

# **FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

## **Proposed Project:**

**The Villages at Mission Hills**

## **Project Location:**

**4543 Camp Road (NYS Route 75)  
Town of Hamburg, Erie County, New York**

## **Project Sponsor / Applicant:**

**Mission Hills Senior Apartments, LLC  
David Manko  
4534 Clinton Street  
West Seneca, New York 14224**

## **Lead Agency:**

**Town of Hamburg Planning Board  
S6100 South Park Avenue  
Hamburg, New York 14075**

**November 5, 2009**

**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (FSEIS)**

**PROPOSED VILLAGES AT MISSION HILLS  
TOWN OF HAMBURG, ERIE COUNTY, NEW YORK**

Positive Declaration Issued: 1<sup>st</sup> proposal: April 17<sup>th</sup>, 2002  
2<sup>nd</sup> proposal: July 18<sup>th</sup>, 2007  
**Current Proposal: February 18<sup>th</sup>, 2009**

Public Scoping Session Held: SDEIS based on Public Scoping Session May 2002

Final Scope Accepted:

Draft Supplemental Environmental  
Impact Statement Accepted  
by Lead Agency (Planning Board): June 17, 2009

Public Hearing held on DSEIS: July 15, 2009

Final Environmental Impact Statement  
Accepted by Planning Commission:

Contact Person: Andrew C. Reilly, PE, AICP  
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## FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

### PROPOSED VILLAGES AT MISSION HILLS TOWN OF HAMBURG, ERIE COUNTY, NEW YORK

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## **1.0 EXECUTIVE SUMMARY**

### **1.1 PROJECT DESCRIPTION**

The proposed Villages at Mission Hills project is located on an irregularly-shaped, treed site of approximately 93.28 acres in the Town of Hamburg New York. The site is on the northeast side of Camp Road (State Route 75) between Howard Road and the overpass for the Norfolk-Southern Railroad. The site for The Villages at Mission Hills, zoned R-4 and C-2, is located in a largely residential area.

The Villages at Mission Hills (Exhibit 1, Appendix A) is a proposed 339-unit private development with a mix of residential buildings and two community centers, clustered together to preserve wetlands and open space. The project can be separated into four (4) distinct phases of development. Phases I and II will consist of affordable senior citizen (55+) rental housing in 2-story apartment buildings. There will be twelve (12) 8-unit apartment buildings in Phase I for a total of ninety-six (96) units and fourteen (14) buildings in Phase II for a total of one hundred and twelve (112) units. There will be garages and storage sheds available for rent, and there will be a total of 1.5 parking spaces per unit. Phases I and II will share a Community Center with a dining room, exercise room and media room. Phase III will include 91 single family homes for sale on single lots that are approximately 55' x 130' in size. Each home will be ranch style or two-story and be 1,550 to 1,800 square feet. Phase IV will consist of market rate ranch style (single story, with the option of a second story) rental apartments. These apartments will be clustered in ten (10) 4-unit buildings, for a total of 40+/- apartments. The sizes of the units are approximately 1,430 to 1,550 square feet. A 2,500 square foot community building with a patio and a pool will also be constructed during this phase.

The Villages at Mission Hills proposed concept plan calls for 38+/- acres of open space to be set aside for landscaping, and preservation. This open space will be owned by the Home Owners Association, and a permanent Conservation Easement will be put in place over a portion of this open space to prevent future development within the environmentally valuable areas within its boundaries. Approximately 10.01 acres of federal wetlands will be preserved.

### **1.2 FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

This document is the Final Supplemental Environmental Impact Statement (FEIS) for the Villages at Mission Hills development. The FSEIS was developed pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

The Town of Hamburg Planning Board determined on December 12, 2008 that the project sponsor, Mission Hills Senior Apartments, LLC, would prepare a Draft Supplemental Environmental Impact Statement (DSEIS). This decision was based on there already being an Environmental Impact Statement on record for a proposal on this site. The purpose of the DSEIS is to assess the potential environmental impacts associated with the proposed project. The applicant submitted a DSEIS to the Town of Hamburg on May 28, 2009. The DSEIS was deemed to be complete and was accepted by the Planning Board on June 17, 2009 for review by all Involved and Interested Agencies and the public. The DSEIS was made available to the public at the Town Clerk's Office and on the Town's website. The Planning Board, As SEQR Lead Agency, held a Public Hearing on the DSEIS at the Town Hall on July 15, 2009 to allow the public to comment on the submitted DSEIS for the project.

The Villages at Mission Hills' Final Supplemental Environmental Impact Statement (FSEIS) includes any revisions and/or supplements to the DSEIS, summaries and copies of the Substantive Comments and their source, and the Planning Board's, as Lead Agency, responses to all Substantive Comments.

## 2.0 DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

The Draft Supplemental Environmental Impact Statement for the proposed Villages at Mission Hills was submitted by the project sponsor, Mission Hills Senior Apartments, LLC, to the Town of Hamburg, as SEQR Lead Agency, on May 28, 2009. The DSEIS, was deemed to be complete and accepted for public review by the Planning Board on June 17, 2009 and a Public Hearing on the DSEIS was held July 15, 2009. The DSEIS shall form part of this Final Supplemental Environmental Impact Statement (FSEIS) and is incorporated by reference.

## 3.0 REVISIONS TO THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

### ***New York State Department of Environmental Conservation Comments in letter dated 7/14/09***

- A. As noted in the NYSDEC letter dated 7/14/09 there was a list of misplaced commas and minor grammatical errors. Where necessary, all of those items have been taken care of. In addition, there were a few comments that needed specific attention:

- i. Page 1-3, 3<sup>rd</sup> paragraph: In response to the second comment on the second page of the NYSDEC's letter that asks: clarify – what does last sentence mean?*

The sentence in the DSEIS reads:

The proposed sanitary sewer line will be private or may be dedicated to Erie County Sewer District 3.

It should read:

The new sanitary sewer lines that will be constructed on the Villages at Mission Hills site will be private. The existing 42" sanitary sewer line that the new 8" private sewer will tap into will remain public and under the control of Erie County."

- ii. Page 1-7: In response to the eighth comment on the second page of the NYSDEC's letter: question on statement regarding declaring themselves Lead Agency 12/08 – Was there a letter from this Department? If so, one should be in Correspondence Appendix.*

**On January 9, 2009 The Town of Hamburg Planning Board sent a Lead Agency request to the following agencies: Erie County Department of Environment and Planning (ECDEP), NYS Department of Environmental Transportation (NYSDEC), NYS Department of Transportation (NYSDOT), the Erie County Health Department (ECHD) and the Erie County Water Authority (ECWA). In that letter (see Appendix C), the Planning Board made the request to re-establish themselves as SEQR Lead Agency, and asked for input from the above agencies. The NYSDEC sent the Planning Board a letter in response January 26, 2009 in which they discussed several items regarding the project, but did not mention any objections or concerns regarding the Planning Board re-establishing them as Lead Agency. This letter has also been attached (see Appendix C). Since there were no objections in this matter, the Town of Hamburg Planning Board moved forward understanding that they were the Lead Agency for the SEQR review for The Villages at Mission Hills.**

- B. As noted in the July 14, 2009 memorandum from Steven McCabe an error was made in reference to the project name in Section 7, Par.2: Reference made to "the proposed

Hamburg Crossings development.” Is this the construction-related job data listed for that project of for the Villages at Mission Hills?

The sentence in the DSEIS reads:

The proposed Hamburg Crossings development will generate construction related jobs and permanent jobs

It should read:

The proposed **Villages at Mission Hills** development will generate construction related jobs and permanent jobs.

- C. During various meetings with the Planning Board, requests were made for information regarding the need for affordable senior housing in the region and the Town of Hamburg (refer to Planning Board meeting minutes from January 21, 2009 in Appendix B). As a result of that request and for their use, Mission Hills Senior Apartments, LLC hired Northeastern Appraisal Associates Commercial, Inc to perform a Market Study. The following is a summary of that study and the potential impacts. The complete Marketing Study can be found in Appendix B.

According to the 2000 Census, the Town of Hamburg, NY has a population of 56,259. Demographic trends in the Town of Hamburg over the last few decades have generally reflected the national trends.

The cost of housing in the Town of Hamburg has been increasing at a much faster rate than household income, which indicates a need for further affordable housing initiatives. As this trend continues, households with low and very low incomes in the Town of Hamburg will continue to be negatively affected.

From the years 1980 to 1990 the Town's elderly population represented 13.8 % of the Town's population. But by the year 2000, the Census data showed that the elderly population had increased to 24.6% of the Town's population. When examining population trends, it is important to look at other age groups to see the direction in which the growth could be heading. For example, the age groups of 35-44 and 44-54 were the largest age groups in the 2000 Census, representing 16.4% and 15.2% of the population, respectively (p.25). According to the Market Study;

“These numbers continue to point toward an increasing elderly population within the town. The extremely high and ever growing elderly population will require a need for any additional services including subsidized housing, nursing care, day care, fitness and other supportive services for the elderly population.” (p.25)

Tracking these trends, and analyzing further data, the Study concludes that the estimated population of those aged 65-69 in the year 2008 could be estimated at around 30,225 people, and is expected to grow at a rate of 3,984 people per year.(p.95).

The Market Study performed by Northeastern Appraisal Associates Commercial, Inc. also examined the existing supply of senior housing and conventional market rate properties in order to determine the relative need for the Villages at Mission Hills in the current state of the market. Currently (at the time the Study was produced) there are no multifamily properties scheduled to enter the market, and the most recent project was a 120-unit senior independent housing facility constructed in 2007 (Southpointe) which has already absorbed 75% of its units. The occupancy level of similar apartments in the vicinity is between 88% and 100%, showing a demand for apartment living in this area (p.42).

An additional analysis of the current housing stock and the cost was undertaken in order to determine the various price points within the market. The appraiser performed a comparison of senior apartments and a comparison of conventional market rate units. This research showed that the comparable senior housing showed a rental range between \$750-\$995 per month and the conventional complexes ranged between \$595

and \$750 per month. The estimated rent for the senior apartments at the Villages at Mission Hills is estimated to be \$560 per month plus utilities, which is clearly competitive with other complexes in the area.

Essentially, what the study is showing is that the senior housing population is sustainable in the short-term and long-term, and in some age groups the population is rising. As this trend continues, there will be a need for services and housing for senior citizens, particularly affordable housing. As the market trends clearly show, there is a demand in the market place for housing for seniors. The impact of the Villages of Mission Hills on this region's senior citizens will provide for them an opportunity to have both affordable and market rate housing options on one site.

- D. As noted in Wendel Duchscherer's Memorandum dated 8/5/09, "The Storm Drainage Report indicates where stormwater ponds 1 and 2 will outfall, but doesn't identify where ponds 3 and 4 will outfall."

**Exhibit 3 in the Storm Drainage Report has been revised to now show the outfalls for ponds 3 and 4. This revised Exhibit has been attached to this document as Exhibit 2 in Appendix A. The outfall for Pond 4 has been revised to reflect comments from the Town Engineer (see Comment 5.31)**

- E. As noted in Wendel Duchscherer's Memorandum dated 8/5/09 under the Planning Board Comments, "*Please clarify the potential relocation of the community building and one apartment building that may be required as a result of the location of federal wetlands.*"

**RESPONSE:**

**After meeting with the US Army Corps of Engineers to discuss wetland impacts and potential mitigation, the petitioner has agreed to remove two 4-unit single story apartment buildings, and relocate the Phase 4 community center and pool to a more appropriate location. The impact on the federal wetlands has decreased from 1.3+/- acres to 0.45+/- acres and 680 lineal feet for utilities. Based on our proposed impact and mitigation plan (Exhibits 3 & 4, Appendix A) a provisional Nationwide Permit has been issued by the US Army Corps of Engineers (Appendix C). Once the project receives Water Quality Certification from the NYSDEC, the Nationwide permit will no longer be provisional. Water Quality Certification will be issued once SEQR has been completed.**

- F. As a result of the revisions to the concept plan due to the adjusted wetland impacts, text adjustments in the DSEIS must be made. Changes are noted in **bold**:

Page ES-1: The first paragraph on this page reads:

Mission Hills Senior Apartments, LLC proposes to develop a mixed-residential development on a 93.28+/- acre site with 347+/- units on Camp Road in the Town of Hamburg, Erie County, NY.

It should read:

Mission Hills Senior Apartments, LLC proposes to develop a mixed-residential development on a 93.28+/- acre site with **339+/-** units on Camp Road in the Town of Hamburg, Erie County, NY.

Page ES-1: The third paragraph (a list) on this page reads:

Phase 4:	market-rate single-story senior citizen rental apartments
	12, 4-unit buildings
	Total: 48 units

It should read:

Phase 4: market-rate single-story senior citizen rental apartments  
**10**, 4-unit buildings  
Total: **40** units

Page 1-1: The fourth paragraph on this page reads:

The Villages at Mission Hills is a proposed 347-unit private development with a mix of residential buildings and two community centers...

It should read:

The Villages at Mission Hills is a proposed **339**-unit private development with a mix of residential buildings and two community centers...

Page 1-2: The first paragraph on this page reads:

These "apartments" will be clustered in twelve (12) 4-unit buildings, for a total of 48 apartments.

It should read:

These "apartments" will be clustered in **ten (10)** 4-unit buildings, for a total of **40** apartments.

Page 1-2: The fifth paragraph on this page reads:

Approximately 9.16 acres of federal wetlands will be preserved.

It should read:

Approximately **10.01** acres of federal wetlands will be preserved.

Page 3-1: The first paragraph on this page reads:

Mission Hills Senior Apartments, LLC proposes to develop the vacant site into a 349-unit mixed residential development geared towards senior citizens.

It should read:

Mission Hills Senior Apartments, LLC proposes to develop the vacant site into a **339**-unit mixed residential development geared towards senior citizens.

Page 3-4: The second paragraph on this page reads:

9.16+/- federal wetlands to remain in their existing condition

It should read:

**10.01**+/- federal wetlands to remain in their existing condition

Page 3-7: The second paragraph on this page reads:

The Proposed Project will impact 1.3+/- acres of federal wetlands (see Exhibit 3-1). .03+/- acres of that impact includes a 680+/- linear foot section of a drainage swale. The main road that accesses the development and one of the community centers impacts the

.57+/- acre wetland. The main circulation route has been placed in this location as a result of the topography at the proposed bridge crossing

It should read:

The Proposed Project will impact **.45+/-** acres of federal wetlands (see Exhibit 3-1). .03+/- acres of that impact includes a 680+/- linear foot section of a drainage swale. The main road that accesses the development and one of the community centers **only slightly impacts** the .57+/- acre wetland.

#### 4.0 SUPPLEMENTS TO THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Supplemental information to the Draft Supplemental Environmental Impact Statement is provided in Appendix B of this Final Environmental Impact Statement and includes:

1. Excerpt from January 21, 2009 Planning Board Meeting Minutes
2. Market Study
3. Lighting cut sheets
4. Preliminary sign images
5. Emergency Access Road Easement Agreement

#### 5.0 SUBSTANTIVE COMMENTS TO THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

The Town of Hamburg Planning Board, as Lead Agency, has determined that the following comments/ questions, submitted by Involved and Interested Agencies and the public during the Villages at Mission Hills Draft Supplemental Environmental Impact Statement public review period, which included a Public Hearing held July 15, 2009, are substantive in nature. These Substantive Comments are addressed in the Final Supplemental Environmental Impact Statement. This section includes summaries of all verbal and written Substantive Comments, along with the Lead Agency responses for each. The Lead Agency's responses are shown in "**bold text**" below each comment.

A copy of each of the written Substantive Comments received during the DSEIS public review period is included in Appendix C & D. Verbal comments are included in Appendix C through a summary of the July 15, 2009 Public Hearing.

#### ***Public Comments from Public Hearing Held Before the Town of Hamburg Planning Board, 7/15/2009***

Public comments made on the record at the public hearing of 7/15/09 were responded to on the record at the hearing. Both comments and responses are contained in the official Town of Hamburg minutes of the Public Hearing and are reproduced in their entirety in Appendix D to this document (Comments Submitted on the DSEIS). Those comments made that required supplemental responses are reproduced below.

#### Land

##### 5.1 COMMENT:

*Explain how long it is anticipated to take to construct Phase I, as well as for the entire project.*

**RESPONSE:**

Once construction of Phase 1 is started, it will take approximately 14 months to reach completion, at which time new residents will begin to move into the Phase 1 apartments. Once 85% occupancy is reached in Phase 1, construction of Phase 2 will begin, which is expected to take about 18 months. During the construction of Phases 1 and 2 the first ten (10) single family lots on Phase 3 will be cleared and constructed. Once Phase 2 reaches full occupancy (estimated to be sixteen months) the remaining single family lots in Phase 3 and the single story apartments in Phase 4 will be constructed. Phase 3 will be broken up into smaller sections and completed as the market allows. Full build-out is expected in 2013.

**5.2 COMMENT:**

*Clarify the amount of green space that will remain at the rear lots that back up to the existing homes on Heatherwood Drive.*

**RESPONSE:**

Approximately fifteen (15) feet of green space will be preserved along the rear of the single family home parcels that share a property line with Brook Gardens Mobile Home Parks. Every effort will be made to preserve existing trees within this area, including placing the rear yard drainage 15'-20' from the rear property line so that minimal clearing is done within that green space area.

**5.3 COMMENT:**

*Provide the proposed lot depths for the single family homes and indicate their anticipated setback from the road.*

**RESPONSE:**

The minimum lot depth is 110', but the majority of the lots are at a depth of 130'. There are some deeper lots at the center of the single family homes that range from 130' up to 160' deep. The minimum width of the single family lots is 56' feet at the setback. The setback will be 35' from the private road.

**5.4 COMMENT:**

*Provide an explanation on the extent of clearing proposed on the site during the construction of Phase I.*

**RESPONSE:**

The area that will be cleared during Phase 1 consists of the site of the two detention ponds, the main entrance & road, the twelve (12) apartment buildings and community center, as well as the surrounding parking and landscaped areas, and any utilities that are within Phase 1. Every effort will be made to preserve the existing trees. The clearing limit has been labeled on the attached Exhibit 5 in Appendix A. The proposed clearing limit is approximate at this early stage. As Phase 1 (and later phases) is designed, the clearing limits will become more defined. In addition, land for the private road that leads to the emergency access drive, as well as the drive itself will be cleared. The topsoil pile will also be located adjacent to this area, in the future location of the rear yards of the single story apartments in Phase 4.

In order to properly place the fill rather than stockpile, Phases 1 & 2 may be cleared at the same time. The two phases and the related ponds have been designed so that the cut/fill should distribute without substantial stockpiling other than topsoil.

***New York State Department of Environmental Conservation Comments in letter dated 7/14/09***

**5.5 COMMENT:**  
*Page 1-3, 3<sup>rd</sup> paragraph – clarify – what does last sentence mean?*

**RESPONSE:**  
**Comment addressed as Item A.i in Section 3.0**

**5.6 COMMENT:**  
*Page 1-7, question on statement regarding declaring themselves Lead Agency 12/08 – Was there a letter from this Department? If so, one should be in Correspondence Appendix.*

**RESPONSE:**  
**Comment addressed as Item A.ii in Section 3.0 and letters added to Appendix C of this document**

**5.7 COMMENT:**  
*Page 3-3, 3.2.1 – where will topsoil be stockpiled?*

**RESPONSE:**  
**The topsoil stockpile for Phases 1 and 2 will be located in the center of the large open area in the rear yards of Phase 4 (see Exhibit 6, Appendix A). Phase 3 will be constructed in sections, as the market allows, so Phase 4 and the first Section of Phase 3 will be constructed at the same time. The stockpile location for Phases 3 and 4 will be located in the rear yards of the lots on the loop road in Phase 3. When that section of Phase 3 is constructed the pile will be relocated. The Phase 3 design drawings, once complete, will more specifically show the phasing of the site clearing for all of the sections.**

**5.8 COMMENT:**  
*Page 3-3, Soil erosion – where is it occurring?*

**RESPONSE:**  
**Temporary soil erosion is possible whenever soil disturbing activities occur. Soil disturbing activities will occur on this site wherever a change in land use is proposed, i.e. roads, buildings, etc. An erosion and sediment control plan will be prepared with the construction drawings to prevent sediment from entering the existing natural and man-made drainage systems. The erosion and sediment control plan will be prepared in accordance with State Pollution Discharge Elimination System (SPDES) General Permit GP-0-08-001. Upon completion of construction the temporary erosion and sediment control measures will be removed and the site permanently stabilized.**

**5.9 COMMENT:**  
*Since this area has a Federal wetland, delineation by this office should be requested...A state Freshwater Wetland inspection must be done before any disturbance to the site can commence.*

**RESPONSE:**  
**A field inspection was completed by Anne Oyer of the NYSDEC on September 10, 2009. She determined that there are no state-regulated freshwater wetlands within the project site. Please refer to Appendix C for the letter outlining this decision.**

**5.10 COMMENT:**

*There is also the question of the sanitary sewer system. The DSEIS does not state whether they the sanitary sewer aspect will be a tap in, a private sewer or a sewer extension. No approval should be give until this questions are answered to the satisfaction of the this Department and the Erie County Health Department.*

**RESPONSE:**

The proposed private sanitary sewer system will tap into an existing manhole on a 42" public sewer trunkline owned by Erie County. The Erie County Division of Sewerage Management requires that the flows from the development be directed into the 42" trunkline to avoid being handled by the Hamburg Pump Station, as the 42" line flows to the Southtowns Wastewater Treatment Plant. All final approvals from the Erie County Health Department will be sought once the final design is complete.

***New York State Department of Transportation, 8/19/09 letter***

**5.11 COMMENT:**

*The additional traffic generated by this development will not have a significant impact on the State Highway System*

**RESPONSE:**

**Comment noted for future reference.**

**5.12 COMMENT:**

*A NYSDOT Highway Work Permit will be required for the work within the State highway Right-of-Way. Additional site engineering review will be done as part of the highway Work Permit process.*

**RESPONSE:**

**Comment noted for future reference.**

***Wendel Duchscherer (Consultant to the Town of Hamburg) Comments, 8/5/09 Memo***

*Land*

**5.13 COMMENT:**

*Are all open space areas to be placed within a Conservation Easement?*

**RESPONSE:**

Only the open space areas that remain as natural vegetation/landscaping and need to be protected from future impact will be placed within a Conservation Easement. The stormwater detention ponds and other areas that will require access for maintenance are not included in the Conservation Easement. Refer to Exhibit 7 in Appendix A

**5.14 COMMENT:**

*Delineate areas to be included as part of a Conservation Easement.*

**RESPONSE:**

**Refer to Exhibit 7 in Appendix A**

Water Resources

**5.15 COMMENT:**

*Explain why stormwater detention basins are located within the proposed 250-foot buffer area along the northwestern portion of the property, which will require the removal of existing mature vegetation. Can these stormwater detention basins be located closer to the interior of the site to preserve additional undisturbed areas?*

**RESPONSE:**

The space between the residential area and the railroad tracks has never been proposed as an undisturbed buffer. The intent of the 250' distance was to separate the residential use from the railroad tracks by as much space as possible. The detention basins have been placed in this area, downstream of the residential development, to take advantage of the natural topography of the site and to keep the proposed stormwater controls within the existing sub watersheds. Please refer to the stormwater report for further explanation. Trees surrounding the ponds will be preserved wherever possible in order to maintain a natural sound and visual barrier.

**5.16 COMMENT:**

*Provide further detail on the design of the stormwater ponds, such as the proposed depth of the water pool, bank stabilization, aquatic table, vegetation, mosquito control measures, proposed maintenance, any fencing, etc.*

**RESPONSE:**

The stormwater ponds are designed to have a permanent pool of water 6.5 feet to 8.5 feet deep, with side slopes of 4 feet horizontal to 1 foot vertical above the normal water level and 3 feet horizontal to 1 foot vertical below normal water. There will be an aquatic bench at the normal water level extending in the pond a distance of 12 feet, varying in depth from normal water level to 18 inches below the normal water level. The banks will be vegetated and will be mowed to prevent overgrowth. The ponds, including the inlets and outlet structures will be maintained by the Homeowner's Association. The ponds are to be excavated to a depth resistant to stagnation and will present unfavorable conditions for mosquito production, as mosquitoes tend to breed in shallow, stagnant water. In the unlikely event that mosquito infestation should occur and become problematic, the Homeowner's Association will be responsible for mitigation,

**5.17 COMMENT:**

*Will any of the existing drainage courses that pass under the railroad or run parallel to the railroad require maintenance and/or improvements to accommodate this project?*

**RESPONSE:**

There are three culvert crossings that drain the site which run under the Norfolk Southern (NS) railroad tracks and the CSX tracks. Listed from southwest to northeast, and shown on Exhibit 8, Appendix A, the first set of culverts are the Waterfalls Village Creek culverts. The 48" and 60" diameter culverts under the NS railway are blocked with debris (tree branches) on the upstream end. Both the downstream end and the box culvert under the CSX tracks are clear. Near the center of the Villages at Mission Hills parcel an 18" diameter culvert crosses under the NS tracks and a 36" diameter culvert crosses under the CSX tracks. The upstream end of the 18" culvert is about two-thirds buried. The downstream end and the 36" culvert are both clear. Approximately 1400' northeast of the Mission Hills property is Fosters Brook, which flows towards Lake Erie. Fosters Brook also crosses under both sets of railroad tracks, with all culverts being free of debris.

The above mentioned culverts that are blocked by debris will be cleared by the petitioner.

The drainage ditch that runs along the edge of the Villages at Mission Hills property is blocked in several areas by man-made paths that cross the ditch between the project area and the railroad. These paths prevent water from flowing freely along the ditch. The portion of the same ditch that runs from the edge of the Villages at Mission Hills site, along the Brook Gardens Mobile Home site and drains into Fosters Brook, is choked with overgrown vegetation and small trees. Mission Hills Senior Apartments, LLC will restore the ditch by removing the paths or placing culverts underneath to allow the water to flow. The ditch that runs along the Brook Gardens Mobile Home Park will be cleaned and re-graded as needed.

In order to gain access to the drainage ditch and culverts, the petitioner will have to come to an access agreement with Norfolk Southern. Steps have already been taken to contact the company and make arrangements to access the sites for maintenance.

**5.18 COMMENT:**

*The Storm Drainage Report indicates where stormwater ponds 1 and 2 will outfall, but doesn't identify where ponds 3 and 4 will outfall.*

**RESPONSE:**

Comment addressed as Item D in Section 3.0

Aesthetics

**5.19 COMMENT:**

*Describe the location, type, and intensity of lighting proposed for the site.*

**RESPONSE:**

Refer to Appendix B for cut sheets and Exhibit 9, Appendix A for a Lighting Plan.

Front Entrance to Apartment Bldgs:

Incandescent up/down wall mounted lighting  
2-75W bulbs

Porches & Garages throughout site:

Compact Fluorescent wall mounted  
White acrylic acorn style diffuser  
1-4 pin 18 quad CFL  
Energy Star rated

Over Front/Rear Door of Apartments:

Die-cast aluminum semi-cutoff wall pack  
Compact Fluorescent  
42x2 watts 120/277 volts

Large Wall Pack:

250 watts, 120, 208, 240, 277 Volts

Street Lights:

Refer to Phase 1 Lighting Plan, Exhibit 9, Appendix A for typical staggered layout that will continue along street:  
12' Tall  
Arm Mount Construction  
250W, 120/208/240/277 Volts

**5.20 COMMENT:**

*Will the development consist of any signage at the entrance road at Camp Road?*

**RESPONSE:**

There will be two double sided 40"x72" sign suspended on 2-5"x5" posts located on each side of the main entrance at Camp Road. The sign will be designed to meet within the Town of Hamburg sign regulations, as well as any regulations within the Camp Road overlay district. A separate submittal for a sign permit will be made to the Building Department. Please see Appendix B for two examples of what the sign could look like.

**5.21 COMMENT:**

*A portion of this site along the frontage of Camp Road falls within the Camp Road Overlay Zone. The requirements of this Overlay Zone shall be incorporated into the site plan and complied with.*

**RESPONSE:**

Plans will be developed to comply with the Camp Road Overlay district.

Transportation

**5.22 COMMENT:**

*Provide a discussion of the emergency access. What type of surface will the access have? Will this be accomplished through an easement through Mobile Home Park?*

**RESPONSE:**

The emergency access road and the portion of the Phase 4 private road that provides access to the emergency road will be constructed during Phase 1. The breakaway gate will also be constructed during Phase 1 to assure that the access road is only used during emergencies. Both roads will be constructed to town standards, up to and including the binder course. Once Phase 4 is under construction, the utilities, curbing and finishing top coat(s) will be added to the private road. The emergency access road will not be finished with asphalt, but will be left with the binder course exposed. An easement agreement between the developer of the Villages at Mission Hills and the owner of Waterfalls Village Mobile Home Park was filed at the Erie County Clerk's Office on October 13, 2009. This easement agreement provides access to existing parcels and roads within the mobile home park for emergency access only. A copy of the easement agreement has been provided in Appendix B.

**5.23 COMMENT:**

*The site plan shows sidewalks to be constructed along all interior roadways throughout the site, however, no sidewalk or pedestrian connection to sidewalks along Camp Road. The language of the DSEIS indicates that pedestrian access will be provided to Camp Road. Please clarify.*

**RESPONSE:**

Sidewalks will be provided throughout the site and out to Camp Road, as shown on plans. Sidewalks exist on the west side of Camp Road, and there is currently an existing sidewalk just south of the entrance road to the Villages at Mission Hills. If the responsible agency were to extend this sidewalk further north along Camp Road, the access for the residents within The Village at Mission Hills will already exist.

**5.24 COMMENT:**

*The Traffic Impact Study indicates that the main access road will consist of 2 lanes, 1 exiting lane and 1 entering lane. The site plans indicate the access road will consist of 2 exiting lanes and 1 entering lane. Please clarify.*

**RESPONSE:**

Since the completion of the DSEIS we have completed the Concept Plan. Attached is a plan (Exhibit 10, Appendix A) showing the proposed entrance with striping and dimensions. The New York State Department of Transportation reviewed the Traffic Impact Study (TIS) and had no comments that would warrant a change, so we proceeded with the entry design based on the TIS recommendations. The entrance is also designed based on the NYSDOT design guidelines, where possible. Please refer to Comment 5.29 for a further description of the entrance.

Energy/ Utilities

**5.25 COMMENT:**

*The applicant should provide a list of energy saving measures and other environmentally sound practices that will be incorporated into the project.*

**RESPONSE:**

All plumbing fixtures throughout the property are compliant with New York State Energy codes, which will include low-flush toilets in every bathroom. All appliances are Energy Star rated, including the heating equipment and hot water tanks. All lighting complies with the NYSERDA energy guidelines, and is also Energy Star rated. Windows are also Energy Star rated and are filled with argon gas, provide increased insulation. The buildings will be constructed out of 2x6 framing instead of the standard 2x4, which will allow for extra space for insulation, providing a higher R value.

Mission Hills Senior Apartments, LLC is participating in the NYSERDA Energy Program which offers a rebate once you are able to certify that your lighting meets NYSERDA energy guidelines. They are also participating in the Go Green rebate program and will receive Energy Star rebates for their use of rated appliances throughout the site.

The current energy bills at other properties that the petitioner has developed using the above methods are 30 to 40 percent below suggested energy usage set by the HUD guidelines

Public Health

**5.26 COMMENT:**

*The gated emergency access is proposed to be constructed with the development of Phase IV. If Phase IV is not developed for several years, would the development be properly served in the event of an emergency in the mean time?*

**RESPONSE:**

As outlined above under *Transportation*, the emergency access road and the private road that connects to it will be constructed during Phase 1 in order to provide the proper levels of safety should an emergency arise. The emergency break-away gate will also be installed during Phase 1, assuring that this road will not be used for construction vehicles or by future residents.

**Planning Board Member Comments**

**5.27 COMMENT:**

*Please clarify whether the conservation easements will be deeded to the Town or to the Homeowner's Association.*

**RESPONSE:**

The Homeowner's Association will have ownership and maintenance responsibility for the open space. The open space includes all of the mowed areas around the buildings and in the parking areas as well as the land that is left in its natural state. In addition, a conservation easement will be placed in areas where there is a need to preserve the vegetation (see Exhibit 7, Appendix A) for a plan showing the Conservation Easement. The Homeowner's Association will own all of the open space, but the conservation easement will be deeded to the Town of Hamburg. The stormwater detention ponds and other areas that will require access for maintenance are not included in the Conservation Easement, and will be the responsibility of the Homeowner's Association.

**5.28 COMMENT:**

*Please clarify the potential relocation of the community building and one apartment building that may be required as a result of the location of federal wetlands.*

**RESPONSE:**

Comment addressed as Item F in Section 3.0

***Town of Hamburg Engineering Department, 7/1/09 Memo***

**5.29 COMMENT:**

*On pages 3-11, site egress is reported to be limited to a single exit lane due to site constraints. It appears that an additional exit lane could be constructed. Design alternates are to be provided for an additional exit lane.*

**RESPONSE:**

Please refer to Exhibit 10 for a dimensioned plan of the proposed entrance/exit. The width of the entry road is limited to the available property width and the NYSDOT guidelines. In order to provide for a safe and sufficient turning radius entering and exiting the site, as well as leave enough room for the RPZ, signage and sidewalk, there was limited room for the road. The proposed entrance road is wider than the road throughout the site. At thirty (30) feet wide, it allows for a twelve (12) foot wide entrance lane that will be striped to guide those entering the site. There remains eighteen (18) feet of road for the exit lane, and with the width of a large SUV being approximately seven and a half (7.5) feet, there is plenty of room, especially at the radius of the road for a car to turn right at the same time as a car is waiting turning left.

*Storm Drainage*

**5.30 COMMENT:**

*The central and eastern portions of the site discharge to a ditch and unknown pipes crossing the railroad. Documentation is to be provided that the private pipes and ditch crossing the railroad have sufficient capacity and are structurally sufficient to convey the flows from the project.*

**RESPONSE:**

Please refer to the response to comment 5.17. The culvert crossings under the railroad and the drainage ditch alongside the tracks will be cleared of debris and overgrown vegetation. This will restore the conveyance capacity of the drainage system which was designed for the upstream watershed. Once the stormwater ponds are installed for the development, the rate of runoff from the contributing

watershed will be reduced, thus allowing the railroad drainage system to function as intended.

**5.31 COMMENT:**

*We are aware of existing flooding along the railroad tracks adjacent to the Brook Gardens Mobile Home Park. Evaluate the existing downstream private ditch capacity to properly convey the stormwater flows from the project, and include clearing and grading of the ditch, as necessary.*

**RESPONSE:**

Please refer to response 5.17 and 5.30. The discharge from the eastern most pond (pond 4 on Exhibit 2) will be redesigned to by-pass the ditch along the northeast property line of the Villages at Mission Hills site and drain directly into the Norfolk-Southern drainage ditch (refer to Exhibit 2, Appendix A). This should relieve some of the stress on the already over-taxed ditch that runs along the property line between Brook Gardens and the Villages at Mission Hills. As explained in the two referenced responses, the ditch along the Norfolk-Southern tracks adjacent to Brook Gardens Mobile Home Park will be cleaned as needed from the property line of Mission Hills to Fosters Brook to the northeast.

***Appendix A: Concept Plan & Exhibits***

---

1. Concept Plan
2. Proposed Watershed Boundaries
3. Proposed Wetland Impacts
4. Proposed Wetland Mitigation
5. Clearing Limits – Phase 1
6. Topsoil Pile Locations
7. Conservation Easement Plan
8. Ditch & Culvert Plan
9. Lighting Plan – Phase 1
10. Entrance Layout



2-Story Senior Apartments- 112 units

Single Family- 91 lots

Single-Story Senior Apartments- 40 units

Community Center

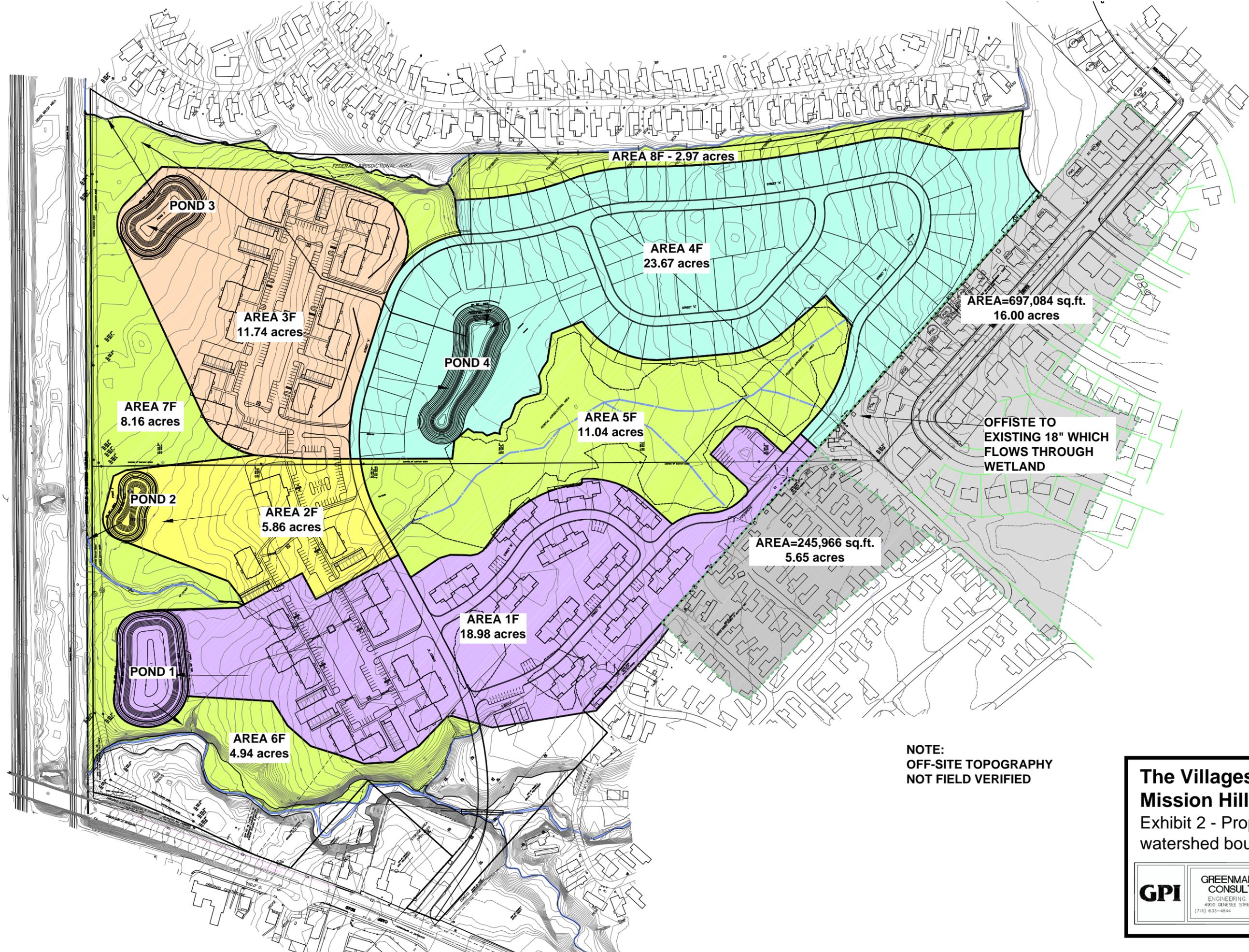
Community Center

2-Story Senior Apartments- 96 units

- Lots
- Common Area/Landscaping
- Trees/Natural Areas
- Wetlands

**The Villages at Mission Hills**  
 Exhibit 1: Concept Plan

**GPI** GREENMAN-PEDERSEN, INC.  
 CONSULTING ENGINEERS  
 ENGINEERING • SURVEYING • PLANNING  
 4950 GENESEE STREET SUITE 105 BUFFALO, NY 14225  
 (716) 633-4844 FAX (716) 633-4940



**POND 3**

**AREA 3F**  
11.74 acres

**AREA 8F - 2.97 acres**

**AREA 4F**  
23.67 acres

**AREA=697,084 sq.ft.**  
16.00 acres

**AREA 7F**  
8.16 acres

**POND 4**

**AREA 5F**  
11.04 acres

**OFFSITE TO EXISTING 18" WHICH FLOWS THROUGH WETLAND**

**POND 2**

**AREA 2F**  
5.86 acres

**AREA=245,966 sq.ft.**  
5.65 acres

**POND 1**

**AREA 1F**  
18.98 acres

**AREA 6F**  
4.94 acres

**NOTE:**  
OFF-SITE TOPOGRAPHY  
NOT FIELD VERIFIED

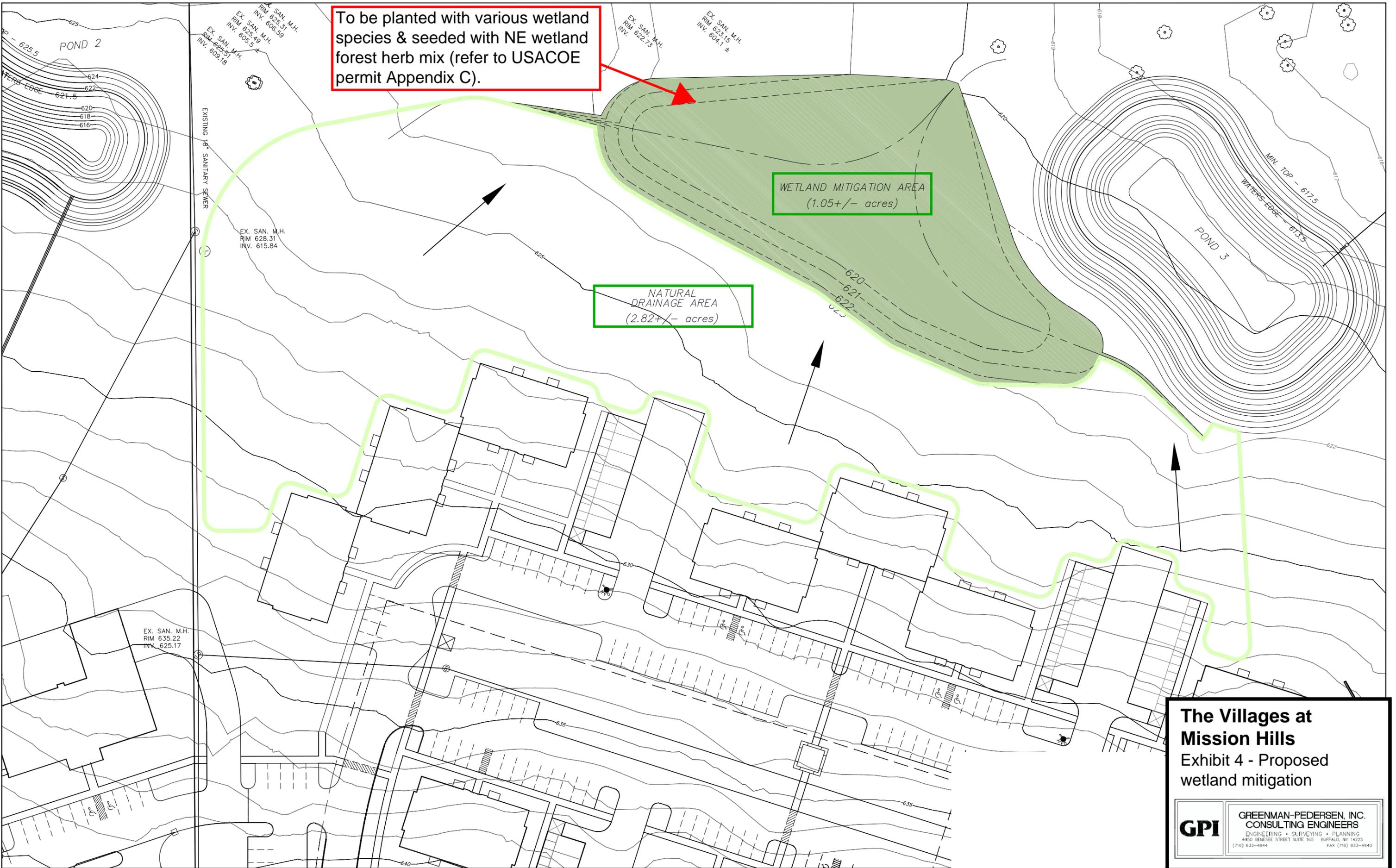
**The Villages at Mission Hills**  
Exhibit 2 - Proposed watershed boundaries

**GPI** GREENMAN-PEDERSEN, INC.  
CONSULTING ENGINEERS  
ENGINEERING • SURVEYING • PLANNING  
4950 GENESEE STREET SUITE 165 BUFFALO, NY 14225  
(716) 633-4844 FAX (716) 633-4940



**The Villages at  
Mission Hills**  
Exhibit 3 - Proposed  
wetland impacts

<b>GPI</b>	<b>GREENMAN-PEDERSEN, INC.</b> CONSULTING ENGINEERS
	ENGINEERING • SURVEYING • PLANNING
	490 GENESEE STREET SUITE 160 BUFFALO, NY 14225 (716) 633-4844 FAX (716) 633-4940



To be planted with various wetland species & seeded with NE wetland forest herb mix (refer to USACOE permit Appendix C).

WETLAND MITIGATION AREA  
(1.05+/- acres)

NATURAL DRAINAGE AREA  
(2.82+/- acres)

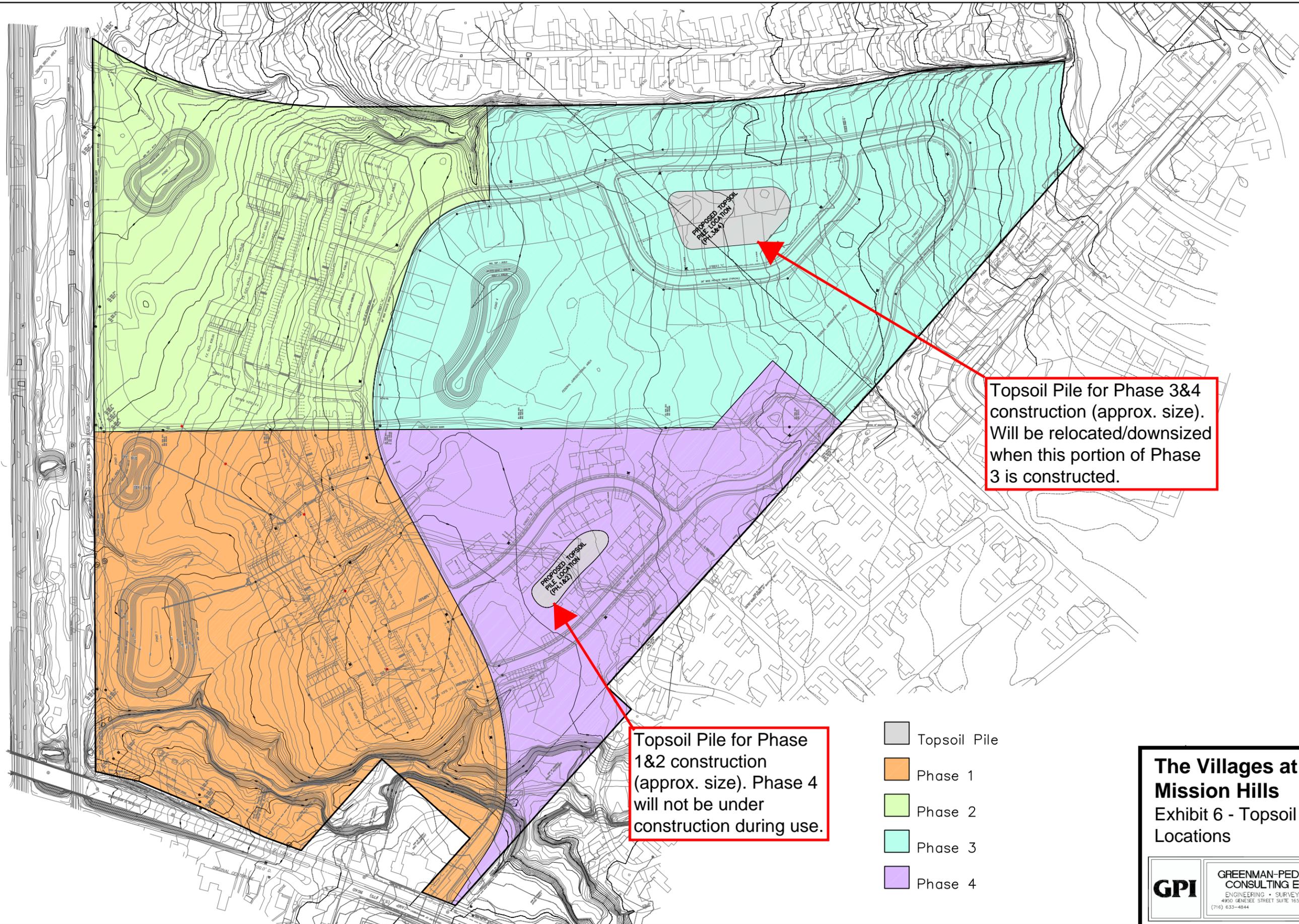
**The Villages at Mission Hills**  
 Exhibit 4 - Proposed wetland mitigation

**GPI** GREENMAN-PEDERSEN, INC.  
 CONSULTING ENGINEERS  
 ENGINEERING • SURVEYING • PLANNING  
 4950 GENESEE STREET SUITE 165 BUFFALO, NY 14225  
 (716) 633-4844 FAX (716) 633-4940



**The Villages at Mission Hills**  
 Exhibit 5 - Clearing Limits - Phase 1

**GPI** GREENMAN-PEDERSEN, INC.  
 CONSULTING ENGINEERS  
 ENGINEERING • SURVEYING • PLANNING  
 4900 GENESEE STREET SUITE 105 BUFFALO, NY 14225  
 (716) 633-4844 FAX (716) 633-4940



Topsoil Pile for Phase 3&4 construction (approx. size). Will be relocated/downsized when this portion of Phase 3 is constructed.

Topsoil Pile for Phase 1&2 construction (approx. size). Phase 4 will not be under construction during use.

- Topsoil Pile
- Phase 1
- Phase 2
- Phase 3
- Phase 4

**The Villages at Mission Hills**  
 Exhibit 6 - Topsoil Pile Locations

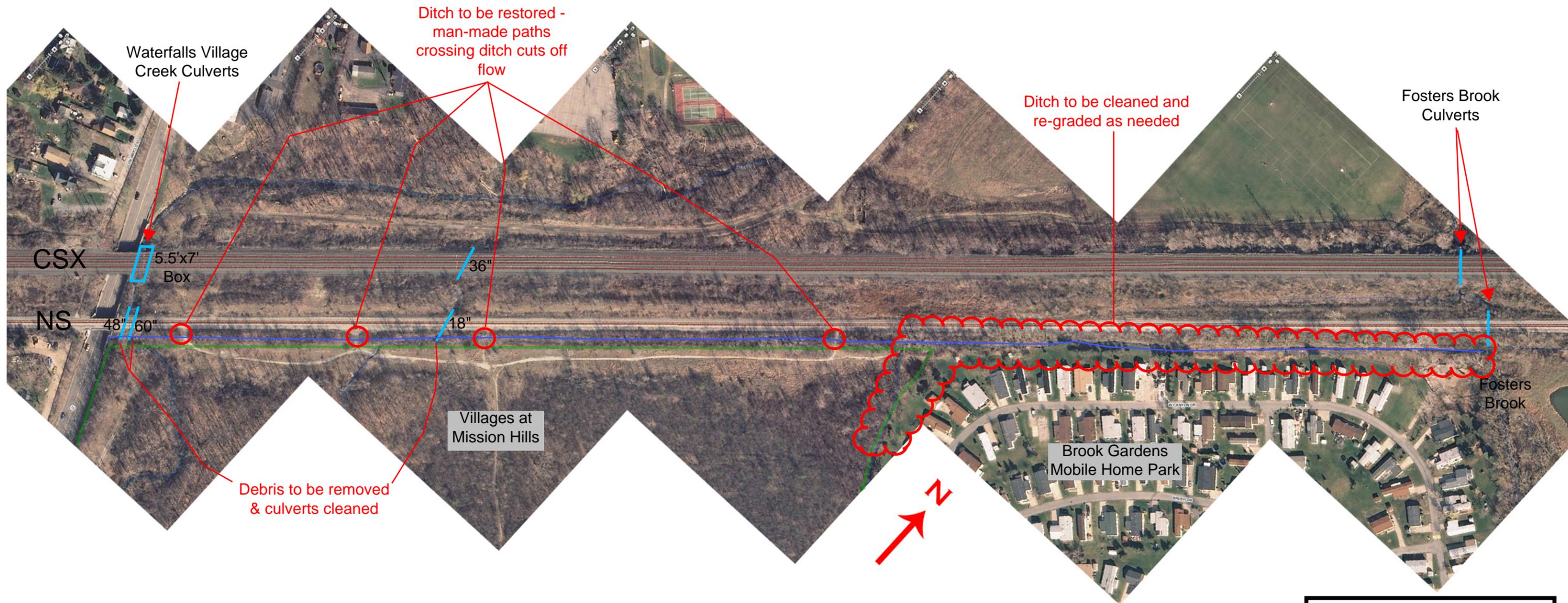
**GPI** GREENMAN-PEDERSEN, INC.  
 CONSULTING ENGINEERS  
 ENGINEERING • SURVEYING • PLANNING  
 4950 GENESEE STREET SUITE 165 BUFFALO, NY 14225  
 (716) 633-4844 FAX (716) 633-4940



-  Conservation Easement to the Town of Hamburg
-  Lots (private ownership, to be maintained by HOA)
-  Common Area/Landscaping (owned by LLC)
-  Trees/Natural Areas (owned by LLC)
-  Wetlands (owned by LLC)

**The Villages at Mission Hills**  
 Exhibit 7: Conservation Easement Plan

**GPI** GREENMAN-PEDERSEN, INC.  
 CONSULTING ENGINEERS  
 ENGINEERING • SURVEYING • PLANNING  
 4950 GENESEE STREET SUITE 105 • BUFFALO, NY 14225  
 (716) 633-4844 FAX (716) 633-4940



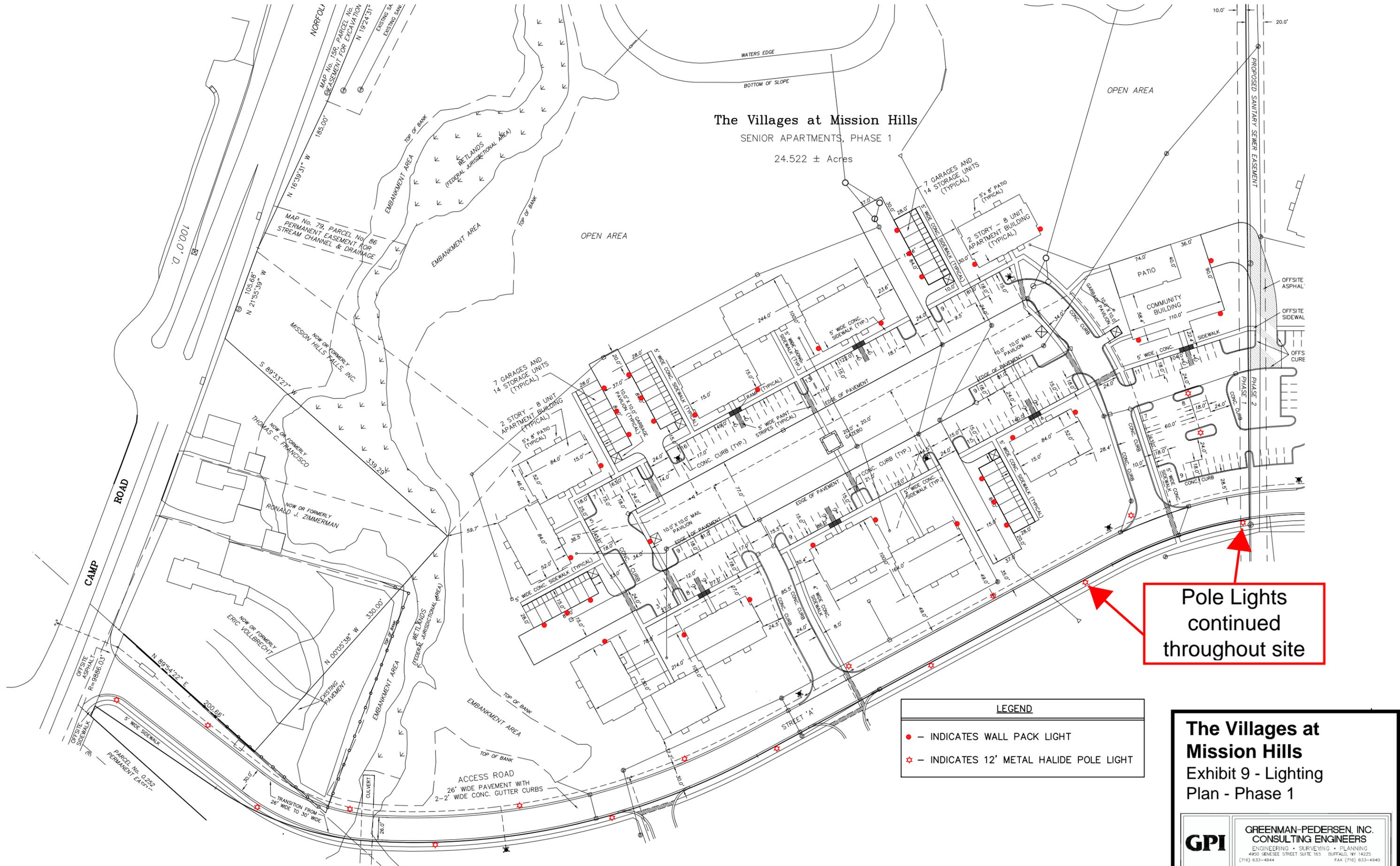
**The Villages at Mission Hills**  
 Exhibit 8: Ditch & Culvert Plan

<b>GPI</b>	<b>GREENMAN-PEDERSEN, INC.</b> CONSULTING ENGINEERS
	ENGINEERING • SURVEYING • PLANNING 4900 GENESEE STREET SUITE 165 BUFFALO, NY 14225 (716) 633-4844 FAX (716) 633-4940

# The Villages at Mission Hills

SENIOR APARTMENTS, PHASE 1

24.522 ± Acres

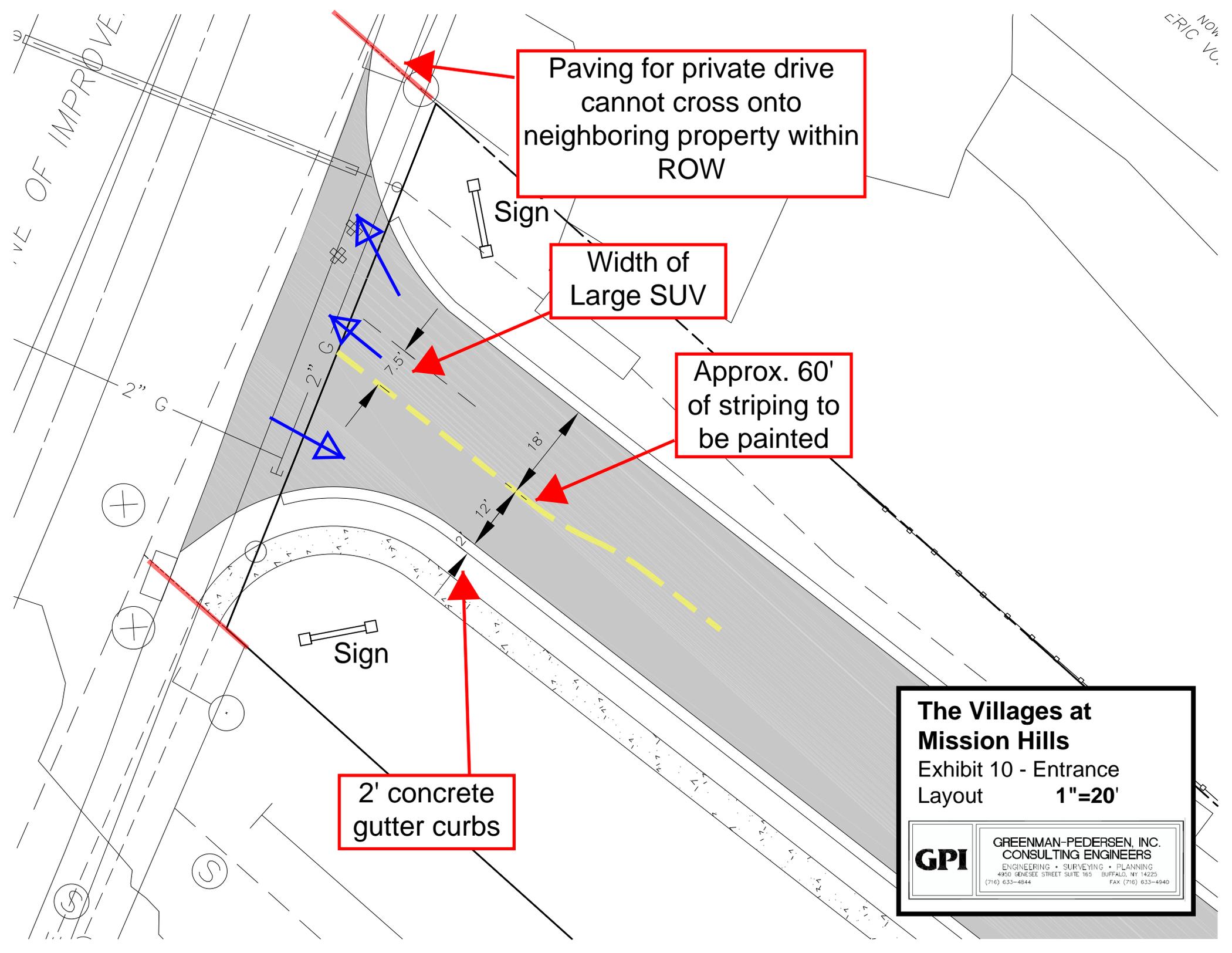


Pole Lights continued throughout site

LEGEND	
●	INDICATES WALL PACK LIGHT
☆	INDICATES 12' METAL HALIDE POLE LIGHT

**The Villages at Mission Hills**  
Exhibit 9 - Lighting Plan - Phase 1

**GPI** GREENMAN-PEDERSEN, INC.  
CONSULTING ENGINEERS  
ENGINEERING • SURVEYING • PLANNING  
4900 GENESEE STREET SUITE 165 BUFFALO, NY 14225  
(716) 633-4844 FAX (716) 633-4940



Paving for private drive cannot cross onto neighboring property within ROW

Width of Large SUV

Approx. 60' of striping to be painted

2' concrete gutter curbs

**The Villages at Mission Hills**  
 Exhibit 10 - Entrance Layout  
 1"=20'

**GPI** GREENMAN-PEDERSEN, INC.  
 CONSULTING ENGINEERS  
 ENGINEERING • SURVEYING • PLANNING  
 4950 GENESEE STREET SUITE 165 BUFFALO, NY 14225  
 (716) 633-4844 FAX (716) 633-4940

**Appendix B: Supplemental Information to the Draft Supplemental Environmental Impact Statement**

1. Excerpt from January 21, 2009 Planning Board Meeting Minutes
2. Market Study
3. Lighting cut sheets
4. Preliminary sign images
5. Emergency Access Easement Agreement

requires a variance or not. It was determined that the Building Inspector will be consulted regarding the proposed wall signs.

Mr. Bender stated that there will be a cross-access agreement in place between Tim Horton's and Benderson so that, if a parking problem arises, Tim Horton's will have the ability for employees to park in the larger vacant parking lot adjacent to the land lease parcel.

In response to a question from Mrs. Rogers, Mr. Bender stated that the Tim Horton's would be open 24 hours a day.

Chairman Koenig stated that the Town received a call from a resident voicing opposition to the construction of another Tim Horton's because of the large number of Tim Horton's already in Hamburg. Mr. Bender responded that he feels just the opposite – that, even though there are other Tim Horton's restaurants in close proximity to this area, there is enough traffic on Camp Road that does not get to the other facilities and that constructing this Tim Horton's might take some of the pressure off of the existing Tim Horton's on Buffalo Street in the Village of Hamburg.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. No one spoke.

Chairman Koenig declared the public hearing closed.

Mr. Lardo stated that, because the area where the "No Left Turn" sign would be installed is owned by Benderson, Benderson would have to agree to allow the sign to be installed.

Mrs. Yerkovich made a motion, seconded by Mrs. Rogers, to issue a Negative Declaration and grant Conditional Site Plan Approval to this project subject to the Engineering Department comment letter dated January 21, 2009. In addition, a letter of intent is to be signed by Benderson and Tim Horton's indicating that a "No Left Turn" sign will be installed along Camp Road. The elevations of the building are to be approved by the Planning Department. Carried.

Engineering Department comments are attached.

### **The Villages at Mission Hills (east side of Camp Road)**

Leanne Voit from Greenman-Pederson and David Manko, applicant, appeared on behalf of the proposed project.

After some discussion, Board members agreed that the Board will utilize the same scoping document for the currently proposed project it prepared when considering the previous proposal for this parcel. It was determined that the applicant will continue working on the Supplemental Environmental Impact Statement (SEIS) utilizing the previously adopted scope.

Hamburg Planning Board Meeting January 21, 2009

Mrs. desJardins stated that the Planning Department recently mailed the SEQR Lead Agency paperwork to re-establish the Planning Board as Lead Agency to involved/interested agencies and is waiting the required 30 days for responses. She noted that in February the Planning Board can

re-establish itself as Lead Agency and issue a Positive Declaration. She further stated that the next step after that will be for the applicant to submit the SEIS to the Planning Board for review.

Ms. Voit stated that, in addition to the items listed in the previously adopted scope, the applicant will discuss the proposed buffers and the new storm water SPDES (State Pollutant Discharge Elimination System) requirements, as well as socio-economic aspects of the project that will be beneficial to the Town.

Mrs. desJardins stated that it has been determined that the proposed single-family homes will be required to be located on individual lots and that subdivision approval will be required.

In response to a question from Chairman Koenig, Ms. Voit stated that, as far as she is aware at this point, locating the homes on individual lots will not mean a reduction in the number of proposed homes.

Mrs. Rogers stated that she would like the applicant to address in the SEIS whether this project would benefit the Town, given the large number of residential housing project geared towards senior citizens being proposed currently in the Town. Ms. Voit agreed to add this issue to the scope.

Attorney McKenna reminded Board members that the Board cannot approve or disapprove a project based on whether it feels there is a need for the proposed use.

Ms. Voit stated that the applicant may require a variance from the Zoning Board of Appeals for the number of proposed parking spaces for the apartments. It was determined that the Planning Department will research this and report to the Planning Board at its next meeting.

Chairman Koenig read the Traffic Safety Advisory Board's comments regarding this project, which are as follows:

"The response letter to this Board's concerns submitted by Leanne Voit of Greenman-Pederson and David L. Manko of Manko Development suggested that the Fire Chief's Association be contacted about the proposed emergency exit and its feasibility. This Board will be waiting for the developer's traffic study and input from the New York State Department of Transportation before commenting any further on this project."

Mr. Manko indicated that he planned to meet with the Fire Chief on January 22, 2009.

Mrs. Yerkovich made a motion, seconded by Mr. Reszka, to table this project. Carried.

Engineering Department comments are attached.

Hamburg Planning Board Meeting January 21, 2009

**John Kuebler (vacant land, east side of McKinley Parkway, south of Dorchester)**

John Kuebler, applicant, and Terry Myers from LBM Construction appeared on behalf of the proposed project. Ms. Myers stated that the sketch plan has been revised to include an area



# ***Market Study***

*Site Location:*

***The Villages At Mission Hills***  
Proposed 96 Unit Senior Housing Facility  
4543 Camp Road  
Hamburg, NY

*Date of Report:*

***June 15, 2009***

*Prepared For:*

***Mr. David Manko***  
10 Manko Lane  
Cheektowaga, NY 14227

*Prepared By:*

***Northeastern Appraisal Associates Commercial, Inc.***  
5110 Main Street, Suite 210  
The Walker Center  
Williamsville, NY 14221

NEAC File #09-245

Anthony Steward, Vice President

Michael Gluc, MAI, President

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The Villages At Mission Hills  
4543 Camp Road  
Hamburg, NY



*Prospective Site Plan*



NORTHEASTERN APPRAISAL ASSOCIATES COMMERCIAL, INC. THE  
WALKER CENTER, 5110 MAIN STREET, SUITE 210 WILLIAMSVILLE,  
NEW YORK 14221  
PHONE: (716) 634-8970 FAX: (716) 565-2024

July 1, 2009

Mr. David Manko  
10 Manko Lane  
Cheektowaga, NY 14227

***Re: Market Study  
The Villages At Mission Hills***

Dear Mr. Manko:

Pursuant to your request, we submit the following market analysis for the proposed Villages At Mission Hills Senior Housing Complex. The objectives of this market analysis include:

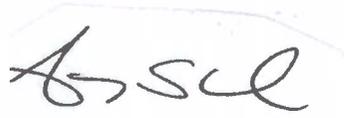
- Define the Primary Market Area (PMA).
- Demonstrate evidence of short-term and long-term demand for senior housing.
- Analyze pertinent and specific demographic data.
- Provide actual multifamily market data which the subject will compete with.
- Provide a comprehensive project description.

The subject property will consist of (12) two-story, eight unit slab on grade frame with vinyl siding senior apartments buildings that will be built in 2009 and open in 2010. The property will consist of (96) two bedroom units for a total of (96) units. The property will also have (35) garages, (70) small storage sheds and a 6,600± square foot community building that will contain a kitchen, dining area, and workout room. All the improvements will be situated on 24.49± acres of land zoned R4-Multi-Family in the Town of Hamburg, County of Erie and State of New York. The site is currently vacant.

There will be (96) two-bedroom units with 1,060± square feet of living area. The total gross building area of the apartments will be 104,832± square feet and the net rentable area will be 101,760± square feet. Interior finish will consist of mostly carpeted floors with the exception of the kitchens and bathrooms which will have vinyl flooring and painted drywall and ceilings. Appliances include stove, refrigerator, dishwasher and garbage disposal. Additional amenities will include an elevator for second floor access.

Mr. David Manko  
10 Manko Lane  
Cheektowaga, NY 14227  
July 1, 2009  
Page 2

The report has been prepared by NEAC using information and data that is deemed to be reliable in the case of each data vendor and/or informational story, listing, database or other information repository that eventually provided information used in this report. NEAC assumes no responsibility for reporting errors beyond reasonable control. All assumptions as to the number of market residents that may in fact choose to occupy a dwelling unit within the defined market areas over the course of the forecast period require verification in the field, as data is limited to searchable databases and reports made to regulatory bodies that may bear upon the information analysis process.



Anthony Steward  
Vice President & Principal Appraiser  
New York State Certified  
General Real Estate Appraiser  
ID #: 46-33820



Michael Gluc, MAI  
President & Review Appraiser  
New York State Certified  
General Real Estate Appraiser  
ID #: 46-4723  
PA Certified  
General Real Estate Appraiser  
Certification No. GA003447

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8	Lexicon
10	Erie County Regional Data
21	Town of Hamburg Area Data
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36	Markey Supply & Demand Data
95	Reconciliation & Final Conclusions

### **Addendum & Exhibits**

Requirement Data

Legal Description

Middle & Outer Market Area Data

Appraisers' Qualifications

## **1.0 Introduction:**

### *Analysis Overview & Scope*

This report has been prepared based upon the following defined processes:

- T**  **Initial site analysis.** The proposed project site is analyzed in terms of potential traffic patterns and population density to determine the applicability of certain assumptions pertaining to the primary marketing area geography; then
-  **Collection of demographic and market information.** The means of the report analysis. Northeastern Appraisal Associates Commercial Inc, herein referred to as NEAC, collected various databases of demographic information for the purposes of this analysis and presentation. These databases included population-based demographic information, housing-based demographic information, microeconomic and macroeconomic information and site mapping information; then
-  **Initial Macroeconomic Indicators Demographics Analysis.** This technical analysis is for the purposes of determining developing trends relative to various population groupings, household groupings, family groupings, wealth and income groupings to determine the potential for long-term market support based upon the supposition that a growing and expanding market population will continue to support the construction of new senior housing facilities within the given market area; then
-  **Site-based senior housing new construction demand analysis.** The primary marketing area population demographics information is used to generate specific demand models for forecasting the demand for senior housing new construction.

NEAC has no securities (equity, debt or hybrid) interest and is acting independently for the purposes of producing this report. Likewise, NEAC owns no real property interest in the proposed project, nor owns an option to purchase same on any terms not offered to the general public.

## **1.0 Introduction: (Continued)**

### *Analysis Overview & Scope*

- ✦ The appraisers have analyzed a specific market area. However, it may be necessary to expand into other areas in order to provide a more accurate analysis of the existing supply and current demand for senior housing.
- ✦ Discussions were conducted with local area officials, property managers and other persons knowledgeable in the local commercial real estate market. A compilation of information was used and cited throughout this study and includes, but is not limited to, various municipal offices within Erie County and the Town of Hamburg, Northeastern Appraisal Associates Database, Buffalo Niagara Association of Realtors, Buffalo Niagara Builders Association, various developers, etc. The methodology is based on a quantitative analysis. There are many indicators used to gauge what portion of the market would be in need of the various proposed property types and how they impact the various segments of the economy. This analysis will address the social and economic characteristics and statistics needed to properly address our objectives.
- ✦ Since numerous variables influence an economic study such as local, state, regional, national and international forces, no guarantee or assurance is made of the findings presented in this study. Any projections, direct or implied, that were made were utilized to assist the appraisers and are based on current market conditions, anticipated supply and demand factors, and a continued relatively stable economy. Therefore, the projections are subject to change. As we are all aware of the tragedies of September 11, 2001, future conditions cannot be accurately predicted and could affect the future rent, absorption rates, assessment values or other economic factors found herein.
- ✦ The effective date of this economic analysis is June 15, 2009. Unforeseen changes in the future economic conditions or dynamic changes in any of the financial markets or U.S. tax laws that may occur after the effective date, could have a material effect on this analysis. As in all economic studies of this type, the conclusions set forth presume a stable economy with no significant change in the local marketplace. No responsibility is assumed for drastic changes that could occur in the market.

## 1.0 Introduction: (Continued)

### Analysis Overview & Scope

- ✦ An initial analysis of key population demographic points for the purposes of demonstrating evidence of long-term market support based upon the growth patterns of certain demographically significant, senior/elderly-related datasets. The information was collected for all three (3) of the assumed marketing area geographies and included population, households, families, household counts based upon householder living status, household and family incomes and measures of net worth and disposable incomes sufficient to demonstrate the long-term market support potential for the various classes of senior housing under consideration; then
- ✦ A new construction demand model was created and populated with demographic information (provided by third-party demographics vendors) based upon a screening process that conforms to commercial construction financing underwriting industry benchmarks and expectations, and include approval threshold measurements regarding the statistical likelihood of a senior householder to require housing and related lifestyle and self-care support within the context of an organized, large-scale commercial real estate-based enterprise. This analysis is populated for a period of time that would be expected to correspond to the entry and stabilization of a new property. The resulting demand model provide net buildable demand computations for rental ILF. All demand model calculations are made, *cet. par.*, for a for-profit endeavor versus a not-for-profit venture; then
- ✦ A final set of computations was created to provide price point guidelines based upon cross-matching senior households with their component net worth and disposable incomes in order to project baseline sustainable rate information on a median facility basis.
- ✦ This report has been prepared by Northeastern Appraisal Commercial Inc (NEAC). using information and data that is deemed to be reliable information in the case of each data vendor and/or informational story, listing, database or other information repository that eventually provided information used in this report. NEAC assumes no responsibility for reporting errors beyond the reasonable control of NEAC. All assumptions as to the number of market residents that may in fact choose to occupy a housing dwelling unit within the defined market areas over the course of the forecast period is made by searchable databases and reports made to regulatory bodies that may bear upon the information analysis process.

## 2.0 Lexicon

**A**ctivities of Daily Living (“ADLs”). A measurement of a person’s ability to live unsupervised in the community based upon the person’s ability to perform certain self-care activities on a routine (daily) basis and include bathing, dressing and undressing, self feeding (eating), transferring from bed to chair and back again, self-managed continence, walking/getting outside.

**Gross Demand.** A measurement of the demand for senior housing living unit accommodations within a defined geographical area based upon an assumed amount of the area’s senior population that would be theoretically qualified to be a full-time resident based upon the portion of the grouping that has sufficient household income to offset the costs of residency, would be of an advanced age that would make them statistically likely to require the housing based upon a measurement of lifestyle management disability rates (in the cases of independent living programs) or a measurement of self-care limitations (in the cases of assisted living programs) or a measurement of the incidence of a dementing disorder that would result in a need for a structured living environment (in the cases of Alzheimer’s assisted living units); but prior to the point where changes in the theoretical supply of housing by current, planned and/or proposed competition in the senior housing market are netted out of the Gross Demand computation. Gross Demand also includes adjustments to the demand pool owing to the impact of in-migration attributable to so-called “Adult Children Households” – households aged 45-64 with disposable incomes of at least \$100,000 per annum – that move senior family members to senior housing facilities located within the market area.

**Households.** All residents living in a given area are demised into households which are either “Family Households” or “Non-Family Households”. Family Households are households of more than one (1) person where the occupants are related by blood or marriage. Non-Family Households are households of one (1) or more persons who are not related by blood or marriage.

**Independent Living Facilities (“ILFs”).** A class of senior housing licensure where there is the provision of an apartment that is age-restricted and includes routine maintenance, meal service, utilities, weekly housekeeping, flat linen service, scheduled transportation and organized/structured activity programming as part of the ongoing lease payment for renting the apartment.

**Instrumental Activities of Daily Living (“IADLs”).** A measurement of a person’s ability to manage the conditions of their lifestyle as measured by a series of activities that include light housework, meal preparation, medication management, personal shopping, telephone usage and fiscal management.

**Median.** In a number set, the median number represents that number which separates the top 50% from the bottom 50% of reported values.

## **2.0 Lexicon: (Continued)**

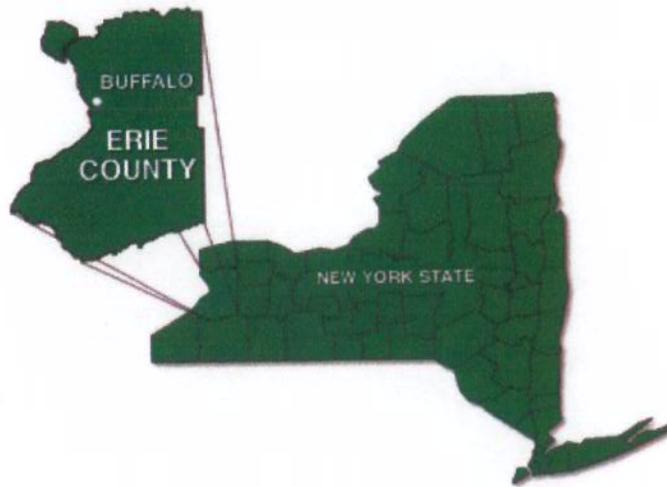
**Net Buildable Demand.** The number of living units of senior housing construction a given market would be expected to fill over an assumed 12 to 18 month marketing exposure and is net of all offsets due to competing property gains/losses. Net Buildable Demand is that level of Net Demand that can be realistically assumed to be captured by a well-capitalized and professionally-managed senior housing marketing program effort and corresponds to the expected sales contract closing rate for all tours offered by/at the property. Typically, this rate does not exceed 15% of the Net Demand pool. The ideal set of outcome circumstances measured would reflect a single-digit penetration rate of Net Demand pool in order to fill the facility to 100% occupancy within a 12 to 18 month window. The realistic Net Buildable Demand is predicated upon the assumption the proposed property development program would not require more than 36 months to develop, capitalize, construct, market and operate to the point of achieving self-sustainable operations as any property theoretically requiring more than 36 months of construction phase and initial lease-up operations would not qualify for underwriting in most commercial bank lending programs and government-insured lending programs such as the FHA/HUD Section 221, 222, 223 and 232 loan-insurance programs.

**Net Demand.** A measurement of the demand for construction of new senior housing living units after the reductions for changes in the supply of competing senior housing operations are netted out of the Gross Demand pool. It is this theoretical pool that will serve as the basis for new construction at a fractional rate that corresponds to average market expectations for walk-in sales closings at the average senior housing facility in operation today that is assumed to be competently managed and capitalized.

**Penetration Rate.** Refers to the percentage of qualified Net Demand in a given marketing area, for a specific class of senior housing in order to fill the facility to a theoretical 100% operating capacity. In construction finance underwriting, the benchmark penetration rate is 15.00% in most cases, with underwriters having a preference for those projects that require a penetration rate of less than 10.00% of the primary marketing area.

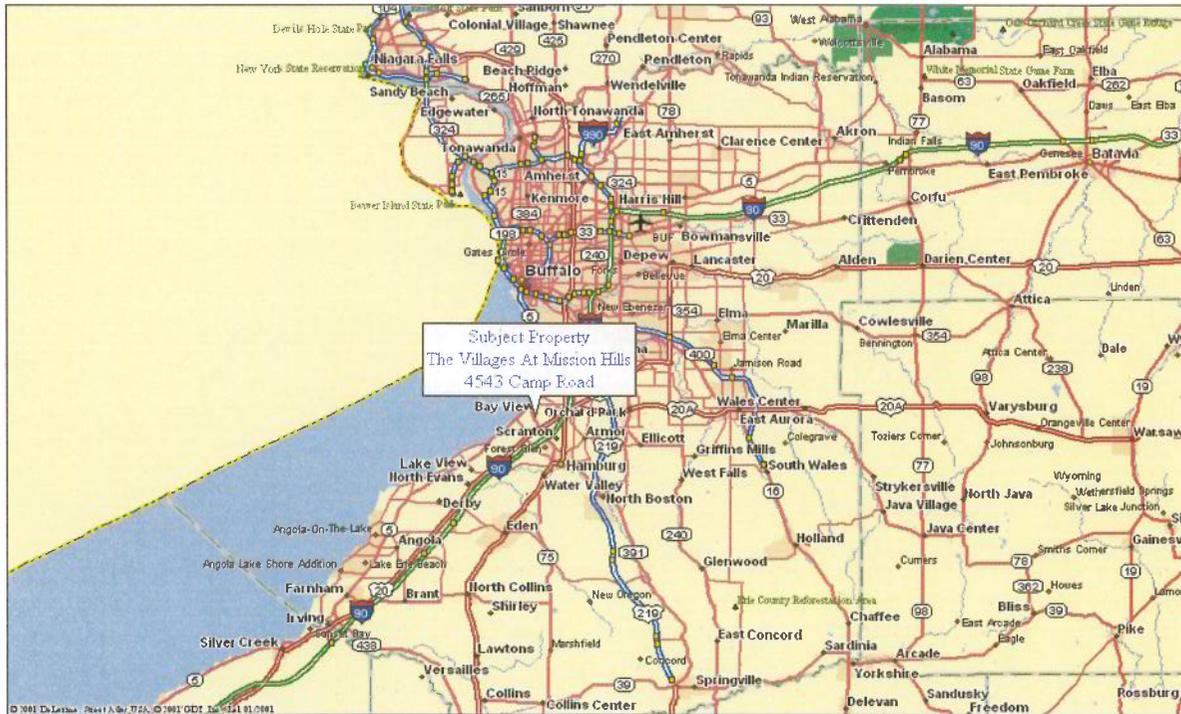
**Primary Marketing Area or Geographical Primary Marketing Area (“PMA”).** With respect to the commercial income-producing property development industry, the term refers to that geographical area surrounding a given location wherein a specific type-class of income-producing property (e.g.: multifamily, senior housing, retail, etc.) would be expected to garner at least 75% of its total ongoing sales revenues.

## *Erie County Regional Data*



### 3.0 Erie County Regional Data:

#### Regional Map



Erie County is a metropolitan center located in the western sector of New York State in an area commonly referred to as Western New York and the Niagara Frontier. The county is bounded by Cattaraugus and Chautauqua Counties on the south, Genesee and Wyoming Counties on the east and Niagara County to the north. The westerly boundary is comprised of the Niagara River, Lake Erie and Canada. The county covers approximately 1,058 square miles encompassing 25 towns, 15 villages and 3 cities. The cities of Buffalo, Lackawanna and Tonawanda are located in Erie County along with the 25 towns consisting of Alden, Amherst, Aurora, Boston, Brant, Clarence, Cheektowaga, Colden, Collins, Concord, Eden, Elma, Evans, Grand Island, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia, Tonawanda, Wales and West Seneca.

The City of Buffalo is the second largest city in New York State and serves as the County seat. The area's geographic position (adjacent to Lake Erie, Lake Ontario, the Niagara River and the Province of Ontario, Canada) allows for ready access to markets in the populous Northeast and Canada. More than half the population in both countries (160,000,000 people), as well as 52% of the personal income (\$5 trillion) created by the United States and Canada is within 500 miles of Erie County. In addition, three-quarters of Canada's manufacturing activity and 55% of the United States' manufacturing activity falls within that radius.

### 3.0 Erie County Regional Data: (Continued)

#### Population:

The following statistics are available through the U.S. Census Bureau.

Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data

Geographic Area: **Erie County, New York**

Subject	Number	Percent
<b>Total population</b>	<b>950,265</b>	<b>100.0</b>
<b>SEX AND AGE</b>		
Male	454,411	47.8
Female	495,854	52.2
Under 5 years	57,837	6.1
5 to 9 years	65,940	6.9
10 to 14 years	67,781	7.1
15 to 19 years	64,219	6.8
20 to 24 years	57,441	6.0
25 to 34 years	119,168	12.5
35 to 44 years	150,498	15.8
45 to 54 years	130,062	13.7
55 to 59 years	47,410	5.0
60 to 64 years	38,651	4.1
65 to 74 years	76,207	8.0
75 to 84 years	56,526	5.9
85 years and over	18,525	1.9
Median age (years)	38.0	(X)
18 years and over	719,715	75.7
Male	336,399	35.4
Female	383,316	40.3
21 years and over	681,941	71.8
62 years and over	174,141	18.3
65 years and over	151,258	15.9
Male	59,377	6.2
Female	91,881	9.7
<b>RACE</b>		
One race	937,783	98.7
White	780,942	82.2
Black or African American	123,529	13.0
American Indian and Alaska Native	5,755	0.6
Asian	13,835	1.5
Asian Indian	3,748	0.4
Chinese	3,318	0.3
Filipino	698	0.1
Japanese	610	0.1
Korean	2,051	0.2
Vietnamese	1,774	0.2
Other Asian <sup>1</sup>	1,636	0.2
Native Hawaiian and Other Pacific Islander	223	0.0
Native Hawaiian	41	0.0
Guamanian or Chamorro	39	0.0
Samoan	34	0.0
Other Pacific Islander <sup>2</sup>	109	0.0
Some other race	13,499	1.4
Two or more races	12,482	1.3

### 3.0 Erie County Regional Data: (Continued)

Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data (Continued)  
 Geographic Area: Erie County, New York

Subject	Number	Percent
<b>Race alone or in combination with one or more other races<sup>1</sup></b>		
White	791,057	83.2
Black or African American	129,073	13.6
American Indian and Alaska Native	8,959	0.9
Asian	15,915	1.7
Native Hawaiian and Other Pacific Islander	550	0.1
Some other race	18,050	1.9
<b>HISPANIC OR LATINO AND RACE</b>		
<b>Total population</b>	<b>950,265</b>	<b>100.0</b>
Hispanic or Latino (of any race)	31,054	3.3
Mexican	2,538	0.3
Puerto Rican	21,575	2.3
Cuban	645	0.1
Other Hispanic or Latino	6,296	0.7
Not Hispanic or Latino	919,211	96.7
White alone	767,476	80.8
<b>RELATIONSHIP</b>		
<b>Total population</b>	<b>950,265</b>	<b>100.0</b>
In households	919,474	96.8
Householder	380,873	40.1
Spouse	177,089	18.6
Child	285,410	30.0
Own child under 18 years	213,018	22.4
Other relatives	34,466	3.6
Under 18 years	12,886	1.4
Nonrelatives	41,636	4.4
Unmarried partner	18,692	2.0
In group quarters	30,791	3.2
Institutionalized population	16,420	1.7
Non-institutionalized population	14,371	1.5
<b>HOUSEHOLDS BY TYPE</b>		
<b>Total households</b>	<b>380,873</b>	<b>100.0</b>
Family households (families)	243,359	63.9
With own children under 18 years	112,900	29.6
Married-couple family	177,089	46.5
With own children under 18 years	76,232	20.0
Female householder, no husband present	52,284	13.7
With own children under 18 years	30,408	8.0
Nonfamily households	137,514	36.1
Householder living alone	116,309	30.5
Householder 65 years and over	47,757	12.5
Households with individuals under 18 years	121,532	31.9
Households with individuals 65 years and over	106,478	28.0
Average household size	2.41	(X)
Average family size	3.04	(X)

**3.0 Erie County Regional Data: (Continued)**

The 2000 population of the cities and five largest towns are as follows:

<b>Cities:</b>	Buffalo	292,648
	Lackawanna	19,064
	Tonawanda	16,136
<b>Towns:</b>	Amherst	116,510
	Cheektowaga	94,019
	Tonawanda	78,155
	Hamburg	56,259
	West Seneca	45,920

**Government:**

Erie County is governed under a home rule charter that provides for the separation of legislative and executive functions. The Erie County Charter was enacted as Erie County Local Law No. 1 – 1959, and was approved by referendum on November 3, 1959, and became effective when filed with the Secretary of State on November 17, 1959. The County Executive, elected to a four-year term, is the chief executive officer of the County. The County Legislature consists of 15 members elected to two-year terms. Other elected positions are Comptroller, County Clerk, District Attorney and Sheriff.

**Economy/Employment:**

On July 12, 2005 the Erie County Fiscal Stability Authority Act established the Erie County Fiscal Stability Authority in an advisory capacity in order to preserve the confidence of those who invest in the County’s bonds and notes and protect the economy of both the region and the state as a whole. The Authority is charged with providing enhanced budgetary discipline and short-term budgetary relief that will restore enduring long-term fiscal health and the availability of adequate funding for the provision of essential services and without further State intervention.

The Authority is vested with control and advisory authority to oversee the budget, financial and capital plans of the County and covered organizations; to issue bonds or other obligations to achieve budgetary savings through debt restructuring or deficit financing; to finance short-term cash flow or capital needs; and, if necessary, to develop financial plans on behalf of the County. The Authority operated as an advisory board for the majority of 2006 and worked with the County on a number of matters. In 2007, the Authority will continue to take actions with the goal of guiding the County toward long-term fiscal stability. It is critical that the Authority be actively engaged with the County to ensure that cost reductions and restructuring are achieved in order to reduce the continued reliance on temporary taxes.

Source: 2006 Annual Report, Erie County Fiscal Stability Authority

**3.0 Erie County Regional Data: (Continued)**

**Economy/Employment: (Continued)**

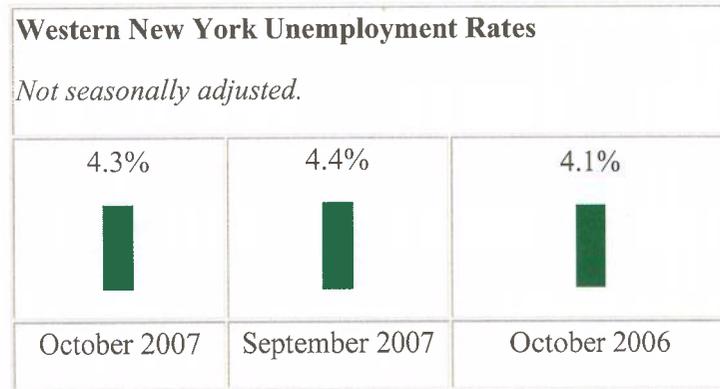
Buffalo-Niagara Falls, NY Metropolitan Statistical Area  
 (Data are not seasonally adjusted. Data are preliminary and subject to revision.)

UNEMPLOYMENT RATE

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann Avg
2007	5.4%	5.4%	4.9%	4.5%	4.3%	4.6%	4.9%	4.5%	4.4%	4.3%			
2006	5.7%	6.0%	5.6%	5.3%	4.8%	4.8%	5.2%	4.7%	4.6%	4.2%	4.3%	4.5%	5.0%
2005	6.1%	6.0%	5.4%	5.2%	5.1%	5.2%	5.4%	4.8%	4.9%	4.5%	5.0%	5.0%	5.2%
2004	7.1%	6.6%	6.7%	6.1%	5.5%	5.7%	5.8%	5.3%	5.1%	4.9%	5.3%	5.5%	5.8%
2003	6.5%	6.3%	6.1%	5.8%	5.7%	6.0%	6.1%	5.8%	5.7%	5.6%	5.9%	5.9%	5.9%
2002	6.8%	6.7%	6.4%	5.8%	5.4%	5.4%	5.5%	5.1%	5.0%	4.8%	5.3%	5.6%	5.6%
2001	5.2%	5.0%	4.8%	4.5%	4.3%	4.5%	4.7%	4.7%	4.7%	4.9%	5.3%	5.7%	4.9%
2000	5.2%	5.0%	4.7%	4.0%	4.0%	4.1%	4.2%	4.1%	4.0%	3.7%	4.0%	4.2%	4.3%
1999	6.4%	6.3%	6.0%	5.3%	5.0%	5.5%	5.7%	5.2%	5.0%	4.5%	4.6%	4.7%	5.3%
1998	6.2%	6.3%	6.0%	5.3%	5.0%	5.1%	7.2%	5.0%	5.0%	4.5%	4.8%	4.8%	5.4%
1997	6.1%	6.0%	5.8%	5.1%	4.9%	5.2%	5.6%	5.3%	5.2%	4.8%	4.9%	5.2%	5.3%
1996	6.1%	6.0%	5.9%	5.7%	5.0%	4.8%	5.3%	4.7%	4.4%	4.3%	4.6%	4.7%	5.1%
1995	6.3%	6.0%	5.7%	5.7%	5.1%	5.2%	5.6%	5.4%	5.0%	4.5%	4.8%	5.0%	5.4%
1994	7.4%	7.4%	7.1%	6.4%	5.8%	6.1%	6.3%	5.8%	5.2%	5.0%	5.0%	5.0%	6.0%
1993	7.8%	7.7%	7.1%	6.8%	6.4%	6.6%	7.6%	6.5%	6.2%	6.1%	6.1%	6.1%	6.8%
1992	8.6%	8.8%	8.2%	7.6%	7.3%	7.5%	7.8%	7.3%	7.1%	6.4%	6.7%	6.7%	7.5%
1991	7.9%	8.4%	8.2%	7.3%	7.4%	7.0%	7.0%	6.8%	6.3%	6.2%	6.8%	7.2%	7.2%
1990	6.8%	6.1%	5.4%	5.3%	4.8%	4.7%	5.1%	4.9%	4.8%	4.7%	5.1%	5.5%	5.3%

**3.0 Erie County Regional Data: (Continued)**

**Economy/Employment: (Continued)**



As provided by the New York State Department of Labor website, private sector employment in the Buffalo-Niagara Falls metro area increased by 2,500, or 0.5 percent, to 458,700 over the 12 months ending October 2007. Job gains were centered in professional and business services (+2,800), educational and health services (+2,400), financial activities (+2,000), and other services (+500). Losses occurred in manufacturing (-2,500), trade, transportation and utilities (-1,600) and information (-600).

Changes in the economy are creating a new set of circumstances for types of employment. Nationally, manufacturing jobs are declining in number while service jobs are increasing. Reasons for this trend are well documented. Locally, the move from manufacturing to service related industries is more sluggish, most likely because of the area's past dependence on heavy manufacturing and the difficulty related to making a transition to a service-based economy.

Retail trade has experienced increased activity. The region is attracting more big-box retailers, such as Lowe's and Kohl's. Each company built three stores in the local market; combined, they created close to 1,000 jobs in the area. Wal-Mart, Sam's Club, Tops, Bed, Bath & Beyond and Wegmans Food Markets are also expanding in the region. Bass Pro Shops generated much publicity with its planned \$123 million Buffalo harbor front project. An important development for the Buffalo area, the project is expected to create a tourist destination employing close to 400.

AES Corp. plans to build a \$25 million dock reaching into Lake Ontario to receive ships carrying coal and limestone to supply its power plant in Somerset in Niagara County. The 3,200-foot-long dock will also be made available to other companies in Western New York that want to use freighters to import cargo by way of the Great Lakes. Construction of the dock is expected to begin next year and the first shipment of coal and limestone is scheduled to arrive at the plant in the fall of 2009. The project will employ more than 100 construction workers and help retain more than 150 union and management jobs at the plant.

### **3.0 Erie County Regional Data: (Continued)**

#### **Economy/Employment: (Continued)**

The Seneca Nation of Indians unveiled plans for the Seneca Buffalo Creek Casino in Buffalo (Erie County). The upgraded plans for the nine-acre site now include a 22-story; 206-suite luxury hotel to complement a three-story, 90,000-square-foot casino that will have 2,000 slot machines and 45 table games. The addition of the hotel nearly triples the original \$125 million budget for the casino project. The \$333 million casino/hotel complex is believed to be the most expensive private structure ever built in Buffalo. Construction will begin this fall, with completion of the casino slated for spring 2010, and the hotel in summer of 2010. The Senecas expect to hire more than 1,000 employees. Currently, the temporary casino is a 5,000-square-foot, single-story facility, which houses 124 slot machines and employs 50 people.

Recently, local waterfront planners unveiled revised plans for a Buffalo Bass Pro Store. The updated plans call for a new Bass Pro Outdoor World store to be built on the site where Memorial Auditorium now stands. The store is expected to cost at least \$60 million to construct. The redrawn plan - the third in the past four years - positions the sporting goods store as the anchor for Canal Side, a mixed-use development that will encompass nearly 20 acres around and including the historic Erie Canal Harbor site. Under a preliminary timetable, demolition of the Aud and the Donovan Building will open the door for the sites to be shovel-ready by mid-2009, with the earliest the store could debut in mid-2010. Some of the preliminary work has already begun.

Local control is returning to Tops Markets, the region's largest supermarket chain, under the new owner's plan to bring the company's corporate headquarters back to the region. Morgan Stanley Private Equity acquired the 71-store chain for \$310 million. The new owner will honor agreements with the previous owner, protecting more than 600 union jobs at the Tops warehouse in Lancaster. The company also expects to add about 100 corporate jobs over about a year.

The University at Buffalo will erect a new building in downtown Buffalo (Erie County) next to former M. Wile building, which UB acquired to relocate several community outreach programs. The building will be home to UB's Educational Opportunity Center which will provide training, college preparation and related services to about 2,500 people a year. The new building will cost about \$30 million and will be constructed in about 2 years.

The City of Buffalo will administer a firefighter's exam on March 22nd 2008, for the first time in eight years. Buffalo hasn't hired new firefighters since 2002 and currently has more than 40 unfilled positions. Over the next few years, the city will need to hire 100-200 firefighters just to offset retirements.

### 3.0 Erie County Regional Data: (Continued)

#### Transportation:

An extensive transportation network serves the subject's area. The major roadways that provide access to the county include the New York State Thruway, Interstates 90, 190 and 290 (I-90, I-190 and I-290), the Skyway (Route 5) and Route 33. Interstate 90 is a major Federal highway that originates in Boston, Massachusetts, and passes through Syracuse, Albany, and just south of Rochester, New York before reaching Buffalo. This Interstate also traverses across the country ending up in Seattle, Washington. Interstates 190 and 290 are extensions off I-90 designed to traverse around the City of Buffalo. I-190 skirts around the western edge of the city and I-290 traverses along the eastern edge of the city. The Skyway (Route 5) traverses along Lake Erie from the City of Buffalo to the western border of Pennsylvania. Route 33 provides convenient access from the City of Buffalo to the Buffalo-Niagara International Airport.

Air transportation is available to the region by the Buffalo-Niagara International Airport. The Niagara Frontier Transportation Authority recently completed a substantial reconstruction of the of the airport facility, including a new terminal and gates and additional expansion and redevelopment is continuing. Rail transportation is provided to the county by the Niagara Frontier Transportation Authority (NFTA) a metropolitan rail line. Amtrak provides passenger rail service as well, with the nearest station (The Amtrak-Buffalo-Depew Station) in Depew. The City of Buffalo is situated at the eastern edge of Lake Erie, just south of the Niagara River. As such, the City of Buffalo is an attractive shipping port.

#### Largest Employers:

Following is a list of the ten largest employers for the Western New York area:

<u>Organization</u>	<u>Number of Employees</u>
1. State of New York	16,508
2. United States of America	10,000
3. Kaleida Health	9,500
4. City of Buffalo (includes schools)	8,218
5. HSBC Bank USA N.A.	5,867
6. Catholic Health Systems	4,832
7. Employer Services Corp.	4,650
8. County of Erie	4,610
9. M&T Bank	4,422
10. Catholic Diocese of Buffalo	4,000

### ***3.0 Erie County Regional Data: (Continued)***

#### **Area Activity:**

The majority of the activity that has been occurring in Erie County is outside the City of Buffalo within the Towns of Amherst, Clarence, Collins, Lancaster, Hamburg and Orchard Park.

These areas have realized stable to increasing populations despite the downturn in the County in general. The population that continues to exit the City of Buffalo is absorbed by these communities, and causes increases in demand for residential, commercial and industrial development.

Conversely, the City of Buffalo continues to lose occupancy particularly within its central business district relating to office and commercial endeavors. There are however, neighborhoods within the City that are very strong and actually exhibit positive value increases. Some of the City's downward trends may be stabilizing particularly with respect to the office market as the City is taking steps to reduce parking costs to prospective office occupants. Still, continued out migration to the suburbs can be expected which creates a healthy environment for continued viability of the expanding suburban communities such as Amherst, Lancaster, Clarence and the other communities referenced.

### ***3.0 Erie County Regional Data: (Continued)***

#### **Conclusions:**

The 2000 census figure indicated a total population in Erie County of 950,265. July 2007 estimate indicates a population of 913,338 or a decrease of 36,927 in seven years.

In the area of transportation, the region has seen substantial upgrading of the airport facilities, with much more planned; highway enhancements have also been substantial.

Erie County in general, being a border town of Canada, has benefited more so than most communities as a result of the Free Trade Agreement with over 20 Canadian companies opening offices in the Buffalo metropolitan area since this agreement was signed. In addition, retail trade locally has increased significantly as a direct result of Canadian dollars being injected into the local economy.

The result of the Western New York and Erie County's diversification from large employers, leaning heavily on a manufacturing base, to smaller companies with a more diverse economic base encompassing light manufacturing, service industries and a significant health care base has paid significant dividends. This was evidenced during the past recession and the area's ability to avoid the double-digit unemployment that would typically have characterized recessionary pressures.

In summary, the interaction of the environmental, governmental, social and economic forces have contributed to the diversified economic base of the Buffalo MSA. Population figures in the region have been declining slightly. Unemployment rates have been increasing as well, but are projected to decline over the next few years. With the Erie County Fiscal Stability Authority keeping a watchful eye, the worst is over and, assuming that the national economic expansion persists, the metro area will continue on its path of slow growth. Gains in service industries and a much slower pace of job losses in manufacturing have contributed to Buffalo's recent economic growth. Longer term, the secular decline in manufacturing will likely continue as the region's disadvantages make it difficult for manufacturers to compete in a global marketplace however, the employment base has already begun transition towards call center, health-related fields and other white-collar jobs. Generally, the area is expected to maintain a relatively stable growth pattern in the foreseeable future.



*Town Of Hamburg Area Data*

#### 4.0 Town Of Hamburg Area Data:



#### Location:

The subject property is located on the east side of Camp Road located in the Town of Hamburg, County of Erie and State of New York. The subject is located in the southwest quadrant of Erie County.

#### Boundaries:

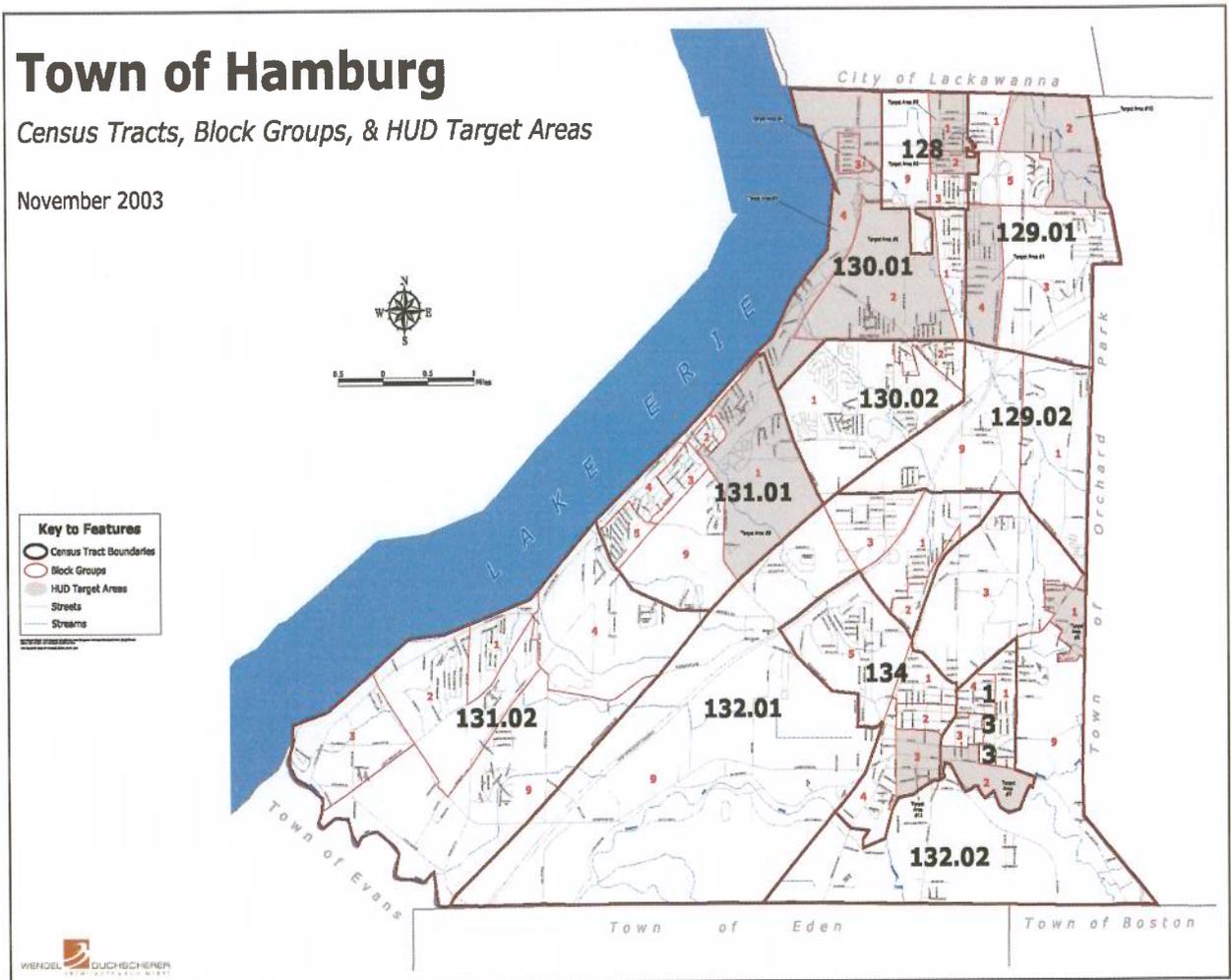
The neighborhood boundaries are detailed as follows:

North: Big Tree Road  
South: Rogers Road  
West: Route 5  
East: Route 62

#### Land Use:

The subject neighborhood is deemed conducive for the subject's prospective use as a Senior Housing complex or apartment use due to its location on Camp Road a commercial roadway within the Town of Hamburg.

4.0 Town Of Hamburg Area Data: (Continued)



#### *4.0 Town Of Hamburg Area Data: (Continued)*

**T**he Town of Hamburg is a somewhat typical suburban jurisdiction in Erie County, New York and is located in central Erie County along the eastern shores of Lake Erie, directly south of the cities of Lackawanna and Buffalo, New York. The Town encompasses an area of approximately 42 square miles which constitutes the largest in area of Erie County's twenty-five towns and has a population of 56,259 according to the 2000 Census. This population includes that of two incorporated villages with the Town: the Village of Blasdell, located on the northern boundary, with a 2000 Census population of 2,524, and the Village of Hamburg, located in the southern part of Town, with a 2000 Census population of 10,116. Over the past several decades, Hamburg has experienced steady growth in both overall population and the production of housing units. From 1940 to 1980, the Town tripled its population from 17,190 to 53,270, although this increase has slowed appreciably during the period 1980 to 2000 with the current town population consisting of 56,259 according to Census 2000 data and figures. The construction of new housing units continued during the last several decades at the average rate of slightly more than 250 units per year. However, with declining household size and some demolition of residential housing, the overall population increase has been shown to be very modest.

In some respects, demographic trends in the Town of Hamburg have mirrored national statistics. The Town's median household size had been decreasing steadily, reflecting the general trend toward smaller families and the increasing prevalence of single parent households. The median household size decreased by 8.6% from 1980 to 2.66 persons per household in 1990. Census 2000 data and figures show this trend being slightly reversed as the average household size of owner-occupied units to be 2.72 persons per household. The median household size for renter-occupied units increased by 11.2% for the period 1980 to 1990 to 1.98 persons per household, but Census 2000 data and figures show the average household size of renter-occupied units to be 1.93 persons per household. Renter households continue to make up about one-quarter of Hamburg's occupied housing, 25.8%. National figures are approximately 35% rental-occupied and 65% owner-occupied. The predominant housing type in the Town of Hamburg continues to be the single family home, which according to Census 2000 data and figures makes up 74.2% of the Hamburg housing market. Single-family attached and mobile home showed the most dramatic increase in market volume, perhaps indicative of the increasing need to provide affordable, lower priced alternatives in a market that has witnessed skyrocketing housing costs over the past decade. The cost of housing in the Town of Hamburg has been escalating at a faster pace than household income, which indicates a need for further affordable housing initiatives. Based on this data, the relative cost of housing in the Town has increased at a significantly faster rate than income, and is expected to impact negatively on an increasing number of Hamburg households, especially those with low and very low incomes.

#### *4.0 Town Of Hamburg Area Data: (Continued)*

The elderly population had increased substantially during the period 1980 to 1990 and represented 13.8% of the town's population. Current figures based upon town and Census 2000 data and figures show an alarming increase in the senior population during the 1990 to 2000 period and now place the elderly population as high as 24.6% of the Town's total population. These statistics tend to counter national trend forecasts which show the elderly population in the country growing significantly only after the year 2020. While the following data and figures tend to agree with this trend, the town's current elderly population is extremely high. The age groups of 35 - 44 and 44 - 54 were the largest single age groupings within the town according to Census 2000 data. The age group 35 - 44 represented 16.4% of the town's population while the 45 - 54 age group represented 15.2% of the town's population. These numbers continue to point toward an increasing elderly population within the town. The extremely high and ever growing elderly population will require a need for many additional services including subsidized housing, nursing care, day care, fitness and other supportive services for the elderly population. To this end, the Town of Hamburg has been concentrating Community Development Block Grant funds toward this extremely high and rapidly growing segment of the towns' population.

Further Census 2000 data shows that there are a total of 22,833 housing units within the town of Hamburg including the Villages of Blasdell and Hamburg. Of this figure, 21,999 are occupied with 16,320 being owner-occupied and 5,679 being renter-occupied. Median family income for Hamburg from the 2000 census was \$56,974, an increase of more than 40% from the 1990 census figure of \$40,515 when that figure was an increase of 77% over the 1980 median income of \$22,892. This trend of a slowdown in the percentage of change in the median income is comparable with other local and regional communities. Median household income in 2000 was \$47,888 and median retirement income in 2000 was \$13,451. In addition, 34.4% of the town's households had incomes less than \$35,000 per year which shows a large increase in the amount of low and moderate income families over the 1990 census data. Further, Census 2000 data shows that 3.2% of Town of Hamburg families are below the national poverty level. Of this percentage, 58% are female headed households.



*Proposed Project Data Summary*

5.0 Proposed Project Data Summary:

The Villages At Mission Hills Site Plan



**5.0 Proposed Project Data Summary: (Continued)**

**EXECUTIVE SUMMARY**

<b>ADDRESS</b>	4543 Camp Road Hamburg, New York
<b>SBL NO.</b>	170.06-1-49
<b>REPUTED OWNER</b>	Mission Hills Falls Inc.
<b>INTEREST BEING APPRAISED</b>	Fee Simple
<b>LAND SIZE/AREA</b>	93.28± acres (Total Land Area) 24.49± acres (Allocated To Phase I)
<b>BUILDING AREA (PROPOSED)</b>	104,832± Square Feet (Apartments) 6,600± Square Feet (Community Building) <u>6,000± Square Feet (Garages)</u> 117,432± Square Feet (Total gross)  101,760± Square Feet (Net Rentable Apartments)
<b>ZONING</b>	R4 – Multi-Family
<b>ASSESSMENT</b>	\$421,445 (Land Only)
<b>EQUALIZED ASSESSMENT</b>	\$421,445 (Land Only)
<b>REAL ESTATE TAXES</b>	\$ 18,945 (Taxes Are Current)
<b>ACTUAL AGE</b>	New (will be constructed in 2009)
<b>EFFECTIVE AGE</b>	New
<b>REMAINING ECONOMIC LIFE</b>	50± years
<b>DATE OF ANALYSIS</b>	June 15, 2009
<b>EXPOSURE/MARKETING TIME</b>	9-12± months

**5.0 Proposed Project Data Summary: (Continued)**

**DESCRIPTION OF THE SUBJECT SITE:**

**LOCATION**

**Street:** 4543 Camp Road  
**Town:** Hamburg  
**State:** New York  
**Legal Description (SBL#):** 170.06-1-49

**PHYSICAL CHARACTERISTICS**

<b>Shape:</b> Irregular	<b>Drainage:</b> Adequate
<b>Total Sq. Ft.:</b> 1,066,784±	<b>Topography:</b> Generally level
<b>Total Acres:</b> 24.49±	<b>Flood Zone:</b> No
<b>Visibility:</b> Average	<b>Flood Panel:</b> # 3602440005D 12/20/2001

**“PROPOSED SITE IMPROVEMENTS”**

<input checked="" type="checkbox"/> Public Sewer	<input checked="" type="checkbox"/> Public Water	<input type="checkbox"/> Private Well
<input type="checkbox"/> Septic Tank	<input checked="" type="checkbox"/> Storm Sewer	<input checked="" type="checkbox"/> Sidewalk
<input checked="" type="checkbox"/> Curbs	<input type="checkbox"/> Gutters	<input type="checkbox"/> Alley
<input checked="" type="checkbox"/> Street Lights	<input checked="" type="checkbox"/> Electricity	<input checked="" type="checkbox"/> Gas

**LEGAL**

**Zoning:** R4-Multi-Family  
**Parking:** 192 total parking spaces (2 spaces per unit & 35 garages)  
**Required Parking:** 192 spaces  
**Easements:** Typical utility easements noted.

**5.0 Proposed Project Data Summary: (Continued)**

**DESCRIPTION OF THE SUBJECT SITE: (Continued)**

**LAND IMPROVEMENTS**

- 192 designated parking spaces
- Rear concrete patio
- Landscaped area – seeded lawn and shrubs
- Concrete walkway

**HAZARDOUS MATERIALS OR CONDITIONS**

Unless otherwise stated in this report, the existence of hazardous substances, including but without limitation to asbestos, polychlorinated biphenyls, petroleum leakage, agricultural chemicals, or radon, which may or may not be present on the property, or other environmental conditions, were not called to the attention of, nor did the appraisers become aware of such during the time of inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser is not qualified to test for such substances or conditions.

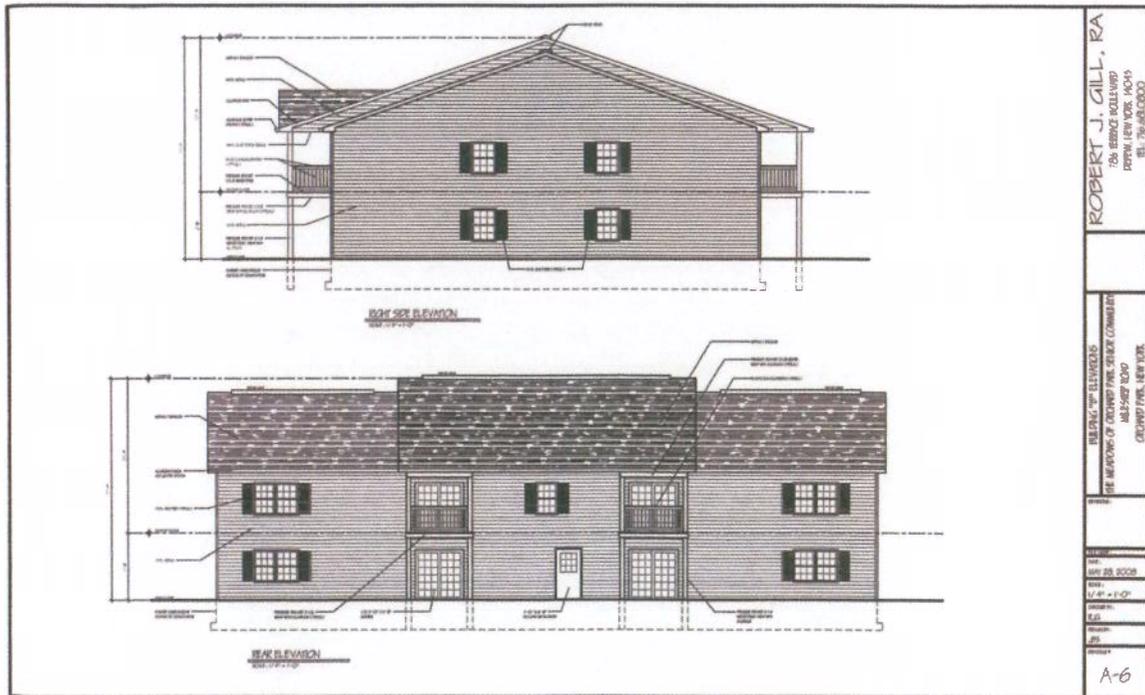
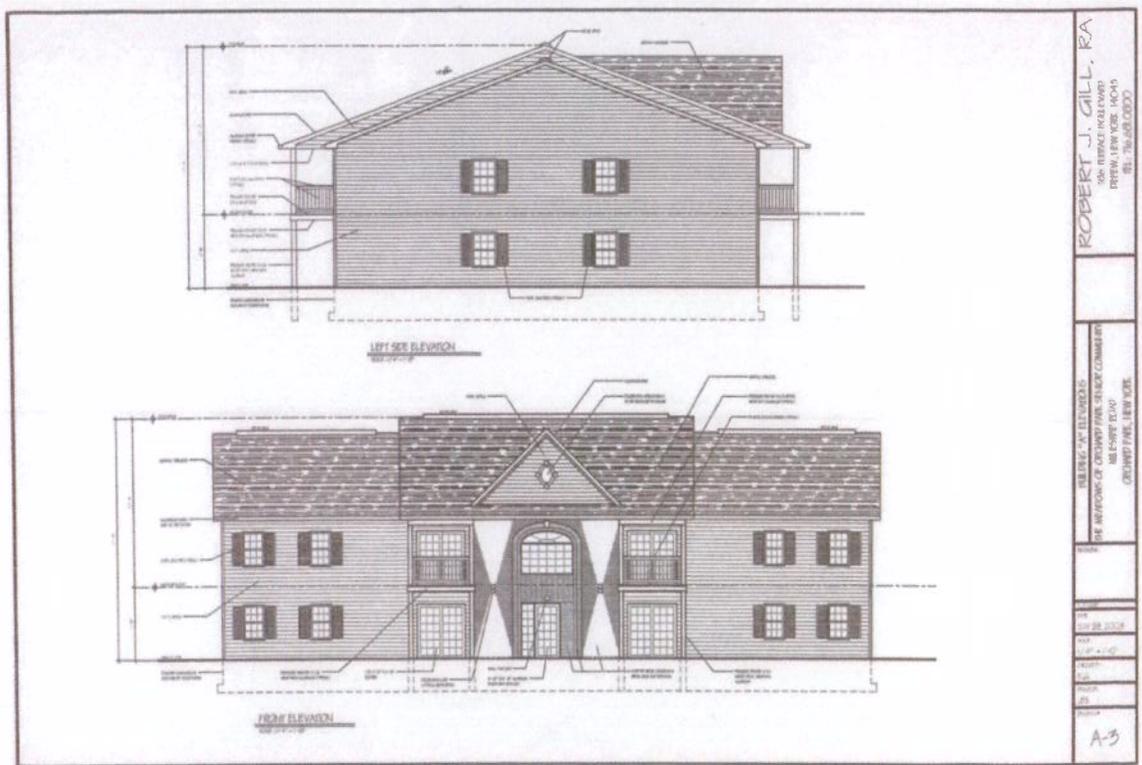
The value estimate contained within this report is predicated on the assumption that there is no such condition on, in or in proximity thereto that would cause a substantial loss in value. We have received no environmental studies indicating that the site is clean of hazardous or environmental problems. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required for discovery.

**SUMMARY**

Overall, the subject site will be conducive to the subject's prospective use as a senior apartment complex. This is primarily due to accessibility, availability of all utilities, topography and zoning. Water is supplied by the Erie County Water Authority; gas by the National Fuel Gas Corporation; electricity by the New York State Electric and Gas Corporation; and telephone communications by Verizon.

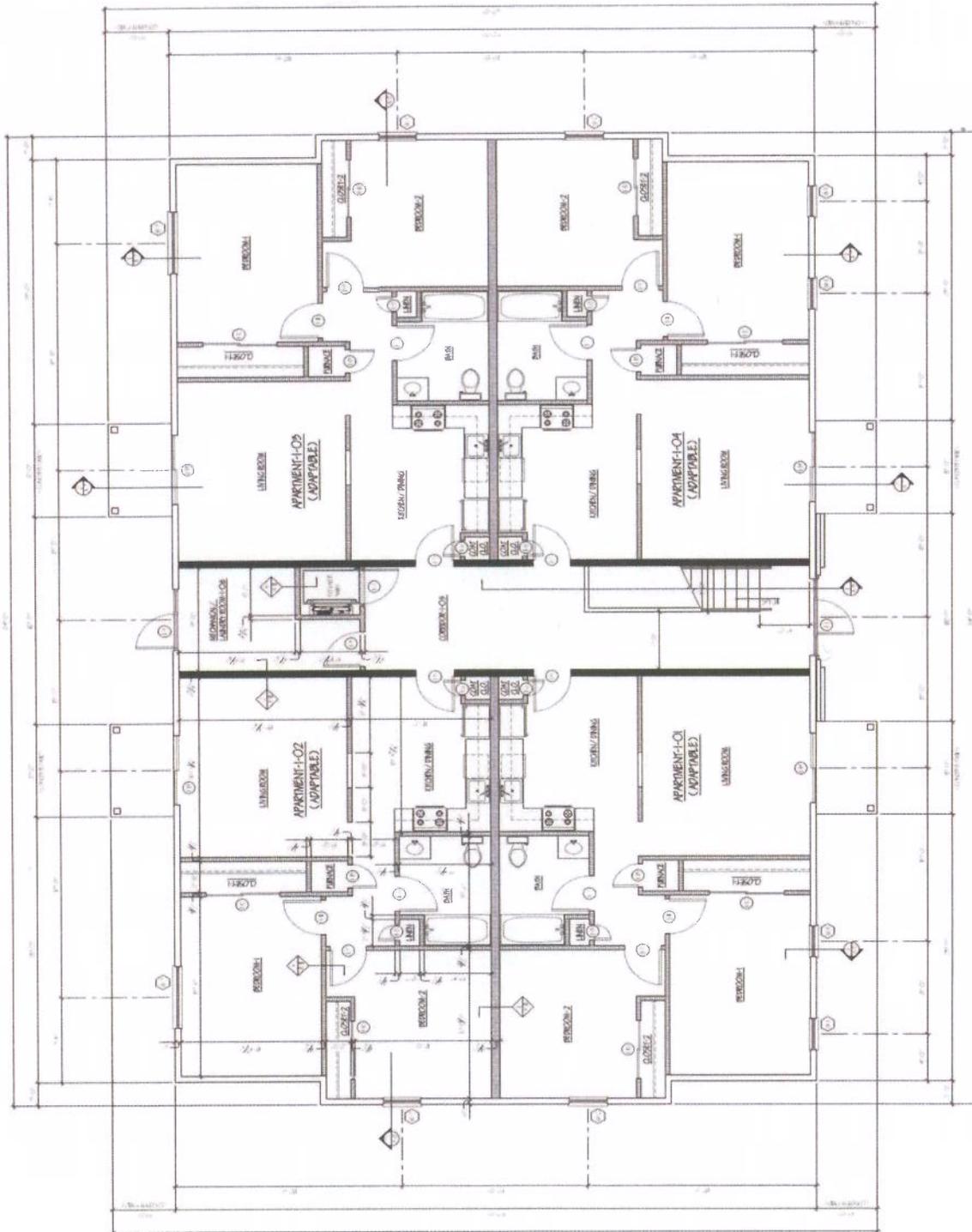
5.0 Proposed Project Data Summary: (Continued)

Elevations



5.0 Proposed Project Data Summary: (Continued)

1<sup>st</sup> Floor Plan





*5.0 Proposed Project Data Summary: (Continued)*

**DESCRIPTION OF THE IMPROVEMENTS:**

**GENERAL DESCRIPTION INFORMATION**

<b>Property Type:</b>	Apartment complex
<b># of Buildings:</b>	12 apartment buildings; 1 community building
<b># of Stories:</b>	2 (apartments); 1 (community building)
<b>Gross Building Area:</b>	104,832± square feet (not including garages or community building)
<b>Net Rentable Area:</b>	101,760± square feet
<b>Year Built:</b>	New
<b>Effective Age:</b>	New

**BASIC STRUCTURE**

<b>FOUNDATION:</b>	Poured concrete
<b>FRAME:</b>	Wood frame
<b>EXTERIOR WALLS:</b>	Vinyl siding
<b>ROOF TYPE:</b>	Pitched wood frame

**SUPER STRUCTURE**

<b>ROOF COVERING:</b>	Asphalt shingle
<b>WINDOWS:</b>	Double hung
<b>EXTERIOR DOORS:</b>	Metal
<b>SPECIAL FEATURES:</b>	None noted

*5.0 Proposed Project Data Summary: (Continued)*

**DESCRIPTION OF IMPROVEMENTS: (Continued)**

**EQUIPMENT AND MECHANICAL SYSTEMS**

<b>PLUMBING SYSTEM:</b>	As per State and local codes
<b>HEATING SYSTEM:</b>	Gas-fired forced hot air furnaces
<b>HEATING FUELS:</b>	Gas
<b>AIR-CONDITIONING:</b>	Central air
<b>ELECTRICAL SYSTEM:</b>	Adequate

**MISCELLANEOUS EQUIPMENT**

<b>ELEVATORS:</b>	Yes
<b>SPRINKLERS:</b>	None
<b>FIRE PROTECTION:</b>	Wired smoke alarm
<b>SECURITY FEATURES:</b>	Emergency pull alarms in bathroom and master bedroom; intercom system

**INTERIOR DESCRIPTION**

<b>FLOOR COVERING:</b>	Mostly carpet flooring; vinyl in kitchen and bathrooms
<b>WALL FINISH:</b>	Painted drywall
<b>CEILING FINISH:</b>	Painted drywall
<b>CEILING HEIGHT:</b>	8 ½ to 9 feet
<b>LIGHTING:</b>	Fixtures in kitchen, bathroom
<b>BUILT-IN APPLIANCES:</b>	Electric stove, refrigerator, dishwasher, garbage disposal

*Market Supply & Demand Data*

## 6.0 Market Supply & Demand Data:

The intent of this report is to provide specific market and demographic data analyses for the purposes of demonstrating the potential near-term market demand for the various classes of senior housing programs that are commonly (and successfully) developed on properties essentially similar to that of the proposed project and in addition, present evidence as to the potential long-term market demand support for the senior housing industry.

For the purposes of this report, the proposed project is further defined in terms of the projected geographical area within which the proposed project would be expected to garner at least 75% of its ongoing sales revenues – an area defined as the “geographical primary marketing area” or “primary marketing area”. The primary marketing area for senior housing properties is **elastic**, in that, as an area becomes increasingly populated, the primary marketing area geography for that senior housing facility will contract to a certain extent. Generally, the process of defining the primary marketing area of a senior housing property is based upon the distance that can be traveled in an automobile during non-peak travel times.

The prototypical senior housing property has a geographical marketing area defined by the expected average driving distance (non-peak) a family would be likely to accept. This is typically around 30 minutes driving distance from the site to the family home for urban areas to as much as 60 minutes for rural/destination area properties.

The more urban areas have (prototypically) the smallest areas (with drive-time boundaries as small as 25 minutes, or even less) while the prototypical urban project would be expected to have a primary marketing area of 30 minutes and can be even greater in certain circumstances based upon the relative saturation level of the surface highway system within the market. Rural projects tend to have greatly expanded primary marketing areas with expectations exceeding 60 minutes travel time for destination class properties and extreme rural areas. The drive-time analysis is important in that it provides the opportunity to create databases of demographic information based upon records that, more or less, mimic consumer preferences leading to the hypothesis that the drive-time based market geography projection system is a superior method versus older, more antiquated radii demographic analysis approaches championed in the 1980s and early 1990s.

For the purposes of conducting a reasonable and conservative estimate of the market potential for new construction senior housing projects, we have defined the primary marketing area of senior housing facilities in accordance with the following schedules:

- 📍 **Urban Projects.** For projects located in and around major urban areas, the following assumptions shall be used:

## 6.0 Market Supply & Demand Data: (Continued)

- ✦ Outer Drive-Time Boundary – represents the prototypical senior housing area and all spreadsheets for this level of market area are presented in the addendum. This geographical market area is delineated with a blue border on the site locator map and all spreadsheets and graphics at this level of geography have a blue background and/or blue border bars based upon a drive-time marketing area assumed to be limited to 35 minutes from the site.
- ✦ Middle Drive-Time Boundary – represents the prototypical senior housing area for a mature market area and/or a market area with slightly higher than typical population density. This assumed geographical market area is delineated with a green border on the site locator map and all spreadsheets and graphics at this level of geography have a green background and/or green border bars based upon a drive-time marketing area assumed to be limited to 30 minutes from the site.
- ✦ Inner Drive-Time Boundary – represents the prototypical senior housing area for a mature market that is highly urbanized in character, presenting the highest concentrations of resident populations and congested road net. All spreadsheets for this market area are presented in the body of the report because they represent the most conservative market potential of the forecast. This assumed geographical market area is delineated with a red border on the site locator map and all spreadsheets and graphics at this level of geography have a red background and/or red border bars based upon a drive-time marketing area assumed to be limited to 25 minutes from the Site.
- ✦ Rural/Destination Area Projects. For projects located in lightly populated, rural areas, the assumptions used shall be:
  - 45-Minute Drive-Time Boundary – represents the prototypical senior housing area. This geographical market area is delineated with a blue border on the site locator map and all spreadsheets and graphics at this level of geography have a blue background and/or blue border bars.
  - 55-Minute Drive-Time Boundary – represents the prototypical senior housing area for a mature market area and/or a market area with slightly higher than typical population density. This assumed geographical market area is delineated with a green border on the site locator map and all spreadsheets and graphics at this level of geography have a green background and/or green border bars.
  - 60-Minute Drive-Time Boundary – represents the prototypical senior housing area for a mature market that is highly urbanized in character, presenting the highest concentrations of resident populations and congested road net. This assumed geographical market area is delineated with a red border on the site locator map and all spreadsheets and graphics at this level of geography have a red background and/or red border bars.

## 6.0 Market Supply & Demand Data: (Continued)

Following is our traffic counts analysis:

Project Site Traffic Counts Map				
Project Site		Latitude: 42.762449		
4543 Camp Rd		Longitude: -78.862992		
Hamburg, NY 14075		Drivetime: 35 minutes		
Site Type: Drivetime				
Distance:	Street:	Closest Cross-street:	Year of count:	Count:
0.2	Camp Rd	Durham Rd (0.1 miles NW)	2006	23,140
0.46	Camp Rd	Lake Shore Rd (0.1 miles N)	2001	1,250
0.5	Saint Francis Dr	Seraphin Ct (0.02 miles SW)	2003	1,450
0.65	Lake Shore Rd	Lesalle Ave (0.02 miles SW)	2001	22,100
0.68	Camp Rd	Sowles Rd (0.17 miles SE)	2001	16,100
0.89	Sowles Rd	Blair Ct (0.07 miles E)	2004	4,300
0.95	Big Tree Rd	N Eaglecrest Dr (0.02 miles W)	2004	7,700
0.97	Southwestern Blvd	Oregon Rd (0.04 miles SW)	1997	17,000
1.03	n/a	n/a (0 miles n/a)	2006	22,380
1.05	Lake Shore Rd	Walbridge Dr (0.03 miles NE)	2004	22,400
1.1	Camp Rd	Columbia St (0.07 miles SE)	2006	26,090
1.13	Southwestern Blvd	Fairfax Park (0.1 miles SW)	2006	23,090
1.24	Rogers Rd	Green View Ter (0.06 miles N)	2003	5,500
1.28	Bayview Rd	Lakeview Ave (0.11 miles SE)	2000	2,000
1.33	Lake Shore Rd	Bayview Rd (0.04 miles SW)	2006	42,500
1.43	n/a	n/a (0 miles n/a)	2001	3,100
1.54	Lake Shore Rd	Norton Dr (0.01 miles NE)	2003	23,500
1.58	Sowles Rd	Old Sowles Rd (0.01 miles E)	2004	7,400
1.67	Lake Shore Rd	Hoover Rd (0.02 miles NE)	2003	45,300
1.88	I-90	Camp Rd (0.12 miles SW)	2006	30,720
1.75	Rogers Rd	Abel St (0.07 miles SE)	2003	3,300
1.75	Bay View Rd	Berkley Pl (0.08 miles SE)	2000	6,000
1.76	n/a	n/a (0 miles n/a)	1997	14,000
1.78	Big Tree Rd	Dean St (0.01 miles W)	2004	7,400
1.79	Camp Rd	I-90 (0.08 miles NW)	2006	27,350

End of report...

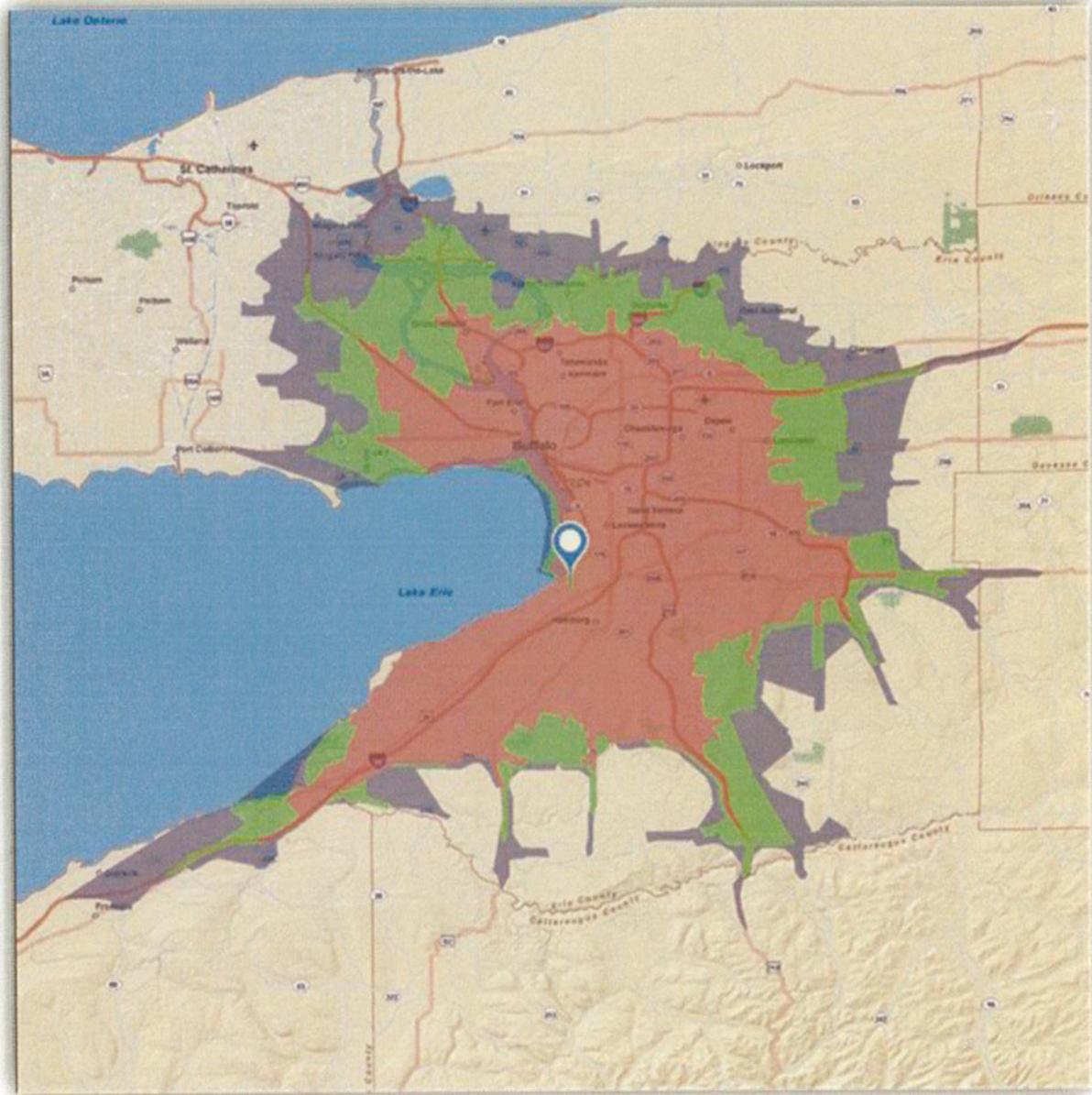
One of the key site issues pertaining to senior housing communities is the amount of vehicular traffic that can be expected to cross the road frontage of the property. Historically, senior housing communities have demonstrated ideal traffic counts in the range of no less than 10,000 cars per day to no more than approximately 35,000 cars per day. If traffic is less than 10,000 cars per day a development program may take an inordinate amount of additional capital expense to complete the initial sell-out of the community. Conversely, if traffic is in excess of the 35,000 cars per day upper limit, this may require the developer to move the facility to the back of the development site (to the extent possible) and/or erect sound barriers in such a manner as to minimize the traffic noise (or in extreme cases, relocate the site to a less congested area). The highest recorded traffic count for the site area was 45,300 cars per day, however, this was 1.33 miles from the actual site therefore no noise impact to the site is anticipated.

## ***6.0 Market Supply & Demand Data: (Continued)***

This report is based upon a comparative analysis approach where identical analysis steps are used for the demographic data developed for each of the assumed drive-time limited areas. Accordingly, all spreadsheets and charts based upon the inner market (drive-time boundaries of 25 minutes) have **Red Borders**; all of the spreadsheets and charts based upon the middle market (drive-time boundaries of 30 minutes) area have **Green borders** and, all of the spreadsheets and charts based upon the outer market (drive-time boundaries of 35 minutes) have **Blue borders**. These elections conform to the projected geographical area coverage for each of the drive-time based market areas used in this report.

6.0 Market Supply & Demand Data: (Continued)

Primary Market Area Map (PMA)



## **6.0 Market Supply & Demand Data: (Continued)**

### ***Competitive Supply:***

Real estate markets are created by needs, desires, motivations, location and zoning restrictions. The real estate being examined consists of the competitive properties in the specific market area. Market analysis investigates supply and demand as economic forces that establish the conditions of the market in which the subject property competes.

The real estate being examined consists of the competitive properties in the specific market area. Market analysis investigates supply and demand as economic forces that establish the conditions of the market in which the subject property competes. The quantity of competitive supply is, in turn, a function of prices being achieved.

There are two components of supply to be considered. First, the existing supply of apartment properties (current stock or inventory). Within this study, we have provided a sample of inventory that will ultimately compete with the proposed subject complex. The data provided consist of a combination of both market rate senior housing as well as conventional market rate properties. This data is critical when determining price point projections and market capture or occupancy levels. The newest multifamily property is South Pointe which is a senior independent housing facility which asking rent is \$870 per month for a two bedroom unit. This facility was recently completed and has absorbed approximately 75% of its units to date. The Town of Hamburg Assessor has also provided an approximate inventory, based on complexes with at least fifty (50) units, of over 2,300 two-bedroom apartments and an overall occupancy of at least 90%.

The second component to consider is inventory that is scheduled to enter the marketplace in the form of planned new construction. Based on an interview with the Town of Hamburg Assessor and a representative of the Building Department, besides the subject, there are no planned multifamily properties scheduled to enter the market. Furthermore, the most recent permit activity was one (1) issued in 2007 at an estimated value of \$4,361,000 (South Pointe).

A recent survey of similar apartment complexes was completed reflecting an occupancy level between 88% and 100%. This is based on a survey of similar apartment buildings in the immediate area as well as discussions with various market participants. The appraisers also analyzed information from files of Northeastern Appraisal Associates Commercial Inc., other appraisers, realtors and other persons knowledgeable of the subject property and the market area in which the subject is located.

On a macro basis, residential rents have remained relatively stable ranging from a low of \$485 per month (efficiency) to a high of \$1,500 per month and overall vacancy around 10%. The subjects' forecasted occupancy is 95% which is well within market levels. Comparable properties indicate strong occupancy rates between 88 and 100 percent with an overall average occupancy level of 94%. This is based on a sample of 143 multi-family properties with a combined 20,135 units. Properties ranged from 20 units to 928 units in the Buffalo-Niagara MSA.

## 6.0 Market Supply & Demand Data: (Continued)

CB RICHARD ELLIS

# MarketView Buffalo Multi-Housing

www.cbre.com/buffalo

Annual 2008 | 2009

### Hot Topics

- Tight lending criteria rule investment property sales.
- Sale prices show steady increase over four year period.
- Downtown/Allentown residential development remains strong.
- Large scale senior housing developments emerge.
- Student housing product growth.

### Investor Overview

Average per unit sales results for the Buffalo Metropolitan Statistical Area (MSA) apartment market this past year were substantially below the prior year in the aggregate (\$30,609 vs. \$41,347). In a medium size metro region such as Western New York, a few property sales at high price points per unit can create anomalies year-over-year. This was the case as reported in the 2007 | 2008 MarketView report's consideration of sales in the City of Buffalo and first-ring suburbs in Erie County.

The average sale price of \$30,609 represents a 6.8% increase over two years ago (\$28,671) and represents an increase more closely following the Consumer Price Index. The number of property transactions was up slightly from a year ago (287 vs. 252), but far below the 400 level from two years ago. In retrospect, 2006 was perhaps the zenith of activity over the past several years and represents the tail end of what financial markets observers have termed an era of "easy money".

As reported in the 2007 | 2008 MarketView Report, lenders were requiring lower leverage (borrower required to provide more equity in a transaction) and risk premiums had increased drastically. Those lender requirements remain in place. As with last year, those requirements are likely to be the reality for the foreseeable future. With multi-housing properties and investment properties in a broader sense, market expectations have quickly adjusted to the new order of lending criteria, and paucity of available lender funds. This is holding property sale prices in check, or driving prices down, particularly in cases where owners are pressured to sell.

This phenomenon is more characteristic of what is happening nationally and in many cases globally, however the Western New York market thus far has not been as deeply affected. The Western New York market continues to see some sense of price stability. This is perhaps in part because this market has not been one of speculation and the declining population has kept over development in check.

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## 6.0 Market Supply & Demand Data: (Continued)

### Sales Transactions

There were several multi-million dollar, multi-housing, transactions in 2007-2008. One transaction that stood out was the 192 unit independent-living senior complex on Haley Lane in South Cheektowaga which showed an officially recorded transaction price of \$8,319,530 or \$43,331 per unit.

Although the total number of units sold is the lowest in the four years that the MarketView Report has been published, the total number of properties transacted per year has steadied over the past two years. Total dollar volume has declined, however, average price points, when eliminating year-over-year wide swings have been steady to slightly increasing over the four year term. This may be a commentary on Western New York's supply of well-located properties in overall good physical condition. Speculative new-build product, except in subcategories such as senior living and student housing has been virtually absent with the exception of higher price point rentals primarily in such areas as East Amherst, Orchard Park, and adaptive reuse of older buildings in key areas of the City of Buffalo.

#### Submarket Notes:

- North Buffalo — Has seen a 2% drop in average sale price per unit year-over-year, but an approximate 50% increase in both number of transactions and number of living units.
- Near West Side & Allentown areas of Buffalo — Continued strength in number of units sold and average price point year-over-year. Two years ago the average price point was \$34,975. A year ago the average was \$66,897, skewed considerably by the sale of the Sidway Building. The current report shows an average of \$39,375, about 13% over the number of two years prior.

#### City of Buffalo

Area	# Of Properties	# Of Units	Avg. Price Per Unit
1	18	203	\$39,375
2	18	196	35,161
3	49	333	15,717
<b>Totals</b>	<b>85</b>	<b>732</b>	<b>\$27,484</b>

#### Erie County

Area	# Of Properties	# Of Units	Avg. Price Per Unit
1. North	27	396	\$33,241
2. Northeast	8	84	39,780
3. East	22	340	40,116
4. South	48	549	28,938
<b>Totals</b>	<b>105</b>	<b>1,369</b>	<b>\$33,624</b>

#### Niagara County

Area	# Of Properties	# Of Units	Avg. Price Per Unit
1. City of Niagara Falls	26	148	\$15,803
2. West	13	176	35,869
3. City of North Tonawanda	26	164	34,214
4. Lockport & All Others	32	293	26,957
<b>Totals</b>	<b>97</b>	<b>781</b>	<b>\$28,382</b>

## 6.0 Market Supply & Demand Data: (Continued)

### Development Trends Continue

#### Downtown/Allentown

Exciting residential development continues in and near downtown Buffalo. Completed are Rocco Termini's Webb Lofts at 92 Pearl St., 32 apartments in a 130 year old former factory listed on the National Historic Register. Nearing completion is Ellicott Development's new 13-story, 49 unit luxury condominium building in Waterfront Village along with 15 nearby townhomes. E Square Development is redeveloping a building to create 6 condominium and rental units on Washington St. between Mohawk and Huron. Kissing Interests is moving ahead with renovation of a 1920's era 4-story building (the former National Casket Co.) to 10 "live-work" loft-style apartments on Virginia St. And, a portion of the Avant (former Dulski Federal Building) will become condominiums in a mixed-use development which will also include a hotel and offices.

#### Senior Housing

Clover Management in the past few years has increasingly focused on developing affordable senior-housing. Moving toward completion are the 164 unit Crestmount in the Town of Tonawanda and 120 unit Southpointe in Hamburg. In Clover's early planning stages is a 150 unit development at Broadway and Pavement Rd. in Lancaster.

As Western New York's senior population increases, we can expect to see more of this type of development in the suburbs, and in the City of Buffalo as well, in both brand new construction and adaptive reuse of older properties.

#### Student Housing

The University of Buffalo's UB 2020 plan is a strategic focus on growth and securing its place among the best public research universities in the nation. Included are plans to enhance and expand UB's physical presence at its North and South Campuses as well as the City of Buffalo's Medical Corridor. Population growth is forecast to be an additional 10,000 students and 2,500 faculty and staff, which means that additional suitable student housing will be a rapidly growing need over the next decade and beyond.

Other area colleges such as Buffalo State, Canisius, Medaille, and Villa Maria have their own growth objectives. These institutions are basically "landlocked" and will need to build more densely and vertically, acquire more property in reasonably close proximity to campus, or look to external resources to assist in fulfilling housing needs.

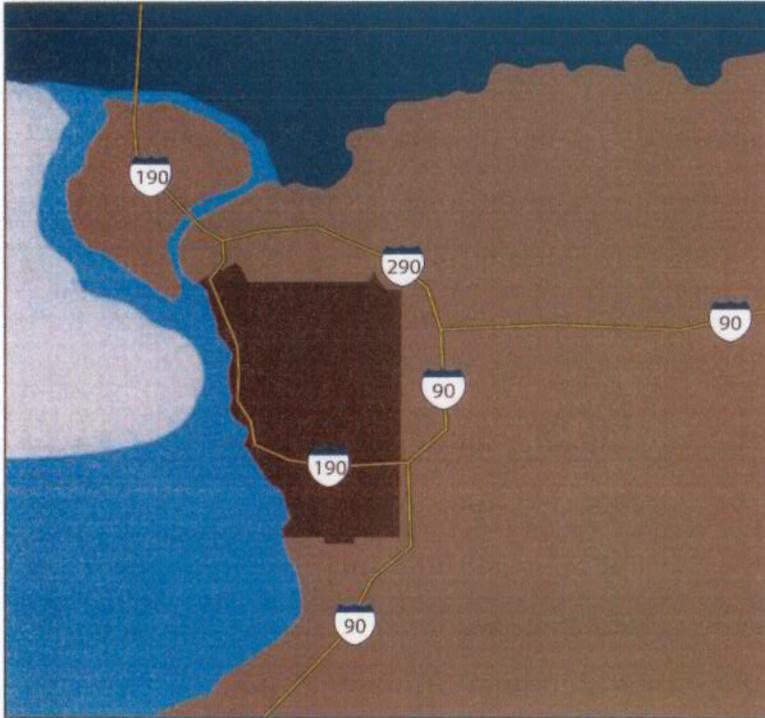
In terms of external housing resources, two local developers have emerged in the last couple of years with exciting new student housing product, and both cases representing adaptive reuse. What was once called Kensington Village, a large 60+ year old multi-housing community in the Northwest corner of Cheektowaga, has reemerged this Fall as Collegiate Village, a \$100 million plus transformation, currently housing about 140 students. Within about three years the transformation will be complete and is expected to house about 1,300 students from WNY colleges and universities. Chason Affinity Companies has owned and operated the property since it was built in the 1940's era, and Mark Chason had a vision three years ago which has become reality.

The other vision becoming reality is called Rock Harbor Commons, a former industrial property being redeveloped by Edward Hogle, owner of Atlas Steel. Rock Harbor is on Tonawanda St. in the Black Rock section of Buffalo and plans to open 140 units to about 350 students in 2009. The five year plan is to build accommodations for about 1,500 students. Because of its proximity to Buffalo State, the initial population is expected to be students from that school. However, with easy access via expressways, it is expected that future tenants will also include students from Canisius, Medaille, and beyond.

## 6.0 Market Supply & Demand Data: (Continued)

### MarketView Buffalo

#### Submarket Map



- City of Buffalo - Area 1  
Allentown and areas to the north generally bound by Richmond Avenue, Delaware Park, Forest Lawn and Main Street.
- City of Buffalo - Area 2  
Generally bound by Scrajaquada Expressway, Elmwood Avenue, Kenmore Avenue and Main Street.
- Erie County - Area 1  
Kenmore, Town of Tonawanda, City of Tonawanda and Grand Island.
- Erie County - Area 2  
Amherst, Williamsville, Clarence and points east.
- Erie County - Area 3  
Cheektowaga, Depew, Lancaster and points east.
- Erie County - Area 4  
Lockawanna, West Seneca, Elma and balance of county to the south.
- Niagara County - Area 2  
Town of Niagara, Wheatfield, Lewiston (town and village), Town of Porter and Youngstown.

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#### Methodology

Sales transaction information for multi-housing properties in all municipalities in Erie and Niagara counties were tallied for the period coinciding with end dates from our previous annual report (2007 | 2008) to mid-2008. The end date of results varies by a few months among the different municipalities because of the timing of their own tax record updates, and availability thereof to proprietary tax databases to which CB Richard Ellis subscribes. To be considered as part of our database, any transaction must be designated "arms length" and include four or more living units.

#### Acknowledgements

CB Richard Ellis | Buffalo would like to thank the many apartment property owners and representatives of Western New York municipalities who cooperated in the preparation of the Buffalo Multi-Housing MarketView. We acknowledge that without their participation, this report would not be possible.

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## 6.0 Market Supply & Demand Data: (Continued)

### New York - Western Region

### Current Rents

Allegany, Chautauqua, Erie, Niagara and Wyoming County

#### Property Statistics

Number of Properties	143
Total Units:	20,135
Average Units:	141
Average Occupancy Rate:	
Smallest Property:	20
Largest Property:	928
Earliest Year Built:	1930
Latest Year Built:	2006
Average Year Built:	1975

#### Unit Mix/Rent Statistics

	Units	% Mix	Total SF	Average SF	Average Low Rent	Average High Rent	Average Rent	Average Rent/SF
0/1/0	24	6.4%	9,785	408	\$515	\$515	\$515	\$1.26
1/1.5/0	2	0.5%	1,607	804	\$868	\$868	\$868	\$1.08
1/1/0	116	31.1%	76,884	663	\$641	\$641	\$641	\$0.97
1/1/1	2	0.5%	1,476	738	\$689	\$689	\$689	\$0.93
2/1.5/0	31	8.3%	32,150	1,037	\$887	\$887	\$887	\$0.86
2/1.5/1	1	0.3%	1,300	1,300	\$1,500	\$1,500	\$1,500	\$1.15
2/1/0	129	34.6%	107,466	833	\$724	\$724	\$724	\$0.87
2/1/1	1	0.3%	1,279	1,279	\$1,505	\$1,505	\$1,505	\$1.18
2/2.5/1	1	0.3%	1,200	1,200	\$935	\$935	\$935	\$0.78
2/2/0	28	7.5%	33,007	1,179	\$1,076	\$1,076	\$1,076	\$0.91
2/2/1	2	0.5%	2,490	1,245	\$1,184	\$1,184	\$1,184	\$0.95
3/1.5/0	12	3.2%	14,387	1,199	\$932	\$932	\$932	\$0.78
3/1.5/1	1	0.3%	1,200	1,200	\$940	\$940	\$940	\$0.78
3/1/0	5	1.3%	4,510	902	\$762	\$762	\$762	\$0.84
3/2.5/0	3	0.8%	4,310	1,437	\$1,215	\$1,215	\$1,215	\$0.85
3/2/0	14	3.8%	17,818	1,273	\$1,138	\$1,138	\$1,138	\$0.89
4/2/0	1	0.3%	900	900	\$872	\$872	\$872	\$0.97
<b>Totals</b>	<b>373</b>	<b>100.0%</b>	<b>311,769</b>	<b>836</b>	<b>\$760</b>	<b>\$760</b>	<b>\$760</b>	<b>\$0.91</b>

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6.0 Market Supply & Demand Data: (Continued)

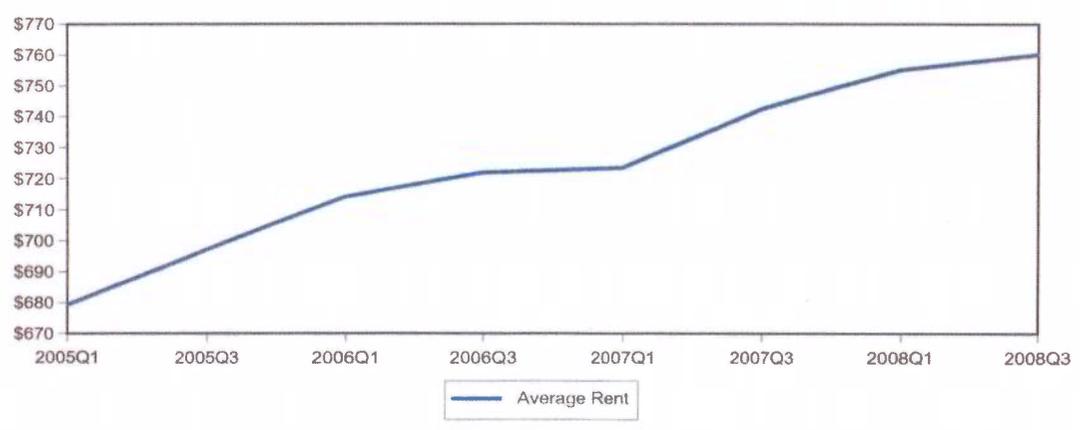
New York - Western Region

Historical Rents

Allegany, Chautauqua, Erie, Niagara and Wyoming County

Average Rent History									
	2005Q1	2005Q3	2006Q1	2006Q3	2007Q1	2007Q3	2008Q1	2008Q3	4 Period +/-
0/1/0	\$454	\$470	\$475	\$484	\$496	\$510	\$516	\$516	6.5%
1/1.5/0						\$1,025	\$1,025	\$868	
1/1/0	\$581	\$599	\$604	\$607	\$610	\$627	\$640	\$642	5.8%
1/1/1	\$690	\$543	\$548	\$533	\$533	\$573	\$689	\$689	29.4%
2/1.5/0	\$825	\$842	\$846	\$836	\$838	\$848	\$862	\$887	6.2%
2/1.5/1				\$1,400	\$1,050	\$1,400	\$1,500	\$1,500	7.1%
2/1/0	\$656	\$663	\$677	\$688	\$690	\$708	\$721	\$724	5.3%
2/1/1	\$1,020	\$1,370	\$1,370	\$1,415	\$1,415	\$1,457	\$1,505	\$1,505	6.4%
2/2.5/1	\$860	\$885	\$905	\$905	\$920	\$920	\$920	\$935	3.3%
2/2/0	\$964	\$982	\$1,009	\$1,015	\$994	\$1,053	\$1,064	\$1,077	6.1%
2/2/1	\$1,024	\$1,034	\$1,034	\$1,043	\$1,049	\$1,054	\$1,071	\$1,184	13.6%
3/1.5/0	\$846	\$886	\$914	\$876	\$901	\$903	\$933	\$932	6.4%
3/1.5/1	\$860	\$890	\$910	\$910	\$925	\$925	\$925	\$940	3.3%
3/1/0	\$671	\$630	\$630	\$662	\$672	\$694	\$718	\$762	15.0%
3/2.5/0	\$1,074	\$1,094	\$1,182	\$1,170	\$1,205	\$1,184	\$1,189	\$1,215	3.8%
3/2/0	\$986	\$1,006	\$1,065	\$1,109	\$1,120	\$1,132	\$1,151	\$1,138	2.6%
4/1.5/0			\$740	\$740	\$740	\$827			
4/2.5/0	\$1,095								
4/2/0							\$725	\$872	
Totals	\$680	\$698	\$715	\$722	\$724	\$743	\$756	\$761	5.3%

Overall Average Rent History Chart



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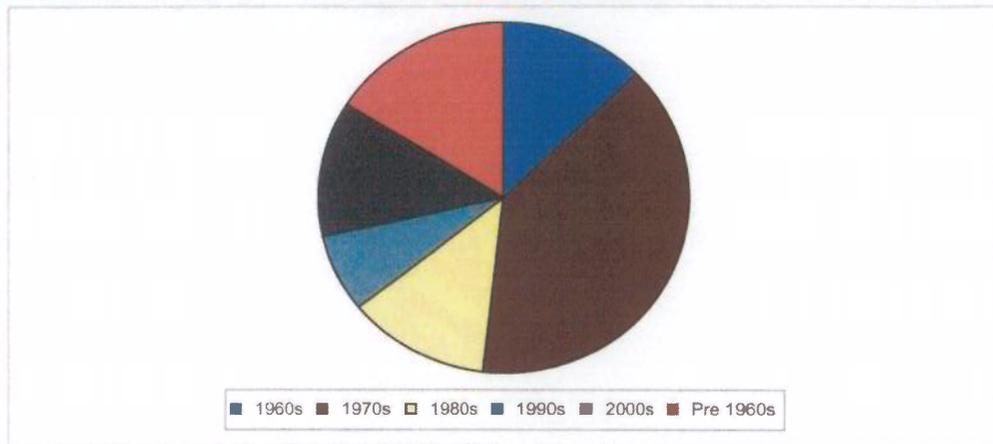
6.0 Market Supply & Demand Data: (Continued)

New York - Western Region

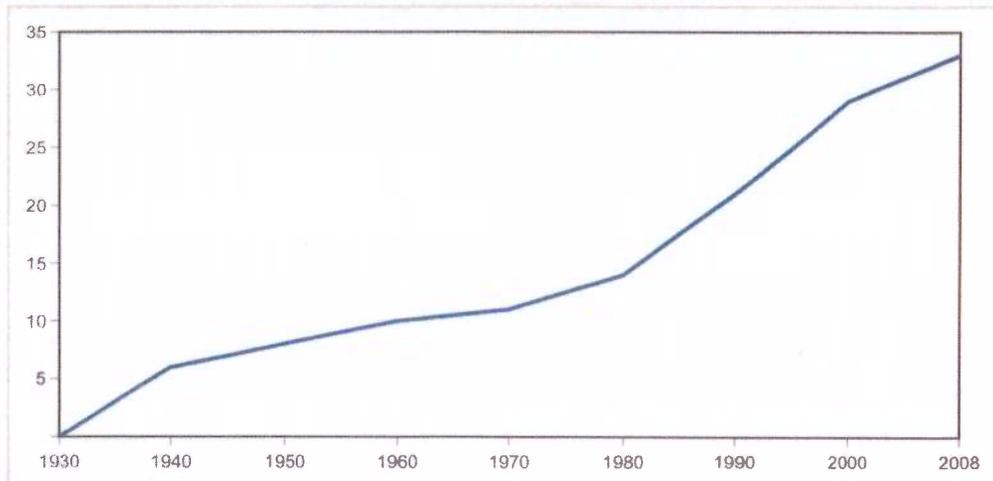
Age Statistics

Allegany, Chautauqua, Erie, Niagara and Wyoming County

Average Age of Properties by Decade



Historical Average Age of Properties



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**6.0 Market Supply & Demand Data: (Continued)**

**Competitive Demand:**

Real estate demand can be defined generally as the quantity of a particular type of real estate product that will be purchased or leased in a given market. Occupants are typically attracted to a particular location due to its location, status, physical environment, services, affordability and convenience. Because real estate demand is derived from the demand for the product or service that it provides, the analysis should be tailored to the specific type of property. Economic considerations here relate to the financial capacity of neighborhood occupants and their ability to rent or own property, to maintain it in an attractive and desirable condition and to rehabilitate it when needed. The most significant economic characteristics include, rent levels, income levels, vacancy and absorption rates and age population. The number of methods that can be employed to estimate demand is limited only to the availability of data germane to the property type being analyzed. Typically, there are two classifications or sources of data collection, primary and secondary data.

*Primary data* is generally obtained in two ways: through respondents and analogs. Communications with respondents simply means conducting formal or informal telephone or field interviews with market participants (owners, managers, developers, tenants, investors and the like) for information on sales prices, occupancy levels, rents, absorption, etc. Primary data functions as the foundation for an analysis since, if collected in a reliable manner, will provide the most accurate likely outcomes of the real estate market. Studying analogous or comparable properties can be beneficial when projecting or estimating absorption over a specific time period or capture rates.

*Secondary data* most commonly used for real estate analysis consists largely of statistical data published by a variety of sources such as the U.S. Department of Commerce, Bureau of Labor Statistics as well as an assortment of trade publications utilized to establish benchmark criterion. Typical demand side data can include employment, population, income levels and in this instance, tourism and business travel. Supply side data can include competitive space inventory, occupied space and planned new space.

**Secondary Data Sources:**

- U.S. Department of Commerce*
- Bureau of Labor Statistics*
- Korpacz Real Estate Investors Survey*
- CB Richard Ellis*
- Sunrise Management & Consulting*
- ESRI Geographic Information Systems*
- Rainmaker Marketing*
- Town of Hamburg Statistics*
- PriceWaterhouseCoopers*
- Northeastern Appraisal Commercial Database*

## 6.0 Market Supply & Demand Data: (Continued)

### Competitive Demand:

#### Rental Independent Living Facility New Construction Demand

A demand model was used for the purposes of forecasting the demand for to-be-built senior housing living units for rental independent living facility programs. This demand model incorporates an established industry benchmark that takes into account the ability to pay requirement and the need requirement for the housing program model (the “ILF Demand Analysis”). The ILF Demand Analysis uses five (5) basic screens in order to derive the total Net Demand and the penetration rate that would be required based upon assumed property sizes. The result of this analysis found:

1. **For the Inner Market Area.** A total of 1,831 units of Net Demand are forecasted for the most likely year of entry into the market (2009) at this level of geography. Assuming a 10.00% optimal penetration rate, the total Current Year Net Buildable ILF New Construction Rental Unit Demand would be no more than 183 units for the Current Year.
2. **For the Middle Market Area.** A penetration rate of 8.48% would be required to lease-up all 183 units of Net Buildable Demand at this level of market geography for the Current Year.
3. **For the Outer Market Area.** A penetration rate of 7.70% would be required to lease-up all 183 units of Net Buildable Demand at this level of market geography for the Current Year.

The screening methodology used for the purposes of completing a technical analysis of the marketing area’s potential for new rental independent living facility housing construction was determined using the following demand model methodology:

THE NET BUILDABLE DEMAND FOR RENTAL ILF NEW CONSTRUCTION DEMAND WAS MEASURED AS 358 UNITS AT THE INNER MARKET, 622 UNITS AT THE MIDDLE MARKET AND 833 UNITS AT THE OUTER MARKET.

6.0 Market Supply & Demand Data: (Continued)

Competitive Demand:

Rental Independent Living Facility New Construction Demand

Exhibit 1:  
Rental ILF Demand Analysis; Inner Market Area

Rental Independent Living Facility New Construction Demand Model Spreadsheet; Inner Market Area					
Forecast of Net Buildable Demand Penetration Rates for Rental ILF Living Units					
Project Site, Hamburg, NY 14075-2603					
Prepared By Rainmaker Marketing Corporation					
Period Ending December 31 <sup>st</sup>	2009	2010	2011	2012	2013
<b>Screen Number 1 - Age &amp; Income Qualified Households in Primary Marketing Area</b>					
Non-Institutionalized Age 65+ Households w/Disposable Household Incomes Above \$50,000 Per Annum					
Households Aged 65-74 (Youngest-Old)	9,702	9,808	9,914	10,022	10,131
Households Aged 75+ (Oldest-Old)	9,922	10,030	10,139	10,249	10,360
<b>Sub-Total Pool of Age &amp; Income Qualified Cohorts</b>	<b>19,624</b>	<b>19,837</b>	<b>20,053</b>	<b>20,271</b>	<b>20,492</b>
<b>Screen Number 2 - IADL Disability/Age/Income Qualified Households in Primary Marketing Area</b>					
Statistical Likelihood for Age Group w/Difficulty & Help Received for 2+ IADLs Per Day					
6.6% Mean Disability Rate: Age 65-74 Inc. Qual. H/HLDS	640	647	654	661	669
20.7% Mean Disability Rate: Age 75+ Inc. Qual. H/HLDS	2,054	2,076	2,099	2,122	2,145
<b>Sub-Total Income &amp; Dis. Rate. Pool of Qual. H/HLDS Aged 65+</b>	<b>2,694</b>	<b>2,723</b>	<b>2,753</b>	<b>2,783</b>	<b>2,813</b>
<b>Screen Number 3 - Increases Due to Adult Children Referrals - Secondary Marketing Area</b>					
Total Age 45 -54 w/Disposable Incomes Above \$150K	2,463	2,456	2,450	2,443	2,437
Total Age 55 -64 w/Disposable Incomes Above \$200K	1,407	1,404	1,400	1,396	1,393
<b>Sub-Total Income Qualified Pool of Adult Children Households in Market</b>	<b>3,870</b>	<b>3,860</b>	<b>3,850</b>	<b>3,840</b>	<b>3,830</b>
Assumed Increase Due to Adult Children In-Migration @ 1.00% of Adult Children Households					
<b>Total Demand Increase Attributable to Adult Children In-Migration</b>	<b>39</b>	<b>39</b>	<b>38</b>	<b>38</b>	<b>38</b>
<b>Total Gross Demand</b>	<b>2,733</b>	<b>2,762</b>	<b>2,792</b>	<b>2,821</b>	<b>2,852</b>
<b>Screen Number 4 - Less Increases Due to Competitive Additions in Market.</b>					
Assumed Increase in Planned/Proposed ILF Units	902	911	921	931	941
<b>Total Net Demand</b>	<b>1,831</b>	<b>1,851</b>	<b>1,870</b>	<b>1,890</b>	<b>1,911</b>
<b>Screen Number 5 - Penetration Potential for Rental ILF New Living Unit Construction Demand</b>					
Penetration Rate Required to Lease-Up 120 ILF Units	6.55%	6.48%	6.42%	6.36%	6.28%
Penetration Rate Required to Lease-Up 160 ILF Units	8.19%	8.11%	8.02%	7.94%	7.85%
Penetration Rate Required to Lease-Up 180 ILF Units	9.83%	9.73%	9.62%	9.52%	9.42%
Penetration Rate Required to Lease-Up 210 ILF Units	11.47%	11.36%	11.23%	11.11%	10.99%
Penetration Rate Required to Lease-Up 240 ILF Units	13.11%	12.97%	12.83%	12.70%	12.56%
Penetration Rate Required to Lease-Up 270 ILF Units	14.75%	14.59%	14.44%	14.28%	14.13%
Penetration Rate Required to Lease-Up 300 ILF Units	16.38%	16.21%	16.04%	15.87%	15.70%
End of report...					

## **6.0 Market Supply & Demand Data: (Continued)**

### **Competitive Demand:**

#### **Rental Independent Living Facility New Construction Demand**

4. **Age & Income Screen.** The universe of records was reduced to that pool of records that corresponds to Current Year Household Disposable Income estimated to be \$50,000 per annum or more. All other records were excluded. There were an estimated 19,624 Households Aged 65+ within the market (Inner Market Area) for the Current Year that had the qualifying household disposable household income of at least \$50,000. The ILF Demand Analysis model empirically assumes these household counts will increase at an annual rate equal to the average annual rate of increase for all households within each of the three (3) marketing area geographies; then
5. **IADL Disability Screen.** The pool of income and age qualified individuals is reduced to that pool that is age qualified, income qualified and theoretically have problems performing two (2) or more IADLs per day that require assistance from another person. This factor (6.6% for Population Aged 65-74 and 20.7% for the Population Aged 75+) was gleaned from the Centers For Disease Control (CDC), National Institute of Health (NIH) report entitled, "Health Data On Older Americans: 1992," that is the benchmark for positing demand for independent living facility living unit occupancy (group quarters housing); then
6. **Adult Children In-Migration.** The pool of age, income and disability qualified individuals is modified to reflect the potential impact of high net worth Adult Children Households. The demand model empirically assumes that one percent (1.00%) of the total pool of Adult Children Households with Disposable Household Incomes of \$150,000+ for the Youngest Adult Children Households (Households Aged 45-54) and \$200,000 for the Oldest Adult Children Households (Households Aged 55-64) will in fact move a senior family member to a facility within the marketing area. This result is then added to the previous screen to determine the Gross Demand pool; then
7. **Changes in Demand Due to Competition.** The pool of qualified individuals is then reduced to provide an accounting for demand being reduced to fill current, planned and proposed facilities being operated by competitors. The demand model empirically assumes that 33% of the Gross Demand will in fact be accounted for by competing facilities. Historically, this assumed level of competitive pressure has – in most markets – over-quantified the actual identifiable competitive demand. In the case of this analysis, the demand model assumes that 902 units to 941 units will be accounted for by competing interests with the result being the Net Demand pool. It is from this pool that the new facility will (theoretically) be expected to attract new residents; and

## **6.0 Market Supply & Demand Data: (Continued)**

### **Competitive Demand:**

#### **Rental Independent Living Facility New Construction Demand**

8. **Penetration Rates.** The most important measure is the penetration rate for the most likely catchment area in order to fill a new facility to 100% occupancy in any given 12-month period of the near-term forecast window. These are listed as a spread of licensed facility beds and given for additional years beyond the most likely entry year.

Our analysis of the senior housing rental market potential shows the primary marketing area does in fact provide definitive evidence of demand for new construction as described in the demographics analysis and these findings are confirmed with a field investigation of the primary marketing area.

For senior housing rental, a total of 183 units for the most likely year of market entry for the proposed project (15% of the Net Demand for Year 2009). The size of a rental housing program is governed by the number of living units that can be developed, constructed and operated to the point of self-sustaining profitability within three (3) years, as being the practical underwriting limit when markets show very high levels of entrenched demand potential. These trends are expected to continue in the foreseeable future.



*Primary Data Sources*  
*“Market Rate Rent Comparables”*

## 6.0 Market Supply & Demand Data: (Continued)

An examination of the single and multifamily housing stock was undertaken in order to provide a basis for determining the potential price points for independent living facility new construction programs (non entry fee). The first area of inspection of the housing stock will be the occupancy rates and it will be followed by a housing price matrix analysis.

The estimated market occupancy for the proposed Project Site is divided into three (3) basic classes (note chart exhibit on previous page):

- 🏠 Owner Occupied – a total annual average of 57.8% of dwellings (some 208,445 housing units: Inner Market Area) are expected to be occupied by their owners of record.
- 🏠 Renter Occupied – a total annual average of 30.6% of dwellings (some 110,505 housing units) are expected to be occupied by renters.
- 🏠 Vacant Units – a total annual average of 11.5% of dwellings (some 41,592 housing units) are expected to be vacant this year.

**THE MARKET DIVIDES HOUSING OCCUPANCY INTO OWNER-OCCUPIED, RENTER-OCCUPIED AND VACANT HOUSING UNITS. GENERALLY SPEAKING, ANY VACANCY RATE OF LESS THAN 10% IS CONSIDERED EVIDENCE OF ENTRENCHED DEMAND FOR NEW HOUSING CONSTRUCTION THAT WOULD INCLUDE SENIOR HOUSING LIVING UNITS CONSTRUCTION.**

This analysis is based upon a housing development forecast that estimates there are 360,542 units of housing in the housing inventory for the Current Year (Inner Market Area). This stock is expected to decrease by -14.23% per annum (some 51,312 new housing units each year) to 103,980 total housing units by the end of 2013. These losses in housing units suggest a total penetration rate of -0.60% being required in any one (1) 12-month period in order to fill the prototypical 308-unit facility to full capacity. The current market occupancy of 88.5% is expected to tighten somewhat to 93.7% over the near-term forecast period. Tightening market occupancies provide further evidence support as to the demand for housing (in general) within a given marketing area, while falling occupancy trends reflect a market that would not be expected to show support for new housing construction demand.

We have used a demand model that bases the price range based upon the following factors:

- 🏠 Measurements of Senior Household Income.
- 🏠 Measurements of Senior Household Net Worth.
- 🏠 Measurements of Market Pricing for Housing Stock.

6.0 Market Supply & Demand Data: (Continued)

**Exhibit 2:**  
Housing Stock Analysis by Price Bracket; Inner Market Area

Housing Units by Occupancy Status and Tenure - Inner Market Area						
	Census 2000		2008		2013	
	Number	Percent	Number	Percent	Number	Percent
<b>Total Housing Units</b>	<b>356,731</b>	<b>100.0%</b>	<b>360,542</b>	<b>100.0%</b>	<b>103,980</b>	<b>100.0%</b>
Occupied	324,473	91.0%	318,950	88.5%	97,387	93.7%
Owner	202,494	56.8%	208,445	57.8%	55,994	53.9%
Renter	121,979	34.2%	110,505	30.6%	41,393	39.8%
Vacant	32,258	9.0%	41,592	11.5%	6,593	6.3%

Owner Occupied Housing Units by Value						
	Census 2000		2008		2013	
	Number	Percent	Number	Percent	Number	Percent
<b>Total Housing Units</b>	<b>202,505</b>	<b>100.0%</b>	<b>208,398</b>	<b>100.0%</b>	<b>201,461</b>	<b>100.0%</b>
< \$10,000	1,171	0.58%	729	0.35%	712	0.35%
\$10,000 - \$14,999	1,446	0.71%	458	0.22%	424	0.21%
\$15,000 - \$19,999	1,800	0.89%	803	0.39%	778	0.39%
\$20,000 - \$24,999	2,016	1.00%	1,051	0.50%	902	0.45%
\$25,000 - \$29,999	2,758	1.36%	1,121	0.54%	1,122	0.56%
\$30,000 - \$34,999	3,245	1.60%	1,328	0.64%	1,167	0.58%
\$35,000 - \$39,999	4,463	2.20%	1,402	0.67%	1,413	0.70%
\$40,000 - \$49,999	9,643	4.76%	3,317	1.59%	3,049	1.61%
\$50,000 - \$59,999	14,508	7.16%	4,895	2.35%	4,585	2.28%
\$60,000 - \$69,999	19,881	9.82%	4,915	2.36%	4,246	2.11%
\$70,000 - \$79,999	27,035	13.35%	7,409	3.56%	6,840	3.40%
\$80,000 - \$89,999	30,861	15.24%	8,023	3.85%	7,897	3.92%
\$90,000 - \$99,999	22,769	11.24%	9,200	4.41%	7,834	3.89%
\$100,000 - \$124,999	26,660	13.17%	36,980	17.74%	33,680	16.72%
\$125,000 - \$149,999	14,976	7.40%	38,678	18.56%	37,183	18.46%
\$150,000 - \$174,999	7,498	3.70%	30,630	14.70%	27,369	13.58%
\$175,000 - \$199,999	4,141	2.04%	19,507	9.36%	21,465	10.65%
\$200,000 - \$249,999	3,657	1.81%	19,197	9.21%	20,365	10.10%
\$250,000 - \$299,999	1,876	0.93%	8,557	4.11%	9,061	4.50%
\$300,000 - \$399,999	1,170	0.58%	6,082	2.92%	6,745	3.35%
\$400,000 - \$499,999	447	0.22%	1,963	0.94%	2,053	1.02%
\$500,000 - \$749,999	278	0.14%	1,416	0.68%	1,648	0.82%
\$750,000 - \$999,999	117	0.06%	366	0.18%	488	0.24%
\$1,000,000 +	89	0.04%	371	0.18%	455	0.23%
<b>Median Value</b>	<b>\$84,305</b>		<b>\$139,587</b>		<b>\$142,536</b>	
<b>Average Value</b>	<b>\$94,702</b>		<b>\$166,906</b>		<b>\$161,384</b>	

End of report...

6.0 Market Supply & Demand Data: (Continued)

Comparable Market Rate Rental 1  
Class Code: 411                      Property Type: Apartment Building



Address: 3300 McKinley Parkway

City/Town/Village: Hamburg

County: Erie

State: NY

Name of Development: Coach-Lite Apts.

Number of Bedrooms: 2

---

Lessor: Coach-Lite Apartments

Lessee: Electric

Lessor Responsibility: Heat,water,maintenance

Lessee Responsibility: Electric

Verified By: Ed Burke-Owner

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Leased Area: 900

Rent/Mo.: \$620.00

Lease Term: 1 Year

Rent/Yr.: \$7,440.00

Options: None

Rent/SF: \$0.69

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ID #: 09-245RE

Comments:

This is the rental of the Coach-Lite apartments which was built in 1971 and is located on McKinley Parkway just north of Milestrip Road. The complex consists of (30) two bedroom garden units that contain 810 sq ft and rent for \$605 per month including heat, (40) two bedroom units at 810 sq ft and rent for \$605 per month and (40) two bedroom units with 900 sq ft and rent for \$620 per month including heat. Units include full appliances and a wall a/c unit. Site amenities include a built-in pool. No rental concessions given.

6.0 Market Supply & Demand Data: (Continued)

Comparable Market Rate Rental 2  
Class Code: 411      Property Type: Apartment Building



Address: 3400 McKinley Parkway  
City/Town/Village: Hamburg  
County: Erie

State: NY  
Number of Bedrooms: 2

Name of Development: Camelot Village Apts.

Lessor: Camelot Village Apartments

Lessee: Various

Lessor Responsibility: Heat, water, & maintenance

Lessee Responsibility: Various

Verified By: Ed Burke-owner

Leased Area: 900

Rent/Mo.: \$625.00

Lease Term: 1 year

Rent/Yr.: \$7,500.00

Options: None

Rent/SF: \$0.69

ID #: 09-245RE

Comments:

This is the rental of a (177) unit apartment complex which was built in 1970 and is known as Camelot Village Apartments which is located on McKinley Parkway just north of Milestrip Road. The complex consists of (31) one bedroom units (810 sq ft) and rent for \$555, (56) two bedroom units with 810 sq ft and rent for \$605 per month, (56) two bedroom units with 900 sq ft and rent for \$625 per month. The complex was 93 percent occupied. On-site amenities include a built-in pool. No rental concessions given.

**6.0 Market Supply & Demand Data: (Continued)**

Comparable Market Rate Rental 3  
Class Code: 411                      Property Type: Apartment Building



Address: 5600 South Park Avenue

City/Town/Village: Hamburg

County: Erie

State: NY

Name of Development: **Bradford Place**

Number of Bedrooms: **2**

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Lessor: Bradford Place Enterprises

Lessee: Various

Lessor Responsibility: Heat, water, maintenance, taxes

Lessee Responsibility: Electric

Verified By: On-site manager

---

Leased Area: 900

Rent/Mo.: \$650.00

Lease Term: 1 year

Rent/Yr.: \$7,800.00

Options: 1 year

Rent/SF: \$0.72

---

ID #: 09-245RE

**Comments:**

This is the rental of the former Arthur Court Apartments, now known as Bradford Place. The complex consists of (48) units all of which have been renovated when the new owner took possession in 1998. All the floors and appliances have been replaced along with new kitchen and bathroom sinks and fixtures. Appliances include stove, refrigerator, dishwasher and garbage disposal. The one bedroom units rent for \$550 including heat and contain 800 sf while the two bedroom units rent for \$650 per month. The units also have central air with either a patio or balcony. No rental concessions given.

**6.0 Market Supply & Demand Data: (Continued)**

Comparable Market Rate Rental 4  
Class Code: 411                      Property Type: Apartment Building



Address: 4591 Southwestern Boulevard  
City/Town/Village: Hamburg  
County: Erie

State: NY  
Number of Bedrooms: 2

Name of Development: **Maplewood**

Lessor: Eagle Crest  
Lessee: Various  
Lessor Responsibility: Heat, water, maintenance, taxes  
Lessee Responsibility: Electric  
Verified By: Manager

---

Leased Area: 850	Rent/Mo.: \$675.00
Lease Term: 1 year	Rent/Yr.: \$8,100.00
Options: None	Rent/SF: \$0.79

---

ID #: 09-245RE

**Comments:**

This is the rental of a two bedroom apartment unit located in the Maplewood apartment complex. The property is located on the south side of Southwestern Boulevard just west of Route 62. The apartment complex consists of (136) units. The one bedroom units contain 650 sf and rent for \$575 including heat and water. The units include a stove, refrigerator and dishwasher. Amenities include a pool. No rental concessions given.

6.0 Market Supply & Demand Data: (Continued)

Comparable Market Rate Rental 5  
Class Code: 411 Property Type: Apartment Building



Address: 5665 South Park Avenue

City/Town/Village: Hamburg

County: Erie

State: NY

Name of Development: Park Square Apartments

Number of Bedrooms: 2

Lessor: Peter Liberatore

Lessee: Various

Lessor Responsibility: Taxes, heat, water, insurance, maintenance, & management

Lessee Responsibility: Rent plus electric

Verified By: Peter Liberatore

Leased Area: 930

Rent/Mo.: \$635.00

Lease Term: 1 Year

Rent/Yr.: \$7,620.00

Options: N/A

Rent/SF: \$0.68

ID #: 09-245RE

Comments:

This is the rental located in the Park Square Apartment complex, located on South Park Avenue in the Town of Hamburg. The complex consists of (4) buildings. Three of the buildings consist of (4) two bedroom apartments and (3) town house units, with no basement. These building have coin-operated laundry facilities. The fourth building consists of (2) two-bedroom units and (2) town house units and a full basement with laundry hook-ups. The two-bedroom apartment units contain approximately 930 square feet and rent for \$635 per month including heat and water. The town house units contain approximately 940 square feet and rent for \$645 per month plus heat and electric. The two-bedroom units consist of a living room, kitchen and eating area, bathroom and two bedrooms. The town house units consist of a living room, dining room, half bath, and full kitchen on the first floor, with the two bedrooms and full bathroom on the second floor. There is adequate parking as well as 23 optional garages which rent for an additional \$40.00 per month.

6.0 Market Supply & Demand Data: (Continued)

Comparable Market Rate Rental 6  
Class Code: 411      Property Type: Apartment Building



Address: 82 Pierce Avenue  
City/Town/Village: Hamburg  
County: Erie

State: NY  
Number of Bedrooms: 2

Name of Development: Pierce Square Apartments

Lessor: Peter Liberatore

Lessee: Various

Lessor Responsibility: Taxes, insurance, maintenance, management

Lessee Responsibility: Rent, heat, and electric

Verified By: Peter Liberatore

Leased Area: 900

Rent/Mo.: \$595.00

Lease Term: 1 Year

Rent/Yr.: \$7,140.00

Options: None

Rent/SF: \$0.66

ID #: 09-245RE

Comments:

This is the rental located within the Pierce Square apartment complex, located at the northeast corner of Pierce Avenue and Long Avenue, in the Town of Hamburg. The complex was built in 1965 and consists of (6) two-story apartment buildings which contain a total of (26) units. The buildings have full unfinished basements which have storage lockers and laundry hook-ups. The complex also has a 6-car garage building with a large three-bedroom unit above. There is also a 12-car garage building which was built in 2001. The units contain approximately 900 sf and rent for \$575 - \$595 per month plus utilities, based on length of tenancy. New leases are being signed at \$595 per month. The three-bedroom garage apartment contains approximately 1,328 square feet and rents for \$595 per month plus utilities. The garages are optional and rent for an additional \$40 per month. The units consist of a full kitchen with eating area, living room with wood burning fireplace, dining room, full bath and two bedrooms. The apartments are equipped with stove, refrigerator, built-in dishwashers, and wall mounted a/c units.

6.0 Market Supply & Demand Data: (Continued)

Comparable Market Rate Rental 7  
Class Code: 411                      Property Type: Apartment Building



Address: 5278 Southwestern Boulevard  
City/Town/Village: Hamburg  
County: Erie

State: NY  
Number of Bedrooms: 2

Name of Development: Fairfax Park

Lessor: Premier Properties  
Lessee: Various  
Lessor Responsibility: Taxes, water & maintenance  
Lessee Responsibility: Heat and electric  
Verified By: Owner

Leased Area: 840	Rent/Mo.: \$650.00
Lease Term: 1 Year	Rent/Yr.: \$7,800.00
Options: None	Rent/SF: \$0.77

ID #: 09-245RE

Comments:  
This is the Fairfax apartments located on Southwestern Blvd in the town of Hamburg on the east side just south on Camp Road. The complex was built in 1987 and consists of 11 similar one story frame buildings with a total of 74 apartments. There are (14) studios that rent for \$445, (53) one bedroom units that rent for \$525 and (7) two bedroom units that rent for \$650 a month plus all utilities. The complex offers laundry facilities.

6.0 Market Supply & Demand Data: (Continued)

Comparable Market Rate Rental 8  
Class Code: 411 Property Type: Apartment Building



Address: 123 Holiday Lane  
City/Town/Village: Hamburg  
County: Erie

State: NY  
Number of Bedrooms: 2

Name of Development: Holiday Meadows

Lessor: Holiday Meadows II

Lessee: Various

Lessor Responsibility: Heat, water, sewer, maintenance

Lessee Responsibility: Rent plus electric

Verified By: Mike Lorigo

Leased Area: 775

Rent/Mo.: \$675.00

Lease Term: 1 Year

Rent/Yr.: \$8,100.00

Options: N/A

Rent/SF: \$0.87

ID #: 09-245RE

Comments:

This is the rental of a two-bedroom apartment located within the Holiday Meadows Apartment complex located on the south side of Holiday Lane just west of Sunset Road in the Town of Hamburg. 123 Holiday Lane consists of (2) two-story, nearly identical brick apartment buildings which were constructed in the late 1960s and contain a total of (16) units. The units have 1.5 bathrooms. The buildings have not had significant renovations since their original construction. The units are in average minus condition in need of interior updating. The rents range from \$550-\$590 including heat however tenants pay their own electricity. As of May 2009 the property was undergoing renovations and the rents for updated units are \$675 per month including heat as they become available. There is no basement however there are coin-operated laundry machines and storage lockers available. There is on-site parking available.

**6.0 Market Supply & Demand Data: (Continued)**

Comparable Market Rate Rental 9  
 Class Code: 411 Property Type: Apartment Building



Address: 4678 Big Tree Road

City/Town/Village: Hamburg

County: Erie

State: NY

Name of Development: NDC Apartments

Number of Bedrooms: 2

Lessor: NDC Apartments

Lessee: Various

Lessor Responsibility: Heat, water, sewer

Lessee Responsibility: Rent plus electric

Verified By: Rent Roll

Leased Area: 900

Rent/Mo.: \$750.00

Lease Term: 1 Year

Rent/Yr.: \$9,000.00

Options: N/A

Rent/SF: \$0.83

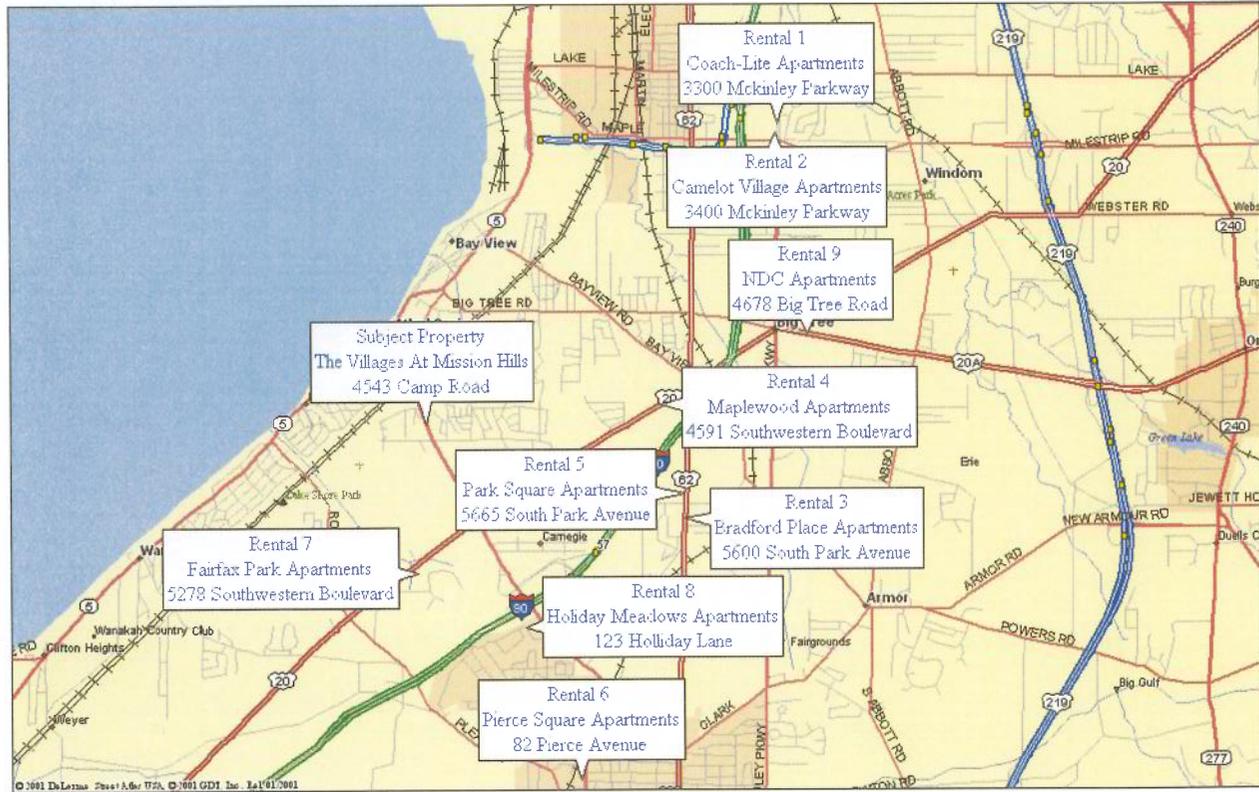
ID #: 09-245RE

Comments:

This is the rental of a two-bedroom apartment unit located within the NDC apartment complex. The complex consists of (5) two-story, masonry, apartment buildings containing (37) apartment units, (1) manager's office unit, and (24) garages located on the north side of Big Tree Road (Route 20-A) just west of the "Seven Corners" intersection in the Town of Hamburg. The buildings were constructed from 1982 to 2003 and contain a total of 36,582± square feet of gross building area. There are (13) one-bedroom units which contain from 615 to 640 sf and rent for \$550 to \$590 per month. There also (16) standard two-bedroom units which contain from 720 to 900 sq ft and rent for \$650-\$750 per month. There are also (8) larger two-bedroom units which contain 1,078 sq ft and rent for \$875 per month. The standard units have coin operated laundry machines in the common areas. The larger two-bedroom units have individual stackable laundry machines in each unit as well as a full second bathroom. The units have AC and offer either a balcony or patio. The garages rent for \$75-\$100 per month. There is a manager's office on site and adequate open parking in addition to the garages.

6.0 Market Supply & Demand Data: (Continued)

Market Rental Location Map



**6.0 Market Supply & Demand Data: (Continued)**

<u>Comparable</u>	<u>Location</u>	<u>2 Bedroom Rent</u>	<u>Unit Size (SF)</u>	<u>Additional</u>
1	Coach-Lite 3300 McKinley Pkwy	\$620	900	Electric
2	Camelot Village 3400 McKinley Pkwy	\$625	900	Electric
3	Bradford Place 5600 South Park Ave	\$650	900	Electric
4	Maplewood 4591 Southwestern	\$675	850	Electric
5	Park Square 5665 South Park	\$635	930	Electric
6	Pierce Square 82 Pierce Avenue	\$595	900	Heat & Electric
7	Fairfax Park 5278 Southwestern	\$650	840	Heat & Electric
8	Holiday Meadows 123 Holiday Lane	\$675	775	Electric
9	NDC Apartments 4678 Big Tree Road	\$750	900	Electric
<b>Subject</b>	<b>Villages @ Mission 4543 Camp Road</b>	<b>\$560 Proposed</b>	<b>1,060</b>	<b>Heat &amp; Electric</b>

*Primary Data Sources*  
*“Senior Housing Rental Data”*

6.0 Market Supply & Demand Data: (Continued)

Comparable Senior Housing Rental 1  
Class Code: 411                      Property Type: Apartment Building



Address: 133 Orchard Place  
City/Town/Village: Lackawanna  
County: Erie    State: NY  
**Name of Development: Orchard Place Apartments    Number of Bedrooms: 2**

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Lessor: MLJ Advisors  
Lessee: Various  
Lessor Responsibility: Heat, water, taxes, maintenance, structural  
Lessee Responsibility: Electric  
Verified By: Michael Joseph (owner)

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<b>Leased Area: 800</b>	<b>Rent/Mo.: \$750.00</b>
<b>Lease Term: 1 Year</b>	<b>Rent/Yr.: \$9,000.00</b>
<b>Options: None</b>	<b>Rent/SF: \$0.94</b>

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ID #: 07-413RR

Comments:

This is the rental for Orchard Place, an upscale senior housing project consisting of (81) one bedroom units and (32) two bedroom units for a total of (113) units. The building is a two-story frame building with vinyl siding built in 2002 with a gross building area of 98,517 sq ft. The improvements are situated on 4.60 acres. The units include all appliances and on-site amenities include a community room with a full kitchen, coin-operated laundry and an exercise room. All units include either a patio or balcony. The one bedrooms rent for \$645 to \$665 per month. The complex achieved full occupancy within one year of construction and is currently 100% occupied.

**6.0 Market Supply & Demand Data: (Continued)**

Comparable Senior Housing Rental 2  
 Class Code: 411                      Property Type: Apartment Building



Address: 705 Sandra Lane  
 City/Town/Village: North Tonawanda  
 County: Niagara                      State: NY  
**Name of Development: Sandra Lane Apartments      Number of Bedrooms: 2**

Lessor: North Tonawanda Senior  
 Lessee: Various  
 Lessor Responsibility: Taxes, structural, water and heat  
 Lessee Responsibility: Electric  
 Verified By: Owner

Leased Area: 825	Rent/Mo.: \$750.00
Lease Term: 1 Year	Rent/Yr.: \$9,000.00
Options: None	Rent/SF: \$0.91

ID #: 06-382hh

**Comments:**

This is a two-story senior housing complex that was built in 1999 and contains (65) one bedroom units and (44) two bedroom units for a total of (109) senior housing units. The complex is known as Sandra Lane Apartments and is located on Sandra Lane in the City of North Tonawanda and County of Niagara. The one bedroom units contain 665 sf and rent for \$675 plus electric. At the time of this survey the property was 100% occupied.

6.0 Market Supply & Demand Data: (Continued)

Comparable Senior Housing Rental 3  
 Class Code: 411                      Property Type: Apartment Building



Address: 2244 Union Road  
 City/Town/Village: West Seneca  
 County: Erie

State: NY

Name of Development: Garden Gate Apartments      Number of Bedrooms: 2

Lessor: 2244 Union Square  
 Lessee: Various  
 Lessor Responsibility: Taxes, and maintenance  
 Lessee Responsibility: Heat, water and electric  
 Verified By: Owner

Leased Area: 825	Rent/Mo.: \$790.00
Lease Term: 1 Year	Rent/Yr.: \$9,480.00
Options: None	Rent/SF: \$0.85

ID #: 07-413ZZ

Comments:

This is the Garden Gate Apartments which is a three-story senior housing complex built in 2007 and consists of (60) one bedroom units that rent for \$700 a month plus water and heat and (40) two bedroom units that rent for \$790 month plus water and heat. The complex is located on the west side of Union Road just south of French Road in the Town of West Seneca. The property is currently 95% occupied. The property opened in June 2007 and is fully occupied.

6.0 Market Supply & Demand Data: (Continued)

Comparable Senior Housing Rental 4  
 Class Code: 411 Property Type: Apartment Building



Address: 5844 Broadway  
 City/Town/Village: Lancaster  
 County: Erie

State: NY  
 Number of Bedrooms: 2

Name of Development: Brookhaven Apts

Lessor: 4845 Transit Road-management  
 Lessee: Various  
 Lessor Responsibility: Taxes, water and maintenance  
 Lessee Responsibility: Heat and electric  
 Verified By: Owner

Leased Area: 1,100	Rent/Mo.: \$995.00
Lease Term: 1 Year	Rent/Yr.: \$11,940.00
Options: None	Rent/SF: \$0.90

ID #: 06-382hh

Comments:

This is an (84) unit two bedroom apartment complex that was built in 1999 and is known as Brookhaven Apartments. The complex is located on the north side of Broadway just west of Cemetery Road in the Town of Lancaster. The complex consists of (7) identical two-story frame buildings with vinyl siding. Each unit contains 1,100 sf of rentable area which includes two bedrooms, two bathrooms, kitchen with full appliances, a patio or porch and living room with dining area. The complex also contains (84) garages that rent for \$75 a month. At the time of the survey the complex was 95% occupied.

6.0 Market Supply & Demand Data: (Continued)

Comparable Senior Housing Rental 5  
Class Code: 411                      Property Type: Apartment Building



Address: 1187 Orchard Park Road

City/Town/Village: West Seneca

County: Erie

State: NY

Name of Development: Seneca Pointe

Number of Bedrooms: 2

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Lessor: Seneca Pointe

Lessee: Various

Lessor Responsibility: Heat,water,taxes,maintenance & structural

Lessee Responsibility: Electric

Verified By:

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Leased Area: 800

Rent/Mo.: \$775.00

Lease Term: 1 Year

Rent/Yr.: \$9,300.00

Options: None

Rent/SF: \$0.97

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ID #: 07-413MG

Comments:

This is the rental of the Seneca Pointe Senior Apartment complex located in the Town of West Seneca. The complex consists of (116) one and two bedroom units. The one bedroom units rent for \$660-\$675 per month plus electric and the units consist of 600-638 sq ft. The project was constructed in 1999 and is 100% leased. On-site amenities include coin-operated laundry, community room with full kitchen and picnic area.

6.0 Market Supply & Demand Data: (Continued)

Comparable Senior Housing Rental 6  
 Class Code: 411                      Property Type: Apartment Building



Address: 2341 Union Road  
 City/Town/Village: West Seneca  
 County: Erie

State: NY  
 Number of Bedrooms: 2

Name of Development: Union Square Apartments

Lessor: Union Square West Seneca Partnership  
 Lessee: Various  
 Lessor Responsibility: Taxes,heat,water and maintenance  
 Lessee Responsibility: Electric  
 Verified By: Owner

Leased Area: 825	Rent/Mo.: \$810.00
Lease Term: 1 Year	Rent/Yr.: \$9,720.00
Options: None	Rent/SF: \$0.98

ID #: 08-238RR

Comments:

This is the Union Square apartment complex that was built in 2007 and consists of (62) two bedroom units that rent for \$810 a month including heat and water and (20) one bedroom units that contain 665 sf and rent for \$705 a month and (25) larger one bedroom units that rent for \$720 a month both including heat and water. The property also has (27) garages that rent for \$65 a month. Additional charges include cable for \$45 a month. The property is located on the east side of Union Road just south of French Road in the Town of West Seneca. The property is over 90% occupied. The property opened in July of 2007 and achieved full occupancy within four months.

6.0 Market Supply & Demand Data: (Continued)

Comparable Senior Housing Rental 7  
Class Code: 411                      Property Type: Apartment Building



Address: 4600 Southwestern Boulevard

City/Town/Village: Hamburg

County: Erie

State: NY

Name of Development: South Pointe

Number of Bedrooms: 2

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Lessor: South Pointe

Lessee: Various

Lessor Responsibility: Taxes, structural, water and heat

Lessee Responsibility: Electric

Verified By: Owner

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Leased Area: 975

Rent/Mo.: \$870.00

Lease Term: 1 Year

Rent/Yr.: \$10,440.00

Options: None

Rent/SF: \$0.89

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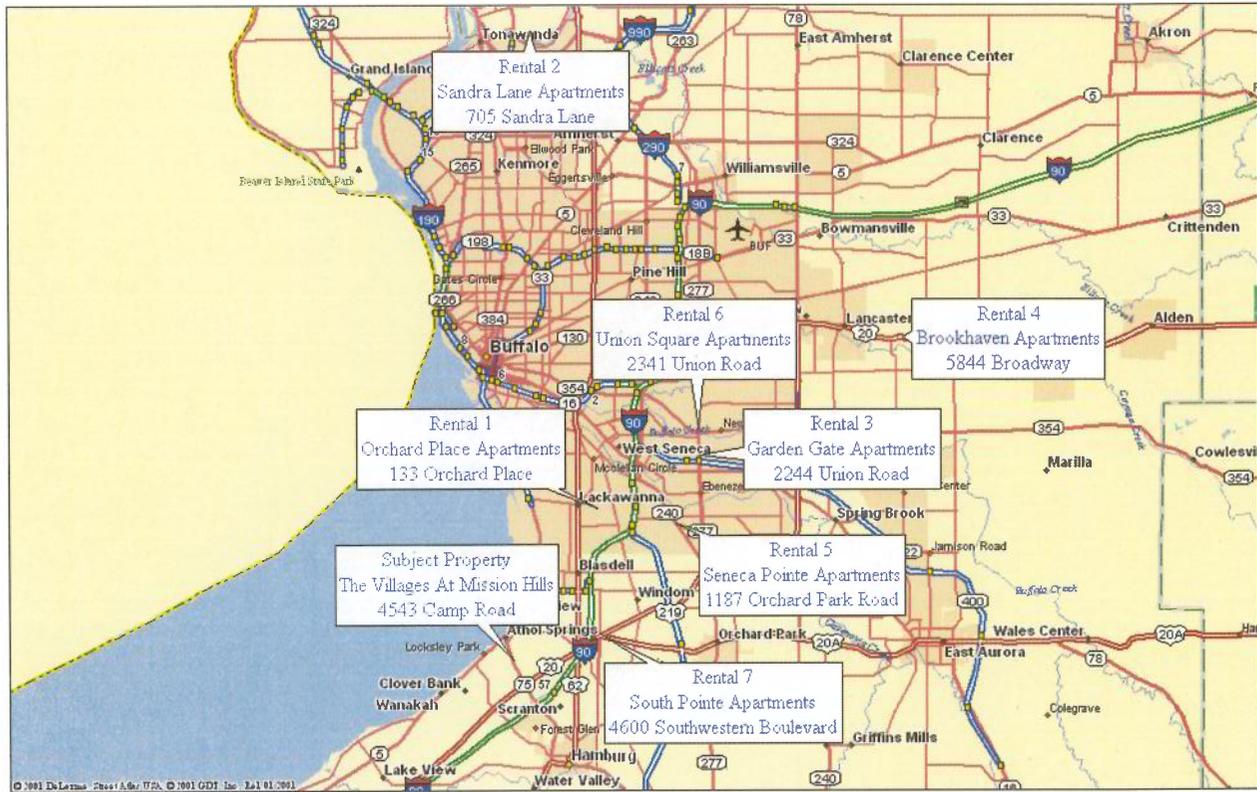
ID #: 06-382hh

Comments:

This is a two-story, garden level, elevated senior housing complex that was built in 2008-2009 and contains (65) one bedroom units and (44) two bedroom units for a total of (109) senior housing units. The complex is known as South Pointe Apartments and is located on Southwestern Boulevard in the Town of Hamburg, County of Erie. The one bedroom units contain 800 sf and rent for \$765 plus electric. At the time of this survey the property was 80% occupied. Complex amenities include garages, laundry, fitness center and clubhouse.

6.0 Market Supply & Demand Data: (Continued)

Senior Housing Rental Location Map



**6.0 Market Supply & Demand Data: (Continued)**

<u>Comparable</u>	<u>Location</u>	<u>2 Bedroom Rent</u>	<u>Unit Size</u>	<u>Additional</u>
1	Orchard Place 133 Orchard Place	\$750	800	Electric
2	Sandra Lane 705 Sandra Lane	\$750	825	Electric
3	Garden Gate 2244 Union Road	\$790	825	Heat & Electric
4	Brookhaven 5844 Broadway	\$995	1,100	Heat & Electric
5	Seneca Pointe 1187 Orchard Park Rd	\$775	800	Electric
6	Union Square 2341 Union Road	\$810	825	Electric
7	South Pointe 4600 Southwestern	\$870	975	Electric
<b>Subject</b>	<b>Villages @ Mission 4543 Camp Road</b>	<b>\$560 Proposed</b>	<b>1,060</b>	<b>Heat &amp; Electric</b>

The maximum allowable rent, before utilities, is calculated to be \$858 per month (\$10,296 per annum). The maximum allowable rent, after utilities, is \$693 per month (\$8,316 per annum). The comparable senior housing complexes provided a rental range between \$750 to \$995 per month. The comparable conventional complexes provided a rental range between \$595 to \$750 per month.

Senior complexes vary in terms of services but typically offer apartment living and services designed specifically for independent active seniors 55 and older. Senior apartment communities are oriented for active and independent seniors and may offer golf, tennis, swimming pools, hiking, exercise rooms, and a variety of clubs and internet groups. These services account for the rent differential between traditional and senior apartments. The owner’s estimated rent is \$560 per month plus utilities which is clearly below market norms (See following page).

**6.0 Market Supply & Demand Data: (Continued)**

Since the subject will not be a project based subsidized property, it will ultimately compete with other senior housing facilities as well as conventional market rate complexes.

According to a memorandum dated March 19, 2009 from the U.S. Department of Housing and Urban Development, the 2009 median income for the Buffalo-Niagara Falls MSA is \$63,500 per annum. Following are the income and rent calculations based off of this figure:

<u>2009</u>	<u>1 Person</u>	<u>2 Person</u>	<u>3 Person</u>	<u>4 Person</u>
50% Income Limits:	\$22,250	\$25,400	\$28,600	\$31,750
60% Income Limits:	\$26,700	\$30,480	<b>\$34,320</b>	\$38,100

**Maximum Allowable Rent – Before Utility Allowance:**

2 Bedroom  
 60% Family of 3:       \$34,320  
                                   x 0.30  
                                   \$10,296  
                                   ÷ 12  
                                   **\$858**  
                                   **Monthly Rent**

**Erie County Utility Rate:**

Heating:     \$105  
 Gas:         \$ 16  
 Electric:    \$ 44  
 Totals:      \$165

**Maximum Allowable Rent:**

\$858 Rent  
 (**\$165**) Less Utilities  
 \$693 Maximum Rent

<p>Projected Subject Rent</p> <p>\$560</p>
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<p>Market Rental Range</p> <p>\$595 to \$995</p>
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*Secondary Data Sources*  
*“Demographic Data”*

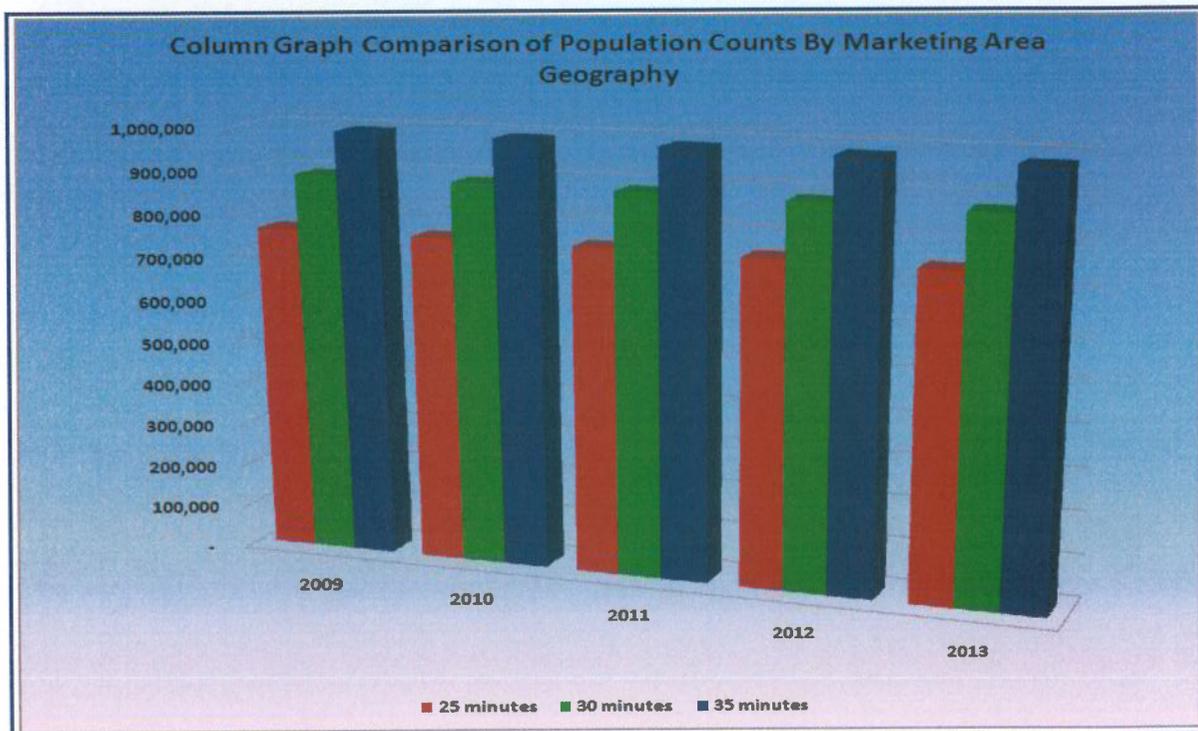
## 6.0 Market Supply & Demand Data: (Continued)

This senior housing market analysis attempts to reconcile developer-driven project development plans with the expected population of seniors the project's marketing area is likely to serve. The resulting analysis is limited to a forecast period of five (5) years – the near-term market window wherein a project would be expected to be developed, constructed, marketed and operated to a point of reaching a self-sustaining (and profitable) operating capacity. The long-term window market window is typically not given due consideration due to the propensity for changing market populations that may be driven by a variety of elements and issues that would be expected to skew populations in an unexpected manner.

Historically, this has meant that market participants have relied upon certain macroeconomic measures to provide evidence that would tend to either support or repudiate the developer's assumption that the market conditions will continue to provide sufficient support for the project to warrant investment and development. These measures are important in that consumer choices/actions may be more limited in a given market if the market population is contracting, the median household income is contracting or household wealth is not sufficient to support the proposed development.

### Exhibit 3:

Distribution of Projected Population by Year by Marketing Area Geography



**6.0 Market Supply & Demand Data: (Continued)**

The resulting demographics analysis is set forth in the following sub-headings and covers:

1. Population – Total Population and Population by Age Group.
2. Households – Total Households, Family Households, Non-Family Households, Households by Age Group and Households by Income.
3. Families – Total Families, Total Families by Age Group and Families by Income.
4. Income & Wealth – Total Household Income, Per Capita Income, Median Household Income, Disposable Income, Median Disposable Household Income, Total Net Worth, Net Worth by Age and Median Net Worth.
5. Housing – Total Housing Units, Total Owner-Occupied Housing Units, Total Renter-Occupied Housing Units, Median Housing Unit Values and Housing by Values.

6.0 Market Supply & Demand Data: (Continued)

**Exhibit 4:**  
Distribution of Total Population by Age Group; Inner Market Area

Total Population by Detailed Age Spreadsheet						
Project Site, Hamburg, NY 14075-2503			Drive-Time Market Area Boundaries of 25 minutes			
Prepared By Rainmaker Marketing Corporation						
	Census 2000		2008 Estimate		2013 Projection	
	Number	Percent	Number	Percent	Number	Percent
<b>Total Population</b>	<b>792,206</b>	<b>100.00%</b>	<b>765,825</b>	<b>100.00%</b>	<b>751,378</b>	<b>100.00%</b>
<1	9,566	1.21%	9,415	1.23%	9,182	1.22%
1	9,623	1.20%	9,269	1.21%	9,014	1.20%
2	9,566	1.21%	9,192	1.20%	8,955	1.19%
3	9,636	1.22%	9,163	1.20%	8,927	1.19%
4	10,357	1.31%	9,384	1.23%	9,092	1.21%
5	10,241	1.29%	8,796	1.15%	8,410	1.12%
6	10,578	1.34%	8,945	1.17%	8,523	1.13%
7	11,070	1.40%	9,062	1.18%	8,627	1.15%
8	11,091	1.40%	9,093	1.19%	8,649	1.15%
9	11,467	1.45%	9,134	1.19%	8,634	1.15%
10	11,434	1.44%	9,458	1.24%	8,854	1.18%
11	11,011	1.39%	9,412	1.23%	8,744	1.16%
12	11,018	1.39%	9,471	1.24%	8,786	1.17%
13	10,898	1.38%	9,396	1.23%	8,684	1.16%
14	10,933	1.38%	9,391	1.23%	8,660	1.15%
15	10,967	1.38%	10,186	1.33%	9,302	1.24%
16	10,369	1.31%	9,990	1.30%	9,114	1.21%
17	10,581	1.34%	10,118	1.32%	9,244	1.23%
18	10,816	1.37%	11,137	1.45%	10,335	1.38%
19	11,151	1.41%	11,760	1.54%	11,126	1.48%
20 - 24	50,206	6.34%	52,628	6.87%	52,757	7.02%
25 - 29	47,606	6.01%	47,643	6.22%	46,862	6.24%
30 - 34	53,875	6.80%	43,721	5.71%	42,760	5.69%
35 - 39	69,510	7.51%	47,646	6.22%	42,153	5.61%
40 - 44	62,809	7.93%	53,434	6.98%	47,085	6.27%
45 - 49	56,521	7.13%	58,438	7.63%	54,299	7.23%
50 - 54	48,940	6.18%	56,240	7.34%	55,971	7.45%
55 - 59	38,479	4.86%	49,990	6.53%	56,302	7.49%
60 - 64	32,113	4.05%	38,409	5.02%	45,363	6.04%
65 - 69	31,716	4.00%	30,225	3.95%	34,209	4.56%
70 - 74	33,110	4.18%	26,225	3.42%	25,946	3.45%
75 - 79	29,161	3.68%	25,239	3.30%	22,165	2.95%
80 - 84	20,035	2.53%	22,259	2.91%	20,481	2.73%
85+	15,863	2.00%	21,966	2.87%	24,163	3.22%
<18	190,304	24.02%	168,865	22.05%	159,401	21.21%
18+	601,900	75.98%	596,961	77.95%	591,978	78.79%
21+	568,889	71.81%	562,194	73.41%	558,795	74.37%
Median Age	37.7		39.9		41.1	
End of report...						

*Populations, Households & Families Indicators*

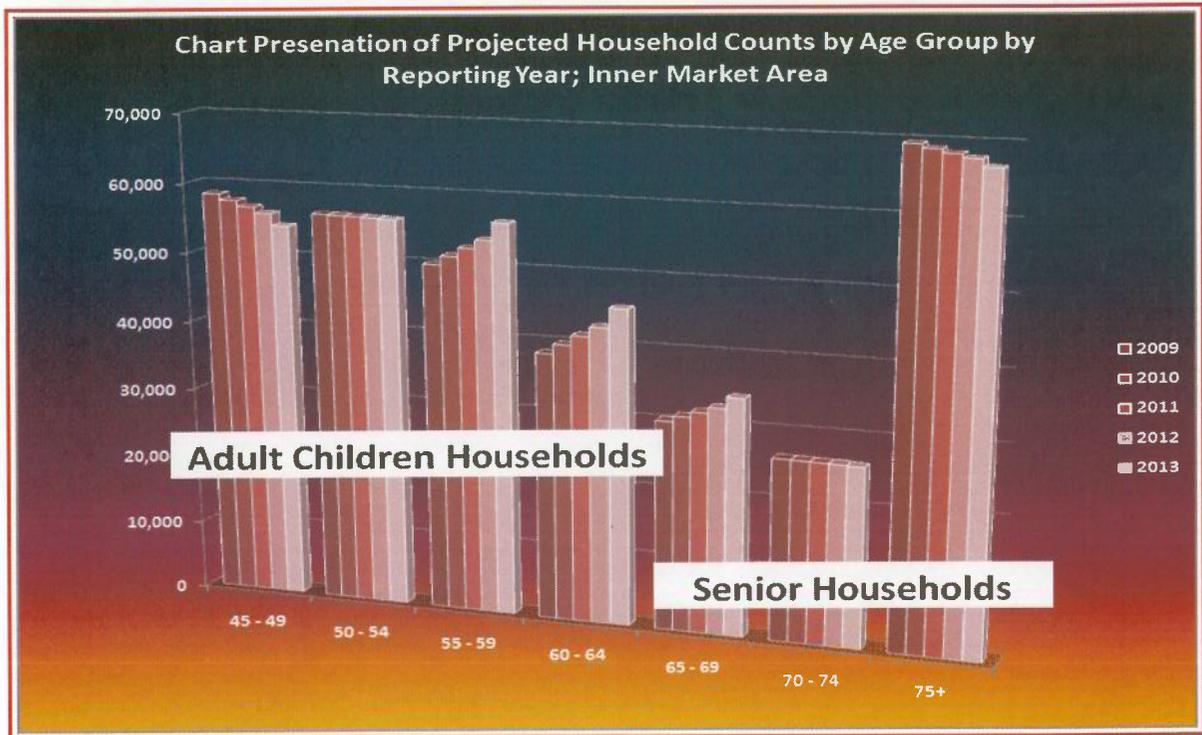
The measurement of market populations, household counts and family counts provides insight into both the current household demographics that would demonstrate the depth of current demand that may exist for the benefit of the developer's proposal, but these measurements may also provide evidence as to the potential impact the next generation may have on the long-term market prospects of the site. The analysis included the following elements:

6.0 Market Supply & Demand Data: (Continued)

Populations, Households & Families Indicators

- 1. Population. Changes in the total population of the area and changes in certain sub-groups within the total population serve as bellwethers for the overall health of the local economy that would be expected to support the development of the property. The most important population age groupings that are important for the purposes of this report are:
- 2. Adult Children. The total population Aged 45-64 represents a secondary level of market support that would not otherwise be reflected in a demand analysis based upon picking the primary demographic profile of the prototypical consumer/end-user for senior housing income-producing commercial real estate properties. This secondary level of market support consists of two (2) components: participation in the placement decision-making process (especially for demented elders or where the senior’s funding resources are insufficient for living expenses); and, providing the demand for sustaining long-term occupancy prospects of the proposed project as citizens in this Adult Children age bracket continue to age in place. The Adult Children Population is further delineated into the following sub-categories:

Exhibit 5:  
Projected Households by Age Group by Year; Inner Market Area



## 6.0 Market Supply & Demand Data: (Continued)

### Populations, Households & Families Indicators

3. **Populations Aged 45-49.** The current year population age 45-49 was estimated at 58,438 for 2008, is expected to contract at the rate of (4,139) people per annum over the forecast period to 54,299 people (an annual growth rate of -1.42% vs. the 0.45% national rate) by the end of 2013 (note chart on previous page). This population is part of a larger grouping known as the Adult Children grouping that serves to provide secondary resident market support within a given geographical operating market area that includes population aged 45-64 (below).
4. **Populations Aged 50-54.** The current year population aged 50-54 was estimated at 56,240 for 2008, is expected to contract at the rate of (269) people per annum over the forecast period to 55,971 people (an annual growth rate of -0.10% vs. the 2.00% annual national growth rate for this age group) by the end of 2013.
5. **Populations Aged 55-59.** The current year population aged 55-59 was estimated at 49,990 for 2008, is expected to grow at the rate of 6,312 people per annum over the forecast period to 56,302 people (an annual growth rate of 2.53% vs. the 3.50% annual national growth rate for this age group) by the end of 2013.
6. **Populations Aged 60-64.** The current year population aged 60-64 was estimated at 38,409 for 2008, is expected to grow at the rate of 6,954 people per annum over the forecast period to 45,363 people (an annual growth rate of 3.62% vs. the 4.48% annual national growth rate for this age group) by the end of 2013.
7. **Seniors.** The total population aged 65 and older represents the primary pool of prospects that would be expected to populate the proposed senior housing project over the near-term forecast period. The total population aged 65 and older is further delineated into the following sub-categories:
8. **Populations Aged 65-69.** The Total Population Aged 65-69 is part of the “Youngest-Old” (Total Population Aged 65 to 74) cohort grouping having a Current Year Population Aged 65-69 estimated at 30,225 people for 2008, is expected to grow at a rate of 3,984 people per annum over the forecast window to 34,209 people (an annual growth rate of 2.64% vs. the 4.27% annual national growth rate for this population grouping) by the end of 2013.

**TO THE EXTENT  
POPULATION GROWTH  
OUTPACES THE NATIONAL  
AVERAGES, THIS HIGHER  
THAN AVERAGE GROWTH  
RATE WOULD SUGGEST A  
STRONG AND GROWING  
UNDERLYING LOCAL  
MARKET ECONOMY THAT  
WOULD TEND TO SUPPORT  
ADDITIONAL INCOME-  
PRODUCING REAL  
PROPERTY  
DEVELOPMENTS .**

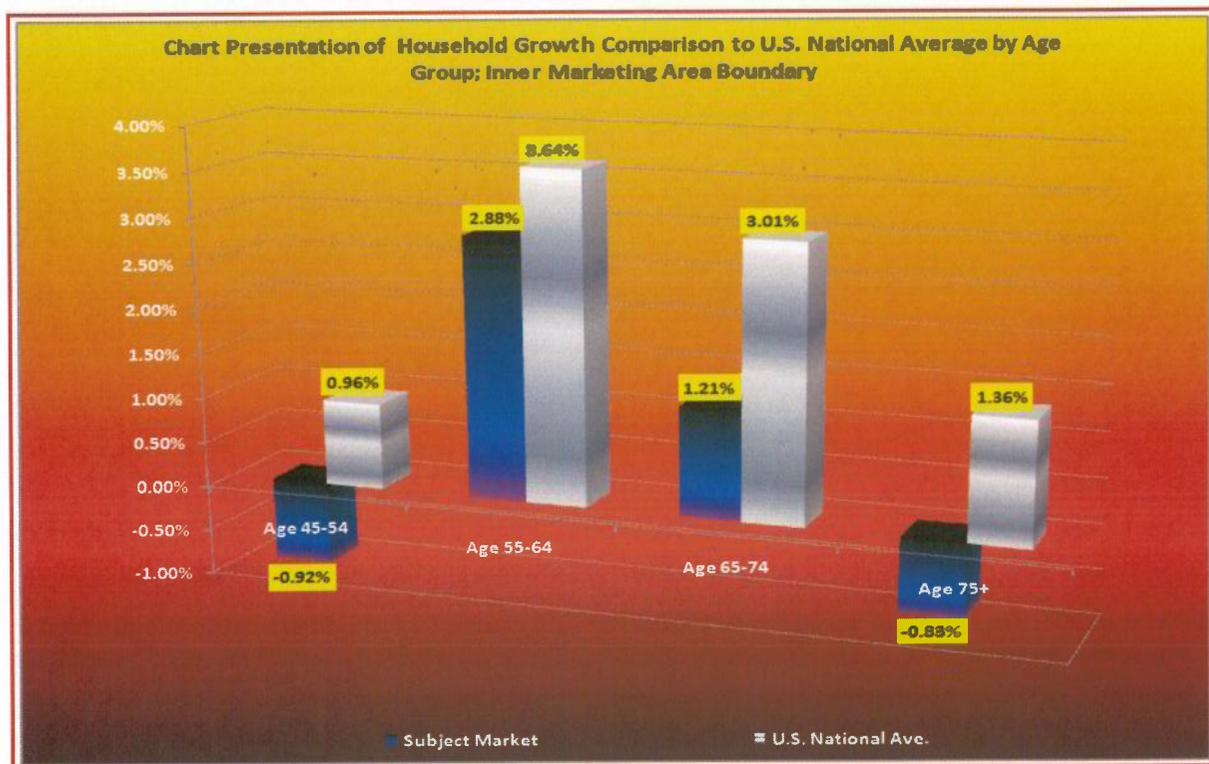
6.0 Market Supply & Demand Data: (Continued)

Populations, Households & Families Indicators

- 9. Populations Aged 70-74. The total population aged 70-74 is part of the “Youngest-Old” grouping having an estimated 26,225 people for 2008, is expected to contract at a rate of (279) people per annum over the forecast period to 25,946 people (an annual growth rate of -0.21% vs. the 2.04% annual national growth rate for this age group) by the end of 2013.
- 10. Populations Aged 75+. The total population aged 65-69 is part of the “Oldest-Old” (Total Population Aged 75+) grouping having a current year population Aged 75+ estimated at 69,464 people for 2008, is expected to contract at a rate of (531) people per annum over the forecast window to 66,809 people (an annual growth rate of -0.15% vs. the 1.42% annual national growth rate) by the end of 2013.

Our conclusion pertaining to the population sub-sets for the primary marketing area is that these populations are consistent with those populations in other markets wherein there was consistent entrenched demand for senior housing of a nature that supported new construction over the long-term market window.

**Exhibit 6:**  
Distribution of Current Year/5-Year Households by Age by Expected Annual Growth Rate



**6.0 Market Supply & Demand Data: (Continued)**

**Populations, Households & Families Indicators**

11. Households. The population residing within the primary marketing area is enclosed within the “Households” demographic grouping. Households are delineated into “Family Households” (households where the residents are related by blood or marriage) and “Non-Family Households” (households where the residents are not related by blood or marriage). Changes in the number of households within a given market area demonstrate potential for future demand based upon the theory that a growing market population will also increase its household wealth and income at approximately the same rate and this often the case. Of particular interest will be the households where the householder is age 45 or older as these households (up to age 65) represent the secondary market pool of future residents. Households where the householder is a senior aged 65 or older are the primary pool of near-term resident prospects. The following household age group counts (assumed drive-time boundaries of 25 minutes) were presented for analysis:

**THE GROWTH OF HOUSEHOLDS - AND TO A LESSER EXTENT, FAMILIES – PROVIDES ADDITIONAL EVIDENCE AS TO THE HEALTH AND PROSPECTS OF THE PROPOSED NEW CONSTRUCTION BASED UPON THE UNDERLYING ECONOMIC CONDITIONS OF THE MARKET.**

- 12. Households Aged 45-54. There were 67,286 current year (2008) estimated Households Aged 45-54 in the primary marketing area. This category of Households is expected to grow at a rate of -0.92% per annum (vs. the 0.96% per annum national growth rate for this grouping) totaling some (621) households per annum over the next five (5) years to 64,182 Total Households Aged 45-54 at the end of 2013 (note chart exhibit below).
- 13. Households Aged 55-64. There were 53,757 current year (2008) estimated Households Aged 55-64 in the primary marketing area. This category of Households is expected to grow at a rate of 2.88% per annum (vs. the 3.64% per annum national growth rate for this grouping) totaling some 1,548 households per annum over the next five (5) years to 61,497 Total Households Aged 55-64 at the end of 2013
- 14. Households Aged 65-74. There were 36,623 current year (2008) estimated Households Aged 65-74 in the primary marketing area. This category of Households is expected to grow at a rate of 1.21% per annum (vs. the 3.01% per annum national growth rate for this grouping) totaling some 442 households per annum over the next five (5) years to 38,833 Total Households Aged 65-74 at the end of 2013.

## **6.0 Market Supply & Demand Data: (Continued)**

### ***Populations, Households & Families Indicators***

15. Households Aged 75+. There were 45,766 current year (2008) estimated Households Aged 75+ in the primary marketing area. This category of Households is expected to grow at a rate of -0.83% per annum (vs. the 1.36% per annum national growth rate for this grouping) totaling some (378) households per annum over the next five (5) years to 43,876 Total Households Aged 75+ at the end of 2013.

Our conclusion pertaining to the household population sub-sets for the primary marketing area is that these sub-sets are consistent with those sub-sets of other senior housing project development programs that found the resulting market niche to be sustainable in the near-term and long-term market windows.

16. Families. Families typically account for the majority of households. The growth of families within a given geographical marketing area provides statistical evidence of market support based upon the maturation of the underlying workers' productivity and earnings potential that, in the United States, are intrinsic to the creation of family wealth. A comparatively strong earnings growth potential for a given market will inevitably impact area senior housing properties because senior housing is a private-pay market. This leads to the discussion of family incomes and wealth:

Out of the 318,950 in Total Households, there are 193,707 Family Households estimated for the current year (2008). The Family Households are expected to grow by (964) families per annum to a total of 188,889 Family Households over the forecast period. This represents an annual growth rate of -0.50% versus the 1.07% annual national growth rate for all U.S. Families for the same period.

The Current Year Median Family Income is estimated at \$61,082 versus the Current Year Median Family Income for the entire U.S. market of \$63,907. The local market Median Family Income is expected to expand over the next five years to \$71,260 (a growth rate of 3.33% per annum vs. the national growth rate of 3.53% to an expected U.S. Median Family Income of \$75,173 for 2013).

6.0 Market Supply & Demand Data: (Continued)

Populations, Households & Families Indicators

Households Aged 75+. There were 45,766 current year (2008) estimated Households Aged 75+ in the primary marketing area. This category of Households is expected to grow at a rate of -0.83% per annum (vs. the 1.36% per annum national growth rate for this grouping) totaling some (378) households per

**Exhibit 7:**  
Distributions of Families by Family Income by Reporting Year; Inner Market Area

Families by Income: Inner Market Area						
Project Site, Hamburg, NY 14075-2503						
Presented By Rainmaker Marketing Corporation, Inc.						
Family Income Base	Census 2000		2008 Estimate		2013 Proj.	
	Number	Percent	Number	Percent	Number	Percent
	202,079	100.00%	193,707	100.00%	188,889	100.00%
<\$10,000	14,496	7.17%	10,227	5.28%	7,894	4.18%
\$10,000 - \$14,999	9,399	4.65%	6,079	3.14%	4,827	2.56%
\$15,000 - \$19,999	10,427	5.16%	6,940	3.58%	5,388	2.85%
\$20,000 - \$24,999	12,207	6.04%	7,546	3.90%	6,345	3.36%
\$25,000 - \$29,999	12,999	6.43%	9,632	4.97%	5,645	2.99%
\$30,000 - \$34,999	12,517	6.19%	8,016	4.14%	7,849	4.16%
\$35,000 - \$39,999	12,569	6.22%	10,438	5.39%	7,393	3.91%
\$40,000 - \$44,999	12,052	5.96%	9,166	4.73%	9,189	4.86%
\$45,000 - \$49,999	11,858	5.87%	7,869	4.06%	7,488	3.96%
\$50,000 - \$59,999	21,310	10.55%	18,344	9.47%	13,740	7.27%
\$60,000 - \$74,999	25,227	12.48%	28,076	14.49%	23,624	12.51%
\$75,000 - \$99,999	24,992	12.37%	34,206	17.66%	36,220	19.18%
\$100,000 - \$124,999	11,097	5.49%	14,545	7.51%	22,851	12.10%
\$125,000 - \$149,999	4,634	2.29%	11,178	5.77%	12,624	6.68%
\$150,000 - \$199,999	3,510	1.74%	5,958	3.08%	10,777	5.71%
\$200,000 - \$249,999	2,785	1.38%	2,604	1.34%	3,497	1.85%
\$250,000 - \$499,999	N/A	N/A	2,471	1.28%	2,945	1.56%
\$500,000 +	N/A	N/A	423	0.22%	693	0.31%
<b>Median Family Income</b>	\$46,715		\$61,082		\$71,260	
<b>Average Family Income</b>	\$56,046		\$72,385		\$84,234	
End of report...						

Our conclusion pertaining to the analysis of certain sub-sets of family households for the primary marketing area is that these sub-sets are consistent with those sub-sets pertaining to other senior housing project development programs that found the resulting market niche to be sustainable in the near-term and long-term market periods.

6.0 Market Supply & Demand Data: (Continued)

*Income & Wealth indicators*

The distribution of household income, disposable household income and net worth for Households Aged 45+ is of critical importance in the determination of both near-term new construction demand as well as long-term new construction demand for all classes of senior housing living units, including independent living, assisted living and dementia assisted living care programs and projects. Household Income is recorded based upon the surveyed findings of the Year 2000 decennial census, the Current Year (2008) estimated distribution of household incomes by age group and the projected 5-Year forecasted distribution of household income (net worth and disposable incomes can only be measured on a Current Year basis).

**Exhibit 8:**  
Distribution of Households by Age by Income; Inner Market Area

2008 Households by Income and Age of Householder 45+; Inner Market Area									
Project Site 4543 Camp Rd Hamburg, NY 14075	Current Year Age of Householder								
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
<b>Total</b>	33,926	33,360	29,171	24,586	19,970	16,653	18,152	13,890	13,724
<\$15,000	3,476	3,326	3,649	2,960	3,032	2,538	3,780	3,203	3,114
\$15,000 - \$24,999	2,251	2,162	2,539	2,091	3,420	2,877	3,924	3,272	3,189
\$25,000 - \$34,999	2,919	2,815	2,659	2,205	3,207	2,721	2,798	2,223	2,167
\$35,000 - \$49,999	4,420	4,287	3,823	3,250	3,111	2,636	2,285	1,743	1,678
\$50,000 - \$74,999	7,478	7,387	6,372	5,484	3,124	2,668	2,126	1,551	1,539
\$75,000 - \$99,999	7,023	6,982	4,970	4,284	1,896	1,557	1,468	999	1,016
\$100,000 - \$149,999	4,547	4,567	3,442	2,940	1,318	1,044	951	549	592
\$150,000 - \$199,999	1,001	993	908	704	388	278	429	201	247
\$200,000 - \$249,999	323	336	367	255	211	140	237	100	116
\$250,000 - \$499,999	421	428	452	368	215	160	116	43	52
\$500,000+	67	77	90	45	59	34	38	6	14
<b>Median HH Income</b>	\$60,798	\$61,211	\$55,724	\$55,899	\$36,135	\$36,771	\$29,103	\$26,594	\$26,982
<b>Average HH Income</b>	\$72,243	\$72,750	\$69,988	\$68,817	\$54,062	\$51,976	\$47,699	\$40,177	\$42,239

Of particular interest are the household incomes measured for the age groups that are at least \$75,000 because Households Aged 75+ would theoretically require a Current Year Household Income of at least \$75,000 in order to offset the costs of living at a senior housing facility at the independent living facility program level because; seniors are expected to utilize up to 70% of their household income to pay for housing and lifestyle management activities. On this basis, the \$75,000 household income minimum represents support for up to \$3,000 per month in ILF program fees. In terms of the overall strength of the underlying Age 75+ demographic, the Average Household Income is the first level of support that is reviewed, to wit:

**6.0 Market Supply & Demand Data: (Continued)**

**Income & Wealth indicators**

Households Aged 75-79: The Current Year Average Household Income for this group was recorded as \$47,699 for the marketing area having boundaries of 25 minutes, suggesting up to \$3,180 per household, per month of senior housing “buying power” is being demonstrated for this cohort grouping. In all, there are 3,239 households of this age grouping having Current Year Household Incomes of \$75,000 or more.

**Exhibit 9:**  
5-Year Distribution of Households by Age by Income; Inner Market Area

2013 Households by Income and Age of Householder 45+; Inner Market Area									
Project Site 4543 Camp Rd Hamburg, NY 14075	5-Year Age of Householder								
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
<b>Total</b>	31,212	32,970	32,522	28,975	22,374	16,459	15,778	12,709	15,389
<\$15,000	2,467	2,619	3,292	2,968	2,658	2,128	2,923	2,621	3,005
\$15,000 - \$24,999	1,787	1,876	2,481	2,139	3,309	2,404	2,940	2,502	2,956
\$25,000 - \$34,999	2,088	2,205	2,392	2,070	3,021	2,144	1,990	1,651	2,003
\$35,000 - \$49,999	3,443	3,595	3,719	3,400	3,252	2,403	1,907	1,525	1,808
\$50,000 - \$74,999	6,181	6,531	6,614	6,073	3,560	2,736	2,007	1,586	1,951
\$75,000 - \$99,999	7,756	8,170	6,735	6,102	2,881	2,444	2,009	1,561	1,965
\$100,000 - \$149,999	5,233	5,571	4,732	4,138	2,215	1,498	1,233	869	1,096
\$150,000 - \$199,999	1,122	1,191	1,205	1,016	635	320	359	205	294
\$200,000 - \$249,999	508	541	595	479	410	197	269	135	208
\$250,000 - \$499,999	455	499	558	472	321	131	94	43	70
\$500,000+	172	172	199	118	112	54	47	11	33
<b>Median HH Income</b>	\$73,050	\$73,152	\$64,211	\$63,680	\$44,050	\$43,561	\$35,207	\$31,872	\$33,285
<b>Average HH Income</b>	\$81,516	\$81,730	\$78,468	\$76,389	\$64,960	\$59,363	\$54,571	\$48,129	\$51,379
End of report...									

Households Aged 80-84: The Current Year Average Household Income for this group was recorded as \$40,177, suggesting up to \$2,678 per household, per month of senior housing “buying power” is being demonstrated for this grouping. In all, there are 1,898 households of this age grouping having Current Year Household Incomes of \$75,000 or more.

Households Aged 85+: The Current Year Average Household Income for this group was recorded as \$42,239, suggesting up to \$2,816 per household, per month of senior housing “buying power” is being demonstrated for this grouping. In all, there are 2,037 households of this age grouping having Current Year Household Incomes of \$75,000 or more.

6.0 Market Supply & Demand Data: (Continued)

*Income & Wealth indicators*

The next level of analysis focuses on the “true buying power income” of the Senior Households and Adult Children Households; the Current Year Household Disposable Income. Disposable household income measures the given household’s (or grouping of households’, as the case may be) after tax buying power – the only real income the household would have available to offset the living expenses associated with residency in a group quarters senior housing facility (ILF, Disposable income is only measured on a Current Year basis because the future impact of taxation policies are not known until the total household income is also known.

**Exhibit 10:**  
Distribution of Households by Disposable Income by Age; Inner Market Area

Distribution of Household Disposable Income by Income Bracket & Age of Householder; Inner Market Area							
Project Site, Hamburg, NY 14075-2503							
Drive-Time Market Area Boundaries of 25 minutes							
	Number			Percent			
<b>Total</b>	<b>318,929</b>			<b>100.0%</b>			
< \$15,000	55,810			17.6%			
\$15,000 - \$24,999	49,906			15.6%			
\$25,000 - \$34,999	45,028			14.1%			
\$35,000 - \$49,999	56,526			17.7%			
\$50,000 - \$74,999	71,966			22.6%			
\$75,000 - \$99,999	19,613			6.1%			
\$100,000 - \$149,999	13,863			4.3%			
\$150,000 - \$199,999	2,960			0.9%			
\$200,000 +	3,267			1.0%			
<b>Median Disposable Income</b>	<b>\$36,661</b>						
<b>Average Disposable Income</b>	<b>\$46,417</b>						
2008 Disposable Income by Age of Householder							
	< 25	25-34	35-44	45-64	55-64	65-74	75+
<b>Total</b>	<b>14,485</b>	<b>44,690</b>	<b>56,325</b>	<b>67,288</b>	<b>53,757</b>	<b>36,621</b>	<b>45,765</b>
< \$15,000	5,225	7,602	6,360	8,108	7,882	7,446	13,188
\$15,000 - \$24,999	2,502	7,959	5,416	7,108	6,637	7,973	12,310
\$25,000 - \$34,999	1,954	7,729	9,142	7,818	6,417	6,394	5,575
\$35,000 - \$49,999	1,484	8,367	13,148	13,014	10,405	5,210	4,877
\$50,000 - \$74,999	1,771	9,932	16,324	19,357	13,428	5,737	5,407
\$75,000 - \$99,999	658	1,747	3,585	5,507	4,480	1,675	1,961
\$100,000 - \$149,999	565	974	1,552	4,865	2,879	1,354	1,675
\$150,000 - \$199,999	133	226	467	644	767	374	349
\$200,000 +	193	134	331	867	862	458	423
<b>Median Disposable Income</b>	<b>\$22,345</b>	<b>\$33,388</b>	<b>\$41,731</b>	<b>\$46,344</b>	<b>\$42,190</b>	<b>\$28,684</b>	<b>\$21,938</b>
<b>Average Disposable Income</b>	<b>\$37,411</b>	<b>\$39,954</b>	<b>\$48,169</b>	<b>\$55,424</b>	<b>\$53,566</b>	<b>\$42,470</b>	<b>\$38,166</b>
End of report...							

The disposable income analysis is stratified for both the near-term primary user profile (i.e.: Households by Age Group 65+) and the long-term primary user and secondary payment source profile (i.e.: Adult Children Households by Age 45-64), to wit:

## **6.0 Market Supply & Demand Data: (Continued)**

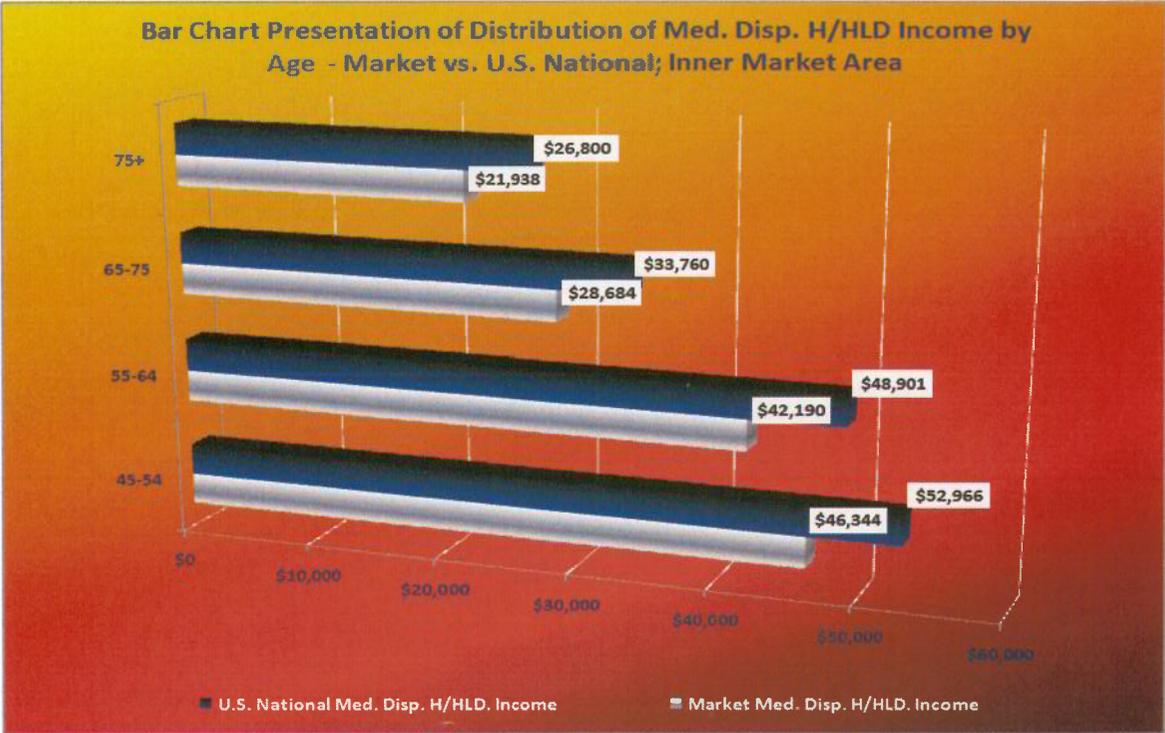
### ***Income & Wealth indicators***

1. Median Household Disposable Income/Households Aged 45-54: was measured as \$46,344 for a total of 67,288 households, while the number of households having disposable incomes of at least \$100,000 per annum for this age group was recorded as 6,376 households and the number of households for this age group having disposable incomes of at least \$150,000 per annum was record as 1,511 households.
2. Median Household Disposable Income/Households Aged 55-64: was measured as \$42,190 for a total of 53,757 households, while the number of households having disposable incomes of at least \$100,000 per annum for this age group was recorded as 4,508 households and the number of households for this age group having disposable incomes of at least \$150,000 per annum was record as 1,629 households.
3. Median Household Disposable Income/Households Aged 65-74: was measured as \$28,684 for a total of 36,621 households for this age group. The total number of households with disposable incomes of at least \$50,000 per annum recorded as 9,598 households, while the total number of households for this age group with disposable incomes of at least \$75,000 per annum was recorded as 3,861 households.
4. Median Household Disposable Income/Households Aged 75+: was measured as \$21,938 for a total of 45,765 households for this age group. The total number of households with disposable incomes of at least \$50,000 per annum recorded as 9,815 households, while the total number of households for this age group with disposable incomes of at least \$75,000 per annum was recorded as 4,408 households.

6.0 Market Supply & Demand Data: (Continued)

Income & Wealth indicators

**Exhibit 11:**  
Distribution of Median Household Income by Age Group;  
Inner Market Area vs. U.S. National Market



Historically, the youngest-old have been willing to (on average) liquidate up to half of their net worth for the purposes of paying the required entry fee at a senior community, while the oldest-old senior households have been willing to liquidate nearly all of their estates to pay for both residency and health care services. At the same time, Adult Children Households have been willing to provide a much smaller percentage of their household wealth for the purposes of providing payment for an elder's entry fee requirement in order to have the family member migrate to the Adult Child's area and take up residency.

## 7.0 Reconciliation & Final Conclusions:

The most significant indicators of this analysis include age population, demand and rent affordability. Following is a summary of conclusions and findings.

### Population Demographics:

- Demographic trends in the Town of Hamburg have mirrored national statistics. The Town's median household size had been decreasing steadily, reflecting the general trend toward smaller families and the increasing prevalence of single parent households. The elderly population had increased substantially during the period 1980 to 1990 and represented 13.8% of the town's population. Current figures based upon town and Census 2000 data and figures show a substantial increase in the senior population during the 1990 to 2000 period and now place the elderly population as high as **24.6%** of the Town's total population.

*Populations Aged 65-69. The Total Population Aged 65-69 is part of the "Youngest-Old" (Total Population Aged 65 to 74) grouping having a Current Year Population Aged 65-69 estimated at 30,225 people for 2008, is expected to grow at a rate of 3,984 people per annum over the forecast window to 34,209 people (an annual growth rate of 2.64% vs. the 4.27% annual national growth rate for this population grouping) by the end of 2013.*

*Households Aged 75+. There were 45,766 current year (2008) estimated Households Aged 75+ in the primary marketing area. This category of Households is expected to grow at a rate of -0.83% per annum (vs. the 1.36% per annum national growth rate for this grouping) totaling some (378) households per annum over the next five (5) years to 43,876 Total Households Aged 75+ at the end of 2013.*

Affordable apartments for seniors (sometimes 55+, more often 62+) are in high demand and short supply. Social, cultural and medical changes have certainly contributed to the need. Contributing factors are:

- Predominance of women among the 65+ population and their lower retirement income
- High divorce rates among women now 55-80
- Out-living husbands resulting in lowered retirement income
- Longevity leading to out-living financial resources

The population demographic is critical for estimating both short-term and long-term demand. Our conclusion pertaining to the household population sub-sets for the primary marketing area is that these sub-sets are consistent with those of other senior housing project development programs that found the resulting market niche to be sustainable in the near-term and long-term market periods.

## 7.0 Reconciliation & Final Conclusions: (Continued)

### Income Levels, Market Rent & Demand:

- The subject will be financed through tax credits. Tax credits are another way that the federal government may encourage development of affordable housing. By awarding tax credits (money deducted from a company's federal tax obligation) in exchange for developing apartments within restrictive guidelines. Properties are developed to offer affordable apartments that combine tax credits, grants and bond measures.

Since the subject will not be a project based subsidized property, it will ultimately compete with other senior housing facilities as well as conventional market rate complexes. According to a memorandum dated March 19, 2009 from the U.S. Department of Housing and Urban Development, the 2009 median income for the Buffalo-Niagara Falls MSA is \$63,500 per annum. The market rent is determined by utilizing 60% of this figure (as calculated on page 79) for a 3 person family which equates to \$34,320 per annum. Based on our data, the primary market area supports this number.

The maximum allowable rent, before utilities, is calculated to be \$858 per month (\$10,296 per annum). The maximum allowable rent, after utilities, is \$693 per month (\$8,316 per annum). The comparable senior housing complexes provided a rental range between \$750 to \$995 per month. The comparable conventional complexes provided a rental range between \$595 to \$750 per month. The subject's proposed rent is \$560 per month plus utilities which is clearly below market norms. The benefit of the tax credits allows the subject to compete with other market rate and senior housing complexes at a below market rent.

The newest multi-family complex in the Town of Hamburg is South Pointe which is a senior housing complex currently commanding \$870 per month plus electric. This complex absorbed between 8 to 10 units per month. It is our opinion that the proposed subject complex should absorb at least this amount, especially due to the significant rent differentiation.

Our analysis of the senior housing rental market potential shows the primary marketing area does in fact provide definitive evidence of demand for new construction as described in the demographics analysis and these findings are confirmed with a field investigation of the primary marketing area. For senior housing rental, a total of 183 units for the most likely year of market entry for the proposed project (15% of the Net Demand for Year 2009). The size of a rental housing program is governed by the number of living units that can be developed, constructed and operated to the point of self-sustaining profitability within three (3) years, as being the practical underwriting limit when markets show very high levels of entrenched demand potential. These trends are expected to continue in the foreseeable future.



# *Addendum & Exhibits*

Requirement Data

Legal Description

Middle & Outer Market Area Data

Qualifications of Appraisers

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- (i) **Market Support of Project** - Applicants must firmly establish that a sufficient number of income-eligible households exist in the proposed market area who can afford the project rents and who can be expected to live in the project. To do this, applicants shall submit a market analysis or a comprehensive market study.

Applicants proposing a project of fifteen units or less may submit a market analysis to establish market support for the project. Any project of more than fifteen units, which does not involve the preservation of existing, affordable housing, will require the submission of a comprehensive market study or in the case of projects in the City of New York, a market analysis utilizing data from the most current New York City Rent Guidelines Board Report.

Preservation projects of more than fifteen units located outside of the City of New York may submit a market analysis, if the project's average occupancy for the twelve months prior to application submission is 90% or greater. If the average occupancy level is below 90%, a comprehensive market study is required for these projects. Applicants proposing preservation projects located in the City of New York may submit a market analysis regardless of occupancy level

A market analysis must consider the geographic area from which households are expected to be drawn (Primary Market Area or PMA), the number of income-eligible households within that area able to afford the required monthly housing expense, current vacancy rates, the impact of the project on other housing stock (including other publicly assisted housing), rents of similar housing in close proximity to the proposed project, identification of other comparable housing that is planned or under development, and the availability of project-based rent subsidies. In areas having comparable housing under development, DHCR/HTFC may wait until any project under development is built and rented prior to funding an additional project in the market area. The exception to this will be those projects that are part of a housing/community development strategy or serving a special needs population.

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- (a) Evidence of Market Support - which must be submitted at the time of Small Project Initiative, Urban Initiative (UI), and Rural Area Revitalization Program (RARP) applications, should include:
- i. surveys identifying potential tenants and/or housing studies recently conducted by public agencies documenting need for the proposed units.
  - ii. information on waiting lists from other projects in the market area providing housing of the same general type and with comparable rents;
  - iii. commitments on leases and/or referral of households financially assisted by social services or public health programs; and
- (b) Comprehensive Market Studies - applicants utilizing LIHC and/or SLIHC must submit a professional market study which:
- i. is conducted by a disinterested pre-qualified market analyst approved by the Division and demonstrates that the proposed number and type of units meet an existing and identified need of low-income individuals and can be readily absorbed by existing need in the local area. Alternatively, applicants proposing projects located within the City of New York may prepare an analysis utilizing data from the most current "Housing NYC: Rents, Markets and Trends" report issued by the New York City Rent Guidelines Board for inclusion in their application. (Note: In all cases market demand must be documented from within New York State.)
  - ii. The comprehensive market study should include the Scope of Work contained in the following guidelines:

HTFC/DHCR Market Study Content Guidelines

- A. Executive Summary. Each market study must include a concise summary of the data, analysis and conclusions, including the following:
- A concise description of the site, adjacent parcels and the immediately surrounding area.

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- A brief summary of the project including the type of construction, number of buildings, number and type of units, proposed rents and the proposed population to be served.
  - Precise statement of key conclusions reached by the analyst.
  - Precise statement of analyst's opinion of market feasibility including the prospect for long term performance of the property given housing and demographic trends and economic factors.
  - Provide recommendations and/or suggest modifications to the proposed project.
  - Provide a summary of market related strengths and/or weaknesses which may influence the subject development's marketability, including compatibility with surrounding uses, the appropriateness of the subject property's location, unit sizes and configuration, and number of units.
- B. **Project Description**. The market study should include a project description to show the analyst's understanding of the project at the point in time the market study is undertaken. The project description should include:
- Proposed number of units by: number of bedrooms and baths, income limit as a percent of Area Median Income (AMI), unit size in square feet and utility allowances for tenant paid utilities, proposed rents, and target population, including income restrictions and any special needs set-asides.
  - The utilities expected to be paid by tenants and energy sources for tenant paid hot water, heat, cooking.
  - For existing occupied properties, identification of any existing assisted housing program at the property such as Section 8, Section 202, Section 811, Section 236, etc, as well as current occupancy levels, current rents and proposed rents.
- C. **Location and Market Area Definition**  
The Primary Market Area (PMA) is the geographic area from which a property is expected to draw the majority of its residents.

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- Define the Primary Market Area, including a map that clearly delineates the area, and provide a clear explanation of the basis for the boundaries of the PMA. Identify PMA boundaries by municipality (ies), census tracts/block groups, street/highway names, or other appropriate geographic features (a river for example) forming the boundaries. Also define the larger geographic area in which the PMA is located (i.e. city, county, Metropolitan Statistical Area (MSA), etc.). Projects in the City of New York should indicate the Community Board in which the project is located. Applicants are strongly encouraged to use entire census tracts or block groups in defining the PMA.
- Provide photographs of the site and neighborhood, and a map clearly identifying the location of the project and the closest transportation linkages, shopping, schools, medical services, public transportation, places of worship, and other services such as libraries, community centers, bank, etc. In situations where it is not feasible to show all the categories on a map, the categories may be addressed in the narrative.
- Describe the marketability of the proposed development.
- Provide information or statistics on crime in the PMA relative to data for the overall area. Address any local perceptions of crime or problems in the PMA.

**D. Population and Households**

- Provide total population, age and income target data for the Primary Market Area using the 2000 Census, current year estimates, and a five year projection. Data from other legitimate studies, such as Claritas, CACI and similar demographic information companies, with detail on household size, tenure, age and other relevant categories may be provided. Provide the same information for the SMA, if one has been defined. Indicate the source for all data and provide a methodology for estimates.
- Provide a breakdown of households by tenure for 2000 Census, current year and five year projection.
- Provide an analysis of trends indicated by the data and include reference sources for the data and methodology for analyzing the data.
- Provide a breakdown of households by incomes in \$5,000-\$10,000 increments, by household size and by tenure for 2000 Census, current year, and five year projection.

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E. **Employment and Economy.** Provide data and analysis on the employment and economy of the PMA to give an understanding of the overall economic health of the community in which the PMA is located. List sources for the data and methodology for the analysis.

- Provide a description of employment by industry sector for the PMA or smallest geographic area available that includes the PMA and compare the data to the larger geographic area, e.g. the city, county, labor market area, or MSA.
- List major employers in the PMA, the type of business and the number employed and compare the data to the larger geographic area (i.e. MSA, County, etc.).
- Show the historical unemployment rate for the last ten years (or other appropriate period) for the PMA and compare to the larger geographic area (i.e. MSA, County,, etc.).
- Show employment trends over the same period or a more recent, shorter period (last 5 years). Compare to the larger geographic area.
- Comment on trends for employment in the PMA in relation to the subject development.
- If relevant, comment on the availability of affordable housing for employees of businesses and industries that draw from the PMA.
- Provide a breakdown of typical wages by occupation.
- Provide commuting patterns for workers such as how many workers in the PMA commute from surrounding areas outside the PMA.

F. **Existing Rental Housing.** Provide information on other multifamily rental housing in the PMA and any rental housing proposed to be developed in the PMA. This section of the study should include:

- If relevant in the market, a 10-year, or other appropriate period, history of building permits, if available, by housing type and comments on building trends in relation to household trends.

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- Identify a list of existing comparable and competitive properties, including: name, location, population served, type of design, age and condition, number of units by bedroom type, rent levels, number of bedrooms and baths for each unit type, size in square footage of units, kitchen equipment, type of utilities (state whether paid by tenant or owner and energy sources for hot water, heat and cooking), unit and site amenities included. Also, if available, site staffing, occupancy rate, and absorption history for the property (if recently completed). Provide the name, address and phone number of property contact. Attach photos of each comparable property. Include a map showing the location of each comparable property in relation to the subject.
- A comparable property is one that is representative of the rental housing choices of the PMA and that is similar in construction, size, amenities, location, and/or age. A competitive property is comparable to the proposed project **and** competes at nearly the same rent levels and tenant profile, such as age, family or income.
- Describe the size of the overall rental market in the PMA, including the percentage of market rate and affordable housing properties.
- Provide a narrative evaluation of the subject property in relation to the comparable properties, and identify the competitive properties, which are most similar to the proposed development. The analyst should state why the comparables referenced have been selected, which are the most directly comparable, and explain why certain projects have not been referenced.
- For each comparable property, provide comparisons to the subject rents based on the comparable property amenities, tenant paid utilities, location, parking, concessions and rent increase or decrease trends.
- Only the directly comparable projects should be used to derive the market rents in the PMA for use in evaluating the competitive advantage of the project rents. Market rents should be adjusted for owner paid utilities included in the rent. Including conventional projects with superior amenities, location, design, and larger unit sizes in determining the market rent is not acceptable. For example, the use of 1200 sq ft townhome style apartment units as comparables for a project with 850 sq ft, two bedroom units with limited amenities is not reasonable or acceptable.

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- Discuss the availability of affordable housing options, including purchase or sale of homes.
- When relevant, include a list of LIHC/SLIHC, USDA RD, HUD 202 and other subsidized projects with allocations/awards in or near the market area that are not placed in service, giving as much known detail as possible on estimated placed-in-service dates, unit mix and income to be served.
- Discuss the impact of the subject development on the existing housing stock.
- Describe the market vacancy rate for the PMA rental housing stock by population served (i.e. market rate, LIHC, and Project Based Rental Assistance) and type of occupancy (i.e. family, seniors, special populations) and unit size.
- Identify the number of people on waiting lists for each project. Indicate if the households have been income qualified, and when the wait list was last updated.

G. Local Perspective of Rental Housing Market and Housing Alternatives. The market study should include a summary of the local perspective on the rental market, need for the proposed housing and unmet housing needs in the market. The local perspective should consider:

- Interviews with local planners, housing and community development officials and market participants to estimate proposed additions to the supply of housing that would compete with the subject development and to evaluate the local perception of need for additional housing.
- Interview local Public Housing Authority (PHA) officials and seek comment on need for housing and possible impact of the proposed development on their housing inventory and waiting lists for assisted housing. Include a statement on the number and availability of Housing Choice Vouchers and the number and types of households on the waiting lists for Housing Choice Vouchers. Compare subject development's proposed rents to local payments standards or median rents.
- The cost and availability of home ownership and mobile home living, if applicable.

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H. Analysis.

- Derive a market rent **using appropriate comparables as discussed in Section F above**, an achievable restricted rent given the project income limits, and then compare them to the developer's proposed rent. Quantify and discuss the market advantage of the proposed development and impact on marketability.
- Provide a detailed analysis of the income levels of the potential tenants for the proposed units. Eligible households will pay no less than 30% and no more than 48% of their income for gross rent (rent plus utilities). (See CPM, Section 7.06.04, for additional information).
- Calculate separate capture rates **for each targeted income limit by unit type** in the subject property, incorporating DHCR/HTFC restrictions such as age, income, renters versus home owners, household sizes, etc. For example, if a project has 30 one bedroom units targeted at 50% of AMI, 10 one bedroom units targeted at 60% of AMI, and 20 two bedroom units targeted at 60% of AMI, three separate capture rates must be calculated. In calculating the capture rates the analyst should subtract all existing affordable housing in the PMA (supply) from the number of income eligible, age appropriate households (demand). Note: For senior projects, only 10% of the eligible homeowners may be included in the demand calculation.
- The unmet demand for additional housing units must be more than 5 times the number of units proposed. Capture rates must be 20% or less for each targeted income limit by unit type.
- Define and justify the absorption period and absorption rate for the subject property.
- Project and explain any future changes in the housing stock within the market area.
- Identify risks (i.e. competitive properties which may come on line at the same time as the subject property; declining population in the PMA, etc.), unusual conditions and mitigating circumstances. Evaluate need for voucher support or HUD contracts.
- Provide documentation and descriptions that show the methodology for calculations in the analysis section and relate the conclusions to the data.

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I. Other Requirements

- Date report was prepared, date of inspection and name and telephone number of analyst preparing study.
- Certification of no identity of interest between the analyst and the entity for whom the report is prepared.
- Certification that recommendations and conclusions are based solely on professional opinion and best efforts.
- Statement of qualifications.
- List of sources for data in the market study.

(ii) Project Income - Applicants must demonstrate that the project will generate sufficient income to cover its operating expenses.

- (a) Rent Plan - the applicant must submit with the UF application, a rent plan for the project estimating rental income, adjusted by a 7% vacancy and arrears loss. The rents approved by DHCR/HTFC for the purposes of the HTF or HOME commitment letter or LIHC reservation may be increased by the annual percentage increase in the area median income prior to initial rent up with DHCR/HTFC approval, subject to the receipt and review of operating cost documentation supporting the need for the increase.
- (b) Non-Residential Income - if the project building also contains non-residential space, the budget for the non-residential space must be self-sustaining and accounted for separately. DHCR/HTFC funds may not be used to subsidize the non-residential portions of the project unless deemed appurtenant to the residential portion of the project. The feasibility of the project should not be predicated upon income from non-residential rents. Any non-residential income to be used to support the project operations should be conservatively estimated. Such income should be considered only on a net basis after deduction of vacancy loss and arrears, operating and maintenance expense, and debt service. The estimate for vacancy loss and arrears should be in the

SUGGESTED DESCRIPTION  
JOB NO. BUF-2003049.00  
DECEMBER 17, 2008

PARCEL III  
PROPOSED SENIOR APARTMENTS  
PHASE 1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie, and State of New York being part of Lots 22 and 23, Township 9 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the intersection of the south line of lands conveyed to Brian J. Piotrowski by deed recorded in the Erie County Clerk's Office in Liber 10903 of Deeds at page 3924 with the easterly line of lands appropriated by the People of the State of New York, Map No. 59, Panel No. 62;

THENCE: Northwesterly along the easterly line of lands so appropriated on a curve to the left having a radius of 9,886.03 feet, an arc distance of 13.70 feet to the POINT OF BEGINNING of the parcel hereinafter described, said curve having a chord bearing of N-19°-59'-11"-W and a chord distance of 13.70 feet;

THENCE continuing along the easterly line of lands so appropriated on a curve to the left having a radius of 9,886.03 feet an arc distance of 87.15 feet to the southerly line of lands conveyed by Liber 8576 of Deeds at page 13, said curve having a chord bearing of N-20°-16'-43"-W and a chord distance of 87.15 feet;

THENCE: N-89°-54'-22"-E, along the southerly line of lands conveyed by Liber 8576 of Deeds at page 13, a distance of 200.66 feet to the southeast corner thereof;

THENCE: N-00°-05'-38"-W, along the east line of lands conveyed by Liber 8576 of Deeds at page 13 and Liber 9351 of Deeds at page 328, a distance of 330.00 feet to the south line of lands conveyed to Mission Hills Falls, Inc. by deed recorded in Liber 10916 of Deeds at page 9974;

THENCE: S-89°-33'-27"-W, along the south line of Mission Hills Falls, Inc. lands, a distance of 339.29 feet to the easterly line of lands appropriated by the Public Service Commission, Case No. 4235, Map No. 24, Parcel No. 25;

THENCE: N-21°-55'-39"-W, along the easterly line of lands so appropriated, a distance of 109.72 feet;

THENCE along the bounds of lands conveyed to Mission Hills Falls, Inc. by Deed recorded in Liber 10183 of Deeds at page 379, the following four (4) courses and distance:

- 1.) N-16°-39'-31"-W, a distance of 185.00 feet;
- 2.) N-19°-24'-31"-W, a distance of 194.74 feet;
- 3.) N-29°-19'-31"-W, a distance of 125.89 feet to the south line of Norfolk & Western Railroad lands;

SUGGESTED DESCRIPTION  
JOB NO. BUF-2003049.00  
DECEMBER 17, 2008

PARCEL III  
PROPOSED SENIOR APARTMENTS  
PHASE I

- 4.) N-47°-45'-09"-E, along the south line of said Norfolk & Western Railroad lands a distance of 945.00 feet;

THENCE through said Mission Hills Falls, Inc. lands and aforementioned Brian J. Piotrowski lands, the following six (6) courses and distances:

- 1.) S-42°-24'-09"-E, a distance of 781.60 feet;
- 2.) Southwesterly on a curve to the left having a radius of 486.00 feet, an arc distance of 166.34 feet to a point of tangency, said curve having a chord bearing of S-29°-33'-26"-W and chord distance of 165.47 feet;
- 3.) S-19°-45'-20"-W, a distance of 460.30 feet to a point of curvature;
- 4.) Southwesterly on a curve to the right having a radius of 826.00 feet an arc distance of 454.95 feet to a point of compound curvature;
- 5.) Southwesterly on a curve to the right having a radius of 535.00 feet an arc distance of 191.00 feet to a point of tangency;
- 6.) S-82°-08'-27"-W, a distance of 166.73 feet to the POINT OF BEGINNING containing 24.49 acres be the same more or less.

**Exhibit 12:**

Distribution of Total Population by Reporting Year by Age; Outer Market Area

Total Population by Detailed Age Spreadsheet						
Project Site, Hamburg, NY 14075-2503			Drive-Time Market Area Boundaries of 35 minutes			
Prepared By Rainmaker Marketing Corporation						
	Census 2000		2008 Estimate		2013 Projection	
	Number	Percent	Number	Percent	Number	Percent
<b>Total Population</b>	<b>1,022,411</b>	<b>100.00%</b>	<b>997,585</b>	<b>100.00%</b>	<b>981,238</b>	<b>100.00%</b>
<1	12,112	1.18%	12,022	1.21%	11,757	1.20%
1	12,096	1.18%	11,896	1.19%	11,611	1.18%
2	12,203	1.19%	11,826	1.19%	11,560	1.18%
3	12,398	1.21%	11,846	1.19%	11,565	1.18%
4	13,281	1.30%	12,154	1.22%	11,805	1.20%
5	13,230	1.29%	11,374	1.14%	10,889	1.11%
6	13,683	1.34%	11,621	1.16%	11,094	1.13%
7	14,334	1.40%	11,770	1.18%	11,227	1.14%
8	14,529	1.42%	11,893	1.19%	11,338	1.16%
9	14,992	1.47%	12,021	1.21%	11,400	1.16%
10	15,087	1.48%	12,486	1.25%	11,730	1.20%
11	14,373	1.41%	12,359	1.24%	11,524	1.17%
12	14,544	1.42%	12,506	1.25%	11,662	1.19%
13	14,328	1.40%	12,393	1.24%	11,497	1.17%
14	14,409	1.41%	12,344	1.24%	11,435	1.17%
15	14,450	1.41%	13,499	1.35%	12,379	1.26%
16	13,670	1.34%	13,215	1.32%	12,110	1.23%
17	13,859	1.36%	13,313	1.33%	12,179	1.24%
18	13,817	1.35%	14,321	1.44%	13,300	1.36%
19	14,058	1.37%	14,892	1.49%	14,052	1.43%
20 - 24	62,362	6.10%	66,207	6.64%	65,955	6.72%
25 - 29	58,936	5.76%	60,851	6.10%	59,644	6.08%
30 - 34	68,092	6.66%	56,032	5.62%	55,854	5.69%
35 - 39	77,599	7.59%	81,257	8.14%	55,210	5.63%
40 - 44	82,865	8.10%	69,898	7.01%	61,315	6.25%
45 - 49	74,284	7.27%	77,447	7.76%	71,563	7.29%
50 - 54	65,020	6.36%	74,703	7.49%	74,648	7.61%
55 - 59	50,381	4.93%	66,590	6.68%	74,817	7.62%
60 - 64	41,411	4.05%	51,035	5.12%	59,892	6.10%
65 - 69	40,723	3.98%	39,639	3.97%	45,264	4.61%
70 - 74	42,188	4.13%	34,059	3.41%	33,896	3.45%
75 - 79	37,040	3.62%	32,769	3.28%	28,885	2.94%
80 - 84	25,492	2.49%	28,835	2.89%	26,674	2.72%
85+	20,566	2.01%	28,512	2.86%	31,507	3.21%
<18	247,578	24.20%	220,538	22.10%	208,762	21.30%
18+	774,835	75.80%	777,046	77.90%	772,474	78.70%
21+	733,109	71.70%	732,823	73.50%	730,383	74.40%
Median Age	38.0		40.3		41.5	
End of report...						

### Exhibit 13:

#### Distribution of Total Population by Reporting Year by Age; Middle Market Area

Total Population by Detailed Age Spreadsheet						
Project Site, Hamburg, NY 14076-2503				Drive-Time Market Area Boundaries of 30 minutes		
Prepared By Rainmaker Marketing Corporation						
	Census 2000		2008 Estimate		2013 Projection	
	Number	Percent	Number	Percent	Number	Percent
<b>Total Population</b>	<b>921,157</b>	<b>100.00%</b>	<b>895,215</b>	<b>100.00%</b>	<b>879,663</b>	<b>100.00%</b>
<1	11,004	1.19%	10,867	1.21%	10,628	1.21%
1	10,924	1.19%	10,711	1.20%	10,451	1.19%
2	11,054	1.20%	10,653	1.19%	10,405	1.18%
3	11,155	1.21%	10,630	1.19%	10,372	1.18%
4	11,985	1.30%	10,926	1.22%	10,604	1.21%
5	11,933	1.30%	10,237	1.14%	9,792	1.11%
6	12,293	1.33%	10,417	1.16%	9,939	1.13%
7	12,906	1.40%	10,597	1.18%	10,086	1.15%
8	13,026	1.41%	10,638	1.19%	10,126	1.15%
9	13,433	1.46%	10,730	1.20%	10,161	1.16%
10	13,454	1.46%	11,115	1.24%	10,425	1.19%
11	12,938	1.40%	11,083	1.24%	10,310	1.17%
12	12,969	1.41%	11,151	1.25%	10,374	1.18%
13	12,870	1.40%	11,086	1.24%	10,281	1.17%
14	12,983	1.41%	11,083	1.24%	10,236	1.16%
15	12,923	1.40%	12,034	1.34%	11,001	1.25%
16	12,284	1.33%	11,819	1.32%	10,803	1.23%
17	12,469	1.35%	11,926	1.33%	10,890	1.24%
18	12,317	1.34%	12,739	1.42%	11,802	1.34%
19	12,525	1.36%	13,268	1.48%	12,512	1.42%
20 - 24	56,624	6.15%	59,888	6.69%	59,765	6.79%
25 - 29	63,948	6.94%	55,108	6.16%	54,173	6.16%
30 - 34	61,916	6.72%	50,681	5.66%	50,237	5.71%
35 - 39	69,653	7.56%	55,282	6.18%	49,496	5.63%
40 - 44	74,162	8.05%	62,662	7.00%	55,071	6.26%
45 - 49	66,794	7.25%	69,134	7.72%	64,005	7.28%
50 - 54	58,343	6.33%	66,781	7.46%	66,512	7.56%
55 - 59	45,250	4.91%	59,603	6.66%	66,835	7.60%
60 - 64	37,298	4.05%	45,604	5.09%	53,698	6.10%
65 - 69	36,778	3.99%	35,445	3.96%	40,464	4.60%
70 - 74	38,221	4.15%	30,529	3.41%	30,303	3.44%
75 - 79	33,514	3.64%	29,407	3.28%	25,827	2.94%
80 - 84	22,962	2.49%	25,922	2.90%	23,910	2.72%
85+	18,259	1.98%	25,459	2.84%	28,169	3.20%
<18	222,606	24.20%	197,703	22.10%	186,884	21.20%
18+	698,551	75.80%	697,512	77.90%	692,779	78.80%
21+	661,295	71.80%	658,070	73.50%	655,262	74.50%
Median Age	37.9		40.2		41.4	
End of report...						

**Exhibit 14:**

Distribution of Family Households by Reporting Year by Income Bracket; Outer Market Area

<b>Families by Income: Outer Market Area</b>								
<b>Project Site, Hamburg, NY 14075-2503</b>								
<b>Presented By Rainmaker Marketing Corporation, Inc.</b>								
	<b>Census 2000</b>			<b>2008 Estimate</b>			<b>2013 Proj.</b>	
	<b>Number</b>	<b>Percent</b>		<b>Number</b>	<b>Percent</b>		<b>Number</b>	<b>Percent</b>
<b>Family Income Base</b>	<b>263,743</b>	<b>100.00%</b>		<b>255,300</b>	<b>100.00%</b>		<b>249,728</b>	<b>100.00%</b>
<\$10,000	17,236	6.54%		12,176	4.77%		9,552	3.82%
\$10,000 - \$14,999	11,431	4.33%		7,297	2.86%		5,726	2.29%
\$15,000 - \$19,999	13,071	4.96%		8,668	3.40%		6,667	2.67%
\$20,000 - \$24,999	15,175	5.75%		9,326	3.66%		7,882	3.16%
\$25,000 - \$29,999	16,591	6.29%		11,948	4.68%		6,995	2.80%
\$30,000 - \$34,999	16,065	6.09%		10,148	3.97%		10,002	4.01%
\$35,000 - \$39,999	15,798	5.99%		13,601	5.33%		9,224	3.69%
\$40,000 - \$44,999	15,389	5.83%		11,864	4.66%		12,171	4.87%
\$45,000 - \$49,999	15,175	5.75%		9,981	3.91%		9,870	3.95%
\$50,000 - \$59,999	27,354	10.37%		23,566	9.23%		17,752	7.11%
\$60,000 - \$74,999	33,552	12.72%		36,548	14.32%		31,282	12.53%
\$75,000 - \$99,999	34,364	13.03%		46,033	18.03%		47,762	19.12%
\$100,000 - \$124,999	15,848	6.01%		20,321	7.96%		30,549	12.23%
\$125,000 - \$149,999	7,009	2.66%		15,704	6.15%		17,827	7.14%
\$150,000 - \$199,999	5,236	1.99%		9,219	3.61%		15,167	6.07%
\$200,000 - \$249,999	4,449	1.69%		3,956	1.55%		5,356	2.14%
\$250,000 - \$499,999	N/A	N/A		4,147	1.62%		4,777	1.91%
\$500,000 +	N/A	N/A		797	0.31%		1,177	0.47%
<b>Median Family Income</b>	<b>\$48,553</b>			<b>\$63,030</b>			<b>\$73,667</b>	
<b>Average Family Income</b>	<b>\$58,914</b>			<b>\$76,548</b>			<b>\$88,910</b>	
<b>End of report...</b>								

**Exhibit 15:**

Distribution of Family Households by Reporting Year by Income Bracket; Middle Market Area

Families by Income: Middle Market Area							
Project Site, Hamburg, NY 14075-2503							
Presented By Rainmaker Marketing Corporation, Inc.							
Family Income Base	Census 2000		2008 Estimate		2013 Proj.		
	Number	Percent	Number	Percent	Number	Percent	
	237,346	100.00%	228,920	100.00%	223,663	100.00%	
<\$10,000	15,539	6.55%	11,004	4.81%	8,551	3.82%	
\$10,000 - \$14,999	10,195	4.30%	6,647	2.86%	5,183	2.32%	
\$15,000 - \$19,999	11,690	4.93%	7,655	3.34%	5,902	2.64%	
\$20,000 - \$24,999	13,769	5.80%	8,430	3.68%	7,049	3.15%	
\$25,000 - \$29,999	14,939	6.29%	10,822	4.73%	6,310	2.82%	
\$30,000 - \$34,999	14,647	6.13%	9,170	4.01%	8,958	4.01%	
\$35,000 - \$39,999	14,535	6.12%	12,189	5.32%	8,420	3.76%	
\$40,000 - \$44,999	13,939	5.87%	10,703	4.68%	10,818	4.84%	
\$45,000 - \$49,999	13,819	5.82%	9,114	3.98%	8,768	3.92%	
\$50,000 - \$59,999	24,870	10.48%	21,398	9.35%	16,080	7.19%	
\$60,000 - \$74,999	30,062	12.67%	33,091	14.46%	28,178	12.60%	
\$75,000 - \$99,999	30,688	12.93%	41,068	17.94%	43,007	19.23%	
\$100,000 - \$124,999	14,202	5.98%	18,053	7.89%	27,337	12.22%	
\$125,000 - \$149,999	6,134	2.58%	14,088	6.15%	15,853	7.09%	
\$150,000 - \$199,999	4,654	1.96%	7,969	3.48%	13,559	6.06%	
\$200,000 - \$249,999	3,774	1.59%	3,484	1.52%	4,641	2.07%	
\$250,000 - \$499,999	N/A	N/A	3,485	1.52%	4,088	1.83%	
\$500,000 +	N/A	N/A	650	0.28%	961	0.43%	
Median Family Income	\$48,328		\$62,717		\$73,441		
Average Family Income	\$58,362		\$75,679		\$87,983		
End of report...							

**Exhibit 16:**

Distribution of Households by Age by Income Bracket (Current Year); Outer Market Area

2008 Households by Income and Age of Householder 45+; Outer Market Area									
Project Site									
4543 Camp Rd									
Hamburg, NY 14075									
	Current Year Age of Householder								
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
Total	44,349	43,883	38,252	32,242	25,847	21,435	23,189	17,793	17,466
<\$16,000	4,067	3,902	4,253	3,540	3,693	3,096	4,754	4,032	3,927
\$16,000 - \$24,999	2,760	2,655	3,084	2,537	4,312	3,602	4,930	4,124	4,015
\$25,000 - \$34,999	3,565	3,445	3,261	2,709	4,082	3,479	3,566	2,838	2,744
\$35,000 - \$49,999	5,537	5,387	4,958	4,216	3,943	3,331	2,980	2,279	2,187
\$50,000 - \$74,999	9,771	9,686	8,054	6,914	4,101	3,464	2,726	1,993	1,963
\$75,000 - \$99,999	9,277	9,276	6,582	5,663	2,471	2,029	1,888	1,293	1,289
\$100,000 - \$149,999	6,415	6,487	5,091	4,344	1,938	1,513	1,224	727	752
\$150,000 - \$199,999	1,632	1,656	1,475	1,176	554	391	582	282	334
\$200,000 - \$249,999	488	511	577	421	314	223	353	168	177
\$250,000 - \$499,999	704	728	757	626	343	252	143	51	62
\$500,000+	133	150	160	96	96	55	43	6	16
Median HH Income	\$64,001	\$64,527	\$58,577	\$58,737	\$37,397	\$36,795	\$29,555	\$27,004	\$27,241
Average HH Income	\$77,079	\$77,718	\$75,487	\$74,457	\$57,309	\$54,720	\$48,299	\$41,043	\$42,627
End of report...									

**Exhibit 17:**

Distribution of Households by Age by Income Bracket (Current Year); Middle Market Area

2008 Households by Income and Age of Householder 45+; Middle Market Area									
Project Site 4543 Camp Rd Hamburg, NY 14075	Current Year Age of Householder								
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
	<b>Total</b>	39,833	39,341	34,392	28,993	23,251	19,299	21,050	16,185
<\$15,000	3,679	3,518	3,840	3,197	3,376	2,821	4,249	3,608	3,499
\$15,000 - \$24,999	2,514	2,418	2,799	2,298	3,880	3,236	4,490	3,762	3,656
\$25,000 - \$34,999	3,285	3,168	2,946	2,444	3,693	3,141	3,231	2,577	2,490
\$35,000 - \$49,999	5,070	4,931	4,489	3,820	3,549	3,007	2,711	2,081	1,982
\$50,000 - \$74,999	8,765	8,677	7,356	6,322	3,718	3,153	2,491	1,831	1,793
\$75,000 - \$99,999	8,320	8,298	5,962	5,132	2,159	1,772	1,734	1,194	1,180
\$100,000 - \$149,999	5,729	5,791	4,460	3,804	1,668	1,307	1,133	676	694
\$150,000 - \$199,999	1,364	1,379	1,295	1,031	527	374	526	257	302
\$200,000 - \$249,999	431	448	495	360	289	209	311	145	160
\$250,000 - \$499,999	576	597	620	511	305	228	132	48	57
\$500,000+	100	116	130	74	87	51	42	6	16
<b>Median HH Income</b>	\$63,261	\$63,770	\$58,120	\$58,293	\$37,137	\$36,653	\$29,729	\$27,169	\$27,367
<b>Average HH Income</b>	\$75,695	\$76,337	\$74,095	\$73,066	\$66,981	\$64,631	\$48,597	\$41,280	\$42,797
End of report...									

**Exhibit 18:**

Distribution of Households by Age by Income Bracket (5-Year); Outer Market Area

2013 Households by Income and Age of Householder 45+; Outer Market Area									
Project Site 4543 Camp Rd Hamburg, NY 14075	5-Year Age of Householder								
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
	<b>Total</b>	40,548	43,491	42,526	37,724	29,196	21,278	20,190	16,365
<\$15,000	2,902	3,089	3,967	3,571	3,285	2,616	3,694	3,324	3,813
\$15,000 - \$24,999	2,151	2,272	2,990	2,592	4,193	3,021	3,702	3,177	3,741
\$25,000 - \$34,999	2,509	2,665	2,872	2,495	3,798	2,709	2,501	2,088	2,526
\$35,000 - \$49,999	4,282	4,527	4,759	4,339	4,133	3,052	2,484	1,993	2,375
\$50,000 - \$74,999	7,950	8,476	8,285	7,547	4,642	3,527	2,564	2,058	2,506
\$75,000 - \$99,999	9,958	10,649	8,834	7,948	3,714	3,105	2,547	1,982	2,468
\$100,000 - \$149,999	7,163	7,777	6,670	5,839	3,150	2,102	1,565	1,130	1,389
\$150,000 - \$199,999	1,819	2,004	1,913	1,609	890	452	506	294	406
\$200,000 - \$249,999	772	846	961	767	617	325	433	249	344
\$250,000 - \$499,999	747	854	928	790	560	257	131	57	97
\$500,000+	295	332	347	227	214	112	63	13	42
<b>Median HH Income</b>	\$76,941	\$76,096	\$68,493	\$67,592	\$46,260	\$45,329	\$35,889	\$32,566	\$33,844
<b>Average HH Income</b>	\$87,731	\$88,284	\$84,931	\$82,609	\$70,215	\$63,963	\$55,998	\$49,328	\$52,390
End of report...									

**Exhibit 19:**

Distribution of Households by Age by Income Bracket (5-Year); Middle Market Area

2013 Households by Income and Age of Householder 45+, Middle Market Area									
Project Site 4543 Camp Rd Hamburg, NY 14075	5-Year Age of Householder								
	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85+
<b>Total</b>	36,509	38,883	38,172	34,036	26,254	19,116	18,291	14,853	17,855
<\$15,000	2,610	2,765	3,553	3,207	2,988	2,371	3,284	2,959	3,398
\$15,000 - \$24,999	1,958	2,062	2,700	2,332	3,773	2,702	3,353	2,873	3,395
\$25,000 - \$34,999	2,331	2,461	2,606	2,266	3,464	2,460	2,280	1,902	2,305
\$35,000 - \$49,999	3,914	4,120	4,318	3,960	3,724	2,744	2,250	1,817	2,142
\$50,000 - \$74,999	7,168	7,611	7,612	6,972	4,236	3,214	2,343	1,885	2,288
\$75,000 - \$99,999	9,086	9,646	8,029	7,261	3,283	2,751	2,352	1,839	2,282
\$100,000 - \$149,999	6,381	6,873	5,831	5,129	2,713	1,819	1,434	1,042	1,270
\$150,000 - \$199,999	1,510	1,638	1,659	1,411	836	430	449	264	363
\$200,000 - \$249,999	687	742	812	661	563	294	366	205	282
\$250,000 - \$499,999	628	708	769	659	488	232	122	54	90
\$500,000+	236	257	283	178	186	99	58	13	40
<b>Median HH Income</b>	\$75,592	\$75,701	\$67,569	\$66,854	\$45,823	\$45,099	\$36,141	\$32,959	\$34,042
<b>Average HH Income</b>	\$85,912	\$86,327	\$83,078	\$80,955	\$69,567	\$63,675	\$66,101	\$49,532	\$52,468
End of report...									

**Exhibit 20:**  
Household Net Worth (Current Year) Distribution; Outer Market Area

2008 Households by Net Worth									
	Number					Percent			
<b>Total</b>	409,899					100.00%			
< \$15,000	105,112					25.60%			
\$15,000 - \$34,999	29,598					7.20%			
\$35,000 - \$49,999	18,079					4.40%			
\$50,000 - \$74,999	25,725					6.30%			
\$75,000 - \$99,999	25,626					6.30%			
\$100,000 - \$149,999	35,363					8.60%			
\$150,000 - \$249,999	47,105					11.60%			
\$250,000 - \$499,999	61,031					14.90%			
\$500,000 - \$999,999	36,278					8.90%			
\$1,000,000 +	25,982					6.30%			
<b>Median Net Worth</b>	\$100,851								
<b>Average Net Worth</b>	\$424,662								
2008 Net Worth by Age of Householder: Outer Market									
	2007 Dollars								
	<25	25-34	35-44	45-54	55-64	65-74	75+		
<b>Total</b>	17,389	55,981	72,069	88,233	70,494	47,281	58,448		
< \$15,000	12,447	28,875	21,945	17,728	10,344	6,757	7,016		
\$15,000 - \$34,999	2,144	5,893	7,172	5,675	3,824	2,551	2,338		
\$35,000 - \$49,999	548	2,871	4,690	3,642	3,104	941	2,284		
\$50,000 - \$99,999	1,277	7,299	9,964	9,592	5,649	7,923	9,646		
\$100,000 - \$149,999	529	3,267	8,037	8,570	4,847	3,224	6,888		
\$150,000 - \$249,999	247	4,269	7,929	13,003	8,951	5,404	7,302		
\$250,000 - \$499,999	149	2,706	8,888	16,536	13,583	9,472	9,696		
\$500,000 +	48	801	3,444	13,487	20,192	11,009	13,278		
<b>Median Net Worth</b>	\$10,478	\$14,541	\$57,388	\$141,849	\$227,666	\$182,820	\$150,147		
<b>Average Net Worth</b>	\$27,093	\$80,262	\$214,363	\$495,767	\$849,668	\$744,926	\$667,134		
End of report...									

**Exhibit 21:**  
Household Net Worth (Current Year) Distribution; Middle Market Area

2008 Households by Net Worth										
	Number					Percent				
<b>Total</b>	370,506					100.00%				
< \$15,000	96,909					26.89%				
\$15,000 - \$34,999	27,063					7.30%				
\$35,000 - \$49,999	16,536					4.48%				
\$50,000 - \$74,999	23,647					6.38%				
\$75,000 - \$99,999	23,392					6.31%				
\$100,000 - \$149,999	32,079					8.66%				
\$150,000 - \$249,999	42,742					11.54%				
\$250,000 - \$499,999	54,609					14.74%				
\$500,000 - \$999,999	32,284					8.71%				
\$1,000,000 +	22,366					6.03%				
<b>Median Net Worth</b>	\$98,471									
<b>Average Net Worth</b>	\$411,167									
2008 Net Worth by Age of Householder										
	2007 Dollars									
	<25	25-34	35-44	45-54	55-64	65-74	75+			
<b>Total</b>	16,966	51,137	66,238	79,174	63,384	42,560	53,056			
< \$15,000	11,423	26,553	20,043	16,076	9,396	6,166	6,263			
\$15,000 - \$34,999	1,977	5,449	6,537	6,201	3,479	2,321	2,089			
\$35,000 - \$49,999	501	2,650	4,299	3,356	2,837	860	2,043			
\$50,000 - \$99,999	1,177	6,818	9,189	8,836	5,151	7,188	8,802			
\$100,000 - \$149,999	480	2,941	7,238	7,786	4,440	2,927	6,266			
\$150,000 - \$249,999	223	3,829	7,101	11,782	8,221	4,918	6,667			
\$250,000 - \$499,999	139	2,428	7,893	14,642	12,281	8,303	8,923			
\$500,000 +	46	669	2,958	11,498	17,579	9,887	12,002			
<b>Median Net Worth</b>	\$10,483	\$14,444	\$56,152	\$136,638	\$220,508	\$178,940	\$161,306			
<b>Average Net Worth</b>	\$27,163	\$77,757	\$207,576	\$477,063	\$827,544	\$742,158	\$586,287			
End of report...										

**Exhibit 22:**

**Current Year Distribution of Households by Disposable Income By Age Group; Outer Market Area**

2008 Disposable Income by Age of Householder							
Project Site							
Drive-Time Market Area Boundaries of 35 minutes							
	Number			Percent			
<b>Total</b>	<b>409,896</b>			<b>100.0%</b>			
< \$16,000	67,306			16.4%			
\$16,000 - \$24,999	61,738			15.1%			
\$25,000 - \$34,999	56,543			13.8%			
\$35,000 - \$49,999	71,971			17.6%			
\$50,000 - \$74,999	94,260			23.0%			
\$75,000 - \$99,999	27,530			6.7%			
\$100,000 - \$149,999	20,744			5.1%			
\$150,000 - \$199,999	4,696			1.1%			
\$200,000 +	5,108			1.2%			
<b>Median Disposable Income</b>	<b>\$38,037</b>						
<b>Average Disposable Income</b>	<b>\$48,895</b>						
2008 Disposable Income by Age of Householder							
	< 25	25-34	35-44	45-54	55-64	65-74	75+
<b>Total</b>	<b>17,389</b>	<b>55,980</b>	<b>72,066</b>	<b>88,232</b>	<b>70,497</b>	<b>47,283</b>	<b>58,448</b>
< \$16,000	6,195	8,916	7,424	9,573	9,455	9,148	16,595
\$16,000 - \$24,999	2,985	9,621	8,657	8,709	8,111	10,091	15,565
\$25,000 - \$34,999	2,356	9,593	11,305	9,760	8,218	8,112	7,208
\$35,000 - \$49,999	1,773	10,590	16,474	16,891	13,211	9,727	6,305
\$50,000 - \$74,999	2,108	13,018	21,387	25,656	17,652	7,507	6,932
\$75,000 - \$99,999	780	2,352	5,014	7,784	6,622	2,446	2,531
\$100,000 - \$149,999	764	1,349	2,531	7,400	4,525	1,952	2,233
\$150,000 - \$199,999	182	333	737	1,057	1,292	601	493
\$200,000 +	266	208	537	1,412	1,411	699	586
<b>Median Disposable Income</b>	<b>\$22,743</b>	<b>\$34,801</b>	<b>\$43,271</b>	<b>\$49,010</b>	<b>\$44,693</b>	<b>\$29,582</b>	<b>\$22,255</b>
<b>Average Disposable Income</b>	<b>38506</b>	<b>41355</b>	<b>50433</b>	<b>558735</b>	<b>57476</b>	<b>44788</b>	<b>36879</b>
End of report...							

**Exhibit 23:**

**Current Year Distribution of Households by Disposable Income By Age Group; Middle Market Area**

2008 Households by Disposable Income							
Project Site							
Drive-Time Market Area Boundaries of 30 minutes							
	Number			Percent			
<b>Total</b>	<b>370,506</b>			<b>100.0%</b>			
< \$15,000	60,908			16.44%			
\$15,000 - \$24,999	56,078			15.14%			
\$25,000 - \$34,999	51,569			13.92%			
\$35,000 - \$49,999	66,631			17.71%			
\$50,000 - \$74,999	86,089			22.97%			
\$75,000 - \$99,999	24,641			6.62%			
\$100,000 - \$149,999	18,268			4.93%			
\$150,000 - \$199,999	4,034			1.09%			
\$200,000 +	4,398			1.19%			
<b>Median Disposable Income</b>	<b>\$37,851</b>						
<b>Average Disposable Income</b>	<b>\$48,427</b>						
2008 Disposable Income by Age of Householder							
	< 25	25-34	35-44	45-54	55-64	65-74	75+
<b>Total</b>	16,964	51,137	66,240	79,174	63,384	42,660	53,055
< \$15,000	5,586	8,124	6,776	8,660	8,647	8,320	14,895
\$15,000 - \$24,999	2,772	8,810	5,937	7,977	7,334	9,090	14,158
\$25,000 - \$34,999	2,196	8,819	10,310	8,937	7,437	7,320	6,550
\$35,000 - \$49,999	1,834	9,737	15,155	16,207	12,049	6,098	5,761
\$50,000 - \$74,999	1,953	11,826	19,316	22,976	15,998	6,662	6,358
\$75,000 - \$99,999	725	2,135	4,479	6,962	6,801	2,110	2,338
\$100,000 - \$149,999	695	1,210	2,173	6,399	3,967	1,768	2,045
\$150,000 - \$199,999	167	294	636	883	1,072	544	438
\$200,000 +	236	182	458	1,183	1,179	638	522
<b>Median Disposable Income</b>	<b>\$23,094</b>	<b>\$34,715</b>	<b>\$43,043</b>	<b>\$48,390</b>	<b>\$44,218</b>	<b>\$29,432</b>	<b>\$22,391</b>
<b>Average Disposable Income</b>	<b>\$38,738</b>	<b>\$41,199</b>	<b>\$50,021</b>	<b>\$57,882</b>	<b>\$56,561</b>	<b>\$44,586</b>	<b>\$36,979</b>
End of report...							

**Exhibit 24:**  
Housing By Occupant Type & Housing Unit Value Class: Outer Market Area

<b>Housing Units by Occupancy Status and Tenure - Outer Market Area</b>						
	<b>Census 2000</b>		<b>2008</b>		<b>2013</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Total Housing Units</b>	<b>453,199</b>	<b>100.0%</b>	<b>461,131</b>	<b>100.0%</b>	<b>463,484</b>	<b>100.0%</b>
<b>Occupied</b>	<b>413,826</b>	<b>91.3%</b>	<b>409,920</b>	<b>88.9%</b>	<b>406,545</b>	<b>87.5%</b>
<b>Owner</b>	<b>267,668</b>	<b>59.1%</b>	<b>276,928</b>	<b>60.1%</b>	<b>268,861</b>	<b>58.0%</b>
<b>Renter</b>	<b>146,158</b>	<b>32.3%</b>	<b>132,992</b>	<b>28.8%</b>	<b>136,684</b>	<b>29.5%</b>
<b>Vacant</b>	<b>39,373</b>	<b>8.7%</b>	<b>51,211</b>	<b>11.1%</b>	<b>57,939</b>	<b>12.5%</b>
<b>Owner Occupied Housing Units by Value</b>						
	<b>Census 2000</b>		<b>2008</b>		<b>2013</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Total Housing Units</b>	<b>267,711</b>	<b>100.0%</b>	<b>276,880</b>	<b>100.0%</b>	<b>268,820</b>	<b>100.0%</b>
< \$10,000	1,776	0.66%	1,140	0.41%	1,123	0.42%
\$10,000 - \$14,999	1,833	0.68%	687	0.25%	648	0.24%
\$15,000 - \$19,999	2,334	0.87%	1,066	0.39%	1,018	0.38%
\$20,000 - \$24,999	2,488	0.93%	1,336	0.48%	1,162	0.43%
\$25,000 - \$29,999	3,382	1.26%	1,473	0.53%	1,506	0.56%
\$30,000 - \$34,999	4,163	1.56%	1,698	0.61%	1,506	0.56%
\$35,000 - \$39,999	5,466	2.04%	1,773	0.64%	1,799	0.67%
\$40,000 - \$49,999	12,763	4.76%	4,218	1.52%	3,878	1.44%
\$50,000 - \$59,999	18,997	7.10%	6,358	2.30%	6,018	2.24%
\$60,000 - \$69,999	26,086	9.37%	6,374	2.30%	5,648	2.06%
\$70,000 - \$79,999	32,788	12.25%	9,700	3.50%	8,973	3.34%
\$80,000 - \$89,999	36,964	13.81%	10,370	3.75%	10,250	3.81%
\$90,000 - \$99,999	28,318	10.58%	11,711	4.23%	10,009	3.72%
\$100,000 - \$124,999	36,069	13.47%	44,933	16.23%	41,034	15.26%
\$125,000 - \$149,999	22,850	8.54%	46,561	16.82%	44,882	16.70%
\$150,000 - \$174,999	11,951	4.46%	39,102	14.12%	34,766	12.93%
\$175,000 - \$199,999	7,236	2.70%	26,947	9.73%	29,153	10.84%
\$200,000 - \$249,999	6,426	2.40%	28,931	10.45%	30,302	11.27%
\$250,000 - \$299,999	3,184	1.19%	14,036	5.07%	14,645	5.45%
\$300,000 - \$399,999	2,077	0.78%	11,028	3.98%	12,134	4.51%
\$400,000 - \$499,999	795	0.30%	3,462	1.25%	3,677	1.37%
\$500,000 - \$749,999	446	0.17%	2,696	0.97%	3,137	1.17%
\$750,000 - \$999,999	172	0.06%	659	0.24%	890	0.33%
\$1,000,000 +	159	0.06%	622	0.22%	774	0.29%
<b>Median Value</b>	<b>\$86,166</b>		<b>\$144,117</b>		<b>\$147,253</b>	
<b>Average Value</b>	<b>\$99,488</b>		<b>\$164,668</b>		<b>\$170,871</b>	
<b>End of report...</b>						

**Exhibit 25:**

**Housing By Occupant Type & Housing Unit Value Class: Middle Market Area**

<b>Housing Units by Occupancy Status and Tenure - Middle Market Area</b>						
	<b>Census 2000</b>		<b>2008</b>		<b>2013</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Total Housing Units</b>	<b>410,093</b>	<b>100.0%</b>	<b>415,938</b>	<b>100.0%</b>	<b>417,585</b>	<b>100.0%</b>
<b>Occupied</b>	<b>374,968</b>	<b>91.4%</b>	<b>370,529</b>	<b>89.1%</b>	<b>366,314</b>	<b>87.7%</b>
<b>Owner</b>	<b>240,541</b>	<b>58.7%</b>	<b>248,234</b>	<b>59.7%</b>	<b>240,695</b>	<b>57.6%</b>
<b>Renter</b>	<b>134,427</b>	<b>32.8%</b>	<b>122,295</b>	<b>29.4%</b>	<b>125,619</b>	<b>30.1%</b>
<b>Vacant</b>	<b>35,125</b>	<b>8.6%</b>	<b>45,409</b>	<b>10.9%</b>	<b>51,271</b>	<b>12.3%</b>
<b>Owner Occupied Housing Units by Value</b>						
	<b>Census 2000</b>		<b>2008</b>		<b>2013</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Total Housing Units</b>	<b>240,534</b>	<b>100.0%</b>	<b>248,191</b>	<b>100.0%</b>	<b>240,555</b>	<b>100.0%</b>
< \$10,000	1,401	0.58%	879	0.35%	854	0.35%
\$10,000 - \$14,999	1,624	0.68%	636	0.22%	502	0.21%
\$15,000 - \$19,999	1,958	0.81%	913	0.37%	862	0.36%
\$20,000 - \$24,999	2,197	0.91%	1,176	0.47%	1,008	0.42%
\$25,000 - \$29,999	2,971	1.24%	1,230	0.50%	1,257	0.52%
\$30,000 - \$34,999	3,517	1.46%	1,455	0.59%	1,288	0.53%
\$35,000 - \$39,999	4,835	2.01%	1,560	0.63%	1,675	0.66%
\$40,000 - \$49,999	10,987	4.57%	3,641	1.47%	3,364	1.39%
\$50,000 - \$59,999	17,075	7.10%	5,411	2.18%	5,126	2.13%
\$60,000 - \$69,999	23,181	9.64%	6,529	2.23%	4,804	2.00%
\$70,000 - \$79,999	30,812	12.81%	8,439	3.40%	7,810	3.25%
\$80,000 - \$89,999	34,680	14.42%	9,327	3.76%	9,178	3.81%
\$90,000 - \$99,999	26,140	10.87%	10,699	4.31%	9,133	3.80%
\$100,000 - \$124,999	32,650	13.57%	42,208	17.01%	38,499	16.00%
\$125,000 - \$149,999	19,813	8.24%	43,679	17.60%	42,092	17.49%
\$150,000 - \$174,999	10,109	4.20%	36,839	14.44%	31,927	13.27%
\$175,000 - \$199,999	5,994	2.49%	24,129	9.72%	26,212	10.89%
\$200,000 - \$249,999	5,125	2.13%	25,121	10.12%	26,416	10.98%
\$250,000 - \$299,999	2,597	1.08%	11,782	4.75%	12,374	5.14%
\$300,000 - \$399,999	1,619	0.67%	8,848	3.56%	9,779	4.06%
\$400,000 - \$499,999	608	0.25%	2,757	1.11%	2,941	1.22%
\$500,000 - \$749,999	379	0.16%	2,028	0.82%	2,369	0.98%
\$750,000 - \$999,999	133	0.06%	509	0.21%	683	0.28%
\$1,000,000 +	129	0.05%	496	0.20%	614	0.26%
<b>Median Value</b>	<b>\$ 85,683</b>		<b>\$ 142,796</b>		<b>\$ 145,835</b>	
<b>Average Value</b>	<b>\$ 97,935</b>		<b>\$ 161,654</b>		<b>\$ 167,552</b>	
<b>End of report...</b>						

**Exhibit 26:**  
Rental ILF Demand Analysis; Middle Market Area

<b>Rental Independent Living Facility New Construction Demand Model Spreadsheet: Middle Market Area</b>						
Forecast of Net Buildable Demand Penetration Rates for Rental ILF Living Units						
Project Site, Hamburg, NY 14075-2503						
Prepared By Rainmaker Marketing Corporation						
	Period Ending December 31 <sup>st</sup>	2009	2010	2011	2012	2013
<b>Screen Number 1 - Age &amp; Income Qualified Households in Primary Marketing Area</b>						
<b>Non-Institutionalized Age 65+ Households w/Disposable Household Incomes Above \$50,000 Per Annum</b>						
	Households Aged 65-74 (Youngest-Old)	11,862	12,004	12,148	12,293	12,440
	Households Aged 75+ (Oldest-Old)	11,635	11,569	11,504	11,439	11,374
	<b>Sub-Total Pool of Age &amp; Income Qualified Cohorts</b>	<b>23,497</b>	<b>23,574</b>	<b>23,652</b>	<b>23,732</b>	<b>23,816</b>
<b>Screen Number 2 - IADL Disability/Age/Income Qualified Households in Primary Marketing Area</b>						
<b>Statistical Likelihood for Age Group w/Difficulty &amp; Help Received for 2+ IADLs Per Day</b>						
	6.6% Mean Disability Rate: Age 65-74 Inc. Qual. H/HLDS	783	792	802	811	821
	20.7% Mean Disability Rate: Age 75+ Inc. Qual. H/HLDS	2,408	2,395	2,381	2,368	2,355
	<b>Sub-Total Income &amp; Dis. Rate. Pool of Qual. H/HLDS Aged 65+</b>	<b>3,191</b>	<b>3,187</b>	<b>3,183</b>	<b>3,179</b>	<b>3,176</b>
<b>Screen Number 3 - Increases Due to Adult Children Referrals - Secondary Marketing Area</b>						
	Total Age 46 -64 w/Disposable Incomes Above \$150K	2,061	2,057	2,052	2,047	2,042
	Total Age 65 -64 w/Disposable Incomes Above \$200K	1,176	1,174	1,171	1,168	1,166
	<b>Sub-Total Income Qualified Pool of Adult Children Households in Market</b>	<b>3,238</b>	<b>3,230</b>	<b>3,223</b>	<b>3,215</b>	<b>3,208</b>
<b>Assumed Increase Due to Adult Children In-Migration @ 1.00% of Adult Children Households</b>						
	<b>Total Demand Increase Attributable to Adult Children In-Migration</b>	<b>32</b>	<b>32</b>	<b>32</b>	<b>32</b>	<b>32</b>
	<b>Total Gross Demand</b>	<b>3,224</b>	<b>3,219</b>	<b>3,215</b>	<b>3,211</b>	<b>3,208</b>
<b>Screen Number 4 - Less Increases Due to Competitive Additions in Market</b>						
	<b>Assumed Increase in Planned/Proposed ILF Units</b>	<b>1,064</b>	<b>1,062</b>	<b>1,061</b>	<b>1,060</b>	<b>1,059</b>
	<b>Total Net Demand</b>	<b>2,160</b>	<b>2,157</b>	<b>2,154</b>	<b>2,152</b>	<b>2,149</b>
<b>Screen Number 5 - Penetration Potential for Rental ILF New Living Unit Construction Demand</b>						
	Penetration Rate Required to Lease-Up 120 ILF Units	5.56%	5.56%	5.57%	5.58%	5.58%
	Penetration Rate Required to Lease-Up 150 ILF Units	6.94%	6.95%	6.96%	6.97%	6.98%
	Penetration Rate Required to Lease-Up 180 ILF Units	8.33%	8.34%	8.36%	8.37%	8.38%
	Penetration Rate Required to Lease-Up 210 ILF Units	9.72%	9.74%	9.75%	9.76%	9.77%
	Penetration Rate Required to Lease-Up 240 ILF Units	11.11%	11.13%	11.14%	11.15%	11.17%
	Penetration Rate Required to Lease-Up 270 ILF Units	12.50%	12.52%	12.53%	12.55%	12.56%
	Penetration Rate Required to Lease-Up 300 ILF Units	13.89%	13.91%	13.93%	13.94%	13.96%
End of report...						

## QUALIFICATIONS OF ANTHONY STEWARD

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Mr. Steward is currently Vice President of Northeastern Appraisal Associates, Commercial, located at 5110 Main St., Suite 210, Williamsville, New York 14221.

### EDUCATION:

State University of New York at Buffalo, NY  
Georgetown University Center For Professional Development

### APPRAISAL COURSES ATTENDED AND COMPLETED:

Mortgage Fraud  
2008, Buffalo, NY

Appraisal Institute  
"Subdivision Valuation"  
2008, Buffalo, NY

Appraisal Institute  
"The Modern Cost Approach": Applied Methods & Techniques  
2007, Ellicottville, NY

Appraisal Institute Section 8/HUD Rent Comparability  
Studies and Standards  
2001, Cleveland, OH

Uniform Standards of Professional Appraisal Practice (USPAP)  
USPAP 7 Hour Update Course  
2008, Buffalo, NY

Appraisal Institute Course 510  
"Advance Income Capitalization"  
1998, Orlando, FL - Exam

Appraisal Institute Course 320  
"General Applications"  
1997 – Washington, D.C. - Exam

Fundamentals of Data Collection – Commercial  
1997, Albany, NY – Exam (New York State Assessment Course)

Fundamentals of Data Collection - Residential, Farms and Vacant Land  
1996, Buffalo, NY – Exam (New York State Assessment Course)

G-1, Introduction to Income Property Valuation  
1996, Buffalo, NY - Exam

### RELATED COURSES COMPLETED:

Fair Housing Law and Practice in Real Estate

## QUALIFICATIONS OF ANTHONY STEWARD

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### SEMINARS ATTENDED:

"How Liens & Easement Affect Value"  
2006, Buffalo, NY

"Environmental Influences"  
2005, Buffalo, NY

"Eminent Domain"  
2006, Buffalo, NY

"Property Taxes, Assessment & The Appeal Process"  
2006, Buffalo, NY

"Taking Private Property For Public Use"  
2006, Buffalo, NY

"Conveyance Of Real Estate in New York"  
2006, Buffalo, NY

### CERTIFICATIONS:

New York State Certified General Real Estate Appraiser, ID# 46-33820

### PROFESSIONAL ORGANIZATIONS:

Associate Member - Appraisal Institute, Western New York Ontario International Chapter

### WORK HISTORY:

6/98 - Present	Northeastern Appraisal Associates, Commercial, Inc. Vice President
5/96 - 6/98	KLW Appraisal Group, Inc., Commercial Division Research/Associate Appraiser
5/96 - 6/98	Nystar Revaluation, Inc. Data Collection & Field Reviewer
3/94 - 9/96	Sanders Appraisal Service, Inc. Residential Real Estate Appraiser

## **QUALIFICATIONS OF ANTHONY STEWARD**

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### APPRAISAL ASSIGNMENTS:

Apartment Complexes

Office Buildings

Economic Impact Studies

Special Purpose Properties

Feasibility Analysis

Industrial Facilities

Hotel-Motel

Mobile Home Parks

Medical Office

Golf Courses

Mortgage Financing

Easement Acquisitions

Shopping Centers

Convenience Stores

Subdivision Analysis

Manufacturing

## QUALIFICATIONS OF ANTHONY STEWARD

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### HAS APPRAISED FOR:

Partial Client List:

AEGON USA Realty Advisors, Inc.	JP Morgan Chase
Allianz Of America, Inc.	Key Bank Small Business Lending
American Express Financial Corporation	KPMG Peat Marwick
Berkshire Capital	Largo Real Estate Advisors
Canada Life Assurance Company	LaSalle Bank Real Estate Capital Markets
CIT Small Business Lending	Legg Mason Real Estate Services
Citibank Community Development	Lend Lease Real Estate Investments, Inc.
Citizens Bank Real Estate Risk Services	Liberty Bank
Column Financial (Credit Suisse First Boston)	Manufacturers & Traders Trust Company
Community Preservation Corporation	PNC Bank National Association
Countrywide Commercial Real Estate Finance	River Source Life Insurance Company
First Niagara Bank	Sovereign Bank of New England
HSBC Bank	StanCorp Mortgage Investors
John Hancock Real Estate Finance Group	Wells Fargo Bank

### TERRITORIES PROFESSIONALLY COVERED:

Mr. Steward has appraised property in the State of New York and Pennsylvania.

### EXPERT WITNESS:

Mr. Steward has appeared as an expert witness regarding real estate evaluation in State Supreme Courts in Erie County, U.S. District Bankruptcy Court and various commissions of appraisal.

### REVALUATION ASSIGNMENTS:

Mr. Steward has been involved in numerous revaluation assignments across New York State. Typical responsibilities included data collection, field review, valuation and informal and formal hearings with the assessment departments and property owners.

# QUALIFICATIONS OF ANTHONY STEWARD

UNIQUE ID NUMBER <b>44000033820</b>	<i>State of New York</i> <i>Department of State</i> <b>DIVISION OF LICENSING SERVICES</b>	FOR OFFICE USE ONLY Control No. <b>45142</b>
PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.		EFFECTIVE DATE MO.   DAY   YR. <b>08   24   08</b>
STEWARD ANTHONY D C/O NORTHEASTERN APPRAISAL ASS 5110 MAIN ST WILLIAMSVILLE, NY 14221		EXPIRATION DATE MO.   DAY   YR. <b>08   23   10</b>
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A R. E. GENERAL APPRAISER		
In Witness Whereof, The Department of State has caused its official seal to be hereunto affixed. <b>LORRAINE A. CORTES-VAZQUEZ</b> SECRETARY OF STATE		
DOS-1098 (Rev. 3/01)		

## **QUALIFICATIONS OF MICHAEL GLUC, MAI**

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Mr. Gluc is currently President and Shareholder of Northeastern Appraisal Associates, Commercial Inc., located at 5110 Main St., Suite 210, Williamsville, New York 14221.

### **APPRAISAL COURSES ATTENDED AND SUCCESSFULLY COMPLETED:**

Appraisal Institute –  
Appraisal Curriculum Overview  
February 25-26, 2009, Orlando, FL

Appraisal Institute –  
USPAP 7 Hour Update Course  
February 13, 2009, Erie, PA

Appraisal Institute –  
“Scope of Work”  
April 17, 2009, Buffalo, NY

PA-Law  
February 13, 2009, Erie, PA

Valuation Case Studies  
January 26, 2009, Ellicottville, NY

Subdivision Valuation  
May 12, 2008, Buffalo, NY

Appraisal Institute – Course 420  
“Business Practices & Ethics”  
May 3, 2005, Buffalo, NY – Exam

Appraisal Institute Symposium  
"Environmental & Property Damages: Standards, Due Diligence, Valuation & Strategy  
April 4-6, 2002, Toronto, Ontario, Canada

### **LICENSES/DESIGNATIONS:**

MAI, Member, Appraisal Institute (Certificate #9820)

### **PROFESSIONAL AFFILIATIONS:**

President: WNY-Ontario Chapter Appraisal Institute, 1999  
Member: Buffalo Executive Association (Director)

### **CERTIFICATIONS:**

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- Certified New York State General Real Estate Appraiser, ID# 46-4723
- Certified New York State Department of Transportation General Real Estate Appraiser.
- Certified Pennsylvania General Real Estate Appraiser, ID# GA003447

### **EXPERT WITNESS:**

Mr. Gluc has appeared as an expert witness regarding real estate evaluation in the State of New York and New Jersey.

### **SEMINARS & COURSES ATTENDED:**

- "State of the Appraisal Profession" and "NYS Dept. of Transportation Acquisition Process"  
Appraisal Institute-WNY/Ontario Int'l Chapter  
Williamsville, NY 14221, no exam, April 21, 2001
- "Multi-Family Accelerated Processing (MAP)"  
US Department of Housing and Urban Development (HUD)  
Williamsville, NY 14221, no exam, September 27, 2000
- "What You Should Know About Building Inspections"  
Williamsville, NY 14221, March 13, 2000
- The Comprehensive Appraisal Workshop Income, Cost, Sales, General Concepts and Highest and Best Use, Orlando, Florida - January 25-29, 1999
- Appraisal Institute - Course 668, "Internet Search Strategies for Real Estate Appraising", March 12, 1998, Secaucus, New Jersey
- Board of Assessment Review Training Session, County of Erie Division of Budget, Management and Finance, June 27, 1996, Amherst, New York
- American Institute of Real Estate Appraisers "Real Estate Evaluations and the Appraisal Industry", March 13, 1995, Amherst, NY
- Easements and Encroachments, November, 1994 - Amherst, NY
- Appraisal Institute - Course 520, Highest & Best Use and Market Analysis, February 13-18, 1994 - West Palm, Florida
- Maximizing the Value of an Appraisal Practice, June, 1993 - Amherst, NY
- Discounted Cash Flow Analysis, June, 1993 - Amherst, NY
- MAI Experience Review Seminar, March, 1993 - Ohio
- Income Property Valuation for the 1990s, September 18, 1992, Strongsville, Ohio
- Comprehensive Appraisal Workshop Parts A and B, July 18 - 21, 1991, Chicago, Illinois
- Professional Practice Seminar given by the Society of Real Estate Appraisers, May, 1989, Kingston, New York - no exam
- Marshall & Swift Cost Valuation Seminars, Calculator Cost Method, June, 1988 - no exam

**WORK HISTORY:**

- 2/97 - Present      **Northeastern Appraisal Associates, Commercial, Inc.**  
President and Shareholder of Commercial Division
- 11/92 - 2/97        **Northeastern Appraisal Associates, Commercial, Inc.**  
Vice President and Shareholder of Commercial Division
- 01/91 - 10/92      **Queen City Appraisal, Inc.**  
Vice President of Commercial Division
- 09/85 - 11/88      **Northeastern Appraisal Associates, Inc.**  
Staff Appraiser of Commercial Division
- 02/85 - 08/85      **Northeastern Appraisal Associates, Inc.**  
Staff Appraiser of Residential Division
- 10/78 - 01/85      **Century 21, Vacanti Division**  
Real Estate Salesperson

**PROFESSIONAL TERRITORY COVERED:**

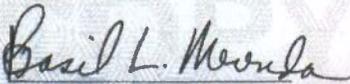
Mr. Gluc has appraised property in the states of Alabama, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and Wisconsin.

Mr. Gluc has performed LIHTC (Low Income Housing Tax Credits) appraisals and has performed work for HUD including HUD Form 92273

**PREPARED AND PARTICIPATED IN APPRAISALS FOR:**

AllFirst Mortgage Corp.	Key Bank, N.A.
American Express Financial	KPMG Peat Marwick
AT&T Capital Corp.	Largo Capital Group
Bank United of Texas, FSB	Legg Mason Real Estate Services
Bella Vista, Inc	Liberty Bank
Benchmark Financial Group, Inc	M & T Bank
Benderson Development Co., Inc.	Merrill Lynch Credit Corporation
Block & Colucci	NFTA
Buffalo Urban Renewal Agency	NY Quadel
Canandaigua National Bank & Trust Co.	Northwest Savings Bank
Charter One Bank/REAS	Parallel Commercial Capital
Chrysler Corporation	Pepsi Bottling Group
Ciminelli Development Co.	Phillips, Lytle, Hitchcock, Blaine & Huber
Citibank (New York State, N.A.)	Pizza Hut of America
Citizens Bank	Rich Products
City of Buffalo	Rockville Bank
Community Preservation Corp. (CPC)	Sanwa Business Credit Corporation
Countrywide Commercial	Savings Bank of Utica
Credit Suisse First Boston	Sovran Companies
Dover Asset Group, Inc.	SBA (Small Business Admin.)
Evans Bank, N.A.	Stancorp Mortgage Investors, LLC
Five Star Bank	Trocaire College
First Niagara Bank	Uniland Development Co., Inc.
GMAC	US Dept. of Housing & Urban Development (HUD)
Hodgson Russ	United States Post Office
HSBC	Various Attorneys
Interbay Funding	Wells Fargo

UNIQUE ID NUMBER 46000004723	State of New York Department of State <b>DIVISION OF LICENSING SERVICES</b>	FOR OFFICE USE ONLY Control No. <b>38818</b>
PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.		EFFECTIVE DATE MO. DAY YR. 11   19   07
GLUC MICHAEL C/O NORTHEASTERN APPRAISAL ASS 5110 MAIN ST STE 210 WILLIAMSVILLE, NY 14221		EXPIRATION DATE MO. DAY YR. 11   18   09
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A <b>R. E. GENERAL APPRAISER</b>		
<small>In Witness Whereof, The Department of State has caused its official seal to be hereunto affixed.</small> <b>LORRAINE A. CORTES-VAZQUEZ</b> SECRETARY OF STATE		
<small>DOS-1098 (Rev. 3/01)</small>		

Commonwealth of Pennsylvania Department of State Bureau of Professional and Occupational Affairs PO Box 2649 Harrisburg PA 17105-2649		08 0645508
Certificate Type <b>Certified General Appraiser</b>		Certificate Status <b>Active</b>
MICHAEL GLUC 5110 MAIN STREET SUITE 210 Buffalo NY 14221	Certificate Number <b>GA003447</b>	Initial Certification Date <b>10/20/2004</b>
		Expiration Date <b>06/30/2011</b>
 Commissioner of Professional and Occupational Affairs		 Signature
<small>ALTERATION OF THIS DOCUMENT IS A CRIMINAL OFFENSE UNDER 18 P.S. § 4911</small>		



# MEMBERSHIP CERTIFICATE

This Certifies That

**Michael Sluc**

has been admitted to membership as an

**MAI Member 9820**

in the Appraisal Institute and is entitled to all the rights and privileges of membership subject only to the limiting conditions set forth from time to time in the Bylaws and Regulations of the Appraisal Institute.

In Witness Whereof, the Board of Directors of the Appraisal Institute has authorized this certificate to be signed in its behalf by the President, and the Corporate Seal to be hereunto affixed on this 5th day of February 1993



*Conrad J. Lovati*  
PRESIDENT

THIS CERTIFICATE IS THE PROPERTY OF THE APPRAISAL INSTITUTE. IT IS SUBJECT TO THE BYLAWS AND REGULATIONS OF THE APPRAISAL INSTITUTE. IT IS NOT VALID UNLESS SIGNED BY THE PRESIDENT AND THE CORPORATE SEAL OF THE APPRAISAL INSTITUTE. IT IS NOT VALID UNLESS SIGNED BY THE PRESIDENT AND THE CORPORATE SEAL OF THE APPRAISAL INSTITUTE.



Submitted by Total Lighting Concepts, Inc.



**Job Name:**  
Mission Estates Senior Housing

**Catalog Number:**  
P5713-31

Notes: Front Entrance

**Type:**

BUF09-30734



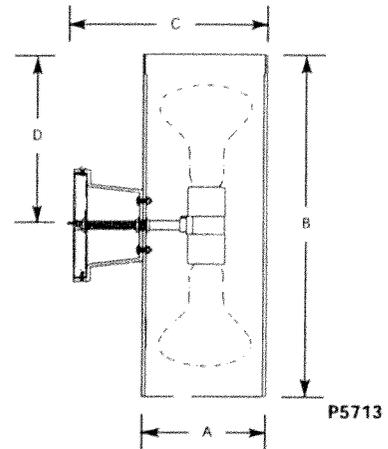
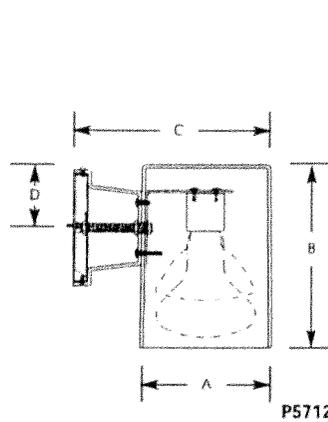
Incandescent

Non-Metallic Cylinders

Outdoor

Type \_\_\_\_\_  
 -30 -31  
 P5712    
 P5713  X

Catalog No.	Finish		Lamping	Dimensions (Inches)			
	White	Black		A	B	C	D
P5712	-30	-31	1-75w PAR30, 65w BR30	4-7/8	7-1/4	7-3/4	2-1/2
P5713	-30	-31	2-75w PAR30	5	14	7-1/4	7



**Specifications:**

General

- Polycarbonate construction
- Interior or exterior use
- Non corrosive hardware supplied
- P5712 - Down lighting. Shields PAR lamps to minimize glare and provide compliance with turtle laws (check local codes)
- P5713 - up/down lighting. P8799 top cover lens recommended when unit is used outdoors

Mounting

- Wall mounted
- Covers any outlet box
- Mounting bracket is 4-1/2" square
- Outlet box mounting bracket is supplied. Permits attachment of unit to wall with one almost invisible set screw

Electrical

- Medium based ceramic socket with nickel plated brass screw shell

Accessories

- P8799-30 or -31 top lens cover for P5713 fixture

Labeling

- UL-CUL wet location listing for P5712 and P5713 with P8799 cover
- UL-CUL listing for P5713 for indoor use with no cover

Progress Lighting  
 701 Millennium Blvd.  
 Greenville, South Carolina  
 29607

www.progresslighting.com

Rev. 8/06

Submitted by Total Lighting Concepts, Inc.



**Job Name:**  
Mission Estates Senior Housing

**Catalog Number:**  
P5881-31EB

Notes: Porch/Garage

**Type:**

BUF09-30734



Compact Fluorescent

**Non-Metallic**  
Energy Star

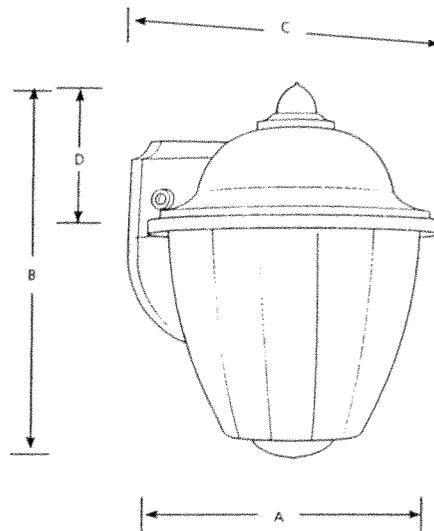
**Outdoor**

Type

-30EB -31EB

P5881 L X

Catalog No.	Finish			Dimensions (Inches)			
	White	Black	Lamping	A	B	C	D
P5881	-30EB	-31EB	1-4 pin 18 Quad CFL	6	8-7/8	6-7/8	4-1/8



**Specifications:**

General

- White acrylic acorn style diffuser
- Diffuser twists out for lamp replacement
- Polypropylene construction
- White (-30) or black (-31) material
- Energy Star certified

Electrical

- Unit has a 4 pin GX24q-2 socket.
- 120v NPF electronic ballast
- Unit will start down to 0 degrees F
- Integral photocell turns unit off during daytime
- Pre-wired

Mounting

- Wall mount outdoor
- Covers a standard 4" recessed octagonal recessed outlet box
- Mounting strap included

Labeling

- UL-CUL wet location listed



Progress Lighting  
701 Millennium Blvd.  
Greenville, South Carolina  
29607

www.progresslighting.com

Rev. 11/07

Submitted by Total Lighting Concepts, Inc.


**Job Name:**  
Mission Estates Senior Housing

**Catalog Number:**  
TL119-PL-84-120/277
**Type:**

Notes: Over Front/Rear Door Wall Pack

BUF09-30734

# Trace-lite

...Industrial & outdoor H.I.D. lighting

**TL119****DIE-CAST ALUMINUM SEMI-CUTOFF WALL PACK**

Model Number:

Accessories:

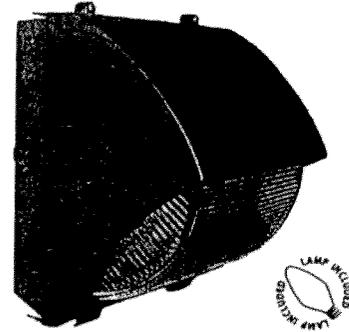
Type:

Job:

Approvals:

**PRODUCT FEATURES**

- Powder coated, architectural bronze finish
- Corrosion resistant, heavy duty die-cast aluminum housing
- Vandal-resistant borosilicate glass refractor
- Front housing is hinged for easy installation and relamping
- Wet location listed, fully sealed and gasketed housing
- Glazed porcelain socket pulse rated for 4KV or universal 4 pin socket
- Anodized aluminum reflector provides ideal light distribution
- 1/2" NPS entry points for conduit entry
- TL119 includes lamp and is available with Compact Fluorescent (26 to 84 Watt), Metal Halide (50 to 175 Watt), Pulse Start Metal Halide (175 watt) or HPS (35 to 150 Watt) lamps.

**ORDERING INFORMATION (See back page for accessories)**

✓ MODEL #	TYPE	WATTS	VOLTS	BALLAST
TL119-PL-26-120/277	PL	26	120/277	ELECTRONIC
TL119-PL-52-120/277	PL	26 x 2	120/277	ELECTRONIC
TL119-PL-32-120/277	PL	32	120/277	ELECTRONIC
TL119-PL-64-120/277	PL	32 x 2	120/277	ELECTRONIC
TL119-PL-42-120/277	PL	42	120/277	ELECTRONIC
TL119-PL-84-120/277	PL	42 x 2	120/277	ELECTRONIC
TL119-MH-50-DT	MH	50	120/277	HX-HPF
TL119-MH-70-MT	MH	70	120/208/240/277	HX-HPF
TL119-MH-100-MT	MH	100	120/208/240/277	HX-HPF
TL119-MH-150-MT	MH	150	120/208/240/277	HX-HPF
TL119-MH-175-MT	MH	175	120/208/240/277	CWA
TL119-PSMH-175-MT	PSMH	175	120/208/240/277	CWA
TL119-HPS-35-120	HPS	35	120	REACTOR NPF
TL119-HPS-50-120	HPS	50	120	REACTOR NPF
TL119-HPS-70-120	HPS	70	120	REACTOR NPF
TL119-HPS-100-120	HPS	100	120	REACTOR NPF
TL119-HPS-150-120	HPS	150	120	REACTOR NPF
TL119-HPS-50-MT	HPS	50	120/208/240/277	HX-HPF
TL119-HPS-70-MT	HPS	70	120/208/240/277	HX-HPF
TL119-HPS-100-MT	HPS	100	120/208/240/277	HX-HPF
TL119-HPS-150-MT	HPS	150	120/208/240/277	HX-HPF



**Job Name:**  
Mission Estates Senior Housing

**Catalog Number:**  
TL119-PL-84-120/277

Notes: Over Front/Rear Door Wall Pack

**Type:**

BUF09-30734

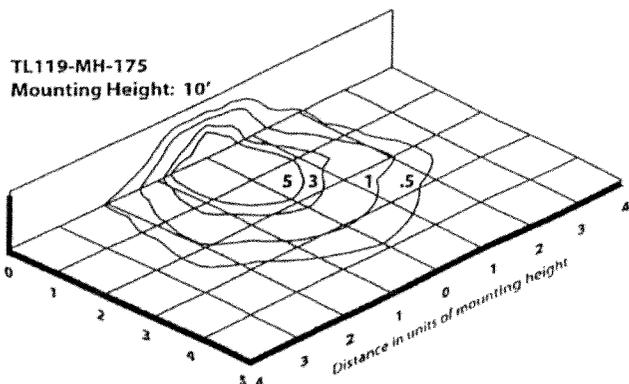
**ACCESSORIES**

✓ CATALOG #	DESCRIPTION
PC1	120 VAC Photocontrol (Field Installed)
PC2	208-277 VAC Photocontrol (Field Installed)
WG119	Wire Guard

**SAMPLE PHOTOMETRICS**

TL119-MH-175

Mounting Height: 10'

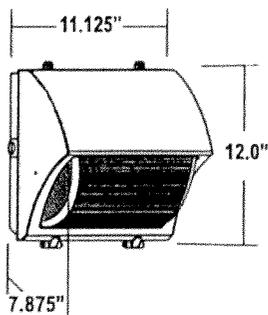


**Footcandle Correction**

Multiply factors times the footcandle values for changes in lamp type.

Lamps	Factor
26W PL	.06
32W PL	.11
42W PL	.23
50W MH	.22
70W MH	.40
100W MH	.58
175W MH	1.00
35W HPS	.16
50W HPS	.29
70W HPS	.45
100W HPS	.68
150W HPS	1.14

**DIMENSIONS**



Approximate Weight: 15 lbs.

**PRODUCT SPECIFICATIONS**

**CONSTRUCTION**

The Trace-lite TL119 Series features a durable, die-cast aluminum housing with an architectural bronze powder coated finish. Enclosure is fully sealed and gasketed, and is Wet Location Listed for outdoor use. Enclosure and hardware are corrosion resistant. The TL119 features an internal, anodized aluminum reflector which provides ideal light distribution, and the lamp(s) are protected by a vandal-resistant, borosilicate glass prismatic refractor.

**ELECTRONICS**

The Trace-lite TL119 Series uses a glazed porcelain socket pulse rated for 4KV or universal 4 pin socket. The TL119 is provided with a high quality Electronic, CWA, HPF, or Reactor type ballast (dependant on lamp type). Unit comes standard with 120 VAC, 120/277 VAC, or Multi-tap (120/208/240/277 VAC) input (dependant on lamp type and wattage).

**LAMPS**

The Trace-lite TL119 Series is available with Metal Halide (50 to 175 watt), Pulse Start Metal Halide (175 watt), High Pressure Sodium (35 to 150 watt) or Compact Fluorescent (26 to 84 watt) lamps to fit any application.

**INSTALLATION**

The Trace-lite TL119 Series is ideal for mounting to any vertical surface and features a hinged design for easy access to internal components. Unit can be wired to a 4" junction box or surface mounted using 1/2" NPS conduit entry points.

**WARRANTY**

Any housing component that fails due to manufacturer's defect is guaranteed for two years from time of shipment. Ballasts, Capacitors, and Ignitors are warranted for one year from time of shipment. Warranty does not apply to damages caused by improper installation, abuse, fire or acts of God. Lamp is not covered by manufacturer's warranty.



SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE

**Trace-lite**  
...Industrial & outdoor H.I.D. lighting

a division of **BARRON LIGHTING GROUP**  
1911 West Parkside Lane • Phoenix, AZ 85027  
(888) 533-3948 • (623) 580-3948 • Fax: (623) 580-8948  
www.trace-lite.com • www.barronlgtg.com

Submitted by Total Lighting Concepts, Inc.



**Job Name:**  
Mission Estates Senior Housing

**Catalog Number:**  
WGH-250P

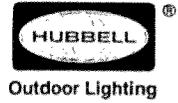
Notes: Large Wall Pack

**Type:**

BUF09-30734

**WGH  
SERIES**  
GLASS WALLPACKS

Cat. #		Approvals
Job	Type	



**APPLICATIONS**

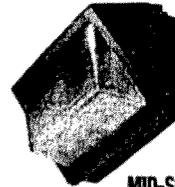
- Perimeter lighting for safety and security. Use on factories, warehouses, self storage, commercial buildings, etc.

**SPECIFICATIONS**

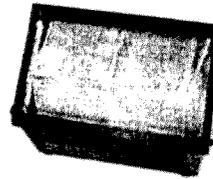
- Borosilicate glass refractor softens lamp image and provides uniform distribution – 4 times spacing to mounting height. Cast aluminum frame holds lens and seals to housing gasket with two stainless steel screws.
- Door assembly hinges to side on mid-size units; hinges down on large units.
- Cast aluminum housing with 1/2" conduit entries, button photocontrol can be field installed.
- WGH mid-size is 150W HPS/PS and 84W CFL, large size handles 250-400W PS and HPS. All sockets are mogul base.
- All units have dark bronze powder paint finish, Quad-Tap® ballasts and lamps included.

**LISTINGS**

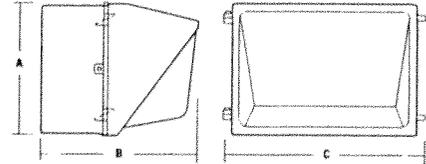
- UL 1598 listed for use in wet locations.



**MID-SIZE**



**LARGE**



	A	B	C
<b>MID-SIZE</b>	9" 229 mm	7 1/4" 184 mm	13" 330 mm
<b>LARGE</b>	9" 229 mm	13" 330 mm	17" 432 mm

**ORDERING INFORMATION**

Catalog Number <sup>1</sup>	Wattage/Source	Voltage	Finish	Weight	
				lbs	kg
<b>MID-SIZE SERIES</b>					
WGH-150P	150/PS	120, 208, 240, 277	Bronze	19	8.6
WGH-150S	150/HPS	120, 208, 240, 277	Bronze	18	8.2
WGH-150S120	150/HPS	120	Bronze	18	8.2
WGH-84F <sup>1</sup>	84/CFL	120, 208, 240, 277	Bronze	10	6.8
<b>LARGE SERIES</b>					
WGH-250P	250/PS	120, 208, 240, 277	Bronze	34	15.4
WGH-320P	320/PS	120, 208, 240, 277	Bronze	37	16.8
WGH-400P	400/PS	120, 208, 240, 277	Bronze	37	16.8
WGH-250S	250/HPS	120, 208, 240, 277	Bronze	36	16.3
WGH-400S	400/HPS	120, 208, 240, 277	Bronze	40	18.1

<sup>1</sup> Lamp included on all units.  
<sup>2</sup> Lamps are 3500K PLT.

**ACCESSORIES**

(order as separate part #)

Catalog Number	Description
PBT-1	Photocontrol, 120 volt
PBT-234	Photocontrol, 208, 240, 277 volt
SM106-GUARD	Wire Guard for MID-SIZE fixtures
SM708-GUARD	Wire Guard for LARGE fixtures
SM106-SHIELD	Polycarbonate Shield for MID-SIZE fixtures
SM106VISOR	Top visor for MID-SIZE fixtures
SM106VISOR	Top visor for LARGE fixtures

**PHOTOMETRIC REPORTS**

Catalog Number	Report #
WGH150S	HP09709.IES
WGH400S	HP09706.IES

Due to our continued efforts to improve our products, product specifications are subject to change without notice.



Hubbell Outdoor Lighting • 701 Millennium Drive • Greenville, SC 29607 • PHONE: 864-678-1000

For more information visit our web site: [www.hubbell-tg.com](http://www.hubbell-tg.com)



**Job Name:**  
Mission Estates Senior Housing

**Catalog Number:**  
CR1-A-P25-H3-F-Q-DB-L

**Notes:** Site Lighting

**Type:**

BUF09-30734

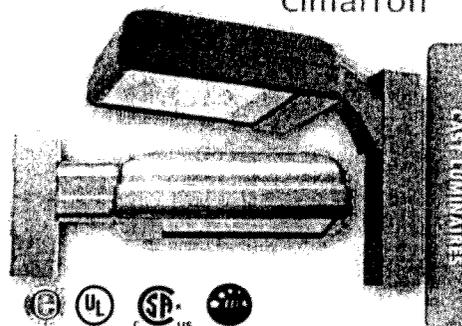
# CR1

## Cimarron



- Die-cast aluminum housing with radius corners, complements "Southwest Series."
- Die-cast aluminum door with clear, flat tempered glass lens, fully gasketed to housing. Hinged door secured with two captive screws.
- IES Type II, III, IV and V (square) light distributions with flat lens design for full cut off classification. 100 watt to 400 watt lamps in HPS and Pulse Start metal halide for design flexibility. All distributions are field-rotatable.
- Mounts on upswept or straight arms for poles or on wall bracket for uniform project look.

- Easy order popular fixture & pole combinations.
- Mogul porcelain socket, pulse rated with spring-loaded, nickel-plated center contact and reinforced lamp grip screw shell.
- 100 watt - 150 watt Lag type, HPF ballast, starting rated at -20°F (-40°F HPS).
- 200 watt - 400 watt CWA type, HPF ballast, starting rated at -20°F (-40°F for HPS).
- Durable Lektrocote™ TGIC thermoset polyester powder coat paint finish assures long life and maintenance-free service.
- UL 1598 listed and CSA certified for outdoor use in wet locations.
- IDA fixture seal of approval.

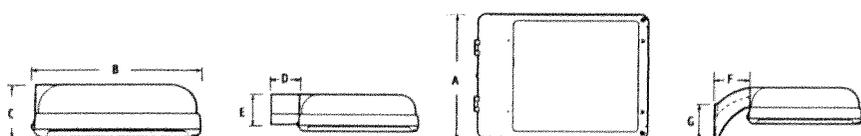


**ORDERING INFORMATION**

CR1 - - - - - F - - - - -

SERIES	LAMP/WATTAGE	DISTRIBUTION	LENS	FINISH	MOUNTING
<b>CR1 Cimarron</b>	<b>PULSE START METAL HALIDE</b> P10 100W (ED-17) P12 125W (ED-17) P15 150W (ED-28) P17 175W (ED-28) P20 200W (T-15) P25 250W (ED-28) P32 320W (ED-28) P35 350W (ED-28) P40 400W (ED-28)	<b>H2</b> Horiz. II - hydroformed <b>H3</b> Horiz. III - hydroformed <b>H4</b> Horiz. IV - multi-piece <b>H5</b> Horiz. V (square) hydroformed	<b>F</b> Flat	<b>DB</b> Dark Bronze <b>BL</b> Black <b>WH</b> White <b>GR</b> Gray <b>PS</b> Platinum Silver <b>RD</b> Red (premium color) <b>FG</b> Forest Green (premium color) <b>CC</b> Custom Color (consult factory)	<b>WBAD</b> Substitutes decorative upswept arm when WB wall bracket mounting is chosen <b>RPA2</b> Round Pole Adapter (2 3/4-3 1/8") <b>RPA3</b> Round Pole Adapter (3 1/4-3 3/4") <b>RPA4</b> Round Pole Adapter (3 3/4-4 1/2") <b>RPA5</b> Round Pole Adapter (5") <b>RPA6</b> Round Pole Adapter (6") <b>F1</b> Fusing - 120V <b>F2</b> Fusing - 208V <b>F3</b> Fusing - 240V <b>F4</b> Fusing - 277V <b>F5</b> Fusing - 480V <b>F6</b> Fusing - 347V <b>P1</b> Photo Button - 120V <b>P2</b> Photo Button - 208V <b>P3</b> Photo Button - 240V <b>P4</b> Photo Button - 277V <b>P6</b> Photo Button - 347V <b>PR1</b> Photo Cell Receptacle - 120V <b>PR2</b> Photo Cell Receptacle - 208V <b>PR3</b> Photo Cell Receptacle - 240V <b>PR4</b> Photo Cell Receptacle - 277V <b>PR5</b> Photo Cell Receptacle - 480V <b>PR6</b> Photo Cell Receptacle - 347V <b>QZ</b> Quartz RS with Lamp <b>HS</b> Internal House Side Shield (available for H2, H3 & H4 distributions) <b>VG</b> Polycarbonate Vandal Guard <b>L</b> Lamp
<b>A</b> Arm Mount Construction (6" straight rigid arm included & acceptable for 90° configurations)	<b>HIGH PRESSURE SODIUM</b> S10 100W (ED-23.5) S15 150W (ED-23.5) S25 250W (ED-18) S40 400W (ED-18)	<b>Q</b> Quad-Tap 120/208/240/277V <sup>1</sup> <b>V</b> Five-Tap 120/208/240/277/480V (250 & 400W PSMH & HPS only) <sup>1</sup> <b>5</b> 480V <b>T</b> Tri-Tap 120/277/347V <sup>1</sup> <b>E</b> 50Hz 220/240V (250 & 400W PSMH & HPS only) <b>Q</b> No Ballast			<b>AD</b> Decorative Arm Mount Const. (6" decorative upswept arm incl. & acceptable for 90° configurations) <b>WB</b> Wall Bracket Const. (includes Wall Bracket & 6" straight arm unless WBAD option is chosen which substitutes Decorative Upswept Arm) <b>O</b> No arm or wall bracket (only order without arm or wall bracket when they are ordered as an accessory)
<b>EASY ORDER FIXTURE AND POLE COMBINATIONS</b>					
<b>Catalog Number</b>		<b>Description</b>			
CRPC-1-S15-H3-16		16 ft 150W HPS, Type III			
CRPC-1-S15-H4-16		16 ft 150W HPS, Type IV			
CRPC-1-P25-H3-20		20ft 250W PMH, Type III			
CRPC-1-P32-H3-20		20ft 320W PMH, Type III			
CRPC-1-P32-H4-20		20ft 320W PMH, Type IV			
CRPC-1-P40-H3-20		20ft 400W PMH, Type III			
CRPC-1-P40-H4-20		20ft 400W PMH, Type IV			
CRPC-1-P40-H3-25		25ft 400W PMH, Type III			
CRPC-1-P40-H4-25		25ft 400W PMH, Type IV			
CRPC-1-S40-H3-25		25ft 400W HPS, Type III			
CRPC-1-P40-H3-30		30ft 400W PMH, Type III			
CRPC-1-P40-H4-30		30ft 400W PMH, Type IV			
CRPC-1-S40-H3-30		30ft 400W HPS, Type III			
Double Fixture and pole combinations also available.					

<sup>1</sup> Factory wired for highest voltage unless specified.  
Note: Mounting A and AD acceptable for 90 degree configurations.  
**NOTE: All poles to be drilled with #2 pattern**  
**SEE PAGE 603 FOR ACCESSORIES**



	A	B	C	D	E	F	G	EPA	Weight
CR1	16"	21 3/4"	6 3/4"	6"	5 5/8"	6 5/16"	5 5/8"	1.2 ft²	44 lbs.
	406mm	552mm	171mm	152mm	143mm	160mm	143mm	0.1 m²	20 kg

Note: EPA and weight values do not include mounting arm. See Spaulding EPA Value pages for more detailed information.





**Job Name:**  
Mission Estates Senior Housing

**Catalog Number:**  
SSS-12-40-1-A2-DB

Notes: 12' Poles Site Light

**Type:**

BUF09-30734

# SSS

## SQUARE STRAIGHT STEEL

### Features

- Square Straight Steel Shaft
- One-piece construction
- Side, Tenon, or Pad mounting available
- Ground lug standard
- Galvanized anchor bolts and template included (4-bolt design)

- Base cover standard (Square)
- Gasketed hand hole cover standard (3"x5")
- Lektrocote® finish standard
- CSA certification available



Catalog Number	Pole Ht.		Nominal Shaft Dim.	Wind Load Rating <sup>1</sup>						Wall Thick. (in)	Bolt Circle		Base Plate (sq. in)	Anchor Bolt Size	Bolt Qty	Pole Wt. (lbs)
	ft	m		70 MPH	80 MPH	90 MPH	100 MPH	120 MPH	in		in					
SSS-10-40-1-XX-XX	10	3.0	4	38	28.5	22	17	11	.119	11"	8 - 11"	5.6 - 7.8"	10.25 x 0.75"	3/4 x 30 x 3"	4"	91
SSS-10-50-1-XX-XX	10	3.0	5	60	46	36	28	19	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	106
SSS-12-40-1-XX-XX	12	3.7	4	28	21	15	12	7.5	.119	11"	8 - 11"	5.6 - 7.8"	10.25 x 0.75"	3/4 x 30 x 3"	4"	104
SSS-12-50-1-XX-XX	12	3.7	5	45	33	25	20	13	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	122
SSS-14-40-1-XX-XX	14	4.3	4	23	17	12.5	9.5	6	.119	11"	8 - 11"	5.6 - 7.8"	10.25 x 0.75"	3/4 x 30 x 3"	4"	116
SSS-14-40-7-XX-XX	14	4.3	4	34.5	25.5	20	15	9.5	.179	11"	8 1/2 - 12"	6 - 8.4"	11 x 1"	3/4 x 30 x 3"	4"	158
SSS-14-50-1-XX-XX	14	4.3	5	38	28.5	21.5	16.5	10.5	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	138
SSS-16-40-1-XX-XX	16	4.9	4	19.5	14	10.5	7.5	4	.119	11"	8 - 11"	5.6 - 7.8"	10.25 x 0.75"	3/4 x 30 x 3"	4"	128
SSS-16-40-7-XX-XX	16	4.9	4	29.5	21.5	16	12	8	.179	11"	8 1/2 - 12"	6 - 8.4"	11 x 1"	3/4 x 30 x 3"	4"	176
SSS-16-50-1-XX-XX	16	4.9	5	32	23.5	17.5	13.5	8	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	153
SSS-16-50-7-XX-XX	16	4.9	5	47.5	35.5	27	21.5	13.5	.179	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	214
SSS-18-40-1-XX-XX	18	5.5	4	16.5	11.5	8.5	6	3	.119	11"	8 - 11"	5.6 - 7.8"	10.25 x 0.75"	3/4 x 30 x 3"	4"	147
SSS-18-40-7-XX-XX	18	5.5	4	25.5	18	13.5	10.5	6	.179	11"	8 1/2 - 12"	6 - 8.4"	11 x 1"	3/4 x 30 x 3"	4"	201
SSS-18-50-1-XX-XX	18	5.5	5	27.5	20	14	11	6	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	175
SSS-18-50-7-XX-XX	18	5.5	5	42	31	23.5	18	11	.179	11"	8 1/2 - 12"	6 - 8.4"	12 x 1"	3/4 x 30 x 3"	4"	243
SSS-20-40-1-XX-XX	20	6.1	4	13.5	9.5	6.5	4.5	1.8	.119	11"	8 - 11"	5.6 - 7.8"	10.25 x 0.75"	3/4 x 30 x 3"	4"	160
SSS-20-40-7-XX-XX	20	6.1	4	22	16	11.5	8.5	4.5	.179	11"	8 1/2 - 12"	6 - 8.4"	11 x 1"	3/4 x 30 x 3"	4"	173
SSS-20-50-1-XX-XX	20	6.1	5	23.5	17	12	9	4.5	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	191
SSS-20-50-7-XX-XX	20	6.1	5	36.5	27	20	15.5	9	.179	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	3/4 x 30 x 3"	4"	266
SSS-20-60-7-XX-XX	20	6.1	6	51	38	28.5	22	14.5	.179	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1 x 36 x 4"	4"	312
SSS-25-40-1-XX-XX	25	7.6	4	8.5	5	3	1.5	NR	.119	11"	8 - 11"	5.6 - 7.8"	10.25 x 0.75"	3/4 x 30 x 3"	4"	238
SSS-25-40-7-XX-XX	25	7.6	4	14.5	10	6.5	4.5	1.4	.179	11"	8.5 - 12"	6 - 8.4"	11 x 1"	3/4 x 30 x 3"	4"	266
SSS-25-50-1-XX-XX	25	7.6	5	15	10.5	6.5	4	NR	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	1 x 36 x 4"	4"	231
SSS-25-50-7-XX-XX	25	7.6	5	25	18	12.5	8.5	4	.179	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	1 x 36 x 4"	4"	324
SSS-25-60-7-XX-XX	25	7.6	6	36.5	26	19	14	8	.250	12"	10 - 13.5"	7.1 - 9.5"	12 x 1"	1 x 36 x 4"	4"	437
SSS-25-60-7-XX-XX	25	7.6	6	38.5	28	20.5	15	8	.179	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1 x 36 x 4"	4"	404
SSS-27-40-7-XX-XX	27	8.2	4	-	9.4	-	4.2	1.2	.179	11"	8.5 - 12"	6 - 8.4"	11 x 1"	1 x 36 x 4"	4"	290
SSS-30-40-7-XX-XX	30	9.1	4	6.5	4.5	2.5	1.5	NR	.179	11"	8.5 - 12"	6 - 8.4"	11 x 1"	1 x 36 x 4"	4"	313
SSS-30-50-1-XX-XX	30	9.1	5	7.5	5.5	2.5	NR	NR	.119	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	1 x 36 x 4"	4"	274
SSS-30-50-7-XX-XX	30	9.1	5	18	12	8	4.5	NR	.179	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	1 x 36 x 4"	4"	398
SSS-30-50-3-XX-XX	30	9.1	5	22	16	13	8	3.8	.250	11"	10 - 13.5"	7.1 - 9.5"	12 x 1"	1 x 36 x 4"	4"	537
SSS-30-60-7-XX-XX	30	9.1	6	30	20	14	9	3.4	.179	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1 x 36 x 4"	4"	467
SSS-30-60-3-XX-XX	30	9.1	6	42	30	22	16	8	.250	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1.25 x 42 x 6"	4"	630
SSS-35-60-7-XX-XX	35	10.7	6	20.5	13	8	4.5	NR	.179	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1 x 36 x 4"	4"	538
SSS-35-60-3-XX-XX	35	10.7	6	26	18	12	7.5	3.4	.250	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1.25 x 42 x 6"	4"	726
SSS-40-60-7-XX-XX	40	12.2	6	11	8	3.5	NR	NR	.179	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1 x 36 x 4"	4"	614
SSS-40-60-3-XX-XX	40	12.2	6	14	10.5	5.5	2.5	NR	.250	12"	11 - 13.5"	7.8 - 9.5"	12 x 1"	1.25 x 42 x 6"	4"	802

<sup>1</sup> Allowable EPA with 1.3 gust factor. To determine max. pole loading weight, multiply allowable EPA by 30 lbs. Published allowable EPA values based upon calculations of Spaulding Lighting. Allowable EPA values for projects requiring AASHTO methodology are available upon request.  
 Note: Factory supplied template must be used when setting anchor bolts. Hubbell Lighting will deny any claim for incorrect anchorage placement resulting from failure to use factory supplied template and anchor bolts.

### Ordering Information Example: S S S 25 40 1 A1 DB

Complete part number requires shaft above plus mounting type, finish, and appropriate options below.

Luminaire Mounting Type	Finish	Options
AX Side - Single	DB Dark Bronze	Q55 Internal Coating (Hubbell Seal)
BX Side - Double at 90°	BL Black	Q18 15 Amp GFCI Receptacle and Cover <sup>3</sup>
CX Side - Double at 180°	WH White	Q22 Extra Handhole <sup>3</sup>
DX Side - Triple at 90°	GR Gray	Q26 1/2" Coupling <sup>3</sup>
FX Side - Quad at 90°	PS Platinum Silver	Q27 3/4" Coupling <sup>3</sup>
P1 Pad Mount - Spider Type	RD Red (premium color)	Q30 2" Coupling <sup>3</sup>
P2 Pad Mount - Yoke Type	FG Forest Green (premium color)	Q32 Mid-pole Luminaire Bracket <sup>3</sup>
P3 Pad Mount - Yoke Type (Proformer XL only)	CC Custom Color (consult factory)	(12" long with 2 3/8" OD tenon)
TA Tenon (2 3/8" OD)	PR Primer Only	Q40 Vibration Damper
TB Tenon (2 7/8" OD)		LAB Less Anchor Bolts
TR Removable Tenon (2 3/8 x 4 1/4) <sup>2</sup>		CSA CSA Certified (consult factory)
CD Concord Luminaire		
OT No drilling (includes pole cap)		

<sup>1</sup> DRILL PATTERNS: Replace X with the following numbers to indicate the appropriate arm/hole pattern: 1 = AL, DL, DT2, MY, NK, OD, OR, PF, SF, WN 2 = CM1, CM2, CR1, RCS (Raven), RCL (Raven)  
<sup>2</sup> 4 = DS, MS5 5 = DT3 6 = DM, MSV (Magnusquare)  
<sup>3</sup> Removable tenon used in conjunction with side arm mounting. First specify desired arm configuration followed by the "TR" notation. Example: SSS-25-40-7-C6-TR-DB  
 Specify option location using logic found in pole introduction pages. The location of all options must start a minimum of one foot above the hand hole and be located one foot apart from one another. Consult factory for any exceptions.

POLES





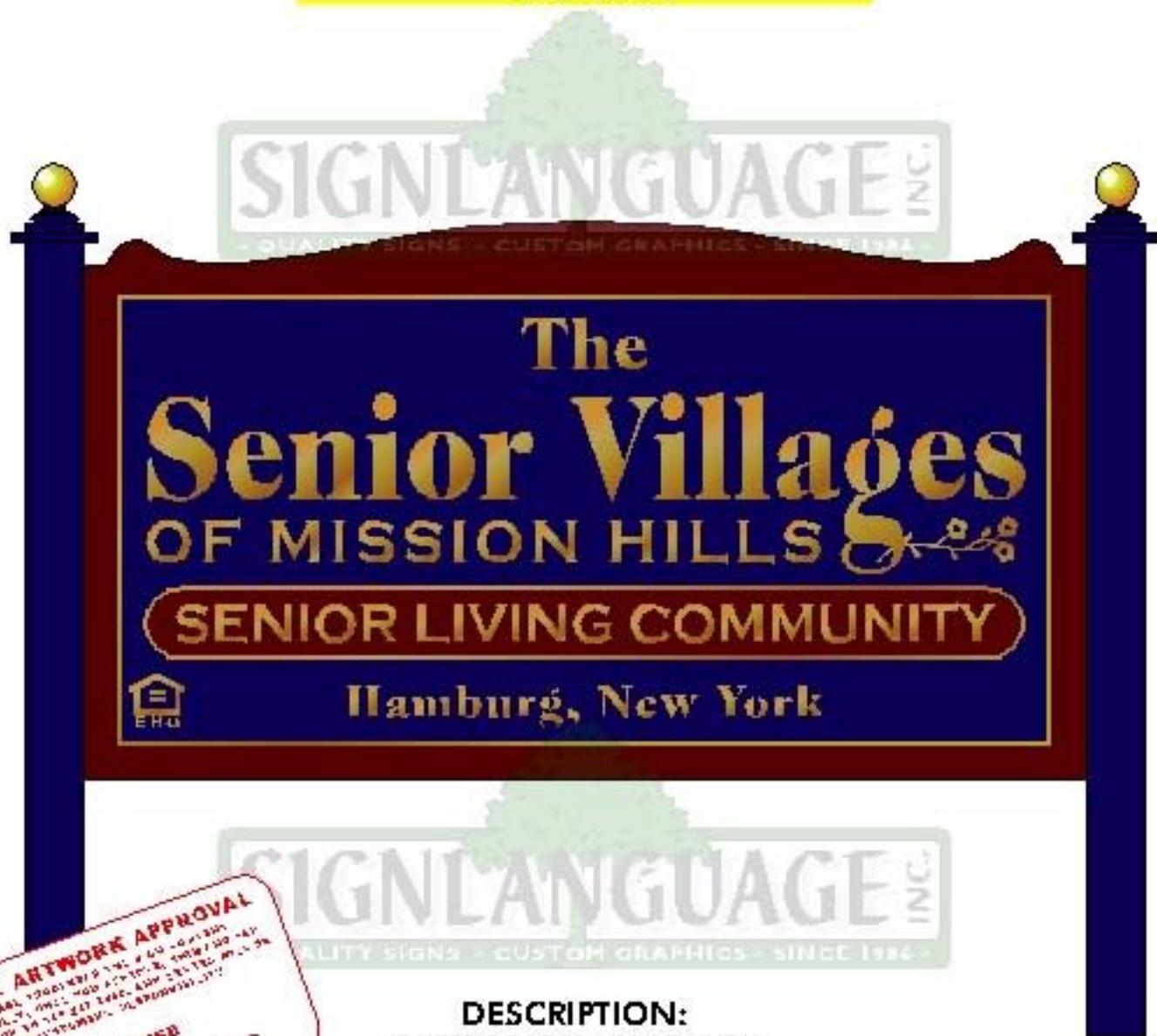
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**MANKO**

DOUBLESIDED SANDBLASTED  
40 INCHES HIGH BY 72 INCHES WIDE  
**VERSION #2**



**FINAL ARTWORK APPROVAL**  
PLEASE CONTACT US AT 1-866-909-2620  
FOR ANY CHANGES TO THIS SIGN PROOF  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

**DESCRIPTION:**

OUTER BORDER - BURGUNDY  
INNER BORDER - 23K GOLD LEAF  
BACKGROUND - DARK BLUE  
LETTERING - 23K GOLD LEAF  
POSTS - DARK BLUE WITH 23K GOLD BALL TOPS

THE ARTWORK DEPICTED HEREIN IS THE EXCLUSIVE PROPERTY OF SIGNLANGUAGE INC.  
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ALL SIGNS WILL BE PRODUCED USING HIGH DENSITY FOAM UNLESS ANOTHER MATERIAL IS SPECIFIED



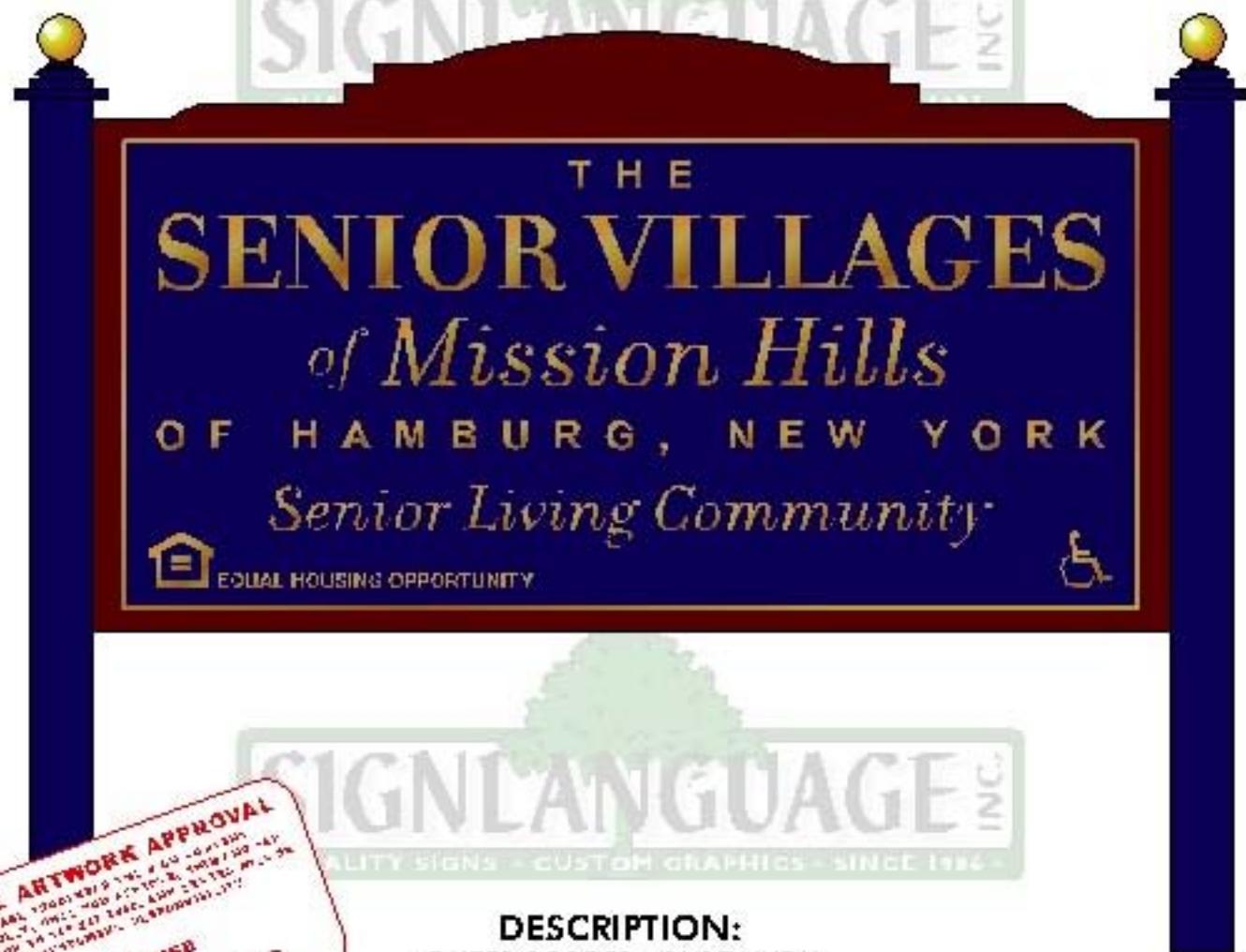
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**MANKO**

DOUBLESIDED SANDBLASTED  
40 INCHES HIGH BY 72 INCHES WIDE  
**VERSION #1**



**FINAL ARTWORK APPROVAL**  
PLEASE CONTACT THE DESIGNER FOR ANY CHANGES TO THE ARTWORK.  
THE DESIGNER IS RESPONSIBLE FOR THE ARTWORK.  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

**DESCRIPTION:**

OUTER BORDER - BURGUNDY  
INNER BORDER - 23K GOLD LEAF  
BACKGROUND - DARK BLUE  
LETTERING - 23K GOLD LEAF  
POSTS - DARK BLUE WITH 23K GOLD BALL TOPS

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**RECORD AND RETURN TO:**  
Cannon Heyman & Weiss, LLP  
726 Exchange Street, Suite 516  
Buffalo, NY 14210

FILED

OCT 13 2009

ERIE COUNTY  
CLERK'S OFFICE

**DECLARATION OF RESTRICTIONS AND RECIPROCAL  
EASEMENT AGREEMENT**

This Agreement, made this 28<sup>th</sup> day of May, 2009, by **Mission Hills Falls, Inc.**, a New York general business corporation, doing business at 38 Cove Creek Run, West Seneca, New York (herein "Mission Hills"), and **United Mobile Homes of Buffalo, Inc.**, a New York corporation, with a business address of 3499 Route 9 North, Suite 3-C, Freehold, New Jersey ("UMH").

**WITNESSETH:**

WHEREAS, Mission Hills is the owner of a 93.28 acre parcel of real property situate in the Town of Hamburg, County of Erie and State of New York, more commonly known as 4543 Camp Road, Hamburg, New York, which real property is to be improved by multiple dwelling units, to be commonly known as "The Villages at Mission Hills", as shown and designated "Parcel A" on the Site Plan attached as Exhibit A to this Agreement (the "Site Plan"),

WHEREAS, UMH is the owner of a parcel of real property situate in the Town of Hamburg, County of Erie and State of New York, more commonly known as 3450 Howard Road, Hamburg, New York, which real property is improved by multiple dwelling units commonly known as "United Mobile Homes of Buffalo", as shown and designated "Parcel B" on the Site Plan, and

WHEREAS, UMH desires to grant to Mission Hills and Mission Hills desires to grant to UMH certain rights-of-way and easements over, across and upon Parcels A and B, respectively, for emergency access to the other's property.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the parties hereto agree as follows:

1. Grant of Emergency Access Easement by UMH to Mission Hills. (a) UMH grants a non-exclusive easement and right of way to Mission Hills to use the existing private street on Parcel B, shown as "Waterfalls Drive", as depicted on Exhibit A, as a means of ingress and egress to the public road known as Howard Road for emergency vehicles, including police and fire protection, in the event of an emergency only and (b) UMH grants a non-exclusive easement and right of way to Mission Hills to construct the access connection ("Access Road") to Waterfalls Drive, as depicted on Exhibit B attached hereto. Mission Hills agrees that UMH may reconfigure the roadways, including Waterfalls Drive, and other roadways, if UMH determines it is the best interest for the development of UMH. UMH must provide access to Mission Hills in the same general manner as such is currently configured to further the purposes of this Agreement, provided however, that any expense involved with maintaining or reconfiguring the easement shall be borne by Mission Hills.

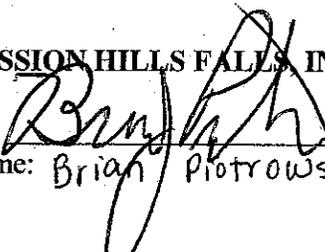
2. Grant of Emergency Access Easement by Mission Hills to UMH. (a) Mission Hills grants a non-exclusive easement and right of way to UMH to use the portion of the Access Road on Mission Hill's property, as a means of ingress and egress onto Howard Road for emergency vehicles, including police and fire protection, in the event of an emergency only.

3. Maintenance and Costs. (a) UMH shall bear all costs of construction, maintenance and repairs of Waterfalls Drive. (b) Mission Hills shall bear all costs of construction, permitting, etc. associated with the Access Road. (c) Mission Hills will construct and maintain an appropriate barrier along the Access Road to make the roadway accessible for emergency vehicles only (who must break the barrier). Upon displacement, Mission Hills, at its own cost, must repair the barrier immediately to prevent the Access Road from being accessed by non-emergency vehicles.

4. Binding Effect. This easement, together with all rights and obligations, as set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective grantees, successors and assigns.

IN WITNESS WHEREOF, this instrument has been executed as of the day and year first above written.

MISSION HILLS FALLS, INC.

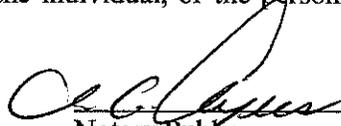
By:   
Name: Brian Piotrowski, President

UNITED MOBILE HOMES OF  
BUFFALO, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF Chautauque ) ss.:

On the 18th day of June in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared Brian Piotrowski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

  
Notary Public

TERESA A. AYRES  
Notary Public - State of New York  
No. 01AY6147909  
Qualified in Chautauque County  
My Commission Expires June 19, 2010

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

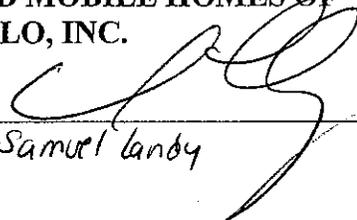
\_\_\_\_\_

IN WITNESS WHEREOF, this instrument has been executed as of the day and year first above written.

**MISSION HILLS FALLS, INC.**

By: \_\_\_\_\_  
Name:

**UNITED MOBILE HOMES OF  
BUFFALO, INC.**

By:   
Name: *Samuel Lanby*

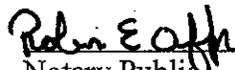
STATE OF NEW YORK     )  
COUNTY OF               ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

\_\_\_\_\_  
Notary Public

*New Jersey*  
STATE OF NEW YORK     )  
COUNTY OF *Monmouth*     ) ss.:

On the *28<sup>th</sup>* day of *May* in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared *Samuel Lanby*, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

  
\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**SITE PLAN AND EMERGENCY ACCESS EASEMENT**

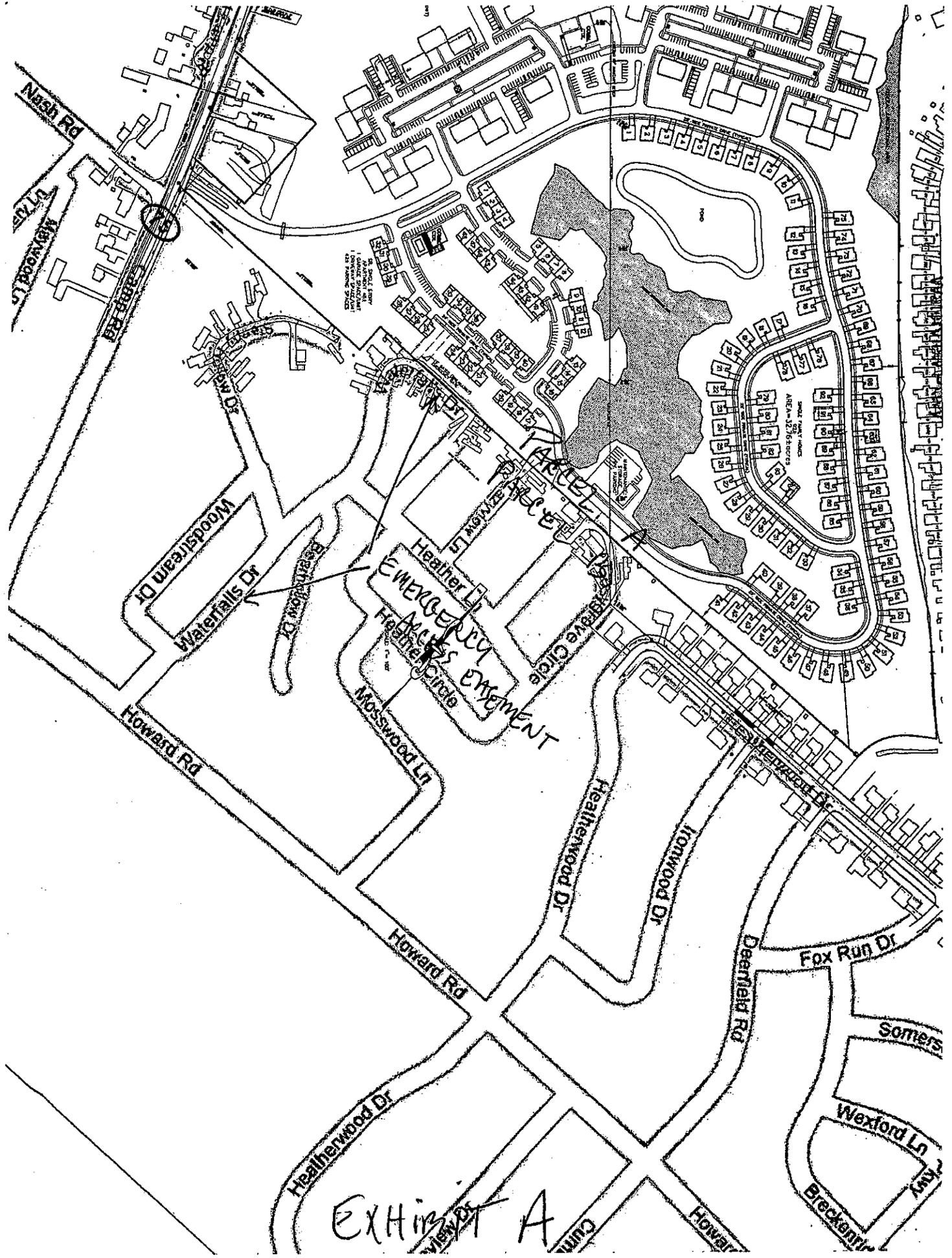


EXHIBIT A

**EXHIBIT B**

**ACCESS CONNECTION EASEMENT**

## PARCEL A

BEING ALL THAT TRACT OR PARCEL OF LAND located on the easterly side of Camp Road, in the Town of Hamburg, County of Erie and State of New York and being part of Lots 15 and 23, Township 9, Range 8 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point on the south line of Lot 15, Township 9, Range 8, said point being the southwest corner of lands conveyed to Brook Gardens, Inc. by Liber 9201 of Deeds at Page 150; thence, west along the south line of Lot 15, a distance of 891.01 feet to the southwest corner of Lot 15, which is also the southeast corner of Lot 23; thence, west along the south line of Lot 23 and deflecting to the right  $0^{\circ} 38' 05''$ , a distance of 1690.60 feet to the southeast corner of lands conveyed by Liber 8576 of Deeds at Page 13; thence, north at an included angle with the last described line of  $90^{\circ} 00'$  deeded and  $90^{\circ} 41' 50''$  measured and along the east line of lands conveyed by Liber 8576 of Deeds at Page 13, Liber 9351 of Deeds at Page 328 and Liber 9195 of Deeds at Page 357, a distance of 455.70 feet to the northeast corner of lands conveyed by Liber 9195 of Deeds at Page 357; thence, west at an exterior angle of  $85^{\circ} 42' 27''$  and along the north line of said deed a distance of 345.48 feet to the easterly line of Camp Road as conveyed to the State of New York by Liber 2147 of Deeds at Page 173 (Parcel 15, Map 14R); thence, northwest at an included angle with the last described line of  $108^{\circ} 21' 00''$  and along the easterly line of Liber 2147 of Deeds at Page 173, a distance of 4.04 feet to the south corner of lands conveyed to the State of New York by Liber 2147 of Deeds at Page 177 (Parcel 16, Map 15R); thence, northwest at a deflection to the right of  $5^{\circ} 16' 17''$  and along the easterly line of Liber 2147 of Deeds at Page 177, a distance of 185.00 feet to an angle point in said line; thence, northwest at a deflection to the left of  $2^{\circ} 45' 00''$  and along said line a distance of 194.74 feet to an angle point in said line; thence, northwest at a deflection to the left of  $9^{\circ} 55' 00''$  and along said line a distance of 126.00 feet; thence, northeast at an included angle with the last described line of  $101^{\circ} 37' 24''$ , a distance of 2038.94 feet to the centerline of Lakeside Avenue as laid down on a map of said lands made by Ricker & Wing C. E. and filed in the Erie County Clerk's Office under Map Cover Number 445; thence, southeasterly along said centerline of Lakeside Avenue as shown on Map Cover 445 and being along a curve to the left having a radius of 986.74 feet and a central angle of  $20^{\circ} 24' 38''$ , an arc length of 351.46 feet to a point of compound curve; thence, southeasterly along said line and being along a curve to the left having a radius of 1564.11 feet and a central angle of  $14^{\circ} 31' 56''$ , an arc length of 396.71 feet to a point of tangency; thence, southeast along said line and tangent to the last described curve, a distance of 810.00 feet to a point of curve; thence, southeasterly along said line and being along a curve to the left having a radius of 3618.91 feet and a central angle of  $12^{\circ} 57' 34''$ , an arc length of 818.54 feet to the intersection of the centerline of Lakeside Avenue with the extension northwest of the division line of Sublots 28 and 29, Block "N", Map Cover 445; thence, southeast along said division line and its extension and at a deflection to the right with the chord of the last herein described curve of  $3^{\circ} 35' 18''$ , a distance of 378.43 feet to the north corner of lands conveyed by Liber 9201 of Deeds at Page 150; thence, southwest at a deflection to the right of  $99^{\circ} 43' 29''$  deeded and  $100^{\circ} 26' 05''$  measured a deeded distance of 84.08 feet and 80.58 feet measured to a point of curve; thence, southwest along a curve to the left having a radius of 185.00 feet and a central angle of  $55^{\circ} 49' 11''$ , an arc length of 180.23 feet to the POINT OF BEGINNING and containing 90.58 acres, more or less.

## PARCEL B

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 22, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Howard Road, 150 feet easterly from the south-west corner of lands conveyed to Charles B. Fuller, by deed recorded in the Erie County Clerk's Office in Liber 2186 of Deeds at page 372; thence north  $0^{\circ} 04' 07''$  east and parallel to the west line of lands so conveyed a distance of 24.78 feet to a principal point of beginning; thence north  $87^{\circ} 18' 00''$  east along the north line of Howard Road, a distance of 156.50 feet; thence north  $0^{\circ} 04' 07''$  east, a distance of 349.75 feet to the northwest corner of lands conveyed to Vincent Guerrino and wife conveyed by Liber 6045 of Deeds at page 213; thence north  $87^{\circ} 18' 00''$  east and parallel with the center line of Howard Road, a distance of 100 feet to the northeast corner of said Guerrino's land; thence south  $54^{\circ} 24' 08''$  east, a distance of 184.85 feet; thence south  $84^{\circ} 00' 57''$  east, a distance of 230.03 feet; thence south  $27^{\circ} 03' 16''$  east, a distance of 59.02 feet; thence south  $52^{\circ} 15' 48''$  east, a distance of 93.16 feet; thence south  $75^{\circ} 53' 00''$  east, a distance of 65.98 feet; thence north  $0^{\circ} 09' 20''$  east, a distance of 53 feet; thence north  $87^{\circ} 18' 00''$  east, a distance of 120 feet; thence south  $0^{\circ} 09' 20''$  west, a distance of 119.97 feet to a point on the north line of Howard Road, having a right-of-way width of 49.50 feet; thence north  $87^{\circ} 18' 00''$  east along said north line of Howard Road; a distance of 40 feet to the east line of Lot No. 22; thence north  $0^{\circ} 09' 20''$  east and along the east line of said Lot No. 22, a distance of 1329 feet to the northeast corner of said Lot No. 22; thence south  $89^{\circ} 36' 40''$  west along the north line of Lot No. 22, a distance of 1111.78 feet to the northeast corner of land conveyed to Ferdinand Berchen and wife by Liber 2184 of Deeds at page 62; thence south  $0^{\circ} 04' 07''$  west, a distance of 94.60 feet to the southeast corner of the aforementioned deed; thence south  $89^{\circ} 36' 40''$  west along Berchen's south line, a distance of 504 feet; thence south  $0^{\circ} 23' 20''$  east, a distance of 30 feet; thence south  $18^{\circ} 43' 20''$  east, a distance of 398.54 feet; thence south  $63^{\circ} 49' 49''$  east, a distance of 418 feet to a line established by a boundary line agreement recorded in the Erie County Clerk's Office in Liber 7873 of Deeds at page 573; thence south  $0^{\circ} 04' 07''$  west along said boundary line, a distance of 484.25 feet; thence north  $87^{\circ} 18' 00''$  east, a distance of 150 feet; thence south  $0^{\circ} 04' 07''$  west, a distance of 199.72 feet to the principal point of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot No. 22, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northerly line of Howard Road, such point being 40 feet west of the easterly line of Lot No. 22; thence north  $0^{\circ} 09' 20''$  east, 51 feet to the point of beginning; thence south  $87^{\circ} 18' 00''$  west, 32 feet to a point which an iron stake is located; thence north  $0^{\circ} 09' 20''$  east, 68.97 feet to the south line of property conveyed to grantor by Liber 9673 of Deeds at page 478; thence north  $87^{\circ} 18' 00''$  east, 32 feet; thence south  $0^{\circ} 09' 20''$  west, 68.97 feet to the point of beginning.

Town of Hamburg  
 ONE COUNTY ROAD NO. 100  
 HAMBURG, NEW YORK

DATE: 10/1/00

PROJECT: THE VILLAGE OF HAMBURG  
 THE VILLAGE OF HAMBURG  
 THE VILLAGE OF HAMBURG

GPI  
 CONSULTING ENGINEERS  
 1000 ROUTE 100  
 HAMBURG, NEW YORK

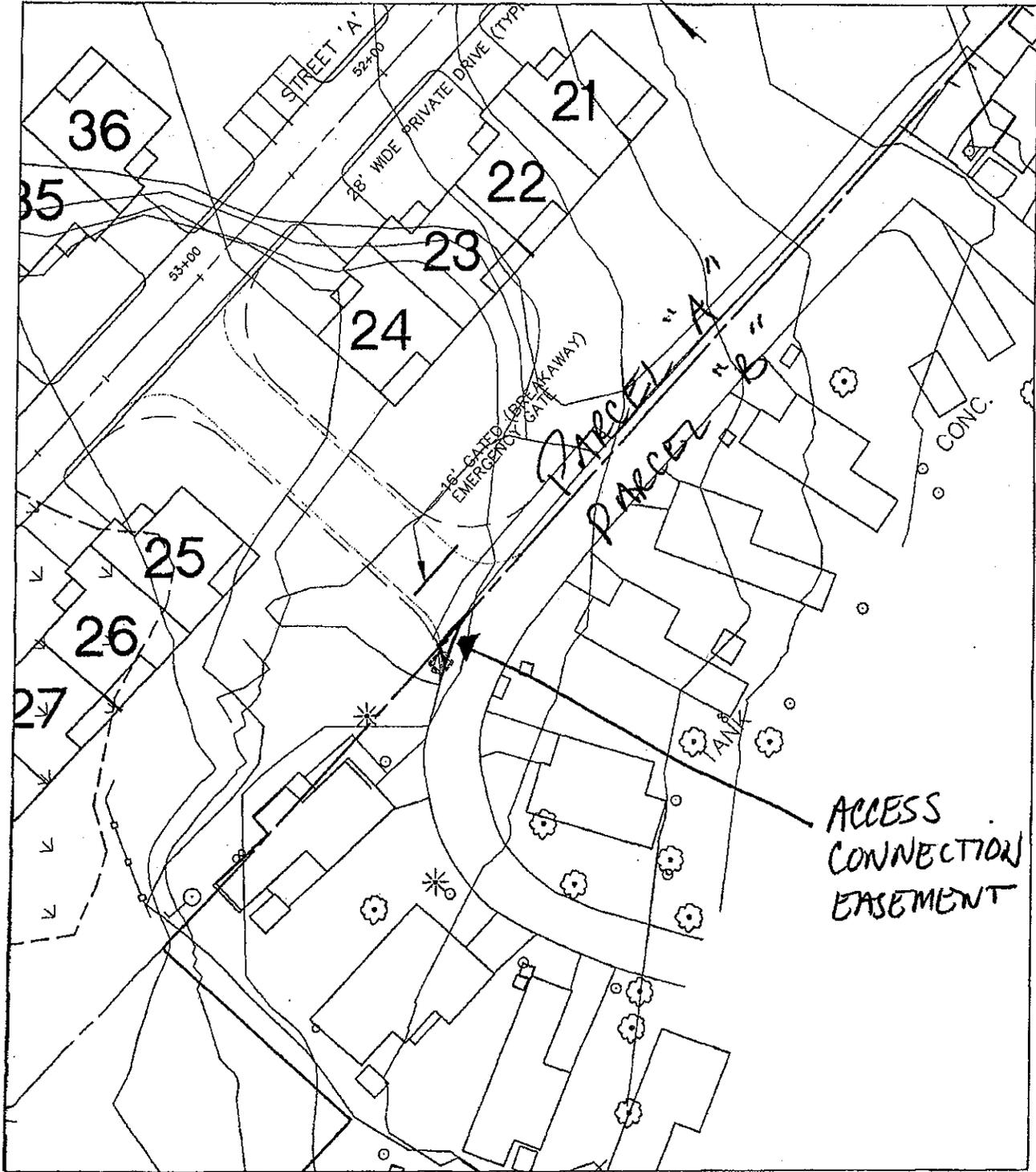


EXHIBIT B

**RECORD AND RETURN TO:**  
Cannon Heyman & Weiss, LLP  
726 Exchange Street, Suite 516  
Buffalo, NY 14210

**EASEMENT AGREEMENT**

**FILED**  
**OCT 13 2009**  
**ERIE COUNTY**  
**CLERK'S OFFICE**

This Agreement, made this 29 day of June, 2009, by MISSION HILLS FALLS, INC., a New York general business corporation, doing business at 38 Cove Creek Run, West Seneca, New York ("Grantor"), and UNITED MOBILE HOMES OF BUFFALO, INC., a New York corporation, with a business address of 3499 Route 9 North, Suite 3-C, Freehold, New Jersey ("Grantee").

**RECITALS:**

**WHEREAS**, Grantor is the owner of a 93.28 acre parcel of real property situate in the Town of Hamburg, County of Erie and State of New York, more commonly known as 4543 Camp Road, Hamburg, New York, and designated as "The Villages at Mission Hills", as shown and designated "Parcel A" on the Site Plan attached as Schedule A to this Agreement (the "Site Plan"), and

**WHEREAS**, Grantee is the owner of a parcel of real property situate in the Town of Hamburg, County of Erie and State of New York, more commonly known as 3450 Howard Road, Hamburg, New York, which real property is improved by multiple dwelling units commonly known as "United Mobile Homes of Buffalo", as shown and designated "Parcel B" on the Site Plan, and

**WHEREAS**, Grantor has agreed to grant to Grantee a certain permanent right-of-way and easement over, across and upon Parcel A for minor encroachments of homes, landscaping and other property that currently exist at the present time upon Parcel A, for the benefit of Grantee, and

**WHEREAS**, the parties hereto desire to establish certain rights and obligations with respect to the easement as set forth in this Agreement.

**NOW THEREFORE**, in consideration of ONE AND 00/100 dollars (\$1.00) and other good and valuable consideration paid by each party to the other, the receipt and sufficiency of which is hereby acknowledged, it is agreed that:

1. Grant of Easement. Grantor does hereby give, grant, convey and release unto Grantee or any subsequent owner, including, but not limited to, Grantee's heirs, successors and assigns, a permanent, non-exclusive, unconditional and continuing

easement and right of way in and over Parcel A hereto for the purposes of constructing, operating, using, maintaining, repairing, replacing and reconstructing any structures or landscaping, only as currently configured by Grantee, and tenants of Grantee, their agents and/or assigns.

2. Maintenance of Easement. Grantee and any subsequent title owner, hereby agrees to maintain and keep in good condition and repair the area that is the subject and purpose of the easement established under this Agreement.

3. Covenants to Run with the Land. The right to use and exercise the privileges and restrictions set forth herein shall be permanent covenants that run with the land. This Agreement shall be recorded in the requisite county clerk's office.

4. Binding Effect. This Agreement shall be binding upon the parties herein, their heirs, successors and assigns.

IN WITNESS WHEREOF, this instrument has been executed as of the day and year first above written.

MISSION HILLS FALLS, INC.

By: [Signature]  
Name: Brian Piotrowski  
Title: President

UNITED MOBILE HOMES OF  
BUFFALO, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_

STATE OF NEW YORK )  
COUNTY OF Chautauque ss.:

On the 18th day of June in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared Brian Piotrowski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

[Signature]  
Notary Public

TERESA A. AYRES  
Notary Public - State of New York  
No. 01AY6147909  
Qualified in Chautauque County  
My Commission Expires June 19, 2011

STATE OF NEW YORK )  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

\_\_\_\_\_

IN WITNESS WHEREOF, this instrument has been executed as of the day and year first above written.

**MISSION HILLS FALLS, INC.**

\_\_\_\_\_  
Name:

**UNITED MOBILE HOMES OF  
BUFFALO, INC.**

*Allison Nagelberg*  
\_\_\_\_\_  
Name: Allison Nagelberg  
General Counsel

STATE OF NEW YORK     )  
COUNTY OF               ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

\_\_\_\_\_  
Notary Public

STATE OF NEW JERSEY     )  
COUNTY OF MONMOUTH) ss.:

On the 17<sup>th</sup> day of June in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared Allison Nagelberg, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and she acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the same.

*Rob Eoffey*  
\_\_\_\_\_  
Notary Public

ROBIN E. OFFSEY  
NOTARY PUBLIC, STATE OF NEW JERSEY  
MY COMMISSION EXPIRES DEC. 9, 2005

Schedule A



## PARCEL A

BEING ALL THAT TRACT OR PARCEL OF LAND located on the easterly side of Camp Road, in the Town of Hamburg, County of Erie and State of New York and being part of Lots 15 and 23, Township 9, Range 8 of the Holland Land Company's Survey and further bounded and described as follows:

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**Appendix C: Correspondence (in chronological order)**

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1. Lead Agency request from Hamburg Planning Board January 9, 2009
2. Lead Agency Designation from NYSDEC January 26, 2009
3. DSEIS Comment Letter from Town Engineer July 1, 2009
4. DESIS Comment Letter from NYSDEC July 14, 2009
5. DSEIS Comment Letter from Steve McCabe July 14, 2009
6. USCOE Wetland Permit August 12, 2009
7. DSEIS Comment letter from NYSDOT August 19, 2009
8. Wetlands Evaluation Letter from NYSDEC October 9, 2009



# TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE \* HAMBURG, NEW YORK 14075 \* (716) 649-8111 \* FAX (716) 649-4087

Supervisor  
STEVEN J. WALTERS

Councilmen  
Joan A. Kesner  
Thomas J. Quatroche, Jr.  
Thomas M. Best. Sr.  
Kevin Smardz

Town Attorney  
KENNETH J. FARRELL

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. Of Highways  
JAMES CONNOLLY

January 9, 2009

**SUBJECT: THE VILLAGES AT MISSION HILLS  
LEAD AGENCY**

To Whom It May Concern:

Please find attached a Lead Agency request form from the Town of Hamburg Planning Board, a Schematic Plan for Development, and a full EAF for the above referenced project. The subject property had an EIS completed in 1994 for its development into a 435-unit mobile home park. That project never went to construction and over the years there have been different types of projects proposed for this site. For some of the more recent proposals, the Town began the SEQR Lead Agency process (you may have information in your files), but these projects never moved forward.

For this proposed project, the Hamburg Planning Board would like to re-establish itself as SEQR Lead Agency. It is anticipated, due to the changes in the project and the age of the information in the original EIS, that the Town will be issuing a Positive Declaration and requesting a supplemental EIS. We have done this on previous proposals and have that information to allow us to begin to scope the SDEIS.

Please respond to our request to re-establish the Hamburg Planning Board as SEQR Lead Agency and provide us with any input on the scope of the DSEIS.

Thank you for your time and consideration in this matter.

Sincerely,

*Andrew C. Reilly/Saf*

Andrew C. Reilly, PE, AICP  
Hamburg Planning Consultant

Cc: ECDEP (3 copies)  
NYS Department of Environmental Conservation  
NYS Department of Transportation  
Erie County Health Department  
ECWA

# TOWN OF HAMBURG

S-6100 SOUTH PARK AVENUE • HAMBURG, NEW YORK 14075 • (716) 649-6111 • FAX (716) 649-4087



Supervisor  
STEVEN J. WALTERS

Town Attorney  
VINCENT J. SORRENTINO

Councilmen  
D. MARK CAVALCOLI  
KATHLEEN COURTNEY HOCHUL  
JOAN A. KESNER  
THOMAS J. QUATROCHE, JR.

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supt. of Highways  
JAMES F. CONNOLLY

## NOTICE SEQR: LEAD AGENCY DESIGNATION

### TOWN OF HAMBURG

#### Planning Board

date

This notice is filed pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA)

The Planning Board has received a complete application from:

Name: (submitting) Mission Hill Development  
(address) 62 Cove Creek Run  
(city state zip) West Seneca, NY 14224

Contact Person: David Marko

Phone:

Regarding: Mission Hills (Village of)

Description & Location of Action: Mixed senior residential development

As the most local agency with permitting authority, the Planning Board wishes to declare Lead Agency and conduct a coordinated review of the proposal.

Other potential permitting agencies identified are:

(check each)

- Town Board
- Planning Board
- Zoning Board of Appeals
- Highway Department, Superintendent
- Building Department, Building Inspector
- Water District
- Sewer District
- County Highway Department, Commissioner of Public Works
- County Health Department
- State Department of Environmental Conservation
- State Department of Transportation
- State Department of Health
- Army Corps of Engineers
- Others: ECDEP

Other interested agencies may be:

- County Planning Board
- School District
- Fire Company
- Others (Federal, State, County): \_\_\_\_\_

A preliminary review of the proposed action indicates that it is a SEQR Type:

- Unlisted Action
- Type I Action (justification)

The attached long form Environmental Assessment has been filed by the applicant.

Please notify us within thirty (30) days, by 2/13/09, if your agency objects to our acting as lead agency, otherwise we will proceed with our review and determination of significance. Any information or concerns should be mailed to the below address. If no response is received by this date, we will assume your agency has no specific concerns about the action.

The Planning Bd. will be considering this application at its regular meeting on  
(date) 2/18/09

For further information, please contact:

**Andrew C. Reilly, P.E.**  
**Town of Hamburg Planning Department**  
**S-6100 South Park Avenue**  
**Hamburg, NY 14075**  
**Phone: 716 649-2023**  
**Fax: 716 648-0151**

**By order of the Town of Hamburg Planning Board**

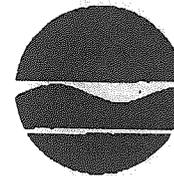
**Gerard Koenig, Chairman**

**New York State Department of Environmental Conservation****Division of Environmental Permits, Region 9**

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 · Fax: (716) 851-7168

Website: www.dec.ny.gov

Alexander B. Grannis  
Commissioner

January 26, 2009

**RECEIVED**

JAN 26 2009

TOWN OF HAMBURG  
PLANNING DEPT.

Mr. Andrew C. Reilly, P.E., AICP  
Hamburg Planning Board  
S6100 South Park Avenue  
Hamburg, New York 14075

Dear Mr. Reilly:

SEQR LEAD AGENCY DESIGNATION  
THE VILLAGES AT MISSION HILLS  
CAMP ROAD  
TOWN OF HAMBURG, ERIE COUNTY

This office has conducted a review of the proposed project to be located on Camp Road in the Town of Hamburg. We have the following comments:

1. Note that the United States Department of the Army, Corps of Engineers' Buffalo District Office (COE) has authority under federal law to regulate wetlands in New York State. A COE permit may be required for this proposal. You should (have the project sponsor) contact the COE (1776 Niagara Street, Buffalo, New York 14207, telephone: 716/879-4330) as early as possible in the planning process to determine if the project will involve federally regulated wetlands. If Federal Wetlands are involved, the COE may require Water Quality Certification from DEC.
2. A major portion of the proposed project is located within the 100-year floodplain, according to the Federal Emergency Management Agency's Map No. 360244 0005D, and the Town should seriously consider whether development is reasonable in this situation. Certainly, appropriate floodproofing measures should be required of the project sponsor before approving development at this site. You can contact Ms. Rebecca Anderson of our Division of Water Unit at 716/851-7070 if you require any assistance in this regard.
3. The whole site appears to be within an archaeologically sensitive area, as shown on the enclosed New York State Office of Parks, Recreation and Historic Preservation (OPRHP) map (Website [www.oprhp.state.ny.us/nr/main.asp](http://www.oprhp.state.ny.us/nr/main.asp)). As part of the SEQR process, the Town should evaluate this concern, unless it can be verified by appropriate documentation that the site has been significantly disturbed in a way that would destroy potential artifacts. Please recognize that normal agricultural activities, such as plowing, would not constitute such land disturbance. If you have any questions regarding this, you may wish to contact OPRHP (telephone: 518/237-8643). Note: If any of the described Department Approvals are required, an appropriate archaeological investigation must be conducted in order to satisfy the New York State Historic Preservation Act. This is especially important since this area is forested and largely undisturbed by development.
4. If an on-site treatment facility is proposed, in accordance with the New York State Environmental Conservation Law, a State Pollutant Discharge Elimination System (SPDES) Permit is required for a facility whose treated wastewater discharge to groundwater is greater than 1000 gallons per day, and for all discharges to surface water. Depending upon the volume of the proposed discharge, permits and/or plan approvals will be required from this Department and the Erie County Health Department, 95 Franklin Street, Buffalo, New York 14202, telephone: 716/858-6089.

Mr. Andrew C. Reilly, P.E., AICP

January 26, 2009

Page 2

5. Since project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-0-08-001) for Stormwater Discharge from Construction Activities. A Notice of Intent (NOI) is required to be sent to NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4<sup>TH</sup> Floor, Albany, New York 12233-3506, telephone: 518/402-8111 and approved before construction commences. The General Permit GP-0-08-001 and NOI form are available on the Department's website at [www.dec.ny.gov](http://www.dec.ny.gov).

This General Permit requires the project owner or operator to control stormwater runoff according to the Stormwater Pollution Prevention Plan, which is to be developed prior to filing NOI and prior to commencement of the project.

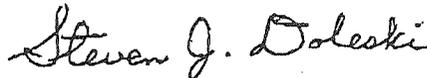
An owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control of an MS4 community shall have their SWPPP reviewed and accepted by the MS4 community prior to submitting the NOI to the Department. Beginning on September 30, 2008, the owner or operator shall have the "MS4 SWPPP Acceptance" form signed by the principal executive officer or ranking elected official from the regulated, traditional land use control MS4 community, or by a duly authorized representative of that person, and then submit that form along with the NOI to the Department to the address referenced above.

Due to the hydrology of the soil in this area, a NYS Freshwater Wetland delineation should be requested for this site. Please contact Ms. Anne Oyer of our Fish, Wildlife and Marine Resources Unit at 716/851-7010 to schedule one.

There shall be no sewer extension/tap in issued until all identified concerns are resolved. This information will be forwarded to the Erie County Health Department.

As in other Environmental Impact Statement (EIS) projects, we wish to review draft EIS copies before they are officially distributed to the public. If you have any questions, please either contact me or Ms. Lynne Judd of my staff at 716/851-7165.

Sincerely,



Steven J. Doleski  
Regional Permit Administrator

LEJ:jrf

cc: Mr. William Smythe, NYSDEC Division of Water  
Ms. Rebecca Anderson, NYSDEC Division of Water  
Ms. Anne Oyer, NYSDEC Division of Fish, Wildlife and Marine Resources  
Erie County Health Department  
U.S. Department of the Army, Corps of Engineers, Buffalo District Office  
Honorable Steven Walters, Supervisor, Town of Hamburg  
Ms. Catherine Rybczynski, Town Clerk, Town of Hamburg  
Mission Hills Development, Inc.

JUL 6 2009



# TOWN OF HAMBURG

## ENGINEERING DEPARTMENT

6100 South Park Avenue • Hamburg, New York 14075 • (716) 649-6111, Ext. 2350 • Fax (716) 649-2522  
e-mail: [engineering@townofhamburgny.com](mailto:engineering@townofhamburgny.com)

Supervisor  
STEVEN J. WALTERS

Councilmen  
JOAN A. KESNER  
THOMAS J. QUATROCHE, JR  
KEVIN SMARDZ

Town Engineer  
GERARD M. KAPSIK, P.E.

Town Attorney  
KENNETH J. FARRELL

Town Clerk  
CATHERINE A. RYBCZYNSKI

Supl. of Highways  
THOMAS M. BEST, SR.

TO: Planning Board

FROM: Engineering Dept.

DATE: 7/1/09

SUBJECT: THE VILLAGES AT MISSION HILLS  
Supplemental Environmental Impact Statement (SEIS)  
Review Comments

The following are review comments on the SEIS for the above-referenced project:

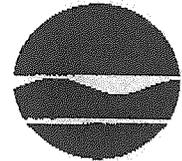
- (1) On pages 3-11, site egress is reported to be limited to a single exit lane due to site constraints. It appears that an additional exit lane could be constructed. Design alternates are to be provided for an additional exit lane.
- (2) Storm Drainage Report
  - The central and eastern portions of the site discharge to a ditch and unknown pipes crossing the railroad. Documentation is to be provided that the private pipes and ditch crossing the railroad have sufficient capacity and are structurally sufficient to convey the flows from the project.
  - We are aware of existing flooding along the railroad tracks adjacent to the Brook Gardens Mobile Home Park. Evaluate the existing downstream private ditch capacity to properly convey the stormwater flows from the project, and include clearing and grading of the ditch, as necessary.

Gerard M. Kapsiak, P.E.  
Town Engineer

Richard J. Lardo  
Principal Engineer

cc: Leanne Voit, GPI

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits, Region 9**  
270 Michigan Avenue, Buffalo, New York, 14203-2915  
Phone: (716) 851-7165 · Fax: (716) 851-7168  
Website: www.dec.ny.gov



Alexander B. Grannis  
Commissioner

July 14, 2009

Mr. Andrew C. Reilly, P.E. AICP  
Hamburg Town Planning Consultant  
S6100 South Park Avenue  
Hamburg, New York 14075

Dear Mr. Reilly:

**REVIEW OF DRAFT SUPPLEMENTAL  
ENVIRONMENTAL IMPACT STATEMENT (DSEIS)  
VILLAGES AT MISSION HILLS  
TOWN OF HAMBURG, ERIE COUNTY  
DEC NO. 9-1448-00383/00001**

This Department has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) submitted for the Villages at Mission Hills, to be located in the Town of Hamburg. We offer the following comments:

The DSEIS seems to answer all our concerns. With the exception of a couple of incorrectly placed commas and a couple of minor grammatical errors which should be corrected (list attached), the DSEIS appears to be satisfactory.

Since this area has a Federal wetland, a delineation by this office should be requested. The applicant can contact Ms. Anne Oyer of our Allegany office at 716/365-0465 to arrange for one to be done as there could be an unmapped regulated State Freshwater Wetland located there as well. A State Freshwater Wetland inspection must be done before any disturbance to the site can commence.

There is also the question of the sanitary sewer system. The DSEIS does not state whether they the sanitary sewer aspect will be a tap in, a private sewer or a sewer extension. No approval should be given until this questions are answered to the satisfaction of the this Department and the Erie County Health Department.

We look forward to receiving the Final Environmental Impact Statement. If you have any questions, please don't hesitate to contact this office at 716/851-7165.

Sincerely,

Steven J. Doleski  
Regional Permit Administrator

LEJ:jrf  
Attachment

cc: Mr. Gerard Palumbo, NYSDEC Division of Water  
Ms. Anne Oyer, NYSDEC Fish & Wildlife  
Town Clerk, Town of Hamburg  
Mission Hills Senior Apartments, LLC

Corrections for the Draft Supplemental Environmental Impact Statement for the Villages at Mission Hills

- pg. 1-2 2<sup>nd</sup> paragraph – correction – replace “there” with “their”
- pg. 1-3 3<sup>rd</sup> paragraph – clarify – what does last sentence mean?
- pg. 1-3 1.5 Project History – comma needed after “Statement”
- pg. 1-4 4<sup>th</sup> paragraph – comma needed after “May 5, 1989”
- pg. 1-5 3<sup>rd</sup> paragraph – comma needed after “meeting”
- pg. 1-6 6<sup>th</sup> paragraph – comma needed after “June 16, 2006”
- pg. 1-6 7<sup>th</sup> paragraph – comma needed after “2008”
- pg. 1-7 question on statement regarding declaring themselves Lead Agency 12/08 - Was there a letter from this Department? If so, one should be in Correspondence
- Appendix
- pg. 1-8 2<sup>nd</sup> paragraph – mentions public hearing – we need to be notified
- pg. 1-8 5<sup>th</sup> paragraph – left out “to” after “LLC will be required”
- pg. 2-2 2.2 Water Resources – 2.2.1 – 1<sup>st</sup> paragraph – “groundwater” should be one word
- pg. 2-3 4<sup>th</sup> paragraph – comma needed after “April 16, 2009”
- pg. 2-3 5<sup>th</sup> paragraph – comma needed after “therefore”
- pg. 2-4 2<sup>nd</sup> paragraph – unnecessary comma after “floodplain”
- pg. 2-5 1<sup>st</sup> paragraph – the word “in” should be removed
- pg. 2-5 6<sup>th</sup> paragraph – the word “No” should not be capitalized
- pg. 2-10 1<sup>st</sup> paragraph – “town” should be capitalized
- pg. 2-11 1<sup>st</sup> paragraph – the words “to the” are separated incorrectly
- pg. 2-11 4<sup>th</sup> paragraph – comma needed after “current standards”
- pg. 3-1 3.1 Impacts on Land – comma needed
- pg. 3-1 3<sup>rd</sup> paragraph – comma needed after “development phase”
- pg. 3-1 2<sup>nd</sup> bullet – comma needed after “doing”
- pg. 3-1 Potential Impacts to Soil, Geology and Physiology – last paragraph – commas needed around “in fact”
- pg. 3-3 3.1.2 – where will topsoil be stockpiled?
- pg. 3-3 Soil erosion – where is it occurring?
- pg. 3-5 commas needed; the word “were” should be “where”

**Memorandum To:** Town of Hamburg Planning Board

**From:** Steve McCabe

**Regarding:** Draft Environmental Impact Statement (DEIS) for Villages at Mission Hills

**July 14, 2009**

I have read the DEIS for the proposed Villages at Mission Hills development and would like to offer the following comments:

1. *Conservation Easement (p. 1-2, par. 5).* The area proposed for a "permanent conservation easement" should be shown on the site plan to distinguish it from open space or landscaped area. Also, will the conservation easement be held by the town or by the homeowners' association(s)?

2. *Wetlands (p. 2-3, pars. 3-6).* After reviewing the Wetlands Investigation Co. (WIC) delineation report, the U.S. Army Corp of Engineers determined that WIC's delineation of 9.73 acres of wetland was incorrect and that 10.46 acres of the site are federal jurisdictional wetlands, including wetlands WB-1 and WB-2, shown on Figure 2-2.

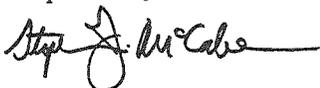
On Figure 1-2, neither wetland is labeled as such, and Wetland WB-1 is shown as the location for the community center and its parking lot and WB-2 as the location for one of the Phase 4 apartment buildings. As federal jurisdictional wetlands, WB-1 and WB-2 are subject to Town of Hamburg Law SS 272-2 B(3), which states the town "strongly encourages their avoidance and preservation."

I can understand how the filling required for road installation is unavoidable on a very small portion of WB-1 and WB-2, but the locations for the community center, its parking lot, and the additional Phase 4 apartment building could be relocated or eliminated to avoid and preserve wetlands WB-1 and WB-2. The 1.3 acres of wetlands under federal jurisdiction mentioned as being impacted (p. 3-7, par 3) could be substantially reduced by limiting the wetland filling just to the portions necessary for the installation of roads associated with the project. In short, I would agree that the locations of the roads are an unavoidable impact, but the locations of the community center/parking and the apartment building in Phase 4 are, in my opinion, wholly avoidable.

3. *Section 7, par. 2.* Reference is made to "the proposed Hamburg Crossings development." Is the construction-related job data listed for that project or for the Villages at Mission Hills?

I have no other recommended revisions or comments.

Respectfully,



Steve McCabe  
July 14, 2009

2008-0017-01

AUG 14 2009



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO

August 12, 2009

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army Permit No. 2008-00017, New York State Department of Environmental Conservation No. 9-1448-00148, Nationwide Permit No. (29) as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007

Mr. David Manko  
President  
Mission Hills, LLC  
10 Manko Lane  
Cheektowaga, New York 14227

Dear Mr. Manko:

I am writing to you in regard to your proposal to place fill into approximately 0.45 acres of wetland and culvert approximately 680 lineal feet of intermittent tributary in association with the construction of the Villages at Mission Hills residential subdivision. The project is located at 4543 Camp Road in the Town of Hamburg, Erie County, New York.

I have determined that your project satisfies the terms and conditions of the attached Nationwide Permit. However, the New York State Department of Environmental Conservation (DEC) has denied a "generic" Water Quality Certification (WQC) for this Nationwide Permit.

Before you can commence work under this Nationwide Permit you must obtain an activity specific WQC from the following DEC regional office:

Mr. Steven Doleski  
Regional Permit Administrator  
New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14202

Once you have successfully completed the state process, you must forward a copy of the project specific WQC to this office. If the project remains unchanged you may commence work under the attached Nationwide Permit without any further coordination with this office. However, if your project is modified during the DEC review you will need to contact this office

Regulatory Branch

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to determine if the modified project is still authorized by the attached Nationwide Permit. If this situation arises, you may need to furnish a revised permit application, and you may not commence work until you receive Department of the Army authorization.

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked, or your activity complies with any subsequent permit modification. Absent any changes to the current Nationwide Permits, reverification of the applicability of your project under the Nationwide Permit is not required if work is completed prior to March 19, 2012.

It is your responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

In addition to the general conditions attached to the Nationwide Permit, your attention is directed to the following Special Conditions which are also appended at the end of the Nationwide Permit General Conditions:

1. The permittee shall assume all responsibility for complying with all Special Conditions. If the reports required under these conditions are not submitted by the specified date, unless a time extension is approved in writing by the Corps of Engineers, the permittee shall pay stipulated penalties in the amount of \$50 per day for each day past the submittal date. Such funds shall be submitted by check made payable to "The Finance and Accounting Officer" and forwarded directly to the Office of Counsel, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207-3199.
2. As mitigation to compensate for unavoidable and permanent impacts to 0.45 acres of wetland, the permittee shall create a total of approximately 1.04 acres of wooded/scrub-shrub wetland habitat within the proposed on-site mitigation area. The mitigation must be constructed in accordance with the attached drawings as well as any following conditions.

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army

Permit No. 2008-00017, New York State Department of Environmental Conservation No. 9-1448-00148, Nationwide Permit No. (29) as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007

3. The mitigation plan entitled "Wetland Mitigation Proposal for the Villages at Mission Hills, Camp Road, Hamburg, New York", prepared by Wetlands Investigation Co., is hereby incorporated into and made part of the permit. The permittee shall implement the mitigation in accordance with the plan and any following conditions.
4. A baseline report shall be forwarded to this office by December 31 in the year of completion of all mitigation construction activities, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading and seeding and/or planting. The baseline report must include the following:
  - a. An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals.
  - b. Photographs from fixed locations with a photolocation map.
  - c. A list of plants introduced through seeding and/or planting.
  - d. Water depth and date of measurement from representative locations within the mitigation area. The sample points will be fixed locations and shall be plotted on a map.
  - e. A list of any modifications that were made from the original mitigation plan.
5. Annual monitoring and/or compliance reports for the entire mitigation project must be submitted to this office for the first ten years following completion of the mitigation construction based upon data collected during each monitored year between June and October. The first annual report is due by December 31 in the year following completion of mitigation construction, or by an approved extension date. Subsequent reports must be submitted by December 31 of the subsequent four years, or by an approved extension date. This requirement may be waived for years 3, 4, 7 and 8 if the annual monitoring reports show that the mitigation is meeting the enclosed performance standards. These reports must include:
  - a. An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals, including a delineated boundary of the wetland and wetland acreage determination.
  - b. Photographs from fixed locations with a photo location map.
  - c. A plant series list which give USFWS Wetland Indicator Status and strata.

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army  
Permit No. 2008-00017, New York State Department of Environmental Conservation No. 9-1448-00148, Nationwide Permit No. (29) as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007

Dominant plants should be highlighted and the percent cover is to be noted. Plants introduced through seeding or planting shall also be indicated. The date of field inspection is to be noted.

- d. Water depth and date of measurement from representative locations within the mitigation area during the growing season. The sample points will be fixed locations and shall be plotted on a map.
  - e. Fish and wildlife observations on the mitigation site.
  - f. A summary statement regarding the perceived success of the wetland creation project. The report will evaluate the goals as set forth in the permit or mitigation and monitoring plan as well as current wetland functions. These reports must also address any potential problem areas and include suggestions and timetable for correction if it is anticipated that projected goals may not be met.
6. The permittee must begin construction of the mitigation area prior to or concurrent with the filling authorized by this permit, and all construction and planting of the mitigation areas must be completed by November 15 of the year the mitigation construction begins, or by an approved extension date.
  7. No more than 5% areal cover within the mitigation areas shall be vegetated with the following species: *Lythrum salicaria*, *Phalaris arundinacea*, *Phragmites australis*, *Rhamnus spp.*, *Typha angustifolia* and *Typha x glauca*. Corrective measures shall be implemented to preclude the growth of the above listed species throughout the 10 year monitoring period should they appear within the wetland mitigation areas.
  8. Perpetual deed restrictions shall be placed on the mitigation site and all avoided wetland/stream areas as identified on the enclosed drawings, to guarantee their preservation for wetland and wildlife resources. The restrictions shall specifically state that the mitigation areas and avoided wetland/stream areas are not to be adversely impacted. An approved certified copy of the recorded deed restriction shall be provided to the U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York, 14207, (Attn: Steven Metivier) no later than December 31 in the year the work authorized by this permit commenced, or by an approved extension.

Regulatory Branch

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Permit No. 2008-00017, New York State Department of Environmental Conservation No. 9-1448-00148, Nationwide Permit No. (29) as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007

9. The perpetual deed restriction shall identify the following:
  - a. The perpetual deed restriction shall be identified on the plot plan and provided to all future owners of the property.
  - b. The perpetual deed restriction shall state that the remaining waters on-site are protected for aquatic resources, wildlife, open space, and flood protection.
  - c. The deed restriction shall have a statement addressed to a judge or magistrate should there be an attempt to remove the deed restriction in the future. This statement shall require the judge to coordinate with the Corps of Engineers prior to a negative declaration or abolishment of an instrument. To this end, if the deed restriction is to be abolished, the document shall direct the judge on the course of action in which to do this. An acceptable declaration would state that a conservation easement may be placed on a separate property or a fee simple donation made to a qualified conservation organization after coordination with the Corps for removal of the deed restriction.
10. There shall be no filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials, nor any building of roads or change in topography of the land in any manner with the exception of the maintenance of foot trails within the mitigation/preservation areas without first obtaining Department of the Army authorization.
11. There shall be no removal, destruction, or cutting of vegetation, spraying with herbicides, grazing of domestic animals, or disturbance or manipulation of the mitigation/preservation areas without first obtaining Department of the Army authorization. Control of nuisance vegetation, or any other manipulation within these areas, shall only occur after Corps of Engineers concurrence that such management practices are necessary to ensure the long-term success of the mitigation program.
12. There shall be no construction or placing of buildings, camping accommodations or mobile homes, fences, signs, billboards or other advertising material, or other structures within the limits of the designated mitigation/preservation areas.

Regulatory Branch

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Permit No. 2008-00017, New York State Department of Environmental Conservation No. 9-1448-00148, Nationwide Permit No. (29) as Published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007

13. The following performance goals are added to the mitigation plan, specific to the proposed habitat creation types:
  - a. Wooded - Scrub/Shrub: Establish and maintain at least 65% dominant facultative, facultative wetland and obligate wetland (FAC, FACW and OBL) species. Total areal cover of vegetation shall meet or exceed 90%. At least 60% of the total areal cover of vegetation will consist of woody/shrub species. Establish and maintain soil saturation within 10 inches of the surface for at least 12.5% of the growing season for eight out of the ten monitoring years. Diversity of wetland species shall increase on the site throughout the monitoring period.
14. That the Water Quality Certification issued for this project by the State of New York is part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.
15. Siltation barriers shall be installed between the wetlands and the adjoining development, to prevent siltation into the wetlands.
16. That during construction erosion control devices such as hay bales or a filter fabric fence shall be used to prevent erosion of the dredged material or disturbed soil. The hay bales or filter fabric fence shall be installed in accordance with appropriate construction techniques, including placing the hay bales and filter fabric fence in a shallow trench, backfilling the toe of the filter fabric fence and securing the hay bales with stakes.
17. All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until construction is completed and the area is stabilized.
18. That as soon as possible following construction all exposed banks and slopes shall be seeded and mulched to prevent erosion.
19. That the disposal of trees, brush and other debris in any stream corridor, wetland or

Regulatory Branch

SUBJECT: Transmittal of **PROVISIONAL** Department of the Army  
Permit No. 2008-00017, New York State Department of Environmental Conservation No. 9-  
1448-00148, Nationwide Permit No. (29) as Published in the Federal Register, Volume 72,  
No. 47, on Monday, March 12, 2007

surface water is prohibited.

20. That efforts shall be made to keep construction debris from entering the waterway or wetland, and shall be removed immediately should any such debris be present in the waterway or wetland.
21. That permanent monuments or signage shall be installed around the mitigation areas and all remaining (avoided) wetlands and upland buffer on the project site to ensure that future property owners are aware of the location and restrictions associated with these areas. Plans for the monumentation shall be submitted to this office for approval prior to implementation. All required signage/monumentation shall be in place within 60 days of completion of final grading of the mitigation areas and prior to construction on any lots containing avoided/preserved wetlands.

A copy of this letter has been sent to DEC, Wetlands Investigation, Co. and Greenman-Pederson, Inc.

Questions pertaining to this matter should be directed to me at (716)879-4314, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil)

Sincerely,

A handwritten signature in black ink, consisting of the initials 'SVM' enclosed within an oval shape.

Steven V. Metivier  
Biologist

Enclosures

COMPLIANCE CERTIFICATION

General Condition 14 of the Nationwide Permit you were affirmed requires that:

*"Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b) A statement that any required mitigation was completed in accordance with the permit conditions; c) The signature of the permittee certifying the completion of the work and mitigation."*

APPLICANT:  
Mission Hills, LLC  
10 Manko Lane  
Cheektowaga, New York 14227

POINT of CONTACT:  
Mr. David Manko  
Mission Hills, LLC  
10 Manko Lane  
Cheektowaga, New York 14227

File Number: 2008-00017  
File Closed: 8/12/2009  
NWP No.: 29

Upon completion of the activity authorized by this permit sign this certification and return it to the address listed below within 30-days of project completion.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

\_\_\_\_\_  
David Manko

\_\_\_\_\_  
Date

Permittee Telephone Number: \_\_\_\_\_

Project Location: 4543 Camp Road, Town of Hamburg, Erie County, New York

Project Description: place fill into 0.45 acre of wetlands and 680 lineal feet of stream in association with the construction of the Villages at Mission Hills residential subdivision

Authorized Impacts (Waters of U.S. Impacted by Project): 0.45 acre and 680 lineal feet of intermittent stream.

Waterway and/or Project Setting: unnamed wetlands

Return Completed form to:  
**Mr. David Leput**  
**Regulatory Branch**  
**U.S. Army Corps of Engineers**  
**1776 Niagara Street**  
**Buffalo, New York 14207**

## ACTIVITIES AUTHORIZED BY NATIONWIDE PERMIT

29. Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2 acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 27.) (Sections 10 and 404)

### LRB Specific Regional Conditions:

1. The proposed impacts to waters of the United States shall include those direct impacts associated with construction of the proposed project, as well as any indirect, or reasonably anticipated future impacts which may occur as a result of the project (e.g., filling waters of the United States to increase size of usable yard space, impacts to existing hydrologic regimes, etc.).

### Water Quality Certification

General Water Quality Certification, pursuant to Section 401 of the Clean Water Act, has been denied for this Nationwide Permit. Individual Water Quality Certification must be obtained from the New York State Department of Environmental Conservation prior to undertaking activities described by this permit. This permit will then be subject to all terms and conditions placed upon the individual Water Quality Certification issued by the New York State Department of Environmental Conservation.

### New York State Department of State Coast Zone Management Consistency Determination

- I. Pursuant to 15 CFR Part 930.41, the DOS concurs with the Corps consistency determination for the following NWPs:
  2. Structures in Artificial Canals
  4. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities
  5. Scientific Measuring Devices
  10. Mooring Buoys
  15. U.S. Coast Guard Approved Bridges
  20. Oil Spill Cleanup
  21. Surface Coal Mining Operations
  24. Indian Tribe or State Administered Section 404 Program
  34. Cranberry Production Activities
  37. Emergency Watershed Protection and Rehabilitation
  47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
  49. Coal Remining Activities
  50. Underground Coal Mining Activities
- II. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would be conducted within canals that are more than fifty percent (50%) bulkheaded (see III below regarding NWP #3 and NWP A, and IV below regarding NWP #13):
  3. Maintenance
  13. Bank Stabilization
  45. Repair of Uplands Damaged by Discrete Events
- III. The DOS concurs with the Corps consistency determination for the following NWPs where the activities to be authorized would occur outside of areas covered by the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; 4) Scenic Areas of Statewide Significance; and 5) Harbor Management Plans.

However, pursuant to 15 CFR Parts 930.41 and 930.43, the DOS objects to the Corps consistency determination for the following NWPs where the activities would occur within the above listed special management areas:

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:  
"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

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(Transferee)

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(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

**Ephemeral stream:** An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

**Establishment (creation):** The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

**Historic Property:** Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

**Independent utility:** A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

**Intermittent stream:** An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

**Loss of waters of the United States:** Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

**Non-tidal wetland:** A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

**Open water:** For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

**Ordinary High Water Mark:** An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

**Perennial stream:** A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

**Practicable:** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Pre-construction notification:** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

**Preservation:** The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Riffle and pool complex:** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

**Riparian areas:** Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

**Shellfish seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

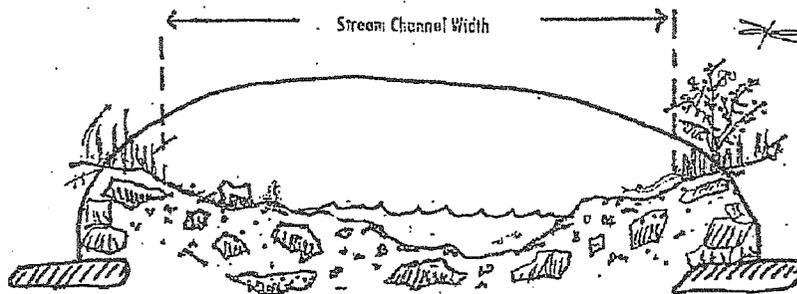
**Single and complete project:** The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a "single and complete project" is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

**Stormwater management:** Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

**Stormwater management facilities:** Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

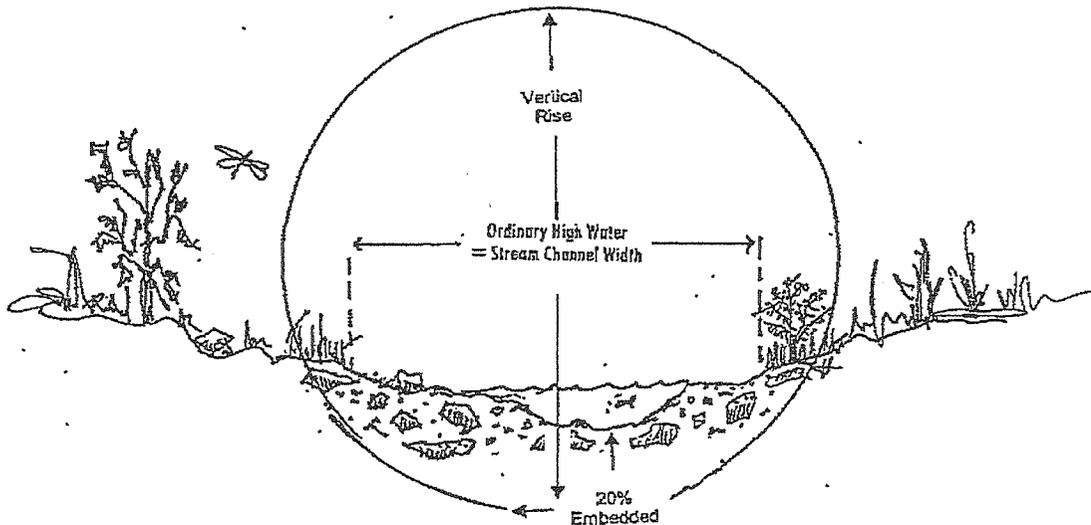
**Stream bed:** The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Note: before replacing a culvert or other crossing structure with a larger structure it is essential that the replacement be evaluated for its impacts on: downstream flooding, upstream and downstream habitat (in-stream habitat, wetlands), potential for erosion and headcutting, and stream stability.



Bottom-less Arch Culvert  
with Footings

- b. To allow natural substrate to colonize the structure's bottom, encourage fish movement and maintain the existing channel slope, smooth box or non-corrugated round, squash, or elliptical culverts shall be embedded to a minimum depth of 2 foot or 20% of the vertical rise of the culvert. Corrugated or sufficiently roughened culverts shall be buried/embedded to a minimum depth of 1 foot. All required depths shall be measured from an average of the lowest points in elevation within stream channel cross sections taken at a minimum of three proximal locations.



- c. Bank-run flows shall be accommodated through maintenance of the existing bank-run channel cross sectional dimensions (i.e., a minimum of 1.25 times width of the stream channel at the ordinary high water; or a 2 year design storm) within the culvert. An average of three measurements (project location and straight sections of the stream upstream and downstream) should be used to determine appropriate opening width.
- d. If the above measures cannot be implemented as described, then a Pre-Construction Notification (PCN) for the stream crossing (new or replacement) to the Corps is required. The PCN must include: information as to why the use of such structures or measures would not be practicable; an evaluation of the effects the crossing would have on aquatic species movement; and alternate measures that will be employed to minimize these effects.
- e. If adverse impacts (i.e., increased erosion, changes in normal water depths, etc.) to any waters of the United States due to poor construction practices are discovered, the permittee shall take necessary measures to correct this deficiency.

F-B. No regulated activity authorized by a Nationwide Permit can cause the loss of areas classified as a bog or fen in the State of New York, as determined by the Buffalo or New York District Corps of Engineers, due to the scarcity of this habitat in New York State and the difficulty with in-kind mitigation. The Districts will utilize the following document in the determination:

Reschke, C. 1990. *Ecological Communities of New York State*. New York Natural Heritage Program. New York State Department of Environmental Conservation. Latham, N.Y. 96p. +xi.

The document is available at the following location: <http://www.dec.state.ny.us/website/dfw/mr/heritage/EcolComm.htm>

**Note: Nationwide Permit General Condition 27 Pre-construction Notification requires the permittee to include a delineation of special aquatic sites and all other waters of the United States on the project site. Special aquatic sites include sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle and pool complexes.**

**F-E. Critical Resource Waters:** In accordance with NWP General Condition #19, certain activities in Critical Resource Waters cannot be authorized under the NWP program or will have to meet additional conditions. Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal. The following is the only currently designated critical resource water within the New York State portion of the Buffalo District:

**Critical Habitat for Federally Listed Threatened and Endangered Species:** Designated critical habitat for the *Great Lakes breeding population* of the piping plover (*Charadrius melodus*) is defined as lands 0.62 mile inland from normal high water line from the mouth of the Salmon River, Oswego County, northward to Eldorado Road, Jefferson County, encompassing approximately 17 miles.

**G. General Conditions applicable to all NWPs for which Water Quality Certification has been provided are as follows:**

1. **Monitoring Requirement.** The Corps of Engineers shall prepare and submit an annual report that evaluates the use and effectiveness of the Nationwide Permit program in New York State. Such report must contain, as a minimum, the number of times each Nationwide Permit has been used in the reporting period; the number of acres of disturbance or linear feet of disturbance on a by-permit basis; and the number of acres of mitigation required on a by-permit basis. The first report will be submitted by January 31, 2008 and by January 31 of each year following. At its discretion, and not as a substitute for the required annual report, the Corps may provide copies of any monthly reports that are submitted to headquarters.
2. **Endangered or Threatened Species.** This certification does not authorize any activity likely to jeopardize the existence of an endangered species or threatened species listed in 6 NYCRR Part 182, or likely to destroy or adversely modify the habitat of such species. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental Natural Heritage Program at 625 Broadway, Albany, NY 12233-4757.
3. **Natural Heritage Sites.** This certification does not authorize any activity in any location that supports a rare species or significant natural community as identified and tracked by the New York Natural Heritage Program. Information about where such locations are known to exist may be found at DEC regional offices, the New York Natural Heritage Program in Albany, New York or, after September 1, 2007, on the DEC website at [www.dec.state.ny.us](http://www.dec.state.ny.us).
4. **State-owned Lands.** Prior to undertaking any Nationwide Permit activity that will involve or occupy state-owned lands now or formerly under the waters of New York State, the party proposing the activity must first obtain all necessary approvals from:

NYS Office of General Services  
Division of Real Estate Development  
Corning Tower Building, 26<sup>th</sup> Floor  
Empire State Plaza  
Albany, NY 12242  
Tel. (518) 474-4944

5. **Tidal Wetlands.** This authorization does not authorize any activities in tidal wetlands as defined in Article 25 of NYS ECL, with the exception of NWP numbers 4, 20 and 48.
6. **Wild, Scenic and Recreational Rivers.** This certification does not authorize activities in any Wild, Scenic or Recreational River segments.
7. **Combined use of permits.** This authorization does not allow the stacking of NWPs so that in combination they exceed 1/10 of an acre of fill or 200 linear feet of stream disturbance. When used in combination, the most restrictive conditions apply.
8. **Public Service Commission.** This certification does not authorize activities regulated pursuant to Article VII of the New York State Public Service Law. For such projects, Section 401 Water Quality Certification is obtained from the New York State Public Service Commission.
9. **Floodplains.** This certification does not authorize permanent discharge of dredge materials or fill into the waters of the United States within the 100-year floodplain with the exception of up to 25 cubic yards, or the loss of less than 1/10 acre, for NWPs 3, 4, 5, 6, 18, 27, 30, 32, 36, 37, and 47.

**INFORMATION ON NATIONWIDE PERMIT VERIFICATION**

Verification of the applicability of this Nationwide Permit is valid for two years from the date of this correspondence unless the Nationwide Permit is modified, suspended or revoked, or your activity complies with any subsequent permit modification. Absent any changes to the current Nationwide Permits, reverification of the applicability of your project under the Nationwide Permit is not required if work is completed prior to March 19, 2012.

## NATIONWIDE PERMIT SPECIAL CONDITIONS

1. The permittee shall assume all responsibility for complying with all Special Conditions. If the reports required under these conditions are not submitted by the specified date, unless a time extension is approved in writing by the Corps of Engineers, the permittee shall pay stipulated penalties in the amount of \$50 per day for each day past the submittal date. Such funds shall be submitted by check made payable to "The Finance and Accounting Officer" and forwarded directly to the Office of Counsel, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207-3199.
2. As mitigation to compensate for unavoidable and permanent impacts to 0.45 acres of wetland, the permittee shall create a total of approximately 1.04 acres of wooded/scrub-shrub wetland habitat within the proposed on-site mitigation area. The mitigation must be constructed in accordance with the attached drawings as well as any following conditions.
3. The mitigation plan entitled "Wetland Mitigation Proposal for the Villages at Mission Hills, Camp Road, Hamburg, New York", prepared by Wetlands Investigation Co., is hereby incorporated into and made part of the permit. The permittee shall implement the mitigation in accordance with the plan and any following conditions.
4. A baseline report shall be forwarded to this office by December 31 in the year of completion of all mitigation construction activities, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading and seeding and/or planting. The baseline report must include the following:
  - a. An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals.
  - b. Photographs from fixed locations with a photolocation map.
  - c. A list of plants introduced through seeding and/or planting.
  - d. Water depth and date of measurement from representative locations within the mitigation area. The sample points will be fixed locations and shall be plotted on a map.
  - e. A list of any modifications that were made from the original mitigation plan.
5. Annual monitoring and/or compliance reports for the entire mitigation project must be submitted to this office for the first ten years following completion of the mitigation construction based upon data collected during each monitored year between June and October. The first annual report is due by December 31 in the year following completion of mitigation construction, or by an approved extension date. Subsequent reports must be submitted by December 31 of the subsequent four years, or by an approved extension date. This requirement may be waived for years 3, 4, 7 and 8 if the annual monitoring reports show that the mitigation is meeting the enclosed performance standards.

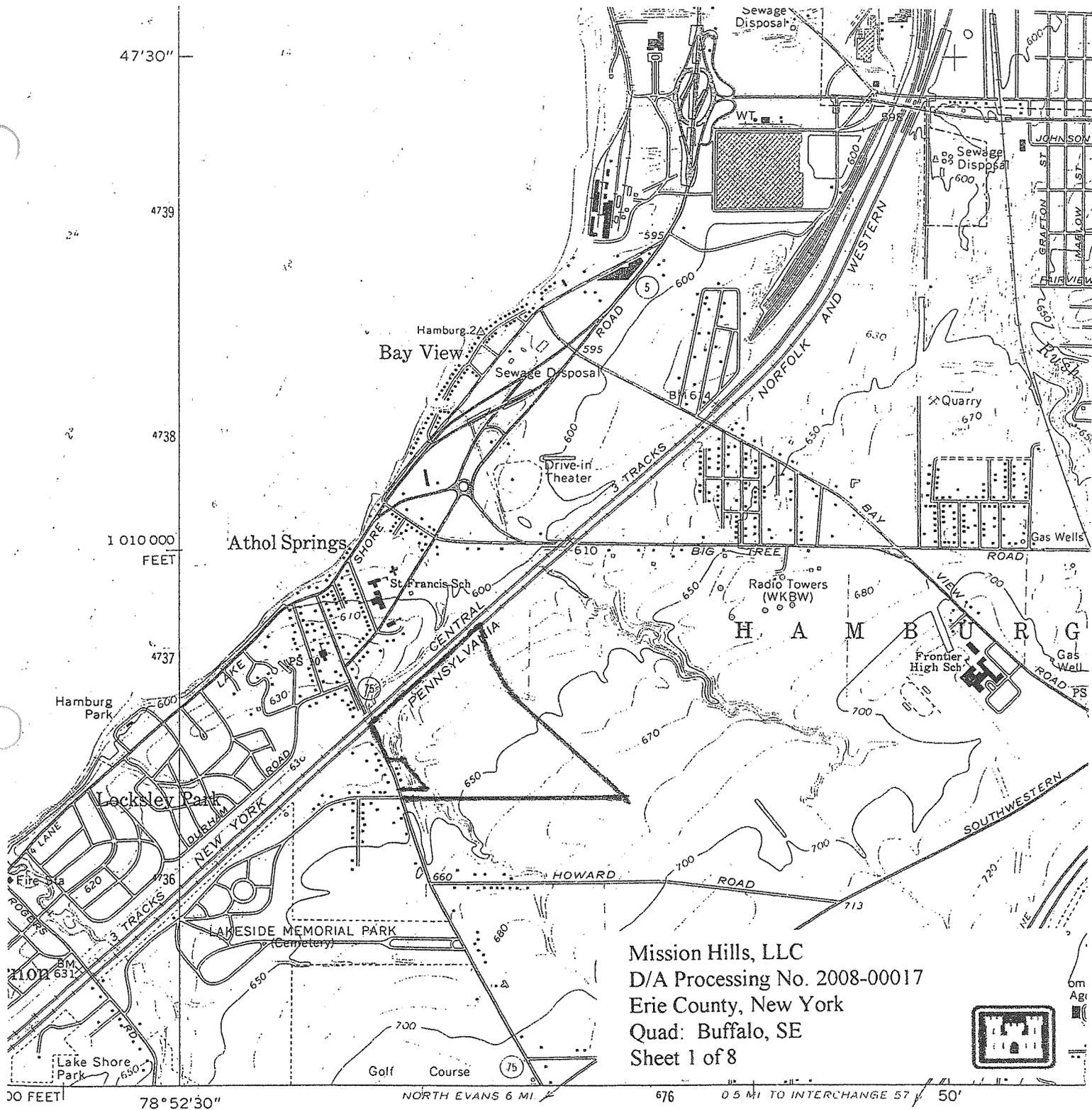
These reports must include:

- a. An "as-built" topographic survey of the mitigation area at 0.5 foot contour intervals, including a delineated boundary of the wetland and wetland acreage determination.
  - b. Photographs from fixed locations with a photo location map.
  - c. A plant series list which give USFWS Wetland Indicator Status and strata. Dominant plants should be highlighted and the percent cover is to be noted. Plants introduced through seeding or planting shall also be indicated. The date of field inspection is to be noted.
  - d. Water depth and date of measurement from representative locations within the mitigation area during the growing season. The sample points will be fixed locations and shall be plotted on a map.
  - e. Fish and wildlife observations on the mitigation site.
  - f. A summary statement regarding the perceived success of the wetland creation project. The report will evaluate the goals as set forth in the permit or mitigation and monitoring plan as well as current wetland functions. These reports must also address any potential problem areas and include suggestions and timetable for correction if it is anticipated that projected goals may not be met.
6. The permittee must begin construction of the mitigation area prior to or concurrent with the filling authorized by this permit, and all construction and planting of the mitigation areas must be completed by November 15 of the year the mitigation construction begins, or by an approved extension date.
  7. No more than 5% areal cover within the mitigation areas shall be vegetated with the following species: *Lythrum salicaria*, *Phalaris arundinacea*, *Phragmites australis*, *Rhamnus spp.*, *Typha angustifolia* and *Typha x glauca*. Corrective measures shall be implemented to preclude the growth of the above listed species throughout the 10 year monitoring period should they appear within the wetland mitigation areas.
  8. Perpetual deed restrictions shall be placed on the mitigation site and all avoided wetland/stream areas as identified on the enclosed drawings, to guarantee their preservation for wetland and wildlife resources. The restrictions shall specifically state that the mitigation areas and avoided wetland/stream areas are not to be adversely impacted. An approved certified copy of the recorded deed restriction shall be provided to the U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York, 14207, (Attn: Steven Metivier) no later than December 31 in the year the work authorized by this permit commenced, or by an approved extension.
  9. The perpetual deed restriction shall identify the following:
    - a. The perpetual deed restriction shall be identified on the plot plan and provided to all future owners of the property.

- b. The perpetual deed restriction shall state that the remaining waters on-site are protected for aquatic resources, wildlife, open space, and flood protection.
  - c. The deed restriction shall have a statement addressed to a judge or magistrate should there be an attempt to remove the deed restriction in the future. This statement shall require the judge to coordinate with the Corps of Engineers prior to a negative declaration or abolishment of an instrument. To this end, if the deed restriction is to be abolished, the document shall direct the judge on the course of action in which to do this. An acceptable declaration would state that a conservation easement may be placed on a separate property or a fee simple donation made to a qualified conservation organization after coordination with the Corps for removal of the deed restriction.
10. There shall be no filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials, nor any building of roads or change in topography of the land in any manner with the exception of the maintenance of foot trails within the mitigation/preservation areas without first obtaining Department of the Army authorization.
11. There shall be no removal, destruction, or cutting of vegetation, spraying with herbicides, grazing of domestic animals, or disturbance or manipulation of the mitigation/preservation areas without first obtaining Department of the Army authorization. Control of nuisance vegetation, or any other manipulation within these areas, shall only occur after Corps of Engineers concurrence that such management practices are necessary to ensure the long-term success of the mitigation program.
12. There shall be no construction or placing of buildings, camping accommodations or mobile homes, fences, signs, billboards or other advertising material, or other structures within the limits of the designated mitigation/preservation areas.
13. The following performance goals are added to the mitigation plan, specific to the proposed habitat creation types:
  - a. Wooded - Scrub/Shrub: Establish and maintain at least 65% dominant facultative, facultative wetland and obligate wetland (FAC, FACW and OBL) species. Total areal cover of vegetation shall meet or exceed 90%. At least 60% of the total areal cover of vegetation will consist of woody/shrub species. Establish and maintain soil saturation within 10 inches of the surface for at least 12.5% of the growing season for eight out of the ten monitoring years. Diversity of wetland species shall increase on the site throughout the monitoring period.
14. That the Water Quality Certification issued for this project by the State of New York is part of this Department of the Army permit pursuant to Section 401(d) of

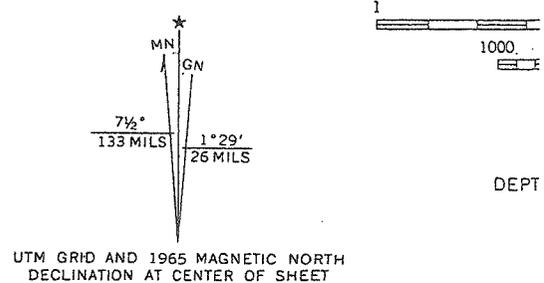
the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.

15. Siltation barriers shall be installed between the wetlands and the adjoining development, to prevent siltation into the wetlands.
16. That during construction erosion control devices such as hay bales or a filter fabric fence shall be used to prevent erosion of the dredged material or disturbed soil. The hay bales or filter fabric fence shall be installed in accordance with appropriate construction techniques, including placing the hay bales and filter fabric fence in a shallow trench, backfilling the toe of the filter fabric fence and securing the hay bales with stakes.
17. All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until construction is completed and the area is stabilized.
18. That as soon as possible following construction all exposed banks and slopes shall be seeded and mulched to prevent erosion.
19. That the disposal of trees, brush and other debris in any stream corridor, wetland or surface water is prohibited.
20. That efforts shall be made to keep construction debris from entering the waterway or wetland, and shall be removed immediately should any such debris be present in the waterway or wetland.
21. That permanent monuments or signage shall be installed around the mitigation areas and all remaining (avoided) wetlands and upland buffer on the project site to ensure that future property owners are aware of the location and restrictions associated with these areas. Plans for the monumentation shall be submitted to this office for approval prior to implementation. All required signage/monumentation shall be in place within 60 days of completion of final grading of the mitigation areas and prior to construction on any lots containing avoided/preserved wetlands.



Mission Hills, LLC  
 D/A Processing No. 2008-00017  
 Erie County, New York  
 Quad: Buffalo, SE  
 Sheet 1 of 8

Mapped, edited, and published by the Geological Survey in cooperation with New York Department of Public Works  
 Control by USGS, USC&GS, USCE, and U. S. Lake Survey  
 Planimetry compiled by U. S. Corps of Engineers from aerial photographs taken 1942. Topography by planetable surveys 1948. Revised 1965  
 Selected hydrographic data compiled from U.S. Lake Survey Charts 31 and 314 (1965). This information is not intended for navigational purposes  
 Polyconic projection. 1927 North American datum  
 10,000-foot grid based on New York coordinate system, west zone  
 1000-meter Universal Transverse Mercator grid ticks, zone 17, shown in blue  
 Fine red dashed lines indicate selected fence and field lines where

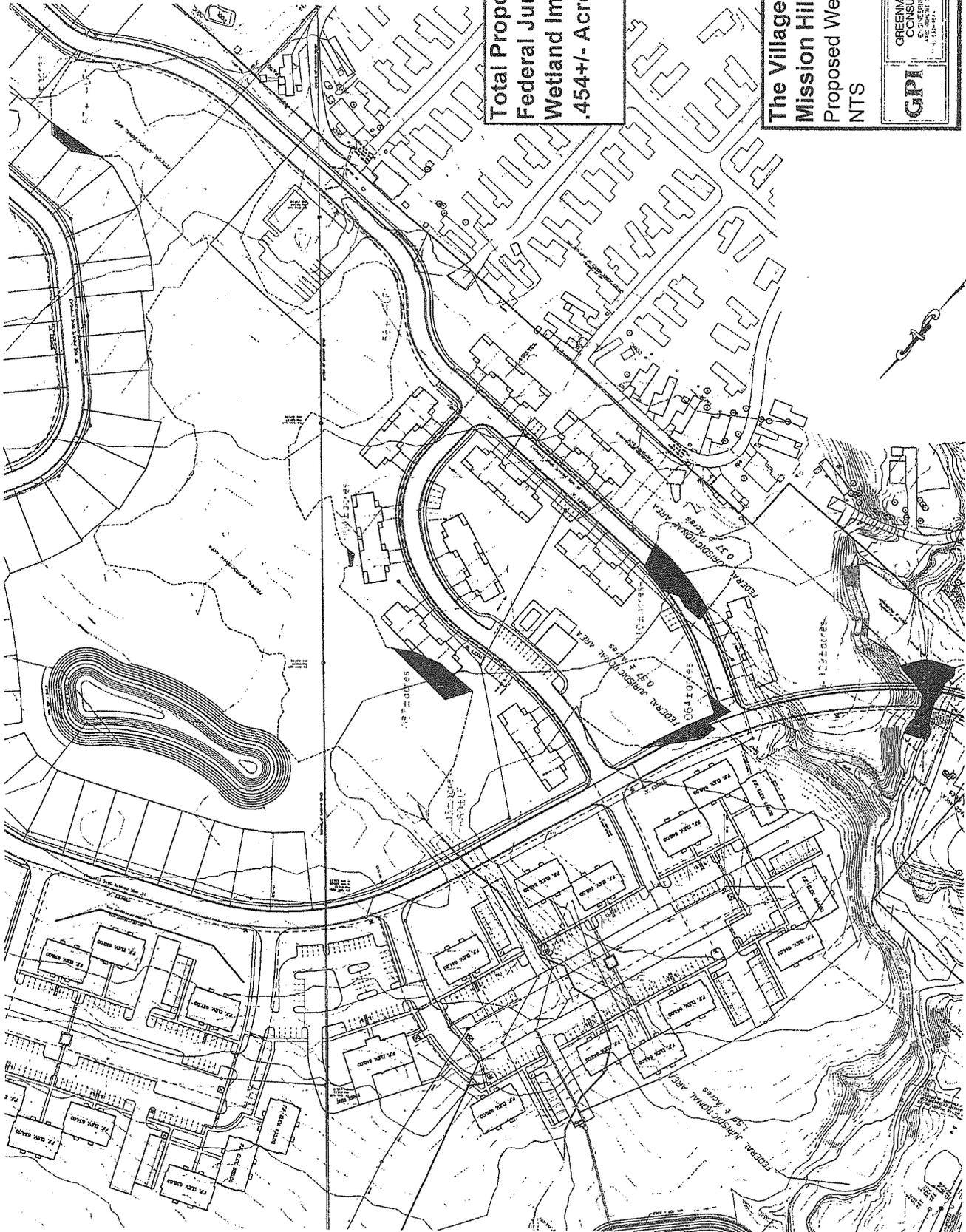


UTM GRID AND 1965 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

FOI  
 A FOLDEF



Mission Hills, LLC  
D/A Processing No. 2008-00017  
Erie County, New York  
Quad: Buffalo, SE  
Sheet 3 of 8



**Total Proposed  
Federal Jurisdictional  
Wetland Impact:  
.454+/- Acres**

**The Villages at  
Mission Hills  
Proposed Wetland Impact  
NTS**

**GPI**  
GREENMAN-PEPENSEN, INC.  
CONSULTING ENGINEERS  
100 WEST STREET, SUITE 200, BUFFALO, N. Y. 14202  
TEL: 716-835-1144 FAX: 716-835-1144

Mission Hills, LLC  
 D/A Processing No. 2008-00017  
 Erie County, New York  
 Quad: Buffalo, SE  
 Sheet 4 of 8

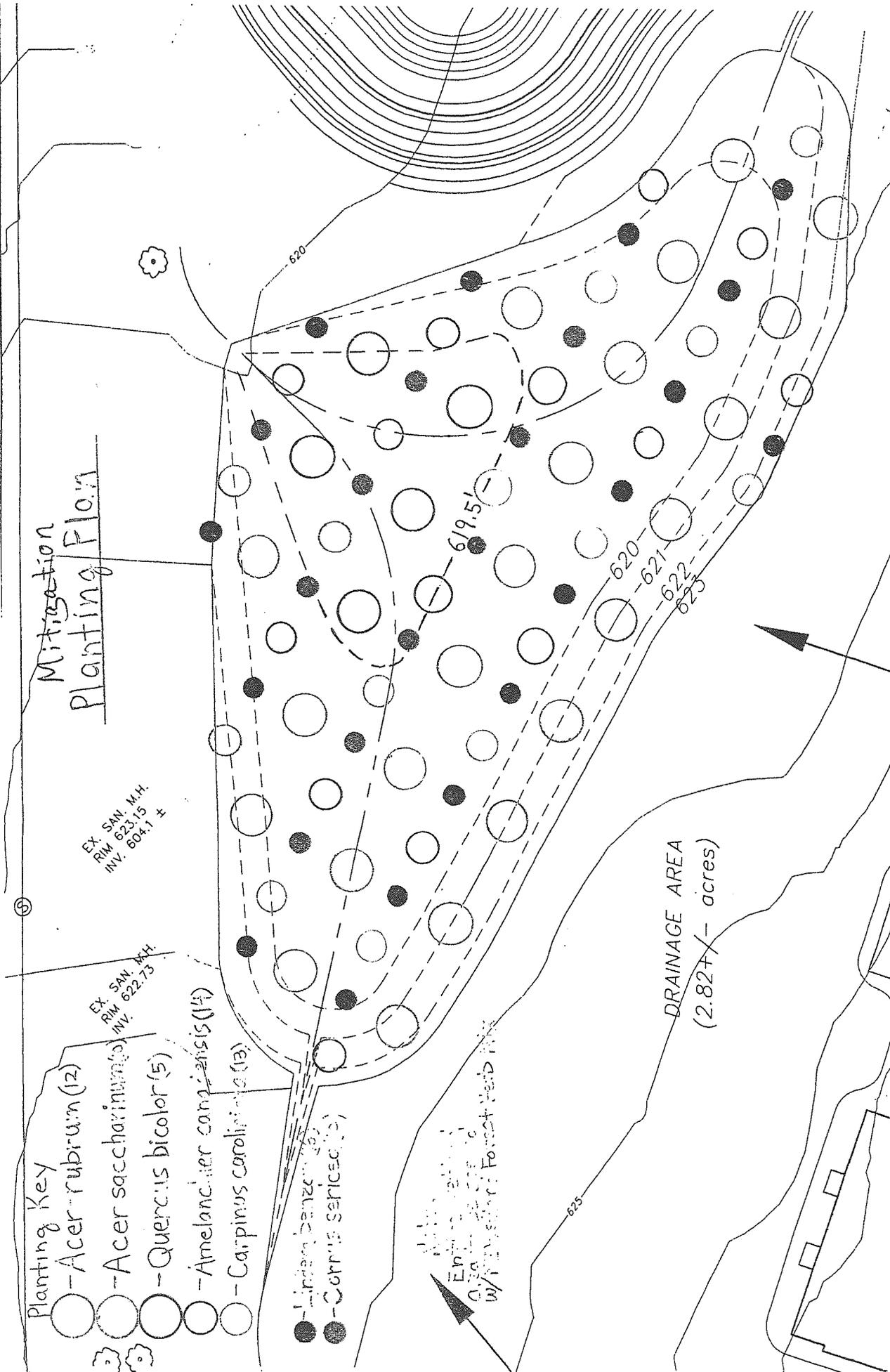


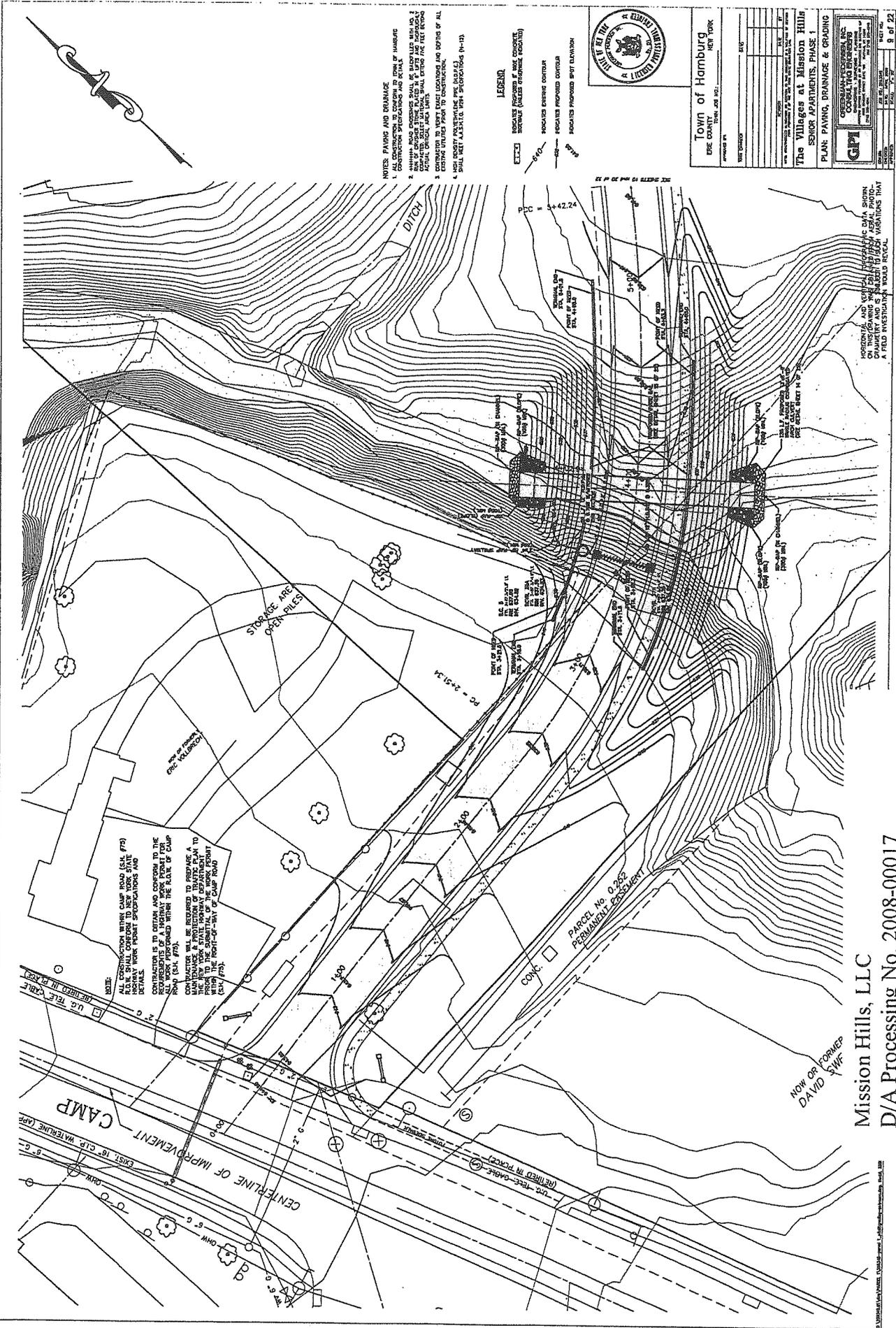
Mitigation  
 Planting Plan

EX. SAN. M.H.  
 RIM 623.15  
 INV. 604.1 +

EX. SAN. M.H.  
 RIM 622.73  
 INV. 604.1 +

- Planting Key
- - Acer rubrum (12)
  - - Acer saccharinum (3)
  - - Quercus bicolor (5)
  - - Amelanchier canadensis (14)
  - - Carpinus caroliniana (13)
  - - Liriodendron tulipifera (2)
  - - Cornus sericea (2)





**NOTES PAVING AND DRAINAGE**

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.
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10. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.

**LEGEND**

- PROPOSED PAVING
- PROPOSED DRAINAGE
- PROPOSED GRADING
- EXISTING UTILITIES
- EXISTING PAVING
- EXISTING DRAINAGE
- EXISTING GRADING
- EXISTING UTILITIES



**Town of Hamburg**  
ERIE COUNTY, NEW YORK

PROJECT NO. 08-0017

DATE: 08/22/08

SCALE: AS SHOWN

**MISSION HILLS, LLC**  
D/A PROCESSING NO. 2008-00017

**The Villages at Mission Hills**  
SENIOR APARTMENTS, PHASE 1

PLAN: PAVING, DRAINAGE & GRADING

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

DATE: 08/22/08

SCALE: AS SHOWN

PROJECT NO. 08-0017

DATE: 08/22/08

SCALE: AS SHOWN

**NOTE:**

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT&C) SPECIFICATIONS AND DETAILS.

CONTRACTOR IS TO OBTAIN AND CONFORM TO THE LATEST EDITIONS OF ALL APPLICABLE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT&C) SPECIFICATIONS AND DETAILS.

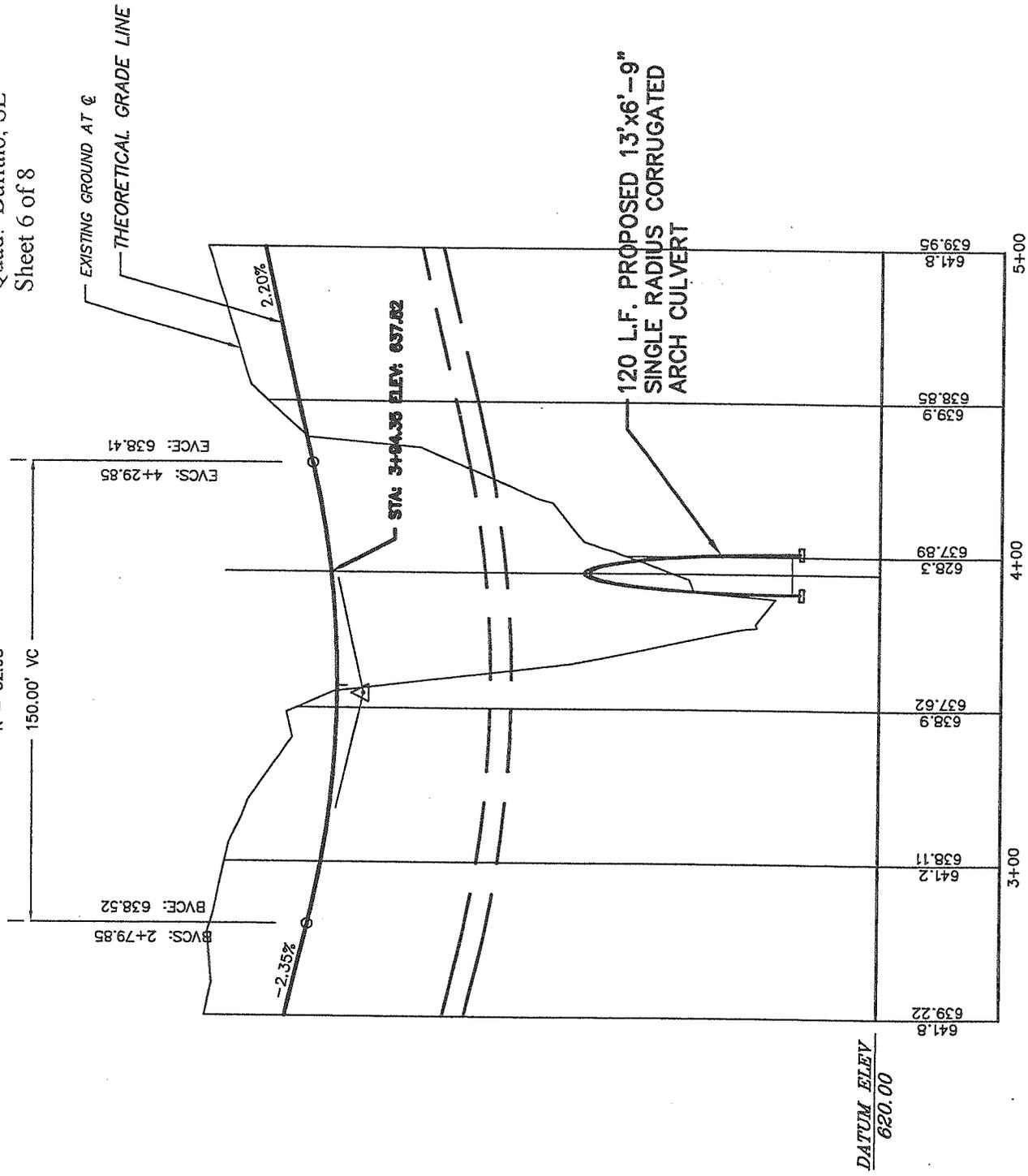
CONTRACTOR WILL BE REQUIRED TO PREPARE A DETAILED PLAN TO SHOW THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF THE WORK. THE PLAN SHALL BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

**Mission Hills, LLC**  
D/A Processing No. 2008-00017  
Erie County, New York  
Quad: Buffalo, SE  
Sheet 5 of 8



LOW POINT ELEV = 637.61  
 LOW POINT STA = 3+57.30  
 PVI STA = 3+54.85  
 PVI ELEV = 636.76  
 A.D. = 4.55  
 K = 32.98

Mission Hills, LLC  
 D/A Processing No. 2008-00017  
 Erie County, New York  
 Quad: Buffalo, SE  
 Sheet 6 of 8



**PROFILE - STREET 'A'**  
 SCALE: 1" = 40' HORZ., 1" = 4' VERT.







STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
REGION FIVE  
100 SENECA STREET  
BUFFALO, NY 14203  
www.nysdot.gov

ALAN E. TAYLOR, P.E.  
REGIONAL DIRECTOR

STANLEY GEE  
ACTING COMMISSIONER

August 19, 2009

Andrew Reilly  
Town of Hamburg Planning Department  
S-6100 South Park Avenue  
Hamburg, New York 14075

RE: SEQR/SITE PLAN REVIEW  
Mission Hills  
Camp Road  
Town of Hamburg

Dear Mr. Reilly:

We reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the subject development and have the following comments:

- The additional traffic generated by this development will not have a significant impact on the State Highway System.
- A NYSDOT Highway Work Permit will be required for the work within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.

If you have any questions or comments, please contact me at 847-3575.

Sincerely,

EDWARD S. RUTKOWSKI, P.E.  
SEQR/Site Plan Review Coordinator

ESR/ik

cc: Greenman-Pedersen, Inc.

OCT 15 2009

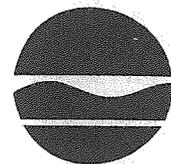
**New York State Department of Environmental Conservation**

**Division of Fish, Wildlife and Marine Resources, Region 9**

182 E. Union, Suite 3, Allegany, New York 14706-1328

Phone: (716) 372-0645 • Fax: (716) 372-2113

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

October 9, 2009

Ms. Leanne Voit  
Greenman-Pedersen, Inc.  
4950 Genesee Street Suite 165  
Buffalo, New York 14225

Dear Ms. Voit:

**Proposed Villages at Mission Hills Development  
Freshwater Wetlands Evaluation  
Town of Hamburg, County of Erie**

This letter was prepared to inform you that I completed a field inspection of the proposed Villages at Mission Hills project site at Camp Road in the Town of Hamburg on September 10, 2009 with your wetland consultant, Mr. Erik Krull, to determine whether wetlands present within the site meet New York State Department of Environmental Conservation (NYSDEC) criteria for state wetlands jurisdiction. Based on my inspection, I determined that there is no state-regulated freshwater wetlands jurisdiction within the proposed project site.

Specifically, my field inspection determined that a wetland with a total size of roughly 8.0 acres is present within the site. That wetland does not meet the 12.4-acre threshold for state wetlands jurisdiction. I also determined that the wetland is separated from other smaller wetlands on the site by greater than 50 meters and therefore will not be treated as part of the larger wetland. Finally, I determined that the wetland present within the site lacks significant features (e.g., resident habitat for endangered or threatened species) and therefore would not qualify for state wetlands jurisdiction under the NYSDEC's "unusual local importance" designation.

If you have any questions about this wetlands review, feel free to call me at 716-372-0645.

Sincerely,

Anne M. Oyer  
Senior Wildlife Biologist  
Region 9

AMO:jg

cc: Mr. Steve Doleski, NYSDEC Division of Environmental Permits  
Hamburg Town Clerk  
Erie County Clerk

***Appendix D: Comments Submitted on the DSEIS***

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1. Meeting Minutes from Public hearing on DSEIS July 15, 2009
2. Substantive Comments Memo August 5, 2009

Town of Hamburg  
Planning Board Meeting

July 15, 2009

Minutes

The Town of Hamburg Planning Board met in regular session on Wednesday, July 15, 2009 at 7:30 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Gerard Koenig, Karen Rogers, Sasha Yerkovich, Peter Reszka, David Phillips and Steve McCabe.

Others in attendance included Andrew Reilly, Richard Lardo and Attorney Donald McKenna.

Excused: Rich Taber, Attorney Cheryl McFaddon Zak

**Public Hearing – Villages at Mission Hills**

Mr. McCabe read the following notices of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on July 15, 2009 at 7:30 P.M. in Room 7B of Hamburg Town Hall to allow public comment on the draft Supplemental Environmental Impact Statement submitted for the proposed Villages at Mission Hills project located on the northeast side of Camp Road, immediately east of the railroad in the Town of Hamburg. Comments on the DSEIS will be accepted through August 7, 2009 and can be submitted to Andrew C. Reilly, Town of Hamburg Planning Department, S6100 South Park Avenue, Hamburg, New York 14075. A copy of the DSEIS is on file in the Town of Hamburg Planning Department and Town Clerk's office and can be viewed on the Town's website ([www.townofhamburgny.com](http://www.townofhamburgny.com)). No formal action on the project will be taken at this meeting."

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by Mission Hills Senior Apartments, LLC for a 347-unit private residential community, two community centers and supporting infrastructure on a 93.28 acre site located on the northeast side of Camp Road, east of the railroad tracks. In accordance with the Town of Hamburg site plan ordinance, a public hearing will be held on July 15, 2009 at 7:30 P.M. in Room 7B of Hamburg Town Hall."

Mr. Reilly stated that this site was approved for a mobile home park approximately 15 years ago and an Environmental Impact Statement (EIS) was done at that time. He noted that, because the EIS is 15 years old, this developer has been asked by the Town to provide a Supplemental EIS (SEIS) in order to update the information previously provided. He stated that the developer has submitted a draft SEIS, public input is being solicited through this public hearing and then any substantive questions raised will be answered in the form of a Final Supplemental Impact Statement, which will also be available for public review. He further noted that, based upon the DSEIS and the final EIS, the Planning Board will make a decision and, if the decision is favorable, the project would move on to the site plan approval phase, which also requires a public hearing. He stated that this is why the two public hearings are being held simultaneously.

Leanne Voit from Greenman-Pederson appeared on behalf of the project sponsor, stating that the DSEIS submitted is for the entire project, which includes four phases. She further stated that the site plan presented only represents the first phase of the project. Ms. Voit stated that the overall project consists of approximately 347 units of mixed residential development, most of which are rental housing for senior citizens. She noted that Phases I and II would consist of 26 two-story, 8-unit affordable rental apartments for citizens with a community center on a private road. She stated that Phase III would consist of 91 single-family homes and Phase IV would consist of 12 four-unit, single-story market rate apartments for senior citizens.

Ms. Voit stated that a market study was performed recently for the area including the Town of Hamburg to see if there is a need for senior apartments and the results of the study showed that there is a need for 4,500 units of housing for seniors. She noted that that the market study will be provided to the Planning Board for its review.

Ms. Voit stated that great effort has been taken to avoid the majority of the approximately 7-acre federal wetland in the center of the site and that the developer proposes to leave approximately 38 acres of the site undeveloped. She further noted that the proposed buildings closest to the railroad tracks are located 250 feet from the tracks.

Ms. Voit stated that Phase I includes 12 of the two-story, 8-unit apartment buildings with a total of 96 units, as well as a community building, gazebo, five garage/storage units, mail pavilions, two detention ponds and a large amount of green space.

In response to a question from Chairman Koenig, Ms. Voit stated that an emergency-only access road connected to Waterfalls Village Mobil Home Park is proposed and will be installed during Phase I, if required by the Planning Board.

Regarding the DSEIS, Mr. McCabe asked Ms. Voit if the proposed conservation easement would be deeded to the Town of Hamburg or to the Homeowners' Association. Ms. Voit responded that she is not sure at this time. Mr. Reilly stated that the conservation easement must be deeded to the Town of Hamburg so that it can be enforced.

Regarding wetlands WB-1 and WB-2, Mr. McCabe stated that he is concerned that the community center and one apartment building are proposed in an area where federal wetlands currently exist. Ms. Voit responded that, as the applicant goes through the permitting process with the Army Corps of Engineers, these two buildings will probably have to be relocated and it will be addressed in the Final SEIS.

Chairman Koenig declared the public hearing open. He then asked if anyone in the audience wished to speak in favor of or in opposition to the proposal. The following people spoke:

1. Henry Zimmer, 3606 Heatherwood Drive, asked how long Phase I would take to complete and how long the entire project would take to complete. He also asked how much green space will be left at the rear of the lots that back up to existing homes. He asked what the depth will be of the single family home lots and how far from the road the houses will be set back. He also asked what the apartments' rents will be.

2. Mike Deni, 3572 Heatherwood Drive, asked if the entire parcel will be clear cut as Phase I is developed.

Chairman Koenig declared the public hearing closed.

Mr. Reilly noted that comments will be received for ten days after the close of the public hearing.

Mr. Phillips made a motion, seconded by Mr. Reszka, to table both the discussion of the DSEIS and the request for Site Plan Approval. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Public Hearing - Arthur Court Subdivision**

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a 35-unit townhouse development known as the Arthur Court Subdivision to be located at the end of King Arthur Court, east of South Park Avenue, on July 15, 2009 in Room 7B of Hamburg Town Hall at 7:30 P.M."

Andrew Gow, from Nussbaumer & Clarke, appeared on behalf of the proposed project, stating that this proposal was originally brought before the Planning Board in 2005. He further stated that two major changes have been made to the project since that time. The original project included a private road with a cul-de-sac at the eastern end of the site and that road is now proposed to be public. In addition, previously the easternmost part of the site was determined to be a federal wetland, but the Army Corps of Engineers has recently determined that this area is non-jurisdictional, making it possible for the project to be extended further to the east.

Mr. Reilly stated that the Planning Board is holding a second public hearing on this proposal (the first was held in August 2008) because some substantial changes have been made to the plan. He further stated that the biggest change to the plan is that, because the road is proposed to be public, the buildings are set back further from the right-of-way and therefore closer to the existing adjoining properties on Quinby Drive and Richwood Drive.

Mrs. Rogers stated that she has noticed that the easternmost buildings are very close to the homes on Richwood Drive and asked Mr. Gow how much of a buffer there would be between those buildings and the homes on Richwood Drive. Mr. Gow responded that the rear yard setback proposed for those easternmost buildings is more than twice what is required by Town Code.

Mr. Reilly asked Mr. Gow how many, if any, of the existing trees on the east end of the property could be saved. Mr. Gow responded that the developer's intention is to save as much of the woods as possible, as a vegetative buffer would be beneficial for all parties involved.

## MEMORANDUM

**TO:** David Manko, Mission Hills Senior Apartments, LLC

**FROM:** Andrew C. Reilly, P.E., AICP, Town Planning Department

**DATE:** August 5, 2009

**SUBJECT:** The Villages at Mission Hills DSEIS – Substantive Comments

---

The Town of Hamburg Planning Board, as Lead Agency, is charged with establishing a list of Substantive Comments on The Villages at Mission Hills Draft Supplemental Environmental Impact Statement (DSEIS) that should be addressed in the Final Supplemental Environmental Impact Statement (FSEIS). Included with this memo are comments received by the Town to date, including comments from the Town of Hamburg's planning consultant, Wendel Duchscherer (WD) and the Town Planning Board. Also included are comments from the public hearing held on July 15, 2009. Please address these questions/ concerns in the FSEIS.

### Wendel Duchscherer Comments

#### *Land Resources*

- Are all open space areas to be placed within a Conservation Easement?
- Delineate areas to be included as part of a Conservation Easement.

#### *Water Resources*

- Explain why stormwater detention basins are located within the proposed 250-foot buffer area along the northwestern portion of the property, which will require the removal of existing mature vegetation. Can these stormwater detention basins be located closer to the interior of the site to preserve additional undisturbed areas?
- Provide further detail on the design of the stormwater ponds, such as the proposed depth of the water pool, bank stabilization, aquatic table, vegetation, mosquito control measures, proposed maintenance, any fencing, etc.
- Will any of the existing drainage courses that pass under the railroad or run parallel to the railroad require maintenance and/or improvements to accommodate this project?
- The Storm Drainage Report indicates where stormwater ponds 1 and 2 will outfall, but doesn't identify where ponds 3 and 4 will outfall.

#### *Aesthetics*

- Describe the location, type, and intensity of lighting proposed for the site.
- Will the development consist of any signage at the entrance road at Camp Road?

