



PZ Clerk <pzclerk@townofnewlebanonny.gov>

Document postings - Tilden

1 message

John and Bonnie Lichak <b[REDACTED]>
To: PZ Clerk <pzclerk@townofnewlebanonny.gov>
Cc: Amy Brueckmann <a[REDACTED]>

Wed, Jul 22, 2026 at 12:12 PM

Dear Ms. Potter:

Below is a copy of the response to the CAC comments that we sent last month. We are reforwarding again, so it is clear what document we were referring to in our request for updates to the Town Case File.

Can you advise when we can expect the documents referenced at the July 15 Planning Board meeting to be posted:

1. DOH submission
2. DEC submission
3. Engineer review #7

Thank you,

Bonnie Lichak
Amy Brueckmann

From: John and Bonnie Lichak <b[REDACTED]>
Sent: Monday, June 15, 2026 7:55 PM
To: Elizabeth Brutsch <nlpb.brutsch@gmail.com>; Jim Carroll <nlpb.carroll@gmail.com>; Steve Muse <nlpb.muse@gmail.com>; Greg Hanna <nlpb.hanna@gmail.com>; nlpb3@gmail.com <nlpb3@gmail.com>; Jeff Zimmerman <nlebpalt2@gmail.com>
Cc: [REDACTED] PZ Clerk <pzclerk@townofnewlebanon.com>; PegCAC Munves <nlcac.munves@gmail.com>; Donald Lamonaca <nlcac.lamonaca@gmail.com>; Bruce Shenker <nlebcac2@gmail.com>; William O'Neill <nlebcac1@gmail.com>; nlcac.powers@gmail.com <nlcac.powers@gmail.com>
Subject: response to CAC letter

Dear Ms. Brutsch, Planning Board Chair and Planning Board members:

We realize that the Public Hearing is closed for the Tilden project, but we saw that the CAC submitted comments after the hearing was closed. We would therefore appreciate acceptance of our response to their letter and posting on the Case File as well.

There are a number of issues with the CAC letter to the Planning Board with regard to their assertions. Here are the points we think they either misconstrued, misinterpreted or did not review that would seem to be of concern to the Conservation Advisory Council since they were instrumental in the creation and approval of the Town's Water Source Protection Plan (posted on their webpage):

1. Septic and Wastewater Treatment.

The CAC's contention is that although the site cannot meet the NYS Dept of Health (DOH) Regulations for site separation of 200 feet for the well and septic system that this is somehow remediated by the installation of the Orenco system. The DOH Regulations require that the 200-foot distance includes the main effluent line, the distribution box, and the drainfield .

The main effluent line (info posted below) is the central transport pipe in a septic tank effluent sewer system moving it to the next stage of treatment. Since this pipe is before the Orenco system, it must meet the 200-foot site separation. While it may be true that when the effluent exists, the Orenco system and the UV filter, the effluent is cleaner that is AFTER the main effluent line. The project has provided no information other than the project engineer's statement that the project cannot meet the DOH Regulations.

Since there is no documentation of any review or approvals by the DOH we again request that the Planning Board make a Positive Declaration. The environmental issue of ensuring the project will not contaminate the aquifer for those who reside in the project or in the surrounding community remains an open

2. Water Use

The contention that the Department of Environmental Conservation (DEC) calculations are overly generous for water usage and will be substantially below 11,000 gallons a day is a baseless statement. The applicant has not provided a line-item breakdown of water demand demonstrating that the grocery store's full water use - including refrigeration, condenser water, food preparation, produce, deli, meat, bakery, cleaning and customer and staff restroom use - was included in the demand calculation. The reported figures of 8,710 gpd average and 13,065 gpd maximum demand are unsupported by any itemized analysis. Against a well with a demonstrated sustained yield of approximately 13 gallons per minute (18,720 gpd theoretical maximum), an understated demand calculation could push the system beyond the physical capacity of the well.

There is no written approval from DOH or Columbia County Health submitted confirming that the proposed water system configuration, well capacity, and distribution design are acceptable.

Without this documentation of any review or approvals we again request the Planning Board make a Positive Declaration. The environmental issue of ensuring the project will have adequate water and not impact the surrounding community is unsubstantiated.

3. Aquifer

The CAC asserted that because the aquifer is a confined aquifer, there will be no impact upon neighboring wells. The CAC does not seem to understand what a confined aquifer is.

First, the hydrological report is inadequate. It tested 5 parcels. In the testing they stated the well at 4 West Street was most impacted. That would indicate during the drawdown that the aquifer will be impacted for neighboring wells.

issue that has not been adequately addressed.

The applicant's SEQR form states this is a principal aquifer. 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 or more gallons per day.

Since this aquifer is a confined aquifer, and drawdowns can extend 100s or 1000s of feet there needs to be more information to ensure current residents do not 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 the absence of a full Hydrological Study, there simply cannot be a determination of no impacts. Without this we again request the Planning Board make a Positive Declaration. The environmental issue of ensuring the project will have adequate water and not impact the surrounding community is unsubstantiated.

4. CAC ignored items

The CAC letter did not address the impacts of **dewatering** that will be required on the site. The applicant has provided no information on dewatering despite knowing the water table is at 3-6 feet; the project includes a 30,000-gallon water tank for sprinklers to be placed under the building; and dewatering during construction is necessary to ensure safety. Dewatering would be expected to be to the Wyomanack where there are already flood issues. The absence of any data makes this issue an outstanding very serious impact.

The CAC also did not consider the ongoing maintenance issues of a Public Water System for which the applicant also provided no information.

Conclusion

In Conclusion the CAC knows full well the water table is high in this area. They know the need to protect the aquifer and our streams. We believe if they had better understood the issues their letter would have issued a very high cautionary analysis and recommended as we do that the Planning Board declare a Positive Declaration.

Sincerely,

Bonnie Lichak

Amy Brueckmann

Main Effluent Line in a Sewer System

In a **septic tank effluent sewer system**, the **main effluent line** is the pipe that carries the **partially treated liquid waste** (called *effluent*) from the septic tank to the next treatment stage — either a centralized sewage treatment plant or a distributed treatment system

What it is

Function: It transports the liquid fraction of wastewater after solids have been removed in the septic tank.

Contents: The effluent is mostly water with dissolved and suspended contaminants, but with most solids, fats, oils, and grease (FOG) already captured in the tank

Design: In effluent sewer systems, the main effluent line is often a **small-diameter pipe** (e.g., 2–4 inches) that follows the contour of the land and may be shallowly buried

How it works

Wastewater enters the septic tank, where solids settle (sludge) and lighter materials float (scum). The **liquid effluent** flows out through the tank's outlet pipe.

This effluent is then conveyed via the **main effluent line** to the next treatment stage

Sewer Main Effluent Line Separation Requirements in New York State

In New York State, the **Department of Health's Appendix 5-B, Table 1** sets minimum separation distances for public water supply wells from various contaminant sources, including wastewater treatment facilities

For a **municipal or public wastewater treatment facility**, the regulation specifies:

Land surface application or subsurface injection of effluent or digested sludge — 200 feet minimum separation from a public water supply well

Land surface application or subsurface injection of septage waste — also 200 feet minimum

These distances are **minimums** and are intended to protect groundwater from contamination. They do **not** directly regulate the distance between two sewer main lines, but they do apply to the **effluent or sludge injection points** of wastewater treatment plants.

If your question is about placing a **main effluent line** (e.g., a large sewer main carrying treated or untreated wastewater) closer than 200 feet to a public water supply well, the answer is:

No — under NYS public health law, such a placement would violate the 200-foot minimum separation requirement for effluent or sludge injection sites

The 200-foot rule applies to the **point of discharge** of effluent or sludge into land or water, not just the main line itself, but the main line's location relative to a well can still trigger the requirement if it is part of the discharge path.

Key points:

The 200-foot rule is a **public health protection measure** to prevent groundwater contamination. It applies to **municipal/public wastewater treatment facilities** and their effluent/sludge injection points.

If a main effluent line is routed so that its discharge point is within 200 feet of a public water supply well, it would be in violation of NYS regulations.

Local zoning or engineering standards may impose additional requirements, but the 200-foot minimum is the statutory minimum under NYS public health law.

Recommendation: If you are planning a sewer main effluent line near a public water supply well, you must ensure it meets or exceeds the 200-foot separation distance from the well, and consult with the NYS Department of Health and local permitting authorities to confirm compliance.