

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, September 16, 2015, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss personnel.*

AMENDED AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Recognition of Rye resident James McHugh for his first MGA title at the 98th Met Junior Golf Championship.
4. General Announcements.
5. Approval of the election of three new members to the Rye Fire Department.
6. Draft unapproved minutes of the regular meetings of the City Council held July 8, 2015 and August 5, 2015, and the Presentation of the CIP held August 4, 2015.
7. Issues Update/Old Business.
8. Resolution authorizing the acceptance of funding through the NY Rising Community Reconstruction Program and providing authorization for the Mayor and City Council to Manager to enter into the following agreement and resolutions:
 - NY Rising Community Reconstruction Program Subrecipient Agreement
 - Resolution to adopt a Procurement Policy
 - Resolution to adopt a Citizen Participation Plan
 - Resolution to adopt an Affirmative Action Plan
 - Resolution to adopt Section 504 Policies and Grievance Procedures
9. ~~Continuation of Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by amending Section §197-2, "Districts, A: Residence Districts" to change the zoning designation of a property at 120 Old Post Road from the B-4, Office Building, District to a New RA-6, Active Senior Residence, District; and amending Section §197-86, "Tables of Regulations: Table A, Residence Districts — Area Yard, Height and Miscellaneous Regulations" to add the proposed RA-6 zone. **Deferred to October 7, 2015 meeting**~~
10. Continuation of Public Hearing to amend local law Chapter 133, "Noise", of the Rye City Code regarding regulations on mechanical rock removal.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda.

12. Consideration of a request for a waiver from the Rock Chipping Moratorium for the project located at 50 Cowles Avenue.
13. Authorization for City Council to seek an RFP for the City of Rye Corporation Counsel position.
14. Authorization for the City Manager to enter into an Inter-municipal Developer Agreement with Westchester County and Pawling Holdings, LLC for the City to construct the North Street sewer line and other on-site infrastructure improvements for the Theodore Fremd Avenue and North Street affordable senior housing project.
Roll Call.
15. Resolution to authorize the addition of Customers Bank and People’s United Bank as authorized depositories of the City of Rye.
16. Consideration for the City Council to adopt Youth Sports Policies, Guidelines and Fees for the City of Rye Recreation Department.
17. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2015.
18. Three appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2018 and the designation of one member to the Boat Basin Nominating Committee.
19. Miscellaneous communications and reports.
20. New Business.
21. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, October 7, 2015 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under “RyeTV Live”.

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager’s Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 3

DEPT.: City Manager

DATE: September 16, 2015

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Recognition of Rye resident James McHugh for his first MGA title at the 98th Met Junior Golf Championship.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

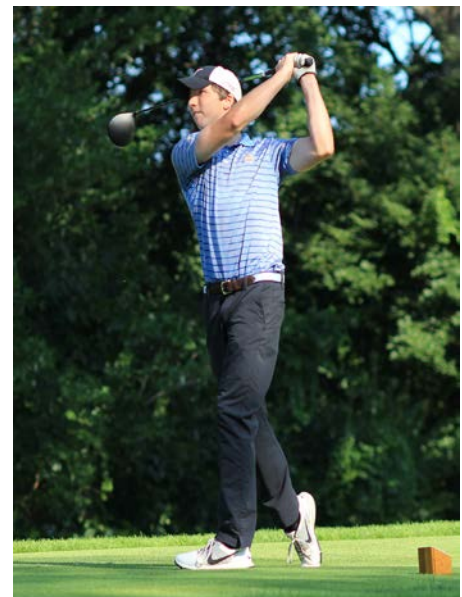
SECTION

RECOMMENDATION: That the Council recognize the achievement of Rye resident James McHugh for his first MGA title at the 98th Met Junior Golf Championship.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City Council congratulates James McHugh on winning his first career MGA title at the 98th Met Junior Golf Championship which is the longest running junior golf competition and one of the most prestigious junior championships in the country. The championship is open to juniors who have not started attending college, are not yet 19, and who reside in the MGA territory. The 17-year old McHugh captured the title on July 16, 2015 after defeating James Nicholas in the championship match at Paramount. James attends Rye High School and is a member of the Varsity Golf Team.





CITY COUNCIL AGENDA

NO. 5 DEPT.: Fire Department DATE: September 16, 2015
CONTACT: Fire Department

AGENDA ITEM: Approval of the election of three new members to the Rye Fire Department.

FOR THE MEETING OF:
September 16, 2015
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the election of Kelvin Leong to the Milton Point Engine and Hose Company, and John Mayo-Smith and Patrick Kissell to the Fire Police Patrol Company.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has advised that Kelvin Leong was elected into membership to the Milton Point Engine and Hose Company and approved by the Board of Fire Wardens at their August meeting; John Mayo-Smith and Patrick Kissell were elected into membership to the Fire Police Patrol Company and approved by the Board of Fire Wardens at their August meeting.



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Clerk

DATE: September 16, 2015

CONTACT: City Clerk

AGENDA ITEM Draft unapproved minutes of the regular meetings of the City Council held July 8, 2015 and August 5, 2015, and the Presentation of the CIP held August 4, 2015.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Approve the minutes of the regular meetings of the City Council held July 8, 2015 and August 5, 2015, and the Presentation of the CIP held August 4, 2015, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on July 8, 2015 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA (left at 10:30 PM)
RICHARD SLACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Sack asked the Corporation Counsel to call the roll; a quorum was present to conduct official city business.

3. General Announcements

Announcements were made regarding various events and activities that may be of interest to residents. Mayor Sack noted the passing of two valued members of the community; Jonathan Brook and John Carolin and requested a moment of silence in their honor.

4. Draft unapproved minutes of the regular meeting of the City Council held June 10, 2015 and the Special Meeting of the City Council held June 19, 2015

Councilwoman Brett made a motion, seconded by Mayor Sack and unanimously carried to approve the minutes of the regular meeting of the City Council held on June 10, 2015 and the Special Meeting of the City Council held on June 19, 2015.

5. Issues Update/Old Business

Rye Golf Club-Traveler's claim regarding the Scott Yandrasevich related losses is in suit and is pending in the Southern District of New York.

Rye Golf Club-Members are playing on temporary greens due to damage to portions of the greens caused by a chemical which was contaminated.

Rye Golf Club-Fair Labor Standards Act (FLSA)- The City is being sued by a group of former wait staff claiming tips were withheld.

Rye Fire Department-Mayor appointed a study group to flag and vet all issues of the Department. Appointed-Councilmembers Mecca, Bucci, Mayor Sack and Chiefs Cotter, Billington and Taylor. Additional members may be appointed in the future.

Master Plan- Mayor appointed a study group to develop a process for a revised Master Plan. Appointed-Deputy Mayor Brett, Councilwoman Killian, Mayor Sack, Chairman of the Planning Commission Nick Everett and Planning Commission member Andy Ball.

Deer Study Group-Janice Seitz and Anne Dooley discussed the process to develop a deer management program by measuring the current problem and gathering baseline data such as deer count, landscape analysis, lyme disease cases, deer vehicle collisions, resident reporting etc.

6. Presentation on City Financials by Brendan K. Kennedy of the auditing firm of SaxBST LLP

The City Council made an affirmation decision, as a matter of best practices, to retain new auditors. Brendan Kennedy accompanied by Jeffrey Roude provided the City with an Auditors Report inclusive of Financial Statements, a Yellow Book Report, Required Communications and Management Letter. One deficiency was identified at the Boat Basin regarding internal control relative to the documentation maintained when testing cash receipts. There were no instances of non-compliance identified and SaxBST issued unmodified opinions; the highest level of assurance that the financial statements are free of material errors.

Mr. Kelly summarized the City's three major operating funds:

General Fund-Surplus of \$750,000-Total Balance \$13,000,000

Rye Golf Club Fund-Trending financially very positively

Boat Basin Fund- Short term perspective-fairly cash flow neutral

Long term perspective- Need to look at user charges and how Boat Basin is set up. Generating a loss from operations. Source Documentation issues were identified which were presented to City's management.

7. Continuation of the Public Hearing to amend local law Chapter 177, "Taxation", Article XII, "Exemption for Historic Districts" by adding Section §177-82, "Historic Districts", to designate portions of downtown Rye as one historic district to allow property owner to apply for the real property tax exemption

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to open the public hearing.

Several years ago the City Council adopted a local law which allowed tax exemptions for landmarked properties. The amendment to the local law proposes to create a Historical District in the downtown area which would allow qualified properties to apply for this exemption if they meet the definition of an historic building. Any tax increase resulting in the qualified rehabilitation or repair of an historic property would be phased in over ten years with no increase during the first five years. Additions to the law, as it was originally proposed, were made since the last Council meeting with regard to the definitions of rehabilitation, repair and restore. The following are proposed additional limitations/restrictions specific to the Central Business District:

1. The historic building should be at least 100 years old; have at least one of the characteristics outlined in Chapter 117, Landmarks, of the Rye City Code; and be historic in nature
2. Change the outline of the CBD Historic District map by excluding Locust Ave and including City Hall.

Councilman McCartney made a motion, seconded by Councilwoman Brett and unanimously carried to close the public hearing.

Councilwoman Brett made a motion, seconded by Councilwoman Killian to adopt the following Local Law:

CITY OF RYE
LOCAL LAW NO. 5 2015

A local law to amend Chapter 177 “Taxation” Article XII “Exemption for Historic Districts” of the Code of the City of Rye by adding new definitions to Section 177-79 “Definitions” and adding a new Section 177-82 “Designation of Historic Districts” as follows:

Be it enacted by the City Council of the City of Rye as follows:

Section 1: Chapter 177 Taxation; Article XII Exemption for “Historic Districts”

§ 177-79. Definitions.

HISTORIC BUILDING – Any building that is located within an historic district, is at least 100 years old, and that the Landmarks Advisory Committee has determined to possess one or more of the following characteristics as outlined in Chapter 117 of the Rye City Code:

- (1) Association with persons or events of historic significance to the city, region, state or nation.
- (2) Illustrative of historic growth and development of the city, region, state or nation.

- (3) Embodying distinctive characteristics of a type, period or method of construction or representing the work of a master, or possessing unique architectural and artistic qualities, or representing a significant and distinguishable entity whose components may lack individual distinction.
- (4) In the case of interiors: possessing one or more of the characteristics enumerated above and, in addition, embodying distinctive characteristics of architectural scale, form and visual homogeneity which are an integral part of the character of the structure in which the space is contained.

A historic building does not have to be designated as a Protected Site or Structure.

REHABILITATE - the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

REPAIR – limited replacement in kind – or with compatible substitute material – of extensively deteriorated or missing parts of features when there are surviving prototypes.

RESTORE – to return its interior or exterior appearance to a particular date or time period.

Section 2: Chapter 177 Taxation; Article XII Exemption for “Historic Districts”

§ 177-82. Designation of Historic Districts.

A. The designated Historic District shall be set forth in this section by block and lot number, street designation, and if appropriate, by local designation.

(1) Central Business District: portions of downtown Rye located in the B-2 zone and portions of contiguous B-1 zones as designated on the accompanying map as one historic district.

Section 3: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 4: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

ROLL CALL:

AYES: Councilmembers Bucci, Brett, Mecca, Killian, McCartney, Slack and Mayor Sack
NAYES: None
ABSENT: None

8. Public Hearing to amend local law Chapter 133, “Noise”, of the Rye City Code regarding regulations on mechanical rock removal

Councilwomen Brett made a motion, seconded by Councilman McCartney and unanimously carried to open the public hearing,

The study group appointed by Mayor Sack worked diligently to analyze Chapter 133. “Noise” and in consideration of their review the proposed law was formulated by the City. The Mayor asked the study group not to make recommendations until the Council heard a wider response from the public.

Several of the principal ideas embodied in the proposed law are:

- Thirty (30) calendar day duration for rock chipping etc.
- Restriction on proposed rock chipping hours.
- Neighbors must be noticed by mail.
- Added new calendar days excluded from rock chipping
- Exclusion of rock chipping (near schools) on certain testing days.
- Exclusion of rock crushing on site
- Only one active machine on site
- Exclusion for Utilities (i.e. Con Edison)

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to continue the public hearing at the August 5, 2015 City Council meeting.

9. Public Hearing to amend local law Chapter 197, “Zoning”, of the Rye City Code by amending Section §197-2, “Districts, A: Residence Districts” to change the zoning designation of a property at 120 Old Post Road from the B-4, Office Building, District to a new RA-6, Active Senior Residence, District; and amending Section §197-86, “Tables of Regulations: Table A, Residence Districts – Area Yard, Height and Miscellaneous Regulations” to add the proposed RA-6 zone

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to open the public hearing.

Jonathan Kraut, Esq. on behalf of the Alfred Weissman Group discussed the changing of the zoning designation of 120 Old Post Road from B-4, Office Building, District, to a new RA-6, “Active Senior Residence District ; and amending Section §197-86, “Tables of Regulations: Table A, Residence Districts – Area Yard, Height and Miscellaneous Regulations” to add the proposed RA-6 zone.

Mr. Kraut noted the following in his presentation:

- Present site has a three (3) story office building.
- Leasing the space has been difficult, resulting in a 54% reduction in assessment.
- There are no prospects for rental as the building is currently configured.
- The current zoning of the property has no other commercial uses that are viable.
- The new building is luxury rental for 55 and older residents which is a zero gain burden on the school district. Research indicates there is a need for this type of housing.
- It is a good transitional use for the area from office medical and the Osborn Senior Living residence into a residential corridor.
- Located adjacent to the I-95 and Boston Post Rd.
- The Planning Commission reviewed the proposed use and has approved the repurposing of the property.

Councilman Slack noted that this zone will be the highest in density compared to the other residential zones and requested an explanation at the August 5, 2015 meeting as to why this zone was chosen to exceed the density limits as opposed to other residential zones.

Mayor Sack raised the letter received from Westchester County which recommends that 10% of the units be set aside as affordable housing regardless of the age of the residents. He requested that the applicant come back to the Council with a consideration of what percentage, if any, they would be willing to make affordable housing. Mayor Sack also questioned the viability of the building as office space and noted that there were office buildings at 90% occupancy in the area.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried to continue the public hearing at the August 5, 2015 meeting.

10. Resolution authorizing the acceptance of funding through the NY Rising Community Reconstruction Program and providing authorization for the Mayor and City Council to Manager to enter into the following agreement and resolutions:

- NY Rising Community Reconstruction Program Subrecipient Agreement
- Resolution to adopt a Procurement Policy
- Resolution to adopt a Citizen Participation Plan
- Resolution to adopt an Affirmative Action Plan
- Resolution to adopt Section 504 Policies and Grievance Procedures

The City was one of the few communities selected to participate in round two of the NY Rising Community Reconstruction Program and was awarded \$3,000,000 for flood mitigation and redevelopment programs. Potential projects have been identified for completion such as flood mitigation at SUNY (retention basins), Bowman Avenue Dam sluice gate, expansion of the upper pond at the Bowman Ave. Dam, and additional. Drainage on Milton Rd. The City must sign on to these Agreements in order to participate in the program. These Agreements, however, have conditions as the funding is coming from HUD through the Community Block Development Disaster Recovery Program (CDBG-DR). Mayor Sack expressed concern that

HUD may make future demands on the City regarding Affordable Housing. He cited a section of the Agreement under General Conditions (page 8) which states that the” subrecipient (City) must agree to comply with all other applicable federal, local and state laws, regulations, HUD Notices, policies and guidelines whether existing or to be established provided the same are applied to activities occurring after the date the policy or guideline was established, governing the Grant Funds provided under this Agreement.” The Mayor requested that these sections be removed or text be added that states that nothing in this Agreement requires the City of Rye to comply with any requirements imposed by HUD regarding affordable housing, zoning or land use. Councilmembers expressed concern with regard to other sections and requirements of these agreements specifically concerning the SEQRA review; hiring of additional staff (environmental monitor) to manage the projects, document compliance, etc.

11. Resolution to approve a Memorandum of Agreement between the City of Rye and the Rye CSEA Local 1000 Clerical Unit

Councilman McCartney made a motion, seconded by Councilwoman Bucci to adopt the following Resolution:

WHEREAS, the City of Rye and the Rye CSEA Local 1000 Clerical Unit have negotiated a new Memorandum of Agreement which will replace the agreement which expired on December 31, 2013; and

WHEREAS, the CSEA Clerical Unit ratified the proposed terms of the MOA, now therefore be it;

RESOLVED, that the City Council approve the three year contract MOA between the Rye CSEA Local 1000 Clerical Unit for the contract period of 01/01/2014 to 12/31/2016.

ROLL CALL:

AYES: Councilmembers Bucci, Brett, Killian, Slack and Mayor Sack

NAYS: None

ABSENT: Councilman Mecca

12. Resolution to adopt the Climate Smart Communities Pledge

In order to become a Climate Smart Community, the City must adopt the Climate Smart Communities Pledge. The benefit of becoming a member will give the City additional access to potential grant funding opportunities with regard to sustainability issues. The Mayor clarified that this is not a contract and the City Manager added that there is no penalty if the City does not meet the pledge, but it will make the community more green and sustainability issues more cost effective. In order to become a Climate Smart Community the City must adopt all ten elements of the model resolution.

Councilwoman Killian made a motion, seconded by Councilwoman Brett the Council to approve the adoption of the Climate Smart Pledge with a modification made to the first clause (Element #1) of the model resolution:

WHEREAS, the City of Rye (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the City of Rye, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:

1. Pledge to be a Climate Smart Community
2. Set Goals, Inventory Emissions, Plan for Climate Action
3. Decrease Community Energy Use
4. Increase Community Use of Renewable Energy
5. Realize Benefits of Recycling and Other Climate-Smart Solid Waste Management Practices
6. Reduce Greenhouse Gas Emissions Through Climate-Smart Land-Use Tools
7. Enhance Community Resilience and Prepare for the Effects of Climate Change
8. Support Development of a Green Innovation Economy
9. Inform and Inspire the Public
10. Commit to an Evolving Process of Climate Action

NOW, THEREFORE, BE IT RESOLVED, that a certified copy of this Resolution be forwarded to the New York State Department of Conservation.

ROLL CALL:

AYES: Councilmembers Bucci, Brett, Killian, Slack and Mayor Sack

NAYS: Councilman McCartney

ABSENT: Councilman Mecca

13. Residents may be heard on matters for Council consideration that do not appear on the agenda

Robert Zahm, resident, reported that there are two intersections with dangerous sidewalks; corner of Locust Ave and Mead Pl. and Milton Rd. & Playland Parkway-south side on the right hand side of Milton Rd.

14. Bid Award for the Annual Street Resurfacing contract (Contract #2015-04)

Councilwoman Brett made a motion, seconded by Councilwoman Killian to adopt the following resolution;2

RESOLVED that Contract 2015-04, Annual Street Resurfacing, is hereby awarded to Bilotta Construction Corp, low bidder, in the amount of \$886,634.00.

ROLL CALL:

AYES: Councilmembers Bucci, Brett, Killian, McCartney, Slack and Mayor Sack
NAYS: None
ABSENT: Councilman Mecca

15. Consideration to amend the Resolution of acceptance for a grant from the New York State Department of Environmental Conservation for reimbursement for equipment purchased by the Department of Public Works

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the City of Rye herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED by the Rye City Council:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That Ryan X. Coyne is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

ROLL CALL:

AYES: Councilmembers Bucci, Brett, Killian, McCartney, Slack and Mayor Sack
NAYS: None
ABSENT: Councilman Mecca

16. Authorization for the City Manager to enter into an Agreement with the County of Westchester for 2015-2016 Prisoner Transportation Services

Councilwoman Brett made a motion, seconded by Councilwoman Bucci, to adopt the following resolution.

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Intermunicipal Agreement with the County of Westchester for 2015-2016 Prisoner Transportation Services.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, and Slack
NAYS: None
ABSENT: Councilman Mecca

17. Authorization for the City Manager to enter into an Inter-municipal Agreement with Westchester County for the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County

This item was deferred.

18. Designation of one member to the Boat Basin Nominating Committee

Mayor Sack made a motion, seconded by Councilwoman Brett, to appoint Benjamin Poole (Commission member not standing for re-election) and Alan Caminiti (Permit holder elected to Nominating Committee in last election August 2014) to the Boat Basin Nominating Committee.

19. Two appointments to the Rye Senior Advocacy Committee for a three-year term expiring January 1, 2018, by the Mayor with Council approval

Mayor Sack made a motion and unanimously carried to appoint Edward Matthews and Jane O'Sullivan to the Rye Senior Advocacy Committee for three-year terms expiring January 1, 2018.

20. Consideration of request for permission to close a section of Purchase Street for the 63rd annual celebration of the Halloween Window Painting Contest

Councilman McCartney made a motion, seconded by Councilwoman Brett and unanimously carried to adopt the following resolution.

RESOLVED, the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street from the Square House to Purdy Avenue for the 63rd Annual Halloween Window Painting Contest on Sunday October 18, 2015 (rain date October 25) from 8:00 A.M. to 3:00 P.M.

21. Consideration of a request by the Leukemia and Lymphoma Society for use of city streets on Saturday, November 1, 2014 from 5:00 p.m. to 9:00 p.m. for their annual *Light the Night Walk* event

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried to adopt the following resolution.

RESOLVED, the City Council hereby approves the request of the Leukemia and Lymphoma Society to use city streets for the annual *Light the Night Walk* to be held at Playland on Saturday, November 7, 2015 from 5:00 p.m. to 9:00 p.m.

22. Consideration of a request by Longford's Ice Cream for the use of City streets for their 20th Anniversary celebration on Sunday, August 6, 2015 from 12:00 p.m. to 5:00 p.m.

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried to approve the following resolution

RESOLVED, the City Council hereby approves the request of Longford's Ice Cream for use of City streets for their 20th Anniversary celebration on Sunday, August 6, 2015 from 12:00 p.m. to 5:00 p.m.

23. Miscellaneous communications and reports

There was nothing reported under this agenda item.

24. New Business

City Clerk position has been advertised with a deadline for applications on Friday, July 10, 2015. The City will do a search for the Police Commissioner position later this year.

Request by Mayor Sack to Corporation Counsel to provide an update on the Beaver Swamp Litigation

25. Adjournment

There being no further business to discuss Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the meeting at 1:06 a.m.

Respectfully submitted

Diane C. Moore
Deputy City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on August 5, 2015 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
RICHARD SLACK
Councilmembers

ABSENT: LAURA BRETT

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried to adjourn into executive session to discuss a personnel matter at 6:21 p.m. The regular meeting convened at 7:30 p.m.

1. Pledge of Allegiance

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Sack asked the Corporation Counsel to call the roll; a quorum was present to conduct official city business.

3. General Announcements by the Council

Mayor Sack announced the sad news the Ellen “Sis” D’Angelo, longtime Rye resident and Rye icon passed away late Sunday.

Mayor Sack announced that the Rye Fire Department is having a free CPR class in honor of 9/11 on September 11, 2015. Sign up is on the union website Local 2029.com. Also, there will be a September 11th ceremony at dusk next to the Firehouse and a candlelight walk to the gazebo on the Village Green to read the names of Rye residents who perished on 9/11. He added that the City of Rye has partnered with Volunteer New York to provide other volunteer opportunities after school for parents and children on the Village Green or Council Chambers.

Councilman Mecca reported that the Rye Merchants held their annual sidewalk sales and thanked all who supported it.

Councilman McCartney reported that the Rye Golf Club will hold “Lobster Nights” on Thursdays, “Mexican Night” on August 19, 2015 and a cardboard “Regatta” for the children on

August 16, 2015. The Membership Office is open every day 9:00 to 5:00 pm. Rye Recreation camps are doing well, however some spaces are still available for the specialty camps. He also thanked everyone involved in the “Kirby Golf Outing” whose proceeds are donated to the Rye Seniors.

Councilman Slack reported that there is a new episode of Rye Views hosted by Paula Fung and Mary Hannon. They can be viewed at RyeTV.org.

4. Draft unapproved minutes of the regular meeting of the City Council held July 8, 2015.

This item was deferred to the September 16, 2015 City Council meeting.

5. Issues Update/Old Business.

Rye Golf Club- Councilman McCartney provided an update with regard to the damaged greens due to the use of a chemical product that was contaminated. The greens have been closed since June 1, 2015. The target reopen date is Labor Day with the approval of a USGA consultant. A full claim for damages has been filed with the manufacturer’s insurance company. The membership has expressed upset and concern about the situation. If and when there is a recovery from the insurance carrier, the City will look at what can be done for the membership.

Deer Management Program- Janice Seitz, Deer Study Group, reported on the use of two Metric Tracking Methods: Deer Count/Resident Reporting and Landscape analysis to establish baseline data. The Deer Study Group made a recommendation that the City hire the assistance of a professional consultant such as Cornell University, Dr. Bern Blossey or Hank Birdsall, Westchester County biologist, who has a private consulting firm. The scientific measurement for the collection of the data is conducted over time in various locations, both public and private, and requires an expert naturalist or biologist. Mayor Sack added that the City needs an objective way to determine whether the City has or doesn’t have a deer problem.

7. Continuation of Public Hearing to amend local law Chapter 197, “Zoning”, of the Rye City Code by amending Section §197-2, “Districts, A: Residence Districts” to change the zoning designation of a property at 120 Old Post Road from the B-4, Office Building, District to a New RA-6, Active Senior Residence, District; and amending Section §197-86, “Tables of Regulations: Table A, Residence Districts – Area Yard, Height and Miscellaneous Regulations” to add the proposed RA-6 zone.

Jonathan Kraut, partner with Harfenist, Kraut & Perlstein, LLP, addressed the Council with an interim status report regarding Council questions and comments from the previous meeting.

- Updated copy of the Local Law was submitted to the Council which included changes to; the minimum side yard and rear yard setbacks; the minimum parking requirements to 1.5 as a ratio to unit; maximum building coverage was inserted at

35% and a section was added to include a ten-foot landscape buffer around the perimeter which was recommended by the Planning Commission.

- Traffic pattern (trip generation) will be less than a fully occupied office building.
- Improvements to traffic pattern include three possibilities: opening the emergency access drive on main road,; right turn only lane on the Playland Access road; and a left hand turn at the entrance way from Boston Post Rd to Playland Parkway (eastbound) because appropriate sightlines may exist to incorporate a left-hand turning movement across Playland Parkway.
- Subsurface quantification-grading and rock removal. Samples taken indicate that weathered rock exists at the location and will require rock removal. Details will follow in next the next submission to the Council.

Mayor Sack said he would like to have a public site walk and asked that the building's boundaries be staked out as it is currently proposed. He noted that the proposed building is actually smaller than what is allowed in this zone, so the City would like to see how big it will be as it is planned now and how much more could be built at a future date. The Council may want to consider reducing the Floor Area Ratio in that zone. Mayor Sack asked Mr. Kraut to work with the City Manager's office to find a date to notice a public hearing for the site walk.

Comments from the public:

John Mayo Smith-Proposed zoning change may have disastrous effect and the City should have a valid Master Plan.

Jesus Cantalapedra –Comments as follows:

- New HUD regulations may impose the inclusion of low income housing units. Mayor Sack stated that this proposed building is not being funded by HUD and does not apply to this project.
- These HUD rules and regulations apply to any locality that has accepted HUD money in the past. Mayor Sack said it may apply to the current NY Rising Grant being considered (flood mitigation funding) but may not apply to this project.
- Cautioned that the 18-year old minimum age restriction, if found to be discriminatory to seniors, could be challenged, which could pose a problem with school funding. Mayor Sack said by definition this proposed zone would be for people of a certain age and for people who do not have school age children. This is a senior housing zone.
- HUD could challenge the new zone.
- With regard to traffic safety and population density; he said possible trip rates generated by the project could actually be more than those of a fully occupied office building.
- Rates for vacant office space in Westchester are about 20% but are lower in Rye: (single digits/low teens) for the past couple of years and rents have increased since 2010.

The City Manager suggested that Mr. Cantalapiedra email his comments to the City so that they can be made part of the record and the Council could have answers for him at the next meeting. Councilman Slack said it would be helpful if he emailed his traffic studies information (Report on Active Adult 55 Plus Community Trip Generation Rates prepared for the Delaware Center for Transportation in 2006) and also his information regarding 2010 rents to the City Manager who will distribute them to the Council.

Robert van Wateren

- Concern with regard to traffic issues; entrance to the proposed building is too close to the Old Post Rd. Right turn lane proposal maybe helpful, but left hand turn is very difficult.
- Letter from attorneys discussed a 10-ft buffer which had only two pine trees, and suggested that a lush buffer be required.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried to continue the public hearing to the September 16, 2015 meeting.

6. Continuation of Public Hearing to amend local law Chapter 133, "Noise", of the Rye City Code regarding regulations on mechanical rock removal.

Mayor Sack said this is the third meeting with regard to this proposed local law and he has received a great deal of feedback. Rock chipping is a "hot" topic and asked that people continue to listen to one another and not talk past one another. The Council has a responsibility to listening to all opinions.

There was a lengthy discussion. Some of the public comments are as follows:

- Rock chipping has been an assault and violation of property rights
- Support of proposed local law proposed without wordsmithing loopholes
- Council urged to preserve the character of the community, protect the older homes from teardowns and the quality of life
- Homes should be designed appropriately for the land on which it is being built
- 30 day duration is more than ample time for rock chipping
- No new rock chipping permits should be issued for the same location within the next 18 months which will prevent builders from breaking projects into phases or add projects
- Request that neighbors be notified 10 days prior within a designated radius preferably ½ mile area of the site and that chipping will cease at 3:30 PM, no chipping near schools on testing days
- One chipper and no rock crushing per site
- Implement fines, stop work orders and criminal penalties such as jail for builders who fail to comply
- Property values have risen because Rye is a desirable community to live in and a natural consequence of this is development. If the amount of rock

chipping is limited; house size is reduced and taxpayers could be burdened with a higher tax bill. Also, property values of the current homeowners, who eventually sell their homes, may be somewhat diminished.

- Council asked to balance issues of residents and builders and consider reasonable accommodations: such as using work days as opposed to calendar days and allowing for extensions of permits based on need.
- Long term exposure of certain levels of noise level creates health issues for adults and children.
- Housing stock is almost 98.7% developed and as housing stock matures it will be redevelop. Chipping has reached a crescendo, and some restrictions should be put into place. Builders as a ad hoc group met with the Rock Study Group to ascertain what can be done to achieve the goals of their costumers and within the confines of the proposed law.
- Suggestion that developers supply noise cancelling headphones for people living within a certain distance of the rock chipping site.
- Dissatisfaction that decibel levels are not included in the proposed law.
- Concern that multiple chipping projects could occur in the same area which could potentially extend rock chipping for months in particular locations.
- Question as to whether there is really a need for full basements and pools built in solid rock locations. The incentive is to have a big basement because it is not taxed and is not part of the square footage. These points should be examined.
- Question as to whether builders are be given the same weight than the resident's quality of life. Builders can still build within the restrictions or build in other less restrictive communities.
- Some of the enforcement with regard to rock chipping is complaint-based.
- Request for a 3:30 PM deadline to be added to the moratorium.
- Preserving older homes maintains the character of the community.

Comments from Anthony Cassano on behalf of the builders:

- Inquiry as to why the Building Department would be enforcing the law as oppose to the Police. The Mayor and City Manager said both the departments will be enforcing the proposed law.
- Builders still struggling with the 30 calendar day (22 work days) restriction because there are unforeseen circumstances that could develop, and if the proposed law is change to permit 30 work days additional tracking would be helpful to the Building and the Police Departments.
- Request for the existing website registry to be enhanced to include additional data such as tracking work days. Request that the Council look into the costs to make these additions to the website.
- Builders would like the opportunity to gather data before Council makes a decision with regard to the duration of rock chipping per project.

Mayor Sack made the observation during the lengthy discussion that most of the public has acknowledged that chipping should be allowed. The discussion is about what should be permitted and what should be restricted.

Mayor Sack said that he initially asked the Rock Chipping Study group to give recommendations, but he redirected them to vet all issues. Councilman Slack clarified that the committee worked hard and had robust conversations with regard to the back and forth that is being discussed at this time. At the end the group coalesced around certain recommendations, but they did not have a role in drafting the legislation. The intention of the legislation is compromise.

Councilman Mecca made a motion, seconded by Councilwoman Killian, and carried unanimously to continue the public hearing at the September 16, 2015 meeting.

8. Discussion of the Inter-municipal Agreement with Westchester County for the monitoring of inflow and infiltration as part of the Westchester County Sewer District to comply with the schedule in the Long Island Sound Flow Monitoring Report.

City Manager Serrano explained that Westchester County has notified all municipalities that requirements are being imposed by New York State, the DEC and the EPA with regard to inflows of the water from sewer lines and sewerage treatment plants along Long Island Sound. The amounts of overflow into the Sound are above the requirements of the State. Municipalities are being required to control the amount of inflow of illegal connections into the sewerage treatment plants or broken pipes.

The first phase of this project requires the City to hire an engineer to create a map of all sewer lines, including age of lines and create a report demonstrating the methods to be used to collect this information. Two possible options are to use a camera in each line or perform smoke tests. The second phase requires the communities to make all necessary repairs to be funded by the taxpayers. Additionally the State would like each household, prior to a sale, have a licensed plumber certify that there are no illegal connections and to have each lateral line connecting to the sewer line be examined through the use of cameras prior to the sale at the homeowner's expense. The City will be meeting with the Westchester County and the other municipalities impacted by this mandate to discuss a timeline and estimate of costs. The City is being asked by the State to adopt a resolution mandating these inspections. Potential lawsuits/and or the imposition of fines could be the result of not passing this resolution as the State has instructed the County to sue individual municipalities. Mayor Sack said there are limits to what the taxpayers can afford. It was noted that the organization "Save the Sound" has already warned the City of a future lawsuit. City Manager Serrano, explained that these costs will not be absorbed into the County Sewer tax, and the burden of the costs fall strictly on the individual communities. Rye has a minimum of two sewer districts which include pump stations. These pump stations could be broken into pump station districts and the people benefitting from them would pay the taxes. Other municipalities have similar districts: Port Chester applied to the PSE to create a sewer district and paid United Water to provide the necessary services so now they have a separate sewer district to pay for these services. Peekskill created their own water and sewer department and taxpayers are sent a bill for their water usage rather than pay a tax.

9. Residents may be heard on matters for Council consideration that do not appear on the agenda.

Doug Carey announced the 23rd Annual Summerfest will be held at Rye Recreation Park on September 6, 2015, 3:00 PM to 7:00 PM

10. Adoption of the 2015/2016 tax levy and tax rate for the Rye Neck Union Free School District.

Councilman Mecca. made a motion, seconded by Councilman Slack to adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$11,937,087 to be raised on property within the District located in the City of Rye, with established tax rates of \$879.285848 per \$1,000 of taxable assessed value on homestead property and \$1,137.207415 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2015 and ending June 30, 2016, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL:

AYES: Councilmembers, Bucci, Mecca, McCartney, Slack and Mayor Sack
NAYS: None
ABSENT: Councilwomen Brett and Killian

11. Authorization for the City Manager to enter into an Inter-municipal Agreement with County for the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County.

Councilman Mecca made a motion, seconded by Councilman McCartney to adopt the following resolution:

RESOLVED, to authorize the City Manager to enter into a five-year Inter-municipal Agreement with the County For the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County commencing on July 31, 2015 through July 30, 2020.

ROLL CALL:

AYES: Councilmembers, Bucci, Mecca, McCartney, Slack and Mayor Sack
NAYS: None
ABSENT: Councilwomen Brett and Killian

12. Miscellaneous communications and reports.

Mayor Sack said the New York Rising Funding item will be placed on the September 16, 2015 agenda

Mayor Sack reported that he, along with City Manager Serrano, met with Katie Glassberg, President of the Rye School District Board of Education, to discuss various school issues including the Cable TV Study Group and asked the City Manager to arrange a meeting after the school year begins.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn into executive session to discuss a personnel matter at 11:20 p.m. The regular meeting convened at 11:40 p.m.

13. New Business.

Mayor Sack announced that Corporation Counsel Kristen K. Wilson will be leaving Harris, Beach to form her own law firm. Rye will put out an RFP for new lawyers or law firms to submit proposals to serve as the City's Corporation Counsel/Legal Advisor. In the interim Mayor Sack asked Corporation Counsel Wilson to remain with the City and be authorized to execute an Interim Agreement with Ms. Wilson to remain as Rye's Corporation Counsel until a definitive choice has been made with regard to the results of the RFP. He thanked Harris Beach for their role with the City over the years. Additionally Councilman McCartney said that the Mayor needs to be authorized to extend any off retainer work that Harris Beach may continue to do on the City's behalf. Councilman Slack asked for a list of litigation being handled by the Corporation Counsel under her retainer and a list of litigation being handled off retainer by Harris Beach. He also requested that the authorization include the same economic terms the City currently has in place.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried to authorize the Mayor

RESOLVED, that the Mayor be authorize to enter into an Agreement with Kristen K. Wilson, Esq. to remain as Corporation Counsel until such time a final decision is made based on the result of the RFP proposal for a new lawyer or new law firm.

FURTHER RESOLVED, that the Mayor be authorized to extend any off retainer litigation currently being handled by the law firm Harris, Beach under the same economic terms of the current agreement.

14. Adjournment.

There being no further business, Councilman Mecca made a motion, seconded by Councilman McCartney to adjourn the meeting at 12:02 a.m.

Respectfully submitted,

Diane C. Moore
Deputy City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of Rye
held in City Hall on August 3, 2015 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
RICHARD SLACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Sack asked the City Manager to call the roll; a quorum was present to conduct official city business.

Mayor Sack noted the passing of Ellen “Sis” DiAngelo, a life- long member of the Rye community and asked for a moment of silence.

3. Presentation of the 2016-2020 Capital Improvements Program.

City Planner Christian Miller presented the City’s 2016-2020 Capital Improvement Plan (CIP) for the City, as required by Charter. The purpose of the CIP is to identify major projects and acquisitions; identify the cost, and, time when the project might be implemented over a five-year period. The CIP identifies 75 projects (approximately \$43,000,000) which is a significant increase from last year’s program of 53 projects. The increase is partially due to the inclusion of all Rye Golf Club and Boat Basin projects and the return of flood mitigation projects to the CIP.

Table 4 provides a summary of total required funding by source, project type and year. The Plan is not a commitment to fund.

**TABLE 4:
CIP Funding Requirements by Project Type, Year, and Source: 2016-2020**

Project Type	2016	2017	2018	2019	2020+	Total Required
Building	\$515,000	\$445,000	\$2,075,000	\$0	\$0	\$3,035,000
<i>General Rev.</i>	\$421,044	\$445,000	\$250,000	\$0	\$0	\$1,116,044
<i>Grants & Aid</i>	\$93,956	\$0	\$650,000	\$0	\$0	\$743,956
<i>Debt</i>	\$0	\$0	\$1,175,000	\$0	\$0	\$1,175,000

Drainage	\$200,000	\$415,000	\$950,000	\$335,000	\$9,060,000	\$10,960,000
<i>General Rev.</i>	\$0	\$15,000	\$0	\$85,000	\$210,000	\$310,000
<i>Grants & Aid</i>	\$200,000	\$400,000	\$950,000	\$250,000	\$8,850,000	\$10,650,000
<i>Debt</i>	\$0	\$0	\$0	\$0	\$0	\$0
Sewer	\$1,430,000	\$180,000	\$60,000	\$60,000	\$120,000	\$1,850,000
<i>General Rev.</i>	\$30,000	\$180,000	\$60,000	\$60,000	\$120,000	\$450,000
<i>Grants & Aid</i>	\$1,000,000	\$0	\$0	\$0	\$0	\$1,000,000
<i>Debt</i>	\$400,000	\$0	\$0	\$0	\$0	\$400,000
Transportation	\$2,979,000	\$3,734,000	\$4,549,000	\$3,794,000	\$3,989,000	\$19,045,000
<i>General Rev.</i>	\$1,425,000	\$2,090,000	\$2,185,000	\$1,895,000	\$1,070,000	\$8,665,000
<i>Grants & Aid</i>	\$344,000	\$1,644,000	\$1,514,000	\$1,299,000	\$2,919,000	\$7,720,000
<i>Debt</i>	\$1,210,000	\$0	\$850,000	\$600,000	\$0	\$2,660,000
Recreation	\$2,764,200	\$3,683,000	\$300,000	\$1,019,500	\$260,000	\$8,026,700
<i>General Rev.</i>	\$2,764,200	\$3,683,000	\$300,000	\$1,019,500	\$260,000	\$8,026,700
<i>Grants & Aid</i>	\$0	\$2,350,000	\$0	\$0	\$0	\$2,350,000
<i>Debt</i>	\$120,000	\$0	\$180,000	\$120,000	\$0	\$420,000
Total	\$7,888,200	\$8,457,000	\$7,934,000	\$5,208,500	\$13,429,000	\$42,916,700
<i>General Rev.</i>	\$4,640,244	\$6,413,000	\$2,795,000	\$3,059,500	\$1,660,000	\$18,567,744
<i>Grants & Aid</i>	\$1,637,956	\$4,394,000	\$3,114,000	\$1,549,000	\$11,769,000	\$22,463,956
<i>Debt</i>	\$1,730,000	\$0	\$2,205,000	\$720,000	\$0	\$4,655,000

4. Other Business.

There was no business under this item

5. Adjournment.

There being no further business to discuss Councilman Slack made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the meeting at 8:52.

Respectfully submitted,

Diane C. Moore
Deputy City Clerk



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: September 16, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: September 16, 2015

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution authorizing the acceptance of funding from the NY Rising Community Reconstruction Program and providing authorization for the Mayor and City Council to enter into the necessary agreement and resolutions.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize the acceptance of funding from the NY Rising Community Reconstruction Program and approve the necessary agreement and resolutions.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The New York Rising Community Reconstruction Program was established to provide additional rebuilding and revitalization assistance to Communities severely damaged by Hurricanes Sandy and Irene and Tropical Storm Lee. The City of Rye was awarded \$3 million in funding through the NY Rising program. The New York Rising Committee met from July through November 2014 to deliberate the needs of the community and choose projects which would provide the greatest benefit. In addition to Committee meetings, three Public Engagement meetings were held to get input from residents at Rye Town Park, at the Rye Free Reading Room, and at the Middle School/High School. The NY Rising Committee met on November 18th to vote on the projects to move forward for funding through the current \$3 million dollar allocation. The Committee was asked to vote for projects by placing them in one of three categories, aiming for a combined cost of \$5 to \$10 million.

Projects were separated into three categories:

Proposed – eligible for the \$3Million NY Rising Funds

Featured – other funding sources needed

Additional Resilience – policies or programs not funding based

The Committee picked 4 projects as Proposed Projects, 6 projects as Featured Projects, and 7 projects as Resilience Projects (which are not eligible for funding but the Committee notes as being important in long term planning for flood remediation).

PROPOSED PROJECTS

Sluice Gate revisions
SUNY Ponds
Bowman Upper
Milton Road Drainage

FEATURED PROJECTS

Airport retention
Bowman Lower
Rye Nature Center entrance
Locust Fire House
Emergency Center (RGC)
Floodproof Municipal/Not for profit Buildings

RESILIENCE

Watershed Conservancy
Interstate Runoff Study
Renewable Energy
Wetlands on Brooks Study
Stabilize Power Lines Study
FEMA CRS (rating system)
Coastal Zone Study

The first project moving forward is the Sluice Gate revisions with the SUNY Ponds project running parallel. Members of the Governor's office have been meeting with City staff; next steps will include sending out an RFP to engineering firms for the project including a Scope of Work, Project Description, etc. The NY Rising program is under the CDBG-DR (Community Development Block Grant Disaster Recovery) and is funded through HUD monies.

HUD requirements include City Council approval of a Resolution authorizing the acceptance of funding through the NY Rising Community Reconstruction Program and providing authorization for the Mayor and City Council to Manager to enter into the following agreement and resolutions:

- NY Rising Community Reconstruction Program Subrecipient Agreement
- Resolution to adopt a Procurement Policy
- Resolution to adopt a Citizen Participation Plan
- Resolution to adopt an Affirmative Action Plan
- Resolution to adopt Section 504 Policies and Grievance Procedures

See attached Subrecipient Agreement and Resolutions.

COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY
SUBRECIPIENT AGREEMENT

THIS COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY SUBRECIPIENT AGREEMENT (“Agreement”) is made effective as of the ___ day of _____, 2015 (“Effective Date”) by and between the Housing Trust Fund Corporation, operating by and through its division, the Governor’s Office of Storm Recovery (“GOSR”), (collectively referred to herein as the “Grantee”) and the City of Rye (“Subrecipient”), a municipal corporation. The foregoing Grantee and Subrecipient shall sometimes be referred to herein individually as a “Party” and collectively as the “Parties.”

WHEREAS, pursuant to title I of the Housing and Community Development Act of 1974 (42 U.S.C. § 5301 et seq.) (“HCD Act”), as amended, Grantee is authorized to administer and distribute Community Development Block Grant (“CDBG”) funds in the State of New York (“State”); and

WHEREAS, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), portions of the State received major disaster declarations as a result of Hurricane Sandy; and

WHEREAS, in the aftermath of Hurricane Sandy, the United States Congress, through Public Law passed the Disaster Relief Appropriations Act, 2013 (Public Law 113-2, approved January 29, 2013), as amended (the “Act”), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development (“HUD”) for Community Development Block Grant Disaster Recovery (“CDBG-DR”) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013 (the “Storms”), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD; and,

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, entitled *Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended), the State has received an allocation of CDBG-DR funds from HUD in the amount of \$1,713,960,000; and

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 69,104), entitled *Second Allocation, Waivers and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery*

Funds in Response to Hurricane Sandy (as amended), the State has received a second allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000; and

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (79 Fed. Reg. 62,182), entitled *Third Allocation, Waivers and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended), the State has received a third allocation of CDBG-DR funds from HUD in the amount of \$605,922,000 (of which \$185,000,000 has been allocated towards the proposals developed through the Rebuild by Design competition);

WHEREAS, HUD requires that the State spend 80% of all CDBG-DR funds so allocated within the counties of Nassau, Rockland, Suffolk, Westchester, Bronx, Kings, New York, Queens, and Richmond; and

WHEREAS, Governor Andrew M. Cuomo established GOSR within HTFC and tasked it with administering the State's CDBG-DR program; and

WHEREAS, the City of Rye was heavily impacted by Superstorm Sandy and Hurricane Irene; and

WHEREAS, Grantee wishes to engage Subrecipient to implement projects to promote the long-term recovery and resiliency of the City of Rye; and

WHEREAS, CDBG-DR funds may be utilized by the Subrecipient to pay the non-Federal share, or "local match", required in connection with a Federal grant-in-aid program undertaken as part of CDBG-DR activities, a use that has been specifically authorized by HUD;

NOW THEREFORE, the Parties agree that the Grant Funds will be administered in accordance with the following terms and conditions:

I. SUBRECIPIENT PROGRAM

Subrecipient will be responsible for performing the activities detailed in Exhibit A, which may be amended from time to time, and is hereby incorporated by reference ("Subrecipient Program Description"). In order to propose a project or projects under the Subrecipient Program Description, the Subrecipient shall submit to Grantee the project application form provided by Grantee. A separate project application form will be required for each project the Subrecipient proposes to implement under this Agreement. Project applications should address the Subrecipient's housing, infrastructure, and economic recovery and revitalization needs.

Grantee's consideration and approval of project applications is based on current Grantee guidelines (hereinafter "Grantee policy"), HUD guidelines and regulations, and other applicable state and federal laws and regulations.

Design and Environmental Review Phase (Planning Amendment)

- Once a project application form is accepted as complete by Grantee, Grantee will notify the Subrecipient in writing. Acceptance of the application as complete does not commit Grantee to providing any CDBG-DR or other funding to a project.
- Thereafter, this Agreement may be amended to incorporate the proposed scope, budget, and schedule for the design phase of the proposed project, if stipulated by both parties (hereinafter referred to as the “Planning Amendment”).
- Any proposed budget set forth in a Planning Amendment will clearly specify proposed funding for administrative costs, program delivery costs, and design or planning costs. Any such amendment will clearly state that the Subrecipient shall not engage in, or in any way commit funding for, through a contract or other mechanism, construction or any other activities that could have an environmental impact or limit the choice of reasonable alternatives to the proposed project. Further, any proposed schedule set forth in a Planning Amendment shall provide, with reasonable specificity, a proposed schedule for the pre-design and design of the proposed project as well as a description and schedule for activities proposed to be conducted in each phase.
- Following acceptance of the Planning Amendment, Grantee shall conduct an environmental review of the proposed project pursuant to 24 CFR Part 58 and the New York State Environmental Quality Review Act (“SEQRA”).
- Upon written notice from Grantee, the Subrecipient may initiate project design which shall be closely coordinated with and informed by the environmental review process, including the assessment of any reasonable alternatives to the proposed project, and avoidance of any potential significant environmental impact. Subrecipient herein agrees that, for purposes of SEQRA, Grantee shall serve as the lead agency for purposes of conducting the environmental review.

Project Approval

- Upon completion of all environmental review requirements, Grantee shall determine whether or not to award funding for the construction or other implementation phase of the proposed project, or an alternative or modified project identified through the environmental review process.
- Following the environmental review performed pursuant to 24 CFR Part 58 and SEQRA, and upon HUD’s issuance of the authority to use grant funds for a proposed project, Grantee may approve the project.

Project Phase (Project Amendment)

- Upon approval of a project, this Agreement may be amended to incorporate the complete scope, budget, and schedule of the approved project, if stipulated by both parties (hereinafter referred to as the “Project Amendment”).
- Any budget set forward in a Project Amendment will clearly specify funding for administrative costs, program delivery costs, design or planning costs, construction costs, as well as any other implementation costs. Further, any

schedule set forth in a Project Amendment shall provide, with reasonable specificity, a schedule for the pre-design, design, and construction or other implementation of the approved project as well as a description and schedule for activities proposed to be conducted in each phase.

- Grantee will notify the Subrecipient in writing (“Clearance Letter”) that Subrecipient may commit funds for construction and other activities necessary for project implementation. The Subrecipient shall not engage in, or in any way commit funding for, through a contract or other mechanism, construction or any other activities that could have an environmental impact or limit the choice of reasonable alternatives to the proposed project prior to receiving, in writing, a Clearance Letter from Grantee.
- If construction/implementation is authorized by Grantee in the Clearance Letter, Subrecipient must comply with any and all conditions or required mitigation set forth in the environmental review documents, and shall retain an independent environmental monitor to document compliance with such measures, as well as any permit requirements, or other applicable requirements of federal and state environmental laws, including worker health and safety requirements. The independent environmental monitor must be approved in writing by Grantee prior to the commencement of any construction activities. The Subrecipient shall, by contract, ensure that the independent environmental monitor provides monthly reports to Grantee to document compliance with the requirements referenced above for the entirety of the construction phase.

The Subrecipient may not commence any work, including design work, without adhering to the proposed project schedule set forth in the Planning Amendment as submitted to and approved by Grantee and the Subrecipient. Additionally, the Subrecipient and its design contractor shall provide any analysis or information reasonably requested by Grantee to conduct the environmental review for a proposed project. The Subrecipient is required to comply and cooperate with the Grantee in meeting all terms and conditions under this Agreement.

As a reimbursement-based program,¹ tasks and deliverables contained in the Subrecipient Program Description must be conducted in a manner satisfactory to Grantee and in compliance with applicable federal and state requirements, laws, and regulations. Grantee will monitor the performance of Subrecipient against goals and performance standards as stated in the agreed upon Subrecipient Program Description. While Grantee may consider additional costs, as they arise, Subrecipient must be prepared to perform (and document to Grantee) the entire Subrecipient Program Description, even if the funds provided hereunder do not cover 100% of the costs of performance. In the event Grantee’s funds do not cover 100% of the agreed upon budget (see Section III), Subrecipient must make a showing of committed supplemental funding. Substandard performance as reasonably

¹ By “reimbursement” Grantee means that typically costs must be actually incurred before the Grantee will make payment to the Subrecipient. However, this does not mean that the Subrecipient must have previously paid these costs. Rather, these costs can be passed along to Grantee in the form of an invoice(s) (or similar document) and appropriate supporting information as required by the terms of this Agreement, for payment of such invoice(s), per the payment terms of this Agreement.

determined by Grantee, in its sole discretion, will constitute noncompliance with this Agreement. If Subrecipient does not take action to correct such substandard performance within a reasonable period of time (as determined by Grantee) after being notified by Grantee, Grantee may choose not to reimburse Subrecipient for noncompliant and/or unallowable work and/or take action to suspend or terminate this Agreement or other actions as permitted under applicable law. Nothing in this Agreement shall waive or otherwise limit the actions Grantee may take or the remedies Grantee may seek as a result of any noncompliance by Subrecipient, including but not limited to suspending or debarring Subrecipient from future State benefits.

II. TERM

The period of performance for all activities (with the exception of those activities required for the close out and final audit) assisted pursuant to this Agreement shall commence as of the Effective Date and shall end on September 30, 2019. Any funds not properly used by the end of the term, unless approved otherwise in writing by Grantee, promptly shall be remitted, in full and without off-set or deduction, to Grantee.

III. BUDGET

As set forth in Section I of this Agreement, for each project application, Grantee will require and the Parties shall agree upon a detailed budget breakdown. Grantee may also require additional budget information, and Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by Grantee. Any change to budgeted amounts, must be approved in writing by Grantee before such changes are allowed and reimbursable.

IV. GRANT FUNDS

It is expressly agreed and understood that the total amount to be paid by Grantee under this Agreement shall not exceed the aggregate amounts set forth in each of the applicable project applications, currently set at \$0 ("Grant Funds"), which may be amended from time-to-time to incorporate project applications and budgets accepted by Grantee.

The amount of Grant Funds that Grantee has agreed to provide Subrecipient under this Agreement is expressly conditioned upon Grantee's receipt of such funds from HUD pursuant to the Act. Grantee reserves the right to reduce the Grant Funds if funding from HUD is not provided at the currently anticipated levels and/or if the actual costs for the approved activities are less than those set forth in the Budget.

In the event Subrecipient is awarded, granted, or provided with additional funds from any other source, which may include, in part or whole, aspects related to this Agreement, Subrecipient shall immediately notify Grantee of such funds, the amount, the source, and the conditions for their use. Subrecipient further agrees to provide any additional

information Grantee requests related to such funds. Subrecipient may not use such other funds to conduct construction activities or any other action that would have an environmental impact or limit the choice of reasonable alternatives until issuance of the Clearance Letter.

V. DISBURSEMENT OF GRANT FUNDS

- a) Subrecipient is required to submit a request for Grant Funds in accordance with the provisions of this Agreement, program guidelines, and the program policy and procedures which are established by Grantee. No payment by Grantee of an improper, unauthorized, or unallowable request shall constitute a waiver of Grantee's right, whether before, during, or after making any payment, to: (i) challenge the validity of such payment; (ii) enforce all rights and remedies set forth in this Agreement or provided under applicable law; (iii) require and receive a full repayment or refund of all payments made under this Agreement or (iv) take corrective or remedial administrative action including, without limitation, suspension or termination of Subrecipient's funding under this Agreement.
- b) Subrecipient shall certify in a statement made by a senior official with each request for Grant Funds that to the best of its knowledge based on the information available to Subrecipient at the time and after making due inquiry: (i) all statements and representations previously made regarding this Agreement are correct and complete; and (ii) the funds do not duplicate reimbursement of costs and services from any other source.
- c) The use of Grant Funds is conditioned upon Subrecipient incurring allowable costs permitted under the terms of this Agreement or as otherwise pre-approved, in writing, by Grantee. Subrecipient shall not be reimbursed for any costs until all environmental conditions of 24 CFR Part 58 have been fully satisfied and Grantee has issued the environmental clearance required thereunder, unless the activity is exempt under section 58.34 or falls under a categorical exclusion listed in section 58.35(b).
- d) In the event applicable State or Federal Government authorities disallow any of the costs incurred by Subrecipient, Subrecipient shall immediately remit any funds received by Subrecipient for the unallowable costs to Grantee. Subrecipient may request, and Grantee shall reasonably consider Subrecipient's request, that Grantee challenge the State or Federal determination and pursue other legal recourse to secure these funds; however, Grantee maintains the sole discretion in deciding whether to pursue such funds, may request that Subrecipient pay any costs associated with such effort, and may require that Subrecipient return the questioned funds until a final outcome is reached.

VI. CITIZEN PARTICIPATION REQUIREMENTS

To ensure compliance with Section 508 of the HCD Act, units of general local government (“UGLGs”) applying for or receiving CDBG-DR funds from the State must provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. Any such UGLG must provide adequate information to citizens, obtain views and proposals of citizens, and provide opportunity to comment on the UGLG’s previous community development performance.

If Subrecipient is a UGLG, it shall have a written and adopted Citizen Participation Plan that complies with the requirements set forth in the State of New York Action Plan for Community Development Block Grant Program Disaster Recovery, dated April 2013, as amended (“Action Plan”). The Action Plan and amendments thereto can be found at: <http://stormrecovery.ny.gov/action-plans-and-amendments>.

VII. NOTICES

All notices, requests, approvals, and consents of any kind made pursuant to this Agreement shall be in writing and shall be deemed to be effective as of the date sent by certified mail, return receipt requested. All notices and other written communications under this Agreement shall be addressed to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice. Communication and details concerning this contract shall be directed to the following contract representatives:

Grantee: Housing Trust Fund Corporation
25 Beaver Street
New York, New York 10004
Attn: James Rubin, State Director of Storm Recovery

Subrecipient: City of Rye
1051 Boston Post Road
Rye, NY 10580
Attn: Eleanor Millitana, Assistant City Manager

VIII. GENERAL CONDITIONS

A. Compliance

Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (HUD’s regulations concerning Community Development Block Grants), including any regulations referenced therein, except:

- (1) Subrecipient does not assume Grantee’s environmental responsibilities described in 24 CFR 570.604; and

- (2) Subrecipient does not assume Grantee's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

Where waivers or alternative requirements are provided for in the applicable Federal Register Notices published by HUD ("HUD Notices"), including but not limited to those published on March 5, 2013 (78 Fed. Reg. 14,329), April 19, 2013 (78 Fed. Reg. 23,578), May 29, 2013 (78 Fed. Reg. 32,262), August 2, 2013 (78 Fed. Reg. 46,999), November 18, 2013 (78 Fed. Reg. 69,104), December 16, 2013 (78 Fed. Reg. 76,154), and March 27, 2014 (79 Fed. Reg. 17,173), such requirements, including any regulations referenced therein, shall apply.

Subrecipient also agrees to comply with all other applicable Federal, State and local laws, regulations, HUD Notices, policies, and guidelines, whether existing or to be established, provided the same are applied to activities occurring after the date the policy or guideline was established, governing the Grant Funds provided under this Agreement. In the event a conflict arises between the provisions of this Agreement and any of the foregoing, the Federal, State, and local laws, regulations, HUD Notices, policies, and guidelines shall control and this Agreement shall be interpreted in a manner so as to allow for the terms contained herein to remain valid and consistent with such Federal, State, and local laws, regulations, HUD Notices, policies, and guidelines. Subrecipient further agrees to utilize Grant Funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. Independent Contractor

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the Parties. Subrecipient shall at all times remain an "independent contractor" with respect to the efforts to be performed under this Agreement. Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as Subrecipient is an independent entity.

C. Hold Harmless

Subrecipient shall and hereby agrees to hold harmless, defend (with counsel acceptable to Grantee) and indemnify Grantee and each and all of its successors, affiliates, or assigns, and any of any of their employees, officers, directors, attorneys, consultants, agents, directors, officers, managers, and affiliates, from and against any and all damages, costs, attorneys' fees, claims, expenses, injuries, property damage, causes of action, violations of law, violations of this Agreement, and losses of any form or nature arising from or related to the conduct of Subrecipient in the performance of the efforts called for in this Agreement. This indemnity shall expressly include, but is not limited to, the obligation of Subrecipient to indemnify and reimburse Grantee for any and all attorneys' fees and other litigation or dispute resolution costs incurred or to be incurred in Grantee's enforcement of this

Agreement or any portion thereof against Subrecipient or otherwise arising in connection with Subrecipient's breach, violation, or other non-compliance with this Agreement. This clause shall survive indefinitely the termination of this Agreement for any reason.

D. Workers' Compensation

Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement unless granted an exemption by the State.

E. Insurance & Bonding

Subrecipient shall carry sufficient insurance coverage and bonding from insurers licensed to conduct business in New York State to protect all contract assets from loss due to any cause, including but not limited to, theft, fraud, and/or physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from Grantee. Grantee and the State of New York shall be named as an additional insured on all such insurance and shall meet all other insurance requirements as Grantee may impose from time to time. In addition, all insurance carriers and bonding companies shall meet minimum size and financial stability/financial rating requirements as may be imposed by Grantee from time to time. Certificates of insurance shall be provided to Grantee and full and complete copies of the policies and/or bonds shall be provided to Grantee upon its request for the same.

Notwithstanding the above, for construction or facility improvement performed by Subrecipient, Subrecipient shall, at a minimum, comply with the bonding requirements at 24 CFR 85.36 or 84.48, as applicable.

F. Grantee Recognition

Unless otherwise directed by Grantee, Subrecipient shall ensure recognition of the role of HUD and Grantee in providing funding, services, and efforts through this Agreement. Unless otherwise directed by Grantee, all activities, facilities, and items utilized pursuant to this Agreement shall be prominently labeled as to role of HUD and of Grantee. In addition, Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement. See Exhibit D for general guidance for recognition of HUD and Grantee. Note, notwithstanding the terms of this subsection or Exhibit D, Grantee reserves the right to direct specific reasonable recognition requirements on a case-by-case basis, including by not limited, to the size and content, waiver, removal or addition of such recognition.

G. Amendments

This Agreement may be amended provided that such amendments make specific reference to this Agreement, comply with programmatic policies, procedures, and guidelines, are executed in writing and signed by a duly authorized representative of each Party, and approved by Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Parties from their obligations under this Agreement. Grantee may, in its sole discretion, amend this Agreement to conform with Federal, state, or local governmental guidelines, policies, and available funding amounts, or for other reasons. If such amendments result in a change in the Grant Funds or the Subrecipient Program Description, such modifications will be incorporated in a written amendment signed by the Parties.

H. Suspension or Termination

Grantee may suspend or terminate this Agreement if Subrecipient materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, guidelines, policies or directives as may become applicable at any time, including but not limited to environmental rules and regulations;
2. Failure, for any reason except those beyond Subrecipient's control, of Subrecipient to fulfill in a timely and proper manner its obligations under this Agreement;
3. Ineffective or improper use of funds provided under this Agreement; or
4. Submission by Subrecipient to Grantee of reports that are untimely, incorrect, or incomplete in any material respect.

This Agreement may also be terminated for convenience by Grantee or Subrecipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination Grantee determines that the remaining portion of the award will not accomplish the purpose for which the award was made, Grantee may terminate the award in its entirety.

IX. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standards

Subrecipient agrees to comply with 24 CFR 85.20-26 or 84.20-28, as applicable, and to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

Subrecipient shall administer the program in conformance with OMB Circulars A-87, "Cost Principles for State, Local, and Indian Tribal Governments"; A-122, "Cost Principles for Non-profit Organizations"; or A-21, "Cost Principles for Educational Institutions," as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis (if allowed).

B. Documentation and Record Keeping

1. Records to Be Maintained

Subrecipient shall maintain all records required by applicable law to be maintained, including but not limited to the Federal regulations specified in (1) 24 CFR Part 85, Subpart C or 24 CFR Part 84, Subpart C, as applicable; (2) 24 CFR 570.506; and (3) the applicable HUD Notices that are pertinent to the activities to be funded under this Agreement, as well as any additional records required by Grantee. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program, as modified by the HUD Notices;
- c. Records required to determine the eligibility of activities;
- d. Records required to document the acquisition, improvement, use, or disposition of real property acquired or improved with CDBG-DR funds;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
- f. Financial records as required by (1) 24 CFR 570.502; and (2) 24 CFR 85.20-26 or 84.20-28, as applicable;

- g. Other records necessary to document compliance with Subpart K of 24 CFR Part 570.

2. Retention

Subrecipient shall retain all financial records, supporting documents, statistical records, and all other records pertinent to the Agreement for a period of five (5) years. The retention period begins on the date of the submission of Grantee's annual performance and evaluation report to HUD in which the activities assisted under the Agreement are reported on for the final time. Notwithstanding the above, if there is litigation, claims, audits, negotiations, or other actions that involve any of the records cited and that have started before the expiration of the five-year period, then all such records must be retained until completion of the actions and resolution of all issues, or the expiration of the five-year period, whichever occurs later.

3. Data

Subrecipient shall maintain data for efforts provided as required by Grantee. Such data may include, but is not limited to, name, racial, ethnic, and gender characteristics, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to applicable federal authorities, Grantee monitors, or their designees for review upon request.

4. Disclosure

Subrecipient understands that data collected under this Agreement is private and the use or disclosure of such information, when not directly connected with the administration of the Parties' responsibilities with respect to efforts provided under this Agreement are subject to the provisions of Article 6-A, "Personal Privacy Protection Law", of the New York State Public Officers Law, as well as all other applicable State and Federal privacy laws (e.g., the Federal Privacy Act, 5 U.S.C. § 552a).

5. Close-out

Subrecipient's obligation to Grantee shall not end until all close-out requirements are completed. Close-out activities and requirements are subject to (1) 24 CFR 85.50 or 84.71, as applicable; (2) 24 CFR 570.509; and (3) applicable HUD Notices. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of assets (including the return of all unused materials, equipment, properly addressing Program Income (as that term is defined in section VI(A)(17)(a) of the HUD Notice 78 Fed. Reg. 14,329, 14,341 (March 5, 2013, as may be amended by HUD)), balances, and accounts receivable

to Grantee), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that Subrecipient has control over CDBG-DR funds, including Program Income.

6. Audits & Inspections

All Subrecipient records with respect to any matters covered by this Agreement shall be made available to Grantee, HUD, and the Comptroller General of the United States, or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by Subrecipient within 30 days after receipt by Subrecipient. Failure of Subrecipient to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments and/or termination. Subrecipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy concerning Subrecipient audits and OMB Circular A-133.

C. Reporting and Payment Procedures

1. Program Income and Other Assets

Subrecipient shall report monthly all Program Income, as defined in section VI(A)(17)(a) of the HUD Notice 78 Fed. Reg. 14,329, 14,341 (March 5, 2013, as may be amended by HUD), generated by activities carried out with CDBG-DR funds made available under this Agreement. All Program Income shall be returned to Grantee, absent written authorization from Grantee to the contrary, in accordance with any procedures established by HUD and Grantee. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not Program Income and shall be remitted promptly to Grantee.

All Program assets, other than Program Income (property, equipment, etc.) shall revert to Grantee upon termination of this Agreement in accordance with applicable Federal, laws, regulations, HUD Notices, policies, and guidelines.

2. Indirect Costs

Indirect costs will not be compensated for under this Agreement.

3. Progress Reports

In addition to deliverables and metrics specifically referenced in Exhibit A, Subrecipient shall submit regular Progress Reports to Grantee in the form, content, and frequency as required by Grantee. At a minimum, Progress Reports shall be submitted no less frequently than as required by (1) 24 CFR Part 85,

Subpart C or 24 CFR Part 84, Subpart C, as applicable; (2) 24 CFR 570.507; and (3) the applicable HUD Notices.

4. Payment Procedures

In accordance with the terms in Section IV above, Grantee will pay to Subrecipient funds available under this Agreement based upon information submitted by Subrecipient, consistent with the Subrecipient Program Description, the Budget, Grantee policy concerning payments, and applicable federal and state law and regulation. In addition, Grantee reserves the right to liquidate funds available under this Agreement for costs incurred by Grantee on behalf of Subrecipient.

5. GOSR Reporting Obligations

The following chart summarizes some of the Subrecipient reporting obligations to GOSR. This chart is not intended to catalogue all of Subrecipient's reporting obligations under this Agreement. Note, some of the below reports require the submission of information related to contractors and subsequent subcontractors, which Subrecipient is responsible for collecting and providing to GOSR as required by the cited provision.

Report	Provision Citation	Frequency
Program Income Report	IX.C.1.	Monthly
Progress Report	IX.C.3.	Quarterly
M/WBE Report	XI.B.2.b.	Quarterly
EEO Report	XI.B.3.c.	Quarterly
Section 3 Report	XI.C.3.d.	Quarterly

D. Sub-granting

1. Approvals

Subrecipient shall not enter into any agreements with any agency or individual to assist in effectuating the activities of this Agreement without the written consent of Grantee prior to the execution of such agreement.

2. Monitoring

In accordance with Federal, State, and local laws, regulations, HUD Notices, program guidelines, and the policies and procedures to be issued by Grantee, Subrecipient will monitor any and all sub-subrecipient² efforts on a regular basis to assure compliance. Results of monitoring efforts shall be summarized in

² As used herein, a "sub-subrecipient" refers to all subrecipients that are lower-tiered than the Subrecipient that is a signatory to this Agreement.

written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance. Information detailing credible evidence of waste, fraud or abuse, shall be immediately reported to Grantee, followed by a written report within ten (10) calendar days.

3. Content

Subrecipient shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any sub-subrecipient agreement executed to effectuate this Agreement.

4. Selection Process

Subrecipient shall undertake to ensure that all sub-subrecipients utilized to effectuate this Agreement shall be awarded on a fair and reasonable basis in accordance with applicable Federal, State, and local laws, regulations, and HUD Notices, including the HUD Reform Act codified at 42 U.S.C. § 3537a (referred to as Section 103). Executed copies of all sub-subrecipient agreements shall be forwarded to Grantee along with documentation concerning the selection process.

E. Procurement/Contracting

1. General

Subrecipient shall not enter into any contract for goods or services with any entity without the written consent of Grantee prior to the execution of such contract. Unless specified otherwise within this Agreement, Subrecipient shall procure all materials, property, equipment, or services in accordance with the requirements of 24 CFR 85.36 or 84.40-48, as applicable, including but not limited to the need to appropriately assess the lease versus purchase alternatives. Only when Grantee's procurement policies are more stringent than those found at 24 CFR 85.36 or 84.40-48, as applicable, will Subrecipient be required to comply with current Grantee policy concerning the acquisition of materials, property, equipment, or services.

2. Supplementary Conditions

Subrecipient shall include Grantee's Supplementary Conditions, attached hereto as Exhibit E, in any contract entered into under this Agreement. Subrecipient shall also require all contractors to flowdown the Grantee's Supplementary Conditions to all subcontractors as well as the requirement to flowdown such terms to all lower-tiered subcontractors. These Supplementary Conditions include required terms for project contracts, HUD General Provisions, Participation by Minority Group Members and Women Requirements and Procedures for Contracts with Housing Trust Fund Corporation, Standard Clauses for Contracts with the Grantee and required diversity forms.

3. Records

Subrecipient shall maintain all records required by the Federal regulations specified in (1) 24 CFR Part 85, Subpart C or 24 CFR Part 84, Subpart C, as applicable; (2) 24 CFR 570.506; and (3) the applicable HUD Notices. Only when Grantee's procurement record retention standards are more stringent than Federal regulation shall Subrecipient maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein.

4. Travel

Travel costs are not allowed unless authorized by Grantee. In the event that Grantee authorizes travel, Subrecipient shall comply with HUD's Travel Regulations (Travel Handbook 2300.2). Subrecipient shall obtain prior written approval from Grantee for any travel to out of service area assignments.

F. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 24 CFR Part 85 or Part 84, as applicable, and 24 CFR Part 570 Subpart J, which include but are not limited to the following:

1. Subrecipient shall transfer to Grantee any CDBG-DR funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.
2. Real property under Subrecipient's control that was acquired or improved, in whole or in part, with funds under this Agreement in excess of \$25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement or such longer period of time as Grantee deems appropriate. If Subrecipient fails to use CDBG-assisted real property in a manner that meets a CDBG National Objective for the prescribed period of time, Subrecipient shall pay Grantee an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payment shall constitute Program Income to Grantee. Subrecipient may retain real property acquired or improved under this Agreement after the expiration of the five-year period or such longer period of time as Grantee deems appropriate.
3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be Program Income (prorated to reflect the extent to that funds received under this Agreement were used to acquire the equipment). Equipment not needed by Subrecipient for activities under this Agreement shall be (a) transferred to Grantee; or (b) retained after compensating

Grantee an amount equal to the current fair market value of the equipment less the percentage of non-CDBG-DR funds used to acquire the equipment.

G. Use of Grant Funds to Make Loans

Grant Funds under this Agreement cannot be used to make loans.

X. RELOCATION, REAL PROPERTY ACQUISITION, AND ONE-FOR-ONE HOUSING REPLACEMENT

To the extent applicable to its performance under this Agreement, and as modified by the HUD Notices, Subrecipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in 24 CFR 570.606(d) governing optional relocation policies. Subrecipient shall provide relocation assistance to displaced persons as defined by 24 CFR 570.606(b)(2) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-DR assisted project. Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions, and policies concerning the displacement of persons from their residences.

XI. PERSONNEL AND PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

Subrecipient agrees to comply with the New York State Human Rights Law and with Title VI of the Civil Rights Act of 1964, as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107, and 12086.

2. Nondiscrimination

Subrecipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCD Act are still applicable.

3. Land Covenants

This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that Grantee and the United States are beneficiaries of, and entitled to enforce, such covenants. To the extent any such sale, lease or other transfer of land shall occur, Subrecipient, in undertaking its obligation to carry out the Program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

Subrecipient agrees to comply with all Federal regulations issued pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against individuals with disabilities or handicaps in any Federally assisted program. Grantee shall provide Subrecipient with certain guidelines for compliance with that portion of the regulations in force during the term of this Agreement.

B. Affirmative Action

1. Approved Plan

Subrecipient agrees that it shall be committed to carry out, pursuant to Grantee's specifications, an Affirmative Action Program in keeping with the principles as provided in Executive Order 11246 of September 24, 1965. Grantee shall provide certain Affirmative Action guidelines to Subrecipient to assist in the formulation of such program. Subrecipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. Minority- and Women-Owned Businesses (M/WBE)

a. Federal Requirements

Subrecipient shall comply with the small and minority firms, women's business enterprise, and labor surplus area requirements as set forth at 24 CFR 85.36 or 84.44, as applicable.

Subrecipient will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises the maximum practicable opportunity to participate in the performance of this Agreement.

As used in this Agreement, the terms “small business” means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and “minority and women’s business enterprise” means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, “minority group members” are African-Americans, Spanish-speaking, Spanish surnamed, or Spanish-heritage Americans, Asian-Americans, and American Indians. Subrecipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

b. HTFC Requirements

Pursuant to New York State Executive Law Article 15-A (“Article 15-A”), HTFC recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and/or women-owned business enterprises (“M/WBEs”) in the performance of HTFC-funded contracts. HTFC values affording M/WBEs the opportunity to participate in the performance of the contract(s) to be awarded for this project. Accordingly, Subrecipient certifies that it has made and will continue to make good-faith efforts to promote and assist the participation of certified M/WBEs through the use of contractors and their subcontractors at all tiers on this project, in an amount equal to fifteen percent (15%) minority-owned business enterprises (“MBE”) and fifteen percent (15%) women-owned business enterprises (“WBE”) of the total dollar value of this project. Notwithstanding the foregoing goals, should the State of New York change such goals, Subrecipient and its contractors and their subcontractors (at all tiers) shall continuously make good-faith efforts to achieve the M/WBE goals in effect at any given time during the performance of this Agreement and their contract(s) respectively. These participation goals are applicable to this Agreement as set forth in Exhibit E, Appendix III and will be monitored by HTFC.

Subrecipient shall require that its contractors and their subcontractors at all tiers comply with the aforementioned M/WBE requirements as set forth in the Participation by Minority Group Members and Women Requirements and Procedures for Contracts with Housing Trust Fund Corporation, attached hereto at Exhibit E, Appendix III. In accordance with those requirements, Subrecipient shall require all covered contractors and their subcontractors at all tiers to submit the required M/WBE documentation, including utilization plans and quarterly reports, to Subrecipient. Subrecipient shall provide quarterly reporting of M/WBE data in a form acceptable to HTFC, with copies of contractor and subcontractor M/WBE documentation as supporting documentation. Notwithstanding the provision of such reports and supporting documentation, Subrecipient, and Subrecipient’s contractors and their subcontractors at all tiers, shall maintain copies of all reports and supporting documents as set forth in this Agreement.

3. Equal Employment Opportunity (“EEO”) and Non-Discrimination

a. Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement

Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

b. Non-Discrimination

Subrecipient shall comply with the provisions of the Human Rights Law, and all other State and Federal statutory and constitutional non-discrimination provisions. Subrecipient shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

c. HTFC Requirements

Pursuant to New York State Executive Law Article 15-A (“Article 15-A”), HTFC recognizes its obligation under the law to promote opportunities for the employment of minority group members and women in the performance of HTFC-funded contracts.

Subrecipient shall require that its contractors and their subcontractors at all tiers comply with the EEO requirements found in the Participation by Minority Group Members and Women Requirements and Procedures for Contracts with Housing Trust Fund Corporation, attached hereto at Exhibit E, Appendix III. In accordance with those requirements, Subrecipient shall require all covered contractors and their subcontractors at all tiers to submit the required documentation, including an EEO policy statement, staffing plan, and quarterly reports to Subrecipient. Subrecipient shall provide quarterly reporting of EEO data in a form acceptable to HTFC, with copies of contractor and subcontractor EEO documentation as supporting documentation. Notwithstanding the provision of such reports and supporting documentation, Subrecipient, and Subrecipient’s contractors and their subcontractors at all tiers, shall maintain copies of all reports and supporting documents as set forth in this Agreement.

4. Access to Records

Subrecipient shall furnish and cause each of its own sub-subrecipients, contractors, and subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by Grantee, HUD or its agent, the Comptroller General of the United States, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations, and provisions stated herein.

5. Contract Provisions

Subrecipient will include the provisions of Paragraphs XI.A., Civil Rights, and B., Affirmative Action, in every subsequent sub-subrecipient agreement, contract, subcontract, or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own sub-subrecipients, contractors, or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.

2. Labor Standards

Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.), and all other applicable Federal, state, and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. Subrecipient agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 et seq.) and its implementing regulations of the U.S. Department of Labor at 29 CFR Part 5. Subrecipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to Grantee for review upon request. Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000.00 for construction, renovation, or repair work financed in whole or in part with assistance provided under this Agreement, shall comply with Federal requirements adopted by Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state

or local law, nothing hereunder is intended to relieve Subrecipient of its obligation, if any, to require payment of the higher wage. Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. “Section 3” Clause

a. Compliance

Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this Agreement, shall be a condition of the Federal financial assistance provided under this Agreement and binding upon Grantee, Subrecipient, and any of Subrecipient’s sub-subrecipients, contractors, and subcontractors. Failure to fulfill these requirements shall subject Grantee, Subrecipient, and any of Subrecipient’s sub-subrecipients, contractors, and subcontractors, as well as their successors and assigns, to those sanctions specified by the agreement through which Federal assistance is provided. Subrecipient certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

Subrecipient further agrees to comply with these “Section 3” requirements and to include the following language in all subsequent sub-subrecipient agreements, contracts, and subcontracts executed under this Agreement:

“The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located.”

Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-DR funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement

of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-DR funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

Subrecipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

b. Notifications

Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Contracts

Subrecipient will include this Section 3 clause in subsequent sub-subrecipient agreements, contracts, and subcontracts, and will take appropriate action, pursuant to any such agreement, upon a finding that a sub-subrecipient, contractor, or subcontractor is in violation of regulations issued by HUD. Subrecipient will not subgrant or contract with any entity where it has notice or knowledge that the entity has been found in violation of regulations under 24 CFR Part 135, and will not let any sub-subrecipient agreement or contract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

d. Reporting

Irrespective of any applicable Federal reporting requirements, Subrecipient shall submit quarterly reports along with any supporting documentation, in a form acceptable to Grantee, of its Section 3 compliance efforts to Grantee. Notwithstanding the provision of such reports and supporting documentation, Subrecipient shall maintain copies of all reports and supporting documents as set forth in this Agreement. A summary of this and certain other reporting obligations is provided at paragraph IX.C.5.

D. Conduct

1. Hatch Act

Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.

2. Conflict of Interest

Subrecipient agrees to abide by the provisions of 24 CFR 85.36 or 84.42-43, as applicable, and 24 CFR 570.611, which include (but are not limited to) the following:

a. It is presumed that Subrecipient is subject to state and local ethic laws and regulations related to the conduct of its officers, employees or agents engaged in the award and administration of this Agreement.

b. In the event Subrecipient is not, Subrecipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of this Agreement. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

c. No covered persons who exercise or have exercised any functions or responsibilities with respect to CDBG-DR assisted activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the CDBG-DR assisted activity, or with respect to the proceeds from the CDBG-DR assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this paragraph, a "covered person" includes any person who is an employee, agent, consultant, officer, or

elected or appointed official of Grantee, Subrecipient, or any designated public agency.

3. Lobbying

Subrecipient hereby certifies that:

a. To the best of its knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, Subrecipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

c. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

d. It has and will comply with Section 139-j and 139-k of the State Finance Law.

e. It will require that the language of paragraphs (a) through (e) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

4. Copyright

If this Agreement results in any copyrightable material or inventions, Grantee and/or HUD reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for governmental purposes. This clause shall survive indefinitely the termination of this Agreement for any reason.

5. Religious Activities

Subrecipient agrees that funds provided under this Agreement will not be utilized for inherently religious activities prohibited by 24 CFR 570.200(j), such as worship, religious instruction, or proselytization.

XII. ENVIRONMENTAL CONDITIONS

A. Environmental Laws

Subrecipient agrees to comply with, and shall retain an independent environmental monitor to document compliance, to the extent applicable, with the following requirements (and their state and/or local counterparts or analogues, if any) insofar as they apply to the performance of this Agreement or the Grantee Program, as any of the following may hereinafter be amended, superseded, replaced, or modified:

- Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951, 3 CFR, 1977 Comp., p. 117, as interpreted at 24 C.F.R. Part 55), and Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961; 3 CFR, 1977 Comp., p. 121);
- Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1451 *et seq.*);
- Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) *et seq.*, and 21 U.S.C. § 349, as amended), and EPA regulations for Sole Source Aquifers (40 C.F.R. Part 149);
- Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*);
- Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. § 1271 *et seq.*);
- Clean Air Act, as amended (42 U.S.C. § 7401 *et seq.*);
- EPA regulations for Determining Conformity of Federal Actions to State or Federal Implementation Plans (40 C.F.R. Parts 6, 51, and 93);
- Farmland Protection Policy Act of 1981 (7 U.S.C. § 4201 *et seq.*), and USDA regulations at 7 C.F.R. Part 658;
- HUD criteria and standards at 24 C.F.R. Part 51;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Feb. 11, 1994 (59 FR 7629, 3 CFR, 1994 Comp. p. 859);

- Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4001-4128);
- National Flood Insurance Reform Act of 1994 (42 U.S.C. § 5154a);
- Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. § 3501);
- Runway Clear Zone regulations (24 C.F.R. Part 51);
- Federal Water Pollution Control Act, as amended (33 U.S.C. § 1251, *et seq.*), 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder;
- Environmental Protection Agency (EPA) regulations at 40 CFR Part 50, as amended;
- HUD regulations at 24 C.F.R. Part 51, Subpart B, and New York State and local laws, regulations, and ordinances related to noise abatement and control, as applicable;
- HUD regulations at 24 C.F.R. Part 51 Subpart C regarding siting of projects near hazardous operations handling conventional fuels or chemicals of an explosive or flammable nature;
- HUD and EPA regulations related to asbestos-containing material and lead-based paint, including but not limited to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (12 NYCRR Part 56), the National Emission Standard for Asbestos (40 C.F.R. § 61.145), the National Emission Standard for Asbestos (40 C.F.R. § 61.150), and 24 C.F.R. Part 35 Subparts B, H, and J; and
- All other applicable Environmental Laws that may exist now or in the future. For the purposes of this section, “Environmental Laws” shall mean any federal, state, provincial or local law (including but not limited to statutes, rules, regulations, ordinances, directives, guidance documents or judicial or administrative interpretation thereof, or any judicial or administrative order, ruling or other such written requirement). Environmental Laws include, without limitation, any action which causes a review or reassessment of the Grantee Program.

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001), Subrecipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and

maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

Subrecipient agrees that any construction or rehabilitation of structures containing residential units with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, Subpart B. Such regulations pertain to all CDBG-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment and/or abatement may be conducted.

D. Historic Preservation

Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR Part 800 and 801, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this agreement, as well as any other applicable laws or regulations relating to historic properties.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

E. Implementation of Mitigation Measures

Subrecipient agrees to comply with and timely implement any and all mitigation measures and other requirements set forth in any environmental reviews, environmental assessments, or environmental impact statements performed or to be performed in connection with, or records of decision or any similar documents, issued or to be issued in connection with, the CDBG-DR Program as may be applicable to this Agreement. It is Subrecipient's responsibility to ensure that it has complete copies of all such documents.

XIII. ASSIGNMENT

Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of Grantee.

XIV. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

XV. SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

XVI. WAIVER

Grantee's failure to act with respect to a breach by Subrecipient does not waive its right to act with respect to subsequent or similar breaches. The failure of Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

XVII. CHOICE OF LAW

This Agreement shall be governed by and construed under the laws of the State of New York without giving effect to its conflict of law principles. Nothing in the Agreement shall preclude either Party from seeking injunctive relief to protect its rights under this Agreement.

The Parties consent to and agree that any and all disputes arising out of or relating in any way to the Agreement shall be subject to the exclusive jurisdiction of the state courts or Federal District Courts of New York. The Parties consent to the jurisdiction of such courts, agree to accept service of process by mail, and waive any jurisdictional or venue defenses otherwise available.

XVIII. COMPLIANCE WITH LAW

It is the intention and understanding of the Parties hereto that each and every provision of law required to be inserted in this Agreement should be and is inserted herein. Furthermore, it is hereby stipulated that every such provision is deemed to be inserted and if, through mistake or otherwise, any such provision is not inserted herein or

is not inserted in correct form, then this Agreement shall forthwith, upon the application of any Party, be amended by such insertion so as to comply strictly with the law and without prejudice to the rights of any Party.

XIX. SUBROGATION

Subrecipient acknowledges that funds provided through this Agreement are Federal funds administered by HUD under the CDBG-DR Program and that all funds provided by this Agreement are subject to audit, disallowance, and repayment. Any disagreement with adverse findings may be challenged and subject to Federal regulation, however, Subrecipient shall promptly return any and all funds to Grantee, which are found to be ineligible, unallowable, unreasonable, a duplication of benefits, or non-compensable, no matter the cause. This clause shall survive indefinitely the termination of this Agreement for any reason.

XX. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement among the Parties for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written among the Parties with respect to this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by a duly authorized representative of the parties.

Housing Trust Fund Corporation

By: _____
Name: Lisa Bova-Hiatt
Title: Interim Executive Director,
Governor's Office of Storm Recovery

City of Rye

By: _____
Name: Joseph A. Sack
Title: Mayor

This contract has been approved by Grantee's Counsel as to form and its Treasurer as to fiscal sufficiency.

EXHIBIT A
Subrecipient Program Description

EXHIBIT B
Budget

EXHIBIT C
Designation of Depository

EXHIBIT D
HUD and Grantee Recognition

Please find below guidelines for recognition of HUD, Housing Trust Fund Corporation (“HTFC”), and the Governor’s Office of Storm Recovery (“GOSR”) (collectively referred to herein as the “Grantee”) in any work done as a result of this subrecipient agreement. Note, any public information and all of the items below must be approved by the Grantee in advance of publication or posting. Note: The following serve as general guidelines, Grantee reserves the right to direct specific reasonable recognition requirements on a case-by-case basis, including by not limited to the size and content, waiver, removal or addition of such recognition.

Written documents:

All written documents must include the following language, unless otherwise specified in writing by the Grantee:

1. “This [program/project] is made possible by a grant from the Housing Trust Fund Corporation, which is funded through Community Development Block Grants from the U.S. Department of Housing and Urban Development.”
2. Written documents should also include the Grantee logo(s) and the name of the Governor.

Internet information and e-mail information:

1. Internet information must include all of the items required for written documentation and a link to the Grantee’s website(s).

Offices open to the public providing services funded by the Grantee:

1. All offices must include a sign including all of the items required for written documentation.

Construction Signs:

1. All construction signs must include a sign including all of the items required for written documentation.
2. All construction signs must also include the name of the project, an expected end date for the project, the name of the subrecipient, and a phone number for the public to call to obtain information about the project. This must be a phone number maintained by the subrecipient or one of its subcontractors.

Completed Projects:

1. All completed projects must include permanent recognition of the Grantee. The subrecipient is required to submit to the Grantee for written approval of the proposed permanent recognition.

EXHIBIT E
Appendices for Contractors and Subcontractors at all Tiers

OFFERED BY:

SECONDED BY:

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE FOLLOWING PROCEDURES AND POLICIES FOR THE CITY OF RYE IN THE PROCUREMENT OF GOODS AND SERVICES NECESSARY FOR THE IMPLEMENTATION OF PROJECTS FUNDED BY THE GOVERNOR’S OFFICE OF STORM RECOVERY OF THE NEW YORK STATE HOUSING TRUST FUND CORPORATION

WHEREAS, in the aftermath of Superstorm Sandy, the United States Congress, through Public Law passed the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013), as amended (the “Act”), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development (“HUD”) for Community Development Block Grant Disaster Recovery (“CDBG-DR”) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared due to Superstorm Sandy and other eligible events, including Hurricane Irene and Tropical Storm Lee, in calendar years 2011, 2012, and 2013 (the “Storms”), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD; and,

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, titled, “*Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received an allocation of CDBG-DR funds from HUD in the amount of \$1,713,960,000; and

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 69,104), entitled *Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received a second allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000; and

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (79 Fed. Reg. 62,183), entitled *Third Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to*

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3/1/2015

Hurricane Sandy (as amended),” the State has received a third allocation of CDBG-DR funds from HUD in the amount of \$639,056,000; and

WHEREAS, the City of Rye has entered into a subrecipient agreement with the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Rye, on behalf of the City of Rye that the City of Rye shall follow these policies and procedures in the procurement of goods and services necessary for the implementation of projects funded by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation:

AVOIDING PROCUREMENT OF UNNECESSARY OR DUPLICATIVE ITEMS OR SERVICES

The director or supervisor of each department or agency of the City of Rye responsible for procurement of services, supplies, equipment, or construction obtained with Federal, State or Local funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the director or supervisor, an analysis should be made of lease versus purchase alternatives and any other analysis to determine the most economical approach.

CODE OF CONDUCT

No employee, officer or agent of the City of Rye shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer or agent involved in making the award;
2. His/her relative including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, half-brother, or sister;
3. His/her partner; or
4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

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3/1/2015

PROCUREMENT AND CONTRACT PROTEST PROCEDURES

Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against solicitations must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to Purchasing Agent or **City Manager**. The Purchasing Agent or **City Manager** may, at his/her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.

DRAFT

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3/1/2015

SAMPLE

**OFFERED BY
SECONDED BY**

RESOLUTION NO. _____

A RESOLUTION TO ADOPT A CITIZEN PARTICIPATION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM.

WHEREAS, the _____ is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor’s Office of Storm Recovery (GOSR) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

WHEREAS, participation in the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program requires the adoption and implementation of a Citizen Participation Plan to comply with Section 508 of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the purpose of this plan is to provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used.

NOW, THEREFORE, BE IT RESOLVED by the _____ that the attached New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Citizen Participation Plan be hereby officially adopted for implementation in the _____ New York State CDBG-DR Program.

This document is a sample adopting resolution and is not intended to be and should not be construed in any way as legal advice by the Governor’s Office of Storm Recovery (GOSR). All sample or template documents provided by GOSR should be reviewed by an attorney prior to adoption.

SAMPLE

**OFFERED BY
SECONDED BY**

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT AN AFFIRMATIVE ACTION PLAN AS REQUIRED
UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-
DISASTER RECOVERY (CDBG-DR) PROGRAM.**

WHEREAS, the _____ is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Governor’s Office of Storm Recovery (GOSR) of the New York State Housing Trust Fund Corporation (HTFC) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

WHEREAS, participation in the New York State CDBG-DR Program requires the adoption and implementation of an Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies; and,

WHEREAS, the purpose of this plan is to prohibit workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

NOW, THEREFORE, BE IT RESOLVED by the _____ that the attached Affirmative Action Plan be hereby officially adopted for implementation in the _____ New York State CDBG-DR Program.

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OFFERED BY:

SECONDED BY:

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE FOLLOWING SECTION 504 POLICIES AND GRIEVANCE PROCEDURES FOR THE _____ [SUBRECIPIENT]

SECTION 504 RESOLUTION/(*INSERT NAME OF SUBRECIPIENT*)

WHEREAS, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

WHEREAS, it is the policy of the (*insert name of subrecipient*) not to discriminate against any individual, person, or group on the basis of disability and the intent of the (*insert Village, Town, or City or name of organization, as appropriate*) to address any complaints that may arise pursuant to Section 504,

NOW, THEREFORE, BE IT RESOLVED that the (*insert name of subrecipient*) does hereby adopt by resolution internal grievance procedures (the "Procedure") providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

BE IT FURTHER RESOLVED, that the (*insert name of subrecipient*) does hereby designate the (*insert TITLE ONLY of appointed Grievance Coordinator, i.e. Village Clerk, Town Supervisor, etc.*) as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

BE IT FINALLY RESOLVED, that the (*insert name of subrecipient*) will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the (*insert Village's, Town's, City's, or the name of the organization, as appropriate*) official newspaper, posting of notices in the (*insert Village's, Town's, City's, or the name of the organization, as appropriate*) offices and facilities, placing notices in (*insert*

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5/11/2015

Village's, Town's, City's, or the name of the organization, as appropriate) publications, and/or distribution of memoranda or other written communications subsequent to adoption of this Procedure, (3) placing copies of the Procedure in the *(insert location of where Procedure can be viewed such as Village Offices, Clerk's Office, City Hall, etc.)* for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the *(insert Village, Town, City, or name of organization, as appropriate)* adopted grievance procedures.

BACKGROUND: Section 504 of the Rehabilitation Act of 1973 (the "Act") as amended prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor's Office of Storm Recovery (GOSR), and under which the *(insert subrecipient's name)* has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

SECTION 504 POLICY/COMPLIANCE: Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the *(insert subrecipient's name here)* not to discriminate on the basis of disability. Towards that end, the *(insert subrecipient's name here)* has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the *(insert location of where policy can be viewed i.e. Village Clerk's Office, Mayor's Office, etc.)*. The *(insert TITLE of Grievance Procedure Coordinator here rather than a person's name, i.e. Town Code Enforcer, City Clerk, etc.)* for the *(insert subrecipient's name here)* has been designated to coordinate the efforts of the *(insert subrecipient's name here)* with respect to Section 504 compliance. This information can also be accessed on the Internet at the following address:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504. The *(insert name of office where coordinator is located i.e. Code Enforcer's office)* is located at *(insert street address and name of subrecipient here)*, New York. The Section 504 Coordinator can be reached at *(insert phone number here including area code)*.

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5/11/2015

GRIEVANCE PROCEDURE: Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the ***(insert Village, Town, City, or name of organization, as appropriate)*** outlined below.

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the ***(insert subrecipient's name here)*** relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the ***(insert Village, Town, City, or name of organization) (Board, Council, etc.)*** within 15 days of receiving the Section 504 Coordinator's decision. The ***(insert Village, Town, City, or name of organization) (Board, Council, etc.)*** shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The ***(insert subrecipient's name here)*** will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the ***(insert subrecipient's name here)*** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

ADOPTED: _____

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5/11/2015

(Name of Subrecipient)
NEW YORK STATE
GOVERNOR'S OFFICE OF STORM RECOVERY (GOSR)
COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM

AFFIRMATIVE ACTION PLAN

The (subrecipient) has adopted the following Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and the program policies of the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Executive Order 11246 prohibits federal contractors and subcontractors from engaging in workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

- 1) The (subrecipient) is committed to equal employment opportunity and as part of its Affirmative Action Plan shall:
 - a) Recruit, hire, upgrade, train, and promote in all job classifications, without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
 - b) Base employment decisions on the principles of equal employment opportunity, and with the intent to further the (subrecipient's) commitment to affirmative action;
 - c) Ensure that all terms and conditions of employment such as compensation, benefits, layoff, return from layoff, training, educational tuition assistance, and social and recreation programs, shall be administered without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
 - d) Ensure that promotion decisions will be made in accordance with the principles of affirmative action by imposing only valid requirements for promotional opportunities;
 - e) Take action to prevent harassment or intimidation of all employees, particularly those encompassed by the (subrecipient's) affirmative action efforts.

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- 2) The (subrecipient) will post the federal EEO Poster in a conspicuous location.
- 3) In all solicitations or advertisements for employment the (subrecipient) shall state that all qualified applicants will receive consideration for employment without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.
- 4) The (subrecipient) will maintain written employment records to demonstrate compliance with Executive Order 11246.
- 5) The (subrecipient) will pursue opportunities to recruit and develop qualified job candidates to avoid employment barriers and to ensure equal opportunity for candidates.
- 6) The (subrecipient's) Affirmative Action Plan will be posted on the Human Resources Office web page at (website address).
- 7) (Title of officer) has been assigned responsibility for the implementation and administration of this Affirmative Action Plan.

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CITY COUNCIL AGENDA

NO. 9

DEPT.: Planning

DATE: September 16, 2015

CONTACT: Christian K. Miller, AICP, City Planner

AGENDA ITEM: Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by amending Section §197-2, "Districts, A: Residence Districts" to change the zoning designation of a property at 120 Old Post Road from the B-4, Office Building, District to a New RA-6, Active Senior Residence, District; and amending Section §197-86, "Tables of Regulations: Table A, Residence Districts – Area Yard, Height and Miscellaneous Regulations" to add the proposed RA-6 zone.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER 197

SECTION 7

RECOMMENDATION: That the City Council hold a Public Hearing to review the Planning Commission's advisory memorandum and the petitioner's amended submission.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council declared themselves Lead Agency under SEQRA at the October 8, 2014 City Council meeting and referred the petition of Old Post Road Associates to the Planning Commission for their review. Old Post Road Associates, LLC, seeks an amendment to the City Zoning Map to change the zoning district designation of an approximately 7.0-acre property located at the intersection of Old Post Road and Playland Access Drive. The request would change the zoning of the property from the B-4, *Office Building*, District to a new zone RA-6, *Active Senior Residence*, District. The petitioner is seeking to construct units of age-restricted housing limited to those individuals over age 55 who are not interested or in need of residing within a retirement community or nursing facility.

See attached Planning Commission advisory memorandum and applicant's amended petition with supporting documents.

JONATHAN D. KRAUT

DIRECT TEL.: 914-701-0800
MAIN FAX: 914-701-0808
JKRAUT@HKPLAW.COM

July 30, 2015
VIA HAND DELIVERY

Mayor Joseph Sack and
Members of the City Council
1051 Boston Post Road
Rye, New York 10580

Re: ***Re-zoning of 120 Old Post Road***

Dear Mayor Sack and Members of the City Council:

As you know, we represent Old Post Road Associates, LLC (the "Petitioner"), in connection with a Petition for Zone Change, Zoning Map Amendment and Amendment to City of Rye Zoning Ordinance (the "Petition") for the above referenced property (the "Subject Property"). We respectfully enclose supplemental materials and information for your review and consideration concerning the Petition as requested at the last City Council meeting.

At the last City Council meeting there were various recommendations of the Planning Commission that were discussed. Attached hereto as Exhibit 1 is a revised version of the Proposed Text Amendments to Chapter 197 reflecting some of those suggested revisions. The changes to the Proposed Text Amendments are as follows:

- §197-8.1.B(4) – included a minimum landscaping buffer of 10 feet on the perimeter of the site
- §197-8.1.B(5) – included a maximum building coverage of thirty-five percent (35%)
- §197-28 – revised the parking requirements to provide a minimum of 1.5 spaces per dwelling unit
- §197-30.E – included a provision allowing for tandem parking for multiple spaces reserved to a single dwelling unit
- Table 2 – revised to include a minimum 50 foot setback for the shortest side yard and rear yard



We have also met with the City Planner and City Engineer to review potential traffic circulation improvements within the immediate vicinity of the Subject Property. While our review of these issues is ongoing, the Petitioner's traffic engineer anticipates being able to present at your upcoming meeting the potential benefits and impacts of the following concepts:

- The introduction of a right-turn only lane on Playland Access Drive onto Old Post Road immediately adjacent to and in front of the Subject Property;
- The utilization of the "emergency access" driveway from the Subject Property onto Old Post Road; and
- The creation of a left-turn onto Playland Parkway from the access ramp heading northbound on Boston Post Road which currently only permits eastbound access onto Playland Parkway and the diversion of traffic destined for I-95 to this entrance and off Old Post Road by way of new signage on northbound Boston Post Road.

At the last Council meeting there was also a question raised by a member of the public considering other alternative uses of the Subject Property and a potential subdivision with conventional single-family homes. If the Council were to consider re-zoning the Subject Property to a single-family zoning district the most logical zone would be the R-2 District which abuts the Subject Property to the south and east. The R-2 zoning district requires a minimum lot size of ½ acre; therefore, under a subdivision of the Subject Property there could potentially be 14 new single family residences. The Petitioner has not analyzed the impacts of such development as that is not the Petitioner's desired objective in the instant Petition and we do not believe the Council would find such a use desirable. We believe the contemplated use for multi-family age restricted housing is a more appropriate transition between the single-family residential development to the east to the office use to the west and multi-family / assisted living use of the Osborn to the south.

Finally, as requested by the City Council, the Petitioner has engaged a site contractor and geotechnical engineer to perform some preliminary subsurface investigations in order to understand the extent of the anticipated rock removal in order to construct the project. We do not yet have test results but will continue to provide that information to your Council upon completion of the testing.

HKP

We look forward to presenting this information to the City Council and addressing any comments or questions of the Council or the public. Thank you for your attention to this matter.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By: Jonathan D. Kraut/lp
Jonathan D. Kraut

PROPOSED TEXT AMENDMENTS TO CHAPTER 197 OF RYE CITY CODE

§ 197-2 Districts

RA-6 Active Senior Residence District – Minimum area per family 2,000 square feet

§ 197-8.1 Active Senior Residence District Regulations

A. Limitations on Occupancy.

- (1) The occupancy of residential units within the Active Senior Residence Zone shall be limited to:
 - a) A single person 55 years of age or older;
 - b) Two or three persons, all of whom are 55 years of age or older;
 - c) A married couple, live-in companion, or partner, one of which is 55 years of age or older;
 - d) The surviving spouse of a person 55 years of age or older, provided that the surviving spouse was duly registered as a resident of the development at the time of the elderly person's death;
 - e) One adult 18 years of age or older residing with a person who is 55 years of age or older, provided that said adult is essential to the long-term care of the elderly person as certified by a physician duly licensed in New York State
- (2) Persons under the age of 55 not specifically permitted to be occupants shall not be permitted to be permanent residents of dwelling units. For the purposes of this section, a "permanent resident" shall mean any person who resides within the dwelling for more than three consecutive weeks or in excess of 30 days in any calendar year, or has listed the residence as an abode for any purpose whatsoever, including, but not limited to, enrollment in public or private schools. Temporary occupancy by guests of families shall be permitted, provided that such occupancy does not exceed a total of 30 days in any calendar year.
- (3) Notwithstanding the foregoing, one dwelling unit within the community may be set aside to be occupied by a superintendent or building manager, to which the limitations on occupancy set forth above shall not apply.
- (4) The limitations on occupancy shall be included in the marketing materials for the development as well as within the rules and regulations or terms of any

leases, by-laws or covenants and restrictions for the development. Violations of the limitations on occupancy shall be enforceable by the City of Rye Building Inspector against the owner or lessee or the agent of any of them and shall be punishable by a fine of \$250 per day or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Exceptions to these regulations shall be granted if any limitations are determined to be in violation of any State or Federal law.

- (5) The Planning Commission shall have the right to require that the owner execute agreements and covenants as it may deem to be required during any site plan approval process as it may reasonably deem to be required to ensure compliance with the stated intent of this section. Said agreements or covenants shall be recorded in the office of the Westchester County Clerk and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council.

B. Site Development

- (1) At least eighty percent (80%) of the required parking for the development shall be provided in a covered parking structure within the basement level of the principal structure(s).
- (2) For any corner lot abutting Boston Post Road or Old Post Road, the front lot line of the lot shall be Boston Post Road or Old Post Road for purposes of the applicable front yard setback irrespective of building arrangement. The provisions of § 197-52 shall not apply to properties in the RA-6 zone.
- (3) The provisions of § 197-8.A & C shall not apply to properties in the RA-6 zone.
- (4) A landscaping buffer a minimum of ten (10) feet wide shall be required to be provided around the perimeter of the site.
- (5) A maximum building coverage of thirty-five percent (35%) shall be permitted.

§ 197-28 Schedule of Off-Street Parking Requirements

A. Schedule of parking requirements. Off-street automobile parking facilities shall be provided as follows:

Number of Spaces per Unit (by Parking District)				Unit of Measurement and Conditions
Use	A	B	C	
Apartments for active seniors located in RA-6 Districts	1.5	1.5	1.5	Dwelling unit

§ 197-30 Layout and Location of Off-Street Parking Facilities

D. In RA-1, RA-2, RA-3, RA-4, RA-5 and RA-6 Districts, no off-street parking facility accessory to apartments or office buildings shall be developed within five feet of any lot line. Required off-street parking facilities accessory to other main uses shall conform to the provisions of Subsection C above.

E. Subject to the discretion of the Planning Commission during site plan review, in the RA-6 District tandem parking arrangements may be utilized for multiple spaces reserved to a single dwelling unit.

§ 197-44 Minimum Residential Floor Area

E. For dwelling units in apartments or other buildings containing three or more dwelling units in an RA-6 District, the minimum amount of residential floor area in each unit shall be 750 square feet for one bedroom units, 900 square feet for two bedroom units and 1,100 square feet for three bedroom units. Additionally, three-bedroom units must be equipped with at least 1 ½ bathrooms.

§ 197-86 Tables of Regulations

**TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS – USE REGULATIONS**

Column 1

Permitted Main Uses

RA-6 Districts

- (1) Apartments for active seniors. A detached residence for three or more families or housekeeping units, or a group of buildings housing three or more families on one lot, subject to the requirements of § 197-7 and § 197-8.1.

**TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS – USE REGULATIONS**

Column 2

**Uses Permitted Subject to Additional
Standards and Requirements**

(Subject to the requirements and provisions of §197-10)

RA-6 Districts

(Reserved)

**TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS – USE REGULATIONS**

Column 3

Permitted Accessory Uses

(Subject to the requirements and provisions of §197-9)

RA-6 Districts

- (1) Off-street parking facilities, subject to the requirements and provisions of § 197-8.1.
- (2) Other accessory uses or structures customarily incidental to any permitted main use, including active and passive recreational facilities (i.e. fitness center, pool, library, media room, storage areas, etc.) for the use of the residents of the principle structure. Outside storage on land of boats and boat trailers is prohibited.

- (3) The filming of movies, commercials, documentaries, serials, shows, performances or other similar events and activities, including still photography, as regulated in RA-4 Districts.

Table No. 2. Existing and Proposed Multi-Family Zoning Districts & Bulk Regulations

4 District	Use	5 Maximum Ratio of Floor Area to Lot Area ⁽ⁱ⁾	6 Minimum Size of Lot (AC or SF) per a. Family or Equiv. ^(a) or b. Nonresidential Use	7 Minimum Width (feet) [See § 197-36]	8 Minimum Yard Dimensions (feet)				12 Specified Distance (feet) as required in Column 2 (Uses)	13 Maximum Height		15 One-Story Accessory Structures	
					8 Front ^(b)	9 One Side ^{(b)(c)}	10 Total of Two Side Yards	11 Rear ^(b)		13 (stories)	14 (feet)	15 Maximum Coverage of Rear Yard	16 Minimum Distance to Side Line (feet)
RA-1	Single-family house	0.40	5,000	50	25	8	20	30	40	2.5	35	30%	5
	Two-family house	0.40	5,000	60	25	8	20	30	--	2.5	35	30%	5
	Apartment house	0.40	5,000 ^(c)	100	70	50	100	50	--	2.5	35	30%	10
RA-2	Single-family house	0.45	5,000	50	25	8	20	50	30	2.5	35	30%	5
	Two-family house	0.45	3,500	60	25	8	20	50	--	2.5	35	30%	5
	Apartment house	0.45	3,500 ^(c)	100	25	20	50	40	--	2.5	35	30%	10
RA-3	Single-family house	0.50	5,000	50	25	8	20	30	20	2.5	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	--	2.5	35	35%	5
	Apartment house	0.50	2,500 ^(c)	80	25	20	40	40	--	2.5	40	35%	10
RA-4	Single-family house	0.50	5,000	50	25	8	20	30	--	2.5	35	35%	5
	Two-family house	0.50	3,000	60	25	8	20	30	--	2.5	35	35%	5
	Apartment house	0.50	2,500 ^(c)	80	25	20 ^(d)	40 ^(d)	40 ^(d)	--	2.5 ^(f)	35 ^(f)	35%	10
RA-5	Apartments for senior citizens and handicapped persons	1.00	1 AC	80	25		40	40	--	4	50	35%	10
RA-6	Apartments for active senior citizens	0.8	2,000	400	100	50	100	50	--	4	45	35%	10

- (a) Equivalent to one (1) family in computing minimum lot sizes:
 - [1] Hotels and lodging houses, each two (2) guest sleeping rooms.
 - [2] Hospitals and similar institutions, each two (2) hospital beds.
 - [3] Medical offices, each two (2) doctors plus three (3) other employees.
 - [4] Other nonresidential main uses not specifically provided for in this Table of Regulations or elsewhere in Chapter 197, each one thousand five hundred (1,500) square feet of floor space
- (b) [1] Wherever a required yard abuts a street less than fifty (50) feet in width, the minimum yard dimension(s) shall be measured from a line of twenty-five (25) feet from parallel to the center line of said street.
 - [2] No building shall be nearer than one hundred (100) feet to center line of Post Road between Mamaroneck town line and Central Avenue.
- (c) For corner lots, corner side yards at least one fifth (1/5) of the lot width at the location of the building, but need not be more than front yard minimum, except as provided in § 197-62. Permitted nonresidential main uses shall have minimum side yard one and one half (1 1/2) times width specified for a single-family house (See § 197-52).
- (d) Twenty-five (25) feet for any side yard containing a driveway serving more than six (6) parking spaces. For a one-, two-, or three-family structure existing on effective date of Chapter 197 (August 9, 1956) and proposed for conversion for up to four (4) families, the Board of Appeals may reduce side yard requirement to eight (8) feet. For side yard requirements for other apartments, see See § 197-54. For spacing between buildings on the same lot, see § 197-70. For the rear and side yards of apartment houses adjoining the right-of-way of a railroad, a parkway or a limited access highway, see § 197-64.
- (e) For usable open space requirement, see § 197-68
- (f) For buildings in variable height apartment groups (a use permitted in RA-4 Districts subject to additional standards and requirements), see § 197-13. [g,h,i omitted]
- (j) See § 197-43.1 for floor area ratio reductions for single-family residences on oversized properties in one-family districts.

Robert P. Astorino
County Executive

County Planning Board

June 29, 2015

Christian K. Miller, City Planner
Rye City Planning Department
1051 Boston Post Road
Rye, NY 10580

Subject: **Referral File No. RYC 15 – 001 – Old Post Road Associates, LLC**
Petition for Zoning Text and Map Amendments

Dear Mr. Miller:

The Westchester County Planning Board has received a copy of a petition to amend the text of the City's Zoning Ordinance and to amend the City's Zoning Map so as to allow the redevelopment of an existing office site with a new age-restricted (age 55 and over) apartment building containing 135 one- and two-bedroom units and parking for 240 vehicles.

The 7.0-acre site is located at 120 Old Post Road (County Road 73) with additional frontage along the Playland Parkway Access Drive (County Road 147). The site is currently zoned B-4 and is developed with an office building, described as underutilized. The applicants are petitioning the City to create a new RA-6 Active Senior Residence District and to rezone the subject site to RA-6. If successful, the applicant would then seek site plan approval to develop the proposed apartment building under the new zoning. The site was previously proposed for redevelopment with a hotel.

Because the referred material does not include a site plan, we reserve comment on the potential development under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code until plans are prepared and referred. We are able to offer the following preliminary comments:

1. **Affirmatively furthering fair housing**. The proposed zoning text amendment does not include provisions that would affirmatively further fair housing (AFFH) in the new RA-6 district. We recommend that this be added to ensure that no less than 10% of the total number of units developed would be set aside as affordable AFFH units. We also recommend that the affordable AFFH units be made available to people of all ages.

We note that the City of Rye has not adopted the County's *Model Ordinance Provisions* with respect to affordable AFFH. We encourage the City adopt these provisions to ensure that affordable AFFH units are constructed city-wide as part of all proposed developments.

2. Occupancy restrictions. The proposed RA-6 district regulations contain occupancy restrictions that go beyond the usual requirement that one resident in each housing unit be 55 years of age or older. The proposed regulations specify that all persons living in a dwelling unit be 55 years of age or older unless they are married to or are a “live-in companion, or partner” of someone who is 55 or older. Further, the proposed regulations state that any other resident younger than 55 must be at least 18 years of age and have a certification from a physician stating that “said adult is essential to the long-term care of the elderly person.” The proposed zoning text also establishes fines and jail time for persons who violate these occupancy rules.

We suggest that the City exercise caution in adopting regulations that are more restrictive than those typically used for senior housing developments. We are unaware of any zoning regulations in place in the county that have restrictions and penalties similar to what is proposed by this applicant.

3. County road. Old Post Road (CR 73) and the Playland Parkway Access Drive (CR 147) are County roads. Because the site contains frontage on each of these roads, approval for work related to or with an impact on these roads will be required from the Westchester County Department of Public Works and Transportation (WCDPW&T) under Section 239 F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. All driveways must be designed in accordance with current County, State and AASHTO standards.

Please note that WCDPW&T must be listed as an Involved Agency pursuant to SEQR.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:

By:



Edward Buroughs, AICP
Commissioner

EEB/LH

cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation

Nick Everett, Chairman
Martha Monserrate, Vice Chair
Andy Ball
Laura Brett
Barbara Cummings
Hugh Greechan
Alfred Vitiello



Planning Department
1051 Boston Post Road
Rye, New York 10580
Tel: (914) 967-7167
Fax: (914) 967-7185
www.ryeny.gov

CITY OF RYE Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission

Date: May 5, 2015

Subject: **Advisory Recommendation Regarding a Petition from Old Post Road Associates, LLC to amend the City Zoning Code and Zoning Map to Change the Zoning Designation of a property at 120 Old Post Road from the B-4, Office Building, District to a New RA-6, Active Senior Residence, District.**

As requested, this memorandum provides a recommendation to the Rye City Council regarding the above-referenced matter.

Background

Last fall the applicant submitted to the City Council a petition to change the zoning district of a 7-acre property currently zoned B-4, *Office Building*, District at 120 Old Post Road to a new RA-6, *Active Senior Residence*, District. The petitioner submitted the zoning request in order to advance the construction of a 135-unit age restricted multi-family community. Consistent with City practice, the petition was referred to the Planning Commission for its advisory recommendation. The City Council also declared its intent to be Lead Agency for the environmental review of the application.

At five public meetings since February the Planning Commission has reviewed the petitioner's request and requested supplemental information. All information submitted to the Commission will be repacked into one complete submission to the City Council upon receipt of this memorandum. This memorandum was unanimously adopted by the Planning Commission at its May 5, 2015 meeting.

Existing Permitted and Proposed Uses

The Commission supports the proposed age-restricted multi-family use based on current and anticipated office market trends, land use compatibility considerations and the balance of potential positive and negative impacts

Market Trends

The market analysis provided by the petitioner appears to support that there is demand for the age-restricted multi-family housing within the area. The analysis also affirms long-term historic and future challenges to office use.

The existing office building on the property has struggled to find tenants and has remained vacant for many years. The building age and configuration makes it difficult to re-adapt for multi-tenant users, which is how many former single-tenant buildings have been successful in reducing vacancy rates. While it appears that the office vacancy is relatively low in Rye, area market analysis suggests that office buildings continue their multi-year trend of high vacancy rates and flat or declining rents. There does not appear to be any demographic or economic factor on the horizon to reverse this downward trend. There is little new office construction in the region and other area communities such as Rye Brook and Harrison have amended their zoning codes to allow the reprogramming of existing or approved office space to other uses including multi-family residential, retail and private recreational uses. Age-restricted housing serves the growing needs of the aging baby boom generation, which is consistent with regional and national demographic trends.

The Commission notes that petitioner's characterization that the units would serve a "luxury" market (which is a relative term) cannot be guaranteed because zoning cannot legislate minimum rents or housing values. Actual rents could be higher or lower and housing tenure (i.e. rental vs. ownership) could also change and cannot be legislated in a zoning district.

Land Use Compatibility

The proposed age-restricted multi-family use is not incompatible with surrounding office, medical, institutional and single-family uses. The proposed zoning would create more opportunity for the creation of age-restricted housing and would add to the existing or approved 140 units of senior affordable housing in the nearby RA-5 Districts on Theall Road and Theodore Fremd Avenue. Land use compatibility concerns could be further alleviated by amending the proposed RA-6 District to include some or all of the Planning Commission's recommendations under the *Bulk and Density* section of this memorandum.

Advisory Recommendation Proposed RA-6, Active Senior Residence, District

May 5, 2015

Page 3 of 7

In consideration of the petitioner's request, the City Council should contemplate whether other properties in the area may seek similar requests and whether a change in land use or amenities (such as improvements in the pedestrian network) may be necessary to support the growth in age-restricted housing within the area.

Consideration of Impacts

Potentially beneficial and detrimental impacts of the proposed use must be compared to those associated with the continuation of the existing office building. Office may have lower taxes than other uses, but it also generates relatively low municipal costs and no school-age children costs. On a per square-foot basis office generates higher traffic than the proposed use. Office generates less water, sewer and most other utility use than the proposed use. Office provides Rye residents with the potential to work in the City they reside in, but the proposed use offers an expansion of housing opportunities that the City may desire. The City Council needs to consider a comparison of these and other impacts associated with the maximum permitted development under existing and proposed zoning as it conducts its environmental review as Lead Agency under the State Environmental Quality Review (SEQR).

School-age Children

Age-restricted housing has no direct impact on school-age children costs and would likely provide an overall fiscal benefit to the City, County and School District budgets. The petitioner has provided a fiscal impact analysis in its submission. Much is noted that the age-restriction required by proposed zoning will not result in any direct impacts on school district costs because there will be no generation of school-age children.

The City should expect, however that there may be an indirect impact of the proposed development on school age generation based on the statements of need represented by the petitioner and its market study. Those indirect costs will be borne as Rye residents housing choices are expanded, which may induce movement in the housing migration cycle. Those households residing in existing single-family homes over age 55 and without children will have the opportunity to move to the petitioner's proposed development within the Rye community, which may be better suited to their housing needs. This type of housing choice is fairly limited in the City. As those single-family "empty nester" homes are sold they may go to households with children. Studies by the Rye City School District show that sellers of single-family homes typically have fewer children than buyers. Though challenging to quantify, this indirect impact on school-age children generation should be considered.

Advisory Recommendation Proposed RA-6, *Active Senior Residence*, District

May 5, 2015

Page 4 of 7

It is acknowledged that this housing migration could occur independent of whether the petition is approved. For instance, if a similar housing product is offered in another nearby community this too could induce the sale of empty nester single-family homes in the City.

Fiscal Impact

The existing B-4 District on a 7.01-acre property is very limited in terms of the types and range of permitted uses that are both economically feasible for a property owner and fiscally beneficial to municipal and school district tax revenue. Other permitted uses available on this property include *public recreational uses, public uses, nursery schools (not to exceed 30 children), agricultural uses, railroad passenger station and electric substations, religious uses, and residential care facility uses (limited to care of 10 or fewer disabled persons or persons in need of supervision or juvenile delinquents)*. Given these use restrictions of the existing zoning it's not surprising that the property owner is seeking changes from the City Council to amend the City Zoning Code.

The existing office building is vacant and therefore does not put significant demands on municipal or school district services. However, the vacancy position of the building has resulted in the property owner's successful reduction in property tax. This contributes to a destabilizing tax assessment position and when reductions are successfully secured it requires other tax payers, new revenue sources or service modifications to compensate for lost revenue. Continued vacancy of the office building may result in further future tax reductions.

The existing property pays approximately \$21,500 in City tax and \$80,300 in Rye City School District tax. The RA-6 District offers an opportunity to increase tax revenue and greater tax assessment stability. The petitioner has estimated that the age-restricted rental multi-family project currently under consideration could generate almost \$98,000 in City tax and \$365,000 in Rye City School District tax. The City Council should discuss the potential tax generation on this property and what restrictions might be implemented to prevent or limit future tax certioraris.

Traffic

Full development under the proposed zoning would generate less peak hour traffic than full office development permitted by existing Zoning.

Vehicle delays and traffic volumes can be high on some area roadways and intersections. Level of service is particularly poor at the Old Post Road/Playland Parkway Access Drive intersections. Interestingly, peak-hour vehicle trips and delays are generally less today than were shown in traffic studies conducted in 2009 and 2013. Certain turning movements have seen increases, which may be

Advisory Recommendation Proposed RA-6, Active Senior Residence, District

May 5, 2015

Page 5 of 7

reduced with potential turning movement restrictions. A traffic signal at congested intersections does not appear to meet the required warrant analysis. There may be opportunities to make traffic improvements to address existing or anticipated traffic challenges.

Bulk and Density

The Commission notes concerns with the increase in overall development density of the proposed zoning as compared to the existing zoning. The proposed zoning would provide for a 166% increase in permitted floor area on the 7.01-acre property. It would also allow for a multi-family development density of 21.78 units per acre. The petitioner has provided a comparison of the unit density of the proposed zoning to other multi-family buildings in the City and similar age-restricted housing in the area. In that analysis they note that Rye Manor on Theall Road has 53 units per acre, Highland Hall has 83 units per acre and Blind Brook Lodge has 51 units per acre. The recently approved 41 units of senior housing at 150 North Street/Theodore Fremd Avenue has 19.8 units per acre. The Commission is sensitive to concerns regarding the proposed bulk and scale of future development under the proposed district. To address these concerns the Commission recommends at a minimum the following adjustments in the proposed RA-6 District standards (see summary in Table 1 attached hereto).

Building/Lot Coverage

The existing B-4 District limits building coverage to 15%. There is no maximum lot coverage in the B-4 District so all at-grade parking is not included in the calculation. The Petitioner represents that the existing total impervious coverage on the property is 44%. Under the proposed RA-6 District there would be no building or lot coverage standard, but there would be a requirement that 80% of all required parking be located below grade in the basement. The Commission supports this requirement since it will reduce the overall lot coverage on the property. If a building coverage standard is desired by the City Council the applicant's current plan requires a building coverage of approximately 35%, which *includes* the portion of the court-yard building with basement parking.

Setbacks

The existing B-4 District requires a minimum building setback of 100 feet from all front, side and rear property lines. The proposed RA-6 District would reduce proposed building setbacks to as little as 25 feet for the rear yard and 40 feet for the side yard and the front yard along Playland Parkway Access Drive. Building height in both the existing and proposed districts would be 45 feet, however there would be a notable increase in overall development potential and an allowance for four stories (within 45 feet) rather than three stories in the B-4 District. Given these bulk increases the Commission recommends that no setback be less than

Advisory Recommendation Proposed RA-6, Active Senior Residence, District

May 5, 2015

Page 6 of 7

50 feet and that perimeter landscape screening requirements be added to the proposed RA-6 District.

Bedroom Mix and Parking

The Commission recommends that the parking standard be increased from 1.25 spaces per unit rather than 1.5 spaces per unit and that development be limited to one- and two-bedroom units. A higher parking standard is necessary because it is likely that future development have assigned parking spaces, which means sharing of parking is not possible. Giving the nature of the use the Commission would not object to amending the proposed RA-6 District to allow tandem parking.

Attached hereto is a table that summarizes the Planning Commission's recommendations to assist the City Council's continued review of this matter.

Summary of Planning Commission Recommendations

Proposed RA-6, Active Senior Residence, District

Zoning Standard	Existing B-4 Office District*	Proposed RA-6 District**	Summary of Planning Comments and Recommendations
Permitted Use	Office	Age-Restricted Multi-Family	<i>Proposed use is acceptable.</i>
Max. Floor Area Ratio	0.3 (or 91,257 s.f.)	0.8 (or 243,936 s.f.)	<i>Represents a 166% increase in maximum permitted development potential, however proposed use would be residential rather than existing office development and is considered acceptable if other recommendations provided below are implemented.</i>
Max. Building Coverage	15%	No max.	<i>A maximum building coverage standard of 35% would meet the project needs of the petitioner. Commission supports the proposed requirement that 80% of required parking be within a basement to reduce overall site coverage.</i>
Min. Lot Area	7 Acre	0	<i>No minimum lot area is proposed however a 2,000 square foot minimum lot area per unit (or 21.78 units per acre) is proposed, which could yield a maximum of 152 units on the property. Planning Commission recommends limiting the unit type to one- and two-bedroom units only.</i>
Min. Lot Width	400 feet	400 feet	
Front Yard Setback	100 feet	100/40 feet	<i>The front yard setback would only apply to the Post Road frontage. The setback from Playland Parkway Access Drive would be considered a side yard setback. The Commission recommends that this setback be increased to not less than 50 feet.</i>
One Side Setback	100 feet	40 feet	<i>Planning Commission recommends that this setback be increased to not less than 50 feet.</i>
Total of Two Yards	200 feet	100 feet	<i>Due to proposed reduction in setbacks and increase in permitted floor area the Planning Commission recommends a new landscape buffer standard.</i>
Rear Yard Setback	100 feet	25 feet	<i>Planning Commission recommends that this setback be increased to not less than 50 feet.</i>
Max. Stories	3	4	<i>Proposed standard is acceptable.</i>
Max. Building Height	45 feet	45 feet	<i>Proposed standard is acceptable.</i>
Required Parking	7 spaces per 10 persons employed at one time.	1.25 spaces/unit	<i>Planning Commission recommends a minimum parking requirement of 1.50 spaces per unit provided that unit type is limited to one- and two-bedroom units only. Tandem parking for residential units should also be allowed.</i>
Min. Floor Area per Unit	N/A	1-BR: 750 s.f. 2-BR: 900 s.f. 3-BR: 1,100 s.f.	<i>Planning Commission finds proposed standard acceptable noting that it meets or exceeds standards for multi-family units in the Zoning Code. Three bedrooms are not recommended.</i>

*Based on setback requirements for office buildings. Other uses permitted in the B-4 District generally have lesser standards and requirements.

** Based on standards included in applicant's March 4, 2015 submission.

Proposed Re-zoning of 120 Old Post Road

Table of Contents

- Ex. 1: Executive Summary Letter prepared by Harfenist Kraut & Perlstein
- Ex. 2: Petition of Old Post Road Associates and Proposed Amended Text of Chapter 197: Zoning
- Ex. 3: Zoning, Land Use and Fiscal Impacts Memorandum prepared by Divney Tung Schwalbe
 - Figures:
 - No. 1: Illustrative Site Plan
 - No. 2: Area Zoning Map
 - No. 3: Existing Zone (B-4) Maximum Build Out
 - No. 4: Proposed Zone (RA-6) Maximum Build Out
 - No. 5: Site Development Analysis – Impervious Conditions
 - No. 6: Building Height Diagram
 - No. 7: Site Section Diagram
 - No. 8: Site Section Diagram – Proposed Building
 - No. 9: Surface parking Alternative
 - No. 10: Area Land Use Map
 - No. 11: Conceptual Rendering – Playland Access Drive
 - No. 12: Conceptual Rendering – Old Post Road
 - No. 13: Conceptual Rendering – Interior Courtyard
- Ex. 4: Full Environmental Assessment Form

- Ex. 5: Westchester County Office Market: Summary Data prepared by Goman & York Property Advisors, LLC
- Ex. 6: Rye Office Market Analysis: 120 Old Post Road prepared by Goman & York Property Advisors, LLC
- Ex. 7: Market Feasibility Analysis of the Rye, NY Market for Active Adult (55+) Housing prepared by Goman & York Property Advisors, LLC
- Ex. 8: Proposed Property Tax Exposure Report prepared by McCarthy Appraisal / Consulting Svc. Inc.
- Ex. 9: Traffic Access & Impact Study prepared by Frederick P. Clark Associates, Inc.

JONATHAN D. KRAUT

DIRECT TEL.: 914-701-0800
MAIN FAX: 914-701-0808
JKRAUT@HKPLAW.COM

June 3, 2015

VIA HAND DELIVERY

Mayor Joseph Sack and
Members of the City Council
1051 Boston Post Road
Rye, New York 10580

Re: ***Re-zoning of 120 Old Post Road***

Dear Mayor Sack and Members of the City Council:

We represent Old Post Road Associates, LLC (the "Petitioner"), in connection with a Petition for Zone Change, Zoning Map Amendment and Amendment to City of Rye Zoning Ordinance (the "Petition") in connection with the above referenced property (the "Subject Property"). The Petition was referred by you to the Planning Commission for a report and recommendation. The Petition contemplates creating a new zoning district within the City of Rye and re-zoning the Subject Property to an age-restricted (55+) multifamily housing zone (the "Project"). The Petitioner went through a series of meetings with the Planning Commission spanning several months and we understand the Planning Commission has issued a positive report and recommendation concerning the proposed zone change and proposed use of the Subject Property.

As the City Council may recall, the Subject Property is currently improved with a near fully vacant office building. The Petitioner has previously proposed repurposing the Subject Property with a hotel, which was met with large opposition by members of the community. After careful review of market conditions, the Petitioner believes the Project will provide a desirable housing alternative and product that is not currently available within the City of Rye. (See Market Feasibility Analysis attached hereto as Exhibit 7). Specifically, the Project contemplates the development of the Subject Property with an age-restricted luxury residential community for active adults.

The Project would also benefit the City of Rye as a whole by providing a housing alternative for those individuals 55 years and older who are not interested or in need of residing within a retirement community or nursing facility while not causing any increased burden on the expenses of the City of Rye School District due to the age-restricted residency requirements.

HKP

Simultaneously, if approved, the proposed real estate development would have a very beneficial impact on the property's market tax assessment – which has steadily decreased over the past years due to the erosion in market value of office use generally and the Subject Property specifically. (See Westchester County Office Market Report and Rye Office Market Analysis attached hereto as Exhibits 5 & 6). As set forth in the proposed fiscal impacts information attached hereto, the Project is anticipated to generate a significant increase in property taxes, without any burden on the School District due to the age restriction prohibiting occupancy by any school age children and a de minimis demand for other public services over the current use (See Proposed Property Tax Exposure attached hereto as Exhibit 8).

In addition, as further set forth in the attached reports, the Project would not have any significant adverse environmental or traffic impacts. As is described Traffic Impact and Impact Study, prepared by Frederick P. Clark Associates, Inc. (Exhibit 9), the Project “will result in a significant reduction in site traffic, with a decrease of 82 and 70 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively.” Moreover, as detailed in the Zoning, Land Use and Fiscal Impacts Memorandum prepared by Divney Tung Schwalbe, the Project will reduce impervious surfaces on the site by over 10%.

The Proposed Text Amendments have been modified slightly since the Petition was first submitted to the City Council reflecting some comments and clarifications requested by the Planning Commission. The Petitioner has included a requirement that at least eighty percent (80%) of the required off-street parking be provided in a covered parking structure within the basement of the proposed structure(s). The Proposed Text Amendments also include a maximum density of 2,000 square feet per unit. The Zoning, Land Use and Fiscal Impacts Memorandum (Exhibit 3) contains a density analysis and references other multi-family developments within the City of Rye as well as more recent projects in other municipalities for comparison.

In sum, we believe the proposed zoning change to permit a multi-family development is much more harmonious with the neighborhood than the existing office use, serving as a transition from the single family neighborhood on one side to the office districts on the other. We look forward to presenting this information to the City Council and addressing any comments or questions of the Council or the public. Thank you for your attention to this matter.

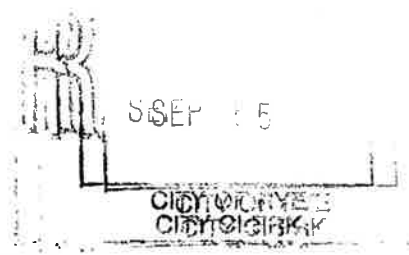
Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By:


Jonathan D. Kraut

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



In the Matter of the Application of
OLD POST ROAD ASSOCIATES, LLC

**PETITION
FOR ZONE CHANGE,
ZONING MAP
AMENDMENT, AND
AMENDMENT TO
CITY OF RYE ZONING
ORDINANCE**

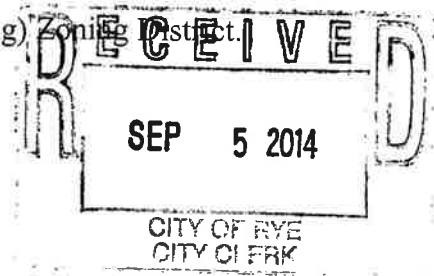
PROPERTY LOCATION:
120 Old Post Road, Rye, New York
Sheet 146.13, Block 1, Lot 7
-----X

Petitioner, OLD POST ROAD ASSOCIATES, LLC, by its attorneys, Harfenist Kraut & Perlstein, LLP, hereby petitions the City Council of the City of Rye for a zone change, a zoning map amendment and an amendment to the City of Rye Zoning Ordinance as follows:

1. Old Post Road Associates, LLC, (hereinafter "Petitioner"), with an address at 120 Old Post Road, Rye, New York 10580, is a Limited Liability Company duly formed and existing under the laws of the State of New York.

SUBJECT PROPERTY

2. The Petitioner is the owner of the subject premises located at 120 Old Post Road, as further set forth in the caption of this Petition (hereinafter the "Property").
3. The Property is a single parcel of approximately 7.0 acres located at the intersection of Old Post Road and Playland Access Drive which is known and designated on the Tax Assessment Map of the City of Rye as Sheet 146.13, Block 1, Lot 7.
4. The Property currently lies wholly within the B-4 (Office Building) Zoning District.



5. The Property is currently improved with a three story office building and related parking infrastructure.
6. The Property has the following uses adjacent to its boundaries: i) the Osborn senior living facility is immediately adjacent to the southwest; ii) single family residences in the R-2 zone are located to the southeast across Old Post Road; iii) Playland Parkway to the northeast; and iv) the WestMed Medical Group facility is located to the northwest.

ZONE CHANGE, ZONING MAP AMENDMENT AND
AMENDMENT TO ZONING ORDINANCE

7. The Petitioner requests a change in the zoning of the Property, including a zoning map amendment and zoning ordinance text amendment of the Zoning Ordinance of the City of Rye, to rezone the Subject Property from B-4 (Office Building) to a new zone RA-6 (Active Senior Residence District) proposed herein. The Petitioner requests that the relief sought be granted and the zoning map and zoning ordinance of the City of Rye be amended to reflect the relief requested herein.
8. The Petitioner specifically requests that the official zoning map of the City of Rye be redrawn and amended to identify the Subject Premises known and designated on the Tax Assessment Map of the City of Rye, as Sheet 146.13, Block 1, Lot 7 as wholly within the RA-6 Zone as set forth hereinbelow.
9. The Petitioner also specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-2: Districts, last amended 6-19-1991 by Local Law No. 13-1991, be further amended. Specifically, the Petitioners request that Section 197-2: Districts, A. Residence Districts, therein be amended to include a new residential district as follows:

*RA-6: Active Senior Residence District – Minimum lot size area per family
2,000 square feet*

10. Further, the Petitioner specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-86: Tables of Regulations: Table A, be amended. Specifically, the Petitioners request that Section 197-86: Tables of Regulations: Table A, Residence Districts – Use Regulations, Column 1: Permitted Main Uses, therein be amended to include as a permitted main use in the RA-6 district the following:

(1) Apartments for active seniors in an age-restricted development. A building or group of buildings housing three or more families on one lot, subject to the requirements of §197-7 and Table A.

11. The Petitioner also specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, be amended to include a new Section entitled *Active Senior Residence District*. Specifically, the Petitioners request that this new Section contain the particulars of the design parameters and limitations as set forth on Exhibit A attached hereto.

12. Lastly, the Petitioner specifically requests that the Zoning Code of the City of Rye, Chapter 197: Zoning, Section 197-86: Tables of Regulations: Table A, be amended. Specifically, the Petitioners request that Section 197-86: Tables of Regulations: Table A, Residence Districts – Area Yard, Height and Miscellaneous Regulations, last amended 7-16-03 by Local Law No. 6-2003; be further amended. Specifically, the Petitioners request that a new row for the proposed RA-6 zone be added, an amendment be made to footnote “C” and a new footnote “K” be added to Table A, all as more specifically set forth on Exhibit B attached hereto.

FACTS SUPPORTING PETITIONER’S REQUEST

13. The existing office building at the Property has been largely vacant for a significant period of time. As this condition of high vacancy rates for office space is not isolated to the Property but is a macro-trend throughout Westchester and other metropolitan areas the Petitioner is not optimistic on the likelihood of the existing office building becoming reoccupied to a sustainable level. Accordingly, the Petitioner has explored various options for uses at the Property.

14. The Petitioner has noted that with property values continuing to increase in Rye, there is a shortage of independent living accommodations for active adults ages 55 and older who wish to remain in Rye but no longer have the necessity of maintaining the related costs and expense necessarily attendant to home ownership within the City of Rye.
15. The Petitioner believes that due to the unique location and size of the Property, the Property could accommodate a viable alternative for those older individuals seeking alternative housing arrangements in an age-restricted community that does not provide nursing care.
16. The requested amendments to the Zoning Ordinance would not have any adverse impacts on the City of Rye. If this Petition were granted it would not only allow the Property to be redeveloped and put back to a sustainable use, it would also provide an alternative housing opportunity that is not currently being offered within the City of Rye. The redevelopment of the Property would also provide a benefit to the City of Rye by reestablishing the taxable value of the Property for real property tax purposes, which has continued to erode year after year as the Property remains vacant. Furthermore, the redevelopment of the Property in accordance with the residency limitations proposed herein would not create any additional strain on the Rye City School District as the development would expressly prohibit residency of any school age children.

SEQRA REVIEW

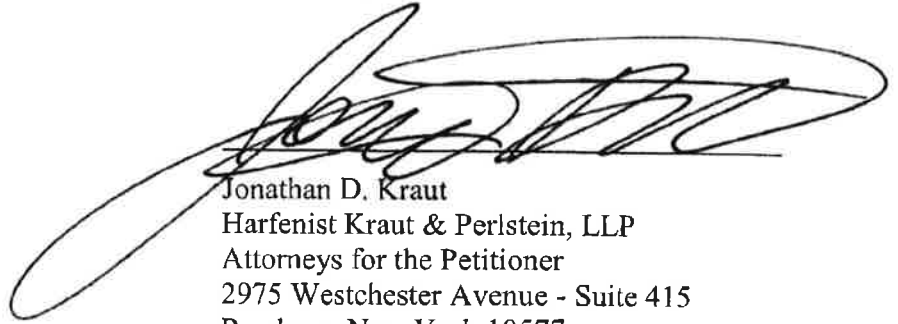
17. With respect to the environmental procedure and review of this Petition pursuant to Article 8 of the Environmental Conservation Law of the State of New York and Part 617 of the New York Codes, Rules and Regulations promulgated pursuant to the New York State Environmental Quality Review Act, it is respectfully submitted that the requested zoning amendments are consistent with the long range planning goals of the City of Rye and would permit a harmonious use between the Property and the community at large.

18. Petitioner has reviewed all pertinent environmental issues relating to the proposed zone change and has prepared a short form Environmental Assessment Form (EAF) in connection with this application. It is submitted herewith, so as to enable the City Council to take steps necessary to consider, and to issue, a negative declaration pursuant to the New York State Environmental Quality Review Act.

WHEREFORE, it is respectfully requested that this matter be placed on the calendar of the City Council for a hearing and that the relief sought herein be in all respects granted.

Dated: Purchase, New York
September 5, 2014

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Jonathan D. Kraut', is written over the typed name and address.

Jonathan D. Kraut
Harfenist Kraut & Perlstein, LLP
Attorneys for the Petitioner
2975 Westchester Avenue - Suite 415
Purchase, New York 10577
Tel: (914) 701-0800

PROPOSED TEXT AMENDMENTS TO CHAPTER 197 OF RYE CITY CODE

§ 197-2 Districts

RA-6 Active Senior Residence District – Minimum area per family 2,000 square feet

§ 197-8.1 Active Senior Residence District Regulations

A. Limitations on Occupancy.

- (1) The occupancy of residential units within the Active Senior Residence Zone shall be limited to:
 - a) A single person 55 years of age or older;
 - b) Two or three persons, all of whom are 55 years of age or older;
 - c) A married couple, live-in companion, or partner, one of which is 55 years of age or older;
 - d) The surviving spouse of a person 55 years of age or older, provided that the surviving spouse was duly registered as a resident of the development at the time of the elderly person's death;
 - e) One adult 18 years of age or older residing with a person who is 55 years of age or older, provided that said adult is essential to the long-term care of the elderly person as certified by a physician duly licensed in New York State
- (2) Persons under the age of 55 not specifically permitted to be occupants shall not be permitted to be permanent residents of dwelling units. For the purposes of this section, a "permanent resident" shall mean any person who resides within the dwelling for more than three consecutive weeks or in excess of 30 days in any calendar year, or has listed the residence as an abode for any purpose whatsoever, including, but not limited to, enrollment in public or private schools. Temporary occupancy by guests of families shall be permitted, provided that such occupancy does not exceed a total of 30 days in any calendar year.
- (3) Notwithstanding the foregoing, one dwelling unit within the community may be set aside to be occupied by a superintendent or building manager, to which the limitations on occupancy set forth above shall not apply.
- (4) The limitations on occupancy shall be included in the marketing materials for the development as well as within the rules and regulations or terms of any

leases, by-laws or covenants and restrictions for the development. Violations of the limitations on occupancy shall be enforceable by the City of Rye Building Inspector against the owner or lessee or the agent of any of them and shall be punishable by a fine of \$250 per day or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. Exceptions to these regulations shall be granted if any limitations are determined to be in violation of any State or Federal law.

- (5) The Planning Commission shall have the right to require that the owner execute agreements and covenants as it may deem to be required during any site plan approval process as it may reasonably deem to be required to ensure compliance with the stated intent of this section. Said agreements or covenants shall be recorded in the office of the Westchester County Clerk and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council.

B. Site Development

- (1) At least eighty percent (80%) of the required parking for the development shall be provided in a covered parking structure within the basement level of the principal structure(s).
- (2) For any corner lot abutting Boston Post Road or Old Post Road, the front lot line of the lot shall be Boston Post Road or Old Post Road for purposes of the applicable front yard setback irrespective of building arrangement. The provisions of § 197-52 shall not apply to properties in the RA-6 zone.
- (3) The provisions of § 197-8.A & C shall not apply to properties in the RA-6 zone.

§ 197-28 Schedule of Off-Street Parking Requirements

A. Schedule of parking requirements. Off-street automobile parking facilities shall be provided as follows:

**Number of Spaces per Unit
(by Parking District)**

Use	A	B	C	Unit of Measurement and Conditions
Apartments for active seniors located in RA-6 Districts	1.25	1.25	1.25	Dwelling unit

§ 197-30 Layout and Location of Off-Street Parking Facilities

D. In RA-1, RA-2, RA-3, RA-4, RA-5 and RA-6 Districts, no off-street parking facility accessory to apartments or office buildings shall be developed within five feet of any lot line. Required off-street parking facilities accessory to other main uses shall conform to the provisions of Subsection C above.

§ 197-44 Minimum Residential Floor Area

E. For dwelling units in apartments or other buildings containing three or more dwelling units in an RA-6 District, the minimum amount of residential floor area in each unit shall be 750 square feet for one bedroom units, 900 square feet for two bedroom units and 1,100 square feet for three bedroom units. Additionally, three-bedroom units must be equipped with at least 1 ½ bathrooms.

§ 197-86 Tables of Regulations

**TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS – USE REGULATIONS**

Column 1

Permitted Main Uses

RA-6 Districts

- (1) Apartments for active seniors. A detached residence for three or more families or housekeeping units, or a group of buildings housing three or more families on one lot, subject to the requirements of § 197-7 and § 197-8.1.

**TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS – USE REGULATIONS**

Column 2

**Uses Permitted Subject to Additional
Standards and Requirements**

(Subject to the requirements and provisions of §197-10)

RA-6 Districts

(Reserved)

**TABLE OF REGULATIONS: TABLE A
RESIDENCE DISTRICTS – USE REGULATIONS**

Column 3

Permitted Accessory Uses

(Subject to the requirements and provisions of §197-9)

RA-6 Districts

- (1) Off-street parking facilities, subject to the requirements and provisions of § 197-8.1.
- (2) Other accessory uses or structures customarily incidental to any permitted main use, including active and passive recreational facilities (i.e. fitness center, pool, library, media room, storage areas, etc.) for the use of the residents of the principle structure. Outside storage on land of boats and boat trailers is prohibited.

- (3) The filming of movies, commercials, documentaries, serials, shows, performances or other similar events and activities, including still photography, as regulated in RA-4 Districts.

MEMORANDUM

TO: City Council of the City of Rye DATE: June 3, 2015

FROM: Gerhard M. Schwalbe, P.E. RE: 120 Old Post Road

INTRODUCTION

Old Post Road Associates, LLC (the “Applicant”) is seeking a zoning change, amendment to the City of Rye zoning map and amendment to the City of Rye Zoning Ordinance (the “Proposed Action” or “Action”) to facilitate the redevelopment of 120 Old Post Road as an age-restricted multi-family residential community (the “Proposed Project” or “Project”).

The subject property, located 120 Old Post Road (the “Project Site” or “Site”), is currently improved with an existing 75,000 square foot, 3-story office building, a parking lot for approximately 240 vehicles, and an entrance on Playland Access Drive. The existing building has remained mostly vacant and underutilized for over four years and, as documented below, current real estate market conditions suggest that re-occupancy with the existing office use is unlikely for the foreseeable future.

The Applicant proposes to replace the existing office building with a 245,000 square foot age-restricted, luxury residential building. The Project would consist of approximately 135 one and two bedroom units for residents aged 55 and older, along with underground parking, stormwater management facilities, landscape screening, and amenities typical of a luxury residential building. The driveway entrance would remain near its current location and provide access to Playland Access Drive. The existing emergency access driveway to Old Post Road would be retained for emergencies only. See Figure No. 1, *Illustrative Site Plan*.

This memorandum summarizes the land use and fiscal considerations that support the Proposed Action and Project. In addition, a full form NYS Environmental Assessment Form (EAF) is attached hereto for the Action, and an assessment of the potential environmental impacts and mitigation measures related to the Project is included, following the EAF.

OFFICE MARKET CONDITIONS

As set forth in greater detail in a report titled *Rye Office Market Analysis* prepared by Goman & York Property Advisors, LLC, dated March 2, 2015 (“Office Market Study”), vacancy rates for office buildings in southeastern Westchester County have steadily increased over the past decade and are currently at a 10-year high reducing the direct asking average rent. In addition, during this same time period operating costs have further increased, reducing net rent returns on office buildings in

Westchester County. Most current leasing activity in the market is a result of renewals or extensions and not a result of any positive change in market conditions. *See, Office Market Study.*

The following table summarizes the supply of office space within the City of Rye. The information contained in the chart below was obtained from the City of Rye Tax Assessment Cards. The property list is limited to other office buildings or facilities within the City of Rye and does not include mixed use structures along Purchase Street or elsewhere.

Table No. 1. Summary of Rye Office Space

Property	Lot Area (AC) ¹	Floor Area (SF) ¹	Rye Office Space (% of Floor Area)
2 Clinton Avenue	0.79	10,600	1%
14-16 Elm	0.26	19,600	2%
22 Elm	0.26	20,000	2%
150 Purchase Street	0.86	22,245	2%
31 Purchase Street	0.10	10,000	1%
600 Midland Avenue	7.83	30,000	3%
601 Midland Avenue	N/A	173,315	18%
2 Second Street	0.20	15,000	2%
16 School Street	1.61	18,316	2%
1 Theall Road	7	65,000	7%
350 Theodore Fremd Avenue	1.80	34,000	4%
401 Theodore Fremd Avenue	7	59,522	6%
411 Theodore Fremd Avenue	8.2	150,946	16%
555 Theodore Fremd Avenue	13.02	165,592	17%
511 Theodore Fremd Avenue	7.53	90,080	9%
120 Old Post Road	7.01	76,000	8%

¹Data obtained through City of Rye Tax Assessment Cards and confirmed with City of Rye GIS.

With increasing vacancy rates throughout the Rye area along with decreasing rents and the abundance of available office space, re-occupancy under existing market conditions appears highly challenging and doubtful. With regard to the Property, the existing structure is configured primarily as an open plan headquarters building. This configuration places the building in a highly uncompetitive market position since the majority of office leasing activity is focused upon smaller spaces. As a result of these market conditions and the continued vacancy of the building the tax assessment of the property has been reduced by over fifty percent (50%).

On some similar properties, the conversion costs have been determined to be prohibitive and the building has been torn down as a result. However, conversions of underutilized office space have occurred or are proposed on sites in the general vicinity of the Property. Examples include the development of LifeTime Fitness Center and a proposed residential development at 103-105 Corporate Park Drive in Harrison, as well as a recent application for a residential development at the Reckson Executive Park in Rye Brook. As set forth in greater detail in the attached Market Feasibility Analysis prepared by Goman & York Property Advisors, LLC, dated November 2014 (“Market Feasibility Analysis”), an age-restricted, luxury residential community is a viable repurposing of the Site and would offer a housing alternative that is not available within the City of Rye.

ZONING AND LAND USE CONDITIONS

Zoning

The Project Site contains 7.0 acres located north of Old Post Road and west of Playland Access Drive in the City of Rye. It is located within the B-4 office building zone, and is bordered by the R-3 residential district to the northeast, the R-2 residential district to the southeast and southwest, and the B-4 district extends to the north and west. See Figure No. 2, *Area Zoning Map*. In the project area, the R-4 and R-5 districts lie further to the south, with the RA-1 and RA-5 districts lying further to the north and southwest respectively.

The B-4 zone is designated as an “Office Building District” with a minimum area requirement of 7 acres. Permitted main uses in the B-4 zone are “Nonresidence main uses permitted in the R-2 Districts and as limited therein.” However, there are no “nonresidence” main uses permitted in the R-2 district (i.e. the only permitted main use in the R-2 district are single family residences). Therefore, while there are special exception uses, in essence there are no permitted main uses allowed in the B-4 zone.

The uses permitted subject to additional standards and requirements (i.e. special permit uses) in the B-4 zone are:

- a) Office buildings
- b) Educational uses (requires a minimum of 10 acres)
- c) Public recreational uses
- d) Private recreational uses (requires a minimum of 7.5 acres)
- e) Extension of welfare uses (operated by nonprofits in existence or which had a permit before January 1, 1958)
- f) Public uses
- g) Nursery schools (not to exceed 30 children)
- h) Agricultural uses (i.e. nurseries, truck gardens, greenhouses and similar agricultural uses)
- i) Railroad passenger stations and electric substations
- j) Temporary real estate offices in connection with a subdivision containing 10 or more lots
- k) Religious headquarters offices (requires a minimum of 20 acres)
- l) Religious uses
- m) Residential care facility uses (limited to care of 10 or fewer disabled persons or persons in need of supervision or juvenile delinquents)

In sum, outside of the existing use of the Subject Property as an office building there are virtually no other permitted or special permit uses allowed in the B-4 zone for which the Site could be expected to yield a reasonable return.

The Proposed Action

The City currently permits multi-family residences in the following districts:

1. RT – Two Family District
2. RA-1 – Garden Apartment District

3. RA-2, 3, and 4 – Apartment House Districts
4. RA-5 – Apartment District for Senior Citizens and Handicapped Persons
5. RFWP – Residential Floodplain and Wetlands Preservation

The RA-5 is the only district in Rye that currently restricts residential occupancy for senior citizens, and it is intended for housing developments that are undertaken by private nonprofit sponsors with public financial assistance. Therefore, its dimensional regulations are generally more permissive than the current standards for apartment buildings in other districts (e.g., a maximum height of 4 stories compared to 2.5, and a maximum F.A.R. of 1.0 compared to .40-.50). While the proposed age-restricted housing district would allow for less restrictive dimensional standards than most multi-family districts in the City, it would be more restrictive than the RA-5. See Table No. 2, *Existing and Proposed Multi-Family Zoning Districts and Bulk Regulations*, attached at the end of this memo.

The proposed dimensional and use regulations are generally consistent with similar districts across the region. See Table No. 3, *Bulk Characteristics of Regional Active Adult Zoning Districts*. The proposed yard dimensions and maximum building height would either be consistent with existing zoning or more restrictive than in comparable districts, requiring them to be greater than average. Alternatively, the proposed lot area and FAR would be less restrictive than in the comparable districts. However, these regulations would be offset by the Action's requirement for underground parking, which would minimize surface coverage and preserve open green space on the site. For example, as applied to the Project Site, these regulations maintain building and surface coverage rates that are below the minimum requirements for every comparable district at 22% and 33% of the site area respectively. By maintaining lower rates of surface coverage, it is the applicant's belief that this requirement will help preserve a desirable community character for both residents of the Proposed Project and its neighbors.

The proposed off-street parking provision of 1.25 spaces per dwelling unit is based on the supply ratio from the Institute of Transportation Engineers (ITE) *Parking Generation*, Land Use 252 – Senior Adult Housing, as well as characteristics of the Project's target market¹. While ITE rates indicate that a ratio of 1 space per dwelling unit is sufficient for residences with active seniors, the 0.25 fractional spaces would accommodate facility staff, visitors, or some residents who may wish to maintain more than one vehicle. These provisions are consistent with the comparable districts' range of .75 to 2 spaces per unit as indicated in Table 3.

It is the Applicant's opinion that these proposed standards are appropriate based on the district's age restriction, as it would permit housing for a sector of the population that would not create any additional strain on the Rye City School District.

Existing and Proposed Conditions

The existing office building on the Project Site is compliant with both use and bulk regulations in the B-4 Zoning District with potential for further as-of-right expansion. The following compares the Site's current dimensional characteristics to the limits of its existing zoning, and to the corresponding conditions in the Proposed Zoning and the Proposed Project. These characteristics are also illustrated in Table No. 4, *120 Old Post Road - Existing and Proposed Zoning Districts*, Figure No. 3, *Existing Zone*

¹ Institute of Transportation Engineers, *Parking Generation*, 4th Edition, 2010

(B-4) *Max. Build Out* and Figure No. 4, *Proposed Zone (RA-6) Max Build Out*, attached at the end of this report.

Lot Area

As a nonresidential use, the existing B-4 zoning district requires a 7-acre minimum lot area, with which the Property is compliant at approximately 7.01 acres. The proposed use would be residential, and therefore lot area would be measured per family or equivalent rather than minimum acreage. The Proposed Zoning district would require 2,000 square feet of lot area per family, permitting a maximum of approximately 152 units.

Floor Area Ratio and Lot Coverage

As described below in Table No. 5, *Floor Area Ratio and Lot Coverage*, the existing building on the Property has approximately 75,000 square feet of floor area, and a Floor Area Ratio (FAR) of 0.25. Under these existing conditions, the site has approximately 25,000 square feet of building coverage and 240 parking spaces, for approximately 135,400 square feet of total lot coverage (approximately 44% of the lot area). Existing zoning permits a maximum FAR of 0.3, indicating the potential for as-of-right expansion of approximately 16,000 square feet of floor area. Under full build out conditions, there would be approximately 8,000 additional square feet of building coverage and approximately 105 additional parking spaces would be required, increasing the total lot coverage to approximately 58%.

The Proposed RA-6 Zoning District would permit an FAR of 0.8, or approximately 244,500 square feet of floor area on the Property. Therefore, full build out of the Property under Proposed Zoning would permit approximately 75,000 square feet of building coverage at maximum height, and underground parking would be required for a total lot coverage of approximately 108,600 square feet (approximately 36% of the lot area). This is the maximum FAR and coverage that would be permitted on the Property in the Proposed Action. Therefore, under Proposed Zoning, total site coverage would be reduced by approximately 27,000 square feet from what the existing zone permits. See Figure No. 5, *Site Development Analysis – Impervious Coverage*, attached at the end of this memo.

Table No. 5. Floor Area Ratio and Lot Coverage

	Maximum FAR	Maximum Floor Area	Building Coverage (SF / Percent of Lot Area)	Lot Coverage (SF / Percent of Lot Area)
Existing Office Building – B-4	0.25	76,000 SF	28,000 / 9%	135,400 / 44%
Potential Office Build-out – B-4	0.30	91,500 SF	36,600 / 12%	176,200 / 58%
Proposed Zoning – RA-6	0.80	244,500 SF	75,300 / 25%	108,650 / 36%

As described above, the increased FAR and building coverage under Proposed Zoning is offset by the requirement of underground parking, which preserves approximately two-thirds of the site as open green space, to be attractively landscaped and maintain the existing character of the community. As described below in the Surface Parking Alternative, if underground parking is

not required by zoning, potential coverage rates would be more than double the rate in the Proposed Project. See Table No. 5, *Floor Area Ratio and Lot Coverage*.

Yard Dimensions

As described below in Table No. 6, *Minimum Yard Dimensions*, the existing office building meets the minimum yard dimensions for the front and one side yard at 100 feet each. The total of the two current side yards, however, is 300 feet, which exceeds the 200-foot minimum that is required. The current rear yard is approximately 290’, also in excess the 100-foot minimum that is required. In short, existing zoning would permit building expansion into one side or the rear yard area.

Under Proposed Zoning, yard dimensions would either be maintained from the existing zone or adjusted to be greater than or equal to dimensions in the City’s other multi-family districts, as described above. The front yard dimension would be maintained at 100 feet. One side yard would be 40 feet, and the total of the two side yards would be 100 feet. The rear yard, which abuts the parking area of a commercial property in the case of the Project Site, would be 25 feet. The yard dimensions in the Proposed Project would be generally more conservative than the minimum requirements permitted in the Proposed Action.

Table No. 6, *Minimum Yard Dimensions*

	Front Yard	One Side Yard	Total of Two Side Yards	Rear Yard
Existing Office Building (B-4)	100’	100’	300’	290’
Potential Office Build-out (B-4)	100’	100’	200’	100’
Proposed Zoning (RA-6)	100’	40’	100’	25’

Building Height

The existing building is 40 feet in height over three stories. Current zoning would maintain the three-story limit, but would permit a building 45 feet in height.

Proposed zoning would maintain the existing 45-foot height limit, with an increase from three to four stories. The increase in stories corresponds with the change in use, as typical residential buildings have a smaller distance between stories than office buildings. Although the Project Site does not contain steep slopes, there is a gradual but significant change in ground elevation from approximately 50 feet at the southeast corner to approximately 100 feet at the northwest. The Proposed Project has been designed to accommodate this topography with the average height being maintained as the elevation changes. See Figure No. 6, *Building Height Diagram*, Figure No. 7, *Site Section Diagram*, and Figure No. 8, *Site Section Diagram – Proposed Building*.

Multi-Family Housing Mass and Density Analysis

Table No. 7 below summarizes the building mass and density characteristics of comparable multi-family residence developments in the City of Rye. These sites are located in different zoning districts and may be subject to different permits or restrictions, but are intended to provide a point of comparison for the scales of mass and density that exist within the City’s multi-family residence developments. Aerial and street-level imagery for each property is provided at the end of this memo.

The proposed development of the Project Site would be less intense from a bulk and density perspective than all but The Osborn.

Table No. 7, Summary of Comparable Properties in Rye

Property	Lot Area (AC)	Floor Area (SF)	FAR	Units	Density (Units/Acre)	Height		Yard			Parking	
						Feet	Stories	Front	Side	Rear	Spaces	Spaces/Unit
Rye Manor ¹	1.9	71,000	0.86	100	53	50'	4	95'	30'/50'	30'	34	0.34
The Osborn ¹	55.9	N/A	N/A	377	7	N/A	5	160'	160'	160'	484	1.28
Highland Hall ²	1.23	86,153	1.61	102	83	N/A	4	30'	5'	15'	0	0
Blind Brook Lodge ²	2.7	134,401	1.14	137	51	N/A	6	30'	5'	30'	76	0.55
120 Old Post Road												
Proposed Zoning	7.01	244,500	0.80	152	21	45'	4	100'	40'/100'	25'	168	1.25
Proposed Project	7.01	222,500	0.73	135	19	45'	4	100'	100'/200'	25'	205	1.51

¹Data obtained through City of Rye Site Plan Approval Records and confirmed with City of Rye GIS.

²Data obtained through the City of Rye Tax Assessment Cards and confirmed with City of Rye GIS.

Below, Table No. 8 summarizes the building mass and density characteristics of comparable multi-family developments in other municipalities in the region. As noted in the table, these properties may have different classifications than the Proposed Project, but the figures below are for their residential components. Available imagery for each property is provided at the end of this memo. The proposed development of the Project Site is generally less intense from a bulk and density perspective than these other projects, except for The Ambassador which is an assisted living facility.

Table No. 8, Summary of Comparable Properties in Other Municipalities

Property	Lot Area (AC)	Floor Area (SF)	FAR	Units	Density (Units/Acre)	Height		Yard			Parking	
						Feet	Stories	Front	Side	Rear	Spaces	Spaces/Unit
The Cambium, Larchmont ¹	2.94	222,075	1.17	186	63	75'	6	15'	15'	15'	267	1.44
Christie Place, Scarsdale ²	1.73	105,500	1.4	42	24	46'	4	N/A	N/A	N/A	67	1.6
The Ambassador, Scarsdale ³	6.98	119,779	0.4	115	16.7	N/A	3	40'	25'	30'	43	0.37
120 Old Post Road												
Proposed Zoning	7.01	244,500	0.80	152	21	45'	4	100'	40'/100'	25'	168	1.25
Proposed Project	7.01	222,500	0.73	135	19	45'	4	100'	100'/200'	25'	205	1.51

¹ Mixed use development; Data obtained through City of Mamaroneck Site Plan Approval Records and Westchester County GIS

² Mixed use development; Data obtained from Scarsdale Town Planner and As-Built Survey.

³ Assisted living facility; Data obtained from Scarsdale Town Planner and As-Built Survey.

Surface Parking Alternative

The Applicant has contemplated an alternative plan in which surface level parking would be permitted in lieu of the requirement for structured, subterranean parking. See Figure No. 9, *Surface Parking Alternative*. With the same dimensional constraints that the Proposed Action would permit, this alternative would have an approximate FAR of 0.8, and building coverage of approximately 60,000 square feet. The surface parking area would cover approximately 118,000 square feet for total lot coverage of 178,000 square feet (58% of the total lot area). In order to provide parking spaces at the ratio required in the Proposed Action, the series of four-story buildings shown in Figure 9 would also require more permissive setbacks than the Action proposes.

Although surface parking would likely save construction costs, significant impacts to stormwater management and visual resources could be anticipated in this alternative. Potential lot coverage rates would be nearly double what the Proposed Action would permit, and this alternative would limit the Applicant's ability to provide a site-sensitive design with an attractive landscape plan and adequate stormwater management facilities. This alternative illustrates the crucial role that subterranean parking would play in the Proposed Action's ability to preserve open green space, maintain community character, and minimize lot coverage. In sum, the applicant believes that this alternative would lead to a less desirable outcome for residents of the Project and the neighboring community, and requiring underground parking will help to mitigate these impacts.

Land Use

The Project Site is bordered by Playland Access Drive to the northeast with access to Playland Parkway located at the Site's northeast corner. Old Post Road forms the southeast border with single family homes extending south and east of the Project Site, and to the north and east beyond Playland Parkway. The Site is also adjacent to The Osborn retirement community to the southwest, and WESTMED Medical Group's Rye office to the northwest. Additional office uses extend north and south of the Project Site, with additional multi-family residences to the southwest and north along Theall Road. In the larger context, the Project Site is located at the edge of an office district, with a variety of different land uses in the area which are generally characterized by single and multi-family residences, office buildings, institutional and public assembly spaces, cemeteries, public parks and parkway lands, nature preserves, and vacant land. See Figure No. 10, *Area Land Use Map*.

We believe the age-restricted luxury rental apartment building would provide an ideal transition between the residential community and office building district. It would also complement the scale and use characteristics of The Osborn as a multi-family residential community for senior citizens, while diversifying housing options in Rye specifically for active adults who do not require nursing care but no longer have the necessity of maintaining the costs of home ownership. See Figures 11, 12, and 13, *Conceptual Renderings*.

The City of Rye's Development Plan was adopted in 1985, and intended to guide land use decisions in the City through the year 2000². Although the Plan describes a "great pressure in Westchester County in recent years to build corporate office buildings [... which] has led to pressure from builders for the

² City of Rye, NY. *City of Rye 1985 Development Plan*. Adopted April 23, 1985.

rezoning of Rye land from residential to commercial,” the Plan acknowledges that it “is not a static document to be followed without regard to changing conditions.” As previously stated, such conditions in the office market have changed significantly since the Plan’s adoption. However, the Proposed Action is consistent with the Plan’s goals and policies related to residential development as follows:

II.1 Residential Development, Goal 4 – Provide an opportunity for the development of housing of various types, sizes, and costs to meet the needs of people at various stages in the life cycle, income, age levels, and household compositions, without compromising the integrity of Rye’s single family residential areas.

Consistent with the Development Plan’s goal, the Proposed Action would provide an opportunity for living accommodations in Rye in a way that is not currently regulated in the Zoning Ordinance. It would address what the Plan identifies as “an increasing need to provide housing for senior citizens who are no longer able to (or wish to) maintain a home,” with a viable alternative for those older individuals seeking alternative housing arrangements who are able to remain active and independent.

Further, the Proposed Project’s location near the office buildings and major roadways is identified in the plan as highly desirable for redevelopment with higher density multi-family residences. Located within the Post Road Residential/ Institutional Area, its vicinity was “envisioned as a mixed use area blending in with the surrounding residential areas. Permitted uses would be a variety of residential uses and densities.” Therefore, it is expected that the project would enhance the integrity of the adjacent single family residential area by providing an added buffer of residential use between it and the office building district, with an aesthetic style that would complement the adjacent single family community as well as The Osborn.

FISCAL IMPACTS

Property Taxes

The Project Site is subject to real property taxation by the City or Rye, the Rye City School District, 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 \$7,492,146. The City’s equalization rate is 1.91%, which results in an assessed value of \$143,100. The 2014 tax rates for the taxing jurisdictions are presented below in Table No. 9, *120 Old Post Road Current Tax Bill*.

The Project Site is currently occupied by one office tenant. As indicated above, the property has an assessed value of \$143,000. The existing tax generation from the site is provided below in Table No. 9, below.

Table No. 9, 120 Old Post Road Current Tax Bill

<i>Equalization Rate: 1.91%</i>				
	Tax Rate (per \$1,000 value)	2014 Market Value Valuation	2014 Assessed Value	Tax Bill
City of Rye	\$ 150.38	\$ 7,492,146	\$ 143,100	\$ 21,519
Rye School District	\$ 561.33	--	--	\$ 80,327
Westchester County	\$ 187.92	--	--	\$ 26,891
Refuse Disposal District	\$ 17.61	--	--	\$ 2,519
Blind Brook Sewer	\$ 29.68	--	--	\$ 4,248
Total Tax Rate (Rye School District)	\$ 946.93	\$ 7,492,146	\$ 143,100	\$ 135,504
<i>2014 numbers were obtained from the Westchester County Government's published Property Tax Rates and 2014 City of Rye Adopted Tax Rate.</i>				

As further detailed in the attached Proposed Property Tax Exposure Report prepared by McCarthy Appraisal / Consulting Svc. Inc. dated January 9, 2014, the Project could be anticipated to have a future market value for assessment purposes of approximately \$34,000,000, resulting in an approximate assessed value of \$650,414. This would obviously be a marked increase over the existing tax base. The details of this increase on the tax roll are set forth in Table No. 10, below.

Table No. 10, 120 Old Post Road Anticipated Tax Bill based on 2014 Tax Rates

<i>Equalization Rate: 1.91%</i>				
	Tax Rate (per \$1,000 value)	Anticipated Market Value Valuation	Anticipated Assessed Value	Approx. Tax Bill
City of Rye	\$ 150.38	\$ 34,053,067	\$ 650,414	\$ 97,809
Rye School District	\$ 561.33	--	--	\$ 365,096
Westchester County	\$ 187.92	--	--	\$ 122,225
Refuse Disposal District	\$ 17.61	--	--	\$ 11,453
Blind Brook Sewer	\$ 29.68	--	--	\$ 19,310
Total Tax Rate (Rye School District)	\$ 946.93	\$ 34,053,067	\$ 650,414	\$ 615,896
<i>2014 numbers were obtained from the Westchester County Government's published Property Tax Rates and 2014 City of Rye Adopted Tax Rate.</i>				

In total, the Project is anticipated to produce an increase of approximately \$480,000 in tax total tax revenue. Perhaps most significantly, as the Project will be an age-restricted residential community there will be no additional burden on the Rye City School District caused by the Project, while generating approximately \$280,000 in additional School Taxes.

Service Costs

The Subject Property is a located within the City of Rye, and is presently served by the Rye Police Department, Rye Fire Department, Rye Public Works, and the Port Chester-Rye-Rye Brook

Volunteer Ambulance Corps. The existing and potential fiscal impacts of community services for its current and proposed land use have been considered by analyzing the Property within the context of all properties in Rye that receive these services. Based on 2014 tax rates, the Property currently has a full market value of \$7.5 million, and an assessed value of \$143,100. As per the City of Rye Annual Budget adopted for 2014, the City’s total assessed value was \$165,669,516. Therefore, the Property currently accounts for approximately 0.09% of the value of City property that is currently covered by the City’s services. As indicated above with regard to property taxes, the Proposed Action would permit residential use on the Property, and the resulting project would have an anticipated assessed value of \$650,414. Based on the methodology above, the Project’s anticipated portion of the City’s assessed value would be 0.39%.

It is the applicant’s opinion that this change in use for an existing developed property represents such a small portion of the overall property to be served, and therefore no significant adverse impacts would be anticipated for overall departmental operations or City budgeting. As per Tables 9 and 10 above, the Property’s 2014 tax bill for the City of Rye taxes was \$21,519, and with the Proposed Project it would be approximately \$97,809. Table 11 below outlines the applicable service costs that could potentially increase from the existing to the proposed conditions, their portion of the 2014 Combined Operating budget, and how those same portions could be applied to the existing and proposed bills for City taxes.

Table No. 11, City of Rye Operating Budget, Services and 120 Old Post Road City Tax Bill

			Existing Tax Bill	Proposed Tax Bill
Combined Operating Budget	\$ 50,371,169	100%	\$ 21,519	\$ 97,809
Police Services	\$ 9,214,601	18%	\$ 3,873	\$ 17,606
Fire Department	\$ 4,993,909	10%	\$ 2,152	\$ 9,781
Emergency Medical Services	\$ 221,748	0.4%	\$ 86	\$ 391
Sanitation Services	\$ 3,934,282	8%	\$ 1,722	\$ 7,824
Senior Adult Programs	\$ 8,600	0.1%	\$ 22	\$ 98

It should be noted that some City services are generally supported as pay for use services, and as such would not increase the City budget. Based on information described in the 2014 City Budget, emergency medical services are provided by a contract service agency using their own facilities, equipment, supplies and staff, and are costs that are typically charged to the individual seeking services. In addition, senior adult programs are part of the City’s culture and recreation services, and typically charge participants for various programs, realizing revenue that exceeds the Budget’s allocated cost. Overall, even if minor costs were incurred as a result of the change in use of the property, the anticipated increased revenue from City taxes as described above would likely exceed these costs.

Police and EMS Service Calls

The following table summarizes calls made to the Rye Police Department from 2010 to 2013, from the Rye Manor apartments, located at 300 Theall Road in Rye. Rye Manor was selected for this analysis because it is the only other age-restricted multi-family residence development in Rye. As noted in the table, calls are categorized by their respective CFS codes, with the exception of calls classified as “other,” which represents calls received in low volumes across various categories. Calls classified as

“other” include reports of missing persons, hit and run accidents, larceny, property damage, disorderly conduct, city code violations, illegally parked vehicles, flood conditions, unattended deaths, noise complaints, requests to assist other police departments, and hang-ups.

Table No. 12, Summary of Police Service Calls from 300 Theall Road

RMS CFS Code ¹	2010	2011	2012	2013
Ambulance Request – CFS.013	28	22	19	12
Aided Case – CFS.012	20	18	13	17
Assist Citizen – CFS.014	12	21	11	8
Are You Ok Resident Check – CFS.246	18	11	1	2
Other	6	10	6	5
Total Police Service Calls per Year	84	82	50	44

¹City of Rye Police Department, Incident Search Result Report for 300 Theall Rd, Rye NY, obtained from Rye City Planner.

CONCLUSION

As described above, the existing office building at the Property has been mostly vacant for a significant period of time. As this condition is not isolated to the Property but is a macro-trend throughout Westchester County and other metropolitan areas, re-occupancy by substantial office use would be highly challenging and unlikely.

The Proposed Action would not only allow the property to be redeveloped and put back to sustainable use, it would also provide a housing opportunity that is not currently being offered within the City of Rye and would further reestablish the taxable value of the Property for real property tax purposes, which has continued to erode as the property has remained vacant. Furthermore, the Proposed Project would not create any additional strain on the Rye City School District as the development would expressly prohibit school age children from residing in the development. Therefore, it is the Applicant’s view that the Proposed Action and Project present a reasonable and logical alternative for the potentially valuable and underutilized Property while at the same time achieving the goal of providing a diverse housing stock within the City of Rye in a form that is not currently available.

Table No. 2. Existing and Proposed Multi-Family Zoning Districts & Bulk Regulations

4	5	6	7	8			9			10	11	12	13		14		15	16
				Minimum Yard Dimensions (feet)	Front ^(b)	One Side ^{(b)(e)}	Total of Two Side Yards	Rear ^(b)	Specified Distance (feet) as required in Column 2 (Uses)				Maximum Height (stories)	Maximum Height (feet)	One-Story Accessory Structures	Minimum Distance to Side Lane		
Maximum Ratio of Floor Area to Lot Area ^(f)	Minimum Size of Lot (AC or SF) per a. Family or Equity, ^(g) or b. Nonresidential Use	Minimum Width (feet) [See § 197-36]	Minimum Yard Dimensions (feet)							Specified Distance (feet) as required in Column 2 (Uses)	Maximum Height (stories)	Maximum Height (feet)					Maximum Coverage of Rear Yard Required	Minimum Distance to Side Lane (feet)
RA-1	Single-family house	0.40	5,000	50	25	8	20	30	40	2.5	35	30%	5					
	Two-family house	0.40	5,000	60	25	8	20	30	--	2.5	35	30%	5					
RA-2	Apartment house	0.40	5,000 ^(e)	100	70	50	100	50	--	2.5	35	30%	10					
	Single-family house	0.45	5,000	50	25	8	20	50	30	2.5	35	30%	5					
RA-3	Two-family house	0.45	3,500	60	25	8	20	50	--	2.5	35	30%	5					
	Apartment house	0.45	3,500 ^(e)	100	25	20	50	40	--	2.5	35	30%	10					
RA-4	Single-family house	0.50	5,000	50	25	8	20	30	20	2.5	35	35%	5					
	Two-family house	0.50	3,000	60	25	8	20	30	--	2.5	40	35%	5					
RA-5	Apartment house	0.50	2,500 ^(e)	80	25	20	40	40	--	2.5 ^(f)	35 ^(f)	35%	10					
	Apartments for senior citizens and handicapped persons	1.00	1 AC	80	25		40	40	--	4	50	35%	10					
RA-6	Apartments for active senior citizens	0.8	2,000	400	100	40	100	25	--	4	45	35%	10					

- (a) Equivalent to one (1) family in computing minimum lot sizes:
 - [1] Hotels and lodging houses, each two (2) guest sleeping rooms.
 - [2] Hospitals and similar institutions, each two (2) hospital beds.
 - [3] Medical offices, each two (2) doctors plus three (3) other employees.
 - [4] Other nonresidential main uses not specifically provided for in this Table of Regulations or elsewhere in Chapter 197, each one thousand five hundred (1,500) square feet of floor space
- (b) [1] Whenever a required yard abuts a street less than fifty (50) feet in width, the minimum yard dimension(s) shall be measured from a line of twenty-five (25) feet from parallel to the center line of said street.
 - [2] No building shall be nearer than one hundred (100) feet to center line of Post Road between Mamanock town line and Central Avenue.
- (c) For corner lots, corner side yards at least one fifth (1/5) of the lot width at the location of the building, but need not be more than front yard minimum, except as provided in § 197-62. Permitted nonresidential main uses shall have minimum side yard one and one half (1 1/2) times width specified for a single-family house (See § 197-52).
- (d) Twenty-five (25) feet for any side yard containing a driveway serving more than six (6) parking spaces. For a one-, two-, or three-family structure existing on effective date of Chapter 197 (August 9, 1956) and proposed for conversion for up to four (4) families, the Board of Appeals may reduce side yard requirement to eight (8) feet. For side yard requirements for other apartments, see See § 197-54. For spacing between buildings on the same lot, see § 197-70. For the rear and side yards of apartment houses adjoining the right-of-way of a railroad, a parkway or a limited access highway, see § 197-64.
- (e) For usable open space requirement, see § 197-68
- (f) For buildings in variable height apartment groups (a use permitted in RA-4 Districts subject to additional standards and requirements), see § 197-13. [g,h,i omitted]
- (j) See § 197-43.1 for floor area ratio reductions for single-family residences on oversized properties in one-family districts.

Table No. 3. Bulk Characteristics of Regional Active Adult Zoning Districts

Municipality	Maximum Ratio of Floor Area to Lot Area	Maximum Dwelling Units	Lot Building Coverage (%)	Lot Surface Coverage (%)	Required Parking Spaces Per Unit	Minimum Size of Lot (A/C)	Minimum Width (feet)	Minimum Yard Dimensions (feet)				Maximum Height (feet)	
								Front	One Side	Total of Two Side Yards	Rear		
Rye	0.8	21/A/C	--	--	1.25	2,000 sq' min	125	100	40	100	25	4	45
Garnett ¹	--	8/A/C	35%	--	1.5	5	125	40	--	--	--	2	40
Massapequa Park ²	--	25/A/C	35%	--	1.5	2.5	--	25	25/35	50/70	25/50	2.5	30
Newburgh ³	--	--	30%	80%	2	3	100	60	30	60	40	--	35
North Greenbush ⁴	--	20/A/C	40%	--	1.4	2	--	40	40	80	40	Existing	Existing
Smithtown ⁵	0.25	--	--	--	0.75	10	200	60	60	120	60	2.5	35

1 Values based on Proposed Project and not proposed zoning standard. Values used for comparison purposes.
 2 Village of Ameryville, NY, Chapter 183 Zoning, Article X 196C (Planned Adult Community) Residential District.
 3 Town of Carmel, NY, Chapter 156 Zoning, Section 39 Senior Citizens Multifamily Dwellings.
 4 Village of Massapequa Park, NY, Chapter 354 Zoning, Article VII Golden Age District.
 5 Town of Newburgh, NY, Chapter 185 Zoning, Section 48 Senior Citizen Housing.
 6 Town of North Greenbush, NY, Chapter 197 Zoning, Article XV Senior Citizen Housing District.
 7 Town of Smithtown, NY, Chapter 322 Zoning, Article VII Retirement Community District.

Table No. 4. 120 Old Post Road - Existing and Proposed Zoning Districts

Zoning Compliance & Maximum Site Build Out	B-4 ¹		RA-6					
	Existing Office Building	Zoning-Compliant Maximum Build Out	Active Senior Residence District	Proposed Apartment House				
Maximum Floor Area Ratio	0.25	0.3	0.8	0.73				
Minimum Size of Lot per a. Family or Equiv. or b. Nonresidential Use	7 AC	7 AC	2,000 SF	2,280				
Minimum Yard Dimensions (feet)								
Front	200'	100'	100'	100'				
One Side	100'	100'	40'	100'				
Total of Two Side Yards	390'	200'	100'	125'				
Rear	100'	100'	25'	25'				
Maximum Height								
Stories	3	3	4	4				
Feet	40'	45'	45'	45'				
Parking Requirement ² (approx.)	240 Spaces	345 Spaces	1.25 Spaces/ Unit	205 Spaces (168 req.)				
Project Development Analysis	SF	% Coverage	SF	% Coverage	SF ⁴	% Coverage ⁴	SF	% Coverage
Total Building Floor Area	75,000	0.25	91,600	0.30	244,260	0.80	222,500	0.73
Total Impervious Coverage	135,400	44%	176,200	58%	108,650	36%	100,150	33%
Building Footprint	28,000	9%	36,600	12%	75,300	25%	66,800	22%
Paved Area	107,400	35%	139,600	46%	33,350	11%	33,350	11%

1 City of Rye, Chapter 197 "Zoning," Art. 2
 2 Based on § 197-28 "Schedule of off-street parking requirements," which provides 7 spaces per 10 people employed or intended to be employed in office buildings or other permitted uses in the B-4 District. Parking ratio for maximum build out conditions is estimated at 3.8/1000 SF
 3 Potential build out conditions are estimated using existing conditions and are prorated by F.A.R. regulations.
 4 Coverage calculations are based on the lot area of the Project Site, which is approximately 7.01 acres or 305,322 square feet.



ILLUSTRATIVE SITE PLAN

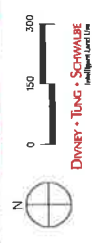
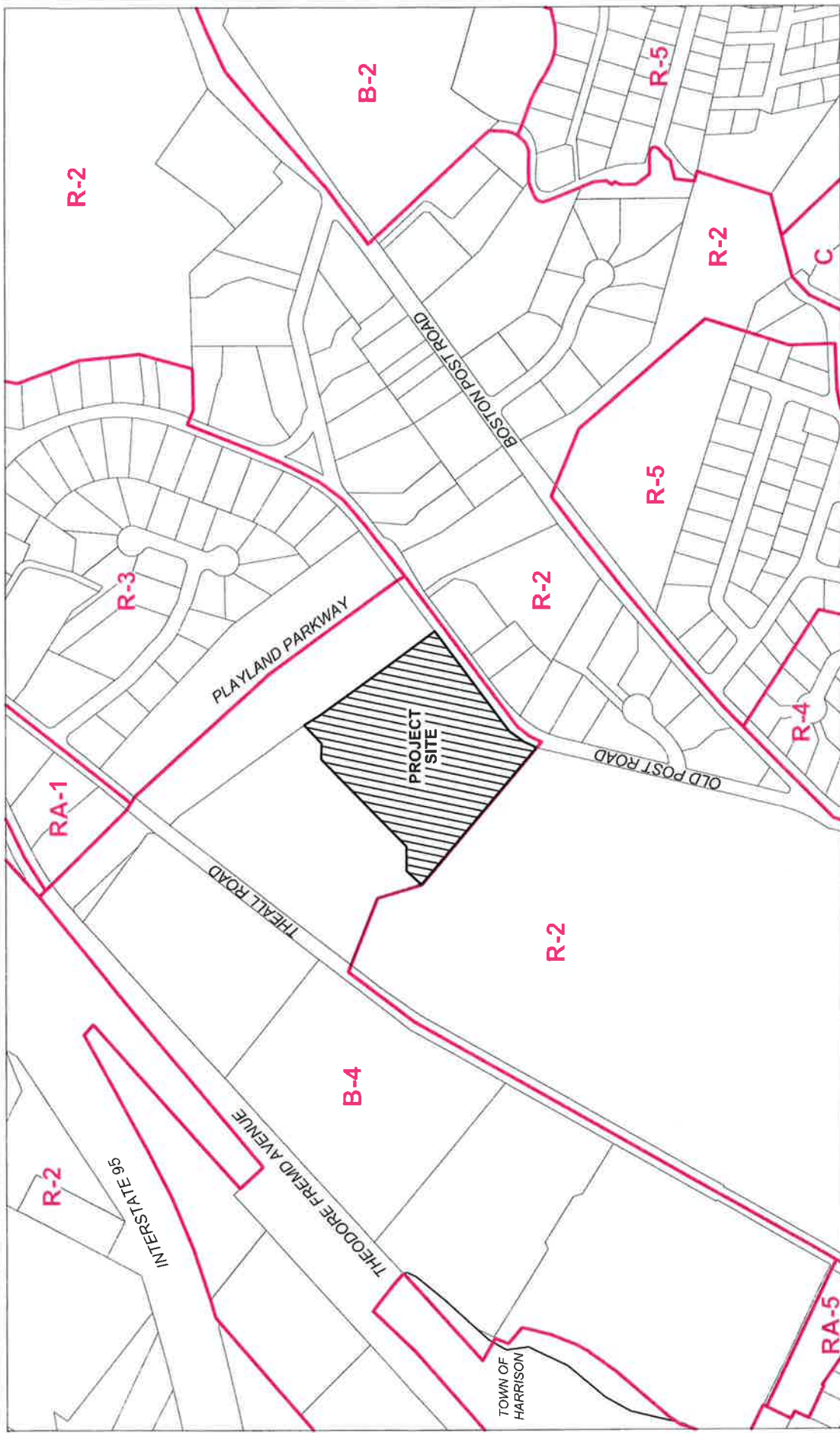
**120 OLD POST ROAD
RYE, NY**
AW15AR-06-11022015 (revised 6/22/16)



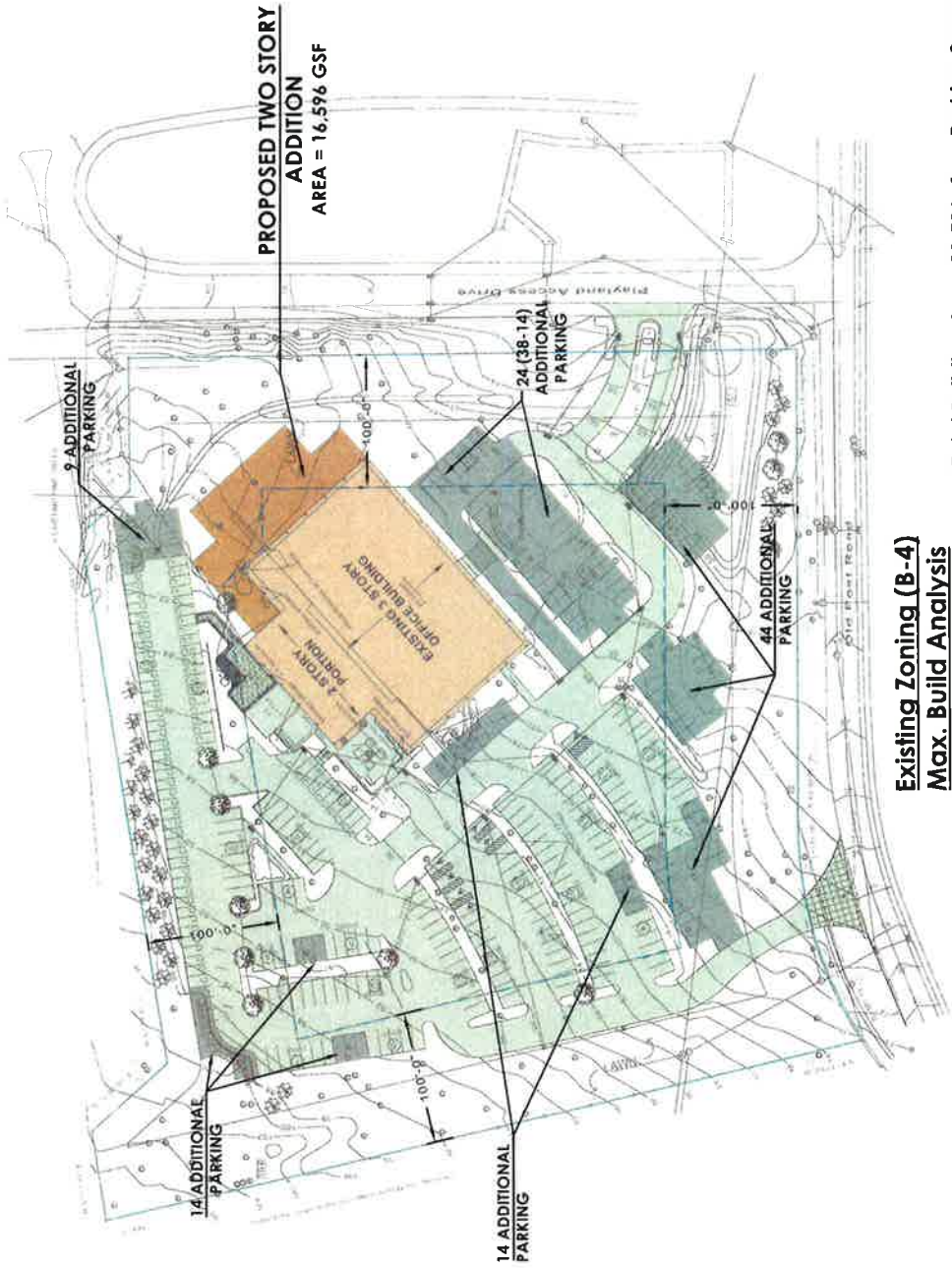
DWYER • TANG • SCHWABE
ARCHITECTS
1000 Old Post Road
Rye, NY 10580
Tel: 914.934.1100
Fax: 914.934.1101
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FIGURE NO. 1



AREA ZONING MAP
120 OLD POST ROAD
CITY OF RYE, NEW YORK



**PROPOSED TWO STORY
ADDITION
AREA = 16,596 GSF**

Existing Zoning (B-4)

Max. Build Analysis

FAR: 0.30
Max. Floor Area: 91,596 sf
Site Area ~ 305,322 sf

Total Building Area: 91,596 sf
Existing Building: 75,000 sf
Proposed Addition: 16,596 sf
 (Two story @ 8,250 sf per floor)

Parking Summary
Existing ~ 240 Spaces
Proposed: 105 Spaces
Total ~ 345 Spaces
Parking Ratio ~ 3.8/1000

EXISTING ZONE (B-4) MAX. BUILD OUT

**120 OLD POST ROAD
 RYE, NY**

AMF10A 06 - 3/2/2015 (revised 5/2/2015)



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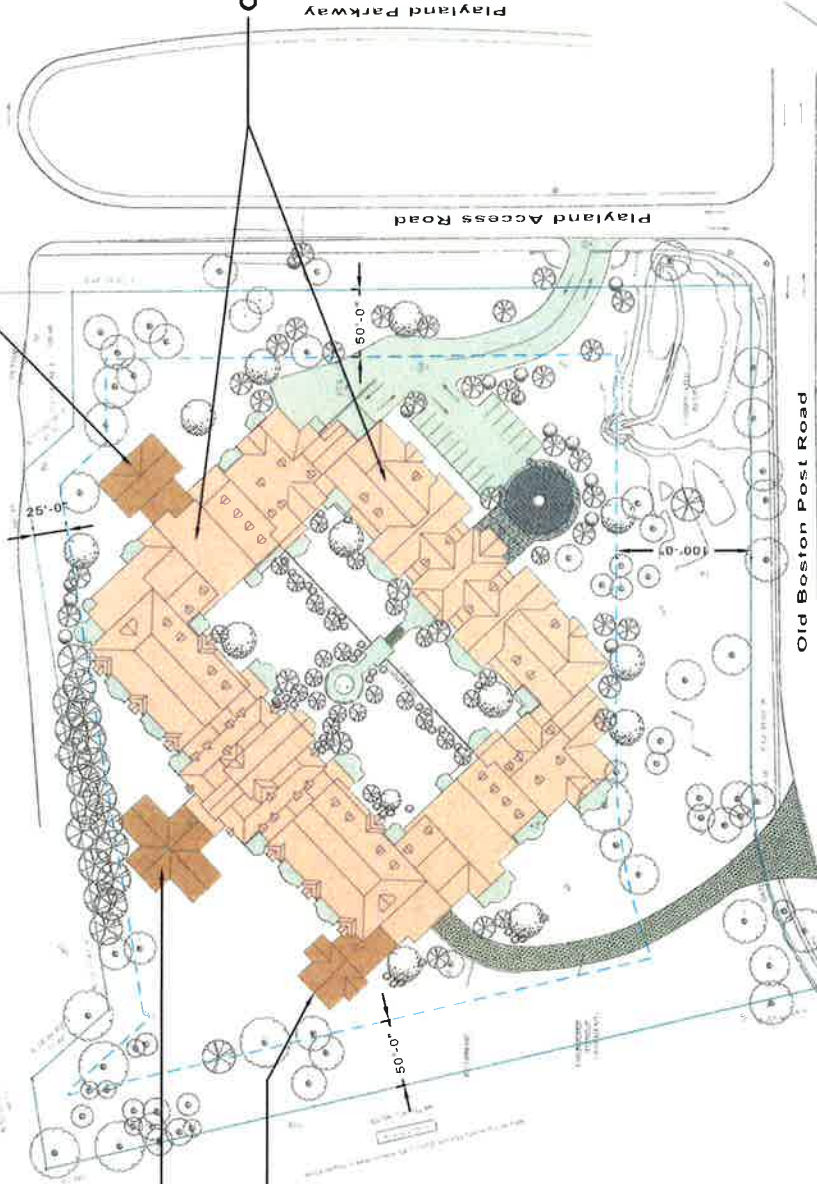


**PROPOSED THREE STORY
ADDITION**
AREA = 7,500 GSF

**PROPOSED TWO STORY
ADDITION**
AREA = 7,000 GSF

**PROPOSED THREE STORY
ADDITION**
AREA = 7,257 GSF

**ORIGINAL CONCEPTUAL
DESIGN BUILDING
FOOTPRINT**
AREA = 222,500 GSF
(three and four story)



Proposed Zoning (RA-6)

Max. Build Analysis

FAR: 0.80
Max. Floor Area: 244,257
Site Area ~ 305,322 sf

Building Area Summary
Original Concept: 222,500 sf
Max. Build Additions: 21,757 sf
Total Building Area: 244,257 sf

Parking Summary
Covered ~ 190 Spaces
Surface ~ 15 Spaces
Total ~ 205 Spaces

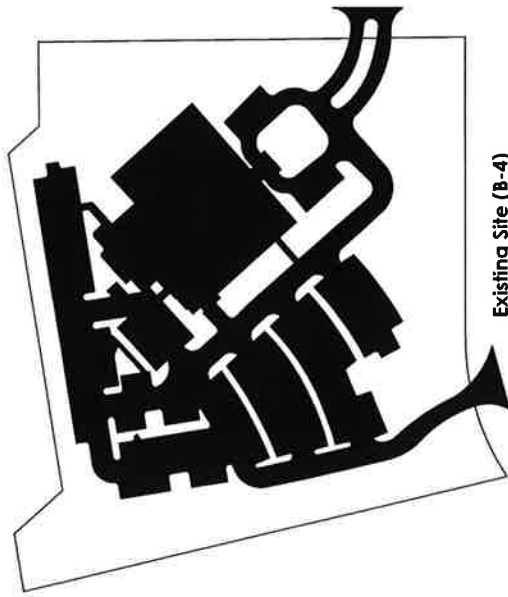
PROPOSED ZONE (RA-6) MAX. BUILD OUT

120 OLD POST ROAD
RYE, NY

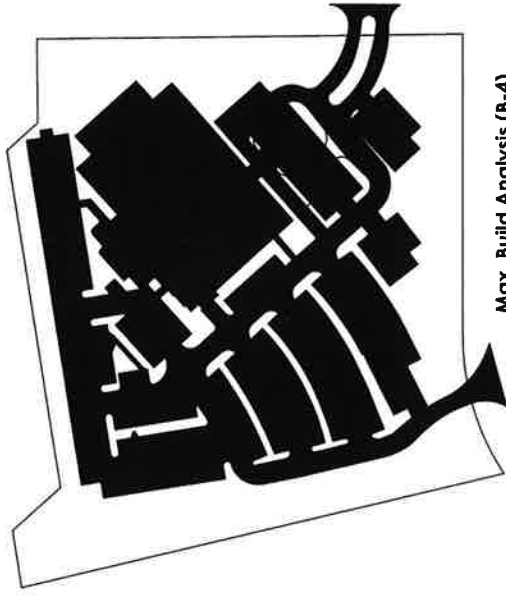


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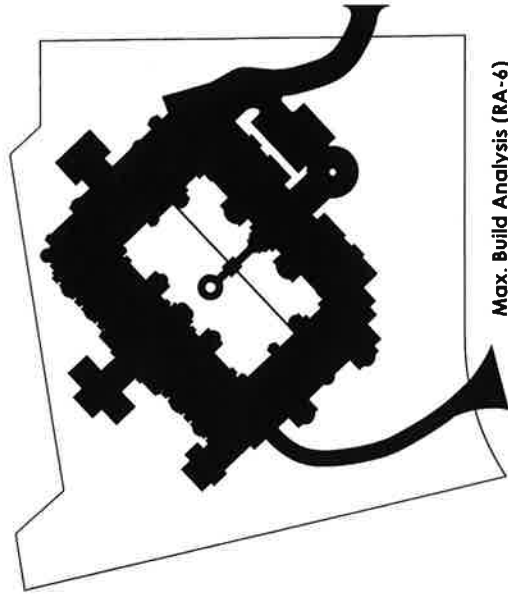




Existing Site (B-4)
 Building Footprint ~ 27,935 sf
 Paved Areas ~ 107,418
 Total Impervious ~ 135,353
 Site Area ~ 305,322
 % Impervious ~ 44.33%



Max. Build Analysis (B-4)
 Building Footprint ~ 36,505 sf
 Paved Areas ~ 139,616
 Total Impervious ~ 176,121
 Site Area ~ 305,322
 % Impervious ~ 57.68%



Max. Build Analysis (RA-6)
 Building Footprint ~ 75,315 sf
 Paved Areas ~ 33,347
 Total Impervious ~ 108,662
 Site Area ~ 305,322
 % Impervious ~ 35.59%

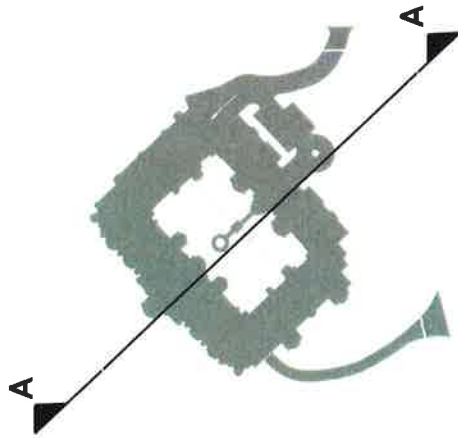
SITE DEVELOPMENT ANALYSIS - IMPERVIOUS CONDITIONS

120 OLD POST ROAD
 RYE, NY

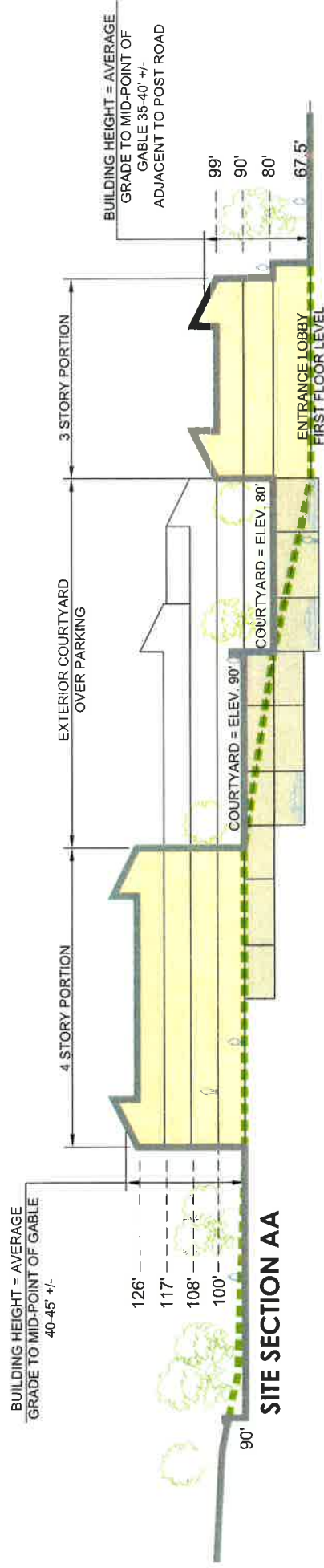


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KEY PLAN



SITE SECTION AA

BUILDING HEIGHT DIAGRAM

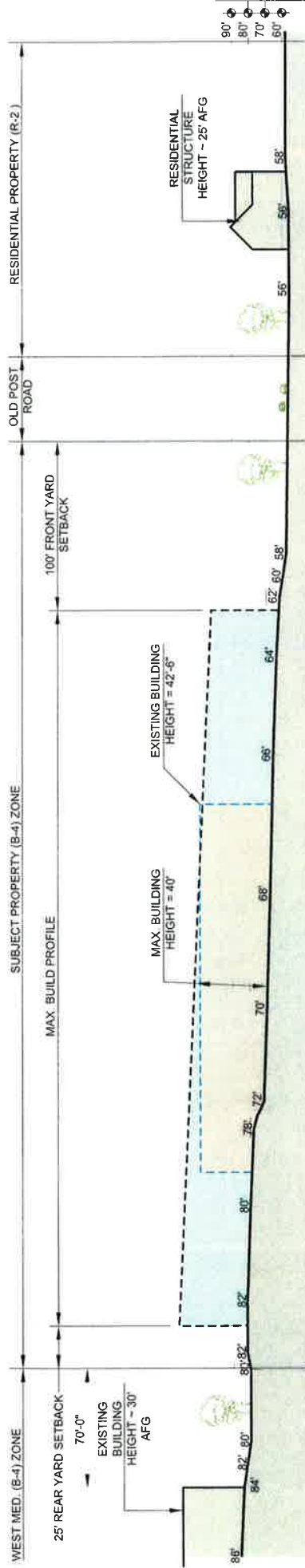
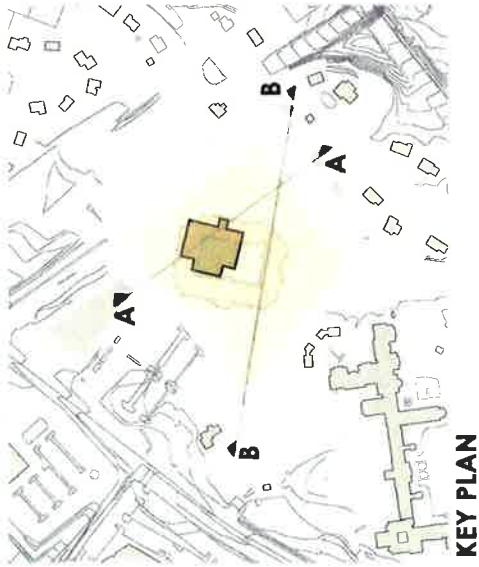
FIGURE NO. 6

**120 OLD POST ROAD
RYE, NY**
JUN 11/2015 - 1/12/2015 - REVISED 6/2/2015



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SITE SECTION DIAGRAM - AA

SITE SECTION DIAGRAM

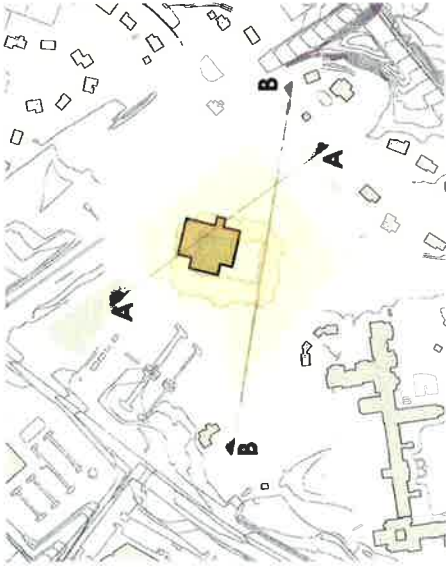
**120 OLD POST ROAD
RYE, NY**

APRIL 2014 (REV. 5-31-2015) REVISED 4-2-2016

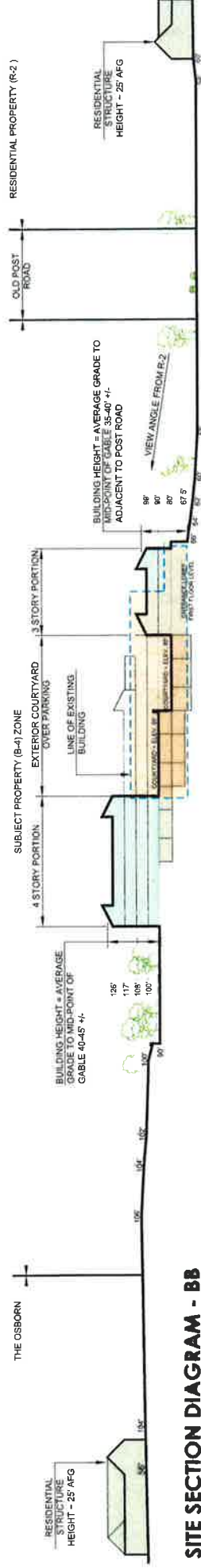


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KEY PLAN



SITE SECTION DIAGRAM - BB

SITE SECTION DIAGRAM - PROPOSED BUILDING

**120 OLD POST ROAD
RYE, NY**
AWISB0006 - 3-31-2015 revised 4-2-2015



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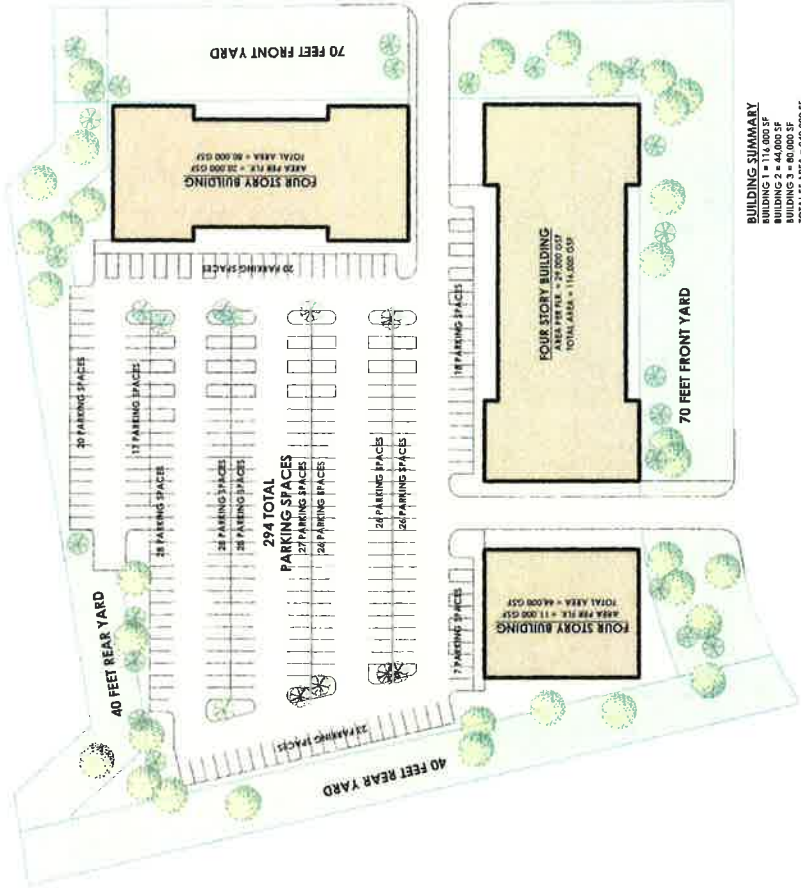


FIGURE NO. 8

RA-6 Density Study

Zoning Regulations		RA-6
Lot Area	304,920	
Maximum F.A.R	0.8	Req. Proposed
Site Maximum Allowed	243,936	240,000
Min. Yard Dimensions (Feet)		
Front	70	70
One Side	70	70
Total of Two Sides	140	140
Rear	40	40
Maximum Height		
Stories	4	4
Feet	50	45
Parking	2	per unit
Max. Parking (per unit above)	294	

Proposed Density Study	
Building Area (Gross)	240,000 gross sf
Area per floor (4 Story)	60,000 \$/floor
Efficiency Factor	25%
Net Area for Units	180,000
Average net area/unit	1,220
Total estimated units	147,541
Proposed Units	148
Parking Required	295,082
Proposed Parking	294
Impervious Coverage	177,928 58.4%
Building Footprint	60,000 19.7%
Paved Surfaces	117,928 38.7%



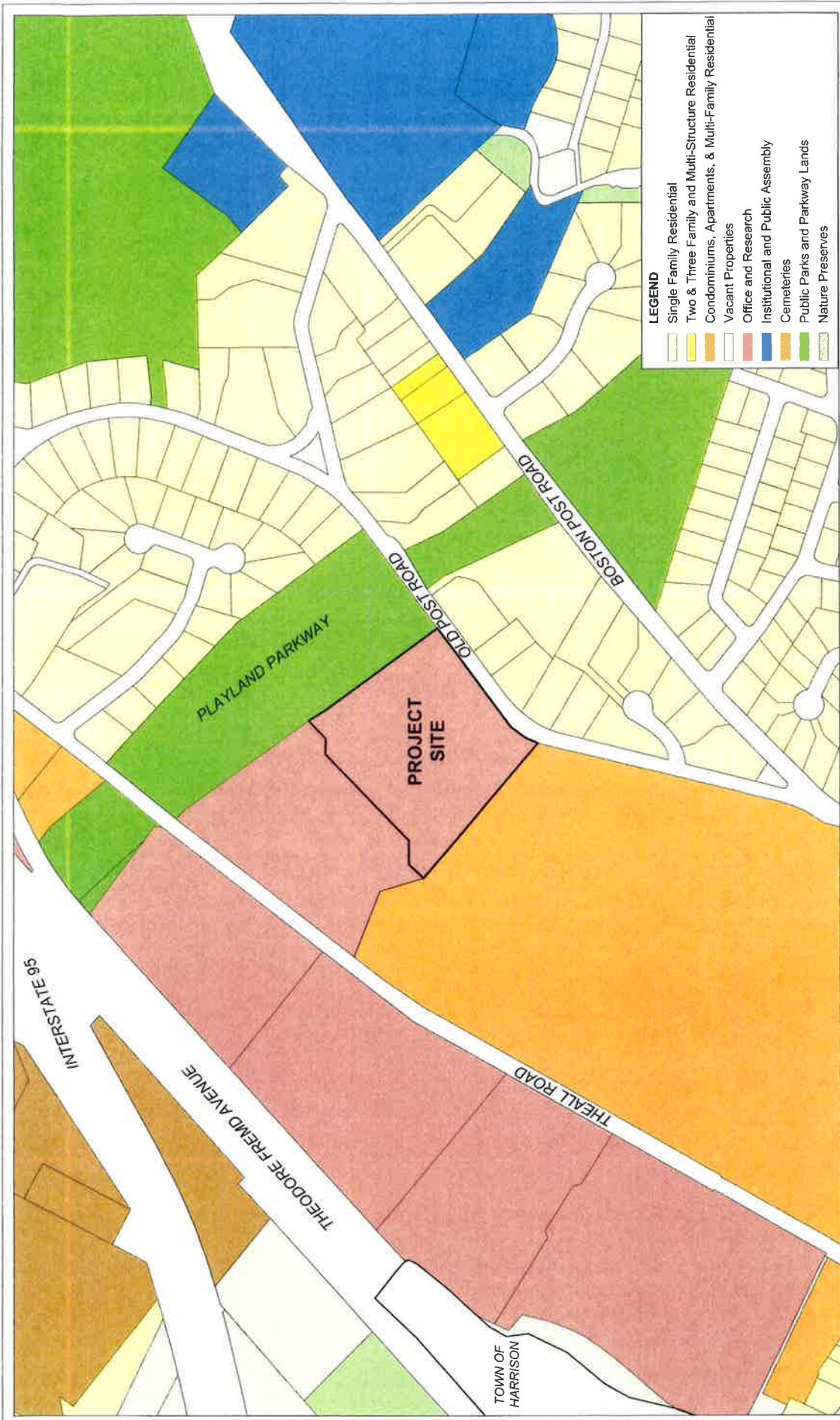
SITE PLAN - SURFACE PARKING ALTERNATIVE

120 OLD POST ROAD
 RYE, NY

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FIGURE NO. 9



AREA LAND USE MAP
 120 OLD POST ROAD
 CITY OF RFP, NEW YORK





CONCEPTUAL RENDERING - VIEW FROM PLAYLAND ACCESS DRIVE

120 OLD POST ROAD

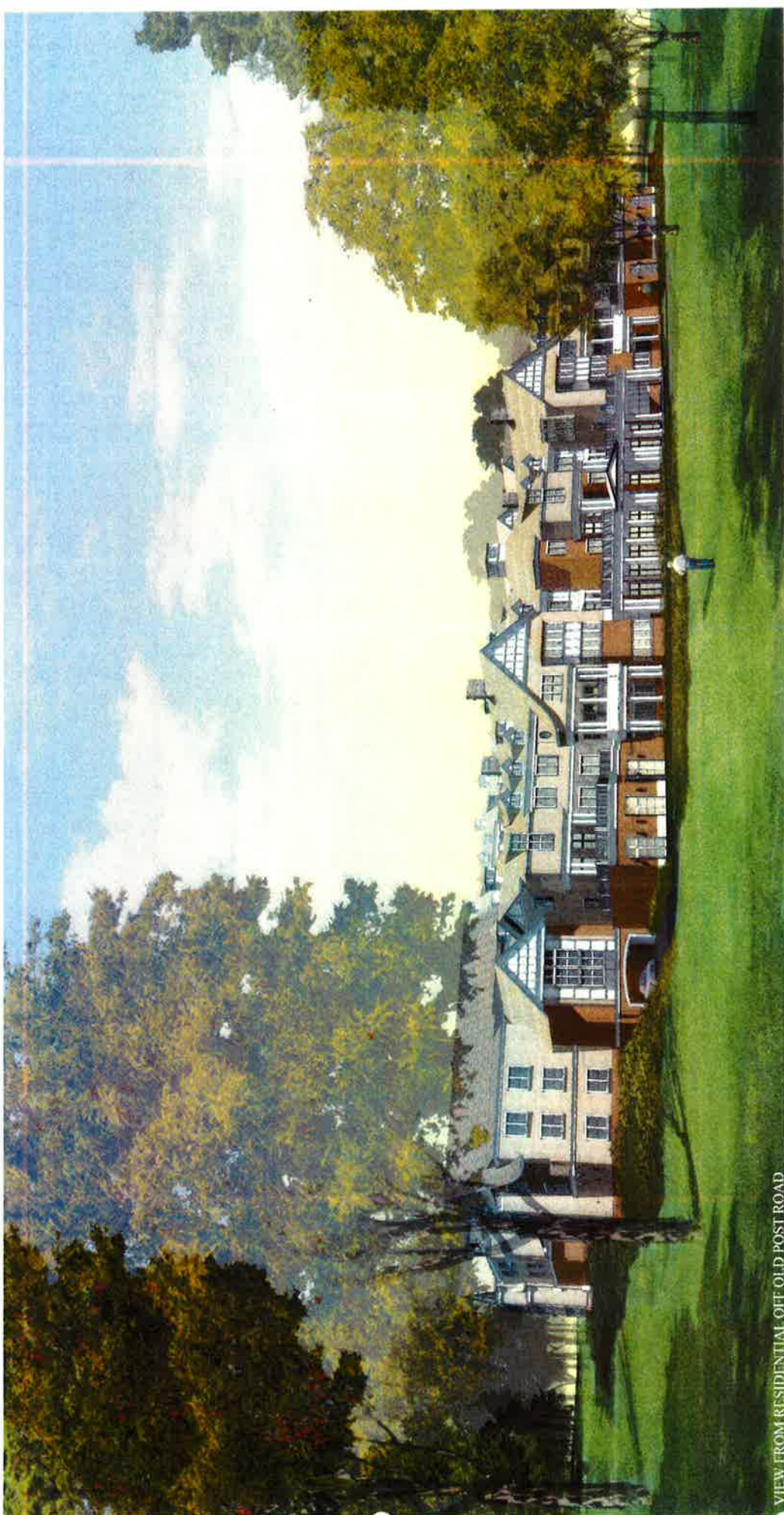
RYE, NY

ARTWORK BY: 1-12-2015 6-2-2015



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VIEW FROM RESIDENTIAL OFF OLD POST ROAD

CONCEPTUAL RENDERING - VIEW FROM OLD POST ROAD

120 OLD POST ROAD

RYE, NY

ARTIST'S CONCEPT - 1/12/2011, REVISED 4-3-15



DiVrey • Tang • Schwabe
Architectural Firm
1000 Old Post Road
Rye, NY 10583
Tel: 914.934.0000





VIEW OF INTERIOR COURTYARD

CONCEPTUAL RENDERING - VIEW OF INTERIOR COURTYARD

120 OLD POST ROAD
 RYE, NY

AWT/SAR/DB, 11/2/2015 REVISED 6-2-2015



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**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Rezoning of 120 Old Post Road		
Project Location (describe, and attach a general location map): 120 Old Post Road, City of Rye, Westchester County		
Brief Description of Proposed Action (include purpose or need): Rezoning of the property at 120 Old Post Road for an age-restricted, multi-family residential development.		
Name of Applicant/Sponsor: Old Post Road Associates LLP c/o Harfenist Kraut & Perlstein LLP		Telephone: 914-701-0800 E-Mail: jkraut@hkplaw.com
Address: 2975 Westchester Ave, Suite 415		
City/PO: Purchase	State: New York	Zip Code: 10577
Project Contact (if not same as sponsor; give name and title/role):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? • If Yes , complete sections C, F and G. • If No , proceed to question C.2 and complete all remaining sections and questions in Part 1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) If Yes, identify the plan(s): _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? If Yes, identify the plan(s): _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 B-4 Office Building District

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? RA-6 Apartments for Active Senior Citizens

C.4. Existing community services.

a. In what school district is the project site located? City of Rye

b. What police or other public protection forces serve the project site?
 City of Rye

c. Which fire protection and emergency medical services serve the project site?
 City of Rye

d. What parks serve the project site?
 Project Site is adjacent to Playland Parkway Lands and approximately 1/4 mile from Rye Nature Center.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? _____ 7 acres
 b. Total acreage to be physically disturbed? _____ 7 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 7 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase I (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	135

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 16,250 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: United Water
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

N/A

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ N/A gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 14,775 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Discharge

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: Blind Brook Wastewater Treatment Facility
- Name of district: Blind Brook
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

Yes No
 Yes No

• Do existing sewer lines serve the project site?
 • Will line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):
 N/A _____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 N/A _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No
 iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing 240 Proposed 186 Net increase/decrease -54

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
 N/A _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
To be determined

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: Vegetation and Landscape Screening

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): Parkway, Institutional

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Coverture	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	3.0	1.8	-1.2
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Lawn and Landscaped Area</u>	4.0	5.2	+1.2

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities:
 The Osborn Senior Living Facility

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 N/A
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): V00571
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 The Rye Gas Works site indicated in (iii) is located between Theodore Fremd Avenue and the New York, New Haven, and Hartford Railroad tracks in the Town of Rye. It is currently used as a ConEdison service center. Remediation was completed 06/28/2010 through NYSDEC Voluntary Cleanup Program.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >5 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: PnC/PnB - Paxton Fine Sandy Loam 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: 1.5-2.5 feet

e. Drainage status of project site soils: Well Drained: 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: N/A _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____	
<i>ii.</i> Source(s) of description or evaluation: _____	
<i>iii.</i> Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature	
<i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
<i>i.</i> CEA name: County & State Park Lands _____	
<i>ii.</i> Basis for designation: Exceptional or unique character _____	
<i>iii.</i> Designating agency and date: Date:1-31-90, Agency:Westchester County _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

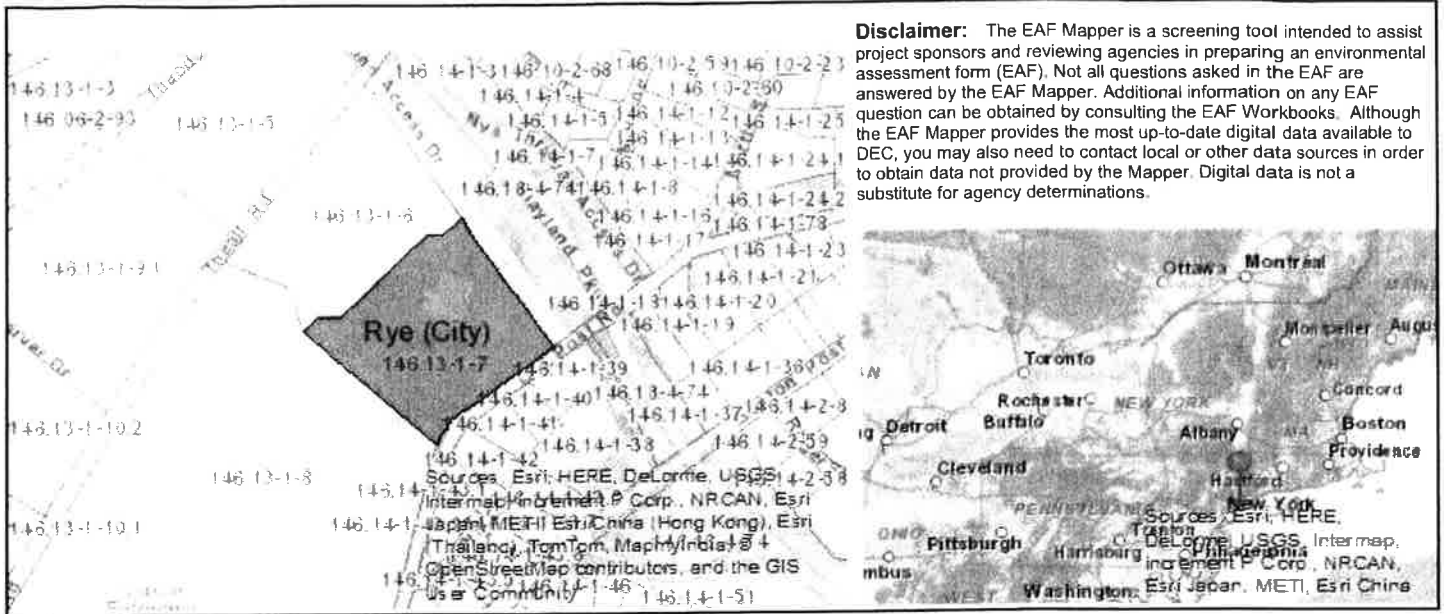
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name Leo Nappi Date 1/29/15
 Signature [Handwritten Signature] Title Attorney



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00571
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No

E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	County & State Park Lands
E.3.d.ii [Critical Environmental Area - Reason]	Exceptional or unique character
E.3.d.iii [Critical Environmental Area – Date and Agency]	Date:1-31-90, Agency:Westchester County
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

SUMMARY OF POTENTIAL ENVIRONMENTAL IMPACTS

The following provides a brief evaluation of the potential environmental impacts of the proposed project to supplement the analysis of Zoning, Land Use, and Fiscal Impacts previously identified in this petition. In this case, the types of impacts often associated with a development proposal are limited since the project involves a previously developed site. In addition, the site is not constrained by wetlands or other regulated waterbodies, floodplains, significant steep slopes, or other identified sensitive natural resources:

Transportation

The results of the Traffic Analysis prepared by Frederick P. Clark Associates, attached herein, indicate that the Proposed Project will generate 27 and 34 vehicle trip ends during a typical weekday morning and weekday afternoon peak hour, respectively. For comparison purposes, the existing office building, if fully occupied with a variety of commercial tenants, could generate 109 and 104 vehicle trip ends during the same weekday morning and weekday afternoon peak hours, respectively. Therefore, the Proposed Project would result in a significant reduction in site traffic, with a decrease of 82 and 80 vehicle trip ends during the weekday morning and weekday afternoon peak periods, respectively.

The results of the analyses indicate that area roadways will continue to operate with essentially no change in Level of Service, except for an overall decrease in Level of Service at the signalized intersection of Theodore Fremd Avenue and Playland Access Drive. At this intersection, the Level of Service will change from “B” to “C” during the weekday and morning peak hour, resulting in an overall increase in average delay per vehicle of only 0.3 seconds, which is considered insignificant.

The results of these analyses and a comparison between a background and combined conditions indicate that traffic control and pavement markings at each of these intersections should remain unchanged as no modifications are necessary to accommodate this residential development. Based on these results, it is the applicant’s opinion that no significant adverse impacts to transportation are expected.

Visual Resources

The Project would maintain the existing 100 foot buffer to Old Post Road, and further enhance local visual resources by providing subterranean parking within the proposed structure. This allows for the implementation of an attractive landscape plan and the preservation of many of the Site’s existing mature trees. The Project also contemplates the development having a traditional architectural style that is typical of Rye, and a design which will complement the historic character of the adjacent Osborn property, serving as an appropriate visual transition from the adjacent single family neighborhoods to the adjacent office parks. See Figures 7, 8, and 9, *Conceptual Renderings*.

Air Quality and Noise

The Proposed Project will include below grade parking for the tenants and the loading area has been located toward Playland Access Road so as to minimize noise associated with vehicles and trucks. Similarly, air quality impacts should be lessened since there will be a significant reduction in site traffic.

Utilities

Water usage and sanitary discharge will increase from current land use approximately 16,250 and 14,775 gallons per day (gpd) respectively. It is not anticipated that this increase will have a significant impact on water and sanitary facilities since these values are conservative when compared to typical units with families. Actual usage is anticipated to be lower. All units will be equipped with low-flow fixtures. Further site specific review will be conducted during the Site Plan review process. Electric, gas, and communications also exist in the area to support the new project. The utility providers will be contacted once the land use zoning has been approved to identify connections and service modifications needed to support the Proposed Project. All existing utilities are anticipated to support the demand of the Proposed Project.

WESTCHESTER COUNTY OFFICE MARKET: SUMMARY DATA



Prepared for **ALFRED WEISSMAN REAL ESTATE, LLC**

NOVEMBER, 2014





Goman+York Property Advisors LLC was engaged by Alfred Weissman Real Estate LLC to review several issues related to the possible redevelopment of the property located at 120 Old Post Road in Rye, NY. Those issues include:

Impact of Current Market Conditions

- Regional Trends in Local Office Market
 - History and growth
 - Current supply and demand parameters
 - Current vacancy rates
 - Impact of current market/vacancies on market valuations and property taxes

Impact of Current Market Conditions

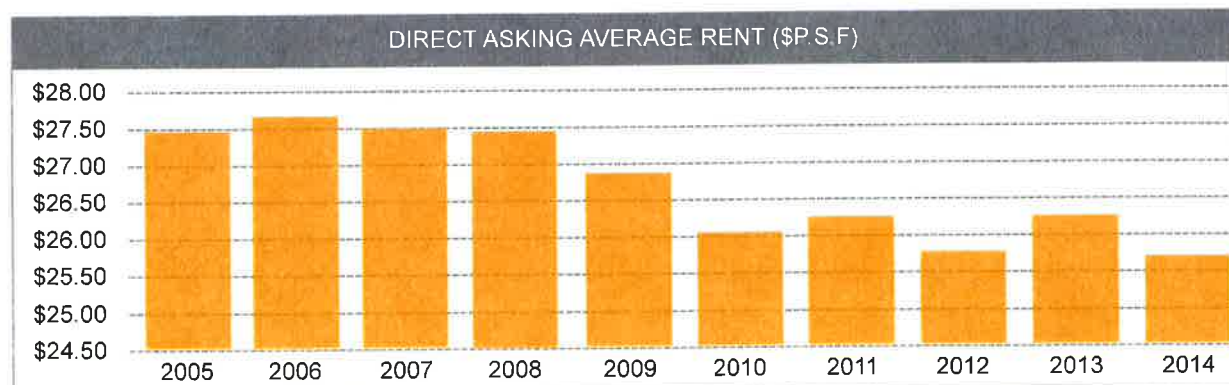
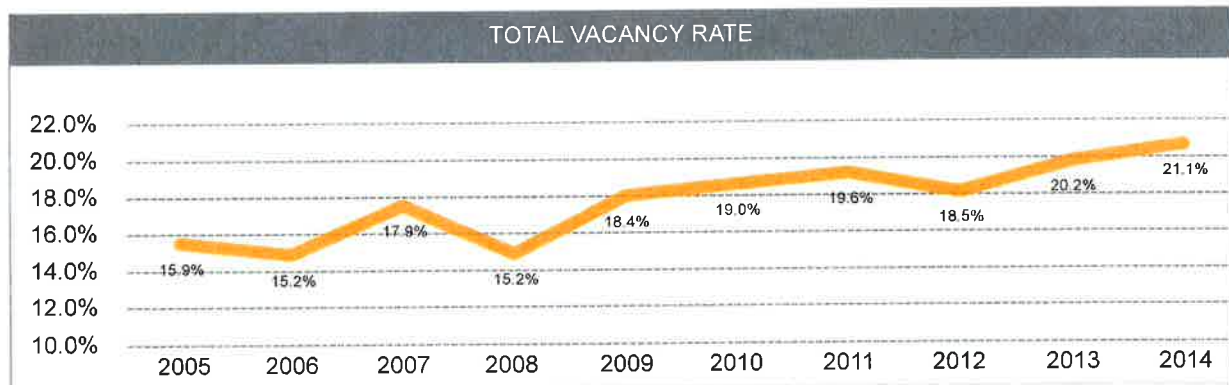
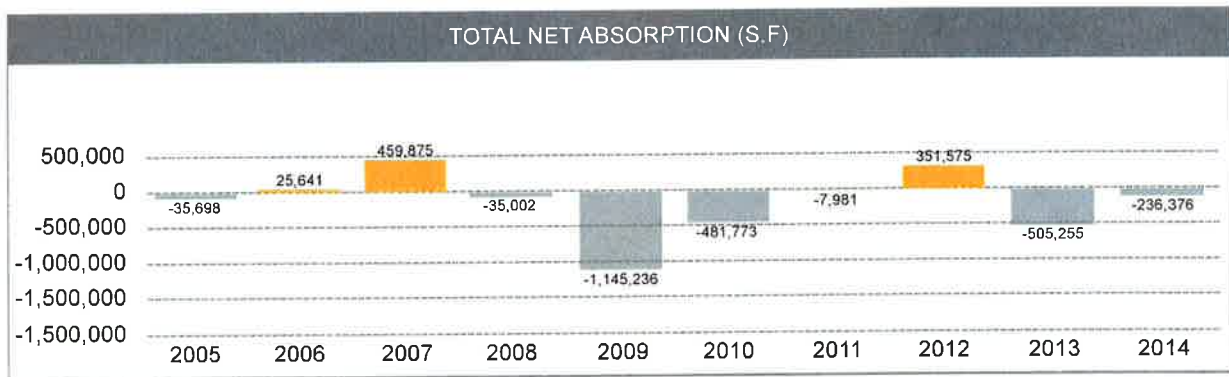
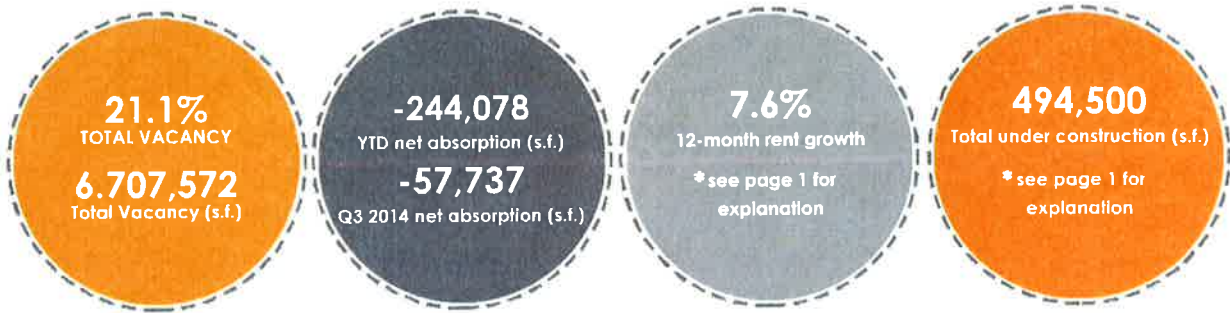
Office Market Trends

Vacancy rates for Westchester County historically have increased over the past 10 years, from a low of 15.2% in 2006 to its current high of 21.1% as of Q3 2014. In that same time period, direct asking average rent has decreased from \$27.50 per square foot in 2005 to its current low of \$25.65 per square foot. While rent growth over the last year has been 7.6%, this is due to significant renewal activity in the market and not any changes in the market conditions. It should be noted that operating costs have risen during that same period, pushing net rents on office properties even lower.

Since the 2008 recession, overall net absorption has been negative, only showing positive net absorption during 2012. Current availability has exceeded 5 million square feet and current absorption trends indicate that is yet to peak. 494,500 square feet of office space is currently under construction for Regeneron Pharmaceuticals and WestMed Medical Group. Both companies have been located within Westchester County and this is likely the result of obsolete office stock. We reviewed a variety of industry sources and all indicate vacancy rates are currently at a 10-year high.

Tax certiorari proceedings have increased in recent years by 10% to 86 in 2013 compared to 78 in 2012. Pressures from the courts to settle these cases has further impacted the value of commercial real estate in that potential buyers see it as a complicating factor to their business model and thus it serves as a disincentive to making investments in this asset class.

WESTCHESTER COUNTY OFFICE MARKET: SUMMARY DATA



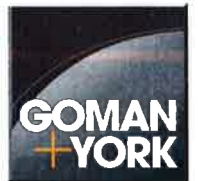
*Data compiled from various industry sources

RYE OFFICE MARKET ANALYSIS

120 OLD POST RD



Prepared for **ALFRED WEISSMAN REAL ESTATE, LLC**
March 2, 2015





Office Market Analysis – 120 Old Post Road, Rye, NY

Market Definition

The competitive office market for Rye, NY includes parts of southeastern Westchester County, southeastern White Plains, along with the southeastern I-287 corridor and the I-95 corridor.

The information contained in this analysis was taken from a variety of sources including regional market reports from the major commercial real estate brokerage houses along with data on commercial real estate activity from several real estate research and listing services.

Office Market Demand

While we have seen modest improvement in the national, regional and local economies and encouraging improvement in the unemployment rate during the past year, the demand for office space in the subject area continues to be very slow. In the portions of the market most relevant to Rye, the office vacancy rate continues to hover around 20% while the vacancy rate in the overall market area has continued to edge slightly higher in recent quarters.



Market Trends

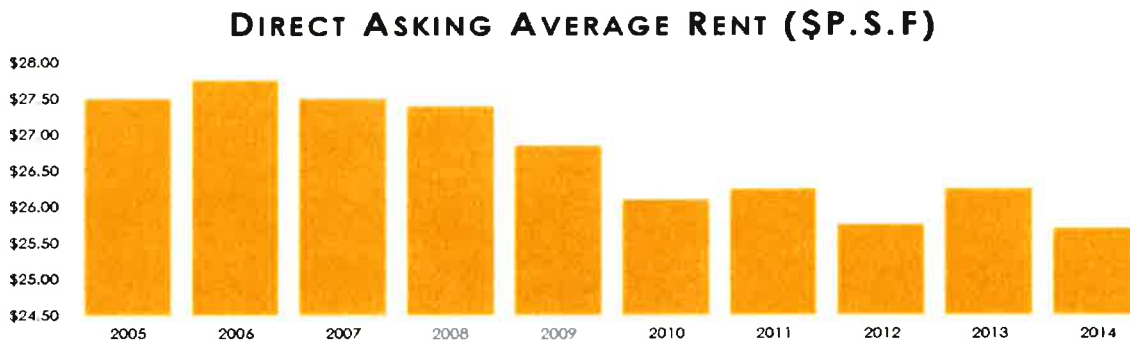
The trend of utilizing less square footage of space for each worker is one factor influencing the slow rate of leasing activity despite increasing employment. We expect this will continue to be of significant influence for an extended period of time, as many older buildings are adapted to the new layouts.



Office Market Analysis – 120 Old Post Road, Rye, NY

Much of the low level of office leasing activity has been in the medical, financial and business services sectors. Although not an unusually large amount of space, the lease to Acadia Realty Trust for approximately 30,000 square feet at 411 Theodore Fremd Avenue ranks as one largest transactions in the Westchester County market in Q4-2014, and the largest in the eastern submarket of Westchester County. While an important transaction, the fact that this is one of the largest deals done in the entire Westchester County market speaks to the continuing low level of activity.

Market Outlook



Each of the eastern sub-markets of Westchester County are currently showing reported vacancy of more than 1 million square feet of Class A office. Correspondingly, average asking rates have generally continued to decline slightly and are currently at their lowest reported level in the past 10 years. As expected, leasing velocity remains at record low levels. Non-CBD markets are particularly experiencing long term vacancy and low rental rates, and we don't expect improvement in this regard in the foreseeable future.



Office Market Analysis – 120 Old Post Road, Rye, NY

120 Old Post Rd

It should be noted that the subject property is configured primarily as an open plan headquarters building. This configuration places the building in a highly uncompetitive market position since the majority of office leasing activity is focused upon smaller spaces. The cost of reconfiguring the subject property will be significant as it will require major modifications to essentially all the existing mechanical, electrical and plumbing systems, as well as extensive re-demising of the building to create competitive leasable spaces. In many similar cases involving similar headquarters buildings the conversion cost has been determined to be prohibitive and the building has eventually been torn down as a result. We know of numerous situations involving millions of square feet of 1980's vintage headquarters buildings where this has been the outcome.

**MARKET FEASIBILITY ANALYSIS OF THE
RYE, NY MARKET FOR ACTIVE
ADULT (+55) HOUSING**



Prepared for **ALFRED WEISSMAN REAL ESTATE, LLC**

NOVEMBER, 2014



This report and plan was prepared for **ALFRED WEISSMAN REAL ESTATE, LLC**

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T A B L E O F C O N T E N T S

Executive Summary.....	2
Study Methodology.....	4
Demographic and Socioeconomic Characteristics.....	6
Housing Occupancy.....	8
Competition Analysis and Pricing- Rental.....	9
Competition Analysis and Pricing- Sale.....	10
Phasing and Implementation.....	11
Conclusion.....	12
Maps.....	13
Site Plans.....	16
Appendix.....	25



EXECUTIVE SUMMARY

The Assignment

Goman+York Property Advisors LLC was engaged by Alfred Weissman Real Estate LLC to provide a preliminary study examining the market capacity and the for-sale and for-rent parameters for the development of approximately 135 new senior (+55) independent living luxury housing units in Rye, New York.

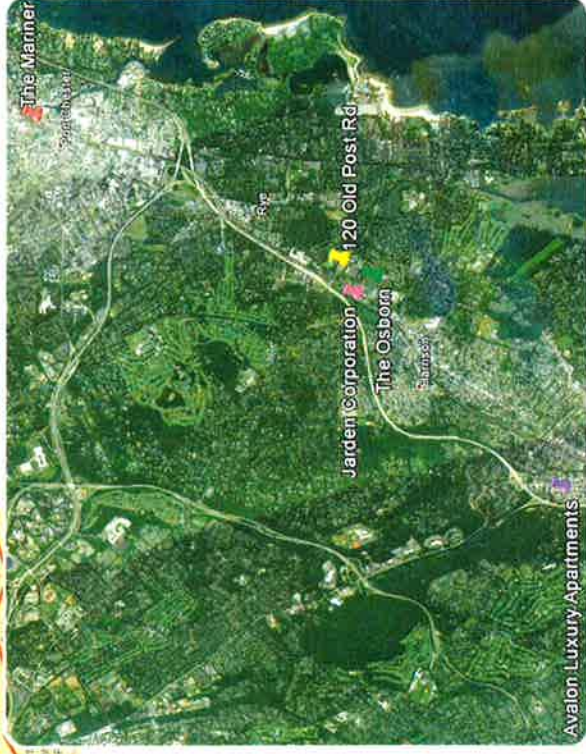
The following report is a market feasibility analysis of the proposed senior (+55) housing project in Rye, New York based upon the conceptual design and project scope as provided by Alfred Weissman Real Estate LLC and Tecton Architects.

This analysis should be viewed as a macro level review of the market feasibility of the conceptual development plan. Essentially, this analysis is intended to provide information adequate to assist the developer in deciding whether further work on the given project is warranted. More specifically, the analysis assists the developer in making a "go or no go" decision before expending substantially more time and effort on the next level of detailed development tasks, including design development, cost estimating, geotechnical and environmental analysis, detailed financial projections and similar development related work.

It is important to point out that this analysis is not intended to provide the detailed information necessary for the purpose of formally underwriting debt or equity investment with respect to the given project.

The Project

The proposed project, as presented in the conceptual plans from Tecton Architects dated April 25, 2014, envisions a three-story independent living facility targeted at active adults (+55). The proposed design contains 135 luxury residential units and includes a variety of amenities such as a cafe/bistro, theater, study/game room, natatorium and fitness center along with locker rooms, multipurpose room and several courtyard areas. The overall facility is proposed to be approximately 245,000 square ft. with parking for 186 vehicles. The project site is located at the northwest corner of Old Post Road and Play Land Access Drive in Rye, New York.



The Market

We established 3 discrete study areas for the project based upon drive time parameters of 5, 13 and 23 minutes. In our experience, study areas based upon driving times provide a more accurate and realistic picture than, for example, concentric rings. Essentially, this is simply saying that the particular study area consists of those residents who live within the given drive time parameter from the project site.

The 23 minute drive time study area should be viewed as the regional market (based on 2010 US DOT Federal Highway Administration Report) for the project. The average commute to work drive time for the US is approximately 23 minutes and we believe that it serves as a reasonable proxy for the largest study area. While the project is likely to attract some residents from outside that study area, the majority are likely to come from within it. The 5 minute drive time study area should be viewed as the immediate neighborhood market for the project. We would expect the project to receive very significant consideration from potential buyers who currently reside within this study area. The 13 minute drive time study area simply bisects the other two study areas and provides an additional way to view the market for this project.

The data for the residents living within all 3 study areas shows that the market possesses exceptionally attractive socioeconomic indicators. In particular, the 5 minute drive time trade area contains very high percentages of residents who are in the top socioeconomic segments in the US in terms of wealth, education and employment status. While the socioeconomic characteristics decline somewhat as the trade area size increases, the overall market remains remarkably strong. Ethnic diversity increases significantly along with the size of the study area. In summary, our analysis shows that the drive time trade area is ideally suited for the contemplated project.

The Competitive Environment

We conducted a review of available rental and for sale housing within the applicable study area. Our review identified several projects which we consider to be directly competitive and which we believe are reflective of the tenant profile being sought for the project. Rental rates and multi-family unit values within the reviewed projects are high while vacancy rates are low, relative to the averages. These conditions are positive indicators for a proposed new entrant to the market.

Given the prominent position it occupies within this study area, we paid particular attention to The Osborn development adjacent to the planned project. Goman+York personnel confidentially "shopped" The Osborn to determine unit availability, pricing and occupancy. The very low vacancy at The Osborn, combined with their focus on providing a comprehensive service offering including meal plans and other services not being contemplated as part of the proposed project leads us to conclude that there will be limited overlap between potential tenants for The Osborn and the proposed project. In fact, we think it is more likely that these two projects will complement each other as opposed to competing with each other.

Conclusion

Based upon our review of the study area characteristics and the competitive environment, we believe that the market response to the contemplated project will be very positive.

We recommend that further and more specific market research and testing be done once the project plans have been more fully developed, unit designs/layouts and features have been detailed, specific amenities can be described and a professional marketing campaign, along with appropriate collateral materials, are available.

STUDY METHODOLOGY

The Study prepared for **Rye, NY** provides an overview of the **Active Adult (+55) Housing Market**. The analysis will inform projections that will allow Rye, NY to accurately plan for its future development.

Potential Market

The potential market for active senior housing derives from the pool of households, aged 55 and older, who move within the market area in a given year, and those who move to the area from other counties and even other states.

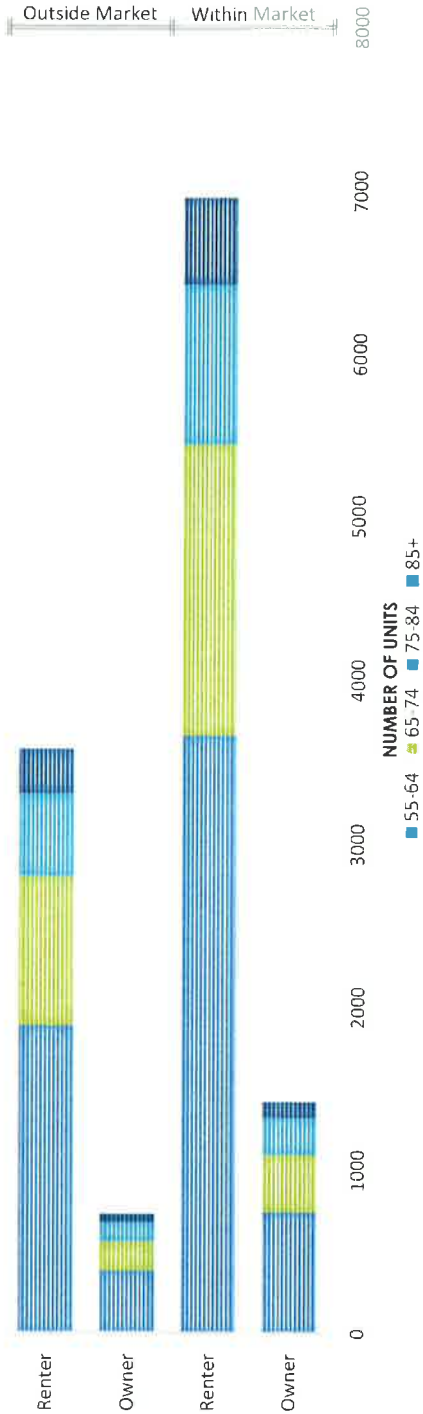
Mobility rates for seniors, who often prefer to age in place, are much lower than for younger households. Rates are, however, higher for seniors who rent rather than own their own homes. To estimate the size of the potential market, national

in-county mobility rates were used as a proxy for the rates at which seniors within various age cohorts are likely to relocate somewhere within the target market area. Table below shows that for seniors 55 and older already living within the 23-minute

radius of the proposed project, from which approximately 8,400 are likely to move in a given year based on 2010 Census data. More than 80% of those moving are expected to come from among the ranks of existing renters who are likely to prefer

rental units, as would many of those who might choose to downsize from homes they currently own.

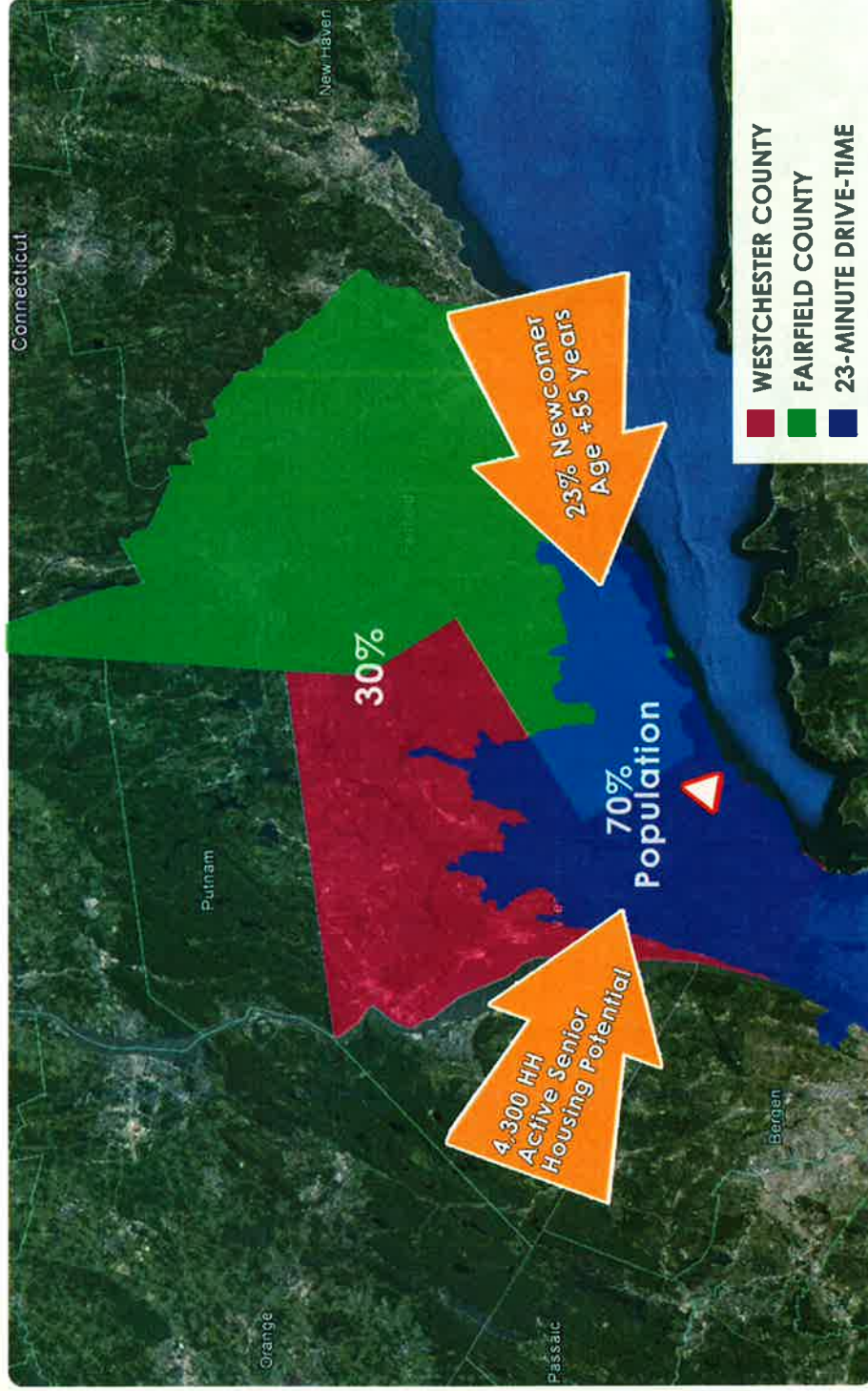
POTENTIAL DEMAND FOR ACTIVE +55 HOUSING



Population Migration

Households moving into the market area were assumed to have characteristics that are similar to current residents. Approximately 27,000 households moved into the two-county area of Westchester, NY and Fairfield, CT between 2009 and 2010, according to the latest IRS data. The 23-minute target market holds nearly 70% of the two-county population and will presumably attract a similar share of the new households. And reflecting the national migration patterns of households, about 23% of the newcomers are likely to be 55 and older. Consequently, about 4,300 households that move into the 23-minute target market each year are potential candidates for active senior housing.

Combining the 8,400 senior households that move within the market area each year with 4,300 in from outside produces a potential market for active senior housing of 12,000 households or more. That is an average of approximately 1,000 households monthly. However, these estimates should be narrowed further to adjust for characteristics, such as target income and age ranges, that are in keeping with the design and scope of this project.



DEMOGRAPHIC & SOCIOECONOMIC CHARACTERISTICS

To get a grasp of the social elements that make up the community, we explored the **Demographic and Socioeconomic characteristics** of the study area.

Demographic

The target markets surrounding the proposed Rye, NY active senior housing project are predominantly white, well-educated, and wealthy.

The majority of residents in all three study areas are white, with shares in 2013 ranging from 84%, 73% and 55% within the 5, 13 and 23 minute drive-times, respectively. The larger markets exhibit more racial and ethnic diversity with the black share of the population growing from just 2% within the 5-minute range to 24% within the 23-minute range.

Similarly, residents of Hispanic origin make up 27% of the population within the 23-minute market area but only 12% of the market at the 5-minute mark. All three markets are expected to become more diverse, largely as a result of a growing Hispanic population.

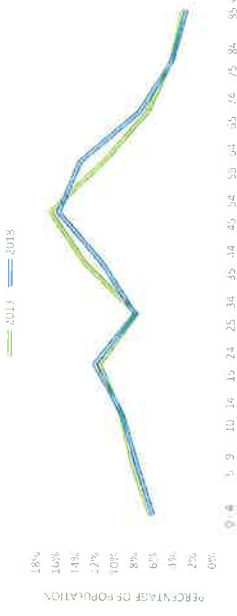
Within a 23-minute drive time, the median age of area residents matches the US average in 2013 of 38.5 years, but in the two smaller markets residents tend to be older. Seniors 55 and older represented about 27% of the population in the

two larger markets—a figure that is likely to top 29% by 2018.

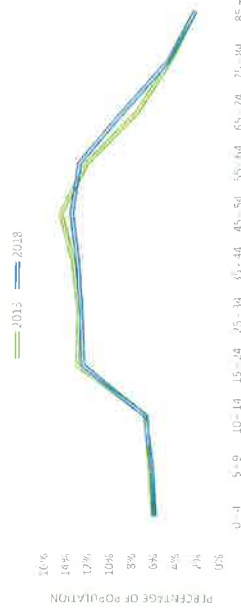
Housing is evenly divided between owner and renter occupied units at the 23-minute drive time from the Rye, NY center point. But within closer radii, owner occupied units are in the majority—58% at the 5-minute mark, 53% within a 13-minute drive time.

Owner-occupied housing is expected to represent a slightly larger share of all three markets by 2018.

5 MIN AGE DISTRIBUTION



23 MIN AGE DISTRIBUTION



INCOME DISTRIBUTION OF RYE - 23 MINUTE

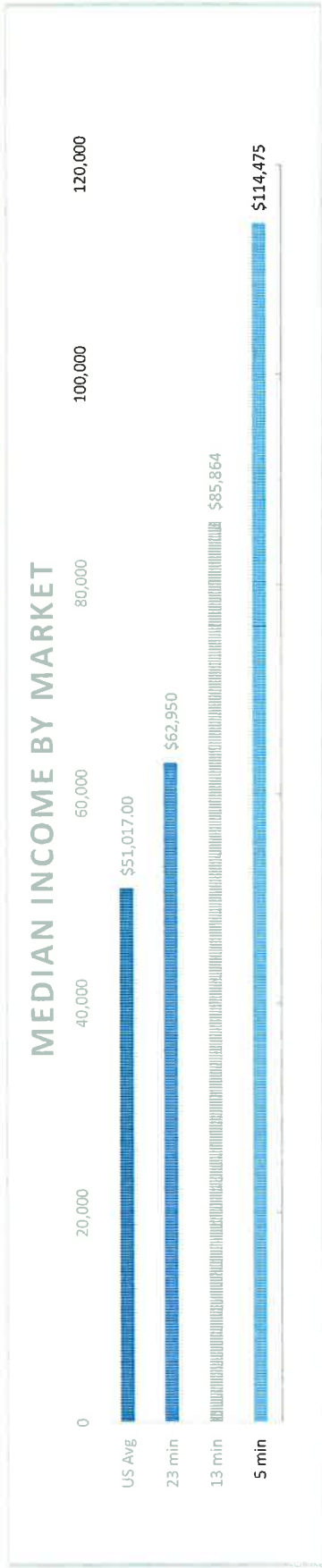
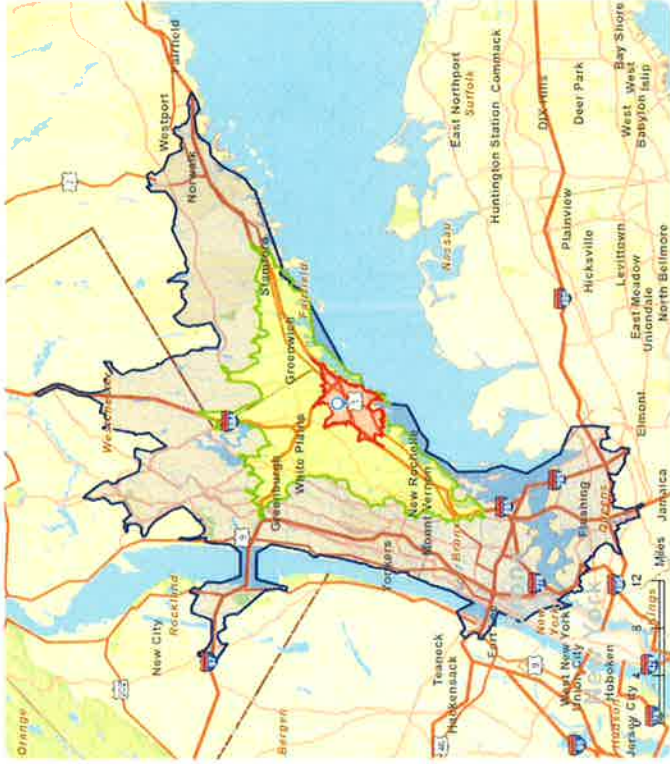


Education

Rye area residents are highly educated, with the share of the population 25 and older holding a Bachelor's degree or higher at 62%, 49% and 38% within a 5, 13 and 23-minute drive of Rye, respectively. The comparable US figure is just 32%. The employed population of the area works predominantly in the services sector and in white-collar occupations, earning exceptional levels of income.

Income

Median household income within a 5-minute drive time of Rye exceeds \$114,000, more than double the US median. Incomes are lower in the two broader market areas—\$86,000 and \$63,000 in the 13-minute and 23-minute rings, respectively—but still above the comparable US figure.



HOUSING OCCUPANCY

The target market is characterized by a relatively low vacancy rate, and a large share of **renter-occupied** as opposed to **owner-occupied** housing.

Vacancy Rates

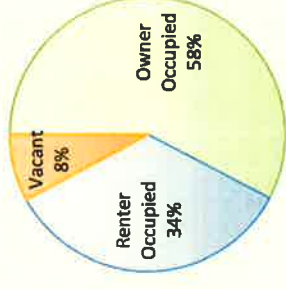
Vacancy rates within 23-minutes of the subject property were 6.1%, according to 2010 Census data. That compares favorably to a U.S. average rate of 11.4% the same year, and to rates of 9.7%, 7.9% and 9.5%, respectively in the states of New York, Connecticut and New Jersey.

Current (2013) vacancy rates in the 23-minute radius have inched up a bit since 2010 (to 6.3%) but they remain lower in this larger market than in the more narrowly defined drive time markets where they are 7.9% within a 5-minute area and 7.5% within the 13-minute area. The housing market is expected to remain tight for the foreseeable future, with projected 2018 vacancy rates of 6.2% within the 23-minute drive time and 7.2% within the 13-minute market. Even an anticipated 9.0% vacancy rate for the 5-minute drive time market in 2018 compares favorably to current national and regional rates.

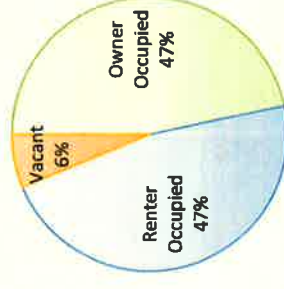
Rental Market Demand

The low vacancy rates in the local markets surrounding the proposed project are particularly noteworthy given the relatively high share of rental housing in the area. Within the 23-minute drive time market, housing is divided evenly between owner and rental occupied units at about 47% each. That represents a relatively large share of rental-occupied units which tend to have much higher vacancy rates than do owner-occupied units. Nationally, and in Connecticut and New Jersey, renter-occupied housing makes up 25% or less of the total number of housing units. New York's statewide renter occupancy rate is 37%.

2013 Housing Summary
- 5 minute



2013 Housing Summary
- 23 minute



COMPETITION ANALYSIS & PRICING- RENTAL

Our review included properties in Rye, as well as properties in markets immediately adjacent to Rye and properties in markets located same distance from Rye but which have similar demographic and socioeconomic characteristics. With respect to properties located in Rye, we looked closely at four apartment complexes: The Osborn in Rye, NY, 101 Park Place in Stamford, CT, Scarsdale Commons, Scarsdale, NY and The Avalon Bronxville in Bronxville, NY all built since 2005.

Comparison

They range in size from 336 to 100 units and offer both 1-bedroom, 1-bathroom and 2-bedroom, 2-bathroom options (see table below).

All three complexes can be described as luxury properties, offering unit amenities that include parking, full kitchens, washer/dryers, and central air. Community amenities include fitness centers, clubhouses, and picnic/barbecue areas.

Pricing- Rental

The accompanying scatter plot shows the monthly rental prices and square footage for three competitive projects. The smaller units, each around 800 square feet, are all 1-bedroom, 1-bathroom apartments; the larger units, each around 1,200 square feet, are all 2-bedroom, 2-bathroom units. Assuming area renters judge the amenities of the Rye project as significantly better than these apartments, an appropriate price for 1-bedroom units would be +/- \$2,800 and an appropriate price for 2-bedroom units would be +/- \$3,900.



23-MINUTE DRIVE-TIME

CHARACTERISTICS OF COMPARABLE UNITS

	UNITS	BEDROOMS	BATHS	SQ. FT.	RENT	DISTANCE TO TRANSIT
THE OSBORN	138	1	1	756	\$5,400	3 min
		2	2	1186	\$3,356	
101 PARK PLACE	336	1	1	806	\$2,450	1 min
		2	2	1023	\$2,560	
SCARSDALE COMMONS	43	1	1	855	\$3,000	2 min
		2	2	1175	\$3,900	
THE AVALON BRONXVILLE	146	1	1	821	\$3,010	2 min
		2	2	985	\$4,125	

SIZE VERSUS RENT OF COMPETITORS



COMPETITION ANALYSIS & PRICING- SALE

Local Property Records served as the comparison for potential market value.

Comparison

We examined similar for-sale condominium properties in a variety of markets in Rye, several markets which are immediately proximate to Rye, and additional markets located some distance from Rye but which have similar demographic and socioeconomic characteristics.

It should be noted that in looking at comparable properties, our focus was on well-located luxury residential properties having a high level of finish and extensive in-suite features, and which offer a significant list of common facilities and amenities.

Pricing- Sale

The accompanying charts show sale prices and square footage for luxury properties in similar markets. Assuming potential buyers judge the level of finish, features and amenities of the Rye project to be equal to or better than these properties, appropriate prices for 1 bedroom units would be about \$385,600 or \$482 per square foot, and for 2 bedroom units would be about \$522,000 or \$475 per square foot.



■ 23-MINUTE DRIVE-TIME

RYE COMPARABLE SALES

	UNIT TYPE	BEDROOMS	BATHS	SQFT	PRICE	\$/SQFT
RYE	CONDO	2	2	1104	\$521,088	\$472
WESTBURY	APT	2	2	1261	\$616,667	\$492
PORT WASHINGTON	CONDO	2	2	1371	\$572,479	\$417

PHASING AND IMPLEMENTATION

The analysis of **senior migration patterns** in the study area concluded that approximately 1,000 households could be in the market each month. Only some of these households, however, are likely to match the income and age profile that would make **living in an active senior community** either feasible or attractive.

Defining the Market

Given the proposed pricing structure, the target market for the units should include seniors with incomes of \$112,000 or more annually. (Industry rules-of-thumb suggest that income should be at least 40 times the monthly cost of housing.) According to current (2013) estimates, about 27.8% of senior (55+) households in the area meet this income criterion. It is likely, therefore, that only 278 of the 1,000 monthly, house-hunting, senior households would pass the income test for the proposed project.

However, active lifestyle arrangements are unlikely to appeal to the oldest senior cohort. And 16% of area seniors are 80 and older. Limiting the market to seniors between 55 and 79 reduces the target market of potential new tenants to about 233 per month.

Implementation

Assuming that all 135 of the proposed Rye units go on the market simultaneously and that the units are expected to be occupied within 90 days, the project would have to capture just over 15% of the market. Extending the marketing time would reduce the necessary capture rate. Over a 180-day period, for example, the Rye project would only have to capture less than 8% of the market. Alternatively, intensive pre-marketing or unit discounting would improve the chances of capturing a 15% market share within 90 days.

CONCLUSION - PRICING

Goman+York was asked to review the market feasibility of the proposed conversion of the subject property into a luxury, age-restricted (55+) residential development positioned at the upper end of the price spectrum. Our review included both rental and for-sale properties. The primary focus of our review was to assess the rents or sales prices which can be reasonably expected to be achieved if the redeveloped subject property is positioned at the upper end of the market.

A component of our work in this regard involved establishing several study areas based upon specific geographic parameters and subsequently conducting a review of residential projects having similar market positioning within those study areas. In broad terms, the study areas we established and examined included:

- a) the city of Rye,
- b) similar markets in close or immediate proximity to Rye, and,
- c) markets in the greater metropolitan New York City area having similar demographic and socioeconomic characteristics to those present in Rye but which are located some distance from Rye.

The estimates of achievable rents and sales pricing contained in these conclusions are conditioned upon certain specific assumptions about the redeveloped property, including:

1. that it is positioned as a luxury, age-restricted (55+) community,
2. that an experienced firm with a successful track record with similar luxury projects be engaged to market the project,
3. that individual units feature gourmet kitchens, luxury baths, and extensive entryway, trim, file and general levels of finish
4. the the property offers on-site amenities equal to or exceeding the best available at competitive luxury properties

Based upon the entirety of our review, we conclude that the redeveloped project can reasonably be expected to achieve rents of between \$3.25 and \$3.75 per square foot per month or approximately \$2,800 to \$3,200 per month for a 1 bedroom and from approximately \$3,900 to \$4,900 per month for a 2 bedroom. In the case of condominium units offered for sale, we conclude that the redeveloped project can reasonably be expected to achieve pricing between \$480 and \$550 per square foot or approximately \$425,000 to \$475,000 for a 1 bedroom and from approximately \$575,000 to \$715,000 for a 2 bedroom.

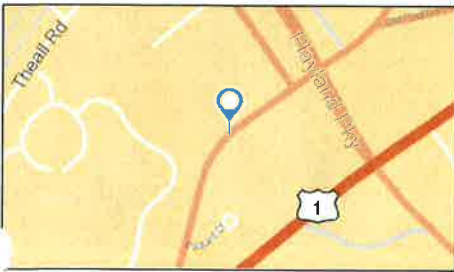


Site Map

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 Minutes

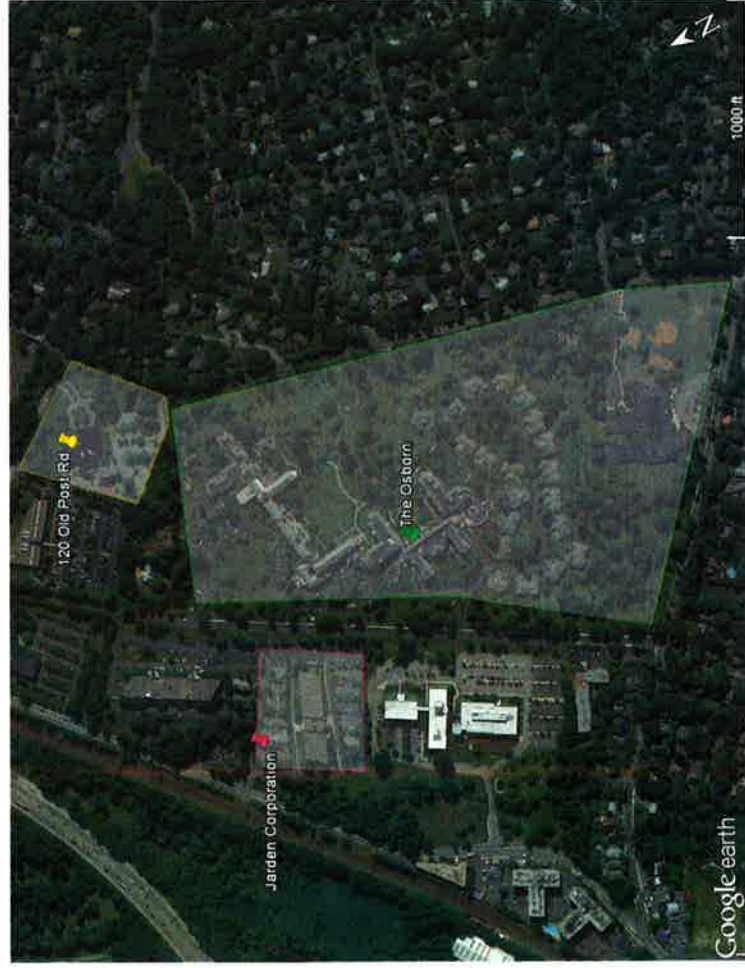
Prepared by Robert Goman

Latitude: 40.921932
Longitude: -73.696125



AERIAL OF COMPETITORS

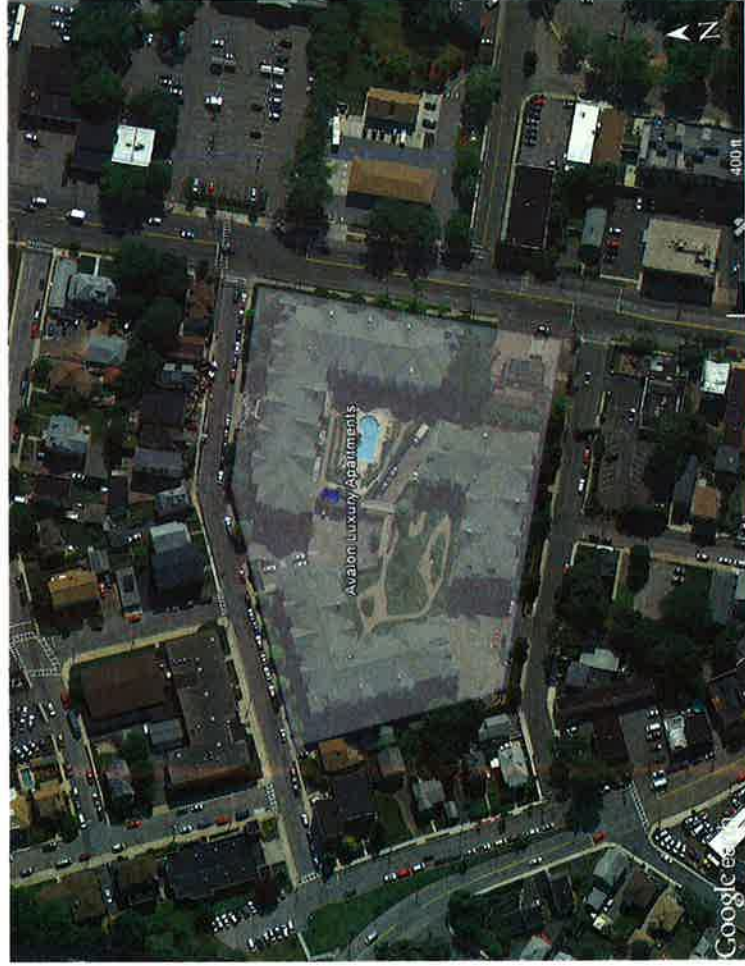
The Osborn and The Mariner



GOMAN+YORK
NOVEMBER, 2014

AERIAL OF COMPETITORS

Avalon and Glenview House



SITE AND FLOOR PLANS



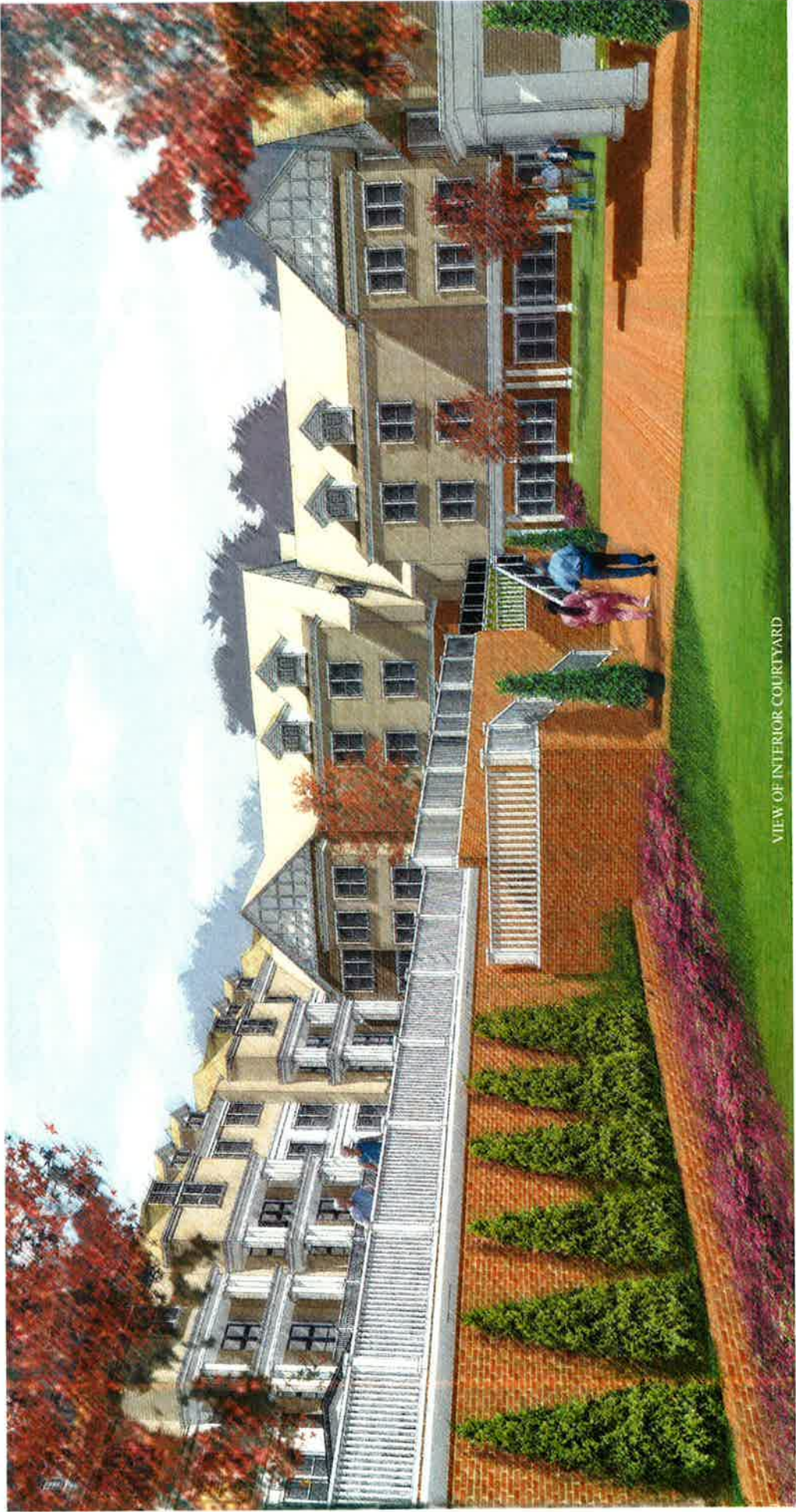
VIEW FROM ENTRY DRIVE

12000 W. BAYVIEW BLVD. #1000, MIAMI BEACH, FL 33141



VIEW FROM RESIDENTIAL OFF OLD POST ROAD

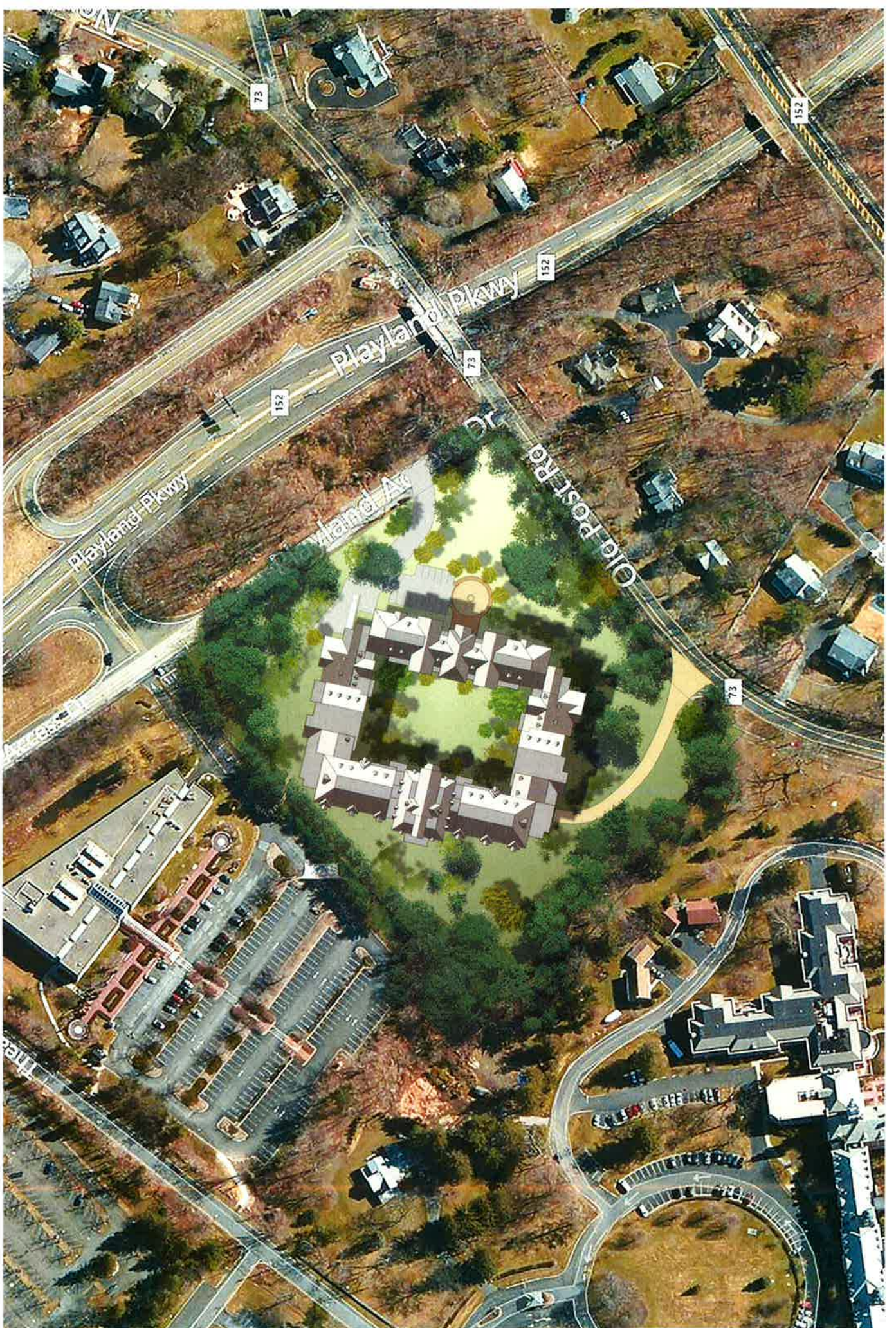
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VIEW OF INTERIOR COURTYARD

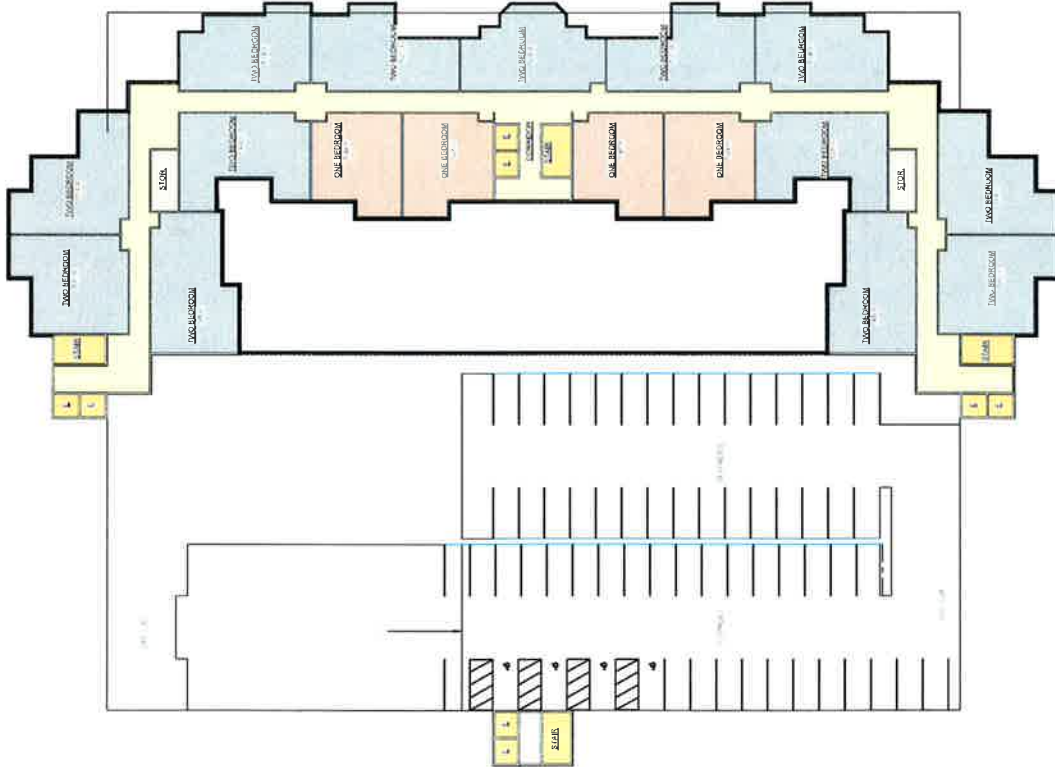
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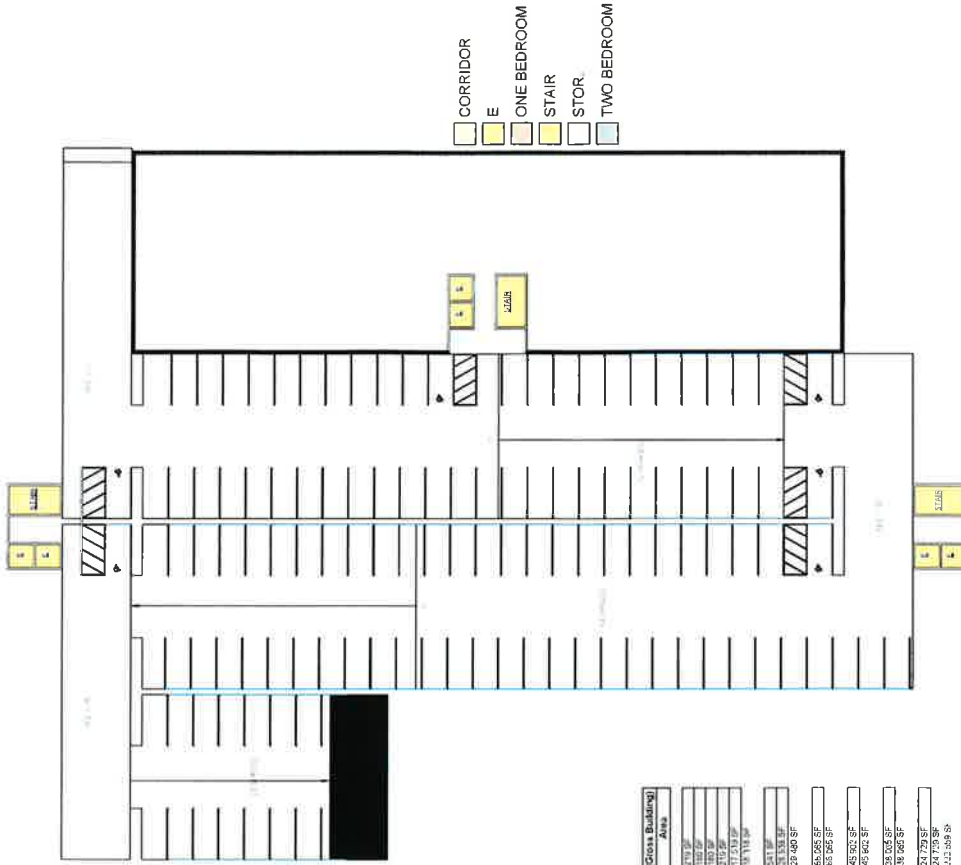
2ND FLOOR
1" = 20'-0"

ROOM AREAS	
Name	Area
01A BEDROOM	14,532 SF
02A BEDROOM	18,133 SF
3RD FLOOR ST	30,442 SF
01B BEDROOM	14,627 SF
02B BEDROOM	18,102 SF
3RD FLOOR ST	49,390 SF
01C BEDROOM	14,626 SF
02C BEDROOM	18,103 SF
4TH FLOOR ST	35,362 SF
01D BEDROOM	18,103 SF
02D BEDROOM	13,162 SF
5TH FLOOR ST	35,362 SF
01E BEDROOM	14,532 SF
02E BEDROOM	18,133 SF
6TH FLOOR ST	35,362 SF
01F BEDROOM	14,532 SF
02F BEDROOM	18,133 SF
7TH FLOOR ST	42,271 SF

UNITS - ONE BEDROOM	
Level	Name
2ND FLOOR	ONE BEDROOM
3RD FLOOR	ONE BEDROOM
4TH FLOOR	ONE BEDROOM
5TH FLOOR	ONE BEDROOM
6TH FLOOR	ONE BEDROOM
7TH FLOOR	ONE BEDROOM

UNITS - TWO BEDROOM	
Level	Name
2ND FLOOR	TWO BEDROOM
3RD FLOOR	TWO BEDROOM
4TH FLOOR	TWO BEDROOM
5TH FLOOR	TWO BEDROOM
6TH FLOOR	TWO BEDROOM
7TH FLOOR	TWO BEDROOM

- CORRIDOR
- E
- ONE BEDROOM
- STAIR
- STOR.
- TWO BEDROOM



1ST FLOOR
1" = 20'-0"

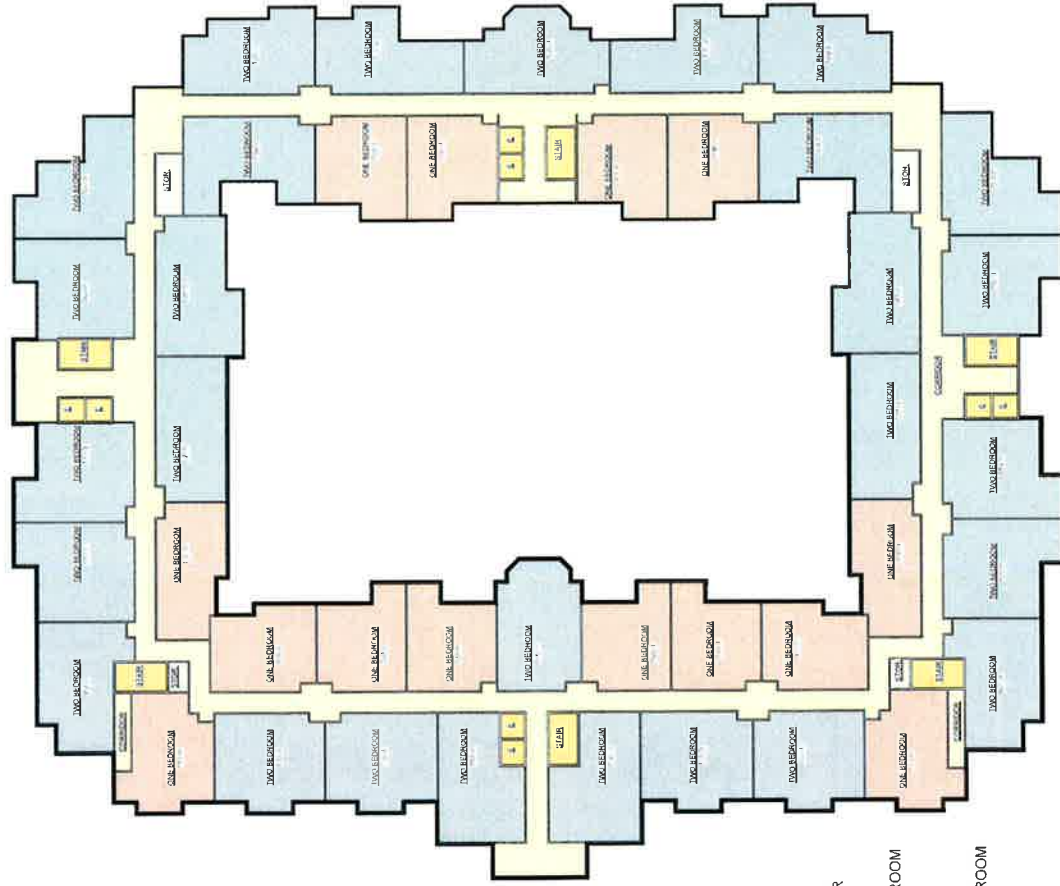
Area Schedule (Prior Building)	
Level	Area
1ST FLOOR	17,979 SF
2ND FLOOR	18,978 SF
3RD FLOOR	18,978 SF
4TH FLOOR	18,978 SF
5TH FLOOR	18,978 SF
6TH FLOOR	18,978 SF
7TH FLOOR	18,978 SF
8TH FLOOR	18,978 SF
9TH FLOOR	18,978 SF
10TH FLOOR	18,978 SF
11TH FLOOR	18,978 SF
12TH FLOOR	18,978 SF
13TH FLOOR	18,978 SF
14TH FLOOR	18,978 SF
15TH FLOOR	18,978 SF
16TH FLOOR	18,978 SF
17TH FLOOR	18,978 SF
18TH FLOOR	18,978 SF
19TH FLOOR	18,978 SF
20TH FLOOR	18,978 SF
21TH FLOOR	18,978 SF
22TH FLOOR	18,978 SF
23TH FLOOR	18,978 SF
24TH FLOOR	18,978 SF
25TH FLOOR	18,978 SF
26TH FLOOR	18,978 SF
27TH FLOOR	18,978 SF
28TH FLOOR	18,978 SF
29TH FLOOR	18,978 SF
30TH FLOOR	18,978 SF
31TH FLOOR	18,978 SF
32TH FLOOR	18,978 SF
33TH FLOOR	18,978 SF
34TH FLOOR	18,978 SF
35TH FLOOR	18,978 SF
36TH FLOOR	18,978 SF
37TH FLOOR	18,978 SF
38TH FLOOR	18,978 SF
39TH FLOOR	18,978 SF
40TH FLOOR	18,978 SF
41TH FLOOR	18,978 SF
42TH FLOOR	18,978 SF
43TH FLOOR	18,978 SF
44TH FLOOR	18,978 SF
45TH FLOOR	18,978 SF
46TH FLOOR	18,978 SF
47TH FLOOR	18,978 SF
48TH FLOOR	18,978 SF
49TH FLOOR	18,978 SF
50TH FLOOR	18,978 SF

ROOM AREAS	
Name	Area
ONE BEDROOM	14,512 SF
TWO BEDROOM	14,310 SF
2ND FLOOR ST	73,447 SF
3RD FLOOR	14,527 SF
3RD FLOOR ST	49,280 SF
4TH FLOOR	14,529 SF
4TH FLOOR ST	37,823 SF
5TH FLOOR	14,530 SF
5TH FLOOR ST	31,123 SF
6TH FLOOR	14,531 SF
6TH FLOOR ST	30,263 SF
7TH FLOOR	14,532 SF
7TH FLOOR ST	30,263 SF
8TH FLOOR	14,533 SF
8TH FLOOR ST	30,263 SF
9TH FLOOR	14,534 SF
9TH FLOOR ST	30,263 SF
10TH FLOOR	14,535 SF
10TH FLOOR ST	30,263 SF
Grand total	135,154,077 SF

UNITS - ONE BEDROOM	
Level	Name
2ND FLOOR	ONE BEDROOM
3RD FLOOR	ONE BEDROOM
4TH FLOOR	ONE BEDROOM
5TH FLOOR	ONE BEDROOM
6TH FLOOR	ONE BEDROOM
7TH FLOOR	ONE BEDROOM
8TH FLOOR	ONE BEDROOM
9TH FLOOR	ONE BEDROOM
10TH FLOOR	ONE BEDROOM

UNITS - TWO BEDROOM	
Level	Name
2ND FLOOR	TWO BEDROOM
3RD FLOOR	TWO BEDROOM
4TH FLOOR	TWO BEDROOM
5TH FLOOR	TWO BEDROOM
6TH FLOOR	TWO BEDROOM
7TH FLOOR	TWO BEDROOM
8TH FLOOR	TWO BEDROOM
9TH FLOOR	TWO BEDROOM
10TH FLOOR	TWO BEDROOM

Area Schedule (Gross Building)	
Level	Area
1ST FLOOR	112,172 SF
2ND FLOOR	148,810 SF
3RD FLOOR	148,810 SF
4TH FLOOR	148,810 SF
5TH FLOOR	148,810 SF
6TH FLOOR	148,810 SF
7TH FLOOR	148,810 SF
8TH FLOOR	148,810 SF
9TH FLOOR	148,810 SF
10TH FLOOR	148,810 SF
Grand total	1,488,810 SF



- CORRIDOR
- ONE BEDROOM
- STAIR
- STOR.
- TWO BEDROOM

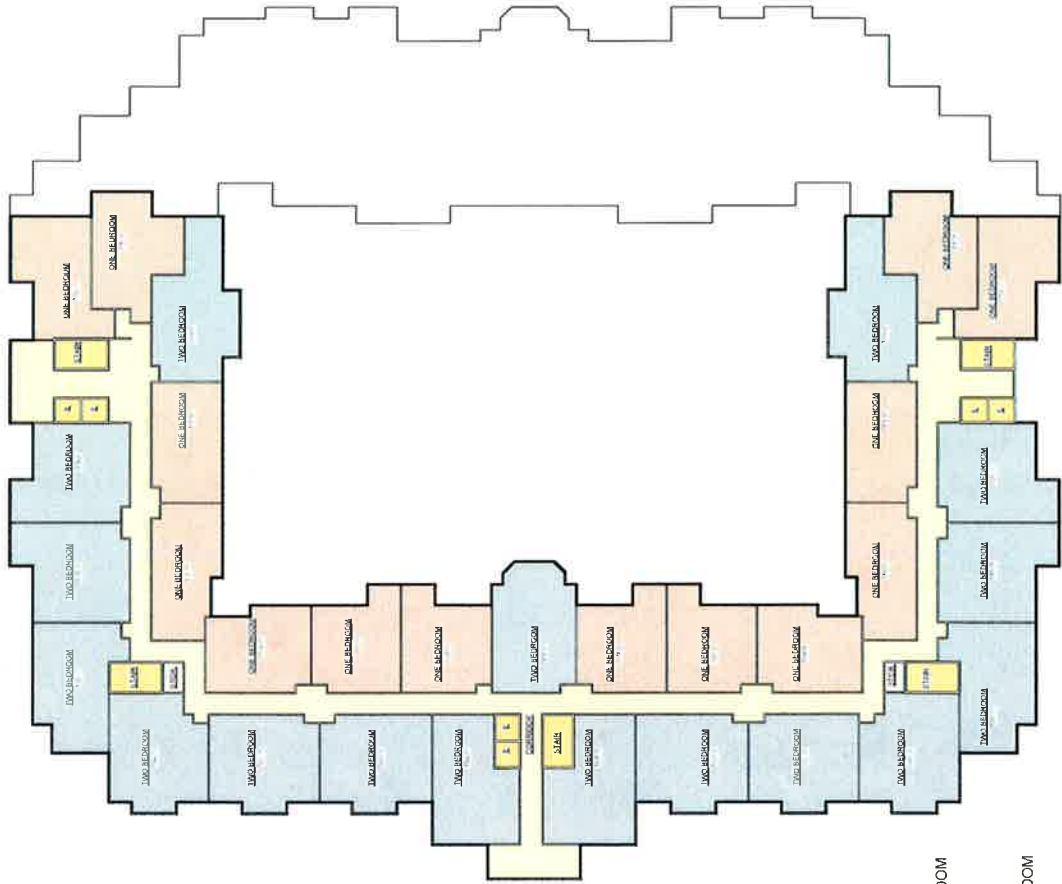
3RD FLOOR
1" = 32'-0"

ROOM AREAS	
Name	Area
ONE BEDROOM 14.131 SF	
TWO BEDROOM 16.733 SF	
2ND FLOOR 17 70.842 SF	
ONE BEDROOM 14.131 SF	
TWO BEDROOM 16.733 SF	
3RD FLOOR 42 49.365 SF	
ONE BEDROOM 14.131 SF	
TWO BEDROOM 16.733 SF	
4TH FLOOR 32 31.18 SF	
ONE BEDROOM 14.131 SF	
TWO BEDROOM 16.733 SF	
5TH FLOOR 24 23.15 SF	
ONE BEDROOM 14.131 SF	
TWO BEDROOM 16.733 SF	
6TH FLOOR 13 13.071 SF	
Grand Total 13 13.071 SF	

UNITS - ONE BEDROOM	
Level	Name
2ND FLOOR	ONE BEDROOM
3RD FLOOR	ONE BEDROOM
3RD FLOOR	ONE BEDROOM
4TH FLOOR	ONE BEDROOM
4TH FLOOR	ONE BEDROOM
5TH FLOOR	ONE BEDROOM
5TH FLOOR	ONE BEDROOM
6TH FLOOR	ONE BEDROOM
6TH FLOOR	ONE BEDROOM
Grand Total 13	13.071 SF

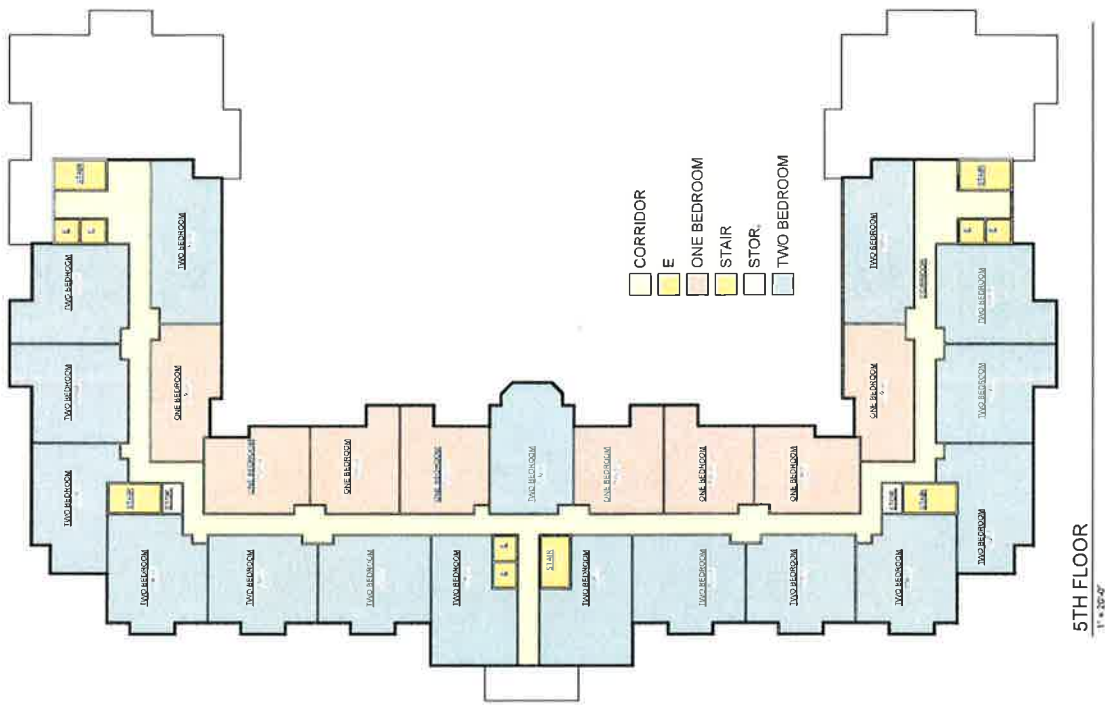
UNITS - TWO BEDROOM	
Level	Name
2ND FLOOR	TWO BEDROOM
3RD FLOOR	TWO BEDROOM
3RD FLOOR	TWO BEDROOM
4TH FLOOR	TWO BEDROOM
4TH FLOOR	TWO BEDROOM
5TH FLOOR	TWO BEDROOM
5TH FLOOR	TWO BEDROOM
6TH FLOOR	TWO BEDROOM
6TH FLOOR	TWO BEDROOM
Grand Total 13	13.071 SF

Area Schedule (Gross Building)	
Level	Area
1ST FLOOR	171.31 SF
2ND FLOOR	166.31 SF
3RD FLOOR	166.31 SF
4TH FLOOR	166.31 SF
5TH FLOOR	166.31 SF
6TH FLOOR	166.31 SF
7TH FLOOR	166.31 SF
8TH FLOOR	166.31 SF
9TH FLOOR	166.31 SF
10TH FLOOR	166.31 SF
11TH FLOOR	166.31 SF
12TH FLOOR	166.31 SF
13TH FLOOR	166.31 SF
14TH FLOOR	166.31 SF
15TH FLOOR	166.31 SF
16TH FLOOR	166.31 SF
17TH FLOOR	166.31 SF
18TH FLOOR	166.31 SF
19TH FLOOR	166.31 SF
20TH FLOOR	166.31 SF
21ST FLOOR	166.31 SF
22ND FLOOR	166.31 SF
23RD FLOOR	166.31 SF
24TH FLOOR	166.31 SF
25TH FLOOR	166.31 SF
26TH FLOOR	166.31 SF
27TH FLOOR	166.31 SF
28TH FLOOR	166.31 SF
29TH FLOOR	166.31 SF
30TH FLOOR	166.31 SF
31ST FLOOR	166.31 SF
32ND FLOOR	166.31 SF
33RD FLOOR	166.31 SF
34TH FLOOR	166.31 SF
35TH FLOOR	166.31 SF
36TH FLOOR	166.31 SF
37TH FLOOR	166.31 SF
38TH FLOOR	166.31 SF
39TH FLOOR	166.31 SF
40TH FLOOR	166.31 SF
41ST FLOOR	166.31 SF
42ND FLOOR	166.31 SF
43RD FLOOR	166.31 SF
44TH FLOOR	166.31 SF
45TH FLOOR	166.31 SF
46TH FLOOR	166.31 SF
47TH FLOOR	166.31 SF
48TH FLOOR	166.31 SF
49TH FLOOR	166.31 SF
50TH FLOOR	166.31 SF
51ST FLOOR	166.31 SF
52ND FLOOR	166.31 SF
53RD FLOOR	166.31 SF
54TH FLOOR	166.31 SF
55TH FLOOR	166.31 SF
56TH FLOOR	166.31 SF
57TH FLOOR	166.31 SF
58TH FLOOR	166.31 SF
59TH FLOOR	166.31 SF
60TH FLOOR	166.31 SF
61ST FLOOR	166.31 SF
62ND FLOOR	166.31 SF
63RD FLOOR	166.31 SF
64TH FLOOR	166.31 SF
65TH FLOOR	166.31 SF
66TH FLOOR	166.31 SF
67TH FLOOR	166.31 SF
68TH FLOOR	166.31 SF
69TH FLOOR	166.31 SF
70TH FLOOR	166.31 SF
71ST FLOOR	166.31 SF
72ND FLOOR	166.31 SF
73RD FLOOR	166.31 SF
74TH FLOOR	166.31 SF
75TH FLOOR	166.31 SF
76TH FLOOR	166.31 SF
77TH FLOOR	166.31 SF
78TH FLOOR	166.31 SF
79TH FLOOR	166.31 SF
80TH FLOOR	166.31 SF
81ST FLOOR	166.31 SF
82ND FLOOR	166.31 SF
83RD FLOOR	166.31 SF
84TH FLOOR	166.31 SF
85TH FLOOR	166.31 SF
86TH FLOOR	166.31 SF
87TH FLOOR	166.31 SF
88TH FLOOR	166.31 SF
89TH FLOOR	166.31 SF
90TH FLOOR	166.31 SF
91ST FLOOR	166.31 SF
92ND FLOOR	166.31 SF
93RD FLOOR	166.31 SF
94TH FLOOR	166.31 SF
95TH FLOOR	166.31 SF
96TH FLOOR	166.31 SF
97TH FLOOR	166.31 SF
98TH FLOOR	166.31 SF
99TH FLOOR	166.31 SF
100TH FLOOR	166.31 SF



- CORRIDOR
- STAIR
- ONE BEDROOM
- TWO BEDROOM
- STOR.

4TH FLOOR
1" = 20'-0"



5TH FLOOR
1" = 30'-0"

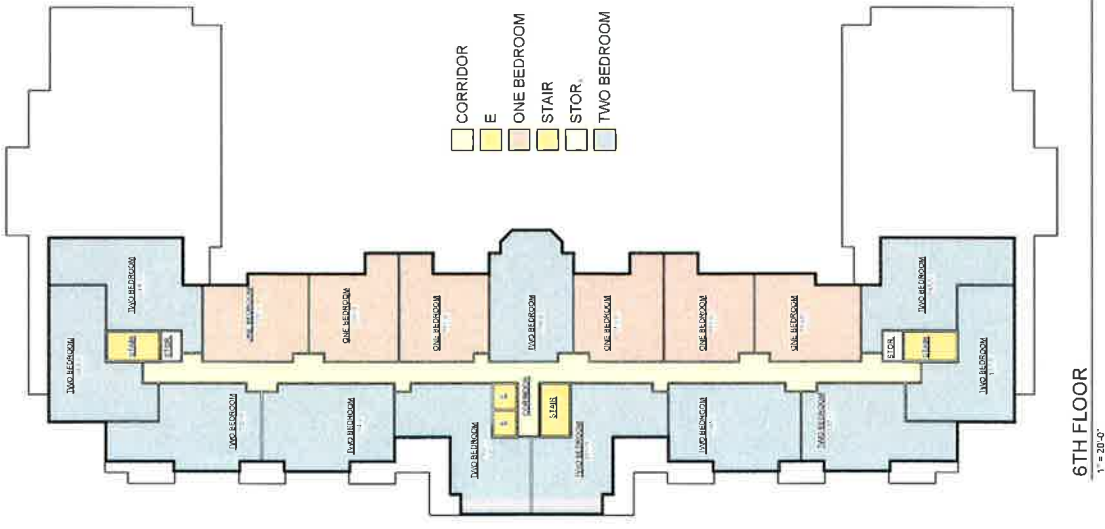
ROOM AREAS	
Name	Area
ONE BEDROOM	14,174 SF
TWO BEDROOM	18,310 SF
2ND FLOOR	39,442 SF
ONE BEDROOM	14,537 SF
TWO BEDROOM	18,102 SF
3RD FLOOR	48,639 SF
ONE BEDROOM	14,828 SF
TWO BEDROOM	17,134 SF
4TH FLOOR	42,962 SF
ONE BEDROOM	14,711 SF
TWO BEDROOM	17,151 SF
5TH FLOOR	79,221 SF
ONE BEDROOM	14,762 SF
TWO BEDROOM	14,535 SF
6TH FLOOR	14,535 SF
Grand Total	312,567.4 SF

UNITS - ONE BEDROOM	
Level	Name
2ND FLOOR	ONE BEDROOM
3RD FLOOR	ONE BEDROOM
4TH FLOOR	ONE BEDROOM
5TH FLOOR	ONE BEDROOM
6TH FLOOR	ONE BEDROOM
Grand Total	6

UNITS - TWO BEDROOM	
Level	Name
2ND FLOOR	TWO BEDROOM
3RD FLOOR	TWO BEDROOM
4TH FLOOR	TWO BEDROOM
5TH FLOOR	TWO BEDROOM
6TH FLOOR	TWO BEDROOM
Grand Total	6

Area Schedule (Gross Building)	
Level	Area
1ST FLOOR	117,279 SF
2ND FLOOR	18,310 SF
3RD FLOOR	48,639 SF
4TH FLOOR	42,962 SF
5TH FLOOR	79,221 SF
6TH FLOOR	14,535 SF
Grand Total	312,567.4 SF

2ND FLOOR	39,442 SF
3RD FLOOR	48,639 SF
4TH FLOOR	42,962 SF
5TH FLOOR	79,221 SF
6TH FLOOR	14,535 SF
Grand Total	224,801 SF



6TH FLOOR
1" = 30'-0"

APPENDIX

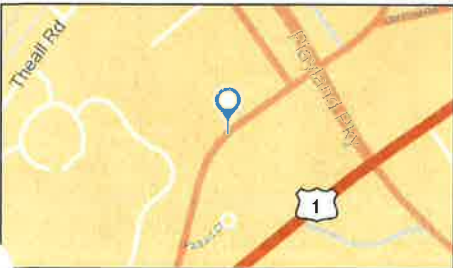


Site Map

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 Minutes

Prepared by Robert Goman

Latitude: 40.811112
Longitude: -73.696375





ACS Housing Summary

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

TOTALS	2005-2009 ACS Estimate	Percent	MOE (\$)	Reliability
Total Population	15,109		769	High
Total Households	5,328		242	High
Total Housing Units	5,860		234	High
OWNER-OCCUPIED HOUSING UNITS BY VALUE				
Total	3,562	100.0%	181	High
Less than \$10,000	4	0.1%	35	Low
\$10,000 to \$14,999	1	0.0%	20	Low
\$15,000 to \$24,999	0	0.0%	0	Low
\$25,000 to \$34,999	0	0.0%	0	Low
\$35,000 to \$49,999	9	0.3%	14	Low
\$50,000 to \$74,999	1	0.0%	14	Low
\$75,000 to \$99,999	5	0.1%	21	Low
\$100,000 to \$149,999	0	0.0%	0	Low
\$150,000 to \$249,999	0	0.0%	0	Low
\$250,000 to \$499,999	4	0.1%	15	Low
\$500,000 to \$749,999	9	0.3%	61	Low
\$750,000 to \$999,999	4	0.1%	15	Low
\$1,000,000 to \$1,499,999	0	0.0%	0	Low
\$1,500,000 to \$1,999,999	0	0.0%	0	Low
\$2,000,000 to \$2,499,999	27	0.8%	27	Low
\$2,500,000 to \$2,999,999	34	1.0%	25	Low
\$3,000,000 to \$3,499,999	32	0.9%	37	Low
\$3,500,000 to \$3,999,999	85	2.4%	74	Low
\$4,000,000 to \$4,499,999	142	4.0%	51	Low
\$4,500,000 to \$4,999,999	187	5.2%	61	Low
\$5,000,000 to \$5,499,999	200	5.6%	85	Low
\$5,500,000 to \$5,999,999	179	5.0%	59	Low
\$6,000,000 to \$6,499,999	512	14.1%	92	Low
\$6,500,000 to \$6,999,999	636	17.9%	80	Low
\$7,000,000 or more	1,435	42.0%	117	Low
Median Home Value	\$887,579		N/A	
Average Home Value	N/A		N/A	

OWNER-OCCUPIED HOUSING UNITS BY MORTGAGE STATUS

Total	3,562	100.0%	181	High
Housing units with a mortgage/contract to purchase/financed	2,419	67.9%	167	High
Home equity loan only	18	0.5%	10	Low
Both second mortgage and home equity loan	662	18.6%	89	Low
No second mortgage and no home equity loan	1,710	48.0%	163	High
Housing units without a mortgage	1,144	32.1%	130	High
AVERAGE VALUE BY MORTGAGE STATUS				
Housing units with a mortgage	N/A		N/A	
Housing units without a mortgage	N/A		N/A	

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: High Medium Low

April 13, 2014



ACS Housing Summary

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

RENTER-OCCUPIED HOUSING UNITS BY CONTRACT RENT	2005-2009 ACS Estimate	Percent	MOE (\$)	Reliability
Total	1,965	100.0%	200	High
With cash rent	1,837	93.5%	200	High
Less than \$100	0	0.0%	0	Low
\$100 to \$149	73	3.7%	59	Low
\$150 to \$199	51	2.6%	29	Low
\$200 to \$249	12	0.6%	44	Low
\$250 to \$299	68	3.5%	52	Low
\$300 to \$349	20	1.0%	20	Low
\$350 to \$399	19	1.0%	14	Low
\$400 to \$449	5	0.3%	34	Low
\$450 to \$499	0	0.0%	0	Low
\$500 to \$549	9	0.5%	14	Low
\$550 to \$599	4	0.2%	13	Low
\$600 to \$649	24	1.2%	68	Low
\$650 to \$699	11	0.6%	43	Low
\$700 to \$749	32	1.6%	10	Low
\$750 to \$799	52	2.6%	50	Low
\$800 to \$899	131	6.7%	57	Low
\$900 to \$999	72	3.7%	27	Low
\$1,000 to \$1,249	145	7.4%	85	Low
\$1,250 to \$1,499	395	20.1%	136	Low
\$1,500 to \$1,999	343	17.5%	82	Low
\$2,000 or more	372	18.9%	102	Low
No cash rent	128	6.5%	41	Low
Median Contract Rent	N/A		N/A	
Average Contract Rent	N/A		N/A	

RENTER-OCCUPIED HOUSING UNITS BY INCLUSION OF UTILITIES IN RENT

Total	1,965	100.0%	200	High
Pay extra for one or more utilities	1,655	84.2%	196	High
No extra payment for any utilities	310	15.8%	63	Low

HOUSING UNITS BY UNITS IN STRUCTURE

Total	5,860	100.0%	254	High
1, detached	3,004	51.4%	146	High
2, attached	485	8.3%	104	High
3 or 4	936	16.0%	149	High
5 to 9	128	2.2%	75	High
10 to 19	368	6.3%	111	High
20 to 49	168	2.9%	75	High
50 or more	753	12.9%	144	High
Mobile home	1	0.0%	14	Low
Boat, RV, van, etc.	11	0.2%	16	Low

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: High Medium Low

April 13, 2014



ACS Housing Summary

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S, 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
HOUSING UNITS BY YEAR STRUCTURE BUILT				
Total	5,840	100.0%	254	High
Built 2005 or later	45	0.8%	22	High
Built 2000 to 2004	152	2.6%	60	High
Built 1990 to 1999	210	3.6%	41	High
Built 1980 to 1989	361	6.2%	77	High
Built 1970 to 1979	467	8.0%	112	High
Built 1960 to 1969	810	13.9%	122	High
Built 1950 to 1959	883	15.1%	122	High
Built 1940 to 1949	843	14.4%	131	High
Built 1939 or earlier	2,068	35.4%	224	High
Median Year Structure Built	1950		N/A	

OCCUPIED HOUSING UNITS BY YEAR HOUSEHOLDER MOVED INTO UNIT

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
Total	5,528	100.0%	242	High
Owner occupied				
Moved in 2005 or later	509	9.2%	116	High
Moved in 2000 to 2004	796	14.4%	115	High
Moved in 1990 to 1999	940	17.0%	110	High
Moved in 1980 to 1989	534	9.7%	65	High
Moved in 1970 to 1979	397	7.2%	75	High
Moved in 1969 or earlier	386	7.0%	67	High
Renter occupied				
Moved in 2005 or later	731	13.2%	147	High
Moved in 2000 to 2004	702	12.7%	147	High
Moved in 1990 to 1999	286	5.2%	69	High
Moved in 1980 to 1989	142	2.6%	84	High
Moved in 1970 to 1979	63	1.1%	27	High
Moved in 1969 or earlier	42	0.8%	37	High
Median Year Householder Moved Into Unit	2000		N/A	

OCCUPIED HOUSING UNITS BY HOUSE HEATING FUEL

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
Total	5,528	100.0%	252	High
Utility gas	3,317	60.0%	229	High
Bottled, tank, or LP gas	126	2.3%	40	High
Electricity	257	4.6%	55	High
Fuel oil, kerosene, etc.	1,796	32.5%	177	High
Coal or coke	0	0.0%	0	Low
Wood	1	0.0%	14	Low
Solar energy	0	0.0%	0	Low
Other fuel	0	0.0%	0	Low
No fuel used	32	0.6%	35	Low

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: High Low

April 13, 2014



ACS Housing Summary

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S, 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
OCCUPIED HOUSING UNITS BY VEHICLES AVAILABLE				
Total	5,528	100.0%	242	High
Owner occupied				
No vehicle available	152	2.7%	66	High
1 vehicle available	843	15.2%	96	High
2 vehicles available	1,807	32.7%	162	High
3 vehicles available	553	10.0%	86	High
4 vehicles available	165	3.0%	37	High
5 or more vehicles available	43	0.8%	35	High
Renter occupied				
No vehicle available	316	5.7%	72	High
1 vehicle available	1,102	19.9%	178	High
2 vehicles available	491	8.9%	126	High
3 vehicles available	42	0.8%	24	High
4 vehicles available	3	0.1%	15	High
5 or more vehicles available	11	0.2%	18	High
Average Number of Vehicles Available	N/A		N/A	

Data Note: N/A means not available.

2005-2009 ACS Estimates: The American Community Survey (ACS) replaces census sample data. ESRI is releasing the 2005-2009 ACS estimates, five-year period data collected monthly from January 1, 2005 through December 31, 2009. Although the ACS includes many of the subjects previously covered by the decennial census sample, there are significant differences between the two surveys including fundamental differences in survey design and methodology.

Margin of error (MOE): The MOE is a measure of the variability of the estimate due to sampling error. MOEs enable the data user to measure the range of uncertainty for each estimate with 90 percent confidence. The range of uncertainty is called the confidence interval, and it is calculated by taking the estimate +/- the MOE. For example, if the ACS reports an estimate of 100 with an MOE of +/- 20, then you can be 90 percent certain the value for the whole population falls between 80 and 120.

Reliability: These symbols represent threshold values that ESRI has established from the Coefficients of Variation (CV) to designate the usability of the estimates. The CV measures the amount of sampling error relative to the size of the estimate, expressed as a percentage.

High Reliability: Small CVs (less than or equal to 12 percent) are flagged green to indicate that the sampling error is small relative to the estimate and the estimate is reasonably reliable.

Medium Reliability: Estimates with CVs between 12 and 40 are flagged yellow—use with caution.

Low Reliability: Large CVs (over 40 percent) are flagged red to indicate that the sampling error is large relative to the estimate. The estimate is considered very unreliable.

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: High Low

April 13, 2014



ACS Housing Summary

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580, S, 13, 23 DT
Drive Time: 13 minutes

Prepared by Robert Goman



ACS Housing Summary

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580, S, 13, 23 DT
Drive Time: 13 minutes

Prepared by Robert Goman

	2005-2009 ACS Estimate	Percent	MOR (±)	Reliability
TOTALS	193,147		4,135	UU
Total Population	72,174		1,445	UU
Total Households	76,616		1,170	UU
Total Housing Units				
OWNER-OCCUPIED HOUSING UNITS BY VALUE				
Total	45,394	100.0%	942	UU
Less than \$10,000	96	0.2%	16	UU
\$10,000 to \$14,999	30	0.0%	15	UU
\$15,000 to \$24,999	46	0.1%	21	UU
\$25,000 to \$34,999	24	0.1%	53	UU
\$35,000 to \$49,999	19	0.1%	26	UU
\$50,000 to \$74,999	45	0.1%	12	UU
\$75,000 to \$99,999	41	0.1%	30	UU
\$100,000 to \$149,999	155	0.3%	81	UU
\$150,000 to \$249,999	96	0.2%	65	UU
\$250,000 to \$499,999	144	0.3%	97	UU
\$500,000 to \$999,999	155	0.3%	55	UU
\$1,000,000 to \$1,249,999	110	0.2%	60	UU
\$1,250,000 to \$1,499,999	580	1.3%	150	UU
\$1,500,000 to \$1,749,999	658	1.4%	198	UU
\$1,750,000 to \$1,999,999	831	1.8%	179	UU
\$2,000,000 to \$2,499,999	700	1.5%	169	UU
\$2,500,000 to \$2,999,999	2,033	4.5%	277	UU
\$3,000,000 to \$3,999,999	1,316	2.9%	235	UU
\$4,000,000 to \$4,999,999	3,508	7.7%	360	UU
\$5,000,000 to \$9,999,999	4,124	9.1%	396	UU
\$10,000,000 to \$24,999,999	10,699	23.6%	579	UU
\$25,000,000 to \$99,999,999	7,839	17.3%	471	UU
\$1,000,000 or more	12,138	26.7%	469	UU
Median Home Value	N/A		N/A	
Average Home Value	N/A		N/A	
OWNER-OCCUPIED HOUSING UNITS BY MORTGAGE STATUS				
Total	45,394	100.0%	942	UU
Housing units with a mortgage/contract to purchase/similar debt	30,227	66.6%	890	UU
Second mortgage only	729	1.6%	157	UU
Home equity loan only	7,853	17.3%	456	UU
Both second mortgage and home equity loan	269	0.6%	113	UU
No second mortgage and no home equity loan	21,375	47.1%	824	UU
Housing units without a mortgage	15,167	33.4%	619	UU
AVERAGE VALUE BY MORTGAGE STATUS				
Housing units with a mortgage	N/A		N/A	
Housing units without a mortgage	N/A		N/A	

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: ■ high ■ medium ■ low

April 13, 2014

	2005-2009 ACS Estimate	Percent	MOR (±)	Reliability
RENTER-OCCUPIED HOUSING UNITS BY CONTRACT RENT				
Total	26,781	100.0%	943	UU
With cash rent	25,677	95.9%	928	UU
Less than \$100	146	0.5%	72	UU
\$100 to \$149	253	0.9%	110	UU
\$150 to \$199	397	1.5%	113	UU
\$200 to \$249	423	1.6%	142	UU
\$250 to \$299	237	0.9%	91	UU
\$300 to \$349	269	1.0%	127	UU
\$350 to \$399	290	1.1%	97	UU
\$400 to \$449	409	1.5%	130	UU
\$450 to \$499	361	1.3%	147	UU
\$500 to \$549	349	1.3%	136	UU
\$550 to \$599	386	1.4%	122	UU
\$600 to \$649	736	2.7%	194	UU
\$650 to \$699	660	2.5%	173	UU
\$700 to \$749	524	2.0%	128	UU
\$750 to \$799	484	1.8%	143	UU
\$800 to \$899	1,716	6.4%	289	UU
\$900 to \$999	1,382	5.2%	255	UU
\$1,000 to \$1,249	3,755	14.0%	429	UU
\$1,250 to \$1,499	4,268	15.9%	474	UU
\$1,500 to \$1,999	4,671	17.4%	458	UU
\$2,000 or more	3,960	14.8%	433	UU
No cash rent	1,103	4.1%	241	UU
Median Contract Rent	N/A		N/A	
Average Contract Rent	N/A		N/A	
RENTER-OCCUPIED HOUSING UNITS BY INCLUSION OF UTILITIES IN RENT				
Total	26,781	100.0%	943	UU
Pay extra for one or more utilities	22,675	84.7%	891	UU
No extra payment for any utilities	4,102	15.3%	443	UU
HOUSING UNITS BY UNITS IN STRUCTURE				
Total	76,616	100.0%	1,170	UU
1, detached	35,400	43.6%	773	UU
1, attached	4,591	6.0%	423	UU
2	6,787	11.3%	617	UU
2 or 4	6,364	8.3%	349	UU
3 to 9	3,859	4.7%	337	UU
10 to 49	2,839	3.7%	241	UU
50 or more	3,613	4.7%	241	UU
No structure	1,115	1.5%	552	UU
Boat, RV, van, etc.	17	0.1%	16	■

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: ■ high ■ medium ■ low

April 13, 2014



ACS Housing Summary

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 13 minutes

Prepared by Robert Goman

	2005-2009 ACS Estimate	Percent	MOE (±)	Reliability
HOUSING UNITS BY YEAR STRUCTURE BUILT				
Total	76,616	100.0%	1,170	UU
Built: 2005 or later	1,174	1.5%	209	UU
Built: 2000 to 2004	2,466	3.2%	303	UU
Built: 1990 to 1999	4,010	5.2%	358	UU
Built: 1980 to 1989	6,134	8.0%	439	UU
Built: 1970 to 1979	6,588	8.6%	504	UU
Built: 1960 to 1969	10,656	13.9%	623	UU
Built: 1950 to 1959	14,273	18.6%	684	UU
Built: 1940 to 1949	7,241	9.5%	536	UU
Built: 1935 or earlier	24,075	31.4%	905	UU
Median Year Structure Built	1955		N/A	

OCCUPIED HOUSING UNITS BY YEAR HOUSEHOLDER MOVED INTO UNIT

	2005-2009 ACS Estimate	Percent	MOE (±)	Reliability
Total	72,174	100.0%	1,145	UU
Owner occupied	6,062	8.4%	490	UU
Moved in: 2005 or later	10,299	14.3%	576	UU
Moved in: 2000 to 2004	11,959	16.6%	600	UU
Moved in: 1990 to 1999	6,512	9.0%	427	UU
Moved in: 1980 to 1989	4,717	6.5%	362	UU
Moved in: 1970 to 1979	5,844	8.1%	417	UU
Moved in: 1960 or earlier	10,783	14.9%	691	UU
Renter occupied	8,606	11.9%	556	UU
Moved in: 2005 or later	4,227	5.9%	253	UU
Moved in: 2000 to 2004	1,452	2.1%	178	UU
Moved in: 1990 to 1999	938	1.3%	178	UU
Moved in: 1970 to 1979	734	1.0%	176	UU
Moved in: 1960 or earlier	N/A		N/A	

OCCUPIED HOUSING UNITS BY HOUSE HEATING FUEL

	2005-2009 ACS Estimate	Percent	MOE (±)	Reliability
Total	72,174	100.0%	1,145	UU
Utility gas	40,585	56.2%	1,053	UU
Bottled, tank, or LP gas	1,005	1.4%	170	UU
Electricity	5,207	7.2%	402	UU
Fuel oil, kerosene, etc	24,758	34.3%	594	UU
Coal or coke	12	0.0%	40	UU
Wood	59	0.1%	40	UU
Solar energy	17	0.0%	20	UU
Other fuel	352	0.5%	115	UU
No fuel used	180	0.2%	70	UU

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: UU high U medium L low

April 13, 2014



ACS Housing Summary

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 13 minutes

Prepared by Robert Goman

	2005-2009 ACS Estimate	Percent	MOE (±)	Reliability
HOUSING UNITS BY YEAR STRUCTURE BUILT				
Total	76,616	100.0%	1,170	UU
Built: 2005 or later	1,174	1.5%	209	UU
Built: 2000 to 2004	2,466	3.2%	303	UU
Built: 1990 to 1999	4,010	5.2%	358	UU
Built: 1980 to 1989	6,134	8.0%	439	UU
Built: 1970 to 1979	6,588	8.6%	504	UU
Built: 1960 to 1969	10,656	13.9%	623	UU
Built: 1950 to 1959	14,273	18.6%	684	UU
Built: 1940 to 1949	7,241	9.5%	536	UU
Built: 1935 or earlier	24,075	31.4%	905	UU
Median Year Structure Built	1955		N/A	

OCCUPIED HOUSING UNITS BY YEAR HOUSEHOLDER MOVED INTO UNIT

	2005-2009 ACS Estimate	Percent	MOE (±)	Reliability
Total	72,174	100.0%	1,145	UU
Owner occupied	6,062	8.4%	490	UU
Moved in: 2005 or later	10,299	14.3%	576	UU
Moved in: 2000 to 2004	11,959	16.6%	600	UU
Moved in: 1990 to 1999	6,512	9.0%	427	UU
Moved in: 1980 to 1989	4,717	6.5%	362	UU
Moved in: 1970 to 1979	5,844	8.1%	417	UU
Moved in: 1960 or earlier	10,783	14.9%	691	UU
Renter occupied	8,606	11.9%	556	UU
Moved in: 2005 or later	4,227	5.9%	253	UU
Moved in: 2000 to 2004	1,452	2.1%	178	UU
Moved in: 1990 to 1999	938	1.3%	178	UU
Moved in: 1970 to 1979	734	1.0%	176	UU
Moved in: 1960 or earlier	N/A		N/A	

OCCUPIED HOUSING UNITS BY HOUSE HEATING FUEL

	2005-2009 ACS Estimate	Percent	MOE (±)	Reliability
Total	72,174	100.0%	1,145	UU
Utility gas	40,585	56.2%	1,053	UU
Bottled, tank, or LP gas	1,005	1.4%	170	UU
Electricity	5,207	7.2%	402	UU
Fuel oil, kerosene, etc	24,758	34.3%	594	UU
Coal or coke	12	0.0%	36	UU
Wood	59	0.1%	40	UU
Solar energy	17	0.0%	20	UU
Other fuel	352	0.5%	115	UU
No fuel used	180	0.2%	70	UU

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: UU high U medium L low

April 13, 2014



ACS Housing Summary

Prepared by Robert Goman

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580, S, 13, 23 DT
Drive Time: 23 minutes

	2005-2009 ACS Estimate	Percent	MOE(z)	Reliability
TOTALS				
Total Population	1,269,719		1,485	UU
Total Households	470,798		3,018	UU
Total Housing Units	501,069		3,003	UU
OWNER-OCCUPIED HOUSING UNITS BY VALUE				
Total	252,892	100.0%	2,424	UU
Less than \$10,000	1,249	0.5%	713	UU
\$10,000 to \$14,999	1,395	0.5%	216	UU
\$15,000 to \$19,999	546	0.2%	192	UU
\$20,000 to \$24,999	582	0.2%	155	UU
\$25,000 to \$29,999	486	0.2%	163	UU
\$30,000 to \$34,999	394	0.2%	147	UU
\$35,000 to \$39,999	739	0.3%	97	UU
\$40,000 to \$49,999	1,658	0.7%	179	UU
\$50,000 to \$59,999	1,726	0.7%	329	UU
\$60,000 to \$69,999	1,671	0.7%	249	UU
\$70,000 to \$79,999	1,649	0.7%	310	UU
\$80,000 to \$89,999	1,599	0.6%	340	UU
\$90,000 to \$99,999	4,651	1.8%	255	UU
\$100,000 to \$124,999	3,933	1.6%	480	UU
\$125,000 to \$149,999	5,758	2.3%	513	UU
\$150,000 to \$174,999	4,314	1.7%	459	UU
\$175,000 to \$209,999	11,131	4.4%	677	UU
\$200,000 to \$249,999	6,757	3.5%	631	UU
\$250,000 to \$299,999	30,997	12.3%	1,135	UU
\$300,000 to \$399,999	37,108	14.7%	1,206	UU
\$400,000 to \$499,999	65,979	26.5%	1,489	UU
\$500,000 to \$749,999	27,811	11.0%	952	UU
\$750,000 to \$999,999	36,902	14.6%	908	UU
\$1,000,000 or more				
Median Home Value	N/A		N/A	
Average Home Value	N/A		N/A	

	2005-2009 ACS Estimate	Percent	MOE(z)	Reliability
OWNER-OCCUPIED HOUSING UNITS BY MORTGAGE STATUS				
Total	252,892	100.0%	2,424	UU
Housing units with a mortgage/contract to purchase/second debt	156,566	65.9%	2,231	UU
Second mortgage only	5,863	2.3%	487	UU
Home equity loan only	36,608	14.5%	1,121	UU
Both second mortgage and home equity loan	2,069	0.8%	326	UU
No second mortgage and no home equity loan	122,008	48.2%	2,059	UU
Housing units without a mortgage	86,324	34.1%	1,626	UU
AVERAGE VALUE BY MORTGAGE STATUS				
Housing units with a mortgage	N/A		N/A	
Housing units without a mortgage	N/A		N/A	

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: UU High U medium L low

April 13, 2014



ACS Housing Summary

Prepared by Robert Goman

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580, S, 13, 23 DT
Drive Time: 23 minutes

	2005-2009 ACS Estimate	Percent	MOE(z)	Reliability
RENTER-OCCUPIED HOUSING UNITS BY CONTRACT RENT				
Total	217,907	100.0%	2,632	UU
With cash rent	1,017	0.5%	2,611	UU
Less than \$100	2,034	0.9%	237	UU
\$100 to \$149	3,949	1.8%	421	UU
\$150 to \$199	4,305	2.0%	457	UU
\$200 to \$249	2,281	1.0%	323	UU
\$250 to \$299	2,808	1.3%	349	UU
\$300 to \$349	2,341	1.1%	353	UU
\$350 to \$399	3,486	1.6%	418	UU
\$400 to \$449	3,079	1.4%	353	UU
\$450 to \$499	5,154	2.4%	516	UU
\$500 to \$549	4,072	1.9%	478	UU
\$550 to \$599	6,886	3.2%	593	UU
\$600 to \$649	7,415	3.4%	611	UU
\$650 to \$699	8,407	3.9%	681	UU
\$700 to \$749	3,385	1.5%	386	UU
\$750 to \$799	21,218	9.7%	1,016	UU
\$800 to \$899	23,723	10.9%	1,108	UU
\$900 to \$999	39,443	17.9%	1,734	UU
\$1,000 to \$1,249	35,443	16.3%	1,697	UU
\$1,250 to \$1,499	22,702	10.4%	1,137	UU
\$1,500 to \$1,999	11,462	5.3%	739	UU
\$2,000 or more	6,272	2.9%	569	UU
No cash rent				
Median Contract Rent	N/A		N/A	
Average Contract Rent	N/A		N/A	

	2005-2009 ACS Estimate	Percent	MOE(z)	Reliability
UTILITIES IN RENT				
Total	217,907	100.0%	2,632	UU
Pay extra for one or more utilities	174,076	79.8%	2,464	UU
No extra payment for any utilities	43,831	20.1%	1,281	UU
HOUSING UNITS BY UNITS IN STRUCTURE				
Total	501,069	100.0%	3,003	UU
1- detached	167,394	33.4%	1,958	UU
1- attached	31,375	6.3%	1,100	UU
2	56,525	11.3%	1,623	UU
3 or 4	48,130	9.6%	1,511	UU
5 to 9	25,122	5.0%	1,076	UU
10 to 19	20,426	4.1%	964	UU
20 to 49	48,758	9.7%	1,422	UU
50 or more	100,482	20.1%	1,650	UU
Mobile home	734	0.1%	219	UU
Boat, RV, van, etc	125	0.0%	97	L

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: UU High U medium L low

April 13, 2014



ACS Housing Summary

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 23 minutes

Prepared by Robert Goman

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
HOUSING UNITS BY YEAR STRUCTURE BUILT				
Total	501,069	100.0%	3,003	High
Built 2005 or later	5,192	1.0%	482	High
Built 2000 to 2004	12,782	2.6%	730	High
Built 1990 to 1999	18,329	3.7%	861	High
Built 1980 to 1989	27,716	5.5%	1,080	High
Built 1970 to 1979	43,218	8.6%	1,365	High
Built 1960 to 1959	73,598	14.7%	1,732	High
Built 1950 to 1949	103,759	20.7%	2,005	High
Built 1940 to 1939	59,934	12.0%	1,627	High
Built 1939 or earlier	156,541	31.2%	2,373	High
Median Year Structure Built	N/A		N/A	

OCCUPIED HOUSING UNITS BY YEAR HOUSEHOLDER MOVED INTO UNIT

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
OCCUPIED HOUSING UNITS BY YEAR HOUSEHOLDER MOVED INTO UNIT				
Total	470,798	100.0%	3,018	High
Owner occupied				
Moved in 2005 or later	32,491	6.9%	1,182	High
Moved in 2000 to 2004	56,552	12.0%	1,480	High
Moved in 1990 to 1999	68,031	14.5%	1,583	High
Moved in 1980 to 1989	36,964	7.9%	1,153	High
Moved in 1970 to 1979	28,892	6.1%	1,015	High
Moved in 1969 or earlier	29,962	6.4%	1,006	High
Renter occupied				
Moved in 2005 or later	73,200	15.5%	1,904	High
Moved in 2000 to 2004	65,455	13.9%	1,820	High
Moved in 1990 to 1999	42,736	9.1%	1,426	High
Moved in 1980 to 1989	15,960	3.4%	889	High
Moved in 1970 to 1979	13,923	3.0%	760	High
Moved in 1969 or earlier	6,633	1.4%	515	High
Median Year Householder Moved Into Unit	N/A		N/A	

OCCUPIED HOUSING UNITS BY HOUSE HEATING FUEL

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
OCCUPIED HOUSING UNITS BY HOUSE HEATING FUEL				
Total	470,798	100.0%	3,018	High
Utility gas	209,989	44.6%	2,394	High
Bottled, tank, or LP gas	7,033	1.5%	538	High
Electricity	45,576	9.7%	1,341	High
Fuel oil, kerosene, etc.	202,529	43.0%	2,603	High
Coal or coke	409	0.1%	159	High
Wood	493	0.1%	131	High
Solar energy	36	0.0%	33	High
Other fuel	2,734	0.6%	308	High
No fuel used	1,999	0.4%	302	High

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: High Low

April 13, 2014



ACS Housing Summary

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 23 minutes

Prepared by Robert Goman

	2005-2009 ACS Estimate	Percent	MOE(±)	Reliability
OCCUPIED HOUSING UNITS BY VEHICLES AVAILABLE				
Total	470,798	100.0%	3,018	High
Owner occupied				
No vehicle available	22,621	4.8%	985	High
1 vehicle available	85,284	18.1%	1,762	High
2 vehicles available	99,472	21.1%	1,781	High
3 vehicles available	33,304	7.1%	1,074	High
4 vehicles available	9,081	1.9%	582	High
5 or more vehicles available	3,130	0.7%	351	High
Renter occupied				
No vehicle available	85,909	18.2%	1,834	High
1 vehicle available	93,457	19.9%	2,075	High
2 vehicles available	32,336	6.9%	1,291	High
3 vehicles available	4,952	1.1%	521	High
4 vehicles available	948	0.2%	232	High
5 or more vehicles available	406	0.1%	123	High
Average Number of Vehicles Available	N/A		N/A	

Data Note: N/A means not available.

2005-2009 ACS Estimates: The American Community Survey (ACS) replaces census sample data. Esri is releasing the 2005-2009 ACS estimates, five-year period data collected monthly from January 1, 2005 through December 31, 2009. Although the ACS includes many of the subjects surveyed by the decennial census sample, there are significant differences between the two surveys including fundamental differences in survey design and residency rules.

Margin of error (MOE): The MOE is a measure of the variability of the estimate due to sampling error. MOEs enable the data user to measure the range of uncertainty for each estimate with 90 percent confidence. The range of uncertainty is called the confidence interval, and it is calculated by taking the estimate +/- the MOE. For example, if the ACS reports an estimate of 100 with an MOE of +/- 20, then you can be 90 percent certain the value for the whole population falls between 80 and 120.

Reliability: These symbols represent threshold values that Esri has established from the Coefficients of Variation (CV) to designate the usability of the estimates. The CV measures the amount of sampling error relative to the size of the estimate, expressed as a percentage.

High Reliability: Small CVs (less than or equal to 12 percent) are flagged green to indicate that the sampling error is small relative to the estimate and the estimate is reasonably reliable.

Medium Reliability: Estimates with CVs between 12 and 40 are flagged yellow—use with caution.

Low Reliability: Large CVs (over 40 percent) are flagged red to indicate that the sampling error is large relative to the estimate. The estimate is considered very unreliable.

Source: U.S. Census Bureau, 2005-2009 American Community Survey

Reliability: High Low

April 13, 2014



Age 55+ Profile

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580,
Drive Time: 5 minutes

Prepared by Robert Goman

Demographic Summary		Census 2010	2013	2013-2018	2013-2018	2013 Annual Rate
Total Population	1,653	15,886	15,805	119	0.15%	0.15%
Population 55+	400	3,896	4,576	480	1.55%	1.55%
Median Age	345	40.0	41.1	0.6	0.29%	0.29%
Households	266	5,872	5,925	53	0.18%	0.18%
% Householders 55+	158	42.8%	49.6%	4.0	1.70%	1.70%
Owner/Renter Ratio	141	1.7	1.8	0.1	1.15%	1.15%
Median Home Value	150	\$703,332	\$930,553	\$227,221	5.76%	5.76%
Average Home Value	2,243	\$760,373	\$939,878	\$179,505	4.33%	4.33%
Median Household Income	386	\$114,475	\$130,946	\$16,471	2.73%	2.73%
Median Household Income for Householder 55+	379	\$93,166	\$117,450	\$24,284	4.74%	4.74%

Population by Age and Sex

	Census 2010		2013		2018	
	Number	% of 55+	Number	% of 55+	Number	% of 55+
Male Population						
Total (55+)	1,653	100.0%	1,806	100.0%	2,106	100.0%
55-59	400	24.2%	506	28.0%	617	29.3%
60-64	345	20.9%	361	20.0%	467	22.2%
65-69	266	16.1%	286	15.8%	324	15.4%
70-74	193	11.7%	214	11.8%	250	11.9%
75-79	158	9.6%	156	8.6%	180	8.5%
80-84	141	8.5%	129	7.1%	120	5.7%
85+	150	9.1%	154	8.5%	148	7.0%
Female						
Total (55+)	2,243	100.0%	2,290	100.0%	2,470	100.0%
55-59	449	20.0%	515	22.5%	625	25.3%
60-64	386	17.2%	407	17.8%	474	19.2%
65-69	306	13.6%	319	13.9%	369	14.9%
70-74	255	11.4%	266	11.6%	282	11.4%
75-79	209	9.3%	213	9.3%	221	8.9%
80-84	259	11.5%	200	8.7%	175	7.1%
85+	379	16.9%	370	16.2%	324	13.1%

	Census 2010		2013		2018	
	Number	% of Total Pop	Number	% of Total Pop	Number	% of Total
Total Population						
Total (55+)	3,898	32.4%	4,095	34.5%	4,576	37.0%
55-59	849	5.4%	1,021	6.5%	1,242	7.9%
60-64	731	4.6%	768	4.9%	941	6.0%
65-69	573	3.6%	604	3.9%	693	4.4%
70-74	449	2.8%	480	3.1%	532	3.4%
75-79	367	2.3%	369	2.4%	401	2.5%
80-84	400	2.5%	329	2.1%	295	1.9%
85+	529	3.4%	524	3.3%	472	3.0%
65+	2,318	14.7%	2,306	14.7%	2,393	15.1%
75+	1,296	8.2%	1,222	7.8%	1,168	7.4%

Data Note - A "*" indicates that the variable was not collected in the 2010 Census
Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018

November 25, 2014



Age 55+ Profile

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580,
Drive Time: 5 minutes

Prepared by Robert Goman

2013 Households by Income and Age of Householder 55+		55-64	65-74	75+	Percent	Total	Percent
Total	1,100	100%	697	100%	100%	2,676	100%
<\$15,000	55	5.0%	53	7.6%	14.5	253	9.5%
\$15,000-\$24,999	36	3.3%	37	5.3%	70	143	5.3%
\$25,000-\$34,999	30	2.7%	15	2.2%	48	93	3.5%
\$35,000-\$49,999	70	6.4%	69	9.9%	82	221	8.3%
\$50,000-\$74,999	122	11.1%	120	17.2%	178	420	15.7%
\$75,000-\$99,999	115	10.5%	71	10.2%	83	269	10.1%
\$100,000-\$149,999	189	17.2%	92	13.2%	89	370	13.8%
\$150,000-\$199,999	130	11.8%	66	9.5%	54	250	9.3%
\$200,000+	352	32.0%	175	25.1%	129	656	24.5%
Median HH Income	\$127,740		\$93,253		\$60,679	\$93,166	
Average HH Income	\$180,883		\$151,297		\$106,550	\$148,760	

2018 Households by Income and Age of Householder 55+		55-64	65-74	75+	Percent	Total	Percent
Total	1,323	100%	780	100%	837	2,940	100%
<\$15,000	49	3.7%	51	6.5%	119	219	7.4%
\$15,000-\$24,999	26	2.0%	30	3.8%	49	105	3.6%
\$25,000-\$34,999	28	2.1%	15	1.9%	44	87	3.0%
\$35,000-\$49,999	63	4.8%	58	7.4%	69	190	6.5%
\$50,000-\$74,999	94	7.1%	94	12.1%	132	320	10.9%
\$75,000-\$99,999	148	11.2%	91	11.7%	102	341	11.6%
\$100,000-\$149,999	249	18.8%	118	15.1%	109	476	16.2%
\$150,000-\$199,999	189	14.3%	95	12.2%	65	349	11.9%
\$200,000+	476	36.0%	229	29.4%	148	853	29.0%
Median HH Income	\$150,781		\$117,555		\$76,031	\$117,450	
Average HH Income	\$227,433		\$194,414		\$137,150	\$192,973	

Data Note: Income is reported for July 1, 2013 and represents annual income for the preceding year, expressed in current (2013) dollars, including an adjustment for inflation. Income is reported for July 1, 2018 and represents annual income for the preceding year, expressed in current (2017) dollars, including an adjustment for inflation.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018



NOVEMBER 25, 2014



Age 55+ Profile

Prepared by Robert Goman
120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580,
Drive Time: 5 minutes

2013 Population 55+ by Race	Number	Percent	% Pop
Total	5,422	100.0%	34.6%
White Alone	4,968	91.6%	37.6%
Black Alone	112	2.1%	30.6%
American Indian Alone	6	0.1%	17.1%
Asian Alone	203	3.7%	17.9%
Pacific Islander Alone	0	0.0%	0.0%
Some Other Race Alone	86	1.6%	14.4%
Two or More Races	47	0.9%	13.5%
Hispanic Origin (Any Race)	364	6.7%	18.7%

Census 2010 Households and Age of Householder

	Number	Percent	% Total HHS
Total	2,525	100.0%	42.8%
Family Households	1,440	57.0%	24.4%
Householder Age 55-64	692	27.4%	11.7%
Householder Age 65-74	392	15.5%	6.6%
Householder Age 75-84	246	9.7%	4.2%
Householder Age 85+	110	4.4%	1.9%
Nonfamily Households	1,085	43.0%	18.4%
Householder Age 55-64	270	10.7%	4.6%
Householder Age 65-74	257	10.2%	4.4%
Householder Age 75-84	277	11.0%	4.7%
Householder Age 85+	281	11.1%	4.8%

Census 2010 Occupied Housing Units by Age of Householder

	Number	Percent	% Total HHS
Total	2,526	100.0%	42.8%
Owner Occupied Housing Units	1,798	71.2%	30.5%
Householder Age 55-64	715	28.3%	12.1%
Householder Age 65-74	507	20.1%	8.6%
Householder Age 75-84	378	15.0%	6.4%
Householder Age 85+	198	7.6%	3.4%
Renter Occupied Housing Units	728	28.8%	12.3%
Householder Age 55-64	248	9.8%	4.2%
Householder Age 65-74	142	5.6%	2.4%
Householder Age 75-84	145	5.7%	2.5%
Householder Age 85+	193	7.6%	3.3%

Data Note: A family is defined as a householder and one or more other people living in the same household who are related to the householder by birth, marriage, or adoption. Nonfamily households consist of people living alone and households that do not contain any members who are related to the householder. The base for % Pop is specific to the row. A Nonrelative is not related to the householder by birth, marriage, or adoption.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2016

November 25, 2014



Age 55+ Profile

Prepared by Robert Goman
120 Old Post Rd
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Drive Time: 13 minutes

Demographic Summary	2013	2010	2013-2018 Change	2013-2018 Annual Rate
Total Population	194,677	194,677	198,781	3,639
Population 55+	50,632	50,632	58,623	5,397
Median Age	39.3	39.3	40.5	0.6
Households	72,575	72,575	74,093	1,368
% Householders 55+	43.1%	43.1%	48.2%	3.0
Owner/Renter Ratio	1.4	1.4	0.0	0.00%
Median Home Value	\$629,865	\$629,865	\$852,654	\$222,789
Average Home Value	\$706,169	\$706,169	\$844,621	\$138,452
Median Household Income	\$85,864	\$85,864	\$100,543	\$14,679
Median Household Income for Householder 55+	\$75,797	\$75,797	\$91,667	\$15,870

Population by Age and Sex

Male Population	2010	2013	% of 55+	2013	% of 55+
Total (55+)	21,956	23,442	100.0%	26,351	100.0%
55-59	5,687	6,207	25.9%	6,789	25.8%
60-64	4,697	5,067	21.4%	5,754	21.8%
65-69	3,472	3,827	15.8%	4,599	17.5%
70-74	2,556	2,789	11.6%	3,353	12.7%
75-79	2,201	2,122	10.0%	2,348	8.9%
80-84	1,754	1,738	8.0%	1,687	6.4%
85+	1,589	1,692	7.2%	1,821	6.9%

Female	2010	2013	% of 55+	2013	% of 55+
Total (55+)	28,676	29,784	100.0%	32,272	100.0%
55-59	6,249	6,781	21.8%	7,305	22.6%
60-64	5,436	5,744	19.0%	6,365	19.7%
65-69	4,235	4,581	14.8%	5,300	16.4%
70-74	3,422	3,629	11.9%	4,192	13.0%
75-79	3,031	2,953	10.6%	3,157	9.8%
80-84	2,926	2,616	10.2%	2,453	7.6%
85+	3,377	3,480	11.8%	3,500	10.8%

Total Population	2010	2013	% of Total Pop	2013	% of Total
Total (55+)	50,630	53,225	33.4%	58,623	36.6%
55-59	11,935	12,988	6.1%	14,094	7.1%
60-64	10,133	10,810	5.2%	12,119	6.1%
65-69	7,707	8,408	4.0%	9,899	5.0%
70-74	5,978	6,418	3.1%	7,544	3.8%
75-79	5,232	5,075	2.7%	5,505	2.8%
80-84	4,680	4,354	2.4%	4,140	2.1%
85+	4,965	5,172	2.6%	5,322	2.7%
65+	28,562	29,427	14.7%	32,410	16.3%
75+	14,877	14,601	7.6%	14,967	7.5%

Data Note: A "-" indicates that the variable was not collected in the 2010 Census Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018



NOVEMBER 2014



Age 55+ Profile

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	2013 Households by Income and Age of Householder 55+			Total	Percent
	55-64	65-74	75+		
Total	13,819	9,202	9,647	32,668	100%
<\$15,000	873	590	1,388	2,851	8.7%
\$15,000-\$24,999	632	466	1,388	2,721	8.3%
\$25,000-\$34,999	845	749	1,221	2,815	8.6%
\$35,000-\$49,999	1,219	1,060	1,151	3,430	10.4%
\$50,000-\$74,999	1,622	1,429	1,430	4,481	13.6%
\$75,000-\$99,999	1,426	1,036	894	3,317	10.1%
\$100,000-\$149,999	2,354	1,288	890	4,532	13.8%
\$150,000-\$199,999	1,441	1,046	536	2,663	8.1%
\$200,000+	3,407	1,576	1,074	6,057	18.4%
Median HH Income	\$104,339	\$73,698	\$48,335	\$75,797	
Average HH Income	\$153,984	\$122,517	\$90,290	\$126,093	

	2018 Households by Income and Age of Householder 55+			Total	Percent
	55-64	65-74	75+		
Total	15,045	10,702	9,988	35,735	100%
<\$15,000	803	536	1,326	2,725	7.6%
\$15,000-\$24,999	487	735	957	2,179	6.1%
\$25,000-\$34,999	728	740	1,067	2,535	7.1%
\$35,000-\$49,999	1,156	1,071	1,069	3,296	9.2%
\$50,000-\$74,999	1,422	1,391	1,225	4,038	11.3%
\$75,000-\$99,999	1,754	1,321	1,186	4,261	11.9%
\$100,000-\$149,999	2,802	1,713	1,116	5,631	15.8%
\$150,000-\$199,999	1,868	1,020	726	3,614	10.1%
\$200,000+	4,025	2,113	1,295	7,433	20.8%
Median HH Income	\$116,298	\$88,863	\$59,332	\$91,667	
Average HH Income	\$186,697	\$152,307	\$113,651	\$156,066	

Data Note: Income is reported for July 1, 2013 and represents annual income for the preceding year, assessed in current (2012) dollars, including an adjustment for inflation. Income is reported for July 1, 2018 and represents annual income for the preceding year, expressed in current (2017) dollars, including an adjustment for inflation.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018

November 25, 2014



Age 55+ Profile

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580,
Drive Time: 13 minutes

Prepared by Robert Goman

2013 Population 55+ by Race		
Total	Number	Percent
White Alone	68,040	100.0%
Black Alone	56,442	83.0%
American Indian Alone	5,087	7.5%
Asian Alone	143	0.2%
Pacific Islander Alone	2,756	4.1%
Some Other Race Alone	11	0.0%
Two or More Races	2,635	3.9%
Hispanic Origin (Any Race)	966	1.4%
Total	8,972	13.2%

Census 2010 Households and Age of Householder		
Total	Number	Percent
Family Households	31,283	100.0%
Householder Age 55-64	18,101	57.9%
Householder Age 65-74	8,685	27.8%
Householder Age 75-84	5,028	16.1%
Householder Age 85+	3,233	10.3%
Nonfamily Households	1,155	3.7%
Householder Age 55-64	13,182	42.1%
Householder Age 65-74	4,112	13.1%
Householder Age 75-84	3,447	11.0%
Householder Age 85+	3,389	10.8%
Total	2,234	7.1%

Census 2010 Occupied Housing Units by Age of Householder		
Total	Number	Percent
Owner Occupied Housing Units	31,281	100.0%
Householder Age 55-64	22,169	70.9%
Householder Age 65-74	8,905	28.5%
Householder Age 75-84	6,144	19.6%
Householder Age 85+	4,833	15.5%
Renter Occupied Housing Units	2,287	7.3%
Householder Age 55-64	9,112	29.1%
Householder Age 65-74	3,892	12.4%
Householder Age 75-84	2,331	7.5%
Householder Age 85+	1,788	5.7%
Total	1,101	3.5%

Data Note: A family is defined as a householder and one or more other people living in the same household who are related to the householder by birth, marriage, or adoption. Nonfamily households consist of people living alone and households that do not contain any members who are related to the householder. The base for "% Pop." is specific to the row. A Nonrelative is not related to the householder by birth, marriage, or adoption.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018

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NOVEMBER 2014



Age 55+ Profile

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580,
Drive Time: 23 minutes

Prepared by Robert Goman

Demographic Summary

Total Population	1,280,138	2013	1,285,824	2013-2018 Change	28,025	2013-2018 Annual Rate	0.43%
Population 55+	327,938	2018	383,997	37,364	1.41%		
Median Age	38.5	2018	39.4	0.5	0.26%		
Households	480,532	2018	493,813	10,854	0.45%		
% Householders 55+	42.0%	2018	47.1%	3.1	1.37%		
Owner/Renter Ratio	1.0	2018	1.0	0.0	0.00%		
Median Home Value	-	2013	\$479,179	\$171,331	6.30%		
Average Home Value	-	2013	\$568,406	\$686,423	3.85%		
Median Household Income	-	2013	\$76,950	\$113,707	4.02%		
Median Household Income for Householder 55+	-	2013	\$57,134	\$111,996	3.89%		

Population by Age and Sex

	Census 2010		2013		2018		2018 % of 55+	
	Number	% of 55+	Number	% of 55+	Number	% of 55+	Number	% of 55+
Total (55+)	139,502	100.0%	149,114	100.0%	167,319	100.0%	167,319	100.0%
55-59	36,286	26.0%	39,041	26.2%	41,761	25.0%	41,761	25.0%
60-64	30,956	22.2%	33,226	22.3%	36,691	21.9%	36,691	21.9%
65-69	22,612	16.2%	25,051	16.8%	29,744	17.8%	29,744	17.8%
70-74	16,645	11.9%	18,223	12.2%	22,419	13.4%	22,419	13.4%
75-79	13,563	9.7%	13,548	9.1%	15,592	9.3%	15,592	9.3%
80-84	10,459	7.5%	10,353	6.9%	10,516	6.3%	10,516	6.3%
85+	8,981	6.4%	9,572	6.5%	10,596	6.3%	10,596	6.3%

Female

	Census 2010		2013		2018		2018 % of 55+	
	Number	% of 55+	Number	% of 55+	Number	% of 55+	Number	% of 55+
Total (55+)	237,453	100.0%	197,519	100.0%	216,678	100.0%	216,678	100.0%
55-59	42,429	17.9%	45,084	22.8%	47,600	22.0%	47,600	22.0%
60-64	37,244	15.7%	39,843	20.2%	43,138	19.9%	43,138	19.9%
65-69	28,713	12.1%	31,469	15.9%	37,024	17.1%	37,024	17.1%
70-74	22,876	9.6%	24,534	12.4%	29,448	13.6%	29,448	13.6%
75-79	19,701	8.3%	19,599	9.9%	22,058	10.2%	22,058	10.2%
80-84	17,538	7.4%	16,415	8.3%	16,253	7.5%	16,253	7.5%
85+	19,935	8.4%	20,575	10.4%	21,157	9.8%	21,157	9.8%

Male

	Census 2010		2013		2018		2018 % of Total	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
Total (55+)	420,226	32.8%	346,631	34.3%	383,998	36.0%	383,998	36.0%
55-59	78,715	6.1%	84,125	6.5%	89,361	6.8%	89,361	6.8%
60-64	68,200	5.3%	73,069	5.7%	79,830	6.1%	79,830	6.1%
65-69	51,325	4.0%	56,519	4.4%	66,768	5.1%	66,768	5.1%
70-74	39,521	3.1%	42,756	3.3%	51,867	3.9%	51,867	3.9%
75-79	33,264	2.6%	33,147	2.6%	37,650	2.9%	37,650	2.9%
80-84	27,997	2.2%	26,768	2.1%	26,769	2.0%	26,769	2.0%
85+	28,916	2.3%	30,247	2.4%	31,753	2.4%	31,753	2.4%

2013-2018 Change

	2013		2018		2018 % of Total	
	Number	% of Total	Number	% of Total	Number	% of Total
Total (55+)	181,023	14.1%	189,437	14.7%	214,807	16.3%
55-59	90,177	7.0%	90,162	7.0%	96,172	7.3%

Data Note - A "-" indicates that the variable was not collected in the 2010 Census
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018

November 25, 2014



Age 55+ Profile

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580,
Drive Time: 23 minutes

Prepared by Robert Goman

2013 Households by Income and Age of Householder 55+

	55-64	65-74	75+	Total	Percent
Total	92,994	61,180	58,445	212,619	100%
<\$15,000	9,714	10,4%	10,193	25,912	12.2%
\$15,000-\$24,999	5,645	6.1%	8,652	20,250	9.5%
\$25,000-\$34,999	7,041	7.6%	6,587	20,650	9.7%
\$35,000-\$49,999	10,995	11.8%	9,074	27,448	12.9%
\$50,000-\$74,999	13,840	14.9%	7,379	32,957	15.5%
\$75,000-\$99,999	10,321	11.1%	6,398	22,067	10.4%
\$100,000-\$149,999	14,875	16.0%	7,793	27,627	13.0%
\$150,000-\$199,999	7,560	8.1%	3,639	13,476	6.3%
\$200,000+	13,001	14.0%	3,443	22,230	10.5%

	55-64	65-74	75+	Total	Percent
Median HH Income	\$73,179	\$55,920	\$40,316	\$57,134	
Average HH Income	\$113,965	\$92,666	\$69,820	\$95,701	

2018 Households by Income and Age of Householder 55+

	55-64	65-74	75+	Total	Percent
Total	98,857	72,140	61,816	232,813	100%
<\$15,000	9,401	9.5%	6,661	26,668	11.5%
\$15,000-\$24,999	4,433	4.5%	5,387	16,970	7.3%
\$25,000-\$34,999	6,462	6.5%	7,147	20,463	8.8%
\$35,000-\$49,999	10,593	10.7%	9,737	27,706	11.9%
\$50,000-\$74,999	11,988	12.1%	9,975	30,080	12.9%
\$75,000-\$99,999	12,941	13.1%	8,947	29,319	12.6%
\$100,000-\$149,999	18,062	18.3%	10,869	35,619	15.3%
\$150,000-\$199,999	9,808	9.9%	5,522	18,598	8.0%
\$200,000+	15,170	15.3%	7,895	27,590	11.8%

	55-64	65-74	75+	Total	Percent
Median HH Income	\$85,945	\$66,085	\$47,214	\$69,130	
Average HH Income	\$136,200	\$111,712	\$84,884	\$114,987	

Data Note: Income is reported for July 1, 2013 and represents annual income for the preceding year, expressed in current (2012) dollars, including an adjustment for inflation. Income is reported for July 1, 2018 and represents annual income for the preceding year, expressed in current (2017) dollars, including an adjustment for inflation.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018



NOVEMBER 2014



Age 55+ Profile

120 Old Post Rd
120 Old Post Rd, Rye, New York, 10580,
Drive Time: 23 minutes

Prepared by Robert Goman

2013 Population 55+ by Race

	Number	Percent	% Pop
Total	441,145	100.0%	34.3%
White Alone	285,754	64.8%	40.6%
Black Alone	100,257	22.7%	32.2%
American Indian Alone	1,384	0.3%	19.8%
Asian Alone	21,128	4.8%	25.9%
Pacific Islander Alone	142	0.0%	20.6%
Some Other Race Alone	23,183	5.3%	17.1%
Two or More Races	9,297	2.1%	20.1%
Hispanic Origin (Any Race)	74,484	16.9%	21.5%

Census 2010 Households and Age of Householder

	Number	Percent	% Total HHs
Total	201,619	100.0%	42.0%
Family Households	114,945	57.0%	23.9%
Householder Age 55-64	56,958	28.3%	11.9%
Householder Age 65-74	32,378	16.1%	6.7%
Householder Age 75-84	19,283	9.6%	4.0%
Householder Age 85+	6,326	3.1%	1.3%
Nonfamily Households	86,674	43.0%	18.0%
Householder Age 55-64	30,146	15.0%	6.3%
Householder Age 65-74	23,734	11.8%	4.9%
Householder Age 75-84	20,543	10.2%	4.3%
Householder Age 85+	12,251	6.1%	2.5%

Census 2010 Occupied Housing Units by Age of Householder

	Number	Percent	% Total HHs
Total	201,619	100.0%	42.0%
Owner Occupied Housing Units	123,716	61.4%	25.7%
Householder Age 55-64	52,066	25.8%	10.8%
Householder Age 65-74	35,049	17.4%	7.3%
Householder Age 75-84	25,716	12.6%	5.4%
Householder Age 85+	10,885	5.4%	2.3%
Renter Occupied Housing Units	77,903	38.6%	16.2%
Householder Age 55-64	35,037	17.4%	7.3%
Householder Age 65-74	21,063	10.4%	4.4%
Householder Age 75-84	14,111	7.0%	2.9%
Householder Age 85+	7,692	3.8%	1.6%

Data Note: A family is defined as a householder and one or more other people living in the same household who are related to the householder by birth, marriage, or adoption. Nonfamily households consist of people living alone and households that do not contain any members who are related to the householder. The base for "% Pop" is specific to the CTR. A Nonrelative is not related to the householder by birth, marriage, or adoption.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2015.

November 25, 2014



Housing Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

Population	
2010 Total Population	15,771
2013 Total Population	15,686
2018 Total Population	15,605
2013-2018 Annual Rate	0.13%

Households	
2013 Median Household Income	\$114,475
2018 Median Household Income	\$130,946
2013-2018 Annual Rate	2.73%

Housing Units by Occupancy Status and Tenure	Census 2010		2013		2018	
	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	6,412	100.0%	6,379	100.0%	6,508	100.0%
Occupied	5,895	92.0%	5,872	92.1%	5,925	91.0%
Owner	3,726	58.1%	3,676	57.6%	3,840	59.0%
Renter	2,170	33.8%	2,196	34.4%	2,085	32.0%
Vacant	516	8.0%	507	7.9%	583	9.0%

Owner Occupied Housing Units by Value	2013		2018	
	Number	Percent	Number	Percent
Total	3,675	100.0%	3,840	100.0%
<\$50,000	4	0.1%	0	0.0%
\$50,000-\$99,999	30	0.8%	1	0.0%
\$100,000-\$149,999	57	1.6%	8	0.2%
\$150,000-\$199,999	74	2.0%	33	0.9%
\$200,000-\$249,999	84	2.3%	58	1.5%
\$250,000-\$299,999	133	3.6%	56	1.5%
\$300,000-\$399,999	368	10.0%	70	1.8%
\$400,000-\$499,999	395	10.7%	179	4.7%
\$500,000-\$749,999	852	23.2%	366	9.5%
\$750,000-\$999,999	589	16.0%	1,592	41.5%
\$1,000,000+	1,090	29.7%	1,477	38.5%

Median Value \$703,332
Average Value \$760,373

Source: U.S. Census Bureau, Census 2010 Summary File 1, Esri forecasts for 2013 and 2018.

April 13, 2014



Housing Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

Census 2010 Owner Occupied Housing Units by Mortgage Status	
Total	3,726
Owned with a Mortgage/Loan	2,480
Owned Free and Clear	1,246

Census 2010 Vacant Housing Units by Status	
Total	516
For Rent	155
Renters - Not Occupied	8
For Sale Only	53
Sold - Not Occupied	37
Seasonal/Recreational/Occasional Use	57
For Migrant Workers	0
Other Vacant	134

Census 2010 Occupied Housing Units by Age of Householder and Home Ownership

	Occupied Units		Owner Occupied Units	
	Number	% of Occupied	Number	% of Occupied
Total	5,898	85.2%	3,726	62.9%
15-24	76	1.3%	11	0.3%
25-34	560	9.5%	168	3.0%
35-44	1,241	21.1%	697	12.0%
45-54	1,495	25.4%	1,094	18.7%
55-64	963	16.3%	715	12.3%
65-74	649	11.0%	507	8.8%
75-84	523	8.9%	378	6.6%
85+	391	6.6%	195	3.4%

Census 2010 Occupied Housing Units by Race/Ethnicity of Householder and Home Ownership

	Occupied Units		Owner Occupied Units	
	Number	% of Occupied	Number	% of Occupied
Total	5,896	100.0%	3,726	100.0%
White Alone	5,203	88.3%	3,515	94.3%
Black/African American	133	2.3%	35	0.9%
American Indian/Alaska	11	0.2%	3	0.1%
Asian Alone	328	5.6%	113	3.0%
Pacific Islander Alone	1	0.0%	0	0.0%
Other Race Alone	145	2.5%	31	0.8%
Two or More Races	75	1.3%	29	0.8%
Hispanic Origin	497	8.4%	160	4.3%

Census 2010 Occupied Housing Units by Size and Home Ownership

	Occupied Units		Owner Occupied Units	
	Number	% of Occupied	Number	% of Occupied
Total	5,897	100.0%	3,726	100.0%
1-Person	1,595	27.0%	760	20.4%
2-Person	1,529	26.0%	1,044	28.0%
3-Person	904	15.3%	588	15.8%
4-Person	1,087	18.4%	735	19.7%
5-Person	554	9.4%	427	11.5%
6-Person	165	2.8%	128	3.4%
7+ Person	63	1.1%	44	1.2%

Data Note: Bureau of Economic Analysis may use of any race.
Source: U.S. Census Bureau, Census 2010 Summary File 1.

April 13, 2014

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 13 minutes

Prepared by Robert Goman

Population		Households	
2010 Total Population	194,677	2013 Median Household Income	\$85,664
2013 Total Population	195,142	2018 Median Household Income	\$100,543
2018 Total Population	198,781	2013-2018 Annual Rate	3.21%
2013-2018 Annual Rate	0.37%		

Housing Units by Occupancy Status and Tenure	Census 2010		2013		2018	
	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	78,349	100.0%	78,660	100.0%	79,864	100.0%
Occupied	72,574	92.6%	72,726	92.5%	74,093	92.8%
Owner	42,649	54.4%	41,999	53.4%	43,813	54.9%
Renter	29,925	38.2%	30,727	39.1%	30,280	37.9%
Vacant	5,774	7.4%	5,935	7.5%	5,771	7.2%

Owner Occupied Housing Units by Value	2013		2018	
	Number	Percent	Number	Percent
Total	41,997	100.0%	43,813	100.0%
<\$50,000	100	0.2%	10	0.0%
\$50,000-\$99,999	496	1.2%	54	0.1%
\$100,000-\$149,999	774	1.8%	133	0.3%
\$150,000-\$199,999	1,274	3.0%	578	1.2%
\$200,000-\$249,999	1,487	3.5%	1,044	2.4%
\$250,000-\$299,999	1,950	4.6%	1,350	3.1%
\$300,000-\$399,999	4,471	10.6%	2,058	4.7%
\$400,000-\$499,999	5,174	12.3%	3,673	8.4%
\$500,000-\$749,999	10,148	24.2%	7,400	16.9%
\$750,000-\$999,999	5,231	12.5%	13,774	31.4%
\$1,000,000+	10,892	25.9%	13,789	31.5%
Median Value	\$629,665		\$852,654	
Average Value	\$706,169		\$844,621	

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 13 minutes

Prepared by Robert Goman

Census 2010 Owner Occupied Housing Units by Mortgage Status	
Total	42,649
Owned with a Mortgage/Loan	28,737
Owned Free and Clear	13,912

Census 2010 Vacant Housing Units by Status	
Total	5,774
For Rent	1,966
Renters: Not Occupied	126
For Sale Only	1,051
Sold - Not Occupied	229
Seasonal/Recreational/Occasional Use	845
For Migrant Workers	1
Other Vacant	1,563

Census 2010 Occupied Housing Units by Age of Householder and Home Ownership

	Number	Percent	Owner Occupied Units Number	Owner Occupied Units % of Occupied
Total	72,576	100.0%	42,650	58.8%
15-24	1,301	1.8%	142	10.9%
25-34	9,357	12.8%	2,803	30.0%
35-44	14,386	19.8%	7,328	50.9%
45-54	16,250	22.4%	10,208	62.8%
55-64	12,797	17.6%	8,905	69.6%
65-74	8,475	11.6%	6,144	72.5%
75-84	6,621	9.1%	4,833	73.0%
85+	3,388	4.7%	2,297	67.5%

Census 2010 Occupied Housing Units by Race/Ethnicity of Householder and Home Ownership

	Number	Percent	Owner Occupied Units Number	Owner Occupied Units % of Occupied
Total	72,576	100.0%	42,650	58.8%
White Alone	57,264	78.9%	32,915	66.2%
Black/African American	5,705	7.9%	1,748	30.6%
American Indian/Alaska	191	0.3%	169	88.5%
Asian Alone	3,590	4.9%	1,696	47.2%
Pacific Islander Alone	29	0.0%	4	13.8%
Other Race Alone	4,317	5.9%	786	18.2%
Two or More Races	1,480	2.0%	450	30.4%
Hispanic Origin	12,195	16.8%	3,167	26.0%

Census 2010 Occupied Housing Units by Size and Home Ownership

	Number	Percent	Owner Occupied Units Number	Owner Occupied Units % of Occupied
Total	72,576	100.0%	42,650	58.8%
1-Person	20,823	28.8%	10,607	50.9%
2-Person	20,707	28.5%	13,321	64.3%
3-Person	11,301	15.6%	6,733	59.6%
4-Person	10,926	15.1%	6,912	63.3%
5-Person	5,402	7.4%	3,447	63.8%
6-Person	1,991	2.7%	1,069	53.7%
7+ Person	1,426	1.9%	561	39.3%

Data Note: Percent of Hispanic Origin may be of any race. Source: U.S. Census Bureau, Census 2010 Summary File 1



Housing Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 23 minutes

Prepared by Robert Gorman

Population		Households	
2010 Total Population	1,280,138	2013 Median Household Income	\$62,950
2013 Total Population	1,285,824	2018 Median Household Income	\$76,657
2018 Total Population	1,313,850	2013-2018 Annual Rate	4.02%
2013-2018 Annual Rate	0.43%		

Housing Units by Occupancy Status and Tenure	Census 2010		2013		2018	
	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	511,672	100.0%	515,655	100.0%	526,582	100.0%
Occupied	480,532	93.9%	482,959	93.7%	493,814	93.8%
Owner	242,638	47.4%	240,160	46.6%	252,421	47.9%
Renter	237,894	46.5%	242,799	47.1%	241,393	45.8%
Vacant	31,140	6.1%	32,696	6.3%	32,749	6.2%

Owner Occupied Housing Units by Value	2013		2018	
	Number	Percent	Number	Percent
Total	240,051	100.0%	252,298	100.0%
<\$50,000	1,410	0.6%	190	0.1%
\$50,000-\$99,999	6,567	2.7%	1,342	0.5%
\$100,000-\$149,999	6,306	2.6%	1,840	0.7%
\$150,000-\$199,999	8,407	3.5%	7,879	3.1%
\$200,000-\$249,999	10,573	4.4%	9,863	3.9%
\$250,000-\$299,999	14,379	6.0%	11,576	4.6%
\$300,000-\$399,999	39,260	16.4%	23,583	9.3%
\$400,000-\$499,999	41,834	17.4%	33,603	13.3%
\$500,000-\$749,999	59,270	24.7%	60,250	23.9%
\$750,000-\$999,999	19,574	8.2%	60,481	24.0%
\$1,000,000+	32,471	13.5%	41,691	16.5%

Median Value: \$479,179
Average Value: \$588,406

Source: U.S. Census Bureau, Census 2010 Summary File 1, ERI forecasts for 2013 and 2018

April 13, 2014



Housing Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 23 minutes

Prepared by Robert Gorman

Census 2010 Owner Occupied Housing Units by Mortgage Status	
Total	242,638
Owned with a Mortgage/Loan	167,449
Owned Free and Clear	75,189

Census 2010 Vacant Housing Units by Status	
Total	31,140
For Rent	12,413
Renter- Not Occupied	797
For Sale Only	4,528
Sold - Not Occupied	1,086
Seasonal/Recreational/Occasional Use	3,301
For Migrant Workers	5
Other Vacant	9,029

Census 2010 Occupied Housing Units by Age of Householder and Home Ownership

	Occupied Units	Owner Occupied Units
Total	480,531	242,637
15-24	10,797	1,293
25-34	66,123	17,073
35-44	79,295	24,446
45-54	107,867	36,107
55-64	117,113	52,066
65-74	114,416	55,716
75-84	30,837	10,885
85+	18,577	5,868

Census 2010 Occupied Housing Units by Race/Ethnicity of Householder and Home Ownership

	Occupied Units	Owner Occupied Units
Total	480,531	242,637
White Alone	285,600	177,262
Black/African American	117,481	39,851
American Indian/Alaska	2,072	525
Asian Alone	24,091	12,223
Pacific Islander Alone	203	50
Other Races Alone	36,470	8,550
Two or More Races	12,615	4,177
Hispanic Origin	101,165	27,189

Census 2010 Occupied Housing Units by Size and Home Ownership

	Occupied Units	Owner Occupied Units
Total	480,531	242,637
1-Person	140,255	58,207
2-Person	134,804	73,259
3-Person	79,960	40,738
4-Person	68,520	39,343
5-Person	34,130	19,454
6-Person	13,165	6,959
7+ Person	9,697	4,638

Data Note: Persons of Hispanic Origin may be of any race.
Source: U.S. Census Bureau, Census 2010 Summary File 1.

April 13, 2014



Lifestyle Report

Prepared by Robert Goman
120 Old Post Rd
Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 23 minutes

Top 10 Tapestry Segments



Top 10 Tapestry Segments:

20. City Lights
The City Lights segment is composed of diverse neighborhoods situated primarily in the Northeast. This dense urban market is a mixture of housing, household types, and culture that all share the same city space. Households include families and singles, similar to the U.S. distribution by household type. With a median age of 38.5 years, the population is slightly older than that of the U.S. population, there are fewer children and slightly more people aged 75 or older. The ethnic or racial diversity is slightly higher than the U.S. level, with higher ratios of Asian, Hispanic, and multiracial populations. City Lights residents earn a good living working in white collar and service occupations. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/20_city_lights.pdf

45. City Strivers
Residents of this young, relatively diverse urban market have a median age of 33.8 years and a 66 percent mix of family types, such as married couples (54 percent), single parents (24 percent), and public assistance income. Education attainment levels are below those of the U.S.; approximately 44 percent of residents aged 25 years and older have attended college. Approximately half of employed residents work in the service and health care industry sectors in the city. Twenty-two percent of the residents who are employed are government workers, employed primarily by the local government. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/45_city_strivers.pdf

01. Top Ring
Residents of Top Ring neighborhoods are mature, married, highly educated, and wealthy. The median age is 45.0 years; one-third of the residents are in their peak earning years of 45-64. More than 77 percent of these households are composed of married couples; half of them have children. Except for the presence of children, this is a low-diversity, monoclassic market. Top Ring, the wealthiest consumer market, represents less than 1 percent of the population in the area, but has a median income of \$173,174 (more than nine-and-one-half times that of the U.S. median). For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/01_top_ring.pdf

61. High Rise Renters
High Rise Renters residents are a diverse mix of race and ethnicity. More than half of the residents are Hispanic, mainly from Puerto Rico or the Dominican Republic. Forty percent of the residents are black, 21 percent are white, and 7 percent are of two or more races. A higher-than-average proportion (28 percent) of other races is also represented. Many residents speak a language other than English. Household types are mainly single parent and single person; however, a higher-than-average proportion of other family households is also present. Their median age of 31.9 years is younger than the U.S. median. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/61_high_rise_renters.pdf

Data Note: This report identifies neighborhood segments in the area, and describes the socioeconomic quality of the immediate neighborhood. The index is a comparison of the percent of households or population in the area, by Tapestry segment, to the percent of households or population in the United States, by segment. An index of 100 represents the U.S. average.
Source: Esri

April 13, 2014



Lifestyle Report

Prepared by Robert Goman
120 Old Post Rd
Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 23 minutes

35. International Marketplace

Located primarily in cities in "gateway" states on both U.S. coasts, International Marketplace neighborhoods are developing urban markets with a rich blend of ethnic and cultural influences. The median age is 37 years, and 63 percent of the households are married. Although diversity is negligible, Connoisseurs are second in affluence only to the Top Ring segment. This market is well educated; 63 percent of the population aged 25 years and older hold a bachelor's or graduate degree. Employed residents earn wages from high-paying management, professional, and sales jobs. Many are self-employed; the rate is twice that of the national average. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/03_connoisseurs.pdf

09. Urban Chic

Urban Chic residents are professionals who live a sophisticated, exclusive lifestyle. More than half of these households are married-couple families, similar to the U.S. proportion. Fewer than half of them have children. Unlike the United States, there is a smaller proportion of single parents and a higher proportion of singles and shared households. The median age is 43 years; the diversity index is 48. A median household income of \$91,299 is higher than the national average. More than 80 percent of the population aged 25 years and older hold a bachelor's or graduate degree. 80 percent have attended college. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/09_urban_chic.pdf

03. Connoisseurs

Residents of Connoisseur neighborhoods are somewhat older, with a median age of 47.7 years. Approximately 70 percent of the population is married. Although diversity is negligible, Connoisseurs are second in affluence only to the Top Ring segment. This market is well educated; 63 percent of the population aged 25 years and older hold a bachelor's or graduate degree. Employed residents earn wages from high-paying management, professional, and sales jobs. Many are self-employed; the rate is twice that of the national average. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/03_connoisseurs.pdf

44. Urban Melting Pot

Recently settled immigrants live in ethnically rich Urban Melting Pot neighborhoods. More than half of the population is foreign born; half of these have come to the U.S. in the last 10 years. The median age is 36.4 years, slightly younger than the U.S. median of 37.3. Distinctly diverse, more than one in four are Hispanic. Whites represent 47 percent of the population; Asians, 30 percent; and 6 percent are multiracial. Household types are equally diverse: 45 percent are married couple families; 30 percent are singles who live alone; single parents, other family types, and shared households also live in these neighborhoods. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/44_urban_melting_pot.pdf

05. Wealthy Seaboard Suburbs

Wealthy Seaboard Suburbs are older, established, affluent neighborhoods characteristic of U.S. coastal metropolitan areas. Two-thirds of the population aged 15+ years is married; more than half of the married couples have no children. The median age is 43.3 years. Ethnic diversity is low; most residents are white. Wealthy Seaboard Suburbs neighborhoods are affluent; the median household income is \$99,852. Income is derived from a variety of sources; approximately 60 percent of the households receive supplemental income from interest, dividends, and rental properties; 23 percent collect retirement income. More than half of those who work hold professional or management positions. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/05_wealthy_seaboard_suburbs.pdf

30. Retirement Communities

Most of the households in Retirement Communities neighborhoods are single seniors who live alone; a fourth is married couples with no children living at home. This older market has a median age of 64.9 years. Over half of the population is white. Most of the residents are white. The median household income for Retirement Communities is \$46,319, slightly below the U.S. median. Nearly half of the households earn income from interest, dividends, and rental properties; 45 percent receive Social Security benefits; and 26 percent receive retirement income. For additional information on this lifestyle, click here:
http://www.esri.com~/media/Files/Pdfs/Data/esri_data/pdfs/tapestry-singles/30_retirement_communities.pdf

Data Note: This report identifies neighborhood segments in the area, and describes the socioeconomic quality of the immediate neighborhood. The index is a comparison of the percent of households or population in the area, by Tapestry segment, to the percent of households or population in the United States, by segment. An index of 100 represents the U.S. average.
Source: Esri

April 13, 2014

Top 10 Tapestry Segments



Top 10 Tapestry Segments:

01. Top Ring
Residents of Top Ring neighborhoods are mature, married, highly educated, and wealthy. The median age is 45.0 years; one-third of the residents are in their peak earning years of 45-64. More than 77 percent of these households are composed of married couples; half of them have children. Except for the presence of children, this is a low-diversity, monochromatic market. Top Ring, the wealthiest consumer market, represents less than 1 percent of all U.S. households. The median household income is \$173,172 is more than three-and-one-half times that of the U.S. median. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/01_top_ring.pdf

09. Urban Chic
Urban Chic residents are professionals who live a sophisticated, exclusive lifestyle. More than half of these households are married-couple families, similar to the U.S. proportion. Fewer than half of them have children. Unlike the United States, there is a smaller proportion of single parents and a higher proportion of singles and shared households. The median age is 43 years; the diversity index is 48. A median household income of \$91,298 enables residents of Urban Chic neighborhoods to live in style. They are well educated; more than half of residents aged 25 years and older hold a bachelor's or graduate degree; 80 percent have attended college. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/09_urban_chic.pdf

20. City Lights
The City Lights segment is composed of diverse neighborhoods situated primarily in the Northeast. This diverse urban market is a mixture of housing, from high-rise apartments to single-family homes. Residents include professionals, the U.S. population, the elderly, and young families. The median age of 38.5 years, the population is slightly older than that of the U.S. compared to the U.S. population, there are fewer children and slightly more people aged 75 or older. The ethnic or racial diversity is slightly higher than the U.S. level, with higher ratios of Asian, Hispanic, and multi-racial populations. City Lights residents earn a good living working in white collar and service occupations. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/20_city_lights.pdf

03. Commuters
Residents of Commuters neighborhoods are somewhat older, with a median age of 47.7 years. Approximately 70 percent of the population is married. Although residents appear closer to retirement than their earning age, 30 percent of the households are married couples with children living at home. Ethnic diversity is negligible. Commuters are second in affluence only to the Top Ring segment. This market is well educated, 63 percent hold a bachelor's or graduate degree, 80 percent have attended college, and 80 percent are self-employed; the rate is twice that of the national average. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/03_commuters.pdf

Data Note: This report identifies neighborhood segments in the area, and describes the socioeconomic quality of the immediate neighborhood. The index is a comparison of the households or population in the area by Tapestry Segment, to the percent of households or population in the United States, by segment. An index of 100 is the U.S. average.
Source: Esri

35. International Marketplace

Located primarily in cities in "gateway" states on both U.S. coasts, International Marketplace neighborhoods are developing urban markets with a rich blend of cultures and household types. The population is young, diverse, and multicultural. The average family size is 3.7. International Marketplace is the second most diverse of the Tapestry segments. More than half of the total population is Hispanic; 11.8 percent is Asian, and 7 percent is of two or more races. A high proportion of immigrants, including recent arrivals, live in these neighborhoods. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/35_international_marketplace.pdf

23. Trendsetters

On the cutting edge of urban style, Trendsetters residents are young, diverse, and mobile. More than half the households are singles who live alone or share the rent with a roommate. Families comprise the remainder. With a median age of 34.8 years, this segment is slightly younger than the U.S. median. The majority are white, 13.7 percent of the residents are Asian and 23 percent are Hispanic; both percentages are well above those of the U.S. median. These residents are well educated, 63 percent hold a bachelor's or graduate degree, and 73 percent have attended college. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/23_trendsetters.pdf

05. Wealthy Seaboard Suburbs

Wealthy Seaboard Suburbs are older, established, affluent neighborhoods characteristic of U.S. coastal metropolitan areas. Two-thirds of the population aged 15+ years is married; more than half of the married couples have no children. The median age is 43.2 years. Ethnic diversity is low; most residents are white. Wealthy Seaboard Suburbs neighborhoods are affluent; the median household income is \$98,652. Income is derived from a variety of sources; approximately 40 percent of the households receive supplemental income from interest, dividends, and rental properties. 23 percent hold a graduate degree. More than half of those who work hold professional or management positions. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/05_wealthy_seaboard_suburbs.pdf

44. Urban Melting Pot

Recently settled immigrants live in ethnically rich Urban Melting Pot neighborhoods. More than half of the population is foreign born; half of these have come to the U.S. in the last 10 years. The median age is 36.4 years, slightly younger than the U.S. median of 37.3. Distinctly diverse, more than one in four are Hispanic. Whites represent 47 percent of the population; Asians, 30 percent; and 6 percent are multiracial. Household types are equally diverse: 45 percent are married couple families; 30 percent are singles who live alone; single parents, other family types, and shared households also live in these neighborhoods. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/44_urban_melting_pot.pdf

22. Metropolitan

Residents of Metropolitan communities prefer to live in older city neighborhoods. Approximately half of these households are singles who live alone or with others; 40 percent are married-couple families. One in four of the residents is aged 20-34 years; the median age is 37.1 years. Diversity is low; most of the population is white. Half of the residents who are employed work in professional or managerial positions. More than 77 percent of the population aged 25 years and older have attended college or completed a degree program. Thirty percent have earned a bachelor's degree, and 22 percent hold a graduate degree. The median household income is \$54,926. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/22_metropolitans.pdf

30. Retirement Communities

Most of the households in Retirement Communities neighborhoods are single seniors who live alone; a fourth is married couples with no children living at home. This older market has a median age of 59.5 years. One-third of the population is aged 75 years or older. Most of the residents are white. The median household income for Retirement Communities is \$48,319, slightly below the U.S. median. Nearly half of the households earn income from interest, dividends, and rental properties; 45 percent receive Social Security benefits; and 26 percent receive retirement income. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/30_retirement_communities.pdf

Data Note: This report identifies neighborhood segments in the area, and describes the socioeconomic quality of the immediate neighborhood. The index is a comparison of the households or population in the area by Tapestry Segment, to the percent of households or population in the United States, by segment. An index of 100 is the U.S. average.
Source: Esri



Lifestyle Report

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

Top 10 Tapestry Segments



Top 10 Tapestry Segments:

01. Top Runy
Residents of Top Runy neighborhoods are mature, married, highly educated, and wealthy. The median age is 45.5 years; one-third of the residents are in their peak earning years of 45-64. More than 77 percent of these households are composed of married couples; half of them have children. Except for the presence of children, this is a low-diversity, monochromatic market. Top Runy, the wealthiest consumer market, represents less than 1 percent of all U.S. households. The median household income of \$173,172 is more than three-and-one-half times that of the U.S. median. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/01_top_runy.pdf

09. Urban Chic
Urban Chic residents are professionals who live a sophisticated, exclusive lifestyle. More than half of these households are married-couple families, similar to the U.S. proportion. Fewer than half of them have children. Unlike the United States, there is a smaller proportion of single parents and a higher proportion of singles and shared households. The median age is 43 years; the diversity index is 48. A median household income of \$91,298 enables residents of Urban Chic neighborhoods to live in style. They are well educated; more than half of residents aged 25 years and older hold a bachelor's or graduate degree; 80 percent have attended college. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/09_urban_chic.pdf

03. Commuters
Residents of Commuters neighborhoods are somewhat older, with a median age of 47.7 years. Approximately 70 percent of the population is married, and 85 percent are self-employed. Commuters are affluent, with a median household income of \$100,000. They are well educated; 63 percent of the population aged 25 years and older hold a bachelor's or graduate degree. Employed residents earn wages from high-paying management, professional, and sales jobs. Many are self-employed; the rate is twice that of the national average. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/03_commuters.pdf

23. Trendsetters
On the cutting edge of urban style, Trendsetters residents are young, diverse, and mobile. More than half the households are singles who live alone or share the rent with a roommate. Families comprise the remainder. With a median age of 34.8 years, this segment is slightly younger than the U.S. median. ethnically diverse, 13.7 percent of the residents are Asian and 23 percent are Hispanic; both percentages are well above those of the U.S. median. Residents are educated professionals who work in substantive jobs. More than 70 percent have earned a bachelor's degree, and 73 percent have attended college. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/23_trendsetters.pdf

Data Note: This report identifies neighborhood segments in the area, and describes the socioeconomic quality of the immediate neighborhood. The index is a comparison of the percent of households or population in the area by Tapestry segment, to the percent of households or population in the United States, by segment. An index of 100 is the US average.
Source: Esri

April 13, 2014



Lifestyle Report

120 old post rd
120 Old Post Rd, Rye, New York, 10580, S. 13, 23 DT
Drive Time: 5 minutes

Prepared by Robert Goman

20. City Lights

The City Lights segment is composed of diverse neighborhoods situated primarily in the Northeast. This dense urban market is a mixture of housing, household types, and cultures that all share the same city space. Households include families and singles, similar to the U.S. distribution by household type. With a median age of 36.5 years, the population is slightly older than that of the U.S. Compared to the U.S. population, there are fewer children and slightly more people aged 75 or older. The ethnic or racial diversity is slightly higher than the U.S. level, with higher ratios of Asian, Hispanic, and multiracial populations. City Lights residents earn a good living working in white collar and service occupations. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/20_city_lights.pdf

35. International Marketplace

Located primarily in cities in "gateway" states on both U.S. coasts, International Marketplace neighborhoods are developing urban markets with a rich blend of cultures and household types. The population is young, with a median age of only 32 years. Approximately 70 percent of the households are headed by young adults, aged 18 to 34. The population is ethnically diverse, with a high proportion of Hispanic, Asian, and Black residents. A high proportion of immigrants, including recent arrivals, live in these neighborhoods. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/35_international_marketplace.pdf

44. Urban Melting Pot

Recently settled immigrants live in ethnically rich Urban Melting Pot neighborhoods. More than half of the population is foreign born; half of these have come to the U.S. in the last 10 years. The median age is 36.4 years, slightly younger than the U.S. median of 37.3. Distinctly diverse, more than one-eighth are Hispanic, Whites represent 47 percent of the population; Asians, 30 percent; and 6 percent are multiracial. Household types are equally diverse: 45 percent are married couple families; 30 percent are singles who live alone; single parents, other family types, and shared households are also present. The population is ethnically diverse, with a high proportion of Hispanic, Asian, and Black residents. For additional information on this lifestyle, click here:
http://www.esri.com/~media/Files/Pdfs/data/esri_data/pdfs/tapestry-singles/44_urban_melting_pot.pdf

Data Note: This report identifies neighborhood segments in the area, and describes the socioeconomic quality of the immediate neighborhood. The index is a comparison of the percent of households or population in the area by Tapestry segment, to the percent of households or population in the United States, by segment. An index of 100 is the US average.
Source: Esri

April 13, 2014



Market Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 minutes

Prepared by Robert Goman

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Population Summary			
2000 Total Population	15,024	186,613	1,244,533
2010 Total Population	15,771	194,677	1,280,138
2013 Total Population	15,686	195,142	1,285,824
2013 Group Quarters	158	4,418	29,898
2018 Total Population	15,605	198,781	1,313,850
2013-2018 Annual Rate	0.15%	0.37%	0.43%
Household Summary			
2000 Households	5,743	71,508	469,699
2010 Average Household Size	2.60	2.60	2.60
2010 Households	5,898	72,575	480,532
2010 Average Household Size	2.65	2.62	2.60
2013 Households	5,872	72,725	482,959
2013 Average Household Size	2.84	2.82	2.60
2018 Households	5,925	74,093	493,613
2018 Average Household Size	3.26	3.22	3.22
2013-2018 Annual Rate	0.19%	0.27%	0.46%
2019 Average Family Size	4.089	4.732	5.150
2019 Average Family Size	3.26	3.22	3.22
2013 Families	4,060	47,854	316,078
2013 Average Family Size	3.26	3.22	3.22
2018 Families	4,071	48,461	321,151
2018 Average Family Size	3.26	3.23	3.23
2013-2018 Annual Rate	0.05%	0.25%	0.32%
Housing Unit Summary			
2000 Housing Units	5,980	73,982	490,221
Owner Occupied Housing Units	61.8%	56.4%	48.2%
Renter Occupied Housing Units	34.1%	40.2%	47.6%
Vacant Housing Units	4.1%	3.3%	4.2%
2010 Housing Units	6,412	78,349	511,672
Owner Occupied Housing Units	58.1%	54.4%	47.4%
Renter Occupied Housing Units	33.8%	38.2%	46.5%
Vacant Housing Units	8.0%	7.4%	6.1%
2013 Housing Units	6,379	78,600	515,655
Owner Occupied Housing Units	37.6%	33.4%	27.6%
Renter Occupied Housing Units	25.3%	27.5%	27.1%
Vacant Housing Units	3.9%	3.5%	4.1%
2018 Housing Units	6,504	79,864	526,562
Owner Occupied Housing Units	59.0%	54.9%	47.9%
Renter Occupied Housing Units	32.0%	37.9%	45.8%
Vacant Housing Units	9.0%	7.2%	6.2%
Median Household Income			
2013	\$114,475	\$85,864	\$62,950
2018	\$130,946	\$100,543	\$76,657
Median Home Value			
2013	\$703,312	\$629,865	\$479,179
2018	\$930,553	\$852,654	\$650,510
Per Capita Income			
2013	\$67,544	\$50,803	\$38,559
2018	\$76,101	\$61,562	\$45,805
Median Age			
2010	40.0	39.3	38.5
2013	40.3	38.8	38.5
2018	41.1	40.5	39.4

Data Notes: Household population includes persons not residing in group quarters. Average Household Size is the household population divided by total households. Persons in families includes the householder and persons related to the householder by birth, marriage, or adoption. Per Capita Income represents the income received by all persons aged 15 years and over divided by the total population.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018. Est. converted Census 2000 data into 2010 geography.

April 13, 2014



Market Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 minutes

Prepared by Robert Goman

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
2013 Households by Income			
Household Income Base			
<\$15,000	5,872	72,725	482,959
\$15,000 - \$24,999	4.2%	6.6%	7.1%
\$25,000 - \$34,999	2.9%	4.7%	6.6%
\$35,000 - \$49,999	7.1%	9.8%	12.6%
\$50,000 - \$74,999	13.0%	13.5%	15.7%
\$75,000 - \$99,999	10.1%	10.9%	11.2%
\$100,000 - \$149,999	16.6%	15.8%	14.6%
\$150,000 - \$199,999	10.5%	8.7%	6.8%
\$200,000 +	29.0%	20.0%	11.2%
Average Household Income	\$168,314	\$135,087	\$101,518
2018 Households by Income			
Household Income Base			
<\$15,000	5,925	74,093	493,613
\$15,000 - \$24,999	5.2%	6.2%	10.1%
\$25,000 - \$34,999	2.9%	4.9%	6.1%
\$35,000 - \$49,999	2.5%	6.3%	8.1%
\$50,000 - \$74,999	5.7%	8.5%	11.5%
\$75,000 - \$99,999	9.3%	11.1%	13.1%
\$100,000 - \$149,999	11.4%	12.6%	13.3%
\$150,000 - \$199,999	18.6%	17.7%	16.9%
\$200,000 +	31.8%	21.9%	12.4%
Average Household Income	\$207,993	\$163,973	\$120,756
2013 Owner Occupied Housing Units by Value			
Total	3,676	41,998	240,032
<\$50,000	0.1%	0.2%	0.6%
\$50,000 - \$99,999	0.8%	1.2%	2.7%
\$100,000 - \$149,999	1.6%	1.8%	2.6%
\$150,000 - \$199,999	2.0%	3.0%	3.5%
\$200,000 - \$249,999	2.3%	3.5%	4.4%
\$250,000 - \$299,999	3.6%	4.6%	6.0%
\$300,000 - \$399,999	10.0%	10.6%	16.4%
\$400,000 - \$499,999	10.7%	12.3%	17.4%
\$500,000 - \$749,999	23.2%	24.2%	24.7%
\$750,000 - \$999,999	16.0%	17.5%	8.2%
Average Home Value	\$760,373	\$706,169	\$568,406
2018 Owner Occupied Housing Units by Value			
Total	3,840	43,813	252,300
<\$50,000	0.0%	0.0%	0.1%
\$50,000 - \$99,999	0.0%	0.1%	0.5%
\$100,000 - \$149,999	0.2%	0.3%	0.7%
\$150,000 - \$199,999	0.9%	1.2%	3.1%
\$200,000 - \$249,999	1.5%	2.4%	3.9%
\$250,000 - \$299,999	1.5%	3.1%	4.6%
\$300,000 - \$399,999	1.8%	4.7%	9.3%
\$400,000 - \$499,999	4.7%	8.4%	13.3%
\$500,000 - \$749,999	9.5%	16.9%	23.9%
\$750,000 - \$999,999	41.5%	31.4%	24.0%
Average Home Value	\$939,878	\$844,621	\$686,423

Data Notes: Income represents the preceding year, expressed in current dollars. Household income includes wage and salary earnings, interest, dividends, net rents, pensions, SSI and welfare payments, child support, and alimony.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018. Est. converted Census 2000 data into 2010 geography.

April 13, 2014



Market Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 minutes

Prepared by Robert Goman

2010 Population by Age

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Total	15,771	194,676	1,280,139
0 - 4	7.0%	6.2%	6.3%
5 - 9	8.9%	6.7%	6.4%
10 - 14	9.0%	6.8%	6.6%
15 - 24	9.9%	11.7%	12.9%
25 - 34	8.5%	13.2%	14.1%
35 - 44	15.3%	14.6%	14.9%
45 - 54	16.8%	15.3%	11.3%
55 - 64	10.0%	7.0%	7.1%
65 - 74	6.5%	5.1%	4.8%
75 - 84	4.9%	2.6%	2.3%
85 +	3.4%	76.1%	76.5%
18 +	70.1%		

2013 Population by Age

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Total	15,685	195,142	1,285,822
0 - 4	6.4%	5.9%	6.0%
5 - 9	8.2%	6.6%	6.4%
10 - 14	9.5%	7.1%	6.7%
15 - 24	11.7%	12.2%	13.0%
25 - 34	7.9%	12.1%	12.9%
35 - 44	13.3%	13.8%	13.4%
45 - 54	16.8%	15.1%	14.6%
55 - 64	11.4%	12.2%	12.2%
65 - 74	6.9%	7.6%	7.7%
75 - 84	4.5%	4.8%	4.7%
85 +	3.3%	2.7%	2.4%
18 +	70.8%	76.4%	76.9%

2018 Population by Age

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Total	15,807	198,781	1,313,849
0 - 4	6.1%	5.8%	5.9%
5 - 9	7.8%	6.4%	6.2%
10 - 14	9.3%	7.1%	6.8%
15 - 24	12.2%	11.8%	12.5%
25 - 34	8.1%	11.7%	12.7%
35 - 44	11.5%	13.3%	13.0%
45 - 54	16.0%	14.4%	13.6%
55 - 64	13.8%	13.2%	12.9%
65 - 74	7.7%	8.8%	9.0%
75 - 84	4.4%	4.9%	4.9%
85 +	3.0%	2.7%	2.4%
18 +	71.6%	76.6%	77.2%

2010 Population by Sex

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Males	7,557	94,606	606,410
Females	8,204	100,071	673,728

2013 Population by Sex

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Males	7,564	95,201	610,686
Females	8,122	99,941	675,138

2018 Population by Sex

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Males	7,657	97,492	626,258
Females	8,148	101,289	687,592

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018. Est. converted Census 2000 data into 2010 geography.

April 13, 2014



Market Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 minutes

Prepared by Robert Goman

2010 Population by Race/Ethnicity

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Total	15,771	194,676	1,280,139
White Alone	85.2%	74.3%	55.6%
Black Alone	2.3%	7.5%	24.3%
American Indian Alone	0.2%	0.4%	0.5%
Asian Alone	6.8%	5.8%	6.0%
Pacific Islander Alone	0.0%	0.1%	0.1%
Some Other Race Alone	3.5%	9.0%	10.1%
Two or More Races	2.0%	3.0%	3.3%
Hispanic Origin	11.3%	23.9%	25.6%
Diversity Index	41.6	64.3	77.0

2013 Population by Race/Ethnicity

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Total	15,685	195,143	1,285,823
White Alone	84.2%	72.9%	54.7%
Black Alone	2.3%	7.6%	24.2%
American Indian Alone	0.2%	0.4%	0.5%
Asian Alone	7.2%	6.1%	6.3%
Pacific Islander Alone	0.0%	0.1%	0.1%
Some Other Race Alone	3.8%	9.7%	10.5%
Two or More Races	2.2%	3.2%	3.6%
Hispanic Origin	12.4%	25.7%	26.9%
Diversity Index	44.1	66.5	78.0

2018 Population by Race/Ethnicity

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Total	15,804	198,782	1,313,849
White Alone	82.5%	70.8%	53.3%
Black Alone	2.4%	7.8%	24.1%
American Indian Alone	0.2%	0.4%	0.6%
Asian Alone	8.0%	6.6%	6.9%
Pacific Islander Alone	0.0%	0.1%	0.1%
Some Other Race Alone	4.4%	10.8%	11.2%
Two or More Races	2.5%	3.5%	3.9%
Hispanic Origin	14.6%	28.8%	29.3%
Diversity Index	48.4	69.8	79.7

2010 Population by Relationship and Household Type

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
Total	15,771	194,677	1,280,138
In Households	99.0%	97.7%	97.7%
In Family Households	86.1%	82.2%	82.2%
Householder	25.4%	24.6%	24.6%
Spouse	21.4%	19.1%	16.4%
Child	35.6%	30.7%	32.5%
Other relative	2.3%	4.9%	6.0%
Nonrelative	1.4%	2.9%	2.7%
In Nonfamily Households	12.9%	15.5%	15.5%
In Group Quarters	1.0%	2.3%	2.3%
Institutionalized Population	0.8%	0.6%	1.0%
Noninstitutionalized Population	0.2%	1.7%	1.3%

Data Note: Persons of Hispanic Origin may be of any race. The Diversity Index measures the probability that two people from the same area will be from different racial/ethnic groups.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018. Est. converted Census 2000 data into 2010 geography.

April 13, 2014



Market Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 minutes

Prepared by Robert Goman

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
2013 Population 25+ by Educational Attainment			
Total	10,069	133,304	872,305
Less than 9th Grade	2.1%	7.2%	7.6%
9th - 12th Grade, No Diploma	4.0%	5.0%	7.6%
High School Graduate	15.3%	21.2%	24.7%
Some College, No Degree	10.6%	12.3%	15.3%
Associate Degree	6.4%	5.3%	6.5%
Bachelor's Degree	33.7%	24.9%	20.7%
Graduate/Professional Degree	27.9%	24.1%	17.6%
2013 Population 15+ by Marital Status			
Total	11,502	157,048	1,040,002
Never Married	24.7%	30.8%	36.1%
Married	61.8%	54.8%	48.5%
Widowed	7.3%	6.6%	6.8%
Divorced	6.2%	7.7%	8.6%
2013 Civilian Population 16+ in Labor Force			
Civilian Employed	90.4%	91.1%	90.0%
Civilian Unemployed	9.6%	8.9%	10.0%
2013 Employed Population 16+ by Industry			
Total	6,666	95,209	591,245
Agriculture/Mining	0.2%	0.1%	0.1%
Construction	6.4%	6.5%	5.6%
Manufacturing	3.2%	4.9%	4.2%
Wholesale Trade	2.3%	2.5%	2.0%
Retail Trade	8.5%	9.2%	9.8%
Transportation/Utilities	2.6%	3.1%	4.6%
Information	4.8%	2.6%	2.5%
Finance/Insurance/Real Estate	21.5%	13.6%	11.2%
Services	48.2%	54.8%	56.4%
Public Administration	2.2%	2.6%	3.4%
2013 Employed Population 16+ by Occupation			
Total	6,664	95,210	591,244
White Collar	78.8%	64.1%	67.5%
Management/Business/Financial	28.1%	21.2%	16.8%
Professional	26.3%	23.9%	23.5%
Sales	15.8%	11.6%	10.8%
Administrative Support	8.6%	10.8%	13.0%
Services	13.4%	20.0%	22.1%
Blue Collar	7.8%	12.5%	13.8%
Farming/Forestry/Fishing	0.0%	0.1%	0.1%
Construction/Extraction	3.2%	5.3%	4.7%
Installation/Maintenance/Repair	1.5%	1.4%	2.0%
Production	0.5%	2.6%	2.6%
Transportation/Material Moving	2.7%	3.2%	4.4%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018. Est. converted Census 2000 data into 2010 geography.

April 13, 2014



Market Profile

120 old post rd
120 Old Post Rd, Rye, New York, 10580, 5, 13, 23 DT
Drive Time: 5, 13, 23 minutes

Prepared by Robert Goman

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
2010 Households by Type			
Total	5,897	72,576	480,531
Households with 1 Person	27.0%	28.7%	29.2%
Households with 2+ People	73.0%	71.3%	70.8%
Family Households	69.3%	65.0%	65.6%
Husband-wife Families	58.5%	51.1%	43.7%
With Related Children	34.3%	26.1%	21.7%
Other Family (No Spouse Present)	10.8%	14.8%	21.9%
With Related Children	2.8%	4.0%	5.0%
Other Family with Female Householder	1.3%	1.8%	2.3%
With Related Children	8.1%	10.8%	16.9%
Nonfamily Households	3.6%	5.3%	10.1%
All Households with Children	40.3%	34.2%	34.4%
Multigenerational Households	1.9%	3.2%	5.0%
Unmarried Partner Households	3.3%	4.6%	5.4%
Male-female	2.8%	4.0%	4.7%
Same-sex	0.4%	0.6%	0.7%
2010 Households by Size			
Total	5,896	72,576	480,533
1 person Household	27.1%	28.7%	29.2%
2 person Household	25.9%	28.5%	28.1%
3 person Household	15.3%	15.6%	15.6%
4 person Household	18.4%	15.1%	14.3%
5 person Household	9.4%	7.4%	7.1%
6 person Household	2.8%	2.7%	2.7%
7+ person Household	1.1%	2.0%	2.0%
2010 Households by Tenure and Mortgage Status			
Total	5,896	72,574	480,532
Owner Occupied	63.2%	58.8%	50.3%
Owned with a Mortgage/Loan	42.1%	39.6%	34.6%
Owned Free and Clear	21.1%	19.2%	15.6%
Renter Occupied	36.8%	41.2%	49.5%

Data Note: Households with children includes all households with people under age 18, related or not. Multigenerational households are families with 3 or more parent-child relationships. Unmarried partner households are legally classified as nonfamily households unless there is another member of the household related to the householder. Multigenerational and unmarried partner households are reported only to the tract level. Est. converted Census 2000 data into 2010 geography. Sources: U.S. Census Bureau, Census 2010 Summary File 1. Est. forecasts for 2013 and 2018. Est. converted Census 2000 data into 2010 geography.

April 13, 2014

Market Profile

120 old post rd
170 Old Post Rd, Rye, New York, 10580, S, 13, 23 DT
Drive Time: 5, 13, 23 minutes

Prepared by Robert Goman

Top 3 Tapestry Segments

	0 - 5 minutes	0 - 13 minutes	0 - 23 minutes
1.	Top Ring	Top Ring	City Lights
2.	Urban Chic	Urban Chic	City Stewers
3.	Commuter's	City Lights	Top Ring
2013 Consumer Spending			
Apparel & Services: Total \$	\$21,043,161	\$24,578,681	\$1,107,360,395
Average Spent	\$3,583.64	\$2,950.55	\$2,292.87
Spending Potential Index	158	130	101
Computers & Accessories: Total \$	\$3,594,245	\$35,789,453	\$177,005,496
Average Spent	\$512.13	\$492.12	\$366.50
Spending Potential Index	246	198	148
Education: Total \$	\$23,809,183	\$238,553,726	\$1,209,900,074
Average Spent	\$4,054.70	\$3,280.22	\$2,505.18
Spending Potential Index	278	225	172
Entertainment/Recreation: Total \$	\$46,092,098	\$453,258,425	\$2,240,208,627
Average Spent	\$7,849.47	\$6,232.50	\$4,638.51
Spending Potential Index	241	192	143
Food at Home: Total \$	\$63,861,629	\$659,730,119	\$3,426,697,578
Average Spent	\$10,675.62	\$9,071.57	\$7,095.21
Spending Potential Index	216	180	141
Food Away from Home: Total \$	\$43,110,309	\$439,390,644	\$2,222,385,619
Average Spent	\$7,341.67	\$6,041.81	\$4,601.60
Spending Potential Index	230	189	144
Health Care: Total \$	\$58,245,351	\$570,430,339	\$2,819,516,811
Average Spent	\$9,919.17	\$7,843.66	\$5,838.00
Spending Potential Index	223	176	131
HH Furnishings & Equipment: Total \$	\$21,872,352	\$215,281,628	\$1,056,815,578
Average Spent	\$3,724.86	\$2,960.21	\$2,188.21
Spending Potential Index	207	164	121
Investments: Total \$	\$56,917,095	\$449,725,178	\$1,687,220,723
Average Spent	\$9,692.97	\$6,183.91	\$3,493.51
Spending Potential Index	467	288	168
Retail Goods: Total \$	\$303,506,741	\$3,022,079,791	\$15,036,417,854
Average Spent	\$51,687.12	\$41,554.90	\$31,138.08
Spending Potential Index	214	172	129
Shelter: Total \$	\$240,936,105	\$2,415,405,134	\$12,207,087,382
Average Spent	\$41,031.35	\$33,212.86	\$25,275.64
Spending Potential Index	252	204	155
TV/Video/Audio Total \$	\$15,985,547	\$164,919,984	\$856,736,321
Average Spent	\$2,722.33	\$2,267.72	\$1,773.93
Spending Potential Index	211	176	138
Travel: Total \$	\$28,946,598	\$273,462,214	\$1,295,737,576
Average Spent	\$4,929.60	\$3,760.22	\$2,682.91
Spending Potential Index	269	205	146
Vehicle Maintenance & Repairs: Total \$	\$14,769,798	\$145,734,314	\$714,080,836
Average Spent	\$2,515.29	\$2,003.91	\$1,478.55
Spending Potential Index	230	183	135

Data Note: Consumer spending shows the amount spent on a variety of goods and services by households that reside in the area. Expenditures are shown by broad budget categories that are not mutually exclusive. Consumer spending does not equal business revenue. Total and Average Annual Spend per household represent annual figures. The Spending Potential Index represents the amount spent in the area relative to a national average of 100.

Source: Consumer Spending data are derived from the 2010 and 2011 Consumer Expenditure Surveys, Bureau of Labor Statistics. Est. Source: U.S. Census Bureau, Census 2010 Summary File 1. Estimates for 2012 and 2013. Est. converted Census 2000 data into 2010 geography.

McCarthy Appraisal / Consulting Svc. Inc.

1364 Rte 6, Carmel, New York 10512 (914)420-8757

apprbyedye@comcast.net

Alfred Weissman
c/o: HKP – Harfenist Kraut & Prsltein LLP
2975 Westchester Avenue
Suite 415
Purchase, NY 10577

January 9, 2014

RE: 120 Old Post Road, Rye, NY
Potential development - Proposed Property Tax Exposure

Dear Mr. Weissman:

As per your request through my conversations with your attorney, Jonathan Kraut, I am respectfully enclosing this report on the potential tax exposure on the proposed development plan located at above noted address. The documentation enclosed, illustrates both the current property taxes and an analysis for the proposed development. As you will see, there is a substantial increase in taxes from the current use. This analysis is based on the required methodology for apartments/condominiums and cooperatives in the New York State Real Property Tax Law.

The analysis and potential tax exposure is based on information received to date and based on the project reaching stabilization. We based our analysis on the following information, and if current proposal changes throughout the approval process, the valuation may change as well.

46 1 Bedroom with 1,215 square feet

89 2 Bedroom with 1,395 square feet

There will be 1.25 parking for each unit which will be included
in the rental rates.

As can be seen from the enclosed, the rental income was established by gathering information from the most comparable properties in the market place. As this will be a new complex with several amenities, the market rental rates are assumed to be higher than typical within the City of Rye. However, they are included in the report for reference. Therefore we expanded our search to newer developed apartment complexes. The expenses, and capitalization rate were also derived from the market and reliable real estate publications. I will be happy to discuss this with you in further detail if necessary.

Sincerely

Edye McCarthy
Commercial Real Estate Appraiser/Consultant

Projected Market Value

First Assessment Year	2014
File No.	
Parcel I.D. S-B-L	146.13-1-7
Property Address	120 Old Post Road
Property Owner	Old Post Rd Assoc.
Property Representative	Kraut
Property Class	

E:\[weissman.x\ls\anal	
Date	01/20/15
Time	05:44 PM
1bdrm	46
2bdrm	89
Total Sq.ft.	135

Sq.Ft.
1,215
1,395

INCOME / EXPENSE WORKSHEET

1bdrm	\$2,800.00
2bdrm	\$3,200.00
Assessment Year	2014
Tax Year	#N/A
Income	
Residential	1,545,600
Commercial	3,417,600
Owner Occupied Space	
Real Estate Tax Escalations	
Operating Escalation Income	
Other Operating Income	
- Vacancy/Collection	5.0%
= Effective Gross Income	248,160
Expenses	4,715,040
Audit/Adjusted Expenses	30%
Management	1,414,512
Amortized/Other Expense Adj.	5.0%
1	235,752
2	
5	
= Total Expenses	1,650,264
Net Operating Income	3,064,776

EZ Expense Data Entry		\$ Amounts
EXPENSES:		2014
a. Fuel		
b. Light and power		
c. Cleaning contract		
d. Wages and payroll		
e. Repairs and maintenance		
f. Management and administration		
g. Insurance (annual)		
h. Water and sewer		
i. Advertising		
j. Interior painting and decorating		
k. Amort. leasing and tenant impr.costs		
l. Miscellaneous expenses		
m. TOTAL EXPENSES		#N/A

VALUATION CONCLUSIONS

Assessment Year	2014
Net Operating Income	\$3,064,776
Expense / Income Ratio	35%
Capitalization Rate	9.00%
Full Market Value	\$34,053,067
per unit	\$252,244.94
Assessed Valuation	143,100
Equalized Value	\$7,492,147
Under/Over Assessed	\$26,560,920
AV should be	\$650,414

\$615,896

Total Tax Rate \$ 946.93

value per unit \$ 252,245

MLSNumb	PropertyTy	Status	StreetNum	StreetSuffi	ListPrice	ClosePrice	BathsTotal	BedsTotal	SqFtTotal	YearBuilt	DOM	City
94623	Rental	Sold	15	Street	\$ 1,550	\$ 1,450	1	2	980			14 Rye City
85417	Rental	Sold	42	Avenue	\$ 1,200	\$ 1,200	1	1	650	1949		84 Rye City
83638	Rental	Sold	50		\$ 3,200	\$ 2,800	3	3	1800	1981		101 Rye City
89367	Rental	Sold	4	Street	\$ 1,500	\$ 1,400	1	2	852	1954		33 Rye City
85011	Rental	Sold	1	Street	\$ 1,600	\$ 1,450	1	2	950	1954		58 Rye City
84862	Rental	Sold	181	Street	\$ 1,100	\$ 1,050	1	1	500	1954		17 Rye City
72750	Rental	Sold	181	Street	\$ 1,450	\$ 1,400	2	2	900	1954		33 Rye City
69716	Rental	Sold	645	Avenue	\$ 2,500	\$ 2,200	3	2	2000	1985		46 Rye City
70522	Rental	Sold	181	Street	\$ 1,200	\$ 1,200	1	1		1954		27 Rye City
69112	Rental	Sold	3		\$ 1,050	\$ 1,000	1	1	750	1954		41 Rye City
69081	Rental	Sold	5	Street	\$ 1,495	\$ 1,435	1	2	950	1942		24 Rye City
65915	Rental	Sold	181		\$ 1,050	\$ 975	1	1	500	1954		60 Rye City
68592	Rental	Sold	110		\$ 2,450	\$ 2,400	3	2	1300	1987		13 Rye City
63850	Rental	Sold	40		\$ 3,500	\$ 3,500	3	2	1930	1980		67 Rye City
55818	Rental	Sold	130		\$ 1,500	\$ 1,500	1	2	900	1953		56 Rye City
59558	Rental	Sold	14		\$ 3,500	\$ 3,300	3	3	2300	1988		15 Rye City
46316	Rental	Sold	10		\$ 3,200	\$ 3,000	3	2	1800	1989		160 Rye City
55081	Rental	Sold	181		\$ 1,300	\$ 1,250	1	1	700	1954		52 Rye City
55614	Rental	Sold	75		\$ 3,100	\$ 3,000	3	2	1950	1981		46 Rye City
56705	Rental	Sold	100		\$ 1,250	\$ 1,200	1	1	700	1955		29 Rye City
50653	Rental	Sold	130		\$ 1,000	\$ 1,000	1	1	700	1955		48 Rye City
50162	Rental	Sold	599	Avenue	\$ 2,500	\$ 2,350	3	2	1600	1989		10 Rye City
46106	Rental	Sold	6	Avenue	\$ 1,800	\$ 1,700	1	2	1000	1926		47 Rye City
40096	Rental	Sold	39	Avenue	\$ 1,600	\$ 1,500	1	2	900	1949		121 Rye City
41675	Rental	Sold	645	Avenue	\$ 3,200	\$ 3,200	7	2	2100	1987		94 Rye City

MARKET DATA

Apartment Site	1 Bedroom			2 Bedroom / 1 Bath			2 Bedroom / 2 Bath		
	average	price range	Sq Ft	average	price range	Sq Ft	average	price range	Sq Ft
Avalon Green									
500 Town Green Drive, Elmsford, NY 10523 / 914-610-4306		NL	642	\$ 2,038	2030-2045	700	\$ 2,668	2655-2680	1192
	\$ 2,025	1920-2130	679-702		n/a	n/a	\$ 2,485	2485	1260
	\$ 2,100	1995-2205	774-841		n/a	n/a	\$ 2,750	2745-2755	1450
	\$ 2,005	1985-2025	870		n/a	n/a		NL	1601-1721
		NL	885		n/a	n/a	\$ 2,715	2715	1361-1372
	\$ 2,313	2275-2350	969-990		n/a	n/a	\$ 2,718	2705-2730	1362
	\$ 2,575	2575	1076		n/a	n/a	\$ 2,720	2715-2725	1421-1436
	\$ 2,500	2300	1103		n/a	n/a		n/a	n/a
		NL	1205		n/a	n/a		n/a	n/a
Average:	\$ 2,220			\$ 2,038			\$ 2,674		
Talleyrand Apartments									
1202 Crescent Drive, Tarrytown, NY 10591 / 914-449-1383	\$ 1,805	1805	658	\$ 2,018	2015-2020	828	\$ 2,028	2025-2030	934
		NL	794	\$ 2,183	2170-2195	971	\$ 2,190	2180-2200	1064
Average:	\$ 1,805			\$ 2,100			\$ 2,100		
Ridgeway Apartments									
32 Nob Hill Drive, Elmsford, NY 10523 / 914-610-4229	\$ 1,637	1587-1637	658	\$ 1,833	1833	828	\$ 1,948	1925-1970	934 (1.5 bath)
Average:	\$ 1,637			\$ 1,833			\$ 1,948		
Various Irvington Apartment Listings									
Irvington Village / South Eckar		n/a	n/a	\$ 1,975	1975	NL, 7 Bath		n/a	n/a
111 North Broadway, Irvington, NY		n/a	n/a		n/a	n/a	\$ 2,100	2100	NL
635 South Broadway, Irvington, NY		n/a	n/a	\$ 3,100	3100	1300		n/a	n/a
Irvington, NY		n/a	n/a	\$ 2,050	2050	900		n/a	n/a
Irvington, NY		n/a	n/a	\$ 1,950	1950	NL		n/a	n/a
86 Main Street, Irvington, NY 10533	\$ 1,250	1250	566		n/a	n/a		n/a	n/a
Irvington, NY		n/a	n/a		NL	1650		n/a	n/a
5 Eckar Street, Irvington, NY 10533		n/a	n/a	\$ 1,975	1975	NL		n/a	n/a
106 Main Street, #1, Irvington, NY 10533		n/a	n/a	\$ 2,750	2750	1000		n/a	n/a
106 Main Street, #2, Irvington, NY 10533		n/a	n/a	\$ 2,200	2200	1000		n/a	n/a
80 S Broadway-carriage House, Irvington, NY 10533		n/a	n/a	\$ 1,800	1800	1100		n/a	n/a
1 S Aster St, #903, Irvington, NY 10533	\$ 2,600	2600	1150		n/a	n/a		n/a	n/a
1 S Aster St, Irvington, NY 10533		2500	850		n/a	n/a		n/a	n/a
1 S Aster St, Irvington, NY 10533		n/a	n/a		n/a	n/a	\$ 3,250	5250	1150
24 S Eckar Street, Irvington, NY 10533		n/a	n/a	\$ 2,000	2000	700		n/a	n/a
36 Hamilton Road, Apt 3, Irvington, NY 10533		n/a	n/a	\$ 2,700	2700	1000		n/a	n/a
2 BR unit with hardwood floors throughout		n/a	n/a	\$ 2,000	2000	850		n/a	n/a
UNFURNISHED in four-family private house		n/a	n/a	\$ 1,800	1800	850		n/a	n/a
Average:	\$ 1,925			\$ 2,192			\$ 2,675		
One City Place									
One City Place, White Plains, NY 10601 / 914-368-9177	\$ 2,877	2401-3352	807	\$ 4,056	3518-4593	1183	\$ 4,222	3678-4765	947
	\$ 3,071	2445-3697	626		n/a	n/a	\$ 4,046	3415-4676	971
	\$ 2,965	2376-3553	827		n/a	n/a	\$ 3,588	3151-4024	1013
	\$ 3,028	2577-3478	641		n/a	n/a	\$ 4,732	3521-4943	1033
	\$ 2,911	2363-3458	644		n/a	n/a	\$ 4,950	3656-5044	1036
	\$ 3,108	2477-3738	652		n/a	n/a	\$ 3,587	2864-4310	1044
	\$ 3,108	2477-3738	653		n/a	n/a	\$ 3,834	3156-4502	1249
		n/a	n/a		n/a	n/a	\$ 3,403	2771-4034	1271
Average:	\$ 3,009			\$ 4,056			\$ 3,908		
Hickstead White Plains Metro North									
84 South Lexington Avenue, White Plains, NY 10606 / 914-449-1355	\$ 2,242	2153-2330	599	\$ 2,816	2595-3037	988	\$ 2,999	2717-3200	809
	\$ 2,274	2124-2423	656		n/a	n/a	\$ 3,271	2912-3629	1039
Average:	\$ 2,256			\$ 2,816			\$ 3,115		
Avalon White Plains									
27 Barker Avenue, White Plains, NY 10601 / 914-368-7166	\$ 2,185	2115-2255	678-711		n/a	n/a	\$ 3,185	3185	1075
	\$ 2,248	2110-2385	694-708		n/a	n/a	\$ 3,205	3205	1193
	\$ 2,268	2155-2360	723-726		n/a	n/a	\$ 3,945	3945	1464
	\$ 2,275	2255-2295	758		n/a	n/a	\$ 3,995	3995	1473
	\$ 2,280	2280	813		n/a	n/a	\$ 4,080	4080	1533
	\$ 2,500	2500	835		n/a	n/a		n/a	n/a
	\$ 2,515	2515	858		n/a	n/a		n/a	n/a
Average:	\$ 2,323						\$ 3,662		

PROPERTY TAX PROJECTIONS

	Tax Rates 2014/2015	Current Property Taxes	Proposed Development 2014/2015 Property Taxes
CITY	\$ 150.38	\$ 21,519.38	\$ 97,809.19
COUNTY	\$ 187.92	\$ 26,891.35	\$ 122,225.72
SCHOOL	\$ 561.33	\$ 80,326.32	\$ 365,096.65
COUNTY REFUSE	\$ 17.61	\$ 2,519.99	\$ 11,453.78
BLIND BROOK SEWER	\$ 29.69	\$ 4,248.64	\$ 19,310.78
	<u>\$ 946.93</u>	<u>\$ 135,505.68</u>	<u>\$ 615,896.12</u>
Current Assessed Value		143,100	
Proposed Assessed value per analysis			650,414

7/22/2014					2014 MUNICIPAL COUNTY TAX RATES FOR THE COUNTY GENERAL LEVY				
MUNICIPALITY	SWIS CODE	PARCELS	TAXABLE ASSESSED VALUE	TAX RATE PER \$1,000					
City of Mount Vernon	550800	11,281	151,232,793						101.980000
City of New Rochelle	551000	16,084	267,270,832						123.532000
City of Peekskill	551200	6,395	61,921,656						86.011050
City of Rye	551400	4,935	137,863,523						187.923444
City of White Plains	551700	14,088	276,979,095						100.990000
City of Yonkers	551800	36522	475,391,550						117.860000
Town of Bedford	552000	6,296	577,140,508						32.123240
Town of Cortlandt	552200	15,379	107,009,202						183.970000
Town of Eastchester	552400	9,286	104,755,180						248.241100
Town of Greenburgh	552600	28,629	547,521,601						105.209400
Town of Harrison	552800	6,975	135,255,052						211.545407
Town of Lewisboro	553000	5,822	302,173,880						33.875600
Town of Mamaroneck	553200	8,739	8,686,517,881						3.702300
Town of Mount Kisco	555600	2,796	300,589,735						17.534800
Town of Mount Pleasant	553400	13,982	142,780,965						230.323644
Town of New Castle	553600	6,703	1,065,375,856						17.475340
Town of North Castle	553800	4,793	116,236,017						155.863400
Town of North Salem	554000	2,482	146,582,255						33.102261
Town of Ossining	554200	10,169	257,517,106						58.713265
Town of Pelham	554400	3,691	2,698,331,757						3.676420
Town of Pound Ridge	554600	2,471	368,913,586						20.061500
Town of Rye	554800	11,091	6,141,245,975						3.650718
Town of Scarsdale*	555000	5,955	140,100,756						216.627300
Town of Somers	555200	9,184	497,081,609						26.568026
Town of Yorktown	555400	14,377	126,394,696						133.284000



B	C	D	E	F	G
MUNICIPALITY	DISTRICT CODE	SPECIAL DISTRICT NAME	PARCELS	TAXABLE ASSESSED VALUE OR UNITS	TAX RATE PER \$1,000 OR CHARGE PER UNIT
1	6/2/2014	2014 SPECIAL DISTRICT TAX RATES (CITIES & TOWNS)			
2	CS001	Hutchinson Valley County Sewer District	8,566	150,844,745.00	15.560000
3	CS002	Bronx River County Sewer District	2,715	42,537,257.00	15.560000
4	RF001	County Refuse Disposal District #1	11,281	159,791,272.00	9.020000
5	CR001	County Refuse District	16,057	291,474,408	11.541000
6	CS000	New Rochelle Sewer District	11,805	261,652,893	50.227000
7	CS001	Mamaroneck Sewer District	1,790	33,323,093	19.566000
8	CS002	Hutchinson Valley Sewer District	2,463	40,206,103	20.292000
9	SD001	Peekskill County Sewer District	6,368	120,178,034	14.884500
10	CW001	County Refuse Disposal District #1	6,252	67,965,830	8.042400
11	TXREF	County Refuse Disposal District #1	4,935	140,101,716	17.608906
12	TXBBS	Blind Brook County Sewer District	4,326	140,390,701	29.685684
13	TXMVS	Mamaroneck Valley County Sewer District	609	19,114,965	29.806843
14	GA174	County Refuse Disposal District #1	14,079	296,332,440	9.140000
15	SB171	Bronx Valley County Sewer District	8,239	230,646,314	14.800000
16	SM172	Mamaroneck Valley County Sewer District	5,862	176,588,595	15.530000
17	CW001	County Refuse Disposal District #1	36,461	557,425,596	10.900000
18	CS001	Bronx Valley Sewer District #1	19,525	367,021,443	17.710000
19	CS002	South Yonkers Sewer District #3	3,628	90,891,529	18.380000
20	CS003	Central Yonkers Sewer District #2	3,629	70,329,069	20.700000
21	CS004	North Yonkers County Sewer District #4	4,007	82,741,311	19.540000
22	CS005	Saw Mill Valley County Sewer District #5	5,147	87,249,743	17.790000
23	AM001	Paramedic Dist. No. 1	6,268	583,338,785	0.571560
24	FD030	Bedford Village Fire District	2,063	226,232,257	4.142390
25	PD011	Bedford Village Park District	2,068	226,586,921	2.960040
26	LT010	Bedford Village Lighting Dist	494	41,430,220	0.352160
27	FD031	Bedford Hills Fire District	1,965	173,466,578	11.258570
28	PD012	Bedford Hills Park District	2,030	187,805,234	3.738480
29	LT011	Bedford Hills Light	937	48,441,685	0.724460
30	FD032	Katonah Fire District	2,224	168,938,149	7.613140
31	PD013	Katonah Park District	2,224	168,946,335	4.406220
32	LT012	Katonah Light District	930	50,485,830	0.565370
33	WD039	Cedar Downs Water District	84	3,342,402	13.413710
34	WD040	Consolidated Water District	2,463	126,313,346	12.124360
35	WD042	Farms Water District (Cap)	99	6,138,622	5.422060
36	WD044	Farms Water District (O&M)	95	5,350,673	9.324810
37	WD043	Old Post Road Water District	76	6,107,136	9.174680
38	FD033	Fire Protection District No. 1	79	14,704,401	4.934920
39	SD472	Ossining Sanitary Sewer	2,664	19,776,712	41.200000
40	SD473	Peekskill Sanitary Sewer	1,561	14,277,672	32.480000
41	CW495	County Refuse Disposal #1	14,825	109,964,035	17.350000
42	FD411	Montrose Fire District	1,881	16,719,912	48.180000
43	FD412	Verplank Fire District	862	4,567,636	56.230000
44	FD413	Mohegan Fire District	6,652	44,597,345	93.840000
45	WD430	Montrose Water District	868	5,805,329	23.620000
46	PK481	Carl. Cont. Village Park	253	1,360,810	31.900000
47	FD415	Furnace Dock Road Fire Protection	165	1,369,806	37.560000
48	FD416	Mt. Atry Quaker Br. Rd. Fire Protection	652	6,723,336	56.310000
49	FD418	Continental Village Fire Protection	617	3,205,851	48.680000
50	WD457	Cortlandt Consolidated Water District	9,094	62,733,622	20.070000
51	LT460	Montrose Lighting District	867	5,847,630	15.820000
52	LT451	Verplank Lighting District	856	3,914,988	7.160000
53					

2014/2015 SCHOOL DISTRICT TAX RATES

10/15/2014		SCHOOL DISTRICT SWIS CODE	SCHOOL DISTRICT NAME	NUMBER OF PARCELS	TAXABLE ASSESSED VALUE	TAX RATE PER 1,000
MUNICIPALITY						
City of Mount Vernon	550800	Mount Vernon City School District	11,281	124,801,238	880.1500000000	
City of New Rochelle	551000	New Rochelle City School District	16,071	266,740,126	728.6840000000	
City of Peekskill	551200	Peekskill City School District	6,060	56,845,845	668.7733000000	
	552203	Hendrick Hudson CSD	357	5,811,894	468.9451000000	
City of Rye	551400 *	Rye City School District	4,499	124,684,852	561.3280000000	
	554801	Rye Neck UFSD - Homestead	414	13,405,107	847.9877860000	
	554801	Rye Neck UFSD - Non-Homestead	22	307,671	1,096.6779450000	
City of White Plains	551700	White Plains City School District	14,080	278,335,896	600.2200000000	
City of Yonkers	551800	Yonkers City School District	36506	472,896,126	487.9600000000	
Town of Bedford	552002	Bedford CSD	3,962	403,149,715	134.1787120000	
	552001	Katonah-Lewisboro UFSD	1,957	174,104,003	193.3181000000	
	553801	Byram Hills CSD	31	2,166,550	139.6199630000	
Town of Cortlandt	552202	Croton-Harmon SD	3,813	31,839,113	1,145.5400000000	
	552202	Croton-Harmon Library	3,813	31,839,113	24.3300000000	
	552203	Hendrick Hudson CSD	5,324	38,570,674	994.7400000000	
	552203	Hendrick Hudson Library	5,324	38,570,674	19.8800000000	
	555401	Lakeland CSD	5,611	34,653,504	1,400.1300000000	
	552803	Putnam Valley CSD	512	2,585,340	1,316.8700000000	
	555402	Yorktown CSD	119	1,108,437	1,329.8200000000	
Town of Eastchester	552401	Eastchester UFSD	5,115	53,152,077	1,290.5554000000	
	552402	Tuckahoe UFSD	2,227	19,272,855	1,366.8121000000	
	552403	Bronxville UFSD	1,589	2,711,860,473	14.2960000000	
Town of Greenburgh	552601	UFSD of the Tarrytowns	3,129	44,554,911	722.383290196	
	552602	Irvington UFSD	2,824	74,838,217	665.350589467	
	552603	Dobbs Ferry UFSD	2,514	44,712,007	788.018621582	
	552604	Hastings-On-Hudson UFSD	2,823	46,977,407	783.308914417	
	552605	Ardsley UFSD	3,894	67,510,668	735.292598085	
	552606	Edgemont UFSD	2,515	69,852,801	668.360130394	
	552607	Greenburgh Central 7 SD	6,846	112,193,406	493.616733948	
	552609	Elmsford UFSD	2,735	48,240,760	578.463934437	
	553402	Potomac Hills CSD	553	27,961,069	279.170874921	
	553405	Valhalla UFSD	796	14,218,174	585.584036601	
Town of Harrison	552801	Harrison CSD	6,975	135,936,590	732.5836590000	
Town of Lewisboro	553000	Katonah-Lewisboro UFSD	5822	303,998,481	203.9270000000	
Town of Mamaroneck	553201	Mamaroneck UFSD	8,473	8,379,665,708	13.7581200000	
	555001	Scarsdale UFSD	266	345,726,253	16.0206300000	

2014 CITY/TOWN TAX RATES

7/22/2014 MUNICIPALITY	SWIS CODE	PARCELS	UNINCORPORATED		GENERAL		GENERAL TAX RATE PER 1,000
			TAXABLE ASSESSED VAL	TAX RATE PER 1,000	TAXABLE ASSESSED VALUE	TAX RATE PER 1,000	
City of Mount Vernon	550800	11,281			152,910,735		367.940000
City of New Rochelle	551000	16,084			268,901,252		202.593000
City of Peekskill*	551200	6,395			61,839,156		238.371600
City of Rye	551400	4,937			138,126,937		150.380000
City of White Plains	551700	14,080			276,979,095		196.140000
City of Yonkers	551800	36,506			472,896,126		214.22
Town of Bedford	552000	6,296			577,191,217		19.827190
Town of Cortlandt**	552200	15,379	79,781,520	170.79000	106,988,706		31.830000
Town of Eastchester	552400	9,286	57,835,125	266.17400	104,760,180		33.441200
Town of Greenburgh	552600	28,629	291,103,075	194.89810	254,579,096		15.582900
Town of Harrison	552800	6,975			135,603,693		326.594970
Town of Lewisboro	553000	5,822			302,173,880		18.299330
Town of Mamaroneck	553200	8,739	3,696,089,147	3.62821	8,686,122,513		0.422350
Town of Mount Kisco	555600	2,796				See Village Tax Rate Table	
Town of Mount Pleasant	553400	13,982	107,445,134	112.563737	143,258,568		8.938931
Town of New Castle	553600	6,703			1,065,375,856		14.091754
Town of North Castle	553800	4,793			116,258,878		158.295000
Town of North Salem	554000	2,482			146,602,975		38.522407
Town of Ossining	554200	10,169	49,509,918	101.179222	258,552,497		12.315124
Town of Pelham	554400	3,691			2,334,800,766		0.548500
Town of Pound Ridge	554600	2,471			391,340,996		0.744500
Town of Rye	554800	11,091			368,913,586		13.666300
Town of Scarsdale	555000	5,955			4,656,961,386		0.043754
Town of Somers	555200	9,184			1,528,272,027		0.063407
Town of Yorktown	555400	14,377				See Village Tax Rate Table	
					497,254,606		13.717295
					126,394,411		147.318100

*There is also a City Library tax	
Taxable Assessed value	Tax Rate Per 1,000
63,498,073	12.363000

**There is also a town library tax, which applies to the entire town except Village of Croton-on-Hudson.	
Taxable Assessed Value	Tax Rate Per 1000
86,495,165	6.880000

Please note that the general town tax rate is charged throughout a town including villages, if any. The unincorporated tax rate is charged in town areas outside of villages in towns that have villages. Therefore, if you live in the unincorporated area of a town that has villages you must add the two rates together to compute your



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RYE, NEW YORK FAIRFIELD, CONNECTICUT

RYE

FAIRFIELD

HUDSON VALLEY

LONG ISLAND

TRAFFIC ACCESS & IMPACT STUDY

Age-Restricted Residential Development 120 Old Post Road Rye, New York



**Prepared for:
Alfred Weissman Real Estate, Inc.**

November 2014



FREDERICK P. CLARK ASSOCIATES, INC.

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November 25, 2014

Mr. Alfred Weissman
Mr. Alan Weissman
Alfred Weissman Real Estate, Inc.
120 Old Post Road
Rye, New York 10580

Gentlemen:

As requested, we have completed this Traffic Study for the proposed development of the subject property located at 120 Old Post Road in Rye, New York. The proposal is to demolish the existing, but mostly vacant office building comprising 70,000 square feet and construct a 135-unit residential, age-restricted, development. Access will remain to Playland Access Drive, essentially at the same location, and immediately south of the unsignalized intersection with Old Post Road.

The results of this Traffic Analysis indicate a development of this type and size will generate 27 and 34 vehicle trip ends during a typical weekday morning and weekday afternoon peak hour, respectively. This is based on trip generation rates provided by the Institute of Transportation Engineers (ITE). For comparison purposes, the existing office building, if fully occupied with a variety of commercial tenants, could generate 109 and 104 vehicle trip ends during the same weekday morning and weekday afternoon peak hours, respectively. Therefore, the redevelopment of the subject property as a residential development will result in a significant reduction in site traffic, with a decrease of 82 and 70 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively.

The results of the analyses indicate that area roadways, although certain roadways approaches to intersections experience short-term delays during peak hours, each location will continue to operate with no change in Level of Service, except for an overall decrease in Level of Service at the signalized intersection of Theodore Fremd Avenue and Playland Access Drive from "B" to "C" during the weekday morning peak hour. However, this change in Level of Service will result in an overall increase in average vehicle delay per vehicle of only 0.3 seconds, which is considered insignificant. The results of

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Page 2

November 25, 2014

these analyses and a comparison between a background and combined conditions, which includes the proposed residential development, indicate that traffic control and pavement markings at each of these intersections should remain unchanged as no modifications are necessary to accommodate this residential development. Any approach with a Level of Service "F" will have a maximum increase in average delay of 7.2 seconds, which occurs during the morning peak hour.

This Traffic Study incorporates traffic related to a proposed residential development to be located on Theodore Fremd Avenue and potential development to be generated by Playland in the future.

Sincerely,



Michael A. Galante

Executive Vice President

Enclosure

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY	1
INTRODUCTION	4
Project Description	4
EXISTING CONDITIONS	5
Roadways	5
Traffic Volumes	7
Accident Experience	9
Capacity Analysis Procedures	11
Capacity Analysis Results	11
FUTURE TRAFFIC IMPACTS	13
Background Traffic Volumes	13
Site Traffic Generation	14
Site Traffic Distribution and Assignment	15
Combined Traffic Volumes	16
Capacity Analysis Results – Background and Combined Conditions	16
Findings	18
APPENDIX	
Photographs	
Capacity Analysis Procedures	
Turning Movement Counts	
Capacity Analysis Worksheets	

LIST OF TABLES

	Follows <u>Page</u>
1. 2014 Two-Way Traffic Volumes – Peak Hours	9
2. Accident Experience Summary – Playland Access Road/Old Post Road	11
3. 2014 Existing Conditions – Measure of Effectiveness (MOE) – Peak Hours	12
4. Site Traffic Generation Comparison – Peak Hours	14
5. 2016 Future Conditions – Measure of Effectiveness (MOE) and Impact Assessment – Peak Hours	18

LIST OF FIGURES

	Follows <u>Page</u>
1. Site Location Map	7
2. Current Street System Characteristics	7
3. 2014 Existing Traffic Volumes – Weekday Morning Peak Hour	9
4. 2014 Existing Traffic Volumes – Weekday Afternoon Peak Hour (4:45 – 5:45 P.M.)	9
5. 2016 Projected Traffic Volumes – Weekday Morning Peak Hour	13
6. 2016 Projected Traffic Volumes- Weekday Afternoon Peak Hour	13
7. Other Developments Traffic Volumes – Weekday Morning Peak Hour	13
8. Other Developments Traffic Volumes – Weekday Afternoon Peak Hour	13
9. 2016 Background Traffic Volumes – Weekday Morning Peak Hour	14
10. 2016 Background Traffic Volumes – Weekday Afternoon Peak Hour	14
11. Site Traffic Distribution	15
12. Site Traffic Generation and Assignment – Weekday Morning Peak Hour	15
13. Site Traffic Generation and Assignment – Weekday Afternoon Peak Hour	15
14. 2016 Combined Traffic Volumes – Weekday Morning Peak Hour	16
15. 2016 Combined Traffic Volumes – Weekday Afternoon Peak Hour	16

SUMMARY

The purpose of this Traffic Report is to provide the City of Rye with a detailed analysis of potential impacts from this proposed development on adjacent roadways and nearby intersections in the designated Study Area. The proposal is to demolish the existing, but mostly vacant, office building comprising 70,000 square feet of space and construct an age-restricted residential development which will have 135 units. Access will remain the same from Playland Access Drive to the immediate south of the Old Post Road STOP sign-controlled intersection.

The Traffic Study is based on traffic volumes obtained in 2012 through 2014. These volumes were obtained by Frederick P. Clark Associates, Inc. and other Traffic Consultants for different nearby projects.

In this Traffic Study it addresses traffic conditions for existing, no-build and build peak hour volumes near the site. It includes the weekday morning and weekday afternoon peak hours. Under the no-build condition it includes other developments, as well as an appropriate growth rate.

The proposal is to demolish the existing, but mostly vacant, office building and construct the age-restricted development, as noted above. To estimate site traffic for the proposed development trip generation rates were obtained from the Institute of Transportation Engineers (ITE) in "Trip Generation," 9th Edition, published 2012. Based on these trip generation rates it is estimated a development of this type and size will generate 27 and 34 vehicle trip ends during the typical weekday morning and weekday afternoon peak hours, respectively. For comparison purposes the current 70,000 square-foot office building, if it was to be fully reoccupied, could generate 109 and 104 vehicle trip ends during the same weekday morning and weekday afternoon peak hours, respectively. Therefore, the proposed residential development would result in a decrease

in site traffic generation of 82 and 70 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively. This is a significant reduction in site traffic generation potential directly related to the change in land use from an office building to a residential development.

The results of the capacity analysis for existing conditions indicate the Theodore Fremd Avenue/Playland Access Drive signalized intersections operates at an acceptable overall Level of Service "B" during peak hours. During the weekday morning peak hour motorists experience delays at the unsignalized intersection of Playland Access Drive /Playland Parkway/Medical Building, Old Post Road at Playland Access Drive and Old Post Road at Thruway Access Drive. All of the Study Area intersections operate at acceptable Levels of Service during the weekday afternoon peak hour. Similar results are found for 2016 background conditions. In both existing and background conditions analyses the office building located on the site is considered vacant.

Under a future combined condition, which includes the proposed residential development, each of these unsignalized intersections will continue to operate at acceptable Levels of Service, except for some Levels of Service "E" or "F" identified in a background condition. A comparison of the background and combined traffic conditions for each of these intersections indicate that Levels of Service will remain unchanged, except for change from an overall Level of Service "B" to "C" at the signalized intersection of Theodore Fremd Avenue at Playland Access Drive, with an insignificant overall delay due to the residential development of 0.3 seconds per vehicle during this one peak hour. Results of the analyses for the weekday afternoon peak hour indicate Levels of Service will remain the same at each of the unsignalized intersections and at each of the lane groups or approaches with minimal, if any, increase in average vehicle delay due to the proposed residential development.

Based on the results of these analyses it is recommended that the current traffic control and pavement markings at each of these locations remain unchanged. The analysis indicates that the added site traffic for a residential development is insignificant and will not change the overall operation of any of the intersections in the Study Area. In addition, there is a significant benefit of converting this office building to a residential development, which results in a significant decrease in site traffic generation during the key weekday morning and weekday afternoon peak hours.

The results of these analyses have been compared to field observations at each of these locations during both the weekday morning and weekday afternoon peak hours. It is noted that motorists do experience short-term delays at the Playland Parkway off ramp to Playland Access Drive and on the Playland Access Drive and Thruway Access Drive approaches to Old Post Road during peak hours. However, based on the results of this analysis each intersection should maintain STOP control. Any consideration for signalization, if warranted, at the Playland Parkway ramps to Playland Access Drive may actually result in an increase in delays, which could impact the mainline of Playland Parkway (southbound lanes).

At the Old Post Road intersection at Playland Access Drive and Thruway Access Drive it is likely that either location would meet the minimum standards for consideration for traffic signals.

INTRODUCTION

The purpose of this report is to provide the City of Rye with an analysis of current operations on the surrounding roadway network and nearby intersections and the potential impact of removing the existing 70,000 square-foot office building and constructing a 135 age-restricted residential unit development at 120 Old Post Road.

This analysis addresses traffic conditions surrounding the subject property for a typical weekday morning and weekday afternoon peak hour condition. It addresses traffic conditions along Playland Access Drive, Old Post Road, Theodore Fremd Avenue and the Access Ramps to Playland Parkway. It includes an evaluation of current and future background and combined traffic volumes at the nearby intersections for both the weekday morning and weekday afternoon peak hours.

Project Description

The existing office building comprises 70,000 square feet of gross floor area. At the time of the traffic counts, the building was mostly vacant, with minimal traffic generated throughout the day.

The proposal is to demolish this building and construct a 135-unit, age-restricted residential development. Access for the existing building will remain unchanged, with full access to Playland Access Drive.

EXISTING CONDITIONS

This section of the report describes the current traffic volumes obtained through actual manual traffic volume counts and volumes provided by others at nearby intersections. In this section of the report there is a description of existing roadway conditions, traffic control, site access, capacity analysis procedures and the results of these analyses.

Roadways

The site is located in the northwest corner of the T-type intersection of Playland Access Drive and Old Post Road. The following is a description of the roadways serving the subject property.

1. *Playland Access Drive* – This is a two-lane, County-maintained roadway, beginning to the northwest at the signalized intersection with Theodore Fremd Avenue. It intersects with the southbound ramps for Playland Parkway, provides access to the subject property and terminates at an unsignalized intersection with Old Post Road. It has a posted speed limit of 30 miles per hour, provides a double yellow centerline, curbs and paved shoulders in certain sections. Sidewalks are not provided on this roadway.
2. *Old Post Road* – It is a generally both a north-south and east-west, County-maintained roadway. This roadway begins to the southwest at a Y-type intersection with Boston Post Road (U.S. Route 1), continues in an easterly direction intersecting with Playland Access Drive, the Playland Parkway Northbound Ramps and continues to the northeast terminating again at T-type intersection with Boston Post Road (U.S. Route 1). The section of Old Post Road between the intersection of North Street and northerly intersection with Boston Post Road is a one-way, one-lane roadway limited to westbound movements.

The Old Post Road/southerly intersection with Boston Post Road intersection is controlled with a traffic signal, which is maintained by the City of Rye. Other intersections are controlled with STOP signs at the Playland Access Drive southbound and the Thruway Access Road southbound approaches. The westbound approach of Old Post Road at North Street is controlled with STOP signs on both approaches. The posted speed limit on this roadway is 30 miles per hour. It provides a double yellow centerline, curbing and sidewalks in certain sections.

3. *North Street* – North Street is a north-south, County-maintained roadway, which begins at the Old Post Road intersection immediately north of the Playland Parkway northbound ramps intersection. This road continues in a northerly direction intersecting with Theodore Fremd Avenue, providing an overpass over Interstate 95 and continuing north to the Hutchinson River Parkway. It is a two-lane road maintained by the County to the intersection of Harrison Avenue. From this intersection to the Parkway it is designated New York Route 127. For its entire length it provides a double yellow centerline. It has a posted speed limit of 30 miles per hour in the Study Area.
4. *Theodore Fremd Avenue* – This is an east-west, County-maintained roadway. It provides one travel lane in each direction and a center turning lane for its entire length between the Harrison Village/Town line to the west and the intersections with North Street to the northeast and ends at Purchase Street. It has a posted speed limit of 30 miles per hour, provides sidewalks generally along the southerly side for its entire length, with sidewalks in the vicinity of the North Street intersection on the northerly side. The intersections 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 site. 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 bridges at Old Post Road and Boston Post Road providing continuous traffic flow on Playland Parkway.

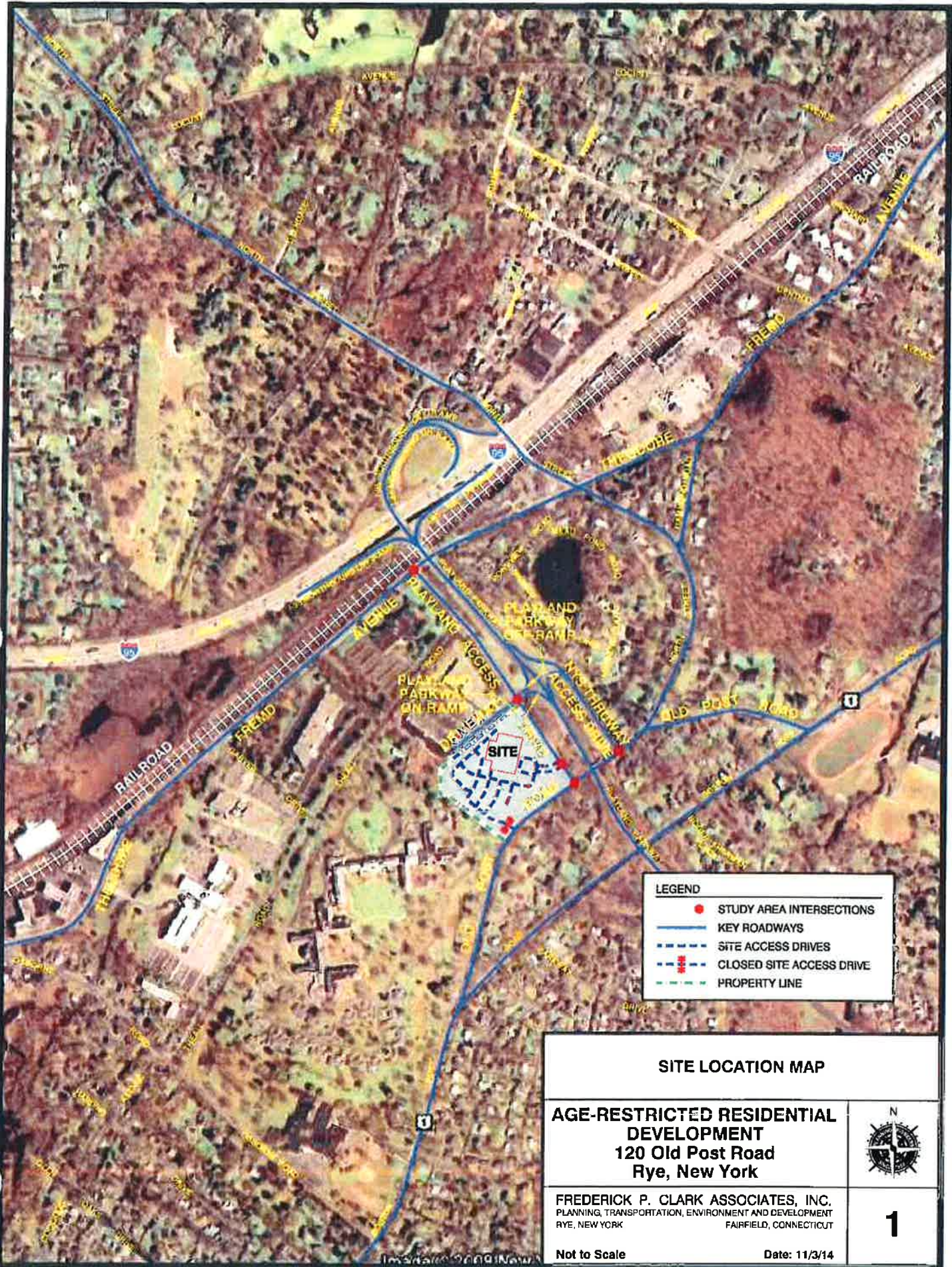
6. *New England Thruway (Interstate 95)* – This is a north-south, limited-access, Interstate Highway serving Westchester County. It provides three lanes in each direction and is median divided. The posted speed limit is 55 miles per hour for vehicles and 50 miles per hour for trucks. Access is provided 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.

Figure 1 provides a reference of the site location for all of the roads described above. Figure 2 provides the current street system characteristics for each of these roads, as described above. Photographs of the area roads are included in the Appendix of this report.

Traffic Volumes

To identify baseline conditions for area roads, 2014 traffic volumes available in the Traffic Study completed for the proposal to develop 150 North Street were used for the following intersections during the weekday morning peak hour:

- Theodore Fremd Avenue at Playland Access Drive;



LEGEND

- STUDY AREA INTERSECTIONS
- KEY ROADWAYS
- - - SITE ACCESS DRIVES
- - - CLOSED SITE ACCESS DRIVE
- - - PROPERTY LINE

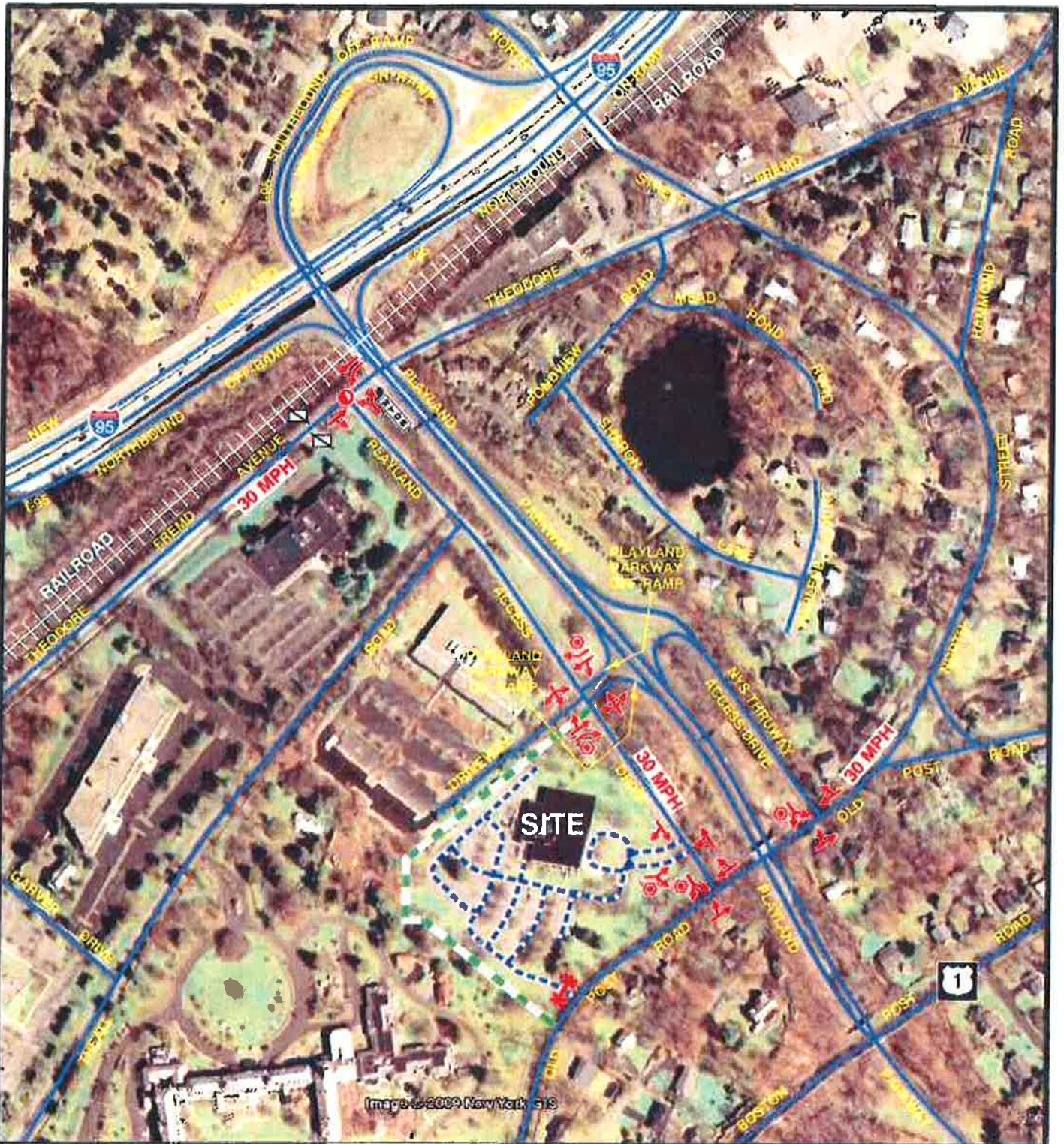
SITE LOCATION MAP

AGE-RESTRICTED RESIDENTIAL DEVELOPMENT
120 Old Post Road
Rye, New York










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1



LEGEND

-  TRAFFIC LANE
-  TRAFFIC SIGNAL
-  STOP SIGN
-  NO TURN ON RED
-  BUS STOP (BEE-LINE BUS #61)
- 00 MPH**  SPEED LIMIT
-  SITE ACCESS DRIVE
-  CLOSED SITE ACCESS DRIVE
-  PROPERTY LINE

CURRENT STREET SYSTEM CHARACTERISTICS

AGE-RESTRICTED RESIDENTIAL DEVELOPMENT
120 Old Post Road
Rye, New York

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2

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- Playland Access Drive at Playland Parkway Eastbound On/Off Ramps/Medical Office Building Access Drive; and,
- Old Post Road at Playland Parkway Northbound On/Off Ramps.

The 2012 existing traffic volumes from the Office to Hotel Building Conversion Traffic Study prepared by Frederick P. Clark Associates, Inc. were adjusted and balanced to the most recent traffic data for the site access drive. For the intersection of Old Post Road at Playland Access Road, manual turning movement counts were conducted by Frederick P. Clark Associates on Thursday, October 30, 2014 from 7:00 A.M. to 9:00 A.M. These volumes were adjusted where appropriate to the surrounding intersection volumes to generate the 2014 existing traffic volumes for a weekday morning peak hour. The highest volumes found at each intersection were used.

For the weekday afternoon peak hour existing traffic volumes for 2013 obtained from a Playland Traffic Study were used for the four Study Area intersections. The 2012 existing traffic volumes from the Office to Hotel Building Conversion Traffic Study prepared by Frederick P. Clark Associates, Inc. were adjusted, as needed, at the site frontage. A one percent growth rate was applied to these volumes to the baseline year, 2014.

Based on the results of the field surveys, the peak hour volumes were identified to occur during the following time periods:

- Weekday morning – Vary by intersection; and,
- Weekday afternoon – 4:45 to 5:45 P.M.

Old Post Road, east of Playland Parkway Northbound On/Off Ramps, had a two-way volume of 380 and 399 vehicles during the two peak hours noted above. On Old Post Road west of the same intersection the two-way volume was recorded at 878 and

699 vehicles during the same two peak hours. For the section of Old Post Road west of the Playland Access Drive the two-way volume was 665 and 417 vehicles during the two peak hours noted above. Playland Access Drive, north of Old Post Road the two-way volume was 541 and 512 vehicles during the two peak hours noted above

Theodore Fremd Avenue, west of the Playland Access Drive intersection had a two-way volume of 681 and 669 vehicles during the two peak hours noted above. For the section east of the Playland Parkway Access Drive the two-way volume was found to be 628 and 617 vehicles during the same peak hours noted above.

For reference purposes, the medical office building access drive intersection with Playland Access Drive had a driveway volume of 195 and 101 vehicles during the two peak hours. The site driveway had a two-way volume of 4 and 6 vehicles during the two peak hours. Table 1 provides a summary of the volumes noted above. Figures 3 and 4 show the peak hour volumes for the weekday morning and weekday afternoon peak hours, respectively. The field sheets for the 2014 traffic counts at the Old Post Road/Playland Access Road intersection are included in the Appendix of this report

Accident Experience

The latest available accident data was obtained from the City of Rye Police Department for a period beginning January 1, 2011 through December 31, 2013 for Playland Access Road and Old Post Road. For the intersection of Playland Access Road at Theodore Fremd Avenue, there were a total of 7 accidents recorded during this three-year period. Data indicates that 57 percent of the accidents were limited to only property damage and 43 percent involved injuries. The collision types were 86 percent involving a rear-end collision and 14 percent involved a left turn collision. The contributing factors were 44 percent unknown and 14 percent were driver fell asleep, pavement slippery, traffic control disregarded and driver inattention. It was found that 86 percent of the accidents occurred during daylight hours and 57 percent occurred on dry road conditions.

Table 1
 2014 TWO-WAY TRAFFIC VOLUMES – PEAK HOURS
 Age-Restricted Residential Development
 120 Old Post Road
 Rye, New York

LOCATION	VEHICLES	
	Weekday Morning	Weekday Afternoon
Playland Parkway Northbound On/Off Ramps, North of Old Post Road	800	606
Old Post Road, East of Playland Parkway Northbound On/Off Ramps	380	399
Old Post Road, West Playland Parkway Northbound On/Off Ramps	878	699
Playland Access Drive, North of Old Post Road	541	512
Old Post Road, East of Playland Access Drive	878	699
Old Post Road, West of Playland Access Drive	665	417
Office Building Access Drive, West of Playland Access Drive	4	6
Playland Access Drive, South of Office Building Access Drive	541	512
Playland Access Drive, North of Office Building Access Drive	541	510
Playland Parkway Southbound On/Off Ramp, East of Playland Access Drive	791	448
Medical Office Building Access Drive, West of Playland Access Drive	195	101
Playland Access Drive, South of Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive	541	507
Playland Access Drive, North of Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive	939	622
Playland Access Drive, South of Theodore Fremd Avenue	585	448
Theodore Fremd Avenue, West of Playland Access Drive	681	669
Theodore Fremd Avenue, East of Playland Access Drive	628	617

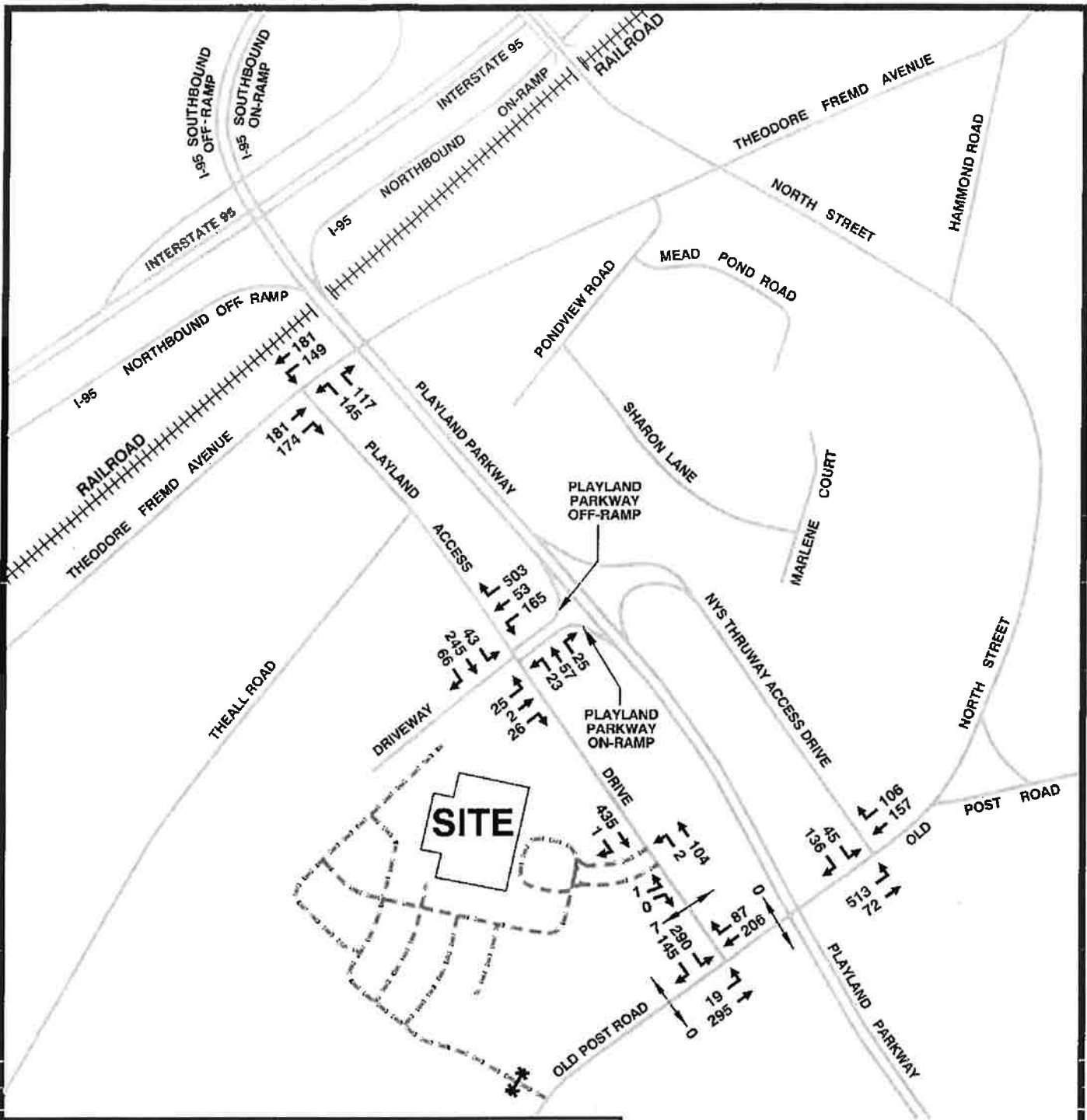
Table 1 Cont'd

Source:

- 1) 2014 traffic volumes from Tim Miller Associates, Inc. Traffic Study for 150 North Street were utilized for the Playland Parkway Southbound Ramps at Playland Access Drive, Theodore Fremd Avenue at Playland Access Drive and Playland Parkway Northbound On/Off Ramps at Old Post Road intersections for the weekday morning peak hour.
- 2) 2012 existing traffic volumes from the office to hotel building conversion traffic study prepared by Frederick P. Clark Associates, Inc. were adjusted and balanced to the Tim Miller Associates, Inc. volumes for the site access drive for the weekday morning peak hour.
- 3) Manual turning movement counts conducted by Frederick P. Clark Associates, Inc. on Thursday, October 30, 2014 from 7:00 A.M. to 9:00 A.M. at the Old Post Road/Playland Access Drive intersection.
- 4) 2013 existing traffic volumes with the park open from Playland, Year One Development Program, prepared by John Meyers Consulting, P.C., October, 2013, were utilized for the weekday afternoon peak hour. These volumes had a one percent growth rate applied to the baseline year, 2014.

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Notes:

- 1- The 2014 Traffic Volumes from Tim Miller Associates, Inc. Traffic Study for 150 North Street, were utilized for the Playland Parkway Southbound Ramps at Playland Access Drive, Theodore Fremd Avenue at Playland Access Drive and Old Post Road at New York State Thruway Access Drive Intersections. Peak Hour of each intersection was used.
- 2- The 2012 Existing Traffic Volumes from the Office To Hotel Building Conversion Traffic Study prepared by Frederick P. Clark Associates, Inc. were adjusted and balanced to the Tim Miller Associates, Inc. volumes for the Site Access Drive.
- 3- Manual turning movement counts conducted by Frederick P. Clark Associates, Inc. on Thursday, October 30, 2014 from 7:00 to 9:00 A.M. for Old Post Road at Playland Access Road. Peak Hour of this intersection is utilized.

LEGEND

- 0 — PEDESTRIAN TRAFFIC
- — SITE ACCESS DRIVE
- — CLOSED SITE ACCESS DRIVE

**2014 EXISTING TRAFFIC VOLUMES
WEEKDAY MORNING PEAK HOUR**

**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York**



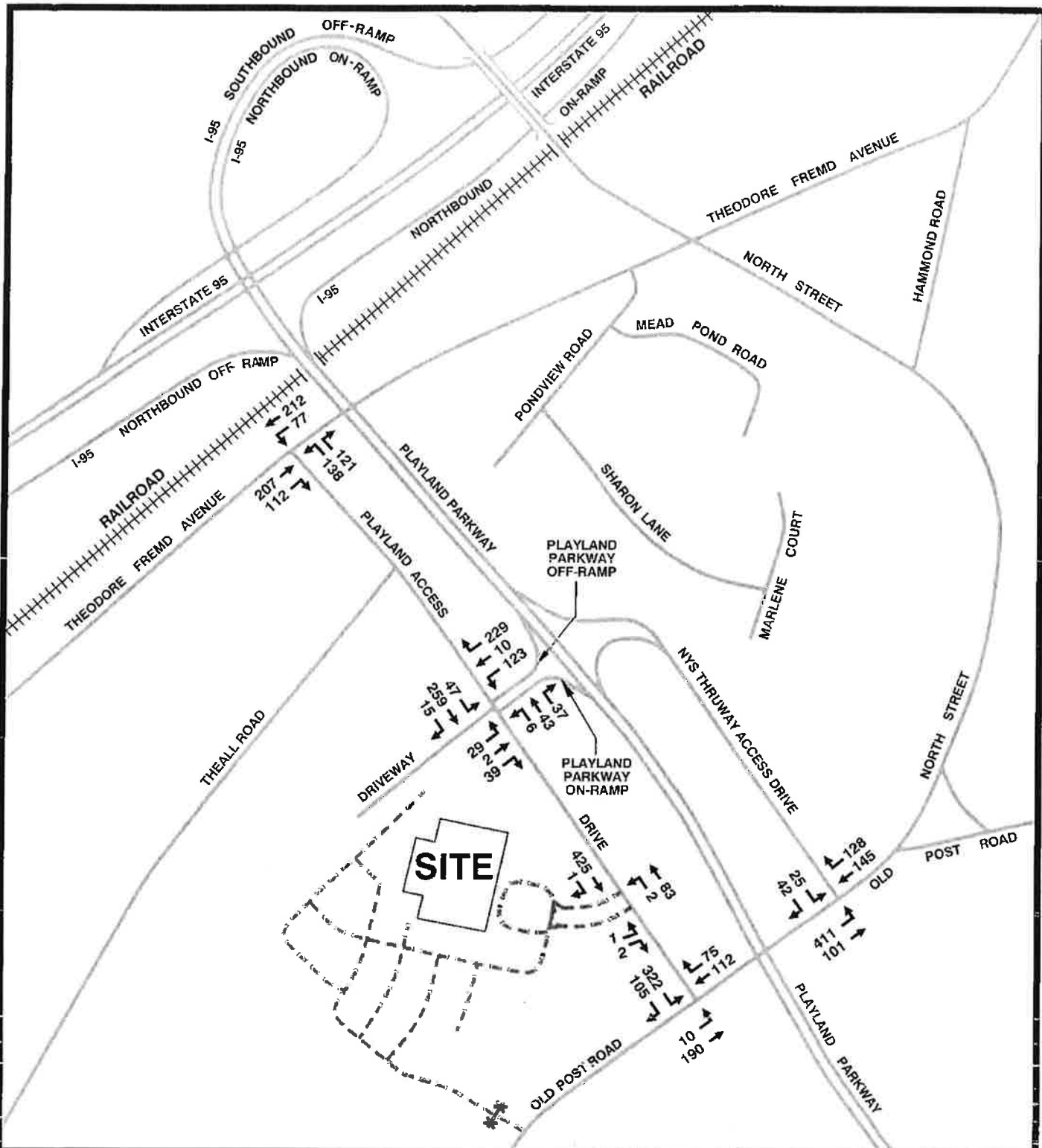
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Notes:

- 2013 Existing Traffic Volumes with the Park open from Playland, Year One Development Program, prepared by John Meyer Consulting, P.C. October, 2013, were utilized.
- A one percent growth rate was applied to the baseline year, 2014.

LEGEND

- SITE ACCESS DRIVE
- CLOSED SITE ACCESS DRIVE

**2014 EXISTING TRAFFIC VOLUMES
WEEKDAY AFTERNOON PEAK HOUR
(4:45 - 5:45 P.M.)**

**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York**



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For the section of Playland Access Road between Theodore Fremd Avenue and Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive, there were a total of 11 accidents recorded during this three-year period. Data indicates that 82 percent of the accidents were limited to only property damage and 18 percent involved injuries. The collision types were 55 percent involving a rear-end collision, 27 percent were right angle collisions and 9 percent involved left turn and right turn collision. The contributing factors were 55 percent driver inattention and 9 percent were following too closely, failure to grant right-of-way, unknown and view obstructed. It was found that all of the accidents occurred during daylight hours and 55 percent occurred on dry road conditions.

For the intersection of Playland Access Road at Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive, there were a total of 18 accidents recorded during this three-year period. Data indicates that 83 percent of the accidents were limited to only property damage and 17 percent involved injuries. The collision types were 44 percent involving a right angle collision, 21 percent involved left turn collision, 17 percent involved a rear-end collision and 6 percent involved right turn collision, sideswipe in the same direction and backing. The contributing factors were 38 percent for failure to grant right-of-way, 33 percent driver inattention, 11 percent were unknown and 6 percent involved pavement slippery, traffic control disregarded and unsafe backing. It was found that 89 percent of the accidents occurred during daylight hours and on dry road conditions. For the section of Playland Access Road between Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive and Site Access Drive, there were no recorded accidents.

For the intersection of Playland Access Road at Site Access Drive, there were no recorded accidents. For the section of Playland Access Road between Site Access Drive and Old Post Road, there were no recorded accidents.

For the intersection of Old Post Road at Playland Access Road, there were a total of 3 accidents recorded during this three-year period. Data indicates that all of the accidents were limited to only property damage. The collision types were 67 percent involving a rear-end collision and 33 percent involved a left turn collision. The contributing factors were 34 percent for following too closely and 33 percent were failure to grant right-of-way and traffic control disregarded. It was found that 67 percent of the accidents occurred during daylight hours and 33 percent occurred on dry road conditions. For the section of Old Post Road between Playland Access Road and Playland Parkway Northbound On/Off Ramps, there were no recorded accidents.

For the intersection of Old Post Road at Playland Parkway Northbound On/Off Ramps, there were a total of 3 accidents recorded during this three-year period. Data indicates that 67 percent of the accidents were limited to only property damage and 33 percent involved injuries. The collision types were 67 percent involving a rear-end collision and 33 percent involved a left turn collision. The contributing factors were 67 percent for following too closely and 33 percent were failure to grant right-of-way. It was found that all of the accidents occurred during daylight hours and on dry road conditions. Table 2 provides a more detailed summary of the accident data

Capacity Analysis Procedures

Capacity analysis procedures are provided in the Appendix of this report. The analyses follow a SYNCHRO computer model and information provided by the Transportation Research Board (TRB) and the Highway Capacity Manual (HCM) published in 2010.

Capacity Analysis Results

The results of the analysis for the Study Area intersections included in the designated Study Area are described below:

Table 2 Cont'd

ACCIDENT CHARACTERISTICS	PLAYLAND ACCESS ROAD						OLD POST ROAD												
	At Theodore Fremd Avenue		Between Theodore Fremd Avenue and Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive		At Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive		Between Playland Parkway Southbound On/Off Ramp/Medical Office Building Access Drive and Site Access Drive		At Site Access Drive		Between Site Access Drive and Old Post Road		At Playland Access Road		Between Playland Access Road and Playland Parkway Northbound On/Off Ramps		At Playland Parkway Northbound On/Off Ramps		
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	
Weather Conditions	4	57	5	46	15	83	0	0	0	0	0	0	0	2	67	0	0	2	67
■ Clear	1	14	1	9	3	17	0	0	0	0	0	0	0	0	0	0	0	1	33
■ Cloudy	2	29	4	36	0	0	0	0	0	0	0	0	0	1	33	0	0	0	0
■ Rain	0	0	1	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
■ Snow																			

Source: Rye Police Department

Notes: The latest accident data available is from January 1, 2011 to December 31, 2013.

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1. *Theodore Fremd Avenue at Playland Access Drive* – Results of the analysis of this signalized intersection indicate it is currently operating at an overall Level of Service “B” during both the weekday morning and weekday afternoon peak hours. It includes a fixed time westbound left turn leg, which should be modified.
2. *Playland Access Drive at Playland Parkway Eastbound On/Off Ramp/Medical Office Building Access Drive* – Results of the analysis of this unsignalized intersection indicate it is currently operating at a Level of Service “E” and “C” or better during the weekday morning and weekday afternoon peak hours, respectively.
3. *Playland Access Drive at Office Building Access Drive* – Results of the analysis of this unsignalized intersection indicate it is currently operating at a Level of Service “B” or better during each peak hour analyzed.
4. *Old Post Road at Playland Access Drive* – Results of the analysis of this unsignalized intersection indicate it is currently operating at a Level of Service “F” and “D” or better during the weekday morning and weekday afternoon peak hours, respectively. This reflects conditions exiting from the STOP sign.
5. *Old Post Road at Thruway Access Drive* – Results of the analysis of this unsignalized intersection indicate it is currently operating at a Level of Service “F” and “D” or better during the weekday morning and weekday afternoon peak hours, respectively. This represents conditions exiting the ramp.

Table 3 provides a more detailed summary of the results of the analyses, as described above. This table includes the type of control, lane group/movement, description, the Level of Service, average vehicle per vehicle and the volume to capacity ratio. The capacity analysis worksheets are included in the Appendix of this report.

Table 3
 2014 EXISTING CONDITIONS – MEASURE OF EFFECTIVENESS (MOE) – PEAK HOURS
 Age-Restricted Residential Development
 120 Old Post Road
 Rye, New York

INTERSECTION	CONTROL TYPE	PHYSICAL UNITS	2014 EXISTING CONDITIONS			
			Weekday Morning		Weekday Afternoon	
			LOS/ Delay	V/C Ratio	LOS/ Delay	V/C Ratio
Theodore Fremd Avenue at Playland Access Drive	Traffic Signal	EB TR	B/18.2	0.48	B/17.6	0.40
		APP.	B/18.2	--	B/17.6	--
		WB L	B/11.4	0.28	A/9.2	0.14
		T	A/9.0	0.18	A/9.3	0.21
		APP.	B/10.1	--	A/9.3	--
		NB LR	C/33.3	0.55	C/33.2	0.54
		APP.	C/33.3	--	C/33.2	--
		Overall	B/19.6	--	B/19.5	--
Playland Access Drive at Playland Parkway Eastbound On/Off Ramp/Medical Office Building Access Drive	TWSC	EB L	E/37.1	0.33	C/17.5	0.19
		T	E/37.1	0.33	C/17.5	0.19
		R	E/37.1	0.33	C/17.5	0.19
		WB L	D/26.5	0.60	C/20.9	0.43
		T	D/26.5	0.60	C/20.9	0.43
		R	B/13.5	0.58	B/10.2	0.29
		NB L	A/0.2	0.02	A/0.1	0.01
SB L	A/0.3	0.03	A/0.4	0.04		
Playland Access Drive at Office Building Access Drive	TWSC	EB L	B/12.3	0.00	B/11.3	0.01
		R	A/0.0	0.00	B/11.3	0.01
		NB L	A/0.0	0.00	A/0.0	0.00
Old Post Road at Playland Access Drive	TWSC	EB L	A/0.2	0.02	A/0.1	0.01
		SB L	F/51.7	0.92	D/25.6	0.75
		R	F/51.7	0.92	D/25.6	0.75
Old Post Road at Thruway Access Drive	TWSC	EB L	A/4.9	0.46	A/3.9	0.38
		SB L	F/69.8	0.85	D/26.9	0.32
		R	F/69.8	0.85	D/26.9	0.32

Notes:

- Synchro 8.0 is used for capacity analysis.
- Level of Service determining parameter is called the service measure.
- For Signalized Intersections: Level of Service/Average Total delay per vehicle (seconds/vehicle).
- TWSC = Two-Way STOP Control.
- For TWSC Intersections: Level of Service/Average Control delay per vehicle (seconds/vehicle).

Table 3 Cont'd

- ITE publication for Traffic Access and Impact Studies for site development "A Recommended Practice" indicated that overall Level of Service ratings of A to D are normally considered acceptable for signalized intersections (Level C or better are considered desirable). Levels of Service E and F are normally undesirable.
- V/C ratio indicates the amount of congestion for each Lane Group or Movement. Any V/C ratio greater than or equal to one indicates that the Lane Group or Movement is operating at above capacity.
- Physical Units consist of the following:
 1. Lane Group, Approach and Intersection Overall for Traffic Signal Controlled Intersections.
 2. Movements for TWSC Intersections.

NB = Northbound

EB = Eastbound

SB = Southbound

WB = Westbound

L = Left Turn

T = Through

R = Right Turn

APP. = Approach

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FUTURE TRAFFIC IMPACTS

In this section of the report there is a description of the background and combined traffic volumes for a 2016 condition at each of the intersections included in the designated Study Area for the weekday morning and weekday afternoon peak hours. It includes a description of site traffic generation, distribution and assignment of site traffic and results of capacity analyses for a background and combined condition. A comparison of the results of these analyses indicates the potential impact to area roads and intersections. Capacity analyses were conducted to determine impact and if any mitigation is needed.

Background Traffic Volumes

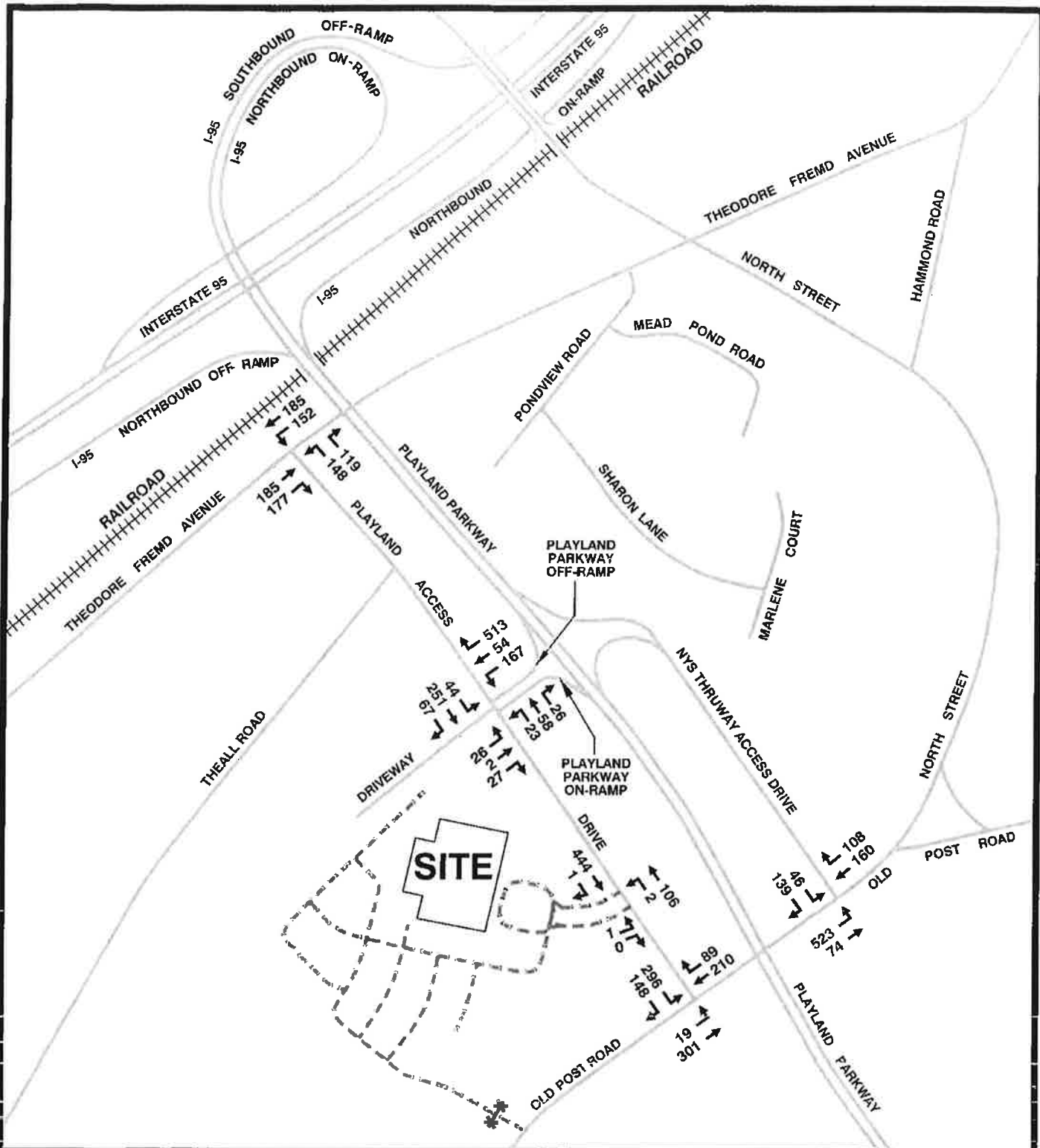
The baseline traffic volumes for 2014 were expanded to reflect a 2016 condition by applying an annual growth rate of one percent. The volumes for this condition are graphically illustrated in Figures 5 and 6 for the peak hours noted above.

In addition to a general growth rate for traffic in the surrounding area, field observations and discussions with the City of Rye Planning department identified the following other developments:

- 58 Attached Senior Residential units at 150 North Street, Traffic Study prepared by Tim Miller Associates, Inc.;
- Year One Development Program, Playland, Traffic Study prepared by John Meyer Consulting, P.C. October, 2013; and,
- 5,000 square-feet of vacant office space located at 555 Theodore Fremd Avenue. This traffic is included in the growth rate.

For planning purposes no additional traffic was added during the weekday morning peak hour for the Year One Development Program, Playland. Figures 7 and 8

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Note: An annual growth rate of one percent was employed to the horizon year 2016.

LEGEND

-  SITE ACCESS DRIVE
-  CLOSED SITE ACCESS DRIVE

**2016 PROJECTED TRAFFIC VOLUMES
WEEKDAY MORNING PEAK HOUR**

**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York**



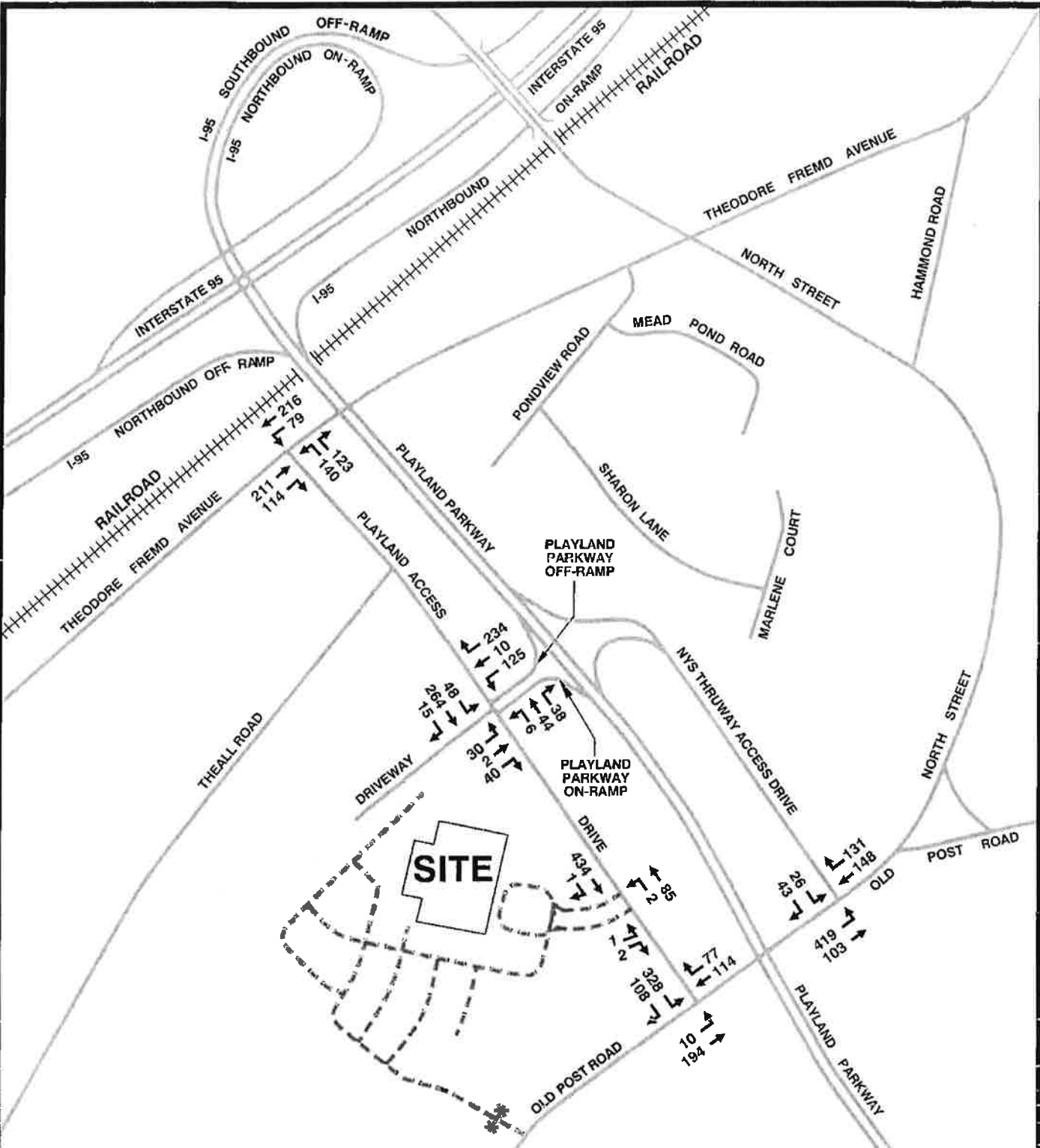
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5

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Note: An annual growth rate of one percent was employed to the horizon year 2016.

LEGEND	
	SITE ACCESS DRIVE
	CLOSED SITE ACCESS DRIVE

**2016 PROJECTED TRAFFIC VOLUMES
WEEKDAY AFTERNOON PEAK HOUR**

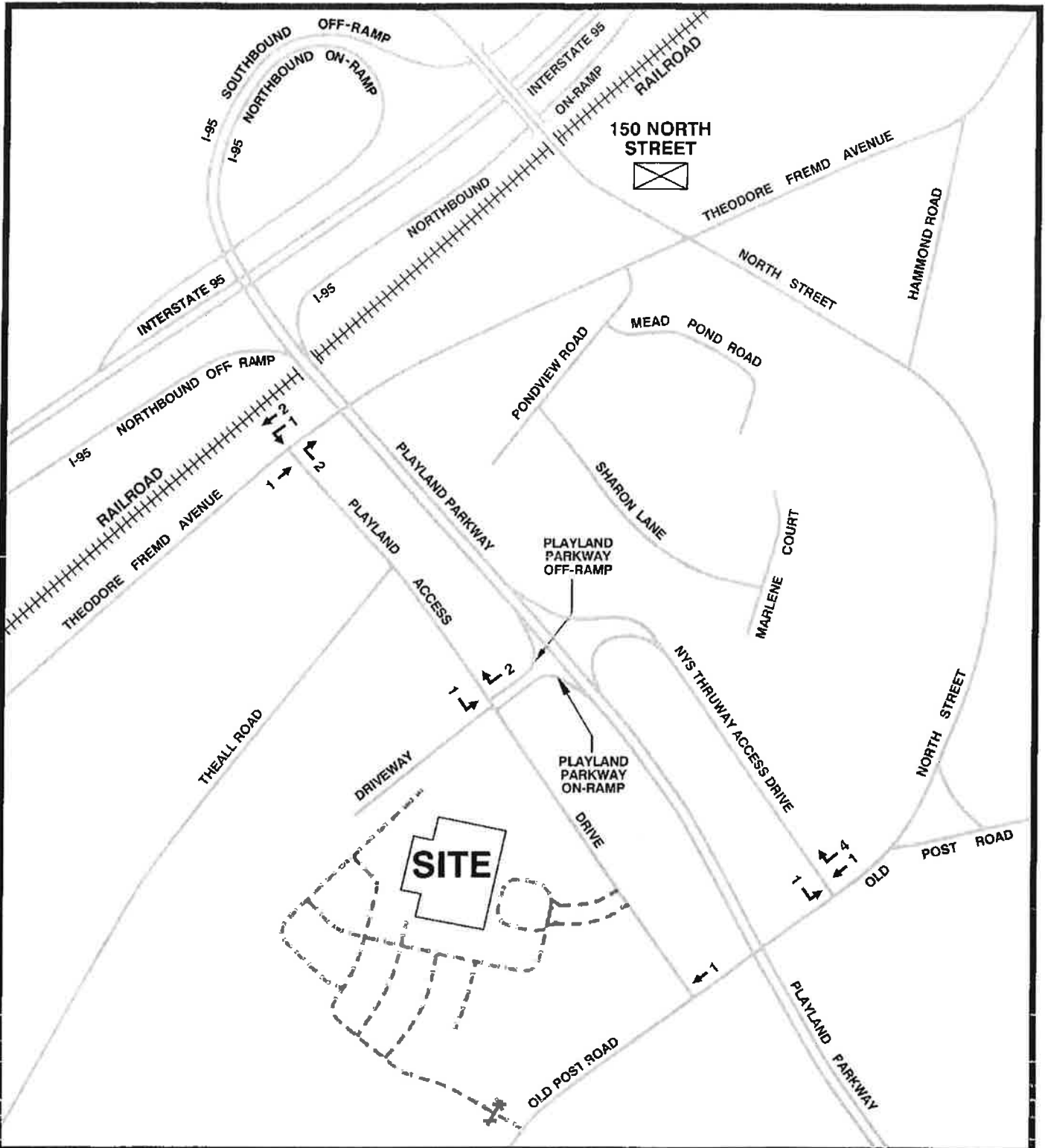
**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York**



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6

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- Notes: Other Developments include:
- 5,000 Square Feet vacant office space located at 555 Theodore Fremd Avenue. This traffic is included in the growth rate.
 - 58 Attached Senior Residential Units located at 150 North Street from Traffic Study prepared by Tim Miller Associates.

LEGEND

SITE ACCESS DRIVE

CLOSED SITE ACCESS DRIVE

**OTHER DEVELOPMENTS TRAFFIC VOLUMES
WEEKDAY MORNING PEAK HOUR**

**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York**

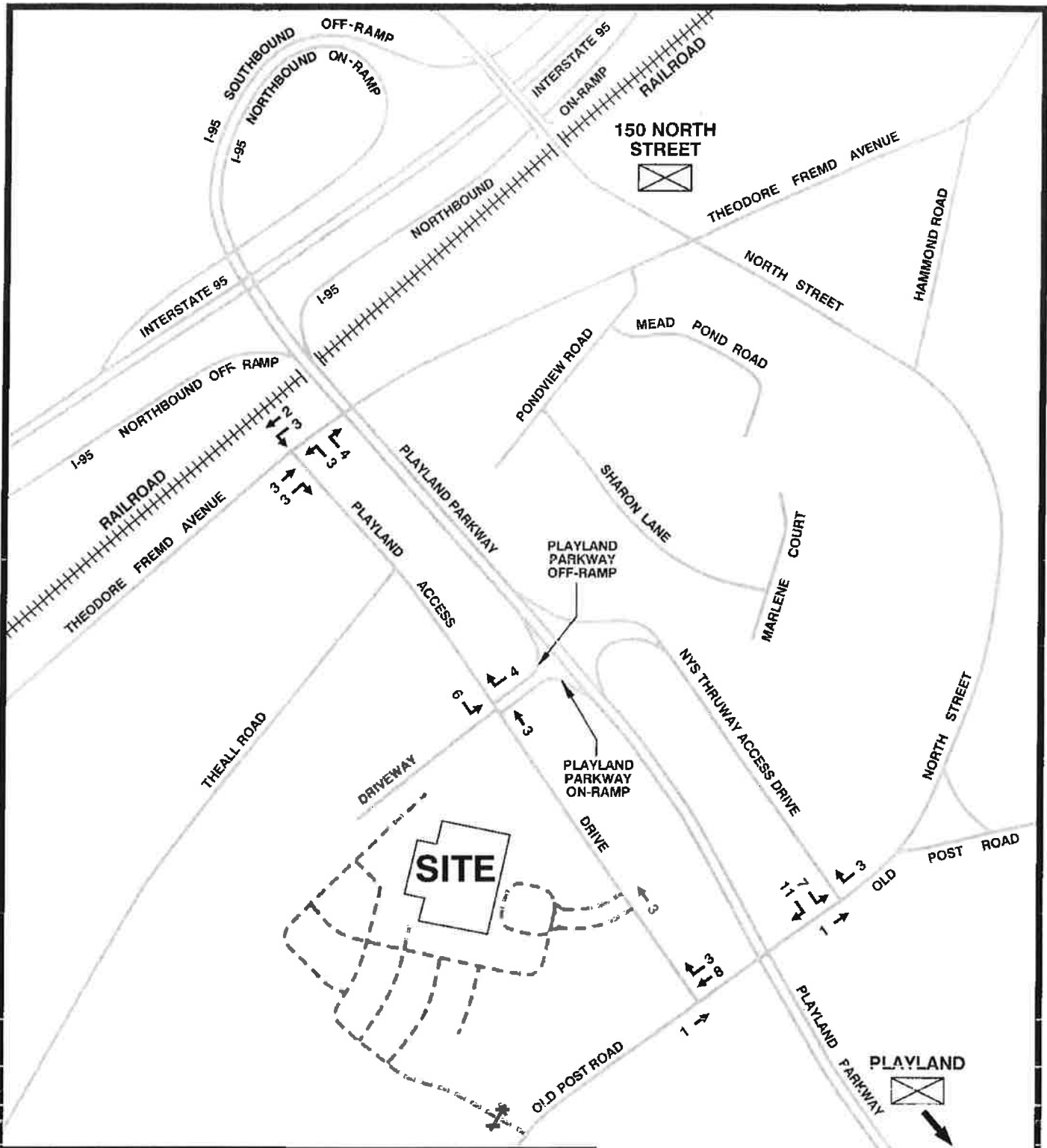


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Date: 11/3/14



Notes: Other Developments include:

- 5,000 Square Feet vacant office space located at 555 Theodore Fremd Avenue. This traffic is included in the growth rate.
- 58 Attached Senior Residential Units located at 150 North Street from Traffic Study prepared by Tim miller Associates.
- Year One Development Program, Playland, Traffic Study prepared by John Meyer Consulting, P.C. October 2013.

LEGEND

- SITE ACCESS DRIVE
- CLOSED SITE ACCESS DRIVE

**OTHER DEVELOPMENTS TRAFFIC VOLUMES
WEEKDAY AFTERNOON PEAK HOUR**

**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York**



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8

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show the other development traffic volumes for each peak hour. Figures 9 and 10 graphically illustrate the 2016 background traffic volumes for area roads and include the growth rate and traffic related to the other developments. It is important to note that the senior residential development and Playland development are not approved applications.

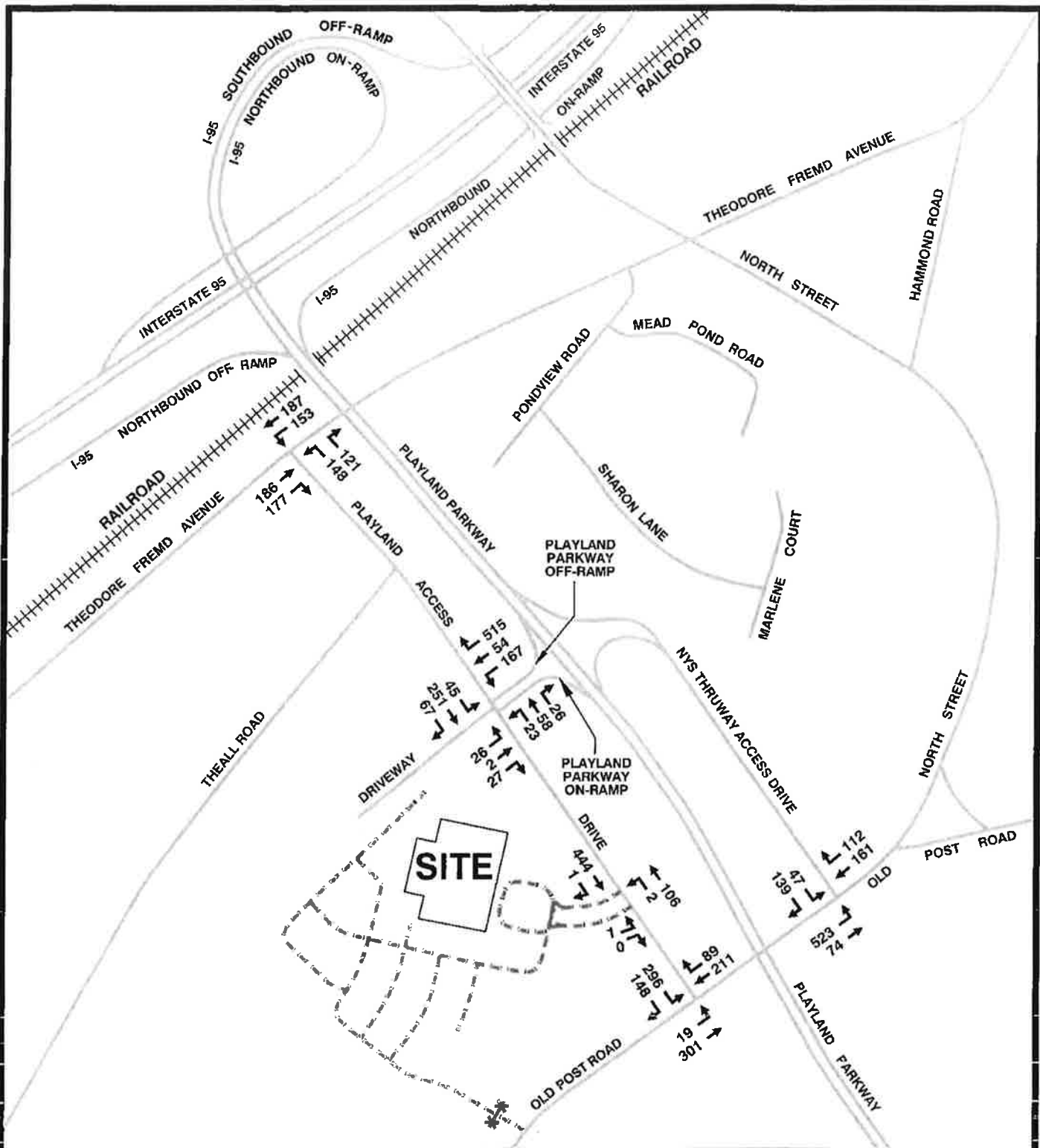
Site Traffic Generation

To estimate the total number of vehicle trips for the proposed 135 age-restricted residential units, trip generation rates were obtained from the 9th Edition of “Trip Generation,” published by the Institute of Transportation Engineers (ITE) in 2012. Using the Senior Adult Housing – Attached Code #252 and applying the average rates available, the expected site traffic is 27 and 34 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively.

The current office building comprises 70,000 square feet of gross floor area. The building is vacant, except for the Owners of the building offices, which currently generates 4 and 6 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively.

To estimate the total number of vehicle trips for this type of building fully occupied with a multi-tenant occupancy, trip generation rates were obtained from the 9th Edition of “Trip Generation,” published by the Institute of Transportation Engineers (ITE) in 2012. Using the General Office Code #710 and applying the average rates available for this type of building, the expected estimate for total site traffic is 109 and 104 vehicle trip ends for the weekday morning and weekday afternoon peak hours, respectively. Comparing the current land use to the proposed age-restricted attached residential units, there will be a net decrease in site traffic of 82 and 70 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively. Table 4 provides a more detailed breakdown of previous land use and proposed age-restricted attached residential units site traffic generation.

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Note: The 2016 Background Traffic Volumes include the 2016 Projected Traffic Volumes and the Other Developments Traffic Volumes.

LEGEND

-  SITE ACCESS DRIVE
-  CLOSED SITE ACCESS DRIVE

2016 BACKGROUND TRAFFIC VOLUMES
WEEKDAY MORNING PEAK HOUR

AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York

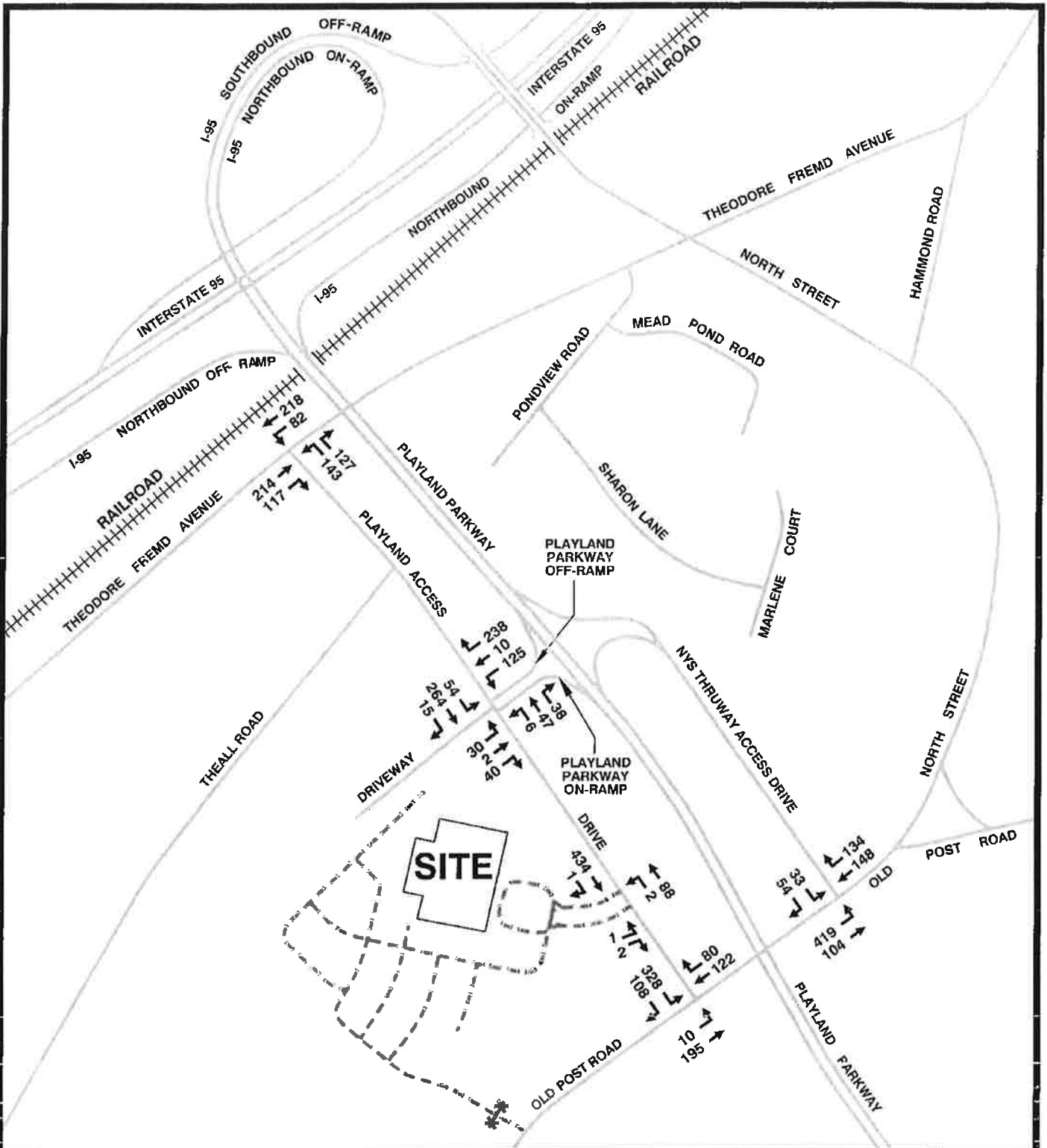


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Note: The 2016 Background Traffic Volumes include the 2016 Projected Traffic Volumes and the Other Developments Traffic Volumes.

LEGEND

- SITE ACCESS DRIVE
- CLOSED SITE ACCESS DRIVE

**2016 BACKGROUND TRAFFIC VOLUMES
WEEKDAY AFTERNOON PEAK HOUR**

**AGE-RESTRICTED RESIDENTIAL DEVELOPMENT
120 Old Post Road
Rye, New York**



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Table 4
 SITE TRAFFIC GENERATION COMPARISON – PEAK HOURS
 Age-Restricted Residential Development
 120 Old Post Road
 Rye, New York

PROPOSED LAND USE				
LAND USE	SIZE	TRAFFIC DIRECTION	VEHICLE TRIP ENDS	
			Weekday Morning	Weekday Afternoon
Senior Adult Housing – Attached	135 Dwelling Units	Enter	9	18
		Exit	<u>18</u>	<u>16</u>
		Total	27	34

Source: "Trip Generation," 9th Edition, published by the Institute of Transportation Engineers (ITE), 2012 using Senior Adult Housing – Attached, Code #252 average rates.

CURRENT LAND USE				
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

Source: "Trip Generation," 9th Edition, published by the Institute of Transportation Engineers (ITE), 2012 using General Office Building, Code #710 Average Rates.

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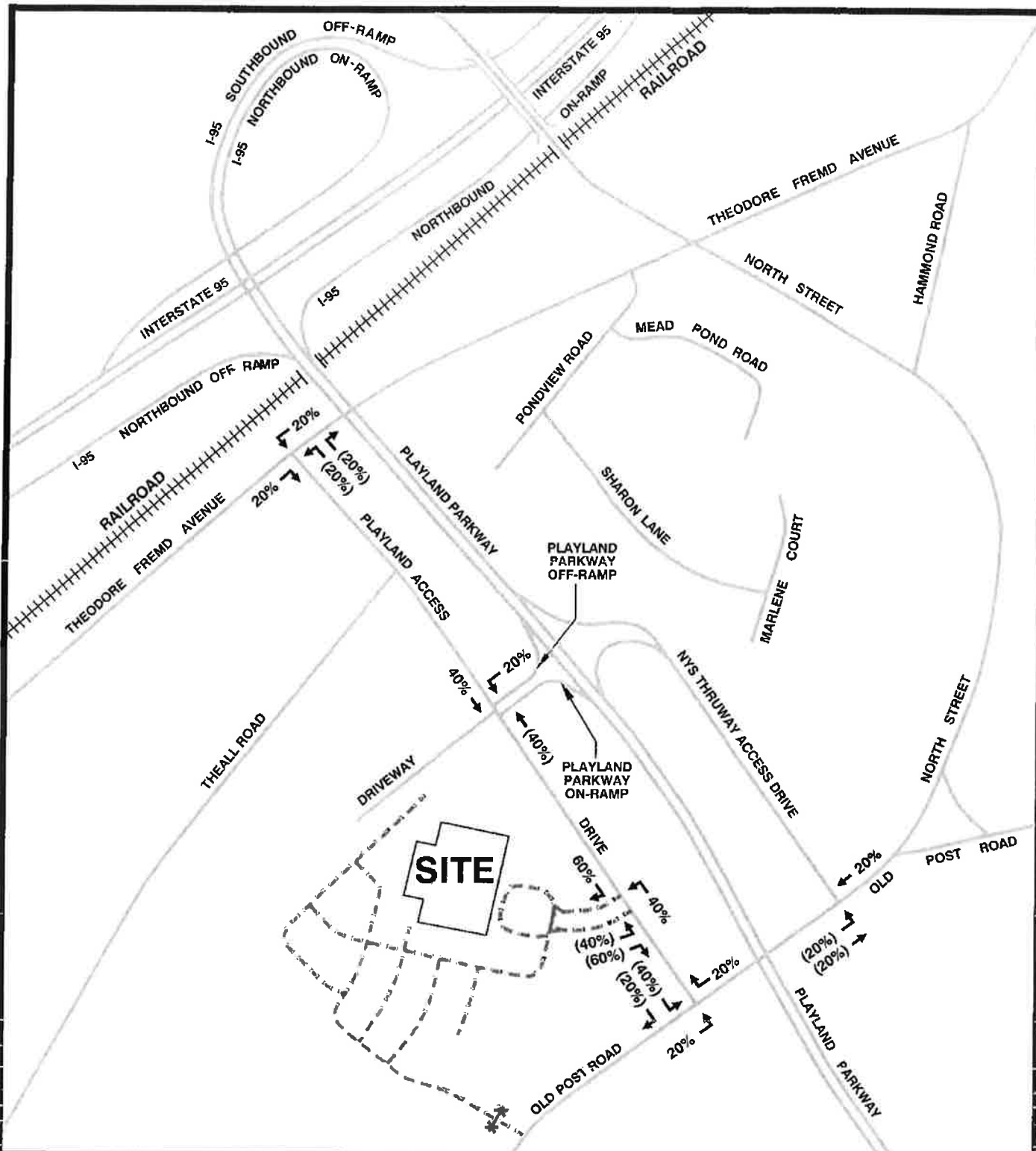
Site Traffic Distribution and Assignment

To develop the anticipated distribution patterns for the additional site traffic, an evaluation of current patterns at the site access drive and patterns for traffic conditions on area roads were analyzed. Based on the results of this analysis it was determined that for arrivals 60 percent of the site traffic will turn right into the subject driveway from Playland Access Drive. It is anticipated that 20 percent will arrive from the southbound off-ramp of Playland Parkway from Interstate 95, 20 percent from the southwest on Theodore Fremd Avenue and the remaining 20 percent from the northeast on Theodore Fremd Avenue. The remaining 40 percent arriving at the site driveway from the south on Playland Access Drive is expected to breakdown to 20 percent arriving from the northeast on Old Post Road and the remaining 20 percent arriving from the southwest on Old Post Road.

For exiting movements it was found that 60 percent of the site traffic will exit and turn right from the driveway to travel southbound on Playland Access Drive to the intersection with Old Post Road. At Old Post Road 40 percent will turn left to travel northeast on Old Post Road, 20 percent turning left onto the Playland Parkway northbound ramps and the remaining 20 percent continuing northeast on Old Post Road to North Street. The remaining 20 percent traveling southeast on Playland Access Drive will turn right onto Old Post Road to travel to Boston Post Road. For the exiting movements turning left at the access drive 40 percent of the site traffic will continue northwest on Playland Access Drive to Theodore Fremd Avenue, where 20 percent will turn left and the remaining 20 percent will turn right.

Figure 11 graphically shows the distribution patterns anticipated for the additional to be added to area roads during the peak hours. Figures 12 and 13 show the site traffic generation and assignment for the peak hours.

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SITE TRAFFIC

Enter 00%
Exit (00%)

LEGEND

- SITE ACCESS DRIVE
- CLOSED SITE ACCESS DRIVE

SITE TRAFFIC DISTRIBUTION

AGE-RESTRICTED RESIDENTIAL DEVELOPMENT
120 Old Post Road
Rye, New York



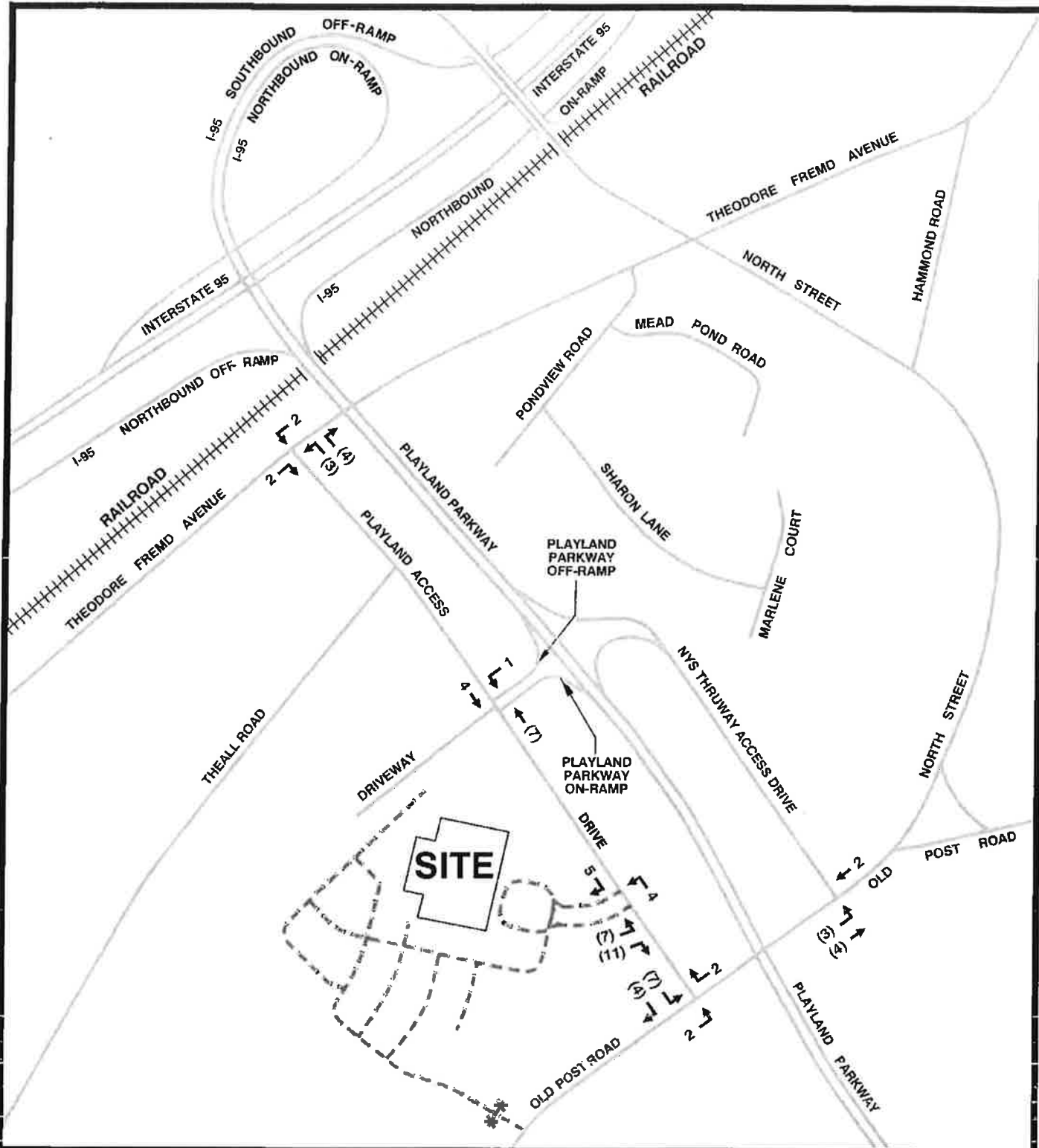
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SITE TRAFFIC
 Enter 9
 Exit (18)
 Total 27 Vehicle Trip Ends

LEGEND
 - - - - - SITE ACCESS DRIVE
 - + - - - CLOSED SITE ACCESS DRIVE

**SITE TRAFFIC GENERATION AND ASSIGNMENT
 WEEKDAY MORNING PEAK HOUR**

**AGE-RESTRICTED RESIDENTIAL DEVELOPMENT
 120 Old Post Road
 Rye, New York**

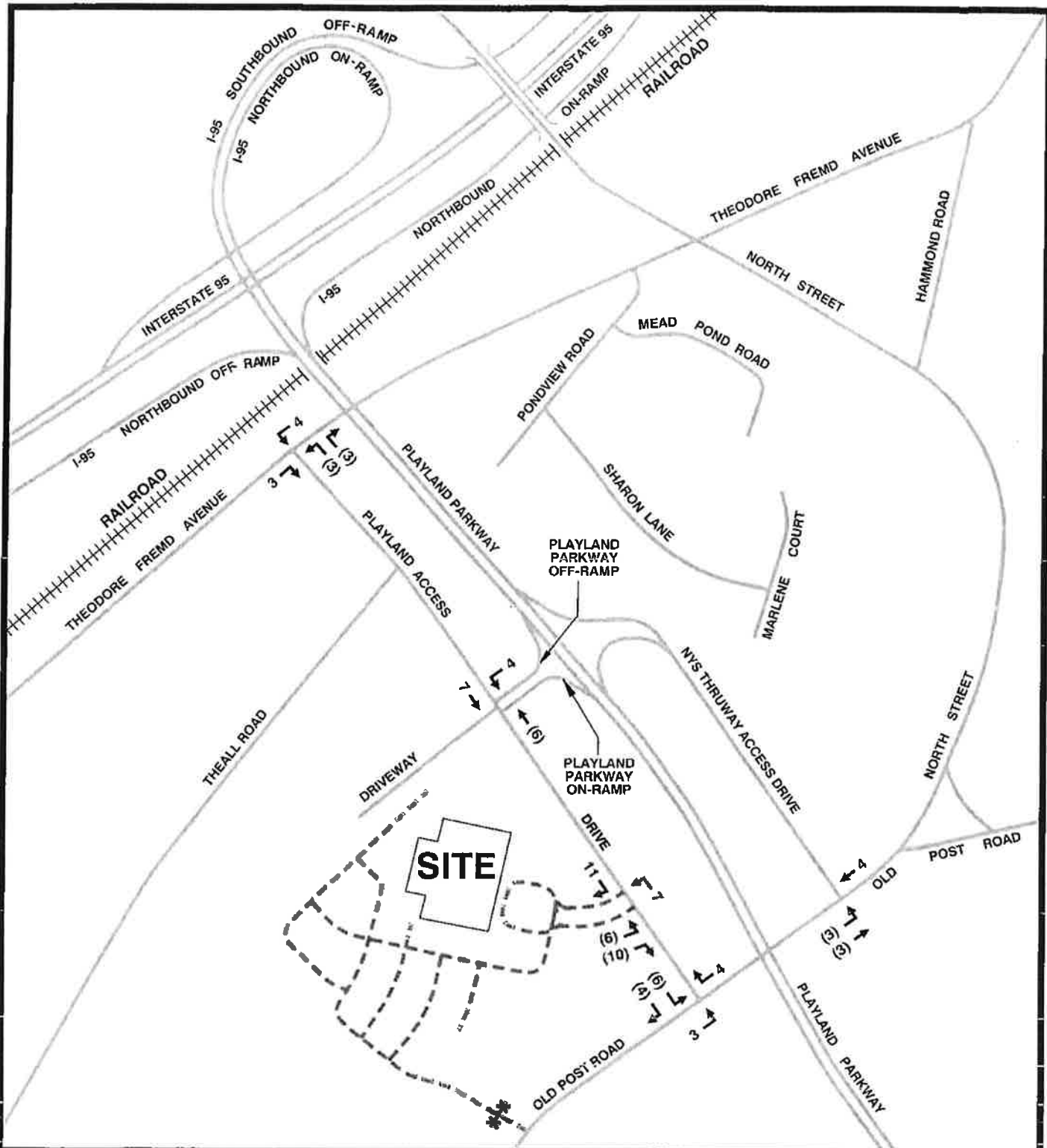


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12

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SITE TRAFFIC

Enter 18

Exit (16)

Total 34 Vehicle Trip Ends

LEGEND

--- SITE ACCESS DRIVE

---*--- CLOSED SITE ACCESS DRIVE

**SITE TRAFFIC GENERATION AND ASSIGNMENT
WEEKDAY AFTERNOON PEAK HOUR**

AGE-RESTRICTED RESIDENTIAL DEVELOPMENT
120 Old Post Road
Rye, New York



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Date: 11/3/14

Combined Traffic Volumes

The combined traffic volumes were developed by adding the residential-related traffic to the area roadways for both peak periods to develop a 2016 combined traffic volume condition. Results of this combination of volumes, with the background traffic volumes, which are previously described in this report, Figures 14 and 15, were prepared.

Capacity Analysis Results – Background and Combined Conditions

The following is a summary of the results of the analyses of the intersections included in this Study Area for both a background and combined condition for the four peak hours:

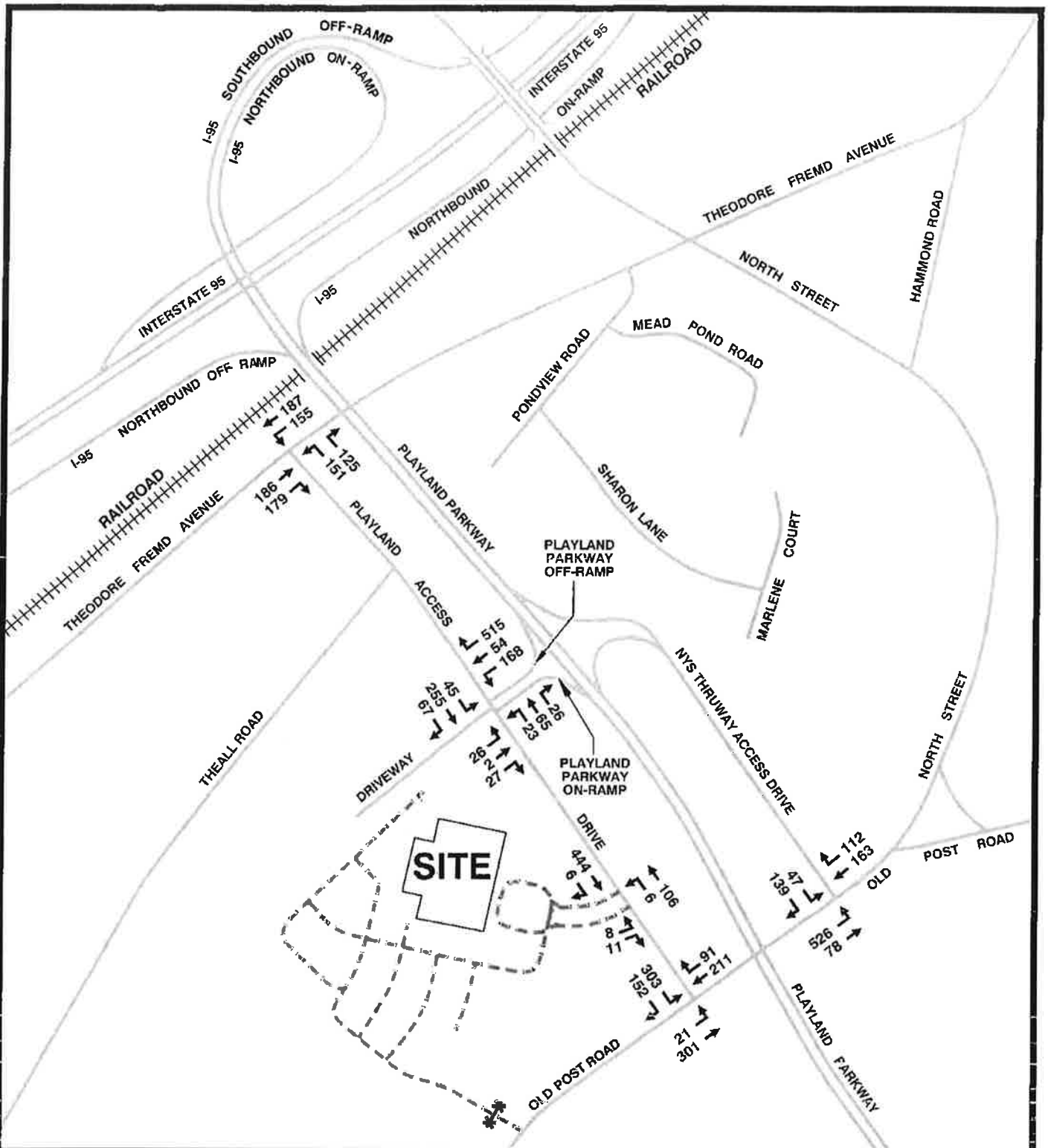
1. *Theodore Fremd Avenue at Playland Access Drive*

Background – Results of the analysis of this signalized intersection indicate it will operate at an overall Level of Service “B” during both the weekday morning and weekday afternoon peak hours.

Combined – Results of the analysis indicate this intersection will continue to operate the same overall Level of Service during the weekday afternoon peak hour. During the weekday morning peak hour there will be an acceptable change in Levels of Service from “B” to “C” with a change in average vehicle delay of 0.3 seconds.

2. *Playland Access Drive at Playland Parkway Southbound On/Off-Ramps/Medical Office Building Access Drive*

Background – Results of the analysis of this unsignalized intersection indicate that for the critical movements on the ramp and access drive approaches to the intersection will operate at Level of Service “E” and “C” or better during the weekday morning and weekday afternoon peak hours, respectively. The northbound and southbound critical movements on Playland Access Drive will operate at Level of Service “A” during both peak hours.



Note: The 2016 Combined Traffic Volumes include the 2016 Background Traffic Volumes and the Site Traffic Generation.

LEGEND

- SITE ACCESS DRIVE
- CLOSED SITE ACCESS DRIVE

**2016 COMBINED TRAFFIC VOLUMES
WEEKDAY MORNING PEAK HOUR**

**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT
120 Old Post Road
Rye, New York**

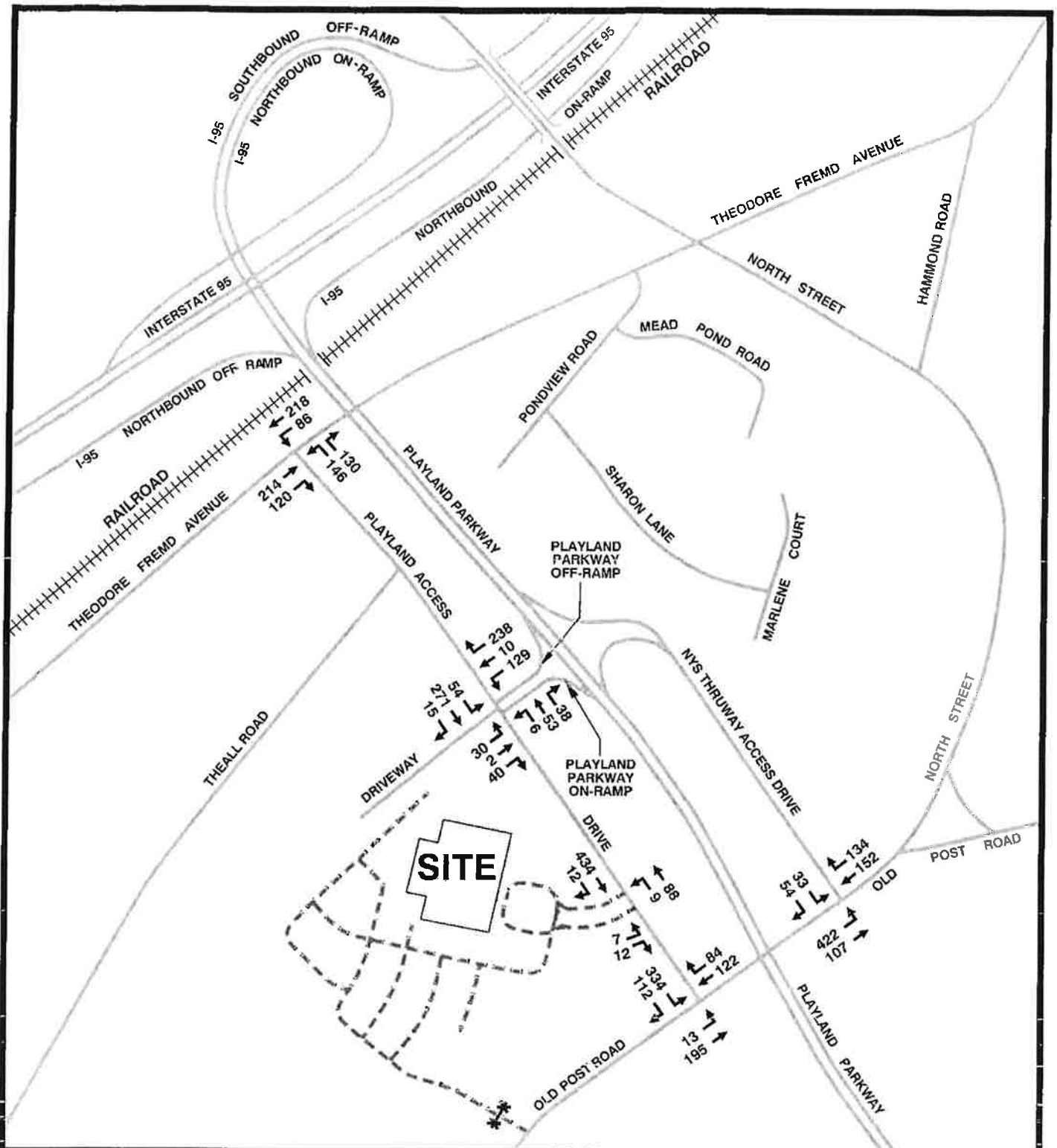


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Not to Scale

Date: 11/3/14



Note: The 2016 Combined Traffic Volumes include the 2016 Background Traffic Volumes and the Site Traffic Generation.

LEGEND

- SITE ACCESS DRIVE
- CLOSED SITE ACCESS DRIVE

2016 COMBINED TRAFFIC VOLUMES
WEEKDAY AFTERNOON PEAK HOUR

**AGE-RESTRICTED RESIDENTIAL
DEVELOPMENT**
120 Old Post Road
Rye, New York



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Combined - Results of the analysis of this unsignalized intersection indicate that the Level of Service will remain the same for all movements with an increase in average vehicle delay of at most 1.5 seconds.

3. *Playland Access Drive at Office Building Access Drive*

Background – Results of the analysis indicate the critical movements will operate at Level of Service “B” or better during both peak hours.

Combined – Results of the analysis indicate critical movements at this intersection will continue to operate at Level of Service “B” or better during the two peak hours. The eastbound right turn movement will change from a Level of Service “A” to “B” during the weekday morning peak hour with an increase in average vehicle delay of 11.9 seconds.

4. *Old Post Road at Playland Access Drive*

Background – Results of the analysis indicate the critical movements on the southbound approach of Playland Access Drive (STOP sign approach) will operate at Level of Service “F” and “D” during the weekday morning and weekday afternoon peak hours, respectively. Results of the analysis indicate queue lengths totaling an average up to 13 vehicles during the peak hours.

Field observations of this intersection during the peak hours indicate similar vehicle queues and delays; however, these delays typically occur for less than 15 minutes during the peak hours.

Combined – Results of the analysis indicate that the critical movements on the southbound approach of this intersection will maintain the same Level of Service during both peak hours with an increase in average vehicle delay of at most 7.2 seconds. Reuse of the existing building will result in longer delays.

5. *Old Post Road at Thruway Access Drive*

Background – Results of the analysis of this unsignalized intersection indicate the critical southbound movements from the ramp are operating at Level of Service “F” and “D” during the weekday morning and weekday afternoon peak hours, respectively. The critical movements on Old Post Road are operating at Level of Service “A” during both peak hours.

Combined – Results of the analysis indicate that the critical movements on the southbound approach of this intersection will maintain the same Level of Service during both peak hours with an increase in average vehicle delay of at most 5.9 seconds. Again, reuse of the existing building will result in longer delays.

Table 5 provides a more detailed summary of the results of the analysis of each of these intersections with background and combined conditions. Capacity analysis worksheets are included in the Appendix of this report.

Findings

The purpose of this Traffic Report is to provide the City of Rye with a detailed analysis of potential impacts from this proposed development on adjacent roadways and nearby intersections in the designated Study Area. The proposal is to demolish the existing, but mostly vacant, office building comprising 70,000 square feet of space and construct an age-restricted residential development which will have 135 units. Access will remain the same from Playland Access Drive to the immediate south of the Old Post Road STOP sign-controlled intersection.

The Traffic Study is based on traffic volumes obtained in 2012 through 2014. These volumes were obtained by Frederick P. Clark Associates, Inc. and other Traffic Consultants for different nearby projects.

Table 5
 2016 FUTURE CONDITIONS – MEASURE OF EFFECTIVENESS (MOE) AND IMPACT ASSESSMENT – PEAK HOURS
 Age-Restricted Residential Development
 120 Old Post Road
 Rye, New York

INTERSECTION	CONTROL TYPE	STORAGE/LINK LENGTH	PHYSICAL UNITS	2016 BACKGROUND CONDITIONS						2016 COMBINED CONDITIONS						PROJECT IMPACTS		
				Weekday Morning			Weekday Afternoon			Weekday Morning			Weekday Afternoon			Weekday Morning Deterioration in LOS	Project Delay (Seconds)	Weekday Afternoon Project Delay (Seconds)
				LOS/Delay	V/C Ratio	Queue Length (Feet)	LOS/Delay	V/C Ratio	Queue Length (Feet)	LOS/Delay	V/C Ratio	Queue Length (Feet)	LOS/Delay	V/C Ratio	Queue Length (Feet)			
Theodore Fremd Avenue at Playland Access Drive	Traffic Signal	670	EB TR	B/18.5	0.49	229	B/17.9	0.42	216	B/18.6	0.49	231	B/17.9	0.42	218	No	0.1	No
			WB APP	B/18.5	--	--	B/17.9	--	--	B/18.6	--	--	B/17.9	--	--	No	0.1	No
			WB L	B/11.7	0.29	72	A/9.4	0.15	42	B/11.8	0.29	73	A/9.5	0.16	44	No	0.1	No
			T	A/9.0	0.18	86	A/9.3	0.21	100	A/9.0	0.18	86	A/9.3	0.21	100	No	0.0	No
			APP	B/10.2	--	--	A/9.3	--	--	B/10.3	--	--	A/9.4	--	--	No	0.1	No
			NB LR	C/33.8	0.56	243	C/33.9	0.56	244	C/34.2	0.57	250	C/34.2	0.58	250	No	0.4	No
Playland Access Drive at Playland Parkway Eastbound On/Off Ramp/Medical Office Building Access Drive	TWSC	245	Overall	B/19.8	--	--	B/19.8	--	--	C/34.2	--	--	C/34.2	--	--	No	0.4	No
			EB L	E/41.0	0.37	40	C/18.7	0.21	20	E/42.5	0.38	41	C/19.2	0.22	20	No	1.5	No
			T	E/41.0	0.37	40	C/18.7	0.21	20	E/42.5	0.38	41	C/19.2	0.22	20	No	1.5	No
			R	E/41.0	0.37	40	C/18.7	0.21	20	E/42.5	0.38	41	C/19.2	0.22	20	No	1.5	No
			WB L	D/28.1	0.63	103	C/22.6	0.46	58	D/29.4	0.64	108	C/23.9	0.48	63	No	1.3	No
			T	D/28.1	0.63	103	C/22.6	0.46	58	D/29.4	0.64	108	C/23.9	0.48	63	No	1.3	No
Playland Access Drive at Office Building Access Drive	TWSC	485	R	B/13.8	0.59	100	B/10.3	0.30	32	B/14.0	0.60	102	B/10.4	0.31	33	No	0.2	No
			SB L	A/0.2	0.02	2	A/0.1	0.01	0	A/0.2	0.02	2	A/0.1	0.01	0	No	0.0	No
			L	A/0.3	0.03	3	A/0.4	0.05	4	A/0.3	0.03	3	A/0.4	0.05	4	No	0.0	No
			EB L	B/12.4	0.00	0	B/11.4	0.01	0	B/11.9	0.04	3	B/11.8	0.04	3	No	0.0	No
			R	A/0.0	0.00	0	B/11.4	0.01	0	B/11.9	0.04	3	B/11.8	0.04	3	A-B	11.9	No
			NB L	A/0.0	0.00	0	A/0.0	0.00	0	A/0.0	0.01	0	A/0.1	0.01	1	No	0.0	No
Old Post Road at Playland Access Drive	TWSC	975	EB L	A/0.2	0.02	1	A/0.1	0.01	1	A/0.2	0.02	1	A/0.1	0.01	1	No	0.0	No
			SB L	F/58.9	0.96	305	D/28.6	0.79	191	F/66.1	0.99	331	D/31.2	0.81	209	No	7.2	No
			R	F/58.9	0.96	305	D/28.6	0.79	191	F/66.1	0.99	331	D/31.2	0.81	209	No	7.2	No
			EB L	A/5.1	0.47	64	A/4.1	0.39	47	A/5.2	0.47	65	A/4.2	0.39	48	No	0.1	No
			SB L	F/91.1	0.94	201	D/33.0	0.44	53	F/97.0	0.96	208	D/34.2	0.45	54	No	5.9	No
			R	F/91.1	0.94	201	D/33.0	0.44	53	F/97.0	0.96	208	D/34.2	0.45	54	No	5.9	No

- Notes:
- Synchro 8.0 is used for capacity analysis.
 - Level of Service determining parameter is called the service measure.
 - For Signalized Intersections Level of Service/Average Total delay per vehicle (seconds/vehicle).
 - TWSC = Two-Way STOP Control
 - For TWSC Intersections: Level of Service/Average Control delay per vehicle (seconds/vehicle).
 - ITE publication for Traffic Access and Impact Studies for site development "A Recommended Practice" indicated that overall Level of Service ratings of A to D are normally considered acceptable for signalized intersections (Level C or better are considered desirable). Levels of Service E and F are normally undesirable.

Table 5 Cont'd

- V/C ratio indicates the amount of congestion for each Lane Group or Movement. Any V/C ratio greater than or equal to one indicates that the Lane Group or Movement is operating at above capacity.
- Synchro 8.0 Macroscopic model is used for storage/queue analysis.
- The Queue Length rows show the 95th percentile maximum queue length in feet.
- The Queue Length is for each lane. The total queue length is divided by the number of lanes and the lane utilization factor.
- The 95th percentile queue is the maximum back of the queue with the 95th percentile traffic volumes.
- **Bolded** 95th percentile queue exceeds the storage available.
- Physical Units consist of the following:
 1. Lane Group and Intersection Overall for Traffic Signal Controlled Intersections
 2. Movement for TWSC Intersections.

NB = Northbound EB = Eastbound SB = Southbound WB = Westbound
 L = Left Turn T = Through R = Right Turn APP = Approach

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 61760 104th 120th Old First Road, River View, MD 21151-4005
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In this Traffic Study it addresses traffic conditions for existing, no-build and build peak hour volumes near the site. It includes the weekday morning and weekday afternoon peak hours. Under the no-build condition it includes other developments, as well as an appropriate growth rate.

The proposal is to demolish the existing, but mostly vacant, office building and construct the age-restricted development, as noted above. To estimate site traffic for the proposed development trip generation rates were obtained from the Institute of Transportation Engineers (ITE) in "Trip Generation," 9th Edition, published 2012. Based on these trip generation rates it is estimated a development of this type and size will generate 27 and 34 vehicle trip ends during the typical weekday morning and weekday afternoon peak hours, respectively. For comparison purposes the current 70,000 square-foot office building, if it was to be fully reoccupied, could generate 109 and 104 vehicle trip ends during the same weekday morning and weekday afternoon peak hours, respectively. Therefore, the proposed residential development would result in a decrease in site traffic generation of 82 and 70 vehicle trip ends during the weekday morning and weekday afternoon peak hours, respectively. This is a significant reduction in site traffic generation potential directly related to the change in land use from an office building to a residential development.

The results of the capacity analysis for existing conditions indicate the Theodore Fremd Avenue/Playland Access Drive signalized intersections operates at an acceptable overall Level of Service "B" during peak hours. During the weekday morning peak hour motorists experience delays at the unsignalized intersection of Playland Access Drive/Playland Parkway/Medical Building, Old Post Road at Playland Access Drive and Old Post Road at Thruway Access Drive. All of the Study Area intersections operate at acceptable Levels of Service during the weekday afternoon peak hour. Similar results are found for 2016 background conditions. In both existing and background conditions analyses the office building located on the site is considered vacant.

Under a future combined condition, which includes the proposed residential development, each of these unsignalized intersections will continue to operate at acceptable Levels of Service, except for some Levels of Service “E” or “F” identified in a background condition. A comparison of the background and combined traffic conditions for each of these intersections indicate that Levels of Service will remain unchanged, except for change from an overall Level of Service “B” to “C” at the signalized intersection of Theodore Fremd Avenue at Playland Access Drive, with an insignificant overall delay due to the residential development of 0.3 seconds per vehicle during this one peak hour. Results of the analyses for the weekday afternoon peak hour indicate Levels of Service will remain the same at each of the unsignalized intersections and at each of the lane groups or approaches with minimal, if any, increase in average vehicle delay due to the proposed residential development.

Based on the results of these analyses it is recommended that the current traffic control and pavement markings at each of these locations remain unchanged. The analysis indicates that the added site traffic for a residential development is insignificant and will not change the overall operation of any of the intersections in the Study Area. In addition, there is a significant benefit of converting this office building to a residential development, which results in a significant decrease in site traffic generation during the key weekday morning and weekday afternoon peak hours.

The results of these analyses have been compared to field observations at each of these locations during both the weekday morning and weekday afternoon peak hours. It is noted that motorists do experience short-term delays at the Playland Parkway off ramp to Playland Access Drive and on the Playland Access Drive and Thruway Access Drive approaches to Old Post Road during peak hours. However, based on the results of this analysis each intersection should maintain STOP control. Any consideration for signalization, if warranted, at the Playland Parkway ramps to Playland Access Drive may

actually result in an increase in delays, which could impact the mainline of Playland Parkway (southbound lanes).

At the Old Post Road intersection at Playland Access Drive and Thruway Access Drive it is likely that either location would meet the minimum standards for consideration for traffic signals.

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APPENDIX

PHOTOGRAPHS



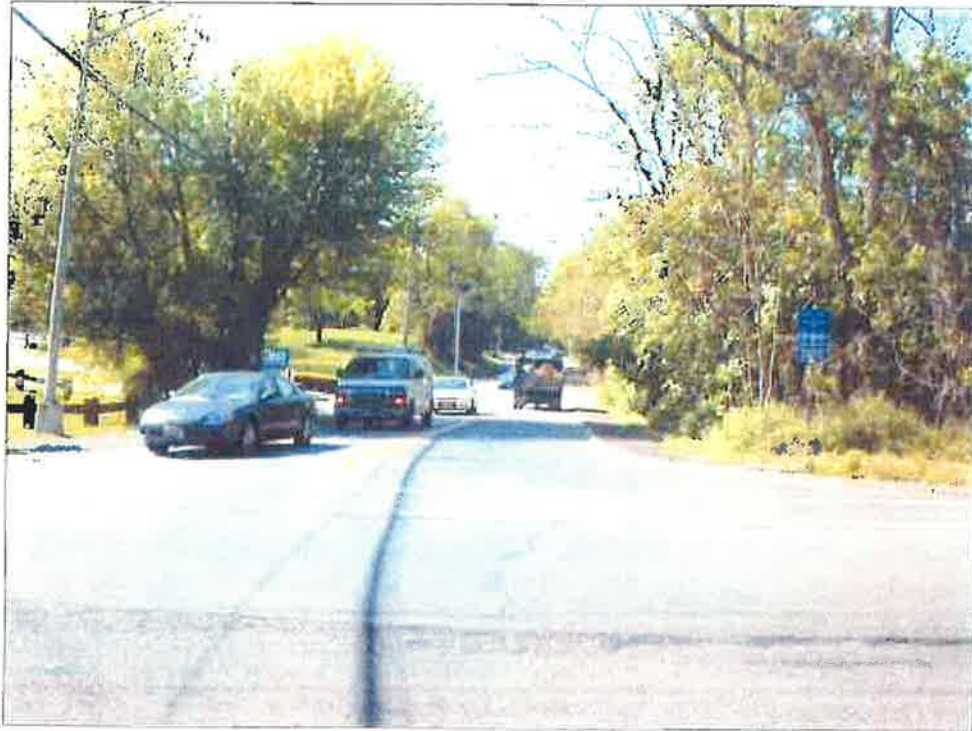
**SITE ACCESS DRIVE AT PLAYLAND ACCESS DRIVE,
LOOKING WEST**



**PLAYLAND ACCESS DRIVE AT SITE ACCESS DRIVE,
LOOKING NORTH**



**PLAYLAND ACCESS DRIVE AT SITE ACCESS DRIVE,
LOOKING SOUTH**



**PLAYLAND ACCESS DRIVE AT OLD POST ROAD,
LOOKING NORTH**



**OLD POST ROAD AT PLAYLAND ACCESS DRIVE,
LOOKING WEST**



**OLD POST ROAD AT PLAYLAND ACCESS DRIVE,
LOOKING EAST**



**PLAYLAND PARKWAY NORTHBOUND ON/OFF RAMPS
AT OLD POST ROAD, LOOKING NORTH**



**OLD POST ROAD AT PLAYLAND PARKWAY
NORTHBOUND ON/OFF RAMPS, LOOKING WEST**



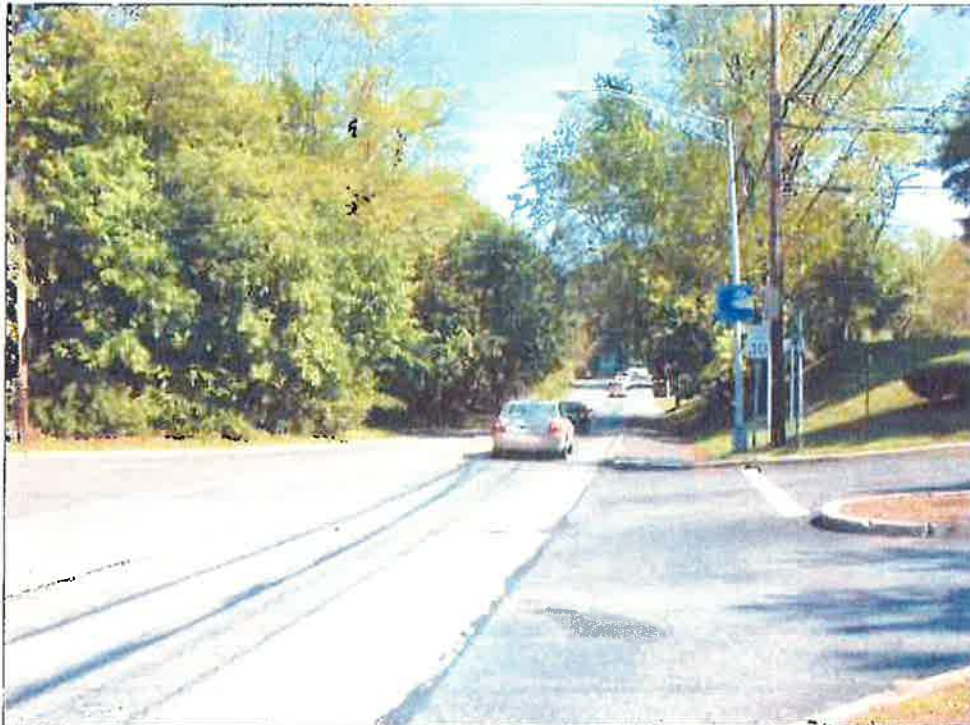
**OLD POST ROAD AT PLAYLAND PARKWAY
NORTHBOUND ON/OFF RAMPS, LOOKING EAST**



**PLAYLAND PARKWAY SOUTHBOUND ON/OFF-RAMP
AT PLAYLAND ACCESS DRIVE, LOOKING EAST**



**MEDICAL OFFICE ACCESS DRIVE AT PLAYLAND ACCESS DRIVE,
LOOKING WEST**



**PLAYLAND ACCESS DRIVE AT MEDICAL OFFICE ACCESS DRIVE/
PLAYLAND PARKWAY SOUTHBOUND ON/OFF-RAMP, LOOKING SOUTH**

Frederick P. Clark Associates, Inc.

November 2014

File: L:\700NEW YORK\rd\Office Building 760.000\Exhibit\Exhibit-6

Exhibit-6



**PLAYLAND ACCESS DRIVE AT MEDICAL OFFICE ACCESS DRIVE/
PLAYLAND PARKWAY SOUTHBOUND ON/OFF-RAMPS, LOOKING NORTH**



**PLAYLAND ACCESS DRIVE AT THEODORE FREMD AVENUE,
LOOKING SOUTH**



**THEODORE FREMD AVENUE AT PLAYLAND ACCESS DRIVE,
LOOKING WEST**



**THEODORE FREMD AVENUE AT PLAYLAND ACCESS DRIVE,
LOOKING EAST**

CAPACITY ANALYSIS PROCEDURES

CAPACITY ANALYSIS PROCEDURES

Intersections – Four methods of analysis are needed to evaluate different kinds of intersections. These methods are based on procedures found in the Fifth Edition of the Highway Capacity Manual 2010 and are described below.

Signalized Intersections

This chapter's methodology applies to three-leg and four-leg intersections of two streets or highways where the signalization operates in isolation from nearby intersections.

Performance Measure – An intersection's performance is described by the use of one or more quantitative measures that characterize some aspect of the service provided to a specific road user group. Performance measures include automobile volume-to-capacity ratio, automobile delay, queue storage ratio, pedestrian delay, pedestrian circulation area, pedestrian perception score, bicycle delay, and bicycle perception score. LOS is considered a performance measure. It is computed for the automobile, pedestrian, and bicycle travel modes.

Travel Modes – There are three methodologies that can be used to evaluate intersection performance from the perspective of motorists, pedestrians, and bicyclists. They are referred to as the automobile methodology, the pedestrian methodology, and the bicycle methodology.

Lane Groups and Movement Groups – A separate lane group is established to (a) each lane (or combination of adjacent lanes) that exclusively serves one movement and (b) each lane shared by two or more movements. The concept of movement groups is also established to facilitate data entry. A separate movement group is established for (a) each turn movement with one or more exclusive turn lanes and (b) the through movement (inclusive of any turn movements that share a lane).

LOS Criteria – LOS criteria for the automobile mode are different from those for the non-automobile modes. The automobile-mode criteria are based on performance measures that are field measurable and perceivable by travelers. The criteria for the non-automobile modes are based on scores reported by travelers indicating their perception of service quality.

Automobile Mode – LOS for Automobile Mode can be characterized for the entire intersection, each intersection approach, and each lane group. Control delay alone is used to characterize LOS for entire intersection or an approach. Control delay and volume-to-capacity ratio are used to characterize LOS for a lane group. Delay quantifies the increase in travel time due to traffic signal control. It is also a surrogate measure of driver discomfort

and fuel consumption. The volume-to-capacity ratio quantifies the degree to which a phase's capacity is utilized by a lane group. The following describes each LOS.

Level of Service A – It describes operations with a control delay of 10.0 seconds per vehicle or less and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is exceptionally favorable or the cycle length is very short. If it is due to favorable progression, most vehicles arrive during the green indication and travel through the intersection without stopping.

Level of Service B – It describes operations with control delay between 10 to 20 seconds per vehicle and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is highly favorable or the cycle length is short. More vehicle stop than with LOS A.

Level of Service C – It describes operations with control delay between 20 to 35 seconds per vehicle and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when progression is favorable or the cycle length is moderate. Individual cycle failures (i.e., one or more queued vehicles are not able to depart as a result of insufficient capacity during the cycle) may begin to appear at this level. The number of vehicles stopping is significant, although many vehicles still pass through the intersection without stopping.

Level of Service D – It describes operations with control delay between 35 to 55 seconds per vehicle and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high and either progression is ineffective or the cycle length is long. Many vehicles stop and individual cycle failures are noticeable.

Level of Service E – It describes operations with control delay between 55 to 80 seconds per vehicle and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high, progression is unfavorable, and the cycle length is long. Individual cycle failures are frequent.

Level of Service F – It describes operations with control delay between 55 to 80 seconds per vehicle and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high, progression is unfavorable, and the cycle length is long. Individual cycle failures are frequent.

The LOS thresholds established for automobile mode at a signalized intersection

CONTROL DELAY (SECONDS PER VEHICLE)	LOS BY VOLUME-TO- CAPACITY RATIO	
	≤ 1.0	>1.0
≤ 10	A	F
>10 to 20	B	F
>20 to 35	C	F
>35 to 55	D	F
>55 to 80	E	F
>80	F	F

Note: For approach-based and intersection-wide assessments, LOS is defined by control delay.

Two-Way STOP-Controlled Intersections (TWSC)

One typical configuration is a four-leg intersection, where the major street is uncontrolled, while the minor street is controlled by STOP signs. The other typical configuration is a three-leg intersection, where the single minor-street approach is controlled by a STOP sign.

Theoretical Basic – Gap-acceptance models begin with the recognition that TWSC Intersections give no positive indication or control to the driver on the minor street as to when it is appropriate to leave the stop line and enter the major street. The driver must determine when a gap on the major street is large enough to permit entry and when to enter, on the basis of the relative priority of the competing movements. This decision-making process has been formalized analytically into what is commonly known as gap-acceptance theory. Gap-acceptance theory includes three basic elements: the size and distribution (availability) of gaps on the major street, the usefulness of these gaps to the minor-street drivers, and the relative priority of the various movements at the intersection.

Critical Headway and Follow-Up Headway – The *critical headway* is defined as the minimum interval in the major street traffic stream that allows intersection entry for one minor-street vehicle. Thus, the driver's critical headway is the minimum headway that would be acceptable. Critical headway can be estimated on the basis of observations of the largest rejected and smallest accepted headway for a given intersection. The *follow-up headway* is defined as the time between the departure of one vehicle from the minor street

and the departure of the next vehicle using the same major-street headway, under a condition of continuous queuing on the minor street.

Base Critical Headways for TWSC Intersections

VEHICLE MOVEMENT	BASE CRITICAL HEADWAY		
	Two Lanes	Four Lanes	Six Lanes
Left turn from major	4.1	4.1	5.3
U-turn from major	N/A	6.4 (wide) 6.9 (narrow)	5.6
Right turn from minor	6.2	6.9	7.1
Through traffic On major	1-stage:6.5 2-stage, stage I: 5.5 2-stage, Stage II: 5.5	1-stage:6.5 2-stage, stage I: 5.5 2-stage, Stage II: 5.5	1-stage:6.5* 2-stage, stage I: 5.5* 2-stage, Stage II: 5.5*
Left turn from minor	1-stage:7.1 2-stage, stage I: 6.1 2-stage, Stage II: 6.1	1-stage:7.5 2-stage, stage I: 6.5 2-stage, Stage II: 6.5	1-stage:6.4 2-stage, stage I: 7.3 2-stage, Stage II: 6.7

*Use caution; values estimated

Base Follow-up Headways for TWSC Intersections

VEHICLE MOVEMENT	BASE FOLLOW-UP HEADWAY		
	Two Lanes	Four Lanes	Six Lanes
Left turn from major	2.2	2.2	3.1
U-turn from major	N/A	2.5 (wide) 3.1 (narrow)	2.3
Right turn from minor	3.3	3.3	3.9
Through traffic on major	4.0	4.0	4.0
Left turn from minor	3.5	3.5	3.8

Level Of Service Criteria – LOS for a TWSC intersection is determined by the computed or measured control delay. For motor vehicles, LOS is determined for each minor-street movement (or shared movement) as well as major-street left turn. LOS is not defined for the intersection as a whole or for major-street approaches. LOS F is assigned to

the movement if the volume-to-capacity ratio for the movement exceeds 1.0, regardless of the control delay.

Automobile Mode – The methodology applies to TWSC intersections with up to three lanes (either shared or exclusive) on the major-street approaches and up to three lanes on the minor-street approaches (with no more than one exclusive lane for each movement on the minor-street approach). Effects from other intersections are accounted for only in situations in which a TWSC intersection is located on an urban street segment between coordinated signalized intersections. In this situation, the intersection can be analyzed by using the procedures in urban street segment.

Level-of Service Criteria for Automobile Mode

CONTROL DELAY (SECONDS PER VEHICLE)	LOS BY VOLUME-TO-CAPACITY RATIO	
	1.0	>1.0
0- 10	A	F
>10 to 15	B	F
>15 to 25	C	F
>25 to 35	D	F
>35 to 50	E	F
>50	F	F

Note: The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection as a whole.

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TURNING MOVEMENT COUNTS

AGE-RESTRICTED RESIDENTIAL DEVELOPMENT, 120 OLD POST ROAD, RYE, NY (#760.004)
 FIELD DATA SUMMARY - Old Post Road at Playland Access Drive

Thursday 30-Oct-14	Eastbound - Old Post Road			Westbound - Old Post Road			Northbound			Southbound - Playland Access Drive			Last 4 Quarters		Pedestrians (Approaches)		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Total	EB	WB	SB	
7:00 AM	4	31	0	5	10	0	0	0	0	0	0	14	63	108	0	0	0
7:15 AM	2	28	0	12	25	0	0	0	0	0	0	45	105	160	0	0	0
7:30 AM	3	55	0	27	23	0	0	0	0	0	0	43	100	208	0	0	0
7:45 AM	4	80	0	47	30	0	0	0	0	0	0	47	114	265	0	0	2
8:00 AM	2	72	0	49	23	0	0	0	0	0	0	30	96	242	0	0	0
8:15 AM	3	74	0	49	20	0	0	0	0	0	0	36	118	271	0	0	0
8:30 AM	3	69	0	46	22	0	0	0	0	0	0	32	107	247	0	0	0
8:45 AM	6	54	0	21	24	0	0	0	0	0	0	30	120	225	0	0	0
AM Peak Hour Vol	19	295	0	191	85	276	0	0	0	0	0	145	435	1,025	0	0	0
Peak Hour Factor													0.92	0.95			

CAPACITY ANALYSIS WORKSHEETS

CAPACITY ANALYSIS WORKSHEETS

Existing Conditions

CA-1

Lanes, Volumes, Timings
1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE







120 OLD POST ROAD, RYE, NY
2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR

Lane Group	NWL	NWR	NET	NER	SWL	SWT
Lane Configurations						
Volume (vph)	145	117	181	174	149	181
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	0		0	150	
Storage Lanes	1	0		0	1	
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Fr _t	0.940		0.934			
Fl _t Protected	0.973				0.950	
Satd. Flow (prot)	1704	0	1740	0	1770	1863
Fl _t Permitted	0.973				0.410	
Satd. Flow (perm)	1704	0	1740	0	764	1863
Right Turn on Red		No		Yes		
Satd. Flow (RTOR)			63			
Link Speed (mph)	30		30			30
Link Distance (ft)	375		786			931
Travel Time (s)	8.5		17.9			21.2
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Adj. Flow (vph)	159	129	199	191	164	199
Shared Lane Traffic (%)						
Lane Group Flow (vph)	288	0	390	0	164	199
Turn Type	Prot		NA		pm+pt	NA
Protected Phases	4		2		1	5
Permitted Phases					5	
Detector Phase	4		2		1	5
Switch Phase						
Minimum Initial (s)	4.0		4.0		4.0	4.0
Minimum Split (s)	35.0		49.0		16.0	65.0
Total Split (s)	35.0		49.0		16.0	65.0
Total Split (%)	35.0%		49.0%		16.0%	65.0%
Yellow Time (s)	3.5		3.5		3.5	3.5
All-Red Time (s)	0.5		0.5		0.5	0.5
Lost Time Adjust (s)	0.0		0.0		0.0	0.0
Total Lost Time (s)	4.0		4.0		4.0	4.0
Lead/Lag			Lead		Lag	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	Max		Max		Max	Max
Act Effct Green (s)	31.0		45.0		61.0	61.0
Actuated g/C Ratio	0.31		0.45		0.61	0.61

CA-2

Lanes, Volumes, Timings
 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
 2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR








						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
v/c Ratio	0.55		0.48		0.28	0.18
Control Delay	33.3		18.2		11.4	9.0
Queue Delay	0.0		0.0		0.0	0.0
Total Delay	33.3		18.2		11.4	9.0
LOS	C		B		B	A
Approach Delay	33.3		18.2			10.1
Approach LOS	C		B			B
Queue Length 50th (ft)	152		140		41	51
Queue Length 95th (ft)	236		223		70	83
Internal Link Dist (ft)	295		706			851
Turn Bay Length (ft)					150	
Base Capacity (vph)	528		817		586	1136
Starvation Cap Reductn	0		0		0	0
Spillback Cap Reductn	0		0		0	0
Storage Cap Reductn	0		0		0	0
Reduced v/c Ratio	0.55		0.48		0.28	0.18



















Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Natural Cycle: 100
 Control Type: Semi Act-Uncoord
 Maximum v/c Ratio: 0.55
 Intersection Signal Delay: 19.6
 Intersection Capacity Utilization 53.6%
 Analysis Period (min) 15

Intersection LOS: B
 ICU Level of Service A

Splits and Phases: 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

						
0.2	0.1	0.1	0.1	0.1	0.1	0.1
0.5						

												
Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (vph)	43	245	66	23	57	25	25	2	26	165	53	503
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		75	0		0
Storage Lanes	0		0	0		0	0		1	0		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Fr _t		0.975			0.968				0.850			0.850
Fl _t Protected		0.994			0.989			0.955			0.964	
Satd. Flow (prot)	0	1805	0	0	1783	0	0	1779	1583	0	1796	1583
Fl _t Permitted		0.994			0.989			0.955			0.964	
Satd. Flow (perm)	0	1805	0	0	1783	0	0	1779	1583	0	1796	1583
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		563			484			289			91	
Travel Time (s)		12.8			11.0			6.6			2.1	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	48	275	74	26	64	28	28	2	29	185	60	565
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	397	0	0	118	0	0	30	29	0	245	565
Sign Control		Free			Free			Stop			Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 50.3%

ICU Level of Service A

Analysis Period (min) 15



















CA-4

HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY

5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D.










2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR

												
Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (veh/h)	43	245	66	23	57	25	25	2	26	165	53	503
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	48	275	74	26	64	28	28	2	29	185	60	565
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)									3			
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)		997										
pX, platoon unblocked												
vC, conflicting volume	92			349			1134	553	312	554	576	78
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	92			349			1134	553	312	554	576	78
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.1	6.5	6.2
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	97			98			57	99	96	54	85	42
cM capacity (veh/h)	1503			1209			65	418	728	406	405	983
Direction, Lane #	SE 1	NW 1	NE 1	SW 1	SW 2							
Volume Total	398	118	60	245	565							
Volume Left	48	26	28	185	0							
Volume Right	74	28	29	0	565							
cSH	1503	1209	179	406	983							
Volume to Capacity	0.03	0.02	0.33	0.60	0.58							
Queue Length 95th (ft)	2	2	34	96	95							
Control Delay (s)	1.2	1.9	37.1	26.5	13.5							
Lane LOS	A	A	E	D	B							
Approach Delay (s)	1.2	1.9	37.1	17.4								
Approach LOS			E	C								
Intersection Summary												
Average Delay			12.3									
Intersection Capacity Utilization			50.3%		ICU Level of Service				A			
Analysis Period (min)			15									

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

7: OFFICE ACCESS DRIVE & PLAYLAND ACCESS DRIVE/PLAYLAND A.D2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR

						
Lane Group	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (vph)	435	1	2	104	1	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)		0	0		0	0
Storage Lanes		0	0		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt						
Flt Protected				0.999	0.950	
Satd. Flow (prot)	1863	0	0	1861	1770	0
Flt Permitted				0.999	0.950	
Satd. Flow (perm)	1863	0	0	1861	1770	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	484			139	157	
Travel Time (s)	11.0			3.2	3.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	444	1	2	106	1	0
Shared Lane Traffic (%)						
Lane Group Flow (vph)	445	0	0	108	1	0
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 33.0%

ICU Level of Service A










Analysis Period (min) 15

CA-6

HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY










7: OFFICE ACCESS DRIVE & PLAYLAND ACCESS DRIVE/PLAYLAND A.D2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR

						
Movement	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (veh/h)	435	1	2	104	1	0
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Hourly flow rate (vph)	444	1	2	106	1	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			445		555	444
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			445		555	444
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	100
cM capacity (veh/h)			1115		492	614
Direction, Lane #	SE 1	NW 1	NE 1			
Volume Total	445	108	1			
Volume Left	0	2	1			
Volume Right	1	0	0			
cSH	1700	1115	492			
Volume to Capacity	0.26	0.00	0.00			
Queue Length 95th (ft)	0	0	0			
Control Delay (s)	0.0	0.2	12.3			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.2	12.3			
Approach LOS			B			
Intersection Summary						
Average Delay			0.1			
Intersection Capacity Utilization			33.0%	ICU Level of Service		A
Analysis Period (min)			15			

CA-7










Lanes, Volumes, Timings
8: OLD POST ROAD & PLAYLAND ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR

						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	290	145	19	295	206	87
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.955				0.960	
Flt Protected	0.968			0.997		
Satd. Flow (prot)	1722	0	0	1857	1788	0
Flt Permitted	0.968			0.997		
Satd. Flow (perm)	1722	0	0	1857	1788	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	139			484	335	
Travel Time (s)	3.2			11.0	7.6	
Confl. Peds. (#/hr)			7			7
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.93	0.93	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	315	158	20	317	215	91
Shared Lane Traffic (%)						
Lane Group Flow (vph)	473	0	0	337	306	0
Sign Control	Stop			Free	Free	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 62.7% ICU Level of Service B
 Analysis Period (min) 15

Movement						
	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	290	145	19	295	206	87
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.93	0.93	0.96	0.96
Hourly flow rate (vph)	315	158	20	317	215	91
Pedestrians	7					
Lane Width (ft)	12.0					
Walking Speed (ft/s)	4.0					
Percent Blockage	1					
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	625	267	312			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	625	267	312			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	28	79	98			
cM capacity (veh/h)	439	767	1241			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	473	338	305			
Volume Left	315	20	0			
Volume Right	158	0	91			
cSH	512	1241	1700			
Volume to Capacity	0.92	0.02	0.18			
Queue Length 95th (ft)	278	1	0			
Control Delay (s)	51.7	0.6	0.0			
Lane LOS	F	A				
Approach Delay (s)	51.7	0.6	0.0			
Approach LOS	F					
Intersection Summary						
Average Delay			22.1			
Intersection Capacity Utilization			62.7%	ICU Level of Service		B
Analysis Period (min)			15			

CA-9

Lanes, Volumes, Timings
 9: OLD POST ROAD & NYS THRUWAY ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
 2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR










Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	45	136	513	72	157	106
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.899				0.946	
Flt Protected	0.988			0.958		
Satd. Flow (prot)	1655	0	0	1785	1762	0
Flt Permitted	0.988			0.958		
Satd. Flow (perm)	1655	0	0	1785	1762	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	589			335	220	
Travel Time (s)	13.4			7.6	5.0	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	51	153	576	81	176	119
Shared Lane Traffic (%)						
Lane Group Flow (vph)	204	0	0	657	295	0
Sign Control	Stop			Free	Free	

Intersection Summary











Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 67.8% ICU Level of Service C
 Analysis Period (min) 15

HCM Unsignalized Intersection Capacity Analysis
 9: OLD POST ROAD & NYS THRUWAY ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
 2014 EXISTING CONDITIONS, WEEKDAY A.M. PEAK HOUR

						
Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	45	136	513	72	157	106
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	51	153	576	81	176	119
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1470	236	296			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1470	236	296			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	34	81	54			
cM capacity (veh/h)	76	803	1266			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	203	657	296			
Volume Left	51	576	0			
Volume Right	153	0	119			
cSH	239	1266	1700			
Volume to Capacity	0.85	0.46	0.17			
Queue Length 95th (ft)	170	61	0			
Control Delay (s)	69.8	9.5	0.0			
Lane LOS	F	A				
Approach Delay (s)	69.8	9.5	0.0			
Approach LOS	F					
Intersection Summary						
Average Delay			17.7			
Intersection Capacity Utilization			67.8%	ICU Level of Service		C
Analysis Period (min)			15			







CA-11

Lane Group						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
Lane Configurations						
Volume (vph)	138	121	207	112	77	212
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	0		0	150	
Storage Lanes	1	0		0	1	
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.937		0.953			
Flt Protected	0.974				0.950	
Satd. Flow (prot)	1700	0	1775	0	1770	1863
Flt Permitted	0.974				0.459	
Satd. Flow (perm)	1700	0	1775	0	855	1863
Right Turn on Red		No		Yes		
Satd. Flow (RTOR)			35			
Link Speed (mph)	30		30			30
Link Distance (ft)	375		786			931
Travel Time (s)	8.5		17.9			21.2
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Adj. Flow (vph)	152	133	227	123	85	233
Shared Lane Traffic (%)						
Lane Group Flow (vph)	285	0	350	0	85	233
Turn Type	Prot		NA		pm+pt	NA
Protected Phases	4		2		1	5
Permitted Phases					5	
Detector Phase	4		2		1	5
Switch Phase						
Minimum Initial (s)	4.0		4.0		4.0	4.0
Minimum Split (s)	35.0		49.0		16.0	65.0
Total Split (s)	35.0		49.0		16.0	65.0
Total Split (%)	35.0%		49.0%		16.0%	65.0%
Yellow Time (s)	3.5		3.5		3.5	3.5
All-Red Time (s)	0.5		0.5		0.5	0.5
Lost Time Adjust (s)	0.0		0.0		0.0	0.0
Total Lost Time (s)	4.0		4.0		4.0	4.0
Lead/Lag			Lead		Lag	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	Max		Max		None	Max
Act Effct Green (s)	31.0		48.2		61.0	61.0
Actuated g/C Ratio	0.31		0.48		0.61	0.61

CA-12

Lanes, Volumes, Timings
 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
 2014 EXISTING CONDITIONS, WEEKDAY P.M. PEAK HOUR





Lane Group	 NWL	 NWR	 NET	 NER	 SWL	 SWT
v/c Ratio	0.54		0.40		0.14	0.21
Control Delay	33.2		17.6		9.2	9.3
Queue Delay	0.0		0.0		0.0	0.0
Total Delay	33.2		17.6		9.2	9.3
LOS	C		B		A	A
Approach Delay	33.2		17.6			9.3
Approach LOS	C		B			A
Queue Length 50th (ft)	150		132		20	61
Queue Length 95th (ft)	234		207		40	97
Internal Link Dist (ft)	295		706			851
Turn Bay Length (ft)					150	
Base Capacity (vph)	527		874		631	1136
Starvation Cap Reductn	0		0		0	0
Spillback Cap Reductn	0		0		0	0
Storage Cap Reductn	0		0		0	0
Reduced v/c Ratio	0.54		0.40		0.13	0.21

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Natural Cycle: 100
 Control Type: Semi Act-Uncoord
 Maximum v/c Ratio: 0.54
 Intersection Signal Delay: 19.5
 Intersection Capacity Utilization 47.0%
 Analysis Period (min) 15

Intersection LOS: B
 ICU Level of Service A

Splits and Phases: 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

 p2	 p1	 p4
 p5		

CA-13

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

5: MEDICAL OFFICE A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D. 2014 EXISTING CONDITIONS, WEEKDAY P.M. PEAK HOUR

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations		↕			↕			↕	↕		↕	↕
Volume (vph)	47	259	15	6	43	37	29	2	39	123	10	229
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		75	0		0
Storage Lanes	0		0	0		0	0		1	0		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Fr _t		0.994			0.942				0.850			0.850
Fl _t Protected		0.993			0.996			0.955			0.956	
Satd. Flow (prot)	0	1839	0	0	1748	0	0	1779	1583	0	1781	1583
Fl _t Permitted		0.993			0.996			0.955			0.956	
Satd. Flow (perm)	0	1839	0	0	1748	0	0	1779	1583	0	1781	1583
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		563			484			289			91	
Travel Time (s)		12.8			11.0			6.6			2.1	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	59	324	19	8	54	46	36	3	49	154	13	286
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	402	0	0	108	0	0	38	49	0	166	286
Sign Control		Free			Free			Stop			Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 44.5%

ICU Level of Service A



















Analysis Period (min) 15

CA-14

HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY

5: MEDICAL OFFICE A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D. 2014 EXISTING CONDITIONS, WEEKDAY P.M. PEAK HOUR

												
Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (veh/h)	47	259	15	6	43	37	29	2	39	123	10	229
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	59	324	19	8	54	46	36	2	49	154	12	286
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)									3			
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)		997										
pX, platoon unblocked												
vC, conflicting volume	100			342			835	566	333	568	552	77
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	100			342			835	566	333	568	552	77
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.1	6.5	6.2
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	96			99			81	99	93	60	97	71
cM capacity (veh/h)	1493			1217			192	414	709	388	422	984
Direction, Lane #	SE 1	NW 1	NE 1	SW 1	SW 2							
Volume Total	401	108	88	166	286							
Volume Left	59	8	36	154	0							
Volume Right	19	46	49	0	286							
cSH	1493	1217	466	390	984							
Volume to Capacity	0.04	0.01	0.19	0.43	0.29							
Queue Length 95th (ft)	3	0	17	52	30							
Control Delay (s)	1.4	0.6	17.5	20.9	10.2							
Lane LOS	A	A	C	C	B							
Approach Delay (s)	1.4	0.6	17.5	14.1								
Approach LOS			C	B								
Intersection Summary												
Average Delay			8.1									
Intersection Capacity Utilization			44.5%		ICU Level of Service				A			
Analysis Period (min)			15									

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

7: OFFICE ACCESS DRIVE & PLAYLAND ACCESS DRIVE/PLAYLAND A.D2014 EXISTING CONDITIONS, WEEKDAY P.M. PEAK HOUR

Lane Group	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (vph)	425	1	2	83	1	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)		0	0		0	0
Storage Lanes		0	0		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Fr _t					0.910	
Fl _t Protected				0.999	0.984	
Satd. Flow (prot)	1863	0	0	1861	1668	0
Fl _t Permitted				0.999	0.984	
Satd. Flow (perm)	1863	0	0	1861	1668	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	484			139	157	
Travel Time (s)	11.0			3.2	3.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	443	1	2	86	1	2
Shared Lane Traffic (%)						
Lane Group Flow (vph)	444	0	0	88	3	0
Sign Control	Free			Free	Stop	

Intersection Summary










Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 32.4% ICU Level of Service A
 Analysis Period (min) 15

CA-16










HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY

7: OFFICE ACCESS DRIVE & PLAYLAND ACCESS DRIVE/PLAYLAND A.D2014 EXISTING CONDITIONS, WEEKDAY P.M. PEAK HOUR

						
Movement	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (veh/h)	425	1	2	83	1	2
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96
Hourly flow rate (vph)	443	1	2	86	1	2
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			444		534	443
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			444		534	443
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	100
cM capacity (veh/h)			1116		506	615
Direction, Lane #	SE 1	NW 1	NE 1			
Volume Total	444	89	3			
Volume Left	0	2	1			
Volume Right	1	0	2			
cSH	1700	1116	573			
Volume to Capacity	0.26	0.00	0.01			
Queue Length 95th (ft)	0	0	0			
Control Delay (s)	0.0	0.2	11.3			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.2	11.3			
Approach LOS			B			
Intersection Summary						
Average Delay			0.1			
Intersection Capacity Utilization			32.4%	ICU Level of Service		A
Analysis Period (min)			15			

CFA-17










						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	322	105	10	190	112	75
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Fr _t	0.967				0.946	
Fl _t Protected	0.964			0.998		
Satd. Flow (prot)	1736	0	0	1859	1762	0
Fl _t Permitted	0.964			0.998		
Satd. Flow (perm)	1736	0	0	1859	1762	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	139			484	335	
Travel Time (s)	3.2			11.0	7.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	366	119	11	216	127	85
Shared Lane Traffic (%)						
Lane Group Flow (vph)	485	0	0	227	212	0
Sign Control	Stop			Free	Free	










Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 49.1% ICU Level of Service A
 Analysis Period (min) 15

HCM Unsignalized Intersection Capacity Analysis
 8: OLD POST ROAD & PLAYLAND ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
 2014 EXISTING CONDITIONS, WEEKDAY P.M. PEAK HOUR

Movement						
	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	322	105	10	190	112	75
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Hourly flow rate (vph)	366	119	11	216	127	85
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	409	170	212			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	409	170	212			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	38	86	99			
cM capacity (veh/h)	594	874	1358			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	485	227	212			
Volume Left	366	11	0			
Volume Right	119	0	85			
cSH	645	1358	1700			
Volume to Capacity	0.75	0.01	0.13			
Queue Length 95th (ft)	170	1	0			
Control Delay (s)	25.6	0.5	0.0			
Lane LOS	D	A				
Approach Delay (s)	25.6	0.5	0.0			
Approach LOS	D					
Intersection Summary						
Average Delay			13.5			
Intersection Capacity Utilization			49.1%	ICU Level of Service		A
Analysis Period (min)			15			










						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	25	42	411	101	145	128
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.916				0.937	
Flt Protected	0.982			0.961		
Satd. Flow (prot)	1676	0	0	1790	1745	0
Flt Permitted	0.982			0.961		
Satd. Flow (perm)	1676	0	0	1790	1745	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	589			335	220	
Travel Time (s)	13.4			7.6	5.0	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	29	48	472	116	167	147
Shared Lane Traffic (%)						
Lane Group Flow (vph)	77	0	0	588	314	0
Sign Control	Stop			Free	Free	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 57.5% ICU Level of Service B
 Analysis Period (min) 15











HCM Unsignalized Intersection Capacity Analysis
 9: OLD POST ROAD & NYS THRUWAY ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
 2014 EXISTING CONDITIONS, WEEKDAY P.M. PEAK HOUR

						
Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	25	42	411	101	145	128
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87
Hourly flow rate (vph)	29	48	472	116	167	147
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1301	240	314			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1301	240	314			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	74	94	62			
cM capacity (veh/h)	110	799	1246			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	77	589	314			
Volume Left	29	472	0			
Volume Right	48	0	147			
cSH	240	1246	1700			
Volume to Capacity	0.32	0.38	0.18			
Queue Length 95th (ft)	33	45	0			
Control Delay (s)	26.9	8.5	0.0			
Lane LOS	D	A				
Approach Delay (s)	26.9	8.5	0.0			
Approach LOS	D					
Intersection Summary						
Average Delay			7.2			
Intersection Capacity Utilization			57.5%	ICU Level of Service		B
Analysis Period (min)			15			

CAPACITY ANALYSIS WORKSHEETS

2016 Background Conditions

Lane Group						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
Lane Configurations						
Volume (vph)	148	121	186	177	153	187
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	0		0	150	
Storage Lanes	1	0		0	1	
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.939		0.934			
Flt Protected	0.973				0.950	
Satd. Flow (prot)	1702	0	1740	0	1770	1863
Flt Permitted	0.973				0.402	
Satd. Flow (perm)	1702	0	1740	0	749	1863
Right Turn on Red		No		Yes		
Satd. Flow (RTOR)			63			
Link Speed (mph)	30		30			30
Link Distance (ft)	375		786			931
Travel Time (s)	8.5		17.9			21.2
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Adj. Flow (vph)	163	133	204	195	168	205
Shared Lane Traffic (%)						
Lane Group Flow (vph)	296	0	399	0	168	205
Turn Type	Prot		NA		pm+pt	NA
Protected Phases	4		2		1	5
Permitted Phases					5	
Detector Phase	4		2		1	5
Switch Phase						
Minimum Initial (s)	4.0		4.0		4.0	4.0
Minimum Split (s)	35.0		49.0		16.0	65.0
Total Split (s)	35.0		49.0		16.0	65.0
Total Split (%)	35.0%		49.0%		16.0%	65.0%
Yellow Time (s)	3.5		3.5		3.5	3.5
All-Red Time (s)	0.5		0.5		0.5	0.5
Lost Time Adjust (s)	0.0		0.0		0.0	0.0
Total Lost Time (s)	4.0		4.0		4.0	4.0
Lead/Lag			Lead		Lag	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	Max		Max		Max	Max
Act Effct Green (s)	31.0		45.0		61.0	61.0
Actuated g/C Ratio	0.31		0.45		0.61	0.61







CVA-22

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

2016 BACKGROUND CONDITIONS, WEEKDAY A.M. PEAK HOUR

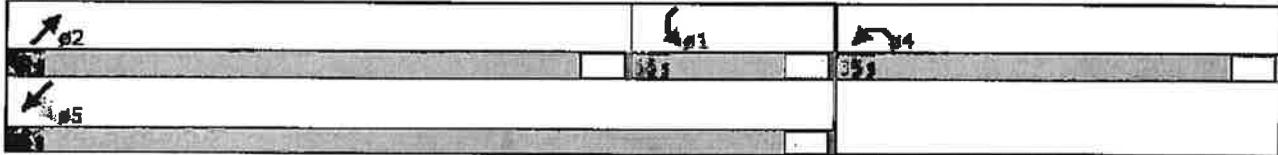
						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
v/c Ratio	0.56		0.49		0.29	0.18
Control Delay	33.8		18.5		11.7	9.0
Queue Delay	0.0		0.0		0.0	0.0
Total Delay	33.8		18.5		11.7	9.0
LOS	C		B		B	A
Approach Delay	33.8		18.5			10.2
Approach LOS	C		B			B
Queue Length 50th (ft)	157		145		43	53
Queue Length 95th (ft)	243		229		72	86
Internal Link Dist (ft)	295		706			851
Turn Bay Length (ft)					150	
Base Capacity (vph)	527		817		579	1136
Starvation Cap Reductn	0		0		0	0
Spillback Cap Reductn	0		0		0	0
Storage Cap Reductn	0		0		0	0
Reduced v/c Ratio	0.56		0.49		0.29	0.18

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Natural Cycle: 100
 Control Type: Semi Act-Uncoord
 Maximum v/c Ratio: 0.56
 Intersection Signal Delay: 19.8
 Intersection Capacity Utilization 54.7%
 Analysis Period (min) 15

Intersection LOS: B
 ICU Level of Service A

Splits and Phases: 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE





















CA-23

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D. 2016 BACKGROUND CONDITIONS, WEEKDAY A.M. PEAK HOUR

												
Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (vph)	45	251	67	23	58	26	26	2	27	167	54	515
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		75	0		0
Storage Lanes	0		0	0		0	0		1	0		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frnt		0.975			0.967				0.850			0.850
Flt Protected		0.994			0.989			0.955			0.964	
Satd. Flow (prot)	0	1805	0	0	1781	0	0	1779	1583	0	1796	1583
Flt Permitted		0.994			0.989			0.955			0.964	
Satd. Flow (perm)	0	1805	0	0	1781	0	0	1779	1583	0	1796	1583
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		563			484			289			91	
Travel Time (s)		12.8			11.0			6.6			2.1	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	51	282	75	26	65	29	29	2	30	188	61	579
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	408	0	0	120	0	0	31	30	0	249	579
Sign Control		Free			Free			Stop			Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 51.1%

ICU Level of Service A




















Analysis Period (min) 15










CIA-24

HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY










5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D. 2016 BACKGROUND CONDITIONS, WEEKDAY A.M. PEAK HOUR

													
Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR	
Lane Configurations													
Volume (veh/h)	45	251	67	23	58	26	26	2	27	167	54	515	
Sign Control		Free			Free			Stop			Stop		
Grade		0%			0%			0%			0%		
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	
Hourly flow rate (vph)	51	282	75	26	65	29	29	2	30	188	61	579	
Pedestrians													
Lane Width (ft)													
Walking Speed (ft/s)													
Percent Blockage													
Right turn flare (veh)									3				
Median type		None			None								
Median storage (veh)													
Upstream signal (ft)		997											
pX, platoon unblocked													
vC, conflicting volume	94			357			1161	567	320	569	590	80	
vC1, stage 1 conf vol													
vC2, stage 2 conf vol													
vCu, unblocked vol	94			357			1161	567	320	569	590	80	
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.1	6.5	6.2	
tC, 2 stage (s)													
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3	
p0 queue free %	97			98			51	99	96	53	85	41	
cM capacity (veh/h)	1500			1201			60	410	721	396	397	980	
Direction, Lane #	SE 1	NW 1	NE 1	SW 1	SW 2								
Volume Total	408	120	62	248	579								
Volume Left	51	26	29	188	0								
Volume Right	75	29	30	0	579								
cSH	1500	1201	166	396	980								
Volume to Capacity	0.03	0.02	0.37	0.63	0.59								
Queue Length 95th (ft)	3	2	40	103	100								
Control Delay (s)	1.2	1.9	41.0	28.1	13.8								
Lane LOS	A	A	E	D	B								
Approach Delay (s)	1.2	1.9	41.0	18.1									
Approach LOS			E	C									
Intersection Summary													
Average Delay			12.9										
Intersection Capacity Utilization			51.1%		ICU Level of Service				A				
Analysis Period (min)			15										

						
Lane Group	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (vph)	444	1	2	106	1	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)		0	0		0	0
Storage Lanes		0	0		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frnt						
Flt Protected				0.999	0.950	
Satd. Flow (prot)	1863	0	0	1861	1770	0
Flt Permitted				0.999	0.950	
Satd. Flow (perm)	1863	0	0	1861	1770	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	484			139	157	
Travel Time (s)	11.0			3.2	3.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	453	1	2	108	1	0
Shared Lane Traffic (%)						
Lane Group Flow (vph)	454	0	0	110	1	0
Sign Control	Free			Free	Stop	

Intersection Summary










Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 33.4% ICU Level of Service A
 Analysis Period (min) 15

						
Movement	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (veh/h)	444	1	2	106	1	0
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Hourly flow rate (vph)	453	1	2	108	1	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			454		566	454
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			454		566	454
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	100
cM capacity (veh/h)			1107		485	606
Direction, Lane #						
	SE 1	NW 1	NE 1			
Volume Total	454	110	1			
Volume Left	0	2	1			
Volume Right	1	0	0			
cSH	1700	1107	485			
Volume to Capacity	0.27	0.00	0.00			
Queue Length 95th (ft)	0	0	0			
Control Delay (s)	0.0	0.2	12.4			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.2	12.4			
Approach LOS			B			
Intersection Summary						
Average Delay			0.1			
Intersection Capacity Utilization			33.4%	ICU Level of Service		A
Analysis Period (min)			15			

CA-27

Lanes, Volumes, Timings
8: OLD POST ROAD & PLAYLAND A.D.

120 OLD POST ROAD, RYE, NY
2016 BACKGROUND CONDITIONS, WEEKDAY A.M. PEAK HOUR

						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	296	148	19	301	211	89
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Fr _t	0.955				0.960	
Fl _t Protected	0.968			0.997		
Satd. Flow (prot)	1722	0	0	1857	1788	0
Fl _t Permitted	0.968			0.997		
Satd. Flow (perm)	1722	0	0	1857	1788	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	139			484	335	
Travel Time (s)	3.2			11.0	7.6	
Confl. Peds. (#/hr)			7			7
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.93	0.93	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	322	161	20	324	220	93
Shared Lane Traffic (%)						
Lane Group Flow (vph)	483	0	0	344	313	0
Sign Control	Stop			Free	Free	










Intersection Summary










Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 63.5% ICU Level of Service B
 Analysis Period (min) 15

CA-28

HCM Unsignalized Intersection Capacity Analysis
 8: OLD POST ROAD & PLAYLAND A.D.

120 OLD POST ROAD, RYE, NY
 2016 BACKGROUND CONDITIONS, WEEKDAY A.M. PEAK HOUR

						
Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	296	148	19	301	211	89
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.93	0.93	0.96	0.96
Hourly flow rate (vph)	322	161	20	324	220	93
Pedestrians	7					
Lane Width (ft)	12.0					
Walking Speed (ft/s)	4.0					
Percent Blockage	1					
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	638	273	320			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	638	273	320			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	25	79	98			
cM capacity (veh/h)	431	761	1233			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	483	344	312			
Volume Left	322	20	0			
Volume Right	161	0	93			
cSH	504	1233	1700			
Volume to Capacity	0.96	0.02	0.18			
Queue Length 95th (ft)	305	1	0			
Control Delay (s)	58.9	0.6	0.0			
Lane LOS	F	A				
Approach Delay (s)	58.9	0.6	0.0			
Approach LOS	F					
Intersection Summary						
Average Delay			25.1			
Intersection Capacity Utilization			63.5%	ICU Level of Service		B
Analysis Period (min)			15			










						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	47	139	523	74	161	112
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.899				0.945	
Flt Protected	0.987			0.958		
Satd. Flow (prot)	1653	0	0	1785	1760	0
Flt Permitted	0.987			0.958		
Satd. Flow (perm)	1653	0	0	1785	1760	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	589			335	220	
Travel Time (s)	13.4			7.6	5.0	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	53	156	588	83	181	126
Shared Lane Traffic (%)						
Lane Group Flow (vph)	209	0	0	671	307	0
Sign Control	Stop			Free	Free	











Intersection Summary







Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 69.3% ICU Level of Service C
 Analysis Period (min) 15

HCM Unsignalized Intersection Capacity Analysis
 9: OLD POST ROAD & NYS THRUWAY ACCESS DRIVE

120 OLD POST ROAD, RYE, NY
 2016 BACKGROUND CONDITIONS, WEEKDAY A.M. PEAK HOUR

						
Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	47	139	523	74	161	112
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	53	156	588	83	181	126
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1502	244	307			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1502	244	307			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	26	80	53			
cM capacity (veh/h)	71	795	1254			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	209	671	307			
Volume Left	53	588	0			
Volume Right	156	0	126			
cSH	223	1254	1700			
Volume to Capacity	0.94	0.47	0.18			
Queue Length 95th (ft)	201	64	0			
Control Delay (s)	91.1	9.7	0.0			
Lane LOS	F	A				
Approach Delay (s)	91.1	9.7	0.0			
Approach LOS	F					
Intersection Summary						
Average Delay			21.5			
Intersection Capacity Utilization			69.3%	ICU Level of Service		C
Analysis Period (min)			15			

						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
Lane Configurations						
Volume (vph)	143	127	214	117	82	218
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	0		0	150	
Storage Lanes	1	0		0	1	
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.936		0.952			
Frt Protected	0.974				0.950	
Satd. Flow (prot)	1698	0	1773	0	1770	1863
Frt Permitted	0.974				0.447	
Satd. Flow (perm)	1698	0	1773	0	833	1863
Right Turn on Red		No		Yes		
Satd. Flow (RTOR)			36			
Link Speed (mph)	30		30			30
Link Distance (ft)	375		786			931
Travel Time (s)	8.5		17.9			21.2
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Adj. Flow (vph)	157	140	235	129	90	240
Shared Lane Traffic (%)						
Lane Group Flow (vph)	297	0	364	0	90	240
Turn Type	Prot		NA		pm+pt	NA
Protected Phases	4		2		1	5
Permitted Phases					5	
Detector Phase	4		2		1	5
Switch Phase						
Minimum Initial (s)	4.0		4.0		4.0	4.0
Minimum Split (s)	35.0		49.0		16.0	65.0
Total Split (s)	35.0		49.0		16.0	65.0
Total Split (%)	35.0%		49.0%		16.0%	65.0%
Yellow Time (s)	3.5		3.5		3.5	3.5
All-Red Time (s)	0.5		0.5		0.5	0.5
Lost Time Adjust (s)	0.0		0.0		0.0	0.0
Total Lost Time (s)	4.0		4.0		4.0	4.0
Lead/Lag			Lead		Lag	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	Max		Max		None	Max
Act Effct Green (s)	31.0		48.2		61.0	61.0
Actuated g/C Ratio	0.31		0.48		0.61	0.61





						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
v/c Ratio	0.56		0.42		0.15	0.21
Control Delay	33.9		17.9		9.4	9.3
Queue Delay	0.0		0.0		0.0	0.0
Total Delay	33.9		17.9		9.4	9.3
LOS	C		B		A	A
Approach Delay	33.9		17.9			9.3
Approach LOS	C		B			A
Queue Length 50th (ft)	157		139		22	63
Queue Length 95th (ft)	244		216		42	100
Internal Link Dist (ft)	295		706			851
Turn Bay Length (ft)					150	
Base Capacity (vph)	526		873		620	1136
Starvation Cap Reductn	0		0		0	0
Spillback Cap Reductn	0		0		0	0
Storage Cap Reductn	0		0		0	0
Reduced v/c Ratio	0.56		0.42		0.15	0.21

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Natural Cycle: 100
 Control Type: Semi Act-Uncoord
 Maximum v/c Ratio: 0.56
 Intersection Signal Delay: 19.8
 Intersection Capacity Utilization 48.6%
 Analysis Period (min) 15

Intersection LOS: B
 ICU Level of Service A

Splits and Phases: 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

		
157	139	22
		
244		

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D. 2016 BACKGROUND CONDITIONS, WEEKDAY P.M. PEAK HOUR

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations		↕			↕			↕	↕		↕	↕
Volume (vph)	54	264	15	6	47	38	30	2	40	125	10	238
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		75	0		0
Storage Lanes	0		0	0		0	0		1	0		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frnt		0.994			0.944				0.850			0.850
Flt Protected		0.992			0.997			0.955			0.956	
Satd. Flow (prot)	0	1837	0	0	1753	0	0	1779	1583	0	1781	1583
Flt Permitted		0.992			0.997			0.955			0.956	
Satd. Flow (perm)	0	1837	0	0	1753	0	0	1779	1583	0	1781	1583
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		563			484			289			91	
Travel Time (s)		12.8			11.0			6.6			2.1	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	68	330	19	8	59	48	38	3	50	156	13	298
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	417	0	0	115	0	0	40	50	0	168	298
Sign Control		Free			Free			Stop			Stop	

Intersection Summary



















Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 45.2% ICU Level of Service A
 Analysis Period (min) 15

CA-34

HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY

5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D. 2016 BACKGROUND CONDITIONS, WEEKDAY P.M. PEAK HOUR

												
Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (veh/h)	54	264	15	6	47	38	30	2	40	125	10	238
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	68	330	19	8	59	48	38	2	50	156	12	298
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)									3			
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)		997										
pX, platoon unblocked												
vC, conflicting volume	106			349			876	596	339	598	581	82
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	106			349			876	596	339	598	581	82
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.1	6.5	6.2
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	95			99			79	99	93	58	97	70
cM capacity (veh/h)	1485			1210			176	396	703	368	403	977
Direction, Lane #	SE 1	NW 1	NE 1	SW 1	SW 2							
Volume Total	416	114	90	169	298							
Volume Left	68	8	38	156	0							
Volume Right	19	48	50	0	298							
cSH	1485	1210	427	370	977							
Volume to Capacity	0.05	0.01	0.21	0.46	0.30							
Queue Length 95th (ft)	4	0	20	58	32							
Control Delay (s)	1.6	0.6	18.7	22.6	10.3							
Lane LOS	A	A	C	C	B							
Approach Delay (s)	1.6	0.6	18.7	14.8								
Approach LOS			C	B								
Intersection Summary												
Average Delay			8.6									
Intersection Capacity Utilization			45.2%		ICU Level of Service				A			
Analysis Period (min)			15									

CA-35










Lanes, Volumes, Timings
 7: OFFICE ACCESS DRIVE & PLAYLAND A.D.

120 OLD POST ROAD, RYE, NY
 2016 BACKGROUND CONDITIONS, WEEKDAY P.M. PEAK HOUR

Lane Group	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (vph)	434	1	2	88	1	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)		0	0		0	0
Storage Lanes		0	0		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frnt					0.910	
Flt Protected				0.999	0.984	
Satd. Flow (prot)	1863	0	0	1861	1668	0
Flt Permitted				0.999	0.984	
Satd. Flow (perm)	1863	0	0	1861	1668	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	484			139	157	
Travel Time (s)	11.0			3.2	3.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	452	1	2	92	1	2
Shared Lane Traffic (%)						
Lane Group Flow (vph)	453	0	0	94	3	0
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 32.9% ICU Level of Service A
 Analysis Period (min) 15

						
Movement	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (veh/h)	434	1	2	88	1	2
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96
Hourly flow rate (vph)	452	1	2	92	1	2
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			453		548	453
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			453		548	453
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	100
cM capacity (veh/h)			1107		496	607
Direction, Lane #	SE 1	NW 1	NE 1			
Volume Total	453	94	3			
Volume Left	0	2	1			
Volume Right	1	0	2			
cSH	1700	1107	565			
Volume to Capacity	0.27	0.00	0.01			
Queue Length 95th (ft)	0	0	0			
Control Delay (s)	0.0	0.2	11.4			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.2	11.4			
Approach LOS			B			
Intersection Summary						
Average Delay			0.1			
Intersection Capacity Utilization			32.9%		ICU Level of Service	A
Analysis Period (min)			15			

Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	328	108	10	195	122	80
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.967				0.947	
Flt Protected	0.964			0.998		
Satd. Flow (prot)	1736	0	0	1859	1764	0
Flt Permitted	0.964			0.998		
Satd. Flow (perm)	1736	0	0	1859	1764	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	139			484	335	
Travel Time (s)	3.2			11.0	7.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	373	123	11	222	139	91
Shared Lane Traffic (%)						
Lane Group Flow (vph)	496	0	0	233	230	0
Sign Control	Stop			Free	Free	










Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 49.8% ICU Level of Service A
 Analysis Period (min) 15

HCM Unsignalized Intersection Capacity Analysis
 8: OLD POST ROAD & PLAYLAND A.D.

120 OLD POST ROAD, RYE, NY
 2016 BACKGROUND CONDITIONS, WEEKDAY P.M. PEAK HOUR

Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	328	108	10	195	122	80
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Hourly flow rate (vph)	373	123	11	222	139	91
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	428	184	230			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	428	184	230			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	36	86	99			
cM capacity (veh/h)	578	858	1338			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	495	233	230			
Volume Left	373	11	0			
Volume Right	123	0	91			
cSH	629	1338	1700			
Volume to Capacity	0.79	0.01	0.14			
Queue Length 95th (ft)	191	1	0			
Control Delay (s)	28.6	0.4	0.0			
Lane LOS	D	A				
Approach Delay (s)	28.6	0.4	0.0			
Approach LOS	D					
Intersection Summary						
Average Delay			14.9			
Intersection Capacity Utilization			49.8%	ICU Level of Service		A
Analysis Period (min)			15			

						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	33	54	419	104	148	134
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Fr _t	0.916				0.936	
Fl _t Protected	0.981			0.962		
Satd. Flow (prot)	1674	0	0	1792	1744	0
Fl _t Permitted	0.981			0.962		
Satd. Flow (perm)	1674	0	0	1792	1744	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	589			335	220	
Travel Time (s)	13.4			7.6	5.0	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	38	62	482	120	170	154
Shared Lane Traffic (%)						
Lane Group Flow (vph)	100	0	0	602	324	0
Sign Control	Stop			Free	Free	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 59.8% ICU Level of Service B
 Analysis Period (min) 15

Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	33	54	419	104	148	134
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87
Hourly flow rate (vph)	38	62	482	120	170	154
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1330	247	324			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1330	247	324			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	64	92	61			
cM capacity (veh/h)	104	792	1236			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	100	601	324			
Volume Left	38	482	0			
Volume Right	62	0	154			
cSH	226	1236	1700			
Volume to Capacity	0.44	0.39	0.19			
Queue Length 95th (ft)	53	47	0			
Control Delay (s)	33.0	8.6	0.0			
Lane LOS	D	A				
Approach Delay (s)	33.0	8.6	0.0			
Approach LOS	D					
Intersection Summary						
Average Delay			8.3			
Intersection Capacity Utilization			59.8%	ICU Level of Service		B
Analysis Period (min)			15			

CAPACITY ANALYSIS WORKSHEETS

2016 Combined Conditions











CA-41

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

2016 COMBINED CONDITIONS, WEEKDAY A.M. PEAK HOUR







						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
Lane Configurations						
Volume (vph)	151	125	186	179	155	187
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	0		0	150	
Storage Lanes	1	0		0	1	
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.939		0.934			
Flt Protected	0.973				0.950	
Satd. Flow (prot)	1702	0	1740	0	1770	1863
Flt Permitted	0.973				0.400	
Satd. Flow (perm)	1702	0	1740	0	745	1863
Right Turn on Red		No		Yes		
Satd. Flow (RTOR)			63			
Link Speed (mph)	30		30			30
Link Distance (ft)	375		786			931
Travel Time (s)	8.5		17.9			21.2
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Adj. Flow (vph)	166	137	204	197	170	205
Shared Lane Traffic (%)						
Lane Group Flow (vph)	303	0	401	0	170	205
Turn Type	Prot		NA		pm+pt	NA
Protected Phases	4		2		1	5
Permitted Phases					5	
Detector Phase	4		2		1	5
Switch Phase						
Minimum Initial (s)	4.0		4.0		4.0	4.0
Minimum Split (s)	35.0		49.0		16.0	65.0
Total Split (s)	35.0		49.0		16.0	65.0
Total Split (%)	35.0%		49.0%		16.0%	65.0%
Yellow Time (s)	3.5		3.5		3.5	3.5
All-Red Time (s)	0.5		0.5		0.5	0.5
Lost Time Adjust (s)	0.0		0.0		0.0	0.0
Total Lost Time (s)	4.0		4.0		4.0	4.0
Lead/Lag			Lead		Lag	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	Max		Max		Max	Max
Act Effct Green (s)	31.0		45.0		61.0	61.0
Actuated g/C Ratio	0.31		0.45		0.61	0.61

11/3/2014

FREDERICK P. CLARK ASSOCIATES, INC. - STC

Synchro 8 Report

Page 1

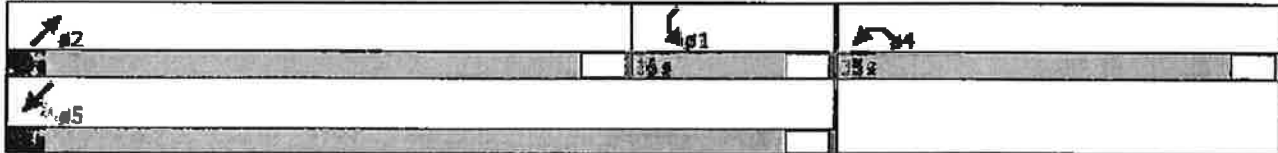
						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
v/c Ratio	0.57		0.49		0.29	0.18
Control Delay	34.2		18.6		11.8	9.0
Queue Delay	0.0		0.0		0.0	0.0
Total Delay	34.2		18.6		11.8	9.0
LOS	C		B		B	A
Approach Delay	34.2		18.6			10.3
Approach LOS	C		B			B
Queue Length 50th (ft)	161		146		43	53
Queue Length 95th (ft)	250		231		73	86
Internal Link Dist (ft)	295		706			851
Turn Bay Length (ft)					150	
Base Capacity (vph)	527		817		577	1136
Starvation Cap Reductn	0		0		0	0
Spillback Cap Reductn	0		0		0	0
Storage Cap Reductn	0		0		0	0
Reduced v/c Ratio	0.57		0.49		0.29	0.18

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Natural Cycle: 100
 Control Type: Semi Act-Uncoord
 Maximum v/c Ratio: 0.57
 Intersection Signal Delay: 20.1
 Intersection Capacity Utilization 55.3%
 Analysis Period (min) 15

Intersection LOS: C
 ICU Level of Service B

Splits and Phases: 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE



CA-43

Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D. 2016 COMBINED CONDITIONS, WEEKDAY A.M. PEAK HOUR

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations		↔			↔			↔	↔		↔	↔
Volume (vph)	45	255	67	23	65	26	26	2	27	168	54	515
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		75	0		0
Storage Lanes	0		0	0		0	0		1	0		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt		0.975			0.969				0.850			0.850
Fit Protected		0.994			0.990			0.955			0.964	
Satd. Flow (prot)	0	1805	0	0	1787	0	0	1779	1583	0	1796	1583
Fit Permitted		0.994			0.990			0.955			0.964	
Satd. Flow (perm)	0	1805	0	0	1787	0	0	1779	1583	0	1796	1583
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		563			484			289			91	
Travel Time (s)		12.8			11.0			6.6			2.1	
Confl. Peds (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	51	287	75	26	73	29	29	2	30	189	61	579
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	413	0	0	128	0	0	31	30	0	250	579
Sign Control		Free			Free			Stop			Stop	

Intersection Summary




















Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 51.5% ICU Level of Service A
 Analysis Period (min) 15

HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY

5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D.

2016 COMBINED CONDITIONS, WEEKDAY A.M. PEAK HOUR










													
Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR	
Lane Configurations													
Volume (veh/h)	45	255	67	23	65	26	26	2	27	168	54	515	
Sign Control		Free			Free			Stop			Stop		
Grade		0%			0%			0%			0%		
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	
Hourly flow rate (vph)	51	287	75	26	73	29	29	2	30	189	61	579	
Pedestrians													
Lane Width (ft)													
Walking Speed (ft/s)													
Percent Blockage													
Right turn flare (veh)									3				
Median type		None			None								
Median storage (veh)													
Upstream signal (ft)		997											
pX, platoon unblocked													
vC, conflicting volume	102			362			1174	579	324	581	602	88	
vC1, stage 1 conf vol													
vC2, stage 2 conf vol													
vCu, unblocked vol	102			362			1174	579	324	581	602	88	
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.1	6.5	6.2	
tC, 2 stage (s)													
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3	
p0 queue free %	97			98			49	99	96	51	84	40	
cM capacity (veh/h)	1490			1197			58	403	717	388	391	971	
Direction, Lane #	SE 1	NW 1	NE 1	SW 1	SW 2								
Volume Total	412	128	62	249	579								
Volume Left	51	26	29	189	0								
Volume Right	75	29	30	0	579								
cSH	1490	1197	162	389	971								
Volume to Capacity	0.03	0.02	0.38	0.64	0.60								
Queue Length 95th (ft)	3	2	41	108	102								
Control Delay (s)	1.2	1.8	42.5	29.4	14.0								
Lane LOS	A	A	E	D	B								
Approach Delay (s)	1.2	1.8	42.5	18.7									
Approach LOS			E	C									
Intersection Summary													
Average Delay			13.1										
Intersection Capacity Utilization			51.5%		ICU Level of Service				A				
Analysis Period (min)			15										

Lane Group	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (vph)	444	6	6	106	8	11
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)		0	0		0	0
Storage Lanes		0	0		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.998				0.922	
Flt Protected				0.997	0.979	
Satd. Flow (prot)	1859	0	0	1857	1681	0
Flt Permitted				0.997	0.979	
Satd. Flow (perm)	1859	0	0	1857	1681	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	484			139	157	
Travel Time (s)	11.0			3.2	3.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	453	6	6	108	8	11
Shared Lane Traffic (%)						
Lane Group Flow (vph)	459	0	0	114	19	0
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 33.7% ICU Level of Service A
 Analysis Period (min) 15

CA-46










						
Movement	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (veh/h)	444	6	6	106	8	11
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.98	0.98	0.98	0.98	0.98	0.98
Hourly flow rate (vph)	453	6	6	108	8	11
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			459		577	456
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			459		577	456
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		98	98
cM capacity (veh/h)			1102		476	604
Direction, Lane #						
	SE 1	NW 1	NE 1			
Volume Total	459	114	19			
Volume Left	0	6	8			
Volume Right	6	0	11			
cSH	1700	1102	543			
Volume to Capacity	0.27	0.01	0.04			
Queue Length 95th (ft)	0	0	3			
Control Delay (s)	0.0	0.5	11.9			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.5	11.9			
Approach LOS			B			
Intersection Summary						
Average Delay			0.5			
Intersection Capacity Utilization			33.7%	ICU Level of Service		A
Analysis Period (min)			15			










CA-47

Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	303	152	21	301	211	91
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.955				0.959	
Flt Protected	0.968			0.997		
Satd. Flow (prot)	1722	0	0	1857	1786	0
Flt Permitted	0.968			0.997		
Satd. Flow (perm)	1722	0	0	1857	1786	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	139			484	335	
Travel Time (s)	3.2			11.0	7.6	
Confl. Peds. (#/hr)			7			7
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.93	0.93	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	329	165	23	324	220	95
Shared Lane Traffic (%)						
Lane Group Flow (vph)	494	0	0	347	315	0
Sign Control	Stop			Free	Free	

Intersection Summary










Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 65.8%
 Analysis Period (min) 15
 ICU Level of Service C

						
Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	303	152	21	301	211	91
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.92	0.92	0.93	0.93	0.96	0.96
Hourly flow rate (vph)	329	165	23	324	220	95
Pedestrians	7					
Lane Width (ft)	12.0					
Walking Speed (ft/s)	4.0					
Percent Blockage	1					
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	643	274	322			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	643	274	322			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	23	78	98			
cM capacity (veh/h)	427	760	1231			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	495	346	315			
Volume Left	329	23	0			
Volume Right	165	0	95			
cSH	501	1231	1700			
Volume to Capacity	0.99	0.02	0.19			
Queue Length 95th (ft)	331	1	0			
Control Delay (s)	66.1	0.7	0.0			
Lane LOS	F	A				
Approach Delay (s)	66.1	0.7	0.0			
Approach LOS	F					
Intersection Summary						
Average Delay			28.5			
Intersection Capacity Utilization			65.8%	ICU Level of Service		C
Analysis Period (min)			15			

						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	47	139	526	78	163	112
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.899				0.945	
Flt Protected	0.987			0.958		
Satd. Flow (prot)	1653	0	0	1785	1760	0
Flt Permitted	0.987			0.958		
Satd. Flow (perm)	1653	0	0	1785	1760	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	589			335	220	
Travel Time (s)	13.4			7.6	5.0	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	53	156	591	88	183	126
Shared Lane Traffic (%)						
Lane Group Flow (vph)	209	0	0	679	309	0
Sign Control	Stop			Free	Free	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 69.8% ICU Level of Service C
 Analysis Period (min) 15

						
Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	47	139	526	78	163	112
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89
Hourly flow rate (vph)	53	156	591	88	183	126
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1516	246	309			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1516	246	309			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	24	80	53			
cM capacity (veh/h)	69	793	1252			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	209	679	309			
Volume Left	53	591	0			
Volume Right	156	0	126			
cSH	218	1252	1700			
Volume to Capacity	0.96	0.47	0.18			
Queue Length 95th (ft)	208	65	0			
Control Delay (s)	97.0	9.7	0.0			
Lane LOS	F	A				
Approach Delay (s)	97.0	9.7	0.0			
Approach LOS	F					
Intersection Summary						
Average Delay			22.5			
Intersection Capacity Utilization			69.8%	ICU Level of Service		C
Analysis Period (min)			15			











CA-51







Lanes, Volumes, Timings

120 OLD POST ROAD, RYE, NY

1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

2016 COMBINED CONDITIONS, WEEKDAY P.M. PEAK HOUR

Lane Group						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
Lane Configurations						
Volume (vph)	146	130	214	120	86	218
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%		0%			0%
Storage Length (ft)	0	0		0	150	
Storage Lanes	1	0		0	1	
Taper Length (ft)	25				25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frnt	0.936		0.951			
Flt Protected	0.974				0.950	
Satd. Flow (prot)	1698	0	1771	0	1770	1863
Flt Permitted	0.974				0.444	
Satd. Flow (perm)	1698	0	1771	0	827	1863
Right Turn on Red		No		Yes		
Satd. Flow (RTOR)			37			
Link Speed (mph)	30		30			30
Link Distance (ft)	375		786			931
Travel Time (s)	8.5		17.9			21.2
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%		0%			0%
Adj. Flow (vph)	160	143	235	132	95	240
Shared Lane Traffic (%)						
Lane Group Flow (vph)	303	0	367	0	95	240
Turn Type	Prot		NA		pm+pt	NA
Protected Phases	4		2		1	5
Permitted Phases					5	
Detector Phase	4		2		1	5
Switch Phase						
Minimum Initial (s)	4.0		4.0		4.0	4.0
Minimum Split (s)	35.0		49.0		16.0	65.0
Total Split (s)	35.0		49.0		16.0	65.0
Total Split (%)	35.0%		49.0%		16.0%	65.0%
Yellow Time (s)	3.5		3.5		3.5	3.5
All-Red Time (s)	0.5		0.5		0.5	0.5
Lost Time Adjust (s)	0.0		0.0		0.0	0.0
Total Lost Time (s)	4.0		4.0		4.0	4.0
Lead/Lag			Lead		Lag	
Lead-Lag Optimize?			Yes		Yes	
Recall Mode	Max		Max		None	Max
Act Effect Green (s)	31.0		48.2		61.0	61.0
Actuated g/C Ratio	0.31		0.48		0.61	0.61





						
Lane Group	NWL	NWR	NET	NER	SWL	SWT
v/c Ratio	0.58		0.42		0.16	0.21
Control Delay	34.2		17.9		9.5	9.3
Queue Delay	0.0		0.0		0.0	0.0
Total Delay	34.2		17.9		9.5	9.3
LOS	C		B		A	A
Approach Delay	34.2		17.9			9.4
Approach LOS	C		B			A
Queue Length 50th (ft)	161		140		23	63
Queue Length 95th (ft)	250		218		44	100
Internal Link Dist (ft)	295		706			851
Turn Bay Length (ft)					150	
Base Capacity (vph)	526		872		617	1136
Starvation Cap Reductn	0		0		0	0
Spillback Cap Reductn	0		0		0	0
Storage Cap Reductn	0		0		0	0
Reduced v/c Ratio	0.58		0.42		0.15	0.21

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Natural Cycle: 100
 Control Type: Semi Act-Uncoord
 Maximum v/c Ratio: 0.58
 Intersection Signal Delay: 20.0
 Intersection Capacity Utilization 49.4%
 Analysis Period (min) 15

Intersection LOS: B
 ICU Level of Service A

Splits and Phases: 1: THEODORE FREMD AVENUE & PLAYLAND ACCESS DRIVE

 2	 1	 4
 5		

Lane Group	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (vph)	54	271	15	6	53	38	30	2	40	129	10	238
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	0		75	0		0
Storage Lanes	0		0	0		0	0		1	0		1
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frnt		0.994			0.947				0.850			0.850
Flt Protected		0.992			0.997			0.955			0.956	
Satd. Flow (prot)	0	1837	0	0	1759	0	0	1779	1583	0	1781	1583
Flt Permitted		0.992			0.997			0.955			0.956	
Satd. Flow (perm)	0	1837	0	0	1759	0	0	1779	1583	0	1781	1583
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		563			484			289			91	
Travel Time (s)		12.8			11.0			6.6			2.1	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	68	339	19	8	66	48	38	3	50	161	13	298
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	426	0	0	122	0	0	40	50	0	173	298
Sign Control		Free			Free			Stop			Stop	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 45.8%
 Analysis Period (min) 15
 ICU Level of Service A



















CA-54

HCM Unsignalized Intersection Capacity Analysis

120 OLD POST ROAD, RYE, NY

5: MEDICAL A.D./PLAYLAND PKWY EB RAMPS & PLAYLAND A.D.










2016 COMBINED CONDITIONS, WEEKDAY P.M. PEAK HOUR










												
Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Volume (veh/h)	54	271	15	6	53	38	30	2	40	129	10	238
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80
Hourly flow rate (vph)	68	339	19	8	66	48	38	2	50	161	12	298
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)									3			
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)		997										
pX, platoon unblocked												
vC, conflicting volume	114			358			892	612	348	614	598	90
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	114			358			892	612	348	614	598	90
tC, single (s)	4.1			4.1			7.1	6.5	6.2	7.1	6.5	6.2
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	95			99			78	99	93	55	97	69
cM capacity (veh/h)	1475			1201			171	387	695	358	395	968
Direction, Lane #	SE 1	NW 1	NE 1	SW 1	SW 2							
Volume Total	425	121	90	174	298							
Volume Left	68	8	38	161	0							
Volume Right	19	48	50	0	298							
cSH	1475	1201	414	361	968							
Volume to Capacity	0.05	0.01	0.22	0.48	0.31							
Queue Length 95th (ft)	4	0	20	63	33							
Control Delay (s)	1.6	0.5	19.2	23.9	10.4							
Lane LOS	A	A	C	C	B							
Approach Delay (s)	1.6	0.5	19.2	15.4								
Approach LOS			C	C								
Intersection Summary												
Average Delay			8.8									
Intersection Capacity Utilization			45.8%		ICU Level of Service				A			
Analysis Period (min)			15									

Lane Group	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (vph)	434	12	9	88	7	12
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)		0	0		0	0
Storage Lanes		0	0		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frnt	0.997				0.915	
Flt Protected				0.996	0.982	
Satd. Flow (prot)	1857	0	0	1855	1674	0
Flt Permitted				0.996	0.982	
Satd. Flow (perm)	1857	0	0	1855	1674	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	484			139	157	
Travel Time (s)	11.0			3.2	3.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	452	13	9	92	7	13
Shared Lane Traffic (%)						
Lane Group Flow (vph)	464	0	0	101	19	0
Sign Control	Free			Free	Stop	

Intersection Summary










Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 33.6% ICU Level of Service A
 Analysis Period (min) 15










						
Movement	SET	SER	NWL	NWT	NEL	NER
Lane Configurations						
Volume (veh/h)	434	12	9	88	7	12
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96
Hourly flow rate (vph)	452	12	9	92	7	12
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			465		569	458
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			465		569	458
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		98	98
cM capacity (veh/h)			1097		480	603
Direction, Lane #	SE 1	NW 1	NE 1			
Volume Total	465	101	20			
Volume Left	0	9	7			
Volume Right	12	0	12			
cSH	1700	1097	551			
Volume to Capacity	0.27	0.01	0.04			
Queue Length 95th (ft)	0	1	3			
Control Delay (s)	0.0	0.8	11.8			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.8	11.8			
Approach LOS			B			
Intersection Summary						
Average Delay			0.5			
Intersection Capacity Utilization			33.6%	ICU Level of Service*		A
Analysis Period (min)			15			

						
Lane Group	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (vph)	334	112	13	195	122	84
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.966				0.945	
Flt Protected	0.964			0.997		
Satd. Flow (prot)	1735	0	0	1857	1760	0
Flt Permitted	0.964			0.997		
Satd. Flow (perm)	1735	0	0	1857	1760	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	139			484	335	
Travel Time (s)	3.2			11.0	7.6	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	380	127	15	222	139	95
Shared Lane Traffic (%)						
Lane Group Flow (vph)	507	0	0	237	234	0
Sign Control	Stop			Free	Free	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 52.9% ICU Level of Service A
 Analysis Period (min) 15

Movement						
	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	334	112	13	195	122	84
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88
Hourly flow rate (vph)	380	127	15	222	139	95
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	438	186	234			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	438	186	234			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	33	85	99			
cM capacity (veh/h)	570	856	1333			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	507	236	234			
Volume Left	380	15	0			
Volume Right	127	0	95			
cSH	622	1333	1700			
Volume to Capacity	0.81	0.01	0.14			
Queue Length 95th (ft)	209	1	0			
Control Delay (s)	31.2	0.6	0.0			
Lane LOS	D	A				
Approach Delay (s)	31.2	0.6	0.0			
Approach LOS	D					
Intersection Summary						
Average Delay			16.3			
Intersection Capacity Utilization			52.9%	ICU Level of Service		A
Analysis Period (min)			15			

Lane Group	 SEL	 SER	 NEL	 NET	 SWT	 SWR
Lane Configurations						
Volume (vph)	33	54	422	107	152	134
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	0			0
Storage Lanes	1	0	0			0
Taper Length (ft)	25		25			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.916				0.937	
Flt Protected	0.981			0.962		
Satd. Flow (prot)	1674	0	0	1792	1745	0
Flt Permitted	0.981			0.962		
Satd. Flow (perm)	1674	0	0	1792	1745	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	589			335	220	
Travel Time (s)	13.4			7.6	5.0	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	38	62	485	123	175	154
Shared Lane Traffic (%)						
Lane Group Flow (vph)	100	0	0	608	329	0
Sign Control	Stop			Free	Free	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 60.3% ICU Level of Service B
 Analysis Period (min) 15

Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	33	54	422	107	152	134
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87
Hourly flow rate (vph)	38	62	485	123	175	154
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1345	252	329			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1345	252	329			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	63	92	61			
cM capacity (veh/h)	101	787	1231			
Direction, Lane #	SE 1	NE 1	SW 1			
Volume Total	100	608	329			
Volume Left	38	485	0			
Volume Right	62	0	154			
cSH	221	1231	1700			
Volume to Capacity	0.45	0.39	0.19			
Queue Length 95th (ft)	54	48	0			
Control Delay (s)	34.2	8.7	0.0			
Lane LOS	D	A				
Approach Delay (s)	34.2	8.7	0.0			
Approach LOS	D					
Intersection Summary						
Average Delay			8.4			
Intersection Capacity Utilization			60.3%	ICU Level of Service		B
Analysis Period (min)			15			



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: September 16, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Public Hearing to amend local law Chapter 133, "Noise", of the Rye City Code regarding regulations on mechanical rock removal.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER 133

SECTION 8

RECOMMENDATION: That the Council hold a Public Hearing to amend Chapter 133 regarding regulations on mechanical rock removal.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Recommendations regarding mechanical rock removal will be presented to the City Council including limits on duration of rock chipping, establishing a permit process, better notice to neighbors, increased restrictions on hours and adding additional holidays when rock chipping would be prohibited.

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. 2015

A local law to amend Chapter 133 “Noise” of the Code of the City of Rye by renaming and amending Section 8 as follows “Permit Required; Construction work, mechanical rock removal and blasting restrictions”; amending Section 133-9 “Penalties for Offenses” to increase the penalties, and amending Section 133-10 “Exempt Acts” to exempt certain entities from the requirements as follows:

Be it enacted by the City Council of the City of Rye as follows:

Section 1: Chapter 133-8 “**Permit Required;** Construction work, **mechanical rock removal and blasting restrictions** ~~to certain hours and days.”~~

A. Whenever used in this section, the following terms shall have the meanings indicated:

ROCK REMOVAL PERMIT – A permit issued for rock removal on a subject property.

SUBJECT PROPERTY – The lot for which a rock removal permit or blasting permit pursuant to Chapter 98 is issued.

B. **TESTING DAYS** – A day when a school is administering a state or federally mandated test or a day when the school is administering an advanced placement test, PSAT, LSAT, SAT, ACT, MCAT, final examinations or other similar tests, as long as the school or district posts on their web site at the beginning of each school year such dates and provides such information at the beginning of the school year to the Building Department .No Mechanical Rock Removal or blasting may take place unless a permit is obtained. All permits shall identify the purpose for which the Rock Removal Permit or blasting permit is being issued, the owner of the Subject Property, including any partners of any limited liability company, and the permitted duration of the Mechanical Rock Removal or blasting.

(1) **Mechanical Rock Removal and blasting shall be restricted to thirty (30) consecutive calendar days.**

(2) **No new/additional Rock Removal Permit or blasting permit (see Chapter 98) shall be issued for the same Subject Property for 18 months from the date any previously issued permit expires.**

C. **Upon receiving a Rock Removal Permit or blasting permit, any individual who intends to engage in Mechanical Rock Removal or blasting on any property in the City of Rye shall register with the City at least seven (7)**

calendar days prior to the commencement of such activities. Upon such notification, the Subject Property will be listed on the City of Rye website showing the earliest commencement date and when the thirty day period ceases. Such notice shall be displayed in a visible location at the Subject Property.

(3) In addition to notifying the City as required in Section B(3) above, the individual must also notify the neighbors by sending out a public notification prepared by the Building Department. The applicant shall prepare a notification list, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property located wholly or partially within 500 feet of the Subject Property. If a property on the public notification list is also listed as a cooperative or an apartment, the notice shall only be mailed to the property owner of record. These mailing requirements must be performed in accordance with the following requirements:

- a. The mailing shall be limited solely to the public notice provided by the City Building Department.
- b. The notice shall be mailed to all property owners by certified mail with certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least ten (10) days prior to the commencement of Mechanical Rock Removal.
- c. The individual must provide a copy of the certificate of mailing to the City Building Department prior to the commencement of any Mechanical Rock Removal or blasting.

D. Construction work prohibited at certain hours and on certain days. No person shall engage in construction work earlier than 7:30 a.m. or later than 6:30 p.m., prevailing time, on weekdays; earlier than 10:00 a.m. or later than 5:00 p.m., prevailing time, on Saturdays; or at any hour on Sundays or any of the following holidays: New Year's Day, Presidents' Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Yom Kippur, Thanksgiving Day through Thanksgiving weekend and Christmas Day through New Year's Day.

E. Notwithstanding any provision of §133-8 to the contrary, an individual may perform construction work him/herself on property on which such individual then resides as follows:

- (i) Weekdays, between 7:30 a.m. and 8:00 p.m.
- (ii) Saturdays and Sundays (including holidays), between the hours of 10:00 a.m. and 8:00 p.m.

- F.** Mechanical Rock Removal and blasting are prohibited at certain hours and on certain days. No person shall engage in Mechanical Rock Removal, as defined in Subsection A, or blasting operations using explosives as defined by § 98-40, within the City of Rye after the hour of 3:30 p.m. or before 9:00 a.m. **on weekdays or at any time on Saturday and Sunday;** or on any of the following holidays **and time periods:** New Year's Day, Presidents' Day, **Martin Luther King Jr. Day,** Memorial Day, Independence Day, Labor Day, **Columbus Day, Veterans Day, Yom Kippur,** Thanksgiving Day **through Thanksgiving weekend** and Christmas Day **through New Year's Day** except under authority of a special permit issued by the City Manager. **In addition, Mechanical Rock Removal and blasting will be prohibited within 500 feet of a school on Testing Days.**
- G.** **No person performing Mechanical Rock Removal shall have more than one machine and one hammer operating on the Subject Property at the same time. Rock crushing shall not be permitted on the Subject Property. Any rock hammer must be removed from the site by the end of the third calendar day following the expiration of the 30 calendar day period for Mechanical Rock Removal set forth above.**

Section 2: Chapter 133-9. "Penalties for offenses".

In the event an activity is not being performed in accordance with this chapter, the owner of the property or the owner's agent or the person performing such violation shall be notified to suspend all work, and any such persons shall forthwith stop such work and suspend all activities. Such order and notice shall be in writing and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the property and sending a copy of same by registered or certified mail. Any person who violates any provision of this chapter shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both except that violations under § 133-8, **Permit Required; Construction Work, Mechanical Rock Removal and blasting restrictions,** shall be treated as individual violations for each and every such violation and noncompliance, respectively, thereof, shall be punished upon such first conviction by a fine of not more than **\$1,000,** an order to suspend construction work **and/or mechanical rock removal and/or blasting** on the site for a period of not more than 72 hours, or by imprisonment not exceeding 15 days, or any combination of such fine, suspension, and imprisonment, and each day that such violation shall continue shall be construed as a separate offense. Upon any subsequent conviction for the same offense such person shall be subject to a fine of not more than **\$2,000,** or an order to suspend construction work **and/or mechanical rock removal and/or blasting** on the site for a period of not more than 72 hours, or by imprisonment not exceeding 15 days, or any

combination of such fine, suspension and imprisonment. The imposition of one penalty for any violation shall not excuse or remedy such violations.

Section 3: Chapter 133-10. “Exempt acts”.

§ 133-10. Exempt acts.

The following activities and agencies are exempt from the requirement of this Chapter:

- A. The actions of governmental agencies, **including the Rye City School District and the Rye Neck Union Free School District**, shall be specifically exempt from the requirements of this chapter.
- B. **Removal of up to 2,000 cubic feet of rock for utilities shall be exempt from the requirements of this Chapter, but in no circumstance may this provision be used for Mechanical Rock removal for more than three (3) days.**

Section 4: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 5: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: September 16, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Consideration of a request for a waiver from the Rock Chipping Moratorium for the project located at 50 Cowles Avenue.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council review and consider the request for a waiver.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council adopted a local law instituting a six-month moratorium in the City of Rye temporarily prohibiting Mechanical Rock Removal or use of explosives within the City of Rye for more than a total of thirty consecutive calendar days at their June 10, 2015 meeting. The law stipulates that *“An aggrieved property owner may apply to the City Council for a waiver and the City Council shall have the discretion to grant such waiver. The property owner shall have the burden of demonstrating to the City Council that a waiver is warranted due to substantial hardship and that such substantial hardship was not the result of an act or omission by the property owner.”*

Rye residents Donna and Isaac Zion have submitted a waiver for the project located at 4 Forest Avenue seeking additional time to chip. Homeowners Donna and Isaac Zion note that their project began before the rock moratorium was passed and seek additional time to finish their project. Their original permit ran from 6/23/15 to 7/22/15.

See attached waiver request.

Donna and Isaac Zion
9 Cloverdale Lane
Rye, New York 10580

REQUEST FOR WAIVER FROM MORATORIUM

(Privileged and Confidential without prejudice)

August 17, 2015

Dear City Council Members,

We, Donna and Isaac Zion, are longstanding residents of Rye and would like to thank you for your time, dedication and service to making this city a wonderful place to live. We are sympathetic to the heightened concerns surrounding the rock chipping/removal issues facing our community and appreciate your efforts to achieve a balanced and reasonable solution. As concerned homeowners undergoing a renovation project since December 2014, that is now significantly affected by the new changes to the rock chipping/removal rules, we thank you in advance for your thoughtfulness as you read this letter and consider our request for an immediate waiver from the moratorium.

Having enjoyed the unique quality of life this community offers for the past 16 years and given our commitment to stay in Rye for the long-term with our three children (ages 8, 9, and 11), we embarked upon substantial renovations to our new home located at 50 Cowles Avenue in December 2014. (Our home for the past 14 years is located about 7 houses away from the renovation). We hired Paul Shainberg, our current neighbor, as our architect and Steve LoParco of LoParco Contracting Corp. as our contractor. The Zoning Board of Appeals on July 18, 2014 and the Building Department on November 20, 2014 approved our project, which included a deep basement excavation. During the excavation, we unfortunately hit a large area of rock. After chipping rock non-consecutively for a duration that equates to approximately 35 days (at approximately 6 hours per day) this Spring and a small part of this Summer, we completed our basement excavation on July 22nd.

As required under the new rules, our contractor completed a Rock Removal Registration for our project on June 16th. When he registered, the Building Department told him that the new rules would impact rock chipping with respect to "excavation", so we completed our excavation during the allotted time frame ending on July 22nd. Subsequently, our attempts to move forward beyond the excavation stage were recently brought to a screeching halt due to the City's interpretation of what encompasses Mechanical Rock Removal and its broad application under the new 30-day restriction. The Rye City Manager and the Rye Building Department recently advised us that we are forbidden to use any machinery or tools, other than tools powered solely by human muscle power, to remove any rock we may encounter during the remaining course of our construction. Given (1) the scope of work that remains to be done, including foundation work, drainage, utility trenching, masonry and code compliant work, (2) the potential of encountering some additional rock that may require the use of machinery, if necessary, for limited intermittent rock chipping, and (3) that the new restrictions are being imposed eight months into our approved construction project, this decision has consequentially caused us significant delays, additional costs, and severely restricts our ability to complete our project. Therefore, pursuant to Section 4 of the new mechanical rock removal Local Law, we respectfully request a waiver from this moratorium. If a waiver is not granted, then in the alternative, we respectfully request an immediate extension of our Rock Removal Registration for four months to finish this work, which we anticipate can be completed during this time frame.

We understand and absolutely agree that some reasonable limitations are warranted for construction projects involving rock chipping and removal, and we sympathize with the impact that our project has had on our

neighbors. During the excavation process, we acted in good faith and tried to accomplish it quickly and efficiently. Prior to commencing the rock chipping, we conducted test borings at various points in the backyard to help determine the existence and formation of rock. During the course of our rock chipping, we discovered problems with rock density and depth that exceeded the tested expectations. We also had to adjust to various unforeseen circumstances beyond our control – weather (record snow fall delays, heavy rains flooding the excavated area and stopping work), equipment failure and repair delays, federal agency visits (OSHA was called to the jobsite by a “concerned neighbor” and on two separate occasions all work stopped; after hours of probing they found only one minor violation on the interior of the house). Furthermore, without any prompting and out of courtesy to our neighbors and students studying and taking exams in May, we decided to suspend rock chipping for several weeks, despite the significant cost to us. We also chose to suspend rock chipping on July 3rd, given the 4th of July weekend.

Please understand that our perspective is that of a homeowner looking to create a beautiful home for our family, not a developer looking to maximize short-term profit. We are not looking to perform numerous days and long hours of incessant rock chipping, we simply need the ability to remove potential rock with machinery, if necessary, to finish our project. Possibly the savviest developer or general contractor with many months of planning, site visits, and access to the best professional advisors can put together a logistics plan that takes into account everything required for job completion as well as the potential contingencies associated with the myriad of interrelated stages, tradesmen, subcontractors, unforeseen circumstances, etc.—however, even with all of that, the chances of perfection or anything close to it are quite slim within 30 consecutive calendar days (effectively 22 working days). To us, it doesn’t seem practical or reasonable to expect that a homeowner with an already approved project could consider, or let alone try, to complete all of the aforementioned planning aspects again, due to an “interpretation”, particularly when the original guidance was to the contrary.

While our concerns are many, another difficult and unforeseen consequence has one neighbor videotaping our home, verbally threatening our contractor and on-site supervisor with litigation, and calling the police on us. Within a few days after our 30-day permit expired, our on-site supervisor removed a small patch of rock for approximately 8-10 minutes to run HVAC conduit lines on the side of our property (note, this is the type of limited intermittent rock removal that we referenced earlier). By the time the responding officer arrived, the rock removal was finished. The officer issued a summons, and now our contractor has to appear in court on August 26th. We simply bring this to your attention as a point of information.

It is quite common, effectively the norm, for approved projects underway in advance, in this case well in advance, of newly adopted or contemplated local ordinances, rules and legislation to be “grand-fathered” in under the prior rules and regulations and thus be allowed to be completed in due course. To say the least, it is an unfair and somewhat arbitrary burden that we would be forced to absorb due to unfortunate timing and circumstances that were out of our control. For the reasons set forth above, we respectfully request an immediate waiver from the moratorium; if an immediate waiver is not granted, then in the alternative we respectfully request an immediate extension of our Rock Removal Registration for four months so that we may complete our project.

Should the Council require any additional information or insight please do not hesitate to contact us. Thank you in advance for your time and thoughtful consideration of this matter.

Respectfully,

Donna and Isaac Zion



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: September 16, 2015

CONTACT: Mayor Joseph A. Sack

ACTION: Authorization for the City Council to seek an RFP for the City of Rye Corporation Counsel position.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the Request for Proposal.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: September 16, 2015

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Inter-municipal Developer Agreement with Westchester County and Pawling Holdings, LLC for the City to construct the North Street sewer line and other on-site infrastructure improvements for the Theodore Fremd Avenue and North Street affordable senior housing project.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: As part of the approval of the zoning district change to provide for the construction of 40 affordable senior housing units, the City Council required the installation of a new sewer line extending from Nursery Lane to North Street. The City Council adopted a resolution requesting \$1,000,000 in Housing Implementation Funds (HIF) from Westchester County to install the required sewer line. The attached draft agreement outlines responsibilities and obligations for the sewer line project. The agreement also includes requirements for the installation of \$1,200,000 in infrastructure improvements on the affordable housing project site. The agreement is between Westchester County, the City of Rye, and the developer Pawling Holdings, LLC. The City will be responsible for designing, bidding and over-seeing the construction of the on-site and off-site infrastructure improvements. Design of the sewer line will begin upon the Westchester County Board of Legislatures' approval of the sewer district change.

See attached draft IMDA.

INTER-MUNICIPAL DEVELOPER AGREEMENT
HOUSING IMPLEMENTATION FUND PROGRAM

THIS AGREEMENT made this _____ day of _____, 20 ____, by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (the “County”),

and

CITY OF RYE, a municipal corporation of the State of New York, having an office and place of business at 1051 Boston Post Road, Rye, New York , 10580 (the “Municipality” or the “City”),

and

PAWLING HOLDINGS, LLC, a limited liability corporation organized and existing under the laws of the State of New York having an office and place of business at 8 Hilltop Drive, Port Chester, NY, 10573 (the “LLC” and, together with the HDFC, the “Developer”).

WHEREAS, the County executed a stipulation and order of settlement and dismissal in connection with United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc.,v. Westchester County, New York, No. 06 Civ. 2860 (DLC) (the “Settlement Agreement; and

WHEREAS, pursuant to the Settlement Agreement the County is required to develop, in eligible municipalities, seven hundred fifty (750) affordable housing units which affirmatively further fair housing (“AFFH”) as set forth in 42 U.S.C. Section 5304(b)(2) and as required pursuant to the Settlement Agreement; and

WHEREAS, pursuant to the Settlement Agreement the City is an eligible municipality; and

WHEREAS, in an effort to encourage the development of fair and affordable housing in Westchester County, the County has established a Housing Implementation Fund (“HIF”) to provide funds to assist in the construction of water facilities, sewer facilities, road improvements,

and other infrastructure improvements necessary for the development of fair and affordable housing in Westchester County; and

WHEREAS, Pursuant to the provisions of Chapter 298 of the Westchester County Administrative Code, the County desires to enter into agreements with municipalities and developers pursuant to which the municipalities will construct public improvements in support of the development of affordable housing; and

WHEREAS, in furtherance of the foregoing, the County desires to enter into Intermunicipal and Intermunicipal-Developer Agreements with municipalities and developers in the County in support of affordable AFFH developments; and

WHEREAS, the Developer has agreed to construct certain affordable AFFH housing on the property more particularly described on **Schedule “A,”** attached hereto and made a part hereof (the “Affordable Housing Property”); and

WHEREAS, the Developer is the owner of the Affordable Housing Property and has agreed to construct forty-one affordable AFFH rental units (the “Development”) on the Affordable Housing Property; and

WHEREAS, the Municipality and the Developer agrees that the County shall fund the Infrastructure Improvements (**defined below**) which support the Development and, in consideration thereof, acknowledge that the Affordable Housing Property shall be subject to that certain declaration of restrictive covenants (the “Declaration of Restrictive Covenants”) dated _____, which has been recorded by the Developer against the Affordable Housing Property in the Office of the Westchester County Clerk under control No. _____ and the Affordability Restrictions as defined in Schedule “B” thereto (“Schedule B”) all of which is incorporated herein by reference; and

WHEREAS, following construction of the Affordable Units (as defined in **Schedule “B”**), the sale and re-sale, of the Units will adhere to the provisions set forth in Schedule “B,” including but not limited to the Affordability Requirements for the Period of Affordability set

forth therein; and

WHEREAS, the Infrastructure Improvements shall be constructed on the City’s right of way, property for which the City has legal control, and on the Affordable Housing Property (the Infrastructure Improvements Property”); and

WHEREAS, the Infrastructure Improvements include but are not limited to, the construction of new sewer lines, paving, new curbing, parking, catch basins, drainage, new street lights, new sidewalks, landscaping, engineering and other related work, all as more fully set forth in **Schedule “D”** annexed hereto and forming a part hereof; and

WHEREAS, the County proposes to fund the cost of the construction of the Infrastructure Improvements and will use the proceeds of tax exempt general obligation bonds issued by the County for such funding (as defined in Section 5 below); and

WHEREAS, the Municipality is obligated to implement the construction of the Infrastructure Improvements; and

NOW THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

1. **RECITALS**: The above recitals are hereby incorporated by reference into the body of this Inter-Municipal Developer Agreement (the “Agreement” and/or “IMDA”).

2. **PERFORMANCE OF WORK**: The Municipality will cause the Infrastructure Improvements necessary in support of the Project to be constructed on the Infrastructure Improvements Property in accordance with the provisions as set forth in this Agreement, including but not limited to, **Schedule “D”**. The Infrastructure Improvements will be constructed in accordance with the Plans (defined in **Schedule “D”**). Any modification of the Plans (defined in Schedule “D”) or change orders, if any, shall require the prior written approval of the Commissioner of the County Department of Planning or his duly authorized designee (the “Commissioner”).

As a condition of the Municipality receiving the HIF funding, the Developer will adhere to the provisions set forth in Schedule "B", including but not limited to, meeting the Affordability Requirements for the Units until the expiration of the Period of Affordability. The Developer will comply with Chapter 298 of the Westchester County Administrative Code as applicable to the Units ("Chapter 298").

It is understood and agreed that the Municipality represents that, if required by applicable law, the construction of the Infrastructure Improvements to be performed hereunder has been or will be (within 365 days of the date hereof) bid by public competitive bids pursuant to Section 103 of the General Municipal Law and in accordance with all applicable federal, state and local laws, rules and regulations, ordinances and requirements, including without limitation the terms hereof. In no event will the retention of a contractor to perform work on the Infrastructure Improvements relieve or otherwise discharge the Municipality or Developer, from their respective obligations hereunder or create a third party beneficiary relationship between the County and any such contractors and the parties hereto expressly disclaim any intention to create such a relationship.

The County will not advance any of the HIF Funds (as defined in Section "4" hereof) to the Municipality and work will not be required to commence on the Infrastructure Improvements until:

(i) evidence has been provided to the County that the Developer owns the Affordable Housing Property (shown on Schedule "A") free of liens, encumbrances, easements and agreements unless such liens, encumbrances, easements and agreements, if any, shall be subordinate to the Declaration of Restrictive Covenants in a manner acceptable to the County and;

(ii) the Municipality has awarded the bids and contracted for construction of the Infrastructure Improvements, provided, however, that in the event the lowest acceptable bid exceeds the amount of the County HIF Funds or the actual cost of completion of the Infrastructure Improvements, the Developer shall contribute said excess;

(iii) the Municipality has received either (a.) a performance and payment bond, including without limitation materials and labor, covering one hundred percent (100%) of the work to be

performed in connection with the Infrastructure Improvements, in form and content and issued by a surety reasonably satisfactory to the Municipality; or (b.); an instrument of credit or guarantee which is acceptable to the City and the County;

(iv) the Declaration of Restrictive Covenants placed on the Affordable Housing Property has been executed and has been submitted for recording, as more fully set forth below;

(v) the Developer has obtained a firm, unconditional commitment for construction financing for the Development;

(vi) indenture from the Developer to the Municipality and to the County granting an easement in the Affordable Housing Property for the construction of any infrastructure improvements to be constructed thereon has been executed in substantially the form attached hereto and forming a part hereof as more particularly described in Schedule "G" (the "Required Easement") and such Required Easement will be submitted for recording, as more fully set forth below;

(vii) the Municipality has verified that the Infrastructure Improvements not constructed on the Affordable Housing Property will be constructed in the public right-of-way or within lands under control of the Municipality;

(viii) the Developer has obtained any approvals necessary in connection herewith, including but not limited to receipt of the site plan and State Environmental Quality Review Act ("SEQRA") approvals by the Municipality's governing body; and

(ix) the Developer has obtained any and all approvals necessary in connection herewith, including without limitation, from its members.

The requirements contained in clauses (ii), (v), (vi), (vii), (viii), (ix) and (x) (We need to see that these requirements are satisfied) above must be satisfied prior to or concurrent with execution of this Agreement. The requirements contained in clauses (iii) and (iv) above must be satisfied within 365 days following execution of this Agreement.

All of the provisions of this Section "2" will survive the expiration or other termination of this Agreement until the expiration of the Period of Affordability as defined in Schedule "B".

3. LIENS: Except as provided in the title policy, the Municipality and the Developer will not enter into any mortgage or other financing documents that place a lien on the Infrastructure Improvements, which will be owned by the County, or the Infrastructure

Improvements Property, which conflict with or diminish the terms of the Restrictive Covenants recorded against the Affordable Housing Property. In the event any lien is placed on the Infrastructure Improvements or the Infrastructure Improvements Property by a contractor or subcontractor, the Municipality or the Developer that engaged such contractor or subcontractor shall take immediate action to discharge such liens.

4. **PAYMENT:** The County's sole obligation under this IMDA is to pay an amount not to exceed TWO MILLION TWO HUNDRED THOUSAND (\$2,200,000.00) DOLLARS (the "HIF Funds") to the Municipality to fund the construction of the Infrastructure Improvements necessary for the Development, pursuant to the terms hereof. The County HIF Funds will be paid with the proceeds of the Bonds in accordance with the payment provisions of Schedule "D". The County will make such payment to the Municipality only after submission by the Municipality of all requested documentation concerning construction of the Infrastructure Improvements (as specified in Schedule "D") and after audit and approval by the County for expenses properly incurred in the performance of this Agreement. The County will not be liable for any costs or expenses in excess of the HIF Funds incurred in connection herewith. The Municipality will promptly pay for work performed. The County will reimburse the City as work progresses on the project. In the event the cost of constructing the Infrastructure Improvements exceeds the amount of the HIF Funds, the Developer will pay said excess.

Prior to the making of any payments hereunder, the County, may, at its option, audit such books and records of the Municipality or Developer as are reasonably pertinent to this Agreement to substantiate the basis for payment. The Municipality and Developer will, and will require any contractor(s) or sub-contractor(s) to make their books and records available to the County for audit and inspection. The County will not be restricted from withholding payment for cause found in the course of such audit or because of failure of the Municipality or the Developers to cooperate with such audit. The County will, in addition, have the right to audit such books and records subsequent to payment during the period that such books and records are required to be maintained under any applicable law.

County HIF Funds will be expended solely and exclusively for the purchase of materials and labor used in the design and/or construction of the Infrastructure Improvements necessary for the Development, and related soft costs (City Staff Time) in accordance with this Agreement, as specified in Schedule "D".

Payments hereunder to the Municipality by the County will operate to release the County from any and all obligations or liabilities to the Municipality, the Developer, and their respective contractor(s) or sub-contractor(s) hereunder. Notwithstanding the foregoing, the County expressly disclaims the existence of any third party beneficiary relationship between the County and any such parties.

The Municipality will furnish the County, whenever requested to do so, satisfactory evidence showing that all monies already paid hereunder have been applied by the Municipality toward the costs of the Infrastructure Improvements. Until such evidence, which shall consist of an affidavit certified by the respective contractor(s) acknowledging receipt of payment from the Municipality, is produced, at the option of the County, no further payments need be made by the County hereunder.

Notwithstanding anything herein contained to the contrary, should the Infrastructure Improvements and the Units the Development fail to be fully constructed within three (3) years from execution of this Agreement then the County shall have the right, at its option, to require repayment from the Municipality (Separate agreement with developer to make him liable) of all County HIF Funds paid hereunder. Similarly, the Municipality shall have the right, at its option, to require any such payments from the Developer. The County's right of repayment from the Municipality of County HIF Funds paid hereunder shall terminate upon the completion of the construction of the Infrastructure Improvements and the issuance of a temporary certificate of occupancy for the Development (as more fully described in Schedule "D"). Additional language required for extensions for strike, act of God and possible other delays by developer, contractor/subs

All of the terms of Section "4" will survive the expiration or other termination of this Agreement until the expiration of the Period of Affordability, provided the County has paid the HIF Funds to the Municipality.

5. **TAX RESTRICTIONS:** a) The Bonds. The Municipality and the Developer acknowledge and understand that the funds available for the Infrastructure Improvements hereunder will be made available from tax exempt general obligation bonds issued by the County (the “Bonds”), which have been, or will be, issued to fund construction of the Infrastructure Improvements in accordance with the provisions of this Agreement, the Declaration of Restrictive Covenants to assist and support the development of the Development encumbered by said Declaration of Restrictive Covenants. The Municipality and Developer further acknowledge and understand that in connection with the issuance of the Bonds, the Commissioner of Finance of the County of Westchester has executed or will execute an “Arbitrage and Use of Proceeds Certificate,” in compliance with the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “Code”). The Municipality and the Developer agree that each will do all acts and things, or refrain from taking action, as necessary, in order to assure that interest paid on the Bonds will not be included in gross income of the Developer of the Bonds for the purpose of Federal income taxation. The Municipality and Developer further acknowledge and agree that the HIF Funds may not be advanced as a loan to the Developer.

b) Commencement of Construction. The Municipality and the Developer expect that the construction of the Infrastructure Improvements will commence within 365 days from execution of this Agreement, and the County HIF Funds made available hereunder will be expended for costs of constructing the Infrastructure Improvements necessary for the Project in accordance with the budget contained in **Schedule “D”** and the construction of the Infrastructure Improvements will proceed in accordance with said Schedule. The Municipality and the Developer agree to notify the County in the event of changes in the expected schedule for completion of the Infrastructure Improvements.

c) Failure to Complete. The Municipality and Developer agree that should the Infrastructure Improvements fail to be completed in accordance with the completion date set forth in **Schedule “D”**, which completion date shall be extended for unavoidable delays, *force majeure* and other causes beyond the control of the Municipality or the Developer, without limiting any other right or remedy to which it may be entitled, the County will have the right to (i) **terminate this Agreement upon thirty (30) days prior written notice to the Municipality and**

the Developer and/or (ii) deduct from any remaining payments due hereunder the dollar amount of penalties imposed by the Code for failure to expend the bond proceeds allocable to the Infrastructure Improvements in a timely manner.

d) Termination. Should the County terminate this Agreement pursuant to the terms hereof or should the remaining payments due the Municipality be insufficient to cover the amount of the aforementioned penalty, the Municipality will be obligated to immediately pay the County the full amount of any such penalty.

e) Extensions. Notwithstanding anything to the contrary contained in this Agreement, the Municipality and the Developer will use best efforts and good faith to meet any and all time periods provided for in this Agreement and in any schedule annexed hereto in connection with any obligation hereunder. If, despite the use of best efforts and good faith, the Municipality and the Developer are unable to meet any stated time period, then the Municipality or the Developer may request an extension of such time period and all subsequent time periods affected thereby, subject to the consent of the County, which shall not be unreasonably withheld.

f) No Loan. The parties hereto acknowledge and agree that the HIF Funds do not constitute a loan. The HIF Funds are to be paid to Municipality in consideration for causing construction of the Infrastructure Improvements in support of the fair and affordable Development.

All of the provisions of this Section "5" will survive the expiration or other termination of this Agreement until the expiration of the Period of Affordability provided that the County has paid the HIF Funds to the Municipality.

6. OWNERSHIP OF INFRASTRUCTURE IMPROVEMENTS: The Municipality and the Developer acknowledge and agree that the Infrastructure Improvements shall be owned by the County for so long as the Bonds are outstanding(who will maintain during and after Bonds terminate). The Municipality and the Developer agree to execute or cause to be executed any and all such documents as are necessary and appropriate to effectuate such County ownership. Upon maturity or redemption of the Bonds,

the County's ownership interest in the Infrastructure Improvements will automatically terminate. Upon request the County will provide notification of such maturity or redemption in recordable form.

Notwithstanding the foregoing the Municipality and the Developer have the right to utilize the Infrastructure Improvements in such manner as they may deem necessary or desirable in support of the Development, subject to the Declaration of Restrictive Covenants.

All of the provisions of this Section "6" will survive the expiration or other termination of this Agreement until and for so long as the Bonds are outstanding provided that the County has paid the HIF Funds to the Municipality.

7. MAINTENANCE AND REPAIRS: The Infrastructure Improvements located in the City's right of way shall be kept in good order and repair by the Municipality at the Municipality's sole cost and expense, and the Municipality shall make all repairs and replacements, ordinary as well as extraordinary, foreseen and unforeseen, structural or otherwise, which may be necessary or required so that at all times the Infrastructure Improvements shall be in thorough good order, condition and repair. This should only be the sewer line. All other improvements must be the owner of the property who benefits from this improvement.

The Infrastructure Improvements located in the Affordable Housing Property shall be kept in good order and repair by the Developer at the Developer's sole cost and expense, and the Developer shall make all repairs and replacements, ordinary as well as extraordinary, foreseen and unforeseen, structural or otherwise, which may be necessary or required so that at all times the Infrastructure Improvements shall be in thorough good order, condition and repair.

All of the provisions of this Section "7" will survive the expiration or other termination of this Agreement for so long as the Bonds are outstanding provided that the County has paid the HIF Funds to the Municipality.

8. **REPORTS:** The Municipality will furnish, or will cause to be furnished to the County, **progress reports** detailing the progress of the construction of the Infrastructure Improvements. The Municipality will prepare, or will cause to be prepared, **a final report** describing the work performed, together with such supporting information and documentation in such form and at such times as the County may reasonably require **(I would like a sample for the consultant Engineer as part of the bid)**. The Developer shall assist the Municipality in the preparation of the progress reports and final report as required by the County, to the extent that the Developer has information on the Infrastructure Improvements.

9. **MAINTENANCE OF RECORDS:** The parties will, each at their sole cost and expense, keep, maintain, and preserve at their respective principal offices throughout the term of this Agreement, full and detailed books, accounts, and records pertaining to its performance pursuant to this Agreement. Such books, accounts and records will include, without limitation, all bills, invoices, payrolls and other data evidencing, or in any material way relating to, the direct and indirect costs and expenses incurred in connection herewith. The County will have the right to inspect and audit, at reasonable times and upon reasonable notice, any and all such books, accounts and records at the office or offices where they are then being kept, maintained and preserved.

All of the provisions of this **Section “9”** will survive the expiration or other termination of this Agreement until the expiration of the Period of Affordability provided that the County has paid the HIF Funds to the Municipality.

10. **COUNTY'S RIGHT TO WITHHOLD PAYMENTS:** If at any time the Municipality or Developer neglect or fail to perform properly any of their respective material obligations under this Agreement, including without limitation, failure to complete the Development or the Infrastructure Improvements in accordance herewith, as more fully set forth in **Schedule “B”** hereto, then the County, in addition to any other rights hereunder, including without limitation to terminate the Agreement, will have the right, in its sole discretion subject to the Cure Period (defined in **Section 22**), **to withhold, in whole or in part, any payments otherwise due or to become due to the Municipality** hereunder until such neglect or failure will have been remedied to the satisfaction of the County.

11. **REPRESENTATIONS, WARRANTIES AND GUARANTEES:**

A. The Municipality expressly represents, warrants and guarantees to the County that:

(a) it is a municipal corporation duly organized, validly existing and in good standing under the laws of the State of New York; the execution and performance of this Agreement by the Municipality has been duly authorized by its governing body; this Agreement, and any other documents required in connection herewith, including without limitation, the Required Easement(s), when so delivered, will constitute legal, valid and binding obligations of the Municipality enforceable against the Municipality in accordance with their respective terms(The City should not have any long-term responsibility after the work is completed); and the Municipality will deliver to the County at the time of execution of this Agreement a resolution adopted by its governing body authorizing the execution of this Agreement, and any other documents required to be delivered by the Municipality, including without limitation the Required Easement;

(b) the person signing this Agreement on behalf of the Municipality has full authority to bind the Municipality to all of the terms and conditions of this Agreement;

(c) it is financially and technically qualified to perform its obligations hereunder, including construction of the Infrastructure Improvements, some(All) of which obligations may be assumed by the Developer pursuant to a Developer Municipal Agreement;

(d) it has received no information or documentation indicating that the Developer is not otherwise financially capable of completing the Development;

(e) it is familiar and will comply with all general and special Federal, State, municipal and local laws, ordinances and regulations, if any, that may in any way affect the performance of this Agreement;

(f) the design, supervision and workmanship furnished with respect to the construction of the Infrastructure Improvements will be in accordance with sound and currently accepted scientific standards and best engineering practices;

(g) it will use its best efforts to assure and shall require in any contract documents with its contractors and sub-contractors that all materials, equipment and workmanship furnished by contractors and subcontractors of the Municipality in performance of the work or any portion thereof shall be free of defects in design, material and workmanship, and all such materials and equipment shall be of first-class quality, shall conform with all applicable codes, specifications, standards and ordinances and shall have service lives and maintenance characteristics suitable for their intended purposes in accordance with sound and currently accepted scientific standards and best engineering practices;

(h) to the best of the Municipality's current knowledge and information the budget proposal attached in **Schedule "D"** lists the anticipated true and correct costs for the Infrastructure Improvements;

(i) the consummation of the transactions contemplated by this Agreement and the performance of the Municipality's obligations hereunder will not result in any breach of or constitute a default under other instruments or documents to which the Municipality is a party or by which it may be bound or affected;

(j) construction of the Infrastructure Improvements is necessary to support the Development; and

The Municipality expressly acknowledges that the County is materially relying on the above representations.

B. The Developer expressly represents, warrants and guarantees to the County that:

(a) It is duly organized, validly existing and in good standing under the laws of the State of New York. The Developer is duly qualified to do business and is in good standing in each jurisdiction where the conduct of their business requires them to be so qualified. The Developer has the corporate power, authority and legal right to execute and perform this transaction and to execute this Agreement; the execution and performance of this Agreement by the Developer has been duly authorized by its governing bodies; this Agreement constitutes, and any other documents required to be delivered by the Developer, when so delivered will constitute, the legal, valid and binding obligations of the Developer enforceable against the Developer in accordance with their respective terms; and the Developer will deliver to the County at the time of execution of this Agreement separate resolutions adopted by their governing bodies authorizing the execution of this Agreement, and any other documents required to be delivered by the Developer;

(b) The persons signing this Agreement on behalf of the Developer have full authority to bind the Developer to all of the terms and conditions of this Agreement pursuant to the authority granted by the Developer, as noted above;

(c) It is financially and technically qualified to perform its obligations hereunder including construction of the Development;

(d) Omitted

(e) Consummation of the transactions contemplated by this Agreement and the performance of the Developer obligations hereunder will not result in any breach of or constitute a default under other instruments or documents to which the Developer is a party or by which it may be bound or affected;

(f) Construction of the Infrastructure Improvements is necessary to support the Development;

The Developer expressly acknowledges that the County and Municipality are materially relying on the above representations.

12. INSURANCE; INDEMNIFICATION:

A. In addition to, and not in limitation of the insurance requirements contained in Schedule “E” entitled “Standard Insurance Provisions, Municipality”, attached hereto and made a part hereof, the Municipality agrees:

This is a big issue for the City.

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Municipality will indemnify and hold harmless the County, its officers, elected officials, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Municipality and contractors or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

(c) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the Municipality, the County will indemnify and hold harmless the Municipality, its officers, elected officials, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the County and contractors or third parties under the direction or control of the County; and

(d) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

The Municipality may provide proof of self-insurance in lieu of the required insurance policies.

B. In addition, Developer shall provide defense for and defend, indemnify and hold harmless the Municipality, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorneys' fees or loss arising directly or indirectly under this Agreement as a result of any cause whatsoever other than the acts or omissions hereunder by the Municipality or contractors or third parties under the direction or control of the Municipality (for which the Municipality shall defend, indemnity and hold harmless the Developer). Notwithstanding anything to the contrary, nothing herein shall relieve the Municipality and the County of their obligations to indemnify and hold harmless each other pursuant to Section 12A, above; and

C. In addition to, and not in limitation of the County's insurance requirements contained in Schedule “E(ii)” entitled “Standard Insurance Provisions, Developer,” attached hereto and made a part hereof, the Developer agrees:

(a) that except for the amount, if any, of damage contributed to, caused by

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or resulting from the negligence of the County, the Developer shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Developer or the Municipality, or contractors or third parties under the direction or

control of the Developer or Municipality; and

- (b) to the extent arising directly or indirectly out of the acts or omissions hereunder by the Developer, contractors or third parties under the direction or control of the Developer to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

This Paragraph 12 shall survive termination or expiration of this Agreement.

13. ENVIRONMENTAL INDEMNIFICATION:

A. The Developer represents and warrants and guarantees to the County and the Municipality as follows:

(a) Except as described in the Environmental Reports, the Developer has no knowledge of, and has not received any notice of any condition at, on, under or related to either of the Affordable Housing Property or the Infrastructure Improvements Property (together the “Properties”) or ground or surface waters associated therewith or migrating or threatening to migrate to or from the Properties which may have a material effect on the value of the Properties or subject the owner thereof to potential liabilities in accordance with the Environmental Requirements (as defined below); and

(b) Except as described in the Environmental Report, the Developer has no knowledge of, has and has not received any notice of any condition at, on, under, or related to the Properties (or ground or surface waters associated therewith) or migrating or threatening to migrate to or from the Properties presently or potentially posing a significant hazard to human health or the environment; such conditions being defined as “Hazardous Materials” below; and

(c) The Developer hereby acknowledges and agrees that it will defend and indemnify the County and Municipality for any Environmental Damages (as defined below) whether or not disclosed in the Environmental Reports arising out of or in any way connected with the Infrastructure Improvements Property. Environmental Damages will mean all claims, damages, losses, penalties, fines, liabilities (including strict liability), encumbrances, liens, costs and expenses of

investigation and defense of any, whether or not such claim is ultimately defeated, and any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or unmatured, foreseeable or unforeseeable, including without limitation reasonable attorneys' fees and disbursements and consultants' fees, any of which are incurred as the result of the existence of "Hazardous Materials" at, on, under or related to the Properties (or ground or surface water associated therewith) or migrating or threatening to migrate to or from the Infrastructure Improvements Property, or the existence of a violation of Environmental Requirements pertaining to the Infrastructure Improvements Property, regardless of when the existence of such Hazardous Materials or the violation of Environmental Requirements arose, including without limitation:

(i) damages for personal injury, death or injury to property or natural resources occurring on or off the Infrastructure Improvements Property, foreseeable or unforeseeable, including without limitation, lost profits, consequential damages, the cost of demolition or rebuilding of any improvements of real property, interest and penalties;

(ii) fees incurred for the service of attorneys, consultants, contractors, experts, laboratories and all other costs incurred in connection with the investigation or remediation of such Hazardous Materials violation of Environmental Requirements including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or reasonably necessary to make the full use of the Properties or any other related property or otherwise expended in connection with such conditions;

(iii) liability to any third person or governmental agency to indemnify such person or agency the costs expended in connection with the items referenced in subsection (ii) herein; and

(iv) diminution in the value of the Properties and damages for loss of business from restriction on the use of the Properties or any part thereof.

B. Definitions. For the purposes of this Agreement and this **Section "13"**, the following definitions will apply:

(1.) "Hazardous Materials" will mean any substance:

(i) the presence of which requires investigation or remediation under any federal, state, or local statute, regulation, ordinance, order, action, policy or common law; or

ii) which is or becomes defined as a hazardous waste, hazardous substance, pollutant or contaminant under any federal, state or local statute, regulation, rule, or ordinance or amendments thereto including, without limitation, the United States Comprehensive Environmental Response,

Compensation and Liability Act, as amended, 42 USC §9601 (14) 42 USC §9602, and any “hazardous waste” as defined in or listed under the United States Solid Waste Disposal Act, as amended, 42 USC §6901(5), 42 USC §6921; or

(iii) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the State of New York or any political subdivision thereof; or

(iv) the presence of which, on the Infrastructure Improvements Property, causes or threatens to cause a nuisance on the Properties or to nearby properties, or poses or threatens to pose a hazard to the health and safety of persons on, about or nearby the Infrastructure Improvements Property;
or

(v) the presence of which on nearby properties would constitute a trespass by the owner of the Infrastructure Improvements Property; or

(vi) which contains, without limitation, gasoline, diesel fuel, or other petroleum hydrocarbons; or

(vii) which contains, without limitation, polychlorinated bipheynols (PCBs), asbestos, or urea formaldehyde foam insulation.

- (2.) “Environmental Requirements” will mean all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all government agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, the State of New York and the political subdivisions thereof; and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment.

All of the provisions of this Section “13” will survive the expiration or other termination of this Agreement until the expiration of the Period of Affordability provided that the County has paid the County Funds to the Municipality.

14. ASSIGNMENT OF RIGHTS: Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void. The

Municipality shall not subcontract any part of the work to be performed hereunder without the written consent of the County, provided, however, that the foregoing shall not be deemed to apply to contracts entered into by the Municipality to implement construction of the Infrastructure Improvements. All subcontracts shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. All work performed by a subcontractor shall be deemed work performed by the Municipality.

The County's consent to the assignment of the responsibility for or delegation of the duty hereunder shall not release the Municipality or Developer from their respective obligations under this Agreement. The Municipality and Developer shall remain liable to the County for the performance of all respective obligations under this Agreement.

15. ENTIRE AGREEMENT; AMENDMENT: This Agreement, including without limitation all Schedules and attachments constitute the entire Agreement between the parties with respect to the funding of the Infrastructure Improvements and will supersede all previous negotiations, commitments and writings. It will not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

16. INDEPENDENT CONTRACTOR: The status of the Municipality and Developer under this Agreement will be that an independent contractor and not that of an agent, and in accordance with such status, the Municipality and Developer, and their respective officers, agents, employees, representatives, contractors and sub-contractors, will at all times during the term of this Agreement conduct themselves in a manner consistent with such status, and by reason of this Agreement will neither hold themselves out as, nor claim to be acting in the capacity of, officers, employees, agents, representatives or servants of the County, nor make any claim, demand or application for any right or privilege applicable to the County, including without limitation, rights or privileges derived from workers' compensation coverage, unemployment insurance benefits, social security coverage and/or retirement membership or credit.

17. **COMPLIANCE WITH LAW:** The Municipality and Developer will comply, each at their sole cost and expense, with all applicable federal, state and local laws, rules and regulations, ordinances and requirements affecting the conduct of their activities in connection herewith, including without limitation the fair housing laws and, as applicable to the parties, as an employer. In addition to and not in limitation of the foregoing, the Municipality, as a condition of the receipt of the HIF funds will require that the work hereunder must be performed in good workmanlike manner and that all permits, approvals and consents necessary for the proper conduct of such activities in connection with this Agreement will be obtained.

All of the provisions of this Section "17" will survive the expiration or other termination of this Agreement until the expiration of the Period of Affordability provided that the County has paid the HIF Funds to the Municipality.

18. **NOTICES:** All notices of any nature, requests, approvals and other communications which may be given by either party to the other under this Agreement will be in writing and sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier or **email** or sent by facsimile (with acknowledgement received and copy of the notice sent by overnight courier) to the respective addresses set forth low or to such other addresses as the respective parties hereto may designate in writing. Notice will be effective on the date of receipt:

To the County:

Mr. Edward Buroughs
Commissioner of Planning
148 Martine Avenue
Rye, New York 10601

with a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Municipality:

City of Rye
1051 Boston Post Rd
Rye, New York 10580

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with a copy to:

Office of the City Attorney
1051 Boston Post Rd
Rye, New York 10580

To the Developer:

Pawling Holdings, LLC
8 Hilltop Drive
Port Chester, New York 10573
Attn: Lou Larizza

with a copy to:

John Colangelo, Esq.
211 South Ridge Street
Rye Brook, NY 10573

19. TERM OF AGREEMENT: The term of this Agreement shall commence upon execution of this Agreement, and shall continue for five (5) years, unless the Agreement is terminated sooner in accordance with the term of this Agreement.

(a) **The County, upon ten (10) days notice to the Parties, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Parties shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination specified in Schedule "D".** Upon receipt of notice that the County is terminating this Agreement in its best interests, the Parties shall stop work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Commissioner, and the Parties shall direct any approved subcontractors to do the same.

In the event of a dispute as to the value of the Work rendered by the Parties prior to the date of termination, it is understood and agreed that the Commissioner shall determine the value of such Work rendered by the Parties. The Parties shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by

either of the Parties of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Party of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Work provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Parties(developer). Without limiting the foregoing, upon written notice to the Parties, repeated breaches by either of the Parties of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

20. NON-DISCRIMINATION: The Municipality and Developer each agree that neither they, nor any contractor, subcontractor, employee, or other person acting on their respective behalf will discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of Laws of Westchester County. The Municipality and Developer acknowledge and understand that the County maintains a zero tolerance policy that prohibits all forms of harassment or discrimination nation against its employees by co-workers, supervisors, vendors, contractors, or others.

Pursuant Section 308.01 the Laws of Westchester County, it is the goal of the County to use its best efforts to encourage, promote and increase the participation of business enterprises owned and controlled by persons of color or women in contracts and projects funded by all departments of the County. Attached hereto and forming a part hereof as Schedule "H" is a Questionnaire entitled Business Enterprises Owned and Controlled by Persons of Color or Women. The Developer agrees to complete the questionnaire attached hereto as Schedule "H", as part of this Agreement.

21. VALIDITY: If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and

provisions of this Agreement will in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision will be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision will be interpreted and enforced to give effect to the original written intent of the parties prior to determination of such invalidity or unenforceability.

22. LEGAL AND EQUITABLE RELIEF. The injury to the County arising from noncompliance with any of the material terms of this Agreement and the Schedules hereto, including without limitation failure to complete the Development or the Infrastructure Improvements in accordance herewith or noncompliance with the Affordability Requirements until expiration of the Period of Affordability, as more fully set forth in **Schedule “B”** hereto, would be great and the amount of consequential damage would be difficult to ascertain and may not be compensable by money alone. Therefore, in the event of any such noncompliance, which remains uncured for thirty (30) days after service on the Municipality and Developer of written notice thereof (the “Cure Period”), the County, at its option, may terminate this Agreement and/or apply to any state or federal court for: (A) specific performance of this Agreement and the Schedules hereto; (B) an injunctive relief against any noncompliance; and/or (C) seek any and all appropriate legal and/or equitable remedies, including, but not limited to, damages, reasonable attorney’s fees, disbursements and court costs in such amounts as shall be allowed by the court.

The Commissioner of Planning, in his sole discretion, may agree to stay any such enforcement beyond the Cure Period, provided however that the County determines that the Municipality and/or Developer is diligently and continuously acting to cure said noncompliance. Without limiting the foregoing, upon written notice to the Municipality and/or Developer, repeated non-compliance by the Municipality or Developer of any particular duty or obligation under this IMDA will be deemed a material breach of this IMDA justifying termination for cause hereunder without requirement for further opportunity to cure. Notice will be effective as set forth herein.

All of the provisions of this Section "22" will survive the expiration or other termination of this Agreement until the expiration of the Period of Affordability provided that the County has paid the HIF Funds to the Municipality.

23. COUNTY APPROVALS: It is hereby acknowledged that any request by the Municipality or Developer for any modification of the terms hereof which requires consent of the County will be subject to the receipt of any and all necessary County approvals. It is further acknowledged that in no event, will any delay or failure of the Westchester County Board of Legislators and/or Westchester County Board of Acquisition and Contract to appoint or approve any action be deemed to be unreasonable.

24. EXECUTION: This Agreement may be executed simultaneously in several identical copies, each of which will be an original and all of which will constitute but one and the same agreement.

25. GOVERNING LAW: This Agreement will be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that any cause of action arising out of this Agreement will be brought in the County of Westchester.

26. NO WAIVER: Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained will not be deemed a waiver or relinquishment for the future of such term or condition, but the same will remain in full force and effect.

27. THIRD PARTIES: Nothing herein is intended or will be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

28. REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY: Attached hereto and forming a part hereof as Schedule "I" is a questionnaire entitled "Required Disclosure

of Relationships to County.” The Municipality and Developer each agree to complete said questionnaire as part of this Agreement. In the event that any information provided in the completed questionnaire changes during the term of this Agreement, Municipality and Developer, as appropriate, each agree to notify County in writing within **ten (10) business days** of such event.

29. ENFORCEMENT: This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

30: ELECTRONIC FUNDS TRANSFER: **(Same for payment from City to contractors)** All payments made by the County to the Municipality will be made by electronic funds transfer (“EFT”) pursuant to the County’s Vendor Direct program. Contractors doing business with Westchester County, who are not already enrolled in the Vendor Direct Program, will be required to fill out and submit an EFT Authorization Form in order to receive payment. The EFT Authorization Form and related information are annexed hereto as Schedule “J”. The completed Authorization Form must be returned by the Municipality to the Commissioner prior to execution of the contract. In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, please contact the Westchester County Finance Department.

31. CAPTIONS: The captions are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope of this Agreement nor the intent of any provision thereof.

32. CONFLICT OF INTEREST: The Municipality and Developer shall each use all reasonable means to avoid any conflict of interest with the County and shall immediately notify the County in the event of a conflict of interest. The aforementioned parties shall also use all reasonable means to avoid any appearance of impropriety.

33. JOINT AND SEVERAL LIABILITY: The obligations of the HDPC and the LLC. to the County under this Agreement are joint and several.

NO FURTHER TEXT ON THIS PAGE

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IN WITNESS WHEREOF, the County of Westchester, the Municipality and the Developer have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Name: Edward Buroughs
Title: Commissioner of Planning

CITY OF RYE

By: _____
Name: _____
Title: _____

PAWLING HOLDINGS, LLC

By: _____
Name: _____
Title: _____

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Approved by the Board of Legislators by Act No: 2015 at a meeting duly held on the — day of August, 2015.

Approved by the Westchester County Board of Acquisition & Contract at a meeting duly held on the day of , 2015.

Approved as to form and manner of execution:

Assistant County Attorney

Approved as to form:

City of Rye

COUNTY OF WESTCHESTER ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 20 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

CITY OF RYE ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the day of _____ in the year 20 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

CITY OF RYE CERTIFICATE OF AUTHORITY

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(the "Municipality")

a municipal corporation duly organized and in good standing under the _____
*(Law under which organized, e.g., the
New York Business Corporate Law)*

named in the foregoing agreement; that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution

(Title of such person)

of the Municipality and that said agreement was duly signed for and on behalf of said
Municipality by authority of its Board of _____, thereunto duly
authorized and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me personally came
_____, whose signature appears above, to me
known, and known to me to be the _____ of _____
(Title)

_____, the Municipality described in and
which executed the above certificate, who being by me duly sworn did depose and say that
he/she, the said _____ of said Municipality resides at

_____, and that he/she signed his/her
name hereto by order of the Board of _____ of said Municipality.

Signature and Office of individual
taking acknowledgment

PAWLING HOLDINS, LLC
ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the _____ day of _____ in the year 20 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument; and, acknowledged if operating under any trade name, that the certificate required by the New York State General Business Law Section 130 has been filed as required therein.

Signature and Office of individual
taking acknowledgment

PAWLING HOLDINGS, LLC
CERTIFICATE OF AUTHORITY

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(the "Corporation")

a corporation duly organized and in good standing under the (Law under which organized, e.g., the New York Business Corporate Law) named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the Corporation was, at the time of execution

(Title of such person)

of the Corporation and that said agreement duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 20___, before me personally came
_____, whose signature appears above, to me
known, and known to me to be the _____ of
(Title)

_____, the Corporation described in and
which executed the above certificate, who being by me duly sworn did depose and say that
he/she, the said _____ of said Corporation resides at
_____, and that he/she signed his/her
name hereto by order of the Board of Directors of said Corporation.

Signature and Office of individual
taking acknowledgment

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SCHEDULE "A"
AFFORDABLE HOUSING PROPERTY

To Be Inserted

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SCHEDULE "B"

(Intentionally omitted)

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Schedule "C"

**Declaration of Restrictive Covenants
(intentionally omitted)**

**SCHEDULE “D”
INFRASTRUCTURE IMPROVEMENTS PROJECT**

A. SCOPE OF SERVICES

The infrastructure improvements include, but are not limited to, sewer and main replacements, curbing, paving, parking, grading and any ancillary related work (the “Infrastructure Improvements”). The Infrastructure Improvements shall be constructed in accordance with the following plans: _____ and may be amended from time to time subject to the approval of the City and which the Developer must provide to the Commissioner of the Westchester County Department of Planning (the “Plans”).

B. PAYMENT

The County will make progress payments to the City for expenses incurred in constructing the Infrastructure Improvements associated with the construction of 150 North Street in the City of Rye, in accordance with the Plans in an amount not to exceed \$2,200,000.00, as set forth pursuant to the below budgets (the “Budgets”). All quantities are approximate, and the total amount shall not be exceeded.

Any and all requests for payments to be made, including any partial payment made in proportion to the work completed, shall be submitted on properly executed payment vouchers of the County and **paid within 30 days after approval by the Commissioner**, which approval shall not be unreasonably withheld and subject to the terms of the Agreement. The Municipality acknowledges and agrees that the New York State prevailing wage shall be paid. In the event prevailing wage is not paid the County’s Department of Planning shall recalculate and reduce the below Budget. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize sequential numbering and be non-repeating.

Payment requires compliance with the following procedures, noting that the County reserves the right to require additional documentation and approval:

1. documentation for the payment of work completed shall include verification from the architect or engineer responsible for the work to a) verify that the work was done, and b) that it was done properly;
2. a signed AIA form approving the work, materials and workmanship and the amount to be invoiced by the contractor shall be included along with a County voucher and lien release from the Contractor;
3. the municipality submits the invoice, AIA form, lien release and a County voucher to the County for payment;
4. the County reviews the request, if approved submits it for payment & prepares a check to the Municipality, provided however, that the County shall retain not more than five per centum

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(5%) of each payment which amount shall be held until final payment upon the certified completion of the Infrastructure Improvements.

C. BUDGET (County Funds):

All quantities are approximate and the total amount shall not be exceeded.

The Developer is responsible for funding the costs of construction of the Infrastructure Improvements not funded through the County HIF Funds.

150 North Street Infrastructure Improvements on Affordable Housing Property and in ROW along Theodore Fremd Ave.

	est quantity	unit	unit cos
Rough grade fill in place, approximately 1.7 acres	83000	CY or l	0.5
Concrete curbs 2,346 lf @ \$27/lf	2346	LF	27
Retension System		lump sum	
8" Item 4, 23,000 sf @ \$2.50 / sf	570	CY	50
Binder, 23,000 sf, 2.5" of binder @ \$2.00 / sf	23000	SF	2.5
Top, 23,000 sf, 2.0" of top @ \$2.00 / sf	23000	SF	2.5
Storm Drain 140 ft. SDR 8" @ \$60 / ft gravel, labor & material	140	LF	60
Sanitary Manholes (4)	4	each	4000
Dog House installed on Theodore Fremd, restoration, K-crete, trench box		lump sum	
Sanitary Sewer tied into Theodore Fremd from new buildings SDR 35 8 inch 240 ft @ \$60 / ft	240	lf	60
Confined space for tie-in to existing sanitary manhole for temporary sanitary sewer			
(8) catch basins	8	Each	4000
Pipe HDPE, 24", 470 ft @ \$58 / ft	470	lf	65
Pipe HDPE, 15" 240 ft @ \$50 / ft	240	lf	55
(2) Drain Manhole 48 inch	2	each	3500
Headwall	1	each	
Entrance Apron, 200 sf @ \$24 / sf 6" concrete	200	SF	24
Sidewalks, 2,300 sf of pavers @ \$15 / ft	2300	SF	20
Concrete Sidewalks, 400 sf @ \$12	1400	SF	10
Site Lighting (13) street lights @ \$4,500 each	13	each	4500
Trenching for site lighting (1,400 lf @ \$9/lf with sand)	1400	lf	9
Engineer Inspection and Testing		lumps sum	

Sewer Construction Budget:

Engineer's Estimate for Theo Fremd Site Sewer Relocation

Pay Item	Quantity	Units
Mobilization/Demobilization	1	Lump Sum
Maintenance and Protection of Traffic	1	Lump Sum
8" PVC SDR-35 Sanitary Sewer	900	Linear Feet
Manholes < 10 feet deep	2	Each
Manholes 10-15 feet deep	2	Each
Excavation, open cut, bracing	300	Cubic Yards
Excavation, Rock removal (50% rock assumed)	300	Cubic Yards
Backfill with acceptable spoils (50% assumed)	300	Cubic Yards
Removal of unacceptable material (50% assumed)	300	Cubic Yards
Controlled Low Strength Material Backfill	300	Cubic Yards
Pipe bedding, crushed stone	60	Cubic Yards
Sawcut pavement	1100	Linear Feet
Pavement restoration, County Road	2200	Square Feet
Pavement restoration	7000	Square Feet
Cut and Cap Existing	9	Each
Connect to Existing Structure	1	Each
Dewatering	1	Lump Sum
Cleaning and Televising Sewer Lines	1	Lump Sum
Erosion and sediment control	1	Lump Sum

D. CONSTRUCTION SCHEDULE FOR INFRASTRUCTURE IMPROVEMENTS

Commencement Date for Construction of Infrastructure Improvements: 365 days as of date hereof

Completion Date for Infrastructure Improvements: 2 years as of date hereof

SCHEDULE "E"

STANDARD INSURANCE PROVISIONS
(MUNICIPALITY)

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov/>.

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall indicate the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance. **County of Westchester has right to recover subrogation against the City of Rye or any of its insurers.**

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy. **Make this reciprocal as well.**

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

SCHEDULE “E(ii)”

**STANDARD INSURANCE PROVISIONS
(DEVELOPER)**

1. Prior to commencing work, the Developer shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. After approval of such insurance by the Director of Risk Management of Westchester County, the Developer shall provide evidence of such insurance to the City of Rye. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester and to the City Manager by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Developer and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County or to the City, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County or the City, the Developer shall upon notice to that effect from the County or the City, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester or the City Manager, as the case may be, for approval and submit a certificate thereof. Upon failure of the Developer to furnish, deliver and maintain such insurance, the Agreement, at the election of the County or the City, may be declared suspended, discontinued or terminated. Failure of the Developer to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Developer from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with otherwise limit the contractual obligations of the Developer concerning indemnification. All property losses shall be made payable to and adjusted with the County and/or the Village as their interests may appear.

In the event that claim , for which the County or the City may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Developer until such time as the Developer shall furnish such additional security covering such claims in form satisfactory to the County of Westchester or the City, as the case may be.

2. The Developer shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the “Special Conditions” of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers'

Compensation Law.

NOTE: Other generally recognized forms/certificates may be substituted for the above at the sole discretion of the Director of Risk Management.

(b) State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov/>

If the employer is self-insured for Worker's Compensation, he should present a certificate from the New York State Worker's Compensation Board evidencing that fact.

Employer's Liability with minimum limit of \$100,000.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or a combined single limit of \$1,000,000 (c.s.1), naming the County of Westchester and the City of Rye as additional insureds. This insurance shall include the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.
- (iii) Independent Contractor and Sub-Contractor.
- (iv) Products and Completed Operations.

All Contracts involving the use of explosives and demolition shall provide the above coverage with elimination of the XCU exclusion from the policy, or proof that XCU is covered.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications, naming the County of Westchester and the City of Rye as additional insureds. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Developer shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester or the City of Rye (including either of their employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause “other insurance provisions” in a policy in which the County of Westchester or the City of Rye is named as an insured, shall not apply to the County of Westchester or the City of Rye.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester or the City of Rye (including either of their agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Developer.

As per the attached written agreement, and where indicated with a check mark below, the following insurance(s) will also be required:

	(e) Environmental Liability with a minimum limit of liability per occurrence of \$1,000,000.00. Policy shall be kept in full force and effect for three (3) years from the date of Closing Until the project is completed and the County and City shall be provided with the endorsement naming the County of Westchester and City of Rye as an additional insured.
	(f) Property Insurance – Replacement Cost basis with County of Westchester named as loss payee as its interest may appear
	(g) Builder’s Risk -- Municipality at their own cost and expense shall provide and maintain a Builder’s Risk Form, All Risk Insurance Contract. The coverage shall be written for 100% of the completed value, with the County of Westchester named as loss payee as its interest may appear.

|

SCHEDULE "F"
Affordable Housing Infrastructure Improvements Property Description

[Metes and Bounds Description To Be Inserted].

|

SCHEDULE "G"

Required Easement from Developer to County and Municipality

[form of attached hereto]

SCHEDULE "H"

For Informational Purposes Only

**QUESTIONNAIRE REGARDING BUSINESS ENTERPRISES
OWNED AND CONTROLLED BY WOMEN OR PERSONS OF COLOR**

As part of the County's program to encourage the meaningful and significant participation of business enterprises owned and controlled by persons of color or women in County contracts, and in furtherance of Section 308.01 of the Laws of Westchester County, completion of this form is required.

A "business enterprise owned and controlled by women or persons of color" means a business enterprise, including a sole proprietorship, limited liability partnership, partnership, limited liability corporation, or corporation, that either:

- 1.) meets the following requirements:
 - a. is at least 51% owned by one or more persons of color or women;
 - b. is an enterprise in which such ownership by persons of color or women is real, substantial and continuing;
 - c. is an enterprise in which such ownership interest by persons of color or women has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
 - d. is an enterprise authorized to do business in this state which is independently owned and operated.

- 2.) is a business enterprise certified as a minority business enterprise ("MBE") or women business enterprise ("WB" pursuant to Article 15-a of the New York State Executive Law and the implementing regulations, 9 New York Code Rules and Regulations subtitle N Part 540 et seq., **OR**

- 3.) is a business enterprise certified as a small disadvantaged business concern pursuant to the Small Business Act, 15 U.S.C. 631 et seq., and the relevant provisions of the Code of Federal Regulations as amended.

Please note that the term "persons of color," as used in this form, means a United States citizen or permanent resident alien who is and can demonstrate membership of one of the following groups:

- (a) Black persons having origins in any of the Black African racial groups;
- (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race;
- (c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (d) Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

1. Are you a business enterprise owned and controlled by women or persons of color in accordance with the standards listed above?

_____ No

_____ Yes

Please note: If you answered “yes” based upon certification by New York State and/or the Federal government, official documentation of the certification must be attached.

2. If you answered “Yes” above, please check off below whether your business enterprise is owned and controlled by women, persons of color, or both.

_____ Women

_____ Persons of Color (*please check off below all that apply*)

_____ Black persons having origins in any of the Black African racial groups

_____ Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either Indian or Hispanic origin regardless of race

_____ Native American or Alaskan native persons having origins in any of the original peoples of North America

_____ Asian or Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian sub-continent or the Pacific Islands

Name of Business Enterprise: _____

Address: _____

Name and Title of person completing questionnaire:

Signature: _____

Notary Public

Date

SCHEDULE "I"

REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY

(Prior to execution of a contract by the County, a potential County contractor must complete, sign and return this form to the County)

Contract Name and/or ID No.:

(To be filled in by County)

Name of Contractor:

(To be filled in by Contractor)

A.) Related Employees:

1. Are any of the employees that you will use to carry out this contract with Westchester County also an officer or employee of the County, or the spouse, or the child or dependent of such County officer or employee?

Yes _____ No _____

If yes, please provide details: _____

B.) Related Owners:

1. If you are the owner of the Contractor, are you or your spouse, an officer or employee of the County?

Yes _____ No _____

If yes, please provide details: _____

To answer the following question, the following definition of the word "interest" shall be used:

Interest means a direct or indirect pecuniary or material benefit accruing to a county officer or employee, his or her spouse, child or dependent, whether as the result of a contract with the county or otherwise. For the purpose of this chapter, a county officer or employee shall be deemed to have an "interest" in the contract of:

- i. His/her spouse, children and dependents, except a contract of employment with the county;**
- ii. A firm, partnership or association of which such officer or employee is a member or employee;**
- iii. A corporation of which such officer or employee is an officer, director or employee; and**
- iv. A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.**

2. Do any officers or employees of the County have an **interest** in the Contractor or in any subcontractor that will be used for this contract?

Yes _____ No _____
If yes, please provide details: _____


Authorized Company Official shall sign below and type or print information below the signature line:

Name:

Title:

Date:

SCHEDULE "J"

	Westchester County • Department of Finance • Treasury Division	Authorization is: <i>(check one)</i> <input type="checkbox"/> New <input type="checkbox"/> Change
Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form		

INSTRUCTIONS: Please complete both sections of this Authorization Form and attach a voided check. See the reverse side for more information and instructions.

Mail to: Westchester County, Department of Finance, Treasury Division, 148 Martine Avenue, White Plains, NY 10601
Attention: Vendor Direct

Section I - Vendor Information

1. Vendor Name:												
2. Taxpayer ID Number or Social Security Number:		<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>										
3. Vendor Primary Address												
4. Contact Person Name:		Contact Person Telephone Number:										
5. Vendor E-Mail Addresses for Remittance Notification:												
6. Vendor Certification: <i>I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.</i>												
_____	_____	_____										
Authorized Signature	Print Name/Title	Date										

Section II- Financial Institution Information

7. Bank Name:												
8. Bank Address:												
9. Routing Transit Number:		10. Account Type: (check one)										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>												<input type="checkbox"/> Checking <input type="checkbox"/> Savings
11. Bank Account Number:		12. Bank Account Title:										
13. Bank Contact Person Name:		Telephone Number:										
14. FINANCIAL INSTITUTION CERTIFICATION (required ONLY if directing funds into a Savings Account OR if a voided check is not attached to this form): <i>I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial Institution, I certify that this financial Institution is ACH capable and agrees to receive and deposit payments to the account shown.</i>												
_____	_____	_____										
Authorized Signature	Print Name / Title	Date										

(Leave Blank - to be completed by Westchester County) - Vendor number assigned

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CITY COUNCIL AGENDA

NO. 15

DEPT.: Finance

DATE: September 16, 2015

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to authorize the addition of Customers Bank and People's United Bank as authorized depositories of the City of Rye.

FOR THE MEETING OF:
September 16, 2015

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City of Rye's Cash Management and Investment Policy requires that bank and investment companies holding deposits and investments of the City must be approved as authorized depositories of the City, and,

WHEREAS, it is the recommendation of the City Comptroller to add them as authorized depositories of the City of Rye to encourage competition for the deposits of the City, now therefore be it;

RESOLVED that the following banking and investment companies be approved as authorized depositories of the City of Rye:

Customers Bank

People's United Bank

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Charter, section §C10-2, "Powers and duties of City Comptroller" States that the City Comptroller has fiduciary control over the funds of the city which should be "deposited in interest-bearing bank accounts approved by the Council." The authorized depositories the City is currently using are Webster Bank, Wells Fargo and JP Morgan. The request to add these additional banks as depositories is based on:

- Monies will be deposited into interest bearing accounts; Customers Bank and People's Bank offer better interest rates than the City is currently receiving
- There will be no charge to the City. Webster Bank would still be the City's primary bank; no fees are currently paid to them.

The City Council is asked to approve the above resolution which authorizes Customers Bank and People's United Bank as authorized depositories of the City, and authorizes the City Comptroller and Deputy City Comptroller to act on behalf of the City for such accounts.

See attached information on Customers Bank and People's United Bank.

Know-how helps you get it done right.

At People's United Bank, we are committed to providing counties, cities, towns, school districts, utility districts, transit districts, waste districts and public housing authorities with the most efficient and useful financial products and services available. We have the experience and knowledge to respond to a variety of public funding needs. Whether you are a small fire department or a large municipal entity, People's United Bank has the answer.

Deposit Services

At People's United, our goal is to find practical solutions to meet your needs. Our professional staff is prepared to work with you to select the best possible solutions from our specialized products and services, which include:

- Municipal Checking, Savings, Money Market and Certificate of Deposit Accounts
- Zero Balance Accounts
- Check Imaging on CD-ROM
- Fraud Prevention Services
- Health Savings Accounts

We understand the need to safeguard public deposits beyond FDIC Insurance, according to state and federal law. We are prepared to provide legally compliant collateral arrangements such as; Federal Home Loan Bank Letters of Credit and trustee held custodial agreements in each state that we operate.

Lending Services¹

At some point in time, virtually all municipalities need to borrow funds. When that need arises, the professionals at People's United Bank will be there to assist you every step of the way. People's United Bank can provide funding for the following borrowing needs:

Tax Anticipation Financing

Over the years, People's United Bank has provided towns and schools with tax anticipation financing to bridge the gaps in their tax and/or revenue collections. Based on the cash flow statement presented, the Bank will prepare a bid.

Bond and Grant Anticipation Financing

People's United Bank is also very active in purchasing bond and grant anticipation notes from issuers for a variety of projects, including water and sewer upgrades, school building improvements, municipal building projects and large equipment purchases. Since notes are generally issued to allow the issuer to start the project prior to obtaining long term financing, this type of financing is also used when a community wants to totally complete the project prior to issuing fixed rate bonds. For bond anticipation notes, the Bank will require a legal opinion.

Capital Equipment and Capital Improvement Financing

People's United Bank also works with municipalities to finance capital equipment purchases as well as small capital improvement projects. These notes can be financed on a year-to-year basis or at a fixed rate up to five years. Some of the types of capital equipment financing include; highway and emergency equipment purchases, school bus acquisition and computer hardware purchases. The types of capital improvement financing include; municipal building restoration, land acquisition and smaller water and sewer improvements.

Specialized Municipal Services

Deposit Collateralization

For certain types of accounts People's United Bank can secure your municipalities deposit accounts that are in excess of the \$250,000 FDIC insurance coverage. Under a formal agreement, People's United Bank will place bank owned securities (U.S. Treasuries, Federal Agency Securities, and short term Municipal Notes) in a third party custodian account for the benefit of your municipality. A monthly statement will be provided indicating the amount of dollars on deposit versus the value of the securities being held.



Stand-by Letter of Credit

People's United Bank also offers municipalities the option to secure deposits by receiving an irrevocable letter of credit from the Federal Home Loan Bank of Boston. The letter of credit will be established on behalf of the government unit for an amount equal to the highest projected deposit level during the fiscal year.

Escrow and Sub-Accounting Services

People's United Bank offers a specialized Master/Sub-Accounting service that offers convenient summary reporting for states and municipalities holding government escrow accounts.

Key benefits include:

- Streamlined process for opening and closing sub accounts
- Customizable summary reporting
- IRS 1099-INT interest reporting
- Accessibility via eTreasury+ Online Banking

Online Banking

With our eTreasury+, your entity can access all of your accounts and get "real-time" account information. Because every entity's needs are different, we can offer a wide array of functions through eTreasury+, including:

- View images of all cleared checks
- Retrieve up-to-the-minute balances on all accounts
- Transfer funds between accounts
- Download transaction activity
- Establish a direct deposit payroll service for employees with ACH (Automated Clearing House) processing
- Make required state and federal withholding payments
- Originate wire transfers and stop payments

Investment Management³

As the cost of capital improvements to schools, roads and utility systems continue to increase, communities are starting to plan now for future expenditures. Communities that have set aside funds for these projects need to make responsible, long-term investment decisions. We work with municipalities to explain the investment options available and how best to meet investment objectives. Our portfolio managers will work with municipal officials to develop an investment plan that outlines appropriate investment, liquidity requirements, legal restrictions and risk tolerance.

Additional Specialized Services

- Treasury Management
- Merchant Credit Card Processing²
- Online Payment Acceptance Solutions
- Business Credit Cards¹

Know-how makes your business, our business.

For more than 25 years, we have provided dedicated resources to help municipalities meet their financial objectives. To explore how our Government Banking professionals can serve your municipal financial needs, please visit peoples.com.

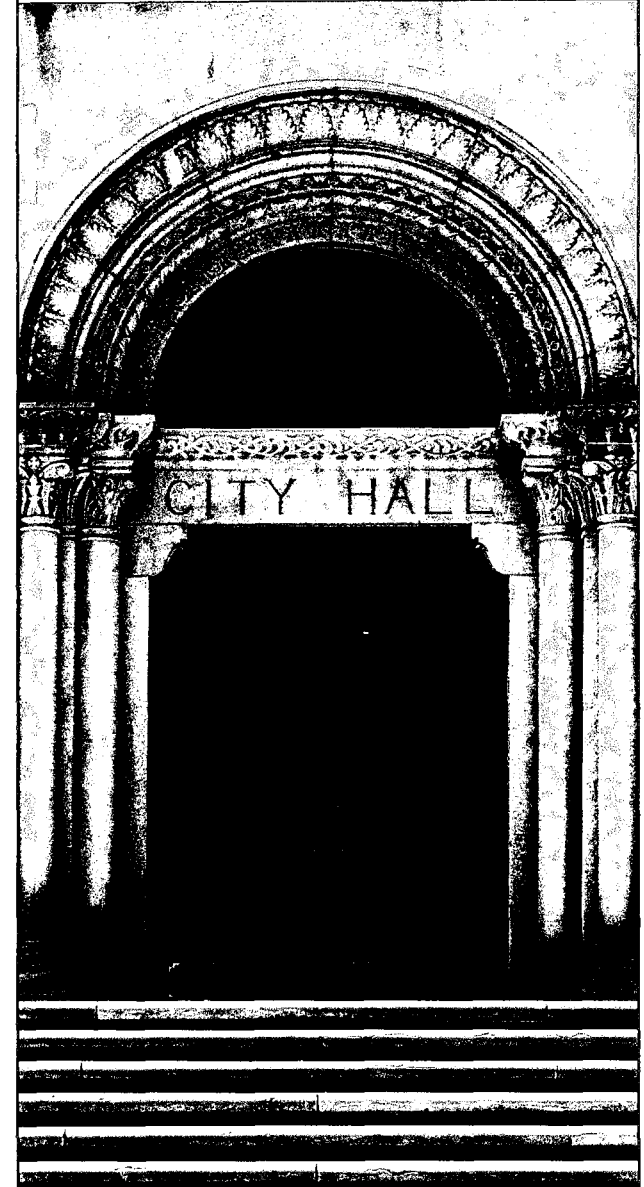
People's United Bank[®]

What know-how can do[®]

¹Application and credit approval required. ²People's United Merchant Services, LLC (PUMS) is a joint venture of People's United Bank, N.A. and Vantiv, LLC. PUMS is an indirect subsidiary of People's United Bank. Vantiv and People's United Bank are not affiliated companies. All merchants are subject to credit approval. ³Investment Products and Assets held in fiduciary accounts are not deposits, or other obligations, are not guaranteed by People's United Bank, are not insured by the FDIC, by any other government agency, or by People's United Bank, or any of its affiliates, and may lose value.

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Government Banking Solutions



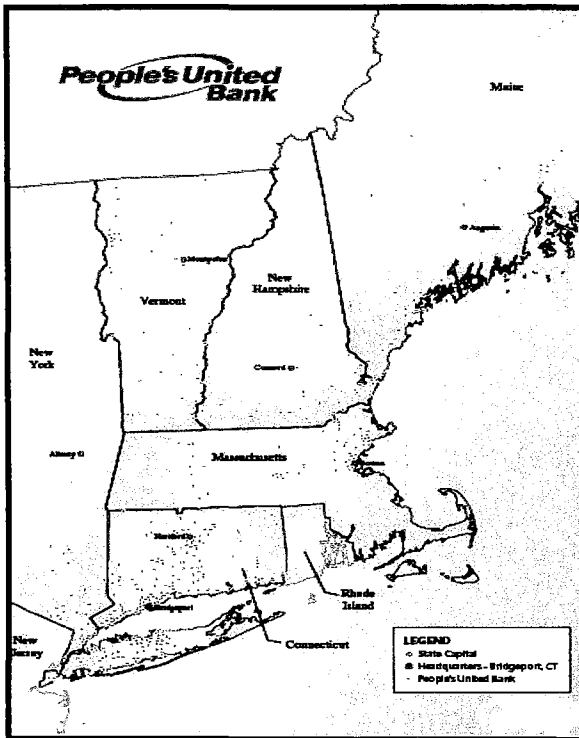
People's United Bank[®]

What know-how can do[®]

People's United Bank – Quick Facts



Founded in 1842, People's United Bank is the largest independent bank headquartered in New England. With \$28 billion in assets, the Bank provides commercial and retail banking, as well as wealth management services. People's United Bank, headquartered in Bridgeport, CT, is a subsidiary of People's United Financial, Inc., traded on the Nasdaq Stock Exchange – Ticker Symbol PBCT. In addition to traditional banking services, People's United Financial also provides equipment financing, brokerage and insurance services through its other subsidiaries – People's Securities, Inc., People's Capital and Leasing Corp, People's United Equipment Finance Corp and People's United Insurance Agency.



People's United services its customers through a network of approximately 417 branches located throughout Connecticut, Massachusetts, Vermont, New York, New Hampshire and Maine. In the mid 90s, the Bank formed a strategic partnership with Stop & Shop Supermarkets. The bank now operates 140 of its branches within Super Stop & Shop locations in Connecticut and New York. Stop & Shop branches offer convenient 7 day a week banking and extended daily hours – until 7:00pm Monday – Friday.

Originally chartered as the Bridgeport Savings Bank, the bank has a long-standing reputation for its commitment to communities, superior customer service and, most importantly, its financial strength. Throughout its 170 year history, People's United Bank has remained strong, focused and consistent. The bank did not participate in the TARP program. People's United Bank also did **not** sell any of its assets to the U.S. Treasury pursuant to the Troubled Asset Relief Program ("TARP") and did **not** apply for or receive any equity capital under the TARP Capital Purchase Program. Today, People's United Bank has among the highest credit ratings amongst its peer group.*

	Regulation F Minimum to be "Adequately Capitalized"	FDICIA PCA-Subpart B Minimum to be "Well Capitalized"	People's United Bank (Consolidated) December 31, 2014
Total Risk-Based Capital Ratio	8.00%	10.00%	13.10%
Tier 1 Risk-Based Capital Ratio	4.00%	6.00%	10.50%
Tier 1 (Core) Capital Ratio	4.00%	5.00%	9.8%
Credit Ratings			
Moody's			Baa1 Stable
Standard & Poor's			A- Stable
Fitch			A- Stable

People's United Financial, Inc.'s Annual Financial Report for the Fiscal Year Ending December 31, 2014 is available on the bank's website: www.peoples.com under "Investor Relations."

*Among banks headquartered in New England or New York with 3Q 2011 assets of \$5 - \$100 billion.

Government Banking Treasury Management Services Product Overview



Our complete line of Treasury Management products¹ can help our business customer plan, organize and control the flow of funds, so that they operate at a more effective and efficient level. Through the use of the latest technology, we offer several alternatives that can streamline cumbersome office procedures.

Manage Collections – These services let our customers' money work longer by helping to reduce operating costs and improve the availability of funds.

- **Automated Clearing House² (ACH)** – Automated Clearing House (ACH) collections can help to streamline the collection of funds. People's United can assist with collecting these recurring payments electronically by taking advantage of the Automated Clearing House system. We can work with a company to make ACH collections possible using our software or theirs.
- **Deposit Reconciliation** – Deposit Reconciliation enables a company to track deposits by source (such as department or store location) that is made into a single checking account. A unique number is assigned to each deposit location. That unique number will be pre-printed on each location's deposit ticket. This will enable People's United to track the source of each deposit made. Deposits will be sorted separately (according to location) with subtotals and grand totals that will be presented in a convenient monthly report.
- **Remote Deposit Capture² (RDC)** – RDC allows a company to scan checks for deposit and transmit the images directly to PUB without having to visit a branch. By scanning checks and transmitting deposits, costly trips to the bank are eliminated.
- **Retail Lockbox (OCR)** – Retail lockbox service uses optical character recognition (OCR) to collect payments and capture the remittance data. This product is best suited for accounts with deposited items of 5,000 or greater.
- **Wholesale Lockbox** – Our lockbox product will accelerate the collection of our customers' receivables and save them valuable clerical time. The customer will receive fast and accurate credit to their account. Our service includes image capture that utilizes state of the art hardware and software to capture the image of the check and the invoice. These items are available to view the same day they are processed. Our Lockbox service can be enhanced with additional services like data capture, electronic output of your remittance data and special reports that can streamline posting to the accounts receivable system.

Manage Payments – These solutions optimize the efficiency of our business customers' cash flow. These services allow them to distribute funds quickly and cost effectively while monitoring payables activity.

- **Account Reconciliation** – Our customer uploads a file containing check issue information and we match checks-issued with checks-paid and balance the activity to the bank statement. Any discrepancies will be researched and resolved by People's United prior to providing a monthly recap report. Reports are made available via eTreasury.
- **Automated Clearing House/EDI²** - Automated Clearing House payments can help streamline the transfer of funds and reduce the number of paper checks written. People's United can assist with making payments electronically by taking advantage of the Automated Clearing House system. We can work with our customer using their software or the customer may choose to use the ACH software integrated with our internet banking platform, eTreasury.
- **Wire Transfers** – On-Line movement of funds makes it possible to move money globally with a high level of security and minimal clerical effort. Domestic and international (US dollar and foreign currency) wires are available through our eTreasury system

Government Banking Treasury Management Services Product Overview



Manage Cash Flow – These services allow your business to control and monitor your funds, prevent fraud and maximize the productivity of your cash resources.

- ◆ **Fraud Prevention** - With check fraud losses rising and ACH payments becoming increasingly popular, it's important to take proactive measures to reduce losses. People's United can help our business customers manage its risk of check fraud and unauthorized ACH debit activity with these innovative fraud protection tools.
 - ACH Positive Pay – This service allows the authorized ACH transactions to be paid and filters the unauthorized transactions to the company for a pay or no pay decision. Decisions must be made by 11am.
 - ACH Debit Block – Blocks all ACH debits to the account. No ACH transactions, regardless of the source will be paid against the account.
 - Check Positive Pay - Each time our customers issue a check, they would transmit that information (i.e. check number, dollar amount, issue date, etc.) to the bank. We would then match each check presented for payment against that information. If everything matches, the checks would be paid. If a check does not match, it would reject and the customer would be able to decide whether to pay or return the check. Exceptions are posted by 9am and decisions must be made by 11am.
- ◆ **Information Reporting** – eTreasury provides online access to checking, savings, money market, overnight investment and loan accounts. eTreasury is updated continuously throughout the day on a real time basis making it easy to know the exact cash position at any time.
- ◆ **Loan Management** – Links a business checking account to a commercial loan for automatic, daily pay-down and draw down decisions. This can help reduce interest income expenses as well as clerical time involved in manually processing loan payments and drawdown requests.
- ◆ **Overnight Investment (Sweep)** – Automatically transfers funds to and from an investment account. At the end of each day excess funds are moved into the investment account. If the account is in a negative position it will automatically withdraw enough funds to bring it to a positive balance. This product ensures funds are fully utilized at all times – earning interest with excess funds and preventing overdrafts by funding the account in the event it falls into a negative position.
- ◆ **Zero Balance Accounting (ZBA)** - Centralizes funds in a single concentration account by linking business checking accounts through our Zero Balance Accounting service. Zero Balance Accounting (ZBA) eliminates the need for manual transfers between accounts by automatically moving excess balances held in linked accounts to the master/concentration account.

Note 1: Treasury Management products are available to Cash Management Checking, Government Checking, Municipal Checking, Non-Profit Business Checking, and Correspondent Checking customers only. The customers account will be converted to an appropriate account type that accepts Treasury Management products and all applicable charges associated with this account type would apply.

Note 2: ACH Services and Remote Deposit Capture require review and approval by People's United Bank. Not all customers are eligible for these services.



Customers Bancorp, Inc.

*Highly Focused, Low Risk, Above Average Growth
Bank Holding Company*

Investor Presentation
July, 2015
NYSE: CUBI



This presentation as well as other written or oral communications made from time to time by us, may contain certain forward-looking information within the meaning of the Securities Act of 1933, as amended, and the Securities Exchange Act of 1934, as amended. These statements relate to future events or future predictions, including events or predictions relating to our future financial performance, and are generally identifiable by the use of forward-looking terminology such as “believes,” “expects,” “may,” “will,” “should,” “plan,” “intend,” “target,” or “anticipates” or the negative thereof or comparable terminology, or by discussion of strategy or goals that involve risks and uncertainties. These forward-looking statements are only predictions and estimates regarding future events and circumstances and involve known and unknown risks, uncertainties and other factors that may cause our actual results, levels of activity, performance or achievements to be materially different from any future results, levels of activity, performance or achievements expressed or implied by such forward-looking statements. This information is based on various assumptions by us that may not prove to be correct. Important factors to consider and evaluate in such forward-looking statements include:

- changes in the external competitive market factors that might impact our results of operations;
- changes in laws and regulations, including without limitation changes in capital requirements under the federal prompt corrective action regulations;
- changes in our business strategy or an inability to execute our strategy due to the occurrence of unanticipated events;
- our ability to identify potential candidates for, and consummate, acquisition or investment transactions;
- the timing of acquisition or investment transactions;
- constraints on our ability to consummate an attractive acquisition or investment transaction because of significant competition for these opportunities;
- the failure of the Bank to complete any or all of the transactions described herein on the terms currently contemplated;
- local, regional and national economic conditions and events and the impact they may have on us and our customers;
- ability to attract deposits and other sources of liquidity;
- changes in the financial performance and/or condition of our borrowers;
- changes in the level of non-performing and classified assets and charge-offs;
- changes in estimates of future loan loss reserve requirements based upon the periodic review thereof under relevant regulatory and accounting requirements;
- inflation, interest rate, securities market and monetary fluctuations;
- the timely development and acceptance of new banking products and services and perceived overall value of these products and services by users;
- changes in consumer spending, borrowing and saving habits;
- technological changes;
- the ability to increase market share and control expenses;

- continued volatility in the credit and equity markets and its effect on the general economy;
- the effect of changes in accounting policies and practices, as may be adopted by the regulatory agencies, as well as the Public Company Accounting Oversight Board, the Financial Accounting Standards Board and other accounting standard setters;
- the businesses of the Bank and any acquisition targets or merger partners and subsidiaries not integrating successfully or such integration being more difficult, time-consuming or costly than expected;
- material differences in the actual financial results of merger and acquisition activities compared with expectations, such as with respect to the full realization of anticipated cost savings and revenue enhancements within the expected time frame;
- revenues following any merger being lower than expected;
- deposit attrition, operating costs, customer loss and business disruption following the merger, including, without limitation, difficulties in maintaining relationships with employees being greater than expected.

These forward-looking statements are subject to significant uncertainties and contingencies, many of which are beyond our control. Although we believe that the expectations reflected in the forward-looking statements are reasonable, we cannot guarantee future results, levels of activity, performance or achievements. Accordingly, there can be no assurance that actual results will meet expectations or will not be materially lower than the results contemplated in this presentation. You are cautioned not to place undue reliance on these forward-looking statements, which speak only as of the date of this document or, in the case of documents referred to or incorporated by reference, the dates of those documents. We do not undertake any obligation to release publicly any revisions to these forward-looking statements to reflect events or circumstances after the date of this document or to reflect the occurrence of unanticipated events, except as may be required under applicable law.

This presentation is for discussion purposes only, and shall not constitute any offer to sell or the solicitation of an offer to buy any security, nor is it intended to give rise to any legal relationship between Customers Bancorp, Inc. (the "Company") and you or any other person, nor is it a recommendation to buy any securities or enter into any transaction with the Company. This presentation also includes estimated guidance regarding our fully diluted earnings per share for the year 2015, which we have previously disclosed and is subject to the assumptions and qualifications included in that previous disclosure. The guidance consists solely of estimates prepared by management based on currently available information and assumptions of future performance of the company and the general economy. Our independent registered public accounting firm has not audited, reviewed or performed any procedures with respect to the guidance and, accordingly, does not express an opinion or any other form of assurance with respect to this data. Our actual results may differ from the guidance, and any such differences could be material. Accordingly, undue reliance should not be placed on this information. The factors discussed above should be considered and evaluated with respect to our guidance.

Customers Bancorp, Inc.

Customers  Bank

A \$7.6 billion asset business bank serving privately held businesses

bankmobile
A Division Of Customers Bank

A consumer bank start up, set up as a division of Customers Bank, serving millennials, middle income families and underbanked throughout the United States

Customers Bank Overview

\$7.6 bn Business Bank with 21 sales offices with target market from Boston to Philadelphia

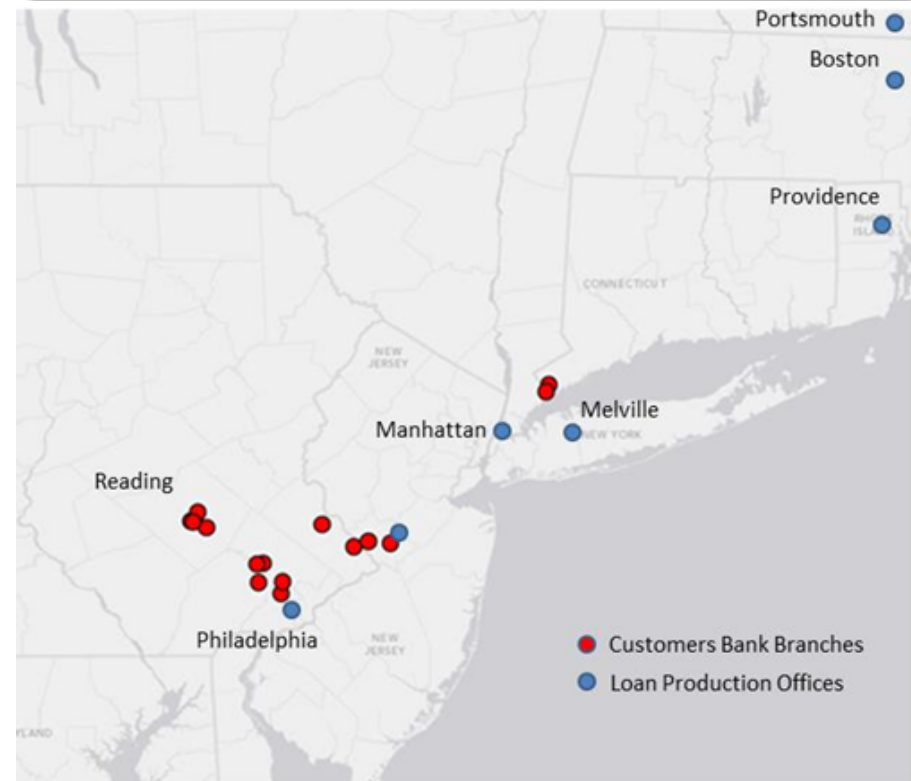
Operating in key Mid-Atlantic and Northeast markets

- Greater New York City area (Westchester County, Manhattan and Melville)
- Philadelphia area (Bucks, Berks, Chester, Delaware and Philadelphia Counties in southeastern Pennsylvania and Greater Princeton area in New Jersey)
- Greater Boston area (Boston, Providence and Portsmouth, NH)

“High-touch, supported with high-tech” value proposition

- Very experienced teams using “Single Point of Contact” model
- Provides exceptional customer service supported by state-of-the-art technology support
- Risk based incentive compensation plans supported by P&L statements created by teams

Branches and Loan Production Offices



Name	Title	Years of Banking Experience	Background
Jay S. Sidhu	Chairman & CEO	39	Chairman and CEO of Sovereign Bank & Sovereign Bancorp, Inc.
Richard A. Ehst	President & COO	47	EVP, Commercial Middle Market, Regional President and Managing Director of Corporate Communications at Sovereign Bank
Robert E. Wahlman, CPA	Chief Financial Officer	34	CFO of Doral Financial and Merrill Lynch Banks; various roles at Bank One, US GAO and KPMG.
Steve Issa	EVP, New England Market President, Chief Lending Officer	38	EVP, Managing Director of Commercial and Specialty Lending at Flagstar and Sovereign Bank.
George Maroulis	EVP, Head of Private & Commercial Banking - NY	23	Group Director and SVP at Signature Bank; various positions at Citibank and Fleet/Bank of America's Global Commercial & Investment Bank
Timothy D. Romig	EVP, Regional Chief Lending Officer	31	SVP and Regional Executive for Commercial Lending (Berks and Montgomery County), VIST Financial; SVP at Keystone / M&T Bank
Ken Keiser	EVP, Director CRE and Multi-Family Housing Lending	38	SVP and Market Manager, Mid-Atlantic CRE Lending at Sovereign Bank; SVP & Senior Real Estate Officer, Allfirst Bank / M&T Bank
Christopher McGowan	EVP, Managing Director Multi-Family Lending	16	SVP & Director of Originations for Capital One / Beech Street Capital, Peoples United Bank and Santander / Sovereign Real Estate Capital
Glenn Hedde	EVP, President Banking for Mortgage Companies	28	President of Commercial Operations at Popular Warehouse Lending, LLC; various positions at GE Capital Mortgage Services and PNC Bank
Warren Taylor	EVP, President Bank Mobile	35	Division President at Sovereign Bank, responsible for retail banking in various markets in southeastern PA and central and southern NJ
James Collins	EVP, Chief Administrative Officer	24	Various positions at Sovereign including Director of Small Business Banking
Thomas Jastrem	EVP, Chief Credit Officer	37	Various positions at First Union Bank and First Fidelity Bank
Robert B. White	EVP, Chief Risk Officer	28	President RBW Financial Consulting; various positions at Citizens Bank and GE Capital, President of Special Assets at Customers Bank
Glenn Yeager	EVP, General Counsel	37	Private practice financial services law firm. Senior Counsel Meridian Bancorp, Inc.
Mary Lou Scalese	EVP, Chief Auditor	39	Chief Auditor at Sovereign Bank and Chief Risk Officer at Customers Bank

Investment Proposition

Strong Organic Growth, Well Capitalized, Branch Lite Bank in Attractive Markets

- \$7.6 billion asset bank with only 21 sales offices
- Well capitalized at 11.1% total risk based capital (estimated), 7.4% tier 1 leverage, and 6.1% tangible equity to tangible assets
- Target market from Boston to Philadelphia along Interstate 95

Strong Core Profitability, Growth & Efficient Operations

- Q2 2015 core diluted earnings per share up 41% over Q2 2014 with a core ROA of .87% and a core ROE of 12.5%
- Q2 2015 core net income of \$14.9 million up 46% over Q2 2014
- ROA goal of ~1% + and ROE of 12% + within 2-3 years, ROE goal already achieved
- DDA and total deposits compounded annual growth of 83% and 68% respectively since 2009
- Q2 2015 net interest margin was 2.73%
- Operating efficiencies offset tighter margins and generate sustainable profitability
- Q2 2015 efficiency ratio was 48.4%

Strong Credit Quality & Low Interest Rate Risk

- 0.16% non-performing loans at June 30, 2015
- Total core reserves to non-performing loans of 313.1%
- Minimal risk of margin compression from modestly higher short term rates and flatter curve

Attractive Valuation

- Current share price, as of June 30, 2015 \$26.89 is 13.4x estimated 2015 core earnings
- Price/tangible book only 1.5x estimated for year end 2015 core tangible book value
- Peers, by size, trading at 14x LTM earnings and 1.7x price/tangible book; Peers with unique models trading at much higher multiples
- June 30, 2015 core tangible book value of \$17.42, up 98% since July 2009 with a CAGR of 13%

- Non-GAAP core results including profitability measures, earnings, credit quality measures and valuation metrics exclude the \$6.0 million specific reserve for a potential fraudulent loan (see GAAP to non-GAAP core reconciliation on page 35).

Customers Bank

Executing On Our Unique High Performing
Banking Model

Disciplined Model for Superior Shareholder Value Creation

- Strong organic revenue growth + scalable infrastructure = sustainable double digit EPS = growth and increased shareholder value
- A very robust risk management driven business strategy
- Build tangible book value per share each quarter via earnings
- Any book value dilution from any acquisitions must be overcome within 1-2 years; otherwise stick with organic growth strategy
- Superior execution through proven management team

Execution Timeline

Phase I Acquired Bank Platform

- We invested in and took control of a \$270 million asset Customers Bank (FKA New Century Bank)
- Identified existing credit problems, adequately reserved and recapitalized the bank
- Actively worked out very extensive loan problems
- Recruited experienced management team

2009
Assets: \$350M
Equity: \$22M

Phase II Built Strong Foundation

- Enhanced credit and risk management
- Developed infrastructure for organic growth
- Built out warehouse lending platform and doubled deposit and loan portfolio
- Completed 3 small acquisitions:
 - ISN Bank (FDIC-assisted) \approx \$70 mm
 - USA Bank (FDIC-assisted) \approx \$170 mm
 - Berkshire Bancorp (Whole bank) \approx \$85 mm

2010-2011
Assets: \$2.1B
Equity: \$148M

Phase III Leveraging Infrastructure

- Recruited proven lending teams
- Built out Commercial and Multi-family lending platforms
- De Novo expansion; 4-6 sales offices or teams added each year
- Continue to show strong loan and deposit growth
- Built a “branch lite” high growth Community Bank and model for future growth
- Goals to \approx 12%+ ROE; \approx 1% ROA

2012-2013
Assets: \$4.2B
Equity: \$387M

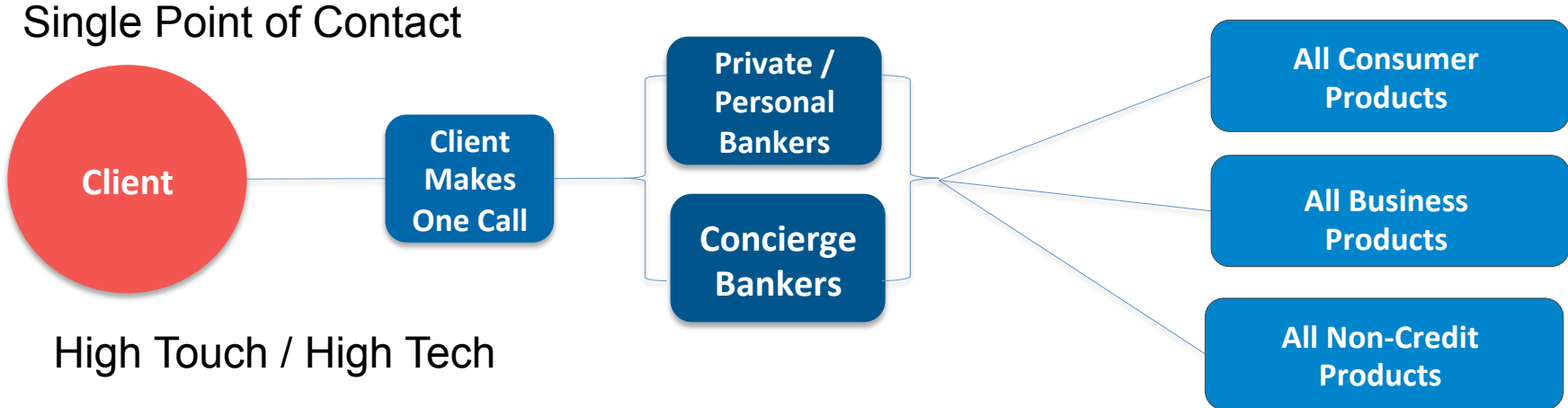
Phase IV Innovation & Execution

- Single Point of Contact Banking model executed – commercial focus
- Continued recruitment of experienced teams
- Introduce bankmobile – banking of the future for consumers
- Continue to show strong loan and deposit growth
- \approx 12%+ ROE; \approx 1% ROA expected within 36 months
- \approx \$6.5+ billion asset bank by end of 2014
- \approx \$9 billion asset bank by end of 2017

Q2 2015
Assets: \$7.6B
Core Equity: \$527M
Core ROE: 12.5%

Business Banking Focus - ~95% of revenues come from business segments

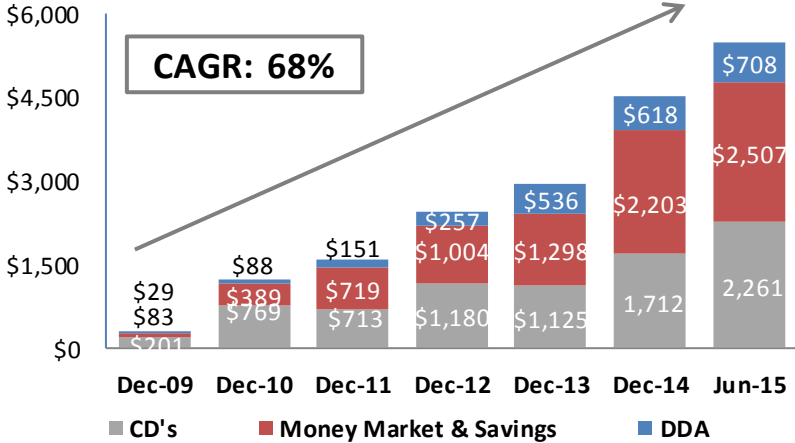
- Loan and deposit business through these segments:
 - Banking Privately Held Businesses
 - Banking High Net Worth Families
 - Banking Privately Held Mortgage Companies
 - Selected Commercial Real Estate



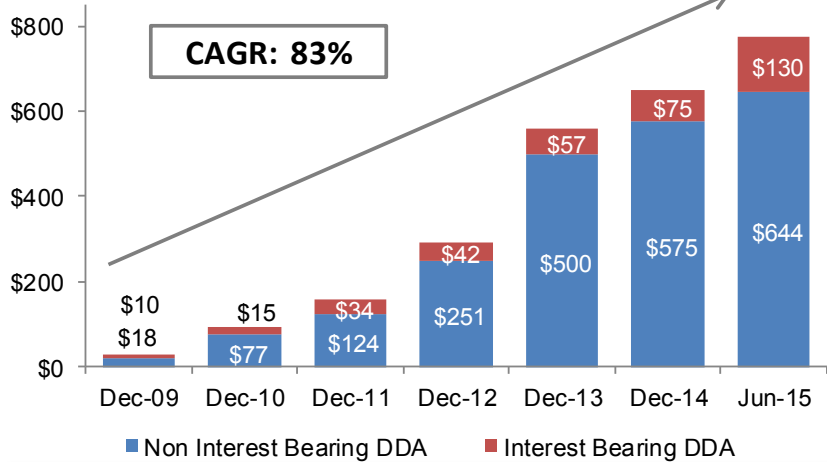
Results in: Organic Growth of Deposits with Controlled Costs

Customers strategies of single point of contact and recruiting known teams in target markets produce rapid deposit growth with low total cost

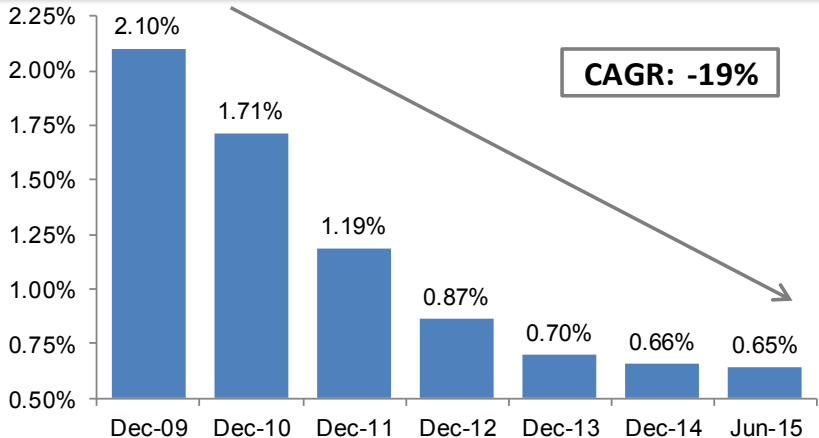
Total Deposit Growth (\$mm)



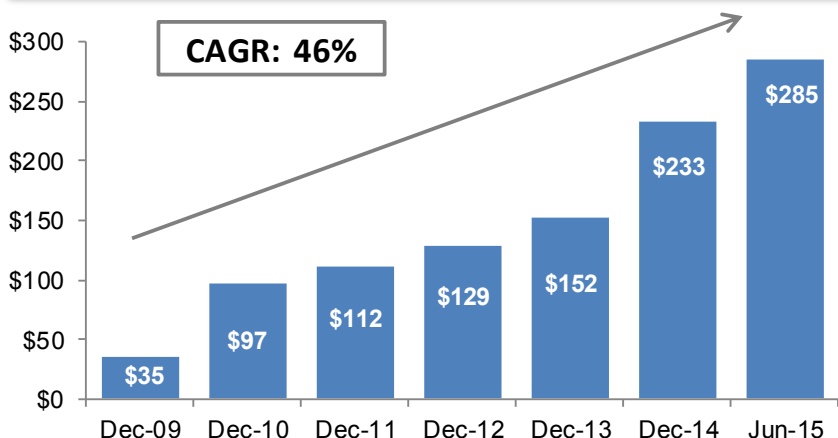
Average DDA Growth (\$mm)



Cost of Deposits



Total Deposits per Branch (\$mm)

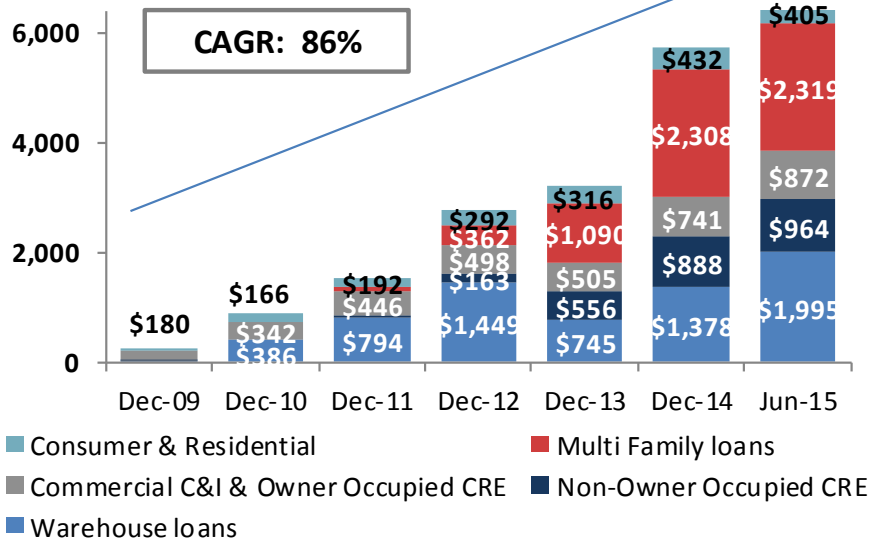


Source: Company data.

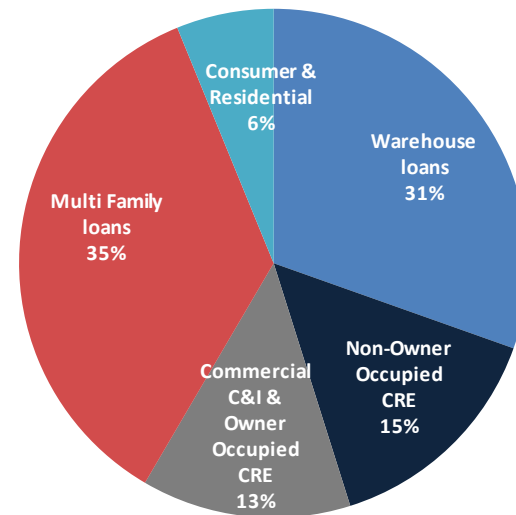
High Growth with Strong Credit Quality

- Continuous recruitment and retention of high quality teams
 - Centralized credit committee approval for all loans
- Loans are stress tested for higher rates and a slower economy
- No losses on loans originated since new management team took over
 - Creation of solid foundation for future earnings

Loan Growth

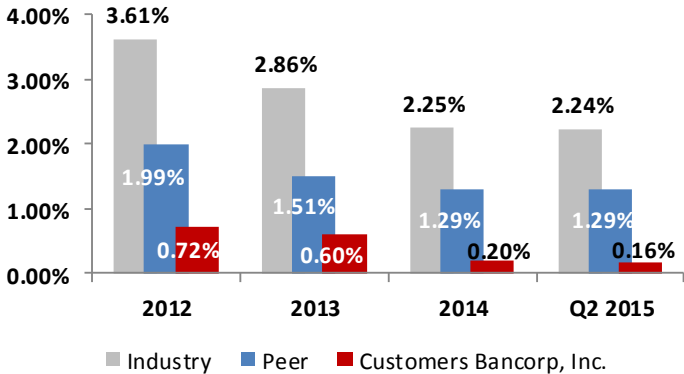


Loan Product Mix as of June 30, 2015

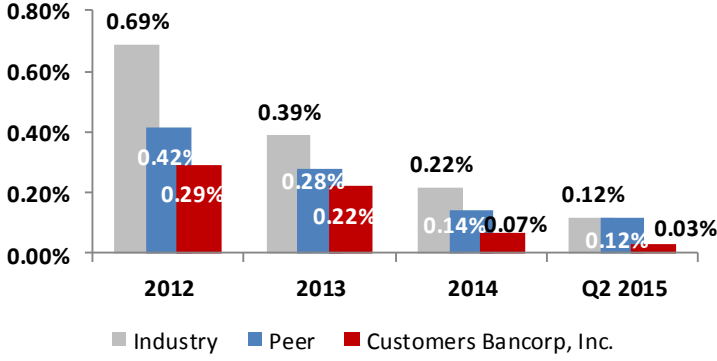


Asset Quality Indicators Continue to Improve

NPL



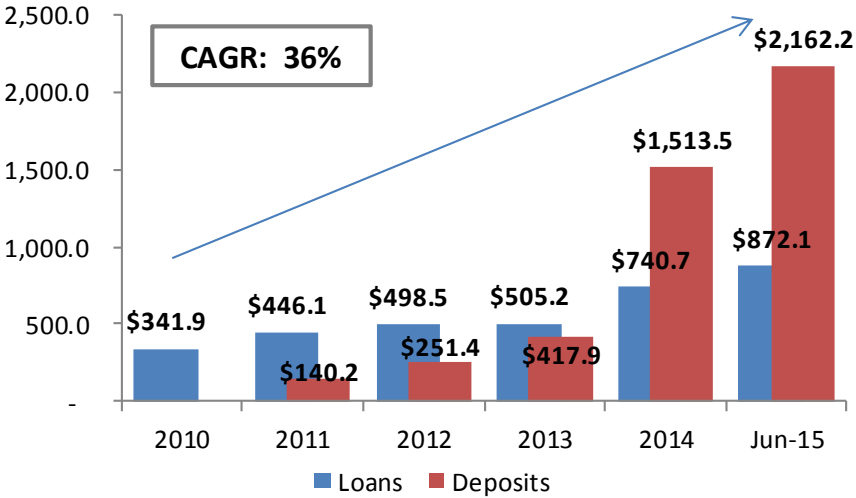
Charge Offs



Customers non-performing loans at June 2015 excluding loans guaranteed by the FDIC were 0.12% of total loans.

Source: SNL Financial, Company documents. Peer data consists of Northeast and Mid-Atlantic banks and thrifts with assets between \$3.0 billion and \$8.0 billion. Industry data includes all FDIC insured banks. Peer and Industry data as of March 31, 2015.

C&I / Owner Occupied CRE Loan and Deposit Growth (\$mm)



Banking Privately Held Business

Private & Commercial Banking

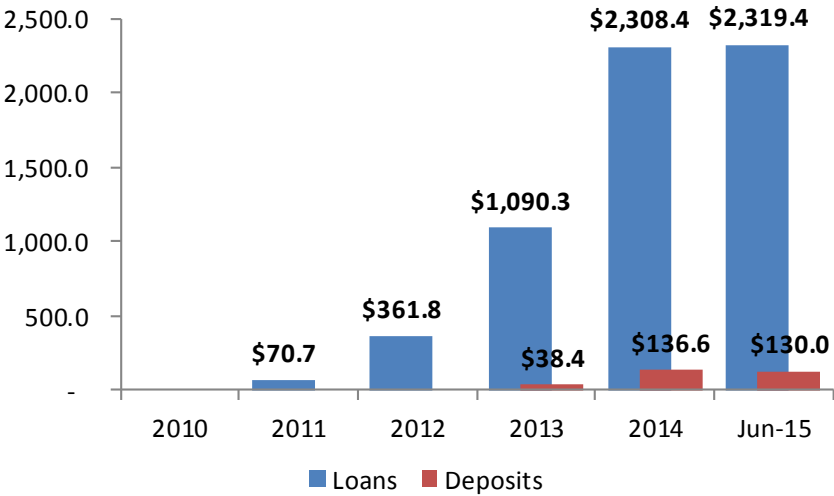
- Target companies with up to \$100 million annual revenues
- Very experienced teams
- Two new teams with 10 professionals added year to date
- Single point of contact
- NE, NY, PA & NJ markets

Small Business

- Target companies with less than \$5.0 million annual revenue
- Principally SBA loans originated by small business relationship managers or branch network
- Current focus PA & NJ markets. Expanding to National Markets

Source: Company documents.

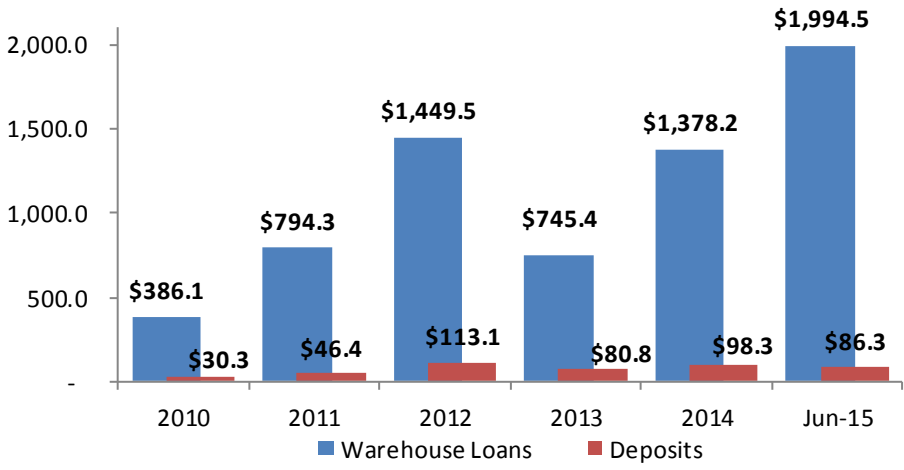
Multi-Family Loan and Deposit Growth (\$mm)



Banking High Net Worth Families

- Focus on families that have income producing real estate in their portfolios
- Private banking approach
- Focus Markets: New York & Philadelphia MSAs
- Average Loan Size: \$4.0 – \$5.0 million
- Remote banking for deposits and other relationship based loans
- Portfolio grown organically from a start up with very experienced teams hired in the past 3 years
- Strong credit quality niche
- Interest rate risk managed actively

Mortgage Warehouse Banking Loan and Deposit Growth (\$mm)

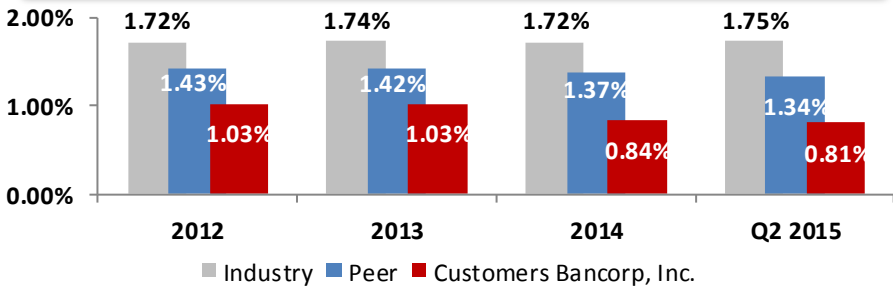


Banking Mortgage Companies

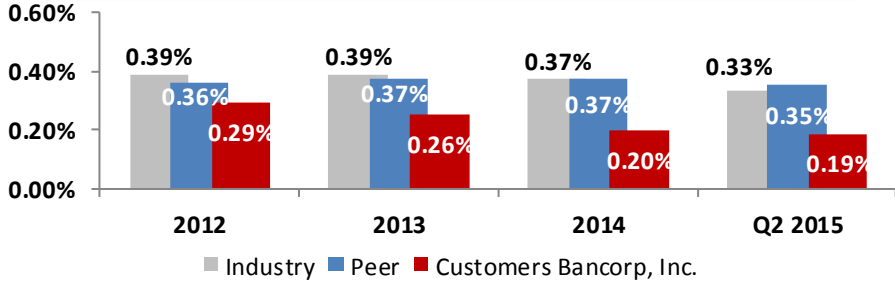
- Private banking focused on mortgage companies with \$5 to \$10 million equity
- Very strong credit quality relationship business with good fee income and deposits
- ~75 strong warehouse clients
- All outstanding loans are variable rate and classified as held for sale
- All deposits are non-interest bearing DDA's
- Balances rebounding from 2013 low and expected to stay at this level

Source: Company documents.

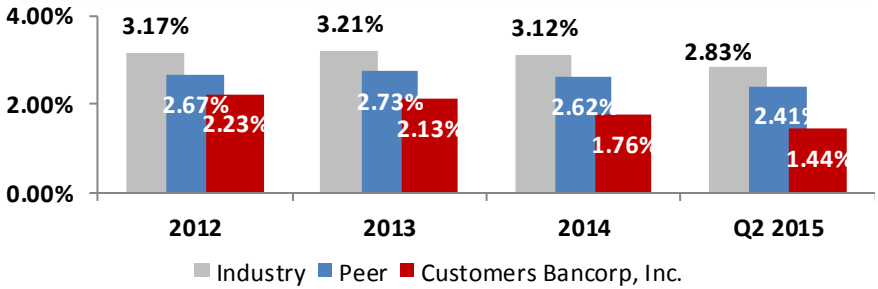
Staff Expense Ratio



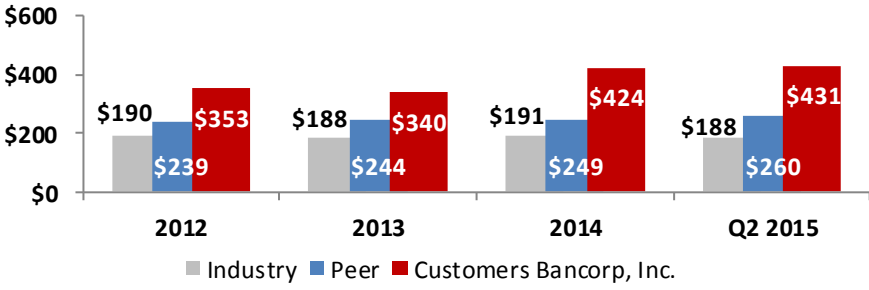
Occupancy Expense Ratio



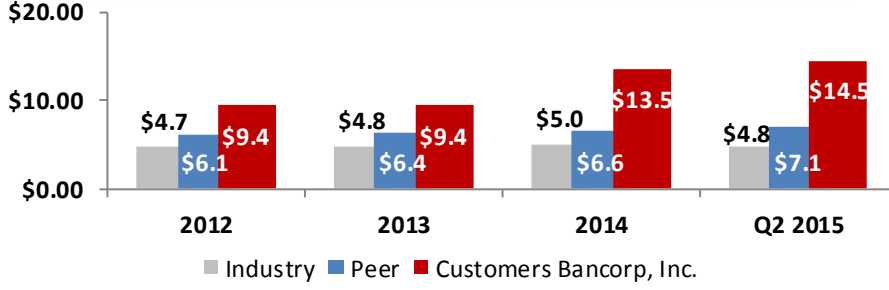
Total Costs as a % of Assets



Total Revenue per Employee (\$000s)



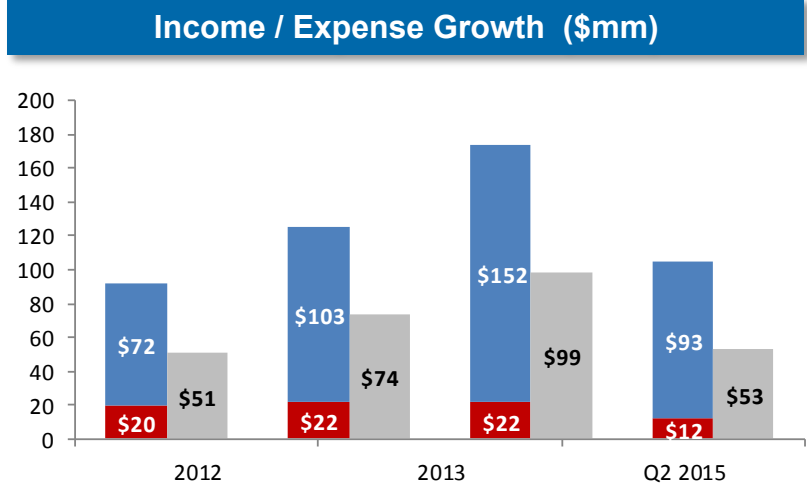
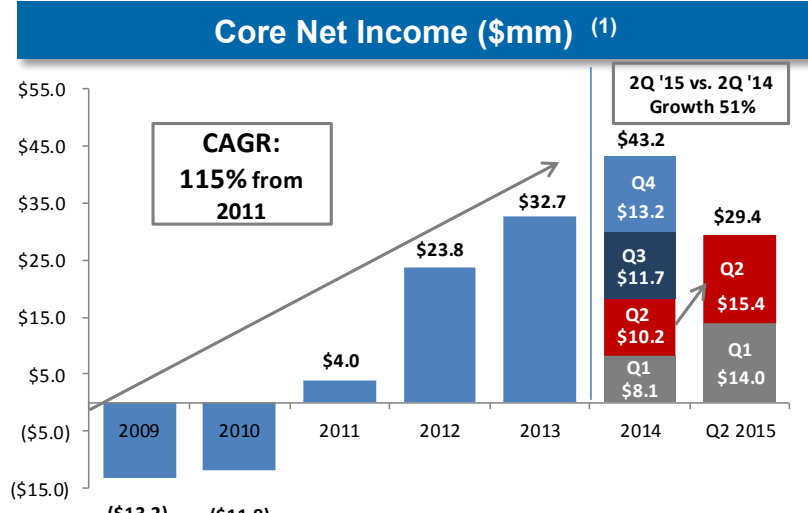
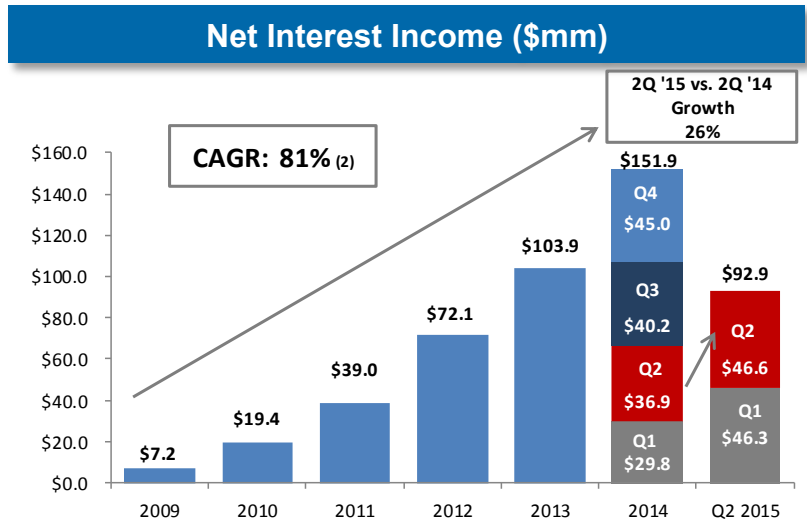
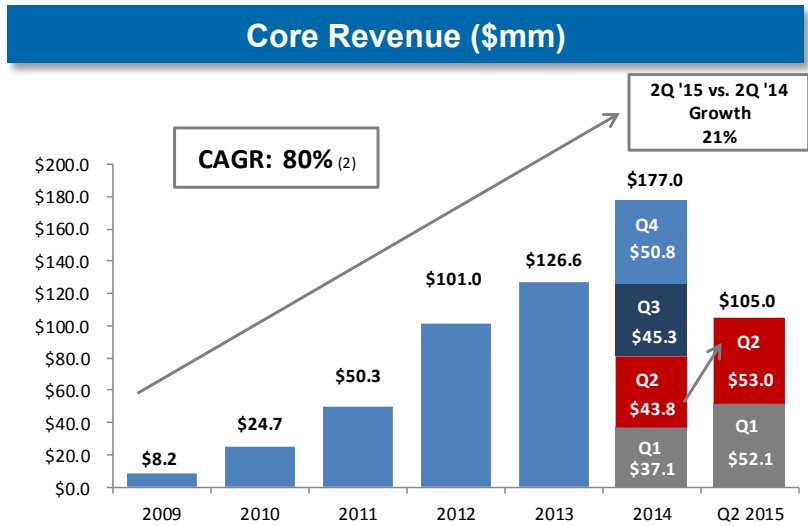
Assets per Employee (\$mm)



Source: SNL Financial, Company documents. Peer data consists of Northeast, and Mid-Atlantic banks and thrifts with assets between \$3.0 billion and \$8.0 billion. Industry data includes all FDIC insured banks. Peer and Industry data as of March 31, 2015.

Deposit, Lending and Efficiency Strategies Results in Disciplined & Profitable Growth

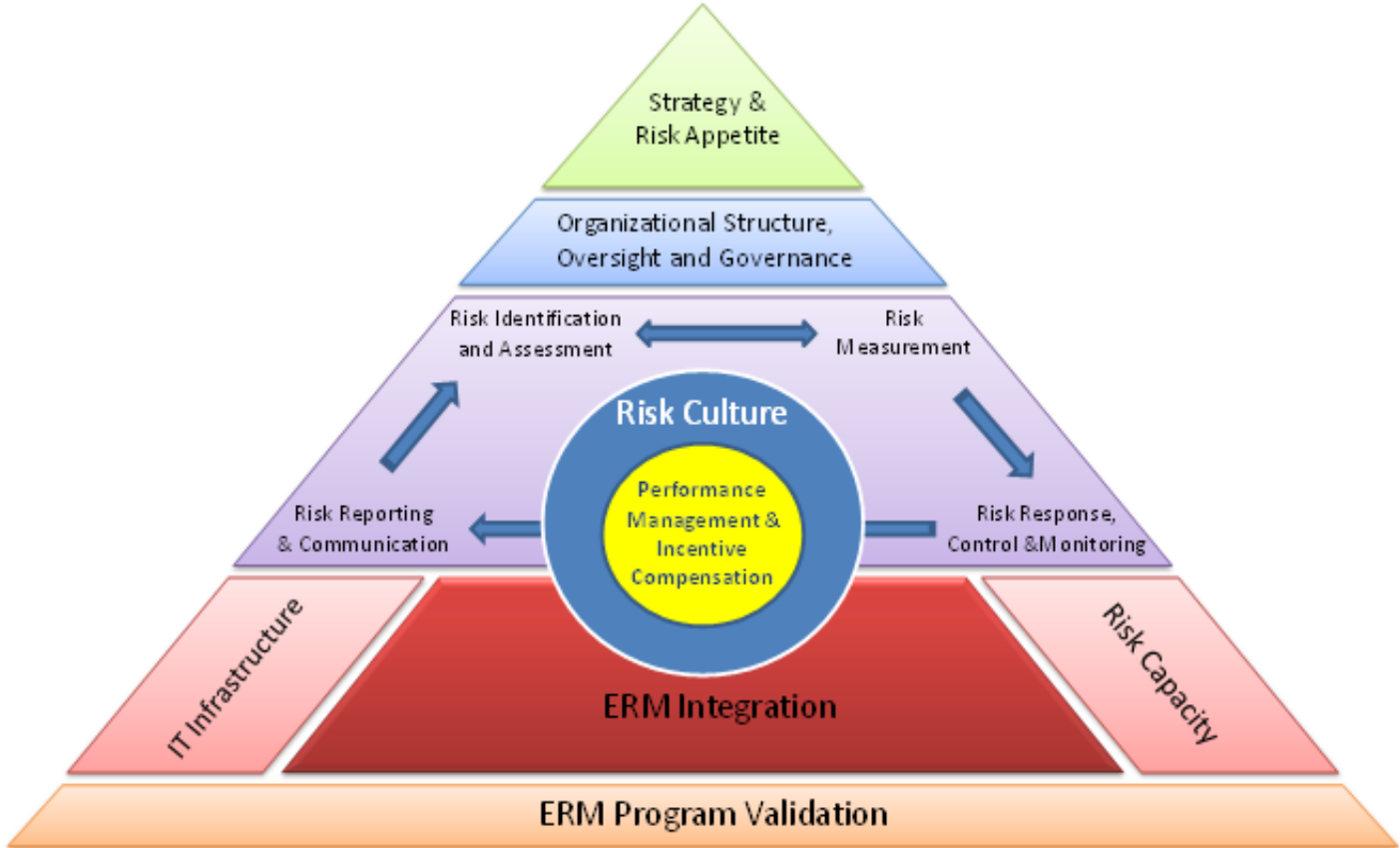
- Strategy execution has produced superior growth in revenues and core earnings



(1) Core income is net income before extraordinary items less securities gains and excludes the \$6.0 million specific reserve for a potential fraudulent loan.
 (2) CAGR calculated from Dec-09 to June 2015 (annualized).
 (3) Non-GAAP core results including profitability measures, earnings, credit quality measures and valuation metrics exclude the \$6.0 million specific reserve for a potential fraudulent loan (see GAAP to non-GAAP core reconciliation on page 35).

Customers Bank

Risk Management



Well Defined ERM Plan – ERM Integration into CAMELS +++++

Enterprise Risk Management

C	Capital Plan and Forecasts Capital Stress Testing Capital Committee & ALCO Oversight		+	IT Controls and Testing Plan New Product & New Initiatives Plans Technology Steering Committee New Product Committee
A	Loan Underwriting Standards Credit Approval & Monitoring Process Credit Concentration Plan Loan Migration Analysis	Loan-to-one-borrower Analysis	+	Compliance Plan CRA Plan Fair & Responsible Banking Plans
M	Management Succession Plan Compensation Plans Corporate Governance	Strategic Plan Cyber Security Enterprise Risk Management	+	Litigation Mitigation Plan
E	Budget and Forecasting Business Plans Strategic Plan	Management Financial Reporting Financial Analysis	+	Public Relations Plan Investor Relations Plan
L	Funds Management Plan Wholesale Funding Contingency Funding Plan	Liquidity Stress Testing ALCO Oversight	+	Internal Audit Reports Internal Controls and Procedures Enterprise Risk Management Reviews
S	Interest Rate Risk Policy Limits Interest Rate Risk Analysis ALCO Oversight			Risk Committee, Audit Committee Oversight

Current Banking Environment and How We are Positioned

1. Absolute clarity of your vision, strategy, goals and tactics; there must be absolute alignment between board and management
2. Become a master of your internal environment
 - Our authentic internal assessment of strengths, weaknesses and opportunities
3. Be a master of your external environment
 - What is happening with customer trends, technology, competition, economy, regulatory environment, etc. – How does this impact us?
4. Highest level of integrity and fairness in all we do
5. Passion for continuous improvement

External Forces

- Role of traditional bank branches changing very rapidly
- Mobile banking fastest growing channel
- Banks of all sizes revisiting their business strategies, revenue generation models and cost structures
- Technology & customer needs, desires and style changing rapidly

Business Issues

- Slow economic growth
- Low good quality consumer and business loan demand
- Pressure continues on margin. Days of 3.5%-4.0% margin are gone. Banks need to reduce efficiency ratios
- Difficult to attract good talent
- Very difficult and inconsistent regulatory environment
- Shareholders want 10%+ ROE, consistent quality growth and strong risk management infrastructure



What is our unique strategy for revenue and profitable growth

How do we attract and retain best talent?

How do we take advantage of technology?

How do we deal with growing compliance burden?

How do we manage our risks better than peers?

How do we lower our efficiency ratios?

Impediments to Growth

- Traditional CRE lending very difficult to do
- Very little consumer loan growth; headwinds for consumer credit quality
- Growth exists only at niche players
- Mortgage banking revenues are extremely volatile
- Pressure to reduce or eliminate Overdraft and other nuisance fees by CFPB
- Regulators have no appreciation or incentive to see banks grow profitability

Shareholder Expectations

- Start bank and sell at 2 to 3x book no longer an option – what do shareholders of small privately held banks do?
- Equity markets not available to small banks
- Banks need to earn 10% or more ROE if they want to remain independent
- Consistent ROE of 12% or greater and ROA of 1% or greater being rewarded well by market

Credit Improving – Though Banks Face a Number of Operational Headwinds

- **Credit Improving**
- **Quality Asset Generation Remains A Challenge**
 - › Banks are starved for interest-earning assets and exploring new asset classes, competing on price and looking into specialty finance business / lending
- **NIM Compression**
 - › Low rate environment for the foreseeable future will continue to compress NIM
 - › Many institutions wither betting on rates or otherwise taking excessive interest rate risk
 - › Industry NIM continues to decline
 - › Down over 100 bps since 1995
 - › Low interest rate environment, competitive pressures likely to prevent return to historical levels
- **Operational leverage**
 - › Expense management is top of mind as banks try to improve efficiency in light of revenue pressure and increased regulatory / compliance costs
 - › Regulatory pressure expected to stay robust
- **New Strategies**
 - › Yesterdays strategies may not be appropriate tomorrow

Critical to Have a Winning Business Model

Traditional Banks

- Heavy branch based delivery system
- Strong credit quality
- Core deposits
- Dependent on OD fees
- Expense management



Fee Income Leaders

- Diversified revenue sources
- Cross sell strength
- Capital efficiency
- Higher profitability / consistent earnings

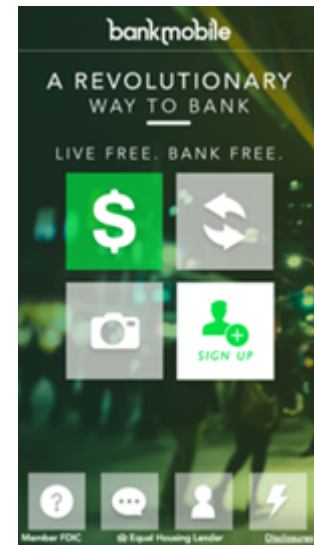
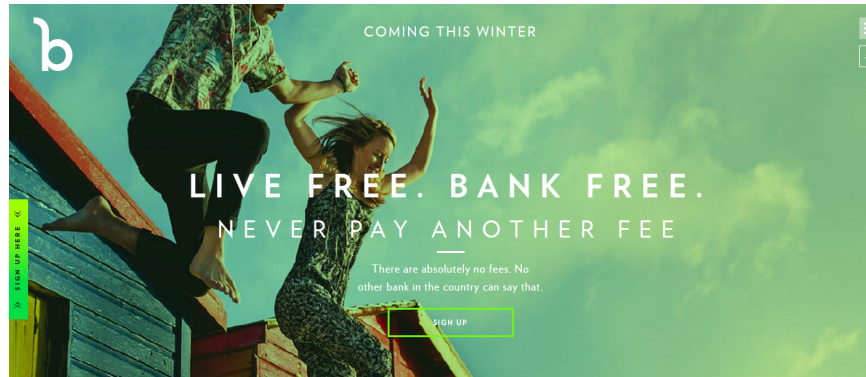


Relationship & Innovative Banks

- Innovator / disruptor / not branch dependent
- Differentiated / Unique model
- Technology savvy
- Product dominance



1. Must focus on both “Relationship” or “High Touch” banking combined with “Highly Efficient” or “High Tech”. Strategy should be unique as to not be copied easily
2. Attract and retain best high quality talent. Business Bankers / Relationship Bankers with approximately 15 years+ experience who bring a book of business with them
3. Compensate leaders based upon risk and profitability with both cash and equity
4. Never deviate from following critical success factors
 - Only focus on very strong credit quality niches
 - Have very strong risk management culture
 - Have significantly lower efficiency ratio than peers to deliver sustainable strong profitability and growth with lower margin and lower risk profile
 - Always attract and retain top quality talent
 - Culture of innovation and continuous improvement



bankmobile
A Division Of Customers Bank

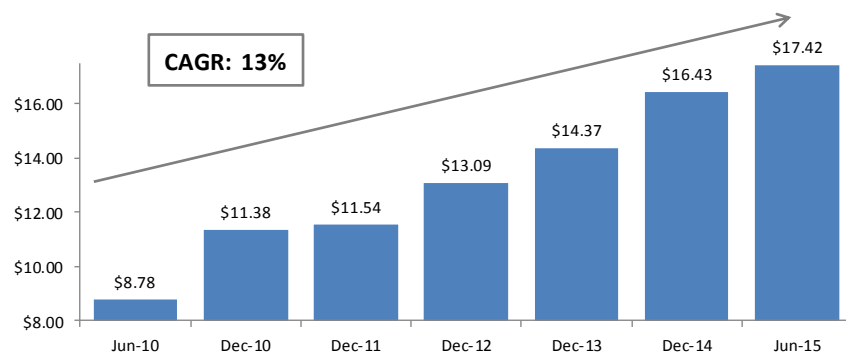
- Banks each year charge \$32 billion in overdraft fees – that's allowing or creating over 1 billion overdrafts each year....Why??
- Payday lenders charge consumers another \$7 billion in fees
- That's more than 3x what America spends on Breast Cancer and Lung Cancer combined
- This is about 50% of all America spends on Food Stamps
- Some of banking industries most profitable consumer customers hate banks
- Another estimated 25% consumers are unbanked or under banked

This should not be happening in America

We hope to start, in a small way, a new revolution to profitably address this problem

- New no fee banking, 25 bps higher interest savings, line of credit, 55,000 ATM's, Personal Banker and more, all in the palm of your hand
- Marketing Strategy
 - Target technology dependent younger consumers; including underserved / underbanked and middle income Americans
 - Capitalize on retaining at least 25% of our ~ one million student customers over a 5 year period
 - Reach middle income markets also through Affinity Banking Groups
 - Revenue generation from debit card interchange and margin from low cost core deposits
 - Durbin Amendment a unique opportunity for Bank Mobile
- Total investment not to exceed about \$6.0 million by end of 2015
- Expected to achieve profitability in 2-3 years and above average, franchise value, ROA and ROE within 5 years

Core Tangible BV per Share



Recent Core Performance Results

	Q2 2014	Q3 2014	Q4 2014	Q1 2015	Q2 2015
ROA	0.8%	0.8%	0.8%	0.8%	0.9%
ROE	10.0%	11.0%	11.9%	12.5%	12.5%
NIM	2.94%	2.79%	2.84%	2.90%	2.73%
Efficiency	58%	54%	55%	53%	48%

Financial Performance Targets

Criteria	2 - 3 Year Target
Return on Assets	1% or greater
Return on Equity	12% or greater
Net Interest Margin	~ 3%
EPS	~15% annual compounded growth
Efficiency Ratio	In the 40's

Earnings per Share Guidance / Valuation Multiples

Year	Guidance
2H 2015 EPS (Jul - Dec)	\$1.00
June 30, 2015 Share Price	\$26.89
June 30, 2015 Core Tangible Book Value	\$17.42
High 2015 Guidance - Tangible Book Value/Share Price	1.5x
Share Price / High 2015 Guidance	14.3x

2015 Core EPS is estimated to be up approximately 30% from 2014 EPS

- Non-GAAP core results including profitability measures, earnings, credit quality measures and valuation metrics exclude the \$6.0 million specific reserve for a potential fraudulent loan (see GAAP to Non-GAAP reconciliation on page 35)

Summary

- Strong high performing \$7.6 billion bank with significant growth opportunities
- Very experienced management team delivers strong results
 - Ranked #1 overall by Bank Director Magazine in the 2012 and 2013 Growth Leader Rankings
- “High touch, high tech” processes and technologies result in superior growth, returns and efficiencies
- Shareholder value results from the combination of increasing tangible book, ROE and strong and consistent earnings growth
- Attractive risk-reward: growing several times faster than industry average but yet trading at a significant discount to peers
- Building the first real mobile bank in the palm of your hand for consumers in the U.S.

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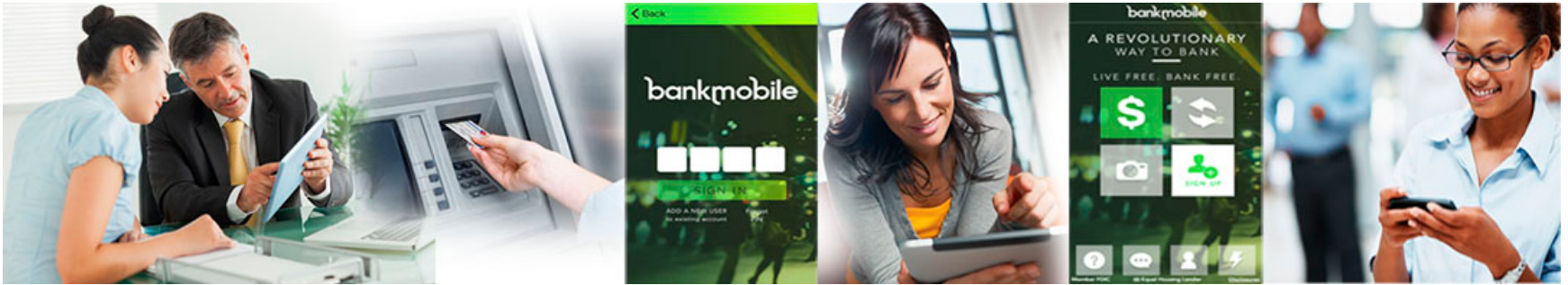
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Appendix

CUSTOMERS BANCORP, INC. AND SUBSIDIARIES

Reconciliation of GAAP to Non-GAAP Measures (Unaudited)

Reconciliation of GAAP Net Income to Core Earnings

(amounts in thousands)

	Three Months Ended June 30, 2015		Six Months Ended June 30, 2015	
	Net Income	Diluted EPS	Net Income	Diluted EPS
GAAP net income available to common shareholders	\$ 11,049	\$ 0.39	\$ 25,001	\$ 0.88
After-tax effect of the \$6.0 million specific allowance	3,870	0.13	3,870	0.14
Core Earnings	<u>\$ 14,919</u>	<u>\$ 0.52</u>	<u>\$ 28,871</u>	<u>\$ 1.02</u>
Weighted average shares		28,681		28,522

Reconciliation of GAAP to Non-GAAP Financial Metrics

(amounts in thousands)

	Three Months Ended June 30, 2015		
	GAAP Amounts	Reconciling Item	Non-GAAP Amounts
Net Income	\$ 11,556	\$ 3,870	\$ 15,426
Average Total Assets	7,110,199	43	7,110,242
Average Equity	496,557	43	496,600
Return on Average Assets	0.65%	0.22%	0.87%
Return on Average Equity	9.33%	3.13%	12.46%

CUSTOMERS BANCORP, INC. AND SUBSIDIARIES

CONSOLIDATED STATEMENTS OF OPERATIONS FOR THE THREE MONTHS ENDED - UNAUDITED

(Dollars in thousands, except per share data)

	Q2 2015	Q1 2015	Q2 2014
Interest income:			
Loans receivable, including fees	\$ 42,801	\$ 43,093	\$ 35,220
Loans held for sale	13,522	10,900	6,715
Investment securities	2,253	2,363	2,543
Other	1,107	2,362	614
Total interest income	59,683	58,718	45,092
Interest expense:			
Deposits	8,145	7,526	5,727
Other borrowings	1,496	1,488	1,184
FHLB Advances	1,799	1,689	1,141
Subordinated debt	1,685	1,685	110
Total interest expense	13,125	12,388	8,162
Net interest income	46,558	46,330	36,930
Provision for loan losses	9,335	2,964	2,886
Net interest income after provision for loan losses	37,223	43,366	34,044
Non-interest income:			
Mortgage warehouse transactional fees	2,799	2,273	2,215
Mortgage loan and banking income	287	151	1,554
Bank-owned life insurance income	1,169	1,061	836
Gain on sale of loans	827	1,231	572
Gain (loss) on sale of investment securities	(69)	—	359
Deposit fees	247	179	212
Other	1,133	838	1,163
Total non-interest income	6,393	5,733	6,911
Non-interest expense:			
Salaries and employee benefits	14,448	13,952	11,591
FDIC assessments, taxes, and regulatory fees	995	3,278	3,078
Occupancy	2,199	2,101	1,911
Professional services	2,792	1,913	1,881
Technology, communication and bank operations	2,838	2,531	2,305
Other real estate owned expense (income)	(580)	884	890
Loan workout expense (income)	(13)	269	477
Advertising and promotion	429	347	428
Other	2,552	2,190	2,644
Total non-interest expense	25,660	27,465	25,205
Income before tax expense	17,956	21,634	15,750
Income tax expense	6,400	7,682	5,517
Net income	11,556	13,952	10,233
Preferred stock dividend	507	—	—
Net income available to common shareholders	\$ 11,049	\$ 13,952	\$ 10,233
Basic earnings per share	\$ 0.41	\$ 0.52	\$ 0.38
Diluted earnings per share	0.39	0.49	0.37

CUSTOMERS BANCORP, INC. AND SUBSIDIARIES

CONSOLIDATED STATEMENTS OF OPERATIONS FOR THE SIX MONTHS ENDED - UNAUDITED

(Dollars in thousands, except per share data)

	June 30, 2015	June 30, 2014
Interest income:		
Loans receivable, including fees	\$ 85,894	\$ 63,576
Loans held for sale	24,422	11,798
Investment securities	4,616	5,583
Other	3,469	1,011
Total interest income	118,401	81,968
Interest expense:		
Deposits	15,671	11,142
Other borrowings	2,984	2,340
FHLB Advances	3,488	1,637
Subordinated debt	3,370	126
Total interest expense	25,513	15,245
Net interest income	92,888	66,723
Provision for loan losses	12,299	7,253
Net interest income after provision for loan losses	80,589	59,470
Non-interest income:		
Mortgage warehouse transactional fees	5,072	3,974
Mortgage loan and banking income	438	1,963
Bank-owned life insurance income	2,230	1,670
Gain on sale of loans	2,058	571
Gain (loss) on sale of investment securities	(69)	3,191
Deposit fees	426	426
Other	1,971	2,425
Total non-interest income	12,126	14,220
Non-interest expense:		
Salaries and employee benefits	28,400	20,942
FDIC assessments, taxes, and regulatory fees	4,273	5,209
Occupancy	4,300	3,942
Professional services	4,705	4,163
Technology, communication and bank operations	5,369	4,470
Other real estate owned expense	304	1,242
Loan workout	256	918
Advertising and promotion	776	843
Other	4,742	4,642
Total non-interest expense	53,125	46,371
Income before tax expense	39,590	27,319
Income tax expense	14,082	8,945
Net income	25,508	18,374
Preferred stock dividend	507	—
Net income available to common shareholders	\$ 25,001	\$ 18,374
Basic earnings per share		
	\$ 0.93	\$ 0.69
Diluted earnings per share		
	0.88	0.66

CUSTOMERS BANCORP, INC. AND SUBSIDIARIES

CONSOLIDATED BALANCE SHEET - UNAUDITED

(Dollars in thousands, except per share data)

	June 30, 2015	December 31, 2014	June 30, 2014
ASSETS			
Cash and due from banks	\$ 44,064	\$ 62,746	\$ 48,521
Interest-earning deposits	<u>347,525</u>	<u>308,277</u>	<u>217,013</u>
Cash and cash equivalents	391,589	371,023	265,534
Investment securities available for sale, at fair value	373,953	416,685	425,061
Loans held for sale	2,030,348	1,435,459	1,061,395
Loans receivable	4,524,825	4,312,173	3,644,104
Allowance for loan losses	<u>(37,491)</u>	<u>(30,932)</u>	<u>(28,186)</u>
Total loans receivable, net of allowance for loan losses	4,487,334	4,281,241	3,615,918
FHLB, Federal Reserve Bank, and other restricted stock	78,148	82,002	75,558
Accrued interest receivable	15,958	15,205	11,613
FDIC loss sharing receivable	—	2,320	8,919
Bank premises and equipment, net	11,453	10,810	11,075
Bank-owned life insurance	155,940	138,676	106,668
Other real estate owned	13,319	15,371	12,885
Goodwill and other intangibles	3,658	3,664	3,670
Other assets	<u>55,943</u>	<u>52,914</u>	<u>37,432</u>
Total assets	<u>\$ 7,617,643</u>	<u>\$ 6,825,370</u>	<u>\$ 5,635,728</u>
LIABILITIES AND SHAREHOLDERS' EQUITY			
Demand, non-interest bearing	\$ 584,380	\$ 546,436	\$ 555,936
Interest-bearing deposits	<u>4,892,777</u>	<u>3,986,102</u>	<u>3,134,958</u>
Total deposits	5,477,157	4,532,538	3,690,894
FHLB advances	1,388,000	1,618,000	1,301,500
Other borrowings	88,250	88,250	88,250
Subordinated debt	110,000	110,000	112,000
Accrued interest payable and other liabilities	<u>30,735</u>	<u>33,437</u>	<u>29,344</u>
Total liabilities	<u>7,094,142</u>	<u>6,382,225</u>	<u>5,221,988</u>
Preferred Stock	55,569	—	—
Common stock	27,402	27,278	27,262
Additional paid in capital	359,455	355,822	353,371
Retained earnings	93,422	68,421	43,581
Accumulated other comprehensive loss	(4,114)	(122)	(2,220)
Treasury stock, at cost	<u>(8,233)</u>	<u>(8,254)</u>	<u>(8,254)</u>
Total shareholders' equity	<u>523,501</u>	<u>443,145</u>	<u>413,740</u>
Total liabilities & shareholders' equity	<u>\$ 7,617,643</u>	<u>\$ 6,825,370</u>	<u>\$ 5,635,728</u>

CUSTOMERS BANCORP, INC. AND SUBSIDIARIES

AVERAGE BALANCE SHEET / NET INTEREST MARGIN (UNAUDITED)

(Dollars in thousands, except per share data)

	Six Months Ended June 30,			
	2015		2014	
	Average Balance	Average yield or cost (%)	Average Balance	Average yield or cost (%)
Assets				
Interest earning deposits	\$ 286,945	0.25	\$ 199,069	0.25
Investment securities	395,401	2.33	482,290	2.32
Loans held for sale	1,530,938	3.22	672,308	3.54
Loans receivable	4,383,102	3.95	3,195,396	4.01
Other interest-earning assets	<u>76,453</u>	8.19	<u>51,108</u>	3.01
Total interest earning assets	6,672,839	3.58	4,600,171	3.59
Non-interest earning assets	<u>272,937</u>		<u>211,368</u>	
Total assets	<u>\$ 6,945,776</u>		<u>\$ 4,811,539</u>	
Liabilities				
Total interest bearing deposits (1)	\$ 4,260,980	0.74	\$ 2,906,457	0.77
Borrowings	<u>1,491,598</u>	1.33	<u>863,267</u>	0.95
Total interest-bearing liabilities	5,752,578	0.89	3,769,724	0.81
Non-interest-bearing deposits (1)	<u>689,047</u>		<u>625,847</u>	
Total deposits & borrowings	6,441,625	0.80	4,395,571	0.70
Other non-interest bearing liabilities	<u>29,089</u>		<u>14,134</u>	
Total liabilities	6,470,714		4,409,705	
Shareholders' equity	<u>475,062</u>		<u>401,834</u>	
Total liabilities and shareholders' equity	<u>\$ 6,945,776</u>		<u>\$ 4,811,539</u>	
Net interest margin		2.81		2.92
Net interest margin tax equivalent		2.81		2.93

(1) Total costs of deposits (including interest bearing and non-interest bearing) were 0.64% and 0.64% for the six months ended June 30, 2015 and 2014, respectively.

CUSTOMERS BANCORP, INC. AND SUBSIDIARIES

AVERAGE BALANCE SHEET / NET INTEREST MARGIN (UNAUDITED)

(Dollars in thousands, except per share data)

	Three Months Ended June 30,			
	2015		2014	
	Average Balance	Average yield or cost (%)	Average Balance	Average yield or cost (%)
Assets				
Interest earning deposits	\$ 290,241	0.26	\$ 211,438	0.25
Investment securities	384,324	2.34	448,059	2.27
Loans held for sale	1,692,622	3.20	776,919	3.47
Loans receivable	4,404,304	3.90	3,544,859	3.98
Other interest-earning assets	<u>77,822</u>	4.75	<u>64,063</u>	3.01
Total interest earning assets	6,849,313	3.49	5,045,338	3.58
Non-interest earning assets	<u>260,886</u>		<u>202,651</u>	
Total assets	<u>\$ 7,110,199</u>		<u>\$ 5,247,989</u>	
Liabilities				
Total interest bearing deposits (1)	\$ 4,399,164	0.74	\$ 3,065,597	0.75
Borrowings	<u>1,511,481</u>	1.32	<u>1,171,766</u>	0.83
Total interest bearing liabilities	5,910,645	0.89	4,237,363	0.77
Non-interest bearing deposits (1)	<u>669,411</u>		<u>585,370</u>	
Total deposits & borrowings	6,580,056	0.80	4,822,733	0.68
Other non-interest bearing liabilities	<u>33,586</u>		<u>16,622</u>	
Total liabilities	6,613,642		4,839,355	
Shareholders' equity	<u>496,557</u>		<u>408,634</u>	
Total liabilities and shareholders' equity	<u>\$ 7,110,199</u>		<u>\$ 5,247,989</u>	
Net interest margin		2.73		2.93
Net interest margin tax equivalent		2.73		2.94

(1) Total costs of deposits (including interest bearing and non-interest bearing) were 0.65% and 0.63% for the three months ended June 30, 2015 and 2014, respectively.

CUSTOMERS BANCORP, INC. AND SUBSIDIARIES

Asset Quality as of June 30, 2015 (Unaudited)

(Dollars in thousands, except per share data)

Loan Type	Total Loans	Non Accrual / NPLs	Other Real Estate Owned	Non Performing Assets (NPAs)	Allowance for loan losses	Cash Reserve	Total Credit Reserves	NPLs / Total Loans	Total Reserves to Total NPLs
New Century Originated Loans									
Legacy	\$ 46,580	\$ 2,158	\$ 3,327	\$ 5,485	\$ 1,676	\$ —	\$ 1,676	4.63 %	77.66 %
Troubled debt restructurings (TDRs)	2,052	881	—	881	5	—	5	42.93 %	0.57 %
Total New Century Originated Loans	48,632	3,039	3,327	6,366	1,681	—	1,681	6.25 %	55.31 %
Originated Loans									
Multi-Family	2,232,273	—	—	—	8,734	—	8,734	— %	— %
Commercial & Industrial (1)	792,701	1,173	618	1,791	13,476	—	13,476	0.15 %	1,148.85 %
Commercial Real Estate- Non-Owner Occupied	840,922	271	—	271	3,335	—	3,335	0.03 %	1,230.63 %
Residential	105,332	9	—	9	1,722	—	1,722	0.01 %	— %
Construction	68,073	—	—	—	844	—	844	— %	— %
Other Consumer	347	—	—	—	11	—	11	— %	— %
TDRs	543	—	—	—	5	—	5	— %	— %
Total Originated Loans	4,040,191	1,453	618	2,071	28,127	—	28,127	0.04 %	1,935.79 %
Acquired Loans									
Covered	25,329	2,710	8,877	11,587	506	—	506	10.70 %	18.67 %
Non-Covered	354,426	817	497	1,314	290	1,556	1,846	0.23 %	225.95 %
TDRs Covered	526	—	—	—	—	—	—	— %	— %
TDRs Non-Covered	6,926	2,537	—	2,537	—	—	—	36.63 %	— %
Total Acquired Loans	387,207	6,064	9,374	15,438	796	1,556	2,352	1.57 %	38.79 %
Acquired Purchased Credit-impaired Loans									
Covered	5,834	—	—	—	1,114	—	1,114	— %	— %
Non-Covered	42,031	—	—	—	5,773	—	5,773	— %	— %
Total Acquired Purchased Credit-impaired Loans	47,865	—	—	—	6,887	—	6,887	— %	— %
Deferred Origination Fees/Unamortized Premium/ Discounts, net	930	—	—	—	—	—	—	— %	— %
Total Loans Held for Investment	4,524,825	10,556	13,319	23,875	37,491	1,556	39,047	0.23 %	369.90 %
Total Loans Held for Sale	2,030,348	—	—	—	—	—	—	— %	— %
Total Portfolio	\$ 6,555,173	10,556	13,319	23,875	37,491	1,556	39,047	0.16 %	369.90 %

(1) Commercial & industrial loans, including owner occupied commercial real estate.



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager

DATE: September 16, 2015

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration for the City Council to adopt Youth Sports Policies, Guidelines and Fees for the City of Rye Recreation Department.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the Youth Sports Policies, Guidelines and Fees for the City of Rye Recreation Department

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Manager's office has been reviewing procedures and policies for departments within the City. Clearer procedures and policies will clarify process and protect the City. Attached is the Youth Sport Policy for the Recreation Department which details items such as included programs, fees, training, expected behavior and use of City fields.

See attached.



**City of Rye
Recreation Department
Youth Sports Policies, Guidelines & Fees**

I. POLICY AND INTENT

A. Eligibility

Every child who is a resident in the City of Rye [The City] is eligible to participate in any athletic program sponsored or recognized by The City, regardless of gender, ethnicity or ability to pay. For some leagues, those enrolled in the Rye City School District (including Resurrection and Rye Country Day School) may also be considered eligible.

For Travel, Clubs and Elite groups, no more than 25% of any one team may be comprised of non-residents. All Rye Residents must be given the opportunity to tryout on these teams if desired.

Leagues may be required to provide rosters of teams upon request.

“Sponsored” programs are those directly administered by The City Recreation Staff. Sponsored programs shall receive first priority for Recreation Staff services and for fields and facilities. (i.e., Rye Recreation Adult Softball, Flag Football, Recreation Youth Baseball)

“Recognized” programs are those administered by volunteer boards or other independent organizations; and recognized by the Rye Recreation Department & Recreation Commission. (i.e., Rye City School District Athletics, Rye Little League, Rye Babe Ruth, Rye Youth Lacrosse, Rye Rugby and Rye Youth Soccer) It shall be the responsibility of the head(s) of each recognized program to allocate their field time to individual teams within their program. Head(s) of recognized programs can reallocate times/fields amongst themselves as long as all involved are in agreement and the recreation department have been made aware and approves such changes. In the event of a dispute, The Commission or Superintendent shall act as final arbiter.

- No one user group “owns” the fields. It is the responsibility of the Recreation department to distribute field space.
- Fees: All community based programs will pay the Recreation department a surcharge of \$15 per player registered for all programs and activities that take place on City of Rye fields. This fee is due 2-weeks after the opening of the season. Failure to submit the Surcharge could mean revocation of the field permit.
- If league play takes place on a holiday and the league requests a field prep on that day, a staff maintenance fee of \$40/hour (minimum 2-hours) would be charged. Holidays would include Easter, Memorial Day, July 4th (Observed and July 4) and Labor Day.
- All leagues shall provide a master schedule of games and practices prior to the beginning of the season. **Any league failing to do so may loose their right to field time.**
- Leagues shall give ample notice to the Recreation Department if scheduled games are cancelled.

“Other” programs are those administered by other organizations (semi private or private) that pre-select or limit participation either through lack of general registration, tryouts or closed tryouts. Other programs would also include field rentals. (i.e., company softball games, baseball camps, etc.) Tournament play

would be considered in this category. Rye Little League District 20 Games are the only “recognized” tournament at this time. “Other” requests are limited due to availability of field space and will be granted under the condition that “Sponsored and Recognized” programs have not requested the same field space (within 30 days). A fee will be charged for tournament play and rentals.

- Fees: Rental of fields is \$200/2-hour rental which includes field surcharge, prep and lining for the initial game (exception: District 20 games)

Special Fee Programs & Training:

Leagues must request permission and receive separate permits/permission for camps and clinics that are not part of the registration/fee to join the league.

Any clinics/camps held where additional fees from the league is require, additional fees will be charged by the Recreation Department. The current fee is \$15 per player field surcharge plus 20% of revenue generated.

- There are no private/semi private lessons allowed on City fields. This includes pitching areas that may be maintained by the individual leagues. Leagues should not engage with staff to provide such programs.

II. NEW PROGRAMMING

In the event that members of the community desire to create a new athletic program for a sport not currently offered, The Commission shall determine whether there is:

- Sufficient demand and/or need; *and*
- Facilities to support the creation of such a new program.

If approved, these organizations would need to follow the criteria for “recognition”.

III. CRITERIA FOR “RECOGNITION”

- A. The Commission allows organizations, composed of residents of The City, to become “recognized” if the organization meets the following criteria:
 1. The organization must be recognized as an incorporated 501C-3, with the power to conduct its affairs (in New York State).
 2. The organization shall provide The Commission with a statement of “mission” or “purpose”.
 3. The organization shall provide The City with proof of liability insurance coverage of a minimum of \$1,000,000 General Liability and \$2,000,000 Aggregate, naming The City and Rye City School District as an additional insured (separate policies).
 4. The organization must be governed by a Board of Directors (or similar body). A list of board members must be supplied yearly to the Commission upon request.
 5. The Board of Directors (or similar body) should have at least one **open** meeting per season.

6. The Board of Directors (or similar body) shall be held responsible for the actions of officers, instructors, managers, coaches, clinicians, etc.
7. The organization shall agree to provide the Commission with a Code of Conduct. The Code of Conduct must be provided to The Commission at the time of application and should be consistent with the standards of nationally recognized athletic programs.
8. Background Checks are required by all leagues. At a minimum, these checks should be done every two years for all coaches, administrators and officials.
9. The organization must be able to provide a roster of participants including their home address, gender and age upon request. **Organization must declare employees and salaries upon request.**
10. All organizations should strive to assure that at least one adult with such training is present at each game and practice. When it is not possible to have at least one adult with formal first aid and safety training present, procedures should be in place to assure that qualified help is rapidly accessible.
11. All organizations shall develop and distribute an emergency action plan establishing clear procedures for dealing with injuries, illness, fighting, threats and other emergency or security situations. At least one adult with knowledge of the procedures should be present at each game and practice.

B. Guidelines for Program Acceptance and Renewal.

1. Each organization may be required to meet with The Commission once a year or as requested.
2. "Recognition" may be conferred on an organization by the Commission at a regularly scheduled meeting. The Commission may, at its discretion, discontinue or modify such recognition.

IV. MISSION OF SPORTSMANSHIP

Good sportsmanship is viewed as a commitment to fair play, ethical behavior and integrity.

The Commission expects that all players, coaches and league officials shall conduct themselves in a sportsmanlike manner on and off the field.

V. SUPPORT FOR RECOGNIZED PROGRAMS

The Rye Recreation Department & Recreation Commission [The Commission] will provide:

1. All "Recognized" programs shall be included in Rye Recreation's Brochure (Youth Sports Directory) and on the Recreation web site. All youth programs shall be provided with space to display banners on the fence ONLY at Rye Recreation Park.

2. Field and Facility Assignment: City & Rye City School District (The School District) athletic fields are available, on a seasonal basis. Recreation Staff will submit permits for use each year for School District fields.
 - a. Neither The City nor The Commission is responsible if the School District makes unavailable any field or facility, which the School District previously had made available.
3. Field Maintenance. The Recreation Department and The School District shall maintain City and School athletic fields.
 - The Recreation will prep and line all baseball fields
 - The School district will line all soccer and lacrosse fields
 - There is a shared responsibility for purchasing of supplies

Dugouts: The cost for repairing and maintaining dugouts will be paid by the organizations which use them, not the recreation department. See improvements to fields below.

Sprinklers: sprinkler systems will be operated and maintained by the recreation department. Currently, Recreation Park, Disbrow Park Fields and Nursery Field all have sprinkler systems. Gagliardo Park does not. School district will maintain any sprinkler systems on their properties.

Shared maintenance: At Disbrow Park, Recreation and DPW share maintenance of the fields and park areas. Currently due to staffing levels, Rye Recreation maintains the Fields (inside fences); City of Rye DPW maintains the area outside the fenced areas in the park.

Permits for use: All field use requires permission from the city. The field schedule distributed weekly is a valid permit and any use of the field must appear on the field schedule or be cleared with a recreation staff member.

4. Bathroom facilities
 - Fields that do not have access to bathrooms (school or recreation fields), the league shall be required to provide port a johns at those sites for their participants.
 - Recreation will be responsible for ordering the units for each of the site and coordinate with the school district, but the cost will be the responsibility of the league. In the case of shared used (Ex. Osborn School in the spring is shared by Rye Youth Soccer & Lacrosse), the fee would be shared.
 - When a Rye High School sport is in season the School District will be responsible of providing and that cost would be share among users.
 - All fees would be payable to the Rye Recreation Department
 - Osborn School (Rye Youth Soccer, Lacrosse, Rye Little League)
 - Sterling Field (Rye Youth Soccer, Lacrosse, Youth Rugby)
 - Feeley Field (Babe Ruth, Rye Recreation Field Hockey)
 - Milton Field (Rye Girls Softball, Rye Little League)

VI. IMPROVEMENTS TO CITY FIELDS

The Recreation Department is the only organization in the city that has the right to conduct work on city fields in regards to field prepping, adding material, and repairing fields.

Any improvements that a specific recognized user group may want to do at a field must be submitted in writing to the Superintendent. Projects will be reviewed and when necessary, commission approval may also be needed.

- A written request must be submitted to the Superintendent
- A drawing (not necessarily to scale) should be submitted showing the concept of the project
- A meeting may be requested with the league president and the contractor on site to discuss plans and alterations. The City Engineer and Foreman of DPW may also be present at these meetings.

If approved, the vendor doing the improvement must:

- Provide the City of Rye with a certificate of insurance naming the City of Rye as the Certificate Holder/Additional Insured
- Provide the City of Rye with proof of Workers Compensation
- Provide the Recreation Department a work schedule to be approved

VII. Field Closure Policy and Fines for Damage

The City of Rye Recreation Department reserves the right to, at ANY time, close its Playing Fields or other Facilities. Reasons for closure are usually the result of inclement weather, the operation of alternate activities, or maintenance procedures to be performed on the fields.

Any agent of the Recreation Department designated as the decision maker on closures for the day has the authority to make such determinations. All User Groups (Rye Little League, Rye Babe Ruth, Rye Girls Sports, Rye Youth Soccer, Rye Youth Lacrosse, Rye City School District etc.) are expected to adhere to the determinations made by the City of Rye Recreation Department in regards to field playability. At times where no designated individual is present or available, it is up to the User Group to appoint such an individual to make an appropriate decision as to field playability.

In the event that damage is caused to a field/facility as the direct result of play despite the closing of that field by the Recreation Department, the User Group responsible will be held accountable for the damage. This includes instances of failure of the group to make appropriate judgments during inclement weather. Costs associated with repairing damage will be assessed and the User Group fined based on time and materials basis. A statement of these charges will be sent to the User Group and must be paid IN FULL within 1 week of the date of the statement. Should those fees not be paid within one week, the User Group's field privileges shall be suspended until payment has been received.

Fines will be assessed as follows:

- First Offense: \$200 fine + Cost of repairs + possible loss of time for repairs.
- Second Offense: \$500 fine + Cost of repairs + cancellation of next scheduled game day
- Third / Final Offense: \$800 fine + Cost of repairs + revocation of field permits

Any group whose permits are revoked may apply for reinstatement the next season for consideration by the Recreation Department.

It should be the goal of all User Groups to operate with the best interests of our field resources in mind. Mistreatment of those resources can result in the loss or damage of them, which is NOT in the best interest of the community we serve.

Acknowledgment of Receipt and Understanding

Program: _____

I, _____, President of _____,
hereby represent that I have received and read, in its entirety, a copy of the City of Rye’s
Youth Sports Policies & Guidelines, consisting of ___ pages, issued by the Recreation
Commission of The City of Rye and that I understand the contents, terms and conditions
thereof.

On behalf of _____, and in exchange for the privilege of using
City-owned or-controlled athletic fields and facilities, I hereby agree to be bound by the City of
Rye’s Youth Sports Policies & Guidelines and to take all necessary actions to enforce the terms
and conditions thereof. I further understand and agree that failure to enforce the City of Rye’s
Youth Sports Policies & Guidelines may result in revocation of The City of Rye’s recognition
of _____ as a recognized youth sports program of The City and
immediate termination of all uses and privileges associated therewith.

Signature: _____

Name: _____

Title: _____

Date: _____



CITY COUNCIL AGENDA

NO. 17 DEPT.: City Manager DATE: September 16, 2015
CONTACT: Marcus Serrano

AGENDA ITEM: Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2015.

FOR THE MEETING OF:

September 16, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Sole Ryeders & Friends, together with the Rye High School Breast Cancer Awareness Club and the RHS Crew team, will launch TieTheTownPink, a breast cancer awareness campaign whose goal is to adorn hundreds of trees throughout the City of Rye with pink ribbons on the morning of October 1, 2015 to show support of people and their families who are fighting breast cancer. They seek permission from the City of Rye to tie large pink ribbons around trees and lampposts throughout the City and on downtown Purchase Street from October 1 – 31, 2015. Sole Ryeders & Friends will take responsibility for placing the ribbons around town and will take all ribbons down at the end of the campaign.

See attached.

SOLE RYEDERS

2nd Annual

Tie the town Pink



Join SOUL RYEDERS in the fight against breast cancer by purchasing **TieTheTownPink** ribbons today!

TieTheTownPink is an awareness campaign organized by SOUL RYEDERS. Its goal is to adorn the City of Rye with pink ribbons on the morning of October 1st and throughout the month to show support for people and their families fighting breast cancer.

Make this October in Rye **"Pinktober!"** Show your spirit and join us in the fight against breast cancer by pre-purchasing your TieTheTownPink ribbons today! Ribbons cost \$25 each and can be tied around your tree, mailbox, bench, front door* ~ or anywhere you think would look **pretty in pink!**

PRE-ORDER your
TieTheTownPink
ribbons TODAY
at www.soulryeders.org

SOUL RYEDERS volunteers will
adorn your home with your ribbon(s)
on October 1st

Interested in helping us tie the town
pink? Please email us at
TieTheTownPink@gmail.com



Help us demonstrate Rye's strong community spirit and commitment to supporting families who are fighting breast cancer. All proceeds benefit SOUL RYEDERS local cancer-related programs and services.

Questions? Contact
TieTheTownPink@gmail.com

Scan here to get your PINK on!



SOUL RYEDERS is a volunteer-driven charitable organization, based in Westchester County, NY, committed to empowering those in our community who are affected by cancer. From diagnosis through treatment, recovery and survivorship, we offer practical resources and nurturing support services that provide dignity, confidence, hope, and compassion.

SOUL RYEDERS is a Not-For-Profit New York Corporation part of the FJC Fiscal Sponsorship Program. FJC is a 501(c)3 public charity.(TAX ID 13-3848582) FJC functions as SOUL RYEDERS' parent non-profit and provides comprehensive management of our charitable dollars and giving. As such, all donations made are tax deductible to the extent allowed by law. To learn more about FJC please visit www.fjc.org.

Please note: *Deliveries are restricted to addresses in the City of Rye.* For those living outside of Rye, pre-order your ribbon(s) now and pick them up on September 28th & 29th from RowAmerica Rye.

SOUL RYEDERS
Community • Compassion • Connections
The Greater Rye Area • Founded by 1981



CITY COUNCIL AGENDA

NO. 18

DEPT.: Boat Basin

DATE: September 16, 2015

CONTACT: Peter T. Fox, Boat Basin Supervisor

ACTION: Three appointments to the Boat Basin Commission by the Council, for two-year terms expiring January 1, 2018 and the designation of one member to the Boat Basin Nominating Committee.

FOR THE MEETING OF:
September 16, 2015
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council designate the individuals elected to serve on the Boat Basin Commission and Nominating Committee.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The following individuals were elected to serve on the Boat Basin Commission for two-year terms ending January 1, 2018:

Alan Caminiti
Robert Rispoli
George Szczerba

The following individual was elected to serve on the Boat Basin Nominating Committee:

Frank Mangiamele

CITY OF RYE

MEMORANDUM

TO: Marcus Serrano, City Manager
Peter T. Fox, Boat Basin Supervisor

FROM: Diane C. Moore, Deputy City Clerk

SUBJECT: De Pauw Municipal Boat Basin Commission
and Nominating Committee Election

DATE: August 25, 2015

The following are the results of the Boat Basin Election:

Envelopes Received	95
Ballots Cast	87
Invalid Ballots	8

The election results for three representatives to the De Pauw Municipal Boat Basin Commission are (three open seats):

Candidates	# of Votes Received
Alan Caminiti	68
Brendan Hartman	55
Robert Rispoli	65
George Szczerba	71

The election results for one member to the Nominating Committee:

Candidates	# of Votes Received
Frank Mangiamele	78

Diane C. Moore
Deputy City Clerk