August 17, 2026

To: Members of the New Lebanon Planning Board

Town of New Lebanon
14755 NY-22, New Lebanon, NY 12125
Columbia County, NY

Subject: NYS Sanitary Code Separability Violations and Socioeconomic Impacts for the proposed Tilden Project in New Lebanon, NY (aka the "Tilden Commons")

Dear Chair Brutsch and Members of the New Lebanon Planning Board,

I am writing to respectfully submit comments regarding the site plan application for the proposed Tilden Project, consisting of a 41-unit apartment building and grocery store in New Lebanon, New York (also known as the "Tilden Commons"). While investment in our community is welcome, new development should adhere to well-established public health mandates, environmental protection guidelines, and principles of socioeconomic equity.

A thorough engineering review of the project submissions indicates that the current site plan fails to comply with several core provisions of the New York State Sanitary Code regarding public drinking water protection and wastewater separation. Furthermore, the structural risks inherent in this design present a disproportionate socioeconomic burden for the surrounding rural community.

The proposed multi-unit residential development and commercial grocery space qualify the on-site water supply as a **Public Water System (PWS)** under **10 NYCRR Subpart 5-1**. Consequently, the project is subject to New York State Department of Health (NYS DOH) design standards and *Recommended Standards for Water Works* (Ten States Standards). Unfortunately, the current layout, as currently proposed, presents several critical regulatory deficiencies:

1. Failure to Meet Mandatory Wellhead Separation Distances (10 NYCRR Part 5, Appendix 5-D)

Under NYS DOH Table 1 (*Required Minimum Separation Distances to Protect Public Water Supply Wells from Contamination*), a public water supply well requires a minimum **200-foot separation distance** from subsurface wastewater absorption systems, non-watertight sewer components, and surface runoff recharge areas.

Due to the physical dimensions of the parcel (approximately 200 feet wide according to the applicant's own engineering submissions), the proposed well is sited only **156 feet** from the (on-site) wastewater absorption field. This proximity creates an unmitigated risk of

effluent migration and microbiological/nitrate contamination within the well's cone of depression.

2. Inconsistency with the Town's Drinking Water Source Protection Plan (DWSP2)

The Town of New Lebanon's adopted Drinking Water Source Protection Plan explicitly incorporates state separability guidelines to protect local groundwater quality. The current plan for the Tilden Project calls for the placement of a high-density community septic absorption field near a high-yield public supply well, both of which would be sited over an unconfined aquifer. As currently proposed, this layout would directly conflict with the resource protection objectives previously established by both the Town and County health authorities.

3. Inadequate Sanitary Control and Property Boundary Setbacks

Not only would nearby residents be negatively impacted by the Tilden Project's inadequate water infrastructure. So would the future residents of the proposed 41-unit apartment building. Consider that NYS DOH regulations mandate that public water suppliers maintain ownership or formal sanitary control over the wellhead protection radius (typically a 100- to 200-foot control zone) to prevent uncontrolled land uses from introducing contaminants to the water supply.

As currently proposed, the well would be located only approximately **56 feet** from the adjacent property line. This puts Tilden Project's future water supply at risk. Since the Tilden Project applicant would not be able to exercise sanitary control over neighboring parcels, their drinking water source would be permanently vulnerable to nearby off-site activities, unmonitored chemical applications, or off-site wastewater disposal.

4. Disproportionate Socioeconomic Burden and Rural Equity

Beyond strict hydrogeological concerns, the project's proposed infrastructure model fundamentally conflicts with principles of rural equity. The construction of high-density development with compromised sanitary setbacks introduces a severe, systemic threat to the local water supply. Nearby rural residents who will be negatively impacted by the Tilden Project may lack the extra income needed to install advanced in-home water filtration systems, purchase bottled water indefinitely, or relocate if their drinking water becomes contaminated.

It is understandable that the Project's investors are urging the Town and Planning Board to approve this project. However, for the people who live nearby, the Tilden Project represents much more than just a minor technical site plan variance or the chance to make some

money. Instead, the Tilden Project represents a profound and lasting environmental injustice.

Conclusion and Recommendations

As proposed, the Tilden Project's substandard water and wastewater infrastructure are in violation of NYS DOH regulation. In addition, the Tilden Project would place unacceptable, long-term health and financial burdens on a vulnerable rural population, robbing them of the benefit of the same environmental protections enjoyed by more affluent communities.

I respectfully urge the New Lebanon Planning Board to require full, un-waived compliance with NYS DOH separability standards prior to advancing any site plan approvals. Or alternatively, I hope that the New Lebanon Planning Board will request that the applicant reduces the project scope to a scale that is suitable for its building site.

Thank you for your dedicated service to New Lebanon and for your careful consideration of these public health standards.

Sincerely,

Melba Kurman

New Lebanon Property Owner

[redacted]