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April 30, 2021

VIA EMAIL [BEAOGUNT@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, Inc- Amended Site Plan Submission
Application for Subdivision, Site Plan and Special Use Permit Approvals
Premises: 123 – 125 New Hamburg Road and 2357 and 2361 – 2365 NYS Route 9D
Tax Parcel IDs: 048643, 057642, 057654, 059643, and 04063

Chairman Flower and Members of Town of Wappinger Planning Board:

We are in receipt of Ms. Hagstrom's letter yet again requesting a delay of the Planning Board's consideration of this application. In her letter, Ms. Hagstrom blames others for her inability to obtain copies of the Applicant's updated site plan. Contrary to her accusations, Ms. Hagstrom has had plenty of time to review the Applicant's most recent submission and prepare for the hearing. Her letter represents another frivolous attempt to make the Town and the Applicant look bad. Such behavior should not be tolerated by the Town or permitted to impact the Planning Board's review of the proposed project.

Ms. Hagstrom failed to follow the common practice of filing a FOIL to obtain documents submitted to a Town and blames Town staff for not having all the answers. As her office was the prior Town Attorney for the Town, she is familiar with FOILs and their purpose, yet she failed to submit a FOIL to request copies of the Applicant's revised plans. In addition, Ms. Hagstrom waited until April 20, 2021 to call the Planning Board secretary to ask what plan the Applicant intended to rely upon. It is not surprising that the Planning Board secretary did not know the answer- it is not her responsibility to know such details. However, Ms. Hagstrom should have known to submit a FOIL request for such plans, which the Town would have been able to provide as they were submitted to Ms. Ogunti on March 22, 2021. In addition, the Town posted Gas Land's revised application forms on the Town's website prior to April 20, 2021. A request should have been made for a copy of the updated plans

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submitted in connection with the revised application forms. The files were not kept hidden from the public and would have been provided upon request.

There is no legal requirement that materials be posted to the Town's website in advance of the meeting on a schedule to the liking and insistence of Ms. Hagstrom. Ms. Hagstrom, aware of the Applicant's intention to file a new submission, should have taken the proactive step of filing a FOIL request. Except for the competing gas stations, there is no confusion in the Record which plan the applicant is pursuing.

The Applicant's complete submission was posted on the Town's website by April 23, 2021 before the date required for public notice to be provided to the residents and the public at large. So, one who received the notice, in addition to filing a FOIL or reviewing the documents at Town Hall, had the ability to review them on the Town's website, well in advance of the May 3rd public hearing.

Additionally, the revised layout was shown to the Planning Board and the public on the zoom meeting on March 15th. Moreover, Town Board member Beale made Plan 3 available at the governmental public meeting he convened on Saturday April 24th. There were many comments made at Mr. Beale's Town meeting about the project plans. To suggest the public has not had time to review Plan 3 is puzzling. Moreover, Councilman Beale published a copy of the layout depicted in Plan 3 on March 19th and March 22nd on his public Facebook page.

No one can credibly suggest the public has not had the opportunity to review plans that were part of the public record as of March 22nd. Ms. Hagstrom's failure to be diligent on behalf of her gas station clients does not justify adjourning the May 3rd hearing. Clearly, the competition, which is not interested in the rehabilitation of the Hugsonville Hamlet, only wants delay for the sake of delay. There is clearly interest in this application, which has been pending before the Planning Board for over six months. This is not a new application to an unfamiliar public. Any suggestion of delaying the May 3rd hearing must be rejected.

Very truly yours,



Nicholas M. Ward-Willis

NMW/