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September 30, 2026

By Email

Hon. Peter Cross, Chair
And Members of the Planning Board
Town of Woodstock
47 Comeau Drive
Woodstock, New York 12449

RE: Eastwoods Drive Roadway Improvement and Extension
Applicant: Zena Development, LLC
Property: Eastwoods Drive (38.2-1-43, 38.2-1-44 & 38.2-1-38.100)

Dear Chairperson Cross and Members of the Planning Board:

On behalf of Zena Development, LLC (Applicant), we respectfully submit this letter to request the Planning Board schedule a public hearing before October 27, 2026. The Applicant has had an application for Minor Subdivision approval pending before the Planning Board since July 17, 2024.¹ The New York State Environmental Quality Review Act (SEQRA) Negative Declaration for the Zena Development, LLC project was filed in the New York State Department of Environmental Conservation Environmental Notice Bulletin (ENB) on August 26, 2026. The application for Minor Subdivision approval was therefore deemed “complete” on August 26, 2026, as stipulated by New York State (NYS) Town Law § 276. A public hearing on the Minor Subdivision application is required to be opened by October 27, 2026. However, one has not been scheduled.

NYS Town Law § 276 regulates subdivision review and it is the only provision of Article 16 of the Town Law that mandates approval within certain time periods. The sole purpose of which is to ensure the timely review and approval of subdivisions. Where a Town violates the applicable time periods, NYS Town Law § 276(8) states that a Certificate of the Town Clerk shall be issued on demand, and this Certificate shall be sufficient for filing the plat in lieu of written endorsement on the plat.

NYS Town Law § 276 states that a public hearing shall be held sixty-two days after receipt of a complete plat. As noted, the Negative Declaration was posted in the ENB on August 26, 2026 and notice of the Negative Declaration was circulated to the Planning Board clerk. As such, the plat was deemed complete by August 26, 2026 and the hearing must be opened by October 27, 2026.

¹ The application for Minor Subdivision approval is not for development purposes. The application is to address compliance with NYS Town Law § 280-a, per Section 3.2 of the Zoning Enforcement Officer’s Determination. Please also note that Minor Subdivision approval will reduce the total number of lots that are the subject of the application from three (3) to two (2).



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The Town may not simply violate NYS Town Law § 276's mandate that a timely review and certification of the plat occur.²

A complete application for minor subdivision approval was filed on July 17, 2024 and the application has been the subject of numerous public meetings and supplemental submissions. But for the sake of argument, the courts in New York have also made clear that any perceived deficiencies with the application do not excuse a failure to act within the statutorily required timeframe. Wallberg v. Planning Bd. Of Town of Pound Ridge, 115 A.D.2d 539 (2d Dept. 1985) ("Although the fact that the application may not have complied fully with the requirements of Town Law § 276(2)(b) might, in an appropriate case, warrant a denial of the application, it does not justify a complete failure to act upon it."). The Board's failure to act within the prescribed time limits results in approval by operation of law. King v. Chmielewski, 76 N.Y.2d 182, 187-188 (1990) ("While the failure to satisfy the statutory definition of "final plat" might, in an appropriate case, warrant a denial of the application, it does not justify a failure to act.");³ see also Di Stefano v. Miller, 116 A.D.2d 575, 576 (2d Dept. 1986) ("[W]here the only objection to certification is the plat's failure to comply with zoning ordinances, a plat submitted for final approval is nonetheless entitled to a certificate deeming it approved by default, as a matter of law, if it is not acted upon within the statutorily-prescribed time limits.").

Absent a public hearing being opened before October 27, 2026, the Applicant will submit a demand for a Certificate of the Town Clerk.

Very truly yours,

A handwritten signature in blue ink that reads "Alec Gladd". The signature is written in a cursive, flowing style.

Alec R. Gladd

Enc.

Cc: Zena Development, LLC

² Woodstock Code § 202-16 establishes a single-stage review of minor subdivision applications.

³ GML § 239-n referral not required by the Exception Agreement with County Planning for minor subdivisions of five (5) lots or less.