



## 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:** October 12, 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 Cuddy & Feder, LLP, signed Alec R. Gladd, dated September 23, 2025
- Response letter prepared by MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, PC, dated July 11, 2025, revised September 18, 2025
- Cut and Fill Report, dated September 22, 2025
- Figure 1: Surrounding facilities, not dated
- Figures 2 through 5, prepared by MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, PC, dated March 2024, last revised September 23, 2025
- Preliminary Submission plan set, prepared by MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, PC, containing 54 sheets, dated March 24, 2024, last revised September 23, 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 in the Town of Ulster. A lot line revision between the subject parcel and the adjacent parcel to the south, located in the Town of Kingston, owned by the Ruby Rod & Gun Club, SBL: 39.1-1-1. This will require approval by the Town of Kingston as well as the Town of Ulster. 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. A subdivision of parcel 38.2-1-38.100 into two lots is also proposed, located within the Town of Woodstock and requiring approval from the same.

### **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.  
**10/12- Overall plans have been provided. It would be helpful to add shading to the easements in order to clearly define their limits. It appears that the ROW line covers the front property lines of the proposed lots and is shown in two different shades (black and gray). It would be helpful to include "existing property line" in the legend.**

2. 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.  
**10/12- This comment has been addressed as text labels have been removed.**
3. Lot numbers should be labelled on all sheets.  
**10/12- This comment has been addressed as labels have been added.**
4. Zoning district boundaries and labels should be included on subdivision plans.  
**10/12- While zoning districts have been included on the overall subdivision plan, they are not included on the individual subdivision plans. Additionally we note that the Town of Kingston has been labeled the Town of Ulster on sheet C-120A**
5. 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.  
**10/12- This comment has been largely addressed via the table on sheet C-126, however we note that the lot area per dwelling unit for Lots 13, 14, 15, 16, 18, and 19 should take into account that these are noted to be two-family lots.**
6. Wetlands should be labeled with the associated jurisdiction(s) on all sheets. Alternatively, different symbology could be used.  
**10/12- We continue to note that it does not appear that wetlands under federal jurisdiction are shown for the parcels within the Town of Woodstock. Additionally, as labels have been removed from the overall plan sheets, the wetland types should be included in the legends for the overall plans.**
7. "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.  
**10/12- This comment has been addressed. We note that the NYS DEC did not issue a jurisdictional determination for the Town of Ulster parcel (SBL: 39.1-1-21.00) within the allowed timeframe, and therefore jurisdiction over wetlands on this parcel have been waived for a term of five years.**
8. Per §161-23.A, the location of proposed monuments and markers should be shown.  
**10/12- This comment remains. The applicant has stated that these will be provided in a later submission.**
9. 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.  
**10/12- This comment does not appear to be addressed. It appears that Figure 1: Surrounding Facilities, which was provided with this submission, may have been provided to satisfy this comment. If that is the case, we note that the scale is not either of the scales listed above, the project site itself is not shown, and the Town of Ulster is not labeled.**
10. All existing and proposed easements should be clearly shown. (§161-24.B(4))  
**10/12- See comment 1 above.**
11. The following details are required for preliminary plat per §161-25.C:
  - a. Seal and number of the licensed surveyor.  
**10/12- This comment remains, the applicant states that it will be provided later.**
  - b. Five-foot contours, if required by the Planning Board. We recommend that this be included on the subdivision plan.  
**10/12- 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.

**10/12- This comment has been addressed. The applicant has indicated that no street lighting or sidewalks are 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.

**10/12- We note that the Class D stream in the southwestern portion of the site has been shown, however it should be labeled and included in the legend on all applicable plan sheets. It appears to only be included/labeled on the Existing Conditions plans.**

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

**10/12- If any identifying signage is proposed for the recreation building, or for this overall site, this should be included.**

13. **10/12- A photometric plan (C-180) has been provided for Lot 31 in this submission. Additional labels or legend items are needed to clarify the plans. We note that the lighting schedule is not at a high enough resolution to read. As the parking has been reduced in the front of the building, we question if the proposed light fixture within the front yard setback is necessary.**

14. **10/12- As stated above, a total of 18 parking spaces have been removed from Lot 31. Clarification is needed as to why this change has been made, and justification should be provided as to if the 13 total spaces now proposed will be adequate.**

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

**10/12- This comment remains; the applicant has stated that these will be provided later.**

## 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.  
**10/12- This comment remains. The applicant states that this will be submitted later.**

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.

**10/12- The applicant is requesting exemption from this requirement as there are proposed on-site recreation amenities proposed. We continue to defer to the Town Attorney.**

3. The applicant should consider sidewalks throughout the subdivision 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.

**10/12- The applicant has stated that the roadway is designed to the NYS DOT standards. We continue to recommend a revised, narrower, road if possible. We have seen other communities approve private roads cleared and graded to 25 feet wide and paved to 16 feet wide. Such road designs would be far less disruptive to the environment, and it does not make sense to improve roads to DOT standards, when Zena Highwoods Road is 18 feet wide in sections.**

- 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.

**10/12- We continue to recommend that the applicant consider revisions to the layout that would allow for an undisturbed buffer. We note that Lots 6 and 15 show clearing up to the property line.**

- 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.

**10/12- As stated above, we recommend that the applicant meet with the Town Engineer to determine if there is a less impactful alternative possible to the proposed layout.**

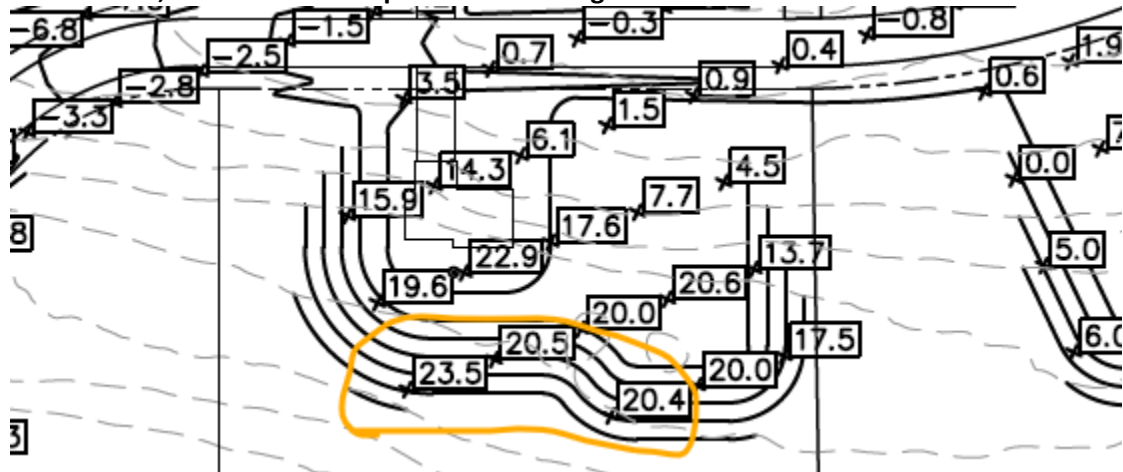
- 6. New Comment 8/5. The combined clearing and grading map has improved our understanding of the lot significantly, however, it is still difficult to understand how this site relates to the topography. We recommend the Planning Board require additional maps and figures to be provided for just the Ulster section of the site:

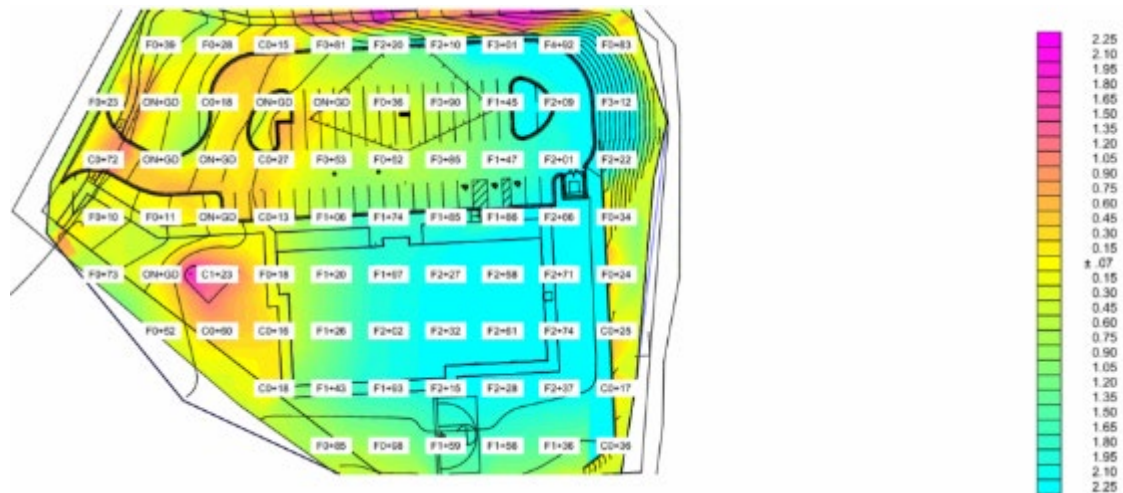
- a. The grading plan over a topographic map, color-referenced to elevation;

**10/12- This was provided and helps to understand the relationship of the development to the topography.**

- b. The grading plan with color-referenced to the depths of cuts and fills.

**10/12- The applicant has provided a matrix of spot cut and fills throughout the areas of disturbance. We have several questions on the accuracy of these. For example at the toe of proposed slopes, where there should only be a foot or two of fill, 23.5 feet is indicated. See below. Also, a color-coded map similar to the figure below would be easier to understand.**





c. Several 1:1 cross sections through the lines indicated below.

**10/12- The applicant has stated that this will be provided with a future submission.**

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.  
**10/12 – Comment not addressed via submission. Applicant had indicated a preference to not pursue average density on a workshop call.**
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.  
**10/12- See comment 3 above.**
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.  
**10/12- The habitat assessment is currently under review. We anticipate significant additional comment with regard to the habitat assessment to be forthcoming shortly.**
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.  
**10/12- The applicant has stated that a visual analysis will be provided later.**
11. **New comment 10/12.** As noted above, the applicant is proposing a lot line adjustment between 39.1-1-21.100 (Town of Ulster) and 39.1-1-1 (Town of Kingston). As the parcels adjacent to 39.1-1-21.100 to the east are under the same ownership (Ruby Rod & Gun Club, Inc.) the applicant may wish to instead consider a lot line adjustment between 39.1-1-21.100 and 39.1-1-17, which is also located in the Town of Ulster. This may streamline the review process. Additionally, we note that whichever parcel is going to be involved in the lot line adjustment will need to be shown on the subdivision plan. The applicant will need to seek a parcel determination from DEC for this new parcel to be

involved in the application. Additionally, when the lead agency determination is made by DEC, the lead agency will need to coordinate SEQR review with the Town of Kingston, if that lot is to be included.

12. **New Comment 10/12 – The application has been referred to the Town Engineer, and we understand that he has several concerns with regard to the proposed layout as regards provision of septs and other practical matters. We suggest that the applicant meet with the Town Engineer to understand these concerns.**

### 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.

**10/14 – Lead Agency not yet resolved.**

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.

**10/12- 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.

**10/12 – While the applicant indicates this has been provided, we could only identify the JD relevant to the Town of Woodstock parcels.**

6. **10/12 – We note that the next appropriate SEQR step will be for the Planning Board to adopt a Part 2 EAF identifying potential moderate and large impacts. This step cannot proceed until a Lead Agency has been designated.**

We note that several items are missing from the application and have been identified by the applicant as to be provided later. 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