

Appendix B  
Correspondence



**KATONAH FIRE DISTRICT**  
65 Bedford Road  
Katonah, New York 10536  
914-232-4570 Fax 914-232-4634

**COPY**

**COMMISSIONERS**

HENRY P. BERGSON, *Chairman*  
ROBERT A. HICKEY  
JEFFREY H. KELLOGG  
BRUCE F. WHALEN  
DONALD B. SCOTT



*Secretary*  
GEORGE E. GRIGGS, JR.  
*Treasurer*  
NINA KELLOGG  
*Counsel*  
WILLIAM R. LONERGAN, JR.

February 22, 2011

Tim Miller Associates  
10 North Street  
Cold Spring, NY 10516

Attn: Jon P. Dhalgren

Subject: Bailey Hall Subdivision, Town of Bedford, NY

Dear Mr. Dhalgren

In response to your inquiry of Feb. 4, 2011, I have enclosed a copy of our Katonah Fire District Fact Sheet which is pertinent to the questions asked for your environmental review process.

Specifically to the Bailey Hall subdivision, the property is less than 2 miles from the Katonah Fire House, and the construction of the houses outlined in the enclosed sketch will not require any expansion of the Katonah Fire District's buildings or apparatus as a direct result of the construction of the Bailey Hall subdivision.

Based on the material submitted with you letter of February 4<sup>th</sup> we do have the following concerns and / or suggestions:

1. That the public water system be extended to serve the property and that it be of suitable size and capacity to support fire hydrants located no more than 800 feet from the last hydrant on New Street and at intervals of no less than 800 feet there after within the subdivision.
2. That the secondary access road if constructed be a paved road constructed in accordance with the 2010 New York State Building Code, Appendix D.
3. In the event that the Town requires the access road to be gated that a "Knox Box" key device be placed at the gate to allow fire apparatus access in accordance with the 2010 New York State Building Code, Chapter 5.
4. That all access roads both primary and secondary be kept plowed and free from any obstruction that would impede the access of fire apparatus at all times.

Please do not hesitate to contact me if you have any further question. I can usually be reached on my cell phone at 914-646-4763

Sincerely Yours

Henry P. Bergson  
Chairman

Cc: Ben Schuberg, Chief Katonah Fire Department.



# KATONAH FIRE DISTRICT

65 Bedford Road  
Katonah, New York 10536  
914-232-4570 Fax 914-232-4634

## COMMISSIONERS

HENRY P. BERGSON, *Chairman*  
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*Secretary*  
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*Treasurer*  
NINA KELLOGG  
*Counsel*  
WILLIAM R. LONERGAN, JR.

## Fact Sheet

Katonah Fire Department - Founded 1874  
Katonah Fire District Formed - 1920  
Size of Katonah Fire District - Approximately 14.7 Square Miles  
Number of Active Volunteer Firefighters - 90  
Number of Alarms in 2009 - 311  
Number of Alarms in 2010 - 340

### Department Apparatus:

- 1 2000 gpm Class A Pumper
- 2 1250 gpm Class A Pumpers
- 1 3000 gal Tanker
- 1 Mini Attack Pumper
- 2 Utility Trucks
- 3 Command Vehicles
- 1 Heavy Duty Rescue Truck
- 1 Boat
- 1 1928 Antique Motorized Pumper
- 1 1874 Antique Hand Pumper

### Fire House:

Constructed 1958  
Addition Constructed 1998  
Current Size – 17,240 square feet

### Budget:

2011 Katonah Fire District operating Budget - \$1,029,800 includes (\$295,000 to capital reserves)  
2010 Katonah Fire District operating Budget - \$1,032,350 includes (\$295,000 to capital reserves)  
2009 Katonah Fire District operating Budget - \$1,046,125 includes (\$295,000 to capital reserves)

### Tax Rate:

2011 Fire District Tax Rate \$6.02 per thousand \$ of assessed valuation. 0.25% **decrease** over previous Year  
2010 Fire District Tax Rate \$6.04 per thousand \$ of assessed valuation. 1.32% **decrease** over previous Year  
2009 Fire District Tax Rate \$6.12 per thousand \$ of assessed valuation. 4.85% **increase** over previous Year

### **2010 Comparative Tax Rates for other services for Katonah Fire District Residents:**

(rate per thousand \$ of assessed valuation).

|                          |          |
|--------------------------|----------|
| County of Westchester    | \$ 34.68 |
| Town of Bedford          | \$ 16.23 |
| Highway Fund             | \$ 11.17 |
| Open Space Fund          | \$ .85   |
| Katonah Park             | \$ 3.61  |
| Katonah Lighting         | \$ .56   |
| Bedford Water            | \$ 6.00  |
| Paramedic                | \$ .51   |
| Katonah Lewisboro School | \$188.14 |

### **Fire District Tax Impact:**

**Decrease** in the Fire District Tax Rate of \$0.02 per \$1,000 of assessed valuation. The average assessed valuation in the town of Bedford is \$76,000, which means that the average taxpayer will see a **decrease** of \$1.52 in their annual fire tax bill.

EQ - file  
Project only



April 2, 2007

Tim Miller Associates, Inc.  
10 North Street  
Cold Spring, NY 10516  
Attn: Bruce Friedman

Re: Electric Facilities for Tripi Residential Subdivision

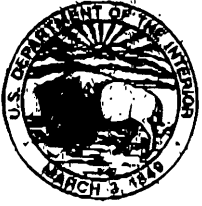
Dear Bruce Friedmann,

NYSEG has intentions of providing electrical service to all 19 residential lots with in the Tripi Subdivision, pending contractual agreement between Tim Miller Associates, Inc and NYSEG.

If you have any questions regarding the information in this letter please feel free to reach me at (845) 278-8120 ext 254.

Sincerely,

Michael Milano  
Associate Analyst – Field Customer Service



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New York Field Office  
3817 Luker Road  
Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699  
<http://www.fws.gov/northeast/nyfo>

*Gloss*

Project Number: 61308

To: Gram Quadri Date: 1-12-07

Regarding: Bailey Hall subdivision, NYS Route 117

Town/County: Bedford / Westchester

We have received your request for information regarding occurrences of Federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. Due to increasing workload and reduction of staff, we are no longer able to reply to endangered species list requests in a timely manner. In an effort to streamline project reviews, we are shifting the majority of species list requests to our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to our website and print the appropriate portions of our county list of endangered, threatened, proposed, and candidate species, and the official list request response. Step-by-step instructions are found on our website.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking\* of listed species and applies to Federal and non-Federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service (Service), to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take"\* any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

Endangered Species Biologist: Robyn A. Niver *RAN*

\*Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.





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EQ



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

New York Field Office  
3817 Luker Road  
Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699  
<http://www.fws.gov/northeast/nyfo>



In Reply Refer to  
Project Number: 61308

To: Eram Qadri Date: 8-22-06

Regarding: Bailey Hall Submision

Town/County: Bedford Westchester

The U.S. Fish and Wildlife Service's New York Field Office (Service) has received your request for information regarding occurrences of Federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. Due to increasing workload and a reduction of staff, we are no longer able to reply to endangered species list requests in a timely manner. Our current average processing time for letters is approximately 3-4 months from the date of receipt. In an effort to streamline project reviews, we are shifting all species list requests to our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. However, for the next few months, we would like to offer you the choice of either having the Service review your project and provide information regarding listed species presence in writing, or you may review the materials provided on our website to determine potential listed species presence. Step-by-step instructions are found on our website. Please check your preferred processing method below and return by FAX to the Service.

I would like the Service to review the above-referenced project and provide a written response.

I will conduct project screening using the Service's website.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking of listed species and applies to Federal and non-Federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any question or require further assistance regarding threatened or endangered species, please contact the Reviewing Biologist at (607) 753-9334. Please refer to the above document control number in any future correspondence.

Reviewing Biologist: \_\_\_\_\_



**New York State Department of Environmental Conservation**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, 5<sup>th</sup> floor, Albany, New York 12233-4757  
**Phone:** (518) 402-8935 • **FAX:** (518) 402-8925



06055

EQ

June 26, 2006

Eram Qadri  
Tim Miller Associates  
10 North Street  
Cold Spring, NY 10516

Dear Mr. Qadri:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed Bailey Hall Subdivision, area as indicated on the map you provided, located along Harris Road, Town of Bedford, Westchester County.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,  
  
Jean Pietrusiak, Information Services  
New York Natural Heritage Program

Enc.

cc: Reg. 3, Wildlife Mgr.



**United States Department of the Interior****FISH AND WILDLIFE SERVICE**

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

02055  
EQ

June 19, 2006

We have received your request to review your project for potential presence of Federally-listed threatened or endangered species or critical habitat. Due to the loss of two-thirds of our endangered species staff to retirement, there will likely be significant delays in our response to your request. We are presently unable to determine the length of this delay and appreciate your patience and understanding during this time. For additional information on Federally-listed species, please visit our website at <http://www.fws.gov/northeast/nyfo/es/esdesc.htm>. We are planning to update our endangered species pages to provide additional technical assistance to applicants, consultants, and other Federal agencies in the near future.





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE



New York Field Office  
3817 Luker Road, Cortland, NY 13045  
Phone: (607) 753-9334  
Fax: (607) 753-9699

Long Island Field Office  
3 Old Barto Rd., Brookhaven, NY 11719  
Phone: (631) 776-1401  
Fax: (631) 776-1405

### Endangered Species Act List Request Response Cover Sheet

This cover sheet is provided in response to a search of our website\* for information regarding the potential presence of species under jurisdiction of the U.S. Fish and Wildlife Service (Service) within a proposed project area.

Attached is a copy of the New York State County List of Threatened, Endangered, and Candidate Species for the appropriate county(ies). The database that we use to respond to list requests was developed primarily to assist Federal agencies that are consulting with us under Section 7(a)(2) of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Our lists include all Federally-listed, proposed, and candidate species known to occur, as well as those likely to occur, in specific counties.

The attached information is designed to assist project sponsors or applicants through the process of determining whether a Federally-listed, proposed, or candidate species and/or “critical habitat” may occur within their proposed project area and when it is appropriate to contact our offices for additional coordination or consultation. You may be aware that our offices have provided much of this information in the past in project-specific letters. However, due to increasing project review workloads and decreasing staff, we are now providing as much information as possible through our website. We encourage anyone requesting species list information to print out all materials used in any analyses of effects on listed, proposed, or candidate species.

The Service routinely updates this database as species are proposed, listed, and delisted, or as we obtain new biological information or specific presence/absence information for listed species. If project proponents coordinate with the Service to address proposed and candidate species in early stages of planning, this should not be a problem if these species are eventually listed. However, we recommend that both project proponents and reviewing agencies retrieve from our online database an *updated* list every 90 days to append to this document to ensure that listed species presence/absence information for the proposed project is *current*.

**Reminder:** Section 9 of the ESA prohibits unauthorized taking\*\* of listed species and applies to Federal and non-Federal activities. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to “take\*\*” any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for “take\*\*,” or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the Service, to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

For instance, work in certain waters of the United States, including wetlands and streams, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).\*

For additional information on fish and wildlife resources or State-listed species, we suggest contacting the appropriate New York State Department of Environmental Conservation regional office(s) and the New York Natural Heritage Program Information Services.\*

Since wetlands, ponds, streams, or open or sheltered coastal waters may be present in the project area, it may be helpful to utilize the National Wetlands Inventory (NWI) maps as an initial screening tool. However, they may or may not be available for the project area. Please note that while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Online information on the NWI program and digital data can be downloaded from Wetlands Mapper, [http://wetlands.fws.gov/mapper\\_tool.htm](http://wetlands.fws.gov/mapper_tool.htm).

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. After reviewing our website and following the steps outlined, we encourage both project proponents and reviewing agencies to contact our office to determine whether an accurate determination of species impacts has been made. If there are any questions about our county lists or agency or project proponent responsibilities under the ESA, please contact the New York or Long Island Field Office Endangered Species Program at the numbers listed above.

Attachment (county list of species)

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

\*\* Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to **take** (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.





## Westchester County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

| <u>Common Name</u>              | <u>Scientific Name</u>           | <u>Status</u> |
|---------------------------------|----------------------------------|---------------|
| Bald eagle                      | <i>Haliaeetus leucocephalus</i>  | T             |
| Bog turtle                      | <i>Clemmys muhlenbergii</i>      | T             |
| Indiana bat (S)                 | <i>Myotis sodalis</i>            | E             |
| New England cottontail          | <i>Sylvilagus transitionalis</i> | C             |
| Shortnose sturgeon <sup>1</sup> | <i>Acipenser brevirostrum</i>    | E             |

E=Endangered T=Threatened P=Proposed C=Candidate

W=Winter S=Summer

<sup>1</sup>Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Information current as of: 2/27/2007



**TIM  
MILLER  
ASSOCIATES, INC.**

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10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

March 30, 2007

Mr. Kevin Sheldon  
Assistant Superintendent for Business  
Katonah - Lewisboro School District  
P O Box 387  
Katonah, NY 10536

**Re: Tripi Subdivision, Town of Bedford, Westchester County, New York**

Dear Mr. Sheldon:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Tripi Subdivision in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

Based on a regional multiplier of 0.8738 school-aged children per four-bedroom single family home obtained from the Urban Land Institute Development Assessment Handbook, the proposed development is projected to add 17 students to the District enrollment when fully constructed. Please let me know if the school district uses a specific demographic multiplier and the basis for any such multiplier.

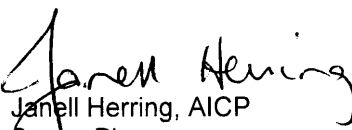
As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population on the Katonah - Lewisboro School District's facilities, and the ability of the School District to provide educational services to the children who will be associated with this property. Information which would be useful would be useful would include:

- Capacity of each school within the district
- Current enrollment of each school
- The District's 2006-2007 budget
- The schools children living in this subdivision would attend
- Information on the routing of school buses
- Locations of bus stops in the project area
- Percentage of school children living within the District that attend private schools

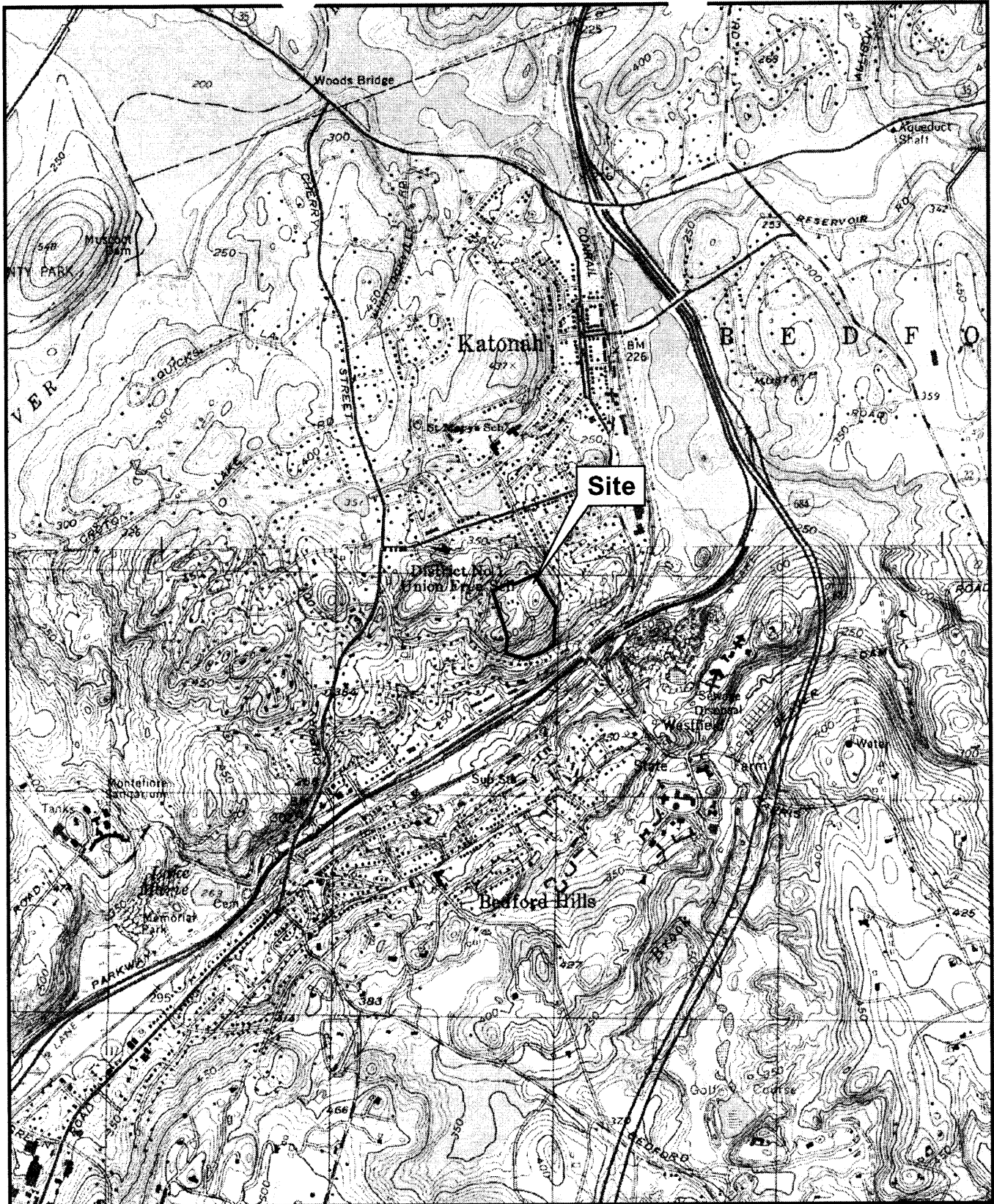
Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above. Please do not hesitate to call me should you have any questions or need additional information.

Thank you for your assistance with this matter.

Sincerely,

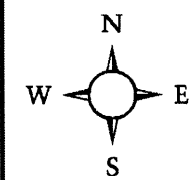
  
Janell Herring, AICP  
Senior Planner  
Tim Miller Associates, Inc.






**Figure 3.4-1: Local Setting**  
**Tripi Subdivision**

Town of Bedford Hills, Westchester County, New York  
 Source: NYSDEC 7.5-minute Topographic Map, Mount Kisco Quad  
 Scale: 1" = 2,000'



 Site Property Boundary



**TIM  
MILLER  
ASSOCIATES, INC.**

---

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

March 29, 2007

Chief Chris Menzel  
Town of Bedford, Police Department  
307 Bedford Road,  
Bedford Hills, NY 10507

**Re: Proposed Tripi Subdivision, Town of Bedford, Westchester County, New York**

Dear Chief Menzel:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Tripi Subdivision in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58-acre property with access from Harris Road and New Street. This development will accommodate 19 single-family homes with a projected population size of approximately 69 persons, including 17 school-aged children. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

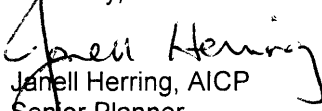
As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population on the Town's Police Services, and the ability of the Police to provide protection services to this property. Information which would be useful would include:

- Your current manpower and equipment levels
- The Department's current service ratio (police officers to population served)
- The average number of calls for police service per year, by call type, if possible
- The location of police station(s) near the site
- An estimated response time to this location under both emergency and non-emergency conditions
- Any anticipated department staff or facility expansion or equipment procurement plans
- Any potential impacts the proposed Tripi Subdivision may have on your ability to provide police protection

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays. Please include any reference material you feel might provide useful information.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,

  
Janell Herring, AICP  
Senior Planner  
Tim Miller Associates, Inc.





**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

March 21, 2007

Mr. Dave Leidy  
Regional Sales Manager  
NYSEG Fax Number: 607-432-1324

**Re: Electrical Service Availability -- Proposed Tripi Residential Subdivision**

Dear Mr. Leidy:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Bailey Hall in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58 acre property with access from Harris Road. This development will accommodate 19 single family homes with a projected population size of about 69 persons. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

As part of the environmental review process, we wish to include any concerns NYSEG may have relative to this proposed project. We would appreciate your written response regarding the ability of NYSEG to provide residential electrical services to this property. Additional information which would be useful would include estimates of annual and peak consumption rates of electricity for new construction 4-bedroom single family homes used to evaluate the projected total demand.

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays. Please include any reference material you feel might provide useful information.

Please sign and return one copy to my attention. Should you require any additional information, please contact me. Thank you for your cooperation.

Sincerely,



Bruce Friedmann  
Environmental Scientist

For NYSEG, the undersigned states that the company :

- has facilities available to serve the project.
- has no facilities available to serve the project.
- will have facilities available to serve this project by \_\_\_\_\_

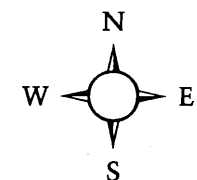
By: \_\_\_\_\_ Title: \_\_\_\_\_





Figure 3.4-1: Local Setting  
Tripi Subdivision

Town of Bedford Hills, Westchester County, New York  
Source: NYSDEC 7.5-minute Topographic Map, Mount Kisco Quad  
Scale: 1" = 2,000'



Site Property Boundary



# TIM MILLER ASSOCIATES, INC.

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

July 05, 2006

Chief Thomas Mertens  
Katonah Fire Department  
65 Bedford Road  
Katonah, NY 10536

**Re: Tripi Subdivision, Town of Bedford, Westchester County, New York**

Dear Chief Mertens:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Tripi Subdivision in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58 acre property with access from Harris Road and will accommodate 19 single family homes. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

We have projected a total future population of approximately 69 people. This estimate is based upon multipliers from the Urban Land Institute Development Assessment Handbook, for the single family homes proposed. Projections based upon the ULI student demographic multipliers indicate that 17 of the projected population can be expected to be school age children.

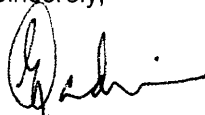
As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population on the area's facilities, and the ability of the Katonah Fire Department to provide services to this property. Information which would be useful in that regard would include:

- your typical response time to a site in this location
- your current service area/population served
- the number of emergency calls per year
- service ratio (emergency personnel to population served)
- your current manpower and equipment
- any anticipated department staff or facility expansion or equipment procurement plans
- any overlap in jurisdiction, or mutual aid provided by neighboring fire departments

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown below during the weekdays.

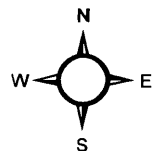
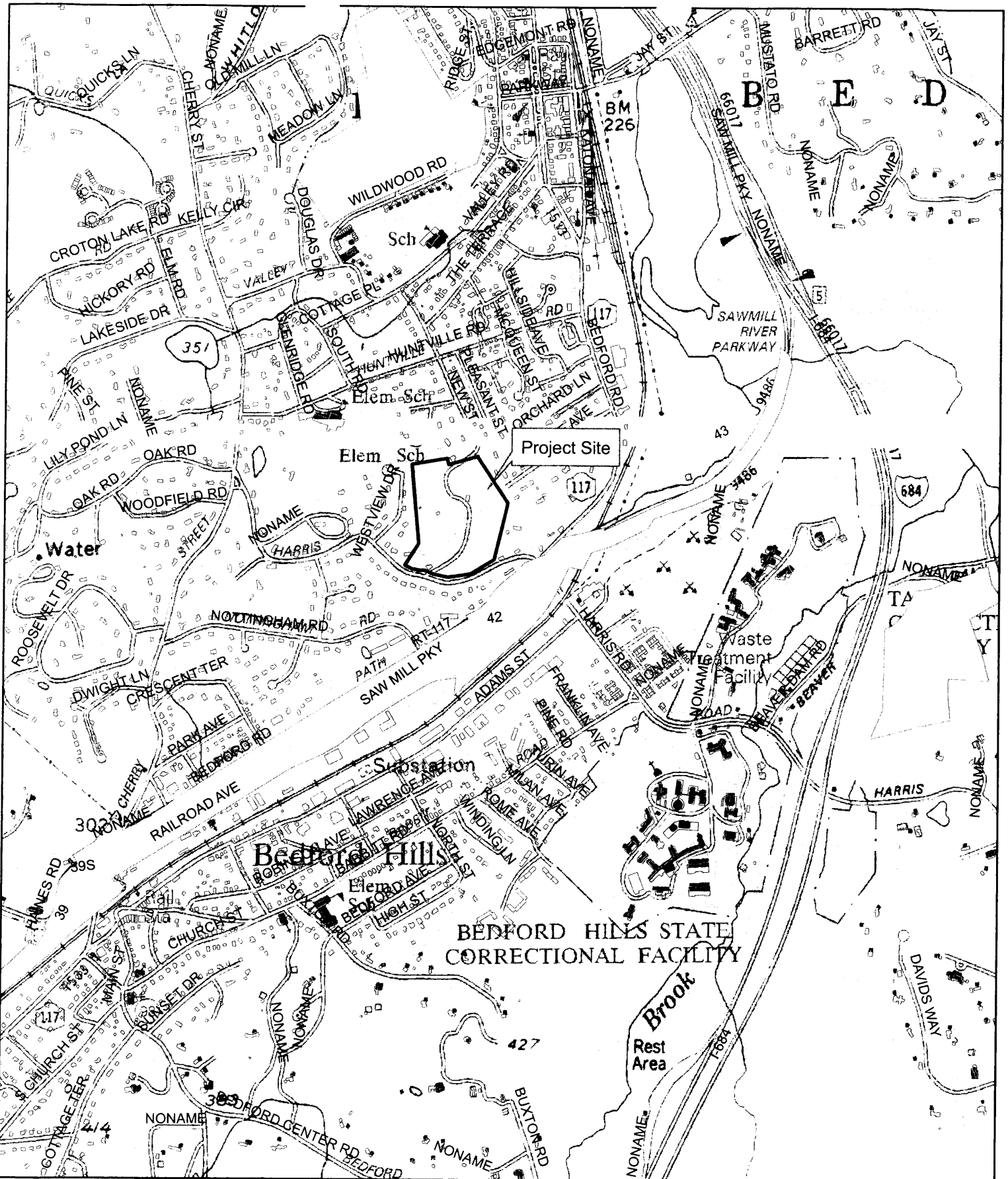
Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eram Qadri', with a stylized flourish at the end.

Eram Qadri  
Planner/Architect  
Tim Miller Associates, Inc.

*Enclosure Proj No. 06055*



FS EQ: 06055\_BaileyHall/  
GIS/LocationMap.mxd

Site Location Map  
Bailey Hall Subdivision

Town of Bedford, Westchester County, New York

Source: Rockland County Department of Planning

Scale: 1cm = 150 meters





**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

---

June 15, 2006

Mr. Richard Cohen, Bedford Area Commercial Service Representative  
Bronx/Westchester Energy Services  
Consolidated Edison  
511 Theodore Fremd Avenue  
Rye, New York 10580-1432

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York**

Dear Mr. Cohen:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Bailey Hall in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

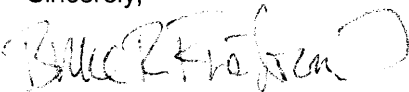
The proposed subdivision is on a 25.58 acre property with access from Harris Road. This development will accommodate 19 single family homes with a projected population size of about 69 persons. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

As part of the environmental review process, we wish to include any concerns Con Edison may have relative to this proposed project. We would appreciate your written response regarding the ability of Con Edison to provide electrical and natural gas services to this property. Additional information which would be useful would include estimates of annual and peak consumption rates of electricity and gas for new 4-bedroom single family homes used to evaluate total demand.

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays. Please include any reference material you feel might provide useful information.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,

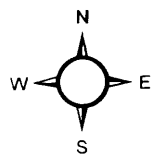
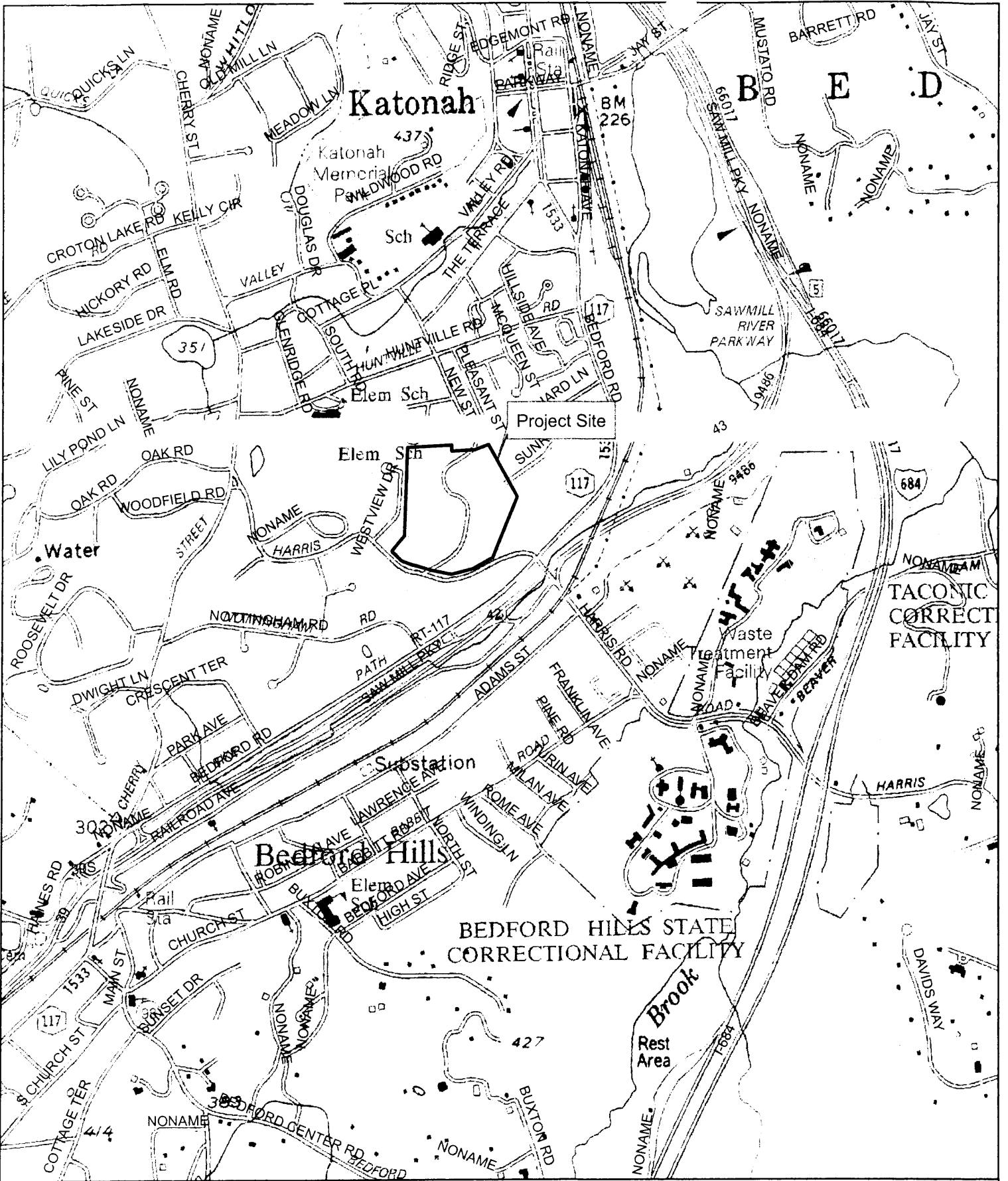


Bruce Friedmann  
Environmental Scientist  
Tim Miller Associates, Inc.

Enclosure

Project No. 06055





FS EQ: 06055\_BaileyHall/  
GIS/LocationMap.mxd

Site Location Map  
Bailey Hall Subdivision  
Town of Bedford, Westchester County, New York  
Source: Rockland County Department of Planning  
Scale: 1cm = 150 meters



# TIM MILLER ASSOCIATES, INC.

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

June 09, 2006

Gary L. Hayes  
Superintendent of Highways  
301 Adams Street  
Bedford Hills, NY 10507

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York**

Dear Superintendent Hayes:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Bailey Hall in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58 acre property with access from Harris Road and will accommodate 19 single family homes. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

We have projected a total future population of approximately 69 people. This estimate is based upon multipliers from the Urban Land Institute Development Assessment Handbook, for the single family homes proposed. Projections based upon the ULI student demographic multipliers indicate that 17 of the projected population can be expected to be school age children.

As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population may have, and the ability of your department to provide services to the people who will be associated with this property. The following information is requested for our assessment of potential impacts:

- Tons of waste generated by the Town in the last year
- Proportion of waste recycled and location of recycling center
- Nearest solid waste disposal site
- Estimated impacts of providing town sanitation services to the proposed development
- Number and mileage of roads under Town maintenance
- Estimated impacts of proposed development if roads are dedicated to the Town

Please include any departmental publications you feel might provide useful information on the environmental facilities in the Town of Bedford. Information pertaining to fees collected by your department would be especially useful.

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eram Qadri', with a long horizontal flourish extending to the right.

Eram Qadri  
Planner/Architect  
Tim Miller Associates, Inc.

*Enclosure Proj No. 06055*

# TIM MILLER ASSOCIATES, INC.

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

June 09, 2006

Superintendent Bob Lichtenfeld  
Katonah - Lewisboro School District  
P O Box 387  
Katonah, NY 10536

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York**

Dear Superintendent Lichtenfeld:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Bailey Hall in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58 acre property with access from Harris Road and will accommodate 19 single family homes. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

We have projected a total future population of approximately 69 people. This estimate is based upon multipliers from the Urban Land Institute Development Assessment Handbook, for the single family homes proposed. Projections based upon the ULI student demographic multipliers indicate that 17 of the projected population can be expected to be school age children.

As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population on the Katonah - Lewisboro School District's facilities, and the ability of the School District to provide educational services to the children who will be associated with this property.

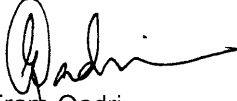
Please include any school district publications you feel might provide useful information on the school district. I will be needing a list of the schools in the district, their respective enrollments and the capacity of each school. If possible please forward me a copy or a summary of the 2005-2006 school budget. Please let me know if the school district uses a specific demographic multiplier for projections of increased students based upon new construction of single family homes. Please include any information on the routing of school buses, and the location of bus stops in this area.

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown below during the weekdays.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Please let us know if there are any questions or need for additional information. We thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eram Qadri', with a stylized flourish at the end.

Eram Qadri  
Planner/Architect  
Tim Miller Associates, Inc.

*Enclosure Project No. 06055*



**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

June 08, 2006

Mr. William Nickson  
Town of Bedford Water Department  
425 Cherry Street  
Bedford Hills, NY 10507

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York**

Dear Mr. Nickson:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Bailey Hall in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58 acre property with access from Harris Road and will accommodate 19 single family homes. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

We have projected a total future population of approximately 69 people. This estimate is based upon multipliers from the Urban Land Institute Development Assessment Handbook, for the single family homes proposed. Projections based upon the ULI student demographic multipliers indicate that 17 of the projected population can be expected to be school age children.

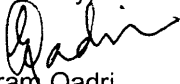
As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population may have, and the ability of The Town of Bedford Water department to provide services to the people who will be associated with this property. Please identify which water district this property is in and if there is available water capacity to service the proposed project.

Please include any departmental publications you feel might provide useful information on the environmental facilities in the Town of Bedford. Information pertaining to fees collected by your department would be especially useful.

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely



Eram Qadri  
Planner/Architect  
Tim Miller Associates, Inc.

Enclosure Proj No. 06055



**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

June 08, 2006

Superintendent William Heidepriem  
Superintendent of Parks and Recreation  
425 Cherry Street  
Bedford Hills, NY 10507

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York**

Dear Superintendent Heidepriem:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Bailey Hall in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58 acre property with access from Harris Road. This development will accommodate 19 single family homes with a projected population size of about 69 persons including 17 school aged children. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

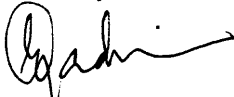
As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population on the Parks & Recreation services provided to the residents in the Town of Bedford and the ability of your department to provide these services to the people who will be associated with this property.

Please include any departmental publications you feel might provide useful information on the Parks & Recreation Facilities in the Town of Bedford. A listing of the parks and programs available to residents would be most useful.

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,



Eram Qadri  
Planner/ Architect  
Tim Miller Associates, Inc.

Enclosure  
Project No. 06055



**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

Phone (845) 265-4400

Fax (845) 265-4418

June 08, 2006

Chief Chris Menzel  
Town of Bedford, Police Department  
307 Bedford Road,  
Bedford Hills, NY 10507

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York**

Dear Chief Menzel:

Tim Miller Associates, Inc. is in the process of preparing a Draft Environmental Impact Statement (DEIS) for a proposed 19-lot residential development, known as Bailey Hall in the Town of Bedford, Westchester County, NY. I have enclosed a site map for your reference. As shown on the map, the site is located northwest of NYS Route 117, along Harris Road.

The proposed subdivision is on a 25.58 acre property with access from Harris Road. This development will accommodate 19 single family homes with a projected population size of about 69 persons including 17 school aged children. The subject property is located in Section 60.07, Block 2 and Lots 8, 8.1 and 9 in the Town of Bedford, as shown on the Westchester county tax maps.

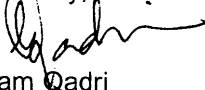
As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response regarding the effect of the increased population on the Town's Police Services, and the ability of the Police to provide protection services to this property. Information which would be useful would include:

- your typical response time to a site in this location
- the number of police calls per year
- service ratio (police officers to population served)
- the location of police station(s) near the site
- your current manpower and equipment levels
- any anticipated department staff or facility expansion or equipment procurement plans

Your input is important. Should you not be able to provide written correspondence, I can be reached by telephone at the number shown above during the weekdays. Please include any reference material you feel might provide useful information.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,



Eram Qadri  
Planner/Architect  
Tim Miller Associates, Inc.

Enclosure Project No. 06055



**TIM  
MILLER  
ASSOCIATES, INC.**

---

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax [www.timmillerassociates.com](http://www.timmillerassociates.com)

June 07, 2006

US Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York, Town of Bedford  
Tax Map Section 60.07, Block 2, Lots 8, 8.1 and 9**

Dear Sir or Madam:

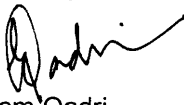
Tim Miller Associates, Inc. (TMA) is preparing environmental documentation for a residential subdivision to be located north of NYS Route 117 along Harris Road in the Town of Bedford, Westchester County, New York. The project site location is shown on the enclosed USGS topographic map for your reference.

The project site is currently vacant.

Please provide us with a determination as to whether your records indicate the potential presence of a federally-listed plant or animal species on or near the project site. Please notify this office by letter of any such resources that may be affected by future development of this property.

Thank you for your prompt attention to this request. Please call me at (845) 265-4400 should you have any questions or need additional information.

Sincerely,



Eram Qadri  
Planner/Architect  
TIM MILLER ASSOCIATES, INC.

Enclosure/Proj. No. 06055





**TIM  
MILLER  
ASSOCIATES, INC.**

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10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax [www.timmillerassociates.com](http://www.timmillerassociates.com)

June 07, 2006

Ms. Ruth Pierpont, Director  
Historic Preservation Field Services Bureau  
New York State Office of Parks, Recreation and Historic Preservation  
Peebles Island, PO Box 189  
Waterford, New York 12188-0189

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York, Town of Bedford  
Tax Map Section 60.07, Block 2, Lots 8, 8.1 and 9**

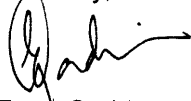
Dear Ms. Pierpont:

Tim Miller Associates is preparing environmental documentation for a proposed residential subdivision at the above referenced 25.58 acre property. The project site location is shown on the enclosed USGS topographic map for your reference.

Please advise if the project site is a potential historic property or if there are any known or documented archaeological or historical resources within the project site vicinity that could be affected by the project. I would greatly appreciate if you would notify us in writing of any such findings.

Thank you for your prompt attention to this request for information. Please call me at (845) 265-4400 should you have any questions or require additional information.

Sincerely,



Eram Qadri  
Planner/Architect  
Tim Miller Associates, Inc.

Enclosure/Proj. No. 06055



**TIM  
MILLER  
ASSOCIATES, INC.**

-----  
*10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com*

June 07, 2006

David VanLuven  
NYS Department of Environmental Conservation  
New York Natural Heritage Program  
625 Broadway, 5th Floor  
Albany, NY 12233-4757

**Re: Bailey Hall Subdivision, Town of Bedford, Westchester County, New York, Town of Bedford  
Tax Map Section 60.07, Block 2, Lots 8, 8.1 and 9**

Dear Mr. VanLuven:

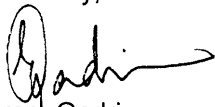
Tim Miller Associates, Inc. (TMA) is preparing environmental documentation for a residential subdivision to be located north of NYS Route 117 along Harris Road in the Town of Bedford, Westchester County, New York. The project site location is shown on the enclosed USGS topographic map for your reference.

The project site is currently vacant.

We would like to know if your records show the presence of any rare or protected plant or animal species or significant wildlife habitat communities on the project site or vicinity. Please notify this office by letter of any such resources within the project site or vicinity that may be affected by future development on this property.

Thank you for your prompt assistance in this matter. Please call me at (845) 265-4400 should you have any questions or need additional information.

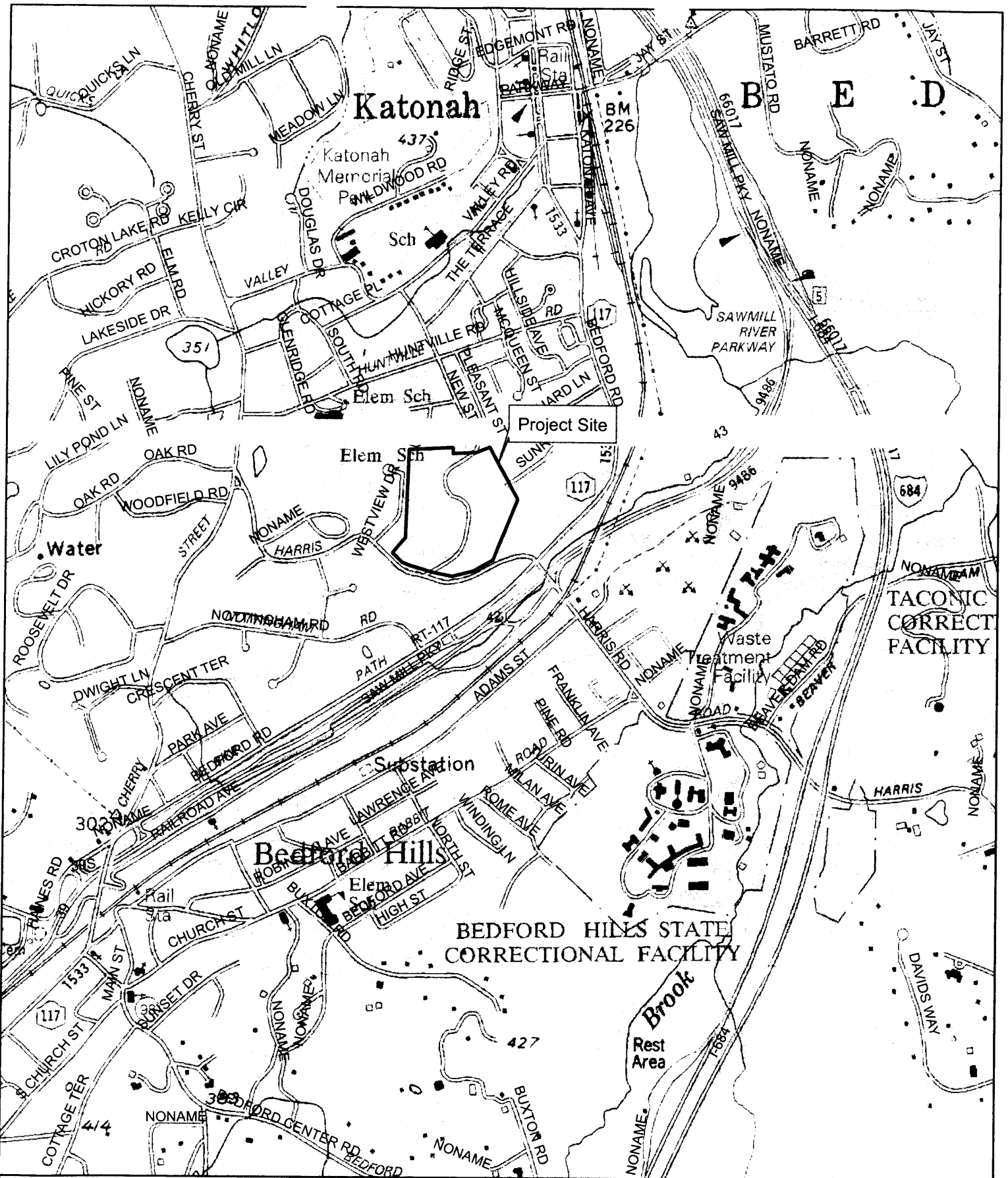
Sincerely,



Eram Qadri  
Planner/Architect  
TIM MILLER ASSOCIATES, INC.

Enclosure/Proj. No. 06055





Site Location Map  
 Bailey Hall Subdivision  
 Town of Bedford, Westchester County, New York  
 Source: Rockland County Department of Planning  
 Scale: 1cm = 150 meters



*John Giorgio Tripi*

POLICY OF TITLE INSURANCE ISSUED BY

# STEWART TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS STEWART TITLE INSURANCE COMPANY, a New York corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

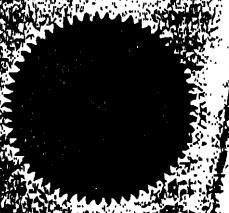
The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, Stewart Title Insurance Company has caused this policy to be signed and sealed by its duly authorized officers as of the Date of Policy shown in Schedule A.

Countersigned by:

*[Handwritten Signature]*

STEWART TITLE INSURANCE CO.  
1 WATER STREET  
WHITE PLAINS N.Y. 10601



*[Handwritten Signature]*  
President

*[Handwritten Signature]*  
Secretary

### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
  - (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (i) to timely record the instrument of transfer; or
    - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.





## SCHEDULE A

File Number: 93-2260-W

Policy Number: O-8831-58960

Amount Insurance \$ 585,000.00

Date of Policy: March 16, 1994

1. Name of Insured: COSIMO TRIPI AND JACK YORIZZO
2. The estate or interest in the land which is encumbered by the insured mortgage is: FEE SIMPLE
3. Title to the estate or interest in the land is vested in:  
Deed dated 3/16/94 made by Katonah Main Street Corp. to the insured and to be recorded in the Westchester County Clerk's Office, Division of Land Records.
4. The land referred to in this policy is described as follows:

(SEE DESCRIPTION)

District :  
Section : 60.07  
Block : 2  
Lot : 8 AND 9

Title No :  
Title Code No: 93-2260-W

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Bedford, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Harris Road where the same is intersected by the westerly line of land now or formerly of Raymond and Ingrid Nargi;

RUNNING THENCE along the northerly side of Harris Road,

- South 77 degrees 41 minutes 50 seconds West 189.83 feet;
- South 83 degrees 28 minutes 20 seconds West 188.70 feet;
- North 86 degrees 54 minutes 10 seconds West 63.46 feet;
- North 68 degrees 55 minutes 40 seconds West 60.14 feet;

THENCE North 57 degrees 31 minutes 10 seconds West, 147.29 feet to land now or formerly of Florence Nightingale Holding Corp.;

THENCE the following three (3) courses and distances along said land:

- (a) North 69 degrees 12 minutes 00 seconds East 155.35 feet;
- (b) North 20 degrees 48 minutes 00 seconds West 112.84 feet;
- (c) North 62 degrees 01 minute 10 seconds West 204.73 feet to the easterly line of subdivision map of Harris Estates (filed as Map No. 14916);

THENCE along said easterly line of Map No. 14916,

- North 27 degrees 58 minutes 50 seconds East 42.00 feet;
- North 04 degrees 44 minutes 20 seconds East 94.09 feet;
- North 03 degrees 19 minutes 20 seconds East 473.20 feet; and
- North 01 degrees 07 minutes East 350.57 feet to the southerly line of land now or formerly of Ralph Harkenrider;

THENCE along said land North 08 degrees 34 minutes East 350.78 feet to the westerly line of land now or formerly of Arthur and Lorraine Towey;

THENCE along the westerly and southerly lines of said land of Towey,

-----

FOR TOGETHER with all the right, title and interest of the party of  
 CONVEYANCING the First party of, in and to the land lying in the street in  
 ONLY front of and adjoining said premises.  
 Date: 03/15/94 Schedule A consists of (3) sheet(s).

District :  
Section : 60.07  
Block : 2  
Lot : 8 AND 9

Title No :  
Title Code No: 93-2260-W

SCHEDULE A (CONTINUED)

South 01 degrees 26 minutes East 25.00 feet;  
North 88 degrees 34 minutes East 202.00 feet; and  
North 71 degrees 24 minutes East 193.79 feet to the westerly line of land shown on  
"Map of Property to be known as Huntville Subdivision", filed in Volume 67 of Maps at  
page 22;

THENCE along the same South 18 degrees 42 minutes 30 seconds East 50.25 feet to the  
northwesterly corner of land now or formerly of Koterba;

THENCE along the westerly line of said land now or formerly of Koterba, South 19  
degrees 14 minutes 50 seconds East 251.40 feet; and South 17 degrees 41 minutes East  
46.24 feet to the northwesterly corner of land now or formerly of Anastasio and  
Lorraine Rossi;

THENCE along the westerly line of said land now or formerly of Rossi South 17 degrees  
01 minutes 10 seconds East 75.91 feet to a stone wall and land now or formerly of  
Silent and Jenney Annette Ranneklev;

THENCE along a stone wall and the westerly line of said land of Ranneklev and along  
the westerly line of land now or formerly of Nargi, the following courses and  
distances:

- (a) South 16 degrees 58 minutes 50 seconds East 126.96 feet;
- (b) South 15 degrees 57 minutes 50 seconds East 61.81 feet;
- (c) South 16 degrees 39 minutes 50 seconds East 170.70 feet;
- (d) South 33 degrees 38 minutes 40 seconds West 47.42 feet;
- (e) South 31 degrees 23 minutes 40 seconds West 74.67 feet;
- (f) South 31 degrees 42 minutes 10 seconds West 56.41 feet;
- (g) South 32 degrees 03 minutes 20 seconds West 51.46 feet;
- (h) South 31 degrees 09 minutes 30 seconds West 202.98 feet;
- (i) South 31 degrees 47 minutes 40 seconds West 164.12 feet;
- (j) South 30 degrees 23 minutes 10 seconds West 33.61 feet and  
South 34 degrees 23 minutes 50 seconds West 24.72 feet to the  
northerly side of Harris Road to the point or place of BEGINNING.

TOGETHER with the right of way and easement for purposes of ingress and egress from  
and to Harris Road to and from the subject premises over an asphalt driveway where  
presently or hereinafter located in common with the Grantors herein, their heirs and

District :  
Section : 60.07  
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Lot : 8 AND 9

Title No :  
Title Code No: 93-2260-W

## SCHEDULE A (CONTINUED)

assigns;

RESERVING AND EXCEPTING THEREFROM the following parcel of property:

BEGINNING on the northerly side of Harris Road and on one of the southeasterly corners of land now or formerly of Florence Nightingale Holding Corp., now of James Patrick Murphy;

THENCE partially along an asphalt driveway and dirt drive along said lands of James Patrick Murphy on a course North 69 degrees 12 minutes East 155.35 feet to a point;

THENCE along said lands of James Patrick Murphy North 20 degrees 48 minutes West 112.84 feet to a point;

THENCE North 69 degrees 12 minutes 00 seconds East 175.00 feet to a point;

THENCE South 20 degrees 48 minutes 00 seconds East 200 feet to a point;

THENCE South 88 degrees 45 minutes 15 seconds West 185.71 feet to a point;

THENCE South 69 degrees 12 minutes 00 seconds West 136.70 feet to a point on the northerly side of Harris Road;

THENCE along the northerly side of Harris Road North 57 degrees 31 minutes 10 seconds West 31.19 feet to the point or place of BEGINNING.

## SCHEDULE B

File No.: 93-2260-W

Policy No.: O-8831-58960

## EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

1. Any state of facts an accurate survey would show.
2. Easements and Right of Way in Liber 2213 Page 84.
3. Right of Way in Liber 5658 Page 36.
4. Easement in Liber 6088 Page 111.
5. Easement in Liber 7101 Page 589.

Policy insures that exercise of rights pursuant to above referenced easements and rights of way will not interfere with the use and occupancy of the insured premises for residential purposes.

6. Policy will except water and sewer rent not entered and/or water and sewer rent entered subsequent to date of last reading.



# STEWART TITLE

## INSURANCE COMPANY

HEREIN CALLED THE COMPANY

### STANDARD NEW YORK ENDORSEMENT

#### (OWNER'S POLICY)

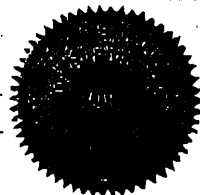
Attached to and made part of Policy Number 0-8831-58960

1. The following is added to the insuring provisions on the face page of this policy:
  - "5. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured as shown in Schedule A of this policy."
  
2. The following is added to Paragraph 7 of the Conditions and Stipulations of this policy:
  - "(d) If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or incumbrances, except real estate taxes, assessments, water charges and sewer rents."

Nothing herein contained shall be construed as extending or changing the effective date of the policy unless otherwise expressly stated.

This endorsement, when countersigned below by a validating signatory, is made a part of the policy and is subject to the Exclusions from Coverage, Schedules, Conditions and Stipulations therein, except as modified by the provisions hereof.

### STEWART TITLE INSURANCE COMPANY



Countersigned by:

President

Secretary

Company: \_\_\_\_\_  
 Address: STEWART TITLE INSURANCE CO.  
1 WATER STREET  
 City, State: WHITE PLAINS N.Y. 10601  
 Agent No: \_\_\_\_\_

**CONDITIONS AND STIPULATIONS Continued**  
(continued and concluded from reverse side of Policy Face)

(a) The liability of the Company under this policy shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A; or,  
(ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than 80 percent of the value of the insured estate or interest or the full consideration paid for the land, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this Policy is subject to the following:

(i) where no subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that the amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or

(ii) where a subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.

The provisions of this paragraph shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

**8. APPORTIONMENT.**

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

**9. LIMITATION OF LIABILITY.**

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

**10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY.**

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

**11. LIABILITY NONCUMULATIVE.**

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

**12. PAYMENT OF LOSS.**

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

**13. SUBROGATION UPON PAYMENT OR SETTLEMENT.**

**(a) The Company's Right of Subrogation.**

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and remedies in the proportion which the Company's payment bears to the whole amount of the loss.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

**(b) The Company's Rights Against Non-Insured Obligors.**

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.

**14. ARBITRATION**

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT.**

(a) This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, or Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

**16. SEVERABILITY.**

In the event any provision of the policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

**17. NOTICES, WHERE SENT.**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company at 250 Park Avenue, New York, New York 10177.