

## BT HOLDINGS LLC.

Chester, New York

### ***BT HOLDINGS LLC. vs VILLAGE OF CHESTER***

Working with lawyers Jacobowitz & Gubits, LLP, F&A prepared expert testimony on behalf of the Client, BT Holdings LLC., in connection with a complaint before the Supreme Court of the State of New York, County of Orange, against the Village of Chester (*BT Holdings LLC. v. Village of Chester*). The Complaint asserts five claims against the Village – four for breach of contract and one for the taking of BT’s property in violation of federal constitutional law. All of the claims relate to property annexation, land use, environmental and zoning actions taken or failed to be taken by the Village. The proposed Project, which was initiated in 2004, is located in heart of the Chester community and proposes a mix of housing consisting of 240 upscale townhomes designed specifically to appeal to empty nesters and young couples, and 100 senior apartments for adults 55+ in age. Following the annexation of the Client’s property into the Village, the Village Board proceeded to adopt an RM zoning district for the Project Site. However, following an objection by the Village Planning Board, and more than a year of negotiations on alternative zoning, the Village Board failed to enact any zoning for the newly annexed property. The expert testimony provided by F&A details the statutory framework within which zoning and development of property occurs and examines the aforementioned sequence of events and annexation proceedings in the context of proper development protocol. It concludes that the Village erred by failing to enact zoning on the Subject Site, ultimately precluding the Client from developing the Project Site in conformance with the Stipulations and local Village law. The case is expected to go to trial in late 2017 or early 2018.

