ZENA DEVELOPMENT

November 9, 2026

Chairman Peter Cross and Members of the Planning Board
Town of Woodstock
Woodstock, New York

Re: Zena Development LLC, October 22 Public Hearing

Dear Chairman Cross and Members of the Planning Board,

We are writing to provide the Board with the results of a formal title and easement search conducted by Core Title Services, LLC, dated November 5, 2026, which directly addresses the easement claims raised in opposition to our application. However, we want to note that the documentation provided in this letter is for general informational purposes only. Even if a valid easement were determined to exist, a dispute over private easement rights between neighboring property owners is a private property matter, not an issue for the Planning Board to adjudicate as part of this application. The Court of Appeals, New York's highest court, has consistently clarified that zoning and easements a separate and distinct matters and municipalities cannot adjudicate private property disputes. Friends of Shawangunks, Inc. v. Knowlton, 64 N.Y.2d 387, 392 (1985) ("The use that may be made of land under a zoning ordinance and the use of the same land under an easement or restrictive covenant are, as a general rule, separate and distinct matters, ... and the issuance of a permit for a use allowed by a zoning ordinance may not be denied because the proposed use would be in violation of a restrictive covenant."); Chambers v. Old Stone Hill Road Associates, 1 N.Y.3d 424, 432 (2004) (Town issuance of the special permit to construct a wireless facility is separate and distinct from private property owner's right to enforce a restrictive covenant).

Title Search Findings
The findings are straightforward: The historical easement language appeared in deeds before the property's 1993 foreclosure, was omitted from the foreclosure deed, and has never reappeared in any of the subsequent deeds examined. Mr. Cohen's own deeds, along with the other neighboring deeds reviewed, contain no such easement language. These findings seriously undermine the access claims presented to the Board.

The attached report establishes several important facts:

- The historical easement language dates back to 1986. The property subsequently went through mortgage foreclosure in 1993.

- The foreclosure referee's deed, dated December 17, 1993, did not carry forward the historical easement language. That language was also absent from the 1995 bank conveyance and every subsequent deed reviewed.
- Mr. Cohen acquired his property in 2016 without the historical easement language in his deed. His February 2024 deed likewise contains no reference to that easement.
- The deeds reviewed for the neighboring properties also do not contain the historical easement language. The reviewed deeds provide no evidence that the easement was expressly granted again or carried forward following the foreclosure.

Neighboring Property Owners Identified in the Title Search

For clarity and completeness of the public record, the title search identifies the following owners and deed holders whose properties were included in the review:

- Darren Cohen and Renata Rumian – Section 28.3, Block 1, Lot 35.110
- Scott Canner and Janine Canner – Section 28.3, Block 1, Lot 35.200
- Eugenie Tartell, as Trustee of the Eugenie Tartell Revocable Asset Management Trust – Section 28.3, Block 1, Lot 32.200

The report confirms that the deeds reviewed for these properties do not contain the historical easement language. We believe it is important that the Board have a complete and accurate understanding of the ownership and deed history associated with these claims.

Significance of the Findings

The significance of these findings should not be overlooked. The documentary record demonstrates that the historical easement language ceased appearing in the deeds following the 1993 foreclosure and was not included in the subsequent conveyances examined.

While the ultimate legal effect of the foreclosure on any prior easement rights is a separate legal determination, the title search raises serious questions about the basis for the access rights being asserted.

We also find it noteworthy that, despite raising these claims before the Board, Mr. Cohen never submitted his own deed for review. The title search now confirms that his deed contains no reference to the historical easement language. This is material information that should have been included in any complete presentation of this issue.

Property Access

We also wish to clarify our position regarding access to Zena Development LLC's property. Zena Development LLC has not granted Mr. Cohen or any other homeowners on Lauren Court or neighboring property owners permission to enter, cross, or otherwise use our property.

We do not consent to entry or use of our property without prior authorization, except where an independently established legal right permits such access. We reserve all rights to protect our property against unauthorized entry, including pursuing appropriate remedies for trespassing where warranted.

Relevance to the Planning Board

Unfortunately, this is yet another example of misleading or incomplete information being introduced into these proceedings by opponents of the application, creating unnecessary confusion and diverting attention from the actual land-use issues within the Board's jurisdiction.

We respectfully ask that the Board recognize the significance of these documented findings as another example unsupported representations made by project opponents. Our application should be evaluated based on the applicable planning and zoning standards, not repeatedly delayed or distracted by private property claims that have not been substantiated by the documentary evidence, nor are relevant to the Planning Board's jurisdiction.

Sincerely,

Eddie Greenberg
Evan Kleinberg
Zena Development LLC