

On the motion of Trustee Strum, seconded by Trustee Zuckerman, the following resolution was adopted as amended:

RESOLUTION

**CONFIRMING THE CONFORMANCE OF THE EXISTING
IMPROVEMENTS AT 900 KING STREET,
VILLAGE OF RYE BROOK, NEW YORK
WITH THE ORIGINAL SITE PLAN APPROVAL
OF THE TOWN BOARD OF THE TOWN OF RYE
FOR THAT PROPERTY AND WITH THE
PROVISIONS OF THE CODE OF THE TOWN OF RYE
RELEVANT TO PLANNED UNIT DEVELOPMENT**

WHEREAS, the Village of Rye Brook (the "Village") has recently received inquiries from a prospective purchaser of 900 King Street, Village of Rye Brook, New York, which premises currently consists of a multi-story office building, parking area(s) and other improvements (the "Site"); and

WHEREAS, it appears from incomplete official records that the Site was originally improved pursuant to a Resolution of Site Plan Approval adopted by the Town Board of the Town of Rye (the "Town Board") on October 4, 1979, as reaffirmed and modified by the Town Board on December 30, 1981, nunc pro tunc, and possible further resolutions responsive to several legal actions and the settlements thereof, the complete records thereof do not appear to exist in the official records of the Town of Rye or this Village (collectively, the "Original Site Plan Approval"), as well as the applicable provisions of the Zoning Code of the Town of Rye (the "Town Code") then in effect; and

WHEREAS, in 1982, the Site became part of the newly formed Village, which subsequently adopted its own zoning ordinance (the "Rye Brook Zoning Code"); and

WHEREAS, as a result of the inquiries made by the prospective purchaser referenced above and the search for relevant documentation in the official Village records as a result thereof, it was discovered that a number of significant documents and materials relative to Original Site Plan Approval are missing from the Village records and are believed to have been destroyed by a flood some years ago at an off-site location where such records were stored by the Village, including an approved site plan, approved landscaping plan and complete sets of other plans and related documents; and

WHEREAS, because of the incompleteness of the Village records, it is not possible to answer with certainty several significant issues raised by the prospective purchaser regarding compliance by the existing improvements on the Site with the Original Site Plan Approval and the Town Code; and

WHEREAS, the Village Board of Trustees (the "Board") has concluded that such uncertainty would prohibit the sale and re-use of this long vacant site to the current prospective purchaser as well as other prospective purchasers in the future; and

WHEREAS, the Board and its professional staff have received and reviewed a Site Plan, dated May 11, 1998, prepared by Jeter, Cook & Jepson Architects, Inc., which shows all of the existing improvements and current conditions on the Site (the "Current Site Plan"); and

WHEREAS, pursuant to both the Town Code and the Rye Brook Zoning Code, the Site has been, and continues to be, classified in the Planned Unit Development District ("PUD"); and

WHEREAS, in order to bring certainty to the issue of the compliance of the existing improvements and current conditions on the Site with the Original Site Plan Approval, as well as with the applicable provisions of the Town Code, and to establish a basis against which to measure future modifications or changes to the Site, the improvements thereon and the uses thereof, the Board is desirous of confirming the conformity of such existing improvements and conditions with the Original Site Plan Approval and the Town Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Site and all existing conditions, improvements and information as shown on the Current Site Plan are hereby deemed to have been developed and in accordance with the Original Site Plan Approval and the applicable regulations of the Town Code (the "Approved Site Plan") and, accordingly, are legally conforming on the date hereof; and be it

FURTHER RESOLVED, that the Site's frontage along King Street of 164.78 feet is hereby deemed to satisfy the minimum frontage, as originally determined at the discretion of the Town Board pursuant to the Original Site Plan Approval and the Town Code; and be it

FURTHER RESOLVED, that the front, side and rear yard setbacks of 95.04 feet, 231.6 feet and 134.47 feet, respectively, are hereby deemed to satisfy the minimum setbacks originally approved in the discretion of the Town Board under the Original Site Plan Approval and the Town Code; and be it

FURTHER RESOLVED, that the building height of 30 feet 8 inches above the average grade of 256 feet measured from the roof line and 38 feet 2 inches above average grade measured from the top of the parapet wall, is hereby deemed to be in conformity with the Original Site Plan Approval and the applicable height limitation of the Town Code; and be it

FURTHER RESOLVED, that there was no restriction under the Original Site Plan Approval or otherwise limiting the use of the property to a single tenant, and the Site may therefore be used by multiple tenants without additional approvals from this Board, or any other board, agency, department, or official of the Village (except for building permits that may be required for interior renovations and/or approvals that may be required for future modifications to the Approved Site Plan not of a minor nature and/or changes to the building exterior which may require Architectural Review Board approval); and be it

FURTHER RESOLVED, that, the existing 193,975 square feet of floor area (comprised of 170,108 ± square feet on two floors of office space above 23,867 ± square feet of space at ground level) complies with the floor area ratio ("FAR") requirement for a single tenant (.190), and is further hereby deemed to comply with the FAR for multi-tenant occupancy (.145) pursuant to the provisions applicable to a PUD under the Town Code; and be it

FURTHER RESOLVED, that, inasmuch as the Original Site Plan Approval did not limit the use of the Site to a single tenant, it is hereby confirmed that the building and other improvements on the Site, as shown on the Current Site Plan, may be used for both multi-tenant as well as single tenant occupancy; and be it

FURTHER RESOLVED, that the 596 existing parking spaces on the Site as shown on the Current Site Plan are hereby deemed to conform to the Original Site Plan Approval and the applicable off-street parking requirements under the Town Code, provided, however, that if the Village determines based upon its ongoing jurisdiction over traffic and safety considerations (as set forth in the Original Site Plan Approval), that additional parking on the site is necessary due to on-site traffic safety concerns, then such additional parking shall be provided in an amount determined appropriate by the Village Board of Trustees; and be it

May 26, 1998

FURTHER RESOLVED, that pursuant to Section 250-7.E.(4)(c) of the Rye Brook Zoning Code, any modification to the Approved Site Plan "shall follow in full the procedures and conditions required for original submittal" and, therefore, any such modification should continue to be governed by the PUD regulations in effect under the Town Code as of the date of the Original Site Plan Approval, rather than the provisions currently governing a PUD under the Rye Brook Zoning Code; and be it

FURTHER RESOLVED, that this Resolution shall take effect immediately without any further action on the part of this Board nor is any further action on the part of an officer, employee, agency or department of this Village required in order to implement same.

Trustee Degling	Voting Aye
Trustee Pellino	Voting Aye
Trustee Strum	Voting Aye
Trustee Zuckerman	Voting Aye
Mayor Filipowski	Voting Aye

State of New York
 County of Westchester
 Village of Rye Brook

} ss.:

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on May 26, 1998

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 28th day of May, 1998.

3 Christopher J. Russo
 Christopher J. Russo, Village Clerk



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VILLAGE OF RYE BROOK

938 King Street, Rye Brook, N.Y. 10573
(914) 939-0668 Fax (914) 939-5801

MAYOR
Francis L. Filipowski

BUILDING INSPECTOR
William J. Gerety

TRUSTEES
Donald Degling
Joseph Pellino
Eugene R. Strum
Gary Zuckerman

June 8, 1998

ADMINISTRATOR
Christopher J. Russo

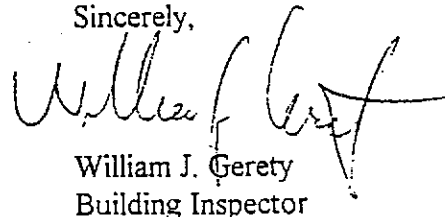
Starwood Hotels & Resorts, Inc.
c/o Joseph P. Carlucci, Esq.
Cuddy & Feder & Worby
90 Maple Avenue
White Plains, New York 10601

Re: 900 King Street, Rye Brook, New York

Gentleman:

With respect to the above referenced property (the "Property") which you are planning to purchase, be advised that pursuant to a resolution (the "Resolution") of the Village Board of Rye Brook dated May 26, 1998 (copy attached) and other information available to me which deem relevant, I concur with the action taken by the Village Board in the Resolution and I am of the opinion that the Property is legally conforming as of the date thereof.

Sincerely,



William J. Gerety
Building Inspector

WJG/rm

cc: Mayor Filipowski
Board of Trustees
Ken Powell, Village Attorney
Victor G. Carosi, Village Engineer
Christian Miller