the street front as the Tilden Commons building does. Other buildings identified by the applicant as large buildings in the Central Commercial district include the former Bowling Alley and the Midtown Mall. Both of these buildings are shorter in height than the Tilden Commons building and the Midtown Mall, while comparable in lot coverage, is only approximately two-thirds the gross building square footage of the Tilden Commons building. It also sits back from the road so it does not have the same presence at the street. Most significant, the proposed project is at least one-quarter mile or more away from the buildings professed by the Applicant to be comparable. Its immediate adjacent neighboring buildings, the ones it has the most relationship with, are all significantly smaller structures and therefore the proposed building does not fit in the context of the neighborhood.

The inflated scale and size of the Project must be reviewed by this Board in context of the Project's physical location and relation to adjacent parcels, the immediate neighborhood and the community as a whole. The apparent necessary increase in the Project's scale and intensity, insofar as 41 apartment units are required, increased the magnitude of the Project's potential impacts. Some of the identified impacts may be remediated or avoided through a reduced or changed project size but the Applicant has stated this is an impossibility. Alternative designs and implementations have not been thoroughly discussed by the Applicant.

The Planning Board, as Lead Agency, utilized the information contained within Part 1 to complete Part 2 and Part 3. The Planning Board evaluated the project's size, scale, intensity, magnitude and context and determined the Project would likely have significant adverse impacts on the environmental because there is a potential for impacts to land, traffic, water, and necessary services. The Planning Board determined that the intensity of the land use may not be consistent with the comprehensive plan. By reason of increased traffic volumes traffic patterns in the Town will likely change and make it difficult for existing residents to access the Town.

Given the items above and the many remaining unanswered questions, as Lead Agency, the Planning Board finds this proposed project does have a significant impact and therefore issues this Positive Declaration so as to require additional analysis of the identified impacts through an environmental impact statement. The core issues to be addressed within the necessary environmental impact statement include, but are not limited to, the impacts on historic resources, consistency with community character, the impact on land, the impact on traffic, and the impact on water.