

BOARD OF TRUSTEES: VILLAGE OF SUFFERN

Petition of

EXTELL ACQUISITIONS LLC

FIRST AMENDED
PETITION

for a change of zoning district to TDD of real property
known as 37 Washington Avenue, Suffern, New York,
and designated on the tax map of the Town of Ramapo as
Section 54.36, Block 1, Lot 6.1

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE OF SUFFERN:

1. Your petitioner is the contract vendee from Avon Capital Corporation ("Avon")¹ of premises known as 37 Washington Avenue, Suffern, New York, which premises are also designated on the tax map of the Town of Ramapo as Section 54.36, Block 1, Lot 6.1 (the "Site").
2. Your petitioner seeks to change the zoning district of the Site to the Village's existing Transit Development District (TDD). A prior petition relating to the Site and the proposed zone change was submitted in September 2021. This First Amended Petition supersedes the original petition in its entirety.
3. The Site is located on the west side of Washington Avenue, approximately 230 feet north of Route 59, and just north of the Village's Community Center. It has frontage on Washington Avenue, Suffern Place, and an unnamed roadway connecting Suffern Place and Washington Avenue that borders the railroad tracks. It has a lot area of approximately 1.86 acres. A location map, which includes zoning designations, is annexed as Exhibit A.

¹ The Property is technically owned by the County of Rockland Industrial Development Agency, which then leases the Property back to Avon as part of a tax benefit agreement. Avon, in turn, has entered into a Contract of Sale with petitioner Extell Acquisitions LLC.

4. The parcel is generally known as the Avon Nail Enamel Building. At one time, it was part of a larger tax lot that included the primary Avon research and development facility on the east side of Washington Avenue. The Site was divided from the larger parcel by a subdivision plat filed in 2019.
5. According to Local Law No. 6 of 2015, which enacted the TDD, “the purpose of the Transit Development District is to facilitate redevelopment of properties in proximity to the Village of Suffern train station.” Among the benefits to be accomplished were “to encourage a liveable, walkable community for residents in proximity to mass transit and supportive of existing commercial districts” and to develop “new multi-family buildings” to be “located within easy walking distance to downtown shops and merchants.”
6. While initially TDD was limited to a single parcel within 500 feet of the train station, the benefits of TDD on the downtown business area have become obvious, as new shops and restaurants have been opened in response to that single TDD project on Orange Avenue, now known as The Sheldon apartment building.
7. We have therefore seen how TDD has been a catalyst for downtown growth.
8. According to the Transit Oriented Development Institute, components of a TOD (referred to as a TDD in the Suffern Zoning Code) include walkable design, a train station as a focus, a mix of uses (office, retail, residence) in close proximity to one another, and a “high density, walkable district within a 10-minute walking circle surrounding the train station”.²
9. The Site is approximately 0.3 miles (walking distance) from the Suffern train station. It is approximately 900 feet (walking distance through municipal parking lot

² www.tod.org, “Components of Transit Oriented Development”

B) from the Hallett Place bus station, which is served by Hudson Link bus service.

Direct commuter bus service to New York City is available at the intersection of Orange and Lafayette Avenues, approximately 0.3 miles away (walking distance along Lafayette Avenue).

10. The Site is also served by Transport of Rockland (TOR) local buses. TOR operates on a “flag” system, as opposed to standard stops only. TOR routes 59 and L3 transit along Lafayette Avenue, approximately 230 feet from the Site. TOR route 93 stops at the Hallett Place bus station.

11. The Site is within 500 feet of a State highway (Lafayette Avenue – NY Route 59). Accordingly, this First Amended Petition requires referral to the Rockland County Planning Department pursuant to sections 239-l and -m of the N.Y. General Municipal Law.

12. Your petitioner believes that the Site is appropriate for the expansion of TDD. The Site is adjacent to the downtown business district, which boasts a mix of shops, restaurants, entertainment venues, and offices. From its Suffern Place frontage, it is a short walk to the Suffern train station, the Hallett Street bus station, and other public transportation.³

13. The Site is served by all municipal utilities including water, sanitary sewer, gas, electricity, and communications. It has frontage on two public streets: Washington Avenue and Suffern Place.

14. The Site benefits from its location just north of Lafayette Avenue, adjacent to the Suffern Community Center and to the eastern edge of the downtown business district.

³ Various websites indicate that a mile can be walked in 12-15 minutes. Therefore, the site is well within the “10 minute” walk radius of local and commuter public transportation stations.

15. Your petitioner proposes to develop the Site with a five-story multi-family building containing a parking garage and 106 apartments. The apartments will be a mix of one-, two-, and three-bedroom units. Proposed amenities for residents will include outdoor recreation decks, a swimming pool, club room, fitness and yoga centers (although these amenities may change based on site plan requirements and residents' needs and desires). Preliminary conceptual plans are submitted herewith.
16. The site has a lot area of 1.86 acres. The TDD district allows up to 65 units per acre, or 120.9 units. 106 units are proposed.
17. The TDD district requires 1.5 parking spaces per unit, of which 1.25 spaces per unit must be on-site. At 106 units, 159 total parking spaces are required, of which 132.5 must be on-site. However, it was made clear to the petitioner that, despite the requirements in the Zoning Code, the Village believes that two parking spaces per unit are needed for this project. Therefore, the petitioner proposes complying with that 2:1 ratio, providing 212 parking spaces for the proposed 106 units.

WHEREFORE, your petitioner respectfully asks that the Site, known as 37 Washington Avenue, Suffern, New York, and designated on the tax map of the Town of Ramapo as Section 54.36, Block 1, Lot 6.1, be redistricted to the TDD district, and, if necessary, that the Comprehensive Plan of the Village be amended to accommodate the proposed redistricting.

[Signature on following page]

Dated: September 1, 2022

EXTELL ACQUISITIONS LLC

By: [Signature]
Gary Barnett, President

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF New York)

GARY BARNETT, being duly sworn, deposes and says:

I am the President of Extell Acquisitions, LLC, a limited liability company, the petitioner herein. I have read the annexed petition, know the contents thereof, and the same are true to the best of my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon information contained in the books and records of the company.

[Signature]
Gary Barnett

Sworn to before me this
/ day of September, 2022
[Signature]
Notary Public



AFFIDAVIT OF CONSENT OF LESSEE/CONTRACT VENDOR

State of New York)

County of New York) ss.:

Ginny Edwards, being duly sworn, hereby deposes and says that I have an office at: Village of Suffern, in the county of Rockland, in the state of New York.

I am a Director and Secretary of Avon Capital Corporation ("Avon"), the Lessee/Contract Vendor of premises located at: 37 Washington Avenue, Suffern, New York, and described in a certain deed of said premises recorded in the Rockland County Clerk's Office as Instrument No. 2003-00068742. Said premises are known and designated on the Town of Ramapo Tax Map as Section: 54.36 Block: 1 Lot 6.1.

Avon is the Lessee from the County of Rockland Industrial Development Agency, as Lessor, of the premises, pursuant to a Lease Agreement, dated September 12, 2003. Avon is also the Contract Vendor of the premises, pursuant to a Contract of Sale between Avon and Extell Acquisitions LLC, dated July 26, 2021.

100% of Avon's stock is owned by Avon International Operations, Inc., a Delaware corporation.

I hereby authorize the within petition on the Lessee/Contract Vendor's behalf, and that the statements of fact contained in said application are true, and agree to be bound by the determination of the board.

AVON CAPITAL CORPORATION

By: 
Name: Ginny Edwards
Its: Secretary

Lessee/Contract Vendor: Avon Capital Corporation
Mailing Address: 1 Avon Place
Suffern, NY 10901

SWORN to before me this

6th day of September, 2022



Notary Public

ESTHER ROSA
Notary Public, State of New York
No. 01RO6055778
Qualified in Queens County
Commission Expires March 5, 2023

*If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list of all directors, officers and stockholders owning more than 5% of any class of stock.

AFFIDAVIT OF CONSENT OF OWNER

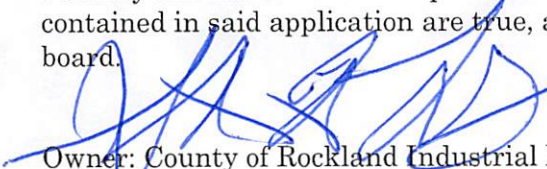
State of New York)
County of Rockland) ss.:

Steven Porath, being duly sworn, hereby deposes and says that I reside in the Town of Stony Point, in the county of Rockland, in the state of New York.

I am the Executive Director of County of Rockland Industrial Development Agency, the owner in fee simple of premises located at: 37 Washington Avenue, Suffern, New York, and described in a certain deed of said premises recorded in the Rockland County Clerk's Office in as Instrument No. 2003-00068742.

Said premises have been in my/its possession since September 12, 2003, and are known and designated on the Town of Ramapo Tax Map as Section: 54.36 Block: 1 Lot 6.1.

I hereby authorize the within petition on the owner's behalf, and that the statements of fact contained in said application are true, and agree to be bound by the determination of the board.

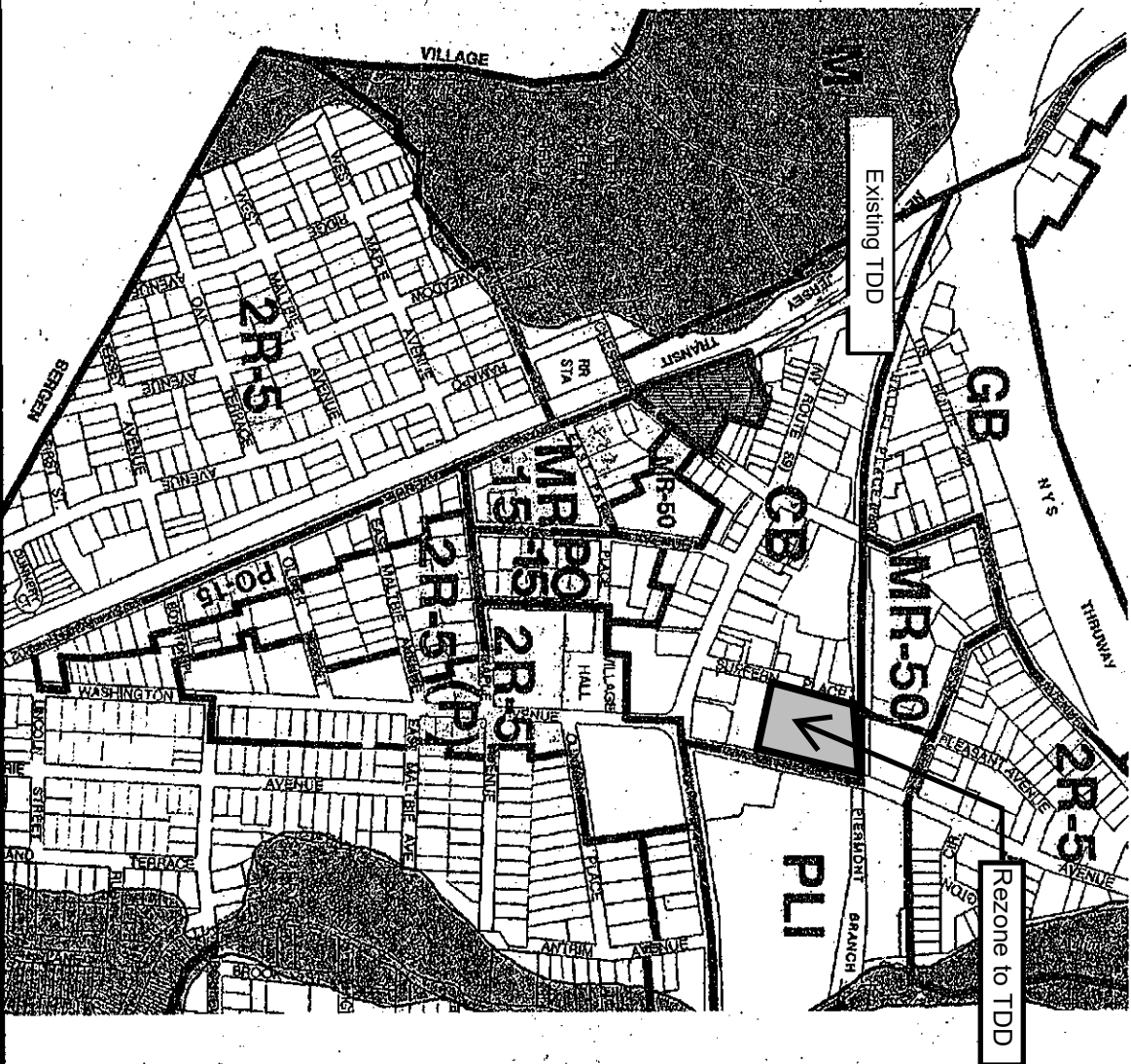

Owner: County of Rockland Industrial Development Agency
Mailing Address: 254 South Main St., Suite 410, New City, NY 10956

SWORN to before me this
9 day of September, 2022


Notary Public

JENNIFER MEYER
Notary Public, State of New York
No. 01ME6129904
Qualified in Rockland County
Commission Expires July 5, 2025

• If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list of all directors, officers and stockholders owning more than 5% of any class of stock.



Source:

Orange Avenue Redevelopment Plan Village of Suffern, New York

THB Engineering, Surveying and Landscape Architecture, P.C.

ZONING DISTRICTS	
RESIDENTIAL DISTRICTS	
R-15	One-Family Residence
R-10	One-Family Residence
R-7.5	One-Family Residence
R-5	One-Family Residence
2R-5	Two-Family Residence
2R-5(P)	Two-Family Residence
MR-15	Multi-Family Residence
MR-50	Multi-Family Residence
TDD	Transit Development District
NONRESIDENTIAL DISTRICTS	
PO-40	Professional Office
PO-15	Professional Office
CB	Central Business
GB	General Business
M	Manufacturing
OVERLAY DISTRICTS	
FD	Flood Plain District

DRAFT

Proposed Rezoning

Figure
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Map Source: Village of Suffern Local Law No. 6 of 2015