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July 27, 2020

VIA EMAIL

Chairman Gil Heim & Members of the Planning Board
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

**Re: Application of SUEZ Water New York Inc. for Site Development Plan Approval for Relocation of Headquarters to 162 Old Mill Road
SL 59.10-1-1**

Dear Chairman Heim and Members of the Planning Board:

As you are aware, SUEZ Water New York Inc.'s ("SUEZ") application for Site Development Plan Approval, as referenced above, has been pending before your Board since May 2019 – for more than one year. After multiple continuations and adjournments with no next hearing date scheduled, along with diligent efforts by SUEZ to have the matter added to the Planning Board's agendas, the Planning Board failed to adequately hear and address SUEZ's application.

The facts and record in this matter are undisputed. The record reflects that SUEZ submitted all required materials, the Planning Board's file for this application was deemed complete, and the public comment portion of SUEZ's application was closed on January 15, 2020 – after which no further action was taken on the part of the Planning Board, despite several requests. Further, as a direct result of the Planning Board's inaction after close of the public hearing, preliminary approval was automatically granted pursuant to Chapter 246 of the Clarkstown Code. SUEZ informed the Town in writing of this, but the Town repeatedly ignored SUEZ's written requests for action, thus depriving SUEZ of a SEQRA determination, final site development plan approval, and due process.

SUEZ put in multiple requests to have the matter scheduled on Planning Board agendas, all of which were unanswered. The Planning Board's failure to act and perpetual delay on this application has caused SUEZ monetary harm. In addition, the Planning Board's arbitrary and capricious handling of this matter unfairly denied SUEZ its right to due process to have its application heard, timely processed and acted upon – rights afforded to other Planning Board applicants, but not SUEZ.



Please note, as of March 30, 2020, SUEZ received certificates of occupancy for, and is currently operating out of, its new headquarters, as-of-right, at 162 Old Mill Road. To that end and in the interest of mitigating its damages, please allow this letter to serve as SUEZ's formal withdrawal of the April 8, 2019 Site Development Plan Application from further consideration by the Planning Board. SUEZ reserves all of its rights at law or in equity without prejudice. Please have this letter placed in the Planning Board's files and record to conclude this matter.

Very truly yours,

Katherine M. Jensen

cc: Paul Schofield, Deputy Town Attorney (via email)
Joe Simoes, Town Planner (via email)
Dennis Letson, Director DEFM (via email)
Erik Asheim, Building Inspector (via email)
SUEZ project team (via email)
Lino J. Sciarretta, Esq. (via email)