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Please direct all replies to  
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April 30, 2021

Kenneth M. Stenger  
Stephen E. Diamond\*  
Jessica J. Glass  
Albert P. Roberts  
PARTNER EMERITUS

Town of Wappinger Planning Board  
Town Hall  
20 Middlebush Road  
Wappingers Falls, NY 12590

**Re: Public Hearing: Gasland Petroleum Route 9D Hughsonville**

Mary Kate Ephraim  
Joan F. Garrett\*\*  
Karen E. Hagstrom  
A.J. Iuele  
Ian C. Lindars  
Meghan O. Mossey

Dear Chairman of the Board and Planning Board Members:

I write to request that the Board adjourn the May 3, 2021 public hearing based upon the circumstances described in this letter. As a result of those circumstances, this law firm's expert, and the general public, have been denied adequate time to prepare for the hearing.

Alexandria D. Weininger\*\*\*

I attended the March 15, 2021 meeting. At that time, the Board discussed whether it preferred a second set of plans (hereinafter, "Plan 2"), which added a fifth parcel and other changes, submitted in February of 2021, or a third set of plans (hereinafter, "Plan 3"), which were in the possession of the Board, but had not yet been formally submitted. The consensus was the Board was in favor of Plan 3, but that it was up to the applicant as to how to proceed. As of that date, only Plan 2 was before the Board and public.

OF COUNSEL

Karen P. MacNish

PARALEGALS

Elizabeth Amicucci  
Jennifer Arno  
Joseph Marrero  
Jillian Medina

At the conclusion of the March 15, 2021 meeting, the Board voted unanimously: 1) to amend lead agency to add the new parcel, and 2) to adjourn the public hearing scheduled for April 5, 2021 and reschedule it for May 3, 2021.

CLOSING COORDINATORS

Maria L. Jones  
Sandra A. Turner

While the applicant's attorney, Nicholas Ward-Willis, Esq., urged the Board not to adjourn the public hearing, the attorney for the Town, Thomas F. Wood, Esq., advised the Board that the public needed sufficient time to review Plan 3 in advance of the public hearing, to make informed comment necessitating the adjournment to May 3, 2021.

\*ALSO ADMITTED IN FL & MA

\*\*ALSO ADMITTED IN CT

\*\*\*ALSO ADMITTED IN NJ

After the March 15, 2021 meeting, this firm regularly checked the Town's web site. The Town's web site continuously showed that no new plans were submitted. On April 20, 2021, I called Bea Ogunti to confirm the applicant intended to rely upon Plan 2, since Plan 3 had not been disclosed to the public as having been accepted by the Board. Ms. Ogunti informed me she was not sure whether the applicant intended to rely upon Plan 2 or Plan 3, and earlier that day had called the applicant's engineer, Chris Lapine, on that very issue. She stated she had yet to receive a response to her inquiry.

On April 21, 2021, Ms. Ogunti emailed me comments from Dutchess County Planning and a link with the applicant's submission, which consisted of Plan 3. Those documents revealed the applicant submitted Plan 3 to this Board and to Dutchess County Planning on March 22, 2021.

That filing was kept hidden from the public, until about a month later, and only when I pressed for an answer. There are a number of things wrong with these circumstances, let alone the obvious failure of the Town to honor its promise of transparency to the public it serves, only one of which is addressed by this correspondence.

The failure of the Town to publish the application flatly contradicts the Town Attorney's purpose in advising that the public hearing be adjourned to May 3, 2021. That purpose was to give the public adequate time to review and intelligently comment upon Plan 3 if it were submitted to the Planning Board by the applicant. Instead of honoring that purpose, someone decided to hide Plan 3 from the public for four out of the six weeks' adjournment. No doubt, it would have remained hidden to this date if this law firm did not make its inquiry.

The purpose of any public hearing is to permit the public to ask informed questions and make informed commentary. That purpose is only served if the public has adequate time to study the material upon which the public is expected to comment. Here, the Board made a decision to adjourn the public hearing from April to May to assure that public access. Whoever failed in the simple task of publishing the submission of March 22, 2021 until only a few days ago, and, under pressure of inquiry from this office, has placed the Board in a difficult position of having to further adjourn the public hearing or open it to allow comments from insiders who had access to the application when the general public has not. Opening the hearing and adjourning it does not cure the defect. It will only engender confusion, because it is unknown whether comments relate to Plan 2 or Plan 3.

The May 3, 2021 public hearing must be postponed.

This is not the first time this sort of circumstance has occurred in this application. You will remember the "invalid link" in October 2020 which resulted in a denial of public access to this application. I ask that the Board conduct an internal inquiry into this pattern of hiding this application from the public and take the steps needed to prevent them from ever happening again.

Very truly yours,

STENGER, DIAMOND & GLASS, LLP

*Karen E. Hagstrom/jm*

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