



## MEMORANDUM

**TO:** Rory Lee, Planning Board Chair  
Members, Ulster Planning Board

**FROM:** Max Stach, AICP  
Meagen Zapotoski, AICP

**RE:** Zena Homes Subdivision & Site Plan- P-937  
Ruby Woods  
SBL: 39.1-1-21.100

**DATE:** August 5, 2025

**CC:** Stacia Hudler, Planning/Zoning Secretary  
Warren Tutt, Building Inspector

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We are in receipt of the following items:

- Cover letter prepared by MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, PC, signed Walter F. Lippmann, PE, dated July 11, 2025
- Storm Water Pollution Prevention Plan prepared by MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, PC, dated March 22, 2024, last revised July 2025
- Preliminary Submission plan set, prepared by MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, PC, containing 53 sheets, dated March 24, 2024, last revised July 22, 2025

The applicant is seeking subdivision and site plan approval to permit the subdivision of thirty (30) residential lots and one lot to be used for recreation from the approximately 106.6 acre parcel of land in the R-60 Residence Zoning District. The applicant is proposing to extend Eastwoods Drive, which is located in the Town of Woodstock, to serve as the access to the project site. This extension will require approval from the Town of Woodstock.

### **Submission:**

1. An overall plan at larger scale than the 1"=2000' key plan, but smaller than the 1"=50' detail plans should be provided for each detailed plan set (existing conditions plan, removal plan, subdivision plan, etc.) . Conservation easements should be included in such plans.  
**8/5- Overall plans have been provided. The easements are not legible on the overall plans and should be revised. Additionally, the scale of symbology in legends should match the scale of symbology on the map.**
2. Join lines should be added to sheets C-101 and all other sheets where the road travels from the top of the sheet to the bottom of the sheet to the next sheet, etc.  
**8/5- This comment has been addressed.**
3. Text labels on sheet C-100 are illegible and should be revised. Additionally, a distinction should be made between the project site and all contiguous properties of the same ownership.

- 8/5- Applicant has indicated that the text labels have been removed from Sheet C-100, but text labels still appear on this sheet. Wherever too small to be legible, labels should be removed or upsized to be legible.**
4. Lot numbers should be labelled on all sheets.  
**8/5- This comment remains. Additionally, Woodstock Lot 1 is identified as both N/F Zena Development and N/F Anita Yuran. This should be revised to indicate only one N/F owner.**
  5. Zoning district boundaries and labels should be included on subdivision plans.  
**8/5- This comment remains.**
  6. The areas of each of the proposed parcels should be listed tabularly on the first page of the Subdivision Plan set, and the bulk and area requirements for the R-60 district should be listed on that plan as well.  
**8/5- This comment remains. The Zoning Analysis table should include the proposed values for each requirement in order to confirm compliance.**
  7. Wetlands should be labeled with the associated jurisdiction(s) on all sheets. Alternatively, different symbology could be used.  
**8/5- We note that it does not appear that wetlands under federal jurisdiction are shown.**
  8. "100' Wetland Buffer" should be identified as "100' NYSDEC WETLAND ADJACENT REGULATED AREA." Additionally, the hashed area and dashed line symbols should be added to the legend. Wetland adjacent areas are not comprehensively shown and should be revised.  
**8/5- This comment remains. It is unclear why adjacent regulated areas have not been shown for wetlands within the Town of Ulster. Additionally, the symbology used on the plans does not correspond to the symbology noted in the legend on the overall plan sheets. The applicant indicates that they would provide information regarding the DEC determination for the Ulster Parcel, but we were unable to find anything resembling this.**
  9. The north area orientation changing from sheet to sheet is confusing. If it would not add considerably to the number of sheets, all north area orientations and orientation of the key plan should be consistent.  
**8/5- This comment has been addressed.**
  10. Per §161-23.A, the location of proposed monuments and markers should be shown.  
**8/5- This comment does not appear to be addressed.**
  11. Per §161-24.B(3), a map of the location of the tract with respect to surrounding properties and community facilities, such as roads, parks and schools is required. Such map to be at a scale of either two thousand (2,000) or eight hundred (800) feet to the inch and shall identify all property in the vicinity of the subdivision held by the subdivider.  
**8/5- This comment remains.**
  12. All existing and proposed easements should be clearly shown. (§161-24.B(4))  
**8/5- The easements are not clearly shown on all sheets, see comment above.**
  13. The following details are required for preliminary plat per §161-25.C:
    - a. Seal and number of the licensed surveyor.  
**8/5- This comment remains.**
    - b. Five-foot contours, if required by the Planning Board. We recommend that this be included on the subdivision plan.  
**8/5- We continue to recommend that, at a minimum, five-foot contours be added to the subdivision plans.**
    - c. The location and details regarding any proposed street trees, street lighting, and sidewalks.  
**8/5- We recommend that sidewalks be proposed throughout the site in order to connect all proposed lots to the recreation site. There are two trees shown within the roadway at proposed Lots 15 and 16, which should be removed or relocated. We note that the spacing for many of the plantings is noted as "as shown", however the plans are not at a scale to**

**determine spacing, and the details provided are not to scale. The applicant has indicated that no street lighting is proposed.**

- d. The location of all existing structures, such as buildings and stone walls and all pertinent natural features that may influence the design of the subdivision such as watercourses, swamps, rock outcropping, wooded areas and single large trees eight (8) inches or more in diameter measured three (3) feet above the base of the trunk within the subdivision and within fifty (50) feet thereof. Where large trees occur in groupings or cluster, only the general outlines of said groups or clusters need be shown. We note that it appears from the Environmental Resource Mapper that there is a Class D stream located in the southwestern portion of the property, which should be shown.

**8/5- The Class D stream located in the southwestern portion of the property should be shown.**

- e. Soil characteristics as determined by the United States Department of Agriculture, where available.

**8/5- This comment has been addressed.**

14. All proposed grading, landscaping, signage, and lighting, including a photometric plan, for Lot 31 should be shown. (§145-6.B)

**8/5- If any identify signage is proposed for the recreation building, or for this overall site, this should be included. The applicant states a lighting plan will be provided at a later date.**

15. General floor plans, exterior elevations, and exterior construction materials are needed for Lot 31. (§145-6.B(5))

**8/5- This comment remains; the applicant has stated that these will be provided at a later date.**

16. **New Comment 7/29 – One lot/home site seems to be missing from sheet C-150 (along the westerly side of the westerly loop).**

#### Zoning:

1. Clarification is needed from the Building Inspector as to whether a special use permit is required for the proposed recreation structure.

**8/5- Per discussion with the Building Inspector, it is our understanding that a special use permit will not be required.**

#### Planning

1. Per §161-15, we note that surety will be required for the required improvements associated with the subdivision. The applicant should submit a bond estimate for review by the Planning Board Engineer.

**8/5- This comment remains.**

2. Per §161-22.A, the Planning Board may require either the reservation of land for a park or recreational purposes or payment of money in lieu of land to a trust fund to be used exclusively for a neighborhood park, playground or recreational purposes, including the acquisition of property.

**8/5- The applicant is requesting exemption from this requirement as there are proposed on-site recreation amenities proposed. We defer to the Town Attorney.**

3. The applicant should consider sidewalks throughout the subdivision in order to reach Lot 31, the proposed recreation building and trail.

**8/5 – Applicant indicates that pedestrians will utilize roadways to access recreational amenity. This is reasonable for a rural subdivision, but the proposed roads are not designed to safely accommodate both pedestrians and vehicular traffic. Particularly we have concerns with:**

- a. **The large curve radii encouraging higher vehicle speeds. Roads consistent with pedestrian traffic usually have lower centerline curve radii of 100 to 150 feet which encourage speeds in the 20-30 mph range.**
  - b. **The steep slopes of some streets will also encourage speed by vehicles.**
  - c. **Long straights of 500 to 800 feet encourage higher speeds. Meandering roads incorporating reverse curves will help to slow vehicles.**
4. The applicant is grading and clearing trees up to the property line in some locations. We recommend that to the greatest extent possible, the applicant maintain an undisturbed buffer, ideally 100 feet in width but 50 feet at the very least (see also next comment).  
**8/5 – To clarify this was intended to provide buffers from external property lines.**
5. The applicant is clearing and grading far larger home sites than is necessary resulting in far more land disturbance than is necessary to create marketable and saleable homesites. The applicant should take a more terrain adaptive/less impactful approach rather than attempting to provide a single expansive flattened area on each lot.  
**8/5- This comment has been largely addressed by incorporating steeper grading and limiting grading to the home's immediate environs**
6. **New Comment 8/5.** The combined clearing and grading map has improved our understanding of the lot significantly, however, it is still difficult to understand how this site relates to the topography. We recommend the Planning Board require additional maps and figures to be provided for just the Ulster section of the site:
  - a. The grading plan over a topographic map, color-referenced to elevation;
  - b. The grading plan with color-referenced to the depths of cuts and fills.
  - c. Several 1:1 cross sections through the lines indicated below.
7. **New Comment 8/5.** This would seem like the prime opportunity for applying an average density subdivision plan that clusters lots in the flatter areas of the site. This would allow for flag lots and longer driveways, and could reduce the amount of site grading, road construction and stormwater ponds necessary. We noted several areas where it seems there is relatively flat land that seems well-suited for an additional home or two and are remaining vacant due to their remoteness, and other areas are constructing over extremely steep land. We suggest an average density plan would relieve the applicant of the need to grade as extensively and could be accessed via private driveways. Specifically it seems that the northeast corner is a prime area to relocate a more difficult home site, while the southeast corner seems that it could accommodate 3-5 relocated home sites.
8. **New Comment 8/5.** The applicant is proposing 24-foot paved roadways. The applicant may wish to speak with emergency service providers about possibly reducing road width to 20 feet paved width, cleared and graded to twenty four feet. This may reduce the area of stormwater ponds necessary.
9. **New Comment 8/5.** It is hard to judge the adequacy of this layout without first understanding the value of habitat within the site. We recommend that the Planning Board require a habitat assessment for all areas of the site proposed for disturbance. This will likely be required as part of the SEQR review.
10. **New Comment 8/5.** Due to the substantial topography and site grading, we are concerned that proposed homes may be highly visible from significant public viewpoints. This will also likely be required as part of the SEQR review.

### SEQR/Coordination

1. Classification. The Planning Board determined that this project constitutes a Type I SEQR Action, and circulated a Notice of Intent to serve as Lead Agency in a coordinated review on May 13, 2025.

2. The Planning Board has received an objection to its assuming SEQR Lead Agency status by the Town of Woodstock Planning Board, dated June 12, 2025, which has approval authority over the proposed access road. We believe that the Ulster Planning Board is best suited to serve as lead agency for the following reasons, pursuant to the lead agency designation criteria as outlined in 6 CRR-NY 617.6(b)(5)(v):
- a. *Whether the anticipated impacts of the action being considered are primarily of statewide, regional, or local significance (i.e., if such impacts are of primarily local significance, all other considerations being equal, the local agency involved will be lead agency):* While the proposed access to the site is through the Town of Woodstock, the vast majority of land disturbance with respect to the application is located within the Town of Ulster. Therefore the Town of Ulster is likely to be the jurisdiction that is most impacted by the following potential impacts:
    - i. a substantial adverse change in ground or surface water quality or quantity
    - ii. a substantial increase in solid waste production
    - iii. a substantial increase in potential for erosion, flooding, leaching or drainage problems
    - iv. the removal or destruction of large quantities of vegetation or fauna
    - v. substantial interference with the movement of any resident or migratory fish or wildlife species
    - vi. impacts on a significant habitat area
    - vii. substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species or other significant adverse impacts to natural resources;
    - viii. the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
    - ix. the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
    - x. a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
    - xi. the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
    - xii. the potential loss of recreational opportunities or a reduction of an open space resource
    - xiii. increased utilization of community services and community recreational resources

Additionally, the following areas of impact would be of similar importance to the Towns of Ulster as to the Towns Woodstock and Kingston:

- i. a substantial adverse change in air quality and existing noise levels and outdoor lighting
  - ii. the creation of a hazard to human health
- b. *Which agency has the broadest governmental powers for investigation of the impact(s) of the proposed action:* This application involves construction of new single-family homes. The Town of Ulster Planning Board maintains site plan and subdivision approval from the Town of Ulster Planning Board. The action cannot occur without such approvals. While the Town of Woodstock Planning Board maintains approval authority over the access road to the property, the project sponsor could conceivably acquire land or easements over adjacent real property in the Town of Ulster or Town of Kingston to gain access, if access from Woodstock were not

possible. Similarly, while Ulster County Health Department has jurisdiction, this jurisdiction is largely limited to the provision of potable water and treatment of wastewater. The scope of DEC jurisdiction is also narrow, limited to freshwater wetlands and protection of wildlife, areas of impact that can be largely avoided by project changes to avoid sensitive environmental areas, and tree clearing during certain timeframes. Under no circumstances could the project be constructed without Town of Ulster Planning Board approvals, nor can the potential impacts to the Town of Ulster be easily avoided.

- c. *Which agency has the greatest capability for providing the most thorough environmental assessment of the proposed action:* The Town of Ulster Planning Board has conducted the SEQR review of applications of this nature and scale previously. It convenes regularly to consider and process land use applications, including meeting the requirements of SEQR. It employs professionals with appropriate technical and legal proficiencies to ensure that it is properly advised of its responsibilities and so that the testimony and claims of the project sponsor are appropriately peer-reviewed.
3. Impact to archeological resources. As the FEAF indicated the presence of archeological resources, we recommend that the applicant seek a letter of no-effect from SHPO utilizing the Cultural Resource Information System.

**8/5- This comment has been addressed per the SHPO letter dated April 26, 2024.**

4. County/GML Review. This application will require referral to the Ulster County Planning Board as it involves a Type I site plan application.

**8/5- This comment remains for the Board's consideration.**

5. NYS DEC Article 24 Procedure. As of January 1, 2025, the NYS DEC has amended Article 24 of the Freshwater Wetlands Act, expanding its jurisdiction. The Environmental Resource Mapper suggests that there are wetlands areas within the parcel that may be jurisdictional wetlands.

The applicant will be required by NYS DEC to submit a Parcel Jurisdictional Request as a first step in the permitting process using the following link:

<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>

If the wetland is determined to be jurisdictional, a wetland delineation and field verification will be required. Development within 100 feet of a jurisdictional wetland will require a disturbance permit and coordination with NYS DEC regarding mitigation measures.

It is our understanding that up to 1/10 of an acre of certain disturbances within the adjacent area may be permitted through a draft General Permit: <https://dec.ny.gov/regulatory/permits-licenses/general-permits/freshwater-wetlands>

**8/5- This office has not received the NYSDEC jurisdictional determination referenced by the applicant in the cover letter.**

6. We note that there were several items missing from the application. As additional items are provided we may have additional comments on the application. If you have any comments or questions, please do not hesitate to contact us.