

## BT HOLDINGS LLC.

Chester, New York

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

Working with co-counsels Jacobowitz & Gubits, LLP and Yankwitt LLC, 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, 20% of which affordable. Following the annexation of the Client’s property into the Village, the Village Board was to adopt an RM-N 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 affidavits prepared and the expert testimony provided by F&A detail the statutory framework within which zoning and development of property occurs and examined the aforementioned sequence of events and annexation proceedings in the context of proper development protocol. It concluded that the Village erred by failing to enact zoning on the Client’s site, ultimately precluding the Client from developing the property in conformance with the Stipulations and local Village law. A three week jury trial was held in November 2017. The firm’s Principal testified in Court on behalf of the Client, who won the case and was awarded about \$5 million in damages.



Proposed multi-family housing in the Village of Chester, NY.