



September 19, 2025

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Via Mail and Email

Honorable Brandon Holdridge, Supervisor
and Town Board Members
Town of Chester Town Board
1786 Kings Highway
Chester, New York 10918

Attn: Honorable Linda Zappala, Town Clerk lzappala@thetownofchester.org

**Re: Application for Administrative Relief from Moratorium, for the
VA Lake Station Holdings, LLC (Sam Grunbaum) (the applicant)**
Town of Chester Tax Map Section 17, Block 1, Lot 21
Our File No. 15355-002

Dear Supervisor, Holdridge and Town Council Members:

This letter and the following attached affidavits constitute the application of the VA Lake Station Holdings LLC (VA Lake) seeking administrative relief from Local Law #1 of 2024 as extended by Local Law #9 of 2025, adopted May 28, 2025 instituting a moratorium on the issuance of, approving, processing or hearing of any land use application for all non-residential and certain residential development within the town, to allow the applicant to continue to pursue approvals and develop the above referenced property for a proposed distribution facility totaling 102,750 square feet. This letter also serves to support the position that the Town Board designate this property as suitable for limited manufacturing and warehousing use in the comprehensive plan and zoning amendments being considered by the Town.

Summary of Affidavits

- a. Sam Grunbaum, Principal – VA Lake Station Holdings, LLC, owner/applicant – Mr. Grunbaum provides information regarding the purchase of his property reliance upon the fact that the property was zoned light industrial, the substantial amount expended to pursue development approval for the distribution facility and the practical impossibility of developing and marketing the property for any of the uses permitted under the current moratorium or being considered for this property in the draft comprehensive plan being considered by your board.

- b. Patrick Cleary, AICP, CEP, PP, LEED, Principal Cleary Consulting – Mr. Cleary summarizes his review of the current and draft comprehensive document plans of the Town of Chester and discusses why the continued zoning of the property as light industrial to service a mid-size local storage and distribution facility is consistent with the goals of these plans. Mr. Cleary also discusses why, due to lack of infrastructure in the area it will be impractical to zone the property for any reasonable density for residential use. Also, given the industrial character of the area including recent approved development it will be impractical to develop this property for large lot residential zoning which in any event is an antiquated zoning scheme increasing reliance on automobiles providing low tax rateables and impeding the ability of the Town to provide the diverse housing opportunities for the region.
- c. Michael A. Morgante PE – Principle and owner of Arden Consulting Engineering, PLLC – Mr. Morgante provides a discussion of the physical attributes of the site, explains why it will be conducive for a mid-size local distribution facility and why it will be impractical to develop this property for any reasonable density of residential development or for neighborhood commercial, which even if viable will compete with the Sugarloaf hamlet, an area the Town has identified as a priority to support commercial retail and service businesses.
- d. Joel Gruber, Licensed Real Estate Broker, Rand Commercial, this affidavit analyzes the market in the area and why it is not economically feasible to develop this property for large lot residential or small-scale commercial given its location and physical attributes.

Additional Support for the request

The owner purchased the property for \$ 500,000.00 on February 2, 2022. The value of the property was based on the fact that the Town of Chester had zoned the property IP permitting light industrial and warehouses. The property has been zoned industrial for many years. The Planning Board recently approved a warehouse similar in size and scale to that, contemplated by owner at the time of purchase.

After the purchase the owner became aware of issues related to the fear of high-density residential development coming to the Town and that the Board was

considering revisions to its zoning Code to address this issue.

In January 2024 the applicant submitted an application for Site Plan for a plus or minus 102,750 square foot warehouse to be located on this approximate 17.5-acre parcel. The Site Plan locates the facility in a manner that will minimize any impact to existing residential development located on Lake Station Road. It must be noted that the residential development along Lake Station Road is closer to Bellvale Road, while the subject lot will direct the vast majority of its traffic to Kings Highway and serve as a transition from the commercial industrial area along the initial portion of Lake Station Road to the denser residential development.

Sometime after submitting this application the owner was surprised that the moratorium adopted from the Town went beyond the concerns raised regarding high density residential and also included all commercial development including this pending application.

The applicant has paid, to date, significant legal and consulting fees in engineering studies etc., to address conditions and be prepared to undertake a full SEQRA approval and also been contacting all other potential involved agencies to determine what is necessary to develop the site in a manner that would provide an attractive ratable to the Town, create employment and minimize environmental impacts on the residential properties on Lake Station Road.

As will be demonstration in the attached affidavits of Mr. Grunbaum, Mr. Clearly, Mr. Morgante, and Mr. Gruber, we believe the applicant meets the criteria set forth in the moratorium to obtain administrative relief from such moratorium law as follows:

- a. The owner has provided creditable dollars and cents proof as well as accepted planning support and detailed engineering as to why it will be impossible to make any reasonable use of this property and obtain any reasonable return on investment for a five-lot residential development of this 17.5-acre parcel. Given the investment made to date by the owner, the lack of market for large lot single-family homes and the cost of infrastructure required to construct such homes the applicant will sustain a substantial loss if not allowed to continue to process its pending application.
- b. This moratorium causes irreparable injury to the applicant, since it appears from the discussion in the comprehensive plan that the uses of this property would be severely restricted to such large lot residential, which will cause a large financial loss for the client. It will also be imprudent planning since

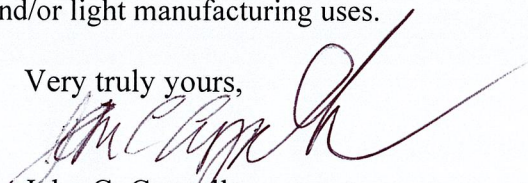
such large lot zoning has been clearly demonstrated to continue the creation of sprawl, the failure to provide diverse housing opportunities to the region and in this instance would not provide the jobs and tax rateables associated with the applicants plans. Therefore, not only does this moratorium cause irreparable harm to the owner, but it will not serve the purposes of the Town of Chester residence.

The Applicant is willing to discuss the inclusion conditions on any hardship approval or any new zoning implementations aimed at reducing and mitigating any perceived adverse impacts from development of the property. I note that the size and scope of the facility provided would not result in large number of truck trips associated with national distribution centers such as Amazon, Medline and other large million square foot plus operations. It is more than likely that this facility will be used by local suppliers to store and distribute goods in the region therefore the impact associated with this development as discussed by Mr. Cleary, would be much less than such larger scale developments.

Based upon the above and the affidavits submitted, we respectfully request that your Board place this matter on its next available agenda to discuss and consider granting of this application. At the meeting we will provide additional information and testimony in support of this application. I look forward to pursuing this application with your Board and discussing this matter further.

In addition, we believe this information supports the property owner/applicant's request, that the zoning for this property continue to allow reasonable size storage distribution and/or light manufacturing uses.

Very truly yours,



John C. Cappello

JCC/kmt
Encls.

cc: Kristen O'Donnell, A.I.C.P (via email)
Elizabeth Cassidy, Esq., (via email)

AFFIDAVIT: Samuel Grunbaum

STATE OF NEW YORK)

COUNTY OF KINGS)

ss.:

SAMUEL GRUNBAUM, being sworn, hereby deposes and says:

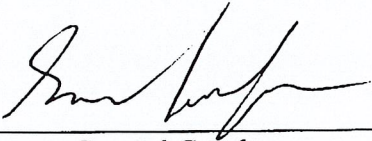
1. I am a principal of VA LAKE STATION HOLDINGS LLC, (VA LAKE) the company that submitted a Hardship Application from Local Law #1 of 2024 as extended by Local Law #9 of 2025 adopted May 28, 2025.
2. I submit this Affidavit in support of VA LAKE STATION HOLDINGS LLC (VA Lake) Hardship Application from Local Law 1 of 2024 as extended by Local Law #9 of 2025 and the VA Lake request that any new comprehensive plan and/or zoning amendments permit the development of small/medium size storage, distribution and light manufacturer on my property. This Affidavit is based on my personal knowledge.
3. VA LAKE STATION HOLDINGS LLC is a New York-based, privately held company, a subsidiary of Vanta Developers.
4. Vanta Developers is a holding company focusing on acquiring and developing industrial and residential properties.
5. As one of the principals of Vanta developers and the de facto CEO, I have initiated and managed the development of offices, warehouses, and multifamily residential projects in multiple states. This includes a completed 218,000-square-foot warehouse in Middletown, NY, a fully entitled 300,000-square-foot site in Middletown, NY, and a 400,000-square-foot site in the Town of Wawayanda. NY. Vanta has built a diversified portfolio of industrial, commercial, and multi-

family assets through redevelopment, acquisitions, and ground-up development in NY, NJ, FL, PA, and Ohio.

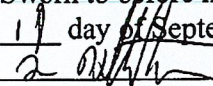
6. VA LAKE STATION HOLDINGS LLC purchased Tax Map Parcel SBL 17-1-21, totaling approximately 17.60 acres, located in the Town of Chester for \$500,000 on February 2nd, 2022.
7. The value of this property at the time of purchase was based on its Industrial Park zoning and the ongoing approval process by the Town of Chester Planning Board for a 166,000-square-foot warehouse on the adjacent parcel. That project was approved and received a Negative Declaration under SEQRA on December 6, 2023. In contrast, our property was expected to accommodate a substantially smaller development of 100,000 square feet.
8. The property is located on Lake Station Rd, which is zoned industrial park and is surrounded by industrial properties to its North, East, and West.
9. After Vanta Developers purchased the property and was ready to submit its application to the Board, Vanta was asked to hold off its application until the adjacent property completes its review.
10. When the Board finally approved the 166,000 square feet warehouse on the adjacent property, Vanta filed the current site plan, expecting an expedited review since we were of a smaller size and scope.
11. To date, Vanta developers have expended a substantial amount of money on the purchase price, legal and consulting fees, and engineering studies and pre-construction work.

12. As demonstrated in detail in the affidavits submitted by Mr. Cleary, Mr. Morgante, and Mr. Gruber, if the Town were to rezone my property to permit only residential or even higher-density residential in this area with no sewer infrastructure, the property would essentially lose all its value.

Dated: September 11, 2025
King's, New York



Samuel Grunbaum

Sworn to before me this
11 day of September 2025


Notary Public - State of New York

Joseph Halberstam
Notary Public, State of New York
Reg. No. 01HA6437872
Qualified in King County
Commission Expires 08/08/2026

AFFIDAVIT: PATRICK CLEARY

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

PATRICK CLEARY, being sworn, hereby deposes and says:

1. I am a principal of Cleary Consulting, a professional planning firm established in 1990 offering a full range of planning and environmental services for government and private sectors in New York State.
2. I was retained by VA Lake Station, Holding LLC. (VA Lake), to review the proposed Town of Chester Comprehensive Plan as it effects the 17.54-acre Lake Station Road parcel.
3. I submit this Affidavit in support of the VA Lake Station, LLC Hardship Application from Local Law 1 of 2024 as extended by Local Law #9 adopted May 28, 2025, and as support for VA Lake's request that any Comprehensive Plan and/or zoning Amendment permit medium sized warehouse, distribution, and Light Manufacturing in this property. This Affidavit is based on my personal knowledge and experiences.

I. Qualifications

3. I have been a principal of Cleary Consulting. since 1990.
4. Cleary Consulting is a planning and research consulting firm operating primarily in New York State. The company has represented both private and municipal clients throughout New York State for over 30 years, addressing matters such as economic development, land use planning and zoning, market research and analysis, transportation, and housing.

II. Finding

1. The 17.56-acre site is located off Lake Station Road in the IP Zoning District where Light industrial uses, including manufacturing, assembly, converting, packaging, altering, finishing, cleaning or any other processing of materials involving the use of only oil, gas, electricity, or the equivalent are permitted with Site Plan approval. The project as initially proposed meets all bulk requirements of the zone.
2. There is a NYSDEC Wetland and associated 100-foot adjacent area on the northern and eastern sides of the property. The usable area after deducting the wetland adjacent area is 5.84 acres. There is a northeasterly sloping topography starting at elevation 580 along the western property line which descends to elevation 532 along the northern property line and the site is underlain by Mardin soils.
3. There are no public water or sewer utilities that serve this site, which requires the project to develop water supply and sewage disposal facilities on-site. A typical 4-bedroom house has a water demand that is based on 110 gallons per day per bedroom, which is 440 gallons per day or 0.31 gallons per minute. A residential subdivision or multi-family residential site development plan could be considered for the site; however, a significant amount of area would be required for water supply wells and on-site septic systems. Potential zoning changes coupled with a new Town road will also further reduce residential yield on 5.84 acres of uscable land. A neighborhood commercial development plan will also be subjected to similar issues as the residential development approach. Commercial development

has high parking generation rates and water demands which will limit the size of the building. The site is not conducive for a reasonable yield with residential or neighborhood commercial development.

4. Light industrial buildings do not utilize a significant amount of water at 15 gallons per day per employee per shift or require significant parking. A warehouse of this size typically has 20 to 30 employees, which results in a water demand of 300 to 450 gallons per day, or 0.21 to 0.31 gallons per minute. The site has suitable soil and enough useable area to maintain sanitary separation distances for one water supply well and one septic system thereby providing the greatest development yield.
5. The 17.56-acre Lake Station Road property has historically been located within the IP – Industrial Park zoning district. On January 6, 2024, the owner of the property filed an application to develop a 166,024 square foot warehouse distribution facility.
6. The owner of the property advanced this application with the reasonable expectation that the existing IP zoning would govern any future development of the site. To that end, the owner has expended considerable financial resources compiling the site plan application in compliance with the requirements of §98-30 of the Town Code.
7. The basis for this understanding lies in the Town's Comprehensive Plan Update – which sets forth the future vision for the Town. The moratorium law places a great deal of emphasis on this plan. Several specific examples illustrate how the moratorium is inconsistent with the goals of the Comprehensive Plan Update.

- A. The Economic Development Goals of the Comprehensive Plan Update emphasize limiting industrial development to areas already designated for such purposes. Importantly it reads:

“This Plan supports the Town’s current zoning designations and encourages development within these districts consistent with the provisions of the zoning law and changes as discussed below to support the overall goals of this Plan.”

The site is located within a well-defined section of the Town that has long been zoned IP, supporting a number of light industrial uses. Restricting new light industrial uses, such as a distribution facility, that would fully conform in every way to the applicable IP zoning criteria, would be clearly inconsistent with this economic development goal.

- B. The narrative in the Comprehensive Plan then goes on to describe how the Comprehensive Plan Committee will review the zoning tables:

“to ensure a broad and modern range of uses are permitted in order to attract new business to the industrial zones and broaden the Town’s tax base while expanding employment opportunities”

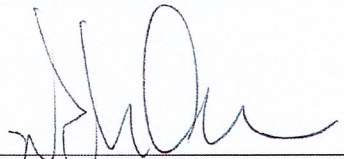
Adopting a moratorium that may result in modifications to permissible uses within the IP zoning district or to rezone the site to a residential zoning district would be completely inconsistent with the goal of attracting new uses to industrial zones. No place in the Comprehensive Plan Update is any mention made of rezoning already industrially zoned land to any other use - nor is any rationale or basis for any such rezoning discussed or documented.

8. In the section of the Comprehensive Plan discussing recommended code amendments (section 11.2), the recommendation to rezone the subject parcel from IP to SR-2 – Suburban Residential, appears without any assessment, analysis or justification.
9. Any superficial analysis of the capability of the site to support any reasonably economically viable residential development would identify that the site itself is environmentally constrained by wetlands and steep slopes. This reduces the

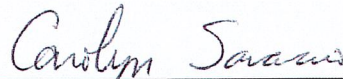
buildable portion of the site to approximately 5.8 acres – or about 1/3 of the site area. The site is not served by public sewer or water services, so each new residential unit would need its own potable water well and subsurface septic disposal system, the 1-acre minimum lot area for parcels in the SR-2 zoning district, combined with the site constraints and setbacks from wells and septic systems, may result in perhaps 5 or 6 lots.

10. It is also important to bear in mind that 5 or 6 residential homes would likely demand more water and generate more wastewater than a distribution warehouse. A distribution warehouse can be sited to avoid all environmental site constraints, while minimizing the development footprint.
11. The isolated and unsupported recommendation in the Comprehensive Plan Update to rezone the property is wholly inconsistent with the previously stated economic development goals. Simply stating that a parcel should be rezoned, thereby depriving a property owner of his long-held property rights, without a well-considered planning rationale, is certainly arbitrary and capricious.
12. It is for these reasons that an exemption from the moratorium is requested, so that the pending application to develop a full conforming distribution warehouse can continue to be reviewed and considered by the Town.

Dated: September 17, 2025
VALHALLA, New York


PATRICK CLEARY

Sworn to before me this
17 day of September 2025


Notary Public - State of New York

Carolyn A. Saracino
Notary Public, State of New York
Reg No. 01SA6167179
Qualified in Westchester County
Commission Expires July 12, 2027

AFFIDAVIT: MICHAEL A. MORGANTE, P.E.

STATE OF NEW YORK)

ss.:

COUNTY OF ORANGE)

MICHAEL A. MORGANTE, P.E., being sworn, hereby deposes and says:

1. I am the sole principal of Arden Consulting Engineers, PLLC., (Arden), a civil engineering firm employed by VA Lake Station, LLC, (VA Lake) related to the property at issue in VA Station Hardship Application from Local Law 1 of 2024, as extended by Local Law 9 of 2025 on May 28, 2025.
2. I submit this Affidavit in support of VA Lake's Hardship Application and in support of VA Lake's request that any Comprehensive Plan and implementing zoning permit small/medium storage distribution and light manufacturing facility. This Affidavit is based on my personal knowledge and experiences.

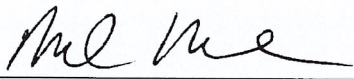
I. Qualifications

3. I have been the sole principal of Arden Consulting Engineers, PLLC. since 2001.
4. Arden is a civil engineering firm operating primarily in New York State. The company has represented private clients throughout the United States for over 23 years, addressing matters such as site development, land use planning and zoning, subdivision and water and wastewater treatment.
5. I have provided expert planning advice to VA Station for 2 years, during the course of its site plan application before the Town of Chester Planning Board.
6. The property is situated in a manner that can accommodate a medium size warehouse/light manufacturing facility without causing any significant environmental impacts to the acres.

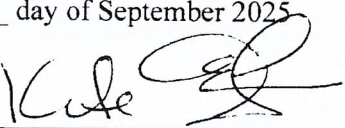
7. The 17.56-acre site is located off Lake Station Road in the IP Zoning District where Light industrial uses, including manufacturing, assembly, converting, packaging, altering, finishing, cleaning or any other processing of materials involving the use of only oil, gas, electricity or the equivalent are permitted with Site Plan approval. The project as initially proposed meets all bulk requirements of the zone.
8. There is a NYSDEC Wetland and associated 100-foot adjacent area on the northern and eastern sides of the property. The usable area after deducting the wetland adjacent area is 5.84 acres. There is a northeasterly sloping topography starting at elevation 580 along the western property line which descends to elevation 532 along the northern property line and the site is underlain by Mardin soils.
9. There are no public water or sewer utilities that serve this site, which requires the project to develop water supply and sewage disposal facilities on-site. A typical 4-bedroom house has a water demand that is based on 110 gallons per day per bedroom, which is 440 gallons per day or 0.31 gallons per minute. A residential subdivision or multi-family residential site development plan could be considered for the site; however, a significant amount of area would be required for water supply wells and on-site septic systems. Potential zoning changes coupled with a new Town road will also further reduce residential yield on 5.84 acres of useable land. A neighborhood commercial development plan will also be subjected to similar issues as the residential development approach. Commercial development has high parking generation rates and water demands which will limit the size of the building. The site is not conducive for a reasonable yield with residential or neighborhood commercial development.

10. Light industrial buildings do not utilize a significant amount of water at 15 gallons per day per employee per shift or require significant parking. A warehouse of this size typically has 20 to 30 employees, which results in a water demand of 300 to 450 gallons per day, or 0.21 to 0.31 gallons per minute. The site has suitable soil and enough useable area to maintain sanitary separation distances for one water supply well and one septic system thereby providing the greatest development yield.
11. Based upon this analysis it is clear to me that the most beneficial and sustainable use of property would be for a well-designed warehouse distribution and/or Light Manufacturing facility.

Dated: September 17, 2025
Monroe, New York


MICHAEL A. MORGANTE, P.E.

Sworn to before me this
17 day of September 2025


Notary Public - State of New York



AFFIDAVIT: JOEL GRUBER

STATE OF NEW YORK)

ss.:

COUNTY OF *Rockland*)

JOEL GRUBER, being sworn, hereby deposes and says:

1. I am a Licensed Real Estate salesperson with Rand Commercial,
2. I submit this Affidavit in support of VA Lake Station Holdings, LLC (VA Lake's) Hardship Application from Local Law #1 of 2024 as extended by Local Law #9 of 2025 on May 28, 2025, and in support of VA Lake request that the zoning for this property continue to allow small/medium size, storage, distribution, and light manufacturing. This Affidavit is based on my personal knowledge.
3. I have more than 15 years of experience in the real estate market and in the past 8 years in the Hudson Valley Region specifically in the Rockland and Orange County, Commercial Real Estate market, together with my Colleagues in Rand Commercial, who are very respected and well versed in the Orange County Market, namely RJ Smith and John Lavelle.
4. My professional expertise includes market analysis, property valuation, and feasibility studies for residential, commercial, and industrial properties.
5. I am familiar with the property owned by VA Lake located on Lake Station Rd., an approximately 17.5-acre parcel (the "Property"), and the surrounding market conditions.
6. VA Lake has asked me to analyze the economic feasibility of developing the Property for large-lot residential or small-scale commercial uses compared to the

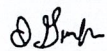
Applicant's proposed 100,000-square-foot warehousing facility, considering the Property's location, physical attributes, and current market conditions.

7. The value in this market per SF approved to build is worth at a minimum \$15 per square foot buildable and goes up till \$30 on the high end for approved development.
8. Based on the above, when the proposed 100,000-square-foot warehousing facility will be approved for such use, the value would be between \$1,500,000 to \$3,000,000.
9. In contrast, developing the Property for large-lot residential use, as potentially contemplated under the Town's moratorium or draft comprehensive plan, is not economically feasible. The Property's physical attributes, including its location near existing commercial and industrial development, limited infrastructure (e.g., lack of municipal sewer and water), and topography, make it poorly suited for residential subdivision.
10. The cost to design, engineer, and construct infrastructure for a five-lot residential subdivision, as permitted under large-lot zoning, would exceed \$1,000,000, including roads, utilities, and stormwater management costs. Market analysis indicates limited demand for large-lot single-family homes in the Town of Chester, particularly in areas with an industrial character like the Property's vicinity. Comparable large-lot residential properties are valued at approximately \$75,000 to \$100,000 per lot for undeveloped land, assuming infrastructure is in place. The total land value would be roughly \$375,000 to \$500,000 for a five-lot subdivision on the Property. After accounting for the \$1,000,000+ in

infrastructure costs and the \$500,000 purchase price, the Applicant would face a net loss of at least \$1,000,000. Additionally, given low demand in this location, the time to market and sell such lots would further erode any potential return.

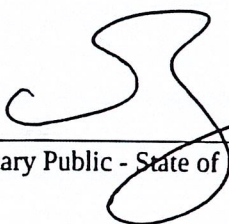
11. Small-scale commercial development, such as neighborhood retail or service businesses, is also economically infeasible. The Property's location, distant from the Sugarloaf hamlet, which the Town prioritizes for commercial retail and service businesses, reduces its appeal for such uses. The surrounding area's industrial character and lack of pedestrian or vehicular traffic aren't conducive to retail, further diminishing marketability.
12. And on top of that, developing small-scale commercial infrastructure, including parking and utilities, would cost approximately \$750,000. At the same time, the market value of such development would likely be less than \$500,000 due to low demand and competition with Sugarloaf.

Dated: September 15, 2025
Morse, New York



JOEL GRUBER

Sworn to before me this
15 day of September 2025



Notary Public - State of New York

AKIVA BOMZER
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01806432031
QUALIFIED IN ROCKLAND COUNTY
MY COMMISSION EXPIRES APRIL 25, 2026