

Dear Supervisor Dolan and members of the Tuxedo Town Board:

I am in receipt of the Tuxedo Land Trust's ("TLT") letter dated December 31, 2009, raising various comments with regard to the Trust's review of the Tuxedo Reserve SEIS. On pp. 6 and 7 of that comment letter, various comments and questions are raised with regard to Tim Miller Associates (TMA) and myself. I offer the following responses to TLT's comments.

### **Responses to TLT's Comments**

**1. Is the Town Board of Tuxedo aware that Bonnie Franson is the Planning Consultant for the Village of Sloatsburg?**

Tim Miller Associates, Inc. is **not** the planning consultant to the Village of Sloatsburg. The Village's planning consultant has been Burgis Associates since 2005. TMA was retained by the Village of Sloatsburg to complete comprehensive planning and zoning documents which were started while I was employed by Robert Geneslaw Co.<sup>1</sup> TMA's involvement in that project ended in **2007**. The Village's review of the Tuxedo Reserve project was conducted by Robert Geneslaw and Burgis Associates.

**2. Is the Town Board of Tuxedo aware that Tim Miller Associates state on their website that Jacobwitz [sic] and Gubits is a client on a mutual project in Walden; and that Jacobwitz [sic] and Gubits is also a law firm representing Tuxedo Reserve?**

Jacobowitz & Gubits is **not** and has not been a client of Tim Miller Associates. TMA has worked with Jacobowitz & Gubits as a part of a project team. J&G is **headquartered** in Walden, NY. Jacobowitz & Gubits is **not** the law firm for the applicant as alleged.

**3. Is the Town Board of Tuxedo aware that Tim Miller Associates state on their website that Langan Engineering Associates is a client on a mutual project in Elmwood Park; and that Langan Engineering also represents Tuxedo Reserve?**

The website includes a listing of all current and **former** clients of the firm – Elmwood Park, NJ, is where Langan is **headquartered**. TMA was a subconsultant to Langan Engineering on a warehouse project proposed by a developer in the Town of Montgomery, NY. Since TMA received payment through Langan, Langan is listed as the firm's client. The project on which the firms worked together **ended on October 15, 2002**, when Target abandoned the project. I commenced employment at Tim Miller Associates, Inc. on **September 2003** nearly **one year after** the Montgomery project ended.

**4. On Bonnie Franson's resume, she states that she "has been involved for the past 15 years in the review of a 2,450-acre planned community of approximately 1,200 dwellings and 200,000 square fee of nonresidential uses within this town. On behalf of the Town of Tuxedo, Ms. Franson worked closely with the Town's legal counsel to prepare a Final Environmental Impact Statement for the proposed project. She was particularly involved in the preparation of an updated fiscal**

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<sup>1</sup> I worked for Turner/Geneslaw, Inc., which was the "parent" company of Robert Geneslaw Co. and Stuart Turner & Associates, Inc. Robert Geneslaw was the planner for the Village of Sloatsburg; Stuart Turner was the planner for the Town of Tuxedo.

**impact study of the project and drafting/reviewing bulk standards to guide development of this neotraditionally-designed community.**

Agreed. I was employed by Stuart Turner & Associates in 1990 and reviewed the project while employed at that firm – I left that firm to join TMA in September 2003. I have continued to review the project while employed at TMA.

**5. Why was it “difficult or impossible for Camoin Associates to retrieve and review” documents from Ms. Franson in trying to perform an analysis for Tuxedo Land Trust? The following documents were not posted on the Town's website or available at the Town of Tuxedo office: Draft Generic Environmental Impact Statement in 1996; Draft Supplemental Environmental Impact Statement in 1999, a Government Finance Group analysis on the validity of impact modeling assumptions and methodology for the 1999 DSEIS, and a Final Environmental Impact Statement in 2003.**

On December 11, 2009, I received an email from Michael Ndolo of Camoin Associates indicating that he had been retained by Tuxedo Land Trust to review the fiscal analysis for Tuxedo Reserve, and declining a previous and earlier request to interview with the Town of Tuxedo to serve in the same capacity. On December 15<sup>th</sup> (a Tuesday), I was cc'd on an email sent to Elaine Laurent requesting to view copies of various SEQRA documents – this request was **not** directed to me. On December 15<sup>th</sup>, I emailed Michael Ndolo a brief history of the project as well as information regarding the consulting group that previously analyzed the fiscal impact analysis (Government Finance Group). On December 17, 2009, I received a communication from Mr. Ndolo directed to the Town Clerk requesting a copy of various memos. On December 22, 2009 (a Tuesday), I had surgery and was out of the office until after the New Year.

As I indicated to Michael Ndolo in a response to an email he sent me on January 11, 2010, I stated:

*“...you were directed to Town Hall to review what may be available there as I worked for a different planning firm prior to 9/03, and I do not have a complete or official record of all memos related to the fiscal study. It would take me some time to gather up whatever I may have which are in multiple locations...I went into the hospital Tuesday AM, 12/22 for surgery and was out of the office for 2 weeks so I did not have access to files here - this was expressed to Steve Gross and Brian Ketcham who were looking for traffic data - I was able to email remotely from home. I am sure your client was made aware of my unavailability...I am aware of what TLT has written with regard to TMAs "availability" to respond to requests for fiscal information (seems a previous version of the letter has been revised) - frankly, I find it mean-spirited, unfair and unprofessional.”*

The current SEIS is available electronically as required by law. An amendment to SEQR (Chapter 641 of the NYS Laws of 2005; "Ch. 641") requires every Environmental Impact Statement (EIS) -- Draft EIS (DEIS) and Final EIS (FEIS) - to be posted on a publicly accessible Internet Web site, **as of February 26, 2006**. This requirement did not exist at the time the previous Tuxedo Reserve SEQRA documents were finalized. Thus, electronic copies of the final documents were not created. Previous SEQRA documents are available in hard copy for review at Town Hall and the Tuxedo Library.

**Attachment to TLT letter**

TLT has attached unofficial minutes of a Sloatsburg Village Board of Trustees meeting. In it, Ms. Smyla and Mr. Kwasnicki allude to TMA providing well drilling services to the Related Companies. Please refer to attached copy of a letter sent to Mayor Carl Wright in 2007. It points out that the comments made by Ms. Smyla are erroneous – and either intentional or poor writing. This letter was provided to Supervisor Dolan previously.

Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

TIM MILLER ASSOCIATES, INC.

Bonnie Franson, AICP  
Senior Vice President/Director of Planning

cc: Thomas Wilson