

- **Main Office**
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868
- **Mid-Hudson Office**
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120
- **New York City Office**
505 Park Avenue
New York, NY 10022
Phone 646.794.5747

March 26, 2021

VIA EMAIL (BOGUNTI@TOWNOFWAPPINGERNY.GOV)

Chairman Flower and
Members of Town of Wappinger Planning Board
Town Hall
20 Middlebush Road
Wappinger Falls, NY 12590

NICHOLAS M. WARD-WILLIS
Principal Member
nward-willis@kblaw.com
Also Admitted in CT

Re: Gas Land Petroleum Route 9D Site Plan Application

Dear Chairman Flower and Members of the Planning Board:

Recent allegations have been made impugning the reputation of our client, Gas Land Petroleum, Inc. (“Gas Land”), and falsely claiming it was responsible for a petroleum spill that occurred at the Sunoco at 2781 Route 32 in Saugerties, New York (the “Saugerties site”). These false allegations have no bearing on Gas Land’s site plan and special use permit application pending before the Planning Board. We respectfully submit this letter to correct the record concerning the Saugerties site.

On March 15, 2021, the Town of Wappinger Democratic Committee made the following statement on social media denouncing Gas Land’s application:

Gas Land Petroleum still has not cleaned up their petroleum leak in Saugerties, 2017 despite hundreds of thousands of dollars in fines from the DEC.

Ms. Robin Licari and others have repeated this false allegation. This statement is wholly untrue. Gas Land was not responsible for the petroleum leak that occurred at the Saugerties site. Gas Land entered into a lease and purchase and sale agreement with BAB Plus, LLC (“BAB Plus”) to convey several gasoline stations to BAB Plus, including the Saugerties site. The underground storage tanks and lines at the Saugerties site were owned by BAB Plus, not by Gas Land. BAB Plus leased the Saugerties site to another entity, Saugerties Snack Shop, to operate a gas station with a convenience store on the premises. Gas Land held a mortgage on the Saugerties site and maintained a supply contract to provide gasoline to the premises. However, Gas Land did not have any control over the site; did not operate the site; and most certainly did not cause any petroleum contamination on the site.

Chairman Flower and
Members of Town of Wappinger Planning Board
March 26, 2021
Page 2

In May 2017, the New York State Department of Environmental Conservation (the "DEC") inspected the Saugerties site and uncovered evidence of a large petroleum discharge from petroleum retail sales operations. BAB Plus and Saugerties Snack shop subsequently signed a Consent Order with DEC in early 2018. BAB Plus and Saugerties Snack Shop were listed as the equitable owners, tenant and/or operators of the Saugerties site and were referred to in the Consent Order as the "Operating Respondents." The Consent Order stated that the Operating Respondents failed to maintain equipment and failed to report numerous spills at the site. The Operating Respondents were found solely responsible for failing to remediate the spills. The Operating Respondents were assessed a civil penalty of \$318,303. The Consent Order was clear that Gas Land was not subject to payment of the penalty due and owing from the Operating Respondents. The Operating Respondents exclusively caused that petroleum release and have been performing the remedial work under DEC's supervision. Gas Land was not required to perform any remediation on the site.

DEC heavily regulates the construction of petroleum bulk storage facilities in New York State. DEC requires special infrastructure to be installed to minimize and eliminate risks to the community. Gas Land will be installing state of the art equipment and infrastructure that meets or exceeds DEC requirements to protect groundwater and mitigate any potential impact to the surrounding community.

Gas Land is a responsible operator with a sterling reputation for safety and environmental responsibility. The company manages and maintains its sites with the uttermost care and compliance with the laws. The company has been operating in the Hudson Valley for over 30 years.

Gas Land strives to create developments that are beneficial to the community and has won numerous awards for its work. In 2017, Gas Land was awarded the Green and Lean award by the Dutchess County Chamber of Commerce. This award was given to Gas Land after it purchased three highly contaminated properties that were abandoned and seized by Dutchess County. Gas Land remediated these locations, put them back on the tax rolls, and created new full time and part time jobs. In 2014, Gas Land received the Beatification Award from the Visual Environmental Committee in the Town of Hyde Park. Gas Land also received the Convenience Store News Best Design Award in 2015, 2016 and 2017 in multiple categories including, Best Sky's the Limit Remodel, Best Mid Budget Award, and Best Interior Design.

Each Gas Land station and convenience store is designed cater to the community. Gas Land's proposed development in the Town of Wappinger is no exception. The project design responds to reasonable concerns raised by the community and

Chairman Flower and
Members of Town of Wappinger Planning Board
March 26, 2021
Page 3

incorporates various design elements to decrease any potential negative impact on the surrounding neighborhood. The project will bring many benefits to the community. The most significant benefit of Gas Land's plan is the extension of the Town water infrastructure from New Hamburg Road to Marlorville Road, with an easement dedicated to the Town. The contemplated water main extension will be a catalyst for the Town to provide municipal water for their residences along Marlorville Road. Such construction will have a considerable beneficial impact on the future growth and development of this community. Furthermore, Gas Land has complied with all the Town's development standards and zoning requirements to obtain site plan and special permit approval from the Planning Board.

The Planning Board should not allow residents and community members to spread falsehoods about Gas Land to rally neighborhood opposition to its proposed gasoline filling station. We ask the Planning Board to rely upon the facts to render its determination. Rumors and lies have no place in the planning and development process.

Respectfully submitted,



Nicholas M. Ward-Willis

cc: Supervisor Thurston and Members of the Town Board
of the Town of Wappinger