



At a regular meeting of the City Council of the City of Rye held on April 18, 2012, Councilman Jovanovich made a motion, seconded by Councilwoman Keith to adopt the following Resolution:

RESOLVED, that the petition of Old Post Road Associates, LLC to amend the City of Rye Zoning Code be forwarded to the Rye City Planning Commission and the Westchester County Planning Department for their recommendations and comments.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Keith, Parker and Sack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)
CITY OF RYE)

I, Dawn F. Nodarse, Clerk of the City of Rye, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Rye City Council at a regular meeting duly called and held at the Rye City Hall on April 18, 2012 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Rye, New York, this 1st day of May, 2012.

Dawn F. Nodarse

DAWN F. NODARSE
CITY CLERK

SEAL

Adaptive Reuse-120 Old Post Road City of Rye, New York

Zoning Petition

April 2012



CITY OF RYE CITY COUNCIL
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----X
Matter of the Petition of:

OLD POST ROAD ASSOCIATES, LLC,
Petitioner.

**PETITION FOR
AMENDMENT
TO CITY OF RYE
ZONING
ORDINANCE**

PROPERTY LOCATION:
120 Old Post Road, Rye, NY
Sheet 146.13, Block 1, Lot 7
-----X

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF RYE:

PETITIONER, OLD POST ROAD ASSOCIATES, LLC (hereinafter referred to as “Petitioner”), with an address at 120 Old Post Road, Rye, NY 10580, hereby petitions the City Council of the City of Rye for amendment to the City of Rye Zoning Ordinance as follows:

INTRODUCTION

1. Old Post Road Associates, LLC is a Limited Liability Company duly formed and existing under and by virtue of the laws of the State of New York.
2. Petitioner is the owner of the property located at 120 Old Post Road, Rye, New York (the “Property”). The approximately 7.0 acre Property is located at the intersection of Old Post Road and Playland Access Drive in the B-4 (Office Building) Zoning District.
3. The Property is currently improved with a three (3) story, approximately 75,000 square foot office building, together with related parking lots including 240 parking spaces, landscaping and infrastructure.
4. For the reasons set forth in detail in the Land Use and Fiscal Analysis, dated March 13, 2012, prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. (the “Analysis”), attached hereto as Exhibit A, Petitioner is requesting text changes to the City of Rye Zoning Ordinance (the “Zoning Text Amendments”) in order to enhance opportunities for the adaptive reuse of office buildings with diminishing occupancy rates in the B-4 Zoning District.
5. A copy of the proposed Zoning Text Amendments is attached hereto. No change to the existing zoning classification of the Property, or any other properties, is requested.

PROPOSED TEXT AMENDMENTS

6. The occupancy rates of office buildings in the city of Rye have declined significantly in recent years, particularly in the Theodore Fremd/Playland Parkway/Old Post Road office building area. This dilemma is not faced by Rye alone, but in fact is a problem that exists in many major metropolitan areas around the country. Throughout Westchester County, there is approximately 6 million square feet of vacant office space. Additionally, there has been no new significant office development in Westchester County in over 20 years, and many of the existing buildings have received little or no new capital investment.

7. In order to address this problem, many municipalities have expanded permitted uses in commercial office zones to include uses that are compatible with, and supportive of, the existing uses in the office zone. This strategy has helped spur economic development and lay the groundwork for the sustainable growth of office zones in nearby municipalities. For example, in Greenburgh, North Castle and Harrison, uses that were previously prohibited in traditional office zones, such as hotels, retail, banks, colleges and universities, health care, and indoor recreation, among others, have now been permitted to adaptively reuse vacant office space and revitalize the office zones and their surrounding areas.

8. The existing office building on the Property, like other such buildings throughout Westchester County, has faced a prolonged period of increased vacancy rates. As explained in the Analysis prepared by VHB, existing and projected market conditions make “reoccupancy [of the existing building] by an office use . . . highly challenging and unlikely.” Analysis at p. 2.

9. Petitioner proposes an addition and alterations to the existing office building on the Property for its adaptive reuse as a hotel, with approximately 150 guest rooms and 169 parking spaces. As demonstrated by the enclosed plans (see Exhibit B attached hereto) and the Analysis, it is respectfully submitted that the hotel will be compatible with and supportive of the commercial community in the area and will result in an overall economic benefit to the City of Rye. Moreover, the reduction in traffic and opportunity for additional landscaping that will result from the reuse will “enhance the site’s function as a transitional use” between the office zone and nearby residential properties. See Analysis at p. 3. See also Full Environmental Assessment Form and attachments thereto, attached hereto as Exhibit C, and Letters of Support from surrounding property owners, attached hereto as Exhibit D.

10. Petitioner requests the Zoning Text Amendments, which consist of modifications to the permitted uses and bulk requirements in the B-4 Zoning District, in order to allow hotels as a permitted use subject to additional standards and requirements, requiring approval from the Planning Commission.

11. The Zoning Text Amendments would not have any adverse impacts on the Zoning Ordinance or the City of Rye. The proposed amendments would permit hotels in the B-4 Zoning District subject to the condition that would require a hotel be located on a parcel of land the property lines of which are at least 1,500 feet from the property lines of another parcel land containing a hotel use, in order to avoid a concentration of hotels in one area. Taken together, these amendments would allow for a compatible and economically beneficial use while providing an appropriate transition to surrounding non-office uses.

12. As explained in greater detail in the Analysis prepared by VHB/Saccardi & Schiff, Inc., the proposed amendments would “enhance the attractiveness and competitiveness of the nearby offices and [retirement community]” and due to existing and additional landscaping and buffering would “not be expected to significantly affect neighborhood community character,” while generating more tax revenue for the City than office building. Therefore, “reuse of the property for a hotel presents a reasonable and logical alternative for this underutilized resource.” Analysis at p. 5-6.

13. For all of the foregoing reasons, it is respectfully submitted that the proposed text amendments should be granted.

WHEREFORE, Petitioners respectfully request that the City Council of the City of Rye amend the City of Rye Zoning Ordinance as set forth above.

Dated: Rye, New York
April 4, 2012

Respectfully submitted,
OLD POST ROAD ASSOCIATES, LLC

By: Allen Weissman

PROPOSED TEXT AMENDMENTS – B-4 ZONING DISTRICT

1. Table B, Column 2 of Article VIII of the City of Rye Zoning Ordinance is hereby amended by adding a new subsection 3 under the subheading “B-4 Office Building Districts,” which shall state as follows:

(3) Hotels, excluding motels, subject to the following conditions:

- (a) A hotel shall be located on a parcel of land, the property lines of which are at least 1,500 feet from the property lines of another parcel of land containing a hotel use.

2. Table B, Column 3 of Article VIII of the City of Rye Zoning Ordinance is hereby amended by adding a new subsection 3 under the subheading “B-4 Office Building Districts,” which shall state as follows:

(3) Hotel accessory uses may include meeting rooms, open areas for the service of breakfast or snacks (but not restaurants or areas for cooking of lunch or dinner), enclosed swimming pools, and health clubs, but only for the exclusive use of guests of the hotel.

3. Chapter 197 Attachment 2, entitled “Table B: Business Districts Area, Yard, Height and Miscellaneous Regulations,” is hereby amended by adding the line item “Hotel” to the row entitled “B-4”, with the same requirements as for “Office buildings” in the B-4 District, provided however that the following requirements shall be modified as follows:

- (a) The requirement for One Side Yard shall be 50 feet.
- (b) The requirement for Maximum Ratio of Floor Area to Lot Area shall be 0.35(g).
- (c) The requirement for Maximum Height (stories) shall be 3, with no reference to footnote j.

EXHIBIT A



To: Rye City Council

Date: March 16, 2012

Project No.:

From: Owen Wells, AICP; John Saccardi, AICP

Re: Land Use and Fiscal Analysis

The Applicant is seeking a zoning text amendment to the B-4 District to facilitate the conversion of a mostly vacant office building at 120 Old Post Road into an approximately 150-room hotel. The existing building has been largely vacant for nearly two years, and as documented below, current real estate market conditions suggest that reoccupancy with an office use would be highly challenging. The proposed rezoning would allow the property to return to productive use, with a type of tenant that would be compatible with the surrounding land use pattern. The following memorandum summarizes various land use, market and fiscal considerations that support the rezoning request to facilitate reuse of the property.

Market Conditions

Although labor market conditions in Westchester County have been improving slowly and the County has fared better than most parts of the State in recovering from the recent recession, the office real estate market continues its extreme slowdown. As recently reported in the Journal News, vacancy rates in Westchester County continue to rise. Recent reports “found that about 20 percent of Westchester’s class-A office space has been completely empty for the past three years, and the trend got slightly worse in the fourth quarter of 2011.”¹ The article also noted that offices are being repurposed for alternate uses such as health care or residential apartments. A review of year end market reports from leading commercial real estate firms supports these conclusions. Howard Greenberg’s summary of the Westchester County real estate market similarly focused on challenging conditions in the office market. “Office leasing velocity continues to be very low, and Westchester had about 600,000 square feet of negative absorption (space put back on the market) during 2011.”² Jones Lang Lasalle reports that “lack of demand, especially from large users, will continue to be an obstacle to the recovery of the Westchester County office market particularly as large available blocks accumulate.”³ In addition, most leasing activity consisted of renewals or extensions. Jones Lang Lasalle’s data also indicate increases in both overall and Class-A vacancy rates (with the overall vacancy rate increasing to 19.6% by year end, and Class A vacancy rising to 21.6%.) Cushman and Wakefield reported similar vacancy conditions in the fourth quarter and a \$1.00 per square foot

¹ Journal News, “Westchester office vacancies rise despite improving economy,” January 19, 2012.

² Howard Greenberg, “State of the Westchester County Real Estate Market,” February 10, 2012.

³ Jones Lang Lasalle, “Office Insight Westchester County,” Q4 2011.

decrease in average asking rent for Class A space over the past year.⁴ While these office market difficulties are felt across the County, the non-CBD submarkets outside of White Plains are facing more challenging conditions. The White Plains CBD submarket tends to be somewhat stronger than the rest of the County submarkets, with a slightly lower overall vacancy rate (with the exception of the relatively small Southern submarket) and higher rental rates. The Eastern submarket, which includes the proposed project site appears to be middle-of-the-pack in terms of overall vacancy rate and rents among the non-CBD submarkets. It is also noted that the Eastern submarket has the highest inventory of office space among the non-CBD submarkets. This large supply likely exerts downward pressure on rents and requires more leasing activity to make sizeable reductions in the vacancy rate.

In addition to the subject property, there is considerable vacancy in other buildings in the immediate area. Information from a local broker indicates that 411 and 555 Theodore Fremd each currently have over 20,000 square feet of available space (vacancy rates of 22% and 16%, respectively.) These challenging market conditions are also evidenced locally by recent tax certiorari activity for nearby office properties. Both 401 and 411 Theodore Fremd Avenue have pending tax certiorari proceedings. The properties at 1 Theall Road and 555 Theodore Fremd Avenue both had tax certioraris settled within the past five years. It is noted that the reuse of the adjacent building as an owner-occupied medical office has significantly improved the area's office vacancy rate.

With the over-abundance of available office space both locally and County-wide, decreasing rents, and prolonged vacancy of the existing building, reoccupancy by an office use appears highly challenging and unlikely. As detailed below, a hotel use presents a reasonable and logical alternative for an underutilized resource.

Land Use Planning

Zoning

The project site is located within the B-4 - Office Building District. (See attached Zoning Exhibit.) The B-4 District is generally located in three areas: near the Theodore Fremd/Playland Parkway/Old Post Road area at the western edge of the City (which includes the project site); near the I-95 and I-287 interchange along the border with Port Chester; and along the eastern edge of Midland Avenue near the City's northern border.

The B-4 District permits office buildings (among other non-residential uses, such as educational uses, recreation uses, residential care facilities, and religious uses), subject to certain additional standards and requirements in Section 197-11 related to access, parking screening, signage, and prohibition of potential nuisances. Hotels are not currently a permitted use in the district.

The only district in the City that currently permits hotels is the B-5 - Interchange Office Building District. The B-5 District permits the same uses as the B-4 District, but also allows for hotels. Uses in the B-5 are subject to the same standards and procedures as development of office buildings in the B-4 District. However, the dimensional regulations of the B-5 are generally more permissive than the current standards for office buildings in the B-4 District (e.g., a maximum height of 65' compared to 45', a maximum FAR of 0.45 compared to 0.3, and reduced side and rear yard requirements.) While remapping of the B-5 to the site would allow for hotel reuse, it is suggested that the City instead add hotels as a permitted use subject to additional standards and requirements within the existing B-4 District. This allows the City to establish/tailor specific standards and conditions and provides the City with a greater degree of control and scrutiny for any potential future applications.

⁴ Cushman & Wakefield, "Marketbeat Office Snapshot," Q4 2011.

Planning Documents

The City's Master Plan was prepared in 1985 and intended to serve as a guide for development for the following 15 years. The plan does not include any specific actions or policies that directly relate to the proposed site, other than designating the area near the Theodore Fremd/Playland Parkway area, including the project site, for corporate office. The Plan noted that there had been "great pressure in Westchester County in recent years to build corporate office buildings... It has led to pressure by builders for the rezoning of Rye land from residential to commercial."⁵ As discussed above, this condition has changed dramatically since the time of plan preparation.

The Master Plan does not include any specific recommendations related to the potential for hotel uses, although its general Business Development section goal to "maintain the City's existing economic base without making substantial changes in scale" would appear to support economic reuse of an existing building.

Land Use Relationships

The project site is located at the edge of a cluster of office complexes. (See attached Land Use Exhibit.) As noted above, several of the nearby office buildings have substantial vacancies. The adjacent building to the west, has recently been reoccupied as a medical office. The site is also directly adjacent to the Osborn retirement community. A hotel appears to offer a natural complement to these uses by providing a resource for business travelers who are visiting nearby offices, as well as family members visiting relatives at the Osborn. Having a supporting hotel facility in close vicinity would be expected to increase the attractiveness and competitiveness of the nearby offices and the Osborn. This would serve to help protect and enhance the district's and the City's economic vitality.

In addition, the project is a redevelopment of an existing site, which would not significantly increase land disturbance or involve a change in overall scale that would significantly alter the community character. The site is bounded by the Playland Parkway Access Drive and Old Post Road. The Playland Parkway essentially isolates the site from the residential properties to the east. The only residential exposure would be to a few houses in the neighborhood across Old Post Road. This location (at the edge of the office cluster and between the larger office uses and the neighboring residential neighborhood) creates a transitional nature for the site. Given that the general scale of development on-site would not change, it is not expected that there would be a significant visual or land use impact. In addition, the site perimeter currently contains trees and vegetation that provide a buffer between the residences and the existing office building and supporting parking. In order to further minimize the potential for visual impact, it is suggested that the eventual site plan include enhancement of the vegetative buffer to further screen visibility of parking lot activity. Reuse as a hotel would also allow for a reduction of paved parking area, which provides an opportunity for additional landscaping along Old Post Road. It is also noted that, as documented in the traffic study prepared for this project by F.P. Clark and Associates, the proposed hotel use would generate less site traffic than an office. The reduction in traffic and associated site activity and the opportunity for additional buffering would further enhance the site's function as a transitional use.

Fiscal Impact

The office site is subject to real property taxation by the City of Rye, the Rye City School District, and Westchester County, and special benefit assessments for Westchester County (e.g., sewer and solid waste special districts.) The project site currently has a full market value for assessment purposes of

⁵ City of Rye, NY 1985 Development Plan.

\$14,205,479. The City's equalization rate is 2.19%, which results in an assessed value of \$311,100. The 2011 tax rates for the taxing jurisdictions are presented in the table below.

**Table 1
Tax Rates**

District	Tax Rate per \$1000 AV
Rye City School (2011-2012)	\$520.5437
City (2012)	\$144.99
County	\$156.863426
Blind Brook Sewer (County sewer)	\$21.616367
County Refuse	\$15.338029

Source: City of Rye – Online Tax Status Information System; Westchester County Tax Commission, 2011-2012 School District Tax Rates, 2011 Town Tax Rates, and 2011 Village Tax Rates.

The project site is currently occupied by one office tenant. As indicated above, the property has an assessed value of \$311,100. The existing tax generation from the site is provided in the table below. In total, the project produces approximately \$267,000 in annual property taxes. The School District is the largest component of the property tax bill, accounting for approximately 61% of the overall total or approximately \$160,000 annually.

**Table 2
Existing Property Tax Generation – 120 Old Post Road**

District	Tax Rate per \$1000 AV	Assessed Value	Tax Generation
Rye City School (2011-2012)	\$520.5437	\$311,100	\$161,941.15
City (2012)	\$144.99	\$311,100	\$45,106.39
County	\$156.863426	\$311,100	\$48,800.21
Blind Brook Sewer (County sewer)	\$21.616367	\$311,100	\$6,724.85
County Refuse	\$15.338029	\$311,100	\$4,771.66
Total	\$859.351522	\$311,100	\$267,344.26

However, the owners have commenced a tax certiorari proceeding to reduce the Site's assessed value to more accurately reflect current market value. A successful challenge would result in a reduction in the tax generation. Based upon the Applicant's tax grievance and appraisal information, it is possible that the annual assessment and associated property tax could be reduced by up to 25%. This would reduce overall annual property tax generation to approximately \$199,489.

Table 3
Property Tax Generation – Reduced Assessed Value Scenario

District	Tax Rate per \$1000 AV	Assessed Value	Tax Generation
Rye City School (2011-2012)	\$520.5437	\$232,140	\$120,839
City (2012)	\$144.99	\$232,140	\$33,658
County	\$156.863426	\$232,140	\$36,414
Blind Brook Sewer (County sewer)	\$21.616367	\$232,140	\$5,018
County Refuse	\$15.338029	\$232,140	\$3,561
Total	\$859.351522	\$232,140	\$199,490

There is currently one other hotel within the City – the Courtyard Rye Marriott on Midland Avenue at the municipal border with Port Chester. It is a 4-story hotel with 133 rooms and 12 suites. It includes relatively conventional amenities such as a business center, two meeting rooms, fitness center (with pool), and breakfast/dinner restaurant. It is valued for assessment purposes at \$20,639,269, which translates into an assessed value of \$452,000. With this assessment, the Marriott property would be expected to generate approximately \$388,000 annually in overall property taxes.

Table 4
Existing Property Tax Generation – Courtyard Marriott

District	Tax Rate per \$1000 AV	Assessed Value	Tax Generation
Rye City School (2011-2012)	\$520.5437	\$452,000	\$235,285.75
City (2012)	\$144.99	\$452,000	\$65,535.48
County	\$156.863426	\$452,000	\$70,902.27
Blind Brook Sewer (County sewer)	\$21.616367	\$452,000	\$9,770.60
County Refuse	\$15.338029	\$452,000	\$6,932.79
Total	\$859.351522	\$452,000	\$388,426.89

The proposed hotel conversion would be expected to create an approximately 150-room hotel, which would be slightly larger, but roughly comparable to the number of rooms at the Marriott. It would not be expected to include large meeting or conference facilities or restaurant/bar, but would include a breakfast area, fitness area/gym and pool. The type and extent of proposed amenities appear to be relatively similar to those offered at the Marriott. With similar size and amenities, annual tax generation would likely be comparable to the \$388,000 produced by the Marriott. Factoring in an increase of approximately 3% to account for the slight increase in number of rooms (i.e. $5/145 = 3\%$), expected annual property tax generation from the hotel conversion would be approximately \$400,000.

The City of Rye also imposes a 3% tax on occupancy of hotel rooms. Assuming an average occupancy rate of 70% and an average rent of \$160 per night, the proposed 150 rooms would be expected to generate an annual occupancy tax of approximately \$183,960 for the City.

Conclusion

As noted above, both the County and the City of Rye are suffering from an over-abundance of available office space. The weak market and continued lack of demand, coupled with prolonged vacancy of the existing building suggests that reoccupancy by a substantial office use would be highly challenging and unlikely. A hotel offers a natural complement to the adjacent office and retirement community uses and would be expected to enhance their attractiveness and competitiveness. In

addition, given the site location, building scale, and opportunities for additional landscaping and buffering, the project would not be expected to significantly affect neighborhood community character. A hotel use would also be expected to generate more tax revenue for the City than an office building. Therefore, reuse of the property for a hotel presents a reasonable and logical alternative for this underutilized resource.



Exhibit
AERIAL
HOTEL CONVERSION-120 OLD POST ROAD
Rye, New York

VIIB Engineering, Surveying and Landscape Architecture, P.C.

SOURCE: GIS City of Rye and Harrison, NY



Exhibit
ZONING MAP
HOTEL CONVERSION-120 OLD POST ROAD
Rye, New York

- R-2** One-Family Districts-Minimum lot size 1/2 acre
- R-3** One-Family Districts-Minimum lot size area of special flood hazard 1/2 acre; all other areas-1/3 acre
- R-4** One-Family Districts-Minimum lot size are of special flood hazard 1/2 acre; all other areas-10,000 square feet
- R-5** One-Family Districts-Minimum lot size: area of special flood hazard 1/2 acre; all other areas 7,500 square feet
- RS** School and Church Districts
- RA-1** Garden Apartment Districts-Minimum area per family 5,000 square feet
- RA-5** Senior Citizens Apartment Districts-Minimum area per family 800 square feet
- B-1** Neighborhood Business Districts
- B-4** Office Building Districts
- B-6** General Business Districts
- C** Parking Districts

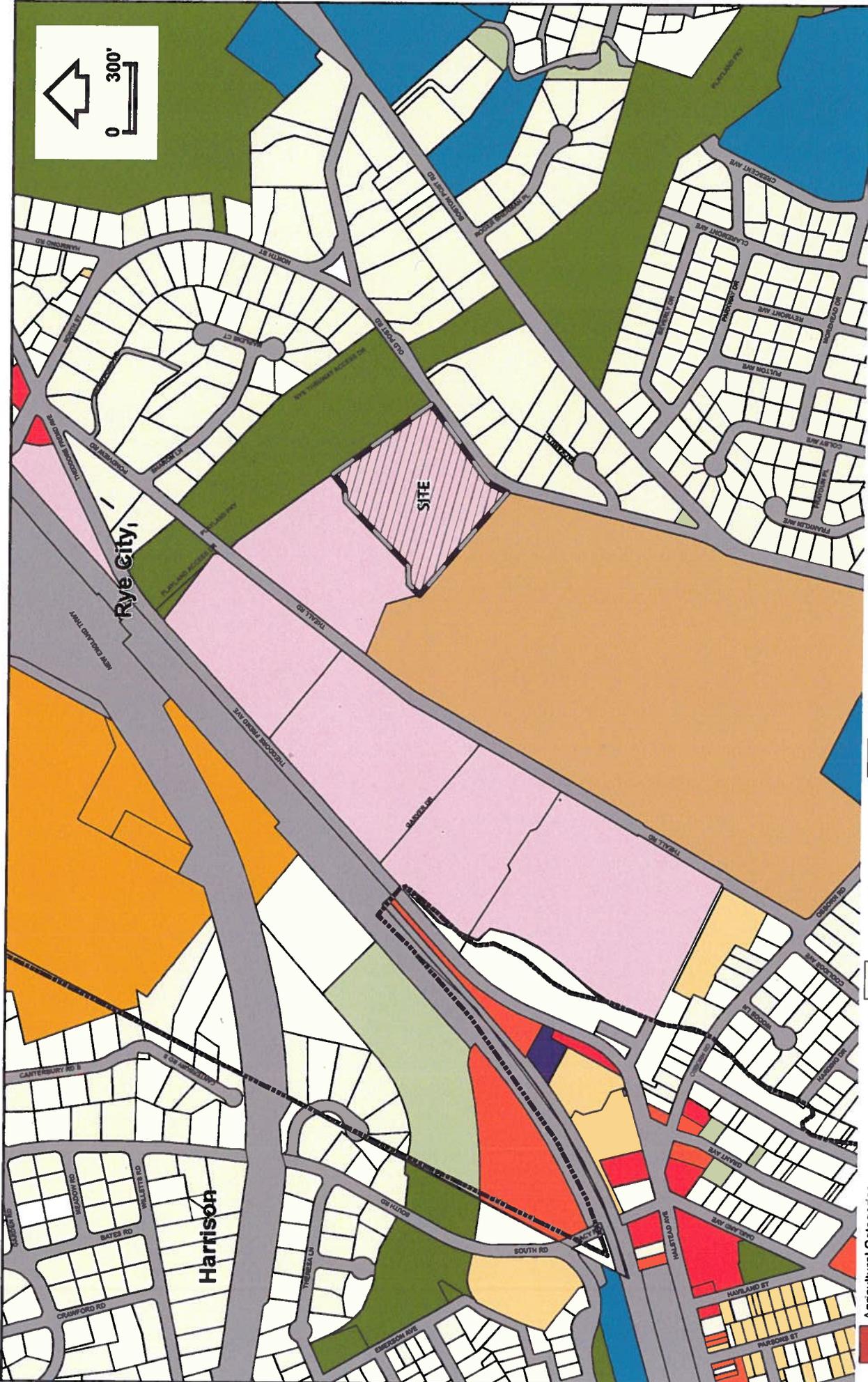
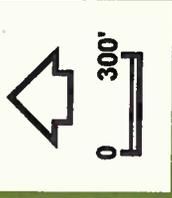
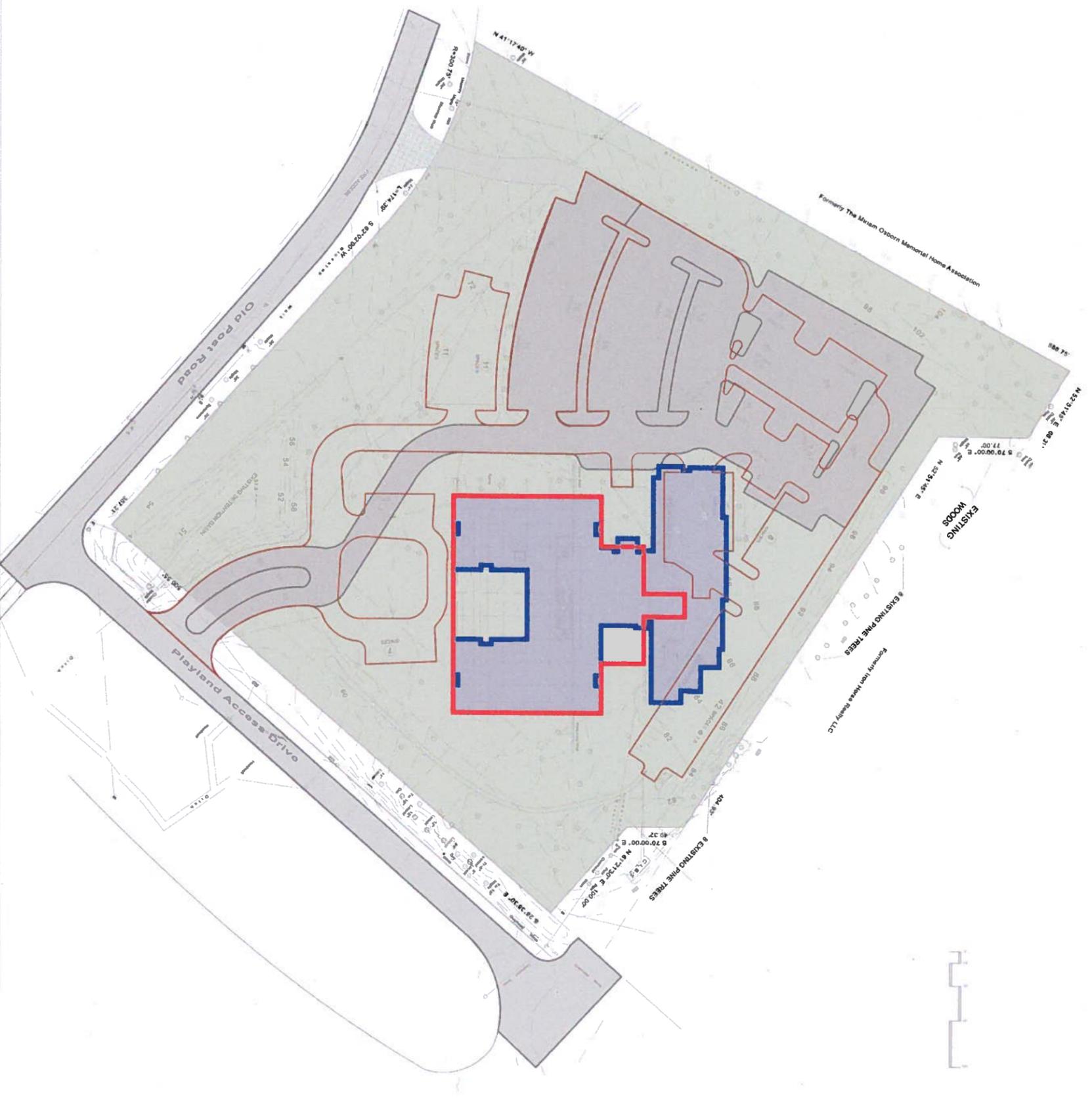


Exhibit
LAND USE
HOTEL CONVERSION-120 OLD POST ROAD
Rye, New York

- | | | | |
|--|---------------------------------------------|--|-------------------------------------------------|
| | Agricultural Categories | | Retirement Community |
| | Cemeteries | | Residential |
| | Commercial-Retail | | Mixed Use |
| | Common Land Homeowners Association | | Nature Preserves |
| | High Density Residential | | Office and Research |
| | Institutional and Public Assembly | | Private Recreation |
| | Manufacturing, Industrial, Warehouse | | Public Parks, Parkway Lands |
| | | | Transportation, Communication, Utilities |
| | | | Vacant/Undeveloped |

EXHIBIT B



LEGEND	
	EXISTING BUILDING
	PROPOSED BUILDING
	EXISTING PARKING
	PROPOSED PARKING

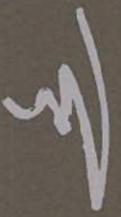


Tecton Architects, Inc.
 April 4, 2012

Adaptive Re-Use 120 Old Post Road
 Rye, New York

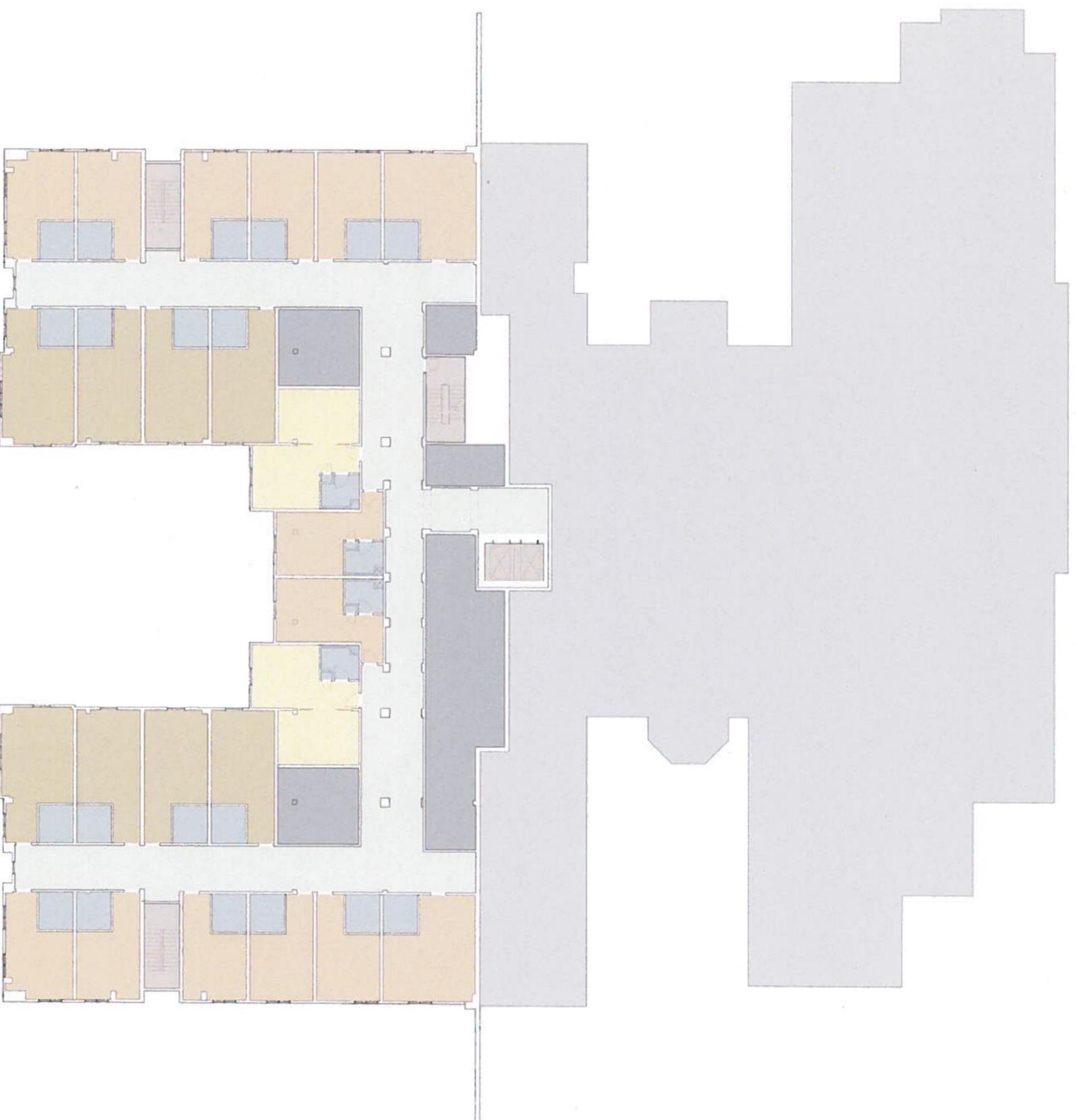
A-0 BEFORE AND
 AFTER





Tecton Architects, Inc.
April 4, 2012

Adaptive Re-Use 120 Old Post Road
Rye, New York



LEGEND	
	SERVICE
	CORRIDOR
	SINGLE SUITES
	DOUBLE BED ROOM
	DOUBLE ROOM
	BATH ROOM
	VERTICAL CIRCULATION

24 ROOMS

A-1 GROUND FLOOR
PLAN





LEGEND	
	SERVICE
	CORRIDOR
	SINGLE BED ROOM
	DOUBLE BED ROOM
	DOUBLE ROOM
	BATH ROOM
	VERTICAL CIRCULATION
	MEETING ROOM
	BREAKFAST RM.
	FITNESS / SWIMMING
	OFFICE

44 ROOMS

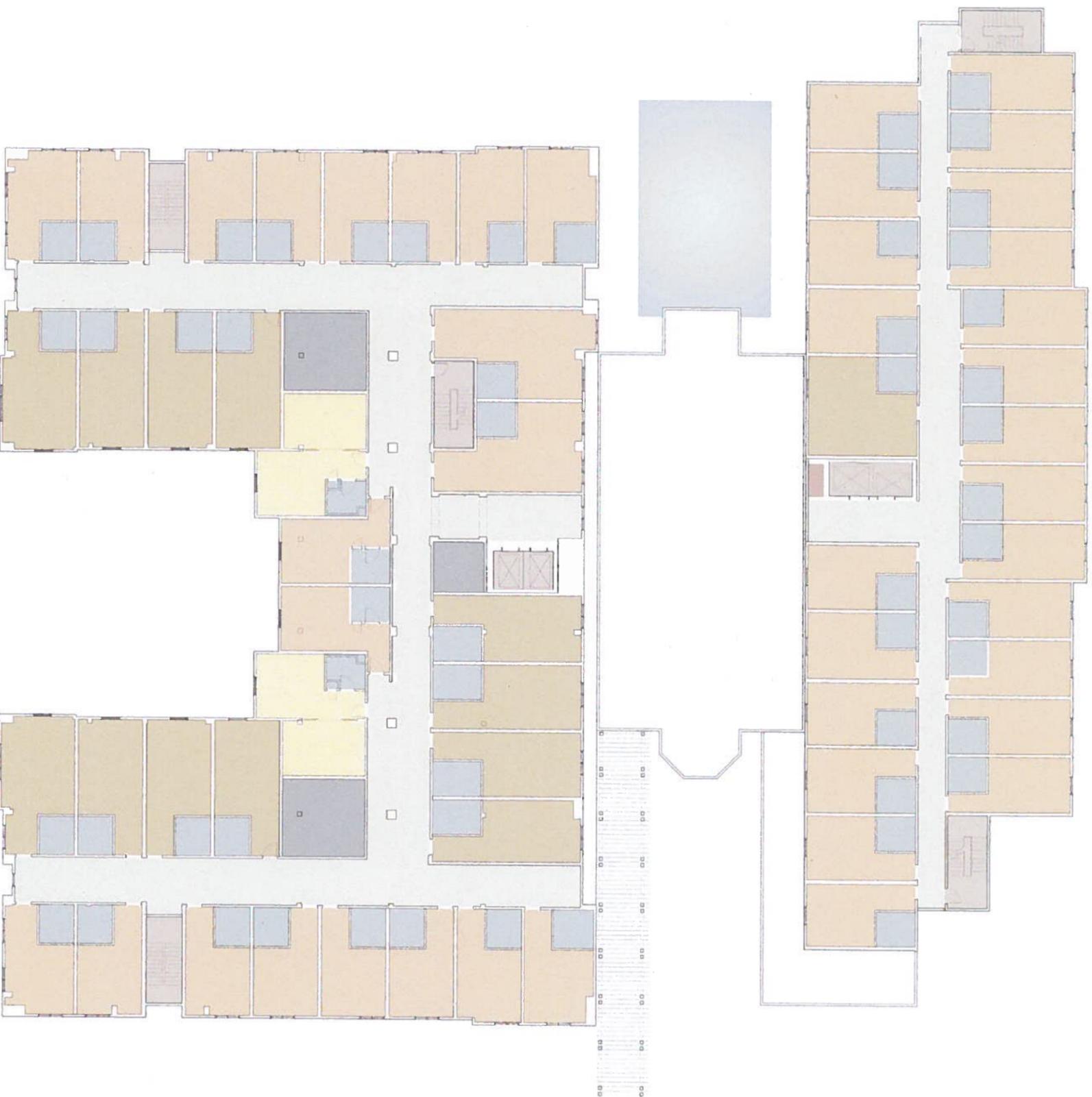


Tecton Architects, Inc.
April 4, 2012

Adaptive Re-Use 120 Old Post Road
Rye, New York

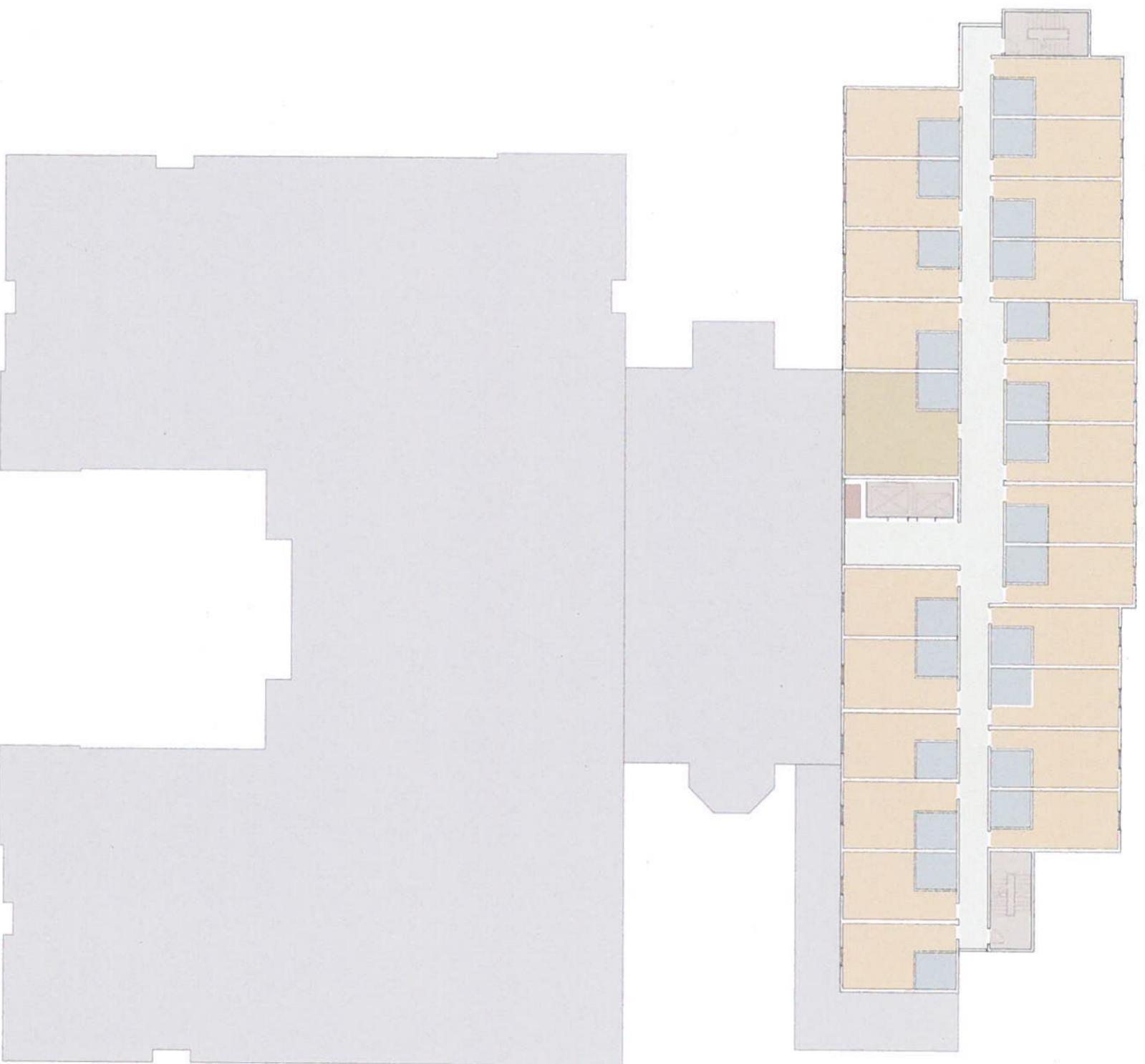
A-2 FIRST FLOOR PLAN





LEGEND	
	SERVICE
	CORRIDOR
	SINGLE BED ROOM
	DOUBLE BED ROOM
	DOUBLE ROOM
	BATH ROOM
	VERTICAL CIRCULATION
	MEETING ROOM
	BREAKFAST RM.
	FITNESS / SWIMMING
	OFFICE

58 ROOMS



LEGEND	
	SERVICE
	CORRIDOR
	SINGLE BED ROOM
	DOUBLE BED ROOM
	DOUBLE ROOM
	BATH ROOM
	VERTICAL CIRCULATION
	MEETING ROOM
	BREAKFAST RM.
	FITNESS / SWIMMING
	OFFICE

24 ROOMS

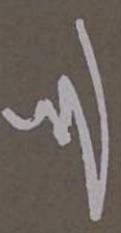


Tecton Architects, Inc.
April 4, 2012

Adaptive Re-Use 120 Old Post Road
Rye, New York

A-4 THIRD FLOOR PLAN





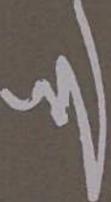
Tecton Architects, Inc.
April 4, 2012

Adaptive Re-Use 120 Old Post Road
Rye, New York

A-5 PERSPECTIVE






Tecton Architects, Inc.
April 4, 2012

Adaptive Re-Use 120 Old Post Road
Rye, New York

A-6 PERSPECTIVE





3/31/2012

PRELIMINARY

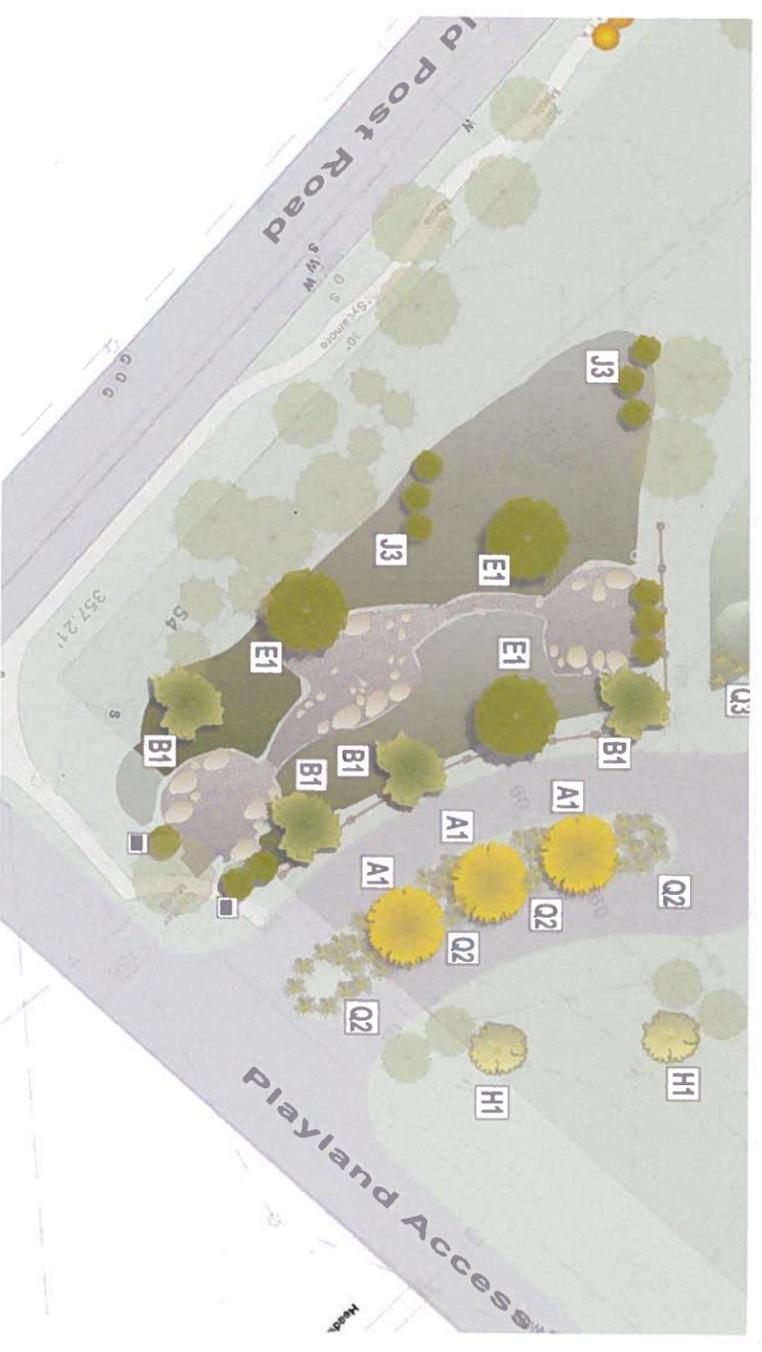
PLANT LIST

TYPE	PLANT LIST	CINQUEFOIL	PRELIMINARY	NOTES	8	4
A1	Gleditsia trancantios 'Sunburst' (Golden Honeylocust)	1-1 1/2'		Light shade tree		Plaza Tree tolerant/urban
B1	Betula nigra 'Cully' (River Birch)	1 1/2-2'	multi-tr.	Light shade tree		native/sustainable wet/urban
C1	Acer rubrum 'October Glory' (October Glory Maple)	1 1/2-2'	cal.	Street tree		native/sustainable wet
D1	Quercus bicolor (Swamp White Oak)	6'		Wet shade tree		native/disease resistant
E1	Salix niobe (Weeping Willow)	1 1/2-2'	cal.	Wet shade tree		native midwest wet
F1	Juniperus chinensis 'Robusta Green' (Robusta Juniper)	6-7hl	6' oc.	Evergreen vertical		sustainable drought/urban
F2	Picea glauca (White Spruce)	6-7'	10' o.c.	Evergreen Tree		drought/urban native northern NewEngland
F3	Rhamnus frangula/Ron Williams' (Fragline Buckthorn)	2-3'	2.50 c.	Vertical shrub		yellow fall Proven winner
G1	Amelanchier canadensis (Shadblow)	4-5'	height	undersitory Tree		native/sustainable wet
G2	Cercus canadensis 'Forest Pansy' (Red-leaf Redbud)	1 1/2-2'	cal.	undersitory Tree		native/sustainable
G3	Cornus Mas 'Golden Glory' (Cornelian Dogwood)	4-5'		undersitory Tree		native/sustainable
H1	Magnolia virginiana 'Moonglow'	4-5'	multi-tr.	undersitory Tree		native/sustainable wet
H2	Viburnum plicatum var. Tomentosum 'Mariesii'	2-3 hl	8' oc.	Large shrub		sustainable
H3	Sambucus canadensis 'York'(Elderberry)	15-24'	8' oc.	Large shrub		native/sustainable wet
J1	Cotinus coggygria 'Atropurpurea' (Purple Smokebush)	3-4 hl	10' oc.	Large shrub		sustainable drought/urban
J2	Hamamelis virginiana (Virginia Witchhazel)	2-3 hl	8' oc.	Large shrub		native/sustainable drought
J3	Ilex verticillata 'Berry Nice' (Winterberry)	15-18' hl	8' oc.	Large shrub		native/sustainable wet
K1	Physocarpus opul. 'SummerWine' (Rd Ninebark)	12-15' hl	5' oc.	shrub		native/sustainable drought/urban
K2	Syringa meyeri 'Palibin' (Dwarf Korean Lilac)	18-24'	5' oc.	shrub		sustainable
K3	Salix purpurea (Blue Arct Willow)	12-15' hl	6' oc.	shrub		sustainable drought/wet
K4	Hydrangea quercifolia 'SnowQueen'(Oakleaf Hydrangea)	12-18'	5' oc.	shrub		native/sustainable
L1	Clethra alnifolia 'Hummingbird'(Summersweet)	12-18'	5' oc.	shrub		native/sustainable
L2	Viburnum trilobum 'Bailey's compactum' (Craberry)	15-24'	5' oc.	shrub		native/sustainable
L3	Cornus sanguinea 'Midwinter Fire' (Red stem Dogwood)	18-30'	5' oc.	shrub		native/sustainable adaptable
L4	Vaccinium corymbosum "Blue Jay"(Blueberry)	30-36'	5' oc.	shrub		native/sustainable wet
M1	Weigela 'Wine and Roses'	10-18' hl	4' oc.	shrub		native/sustainable drought/wet
M2	Spiraea bumalda x 'Neon Flash' (Spiraea)	15-18'	4' o.c.	shrub		sustainable
M3	Deutzia gracilis 'Chardonay Pearls'	10-15'	4' oc.	shrub		sustainable drought/wet
M4	Rhododendron yak 'Ken Janek'	15-18'	3.50 c.	shrub		sustainable
N	Microrhiza decussata (Russian Cypress)	18-24'	5' oc.	low shrub		Cary Award
P1	Sedum Mix Sedum rupestre 'Angelina', 'John Creech', 'spunum' 'Fuchsia Glow' & 'reflexum'	18/3' pot	12' o.c.	lowEvergreenCover		native/sustainable Cary Award
P2	Salvia nemerosa 'May Night' (May Night Salvia)	5 pint	18' oc.	Herbaceous Per.		
P3	Althayrum felix femina 'Cristala' (Lady Fern) w/ 1 white Naturalizing Narcissi Bulb per fern	5 pint	18' oc.	Herbaceous Per.		
Q1	Calamagrostis arundinacea 'Karl Foerster'(Reed Grass)	1 gal	4' oc.	Ornamental grass		
Q2	Pennisetum orientale 'Karley Rose'(Fountain Grass)	1 gal	3' oc.	Ornamental grass		
Q3	Miscanthus sinensis 'Zehnum'	1 gal	4' oc.	Ornamental grass		





PLANTINGS AROUND BUILDING

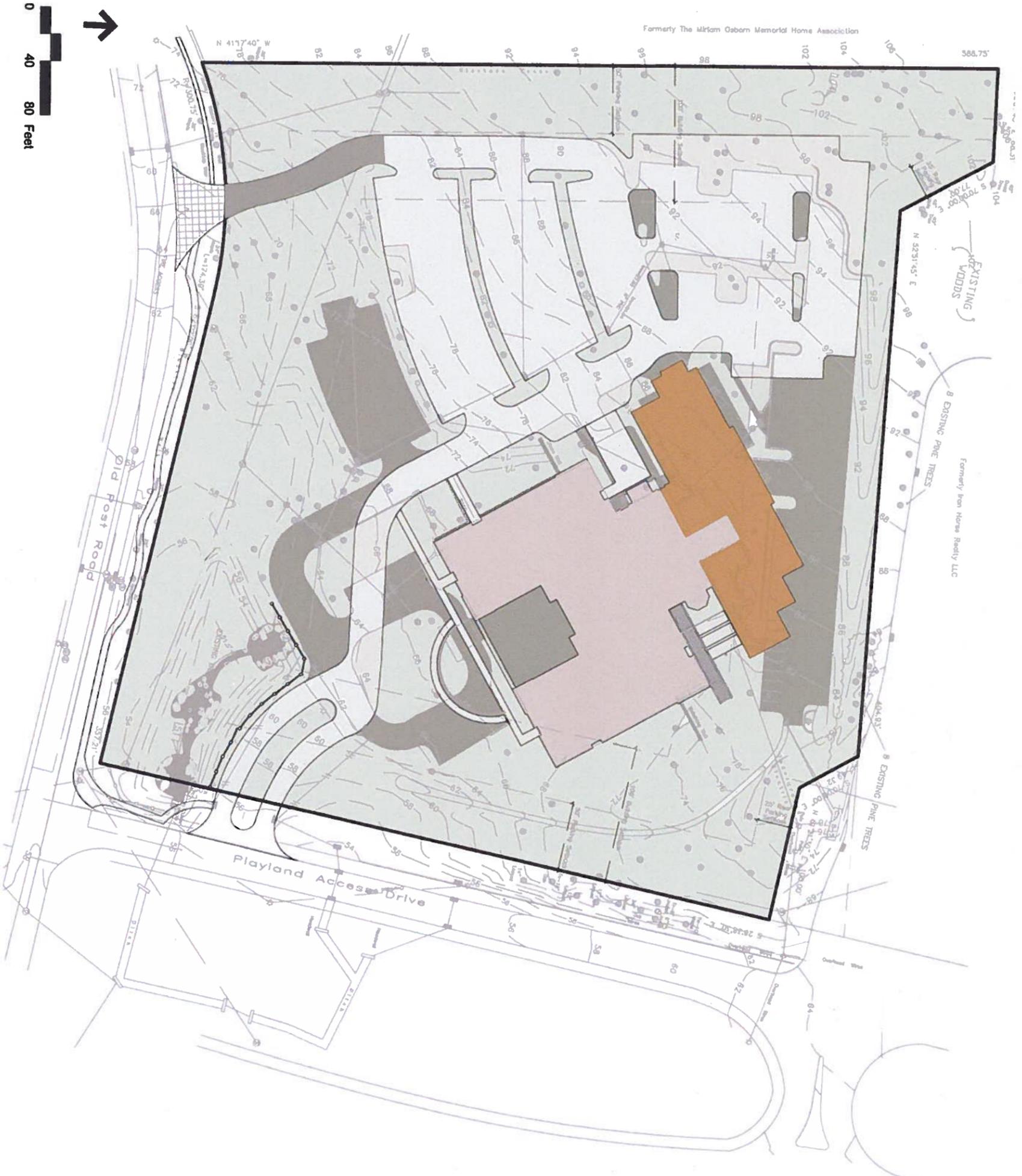


PLANTINGS AT ENTRY DRIVE

3/31/2012
PRELIMINARY

TYPE	PLANT LIST	QUANTITY	PRELIMINARY	NOTES	0	4
A1	Chaetula Menziesii 'Sudburt' (Golden Honeylocust)	11/12'	multi	Light shade tree	Pizza Tree	tolerant/urban
B1	Betula nigra 'Cody' (River Birch)	11/12'	multi	Light shade tree	native/sustainable	well/urban
C1	Acer rubrum 'October Glory' (October Glory Maple)	11/12'	tree	Street tree	native/sustainable	well
D1	Quercus bicolor (Swamp White Oak)	6'	tree	Wet shade tree	native/old-growth	resilient
E1	Salix alba (Weeping Willow)	11/12'	tree	Wet shade tree	native (moist)	well
F1	Juniperus horizontalis 'Robusta Green' (Robusta Juniper)	6-7 ft	8' oc	Evergreen vertical	sustainable	drought/urban
F2	Pinus strobus (White Spruce)	6-7	10' oc	Evergreen tree	drought/urban	native northern New England
F3	Rhamnus frangula 'Rou Wadens' (Freaky Buckthorn)	2-3	2.5 ft	Vertical shrub	yellow fall	Proven winner
G1	Asterichia canadensis (Shrub Rose)	4-5'	height	understory tree	native/sustainable	well
G2	Cornus alternifolia 'Frost Free' (Frost-free Dogwood)	11/12'	tree	understory tree	native/sustainable	well
G3	Cornus mas 'Golden Glory' (Cornelian Dogwood)	4-5'	tree	understory tree	native/sustainable	well
H1	Hamamelis virginiana (Witch Hazel)	4-5'	multi	understory tree	native/sustainable	well
H2	Viburnum Prickum var. Tomentosum 'Hainaut'	2-3 ft	8' oc	Large shrub	sustainable	well
H3	Sambucus canadensis 'York' (Elderberry)	15-24"	8' oc	Large shrub	sustainable	well
J1	Cornus cogonoga 'Astroripens' (Purple Strutchan)	3-4 ft	10' oc	Large shrub	sustainable	drought/urban
J2	Hamamelis virginiana (Virginia Witch Hazel)	2-3 ft	8' oc	Large shrub	native/sustainable	drought
J3	Ilex verticillata 'Berry Hot' (Winterberry)	15-18 ft	8' oc	Large shrub	native/sustainable	well
K1	Prinosaurus oval. 'Surrey' (Red Hot Catnip)	12-15 ft	8' oc	shrub	native/sustainable	drought/urban
K2	Syringa meyeri 'Patina' (Dwarf Korean Lilac)	16-24"	8' oc	shrub	sustainable	drought/urban
K3	Salix purpurea (Blue Ace Willow)	12-15 ft	8' oc	shrub	native/sustainable	drought/urban
K4	Hydrangea quercifolia 'Sno-Queen' (Oakleaf Hydrangea)	12-14'	5' oc	shrub	native/sustainable	drought/urban
L1	Celastrus scandens (Wintercreeper)	12-14'	5' oc	shrub	native/sustainable	drought/urban
L2	Viburnum nudum 'Baldy's compactum' (Crashly)	15-24"	5' oc	shrub	native/sustainable	odorous
L3	Cornus sericea 'Midwinter Fire' (Red stem Dogwood)	16-30"	5' oc	shrub	native/sustainable	odorous
L4	Vaccinium corymbosum 'Blue Jay' (Blueberry)	30-35"	5' oc	shrub	native/sustainable	well
M1	Wigandia virginica 'Nana' (Nana Spice)	10-18 ft	4' oc	tree	native/sustainable	drought/urban
M2	Spiraea vanutensis 'Nanon' (Nanon Spirea)	15-18"	4' oc	shrub	native/sustainable	drought/urban
M3	Daphne genkwa 'Chandonny' (Daphne)	10-15"	4' oc	shrub	sustainable	drought/urban
N1	Rhododendron 'Jai Ken' (Jai Ken)	15-18"	3.5' oc	low shrub	Cary Award	drought/urban
N2	Macropodus chinensis (Rustic Opuntia)	16-24"	3' oc	low shrub	low-vegetative	Cary Award
N3	Sorbus aria (Sorbus)	16-24"	12' oc	tree	Herbaceous Per.	
N4	Sorbus aria (Sorbus)	16-24"	12' oc	tree	Herbaceous Per.	
P1	Adiantum sp. (Adiantum)	5 pt	18' oc	Herbaceous Per.		
P2	Salix nemoralis 'May Night' (May Night Willow)	5 pt	18' oc	Herbaceous Per.		
P3	Adiantum sp. (Adiantum)	5 pt	18' oc	Herbaceous Per.		
Q1	Perennial grass	1 gal	4' oc	Ornamental grass		
Q2	Perennial grass	1 gal	3' oc	Ornamental grass		
Q3	Perennial grass	1 gal	4' oc	Ornamental grass		



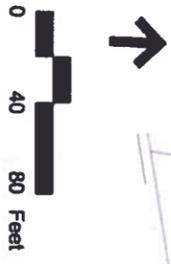
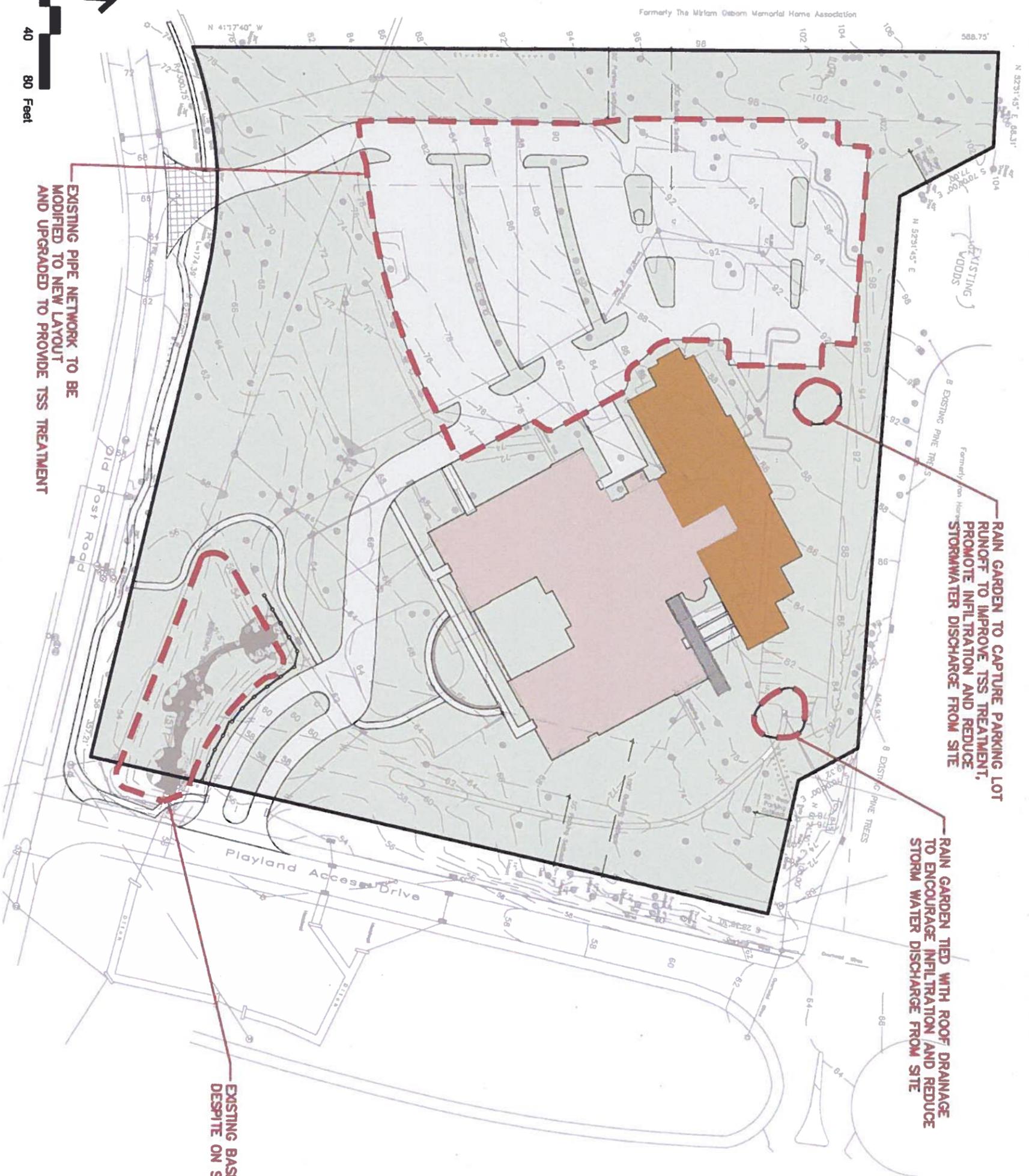


- LEGEND:**
- EXISTING BUILDING TO REMAIN
 - NEW BUILDING ADDITION
 - EXISTING PERVIOUS TO REMAIN
 - NEW PERVIOUS
 - EXISTING IMPERVIOUS TO REMAIN
 - NEW IMPERVIOUS

IMPERVIOUS COMPARISON:

LOT AREA	= ±305,515 SF
EXISTING TOTAL IMPERVIOUS	= ±130,945 SF (43%)
PROPOSED TOTAL IMPERVIOUS	= ±115,581 SF (38%)
IMPERVIOUS REDUCTION	= ±15,364 SF (5%)

Vanasse Hangen Brustlin, Inc.
 Impervious Comparison 03/22/2011
 Adaptive Re-Use 120 Old Post Road
 Rye, NY



- LEGEND:**
- PROPOSED BUILDING
 - PROPOSED PERVIOUS
 - PROPOSED IMPERVIOUS

Vanasse Hangen Brustlin, Inc.
 Drainage Improvements 03/22/2012
 Adaptive Re-Use 120 Old Post Road
 Rye, NY



EXHIBIT C

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Adaptive Reuse - 120 Old Post Road

Name of Action

City of Rye City Council

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Adaptive Reuse - 120 Old Post Road

Location of Action (include Street Address, Municipality and County)

120 Old Post Road, Rye, Westchester County (Sheet 146.13, Block 1, Lot 7)

Name of Applicant/Sponsor Old Post Road Associates, LLC

Address 120 Old Post Road

City / PO Rye State NY Zip Code 10580

Business Telephone 914-481-5800

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

The proposed action is the amendment of the City of Rye Zoning Ordinance to expand the permitted uses subject to additional standards and requirements in the B-4 District to include hotels, which are already permitted in the B-5 District, in order to facilitate the adaptive re-use of office buildings with low occupancy rates, including the proposed adaptive re-use of an underutilized office building at the subject property as a 150-room hotel. The existing office building at the subject site is largely vacant and current real estate market conditions suggest that reoccupancy with an office use would be highly challenging. The proposed re-zoning would allow the subject property to return to productive use, with a type of tenant that would be compatible with and supportive of the surrounding land use pattern. The proposed action would also result in a reduction in the amount of impervious surfaces on the site and the implementation of a landscape plan to enhance the site's vegetation and buffering.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 7 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	<u>3</u> acres	<u>2.6</u> acres
Other (Indicate type) <u>Lawn and landscaped area</u>	<u>4</u> acres	<u>4.4</u> acres

3. What is predominant soil type(s) on project site? PnC - Paxton fine sandy loam; PnB - Paxton fine sandy loam

- a. Soil drainage: Well drained 100 % of site Moderately well drained _____ % of site.
 Poorly drained _____ % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock >5 (in feet) Soil Survey of Putnam and Westchester Counties, USDA SCS.

5. Approximate percentage of proposed project site with slopes:
 0-10% 94 % 10- 15% 2 % 15% or greater 4 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 1.5-2.5 (in feet) Soil Survey of Putnam and Westchester Counties, USDA SCS.

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Previously developed site in built-up, suburban location.

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

NA

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

NA

b. Size (in acres):

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 7 acres.
- b. Project acreage to be developed: 7 acres initially; 7 acres ultimately.
- c. Project acreage to remain undeveloped: NA acres. (4.4 acres to be landscaped or open space area.)
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. NA %
- f. Number of off-street parking spaces existing 240 ; proposed 169
- g. Maximum vehicular trips generated per hour: 93 (upon completion of project)?
- h. If residential: Number and type of housing units: NA
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure: 48' height; 217' width; 233' length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 1,150± ft. 530±' along Playland Access Drive
520±' along Old Post Road
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 3,000± cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- Redevelopment and landscaped area.
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 (net increase of .4 acres)

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 12 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated NA (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No TBD

9. Number of jobs generated: during construction 130 ; after project is complete 45

10. Number of jobs eliminated by this project 12 .

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type public sewer

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? 6.75 tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name Charles Point Resource Recovery Facility ; location Peekskill, NY

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

Recyclables.

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day 18,000 gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Zoning text amendment</u>	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>County Planning referral</u>	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|------------------------------------------------------|---------------------------------------------|------------------------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

B-4 Office Building

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Approximately 91,500 square feet of floor area.

4. What is the proposed zoning of the site?

B-4 Office Building

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Approximately 107,000 square feet of hotel floor area.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

Action is compatible with and supportive of adjacent uses.

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Land Use: Office, single-family residential, retirement community, multifamily residential

Zoning: B-4 Office Building; R-2, R-3, and R-5 One-Family; RA-1 Garden Apartment

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? NA

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Old Post Road Associates, LLC Date 3/30/12

Signature 

Title Project Manager, VIIB - Planning consultants to the Applicant

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	

- Construction or expansion of a sanitary landfill. Yes No
- Construction in a designated floodway. Yes No
- Other impacts: Yes No

Construction of building addition and removal of existing impervious driveway and parking areas.

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

- Specific land forms: Yes No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body. Yes No
- Dredging more than 100 cubic yards of material from channel of a protected stream. Yes No
- Extension of utility distribution facilities through a protected water body. Yes No
- Construction in a designated freshwater or tidal wetland. Yes No
- Other impacts: Yes No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. Yes No
- Construction of a body of water that exceeds 10 acres of surface area. Yes No
- Other impacts: Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Redevelopment of the site will include installation of a stormwater management system in accordance with contemporary low impact design standards. See attached description of conceptual stormwater management design.

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
 NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

The project would be expected to enhance local visual conditions through a reduction in the amount of surface parking area and implementation of a landscape plan. The landscape plan would provide additional plantings between the building and the Old Post Road frontage, which would provide additional screening for the residential neighborhood across the street.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
 NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Other impacts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

While the project area (and essentially all of the City) is within an identified potentially archaeologically sensitive area, prior development and disturbance of the site and surroundings limits the potential for impact to, or recovery of, meaningful archaeological resources.

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

- NO YES

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

- NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|----------------------------------------------------------------------|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

See attached traffic study for analysis of potential trip generation and traffic impacts.

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.



Part III – Attachment to EAF

Impact Evaluation of Part II Affirmative Responses

The following text provides a brief description and evaluation of significance for the potential impacts identified in the Part II check boxes. For the Proposed Action, the types of impacts often associated with a development proposal are limited, since the project involves a previously developed site and the adaptive reuse of an existing building. In addition, the site is not constrained by wetlands or other regulated waterbodies, floodplains, significant steep slopes, or other identified sensitive natural resources. Furthermore, as a conversion of an existing facility, the project would not represent new utility demands or site traffic increases.

Impact on Land

The conversion of the office building to a hotel involves a building addition to the rear of the existing building, the removal of portions of the existing building and parking/driveway areas, and parking lot reconfiguration. This would necessarily involve grading and construction activity that would result in land disturbance. However, the site has been previously disturbed and the new building addition would generally be located in an area currently occupied by parking. In addition, the project will result in a substantial reduction in impervious surfaces, restoring areas that are currently paved to open space. Given the previously disturbed suburban nature of the site, the lack of significant environmental features (e.g., steep slopes, wetlands, etc.), and the overall reduction in impervious surfaces, sitework is not considered a significant impact.

The one item that potentially exceeds the threshold examples provided for this question in the EAF Part II relates to the depth to the water table. According to the United States Department of Agriculture (USDA) Natural Resources Conservation Service Soil Survey information, groundwater may be encountered between 1.5 to 2.5 feet below grade from February to March. No detailed, site-specific subsurface information is available at this point to confirm the generic USDA soil survey information. However, the current building has not experienced any significant problems related to a potential seasonal high water table. As a result, no significant construction complications would be expected for the addition to the rear, up-slope side of the building. Therefore, the depth to groundwater item does not appear significant or require mitigation.

Impact on Water

As indicated in the EAF Part I, the site does not contain any wetlands or other protected water bodies and a substantial increased demand on water supplies would not be anticipated. As described above, the proposed site plan would reduce the amount of overall impervious surfaces by over 15,000 square



feet. This will result in an overall improvement in water quality, increase in runoff infiltration and reduction in peak and total storm water discharge from the site. In addition, the proposed storm water management plan (discussed further in the following paragraphs) integrates contemporary low-impact design techniques and several new storm water measures designed to further reduce runoff and improve storm water quality. These improvements would be expected to have a positive impact on water resources.

As shown on Sheet S-1 of the Conceptual Site Plan Drawing Set attached to the petition, the total site impervious decreases from 43% in the existing condition to 38% in the proposed condition, a net decrease of 5%. More importantly, in the proposed condition, the parking area portion of the site is significantly reduced by 8%. The reduction in storm water volume in contact with the parking area reduces potential contaminant loading and improves storm water quality from the site. The net reduction in impervious increases the potential site percolation of storm water, reducing expected total runoff volume and peak.

The existing storm water basin size will be maintained and the performance evaluated to fully utilize the detention capacity by modification of the existing outlet control. The modification of the outlet, combined with the reduction in impervious, will increase detention time and reduce peak flow from the site.

In addition to the benefits noted above resulting from the decrease in impervious and reduction in parking area, the project also proposes two rain gardens to provide percolation and treatment of storm water runoff. The first is proposed near the eastern end of the upper parking area and will capture surface runoff from the upper parking area. The second rain garden is on the east side of the building to capture roof drainage. The rain garden at the upper parking area will reduce runoff volume and peak by providing infiltration and treatment of runoff for total suspended solids (TSS). The rain garden east of the building will provide infiltration of roof runoff resulting in a reduction of overall site runoff volume and peak. The rain gardens will be planted with a variety of water tolerant shrubs and trees.

In addition, in line storm water treatment will be added to the parking lot piping network to provide protection to the downstream receptors from potential parking lots spills or discharges and improve water quality from the parking areas. The treatment unit will provide mechanical TSS treatment and oil/water separation.

Impact on Aesthetics

The project would be expected to enhance local visual conditions through a reduction in the amount of surface parking area and implementation of a landscape plan. The landscape plan includes new plantings between the building and the Old Post Road frontage, which would supplement existing mature trees and provide additional screening for the residential neighborhood. (See Sheet L-1 of the Conceptual Site Plan Drawing set and the attached Landscape Plan Description.)



In addition, the proposed building modifications are expected to soften the visual character of the site. The removal of a portion of the existing office building allows for the creation of a front courtyard, which helps to break down the building massing. The articulation of the building façade further softens and transforms the current building's current monolithic appearance. In addition, the proposed architecture incorporates more traditional residential design elements (e.g., gabled roof, residential-scale fenestration, clapboard siding and stone building materials). These features combine to help create a building design that would be appropriate for a site that serves as a transition between corporate offices and surrounding neighborhoods. (See perspective renderings on the Conceptual Site Plan Drawing Sheets A-5 and A-6.)

Impact on Transportation

The conversion from an office building to a hotel would result in a change in traffic patterns. As indicated in the attached Traffic Access and Impact Evaluation report, based on Institute of Transportation Engineers (ITE) standards, a multi-tenant office building would be estimated to generate 109 and 104 vehicle trips ends during the weekday AM and PM peak hours, respectively. A 150-room hotel would be estimated to generate 84 and 89 vehicle trip ends during the same weekday peak hours. Therefore, the conversion from an office building to a hotel would be expected to reduce total site traffic generation by 25 and 15 vehicle trip ends during the weekday AM and PM peak hours, respectively. This would have an overall benefit to traffic operations and capacity along the nearby roadways and intersections. (See attached Traffic Access and Impact Evaluation report for additional detail.)

Impact on Growth and Character of Community or Neighborhood

The proposed project would result in a change in the land use of the parcel. As detailed in the Land Use and Fiscal Impact memorandum attached to the petition, the rezoning would facilitate the return of the property to productive use, with a type of tenant that would be compatible with the surrounding land use pattern.

The project site is located at the edge of a cluster of office complexes. The site is also directly adjacent to the Osborn retirement community. As noted in the supporting material, the County is suffering from an over-abundance of available office space. The weak market and continued lack of demand, coupled with prolonged vacancy of the existing building suggests that reoccupancy by a substantial office use would be highly challenging and unlikely. A hotel appears to offer a natural complement to the adjacent uses by providing a resource for business travelers who are visiting nearby offices, as well as family members visiting relatives at the Osborn. Having a supporting hotel facility in close vicinity would be expected to increase the attractiveness and competitiveness of the nearby offices and the Osborn. This would serve to help protect and enhance the district's and the City's economic vitality.

In addition, the project is a redevelopment of an existing site, which would not significantly increase land disturbance or involve a change in overall scale that would significantly alter the community character. The site is bounded by the Playland Parkway Access Drive and Old Post Road. The Playland Parkway essentially isolates the site from the residential properties to the east. The only residential

exposure would be to a few houses in the neighborhood across Old Post Road. This location (at the edge of the office cluster and between the larger office uses and the neighboring residential neighborhood) creates a transitional nature for the site. Given that the general scale of development on-site would not change, it is not expected that there would be a significant visual or land use impact. In addition, the site perimeter currently contains trees and vegetation that provide a buffer between the residences and the existing office building and supporting parking. In order to further minimize the potential for visual impact, the landscape plan includes enhancement of the vegetative buffer to further screen visibility of parking lot activity. Reuse as a hotel would also allow for a reduction of paved parking area, which provides an opportunity for additional landscaping along Old Post Road. It is also noted that, as described above, the proposed hotel use would generate less site traffic than an office. The reduction in traffic and associated site activity and the opportunity for additional buffering would further enhance the site's function as a transitional use.

Given the site location, building scale, and opportunities for additional landscaping and buffering, the project would not be expected to significantly affect neighborhood community character. A hotel use would also be expected to generate more tax revenue for the City than an office building. Therefore, reuse of the property for a hotel presents a reasonable and logical alternative for this underutilized resource.

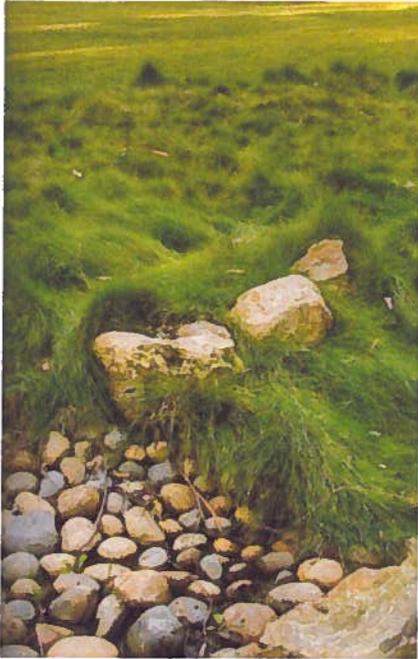
EAF Attachment 1: Landscape Plan Description

HOTEL SITE CONCEPT IN RYE, NEW YORK

The landscape will transition from the native landscape of New York to a structured landscape at the building emphasizing plant diversity and taking advantage of the existing established plants.

Dry Stream Bed at Street Entrance

In a natural drainage basin the stream is composed of headwaters, meandering middle land and a lower delta.



The existing basin on the south west side of the entrance drive would be a meandering dry stream bed which will be enhanced with a combination of stone and rock. The basin's paved swale will be covered in spots with larger stone to create a wider stream bed. Large trees and shrubs will be used at the sides of the basin to soften the basins edges and blend it into the landscape. Native trees include river birch, swamp

white oak and spring blooming shadblow other native and sustainable plants will be well represented.



Building Entrance

In concept the building's main entrance is the epicenter of the landscape design with pedestrian flow into and out of the building. A canopy extends out of the building core and provides a drop off area for guests. Native specimen plants accent the walk to the entrance. Red-leafed Redbud, River Birch and Robusta Green Juniper will visually reinforce the entrance from the street. The south facing entrance courtyard will have a mix of ornamental shrubs and grasses.



High Pool Courtyard

The courtyard creates a link between different functions of the hotel and provides an exterior connection between the interior and exterior. The courtyard has a northeast exposure protecting it from winter winds and providing a soft morning light. A rain garden is connected with the court and will provide a quiet contemplation corner for travelers wishing to slow the pace of life.

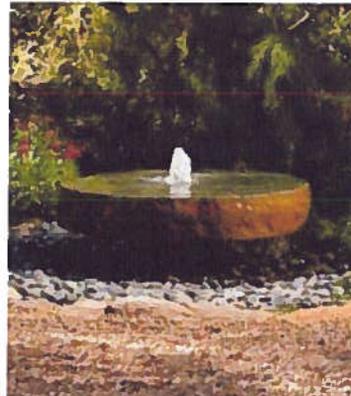
The rough low mow grass will be planted with spring bulbs. Weeping willows will be planted along the rain garden edges. The pool and workout space will have views into the space.



Light Court

This courtyard will have a relaxed formal layout. The light shade courtyard tree Honey Locust will be mixed the evergreen vertical Robusta Green Juniper which formally defines the corners of the space. A path from the court will connect to the lobby and the

recreation trail at Old Post Road.



Old Post Road Residential Park Buffer

The reinforcement of existing well developed trees with understory flowering trees and shrubs will emphasize the scenery and plants of New York as well as provide a Park Landscape buffer between the hotel and the residential neighborhood. The path along Old Post Road right of way will be relocated and repaved to provide the neighborhood and hotel with a recreation path that takes advantage of shade and naturalized buffers. To maintain biodiversity the understory flowering native trees will mix Shadblow, pagoda dogwood and Sweetbay Magnolia with existing trees.



Betula nigra 'Cully'
River Birch
 Light textured fast growing tree with attractive red-brown exfoliating bark best grown as multi-stemmed specimen. The tree has a 40' mature height with a width of 35' and is light yellow in fall.



Acer rubrum 'October Glory'
Red Maple
 An excellent native street shade tree coloring late in the season to brilliant shades of orange and red with fast growth rate maturing at 50'.



Amelanchier Canadensis
Shadblow
 A native tree useful and beautiful as both a single leader tree, as well as a large multi-stem shrub is a harbinger of spring with outstanding red fall leaf color. The white burst of spring flowers is followed by a small very dark colored edible berry. The bark

is smooth and light gray. Serviceberry might reach 20' to 25' both tall and wide at maturity.



Cornus mas
Cornelian Cherry
 A deciduous

flowering ornamental tree with abundant early spring flower and fall red berry which grows to 20'.



Cercus canadensis 'Forest Pansy'
Red-leaf Redbud
 Superb red leaf form of under story native ornamental.



Physocarpus opul. 'Diabolo'

Diabolo Ninebark

Super hardy European educated red foliaged shrub; native with exfoliating winter bark.



Pennisetum alopecuroides

'Hamlin'

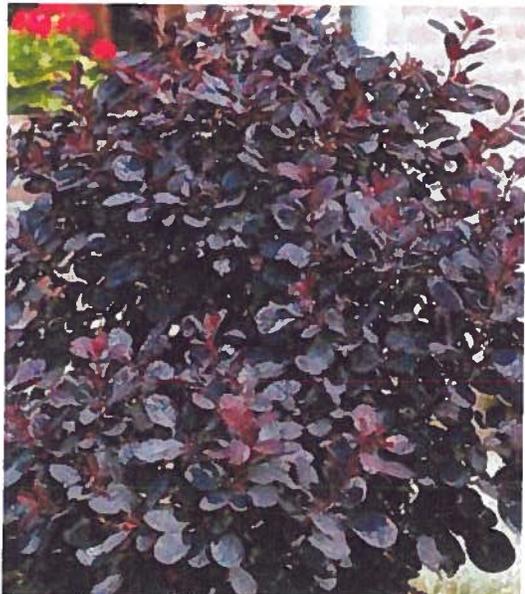
Hamlin Fountain Grass



Calamagrostis arundinacea

'Karl Forster'

Karl Forster Reed Grass



Cotinus coggygria 'Atropurpureus'

Purpleleaf Smokebush

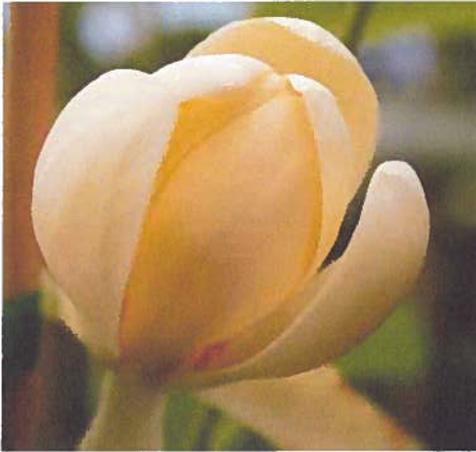
Showy 5-8" smoke plumes occur June into August add an exotic flair to a red leaf accent shrub.



Clethra alnifolia 'Hummingbird'

Summersweet

Native versatile compact selection of the glossy leaved with late fragrant non-fading red-pink blossoms and yellow fall color.



Magnolia virginiana 'Moonglow'

Sweetbay Magnolia

Stunning native sustainable shrubby tree who's large green leaves provide backdrop for fragrant cream flowers which emerge throughout the summer.



Miscanthus sinensis 'Zebrinus'



Hamamelis virginiana
Virginia Withhazel

Native sustainable late fall bloom shrub with yellow fall color providing good bird cover.



No Mow Grass Mix

Mix of 4-7" fescue requiring little irrigation forming soft carpets. Recommend the grass be mowed for maintenance in fall. Needs good drainage.

Sustainable Site Development

Vegetation: to provide livable atmosphere, moderate climate and filter pollutants from air and soil.' SSI-2007

Vegetation has been chosen from native and sustainable plant varieties, which reduce maintenance, increase plant growth potential and stock availability from local growers. Emphasis of the New York landscape will expose international visitors to our regional beauty as well as provide employees and local visitors a park-like setting.

The grassy roughs are areas in which low mow grass species are used. Once established the roughs will reduce maintenance and provide a ground cover for native trees and shrubs.

A NYC study on shade tree climate moderation found an annual savings of \$27.8 million or \$47.63/ tree.

A 30% shading factor in parking lots can lower temperature 15 degrees.

Trees provide oxygen and filter pollutants from the air.

Materials

The selection of materials will seek to manage resources and materials efficiently, select materials for durability, use local materials and reduce urban heat island effect.

The use of cool paving and ecopavers to reduce heat island effect.

Hydrology

Sustainable practices seek to balance water budget, incorporate water infiltration, reuse water and provide clean and slow water flow.

The dry streambed will function as a local water garden filtering surface water to support ground water tables and reduce run off.

The Site development will not increase existing runoff.

Soils

Soils will be amended to provide healthy growing environments.

During the construction process efforts will be made to reduce compaction, removal of topsoil and disturbance of existing vegetation.

'Sustainable Site: One that links natural and built systems to achieve balanced environmental, social & economic outcomes to improve quality of life and the long term health of communities.'

Preliminary report of Standards and Guidelines Sustainable Site Initiative/ 2007

EAF Attachment 2: Traffic Access and Impact Evaluation Report

FREDERICK P. CLARK ASSOCIATES, INC.

PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
RYE, NEW YORK FAIRFIELD, CONNECTICUT

with North Street and Theodore Fremd Avenue are controlled with traffic signals, which are maintained by the City of Rye.

5. *Playland Parkway* – This is a generally north-south, limited-access arterial, beginning at Interchange 19 on the New England Thruway (Interstate 95) and terminating to the southeast at Playland, which is a County-owned Park. A full-movement interchange provides access to Playland Access Drive and Old Post Road/North Street near the side. Playland Parkway provides two travel lanes in each direction and is median divided to a point south of the Boston Post Road Overpass. There are grade separating bridges at Old Post Road and Boston Post Road providing continuous traffic flow on Playland Parkway.
6. *New England Thruway (Interstate 95)* – This is a north-south, limited-access, Interstate Highway serving Westchester County. It provides three lanes in each direction and is median divided. The posted speed limit is 55 miles per hour for vehicles and 50 miles per hour for trucks. Access is provided to the Study Area via Interchange 19, which provides ramps in both directions on Interstate 95. These ramps connect directly to Playland Parkway, which provides direct to Playland Access Drive and Old Post Road.

Site Traffic Generation Comparison

As part of the modification to the site development, the existing 70,000 square-foot, multi-tenant office space will be converted to a 150-room hotel. Based on trip generation rates provided by the Institute of Transportation Engineers (ITE) and published in “Trip Generation,” 8th Edition, published in 2008, the current multi-tenant office building is estimated to generate 109 and 104 vehicle trip ends during the typical weekday morning and weekday afternoon peak hours, respectively.

The proposed 150-room hotel is estimated to generate 84 and 89 vehicle trip ends during the same weekday morning and weekday afternoon peak hours, respectively. Therefore, a conversion from a multi-tenant office building to a hotel will reduce the total site traffic generation by 25 and 15 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively. This reduction in site traffic generation is minor; however, any reduction in traffic volumes on Study Area roadways will result in improved traffic flow and a reduction in vehicle delays at nearby unsignalized intersections. The attached Table 1 provides a more detailed breakdown of site traffic generation and a comparison between the existing 70,000 square-foot, multi-tenant office building and 150-room hotel scenarios.

Table 1
SITE TRAFFIC GENERATION COMPARISON – PEAK HOURS
Office to Hotel Building Conversion
120 Old Post Road
Rye, New York

LAND USE	SIZE	TRAFFIC DIRECTION	VEHICLE TRIP ENDS	
			Weekday Morning	Weekday Afternoon
General Office Building	70,000 S.F.	Enter	96	18
		Exit	<u>13</u>	<u>86</u>
		Total	109	104
Hotel	150 Rooms	Enter	51	47
		Exit	<u>33</u>	<u>42</u>
		Total	84	89
Net Difference		Enter	-45	29
		Exit	<u>20</u>	<u>-44</u>
		Total	-25	-15

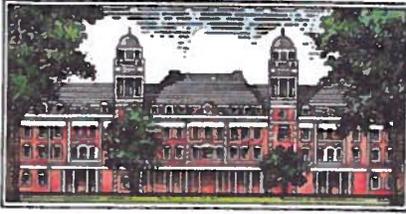
Source: "Trip Generation," 8th Edition, published by the Institute of Transportation Engineers (ITE), 2008 using General Office Building, Code #710 Average Rates and Hotel, Code #310 Average Rates.

Note: Hotel Traffic was used for site traffic generation

Frederick P. Clark Associates, Inc.

G:\760.000 120 Old Post Road, Rye\Word Files\rye12-005.stc Revised 3-26-12.doc
Revised 3-26-12

EXHIBIT D



The Osborn

A tradition of gracious retirement living

March 15, 2012

Frank S. McCullough, Jr., Esq.
McCullough, Goldberger & Staudt, LLP
1311 Mamaroneck Avenue, Suite 340
White Plains, NY 10605

Dear Mr. McCullough:

We understand that your client Alfred Weissman and his Company own the adjacent property on the corner of the Playland Access Road and Old Post Road, formerly the headquarters of Mobius.

They wish to develop a 150-room hotel on that site. They are making an application to the City of Rye for a Zoning Amendment required for the project. We further understand that there will be an addition to the west side of the existing building that will include parking, which will actually reduce the number of surface parking spaces on the site.

The Osborn believes that this will be a good use of that property. It will add tax revenues to the City of Rye, the Rye City School District, and Westchester County; thus lessening the burden on the existing taxpayers, of which The Osborn is the largest taxpayer in all of Rye. It will provide needed lodging for the many visitors who have friends and relatives residing at The Osborn.

Accordingly, we are pleased to offer our support for the project as we understand it at this time.

Sincerely,



Mark R. Zwerger
Chief Executive Officer



Martin E. Franklin
Founder & Executive Chairman

March 22, 2012

Mayor Doug French and Members of the City Council
City of Rye
1050 Boston Post Road
Rye, New York 10580

Re: Zoning Amendment Petition by Old Post Road Associates, LLC
120 Old Post Road, Rye, NY

Dear Mayor French & Members of the Council:

I am submitting this letter in connection with the zoning amendment petition by Old Post Road Associates, LLC, to permit a hotel at the above referenced property, which is currently occupied by a nearly vacant office building. The headquarters of our Company, Jarden Corporation (NYSE:JAH) is located in the immediate vicinity of the subject property.

I am aware that the plans for the proposed hotel will require an amendment to the City of Rye Zoning Ordinance to allow hotels in the B-4 zoning district under certain specific conditions. The proposed improvements will not have a negative effect on the neighborhood or adjacent properties and will be in keeping with the character of the neighborhood, while repurposing an existing office building and providing much-needed income to the City via the hotel occupancy tax. I am in support of this application and the granting of the requested zoning amendment.

Very truly yours,

A handwritten signature in blue ink, appearing to read "M. Franklin", followed by a horizontal line.

Martin E. Franklin



555 Theodore Fremd Avenue
Suite C-301
Rye, New York 10580
914.740.1500

March 20, 2012

Mayor Doug French and Members of the City Council
City of Rye
1050 Boston Post Road
Rye, New York 10580

Re: Zoning Amendment Petition by Old Post Road Associates, LLC
120 Old Post Road, Rye, NY

Dear Mayor French & Members of the Council:

We are submitting this letter in connection with the zoning amendment petition by Old Post Road Associates, LLC, to permit a hotel at the above referenced property, which is currently occupied by a nearly vacant office building. We are a tenant in the immediate vicinity of the subject property.

We are aware that the plans for the proposed hotel will require an amendment to the City of Rye Zoning Ordinance to allow hotels in the B-4 zoning district under certain specific conditions. We do not believe that the proposed improvements will have a negative effect on the neighborhood or adjacent properties. In addition, as a local business, it will be beneficial for us to have a high quality local hotel option in which our out of town clients and employees can stay while visiting us. We are in support of this application and the granting of the requested zoning amendment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Caplan".

Rick Caplan
Managing Partner