

Two *Impact* Sections Debut In This Issue

IMPACT is happy to launch two features in this edition, IMPACTIVITY and RADIOACTIVITY. Our IMPACTIVITY section will review the many meetings, seminars, programs, lobbying efforts and networking events of The Builders Institute (BI)/Building and Realty Institute (BRI) with reports and photos. The RADIOACTIVITY feature will issue reports and photos on "Building Knowledge With The Building and Realty Institute (BRI)," the official radio program of the BI-BRI. The show airs every Friday on WVOX 1460 AM and wvox.com from 11:30 a.m. to 12 noon.IMPACTIVITY is on page 7. RADIOACTIVITY can be found on Page 4.



"The Changing Financial and Market Environment - How Area Banks Adapt to Meet Industry Needs!" was the topic of the Apr. 19 General Membership Meeting of the BI-BRI. Pictured during the event are, from left to right, Jason Schiciano, co-president, Levitt-Fuirst Associates, insurance manager for the BI-BRI; Maggie Collins, director of membership, BI-BRI; Jeff Hanley, associate executive director, BI-BRI; Bridgette Chretien Neville (speaker), Capital One; Gardner Semet (speaker), Bank United; Vincent Mutarelli, president, BI-BRI; Jim Lanfranchi (speaker), Webster Bank; and Jerry Houlihan, chair, Apartment Owners Advisory Council (AOAC) of the BRI. Please see page 7 (IMPACTIVITY) for additional reports. Photo by Barbara Hansen

Impact News for the Building and Realty Industry

APRIL/MAY 2018 VOL. 17 NO. 2

Serving Westchester and the Mid-Hudson Region

72 Years of Providing Knowledge to the Building Community



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An IMPACT Special Report

Co-op Living, Governance Under Fire: The CCAC of Westchester Joins the Council of New York Cooperatives in Legislative Fight

NEW YORK

Besieged by what realty industry officials termed as ill-conceived and potentially devastating legislative proposals in Albany, Westchester County and New York City, more than 2,500 cooperatives in the greater metropolitan area - represented by The Cooperative and Condominium Advisory Council of Westchester and The Mid-Hudson Region (CCAC) and the Council of New York Cooperatives (CNYC) - have combined in a show of unity to protect "cooperative living and governance" as it has been known, exercised, and enjoyed for over a half-century.

At a recent emergency meeting held in New York, Mary Ann Rothman, director of the CNYC and Albert Annunziata, executive director of the CCAC, resolved to combine a broad-array of resources to fight the two main objectives of the legislation: the imposition on co-op boards for mandatory time constraints on processing applications (a.k.a "admissions timing") and mandatory reasons for applicant rejections.

The situation in Westchester involves legislation being proposed by The Westchester County Board of Legislators. It involves adding a new Chapter 689 to the Laws of Westchester County, which would impose on Co-op Boards an artificial time limit of 45 days on processing applications. In addition, within that 45-day period, it would also require Co-op Boards to either reject or approve an application to purchase shares of its stock and provide written notice there-

of, in the case of a rejection, stating the reason for the rejection, realty industry officials said.

"Co-ops do not offer an investment in real estate," Annunziata said. "Co-op living offers a distinct sharing of a residential corporate community, with responsibilities clearly laid-out, with a structure and by-laws that have maintained stable communities and diverse neighborhoods for over half a century in the New York metro area."

Annunziata added: "Shareholders and Board members who volunteer their time and expertise to the stewardship of their cooperatives have long benefitted from a self-governing system that works, a system which operates not unfettered but under strict Federal, State, County and Local anti-discrimination laws, as well as corporation law under the jurisdiction of the state Attorney General's office."

Inaccurate Beliefs

Co-op advocates both in New York City and Westchester blasted the bills for what they termed as their unfounded presumption of systemic discrimination in co-op admissions policies.

"The NYC Human Rights Commission, the lead agency that battles discrimination in housing, has testified before the City Council that no evidence of systemic discrimination in co-op housing exists. This legislation is clearly a solution in search of a problem that simply doesn't exist," said one Executive Board member of the CNYC.

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The AOAC and the Realty Sector Continue Their Strategies for the "2018 Rent Guidelines Season"

By Jeff Hanley, IMPACT Editor

WHITE PLAINS

The Apartment Owners Advisory Council (AOAC) is continuing its preparations for the realty industry's testimony on rent guideline increases for rental apartment buildings that are affected by The Emergency Tenant Protection Act (ETPA).

The preparations, AOAC officials recently said, include the planning of the strategies of the realty industry for the upcoming Public Hearings and Deliberations of The Westchester County Rent Guidelines Board. Realty industry officials annually term the overall process as "The Rent Guidelines Season."

The guidelines board is the entity that

annually decides on guidelines for lease renewals affected by the ETPA. Those guidelines are decided upon after the board conducts its Public Hearings and Deliberations.

The guidelines board recently released its schedule of Public Hearings and Deliberations for 2018. The schedule is as follows (all starting times are 7 p.m.):

PUBLIC HEARINGS

Monday, June 4, Yonkers Riverfront Library.

Tuesday, June 5, White Plains, Council Chambers.

Wednesday, June 13, New Rochelle, Council Chambers.

DELIBERATION SESSIONS

Monday, June 18, Mount Vernon, Council Chambers, Presentation Meeting.

Thursday, June 28, White Plains, Council Chambers, Vote on 2018-2019 Guidelines.

The board's decision will affect rent adjustments for one or two-year leases which begin between Oct. 1, 2018 and Sep. 30, 2019.

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Report: New Home Sales Rise 4 Percent in March

By Jeff Hanley, IMPACT Editor

WASHINGTON, D.C.

Sales of newly-built, single-family homes rose 4 percent in March to a seasonally-adjusted annual rate of 694,000 units.

The rise occurred after an upwardly-revised February analysis, according to newly released data by The U.S. Department of Housing and Urban Development (HUD) and The U.S. Census Bureau that is contained in a study released on Apr. 24 by The National Association of Home Builders (NAHB). The increase is the second highest reading since the Great Recession of 2008-2009, the report said.

"The March new home sales report is consistent with our solid builder confidence readings over the past several months," said NAHB Chairman Randy Noel. "As consumer confidence grows and more prospective buyers enter the housing market, the sales numbers should continue to make gains."

By Area

Regionally, new home sales rose 28.3 percent in the West and 0.8 percent in the South. Sales decreased 2.4 percent in the Midwest and 54.8 percent in the Northeast, the study said.

"We saw sales move forward in the West and the South regions, which is in line with recent evidence of faster growth in population, employment and single-family construction in these areas," said NAHB Senior Economist Michael Neal. "But, with nationwide economic growth and favorable demographics, we can expect continued strengthening of the housing market across the country."

The report said that the inventory of new homes for sale was 301,000 in March, which is a 5.2-month supply at the current sales pace. The median sales price of new houses sold was \$337,200, the study added.

A Continuing Scenario

Representatives of the building, realty and construction industry of the Westchester and Mid-Hudson Region said the section of the NAHB study citing market conditions in the Northeast is somewhat reflective of building, realty and construction industry scenarios in their area.

"While certain component sections of our region are seeing levels of new home construction, there are many areas that are not," said Albert Annunziata, executive director of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. "The negatives are still prevalent. They include the lack of land, anti-industry regulations, labor shortages and the rising prices of materials."

Insurance Insights

by Ken Furst and Jason Schiciano
Levitt-Furst Associates



Key Exclusions on Your Commercial Property Insurance Policy (Part 2 of a Two-Part Series on Insurance Policy Exclusions)

TARRYTOWN

Surely, regular Impact readers recall the “Insurance Insights” article from the June/July 2017 issue (available online at buildersinstitute.org/impact-newspaper/), titled: “Key Exclusions on Your General Liability Policy, Part One of a Two-Part Series on Insurance Policy Exclusions.”

The title of the article implied a “Part 2” would follow, but, to date, Part 2 has been nowhere to be found. Part 2 was slotted for the September/October 2017 issue, but the story was shelved with good reason, to give a timely report on: “Lessons from Harvey, Irma and Maria - Three More Reminders to Fully Check Your Insurance Coverage.” Thereafter, the January/February 2018 Impact featured another timely article, “A Review of New York State Paid Family Leave,” which summarized the new law, effective in January of this year.

Along the way, poor Part 2 of Insurance Policy Exclusions waited patiently, and now, without further delay, we present “Key Exclusions on Your Commercial Property Insurance Policy - Part 2 of a 2-part Series on Insurance Policy Exclusions!”

All businesses (including construction contractors/builders, condos, co-ops, apartment buildings, and property managers) typically maintain a Commercial Property insurance policy. Most carriers providing Commercial Property insurance utilize boilerplate policy language (published by Insurance Services Office, Inc. [“ISO”]), which contains standard coverage and exclusion language, regardless of the type of business being insured.

Specifics

For instance, the ISO “CP 00 10 10 12” (Building and Personal Property Coverage Form) and the ISO “CP 10 30 10 00” (Causes of Loss-Special Form) could be combined to make-up a Commercial Property policy covering a commercial office building, or an apartment building. The “standard” Commercial Property policy language is often supplemented by various endorsement and/or exclusion forms, which can broaden and/or restrict coverage beyond the standard Commercial Property provisions.

In very general terms, the most important Commercial Property policy coverages for Building and Realty Institute (BRI) members involve payments for claims of damages to a building and/or contents (e.g. furniture, decorations, etc.), as a result of various “perils,” such as fire, a broken pipe, a severe storm, or a fallen tree, etc.

While it is important to know what a Commercial Property policy covers, it is equally, if not more important, to know what the policy does not cover (i.e. the policy’s “exclusions”).

There are many exclusions common to all Commercial Property policies, but those which are among the most relevant for BRI members are noted in the following sections of this article.

A Key Fact

Important - many carriers offer “enhancement” endorsements, which add-back (subject to certain limits and conditions) coverage for a “bundle” of perils that are excluded on the standard ISO Commercial Property Forms. If an enhancement endorsement is not available, or in addition to the enhancement bundle, coverage may be available for individual (normally excluded) perils by endorsement, as noted further into this article.

Ordinance or Law - The costs to demolish damaged property and remove debris, along with the increased costs to rebuild a building in compliance with current building codes or ordinances, such as life safety (e.g. hard-wire smoke detectors or fire sprinklers) or Americans With Disabilities Act (ADA) compliance (e.g. wheelchair ramps) are excluded, but can (and should) be added by endorsement, especially for older buildings.

Earthquake - Loss due to an earthquake is excluded, but can be added by endorsement.

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From the Editor’s Desk

Hanley’s Highlights

by Jeff Hanley

Associate Director, Building and Realty Institute (BRI), *Impact* Editor

Going Home Again Can Most Definitely Be Done!

ARMONK

A novel by Thomas Wolfe entitled “You Can’t Go Home Again” stresses that trying to recover cherished experiences from the past cannot be done.

With all due respect to Wolfe and his novel, there are exceptions to that rule. An example occurred when I attended the Apr. 25 groundbreaking for The Standard, a new 14-story residential building on the site of the former Standard Star newspaper building in downtown New Rochelle.

As a reporter and columnist with the former Gannett Westchester Rockland Newspapers (now The Journal News) from 1981 to 1989, I often worked at The Standard Star offices as a member of the chain’s former Sound Shore Sports and News Bureaus.

And though I never worked at the former Standard Star offices on 251 North Avenue, the development site for The Standard, I was based at the newspaper’s offices on 92 North Avenue. As a result, the groundbreaking ceremony was a definite return home, of sorts, for me.

Memories from my days with Gannett Westchester Rockland Newspapers returned to me as I joined with executives of The Cappelli Organization (the project’s developer), city officials from New Rochelle and media members at the well-attended groundbreaking ceremony. The memories - including those of the late and talented Jim O’Toole, my sports bureau’s Editor at Gannett Westchester Rockland Newspapers and my longtime mentor - were with me throughout the program, as well as when I left the groundbreaking ceremony.

The building site for The Standard spans the block between 251 North Avenue and LeCount Place. The new building will feature 112 apartments and approximately 4,000 square feet of ground-level retail space. The apartments, which range from 440 to 755 square feet, will be comprised of 13 studios, 92 one-bedroom and 7 two-bedroom units, project officials said.

Project officials added that The Standard will offer a combination of luxury amenities and easy access to mass transit that is very appealing to Millennials, a driving force in today’s rental market. The start of the construction of The Standard marks a new strategy for the Cappelli Organization in New Rochelle to develop smaller rental units targeted to Millennials, project officials said.

A full report on the groundbreaking ceremony for The Standard, as well as on the development, is one of the many noteworthy articles in this issue of IMPACT. Other reports include:

❖ A Page One story on The Cooperative and Condominium Advisory Council (CCAC) of The Building and Realty Institute (BRI) voicing its opposition to proposed legislation on the local and statewide levels that is calling for Boards of Directors of co-ops to issue decisions on proposed shareholders within a specific 45-day period. The proposals also call for Boards of Directors to state reasons for the rejections of proposed shareholders.

❖ A Page One report on the preparations of The Apartment Owners Advisory Council (AOAC) of the BRI for the upcoming Public Hearings and Deliberations of The Westchester County Rent Guidelines Board. The guidelines board is the entity that annually decides on guidelines for lease renewals affected by the Emergency Tenant Protection Act (ETPA). Those guidelines are decided upon after the board conducts its Public Hearings and Deliberations.

❖ A Page One study from The National Association of Home Builders (NAHB) citing that sales of newly built, single family homes rose 4 percent in March to a seasonally adjusted annual rate of 694,000 units. The rise occurred after an upwardly revised February analysis, according to newly released data by The U.S. Department of Housing and Urban Development (HUD) and The U.S. Census Bureau that is contained in a study released on Apr. 24 by NAHB. The increase is the second highest reading since the Great Recession of 2008-2009, according to the NAHB study.

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Co-op and Condo Corner



By Diana Virrill, Chair

The Cooperative and Condominium Advisory Council (CCAC)

Words of Praise for the Staff of Our Organization!

ARMONK

For this edition, I would like to take a step away from the usual format of this column and focus on those who are the backbone and front runners of The Building and Realty Institute (BRI) and all of its affiliate organizations - including The Cooperative and Condominium Advisory Council (CCAC).

Our associations are fortunate to have three Directors who work so tirelessly to implement the programs and information that is so vital to the BRI and its affiliate organizations.

As building, realty and co-op/condo leaders, we call upon the BRI’s staff with thoughts and ideas to be developed in the hopes that our ideas will benefit our constituency. We then leave the execution to our three Directors. Those Directors sort out the information and create an answer to our

concerns. That process is vital to our success in providing up-to-the-minute information to all of the BRI’s members.

The trio of BRI Directors that I speak of is Albert Annunziata (executive director), Jeff Hanley (associate executive director) and Maggie Collins (director of membership). Our organizations rely on their collective abilities and many levels of talents and resources on a daily basis.

Of course, a special mention should also go to Jane Gill (the BRI’s controller) and Margie Telesco (the BRI’s office manager), two additional staff members who are so very important to the successful operations of the BRI’s office.

I am quite sure that all of the members of the BRI’s “family of membership” join me in taking this opportunity to thank these hard-working and creative people. I know our members join me in letting our staff know how much we appreciate their individual abilities and input.

Annunziata has a special ability to thread concerns with a variety of solutions. His long history in the politics of Westchester County and New York State is an incredible asset to the BRI. His communication skills with legislators and government officials are so very valuable to the BRI, as well as to the building, realty and construction industry. We are so very fortunate to have him as our Executive Director.

Hanley brings his uncanny recall of facts and depth of insight to all of his work. His background as a reporter/columnist has afforded him the ability to serve as Editor of this newspaper so very well. That background also helps in his communications with our membership and the many entities and agencies that he and our members deal with on a daily basis. And, he has served so very well as host of “Building Knowledge With The BRI,” our organization’s

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The AOAC and the Realty Sector Continue Their Strategies for the “2018 Rent Guidelines Season,” continued from p. 1

A Definite Need for Participation

“Year after year, we stress the fact that it is so very important that Owners and Managers testify on the continuing increases in costs that the local realty sector is facing,” said Jerry Houlihan, AOAC chair. “We are urging our members to attend the Public Hearings and Deliberations and to offer their individual struggles with their day-to-day costs to the guidelines board.”

Houlihan added: “We cannot emphasize it enough - we need the AOAC membership to help us. In turn, the participation of our members will help us help them. The lack of an impressive turnout from the membership of the AOAC will, without question, hurt the realty industry in this process.”

Albert Annunziata, executive director of the AOAC, said that an impressive representation of the AOAC membership at the Public Hearings and Deliberations is “vitaly important.”

“Without question, a solid response and turnout from the AOAC and members of the realty industry makes a good impression upon the guidelines board,” he said. “It is as simple as this - if we do not receive a good turnout from the AOAC membership and our industry,

Going Home Again Can Most Definitely Be Done!, Continued from p. 2

- ❖ A report in our new “IMPACTIVITY” photo section illustrating that members of the BRI and its staff participated in more than 20 meetings and seminars in the first four months of 2018 as part of what association officials termed as the organization’s “consistent and persistent efforts” to monitor all issues and developments affecting the building, realty and construction industry.
 - ❖ A review in our new “Radioactivity” section on the continued success of “Building Knowledge with the BRI,” our organization’s weekly radio show on WVOX 1460 AM and wvox.com. The program, which airs every Friday from 11:30 a.m. to 12 noon, is continuing to receive a series of positive reviews.
 - ❖ A study in Counsels’ Corner on the importance for owners and managers of formal Lease Agreements with tenants. The report was written by Finger and Finger, A Professional Corporation. The firm serves as Chief Counsel to the BRI and its affiliate organizations.
 - ❖ A review in Insurance Insights on key exclusions in Commercial Property Insurance Policies. The article is the second of a two-part series on Insurance Policy Exclusions. The study was prepared by Levitt-Fuirst Associates. The firm is the insurance manager for the BRI and all of its component associations.
 - ❖ A special commentary in Co-op and Condo Corner from Diana Virrill, CCAC chair. Virrill salutes the efforts of the BRI’s staff in the article.
 - ❖ An interesting Question-and-Answer report with BRI member Stacey Tompkins, vice president of Tompkins Excavating of Shrub Oak. Tompkins is a member of the Board of Directors of The Commercial Builders Advisory Council (CBAC) of the BRI. The article was written by Maggie Collins, the BRI’s director of membership.
 - ❖ An analysis in Tech Talk on the importance of on-line reputations to businesses. The article was written by Andrea Wagner, president of Wagner Web Designs, Inc.
- Those reports, combined with our other features, result in a series of solid reading opportunities for BRI members, as well as for members of the building, realty and construction industry.
- The writing and editing of those articles - in addition to my Apr. 25 visit to the groundbreaking ceremony at the former Standard Star offices - most definitely reminds me of my roots as a reporter/columnist. And, how fortunate I am to be the Editor of this publication. Sorry Thomas Wolfe, but you can go home again.
- Enjoy the issue!

the results will be highly negative to Owners and Managers, as well as to the overall realty sector.”

Annunziata said that AOAC members - as well as members of its affiliate organization, The Building and Realty Institute (BRI) - will receive updates on the efforts of the AOAC as it continues to prepare for the Public Hearings and Deliberations.

The AOAC represents more than 300 Owners and Managers of more than 17,000 rental units, association officials said. The BRI has more than 1,800 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry, association officials said.

Co-Op and Condo Corner, continued from p.2

official radio show. The program airs every Friday from 11:30 a.m. to 12 noon on WVOX 1460 AM and wvox.com. The show, which features a different BRI member guest each week, has been a huge hit since its debut last June.

Collins came to the BRI two years ago with an impressive background in many fields. She has injected an infusion of energy and vitality to the BRI that has helped to result in increased membership and membership services for our associations.

Together, Annunziata, Hanley, Collins, Gill and Telesco are most definitely contributing to the continued success of the BRI. The organization is representing the building, realty and construction industry in a most impressive manner.

The following assessment from Kathleen Jensen-Graham, a member of the Board of Directors of the CCAC, perfectly describes my message in this column. She recently wrote that “the entire BRI/CCAC staff is the most knowledgeable, efficient and affable group of people, and I am fortunate to be associated with all of them.”

I could, without a doubt, go on. The BRI and CCAC has recently received a consistent series of positive messages about the efforts of our staff. But I think this column summarizes what I am trying to say - the members of our organization are very lucky to have such a talented and dedicated staff representing them.

And, I am happy to consistently emphasize that assessment, because our staff deserves praise. And more praise!

Save A Tree!

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info@buildersinstitute.org

We will take it from there!

Thank You!

Counsels’ Corner

The Importance of a Formal Lease: Jury Trial Waivers Contained in a Lease Are Valid

By Kenneth J. Finger, Esq., Carl L. Finger, Esq. and Daniel S. Finger, Esq.,Finger and Finger, A Professional Corporation, Chief Counsel, Builders Institute (BI)/Building and Realty Institute (BRI)

WHITE PLAINS

It is our experience that many smaller landlords do not appreciate the significance of a formal Lease Agreement with a tenant.

Whether using one of the form leases or a handwritten “agreement,” or even just a handshake, if a problem with the tenant arises, the landlord will be happy having spent the few extra dollars and entered into a formal lease, using one of the complete forms.

One of the most significant clauses of a well-drafted lease (that is, in the most standard forms) is the waiver of a jury trial in the event of a dispute, and waiver of counterclaims in the event of a non-payment and holdover proceeding. The alternative leaves the landlord subject to extensive delays with a jury (in addition to the inherent prejudice against landlords), as well as the possibility of having to defend specious counterclaims.

It is a well-settled principle of New York law that parties may waive their right to trial by jury and that such contractual waivers will be upheld as valid by the courts. The Civil Practice Law and Rules provides the areas of actions that may be tried by jury “unless a jury trial is waived...” CPLR § 4101.

The CPLR also sets forth circumstances under which a waiver may occur in Section 4102(c) but does not specifically mention “contractual waivers.” As explained by Professor Siegel, however, “A Jury Waiver can result in other ways than those recited by CPLR 4102(c). It can be waived in a contract between the parties, and as long as no deceit is shown affecting the waiver of jury clause, a mere unawareness of the clause’s existence will not necessarily undo the waiver.” SIEGEL, N.Y. prac., § 378 (3D. ed.).

One of the most significant clauses of a well-drafted lease (that is, in the most standard forms) is the waiver of a jury trial in the event of a dispute, and waiver of counterclaims in the event of a non-payment and holdover proceeding.

Enforcement

As noted by Professor Siegel, public policy and judicial economy both weigh heavily in favor of enforcing such clauses. Id. The court in *David v. Manufacturers Hanover Tr. Co.*, 298 N.Y.S.2d 847, 848 (1969) stated, reversing the lower court’s denial of the defendant bank’s request to enforce a contractual jury trial waiver arising out of the plaintiff-depositor’s signature card, “[i]n our opinion, the agreement [waiving jury trial rights] is neither unconscionable nor offensive to public policy which imposes no limitation or restriction on the freedom of contract between a bank and its depositors.” See also *Gunn v. Palmieri*, 589 N.Y.S.2d

577 (2d Dep’t 1992), where “[t]he plaintiffs executed contracts of sale for the purchase of their condominium which provided, ‘I waive my right to trial by jury in any action, proceeding, or counterclaim in any way connected with this agreement or the plan.’”

The court held “we reject the plaintiffs’ contentions that this provision was so ambiguous as to be unenforceable, and that it did not apply to all the defendants.”

It is well settled that parties may waive statutory and constitutional rights, including the right to a trial by jury. *Narcotic Addiction Control Comm’n v. Couloufacos*, 29 A.D.2d 199, 201, 287 N.Y.S.2d 238, 241 (2d Dep’t 1968) (positing that “a jury may always be waived by the party entitled to the jury trial”).

Consistency

Where such a waiver is contained in a written agreement executed by the parties, the courts have consistently upheld such contractual waivers., *Barclays Bank of New York, N.A. v. Heady Electric Co.*, citation omitted (enforcing broad jury waivers contained in six secured notes and two guarantees, noting that a jury waiver may be found “in an instrument other than that representing the agreement upon which the action is founded”); *Sherry Assocs. v. Sherry-Netherland, Inc.* (“Plaintiffs waived their right to a jury trial with respect to claims arising under the 1996 proprietary lease, pursuant to the express waiver clause of that agreement, which this Court has already determined is valid and enforceable according to its terms.”).

In *Lera Realty Co. v. Rich*, the summary proceeding was based upon the written lease and the Court held that the “...landlord had the right to invoke the jury-waiver clause contained therein. It could not be deprived of that right by the tenant’s interposition of a plea alleging that he was in possession under a new lease.” *Berdam Holding Corporation v. Lieberman*.

It is interesting to note that even where the lease expired, the courts have expressly held that a lease’s jury waiver provision continues to bar a jury trial even after the lease’s expiration. See *Barrow v. Bloomfield*, (“there is no question” that the jury waiver provision in the parties’ expired lease continued beyond the lease’s expiration); *Aro/Dev. Corp. v. Goodie Brand Packing Corp.*, (provisions of the parties’ expired lease, “including the jury waiver, were properly read as continued into the holdover tenancy”).

The leading case on point is *Teitler v. Tetenbaum*, in which the Court held that a jury waiver clause in a residential lease was binding on the tenant, even though the lease had expired. The Court held that “there is no legal or equitable justification to delete the terms and conditions previously entered into” merely because the parties’ lease had expired.

The cases since *Teitler* have followed this rationale. For example, *Alden Raleigh Estates v. King*, the Court held that the expired lease for the tenant’s rent-controlled apartment “projected into the ensuing statutory month-to-month tenancy,” and the tenant was therefore “bound by the jury waiver clause in the lease.”

For the same reasons as set forth above, a no counterclaims clause will similarly be enforced.

Editor’s Note: The authors are with Finger and Finger, A Professional Corporation. The firm, based in White Plains, is Chief Counsel to The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region.



Ken Finger



Carl Finger



Dan Finger

'Radioactivity' At Its Best:

The BRI's Official Radio Program Continues to Receive Positive Reviews While Examining Key Industry Issues

NEW ROCHELLE

The kudos continue!
“Building Knowledge with The Building and Realty Institute (BRI)” - the official radio show of the BRI - is continuing to receive a series of positive praises, association officials recently announced.
The program, which airs every Friday from 11:30 a.m. to 12 noon on WVOX 1460 AM and wvox.com, is being praised by the BRI membership, as well as the general public, BRI officials said.
Jeff Hanley, associate executive director of the BRI, is the host of the show. The program features a different BRI member each week. Guests are asked to offer their views on the current state of the building, realty and construction industry, as well as issues affecting the industry. Guests also have the opportunity to cite the services that their respective companies offer.
“We are very happy with the reactions that we continue to receive,” said Albert Annunziata, executive director of the BRI, also known as The Builders Institute (BI). “Listeners of the program have cited the show for addressing the many important issues affecting the building, realty and construction industry and the general business community, as well as providing educational sessions to our industry and to the general public. And, members of the public are phoning into the program with their questions and comments. It has all resulted in very positive things!”
“What a great experience it was to be on the show,” said Gary Holmgren, business development manager of Academy Marble and Granite after his appearance on the March 2 program. “It was very positive. And Jeff Hanley was a wonderful host!”



“How Academy Marble and Granite Serves the Building, Realty and Construction Industry” was the topic of the Mar. 2 segment of “Building Knowledge with The Building and Realty Institute (BRI).” Pictured during the broadcast on WVOX 1460 AM and wvox.com are, from left to right, Jeff Hanley, program host and associate executive director of the BRI, and Gary Holmgren, business development manager of Academy Marble and Granite.



“How Owners and Managers Should Deal with Water, Fire and Smoke Damage” was one of the topics examined on the Feb. 9 segment of “Building Knowledge With The Building and Realty Institute (BRI)” on WVOX 1460 AM and wvox.com. Robert Sorensen, the sales and marketing manager of Service Master Superior Cleaning and Restoration Services, was the guest on the program. Pictured during the show are, from left to right, Jeff Hanley, program host and associate executive director of the BRI, and Sorensen.

Jane Curtis, a member of the BRI’s Board of Trustees and a Vice Chair of its Cooperative and Condominium Advisory Council (CCAC), praised the March 16 segment that examined Solar Car Ports and other solar issues. Doug Hertz, the chief operating officer of Sunrise Solar Solutions, was the guest.
“Jeff, the show provided another really educational and timely interview,” Curtis said. “Doug is an articulate spokesman. And when you have call-ins, you know you’ve got a hit!”
Added Robert Sorensen, the sales and marketing manager of Service Master Superior Cleaning and Restoration Services after his appearance on the February 9 program that covered processes in dealing with water, fire and/or smoke damage:
“Thank you for the invitation Jeff and for your receptiveness to this important subject/service. Those who heard the broadcast said it was great. And, I had emails from folks I invited to tune in on the web, including the Westchester Insurance Professionals, and they too thought it was great.”
Comments and questions on the show - as well as requests to be a guest on the program - can be directed to the BRI at (914) 273-0730.
The BRI is one of the leading business membership organizations in New York State. The association, based in Armonk, has more than 1,800 members in 14 counties of the state. Those members are involved in virtually every sector of the building, realty and construction industry, association officials said.
A photo report on some of the recent broadcasts of “Building Knowledge with the BRI” is featured on this page.



The Mar. 16 broadcast of “Building Knowledge with The Building and Realty Institute (BRI)” on WVOX 1460 AM and wvox.com examined solar car ports and other solar energy issues. Pictured during the program are, from left to right, Jeff Hanley, program host and associate executive director of the BRI, and Doug Hertz, the chief operating officer of Sunrise Solar Solutions.



“The Many, Many Negatives of Westchester County’s Proposed Co-Op Admissions Legislation” was the topic of a panel discussion during the Feb. 16 broadcast of “Building Knowledge with The Building and Realty Institute (BRI).” Pictured during the program on WVOX 1460 AM and wvox.com are, from left to right, Jeff Hanley, program host and associate executive director of the BRI; Dan Finger, Esq., Finger and Finger, A Professional Corporation; Diana Virrill, chair, Cooperative and Condominium Advisory Council (CCAC) of the BRI; and Peg Conover, vice chair, CCAC.

The CCAC of Westchester Joins the Council of New York Cooperatives in Legislative Fight, Continued from p. 1

The Westchester County Human Rights Commission has been undergoing a revitalization and re-purposing under Westchester’s new County Executive, George Latimer. Nevertheless, there has been little, if any, quantitative data to support claims of discrimination thus far.
“We look forward to County Executive Latimer’s plans for a more pro-active County Human Rights Commission,” Annunziata said. “If the Board of Legislators is serious about working with all the stakeholders on this issue, then the Human Rights Commission should have no trouble monitoring a co-op applications process that already works and is no need of political tampering. In the rare event of an instance of a possible discriminatory practice, the Human Rights Commission should be well able to determine that.”

Key Discussions

There have already been meetings with Westchester County Legislators on the county’s own proposals on admissions timing and mandatory disclosure in the event of a dismissed application, realty industry officials said.
One Co-op advocate noted that while the meetings were welcomed and well-meaning, it was clear that some of the Legislators’ knowledge of the cooperative applications review and approval process was incomplete and based on misinformation.
When one president of a major Rivertown co-op community asked a Legislator what outcome she was looking for with this legislation, she remarked, in all frankness, that she simply hoped for a greater public awareness and education of cooperative living, governance and the approvals process.
Upon hearing that statement, Annunziata responded: “Then there is really no need for the county legislation, as the stakeholder infrastructure to make possible what legislators would like to see by way of a comprehensive and meaningful public education and public-service campaign is already in place for County officials to work with. We have an organized Co-op advocacy group, an organized professional Property Management group (The Advisory Council of Managing Agents (ACMA) of The Building and Realty Institute (BRI)), then there’s the county’s real estate community and the county’s consumer and human rights oversight agencies. All the pieces are there already, with no need for more unnecessary regulation.”
In addition to its work with the CNYC, the CCAC has mounted a public information campaign of its own, advertising its position in local papers and establishing two websites soliciting write-in comments of opposition directed not only to county legislators, but also to mayors and supervisors of cities, towns and villages with especially high concentrations of co-ops, CCAC officials said.
“In those municipalities, co-ops have long been self-governed, successfully and without discrimination, transgression or incident, providing those localities and their civic leaders with stable communities and diverse, vibrant neighborhoods for generations now. Do these mayors and supervisors really want to see county politicians throw what has been working so well into upheaval?” Annunziata said.
Both Westchester and New York City Co-op leaders acknowledge that the legislation proposed in Albany, Westchester and New York is being promoted by powerful special real estate interests to facilitate co-op sales under the apparent guise of “transparency” and “anti-discrimination” and “fairness.”
In point of fact, realty leaders added, they know little to nothing about the demanding and exacting admissions process and they are pushing their agenda heedless of the damage not only to the cooperatives themselves, but also to their boards of directors.
The CCAC has created two websites specifically focusing on Westchester County’s proposals and how to voice opposition to them:

www.ipetitions.com/petition/saynottointimidation and
www.dontkillwestchestercoops.org.

Editor’s Note: The CCAC, one of the major divisions of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI), represents more than 600 co-ops and condos. Governed by a Board of Directors and a Board of Trustees, the CCAC is committed to educating and promoting a high level of co-op governance, best management practices, fiscal prudence, wise stewardship and quality of life, CCAC/BRI officials said.

“In those municipalities (with a large percentage of co-ops), the co-ops have long been self-governed, successfully and without discrimination, transgression or incident, providing those localities and their civic leaders with stable communities and diverse, vibrant neighborhoods for generations now. Do these mayors and supervisors really want to see county politicians throw what has been working so well and for so long into upheaval?”
— Albert A. Annunziata, Executive Director, CCAC



The Feb. 2 segment of “Building Knowledge with The Building and Realty Institute (BRI)” examined recent conditions and trends in the remodeling markets of the Westchester and Mid-Hudson Region. Pictured during the broadcast on WVOX 1460 AM and wvox.com are, from left to right, Francine Camardella (program guest), president and principal of FC Cornerstone; and Jeff Hanley, program host and associate executive director of the BRI. Camardella is a member of the BRI’s Board of Trustees.



The Apr. 6 broadcast of “Building Knowledge with The Building and Realty Institute (BRI)” focused on current conditions in the construction, building and realty industry in the Westchester County and Mid-Hudson Region. Pictured during the program on WVOX 1460 AM and wvox.com are, from left to right, Jeff Hanley, program host and associate executive director of the BRI; and Stephen M. Lasser, Managing Partner, The Lasser Law Group (a BRI member)

Photos by WVOX 1460 AM Staff

A Question and Answer Session,
Membership Director to Building
and Realty Institute (BRI) Member!

By Maggie Collins, Director of Membership
Building and Realty Institute (BRI)



ARMONK

I sat down recently and talked with Stacey Tompkins, vice president of Tompkins Excavating of Shrub Oak. We have been delighted to have Tompkins as a member of the Builders Institute (BI)/Building and Realty Institute (BRI) for four years. There was a great deal of ground to cover and information to unearth. Here's what I learned.

Q. Stacey, tell us about the early history of Tompkins Excavating.

A. My husband, Mark Tompkins, founded what would eventually become Tompkins Excavating while mowing lawns when he was just a teenager of 15. He went on to do landscaping for homeowners, hardscaping patios with a small team of three and eventually incorporated Tompkins Excavating in 1986. We married in 1992 and I left my job that same year. Then Mark's secretary left, so in short order I took on an evolving management role eventually leading to Vice President as a 50 percent shareholder in 2005.

Q: What was your work background that enabled you to take on a management position in this sector?

A: I came from a high-paying position with Aramark Food Service at Bear Stearns corporate dining, managing 40 people, feeding 2,500 people a day. Interesting job, great benefits with the expected associated stresses at that level. It gave me pause and I saw a turning point. So, stepping into that role for Tompkins Excavating was natural and the confluence of events - Mark's secretary leaving and my very high stress job - made it easy for me to see how I could employ my management skills and experience. I started by simply helping in the office. As for the construction sector, I've found that managing people is the same across industries. We've built an effective team!

Q: Tell us about your team and how the business grew and changed.

A: Things really started evolving in the mid 90's for the business and our family. We had our first child in '95 followed by two more children. I was able to work out of an office in our house which worked well until the phones weren't ringing like they once did. We weren't growing, the business wasn't going well and things were becoming stagnant. It was a pivotal point. Do we close or dig in? So, we hired a consulting company. Technology at that point had begun to take over from traditional platforms. You had to now make the phone ring because it does not just ring on its own anymore. This changed the culture of the business and our company. Staff and team changes followed and now we have one employee from the beginning. Presently, there are 12 people in the field with two supervisors. We hire very carefully with a lot of interviewing, background checks and we keep in mind the culture we need to foster for building a cohesive, smooth team operation. We do have a challenging time finding well-trained people. This is another whole subject involving training and education. Our son will receive a degree next year in Civil Engineering from Northeastern University and be in a position to add more to the business. The "Feet on the Street (FOS)" is we're looking to get to 15 - an increase in field supervisors, as well as full-timers and part-timers.

Maggie Collins, left, Director of Membership of the Building and Realty Institute (BRI) with Stacey Tompkins, Vice President of Tompkins Excavating of Shrub Oak.

Q: What kind of jobs and projects is Tompkins Excavating working on now?

A: It used to be 80 percent residential, 20 percent commercial, but now it's reversed. So, our jobs are bigger now. In the early 90's we did excavation for the BJ's in Yorktown. In the last two years we've concentrated efforts in commercial work which, for us, means site work for a new shopping center, gas station or a new building. The distinction between excavation and site work concerns anything done to prepare for the building: water mains, sewer lines, drainage, curbs, parking lots, sidewalks, etc. Excavation is digging up the ground, digging the foundation for the new structure. Tompkins can self-perform all of that, yet it depends on the size of the job, timing and efficiency factors. There is a blurring of lines, though some excavators just want to go in and excavate, not dig utilities. And there are excavators who do perform the complex, hard utility work.

Tompkins Excavating is doing all the site work for the Peekskill Firehouse. We also have site work at a gas station, shopping center and some older condo/co-op property complexes. Often, the older complexes of this sort have much-needed work that must be addressed. All our work is performed in Putnam, Westchester, Dutchess and Orange counties.

Q: How much equipment does Tompkins Excavating have?

A: We have 30 pieces of equipment. Excavators from small 'mini's' to very large, screeners of all sizes and a John Deere Loader, which is new.

Q: What do you think of the business climate today in the region?

A: In general, the climate is 'good.' Homeowners are definitely spending money. Of course, you must be competitive, and getting in front of the real decision maker is essential to not wasting time. The competition is tough, but not fierce. I've submitted the paperwork for the Minority and Women Owned Business Enterprise (MWBE) certification which can take a very long time to receive. Municipal work, although mandated to choose the lowest qualified bid, must have 13 percent of their work in MWB Enterprise companies. It presents opportunity.

Q: How is your revenue growth?

A: From 2013 to 2017 we've tripled our revenue. We're budgeting for 8-to-10 percent growth a year and are on target to surpass that in 2018.

Latimer Reappoints Annunziata to The Westchester County Housing Opportunity Commission

WHITE PLAINS

Albert A. Annunziata, executive director of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region, has been reappointed to Westchester County's Housing Opportunity Commission (HOC).

Westchester County Executive George Latimer recently announced the re-appointment.

A lifelong county resident, Annunziata has nearly 40 years of experience in both the public and private sectors in the fields of labor and antitrust economics, market analysis, urban economics, planning, housing and economic development, trade association management, advocacy, education and government relations on all levels.

Annunziata received his Bachelors of Arts Degree in Economics from Fordham University, with advanced study at the New York University (NYU) School of Public Administration. His extensive professional experience includes positions with National Economic Research Associates (NERA), The U.S. Department of Labor (Bureau of Labor Statistics), The Westchester County Department of Planning and The Westchester County Office of Economic Development.

The HOC was established by The Westchester County Board of Legislators in August of 1994. The board adopted updated provisions for the HOC in 2010. The commission meets six times a year and is charged with educating, advocating and advising on the topic of the need for fair and affordable housing in Westchester County, county officials said.



Albert A. Annunziata, executive director of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region



The Builders Institute (BI)/
Building and Realty Institute (BRI)

Welcomes its Newest Members

Shaw Contract, Inc.

3 Industries Corp.

Above and Beyond Plumbing & Heating Corp.

Arthur J. Edwards Mason Contracting Co. Inc.

Biltmore General Contractors, Inc.

BZJ Construction LLC

Calabruzzo Management & Violation Removal

Cole NYC LLC

County-Wide Masonry Corp.

Division Seven Contracting, Inc.

Dunrite Enterprises, Inc.

Greenlawn Irrigation Co., Inc., dba Rain Rich Sprinkler

Nevco Contracting, Inc.

Terrace Ventures, Inc. T/A EB Pritchard

VSR Plumbing and Mechanical Corp.

Q: Well, that sounds fabulous. And, lastly, given the acutely raised consciousness on women in the workplace recently, what has your experience been like in an industry (almost) entirely male dominated?

A: For the most part, I'm respected, the position is respected. Some people are entirely receptive to it, but there is also resistance. On occasion, someone will insist on speaking to Mark and I have to tell them they must speak to me first. So, there is a vestige of the old school but it isn't the norm. Once someone becomes a client, they certainly respect the position and what I bring to it inspires confidence. And I bring confidence to it all given my management background. Experience is like an education - once you have it no one can take that away from you. Women demonstrate competence on their jobs every day and overcome misperceptions. Yes, we're underpaid, I don't contest that. We'll overcome that, too.

Comment: Thank you, Stacey, for talking to our IMPACT readership. It's been inspiring listening to you!

Editor's Note: The previous article is the latest in a series of reports from IMPACT that are highlighting local members of the building, realty and construction industry, as well as members of the BI-BRI.

News for the Building and Realty Industries

5

Kevin J. Plunkett, former Westchester Deputy County Executive, Joins Simone Development Companies

NEW YORK

Simone Development Companies recently announced that Kevin J. Plunkett, former Westchester Deputy County Executive, has joined the company as its Director of Strategic Initiatives. Plunkett, who has a long and distinguished career in both the public and private sectors, served as Deputy County Executive from 2010 to 2018. As the County’s Chief Operating Officer, he was responsible for managing a \$1.8 billion budget with 35 departments, 4,500 employees and more than 5 million square feet of commercial real estate, officials said. “Kevin Plunkett brings to our company an impressive record of both private and public service,” said Joseph Simone, president of Simone Development Companies. “His career background brings a wealth of knowledge of both Westchester County and the entire region and provides Simone Development with a unique resource. Kevin is well-known and respected. We are fortunate to have an individual with his unique abilities join our team in this new position where he will continue to be a visible and active participant in the regional business community.”

“I am excited to have the opportunity to bring my legal, governmental and organizational background to Simone Development Companies as they continue to expand,” Plunkett said. “Over the years I have seen many Simone projects take shape and have watched the company emerge as a leading player in the region’s real estate development community. From its work in office, retail and residential development, to its leadership in the creation of innovative healthcare facilities, the company has accumulated an impressive portfolio. I look forward to helping build and expand on this record of success.”

Background

Plunkett, who has practiced law for more than three decades, began his law career in 1975 as an Assistant District Attorney for Westchester County. He later joined the law firm of Plunkett & Jaffe where he was an equity member of the firm for more than 20 years, representing private and public sector clients in business transactions and in federal and state courts. He later became a partner in the international law firm of Thacher Proffitt & Wood from 2000 to 2008. Prior to becoming Deputy County Executive, he was a partner in the regional law firm of DelBello Donnellan Weingarten Wise and Wiederkehr, officials said.

Throughout his law career, Plunkett has represented numerous governmental entities including the City of Rye and the Villages of Tarrytown, Irvington, Dobbs Ferry and Mamaroneck. He is a former board member of the New York State Thruway Authority/Canal Corporation, Taconic State Park Recreation and Historic Preservation Commission, New York League of Conservation Voters and the Greenway Conservancy for the Hudson River. He is currently a member of the American, the New York State, Florida, Westchester and Westchester Women’s Bar Associations. He served on four Governor Judicial Screening committees from 1997 to 2017, officials added.

Well-known in Westchester’s business and not-for-profit community, Plunkett has served on the boards of numerous not-for-profit and educational institutions including ArtsWestchester, Westchester ARC Foundation and Iona College. He served on the board of Union State Bank, a New York Stock Exchange company, from 1998 to 2008. A graduate of the College of the Holy Cross, Plunkett earned his law degree at the Stetson University College of Law. He is a lifelong resident of Tarrytown, spokesmen said.

Simone Development Companies is a full-service real estate investment company specializing in the acquisition and development of office, retail, industrial and residential properties in the New York tri-state area. Headquartered in the Bronx, the privately held company owns and manages more than 5 million square feet of property in the Bronx, Westchester County, Queens, Long Island and Connecticut. The company’s portfolio includes more than 100 properties and ranges from multi-building office parks to retail and industrial space, company officials said.

The company’s largest and most successful development is the 42-acre Hutchinson Metro Center office complex directly off the Hutchinson River Parkway in the Pelham Bay section of the Bronx. The first two phases of the complex, which comprise nearly 750,000 square feet of Class A office and medical space, are fully leased. Two additional phases totaling 650,000 square feet (the 370,000-square-foot Metro Center Atrium and the 280,000-square-foot Tower Two), are completed and fully leased, spokesmen added.

Latimer Appoints Hyman to Chair Westchester County Planning Board

WHITE PLAINS

Richard Hyman, AICP (American Institute of Certified Planners) has been appointed by Westchester County Executive George Latimer as Chairman of the Westchester County Planning Board, building and realty industry officials recently announced.

Hyman has more than 50 years of urban planning experience in Westchester County and New York City. His notable positions include Commissioner and Executive Director for the City of Mount Vernon’s Planning and Community Development Department, and its Urban Renewal Agency; Deputy Commissioner for the City of White Plains Planning Department; and Housing Director, WestHELP, Town of Greenburgh.

Hyman also enjoyed a long association with the planning consulting firm of Raymond, Parish, Pine and Weiner (now Parish and Weiner, Inc.), working with such planning greats as George Raymond, Mike Wiener and Nat Parish. Hyman also worked for more than 10 years with Raymond on The Westchester County Housing Opportunity Commission, building and realty industry. Hyman holds a Bachelor of Arts Degree in History from Brown University. He is also a graduate of Pratt Institute, with an Masters of Science in City and Regional Planning.



Kevin J. Plunkett



Richard Hyman

Ginsburg Development Companies (GDC) Announces Its Acquisition of The Westchester Financial Center

GDC Announces That It Plans to Rename and Renovate The Facility as City Square, a Mixed-Use Development

WHITE PLAINS

Martin Ginsburg, founder and principal of Ginsburg Development Companies, LLC (GDC), announced on Apr. 11 the acquisition of The Westchester Financial Center, a 571,000-square-foot landmark office complex on a square block between Main Street and Martine Avenue across from the White Plains Metro-North train station.

The property was purchased by entities affiliated with principals of GDC and Robert Martin Company, LLC (RMC), the original developer of the property, officials said.

GDC officials said that the new ownership plans to bring the landmark property “up to the highest contemporary standards as a mixed-use development comprised of offices, retail shops, restaurants and residences.” Rebranded *City Square*, the redevelopment project will look to create a synergy with the new City of White Plains Transit District Strategic Plan to transform the Main Street gateway into a new pedestrian friendly district, officials added.

that have historically exemplified the company over its more than 50-year history, GDC officials said.

“We look forward to working with Martin Ginsburg and the real estate and business communities to add to the positive momentum that has been driving recent demand in the downtown office market. The tenants and office brokers are all very excited about what’s going to be happening at 50 Main and 1-11 Martine. It’s going to be very special,” said Robert Martin Principal Robert Weinberg.

“Projects such as *City Square* align with the goals of the White Plains Transit District Strategic Plan, including activating the street with retail and restaurants, new residential units, improved pedestrian experiences, placemaking, and proximity to mass transit. I am pleased to see it moving forward,” said White Plains Mayor Tom Roach.

City Square is just a block away from the White Plains Metro-North Station, which just began a \$94 million restoration and offers 35-minute express service to Grand Central

“Projects such as *City Square* align with the goals of the White Plains Transit District Strategic Plan, including activating the street with retail and restaurants, new residential units, improved pedestrian experiences, placemaking, and proximity to mass transit.”

– White Plains Mayor Tom Roach

The 50 Main Street facility, a 15-story, 309,000-square foot Class A office building, will be renovated with a new lobby and an entire floor of amenities, including a fitness center, yoga studio, game room, lounge, and business center. The café will be renovated and expanded to have indoor and outdoor dining. The lobby will be extended, and new art and sculpture displays will be added to enliven the interiors, officials said.

Details

The main feature of the complex is a unique two-acre central court which will feature a variety of attractions including a 1/4-mile (2,000-step) “walk-around” which will go past landscaped areas, a water feature, sculptures, and different types of gathering places, including an outdoor lounge and sun deck. The garage will also be upgraded with new lighting and signage. The 1-11 Martine Avenue facility, a 14-story, 262,000-square-foot Class A office building, will be converted into a mix of luxury residential apartments and office space, each with its own new lobby and elevator banks, spokesmen said.

Westchester Financial Center was built in the mid-1980’s by Robert Martin Company as a three-building complex and was sold by RMC in 1997. The third building, The Metro, a 124-unit luxury apartment building, was purchased separately by GDC in 2017. The complex occupies a full city block, bordered by Main Street, Martine Avenue, Bank Street and South Lexington Avenue, officials added.

“I have always admired this important gateway complex and so we are thrilled to be working with Robert Martin Company and its founder, Bob Weinberg, on this exciting project that will reinvent these iconic buildings as a key component of the new 24 hour live-work-play environment envisioned by the City of White Plains at its gateway and train station,” Ginsburg said. “Given its strategic location, we are confident that *City Square* will be Westchester County’s premier business address.”

In addition to the significant physical improvements to the property, GDC will market and manage *City Square* with the high standards

Station. It is also easily accessible to I-287 and Bronx River Parkway and a short walk to the Federal and County courthouses, Galleria Mall and the White Plains Transportation Center.

Founded in 1964 by Ginsburg, GDC, company officials said, is a premier residential developer in the northern suburbs of New York City. With over 50 years of experience and market leadership, GDC has built and manages many of the region’s most successful and prestigious luxury developments, many with a Hudson River and/or transit-friendly focus, company officials said. The developments include Harbor Square in Ossining; River Tides at Greystone in Yonkers; and The Metro in White Plains.

GDC’s developments have won numerous design and community planning awards. In addition, GDC owns and manages a portfolio of commercial properties, primarily in Westchester County, officials said.

Headquartered in Elmsford, Robert Martin Company has been a leader in real estate investment, development and management for more than 55 years, spokesmen said. Emerging from its start as a local home builder and becoming, for several decades, Westchester County’s largest diversified developer and builder, Robert Martin Company and its affiliates have developed and acquired over 20 million square feet of real estate across virtually every asset class. RMC and its partners currently hold a portfolio that includes millions of square feet of office, retail, industrial, and residential properties. The company also has significant holdings of prime undeveloped land, ensuring its continued success in the development and management of commercial properties in the New York Metropolitan region, officials added.

Ginsburg and Weinberg are both Past Presidents of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI). The BRI is a building, realty and construction industry membership organization. The association has more than 1,800 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry. The BRI publishes this newspaper.

IMPACTIVITY:

A Look at The Recent Activities of the BI-BRI

By Jeff Hanley, IMPACT Editor
ARMONK

Members of The Builders Institute (BI)/Building and Realty Institute (BRI) and its staff participated in more than 20 meetings and seminars in the first four months of 2018 as part of what association officials termed as the organization's "consistent and persistent efforts" to monitor all developments affecting the building, realty and construction industry.

Albert Annunziata, executive director of the BI-BRI, said the association "has hit the ground running, as usual" in the early stages of the new year.

"From our General Membership Meetings, to the Membership Meetings of our affiliate organizations, to association-wide seminars, to meetings of our boards, to our social events, and to attending non-BRI meetings to represent the BRI and the building, realty and construction industry, our staff has been very, very busy, and our members have a had range of interesting and timely BRI meetings to choose from," Annunziata said. "As always, that trend will continue through the remainder of the year."

Annunziata added that "Building Knowledge with The Building and Realty Institute (BRI)," the association's official radio program, continues to gain positive reviews while adding to the organization's list of Membership Benefits and Services.

The show, which airs every Friday from 11:30 a.m. to 12 noon on WVOX 1460 AM and wvox.com, monitors issues and conditions affecting the local building, realty and construction sector. The program features a representative from a different BRI member company on each broadcast.

"Our members and members of our industry have used the words excellent, productive, informative, great and even fun to describe the show!" Annunziata said.

The BI-BRI is a building, realty and construction industry membership organization. The association, based in Armonk, has more than 1,800 members in 14 counties of New York State.

A Photo Montage of some of the BRI's efforts from last January through April is featured below.



A LOOK AHEAD - The Feb. 15 General Membership Meeting of The Building and Realty Institute (BRI) featured an economic outlook for 2018. More than 80 members of the BRI and its affiliate associations attended the seminar, which was entitled "A 2018 Outlook - Observations on Possibilities, Perils, Pitfalls and Potential For The New Year!" Pictured during the conference are, from left to right, Ken Finger, chief counsel, BRI; Diana Virrill, chair, Cooperative and Condominium Advisory Council (CCAC) of the BRI; Eric Abraham, board member, BRI; Albert Annunziata, executive director, BRI; Maggie Collins, director of membership, BRI; Economist Robert Goodman (speaker); Vincent Mutarelli, BRI president; and Jeff Hanley, associate executive director, BRI. The meeting was The Crowne Plaza Hotel in White Plains. *Photo by Barbara Hansen*



LANDSCAPING GUIDES - "A Guide to Landscaping Processes for The Spring and Summer Months" was the topic of the Mar. 12 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC). Pictured during the conference at The Crowne Plaza Hotel in White Plains, are, from left to right, Brian Scally (speaker), board member, Advisory Council of Managing Agents (ACMA) of The Building and Realty Institute (BRI); Diana Virrill, CCAC Chair; Don Fraleigh (speaker), ACMA member; Peg Conover, CCAC vice chair; and Jeff Hanley, associate executive director, CCAC/BRI and program moderator. More than 45 CCAC/BRI members attended the meeting. *Photo by Barbara Hansen*



CABINET MEETING - Bob Yorburg (left), senior design specialist at All Star Woodworking of Yorktown Heights, recently gave Building and Realty Institute (BRI) President Vincent Mutarelli and Maggie Collins, director of membership for the BRI, a tour of All Star's custom factory on Front Street. The company works directly with residential and commercial customers and architectural and interior design professionals on a wide variety of custom-made wood products and accessories, officials said. *Photo by Albert Annunziata*



CAPTIVATED AT CAPTAIN LAWRENCE - More than 60 members and non-members of The Building and Realty Institute (BRI) participated in the Mar. 23 Membership Recruitment Mixer of the BRI at The Captain Lawrence Brewery in Elmsford. Participants heard about the many Membership Benefits of the BRI from officials of the association. Pictured during the event are, from left to right, Jeff Hanley, associate executive director, BRI; Albert Annunziata, executive director, BRI; Maggie Collins, director of membership, BRI; and BRI President Vincent Mutarelli. *Photo by Barbara Hansen*



CO-OP PRESIDENT MAKES HIS POINT - Cesare Manfredi, president of Half Moon Cooperative South of Irvington, expressed grave concern over the proposal from The Westchester County Board of Legislators to impose unprecedented regulations and requirements on co-op boards. Manfredi, a member of the Board of Directors of The Cooperative and Condominium Advisory Council (CCAC), is pictured at the podium during a recent conference in the Village of Hastings-on-Hudson that was coordinated by Westchester County Legislator Mary Jane Shimsky (D-12th LD) and Westchester County Executive George Latimer. Shimsky promised that County Legislators would dialogue thoroughly with all stakeholders on the issue. A report on the proposal begins on page one. *Photo by Albert Annunziata*



INFRASTRUCTURE ISSUES - "A Look at The Infrastructure Needs of Westchester County and The Mid-Hudson Region!" was the topic of the Mar. 15 General Membership Meeting of The Building and Realty Institute (BRI). More than 60 members of the BRI and its affiliate organizations attended the conference at The Crowne Plaza Hotel in White Plains. Pictured during the meeting are, from left to right, George Drapeau (speaker), The Construction Industry Council of Westchester and The Hudson Valley (CIC); Maggie Collins, director of membership, BRI; Albert Annunziata (program moderator), executive director, BRI; Civil Engineer Dolph Rotfeld (speaker); Cesare Manfredi (speaker), a board member of the BRI's Cooperative and Condominium Advisory Council (CCAC); Eric Abraham, board member, BRI; Engineer Ralph Mastromonaco (speaker); and Jeff Hanley, associate executive director, BRI. Bank United, a member of the BRI, sponsored the meeting. *Photo by Barbara Hansen*



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Houlihan Lawrence Announces That the Cambium Condo Development Is More Than 50 Percent Sold

LARCHMONT

The Cambium, a 147-unit condominium development in Larchmont, recently surpassed the halfway mark in sales.

The achievement was recently announced by Houlihan Lawrence, the exclusive sales and marketing agent for the property.

Located at 10 Byron Place, The Cambium offers Manhattan-style amenities in a suburban location on Long Island Sound. The eight-story development features spacious 1- and 2-bedroom homes and penthouses with hardwood floors, private terraces, quartz kitchen countertops and marble baths. Amenities include a fitness center, a concierge, a 24-hour doorman, indoor parking, a children's playroom, a private courtyard, a community lounge, a dining room and a catering kitchen, officials said.

The sales program at The Cambium is being led by agent Mary Gail Barry of Houlihan Lawrence. "Quality new construction, great amenities and proximity to all Larchmont has to offer has resulted in the recent exciting momentum in sales," said Barry.

A total of 20 homes have been sold in the past six months, officials said.

The Details

The Cambium is just minutes from what project officials termed as Larchmont's sophisticated and vibrant downtown, with its specialty shops and Zagat-rated restaurants. The Cambium is also minutes away from the Murray Avenue School and is less than 20 miles from New York City via Metro-North, officials added.

Officials said that there are 61 residences available for purchase, with prices ranging from \$650,000 for one-bedroom homes up to \$1.6 million for two-bedroom homes. Penthouse pricing is available upon request. A new designer model is now open.

Houlihan Lawrence is the leading real estate brokerage serving New York City's northern suburbs, company spokesmen said. Founded in Bronxville in 1888, the family-run company is deeply committed to technological innovation and the finest client service, spokesmen added.

The firm has 30 offices and 1,300-plus agents serving Westchester, Putnam, Dutchess, Columbia, Ulster and Orange counties in New York and Fairfield County in Connecticut. The company ranks in the top 20 of all brokerages nationally and achieved a total sales volume of over \$6.5 billion in 2017, officials said.

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— **Joe McCarthy**, Board Member, Cooperative and Condominium Advisory Council (CCAC) of The Building and Realty Institute (BRI)

"Jeff Hanley is a great host. He made the time on the show fly! I enjoyed being part of the show. Thanks to Jeff and to the BRI for making me sound good!"

— **Frank Cerbini**, BRI Board Member and Vice President of The NHP Foundation

Relevant Informative Compelling

Save July 26 for the

BRI's Summer Celebration Mixer

at the
Pier Restaurant and Tiki Bar
in Rye Playland Park

Details to Follow!



Building & Realty Industry Officials Express Their Sadness Over the Death of Bob Bossi

By Jeff Hanley, *IMPACT* Editor

ARMONK



Robert Michael “Bob” Bossi, Sr.

Representatives of The Builders Institute (BI)/Building and Realty Institute (BRI) were saddened to learn of the recent death of BI-BRI member Robert Michael “Bob” Bossi, Sr.

Bossi, a resident of Katonah, died May 7. He was 81. A member of the BI-BRI since 1977, Bossi was a long-time member of the organization’s Board of Trustees. He served as Chairman of the BRI’s Home Builders Advisory Council (HBAC) from 2015 to 2018. Bossi was also a Vice Chair of the HBAC, as well as a longtime member of its Board of Directors.

“The staff of the BI-BRI and its members were very sorry to hear about Bob’s passing,” said Albert Annunziata, executive director of the BI-BRI. “He was always

willing to contribute to our efforts, and he offered valuable input on the many issues affecting our region’s building, realty and construction industry.”

Annunziata added that a Moment of Silence for Bossi was observed at the May 10 Board of Trustees’ Meeting of the BI-BRI.

Bossi was born in the Bronx on Aug. 30, 1936. He served in the U.S. Army from 1957 to 1959. He was also a member of the army’s reserve unit, according to media reports. He received an Honorable Discharge from the army, the reports added.

Bossi was a bricklayer contractor in the Bronx. He founded Northern Westchester Builders, Inc. in 1970. Bossi and his company were involved in the construction of many single-family homes in Westchester County, BI-BRI officials said.

“Bob will most definitely be missed,” Annunziata said. “The Trustees of the BI-BRI, and its staff, extends their deepest sympathies to his family, friends and business colleagues.”

REPORT: Airbnb Is Beginning to Have a Positive Impact on the Hudson Valley Real Estate Market

RYE BROOK

As tourism in the Hudson Valley continues to grow, the popularity of short-term rental programs like Airbnb is beginning to have a positive effect on the real estate market, according to a recent report.

“For the first few years, we felt that Airbnb’s were working against us because people had the attitude of why should we buy when we can rent a home that suits our immediate needs,” said Katherine Jennings, who manages Houlihan Lawrence’s Millbrook office in Dutchess County.

Yet, the report said, it seems being able to test the waters without commitment has helped these renters become better familiarized with the area’s communities, ultimately leading them to more comfortably consider a second-home purchase. And many buyers are, in turn, listing them, in part on whole, back-on platforms like Airbnb.

“They have gotten tired of moving their skis and their children’s toys from house to house,” said Jennings, who oversees 35 agents who cover Dutchess, Columbia, Ulster and Greene counties in New York and Litchfield County in Connecticut. “Plus they know what kinds of properties will work on Airbnb.”

Listings with standalone guesthouses, as well as a main house for the owners, have become extremely popular, the study said.

The new tax code enacted by Congress late last year, which severely limits the amount of deductible state and local taxes, is also having an effect, the report added.

“Some of our buyers are telling us that their accountants are advising them that if they own a second home as an LLC then they can write off some of the expenses of owning the house against the Airbnb income they get from it,” Jennings said.

In general, nightly rates for Hudson Valley Airbnb’s range from \$200 to \$400 for a house, she said. Popular communities include Hudson, Rhinebeck, Amenia, Millbrook, Millerton, Chatham, Woodstock, Saugerties and New Paltz.

“Essentially, it starts at Millbrook and goes north,” Jennings said.

In the Columbia County city of Hudson, nightly rates for in-town apartments range from \$150 to \$300, said Annabel Taylor, a Houlihan Lawrence agent based in Millbrook who owns two Airbnb rentals in Hudson with her husband, Zach Hill.

“It’s been successful beyond our wildest dreams,” she said, adding that the process generates about \$10,000 a month in the summer.

“Almost all of my clients keep Airbnb in mind when purchasing property,” Taylor said. “It’s always a factor when figuring out their monthly carrying costs.”

That scenario is especially true for Taylor’s Brooklyn clients looking to buy a second home in the Hudson region. “They can’t afford to buy in Brooklyn so essentially they are buying their second home first.”

Renters are predominantly from New York City, but owners can count on a steady stream of tourists from around the country and around the world, Jennings said. The prime season runs from Memorial Day through Columbus Day, she added.

“I’ve been surprised at how busy I’ve been in the off-season,” said Jennings, who has an Airbnb on her horse farm in Ghent (N.Y.). “I would say I have it booked for half of the off-season weekends.”

The report added that tourism has become big business in the Hudson Valley. More than 4.75 million people visit Dutchess County annually, and tourism spending in the county in 2016 increased 7.6 percent over 2015 to more than \$568 million, according to Dutchess Tourism.

Houlihan Lawrence is the leading real estate brokerage serving New York City’s northern suburbs, company officials said. Founded in Bronxville in 1888, the family run company is deeply committed to technological innovation and the finest client service, officials added.

The firm has 30 offices and 1,300-plus agents serving Westchester, Putnam, Dutchess, Columbia, Ulster and Orange counties in New York and Fairfield County in Connecticut. The company ranks in the top 20 of all brokerages nationally and achieved a total sales volume of over \$6 billion in 2016, spokesmen said.



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Key Exclusions on Your Commercial Property Insurance Policy, Continued from p. 2

Flood - Flood is excluded. Most people think their property is not susceptible to a flood, if their property is not near a river, stream, or body of water (such as a lake or pond). However, a “Flood” is defined as “a temporary condition where normally dry land or two or more properties are inundated by water.” By this definition, a flood can result not only from the overflow of a body of water, but also from a rapid accumulation of rainfall (think: nor’easter, super-storm, hurricane), or a drain system overflow. Almost all properties in our region (except those built literally on top of hills) could become flooded. Flood coverage may be available by endorsement. Otherwise, Flood Coverage is available through the National Flood Insurance Program (NFIP.)

Back-up of Sewers, Drains, or Sumps - These water-related claims are also typically excluded from the standard Property policy, but coverage can usually be added by endorsement. That is a wise addition, given the aging sewer and drain systems in our region, coupled with the possibility of sump pumps failing during a storm.

Water Under the Ground Surface - This exclusion negates coverage for water damage claims, due to underground water supply mains, fire hydrant supply lines, and other sources of underground water. Endorsements may be available to add this coverage.

Water Seepage - “Continuous or repeated seepage or leakage of water that occurs over a period of 14 days or more” is excluded, but coverage may be available through a Flood endorsement, or other water-related endorsement, depending on the carrier.

Boiler Explosion - This coverage is excluded, but the Mechanical Systems Breakdown (a/k/a Boiler and Machinery coverage) endorsement addresses this peril, and is usually available for a small additional charge.

Pollutants - Property damage caused directly by pollutants, including mold/fungus is excluded.

Faulty Planning, Design, Workmanship, Construction, Grading, Materials, Maintenance - Damage to property caused by mistakes or defects in architecture/engineering, or related to building/material, or maintenance/repairs, is excluded.

Utility Services - When utilities (power, water, etc.) fail, businesses are often not able to function, which can result in a loss of business income. Unfortunately, coverage for losses due to utility services failures are limited, especially if the origin of the failure is at a power station many miles away from the business.

Wear-and-Tear, Rust, Corrosion, Deterioration, Hidden Defects, Settling, Cracking, Nesting/ Infestation - Losses from these perils are always excluded.

Types of Property Not Covered - Underground pipes, retaining walls, bridges, roadways, walks, patios, and other paved surfaces are typically not covered. However, some carriers will offer coverage for these types of property by endorsement.

As we said in Part I (regarding Commercial General Liability policies), like so many other things, with the Commercial Property policy protecting your business’s building and contents, the “devil is in the details.” Know what your policy doesn’t cover, and decide if you should purchase a separate policy or endorsement (if available) to provide coverage for claims, which would otherwise be excluded.

Your insurance broker can assist with identifying and explaining exclusions in your Commercial Property policy, as well as options available to address them.

For more information on personal and business insurance, contact your broker, or Levitt-Fuirst, at (914) 457-4200.

Editor’s Note: *Levitt-Fuirst Associates is the Insurance Manager for The Builders Institute (BI)/ Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. The firm is based in Tarrytown.*

Know what your policy doesn’t cover, and decide if you should purchase a separate policy or endorsement (if available) to provide coverage for claims, which would otherwise be excluded.

News for the Building and Realty Industries

9

Officials Join with LCOR to Celebrate the Grand Opening of the Continuum Luxury Rental Building in White Plains

WHITE PLAINS

In what event officials termed as the transformation of the White Plains Transit District taking a major step forward, the grand opening of the first phase of *Continuum* was held on Apr. 18.

The *Continuum* is a 16-story, transit-oriented development featuring 288 luxury rental residences, first-class amenities and 3,000 square feet of ground floor retail space, officials said.

Located at 55 Bank Street, *Continuum* is immediately adjacent to the White Plains Metro-North station, which is slated to undergo a \$92 million renovation. In just over six months since the start of pre-leasing, *Continuum* is nearly 50 percent leased, spokesmen said.

“We are very pleased at the tremendous leasing activity we have experienced over the past several months. *Continuum* offers an unbeatable combination of luxury residences, a full array of top-quality amenities and a convenient location that’s only steps from the Metro-North train station,” said Brian Barry, senior vice president of LCOR, the developer of the project.

Speaking at the Apr. 18 grand opening ceremony attended by White Plains and Westchester County officials, Barry added: “Downtown White Plains is undergoing an extraordinary renaissance and we’re very proud to be a part it.”

“*Continuum* is an exciting addition to the White Plains Transit District and the city as a whole. I am particularly pleased that the project includes a 20 percent affordable component,” said White Plains Mayor Tom Roach.

Added Westchester County Deputy County Executive Ken Jenkins: “Today’s world requires safe, secure and affordable housing that is centrally located to all services that residents need. The *Continuum* provides just that. With its close proximity to the White Plains transit district, and entire downtown area, this project is a boon for White Plains and Westchester County.”

The Background

Spokesman said that, in 2015, LCOR received financial incentives from the Westchester County

Industrial Development Agency (IDA) for the development of *Continuum*.

The *Continuum*’s elegantly designed residences feature the finest modern finishes and expansive windows offering spectacular panoramic views of White Plains and even the Manhattan skyline. The studios, which range from 523 to 587 square feet, are priced from \$2,120 to \$2,380 per month. The one-bedroom residences range in size from 710 to 732 square feet with monthly rents ranging from \$2,680 to \$3,020. The two-bedroom residences range in size from 1,184 to 1,256 square feet and are priced from \$3,845 to \$4,220 per month. The project also includes 57 units of affordable housing, 20 percent of the total apartments, officials said.

Residents of *Continuum* enjoy an impressive array of amenities from the grand two-story lobby with 24-hour concierge to a sophisticated Sky Lounge that includes a Club Room with a full complement of entertainment options. They include a fireplace, kitchen, private dining area and multiple smart TVs. An adjacent roof-top deck has an open-air terrace, fire pit and spectacular views of Manhattan. Residents can also enjoy a beautifully designed sundeck terrace with a swimming pool, plantings, outdoor furnishings and BBQ grills. There is also a state-of-the-art fitness club, business center, children’s playroom and a game room/simulator, officials said.

A Key Ingredient

Continuum is a key component in the Bank Street Redevelopment Area created by the City of White Plains. Previously a

municipal parking lot, LCOR purchased the property from the city. The second phase of the \$250 million project, which consists of another 16-story tower with 273 residences and ground-floor retail, is scheduled to break ground early next year, according to spokesmen.

LCOR is a fully integrated real estate investment management and development company with a proven track record of creating distinctive opportunities and successfully executing multifaceted, mixed-use projects, officials said. As an industry leader, company officials said that LCOR’s comprehensive expertise enables it to manage the entire investment lifecycle and implement innovative and sustainable strategies that transform the communities where it invests.



Pictured at the Apr. 18 grand opening of the first phase of *Continuum* in White Plains are, from left to right, Louis Cappelli of the Cappelli Organization and LRC Construction; Anthony Tortora, senior vice president, LCOR; Westchester County Deputy County Executive Ken Jenkins; Westchester County Board of Legislators Chairman Ben Boykin; Brian Barry, senior vice president, LCOR; White Plains Mayor Tom Roach; White Plains Councilman John Martin; White Plains Councilman John Kirkpatrick; and Dennis Power, chief of staff, The Westchester County Board of Legislators. *Continuum* is a 16-story, transit-oriented development featuring 288 luxury rental residences, first-class amenities and 3,000 square feet of ground floor retail space, officials said.

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Oros Joins the Hudson Valley Gateway Chamber of Commerce Team

PEEKSKILL

The Hudson Valley Gateway Chamber of Commerce recently announced that it has brought on an experienced consultant as its top business and government liaison to attract businesses to the region with a focus on the chamber’s newly launched Art, Industry and Media initiative.

George Oros - Westchester County’s former economic development director and the former chief of staff to the previous Westchester County Executive, Rob Astorino - joined the chamber in April. Oros has extensive experience in government relations and economic development. He will provide support and guidance to businesses looking to locate, or expand, in the chamber’s coverage area, as well as assisting businesses in interacting with government entities.

“The Hudson Valley region is poised for an economic development cycle that we have not seen in years, and the chamber intends to seize this opportunity by bringing on someone who can reinforce the chamber’s position as the leading business advocacy group in this part of the state. George Oros is a highly experienced executive who can navigate through local, county, state and federal government to assure that our business community is aware of all the resources that are available to them and that the business community has a robust voice on issues that impact them,” said Deborah H. Milone, executive director of The Hudson Valley Gateway Chamber of Commerce.

In addition to a focus on economic and business issues, Oros will monitor and recommend appropriate actions on proposed or pending legislation that may impact the business community, officials said. He will also assist businesses with identifying funding sources and helping them navigate through what officials termed as the sometimes-cumbersome planning and zoning approval processes.

“It is an honor for me to be selected for this position and I appreciate the chamber’s confidence in me,” Oros said. “Our goal is to help businesses cut through red tape and onerous procedures so they can open their business on time, increase job opportunities, and start contributing to the local and county economy as soon as possible. Additionally, I want to increase the awareness among businesses about the extraordinary services and benefits offered by The Hudson Valley Gateway Chamber of Commerce.”

Oros said that he is particularly excited about the chamber’s new initiative to promote the greater Peekskill area as the nexus for art, media and industry. The initiative, AIM18, was launched earlier this year to much acclaim, officials said. The region already boasts a large number of media businesses from sound engineers to award-winning television producers to an array of artists. The goal of AIM is to unite and exploit collaborations among those businesses in order to spur economic growth, officials added.

Oros is an attorney. He lives in Cortlandt. Oros can be reached at geororos54@gmail.com.



George Oros

Letter to The Editor

Feiner Urges an Infrastructure Bond

An Urgent Appeal To New York State Lawmakers to Place on The November Ballot A Road Repaving Infrastructure Bond Proposition So That Our Crumbling New York State Roads Can Be Repaved

New York State roads located in Westchester County are falling apart.

Many of the New York State roads have significant potholes and craters, and are becoming very dangerous. On a daily basis, residents complain that their cars suffered tire and car damages because they went over potholes and craters on roads.

The infrastructure is crumbling and not being maintained. My guess is that the majority of New York State-owned roads located within Westchester County are in very bad shape - certainly they are in Greenburgh, the town that I am Supervisor of.

The problem is simple - New York State does not have the funds it needs to repave the roads that it owns. And, local governments also don't have the funds to repave all the roads that are in bad shape. The Town of Greenburgh has budgeted millions a year on road repaving. We're still getting complaints and could spend millions more.

The last time a New York State-owned road located within the Town of Greenburgh was repaved was more than three years ago. Although New York State has been patching the potholes on the roads they own when we complain, the pothole repairs don't last very long.

What's needed? New York State lawmakers should place on the ballot a road repaving bond act. Significant dollars should be included in the ballot proposition to repave New York State roads that are crumbling. My suggestion is that half of the funds from the bond act should go to New York State to repave New York State roads. The other half should go to local governments. The allocation should be given to every local government in New York State based on either population, or the miles or roads within their jurisdiction.

It would also be great if the Highway Trust Fund, a federal program, would also increase funding for road infrastructure enhancements. If we don't take action now, it will be much more costly to repair and repave our deteriorating roads later on. I believe that the deteriorating condition of our roads is impacting property values and the ability of Westchester County officials to attract quality new businesses to our area.

Paul J. Feiner
Greenburgh Town Supervisor
May 4, 2018

DeSimone Appointed New Manager of Houlihan Lawrence’s Katonah Office



Brendon DeSimone

RYE BROOK

Houlihan Lawrence recently announced that veteran real estate professional Brendon DeSimone is expanding his managerial duties to take over as manager of the real estate firm’s Katonah office.

DeSimone will continue to run Houlihan Lawrence’s Bedford/Pound Ridge office, overseeing 66 agents there, along with the 43 agents in Katonah, company officials said.

DeSimone, who has 15 years of real estate sales, investment and brokerage experience in the competitive New York City and San Francisco real estate markets - as well as in Westchester and Fairfield (Conn.) counties - is taking over from longtime Katonah manager Roselyn Harburger, who is retiring after 17 years with Houlihan Lawrence.

Prior to real estate, DeSimone worked for five years in Silicon Valley for a small start-up that grew into a successful technology company, spokesmen said.

In DeSimone’s first year as manager in Bedford/Pound Ridge, sales volume rose 15 percent and the office went from No. 9 to No. 6 in sales volume among all Houlihan Lawrence offices. DeSimone will advance the Katonah and Bedford/Pound Ridge offices, as well as grow Houlihan Lawrence’s share of the market in Westchester, officials said.

“I want to build the business agent by agent, working with them to use our cutting-edge technology to expand their client base, strategize on deal making and increase their sales,” he said.

Perspectives

When asked about the market and trends for 2018, DeSimone said: “I’m cautiously optimistic about this year. Katonah has a great downtown area and I think Westchester and Fairfield communities with walkable downtowns and convenient train stations will continue to attract today’s Millennial buyers - the closer to the train the better. You can’t get any better than Katonah.”

He added: “Northern Westchester, unlike the rest of the county, is still catching up from the 2008 housing market collapse. Hopefully, this will be our catch-up year. High demand and our lack of inventory should eventually lead to higher prices.”

DeSimone writes a weekly real estate column for the Zillow Blog that is syndicated to more than 250 daily newspapers and dozens of top media sites online, including Yahoo! Homes, Forbes and FOX Business. He is a frequently featured guest expert on HGTV shows, as well as national news programs, including Bloomberg, CNBC and ABC’s “Good Morning America.” In 2014, Changing Lives Press published his book, “Next Generation Real Estate: New Rules for Smarter Home Buying & Faster Selling.”

Houlihan-Lawrence spokesmen said that DeSimone is well-respected by his peers, and his can-do attitude and collaborative nature have helped his agents put together transactions and service their clients at all price points. DeSimone has also bought, renovated and sold countless homes, and he remains an active real estate investor, officials added.

Houlihan Lawrence is the leading real estate brokerage serving New York City’s northern suburbs, company officials said. Founded in Bronxville in 1888, the family-run company is deeply committed to technological innovation and the finest client service. The firm has 30 offices and 1,300-plus agents serving Westchester, Putnam, Dutchess, Columbia, Ulster and Greene counties in New York and Fairfield and Litchfield Counties in Connecticut. The company ranks in the top 20 of all brokerages nationally and achieved a total sales volume of over \$6 billion in 2017, officials added.

Tech Talk

A Review of The Importance of Reputations

By Andrea Wagner, President, Wagner Web Designs, Inc.

DANBURY, CT

A neighbor speaks highly of you. A satisfied customer recommends your service.

It's what many times keeps us in business. But what about your online reputation? Are you aware of how your business is reflected online?

Testimonials on your site are not worth the same weight as testimonials from third-party verified sites such as Google, Angie's List, LinkedIn, Trip Adviser and Yelp, to name a few. Google even uses how many times your company has been reviewed as part of its ranking algorithms.

You may have seen those little gold stars (oh how we all love them!) next to listings. They are an important indication of how you are perceived to your purchasing public.

Find Out What Your Online Reputation Is

Google your company name, and your name. Make a note of all sites that come up, and read. If your website, Facebook, or LinkedIn profile does not come up first, you are not controlling your reputation. You are letting others that write about you dictate your brand.

Your web developer should be able to have your website come up first, controlling what people will see first. Review sites should follow.

What You Can Do to Improve Your Online Reputation

Make sure you are asking satisfied customers to review you online, and have a direct link on your website to make it easier for them to do so.

I've seen bad reviews for restaurants when overcrowded for Mothers' Day (doesn't everyone go out for Mother's Day?). I've seen negative reviews for Auto Body Shops, Cleaning Services, Motels and other industries where it is almost impossible to please 100 percent of the people, 100 percent of the time. You know those people - and it's better to walk away from customers who are difficult and have unreasonable expectations.

However, online you need to respond when necessary. A response to the restaurant customer may have gone as follows: "We are sorry your wait was longer than expected. We do our best to accommodate everyone and suggest making a reservation in the future. Or, try us when it's not a holiday."

This tells the public that you care, and that you are responsive. Most people will no longer perceive this as a negative review, but rather that the customer should have made a reservation on a holiday.

Editor's Note: Andrea Wagner, a member of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI), is President of Wagner Web Designs, Inc. The company specializes in optimized small business web sites. Questions to Wagner can be directed to (914) 245-2626.



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Development on Site of the Former Standard Star Newspaper Building Marks the Newest Project in New Rochelle by Cappelli

NEW ROCHELLE

Executives of the Cappelli Organization joined with New Rochelle city officials on Apr. 25 for the groundbreaking of The Standard, a new 14-story residential building on the site of the former Standard Star newspaper building in downtown New Rochelle.

The building site spans the block between 251 North Avenue and LeCount Place. The new building will feature 112 apartments and approximately 4,000 square feet of ground-level retail space. The apartments, which range from 440 to 755 square feet, will be comprised of 13 studios, 92 one-bedroom and 7 two-bedroom units, officials said.

The Standard will offer a combination of luxury amenities and easy access to mass transit that is very appealing to Millennials, a driving force in today’s rental market, officials added.

A Series of Amenities

Amenities will include a rooftop deck with a kitchen and cooking area; a fitness center; a business center/meeting/conference room; package concierge; a virtual doorman; and a lounge with a full kitchen, a dining area, a pool table and television sets. There will also be an outdoor seating area with a fire pit on the ground floor just off the community room. A storage area will be provided for bikes. Parking will be available in the adjacent New Roc City garage. The Standard is a five-minute walk from the Metro-North train station, as well as the downtown’s many restaurants and retail stores, officials said.

Built in 1924, the Neo-Classical style building housed the operations of the Standard Star daily newspaper, which left the building in 1975. The back portion that housed the printing presses will be demolished, while the North Avenue façade will be preserved and incorporated into the new building. The project is expected to be completed in the fourth quarter of 2019, according to officials.

Company officials said that the start of the construction of The Standard marks a new strategy for the Cappelli Organization in New Rochelle to develop smaller rental units targeted to Millennials.

The Cappelli Organization, officials added, has played a pivotal role in beginning the reimagination and revitalization of the city’s downtown. Over a 10-year period from 1997-2007, the company built approximately two million square feet of residential, entertainment, hotel, retail and garage properties. The signature projects include New Roc City, a 500,000 square foot entertainment center with a movie theater, as well as a 70,000 square foot Stop and Shop, The Lofts at New Roc, a 125-room Marriott Residence Inn and the 40-story, 194-unit Trump Plaza Condominium tower, which includes a 140,000 square foot retail center.

“We are pleased to start our newest venture in downtown New Rochelle with The Standard,” said Louis Cappelli, chairman and chief executive officer of The Cappelli Organization. “When we opened New Roc City almost 20 years ago, we were pioneers in the revitalization of the downtown. Since then, the city has enjoyed a remarkable renaissance. The site of The Standard is an important in-fill parcel linking the New Roc complex to North Avenue. We have owned the site for years and now is the time for a creative project that will contribute new life to this strategically important area.”

Cappelli noted that retaining the classic facade of the old newspaper building preserves a link to the city’s past, while adding a unique architectural element to the new building.

“We’re happy to add The Standard to our project portfolio and to continue to play a role in the redevelopment excitement in downtown New Rochelle,” he said.

“Today’s groundbreaking for The Standard marks yet another important step toward achieving our community’s vision of a walkable, vibrant, and diverse downtown that honors its history, while embracing its future,” said New Rochelle Mayor Noam Bramson.

Located in White Plains, Cappelli Organization has developed more than 10 million square feet of mixed-use, retail, waterfront, single-and multi-family residential, hotel, office building, industrial laboratory and parking facilities, with a portfolio value exceeding \$3 billion, company officials said.

Among the firm’s prestigious developments are: Renaissance Square, a \$750 million, 900,000 square foot development in downtown White Plains that is anchored by a full-service Ritz-Carlton Hotel with two 43-story Ritz Carlton Residence towers that contain 374 condominium homes, a 70,000 square foot office building and a 900-car, multi-level underground parking structure and City Center at White Plains, a \$600 million, 1,100,000 square foot, mixed-use complex containing a regional retail complex, a 15 multi-plex movie theater and 3 residential towers containing more than 500 rental and condominium homes. The development, along with Renaissance Square, has been hailed as the catalyst for the revitalization of downtown White Plains, company officials added.

The Cappelli Organization has two related subsidiaries: Fuller Development Company, LLC and LRC Construction, LLC. The company also supports/operates the Louis R. Cappelli Foundation, officials said.



Pictured above are executives and colleagues of The Cappelli Organization who joined with New Rochelle city officials on Apr. 25 for the groundbreaking of The Standard, a new 14-story residential building on the site of the former Standard Star newspaper building in downtown New Rochelle. Pictured during the ceremony are, from left, Bruce Berg, Cappelli Organization; Rob Dirks, Principal Real Estate Investors, LLC; New Rochelle City Manager Chuck Strome; New Rochelle Mayor Noam Bramson; Louis Cappelli, Cappelli Organization; New Rochelle Planning Commissioner Luiz Aragon; and District 3 Councilman Jared Rice.



Pictured at the right is a rendering of the project.

Q10 New York Realty Advisors Reports L.I. Transaction

WHITE PLAINS

Zeev Douek of Q10 New York Realty Advisors LLC has arranged a \$1,200,000 non-recourse, permanent loan on a 3,300 square foot single-tenant retail building in Nassau County in close proximity to the Broadway Mall, company officials recently announced.

The loan was placed with a New York-based bank and was a cash-out refinance at a 4.5 percent fixed interest rate, officials added.

“The lender was easy to work with and we were able to deliver a commitment to the borrower 23 days after receiving the signed term sheet,” Douek said.

Q10 New York Realty Advisors LLC is a member of Q10 Capital LLC, a leading commercial mortgage banking and investment sales company with 20 offices nationwide, officials said.

Q10NY, company officials said, has the resources and expertise to successfully provide debt and equity solutions to all types of real estate transactions regardless of property type, size, location and complexity. Q10 NY is affiliated with Houlihan-Parnes Realtors, a multi-dimensional, privately owned real estate company based in White Plains, officials added.

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