

ZENA DEVELOPMENT LLC

September 22nd, 2026

Chairman Peter Cross and Members of the Planning Board
Supervisor Anula Courtis and Members of the Town Board
Town of Woodstock
45 Comeau Drive
Woodstock, New York 12498

Dear Members of the Town Board and Planning Board:

We have now been working through the Woodstock review of this project for years. During that time, we have answered the Board's questions, retained experts, commissioned studies, revised our plans, addressed traffic, environmental, wetland and emergency access issues, and spent a substantial amount of time and money trying to work through this process in good faith. By June of this year, our project history reflected almost ten separate submissions to the Woodstock Planning Board and approximately as many appearances and presentations before the Board. At this point, we are writing because we have no idea what exactly is still open, and what is the path to a decision?

The Eastwoods Drive issue is not new. In May 2024, Woodstock's own Zoning Enforcement Officer issued a formal determination addressing Eastwoods Drive and the approvals that would be required for the proposed road improvements. That determination addressed the Fire Code, the proposed widening of the existing roadway, Planning Board review and the wetland permitting associated with those improvements. The Woodstock Land Conservancy then challenged that determination before the ZBA. In December 2024, the WLC appeal was denied by operation of law and the ZEO determination remained in place. We are not suggesting that either the ZEO or ZBA granted the subdivision waiver now before the Planning Board. Instead we are pointing out that Eastwoods Drive, the road standards, Fire Code and the basic approval path have been under formal review in Woodstock since 2024.

The single access question also did not first arise at the last meeting, or even at the November meeting. In July 2025, we formally requested the subdivision waiver and provided the Board with a drawing showing the potential secondary access alternative. At that time, we explained that the alternative could require thousands of feet of additional roadway and acres of additional tree clearing when the existing Eastwoods Drive corridor could continue to be used. Our waiver request specifically raised the additional disturbance created by the second road and asked the Board to allow the single access configuration.

By August 2025, the Board's own traffic consultant, Stephan Maffia, had already completed multiple reviews of the traffic work. In his August 12 memorandum, **he expressly stated that he remained satisfied with the existing traffic volumes, the background growth assumptions, the trip generation and distribution, and the level of service analyses.** His unresolved concern at that point was not whether the project created an unacceptable ordinary traffic condition. His concern was the Fire Code and whether the proposed access configuration satisfied the requirements for emergency access.

We responded to that concern. Our engineers went directly to the New York State Department of State Division of Building Standards and Codes for project specific guidance. The State explained in writing that the **Fire Code allows a single fire apparatus access roadway where the homes are sprinklered**, while also making clear that the local fire code official remains the authority having jurisdiction and may require additional measures based upon actual local conditions. The State also confirmed that the local authority has discretion with respect to the existing roadway and stated that if the local authority determined that widening the existing road to 20 feet was sufficient, it had the authority to make that determination based on what it believed was reasonable to safeguard public safety.

On October 7, 2025, we submitted that Department of State correspondence directly to this Board. That was not the only thing submitted. The package also included correspondence from the Ulster County Department of Emergency Services, LaBella's September sight distance analysis, a further LaBella response to Hudsonia, updated wetland and watercourse mitigation materials, revised mitigation plans, and the SEQRA environmental evaluation materials.

That brings us to the November 6, 2025 meeting. We came to that meeting looking for direction. There was a long and substantive discussion about Eastwoods Drive, the single access road, Fire Code compliance, road width, sight distance, traffic, wetlands, environmental impacts and the secondary road alternative. We specifically asked the Board for feedback on the secondary access waiver because it was a substantial design issue and we needed to know which direction to proceed before completing the environmental review.

By that point, Mr. Maffia said that the Applicant's trip generation information and traffic studies were acceptable for the proposed 30 lot subdivision. He discussed the Fire Code work that had been completed and the sprinkler approach. When the secondary access came back up later in the meeting, Judith Kerman noted that the proposed alternative traveled a very long distance only to end up near essentially the same location. Mr. Maffia agreed and said: "It didn't make sense. I was happy to see that they ended up sprinklering just to reduce the overall impacts around the site." Immediately afterward, Erik Kiviati of Hudsonia stated that "from an ecological point of view" it was better not to have the extra road.

That exchange is important because it shows the actual issue the Board was considering. The choice has never been between a single road that has impacts and a second road that has none. A second road has its own potential for negative environmental effects. It means more road construction, more clearing, more grading, more disturbance and more intrusion into a Town designated critical environmental area. The Board's own traffic consultant recognized that problem, and the Board's environmental consultant expressly acknowledged that avoiding the additional road was environmentally preferable.

Additional Board member comments at that same November meeting are also important because they show how the Board itself viewed the amount and depth of review that had already taken place.

We then spent approximately another ten months going through the Town of Ulster's coordinated SEQRA process with NPV and the other reviewing professionals. We continued answering questions, revising plans, conducting additional studies and reducing impacts. By June 2026, steep slope disturbance had been reduced from 2.06 acres to 0.58 acres. Total cuts had been reduced from approximately 95,000 cubic yards to approximately 45,000 cubic yards. Total fills had been reduced from

approximately 103,000 cubic yards to approximately 35,000 cubic yards. Total tree clearing had been reduced from approximately 33.2 acres to 23.9 acres.

The project was also redesigned to use a single access road with dual cul-de-sacs. Home locations and septic layouts were revised. Raised septic systems were incorporated in coordination with the Ulster County Department of Health. The tennis and pickleball courts were removed. Open bottom culverts and other measures were added to reduce potential impacts to wetland areas. The roadway cross section was modified to reduce impervious surface. The conservation area was expanded from approximately **0 acres, to 18 acres then to 30 acres**. Additional work was also performed on habitat and forest fragmentation, septic feasibility, plantings, amphibian migration and wetland crossings.

The Woodstock portion of the project, however, did not materially change. We are still talking about improvements to the existing Eastwoods Drive and its extension to the Ulster property. What changed after November was a few additional mitigations, additional analysis and additional refinement of a project that had already been extensively reviewed.

Ulster ultimately completed its SEQRA review and issued the Negative Declaration. That review did not happen in isolation. DEC had previously resolved the lead agency dispute by designating Ulster because Ulster has the broader governmental authority over the subdivision as a whole. DEC specifically found that Woodstock's jurisdiction is more limited and focuses on the Eastwoods Drive improvements, compliance with Town requirements, and the related wetland and watercourse approvals. DEC was equally clear that Woodstock's responsibilities were not eliminated or diminished by that decision.

We understand that distinction. We are not asking Woodstock to surrender its authority, and we are not suggesting that completion of SEQRA automatically grants our Woodstock approvals. Woodstock still needs to decide the applications and waiver that are actually before it. What we do not understand is why Woodstock's remaining local review should now become a reason to reopen and redo the broader environmental work that was already performed through the coordinated SEQRA process by the designated lead agency.

That is why the September 17 meeting was so frustrating and confusing to us. After all of this work, the discussion suddenly turned toward sending the project through another round of consultant review, involving consultants who have already reviewed the project and new consultants who have never worked on it. One new Board member expressly stated that she had not been provided the historical materials and did not believe she had enough background to evaluate the application. We immediately offered to provide the complete record. That is the solution. Provide the new Board members and any new consultant with the existing record.

The solution is not to make us pay to recreate more than two years of review. We want to be very clear about this because we do not want there to be any misunderstanding. **We will not fund another round of studies or consultant review of issues that have already been studied, analyzed and answered.** This is not a request to negotiate the cost of repetitive work. We are objecting to the repetitive work itself.

If there is something genuinely new, identify it. Tell us what information is missing. Tell us what standard has not been satisfied. Tell us what materially changed since the prior review. Tell us why the substantial existing record does not answer the question. If there is a legitimate new issue, we will address it. If there is not, we are not starting over.

Single Access Road

The single access road is the clearest example of why we are taking this position.

This issue has now been reviewed in multiple settings and by multiple professionals. It was part of the 2024 ZEO determination. It was raised in the ZBA proceeding. We formally requested the waiver in July 2025. Mr. Maffia reviewed the traffic and access issues. Our engineers obtained Department of State guidance specifically because Mr. Maffia asked for the Fire Code question to be resolved. We submitted that State response to this Board. The Board discussed the issue extensively in November. Mr. Maffia discussed the environmental and practical problems with the secondary road. Hudsonia agreed that avoiding the second road was environmentally preferable. We then proceeded through another approximately ten months of environmental review using the single access configuration.

The Town's own subdivision regulations establish a mechanism for exactly this type of request. Section 202-43 allows the Planning Board, upon specific request and by specific resolution, to waive required improvements where the special circumstances of a particular plat make those improvements unnecessary to the interests of public health, safety and general welfare. Section 202-44 separately allows modification of requirements where unique conditions involving topography, access, location, drainage or other physical features create unusual hardship or difficulty, provided the public interest is protected.

We made the waiver request. If the Board believes the existing record does not allow it to make the findings required under Section 202-43, then tell us which finding cannot be made and why. Tell us what evidence is missing. That is the question that should be answered now. We should not be funding another generalized review in the hope that somebody eventually identifies a different issue.

The Fire Code itself should also be discussed accurately. The current Fire Code provides that developments of one- or two-family dwellings where the number of dwelling units exceeds 30 require two separate fire apparatus access roads, but it separately provides a sprinkler exception for developments with more than 30 dwelling units served by a single road. The Code also preserves the authority of the fire code official to make access determinations based on the actual circumstances presented.

We are not suggesting that this language, by itself, decides Woodstock's subdivision waiver. The subdivision standard and the Fire Code are separate issues. We are saying that the continued discussion of emergency access has to be grounded in the actual Code, the project specific Department of State correspondence, the findings and comments of the Board's own traffic consultant, and the actual evidence in this record.

That is why my question remains simple: what has materially changed since November?

If there is new engineering information, identify it. If there is a new Fire Code issue, identify it. If Mr. Maffia has changed his professional opinion, explain what new information caused that change. If there is an actual public safety deficiency that has not previously been analyzed, tell us what it is. If the Board believes a particular part of the waiver standard has not been satisfied, tell us what part and what evidence it believes is still needed.

But if nothing material has changed, we do not understand why we are reopening the same question and paying professionals to answer it again.

We have no problem addressing a real unanswered question. We are not going to keep paying people to answer the same question until somebody eventually gives a different answer.

Hudsonia and Erik Kiviat

We have the same concern with another generalized review by Hudsonia, and after reviewing the complete project record, we believe this issue deserves particular attention.

Hudsonia's October 26, 2025 addendum says on its face that Mr. Kiviat reviewed the July 2025 applicant documents. He says that in the summary and again in the introduction. His stated assignment was focused on the potential ecological impacts of the proposed access road on the Zena Woods Critical Environmental Area.

The problem is that the project record did not stop in July.

On September 23, the project team made another substantial submission that included a revised Habitat Survey Report, updated U.S. Fish and Wildlife Service correspondence, additional traffic and sight distance information, both of Mr. Maffia's prior traffic review memoranda, updated wetland mitigation materials, amphibian migration surveys, DEC wetland jurisdiction information, LaBella's response to Hudsonia and other environmental materials.

Then, on October 7, almost three weeks before Hudsonia issued its October 26 addendum, we submitted directly to this Board the Department of State Fire Code correspondence, county emergency services correspondence, the September sight distance analysis, a new LaBella response to Hudsonia, updated wetland mitigation materials, revised mitigation drawings and the SEQRA evaluation materials.

Yet Hudsonia's October 26 addendum expressly states that it was reviewing the July materials.

That does not mean every concern Hudsonia raised was wrong. It does mean that a comment based on the July record cannot simply be treated today as an unresolved comment based on the complete current record.

That distinction is extremely important.

Since then, LaBella has continued to respond to Hudsonia and revise its work. Hudsonia criticized the July Habitat Survey Report in part because the qualifications of the authors were not stated. The revised LaBella report specifically identifies David MacDougall as holding an MS and credentials as a Certified Wildlife Biologist and Professional Wetland Scientist, and identifies him as LaBella's Ecological Services Project Manager.

That is how this process is supposed to work. A consultant raises a concern. We respond. The record gets supplemented. The consultant then either accepts the response or explains specifically why the response is inadequate.

What should not happen is that the original comment simply remains on a list forever as if our response never occurred.

The bog turtle issue is a good example. Mr. Kiviat recommended a Phase I bog turtle habitat assessment. David MacDougall from LaBella responded that the protocol Mr. Kiviat was relying on calls for that assessment where DEC or the United States Fish and Wildlife Service identifies bog turtle as potentially or likely occurring in the area. LaBella explained that the applicable agency screening and IPaC modeling did not identify this project site as one where that assessment was triggered. If Hudsonia disagrees with that technical conclusion, it should explain specifically why and identify the scientific or regulatory basis for that disagreement. The answer cannot simply be that we should pay for another study because more information would always be preferable.

The red shouldered hawk discussion presents the same issue. Mr. Kiviat raised the hawk as an area requiring additional review. LaBella responded that Hudsonia itself had documented red shouldered hawks on the property in 2012, that significant logging occurred between approximately 2012 and 2014, and that the hawks continued to use the area afterward. The revised Habitat Survey Report specifically addresses the red shouldered hawk, its habitat and its regulatory status, and LaBella again explains the prior observations and continued use following the logging disturbance. Mr. Kiviat himself acknowledged during the November meeting that birds can shift habitat during disturbance and that continued use was possible. That is a legitimate professional disagreement over the need for further study. It is not an established finding of a significant adverse impact.

The same pattern appears with amphibians and the woodland pool. LaBella conducted amphibian migration work and addressed the distance between the road and the woodland pool, field observations and the potential for direct impacts. Even where LaBella did not agree that a significant impact had been demonstrated, it nevertheless proposed additional mitigation. The Applicant then incorporated Hudsonia recommendations including amphibian crossing signs, posted speed limits, invasive species control measures and additional mitigation. Later plans incorporated wildlife guides, open bottom culverts, wetland construction fencing, native planting measures and other protections.

There is also the wetland issue. Hudsonia raised concerns about wetland conditions and connectivity. LaBella responded with delineation information, agency jurisdictional materials and additional mitigation. There was even a point at the November meeting where Mr. Kiviat raised the possibility that a wetland might newly qualify for State jurisdiction based on his estimate from aerial imagery, and he was then advised during the meeting that the State jurisdictional process had already been addressed. He acknowledged that information. That exchange is not proof that every Hudsonia concern was unfounded. It does show the importance of making sure any consultant undertaking further work is reviewing the complete record before an issue is presented to the Board as something that has never been answered.

That is why another generalized Hudsonia review is not acceptable to us.

Before we are asked to pay Hudsonia another dollar, the Board should identify which specific Hudsonia comment remains unresolved today, what Applicant response has already been submitted on that issue, whether Hudsonia has reviewed that response, why the response is inadequate, and what specific additional work is actually required.

We will not pay Hudsonia to restart its review using a 2025 list of concerns that the project team has spent the last year addressing.

There is also a separate disclosure issue involving Hudsonia, Mr. Kiviat and the Woodstock Land Conservancy. Hudsonia's own published report archive identifies prior work performed by **Mr. Kiviat specifically for the Woodstock Land Conservancy and Catskill Mountainkeeper. Publicly available materials also show that WLC presented Mr. Kiviat and Gretchen Stevens with its William R. Ginsberg Stewardship Award in 2024.**

It is concerning that WLC has been an active opponent of this project, and if a consultant serving as an independent advisor to the Planning Board has a prior professional, financial or organizational relationship with one of the principal organizations opposing the project, we believe that relationship should be disclosed. We are asking whether those relationships were disclosed when Hudsonia was retained, whether the Board was aware of them, and whether they were considered when Hudsonia was selected to work on this application.

Woodstock Land Conservancy and Outside Opposition

We fully recognize that WLC, neighboring property owners and other members of the public have the right to oppose this project and participate in the public process. We are separately reviewing WLC's involvement in the project, including its public statements, correspondence, FOIL materials, appeals and other activity. That is a separate issue and does not need to be resolved in this letter.

What does matter to this Board is that public opposition cannot become the mechanism through which completed technical reviews are continually reopened.

A concern does not become a new technical issue simply because it is repeated at another meeting. A question that has been answered does not become unanswered because the answer is unpopular. And a professional conclusion does not require another study simply because an opponent disagrees with it.

The Board should hear public comments. It should also separate generalized community opposition from technical evidence and distinguish a genuinely new issue from one that has already been studied, answered and incorporated into the record.

We are not going to fund another study every time the same issue is raised again.

I also want to address our attendance at these meetings. Our attorney recommended that ownership not personally attend the September meeting because of the threats and hostile atmosphere that had developed around this application. We followed that advice, but we are not going to be driven out of this process. If we are on the agenda for the next meeting, we intend to attend, just as we have attended and participated throughout this review. This project and our rights as property owners are too important to allow misinformation, intimidation or organized pressure to determine whether we show up and participate in a public proceeding. WLC and other opponents have every right to oppose this project. No opponent has the right to intimidate us out of participating in a public proceeding. We intend to continue appearing before the Board, presenting the facts and defending this application on the record.

Eugenie Tartell

We also remain very concerned about Eugenie Tartell's continued participation in this application.

We have raised her status as a neighboring property owner, her prior opposition to the project, involvement with the WLC Facebook group and her continued participation in the Board's review. We understand the question of recusal has now been formally referred to the Woodstock Ethics Board. We are not going to speculate in this letter about her personal motives. The issue is serious enough based on the objective facts.

Her continued participation while that question is pending raises serious procedural fairness and due process concerns. We want our objection to her continued participation clearly preserved in the record and reserve all rights

Site-2 Zena-Highwoods

There is another fact about this immediate area that is difficult to reconcile with the level of scrutiny being applied to our project. The Town itself is actively considering an approximately 11-acre Town-owned parcel on Zena-Highwoods Road for affordable housing. That site is immediately adjacent to the Zena Woods Critical Environmental Area along its eastern and southern boundaries and sits in the same immediate part of Town that has repeatedly been described during our review as exceptionally environmentally sensitive. We support the Town's affordable housing effort, and after nearly three years of studying the land immediately next door, we actually believe this is a very appropriate location for thoughtfully designed residential development.

But that raises an obvious question. If the Town believes neighboring land in this same area is suitable for new housing, why has our project been subjected to such extraordinary and repeated scrutiny on environmental sensitivity, traffic, access and related impacts even after years of study, multiple rounds of consultant review, substantial redesign and mitigation, and a completed SEQRA process finding no significant adverse environmental impact?

The issue is not whether the Town-owned parcel should be studied. Of course, any project should be reviewed under the standards that apply to it. The issue is why residential development on land immediately adjoining the same environmental area is apparently viewed by the Town as a reasonable and appropriate use, while our project continues to be treated as though development in this location is inherently suspect regardless of how much technical work is completed. The Town's own consideration of housing next door strongly suggests that the real question is not whether residential development can occur responsibly in this area. It can. The question is whether the actual impacts have been studied and addressed. We have spent nearly three years doing exactly that.

We are not asking for special treatment. We are asking the Board to give appropriate weight to the record that already exists and to evaluate this project based on the actual evidence, not on a generalized premise that this part of Town is simply too environmentally sensitive for residential development. The Town's own actions on the neighboring property make clear that it does not actually hold that view as an absolute proposition.

Where We Go From Here

After more than two years of review, we have answered the Planning Board, answered its consultants, retained our own professionals, commissioned additional studies, revised the plans, reduced grading, reduced steep slope disturbance, reduced tree clearing, modified the road design, modified the subdivision layout, expanded the conservation area, removed recreational uses, added wetland and wildlife mitigation, addressed septic feasibility, addressed forest fragmentation and completed the coordinated SEQRA process through the designated lead agency.

The road and access issues have been formally under review since 2024. WLC challenged the ZEO determination through the ZBA. Mr. Maffia reviewed the traffic analysis and identified the Fire Code question. We went to the State and obtained an answer. We submitted that answer to Woodstock. The Board then discussed the single versus secondary access question in November. Mr. Maffia said the second road did not make sense and that sprinklers reduced the overall impacts. Hudsonia agreed that avoiding the additional road was environmentally preferable. The Board said it had conducted an extensive review. Then we went through approximately another ten months of environmental review with Ulster.

We are not starting over.

If the Board believes something remains legitimately unresolved, tell us exactly what it is. Tell us what approval or waiver it relates to, what factual or technical question remains unanswered, what information is missing, why the substantial existing record does not answer it, and what needs to happen before this application can proceed to public hearing and a decision.

That is especially important with respect to the single access waiver. Section 202-43 gives the Board a specific standard to apply. If the Board believes it cannot make the required finding based upon the existing record, identify the finding it cannot make. If the concern is public health and safety, identify the specific public health or safety issue that remains unsupported. If the concern is emergency access, identify what evidence is missing after the traffic consultant review, the State consultation, the engineering work and the environmental comparison between one road and two.

If something material has changed since November, tell us what changed. If there is new evidence, identify it. If a consultant has changed an opinion, explain the basis for that change. If we have not satisfied a particular requirement, tell us what requirement has not been satisfied and what evidence the Board believes is still needed.

What we should not have to do is guess at a moving target or continue paying to prove the same point over and over again.

We respect the public's right to participate and to oppose this project. Ultimately, however, this application has to be decided based upon the applicable standards and the actual record. Continued opposition cannot mean another study, another consultant review and another delay every time somebody raises an issue that has already been addressed.

After more than two years of review, completion of SEQRA, extensive consultant work, substantial revisions to reduce impacts and a significant investment of time and money, we need a clear and finite path to a decision. If there is a genuine outstanding issue, we will address it. We will not pay for another review of work that has already been completed. We will not fund repeat studies designed to answer

questions that have already been answered. And we will not agree to an indefinite process where previously addressed issues continue to be reopened without a clear factual basis.

We want to work with the Board and finish this process. At this point, however, we need the Board to tell us clearly what, if anything, is actually left, why it remains open, and what the path is to a decision.

Respectfully,

Eddie Greenberg
Evan Kleinberg
Zena Development, LLC