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September 22, 2026

By Email & Fedex

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 raise apparent conflict of interest issues regarding Hudsonia Ltd.'s (Hudsonia) continued review of the applications to improvement and extend of Eastwoods Drive (Project).

Enclosed as **Exhibit A** is a PDF print out from Hudsonia's website announcing their receipt of the 2024 William R. Ginsberg Stewardship Award from the Woodstock Land Conservancy. This award recognizes those who promote environmental protection and land conservation.¹ As we all know, the Woodstock Land Conservancy is the principal opposition group to the Project.

New York courts have made it clear that the impartiality of the decision maker is a core component of an applicant's due process rights. 1616 Second Ave. Rest., Inc. v. New York State Liquor Auth., 75 N.Y.2d 158, 161, (1990). This principle extends to retained consultants. Concerned Citizens Against Crossgates v. Town of Guilderland Zoning Bd. Of Appeals, 91 A.D.2d 763, 763-764 (conflict of interest by zoning board's counsel).

However, Hudsonia's prior involvement with the Land Conservancy was not disclosed to the applicant or the Board. Coupled with Planning Board Member Genie Tartell's clear conflict of interest as a neighbor, this raises legitimate concerns about the integrity of the Planning Board's review. Even the appearance of impropriety should be avoided to maintain public confidence in government, which this, at the very least, rises to. *See* 1998 Ops. Atty. Gen. 88-59; Ops. Atty. Gen. 88-60.

The Applicant therefore requests that the Board forego further review by Hudsonia given the appearance of a conflict of interest.

¹ See also <https://vernalfling.com/2018-honorees/>



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The Applicant would also like to note for the record that Hudsonia's statement in their June 1, 2025 and October 26, 2025 reviews that "Hudsonia does not support or oppose land use proposals" is misleading. Available at this [link](#)² is a Hudsonia filing in opposition to a renewable energy project that was approved in May of this year. This is but one of several examples of Hudsonia participating in opposition work.

This, along with some of the comments made in review, raise concerns that Hudsonia is not the impartial advisor to the Planning Board that they should be. For example, Hudsonia's review consistently reaches for issues, all of which have all been readily addressed by David MacDougall, MS, CWO, PWS, Ecological Services Project Manager at Labella Associates.

- One example is the statement by Hudsonia that the presence of white pines in a wetland indicates that it can also support rare plants and mosses. However, no rare plants or mosses were observed during site visits, including site visits conducted by Hudsonia. If no rare plants or mosses were observed by Hudsonia, why would they reach for an indication that they might be there? As explained by Labella, the presence of white pine within wet areas is likely due to beaver impoundments, a known issue at the property. **See Exhibit B.**
- Another example is that, because Hudsonia knows of at least one confirmed bog turtle site in the *entire* mid-Hudson region that is not within one mile of another known site, the Applicant should conduct a Phase 1 bog turtle habitat assessment. But as explained by Labella, there is no scientific basis for conducting a Phase 1 bog turtle habitat assessment. **See Exhibit B.** The USFWS IPaC system uses a habitat assessment model that takes into account many other factors such as soil types, underlying geology, landscape position, etc. to identify areas where bog turtles could occur, and it is not limited to the NYSDEC occurrence records. The USFWS model did not identify this site as an area of potential bog turtle occurrence.

The confluence of these factors raises concerns about Hudsonia's continued involvement in the review. Hudsonia received an award one year prior to reviewing the Project from the Project's main opponent. They should not continue to review the Project if the Town wishes to avoid the appearance of impropriety or claims of conflicts of interest.

Materials Submitted in Furtherance of the Request:

Enclosed please find one (1) digital and four (4) hard copies of the following materials submitted in furtherance of the applications:

² <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={50F8B59C-0000-C310-90AE-65FB1C92D030}&DocTitle=ALRF%20Motion%20to%20Supplement%20and%20Amend%20Petition>



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Exhibit A: PDF print out from Hudsonia's website announcing their receipt of the 2024 William R. Ginsberg Stewardship Award from the Woodstock Land Conservancy.

Exhibit B: Response to Comment, prepared by Labella Associates, dated December 17, 2025 (originally submitted as Exhibit A to January 13, 2026 submission).

Should the Board or Town Staff require anything further, please do not hesitate to contact us.

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: Supervisor Anula Courtis and Members of the Town Board
Zena Development, LLC

EXHIBIT A



Hudsonia Ltd.
a nonprofit institute

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Erik & Gretchen Honored by Woodstock Land Conservancy



Kevin Smith, Gretchen Stevens, Josh Ginsberg, Erik Kiviat, & Elaine Colandrea at Woodstock Land Conservancy's Vernal Fling 2024.

Photo © Elaine Colandrea

Erik Kiviat and Gretchen Stevens are honored to be the recipients of the 2024 William R. Ginsberg Stewardship Award from the Woodstock Land Conservancy at their annual Vernal Fling held 11th May. As described by Woodstock Land Conservancy’s Board Chair Kevin Smith, this is an annual award meant to recognize those who promote the values of the award’s namesake, who was “a regional, statewide and national pioneer in environmental protection, environmental law and conservation law.”

[Learn more about Woodstock Land Conservancy here](#)

<

Hudson Valley Farm Hub:
Women in Ecology Series

Erik Kiviat guest on Radio
Kingston’s Nature Nuggets

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FEIN: 11-2587776

A non-advocacy organization, Hudsonia serves as a neutral voice in the challenging process of land use decision making.

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EXHIBIT B

December 17, 2025

Town of Woodstock
Planning Board Office
45 Comeau Drive
Woodstock, NY 12498

RE: Zena Homes Access Road Memo
Eastwoods Drive, Town of Woodstock, New York
Parcel IDs: 38.2-1-44, 38.2-1-43, and 38.2-1-38.100
Zena Development, LLC
LaBella Project No. 2240972

Dear Woodstock Planning Board:

On December 2, 2025, we received a letter from Hudsonia on their response to comments from the November 6 Planning Board meeting and additional thoughts. We offer this letter in response to that letter to provide clarifications and additional information based on the work that has been completed to date.

Wetland southeast of the junction of Eastwoods Drive and Zena Highwoods Road

1. The large southeastern portion of this wetland is a white pine – red maple – sphagnum swamp. The pines are clearly visible in the leaf-off (April, two different years) images on Google Earth. David MacDougall wants to refer to this wetland as a hardwood swamp according to the Town of Woodstock townwide habitat map (Haeckel et al. 2012). Haeckel et al. may have mapped this area as hardwood swamp because at the time white pine was not prominent or because some of the hardwoods have since died, and at that time the canopy coverage of conifers did not exceed Hudsonia's mapping criterion for hardwood swamp. Semantics aside, anyone who looks at this portion of the wetland on the ground will see that white pine now (2025) comprises a significant component of the canopy and that sphagnum moss is important in the ground layer. The presence of a conifer, even in the minority, is an important habitat element. A swamp supporting this vegetation is likely also to support rare plants such as orchids and rare mosses. A thorough, independent, expert survey of all vascular flora within at least 250 meters of the access road, as well as the bryophytes (mosses and liverworts), should be performed through the 2026 growing season to determine if rare plants are present and require special protection.

Response: We still agree with Hudsonia's Town of Woodstock townwide habitat map concerning the hardwood swamp (Haeckel et al. 2012). Hardwood swamps can contain other species. White pine (*Pinus strobus*) is a facultative upland (FACU) species that generally does not occur in wetlands (Lichvar et al., 2022). The presence of white pine in this case may be due to beaver impoundment flooding areas that were previously drier. Typical upland species can occur in wetlands where morphological adaptations are generally observed such as buttressed trunks, exposed roots, multi-trunks (stooling) (USACE, 2012). These adaptations were not observed during the delineation or subsequent site visits. This leads us to believe that the white pine is likely in this wetland due to the wetland expanding into previously drier areas. Accordingly, this is not a unique swamp indicating the presence of rare plants or mosses as suggested by Hudsonia. Additional survey is not required.



2. The same wetland, overall, is where I heard a red-shouldered hawk (New York Special Concern) vocalizing in territorial behavior on 25 March 2025 (Kiviat 2025a,b). Also, on that date, accompanied by David MacDougall, I heard wood frogs calling and saw spotted salamander egg masses, in the northwestern portion of the wetland near both roads. This area was dominated by hardwoods and sedge (*Carex*) and had up to 30 cm deep water at the time of my visit. Wood frog and spotted salamander, while not listed species in New York, depend on wetlands with a long hydroperiod (duration of flooding) and usually tree cover. They are indicators of wetland breeding habitats that can also be used by amphibians of greater conservation concern, such as the marbled salamander.

Response: The presence of red-shouldered hawk has been addressed in the revised HSR, Attachment 1. We are not disputing the presence of wood frogs or spotted salamander as they were observed crossing the road next to this wetland during the amphibian survey, Attachment 2. An embedded arched culvert with drift fencing will direct amphibians to safely cross under this existing road and avoid vehicles as a mitigative measure.

Wetland DM-7 – vernal pool or intermittent woodland pool

3. Regardless of amphibian protection measures that may be implemented where the new segment of the access road passes near this wetland, a thorough amphibian survey of the wetland should be performed in March-April 2026. Although the new road segment is proposed to pass about 60 meters (200 feet) north of this wetland, 60 m is a small fraction of the distance that many pool-breeding amphibians migrate to and from their breeding pools. Because salamanders and frogs may deposit their eggs in a very small area (a few square meters) of a large wetland, the entire wetland must be surveyed for egg masses. Because marbled salamander, a Special Concern species, lays its eggs in the fall, a survey for the larvae must be performed in the March-April period. This is readily done by wading slowly in the pool at night with a strong flashlight directed downward to the leaf litter under the water. If the surveyor is patient, marbled salamander larvae (at this season about 2.5 cm long) will emerge slowly from the flooded leaf litter and be visible in the flashlight beam. As for egg masses, a survey for larvae must cover the entire pool until one is found. The larvae of other pool-breeding salamanders (spotted, Jefferson, blue-spotted, four-toed salamander, eastern newt) are not yet hatched or are much smaller than marbled salamander larvae at the March-April season.

David MacDougall asked if I had suggestions about protecting migrating amphibians from the effects of this new road segment. Although solving problems of biological engineering is outside my scope, I can suggest that a drift-fence-and-underpass combination be seriously considered.

Response: An embedded arched culvert is now proposed in a low lying area of the proposed new road approximately 60 meters from Wetland DM-7 that would allow for amphibians, should they be present, to cross under the road in the area most likely to be utilized by those animals. This avoidance measure has already been incorporated into the design.

Siltation

4. The July applicant document states that road runoff will be directed onto grass filter strips. What will happen to the soil particles deposited in the filter strips? That material may eventually be washed into wetlands by a heavy prolonged rain, or build up to the point where the filter strip can no longer filter and contain the sediment.



I cited references in my spring 2025 report finding that filter fabric silt barriers do not remove all the fine particles (clay, silt) from road runoff. Given the special biodiversity value of the two major wetlands (discussed above), soil particles that pass filter strips or filter fabric and enter the wetlands are an important concern. Additional protective measures are needed.

On page 7 of the July 2025 applicant document, it is suggested that road runoff will enter wetlands. This should only occur after the stormwater passes effective siltation barriers or stormwater ponds. And any stormwater ponds should not be created within existing wetland.

Response: Silt fencing and filter socks will be installed along these areas adjacent to the wetlands during construction and the filter socks can remain in place thereafter to reduce fine sediment from roadway runoff. The project will also include a maintenance plan with routine inspections and removal of accumulated sediment from the filter strips, silt fencing and filter socks to ensure continued effectiveness. Filter strips will be planted with resilient vegetation to maximize filtration capacity. Collectively, these measures will prevent sediment transport into the adjacent wetlands.

Construction fencing

5. Fencing should have basal openings for passage of mid-size wildlife such as coyote, foxes, fisher, mink, river otter, striped skunk, bobcat, muskrat, woodchuck, etc. This need not compromise the function of the fencing in directing construction equipment and vehicles to stay out of wetlands, their buffer zones, the root systems of mature trees, and other sensitive areas.

Response: Acknowledged, 1 foot gaps can be left to facilitate animal crossing while still marking the edge of the wetlands to be avoided more readily visible to the crew.

Seed mix

6. Commercial seed mixes purchased from non-local (e.g., midwestern) suppliers such as Ernst Seeds typically contain plant species that are native to the Midwest but not to eastern New York. Some of these plants may prove to be invasive in Ulster County. The list of species in a seed mix should be reviewed to ensure all species are native to the region of the project, or have been shown to be non-invasive (e.g., purple coneflower is probably not invasive in our region given it has been planted extensively and seems not to escape and establish reproducing populations in the wild). There are local and regional native plant seed sources from which a regionally-appropriate seed mix may be purchased. The Native Seed Network has a nationwide map of vendors at https://appliedeco.org/nativeseednetwork/find-seed/?utm_source=substack&utm_medium=email

Response: Acknowledged, a regionally-appropriate seed mix will be sourced from this list and purchased before the project goes to construction.

Amphibian underpasses (tunnels)

7. While underpasses may reduce wildlife mortality on the existing or new segment of the access road, underpasses will not solve the problem of polluted runoff entering the wetland.

Regarding underpasses, there must be features to direct amphibians and other small terrestrial animals to the underpasses and discourage them from crossing over the road surface. These can be “drift fences” or other barriers that border the road and lead an animal to an underpass. This will likely reduce some wildlife mortality on the access road but the conundrum occurs at the ends



of the access road where drift fences may direct animals to Zena Highwoods Road (west end) or the housing units (east end). There is an extensive scientific literature regarding amphibian underpasses and associated drift fences that can be consulted for design ideas. Drift fence material must not comprise, for example, one-inch square flexible plastic mesh that is well known to trap and kill snakes.

I comment here that amphibians crossing a road may be under-recorded because, among other factors, frogs and salamanders killed on a road are likely to decompose or be scavenged quickly and not all observed.

Response: Acknowledged, the embedded arched culverts will include drift fencing to direct amphibians trying to cross the road underneath the road and avoid vehicles.

Bog turtle habitat assessment

8. Even if the US Fish and Wildlife Service and the DEC do not require a Phase 1 bog turtle habitat assessment at this location, the applicant should conduct such an assessment in the interest of thorough conservation and mitigation planning. The DEC requires a bog turtle habitat assessment if there is a known bog turtle site within one mile (Lisa Masi, NYS DEC, personal communication). However, I know of at least one confirmed bog turtle site in the Mid-Hudson region that is not within one mile of another known site. Thus this threshold for a habitat assessment can result in a bog turtle population being overlooked and not fully protected.

Response: The established protocols do not recommend a bog turtle habitat assessment be conducted for this project. The one mile occurrence buffer is associated with NYSDEC records for the species. The USFWS IPaC system uses a habitat assessment model that takes into account many other factors such as soil types, underlying geology, landscape position, etc. based on the best available research to identify areas where bog turtles could occur and is not limited to the NYSDEC occurrence records. That USFWS model did not identify this site as an area of potential bog turtle occurrence.

Alternative (second) emergency access road

9. Apart from I do not have an opinion as to whether this alternate road should be constructed/improved for emergency access. The disadvantages, as articulated at the recent Planning Board meeting, are disturbance to the active bald eagle nest, and disturbance of additional areas of the applicant's property including at a wetland crossing. It was discussed that if the housing units have sprinkler systems for fire suppression, an emergency access road is unnecessary. It should be noted, however, that while sprinkler systems will help prevent fire damage inside homes, sprinklers will not prevent structures igniting from external (vegetation) fires which may be an increasing risk in our region. The applicant should specifically describe the suggested second access route including how much is on historic quarry or other roads and how much is "new," as well as the habitats that would be crossed and fragmented or otherwise disturbed. And how the road would cross the Sawkill.

Response: The Applicant is trying to avoid this option if possible. There is an existing path from Zena Highwoods Road to the edge of the larger Woodstock parcel where it becomes less defined. Potential



impacts from this road could be further discussed if the Town requires this access. The Sawkill would not be crossed by this road.

Red-shouldered hawk and disturbance

10. David MacDougall opined that, because the area was logged about 12 years ago and the red-shouldered hawk is using the area now, the disturbance of access road construction and operation will not cause red-shouldered hawks to abandon the area. However, we don't know what happened during the logging episode and between the logging and the March 2025 presence of the hawk(s). Birds, including raptors, can abandon an area and then return after disturbance subsides. Minimizing disturbance to this Special Concern species needs to be addressed. Reporting the March 2025 species occurrence to the DEC or Natural Heritage Program is not required for this consideration.

Response: Red-shouldered hawks have now been incorporated into the HSR, Attachment 1.

Conservation easement

12. I strongly recommend the Planning Board require that the undeveloped portions of the site be placed under conservation easement to a land trust to perpetually protect habitat functions.

Response: The project before the Planning Board is a road extension and does not include the parcels to the south.

Bond and inspection

13. Because of the important habitats, wetlands especially, and the various mitigation measures proposed by the applicant, the Planning Board may wish to require a performance bond and to conduct (or have conducted) inspections to ensure that mitigation is fully and effectively implemented.

Response: The applicant will provide permit compliance documentation to involved agencies in accordance with their requirements.

Respectfully submitted,

LaBella Associates

David MacDougall, MS, CWB®, PWS
Ecological Services Project Manager

Encl:

- Attachment 1 – Revised HSR
- Attachment 2 – Amphibian Road Crossing Survey



References Cited

- Haeckel, I. 2012. Fieldwork and mapping summary, Town of Woodstock, Ulster County, New York. Prepared for the Walrus Properties, LLC. Hudsonia, Annandale, New York. 8 p.
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- Kiviat, E. 2025. Assessment of potential impacts on biodiversity of the proposed access road to Zena Homes, Town of Woodstock, Ulster County, New York. Prepared for the Town of Woodstock Planning Board. Hudsonia, Annandale, New York. 12 p.
- Kiviat, E. 2025. Zena Homes Access Road Memo, Town of Woodstock, Ulster County, New York. Prepared for the Town of Woodstock Planning Board. Hudsonia, Annandale, New York. 5 p.
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- USACE. 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0). Technical Report TR-12-1. U.S. Army Corps of Engineers: Engineering Research and Development Center, Vicksburg, MS.