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June 2, 2010

VIA EMAIL  
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Jeffrey P. Siegel, Esq.  
P.O. Box 219  
Woodstock, NY 12498

Re: Comeau Conservation Easement

Dear Jeff,

I have spoken with my client about your letter of April 26, 2010. I believe that this letter should put the issues of concern behind us and enable the Woodstock Land Conservancy and the Town to move forward cooperatively.

As you stated in your letter of April 26, 2010, the WLC acknowledges that under Section 3.06 and 4.06 of the Conservation Easement, the expansion of the upper parking lot is allowed and tree clearing needed to accommodate such an expansion is also allowed. You note, however, quite correctly, that the plans for the parking lot expansion and associated tree clearing were not provided to the WLC prior to the tree cutting that occurred. My letter of April 13, 2010 was intended to acknowledge that the necessary documentation had not been provided to the WLC prior to the tree cutting and should have been. If my April 13, 2010 letter was not sufficiently clear on that point, this letter confirms our mutual understanding that the documentation for parking lot expansion, construction of an additional drive to serve that parking lot, and associated tree removal should have been provided to the WLC prior to the commencement of any work, including tree cutting. Such plans would include appropriate erosion control measures, if the work proposed requires such measures.

It is also correct that your notice of violation in December of 2009 should have been responded to within 30 days. Any notice issued in the future will be timely responded to.

This letter also confirms, pursuant to Section 4.07 of the Easement, that the Town agrees the WLC is to be provided with notice before the Town takes "any action or before exercising any reserved right with respect to the Property which could adversely affect the environmental, scenic, open space and natural values which are the subject of this Easement." However, what the Town is to provide is not accurately stated on page 3 of your April 26<sup>th</sup> letter. Section 4.07 requires the Town to provide "complete documentation including information on the use of such

structures, and architectural plans of any proposed permanent structures and improvements.” The Town is not obligated to submit plans only after they have been reviewed and approved by other governmental agencies. The Town may, if it so chooses, seek review by the WLC first. After all, if something is unacceptable to the WLC, why should the Town go through the process of a futile public review. Of course, if the plans change in any material way relevant to the WLC’s review, the Town understands that it may have to resubmit for review of any changes. That is a risk that the Town could choose to take. Subject to the foregoing, the Town agrees that for all future permanent structures and improvements, the Town will comply with the Easement, including but not limited to Section 4.07.

I believe the foregoing addresses the concerns set forth in your letter of April 26<sup>th</sup>. I consider the notice of violation to be fully addressed at this time.

It is my understanding that on March 10, 2010 the Town forwarded to the WLC plans for the upper parking lot expansion, a conceptual idea for a soccer pavilion, and the map for a proposed east and west expansion of the soccer field. The upper parking lot expansion plans supply the material that was missing and needed to be submitted to the WLC, as discussed above. The soccer field expansion plans were submitted for the WLC’s review, also per the process required in Section 4.07 of the Easement. Finally, the conceptual soccer pavilion was submitted so that the Town could ascertain whether the WLC has any problem with the concept of such a pavilion. If not, then full plans will be submitted for the WLC’s review.

The WLC has had these plans in its possession for almost three months. Please confirm that the review of those plans will be completed shortly. In that regard, please note that the notice of violation from the WLC to the Town does not relieve the WLC of its responsibilities under the Easement. It is also obligated to comply with the Easement’s terms and its 45 day review period is not tolled because of a separate violation by the Town. However, in the spirit of moving forward amicably, simply let me know when the WLC expects to complete its review of these plans.

Finally, it is my understanding that the WLC was to have completed baseline documentation under Section 0.06 of the Easement. That documentation has not been provided to the Town. Could you please confirm when it will be provided.

Yours truly,



Steven Barshov

cc: Supervisor Moran and Town Board Members

p:\5770\Letter from SB to J. Siegel, 06-02-2010