



**MEETING MINUTES  
JANUARY 15, 2026  
REGULAR MEETING (IN PERSON ONLY)**

Held at the Comeau Town Offices  
45 Comeau Drive, Woodstock

6:00 PM Time: 6:00 PM  
CALL TO ORDER, determination of quorum

Members Present: Peter Cross  
Judith Kerman  
James Conrad  
Graydon Yearick  
Eugenie Tartell

Members Absent: John LaValle  
Jennifer Drue

Updates to AGENDA: Ms. Melissa Gray asks the Board to please not leave after meeting. She has loose ends of paperwork to give out. She thanks them.

MINUTES: Nov 20 Make motion to approve minutes: Peter Cross 2<sup>nd</sup>: Graydon Yearick Aye: All

NEW BUSINESS:

SCHEDULED BUSINESS:

PUBLIC HEARINGS:

6:00 PM Close Public Hearing for **1105 Route 28** SPR# 18-0367 and SUP# 18-0472

Chairman Peter Cross states we have an open public hearing and it's been open for quite a while. He asks the audience if anyone is here for the 1105 Route 28 public hearing.

Mr. Mark Dombal raises his hand. He doesn't want to speak. Ms. Gray thanks him.

Chairman Cross states there is a resolution up for vote at the end of the meeting. We are basically stating the Planning Board doesn't approve the site plan as it is.

6:05 PM **BERSERKERS LLC SPR# 25-0389 & SUP# 25-0700: Public Hearing** for Site Plan Review and Special Use Permit applications for redevelopment of site to create a seventeen room hotel within the HC Zoning District located at 39 Mill Hill Road in Woodstock SBL 27.55-1-17 Rep: Ron Prody, Esq. of Prody & Cavallaro LLP, Craig Leonard, Tom Pace, Medenbach, Eggers and Carr, Barry Price Architecture

Present: Ron Prody, Solomon Latham, Barry Price, Craig Leonard, and Tom Pace

Chairman Cross reads the above summary.

*Motion to open Public Hearing: Peter Cross 2<sup>nd</sup>: Genie Tartell Aye: All*

Chairman Cross asks the applicants tell everyone about the project. Chairman Cross states at the last Planning Board meeting, there was unanimous approval of this site plan and he asks if any changes have been made or if any further changes are planned to be made.

Mr. Ron Pordy states no.

Chairman Cross asks if anyone is here to comment from the public. No one is.

He asks Ms. Gray if she received any comments.

Ms. Gray reads an email from Ms. Helen DeVoe, a neighbor:

To Woodstock Planning Board,

We are the contiguous neighbors to 39 Mill Hill Road. As we have said before, we do not object to a hotel on that location. It is allowable. There are 2 things we have issues with.

First is having rooms on the third floor looking out over our private residences. Three stories was not allowable for that site. Even though the plans show a kick wall, it is still a full height third floor.

Second is the use of Mowers Lane for hotel traffic. Mowers Lane is a one lane, dead end private road. It is the school bus stop for picking up and dropping off children. Only one vehicle can exit or enter Mowers Lane at a time.

We could not tell from the plan whether there is a 10 foot buffer between our property line and the parking spaces. There is supposed to be.

Sincerely,  
William and Helen DeVoe  
845 679-5947

The applicants respond to the letter. The upper floor only contains two rooms. There will be screening and tree plantings. The distance between is over 75 feet to the building. The building is 35 feet high. Vicechair Judith Kerman states she sees the angles and talks about the one, two, three triangle.

Ms. Gray states this applicant has went to the ZBA twice before coming here with complete zoning compliant plans. She addresses the neighbors' comment above, also. The half floor is legal. She states screening is planned.

Mr. Barry Price states there will not be an issue of headlights or cars. There is parking privacy.

Mr. Ron Pordy agrees with Mr. Price.

Member Genie Tartell asks the applicants, you've never lived in the city, have you.

Mr. Pordy states I have.

Member Tartell talks about a couple on their honeymoon in an embrace and having the public exposed to that. She talks about guests and not being exposed to this. She wants the applicants to think about this.

They discuss having 25 feet trees and lots of privacy.

Mr. Pordy states OK.

Mr. Craig Leonard states the privacy makes sense for both parties.

Mr. Douglas Ballinger, from the Mud Club, stands up and asks the applicants if this is for a café or just the hotel.

Mr. Leonard responds just the hotel.  
Mr. Ballinger thanks Mr. Leonard.

Chairman Cross asks the Board if they have any further questions.  
They do not.

*Motion to Close Public Hearing:* Peter Cross      2<sup>nd</sup>: Judith Kerman      *Aye: All*

*Make motion to approve application pending draft resolution*  
*Make motion:* Peter Cross      2<sup>nd</sup>: Judith Kerman      *Aye: All*

Someone asks the applicants when they believe they will start the project. They hope to begin in the spring.

6:20 PM      **KATE LOUISE JOHNSON & ELIZABETH J. VANN PB# 26-1239: Sketch Plan Review** of a Minor Subdivision application for a Lot Line Revision of (2) parcels resulting in new lots of 1.134 and 21.959 acres by transferring 0.331 acre in the NC & R3 Zoning Districts located at 4632 Route 212 and 35 VanWagner Road in Willow SBL# 14.-2-21 and 14.-2-23.100 Rep: Don Brewer Surveying

Present: Colin Houston

Chairman Cross reads the above case summary. He states this is where the old animal sanctuary was. Mr. Colin Houston shows the Board members the plat with the proposed lot line revisions. They are creating a little more backyard.

Chairman Cross states he'll ask his usual questions.  
They discuss no cutting of trees happening. The lines are not near the well or septic system. All looks good. He asked the Board members if they have any questions.  
No one does.  
Chairman Cross states this is a simple one and he is going to suggest we waive further review. The Board agrees. Chairman Cross makes the motion. Member James Conrad seconds the motion and all members agree with Aye.

UNFINISHED BUSINESS:

+ Make motion to approve draft resolution for Normand SUP# 25-0401B

Make motion to approve draft resolution: Judith Kerman      2<sup>nd</sup>: James Conrad      Aye: All

+ Make motion to approve draft resolution for Berserkers SPR# 25-0389 & SUP# 25-0700

Make motion to approve draft resolution: Judith Kerman      2<sup>nd</sup>: James Conrad      Aye: All

+ Make motion to approve draft resolution for 1105 Route 28 SPR# 18-0367 & SUP# 18-0472

Motion and vote recorded on sheet within resolution.

Motion made by: Judith Kerman

Seconded by: James Conrad  
All members state Aye.

+ Make motion to approve 2026 Calendar

Make motion to approve 2026 Calendar: Judith Kerman                      2<sup>nd</sup>: Graydon Yearick                      Aye: All

Vicechair Kerman is going to check for Jewish holidays and get back to Ms. Gray. There will probably be a revised one with those applicable dates.

ADJOURNMENT                      Time: 6:22 PM  
Make motion to end meeting: Judith Kerman                      2<sup>nd</sup>: James Conrad                      Aye: All

Approved Resolutions:

**TOWN OF WOODSTOCK PLANNING BOARD  
RESOLUTION  
ROGER NORMAND & SARAH ZAIDI  
SPECIAL USE PERMIT APPROVAL WITH CONDITIONS  
SUP # 25-0401B**

At a regular meeting of the Town of Woodstock Planning Board on January 15, 2026:

Present: Peter Cross, Judith Kerman, James Conrad, Graydon Yearick, and Eugenie Tartell

Absent: John LaValle and John LaValle

A Motion was made by: Judith Kerman                      and Seconded by: James Conrad

The Vote was:     Peter Cross                      Aye  
                           Judith Kerman                      Aye  
                           James Conrad                      Aye  
                           Graydon Yearick                      Aye  
                           Eugenie Tartell                      Aye

**WHEREAS**, the Planning Board of the Town of Woodstock, located in Ulster County, New York, is considering an application (the proposed action) from Roger Normand and Sarah Zaidi (the applicants) for Special Use Permit (SUP) approval; and

**WHEREAS**, the proposed action involves the installation of (1) ground mounted solar array totaling 843.15 square feet consisting of (36) modules of 440 W each located in the R5 Zoning and Scenic Overlay Districts at 20 New Cut Road in Bearsville; and

**WHEREAS**, the parcel is designated on the Tax Map of the Town of Woodstock as Section 15.4, Block 5, Lot 10; and

**WHEREAS**, the following maps and materials were reviewed by the Planning Board:  
1) *Special Use Permit application*, including *Short Environmental Assessment Form* (EAF), received November 13, 2025;

- 2) *Referral from Zoning Enforcement Officer (ZEO) dated and received November 13, 2025;*
- 3) *Site Plans titled Photovoltaic Ground Mount System: 36 Modules- Ground Mounted- 15.840 kWDC, 10.440 kWAC New Cut Road; Bearsville, NY 12409 USA APN# 515800154510 PV-0 through PV-13 dated September 16, 2025 and received November 13, 2025; and*

**WHEREAS**, in accordance with SEQRA 6 NYCRR Part 617.5(c), and by reference to TWEQR, the proposed action is considered a Type II Action for which SEQR review & determination are not necessary; and

**WHEREAS**, pursuant to General Municipal Law Sections 239(l)(m)(n) and the referral exemption criteria as agreed to in the Memorandum of Agreement signed January 2009 & updated December of 2018 with the Town of Woodstock Planning Board, referral to the Ulster County Planning Board (UCPB) was deemed not necessary; and

**WHEREAS**, in accordance with Woodstock Town Code Chapter 65, *Environmental Quality Review* (TWEQR), copies of the application and Short EAF were offered to the Woodstock Environmental Commission (WEC) for its review; no WEC comments or concerns were received with respect to the proposed action; and

**WHEREAS**, pursuant to the Town of Woodstock Zoning Law, Zoning Board of Appeals (ZBA) Variance(s) are not required for the proposed action; and

**WHEREAS**, a sketch review of the application was held on November 20, 2025, at which time the Planning Board (PB) reviewed details of the proposed solar array in the R5 and Scenic Overlay Districts. The PB discussed the application extensively with the Applicant. They discussed the placement of the array, existing structures on the parcel and no trees coming down to accommodate the mounted solar array. The PB waived further review due to promoting solar energy within the town and knowing there would not be land cleared for this. The Board agreed to let the Building Department know he could continue with building department prior to this resolution being approved. Final signed plans and Special Use Permit were issued by Planning Board office on December 16, 2025 and given to the Building Department on same date. This resolution was approved at the next PB meeting on January 15, 2026; and

**NOW, THEREFORE, BE IT RESOLVED**, That with regard to the Roger Normand and Sarah Zaidi Special Use Permit (SUP) # 25-0401B, the Planning Board makes the following determinations for the (1) piece ground-mounted solar array in the R5 and Scenic Overlay Districts:

1. The proposed action conforms to the required yard setbacks of Area and Bulk Regulations of the Town of Woodstock Zoning Law;
2. Section 260-66(A) of Woodstock Zoning Law has been reviewed and the following findings are made:
  - a. Extensive cut and fill activities are not planned. There will be no tree removal and the proposed structure will not be visually conspicuous; therefore, a vegetation restoration plan is not needed.
  - b. The Scenic Overlay section of the Zoning Law requires that chosen building materials, colors and textures blend well with the natural environment. The applicant submitted the solar array plans and details that the Planning Board finds acceptable and in accordance with provisions of Scenic Overlay District.
  - c. The project must respect natural drainage ways, contours and landforms. The Planning Board finds that proposed action meets these objectives. The area of disturbance is minimal to the area of the proposed solar array and trenches.
  - d. The law prohibits development along and/or projecting above ridgelines or in a visually prominent area. The area of disturbance is not located on an escarpment or ridge and structure is not located in a visually prominent area. Due to existing vegetative buffers, the location of the proposed action and its topography, the use of materials, colors and textures that blend well with environment, the Planning Board finds that the modifications to the site will be visually inconspicuous.
  - e. The project must maintain natural buffers or other vegetative screening between land uses, developed areas and public roadways. The prior site visit revealed that existing natural buffers and vegetative screening are being maintained.
  - f. The applicant is required to minimize tree-cutting activities. The applicant confirms tree-cutting will not occur for this installation.
3. Location, size and intensity of the proposed action are in keeping with existing residential uses/clearings in the area. Adequate natural buffers are being maintained between land uses. The character and appearance of the proposed action is in general harmony with other approved actions in this vicinity and the Scenic Overlay District; Be it Further

**RESOLVED**, That the Planning Board hereby **grants approval** to the Roger Armand and Sarah Zaidi application for Special Use Permit (SUP) #25-0401B, **subject to the conditions** cited below:

1. Three (3) complete copies of site plans, with compliance statement signed by the applicant, shall be submitted for endorsement by the Planning Board; **plans received, please submit compliance statement with below final development fee**
2. The **Final Development Fee of \$200**, in accordance with Section 1.62 of the Town of Woodstock Development Fee Schedule, shall be paid prior to Planning Board endorsement of final plans; Be it Further

**RESOLVED**, That Special Use Permit (SUP) #25-0401B shall be issued **under the following conditions**:

1. The applicant shall adhere to the final signed and filed Site Plan and elevations. Any and all future modifications shall conform to and comply with all applicable sections of the Town of Woodstock Zoning Law.
2. Materials and colors shall be as specified herein, or applicant shall request Planning Board approval of any modifications; Be it Further

**RESOLVED**, That this Special Use Permit and plans **shall expire if the approved activity is not commenced or diligently pursued within twelve (12) months of the date of this Resolution**; Be it Further

**RESOLVED**, That any alteration or deviation from the *final signed* plans shall require the prior review and approval by the Planning Board, and shall comply with the requirements of Section 260-66 of the Zoning Law; Be it Further

**RESOLVED**, That this Resolution shall be deemed to authorize only one particular use as defined herein and as delineated on the *filed final* plans; Be it Finally

**RESOLVED**, That failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may cause the revocation of said approval, or the revocation by the Building Inspector of any issued Building Permit and/or Certificate of Occupancy or Compliance pertaining thereto.

**RESOLUTION OF THE  
TOWN OF WOODSTOCK PLANNING BOARD**

**SITE PLAN REVIEW APPROVAL  
INCLUDING SPECIAL USE PERMIT  
SPR# 25-0389 & SUP# 25-0700**

**BERSERKERS LLC**

At a regularly scheduled meeting of the Town of Woodstock Planning Board on January 15, 2026:

Present: Peter Cross, Judith Kerman, James Conrad, Graydon Yearick, and Eugenie Tartell

Absent: John LaValle and Jennifer Drue

A Motion was made by: Judith Kerman and Seconded by: James Conrad

The Vote was:	Peter Cross	Aye
	Judith Kerman	Aye
	James Conrad	Aye
	Graydon Yearick	Aye
	Eugenie Tartell	Aye

**WHEREAS**, the Planning Board of the Town of Woodstock, located in Ulster County, New York, is considering applications for Site Plan Review (SPR Case # 25-0389) and Special Use Permit (SUP Case # 25-0700), from Woodstock Gardens LLC (applicant) for the redevelopment of

the subject property described below as a permitted seventeen room hotel (hereinafter referred to as the “proposed action”); and

**WHEREAS**, the subject property is located within the Hamlet Commercial (HC) Zoning District consisting of approximately a lot of ±0.51 acres located at 39 Mill Hill Road with SBL 27.55-1-17 and in the Hamlet Commercial Zoning District; and

**WHEREAS**, the subject property is currently vacant. The proposed hotel is within compliance of the Zoning Code. The proposed action is to redevelop the site with a seventeen room hotel; and

**WHEREAS**, transient hotel use is a permitted use within the Hamlet Commercial Zoning District. The proposed action redevelopment activities will be executed using best practices and adhering to the approved site plans; and

**WHEREAS**, the proposed action did not require referral to the Town of Woodstock Zoning Board of Appeals (ZBA) for variances from the area and bulk requirements of the Town of Woodstock Zoning Law. Previously, the applicant worked with the ZBA and resulted with plan within compliance of the zoning code for the Town of Woodstock; and

**WHEREAS**, implementation of the proposed action also requires other permit approvals; and

**WHEREAS**, materials submitted or received in support of the proposed action include:

1. Pre-Sketch meeting held on April 4, 2024 prior to submittal of application to discuss concept and initial planning;
2. Site Plan Review and Special Use Permit applications, including EAF dated December 23, 2024 prepared by Craig Leonard, Applicant and Member of Berserkers LLC and Referral from ZEO dated and received December 26, 2024;
3. *Site Plan and Existing Conditions for Berserkers LLC* dated December 11, 2024 prepared by Medenbach, Eggers and Carr received December 26, 2024;
4. *Floor & Roof Plans, Section Studies, Elevation Studies, Visualizations, and Code Review Plans* dated December 16, 2024 prepared by Barry Price Architecture, received on December 26, 2024;
5. *“Addendum” Brief Description of Proposed Action for Berserkers LLC SPR# 25-0389* dated December 14, 2024 received December 26, 2024;
6. Letter from NYS Parks, Recreation & Historic Preservation dated and received January 28, 2025;
7. First Meeting with Planning Board scheduled for February 6, 2025 and cancelled due to inclement weather;
8. First Meeting held on February 20, 2025 with application being referred to Commission for Civic Design;
9. *Revised Site Plan for Berserkers LLC including Parking Plan* dated December 11, 2024 prepared by Medenbach, Eggers and Carr and revised *Plans* dated January 30, 2025 prepared by Barry Price Architecture received February 20, 2025;
10. Letter from NYS Parks, Recreation & Historic Preservation dated and received March 31, 2025;
11. *Final Decision & Determination* from Commission for Civic Design regarding application dated March 14, 2025, dated and received April 13, 2025;
12. Second Meeting with Planning Board on June 5, 2025;
13. *Cover Letter* dated October 8, 2025 including *FEAF Addendum A: Brief Description of Proposed Action Berserkers LLC SPR# 25-0389*, prepared by Ronald S. Pordy of Pordy & Cavallaro with *Revised Site Plans* prepared by Medenbach, Eggers and Carr containing

*Index Sheet, Site Plan, Existing Conditions, Grading & Utility Plan, and Details including FEAF prepared by Ron Pordy, Esq. attorney for the applicants, received on October 17, 2025;*

14. Third Meeting with Planning Board on November 20, 2025;

15. Public Hearing scheduled for January 15, 2025; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 (“SEQR”) and Town of Woodstock Environmental Quality Review Act (“TWEQR”), for which the Planning Board conducted a non-coordinated environmental review; and

**WHEREAS**, on June 5, 2025, the Planning Board discussed this application and concluded its SEQR / TWEQR review with the issuance of a Negative Declaration Determination, thereby determining an Environmental Impact Statement will not be required; and

**WHEREAS**, during the Zoning Board of Appeals process, the proposed action was referred to the Ulster County Planning Board in accordance with General Municipal Law §239-LMN, to which the County responded asking for photo simulations of proposed building. The Planning Board did not refer to Ulster County Planning Board due to their prior referral with the ZBA; and

**WHEREAS**, the Planning Board has considered the Full Environmental Assessment Form and Addenda, architectural and engineering plans, all other applicant submitted materials, written and oral comments of the applicant, as well as verbal commentary by the public made during the Planning Board’s review and the public hearing session pertaining to the review of the proposed action. The Planning Board has also taken into account its knowledge of the site and the surrounding neighborhood while keeping the health, safety and welfare of the community in mind throughout; and

## **SPECIAL USE PERMIT**

### **FINDINGS**

#### **§260-62, General Standards and §260-63M, Motel Use Specific Supplemental Standards**

**BE IT FURTHER RESOLVED**, the Planning Board hereby renders the following findings in accordance with §260-62, General Special Permit Standards and §260-63M, Hotel / Motel Use Specific Supplemental Standards:

SP1. *The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing streets providing access will be in harmony with the orderly development of the district:*

1. Overall proposed site disturbance is consisting collectively of approximately ± 0.5 acre of the site, which is 0.51 acres in total. Existing conditions are required to be demolished and start anew on the site.
2. The project will be implemented in with best environmentally conscious practices being upheld to create the new building and site; providing an upgraded and expanded facility use of the site, while replacing the existing deteriorated gas station into hotel transient use, whilst adhering to all zoning conformities.
3. The proposed use is a seventeen (17) unit hotel located at 39 Mill Hill Road within the Hamlet Commercial (HC) District and is a permitted use subject to an SUP.

4. The proposed motel and its operation are permitted uses within the Town Code.
5. The proposed action will not encourage or attract a large number of people to the area, will not create a material demand for other actions, create a hazard to human health, cause a major change in the use of either the quantity or type of energy resources presently used, and will not result in a substantial change in the use or intensity of the former site use of the subject property.
6. With Special Use Permit and Site Plan approval, all precautions and measures will be taken to sustain the site to current zoning regulations and best practices being upheld during construction and future use.

SP2. *The location, nature and height of the buildings, walls and fences, and the nature and intensity of intended operations, will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*

1. The proposed action designed is consistent with current zoning regulations for Site Plan Review and Special Use Permit within the Hamlet Commercial Zoning District and Commission for Civic Design standards.
2. The restoration of this parcel will create an access to the hotel and remove an eyesore among the town, while creating accommodation for tourists.

SP3. *Proposed traffic accessways are adequate in number, width, grade, alignment and visibility and are sufficiently separated from street intersections and other places of public assembly; and meet similar safety considerations. Adequate safe and accessible off-street parking will be provided.*

1. The proposed action does involve the development of an accessway as an entrance including a one-way proposed drive from Mill Hill Road and exit from Mowers Lane.
2. The principal access on Mill Hill Road and proposed plans will provide sufficient parking for the hotel.
3. The subject property is located in proximity to the Trailways bus stop, as well as Hamlet shopping, eating and cultural opportunities thus providing the potential for non-vehicular dependent trips to Woodstock and activities while in Woodstock.

SP4. *Parking and service areas will be screened from the view of adjacent residential lots and streets, and the general landscaping of the site is in character with that generally prevailing in the neighborhood.*

1. The parking area is within the egress of the entrance on Mill Hill Road and exit on Mowers Lane.
2. Site landscaping and perimeter screening is proposed.

SP5. *Proposed buildings, structures, equipment and/or material are readily accessible for fire and police protection.*

1. Onsite access roads will be improved to include better access and drainage control.

SP6. *The character and appearance of the proposed use, buildings, structures and/or outdoor signs are appropriate in connection with the character and appearance of the surrounding neighborhood.*

1. The proposed action is a permitted use of the site and conforms with the community character. It is maintaining and enhancing open space, landscaping, screening, suitable lighting, pedestrian accessibility to Hamlet services, transportation, shopping, walking and other recreational opportunities.
2. New lighting will be dark sky compliant and of a design consistent with the building architectural style and construction.
3. Landscape quality of the site and the neighborhood will be enhanced and the appearance of the existing subject property will be upgraded with a design that will be complementary to the site and surrounding neighborhood, with a design that is a substantial improvement from that of the existing site currently.
4. The proposed use does not include components or operations that will generate noise, fumes, vibrations or flashing lights.

## **PERMIT APPROVALS**

### **Special Use Permit Approval and Site Plan Approval**

**BE IT FURTHER RESOLVED**, that upon full consideration of the above, the Planning Board hereby grants a Site Plan Approval and Special Use Permit to allow the proposed principal Hotel use specific to the proposed action as described herein and detailed in the above noted application materials, subject to the conditions and modifications listed under "Consolidated Conditions of Approval" as set forth below; and

## **CONSOLIDATED CONDITIONS OF APPROVAL**

### **Special Use Permit Approval and Site Plan Approval**

#### **A. GENERAL CONDITIONS OF APPROVAL**

1. The approvals granted herein shall not take effect until final "Site Plans" are revised and received with the Planning Board as required by the Administrative Assistant and as required below for signature by the Planning Board Chair. The Site Plans approved herein and as signed by the Planning Board Chair, shall constitute the collective approved plans for the approvals. By acceptance of the approvals herein, the applicant agrees that said approvals are contingent upon strict compliance with the Town Code of the Town of Woodstock, all applicable regulations, and all of the conditions set forth herein.
2. The approvals set forth herein authorize only those activities approved herein and as delineated on the signed final Site Plans. Any additions, changes or modifications to the approved activities, the Site Plans, the site, or to the land use activities and site improvements, systems or facilities thereon, shall require the prior review and approval of the Planning Board.
3. All development of the subject property shall conform to the intent, statements, findings, requirements and mitigation measures set forth in the public record and the signed final Site Plans. The applicant shall be responsible for informing their independent contractors, employees, agents and assigns of their responsibility to comply with the terms, conditions

and modifications set forth in these approvals. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this Resolution and the approvals granted herein, which may lead to the revocation of said approvals, individually or collectively, as well as to any issued Building Permit or Certificate of Occupancy / Use / Completion pertaining thereto.

#### **B. PRIOR TO ENDORSEMENT OF FINAL SITE PLANS**

1. The applicant shall provide verification of approval of improvements/connections to the existing municipal water and sewer facilities by the Town Water and Sewer Superintendent, including engineered plans of septic and water resources to be approved by Town Engineer and Town Water & Sewer Department
2. Plantings and gardens to remain as native as possible and adhering to approved plans. Least tree cutting as possible, with replanting to occur as depicted on plans
3. A final Town Development Fee in the amount of \$ 1,734 shall be paid to the Town of Woodstock in accordance with Sections 1.21 (Site Plan Review) and 1.23 (Special Use Permit Fee) of the Town of Woodstock Development Fee Schedule
4. Authorized issuance of administrative permits and the performance of inspections by the Building Inspector and ZEO shall be fully based on, and in accordance with this Resolution and the final Site Plans as signed by a Planning Board Member

#### **C. CONDITIONS OF OPERATION**

1. The appearance, function and use of the site, buildings, infrastructure and its improvements shall be maintained in an orderly working fashion as designed and approved, and shall be regularly maintained in a neat and orderly manner, free of debris, erosion, sediments or litter and refuse.
2. Any subsequent alterations, modifications, additions or changes to the approved and constructed improvements and mitigation measures as specified in the approved plans shall require the prior review and written approval by the Planning Board as a separate new, modified and/or amended application(s) to the extent required under the provisions of the Town of Woodstock Zoning Law and other applicable Codes.

#### **APPROVALS EXPIRATION**

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**BE IT FURTHER RESOLVED**, a copy of this Resolution as adopted herein shall hereby be circulated to the applicant and Town Building Inspector; and

**BE IT FURTHER RESOLVED**, the Special Use Permit and Site Plan Approvals granted herein shall expire, without further written notice, if a Building Permit is not obtained within thirty -six (36) months of the date of this Resolution, unless an extension by the Planning Board is granted, pursuant to Zoning §260-71A and §260-86; and

**BE IT FURTHER RESOLVED**, the Site Plan Approval granted herein shall expire, without further written notice, if a Certificate of Occupancy for all new and modified site buildings and structures is not obtained within thirty-six (36) months from the date of this Resolution; and

**BE IT FURTHER RESOLVED**, that said time periods may only be changed by the Planning Board if in the Board's opinion it is warranted by particular circumstances. Any changes shall be submitted to the Planning Board in writing a minimum of 45 days prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Planning Board may require a Public Hearing.

\*SEE NEXT PAGE for 1105 Route 28 Resolution. Thank you.





**Resolution of  
The Town of Woodstock Planning Board**

**Resolution disapproving preliminary site plan  
pursuant to Woodstock Zoning Law § 260-78(A),  
and disapproving the application for a special use permit  
pursuant to Woodstock Zoning Law § 260-68(C)**



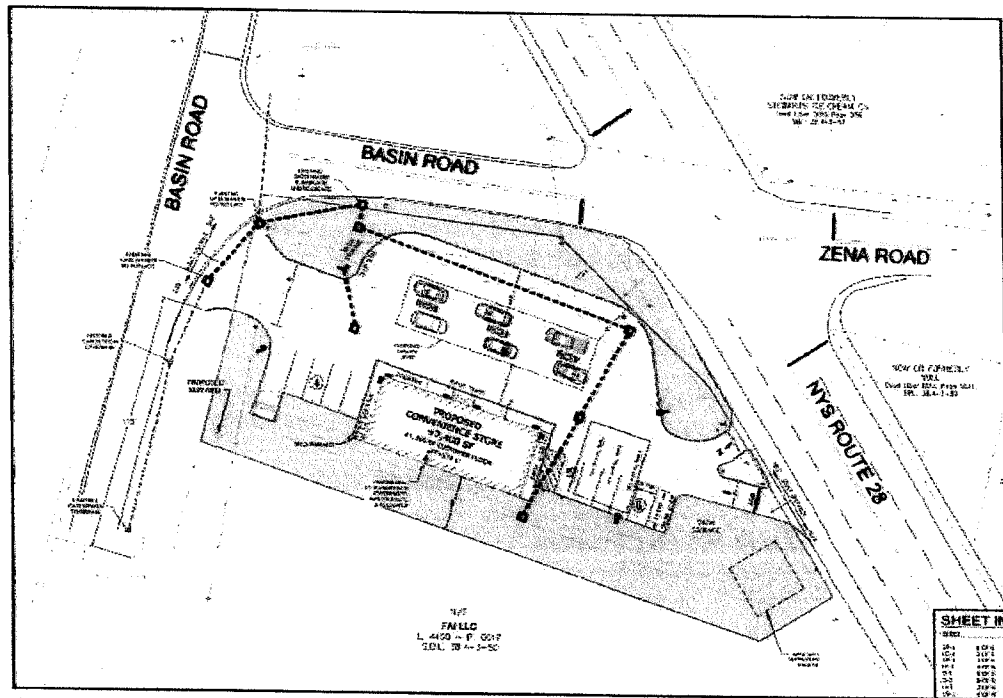
**Date:** Thursday, January 15, 2026  
**Applicant:** 1105 Route 28 LLC  
**Project:** Motor vehicle gas station and convenience store  
**Property:** 1105 New York State Route 28, Town of Woodstock, Ulster County, NY  
SBL: 38.4-3-48  
**Matter:** Application for Site Plan Approval and a Special Use Permit  
SPR # 18-0367 ; SUP # 18-0472

**WHEREAS:**

**Part 1  
The Property, the Applicant, & the Project**

1. This application involves property located at 1105 New York State [NYS] Route 28 in the Town of Woodstock, Ulster County, New York State, which property bears the the Tax Map SBL: 38.4-3-48 ("Property").
2. The Property is owned by 1105 Route 28 LLC, having an address at 1983 Route 52, Suite 1A, Hopewell Junction, New York 12533 (referred to herein as the "Applicant"). The Applicant proposes to re-establish a motor vehicle gasoline station, along with adding a convenience store, on the Property (the "Project"). The Applicant is represented before this Board by Taylor Palmer, Esq., of the law firm of Cuddy + Feder, LLP.
3. The Applicant's Property is approximately 0.76 acres in area. Pursuant to the Town of Woodstock Zoning Map, the Property is located in the Neighborhood Commercial [NC] Zoning District.

4. The Applicant states that the Property was previously used as a gasoline station beginning in approximately 1972. There is currently a vacant structure on the Property that used to house the former gasoline station. The Property is a corner lot, with frontage on NYS Route 28 on its eastern boundary, and frontage on Basin Road on its northern and western boundaries, as shown on the site plan map entitled "Site Plan for 1105 Route 28 LLC" by Medenbach, Eggers, & Carr, dated February 6, 2023, and last revised on November 11, 2024.
5. The latest iteration of the Applicant's Project proposes a gasoline filling station and a convenience store. The proposed convenience store will be ±2,400 square foot [SF], which will have 1,350 SF of customer floor area. There will be three (3) fueling stations, for a total of 6 gasoline pumps. The fueling stations will be located in front of the convenience store building. (See Figure 1 below).
6. The Property is located at a point where Basin Road intersects with the western boundary of NYS Route 28. Directly across the intersection, Zena Road intersects with the eastern side of NYS Route 28. There is a traffic light located at this intersection. See Figure 1 below.



**Figure 1. Site plan as proposed**

7. NYS Route 28 is a four-lane highway carrying traffic two lanes of northbound traffic in one direction, and another two lanes of southbound traffic in the opposite direction. Although NYS Route 28 has a posted speed limit of 45 miles per hour [mph], through

traffic has been clocked at an 85<sup>th</sup> percentile speed of 52 mph.<sup>1</sup>

8. **Access to the Property will be in two locations. One point of access is located on Basin Road, at the Property's western boundary. This will allow both ingress and egress from the Property directly onto Basin Road.**
9. **The other point of access is located on NYS Route 28. Ingress from NYS Route 28 will be from the southbound lanes of Route 28. Egress from the Project site onto Route 28 will be by a right-turn-only lane from the site, turning south on Route 28. (See Figure 1 above).**
10. **According to the Town of Woodstock Zoning Law Use Table, a gas station is an allowed use in the Neighborhood-Commercial [NC] Zoning District subject to issuance of a special use permit [SUP]. Pursuant to Woodstock Zoning Law § 260-74 site plan approval is required for this Project before a Building Permit may be issued. Hence, The Project requires site plan approval and a special use permit.**
11. **The Applicant contends that:**
  - the Application fully satisfies the Town of Woodstock Zoning Law criteria for both site plan approval and the issuance of a special use permit;**
  - the Project is consistent with the built environment, including the Stewart's Shops gasoline station and convenience store, which is located at 5-7 Zena Road and directly across NYS Route 28 from the Project;**
  - The Project ingress and egress access is consistent with "a number of shared right-in turns (i.e., no right turn lanes) and full movement driveways found along the NYS Route 28 corridor."<sup>2</sup>**

## **Part 2 Procedural History**

12. **The Applicant was assisted in making the application by: (1) Medenbach, Eggers, & Carr, Project engineers and surveyors to the Applicant; (2) Creighton Manning Engineering, Project traffic engineers to the Applicant; and (3) Cuddy + Feder LLP, attorneys for the Applicant.**
13. **The Planning Board has been assisted in its review by the following professionals: (1) Matthew D. Rudikoff, AICP, of Matthew D. Rudikoff Associates, planning consultants to the Planning Board; (2) Stephan A. Maffia, PE, consulting traffic engineer to the Planning Board; and (3) Grant & Lyons LLP, attorneys for the Planning Board.**

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<sup>1</sup> Report of Stephan A. Maffia, PE, consulting traffic engineer to the Woodstock Planning Board, dated January 17, 2025, at P. 1.

<sup>2</sup> Letter dated April 3, 2025, from Taylor M. Palmer, Esq., of Cuddy + Feder LLP, to the Town of Woodstock Planning Board, at p. 2.

14. The Project has been before the Planning Board since 2018, and the Applicant has appeared at numerous Planning Board meetings, site visits, and meetings with Town staff and with outside agencies during the review of the Project.
15. The Project has been in front of the Planning Board for a long time in part because of the difficulties associated with redeveloping this 0.76-acre site as a gasoline station and convenience store. The site is very small and awkwardly configured. Issues and concerns associated with establishing safe ingress to, and egress from, the site by the public have been especially difficult. This issue is a core concern for the Planning Board. The Planning Board has not been alone in that regard. Concerns about the safety of ingress and egress to and from the site have also been shared by the Ulster County Planning Board, and the Ulster County Gateway Committee.
16. During the course of the review, the Project was discussed at Planning Board meetings held on: November 7, 2019; December 5, 2019; May 20, 2021; May 4, 2023; November 16, 2023; July 15, 2024; August 15, 2024; December 19, 2024; April 3, 2025; and January 15, 2026.
17. Over the course of our review, in response to comment raised by the Planning Board and its consultants, numerous changes have been made in the plan for the proposed Project.
18. Originally, the Project proposed five (5) fueling stations with (10) gasoline pumps. In particular, that design was revised as of October 19, 2023 to include four (4) fueling stations with eight (8) gasoline pumps. The fueling stations were further reduced as of March 21, 2024 to include three (3) fueling stations having six (6) gasoline pumps. However, the concern of safe ingress and egress have not been alleviated.

**Part 3**  
**Referral to the Ulster County Planning Board**  
**Pursuant to §239-m of the New York State General Municipal Law**

19. This application was referred by the Planning Board to the Ulster County Planning Board [UCPB] pursuant to NYS General Municipal Law [GML] § 239-m, and the County Planning Board reviewed the referral on November 6, 2024.
20. The UCPB provided a written response to the Woodstock Planning Board dated November 6, 2024. This response acknowledged that "access to the State and County Routes has always been the primary concern for this project," and acknowledged as well that traffic safety was also a concern of the Ulster County Gateway Committee. The UCPB response discussed "Transportation" and contained some "Required Modifications." The details of those UCPB comments will be discussed in more detail later in this Resolution.

**Part 4**  
**Public Hearing**

21. A public hearing on this application was duly advertised and held on April 3, 2025, at the

Town of Woodstock meeting room 45 Comeau Drive, in the Town of Woodstock, at which time public comment on this application was received. The public hearing was then continued and was conducted across fourteen (14) sessions on the following dates, during which comment and testimony were taken:

- April 3, 2025;
- April 17, 2025;
- May 15, 2025;
- June 5, 2025;
- July 3, 2025;
- July 17, 2025;
- August 7, 2025;
- August 21, 2025;
- September 4, 2025;
- September 18, 2025;
- October 16, 2025;
- November 6, 2025;
- November 20, 2025; and
- January 15, 2026

**Part 5  
SEQRA and TWEQR**

22. It was determined during the course of our review of this application that this action should be classified as a Type II action under New York's State Environmental Quality Review Act [SEQRA], which means that the action is exempt from environmental review under SEQRA.
23. This proposed project fits squarely into one of the categories of actions which have been identified by the New York State Department of Environmental Conservation [NYSDEC] as being exempt from SEQRA. Part 617.5 (c)(9) of the New York State SEQRA regulations says:

(c) The following actions are not subject to review under this Part: ...

- (9) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
24. This project presents the construction of a non-residential structure of 2,400 square feet [SF], which is far less than the 4,000 SF gross floor area threshold in Part 617.5(c)(9). Further, the project is consistent with the Zoning Law. As already noted above, pursuant to the Zoning Law Use Table, a gas station is an allowed use in the Neighborhood-Commercial [NC] Zoning District subject to issuance of a special use permit [SUP].
25. In view of the foregoing, this Board declared the proposed Project to be a Type II action under SEQRA.
26. As a Type II action under SEQRA, and pursuant to § 65-5 of the Town of Woodstock Environmental Quality Review Law [TWEQR], this proposed action is also classified as a Type II action pursuant to TWEQR.

**Part 6**  
**Site Plan Review and Special Use Permit Standards**

6.1. Town of Woodstock Zoning Law special use permit standards.

27. This application requires the issuance of a special use permit.
28. Woodstock Zoning Law § 260-62 sets forth the standards which apply to projects which require a special use permit.
29. The special use permit standards are important. With regard to special use permit standards, the Practice Commentary to §274-b of the New York State Town Law (entitled "Approval of Special Use Permits"), says:

Town Law § 274-b(1) defines the term "special use permit" as "an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such local law to assure that the proposed use is in harmony with such local law and will not adversely affect the neighborhood if such requirements are met." The inclusion of a use in a zoning law as a special permit use is tantamount to a legislative finding that the permitted use is in harmony with a community's general zoning plan and will not adversely affect the neighborhood.<sup>3</sup>

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<sup>3</sup> See also, *Retail Property Trust v. Board of Zoning Appeals of the Town of Hempstead*, 98 N.Y.2d 190, 195, (2002).

However, entitlement to a special permit is not a matter of right.<sup>4</sup> The nature of a special permit is not such that it "must always be granted subject only to the imposition of reasonable conditions."<sup>5</sup> "Failure to comply with any condition upon a special exception, however, is sufficient ground for denial of the exception [emphasis added]."<sup>6</sup>

30. In order to grant a special use permit, the Planning Board must determine that the special permit use satisfies the required requirements and criteria. One of the main standards that special permit uses must satisfy is set forth at the beginning of § 260-62 and says:

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety, and general welfare and the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into strict account the specific conditions set forth in this article for certain uses, applicable supplementary regulations stated in Article V of this chapter, and the following general objectives for any use requiring Planning Board authorization [emphasis added].

31. In accomplishing this, the Planning Board must also follow general objectives for any use that requires a special use permit. Section 260-62(C) is among the individual standards that the Planning Board must consider in weighing whether to grant a special use permit. That standard says that the Board must consider:

C. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; sufficiently separated from street intersections or other places of public assembly; and meet similar safety considerations [emphasis added].

This standard encompasses the matter of ingress and egress from the Project site. Such access must be deemed to be safe by the Planning Board, especially in light of the last phrase in the standard which refers specifically to safety.

32. Section 260-62(C) also requires that all traffic accessways must be sufficiently separated from street intersections.
33. Hence, as part of our review of this application, we must determine if these standards have been met by the application as proposed. In this case, such standards are to be applied to the proposed Project. One of the main questions we must address is whether the direct ingress and egress to and from the site from Route 28 meets those standards

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<sup>4</sup> See *Tandem Holding Corp. v. Board of Zoning Appeals of the Town of Hempstead*, 43 N.Y.2d 801 (1977).

<sup>5</sup> *Id.* at 802.

<sup>6</sup> *Retail Property Trust v. Board of Zoning Appeals of the Town of Hempstead*, 98 N.Y.2d 190, 195 (2002); see also *Wegmans Enterprises, Inc. v. Lansing*, 72 N.Y.2d 1000, 1001-1002 (1988); *Tandem Holding Corp. v. Board of Zoning Appeals of the Town of Hempstead*, 43 N.Y.2d 801, 802 (1977).

to provide safe and adequate accessway.

34. Additionally, Section 260-62(L) says:
- L. Additional standards. The Planning Board may establish any additional standards appropriate to any special use permit in this article.
35. This provision gives this Board the discretion to establish standards that are not already set forth in § 260-62 so long as they are appropriate to the special use proposed.

6.2. Town of Woodstock Zoning Law site plan review standards.

36. The site plan review standards pertaining to traffic in the Zoning Law are set forth in § 260-77, which governs the Planning Board's conduct of preliminary site plan review. Subsection A says that the Planning Board's review of a preliminary site plan shall include:

1. adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls;

and shall also include,

2. adequacy and arrangement of pedestrian and bicycle traffic access and circulation, including separation of pedestrian from vehicular traffic, and overall pedestrian convenience and safety;

37. Section 260-77(A)(1) again requires adequacy as regards vehicular traffic access, circulation, and includes intersections. The term "arrangement" means the layout of traffic accessways. All of those factors apply to the traffic and traffic safety issues presented by this Project.

6.3 Town of Woodstock special use permit specific standards for gasoline stations.

38. Zoning Law § 260-63(B) sets forth the specific special use permit standards for motor vehicle and gasoline stations, which include the following requirements:
- The minimum lot area shall be 30,000 square feet and the minimum lot frontage shall be 200 feet;
  - No building shall be erected closer than 20 feet to any street or lot line;
  - Entrance and exit driveways shall have an unrestricted width of not less than 18 feet nor more than 30 feet, nor shall they be located closer than 10 feet to any side or rear lot line;
  - No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;

- No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than 50 persons, unless a street not less than 50 feet in width lies between such service station and such building or use;
- Gasoline or flammable oils in bulk shall be stored fully underground, in accordance with New York State Department of Environmental Conservation (DEC) Part 614 Regulations, and shall not be located closer than 10 feet to any street line or 35 feet to any lot line; and
- No gasoline pump shall be located closer than 25 feet to any property line

**Part 7  
The Key Question Before Us**

- 39. **The key issue regarding this application continues to be the question of traffic safety with regard to the proposed ingress and egress directly from NYS Route 28.**
- 40. **We acknowledge that the use proposed is an allowed use in the Neighborhood Commercial [NC] Zoning District, subject to our determination to grant a special use permit for that use.**
- 41. **We acknowledge that, over the course of our review of this application, the Applicant has made several, positive changes to the design of the Project in an effort to address the concerns that we have expressed about traffic safety.**
- 42. **We acknowledge that the NYS Department of Transportation [NYSDOT] has reviewed the Applicant's plan, and the comments of the Applicant's professional consulting traffic engineers, Creighton Manning, and granted conceptual approval of the Applicant's plan to have both direct ingress from NYS Route 28 and direct right-turn-only egress onto southbound Route 28.**
- 43. **The question before this Board at this juncture is whether the site plan presently before the Board, which allows both direct ingress from Route 28 and direct right-turn-only egress onto southbound Route 28, satisfactorily address this Planning Board's concerns about traffic safety, such that the Board can determine that the criteria for site plan approval and a special use permit have been met and site plan approval and a special use permit can be granted for this Project.**

**Part 8  
Traffic Safety Considerations**

- 44. **Since the inception of this Board's review of this application, concern on the part of the Board has been a core concern about the design of this Project. As residents of the Town of Woodstock, all of the members of the Planning Board are familiar with NYS Route 28, and the traffic safety problems that have occurred on this high-speed State**

Road which traverses otherwise semi-rural and rural areas.

45. At present, the Project proposes access into and out of the site in two locations. One access point is located on Basin Road at the Property's western boundary. The other access point is located on NYS Route 28 on the approximate eastern boundary of the Property. Both access points propose to accommodate both ingress and egress from the Property. Direct ingress access from NYS Route 28 to the site would be from the southbound lanes of Route 28 only. And direct egress access from the Project site onto Route 28 is by a right-turn-only lane from the site onto the southbound lanes of Route 28. (See Figure 1 above).
46. This site was previously used as a gasoline station, originally a one-pump station beginning in 1972, that was operated by Rudy Baumgarten, a former Woodstock Town Justice. But that history, in and of itself, does not establish that ingress and egress to that site from NYS Route 28 for a gasoline station use is safe given the traffic volumes and traffic speeds that are common conditions on Route 28 today, more than a half century since a gas station was first established.
47. In addition to the modern traffic volumes and speeds, key traffic safety concerns of the Board arise from the combination of those conditions, as well as the fact that the Project site is located at the bottom of a hill and at the potentially dangerous intersection of Route 28 and Basin Road and Zena Road.
48. Further, as noted above in this Resolution, the Applicant has asserted to us during the course of our review, in support of its application, that:

the Project is consistent with the built environment (including the Stewart's Shops directly across the street with a right-in/right-out driveway) and a number of shared right-in turns (i.e., no right turn lanes) and full movement driveways found along the NYS Route 28 corridor (See footnote 2).

We do not find consistency with other areas of ingress and egress on NYS Route 28 to indicate that the design proposed by this Project is safe, as we cannot agree that the other points of ingress and egress to establishments bordering Route 28 are safe and worthy of replication.

49. Moreover, neither do we consider the site plan design at the Stewart's Shops across the intersection to be ideal and a design to be replicated. Having had the opportunity to view and witness the traffic in and out of that Stewart's, we realize that such a design is not ideal, adequate, or safe. It is safe to say that, if the Board had an opportunity to conduct a review of the Stewart's Shops site plan again, that design would not be approved today. We take lessons from previous designs, and when a design is not safe and adequate, we must learn to not repeat such mistakes, particularly when taking into account the consideration of the public health, safety, general welfare, comfort and convenience of the public.
50. The Planning Board has not been alone in having concerns about the traffic safety having to do with ingress and egress from the Project site from, and onto, NYS Route

28. This was acknowledged by the Ulster County Planning Board [UCPB] in its referral response to our Board dated November 6, 2024. In that response, the UCPB said:

Recommendations

This project has undergone extensive review, including multiple gateway meetings with the County, NYSDOT, local planning board members, and the Ulster County Department of Public Works and Department of Health. As the project has evolved, many of the Town's comments and the results of the gateway meetings have been incorporated into the plan.

Transportation

*Access to the State and County Routes has always been the primary concern for this project.* The applicant submitted an amended Route 28 in/out ingress/egress plan that responds to *some* of the most recent gateway committee comments by pushing the access to the southeast, increasing sight distances, and providing additional opportunities for traffic to slow as they move toward the entrance [emphasis added]

Required modifications

*To our knowledge, the proposed access alternative provided by the Applicant has yet to be reviewed by the local [Woodstock] planning board, which will require their review and input.* Ultimately, the final design will require the review and approval of the NYS Department of Transportation [NYSDOT] for a highway access permit. While the proposal no longer proposes direct access to the County Route, a review by the UCDPW [Ulster County Department of Public Works] will be necessary. Adequate sight distances will need to be maintained, and a regular schedule for such maintenance is recommended to be established as a condition of approval.

51. The UCPB comments corroborate that traffic safety is the primary concern about this proposed Project, and corroborates that concerns about this issue are shared beyond just the Woodstock Planning Board. And in saying that the amended ingress/egress plan submitted by the Applicant responds "to some of the most recent gateway committee comments," UCPB acknowledges that not all comments have been satisfied by the amended plan.
52. On April 11, 2025, Brendan M. Masterson, Commissioner of the Ulster County Department of Public Works [UCDPW] reported to the Planning Board on his Department's review of the proposed Project plan. He stated:

Our engineering staff have been in contact with the applicant since the initial proposal received in 2019. At that time, they proposed a curb cut for egress and ingress on Zena Road, which is our only jurisdiction for this project, but was denied and has not changed, due to traffic queuing concerns on the approximate 200-foot long stretch of road, as the current plans reflect.

The only additional discussions between our engineers and the applicant

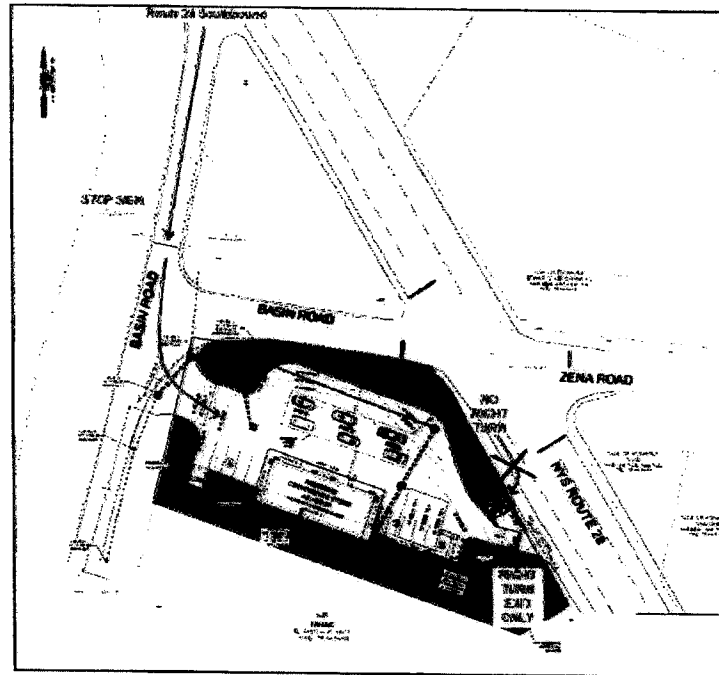
have pertained to drainage structures and water mitigation for Zena Road. The County, having no jurisdiction for Basin Rd., or Route 28, we defer to their respective agencies in regards to the property access points.

It is clear from this report that even in the small piece of this Project over which the UCDPW has jurisdiction, it has determined to deny a curb cut for egress and ingress on Zena Road over concerns about traffic queuing. And that denial continues to stand. This is evidence of the difficulties faced by the Applicant in creating safe ingress and egress to this site, not just from Route 28.

53. In December of 2024, the Planning Board engaged Stephan A. Maffia, a licensed New York State licensed professional consulting traffic engineer, to assist the Board in its review and evaluation of the issue of traffic safety regarding the ingress and egress from this site. Mr. Maffia visited the Project site, and also participated in Planning Board discussion about the Board's traffic safety concerns. The Planning Board asked Mr. Maffia to draft a report to the Board setting forth his analysis and evaluation of the traffic safety issues, and to make a recommendation to the Board.
54. Mr. Maffia thereafter submitted his report to the Board dated January 17, 2025. A copy of that report is annexed to this Resolution as Appendix A, and is incorporated by reference herein.
55. In his report, Mr. Maffia discusses to possible design alternatives for direct access from the Project to NYS Route 28.
56. In discussing the current site plan, Mr. Maffia discusses a right-turn-only (RTO) driveway. The alternative design for this access point included widening the shoulder area to provide a deceleration area for southbound traffic turning into the Property on NYS Route 28, limiting access to right turns existing the site, and eliminating the access. However, issues were acknowledged with this alternative, including construction and pavement work in the State right-of-way. It is also acknowledged that NYSDOT advised the applicant that it did not want to increase the shoulder width along Route 28, and it did not want to add a right-turn only lane.<sup>7</sup>
57. The other alternative discussed by Mr. Maffia would not allow direct ingress access to the site from Route 28. Instead ingress would be achieved from NYS Route 28 by taking the Basin Road "off-ramp," which would lead to the Basin Road access to the site. Egress would still be achieved by a right turn exit only, such that egress would continue to be right turn onto southbound NYS Route 28. This alternative is depicted in Figure 2 below.

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<sup>7</sup> Letter dated April 3, 2025, from Taylor M. Palmer, Esq., of Cuddy + Feder LLP, to the Town of Woodstock Planning Board, at p. 4.



**Figure 2. Egress only to Route 28 alternative.**

58. In his report, Mr. Maffia notes that:

The reported accident history at the Zena Road intersection and within 100 feet of the signal is approximately 50% higher than the Statewide average when comparing crash rates on similar roadways.<sup>8</sup>

And he goes on to state:

Additional development at the intersection and in the general area is expected in the near future, and limiting the levels of activity within the intersection proper is of great concern regarding the already high crash history.<sup>9</sup>

59. At the conclusion of this report to the Planning Board, Mr. Maffia states:

In my professional opinion, the limited Route 28 access (right turns exiting only) would provide a safer alternative to the proposed RTO plan

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<sup>8</sup> Report of Stephan A. Maffia, PE, consulting traffic engineer to the Woodstock Planning Board, dated January 17, 2025, at P. 2.

<sup>9</sup> *Id.*

without preventing access to the site from southbound Route 28.<sup>10</sup>

The Planning Board agrees with Mr. Maffia's opinion, as will be discussed in more detail below.

### **Part 9 Findings**

60. As noted above, the question before this Board at this juncture is whether the site plan presently before the Board, which allows both direct ingress from Route 28 and direct egress onto Route 28, satisfactorily address this Planning Board's concerns about traffic safety, such that the Board can determine that the criteria for site plan approval and a special use permit have been met and site plan approval and a special use permit can be granted for this Project.
61. While we appreciate the design changes that the Applicant has made throughout the course of this review, we continue to have serious concerns about traffic safety, in particular, with regarding to direct ingress from the site from the southbound lane of NYS Route 28.
62. We have already discussed the fact that Project Property is located at the bottom of a hill at a potentially dangerous intersection.
63. As Woodstock residents, and travelers on Route 28, we are anecdotally aware of its traffic hazards and history.
64. Moreover, our consulting traffic engineer has advised us that southbound through-traffic on Route 28 has been clocked at an 85<sup>th</sup> percentile speed of 52 mph, despite Route 28 having a posted speed limit of 45 mph.
65. Mr. Maffia has also advised us that the reported accident history at the Zena Road intersection and within one hundred (100) feet of the traffic light is approximately fifty percent (50%) higher than the statewide average when comparing crash rates on similar roadways.
66. Mr. Maffia has also given us his professional opinion that limiting Route 28 access to right turn exiting only into the Route 28 southbound lane "would provide a safer alternative" to plan proposed by the Applicant, which presently includes direct ingress access from the southbound lane in addition to egress access.
67. As we have noted earlier in this Resolution, we do not stand alone in our concerns. Similar concerns were expressed by the Ulster County Planning Board and the Ulster County Gateway Commission.
68. The testimony of the Applicant's traffic engineers, Creighton Manning, and the NYSDOT approval of the concept plan that includes ingress to the site from the southbound lane

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<sup>10</sup> *Id.*, at p. 3.

of Route 28, are important to our considerations. We did not ignore those factors. But at the same time, our review of this application is independent of the NYSDOT review, and we are not bound to the conclusions that have been reached by the NYSDOT.

69. When you compare the Creighton Manning testimony and the NYSDOT conceptual approval against Mr. Maffia's testimony and professional opinion, the question for us becomes what level of risk to human health from traffic hazards is tolerable?
70. The site plan and special use permit standards charge us with making a discretionary judgment about whether vehicular traffic access to the site is "adequate." And the special use permit standards charge us taking into consideration the public health, safety, and general welfare. The question about traffic safety in this case is very important. In this instance, we're not making a discretionary decision about landscaping or parking spaces. In this case, in making a decision about the adequacy of the ingress and egress design of this plan, we are making a discretionary decision that may affect accident rates and human injury and possibly death. Given those stakes, we take our responsibility seriously and we are not inclined to sacrifice public safety for the sake of the Applicant's business preferences.
71. Our consulting traffic engineer has given us his professional opinion that there is a safer alternative for direct access to Route 28 than that proposed by the Applicant. In view of that fact, we cannot find that the Route 28 direct ingress/egress plan proposed by the Applicant is adequate, given safer alternatives that are available, and does meet safety considerations that we have identified.
72. Hence, for all the reasons set forth above, and based upon the professional opinion received from our consulting traffic engineer as set forth in his letter attached hereto as Appendix A, we find and determine that, as proposed, the Applicant's site plan does not meet the criteria set forth in Zoning Law §§ 260-62, 260-62(C), 260-77(A)(1) and (2).

#### **Part 10 Action**

**NOW, THEREFORE BE IT RESOLVED**, based on all of the facts described above, and upon the reasoning described above, as follows:

- Section A. In accordance with the authority given to us pursuant to Town of Woodstock Zoning Law § 260-78(A), we disapprove the Applicant's proposed preliminary site plan.
- Section B. In accordance with the authority given to us pursuant to Town of Woodstock Zoning Law § 260-68(C), we disapprove the Applicant's application for a special use permit.
- Section C. We direct that the Planning Board Clerk shall provide a copy of this Resolution to the Applicant, and in accordance with the requirements of Woodstock Zoning Law §260-68 (D), to all municipalities lying within five hundred (500) feet of any boundary of the Project Property.

Section D. Our disapproval determination in this Resolution shall be without prejudice, and the Applicant shall be permitted to submit an amended site plan and application for special use permit that seeks to satisfy the Planning Board's traffic safety concerns which form the basis for this determination. In the absence of such re-submission, this Resolution shall be our final determination.

Section E. We direct the Planning Board Clerk to obtain the final invoices from the Board's consultants and to pay those invoices from the escrow deposit posted by the Applicant. Any submission of an amended site plan shall be contingent upon the Applicant paying all applicable fees and required escrow deposits.

Motion to approve resolution by:

Seconded by:

Resolution Roll Call Vote				
Board Member	In Favor	Against	Abstain	Absent
Peter Cross	X			
Judith Kerman	X			
John LaValle				X
James Conrad	X			
Graydon Yearick	X			
Jennifer Drue				X
Genie Tartell	X			

Result: Motion passes by the following margin:

Dated: January 15, 2026

Filing: A copy of this resolution was filed in the office of the Town of Woodstock Town Clerk on January 16, 2026 by Melissa Gray, Clerk to the Planning Board.

Copies of this Resolution were provided to:

1105 Route 28 LLC  
 Taylor Palmer, Esq., Cuddy + Feder LLP  
 Town of Hurley  
 Town of Kingston  
 Matthew D. Rudikoff & Associates  
 Stephen A. Maffia, PE

**Grant & Lyons, LLP**  
**Francis Hoffman, Town of Woodstock Code Enforcement Officer**

