

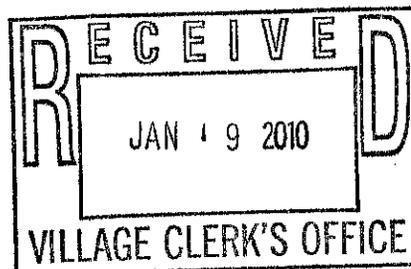
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January 19, 2010

By Hand

Mr. Christopher Bradbury
Village Administrator
Village of Rye Brook
938 King Street
Rye Brook, New York 10573



Re: Rye Town Hilton, 699 Westchester Avenue
Redevelopment Plan/Schematic Concept Plan No. 2
Village Board of Trustees Presentation and
Referral to Planning Board

Dear Village Manager Bradbury:

The undersigned is the attorney for Remington Hotels, L.P. (agent for the owner, Ashford Hospitality Trust) and Ashford Hospitality Trust ("Ashford") the real property owner of the Rye Town Hilton.

As you are aware, Ashford has previously had the benefit of a Village of Rye Brook Staff meeting/work session followed by a full presentation to the Village of Rye Brook Board of Trustees on February 18, 2009 regarding Concept Master Redevelopment Plan No. 1. Both the staff meeting and the meeting with the full Village Board were extremely productive in assisting Ashford to obtain the viewpoints of the Village regarding a vision for the future of the Rye Town Hilton.

As a result, Ashford with its consultant Remington Hotels, and its professional team of Sullivan Architects, CMX Engineering and Albert J. Pirro, Jr., Esq. has prepared a Second Concept Master Redevelopment Plan (Concept Plan No. 2) which was presented to the Village of Rye Brook Staff on December 10, 2009 at 10:00am at Village Hall in the Village of Rye Brook.

At this time we are scheduled to appear before the Village Board to make a full presentation to the Village Board of Trustees followed by a referral by the Village Board to the Planning Board for a presentation to the Village Planning Board.

Upon conclusion of the presentation to the Village Planning Board of the Village of Rye Brook, we will request a report from the Village Planning Board to the Village Board of Trustees pursuant to New York State Village Law Section 7-718 to the Village Board of Trustees which presents its views on the Concept Plan No. 2.

Once the Village Planning Board Report is issued to the Village Board of Trustees (with a copy to us) we will request a final informal meeting with the Village Board to discuss the Report of the Village Planning Board and the views of the Village Board of Trustees.

Upon conclusion of this informal process, Remington/Ashford will evaluate the Report and the viewpoint of the Village of Rye Brook on the Master Redevelopment Plan Concept No. 2. At that time, Remington/Ashford will make an appropriate determination on the filing of a formal application under the Village of Rye Brook Zoning Code, the Village Law of the State of New York and Article 8 of the Environmental Conservation Law of the State of New York (pursuant to its implementing regulations under the State Environmental Quality Review Act [SEQRA]).

Accordingly, as a first step in this informal process we look forward to a productive meeting with the Village Board of Trustees in and for the Village Board of Trustees on Tuesday, January 26, 2010 at 7:30pm.

In this regard, I enclose for distribution to both the Village Board of Trustees and the Village Planning Board, sixteen (16) copies of (1) the "Executive Summary, Rye Town Hilton Redevelopment Plan", dated January 19, 2010 and the (2) the "Conceptual Design Proposal, 699 Westchester Avenue, Rye Town Hilton Site" dated January 19, 2010 prepared by Sullivan Architecture, P.C.

Very truly yours,



Albert J. Pirro, Jr., Esq.

AJP:dat
Enclosures

cc: Robert Haiman, Remington Hotels
Alan Tallis, Remington Hotels
John Sullivan, Sullivan Architects
Chuck Utschig, CMX Engineering
Nicholas Ward-Willis, Village Attorney

EXECUTIVE SUMMARY

**RYE TOWN HILTON
REDEVELOPMENT PLAN**

JANUARY 19, 2010

REMINGTON HOTELS, LP

Agent for:

ASHFORD HOSPITALITY TRUST

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EXECUTIVE SUMMARY

On February 18, 2009 Ashford Hospitality Trust and the Rye Town Hilton made a presentation to the Village of Rye Brook regarding a proposed Master Redevelopment Plan (Concept Plan No. 1).

Concept Plan No. 1, in general, provided for a mixed plan with the rehabilitation of the existing hotel, a 60,000 SF spa, 285 new townhouses designed as five (5) and six (6) story mid-rise buildings, and a structured parking garage of approximate 650 spaces.

As a result of the February 18, 2009 meeting with the Village Board of Trustees the following observations were made by Ashford's consultants:

1. The Board recognizes the need for a renovation of the existing Rye Town Hotel in terms of the Village of Rye Brook Building Code and the NYS Construction Code; and
2. The Board recognized that Ashford was in the process of making capital expenditures within the Hotel of approximately \$20 million dollars (which it has not substantially completed); and
3. The Board recognized the need for a greater utilization of the site to permit the Rye Town Hilton to be upgraded and meet the area hospitality competition; and
4. The Board unanimously was interested in the development of the Spa Facility; and
5. The Board rejected the density and massing of the proposed number of residential units. This view was based upon:
 - a. Retaining, to the extent feasible, the open space character of the Rye Town Hilton site; and
 - b. The disapproval of residential units in a mid-rise configuration due to the height (5-6 stories)
 - c. The concern for the mass of development when combining the height of a new parking structure, completely above grade for 646 cars, and the 5-6 story mid rise buildings; and
 - d. A concern for traffic impacts; and
 - e. A concern for the aesthetic impact of Master Redevelopment Concept Plan No. 1 upon the adjoining community.

The Board indicated that it would entertain a new Master Redevelopment Plan which expressed a residential town house complex in attached clusters with a preference for market housing with some "some" over fifty-five (55) housing and "some" reduced price housing which permits municipal employees, including fire and police personnel, a reduced price housing element.

As a result of the February 18, 2009 meeting Ashford Hospitality Trust has designed a new Master Redevelopment Concept Plan No. 2 for consideration by the Village of Rye Brook. The details of the Master Redevelopment Concept Plan No. 2 are set forth below.

Informal Process

Ashford with its consultant Remington Hotels and its professional team of Sullivan Architects, CMX Engineering and Albert J. Pirro, Jr., Esq. has prepared a Second Concept Master Redevelopment Plan (Concept Plan No. 2) which was the subject of a presentation to the Village of Rye Brook Staff. This meeting was occurred on December 10, 2009 at 10:00am at Village Hall in the Village of Rye Brook.

On January 26, 2010, Ashford prepares to make a full presentation to the Village Board of Trustees followed by a referral by the Village Board to the Planning Board for a presentation to the Village Planning Board.

Upon conclusion of the presentation to the Village Planning Board of the Village of Rye Brook, we will request a report from the Village Planning Board to the Village Board of Trustees pursuant to New York State Village Law Section 7-718 to the Village Board of Trustees which presents its views on the Concept Plan No. 2.

Once the Village Planning Board Report is issued to the Village Board of Trustees (with a copy to us) we will request a final informal meeting with the Village Board to discuss the Report of the Village Planning Board and the views of the Village Board of Trustees.

Upon conclusion of this informal process, Ashford and the Rye Town Hilton will evaluate the Report and the viewpoint of the Village of Rye Brook on the Master Redevelopment Plan Concept No. 2. At that time, Ashford and the Rye Town Hilton will make an appropriate determination on the filing of a formal application under the Village of Rye Brook Zoning Code, the Village Law of the State of New York and Article 8 of the Environmental Conservation Law of the State of New York (pursuant to its implementing regulations under the State Environmental Quality Review Act [SEQRA]).

Ashford Hospitality Trust and the Rye Town Hilton have proposed a redevelopment of the Rye Town Hilton, a master redevelopment plan with both a preliminary subdivision and site plan and proposed zone change or text amendment to provide for a Hotel Planned Unit Development District (HPUD).

Accordingly, the Village of Rye Brook is also respectfully referred to the "Conceptual Design Proposal, 699 Westchester Avenue, Rye Town Hilton Site" dated January 19, 2010, prepared by Sullivan Architecture, P.C. which accompanies this Executive Summary and is also incorporated here by reference.

General Description

The Rye Town Hilton property is a full-service hotel and conference facility with 438 room keys. The hotel is situated on a 40 acre site in the Village of Rye Brook, New York and includes a four story guestroom tower, main hotel, ballroom and common areas constructed in 1973. An additional four story guestroom tower, ballroom and meeting

room space was constructed in 1976. The overall building square footage is reportedly 453,875 gross square feet. Hotel facilities include a casual dining restaurant (Tulip Tree), an elegant dining restaurant (Penfield's), a lounge area adjacent to the elegant dining as well as a lobby lounge/seating area, an indoor pool, a separate outdoor pool area, a lobby gift shop (concession), an indoor fitness center area and two full-service ballrooms with additional meeting room spaces. Ballroom and meeting room spaces total approximately 26,234 SF which include a 9,520 SF Westchester Ballroom that is subdivided by room dividers into eight separate units and a 6,552 SF Grand Ballroom which can be subdivided into three separate units. In addition to the overall ballroom and meeting space, there is approximately 6,443 SF of assembly area adjacent to the ballrooms.

The Westchester guestroom tower, which contains 117 room keys, is located at the Northwest corner of the facility adjacent to the Westchester Ballroom addition, all of which was constructed as an addition to the main facility in 1976. Adjacent to the North end of the Westchester Ballroom is a free standing tennis facility with an inflatable canvas structure. Land for this facility was leased to the tennis club, which owns and maintains their own structure.

Access to the main hotel and conference facility is from Westchester Avenue. A secondary access is also provided off Westchester Avenue at the Southeast corner of the property. All portions of the building are fully protected with a fire sprinkler system installed in 1986 and an upgraded fire alarm system installed in 1998. Three passenger elevators provide service to the four guestroom floors. There are also three service elevators for back of house use. On-site parking is provided for approximately 700 cars with additional parallel parking allowed along access entry roads. No interior parking is provided. The main drop off at the front door is protected by a porte cochere. Separate entries to the Grand Ballroom and Westchester Ballroom area are also provided on the East side of the building with direct access to the main parking areas. The 438 guestrooms include 15 ADA accessible rooms, one of which has a roll-in shower.

Existing Facilities

In 2002, Jones, Hill, McFarlane & Ellis performed a property condition assessment for the Hilton Rye Town Hotel (December 6, 2002). This assessment report detailed significant improvements required at the existing facilities at the Rye Town Hilton to bring the present structure and operation to a completely renovated facility. It has been estimated that the cost of renovation of the existing facility is approximately \$30 Million. More recently Beckmann Appraisals Inc. undertook a cost estimate for a renovation of the existing space. This appraisal estimated the cost at \$27,500,000 (Beckman Appraisals, Inc., 3/23/07, revised 10/29/07).

The above cost estimates would still not bring the existing facilities into a competitive state of operations and services necessary to compete with area hotel complexes. Improved parking facilities, conference room space, new access to existing ballrooms and a spa are additional items required for the existing facilities.

The amortization of the cost of the complete renovation the entire Rye Town Hilton requires a redevelopment to maximize the hotel as an anchor to a fully operational destination landmark. As a result Ashford Hospitality Trust and the Rye Town Hilton have designed a preliminary master plan for the redevelopment of the site. Sullivan Architecture, PC has been retained to undertake the design of the master plan together with Albert J. Pirro, Jr., Esq. of Pirro Group and CMX Engineering. A summary of the master plan redevelopment is set forth below.

Summary of Rye Town Hilton Master Plan Redevelopment Concept Plan No. 2

In addition to the rehabilitation of the existing hotel, the redevelopment plan provides for additional uses. However, all of the proposed mixed use development occurs within the existing permitted twenty-five (25%) percent maximum building coverage.

The new additional uses include residential use, a spa and new structured parking facility. The residential component proposes 214 new townhouses (with a projected 450 bedrooms). Ashford is considering what percentage of the units should be designed for senior living and/or Rye Brook municipal employee median income units.

Presently, with regard to parking, the hotel has approximately 646 existing on-grade parking spaces. With the addition of structured parking, 1,096 spaces will be provided to accommodate the required parking for all uses. The redevelopment plan includes an independent 50,000 square foot spa which will be open to the public as well as hotel guests on a fee basis. In addition, parking for 40 automobiles for the 50,000 square foot spa is provided in the basement level of the spa.

Important design changes have been made in Concept Plan No. 2. All residential units are in 2 ½ story townhouse style units. There are no midrise residential buildings. The former parking structure has been relocated and built into the topography so that rather than a 6 story garage, only two levels of the garage are visible above grade. The spa has been relocated to the area where the swimming pool is presently located with an access road from Westchester Avenue along the western boundary of the property to both provide access to the spa and the 450 car garage further along this new access road, past the spa to the hotel garage. The hotel garage is accessed by internal roadways. The internal roadways continue to be accessed from the two existing points of ingress and egress from Westchester Avenue.

The Master Plan provides for 35.6 acres of the site to be subdivided into four (4) residential parcels where the townhouses are to be located and a fifth parcel which will constitute the Hotel and Spa building.

Preliminary Impact Analysis

It is anticipated that, pursuant to Section 21-1(A) of the Village Code, the Board of Trustees would adopt a resolution funding the proposed action to be a development of

substantial public importance in the H-1 Hotel Zoning District and may reclaim jurisdiction as approving authority for all permits to be issued. Accordingly, the Village Board pursuant to Article 8 of the Environmental Conservation Law and its implementing regulations under the State Environmental Quality Review Act, 6 NYCRR Part 617 (“SEQRA”) may resolve to be lead agency once a formal application made together with a Long Form Environmental Assessment Form (“EAF”).

The formal submission will be followed by a Scoping Session to outline the issues to be covered in the Draft Environmental Impact Statement (“DEIS”).

It is anticipated that the project may include potential for certain minor adverse environmental impacts relating to traffic, erosion and sediment control, storm water management, schools and community services and changes to the visual character of a portion of the site. These issues will be addressed during the environmental review process.

Preliminary analysis of traffic impacts are set forth belows:

(a) Traffic

CMX Engineering conducted a preliminary traffic review for the Rye Town Hilton project along Westchester Avenue in the Village of Rye Brook, New York. The Project will include residential buildings containing a total of 214 residential units that will surround the existing 446-room hotel. Additionally, a 50,000 SF spa and 450-space parking garage will be constructed adjacent to the hotel. The following table illustrates projected trip generation for the existing and proposed uses for The Project.

PROJECTED TRIP GENERATION

	AM Peak	PM Peak	Saturday Peak
446 Room Hotel (Existing)	261	263	312
214 Townhouses (Proposed)	110	134	105
60,000 SF SPA	9	10	8
Total	381	408	426

To be conservative, the above referenced table includes a small increase in traffic volumes as a result of the spa. However, typically, a spa is considered an ancillary use for hotel guests and will not be a significant traffic generator. The traffic generation will be similar to a restaurant being located within the hotel, where there is a minor amount of external trips but the majority of patrons would be guests of the hotel.

(b) Preliminary Analysis of Projected School Age Population

Project Population							
Unit Type	# Units	Total Persons					
Attached- 1BR (\$164,500-\$269,500)	218	397					
Attached- 1BR (more than \$269,500)	218	296					
Attached- 2BR (\$135,000-\$329,500)	218	341					
Attached- 2BR (more than \$329,500)	218	314					
Public School Children							
Unit Type	# Units	Total PSC	K-2	3-6	7-9	10-12	9 Only
Attached- 1BR (\$164,500-\$269,500)	218	27	11	14	0	6	0
Attached- 1BR (more than \$269,500)	218	17	4	9	0	4	0
Attached- 2BR (\$135,000-\$329,500)	218	26	9	11	4	6	1
Attached- 2BR (more than \$329,500)	218	9	0	6	4	0	0
<i>Note: Total PSC will not be equal to grade range sums due to rounding.</i>							
Multipliers							
	PPH	Total PSC	K-2	3-6	7-9	10-12	9 Only
Attached- 1BR (\$164,500-\$269,500)	1.82	0.16	0.06	0.08	0.00	0.03	0.00
Attached- 1BR (more than \$269,500)	1.77	0.10	0.02	0.05	0.00	0.04	0.00
Attached- 2BR (\$135,000-\$329,500)	2.05	0.15	0.05	0.06	0.02	0.03	0.02
Attached- 2BR (more than \$329,500)	1.88	0.05	0.00	0.03	0.02	0.00	0.00
<i>Source: "Residential Demographic Multipliers -- Estimates of the Occupants of New Housing", Rutgers University, Center for Urban Policy Research, June 2006.</i>							

(c) Preliminary Analysis of Wetlands

On May 13, 2008, CMX Engineering did undertake a field analysis of the site for a preliminary wetland determination. The results show that the project site is absent of jurisdictional wetlands according to the three parameter approach enumerated in the Army Corps of Engineers Wetlands Delineation Manual (1987).

The May 16, 2008 Wetland Report of CMX Engineering is annexed to the rear of this summary.

Westchester Industrial Development Agency

Title 1 of 18A of NYS General Municipal Law, as amended, provides that construction and reconstruction, equipping and furnishing of certain aspects of the project, may be eligible for funding through the sale of taxable/tax exempt securities issued by the Westchester County Industrial Development Agency (IDA). Minimally, an IDA eligible project receives an exemption from sales tax for pre-approved expenditures related to a project (such as acquisition of construction materials). Also, it may provide an exemption from construction and end-loan mortgage recording taxes.

Generally, the hotel and retail aspects of the project are not IDA eligible. Two (2) components will be reviewed for eligibility, (i) an independent, open to both the public and hotel guests, 50,000 square foot spa, and (ii) senior living and/or Rye Brook median income housing for a portion of the residential component.

Green Building Construction Tax Credits

Green buildings use energy, water, materials, land and other resources more efficiently and effectively. Green Buildings provide healthier environments for working, learning and living. Property owners, in turn, with tax credit availability, reduce cost and create sustainable buildings with lower maintenance and lower utility bills.

For the Rye Brook community this concept provides a leadership role in creating a model for development which minimizes negative environmental consequences by lessening changes to the local natural environment by use of recycled or recyclable materials; incorporating renewable and energy efficient power generation. Green building incentive bonus density is a new concept never before implemented in Westchester County and new to the metropolitan area.

Pursuant to Part II of Chapter 63 of the Laws of 2000, a Green Building Tax Credit has been established which is allowable against various business and personal

income taxes. The Green Building Tax Credit provides for tax credits to owners of eligible buildings which meet certain "green" standards.

The hotel is an eligible building, and both new construction and "green" rehabilitation is covered.

In addition, on June 22, 2008, New York State announced that a similar program which provides for tax credits for the construction of new homes which meet "green" building standards is about to go into effect.

Ashford Hospitality Trust intends to apply for eligibility under Chapter 63 of the Laws of New York State. The construction of "green" building standards will provide a model for hotel rehabilitation with the Rye Town Hilton as a flagship. Part of the new Hotel Planning Unit Development District (HPUD) provides bonus density for "green" building construction.

Environmental Review

It is anticipated that after the preliminary sketch plan review by staff and a work session with the Planning Board, depending upon the municipality's feedback, the owner will direct its consultants to prepare a full application and request a scoping session to obtain a scoping document for commencement of a Draft Environmental Impact Statement in accord with Article 8 of the Environmental Conservation Law and its implementing regulations, the State Environmental Quality Review Act (SEQRA).

It is understood that any application to the Village Board must be accompanied by an environmental submission under Article 8 of the Environmental Conservation Law of the State of New York ("ECL") and the State Environmental Quality Review Act ("SEQRA") which are the implementing regulations to Article 8 ECL.

Under SEQRA, no final action by the Village Board may be taken until an environmental determination is made under SEQRA. Although Section 209-5 of the Rye Brook Village Code provides that a public hearing on the application will be held within sixty (60) days of the filing of a complete application. However, this period will be extended until the application is coordinated with the predicate SEQRA environmental review (Section 209-11 Village Code).

The Ashford Hospitality Trust, Inc.

The owner of the Property is the Ashford Hospitality Trust, Inc. which is a self-administered real estate investment trust listed on the NYSE (Symbol: AHT) that invests in the hospitality industry across all segments and at all levels of the capital structures, including direct hotel investment. You may visit the website of Ashford Hospitality Trust, Inc. at www.ahtreit.com or their information listed on the New York Stock Exchange.

Conclusion

Ashford Hospitality Trust and the Rye Town Hilton respectfully requests preliminary comments regarding the feasibility of the redevelopment project. Upon evaluation of the municipality's "informal" observations and the Report of the Planning Board, the owner will make a decision on proceeding further in the approval process. A formal application process is outlined below:

Section 209-1 of the Rye Brook Village Code deals with "Review and Approval Procedure". Section 209-1A specifies that where, as here, approvals are sought on a parcel of 4 acres or more. The Village Board of Trustees is the final approval authority. This is the case whether the application is for amendment to site plans, zoning text amendment or change in use. The application upon filing with the Village Board is referred to the Planning Board for recommendation to the Village Board. Under Section 7-725a and 7-725b of the Village Law of the State of New York, the Rye Brook Village Board of Trustees has power to reserve for itself final approval authority for site plan and special exception use permit application. However, in the event of a subdivision of the Rye Town Hilton property, subdivision and site plan review would be conducted by the Rye Brook Planning Board. Final approval authority for changes in use, zoning amendments or text amendments are reserved to the Village Board of Trustees under Section 7-708 of the Village Law of the State of New York.

Section 209-1B sets forth the "site plan" procedure for any new construction, whether change in use, subdivision of land, etc.

The components of "site plan" are detailed and specific and are found in Section 209-1C and include certain legal data, natural features, existing structures and utilities and the proposed development. The site plan shall include a landscape and storm water management plan.

Although a two (2) page Project Data Chart and a Zoning Analysis Chart follow, the draft Hotel Planned Unit Development District is in the process of drafting, which at the appropriate time will be reviewed with the Village of Rye Brook Planning Consultants.

Project Data

Lot Size: 35.6089 Acres (1,551,124 S.F.)

Date: January 14, 2010

Building/ Unit Type	Description	Square Footage (New)	Square Footage (Existing to Remain)	Lot Coverage: Square Footage		No. of Units	No. of Parking Spaces			Height/ Stories		
				Square Footage	Percentage		Street/ Surface Lots	Garage	Driveway	Residential / Spa	Parking	Feet
A	Residential	64,800	0	42,460	2.74%	36	20	36	36	2	—	35'
B	Residential	48,000	0	29,400	1.90%	40	14	40	40	2.5	—	35'
C	Residential	120,000	0	58,080	3.74%	120	42	60	60	3.0	—	45'
D	Residential	36,000	0	18,000	1.16%	18	12	18	12	2.5	—	35'
SPA	Spa	50,000	0	28,000	1.81%	0	0	0	0	2 (Spa) over 1 (Parking)	—	45'
	New Outdoor Pool/Patio	0	0	12,000	0.77%	0	0	0	0	—	—	—
	Enclosed Walkways (to Spa)	3,000	0	3,000	0.19%	0	0	0	0	1	—	15'
	Spa Public Parking	12,000	0	—	—	0	0	40	0	—	—	—
Garage	Parking Garage	140,000	0	27,000	1.74%	0	0	450	0	—	5 (2)	50'
Existing Hotel: to remain (1)	Hotel & Guestrooms	0	453,875	137,400	8.86%	0	149	0	0	4	—	45'
Hotel: New Areas	Porte-Cochere	13,000	0	13,000	0.84%	0	0	0	10	1	—	25'
SubTotal		486,800	453,875	—	—	—	237	644	158	—	—	—
Total		940,675		368,360	23.75%	214	1,039			—		

Project Data

Sullivan Architecture, PC

Lot Size: 35.6089 Acres (1,551,124 S.F.)

Date: January 14, 2010

Building/ Unit Type	Description	Square Footage (New)			Square Footage (Existing to Remain)	Lot Coverage: Square Footage			No. of Units	No. of Parking Spaces (All New)				Height/ Stories	
		Residential	Spa / Misc.	Parking		Porte-Cochere	Building	Porte-Cochere		Percentage	Residential (Street)	Residential (Garage)	Residential (Driveway)	Hotel (Structure)	Hotel (Surface)
A	Residential	64,800	0	0	0	42,480	0	2.74%	36	20	36	0	0	2	35'
B	Residential	48,000	0	0	0	29,400	0	1.90%	40	14	40	0	0	2.5	35'
C	Residential	120,000	0	0	0	55,080	0	3.74%	120	42	60	0	0	3.0	45'
D	Residential	36,000	0	0	0	16,000	0	1.05%	18	12	18	0	0	2.5	35'
Spa	Spa	0	50,000	0	0	28,000	0	1.81%	0	0	0	0	0	2 (Spa) over 1 (Parking)	45'
	New Outdoor Pool/Path	0	0	0	0	12,000	0	0.77%	0	0	0	0	0	—	—
	Enclosed Walkways (to Spa)	0	3,000	0	0	3,000	0	0.19%	0	0	0	0	0	1	15'
	Spa Public Parking	0	0	12,000	0	—	—	—	0	0	0	40	0	—	—
Garage	Parking Garage	0	0	140,000	0	27,000	0	1.74%	0	0	0	450	0	—	—
Existing Hotel: to remain	Hotel & Guestrooms	0	0	0	453,875	137,400	0	5.86%	0	0	0	0	148	4	45'
Existing Hotel: New Areas	Porte-Cochere	0	0	0	0	0	13,000	0.84%	0	0	0	0	0	1	25'
	SubTotal	268,800	53,000	152,000	453,875	355,380	13,000	—	—	390	1039	646	—	—	—
	Total	940,875			368,380	23.75%	214	1039				646			

Total Existing	
Hotel & Guestrooms	453,875
Maintenance Bldg. (to be removed)	1,200
Pool (to be removed)	2,100
Tennis Court (to be removed)	15,600
Porte-Cochere (to be removed)	2,300
Existing Hotel Total (Square Feet)	475,075

Notes:

- (1) Existing hotel: 446 rooms, 438 room keys, 15 ADA accessible rooms.
- (2) Garage is set into a hill - 5 stories at low point of hill, 2 stories above grade at top of hill.

Rye Town Hilton Zoning Analysis

		H-1: Hotel PUD			
		Permitted / Required (H-1 Zone)	Existing	Proposed	Change / Added
Lot Area	SF	1,306,800 (Min.)	1,551,124	1,551,124	0
	Acres	30 (Min.)	35.6089	35.6089	0
Hotel Use Site Area	SF	N/A	N/A	819,316	N/A
	Acres	N/A	N/A	18.8089	N/A
Other Site Area for Residential	SF	N/A	N/A	731,808	N/A
	Acres	N/A	N/A	16.8000	N/A
FAR	%	1.0	0.30	0.61	0.30
	SF	1,551,124	472,975	940,675	467,700
	Residential only SF available (typ. const.)	420,000	0	268,800	268,800
	Residential only SF available (green const.)	890,223	0	268,800	268,800
	Residential SF / Acre (typ. const.)	25,000	0	16,000	N/A
Residential SF / Acre (green const.)	25,000	0	7,549	N/A	
Max Coverage (All Buildings)	%	25%	10.09%	23.75%	13.66%
	SF	387,781	156,500	368,360	211,860
Street Frontage	Feet	150'	1,087'	1,087'	None
Setbacks	Front	75'	188' (hotel)	50'	25'
	Side	75'	178' (hotel)	50'	25'
	Rear	75'	100' (tennis bubble)	50'	25'
Buffer Area @ Site Perimeter	%	25%	N/A	17.14%	7.88%
	SF	387,781	N/A	265,864	N/A
	Distance from Property Line	75'	N/A	50'	25'
	Distance from Road	100'	N/A	101'	N/A
Projects with Senior Living, Green Building or New Construction	50'	N/A	50'	N/A	
Height	Stories	6	4	5 (garage)	less 1 story than permitted
	Feet	60	45'	55'	less 5' than permitted
Accessory Structure Height	Stories	5	1 (tennis bubble)	5 (garage)	N/A
	Feet	60'	50' (tennis bubble)	55' (garage)	N/A
Number of Residential Units	Typical* (8 per gross acre)	134	0	214	80
	with Green Building** (8 per gross acre)	285	0	214	N/A
Parking spaces required	Hotel / Spa	751	646	649	3
	Residential (214X1.25)	268	0	390	390
	Loading	2	2	2	0
	Total:	1,021	648	1,041	393

Notes:

* of the Residential part of the total HPUD site. = 16.6 acres for residential development.

** Can use entire site without deduction for another use, if project will meet LEED or is eligible for Green Tax Credits under 6 NYCRR Part 638.



MEMORANDUM

TO: Diego Morales
FROM: Doug Chabrak *DC*
DATE: May 16, 2008
RE: Wetlands Site Visit at Rye Town Hilton
PROJECT NUMBER: 080099801

This memorandum serves as an outline of the results of my field visit conducted on **May 13, 2008** for an approximately 700-foot long linear strip of land within the Rye Town Hilton facility property located within the Village of Rye Brook, Westchester County, New York. The purpose of my field visit was to determine the presence or absence of jurisdictional wetlands within the specific limit of study as shown on a plan entitled *Topographic Map of Property Prepared for The Rye Town Hilton Joint Venture*, prepared by Thomas C. Merritts Land Surveyors, P.C., dated May 5, 2008 (unsigned). A copy of this plan is attached hereto for your reference.

The limit of study is located 200 feet east of the intersection of Lincoln Avenue and Westchester Avenue and is generally a hardwood upland forested containing one (1) man-made drainage ditch. Wetlands regulated by the New York Department of Environmental Conservation (NYDEC) and/or the Army Corps of Engineers (federal) are not mapped on or adjacent to the limit of study, as per appropriate digital information published by these agencies (i.e. Interactive digital mappings).

The results of my field visit indicate that the limit of study shown on the referenced plan is absent of jurisdictional wetlands according to the three parameter approach enumerated in the *Corps of Engineers Wetlands Delineation Manual (1987)*. This is the accepted methodology of the U.S. Army Corps of Engineers (Army Corps) who is the lead agency for establishing the extent of federally regulated wetlands and waters in New York. The drainage ditch does not contain hydric soils, confirmed by three (3) hand soil borings within the ditch and is devoid of vegetation. Please see the attached wetland data sheets. Please feel free to contact me if you have any questions.

Attachments

c: Chuck Utschig
Steve Ewing

N:\project\2008\0800998\01\Memos\Morales 5-16-08.doc

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Wetland Data Sheets

Note:

1. Vegetation is listed within each stratum by order of decreasing dominance.
2. The soil boring description includes:
 - a. Approximate seasonal high water table
 - b. Standing water level
 - c. Horizontal depth
 - d. Color (including Munsell Color Chart description)
 - e. Approximate texture (by hand)
 - f. Mottling
 - g. Additional notes and features
3. N.E. indicates not encountered



Field Delineation Form

Project Number: 080099801
 Logged By: DJC

Station/Boring No.: 1
 Date: 5/13/08

Station habitat: Wetland Open Water Upland

1. Vegetation: Hydrophytic Non-Hydrophytic

	Common Name	Scientific Name	Region 1 Indicator Status (R1-IND)	National Indicator Status (NAT-IND)
Overstory	Norway Maple	<i>Acer platanoides</i>	UPL	UPL
	Red Maple	<i>Acer rubrum</i>	FAC	FAC
	Sweet Birch	<i>Betula lenta</i>	FACU	FACU
	Tulip Poplar	<i>Liriodendron tulipifera</i>	FACU	FACU, FAC
Understory	Garlic Mustard	<i>Alliaria petiolata</i>	FACU-	FACU-, FACW
Ground Cover	Japanese Barberry	<i>Berberis thunbergii</i>	FACU	UPL, FACU

2. Soils: Hydric Non-Hydric

HORIZONTAL DEPTH (inches)	PROFILE DESCRIPTION	
	Munsell Color Chart Code	Texture
0-6	10YR 2/2	Silt loam
6-14	10YR 4/4	Silt loam
14+	Refusal	Rocks

NE Seasonal High Water Table NE Standing Water Level

3. Hydrologic Indicators:

Driftlines Sediment Deposition Watermarks Ponding Hummocks
 Other: Stained leaves within ditch

Comments: Data recorded from within the headwater of a man-made drainage ditch. Ditch is devoid of vegetation and the species listed above are adjacent to the ditch and part of the upland forested area.



Field Delineation Form

Project Number: 080099801
 Logged By: DJC

Station/Boring No.: 2
 Date: 5/13/08

Station habitat: Wetland Open Water Upland

1. Vegetation: Hydrophytic Non-Hydrophytic

	Common Name	Scientific Name	Region 1 Indicator Status (R1-IND)	National Indicator Status (NAT-IND)
Overstory	Norway Maple	<i>Acer platanoides</i>	UPL	UPL
	Sweet Birch	<i>Betula lenta</i>	FACU	FACU
	Tulip Poplar	<i>Liriodendron tulipifera</i>	FACU	FACU, FAC
Understory	Garlic Mustard	<i>Alliaria petiolata</i>	FACU-	FACU-, FACW
Ground Cover	Japanese Barberry	<i>Berberis thunbergii</i>	FACU	UPL, FACU

2. Soils: Hydric Non-Hydric

HORIZONTAL DEPTH (inches)	PROFILE DESCRIPTION	
	Munsell Color Chart Code	Texture
0-4	10YR 3/2	Silt loam
4-8	10YR 4/4	Silt loam
8+	Refusal	Rocks

NE Seasonal High Water Table NE Standing Water Level

3. Hydrologic Indicators:

Driftlines Sediment Deposition Watermarks Ponding Hummocks
 Other: Stained leaves within ditch

Comments: Data recorded from within the central portion of a man-made drainage ditch. Ditch is devoid of vegetation and the species listed above are adjacent to the ditch and part of the upland forested area.



Field Delineation Form

Project Number: 080099801
 Logged By: DJC

Station/Boring No.: 3
 Date: 5/13/08

Station habitat: Wetland Open Water Upland

1. Vegetation: Hydrophytic Non-Hydrophytic

	Common Name	Scientific Name	Region 1 Indicator Status (R1-IND)	National Indicator Status (NAT-IND)
Overstory	Norway Maple	<i>Acer platanoides</i>	UPL	UPL
	Red Maple	<i>Acer rubrum</i>	FAC	FAC
	Sweet Birch	<i>Betula lenta</i>	FACU	FACU
	Tulip Poplar	<i>Liriodendron tulipifera</i>	FACU	FACU, FAC
Understory	Garlic Mustard	<i>Alliaria petiolata</i>	FACU-	FACU-, FACW
Ground Cover	Japanese Barberry	<i>Berberis thunbergii</i>	FACU	UPL, FACU

2. Soils: Hydric Non-Hydric

HORIZONTAL DEPTH (Inches)	PROFILE DESCRIPTION	
	Munsell Color Chart Code	Texture
0-4	10YR 3/3	Silt loam
4-12	10YR 3/4	Silt loam
12-18	10YR 4/4	Sandy loam
18+	Refusal	Rocks

NE Seasonal High Water Table NE Standing Water Level

3. Hydrologic Indicators:

Driftlines Sediment Deposition Watermarks Ponding Hummocks
 Other: Stained leaves within ditch

Comments: Data recorded from within the project limit of a man-made drainage ditch. Ditch is devoid of vegetation and the species listed above are adjacent to the ditch and part of the upland forested area.



Terms and Symbols

Drawdown (DRA): Typically associated with the drier stages of wetlands, such as mudflats, vernal pools, and playa lakes.

Facultative (FAC): Sometimes found in wetlands (34%-66% frequency), but also occurs in nonwetlands.

Facultative Upland (FACU): Seldom found in wetlands (1%-33% frequency), usually occurs in nonwetlands.

Facultative Wetland (FACW): Usually found in wetlands (66%-99% frequency), but occasionally found in nonwetlands.

Nonwetland (UPL): Occurs in wetlands in another region, but not found (<1% frequency) in wetlands in the region specified. If a species does not occur in wetlands in any region, it is not on the list.

No indicator (NI): Recorded for those species for which insufficient information was available to determine an indicator status.

No agreement (NA): Recorded in the regional indicator field if a regional panel was unable to reach a unanimous decision regarding the species.

Non-occurrence (NO): Indicates that the species does not occur in that region.

Not Listed (NL): Indicates that the species does not appear on the list of wetland species.

Obligate (OBL): Always found in wetlands under natural (not planted) conditions (frequency greater than 99%) but may persist in nonwetlands if planted there by man or in wetlands that have been drained, filled, or otherwise transformed into nonwetlands.

R-IND: Regional Indicator status of a species. It indicates the frequency of occurrence in wetlands versus nonwetlands. A positive (+) sign indicates a frequency toward the wetland end of the category, and a negative (-) sign indicates a frequency toward the upland end of the category.

NAT-IND: National Indicator status of a species. It indicates the frequency of occurrence in wetlands versus nonwetlands. A positive (+) sign indicates a frequency toward the wetland end of the category, and a negative (-) sign indicates a frequency toward the upland end of the category.

Rye Town Hilton Zoning Analysis

		H-1 : Hotel PUD			
		Permitted / Required (H-1 Zone)	Existing	Proposed	Change / Added
Lot Area	SF	1,306,800 (Min.)	1,551,124	1,551,124	0
	Acres	30 (Min.)	35.6089	35.6089	0
Hotel Use Site Area	SF	N/A	N/A	819,316	N/A
	Acres	N/A	N/A	18.8089	N/A
Other Site Area for Residential	SF	N/A	N/A	731,808	N/A
	Acres	N/A	N/A	16.8000	N/A
FAR	%	1.0	0.30	0.61	0.30
	SF	1,551,124	472,975	940,575	467,700
	Residential only SF available (typ. const.)	420,000	0	268,800	268,800
	Residential only SF available (green const.)	890,223	0	268,800	268,800
	Residential SF / Acre (typ. const.)	25,000	0	16,000	N/A
	Residential SF / Acre (green const.)	25,000	0	7,549	N/A
Max Coverage (All Buildings)	%	25%	10.09%	23.75%	13.66%
	SF	337,731	156,500	368,360	211,860
Street Frontage	Feet	150'	1,087'	1,087'	None
Setbacks	Front	75'	188' (hotel)	50'	25'
	Side	75'	178' (hotel)	50'	25'
	Rear	75'	100' (tennis bubble)	50'	25'
Buffer Area @ Site Perimeter	%	25%	N/A	17.14%	7.66%
	SF	337,731	N/A	265,864	N/A
	Distance from Property Line	75'	N/A	50'	25'
	Distance from Road	100'	N/A	101'	N/A
	Projects with Senior Living, Green Building or New Construction	50'	N/A	50'	N/A
Height	Stories	6	4	5 (garage)	less 1 story than permitted
	Feet	60	45'	55'	less 5' than permitted
Accessory Structure Height	Stories	5	1 (tennis bubble)	5 (garage)	N/A
	Feet	60'	50' (tennis bubble)	55' (garage)	N/A
Number of Residential Units	Typical * (8 per gross acre)	134	0	214	80
	with Green Building ** (8 per gross acre)	285	0	214	N/A
Parking spaces required	Hotel / Spa	751	646	649	3
	Residential (214X1.25)	268	0	390	390
	Loading	2	2	2	0
	Total:	1,021	648	1,041	393

Notes:

* of the Residential part of the total HPUD site. = 16.8 acres for residential development.

** Can use entire site without deduction for another use, if project will meet LEED or is eligible for Green Tax Credits under 6 NYCRR Part 638.

Project Data

Lot Size: 35.6089 Acres (1,551,124 S.F.)

Date: January 19, 2010

Building/ Unit Type	Description	Square Footage (New)	Square Footage (Existing to Remain)	Lot Coverage: Square Footage		No. of Units	No. of Parking Spaces			Height/ Stories		
				Square Footage	Percentage		Street/ Surface Lots	Garage	Driveway	Residential / Spa	Parking	Feet
A	Residential	64,800	0	42,480	2.74%	36	20	36	36	2	---	35'
B	Residential	48,000	0	29,400	1.90%	40	14	40	40	2.5	---	35'
C	Residential	120,000	0	58,080	3.74%	120	42	60	60	3.0	---	45'
D	Residential	36,000	0	18,000	1.16%	18	12	18	12	2.5	---	35'
SPA	Spa	50,000	0	28,000	1.81%	0	0	0	0	2 (Spa) over 1 (Parking)	---	45'
	New Outdoor Pool/Patio	0	0	12,000	0.77%	0	0	0	0	---	---	---
	Enclosed Walkways (to Spa)	3,000	0	3,000	0.19%	0	0	0	0	1	---	15'
	Spa Public Parking	12,000	0	---	---	0	0	40	0	---	---	---
Garage	Parking Garage	140,000	0	27,000	1.74%	0	0	450	0	---	5 (2)	50'
Existing Hotel: to remain (1)	Hotel & Guestrooms	0	453,875	137,400	8.86%	0	149	0	0	4	---	45'
Existing Hotel: New Areas	Porte-Cochere	13,000	0	13,000	0.84%	0	0	0	10	1	---	25'
SubTotal		486,800	453,875	---	---	---	237	644	158	---	---	---
Total		940,675		368,360	23.75%	274	1,039			---		

Notes:

(1) Existing hotel: 446 rooms, 438 room keys, 15 ADA accessible rooms.

(2) Garage is set into a hill - 5 stories at low point of hill, 2 stories above grade at top of hill.