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Tilden Commons - Site Plan Review/ Public Water System review and waiver request

1 message

John and Bonnie Lichak [redacted] Sat, Aug 15, 2026 at 9:05 PM
To: Elizabeth Brutsch <nlpb.brutsch@gmail.com>
Cc: PZ Clerk <pzclerk@townofnewlebanonny.gov>, Steve Muse <nlpb.muse@gmail.com>, Greg Hanna <nlpb.hanna@gmail.com>, "nlpb3@gmail.com" <nlpb3@gmail.com>, Jim Carroll <nlpb.carroll@gmail.com>, "nlpbalt2@gmail.com" <nlpbalt2@gmail.com>, "nlpbalt1@gmail.com" <nlpbalt1@gmail.com>, "nlzba.powers@gmail.com" <nlzba.powers@gmail.com>, Amy Brueckmann [redacted]

Dear Planning Board Members, Town Engineer and Planning Board Clerk:

We are requesting the following:

- this email be forwarded to the Town Engineer
- the Town Engineer contact the Health Dept and obtain a copy of the DOH review (we were advised by DOH a review memo was released)
- post these comments and the Health Dept review immediately so they are available prior to the August 19 meeting
- if the Town Engineer is able to complete his review prior to the meeting on Wednesday it be posted
- the Site Plan be DENIED since we believe the below review demonstrates the applicant is unable to provide water or sewer to the site.
- or at a minimum the application be TABLED until such time as the DOH and DEC complete their review.

Please note there is no DEC paperwork in the August submission despite the Planning Board request to submit on July 15 as well. Since it is not part of the August submission, it is delinquent.

Th below additional public comments are being submitted to the Planning Board in response to our review of the August 5 submission to the Planning Board. **Please note that the Dropbox submission to the County Health Dept is at the very end of the submission.** We have reviewed both the submissions and found the submission to the Dept of Health was submitted 6/25 which was well in advance of the Planning Board Hearing of 7/30. Once again submissions were late denying both the Planning Board and the public the opportunity of review. We find this unacceptable and after a 13-monthh period deliberate. As detailed below, which is the letter sent to the Health Dept, we found the request for review of a Public Water System and a waiver from the 200- foot requirement to 56 feet woefully inadequate and inaccurate.

We believe it is far past time for the Planning Board to DENY the Site Plan and Special Use Permit. If after 13 months they can't justify how they are going to remedy not meeting the public health regulations for site separation to avoid contamination by three quarters or more since the requirements are a minimum of 200 feet, they obviously have no plan.

Our letter to the County and State Health Dept officials is as follows:

The Tilden Project submitted additional documents to the Town dated 8/5/26 which were posted on or about 8/13. Within the submission was a Dropbox of the documents submitted to the County Health Dept. and ultimately sent to the State for review. The documents do not include the Review comments which we

would have liked a chance to review prior to the Planning Board Site Plan and Special Permit review on Wednesday 8/19.

We reviewed the submission and wanted to forward you the link since there are a number of discrepancies we noted some of which seem pertinent to the DOH review. Here is the link followed by some noted issues:

https://townofnewlebanonny.gov/wp-content/uploads/2026/08/2026-08-05-Tilden-Submission.pdf

1. The Overall Site Plan document, C110, submitted to DOH in the Dropbox file is not current. It is dated 3/4/26. You will note in the 8/5 submission to the Planning Board on page 15 there is a Site Plan, C110 which is dated 7/15/26. Neither the March nor July document seems to include where the water lines will be located.

2. C160 in the DOH submission labeled Septic Plan is also old and dated 3/4/26. The C160 to the Planning Board submitted is dated 7/16/26. Both have an issue previously raised by the Town Engineer (Review #5, dated 4/13/26, page 3) in that Septic Tank # 4 is in the paved area partially in the path of the loading dock. We also noted that the Sewer Force Main and the Sewer line are both under the roadways where cars and tractor trailers will be driving. Copy of the Town Engineer April review here:

   https://townofnewlebanonny.gov/wp-content/uploads/2026/04/2026-04-13-TDE-Response.pdf

3. Note also that the Water and Sanitary Systems Engineer's Report dated July 1, 2026, states on page 6 that the NYS DEC Design Standards require 10,065 gallons of capacity for the residential portion of the project (6,710 x 1.5= !0,065). The Site Plans include 4 - 2500-gallon tanks for a total capacity of only 10,000 gallons. (See page 6).

4. The Water and Sanitary System Engineer's Report dated July 1, 2026 is essentially the same document format as submitted in July 2025, December 2025, and April 2026. As the project details have changed the format has remained relatively static but the data changed. For example, when the project changed from including 3-bedroom units to only 1- and 2-bedroom units, the maximum water supply demand which was clearly incorrect at 40 gpm was changed to 101 gpm. Likewise, the Clearwell tank in July of 2025 was listed as 2500 gallons and is now listed as 5,000 gallons.

   We would expect that the Water Sources portion of the Engineer's Report would be updated to indicate the water and sewer site separation distances (156 feet and 56 feet) and the details of the waiver request. We would expect to also see a map of the abutters property well locations and the project well as well as the water lines which we cannot find on the Site Plan despite them listed by their symbol.

5. Attachment B, Water System Demand Calculations in the DOH submission are not included for the Tilden project. The 3 pages in this attachment seem to be from 3 totally unrelated projects including, Roxbury Barn and Estates, a 160-unit apartment, and Oorah Inc

   You will note that in the April 2026 submission from the applicant to the Planning Board on page 214 these very same unrelated documents were submitted. We find it rather stunning that this is the quality of their submission for approval from the Dept of Health.

The absence of the Water System Demand Calculation would seem to be a major problem and delay in any review of the water system . How has the applicant not supplied any information on the long-term sustainable yield and overall public water supply system configuration.
In May the Town Engineer review stated:

"The Applicant's engineer references additional hydrogeologic evaluation and potential consideration of the well's cone of influence relative to setback limitations; however, no formal agency determination accepting this approach has been provided.

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

The submission to DOH for Approval of a Public Water System and a waiver from site separability seems to provide none of the information necessary for DOH to make those determinations after 13 months of stating and representing they were submitting to DOH.

https://townofnewlebanonny.gov/wp-content/uploads/2026/04/2026-04-01-Tilden-Submission-1.pdf

https://townofnewlebanonny.gov/wp-content/uploads/2026/05/2026-05-15_Tilden-Commons-TDE-Review-Letter-6.pdf

6. Attachment C, - Chemical Disinfection - This chart states the Clearwell Tank has a storage volume of 320 gallons. The Engineer's Report on page 5 states that the Clearwell tank is 5,000 gallons. I am not sure which is supposed to be the correct data.

7. Attachment E - SPEDES Permit paperwork is dated 6/2025 and from what we can gather from the DEC online system the permit application has an Application ID of 4-1048-00120/00002 and has been inactive since November 2025.

8. Attachment F - Hydrology Report - dated 3/3/2026 - We have commented to the Town that the Hydrology Report does not substantiate the contention that area wells will not be impacted by this project. The number of surrounding wells tested was very limited, and there was evidence that the aquifer does in fact serve these households since their wells did see a drop during testing. If the aquifer is shared then we cannot see how they can make the contention that the 56 feet for site separation is adequate vs. the 200-foot regulation. We noted that in the hydrology report there is no well data for all the sites that had the drawdown tests done. Only the parcel owned by Phoebe Young at 528 Rte. 20, relative to the developer, is included. It is not clear why data was included for Stewarts, a site in Stephentown, and a site on Shaker Road

   Page 40 of the Dropbox has the chart of the wells tested. 4,13, and 17 West Street and 43 Tilden Road.

We noted that the depth to groundwater at Stewarts is at 28' 5" whereas the groundwater on the Tilden site has been documented at 3 feet.

We are very much concerned about the applicant making contentions to the Planning Board and the public that they have made a submission to DOH. The submission seems inadequate at best. We are also very disappointed that despite the Planning Board requesting copies of the submissions at their July 15 meeting that the applicant waited until August 5 or after (it is not date stamped but was not posted until 8/13) and that the DOH Review Letter is not included in the submission. The August 5 submission includes emails

between the County Health Dept and the project Engineer indicating the submission was made on June 25, a full 5 weeks before the Site Plan and Special Use Permit Public Hearing. There seems to be an ongoing effort to delay document submissions and prevent the public from a full review.

We would very much appreciate the County/State DOH forwarding to the Planning Board and us a copy of the Review comments PRIOR to the August 19 Planning Board meeting.

We do not believe the project in any way warrants the granting of a waiver and are very concerned about the current residents water source for both supply and protection.

Sincerely,

Bonnie Lichak

Amy Brueckmann