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September 24, 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 object to additional consultant review of the applications to improve and extend of Eastwoods Drive (Project). The Applicant is concerned that after the September 17, 2026 Planning Board meeting the review of this Project is now moving *farther* from completion after more than two years of review by this Board, the Town of Ulster, and numerous agencies and consultants in both jurisdictions.

Project “Changes” Since November 2025 (or lack thereof)

The scope of the Project in the Town of Woodstock has not changed in the last 10 months. It still only involves improving the existing portion of Eastwoods Drive to a uniform width of 20 feet and extending it 1,200 feet to reach the Town of Ulster parcel. As outlined in detail in the Applicant’s September 2, 2026 submission and again during the Project presentation at the September 17th Planning Board meeting, the only additions to the plans in Woodstock are:

1. Inclusion of orange construction fencing around the wetland to prevent intrusion during roadway construction;
2. Addition of little bluestem to the planting plan;
3. Addition of culvert wildlife guides;
4. The proposed seed mix for wetland buffer restoration area will be approved by the Town of Woodstock;
5. A culvert and wildlife guides have been added to the portion of the road extension area approximately 60 meters from Wetland DM-7; and
6. A proposed intersection sign per the traffic study has been incorporated.

These are minor additions that were included at the request of the Board and its consultants. Such *de minimis* changes hardly call for referral to four different consultants (2 new + 2 existing).

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Duplicative Reviews are Not Permitted

Questioning fundamental aspects of the Applicant's plan at this stage in the process and re-referring the materials to consultants who have already completed their review of the Project and/or retaining two brand new consultants suggests an unwarranted delay. Downey Farms Development Corp. v. Town of Cornwall Planning Board, 20 Misc. 3d 566 (Sup. Ct. Orange Co. 2008) (Court found sufficient evidence establishing a discernable pattern by the respondent Board and/or one or more of its advisors of intentional delay in progressing of petitioner's application).

Town Traffic Consultant Steve Maffia concluded his traffic review in his August 12, 2025 memo, confirming that he remains satisfied with the existing traffic volumes, background traffic growth, trip generation and distribution, and level of service analysis for the Project. The remaining issue was the NYS Fire Code, which was addressed in the Applicant's October 7, 2025 submission and at the November 6, 2025 meeting. Indeed, Mr. Maffia confirmed that "with a single access road and sprinkler, the New York State Fire Code considers them to be in compliance." See **Exhibit A** – November 6, 2025 Woodstock Planning Board Meeting Transcript, p.7.¹ Mr. Maffia further confirmed on the record that the width of the roadway, as provided by DOS, "would be up to the local fire code official" and that he would not "push for 26 foot wide roadway if there are significant impacts to wetland and buffers." **Exhibit A**, p.7. The local fire code official's determination on the road width is dated May 24, 2024 and was included as Exhibit 8 to our July 17, 2024 submission.² The CEO determined that 20 feet for the existing portion of Eastwoods Drive is acceptable. Mr. Maffia also confirmed that the inclusion of the turnaround at the airstrip was a positive inclusion. Given these clear statements, it is hard to imagine what is left to review from a traffic or Fire Code perspective.

Mr. Maffia also touched on the need for a secondary access road, stating that a secondary access road "didn't make sense. I was happy to see that they ended up sprinklering just to reduce the overall impacts around the site." **Exhibit A**, p. 16. Similarly, Hudsonia opined that "from an ecological point of view, better not to have the extra road". **Exhibit A**, p. 17.³ That is, two Planning Board consultants have already reviewed and opined on the optional secondary access road. Onboarding a third consultant – such as a planner – to further review the same issue evidences an intentional delay in progressing the application. See Downey Farms.

Furthermore, the Applicant explicitly requested feedback on the secondary access road issue at the November 6, 2025 meeting and the general consensus was that use of the existing, single road

¹ See also p. 16. Mr. Maffia states sprinkling all the buildings and the single access road along Eastwoods satisfies the NYS Fire Code.

² See also p. 16 "width of the roadway lies with the town's code officer."

³ Hudsonia's apparent conflict of interest is addressed in a separate letter by our office, dated September 22, 2026.



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(i.e., Eastwoods Drive) would be preferable. See **Exhibit A**. Based on that specific feedback, the Applicant proceeded with the single road design and spent the next ten months processing SEQRA with the Ulster Planning Board. Therefore, the comments from the Board at the September 17, 2026 meeting are concerning because they seek to reopen this topic, questioning a fundamental aspect of the Project that was considered, addressed, and relied on by the Applicant in proceeding with the Lead Agency. This too suggests an unwarranted delay in processing the applications.

The Applicant is Not Legally Responsible for Duplicative Escrow Charges

It is well established in New York that a municipality's ability to charge consulting fees is limited by the requirement that the fees charged be reasonably necessary to the accomplishment of the regulatory program. Twin Lakes Development Corp. v. Town of Monroe, 1 N.Y.3d 98, 107 (2003) *citing* Jewish Reconstructionist Synagogue v. Incorporated Village of Rosly Harbor, 40 N.Y.2d 158, 163 (1976). Without this safeguard, a board would be free to incur not only necessary costs but also any which it, in its untrammelled discretion, might think desirable or convenient, no matter how oppressive or discouraging they might in fact be for applicants. Jewish Reconstructionist, 40 N.Y.2d at 163.

Retaining a planner to analyze the same issues Hudsonia and Mr. Maffia have already reviewed in detail "would include expenses that the Town would deem merely convenient to its objectives, as opposed to necessary." Landstein v. Town of LaGrange, 166 A.D.3d 100, 110 (2d Dept. 2018). As such, the Town of Woodstock would be charging impermissible fees in excess its authority, as established by recognized precedent.

Based on the foregoing, the Applicant is not legally obligated to pay additional escrow monies for the re-review of the Project or the retention of new consultants. Long established precedent makes clear that Applicant's do not have to reimburse a municipality for duplicative work. Additional review by existing or new consultants is but a mere convenience for the Board. Again, the scope of the project in Woodstock is the improvement of an existing road to a uniform width of 20 feet and its extension 1,200 feet to the Ulster parcel. This limited project scope hardly calls for four professional consultant reviewers.

Materials Submitted in Support of this Letter:

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

Exhibit A: November 6, 2025 Woodstock Planning Board Meeting Transcript.

We request the Board work collaboratively with the Applicant and refocus the process towards holding necessary public hearings, closing out the review and issuing decisions on the site plan, wetland and watercourse permit and minor subdivision applications.



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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".

Alec R. Gladd

Enc.

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

EXHIBIT A

Woodstock Planning Board Meeting, November 6th, 2025

Transcript of Discussion with Zena Development

Prepared by Stop Zena Development

Video of meeting at: https://www.youtube.com/watch?v=naZ_qbrbmyg&t=5044s

Chairman Peter Cross:

Before I bring up the Zena developers, I'd like to say a couple things. This is not a public hearing tonight, so please don't ask any questions. You will do this when we have the public hearing, which we will assign soon. You're all welcome. All our meetings open to the public, so you can see and hear what's going on. We have before us tonight two applications by the applicant. One is for a lot line deletion, which is two parcels that make up the road, which is absolutely no problem, no issue. The other one is widening the road, because we have to go through wetlands and watercourse permit, because widening the road a little bit goes into the wetland buffer a bit, very small amount, and we've had to mitigate that, which we have.

The issues before us are that the main road is in the Zena Woods Critical Environmental Area, and because of that we have gotten an environmental specialist in Hudsonia to look into those issues, and because of the traffic that will go from Eastwood Lane onto Zena Highwoods Road, we've hired a traffic consultant to deal with those issues, so those [inaudible] consultants have been paid for by the applicant.

This planning board has also hired our attorney, which is at the cost of our town, to help us with a couple things, and the main thing was to petition the DEC for the town of Woodstock to be the lead agency, and the reason we did that, because if we were the lead agency, we would be able to do as complete an environmental review as we can possibly do, but the DEC has assigned the Town of Ulster the lead agency, which makes sense, because that's where the development is, so for now on all the environmental issues will go through their - through their planning board. So we have done everything, we can read all your letters and emails, we read them and we understand that, and we have done this board has done everything we can to turn over every stone to make sure we've done everything to abide by our codes and rules, so this is now a case where, as I said, the town of Ulster is the lead agency from now on, not the town of Woodstock.

So, with that, gentlemen, did you want to come up, and we'll continue our review.

Planning Board Secretary Melissa Gray:

Thank you, Chairman Cross.

Planning Board Member Genie Tartell:

[inaudible, noise as developers take their seats] ...Woodstock and Ulster need to work together. Under SEQR Woodstock is still responsible for the environment studies and I'm not understanding why this would not be under SEQRA law. Actually, our backing out and making decisions won't be illegal, because that would be something called segmentation, and I'm not understanding how segmentation is not, especially after what she wrote in her report, which is that Woodstock and the Town of Ulster should be working together, and the town of Ulster hasn't been communicating with us in any way, shape, or form, and that this project is essentially that's occurring in the town of Ulster, and Ulster being absolutely responsible for the SEQRA, Woodstock is responsible for giving Ulster the access to that land, and we haven't satisfied or done our, we've done what we can in our environmental studies, but again, it's not according to what she says, and according to the law, our saying that they can move through with this is segmentation and segmentation under SEQRA law is illegal.

Chairman Peter Cross:

Well, I don't agree if you have a question you can ask our attorney, but this is not a question of segmentation. As I said we have two issues: a lot line division and the wetlands and watercourse permit for a small amount of buffer. That's what's before us.

Woodstock Planning Board Attorney John Lyons:

Can I speak here, and just sort of expand upon - so John Lyons, from Grant and Lions, we are the lawyers for the Planning Board. So what you have in front of you now in light of the DEC commissioner's decision are two sets of responsibilities. The DEC commissioner's decision ruled that the town of Ulster Planning Board will be lead agency for the SEQR environmental review of the project. That doesn't mean that the Woodstock Planning Board is being cut out. The Woodstock Planning Board does have approval authority over portions of this project, and as we all know, there's a portion of this project that is located within the town of Woodstock. So, [inaudible interruption] so from us, from a SEQR standpoint, the review of the project from this point forward will proceed with the Ulster Planning Board being the lead agency, but Woodstock will be an involved agency in the environmental review process, because you have approval authority over the project, and as I mentioned to you, I don't know if any of you got a chance to read this email that I circulated the other day, but your role as an involved agency is to communicate to the lead agency and inform the lead agency as best you can about the concerns that Woodstock and the Woodstock community and the Woodstock planning board has with regard to the potential adverse environmental impacts, which may occur in the portion of this project that lies in Woodstock, and it'll be up to the lead agency to the Ulster Planning Board.

They're going to have to make decisions regarding the environmental, they'll make a determination of significance, that's their next step in this project, which is deciding whether to issue a negative declaration or a positive declaration. A negative declaration would be a determination that they didn't see any significant adverse environmental impacts that may occur, and that would end the environmental review. A positive declaration would be that significant potential adverse impacts were identified, and those impacts are significant enough to require the preparation of an environmental impact statement.

Your job right now, leading up to that decision by the Ulster Planning Board is to try to fill in their knowledge as best we can about the concerns that you have in Woodstock about the project, and under the commissioner's ruling, it will be up to Ulster to make the ultimate decision with regard to SEQR about potential adverse impacts in Ulster, as well as the potential adverse impacts in Woodstock, so that environmental review is that's the first set of responsibilities.

My suggestion to the board, and I can have further conversations with Melissa and Peter about this, but I think that the next steps for the for this board with regard to the SEQR review is for us to reach out and contact the Ulster planning board. We need to start, we gather in the process of the review that's taking place thus far, we've gathered a lot of information about the concerns, both the board members of the community. We also have the input that we've received from the Woodstock Planning Board's consultants, and we need to deliver all that information into the hands of the Woodstock Planning Board - or the Ulster Planning board. Thank you. That's a big mistake. [laughter]

They, the other thing that we need to do, and Genie, you alluded to this, and it's something that I'm concerned about, is that when we communicate with the Ulster Planning Board, we need to ask. I think we want to understand what the plan is going to be for them going forward with their SEQR review, okay, and I also would like to find out from them what the plan is for communication and coordination, because you're correct that despite our having made a number of requests, I've channeled mine through the council to the board for communication and coordination. We haven't gotten a lot in the way of responses back from the board, and in addition to that, I know that over in Ulster they have a system where the town board and the planning board both have input on certain issues, and I would like to understand from them again what the process is going to be. The planning board is the board that's

going to be the lead agency, but I think the town board does have input, but I'd like that all to get clarified by the Ulster Planning Board for us, so that we can participate in the process as effectively as we can. So that's one set of our responsibilities, and what happens is that New York State wants the SEQR review to take place in advance of determinations being made on for other approvals that are made pursuant to local law, like site plan review, wetlands per subdivision review, and things like that, and the idea behind that is that there's a recognition that a good examination of the potential environmental impacts of a project may result in changes to the design of the project, and it doesn't. We had a little bit of a discussion about this thing that happened to here with us in August, but it makes sense to only go so far with our review.

We obviously are prohibited by SEQR from issuing any approvals until we get to certain milestones in the SEQR review, but you have to be, we also have to understand what the final version of the project is going to be after SEQR has played its role in the process, so the second set of responsibilities that you have have to do with conducting the reviews for the permits that are being requested by the applicant pursuant to the Woodstock zoning law and subdivision law, and we can, we can proceed forward on those, and they'll run to some extent, in parallel, but that's how I see the two sets of responsibilities that you have going forward.

Segmentation is really a concept that arises more having to do with the, I mean, it's a concern that's been raised with regard to this project, because there's a lot of vacant land that's out there, and the what segmentation under the SEQR environmental review laws means is that they SEQR wants to have all aspects of a project reviewed all together, and the idea behind illegal segmentation is that they don't want applicants coming in and feeding, breaking the project up into pieces, and feeding the project into the system in pieces, and, and trying to sort of disperse the environment, you know, the apparent environmental impacts by doing that, and it also just makes sense from a logical standpoint, that if there are many pieces of a project, you know, let's look at them all together, and let's have a macro picture of what the potential adverse impacts are, and we can make better and more effective decisions when we're looking at it from a macro perspective, but I think that I don't think that the determination that was made by the DEC commissioner puts us into segmentation area. I think the things that spoke to me about that decision that are the most important for us are the piece that you referenced in your remarks earlier, which was the, and you saw it, you may have seen it in my email as well, that that commissioner ended her decision saying that she expects that also the planning board is going to cooperate with the Woodstock planning board, is going to listen and learn about what the concerns about this project are in Woodstock, and that's going to be taken seriously as part of the environmental review, and so that's what I'm hoping that we're going to be able to achieve. I'll be working with you and with Peter and Melissa to try to make sure that we put our best foot forward and that we participate as effectively as we can in the environmental review that the Ulster Planning Board [inaudible], so I hope that was helpful.

Zena Development Attorney Alec Gladd:

And just to augment that point, we as the applicant to try to facilitate that cooperation, we submitted to Ulster everything that we provided to Woodstock -

Audience member:

Speak up.

Zena Development Attorney Alec Gladd:

- so we've submitted everything to Ulster, everything that we've provided to Woodstock, and vice versa. In our last submission to this board because we weren't sure who lead agency was going to be yet, we provided the expanded part three narrative, which is, you know, 20 pages going through every identified environmental impact, and it includes analysis of a road, so I think that's a good starting point too, to

review that as a way to try to frame some of the comments to bolster as they look at this as the lead agency. So we've on our end tried to do what we can coordinate this process out.

Woodstock Planning Board Attorney John Lyons:

Thank you. And I think the thing that's a concern to me is honestly the lead agency circulation is the only communication that the Planning Board has received from the Ulster Planning Board since this process started, and to be fair, I've had some conversations on the phone with Mr. Kovacs, but I, you know, I think that ideally it would be better for all concerned if there was a more robust exchange of information and sharing of information as we go forward, so hopefully we can accomplish that.

Chairman Peter Cross:

Okay, so tonight what we're going to do is to review the results from both our environmental consultant and our traffic consultant that you guys have seen, and hopefully can comment on.

Zena Development Attorney Alec Gladd:

Yeah, sure. So, just quickly, and we'll use this as a segue to jump into that discussion. Just two meta project changes on the Ulster parcel, as part of the subdivision, we're proposing a recreation center with some outdoor amenities, but we've actually removed those outdoor amenities, that being the tennis court and two pickleball courts. We understand that noise was a concern on the adjacent Land Conservancy property, so we hope by removing those outdoor amenities addresses that concern. The 2400 square foot recreation building is still remains.

Also, we are proposing to sprinkler the homes in Ulster. We met with the state about it, so that's to achieve state fire code compliance. And, of course, we're still seeking the local subdivision waiver on the length of the road from this board. Also, as a specific addition from the discussion at the last meeting we added we added a hammer-head turnaround on the existing airstrip to provide or to facilitate emergency access to the existing homes. That was something that we discussed at the last meeting in August. So, as part of our most recent submission, we did provide DOS correspondence. Sorry, that's the Department of State confirming that the existing portion of Eastwoods Drive can be 20 feet wide. That was a question that was raised at the last meeting.

Per fire code, does it have to be 26 feet, or can it be 20 feet for the existing portion? And the state confirmed that it could be 20 feet. We also provided the requested sight distance analysis from the existing intersection at Eastwoods Drive, and the analysis that we did concluded that there was adequate stopping sight distance, and we have Tom Johnson from LaBella as well as your traffic consultant to discuss that, and, like I mentioned, we submitted to this board all the same SEQR information, so that you can also review and comment on it, and we are also in report of Hudsonia's review. So, thank you.

And really, what I want to focus on tonight is some of the solutions, the design solutions that we can incorporate additionally into the project to mitigate any identified percent, so for example, Hudsonia identified some sort of guide to the natural bottom wildlife culverts to try to help the amphibians there. We're, of course, happy to incorporate that. We'll do it if the board wants.

Same with the using the different seed mix. There's concern that some of the seed mix that we had identified included Midwest grasses that might be invasive, so we're more than happy to change the seed mix and go with Hudsonia's seed mix, but I really want to try to focus the discussion tonight on those types of solutions, you know, not just the issues, like let's assume you know that there is this certain environmental condition, it's okay. So, how do we address it? For example, like incorporating, you know, little blue stems to host butterflies was also mentioned, and we're of course happy to do that piece.

So, just to quickly run through what we've already incorporated before we get into more of the discussion of what else we can incorporate. We're, of course during construction phase going to have to do temporary incentive control, since primarily still fencing, and then in the habitat buffer encroachment areas, we're going to plant native shrubs to provide foraging and nesting habitats to make up some of the habitat, like I mentioned, we can add the little bluestem to the list of plants that we're going to plant in those mitigation areas, we're proposing to install amphibian crossing signs, posted speed limits, use of the pollinator seed mix. It can incorporate construction protocol to complete the equipment and reduce invasive species spread. Use grass filter strips along the road to remove and trap sediment. The natural bottom large culverts, a fully compliant stormwater pollution prevention plan, and also we're widening the road to the north, which is away from this [inaudible] to the south, so we are happy to incorporate the different seed mix, the culvert guides the little blue stem, but we just want to talk about other options that the board would like to see, and one that we came up to offer as a project team, which I think is easy to do, is during the construction phase install orange construction fencing, like you know that bright fencing around the boundary of the wetlands to make sure that during construction no one drives any equipment or causes any damage to that resource where they're not supposed to, and I think we've done that on other projects, like [inaudible] so that's like another mitigation that we would like to offer up and incorporate in the next iteration of the project.

Planning Board Member Judith Kerman:

Well, one of the other concerns that strikes me has to do with traffic and noise during construction hours, limited hours during which are going up and down the road. I'm not sure exactly what those limits would be, but I think it would be important to have a noise or dust, other things that might bother the people who already have houses along the road.

Zena Development Attorney Alec Gladd:

We'll look at that.

Woodstock Planning Board Attorney John Lyons:

It might be good out to other projects that you have your clients put together, construct, you know, kind of construction plan, which sort of covers the issues that Judy's talking about, and just kind of takes a macro look at construction impacts and comes up with structure almost like a handbook that can be provided to contractors, so that everybody's abide.

Zena Development Attorney Alec Gladd:

Sure, yeah, we can look into that, and just we do have a general sense of that too. Like, the plan is to construct the road first, so we can have all the stormwater erosion sediment control measures in at once. Also, it's less than five acres that was construction [inaudible].

Multiple audience members ask Alec Gladd to speak up and protest that they can't hear anything.

Planning Board Member Genie Tartell:

So I'm hearing what you're saying, Judy. And I'm also I've been working on research since five o'clock this morning, so I'm a little tired, so if I'm not speaking up, I apologize. There are some, there's some information where you talked about, and I've read a lot of different sites, including your site, where that 2400 square foot building is actually being built by you, but that there are other contractors that your homes are actually going to be built to suit, and which means that you're actually selling the land, and which also means that we don't have a duration for how long this project or the noise is going to go, and also on your site, and in apparently in a routine letter that you've sent, because I've read that in some places you are telling people and bragging about the fact that you can build a hundred, you're permitted

to build 150 homes on that site, but you're only building 30, that's in that's in a particular letter from your site, so it kind of comes down to when we're looking at these things, and we're looking at the site or line of sight, which you know LaBella said is something to, and these are my own notes, so that I would remember to do things. Okay, LaBella says something like that reported admits the visibility from Eastwood Drive is below desirable standards. It characterizes the condition as not critically limited, and the Hudsonia findings, and correct me if I'm wrong, concluded that available information is insufficient to determine significant impacts will not occur, identified in data gaps in amphibian, raptor, and wetland studies, and recommended further field surveys before any local approvals proceeding without addressing those deficiencies would contradict both SEQRA's precautionary standards and our town's environmental protections.

So I understand what you're saying, and all of the sounds good during the construction, but we have no idea how long this construction is going on, and we have no idea how long, I mean, the Woodstock in Woodstock alone for subdivisions, even though we don't like blacktop, we're recommending like regular floor stones and blacktop and other things in order to provide safe roadway coming out into a rural road, and I understand again I understand what you're talking about, of all of these things that are going to mitigate and mitigate, but how long is this mitigation going to go on if we have no idea how long this project or how much is really going on in this project, so it can be five years, it can be 10 years. If there's a recession and you can't fill, we're going to have roads and interference, and I mean, there's so many things that are going on right now that I think you know my whole thing's staying through all night is that I think that you know essentially this isn't stuff we should be looking at right now until we know what's actually going on on the site, you know, we're going to build a site and we're going to redo a road and we're going to have construction trucks coming in, but we don't even really know what's going on.

Zena Development Attorney Alec Gladd:

If I may, yes, we do. We're constructing 30 lots in Ulster, six of them can support two family homes, but more than likely everything will be 30 single family homes, and we're extending the existing road in Woodstock. That's that's the project, that's the action.

Planning Board Member Genie Tartell:

And are you building the homes, or are the people who are buying the lots building the homes? I'm just curious, because I had a home in Hawaii, a piece of land in Hawaii for 10 years that I never built on.

Zena Development Principal Evan Kleinberg:

The intention is for us to build the homes with the builder. It doesn't, it doesn't like there's somebody who could come around and want to buy many lots before we build them, but our intention is to build the homes, and if I may, there was a comment about a letter that I wrote. I think I was simply describing to somebody that we reduced - there was a lot of discussion about a very early on plan that we had that was much more ambitious than what we've actually submitted, and I was simply reminding someone that we had a previous plan that was many more units than what we actually submitted. So there was certainly no bragging about how much we could do it was more a reminder that we've certainly reduced our plan based on a lot of the feedback that we've heard the community to only build 30 homes or 30 lots, so there's really no bragging. We're just -

Zena Development Principal Eddie Greenberg:

The zoning in Ulster allows for 77 [inaudible].

Chairman Peter Cross:

So we heard your ideas for the environmental goals. Do you have any other questions from our environmental consultants that need to be added?

[inaudible, possibly Alec Gladd, something about paying back]

Woodstock Planning Board Attorney John Lyons:

Peter, do you want to have Eric and Steven just make brief presentations about their most recent submissions to the planning board for not only for the benefit for the board but also for the public?

Chairman Peter Cross:

Yes, exactly. *[inaudible]* That's what we're here for.

Stephan A. Maffia, PE, Traffic Consultant:

Steve Maffia, traffic engineering consultant with the Planning Board. I did review the applicants' various traffic studies submittals over the past several months, starting in March, another review in August, and then in October. We got to the point where we determined that their trip generation information application was acceptable for a 30 unit subdivision in that they have the appropriate information and findings in their studies. The next part of it was to review the access situation as it relates to the fire code given the length of the access from Zena Highwoods or along Eastwoods Drive, the New York State Fire Code, which, which would control the design of that roadway in terms of safety and the ability of emergency equipment to reach that site, both for a couple of different things, or some options that the applicant could look at for a project of that size, and the length of the access road from the exterior roadway system, they needed either a 26 foot wide roadway or a second access road, the applicant proposed a second access road initially, but it was far too long and had far too much impact on the adjacent properties, and in a follow up with the New York State Department of State, of which a division is the engineers, technicians, who are at the experts in the state fire code, in terms of access, decided that they would sprinkler all of their buildings, but that was the option to have two separate access roads. With a single access road and sprinkler, the New York State Fire Code considers them to be in compliance. The only other issue beyond that was the fact that for that, again, for that, the length of that single access road, what would be the appropriate width of the roadway? My interpretation of the code was that it should be 26 feet.

The state came back and said it would be up to the local fire code official, which I believe in the Town of Woodstock, it's the code officer, and they could decide that that code officer could decide that the roadway could be 20 feet if there were other impacts. impacts that that should be avoided, the potential impacts that I think he may be referring to, are the impacts on wetlands and the buffers around the wetlands that a wider roadway would have an impact on, and if, in his opinion, the 20 foot wide road access is acceptable for emergency access. Then it could be 20 feet. I asked for just a little bit of additional clarification on that, and I'm waiting for the applicant to tell me whether that is 26 feet is not what they're what is meant by a more strict or restrictive interpretation of the code? I believe it is, but I'm not going to push for 26 foot wide roadway if there are significant impacts of the wetlands and buffers, and that certainly not something the planning board would like to see.

Apparently there's a inclusion of a turnaround area somewhere along the length of the roadway, which would be would be an acceptable addition to the design of the roadway, allowing larger trucks, larger fire vehicles to turn around, so that they could access not only the existing homes from Eastwoods, but the site itself.

With that, the only other item was the site distance issue and a curve. I think when planning board members brought this up the last time, that this sharp curve with limited sight distance. The applicant looked at that and found that there are two types of, try not to get too technical, two types of sight

distance. It's called stopping sight distance, that's the minimum distance that you should be able to see clearly whether another vehicle is oncoming, and have enough time to come to a complete stop. The other type of sight distance is called intersection sight distances, it's a desirable distance that you can see cars coming, and if an oncoming car sees you pulling out from the side road, the car on the road, but has enough time to slow down, we can stop if it has to to avoid crashing, so according to their information, they are meeting with stopping sight distance, which is the minimum, which should be met at all, unless there's significant evidence to that, and there are here they're reading that in order to get closer to the intersection sight distance, the desirable distance, I'm recommending that they include additional signage along Zena Highwoods Road, both approaches to the intersection with Eastwoods Drive, and that they indicate that this, there are curves side street intersection, to alert motorists that are on Zena Highwoods, there is a sign because basically Eastwoods Drive is going to be the road to those 30 homes, along with the existing homes, but that's those are those are minimum in terms of size and number of trips that they generate, that roadway is basically their roadways, they have most of the most of the homes that are responsible for mostly home trips, so that they should put a fair cost of selling signs and [inaudible].

So that's that's where I'm right now. I guess there's some additional information that is coming in from the public, which I would recommend to the board that the questions, comments that are made in public's written comments, and obviously when we get to the public hearing, those comments are made off record that the applicant be required to respond to all of those comments and questions for the board and [inaudible].

Chairman Peter Cross:

Thank you. Did you have any ideas about the signage?

Zena Development Attorney Alec Gladd:

Yeah, and I think that's something that our consultant had already suggested as an option. [inaudible]

Erik Kiviat, Hudsonia, Environmental consultant:

I'm Eric Kiviat from Hudsonia, I'm an ecologist. My charge from the planning board has been to evaluate the potential impacts of this proposed project on the Zener Woods Critical Environmental Area. I'm essentially unable to do that because there isn't enough information available about the biology of the development site, Eastwoods Drive and vicinity and neighboring areas.

I do just want to point out a few things that I am aware of about the site that, as far as I can tell, have not been addressed in the most recent applicant documents that I've seen, which is the July submission, one, is that there's no habitat assessment for the bog turtle, which is an endangered species in New York. There is possible bog turtle habitat on the south side of Eastwoods Drive, just west of Zena Highwoods Road, and extending farther to the southeast into what I saw as a white pine - sphagnum moss - red maple wetland. So I think there needs to be that phase one bog turtle habitat assessment. LaBella has expertise on bog turtle and should be a relatively simple matter.

I don't see anything in the document about the red shouldered hawk. I, when I was on the site I believe it was last March, there was a territorial individual, at least one individual, it's a special concern species in New York. It's a species that is area sensitive. In other words, it generally requires an extensive area of mature either upland forest or swamp forest or some combination. It may be sensitive to the increase in traffic noise, and so forth. An assessment of that needs to be made.

I commend the applicant on the amphibian survey along the road, and the flora partial flora survey that was done, but neither of those is adequate to really answer the questions about impacts on amphibians,

or possible rare plants, the sphagnum-white pine-red maple swamp is, as far as I can tell, the usual type of habitat in this region, and it's likely to support rare plants.

As far as the amphibians are concerned, there are really two areas that I think are critical here, one is there will be increased vehicle traffic on Zena Highwoods Road, and the question of amphibians crossing that road has, to my knowledge, not been with the rest of the documents. A local resident documented, for example, a marbled salamander, which is a special concern species that had been killed on Zena Highwoods road. That's a species that wasn't reported in the applicant's amphibian survey. At the other end of the proposed expanded access road, near the other end is a very, very high quality vernal pool, intermittent woodland pool, whatever term you wish to use for that. I think it's designated as Wetland DM seven, in the documents it has also been given other codes at various times.

I would be very surprised, based on the appearance of that wetland, if there were not marbled salamanders and other species of conservation concern breeding in that wetland amphibian species, it's also highly likely to be an important habitat for aquatic invertebrates.

Hudsonia recently performed a two year study of temporary pools, which include the type of vernal pool in Ulster and Dutchess counties, not including the area that we're talking about right now, but supporting similar types of habitats, and we found very high diversity of aquatic invertebrates as well as substantial amphibian [inaudible].

There's other substantial pools that were very similar to DM7, so that's an issue that needs to be addressed, and I pointed out in my report of a couple of weeks ago, which I assume at this point is on the planning board's website, is that correct? So the public is able to see it as well as the applicants. I describe these concerns in more detail than mention some additional concerns that go beyond the mitigations that have just been mentioned this evening. Those mitigation features are all a good idea, they don't merely address the levels of concern that I've just mentioned, and possibly other concerns about [inaudible].

Chairman Peter Cross:

Okay. Thank you.

David MacDougall, LaBella Associates:

I was able to review the documents that Eric put together. I just wanted to mention a couple points. So, bog turtle habitat assessment, you cited the 2020 protocol, which is how everyone typically does bog turtle habitat assessment data sheets, and in that protocol it says that you would only be assessing a site if it's identified by DEC or US Fish and Wildlife Service as bog turtle potentially occurring in the area or likely occur in that area, and I know in particular the IPAC model takes into account soils, landscape features, all kinds of other information that goes into whether or not they feel like a study should be done, and so that's why we're not planning to do a bog turtle phase one, because it's just outside of any area of where they typically have occurred, or where the model is sitting [inaudible], so that's why we haven't done a bog turtle phase 1. The wetland BC by the road, which has now been identified as white pine - sphagnum moss - red maple wetland.

Sorry if I got that wrong, but so in Hudsonia's report to the Town of Woodstock, Hudsonia mapped it as a mixed forest I think it was as a mixed forest wetland, and I feel like that's a correct assessment for that wetland, and this is where what I would call a red maple hardwood swamp, similar to the Edinburgh Habitat community, and so have looked at that wetland - we would agree with the previous mapping, I guess, is the best way to say it.

Red-shouldered hawk. I made a note of your observation from 2025. Hudsonia actually found, noted red-shouldered hawks in 2012 on your site assessment, and so it must not have been reported to DEC, because that species was found at that time, and so -

Erik Kiviat, Hudsonia:

I'm sorry, 2012?

David MacDougall, LaBella Associates:

2012

Erik Kiviat, Hudsonia:

The town-wide habitat-

[inaudible, crosstalk]

David MacDougall, LaBella Associates:

Yeah, she noted it in her letter to the landowner, seen a red-shouldered hawk, it wasn't reported to the DEC, they never got a record of it, because special concern species are included in the ERM and EAF mapper records, and so at that point either that that species wasn't - the DEC wasn't notified of the species being on site. There also was logging on the site from 2012 to 2014. That seems like a lot of disturbance on these properties in general, and the hawks are still there. So it seems like with how much habitat is going to remain on these properties, that it's likely those hawks will still use the area.

Zena Highwoods Road, the applicant has no control over that road, so we're not planning to do any studies in relation to that.

Intermittent woodland pool is roughly 200 feet from the proposed road, and so there won't be direct impacts from the project, and we're welcome to take any more solutions you might have to prevent sedimentation or any other problems, potentially from the project to that level, but we're right now, don't believe there would be any impacts.

When he and I walked the edge in March we did not see that many egg masses from what I recall from the site visit, and so I don't know that it will meet would meet the standard the DEC's new significant vernal pool, but it certainly would be *[inaudible]* we would do any additional measures you think we could do to avoid impacts.

Erik Kiviat, Hudsonia:

Well, let me respond to those comments if I might. First of all, 200 - a proposed road 200 feet from what appears to be a high quality potential amphibian breeding vernal pool may be far enough to keep some nutrient runoff and possibly other pollutants out of the pool, but some of the amphibian species that we're talking about can migrate 1000 feet, 2000 feet between their breeding pool and their summer habitat, so that's an issue that that that could very well cause mortality or injury to the amphibians that are crossing the road and I'd like to also comment that while your colleague did an amphibian road crossing survey on the Eastwards Drive last spring. It's very hard to find migrating amphibians at least that are in a woodland where there's no road, so I'm not at all convinced, also there could be changes in amphibian migration paths from year to year.

In terms of, we didn't, you and I didn't do an egg mass survey, we did walk out into the wetland, which is a basis of my assigning it as a high-quality potential habitat.

Egg masses of wood frog and spotted salamander, which are the two most common vernal pool, more or less obligate breeding species, can be concentrated in a very small area of the pool and an adequate amphibian egg mass survey would really have to cover almost every square meter of a pool like that - that's quite a large pool and could have a small area that the amphibians find particularly suitable.

David MacDougall, LaBella Associates:

So we're doing the bottomless - we're proposing the bottomless culverts at the existing locations. Could you do something like that, at that location with the structures to try to get amphibians to cross underneath the proposed road

Erik Kiviat, Hudsonia:

It certainly wouldn't hurt. The critical issue in amphibian road crossings is that there needs to be a barrier or drift fence or berm or whatever you want to call it that guides migrate migrating amphibians and potentially other small terrestrial animals into the culverts, or whatever the underpasses are, and those are those are a little bit tricky to design and they're tricky to maintain, but they're certainly worth considering.

As far as the red-shouldered hawk is concerned. I don't, I don't get your point about how it wasn't reported to the DEC in 2012 and therefore it sounds like you're saying it's not important now.

David MacDougall, LaBella Associates:

No, I'm just saying that with the all I was trying to say is with the logging that took place over a two year period, the hawks are still present on the site, even with all that disturbance, and so I anecdotally it seems like the hawks might still utilize these properties, even with the development.

Erik Kiviat, Hudsonia:

Oh, that's possible. We don't know, but we do know that there's certainly circumstances in the literature where thresholds of [inaudible] are sensitive. They can be very sensitive to logging operation, sensitive to road traffic and other kinds of disturbances, and they can shoot. I don't know. When did the logging shift

[inaudible]

Planning Board Secretary Melissa Gray:

2012, 2013, 2009

David MacDougall, LaBella Associates:

2012 - 2014

Zena Development Attorney Alec Gladd:

2014

Planning Board Secretary Melissa Gray:

It's been various -

Erik Kiviat, Hudsonia:

About 10 years ago. Well, you know, in a situation like that, birds can shift their breeding habitat and then return, or they can move from place to place in other ways, so I don't think the that history of logging disturbance necessarily predicts what, how the threshold of hawks would respond to road construction, increased traffic noise, and so on. I think it's just an issue that needs to be addressed, and I don't think you've addressed it at all in the documents that I've seen.

Planning Board Member Judith Kerman:

Should the DEC receive [inaudible]

David MacDougall, LaBella Associates:

Yeah, you could still do this report. [inaudible] There's an online reporting point. [inaudible] Where you can submit that.

Erik Kiviat, Hudsonia:

Yeah, I can submit that information to DEC, or they can submit it, but the fact that it wasn't submitted in 2012 or in 2025 doesn't eliminate concern about it as an uncommon animal that could respond negatively to [inaudible]. There are lots of things that the DEC and the Heritage Program aren't aware of, unfortunately, and they, they do, the Heritage Program does say when they respond to an inquiry, and I assume you got this in a letter from the Heritage Program that they only have the information that's in their files that's been reported to them, and they do strongly encourage that new on the ground surveys be conducted in situations like this, and also it's the information that, if the let's say the applicant's consultant, you're in this case, has conducted such a survey more than a year ago, which should be repeated. So, I don't see the, I don't see your comment as an explanation for why we shouldn't be concerned about the [inaudible] data

As far as Zena Highwoods Road is concerned, you know, that may be outside the area of the subdivision, but it's not outside the area of potential off-site impacts. You know, and maybe Steve would like to comment on the increased traffic that there's going to be on Zena Highwoods Road, but clearly anyone going in and out of the site will either need to come from the north or the south on Zena Highwoods Road, I guess it's the most traffic has come from the south and pass quite close to the [inaudible] in the northwestern corner of the site that big blob [pointing to map on screen], that's one of the wetlands that we're talking about, and there's plenty of, yeah, there's plenty of potential amphibian habitat. In fact, when you and I were out there, they had a large number with a small number of wood frogs calling, and I think we saw a couple of spotted salamanders there.

David MacDougall, LaBella Associates:

[inaudible]

Erik Kiviat, Hudsonia:

Yes, well, that's a common species. By the way, in my quick examination of that wetland on Google Earth imagery, it looks like it's about 12 and a half acres, might be a little more, it might be a little less, if it, if it does reach 12.4 acres, it's state jurisdictional wetland and -

Planning Board Secretary Melissa Gray:

They've done that.

David MacDougall, LaBella Associates:

We already [inaudible, crosstalk] need a positive JD from the state

[inaudible, crosstalk]

Erik Kiviat, Hudsonia:

Okay. Thank you. I appreciate that.

Planning Board Secretary Melissa Gray:

I think that was the second to last submission.

[inaudible, crosstalk]

Stephan A. Maffia, PE, Traffic Consultant:

I would just add to - Erik's spot on this assumption that most of the traffic from the site would be distributed on Zena Highwoods Road towards the south

[inaudible]

Stephan A. Maffia, PE, Traffic Consultant:

Yeah.

Chairman Peter Cross:

All right. Well, thank you. That's, I think, the most, most thorough environmental assessment and review we've ever done in this town. So, very good job.

[group says thank you, cross talk]

Zena Development Attorney Alec Gladd:

I just have one more question. I know we've had some discussion about this at the last meeting. I touched on it at start, that secondary access road and the waiver that we requested. Does the board have any thoughts or opinions or feedback on that, because that is a potentially substantial design consideration for the portion of the project in Woodstock, and we just want some feedback, you, the decision maker, so we know which direction to proceed.

Chairman Peter Cross:

Well, I think you folks yourselves said that that would create more disturbance than the present options.

Planning Board Member Judith Kerman:

It would have to go down to the Sawkill [inaudible] an awful lot [inaudible]

Zena Development Attorney Alec Gladd:

I mean, I think the answer is obvious, that we stick with this single access road. We've talked with the state, we're going to sprinkler buildings, so they're okay from a safeguard code perspective with the single access road, but we just want to make sure that the board is also, you know, as we proceed with Ulster, because if you do want to see a second access road then we should add it to the plans, so then it gets considered as far as the SEQR.

Chairman Peter Cross:

Well we're basically,

Zena Development Attorney Alec Gladd:

Okay.

Chairman Peter Cross:

We're doing what the state has suggested.

Zena Development Attorney Alec Gladd:

Okay.

Planning Board Member James Conrad:

[largely inaudible, something about sprinkler systems]

[inaudible, crosstalk]

Zena Development Attorney Alec Gladd:

From the state code perspective we don't need this. This is now just purely Woodstock local code subdivision design standard.

[inaudible, crosstalk]

Planning Board Secretary Melissa Gray:

Yeah, there's lots of side conversations. Can we try to pull it all together, sorry guys.

Planning Board Member Judith Kerman:

The road that they would have to build if we did not approve this as the only access that would go down along here, that would be a big road, and it would have to cross the Sawkill someplace along Sawkill Road, so it would be very disruptive, would be very disruptive, and that I can point to exactly how that connects to this, but it's somewhere down around like that, very long, going through wetlands and [inaudible]

Erik Kiviat, Hudsonia:

Is that historic industrial road or -

Planning Board Member Judith Kerman:

There's nothing there

David MacDougall, LaBella Associates:

There's a trail there. Basically, from Zena Highwoods to where the property starts, for their property, there is like a gravel base trail, but then you kind of lose it once you get off

Planning Board Member Judith Kerman:

Where, here?

[inaudible, crosstalk]

Zena Development Attorney Alec Gladd:

So see that yellow line, yeah, the yellow line *[inaudible cross talk]* that's the existing

[lots of cross talk]

Zena Development Attorney Alec Gladd:

I don't know, for secondary fire access *[inaudible]* are you talking about the secondary road?

Walter Lippman, MJ Engineering:

Yes, for the secondary road it would be *[inaudible]* probably go back to the minimum of 20 feet, because you have two, but with the one, *[inaudible]* it just, it all depends. Two because it meets the requirement, one it's all based on length and sprinkler *[inaudible]* it could be narrower, or it's just *[inaudible]* parcel

Woodstock Planning Board Attorney John Lyons:

And if it was 20 feet wide, what would be the area of disturbance beyond the *[inaudible]*, approximately. I'm just trying to get an idea, so that the board can get a sense of what the disturbance would be.

Chairman Peter Cross:

John, actually, we were out there on a site visit, and we actually walked where the change would be in the buffer zone, which is very, very small. It's only in one section of the road. It's less than 100 feet.

Woodstock Planning Board Attorney John Lyons:

Did you have any comments on secondary access?

Erik Kiviat, Hudsonia:

Well, it is a long road, and there's no question it would be disturbance, however, that road would be simply for emergency use is that correct?

Zena Development Attorney Alec Gladd:

Correct.

Erik Kiviat, Hudsonia:

The access for fire vehicles, for example.

Stephan A. Maffia, PE, Traffic Consultant:

Yes, it could be. According to the fire code there are two options for access to a property for emergency vehicles, that would be two separate access roads, each one 20 feet. You can do away with one of those roads by sprinkling, sprinklering all of buildings on the site. That's the option I think we're looking at now. They say they're going to sprinkle all the buildings and the single access road along Eastwoods. That would satisfy the NYS Fire Code.

I had mentioned before when we first spoke that the decision about the width of the roadway lies with the town's code officer, and the code officer can base that decision on, as far as the width is concerned, on whether or not it's significant impacts that should be considered, and as I mentioned, because of the sensitivity of that area on Eastwoods Drive, that limiting it to 20 feet is probably what you can call for, and all I'm asking is that that project and clarify with the state whether [inaudible]. That's just some issue with in my mind about clarification as to whether 26 foot wide roadway is more restricted, not in that it's wider, but that is more restrictive on getting it done. It's a wide road width, it's more construction involved, wider a wider width in terms of disturbance along the edges, and if the state goes back and says no, your code officer has the ability to say 20 feet is fine, then that's acceptable as far as the state is concerned.

Woodstock Planning Board Attorney John Lyons:

I just want to clarify, Steve, the requirement for secondary access arises from the Woodstock subdivision. [inaudible] exceeds a certain number of feet.

Stephan A. Maffia, PE, Traffic Consultant:

That access doesn't necessarily have to be just for emergencies, it's probably better that it is, if they were to build, that it just be secondary access, or not see a regular amount of traffic on a daily basis back and forth in another sensitive area, so it would be just built and left basically unless fire or emergency vehicles need to access it in order to get [inaudible]

Planning Board Member Judith Kerman:

If I could speak, when I look at that, and it's up the existing area near the Kingston reservoir correct? That's a very long way to almost end up at the same place where you would have gotten on the short one.

Stephan A. Maffia, PE, Traffic Consultant:

It is. It didn't make sense. I was happy to see that they ended up sprinklering just to reduce the overall impacts around the site. And I would also final comment that sprinkling, we want to make sure, as far as the town of Woodstock is concerned, that the sprinklering of the buildings is either a condition of approval to come from Ulster, because the Town of Woodstock doesn't have that approval authority in terms of safety, fire, fire, emergency access is part of the plan. It's actually solved [inaudible]

Chairman Peter Cross:

Okay.

Erik Kiviat, Hudsonia:

Excuse me, I just want to finish my thought about that. It certainly, from an ecological point of view, better not to have that extra road. However, there isn't any information about where is there [inaudible] so I can't comment on what the impacts would be. Clearly, the impacts would be in construction and not so much in the use and operation.

[Judith says something inaudible]

Erik Kiviat, Hudsonia:

I'm not saying there would be no impacts, I'm simply saying we don't have any information, we have even less information than we have about Zena High- about Eastwood Drive which is skimpy enough. Skippy enough.

Chairman Peter Cross:

Okay, so the two main issues before us are the traffic is one. I think we've discussed that pretty well, and have worked out all the options on that. The other one is the environmental issues, I think, like I said, it's the best environmental review I've ever seen, but there are some other not quite answered questions that you might want to look at that we brought up. I don't know if you have a specific list of those, but I'd like to make sure that we have those two issues from our point of view. So

Zena Development Attorney Alec Gladd:

Yes, I think the next submission will be similar to some prior ones, we'll add the additional mitigations, plan sheet. I'm also including the cover letter, a running list of all the mitigations that we have so far, so it's easy to find, I think

Planning Board Member Judith Kerman:

You're going to put turnaround area in the area where the air strip is, so you're really not disturbing anything, that's grassland

[inaudible crosstalk]

Chairman Peter Cross:

Any other questions from the board members regarding these two issues?

Planning Board Member James Conrad:

What's the road width *[inaudible]*

Walter Lippman, MJ Engineering:

20 for the existing portion

Planning Board Member Judith Kerman:

20 for the existing portion, 26 for the new

Planning Board Member James Conrad:

You are going to go up to 26

Planning Board Member Judith Kerman:

And that's about 600 feet beyond what it already is?

Zena Development Attorney Alec Gladd:

The extension? Oh, it's 1200 feet. But part of that does follow the existing driveway to that house on that parcel, so it's not completely new disturbance for the whole length.

Planning Board Member Judith Kerman:

Sorry my computer died.

Chairman Peter Cross:

Any other questions from board members? All right, gentlemen. I guess we're going to have to set up another appointment,

Zena Development Attorney Alec Gladd:

Yeah, I mean, I don't know if we'll talk about process a little bit, so we can't open the public hearing because both towns require subdivision approval, state law says we're not supposed to open the public hearings until we have a SEQR neg dec

Planning Board Secretary Melissa Gray:

Can the audience please be quiet, the rustling

Zena Development Attorney Alec Gladd:

So I don't know when this board wants us back. We're happy to come back as much as you want

Chairman Peter Cross:

We have to wait for that SEQRA decision first.

Woodstock Planning Board Attorney John Lyons:

Well, would it be possible to open the public hearing on the site plan?

Zena Development Attorney Alec Gladd:

Yeah, that's that's possible too. I guess it just depends on how many hearings you want.

Chairman Peter Cross:

I don't know John what do you think, do you think we should wait for the SEQRA?

[multiple PB Members and Melissa say yes and nod]

Woodstock Planning Board Attorney John Lyons:

I think that one of the things that [inaudible] there would be a benefit the public hearing would be about site plan approval, but I'd be interested to try to get as much comment from residents of Woodstock as early as possible, so that those comments would be conveyed to Ulster. TBut I would just urge everybody that's here tonight that has concerns about this application. It's super important for you guys to participate in whatever public comment opportunities are being provided by the town of Ulster, and even if there isn't a public hearing, you are free to still be able to send written communications to the Ulster Planning Board. I'd encourage you to do that, and I would ask you, please, for any communications that you do send to the Ulster Planning Board, if you would be kind enough to copy Melissa here for the planning board, so those can be circulated to our team as well, so we know what's going on. We would appreciate that greatly.

Planning Board Secretary Melissa Gray:

I have every letter.

Chairman Peter Cross:

Okay

Woodstock Planning Board Attorney John Lyons:

I suggest Peter, before you break on this for two items of homework for Woodstock Planning Board members, one is to the applicant in the October 7 submission, there's a proposed environmental assessment form, part two, that's been completed by the applicant, that's at the end of that package. I would suggest that it would be a good idea for the planning board members to go through and take a look at the way that the applicant has chosen to answer the questions in that EAF part two, and to just do some thinking, whether you agree with the answers, and also to do some thinking about whether you want to express any opinions to the Ulster Planning Board about the determination of significance, whether this board wants to advocate for a negative declaration or a positive declaration, and it would have to be based on your concerns, in that, you know, as it would have to be, as the questions are framed within the EAF Part Two.

Planning Board Member John Lavell:

Is there someone that we can appoint to coordinate this between the Town of Ulster and the Town of Woodstock? This is much too important issue to leave up in the air.

Planning Board Secretary Melissa Gray:

John Lyons has been trying. He's really our go-to.

Planning Board Member John Lavell:

You specifically?

Woodstock Planning Board Attorney John Lyons:

I'm not doing anything in Ulster, other than trying to get [inaudible, Melissa interjecting] trying to communicate with us. John, you're exactly right, John. We need to have communication, and that's one of the first things we have to do, is to try to come up with -

Planning Board Member John Lavell:

We have a history with Ulster, of non-communications so that's my concern.

Woodstock Planning Board Attorney John Lyons:

Yup. Communication and coordination is something we need to, we need to work on. It takes two to tango, of course, but we got to keep working.

Chairman Peter Cross:

So noted.

Planning Board Member John Lavell:

Occasionally you have to force them to the dance lessons.

Planning Board Member Judith Kerman:

Perhaps the applicant can lean on the Ulster people?

Woodstock Planning Board Attorney John Lyons:

Yeah, I mean, it's not good for anyone, for the lead agency to leave an involved agency behind when the involved agency wants to participate, and it's, it's not fair to Woodstock, it's not fair to the applicant either, because you end up creating potential problems for environmental review, so it's worth, and I, and if I were sitting on the Ulster planning board, you know it's their responsibility to make a decision regarding the impacts in Woodstock. I want to know everything I can know about it, so that I can make a good decision. So, it's it really is in everybody's interest for us to be talking, communicating, sharing information. We just have to get that going.

Planning Board Member John Lavell:

All well and, good, but the history comes back here. The non-cooperation that comes to town of Ulster has been legendary. I have 50 years of sitting on these boards, and let me tell you when it comes to the Town of Ulster, communication is non-existent. It's literally going to have to force them.

Woodstock Planning Board Attorney John Lyons:

Well as Melissa said, maybe we can enlist some assistance from the applicant in trying to arrange for -

Zena Development Principal Evan Kleinberg:

Absolutely. Now that they've been determined as lead agent we've been leaning on them heavily to start working things through the process

Planning Board Member Judith Kerman:

Because they can't finish

[crosstalk, difficult to discern]

Zena Development Principal Evan Kleinberg:

We've been pushing them to move everything forward.

Chairman Peter Cross:

We'll work on it.

Woodstock Planning Board Attorney John Lyons:

Oh, Peter, sorry. Number two, the other thing I thought that would be good for the planning board member to give some thought to is the issue that's been raised about the secondary road, and maybe if you all could do some thinking about that, at least see if there a consensus can be reached on the part of the board members to give some guidance to the applicant with regard to, you know, what, where the board stands on it.

Planning Board Secretary Melissa Gray:

Can we take care of that right now? I think the majority of the board has stressed where they feel. Peter? What do you think?

Chairman Peter Cross:

About the second access road? It's going to cause a lot more disturbance, and if the state is in charge of this, and if they say the sprinkler system works, then that solves a lot of destruction.

Planning Board Secretary Melissa Gray:

Should we make a motion? I feel like that's what the applicant's been asking for.

Woodstock Planning Board Attorney John Lyons:

I think if there's a consensus with that can be represented to the applicant. Alec, you know my concerns that were expressed at the office meeting, that with SEQR not having been done yet, I think there's a value to sharing this information, but we can't say it's a hard and fast determination until we get further along.

[cross talk, inaudible]

Woodstock Planning Board Attorney John Lyons:

Correct? But I think I understand applicants' desire to have some guidance because it affects the design of the project that's going to be submitted to Ulster.

Planning Board Member Genie Tartell:

[inaudible] Woodstock's law, okay, and I know state law says otherwise, says that there needs to be a sprinkler system, but I believe in Woodstock Subdivision Law if the road is not wide enough, there needs to be, with this number of residencies, there needs to be two roads, two access roads, and that's Woodstock regulations in their subdivision law, and Judy, unfortunately, the thing that I keep on thinking

about is when you said this, you made a statement at the last meeting when you suggested this turnaround that it's not *if* there's going to be a fire in there, it's *when* there's going to be a fire in there, and got a letter the other day that somebody sent us with a tree across Eastwoods Drive, and they had said in this letter that if the power had gone out, they wouldn't have been able to cut this tree. Now that happened during a summer storm, and one of those homes were hit by lightning, and they can't get through that entire Zena area would go up in flames, because if you walk through those woods during the summer, they are a tinder block box, and for us not to consider a secondary road, it's not doing what the planning board is supposed to be doing in Woodstock, which is primarily ensuring the safety of our citizens, of our taxpayers in Woodstock.

So I personally, who have somebody who has been involved in large fires, really feel very uncomfortable that we're going to possibly subject those people in Ulster, the town of Ulster, and those people on Zena Road, in Zena and in Saugerties to one access road, if the tree comes down and those fire people can't get in, so I know that it's going to cause a little bit more destruction, but I don't think that it's something that should be voted on so quickly before we discuss it and see, because if those fire sprinklers don't work and something else happens and somebody can't get through, we've got 30 homes up there, we've got hundreds of other homes. Look who's sitting here right now, and to make that decision as the board.

Planning Board Member Judith Kerman:

Nobody is suggesting to make the decision, in fact I said that I don't think it's appropriate for us to a resolution right now.

Planning Board Member Genie Tartell:

Good. I didn't hear that. I'm sorry.

Chairman Peter Cross:

Any other questions? And folks, we have more business to do, so when you, when this is over, please go out as quiet as you can, but we have more business to do.