

IMPACT

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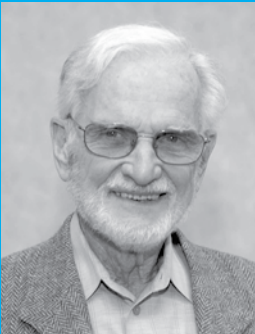
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DANIEL S. FINGER, ESQ.
Finger & Finger, Chief Counsel,
Building & Realty Institute (BRI)

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“Source of Income” - Source of Contention:

Federal Magistrate Backs County Executive In HUD Dispute – Federal Officials to Appeal

WHITE PLAINS—Westchester County won a major victory recently in its on-going dispute with the U.S. Department of Housing and Urban Development (HUD) over the affordable housing settlement when a federal magistrate ruled that a court-appointed Monitor selected by HUD “erred in concluding that the County Executive violated the settlement.”

In the case before U.S. Magistrate Gabriel Gorenstein, HUD and the Monitor had argued that the 2009 housing settlement compelled County Executive Rob Astorino to sign source of income legislation that would have required property owners to accept government vouchers as rental payments.

The County countered that the settlement only called for the county executive to “promote” source of income legislation “currently before the Board of

Legislators” back in 2009 and that former County Executive Andrew Spano, who approved the settlement, met that obligation at that time.

The decision by the magistrate showed that HUD had clearly over-

reached in the demands it was trying to impose on the residents of Westchester, building and realty industry officials said. The hypocrisy and inconsistency of the fed’s position on rental subsidy

Continued on page 3

As HUD Prolongs Litigation:

Feds Holding Millions of CDBG Funds Hostage; Heedless to Westchester’s Neediest Residents

WHITE PLAINS—In his Apr. 25 State of the County Address, Westchester County Executive Robert Astorino reaffirmed the county’s commitment to affordable housing and complying with the terms contained within the original federal lawsuit settlement.

However, he also reiterated his commitment to “defend principles of law and liberty.” Citing HUD’s actions against the county, Astorino declared that “I will not be bullied” by the federal government’s dictation of new terms beyond that included in the settlement.

HUD is not only appealing the federal magistrate’s decision on Source of In-

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NYS DEC Proposed Wastewater System Design Standards Pose New Peril for Moderate-Level Development Projects

KATONAH—The tranquil and quaint village library setting of a recent public hearing of the Westchester County Board of Legislators’ Subcommittee on Septic Systems belied the seriousness and gravity of the subject being discussed.

The subject was a 277-page draft manual of detailed specifications and regulations published by the state’s Department of Environmental Conservation (DEC), having to do with design standards for intermediate-sized wastewater treatment systems that have a direct bearing on the development of affordable housing, modest retail and commercial-office construction. These standards would be statewide in their application, although their impact on Westchester County would be particularly severe, according to building and realty industry officials.

While the report originates from the state DEC, one engineering consultant to The Builders Institute of Westchester and the Mid-Hudson Region (BI) suspects the strong hand of New York City (NYC) and its Department of Environmental Protection (DEP) in these regulations.

“The state DEC could essentially be only the messenger and mouthpiece for NYC in this,” the consultant said.

Over 70 percent of northern Westchester County lies in the NYC-controlled watershed.

Both the County and State have described these proposed standards as

merely a “Guidance Document,” but The Builders Institute is very concerned about the preciseness of the wording. Actions and definitions and the “do’s” and “don’ts” are so specific, that building industry officials and engineering experts

are having a hard time believing that this is merely a “Guidance Document.”

“Based on the results from the public hearing held recently at the Katonah library, this 277-page draft docu-

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BRI Mourns the Loss of its Longtime Member/Officer, Cy Leighton

By Jeff Hanley, IMPACT Editor

WHITE PLAINS – Cy Leighton, a past president of the Building and Realty Institute (BRI), died on Mar. 31 after an extended illness.

Leighton, a principal of Danleigh Insulation of Thornwood, was a longtime member of the BRI and its affiliate organizations. He served on many of the association’s boards and committees since the 1970’s.

A veteran member of the BRI’s Board of Trustees, Leighton was president of the organization in 1990 and 1991. His tenure as a board member of the BRI – he served on the board since the 1970’s – ranks among the longest in the history of the organization.

“Our association, as well as the building and realty industry, has lost a dear friend and colleague,” said Albert Annunziata, executive director of the BRI. “The staff and officers of our organization are very much saddened by his death.”

Annunziata added that Leighton’s lifetime achievements were “very, very impressive.” He said that those achieve-



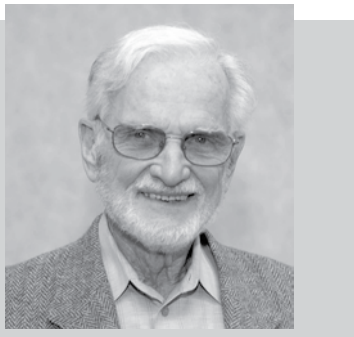
Cy Leighton

ments included his noteworthy service in the U.S. Army. Annunziata stressed that Leighton was a decorated World War II Veteran and was cited for bravery at the Battle of the Bulge.

“Cy Leighton was a devoted father and husband, as well as a cherished friend to all of us,” he said. “He will be deeply missed.”

CO-OP
CONDO
CORNER

By HERB ROSE



NEW YORK—When you fill up your car’s gas tank, what is the price of the liquid you are pouring in?

Is it \$4 dollars a gallon? How about \$2.50 per gallon for product and \$1.50 for transportation? If this were the case, you would probably have a fit. However, that is the way natural gas is priced when it is sold to you, with product and delivery priced separately.

Take a look at your Con Edison bill and see how complex it is. Gas is priced in therms or 100,000 btu units, plus multiple charges adding up to the delivery cost and many other charges adding to the price of the gas itself. On the left side of Page Two, the charges are explained. First is the detail for

supply, which includes such items as “merchant function charge,” “GRT,” and various other items.

Further down on the bill is a rectangular box which has the cost per therm. Remember, this is gas supply only and probably around 50 cents per therm. If you are motivated to look for an ESCO (Energy Services Company/Alternate Supplier), you can only shop for supply since you are married to Con Edison for delivery.

Take a deep breath and continue down the page under the heading “Your Delivery Charges.” This function has at least six parts, including varying charges for gas, GRT and other items. Don’t sweat the list. For the time being, delivery

How Much is Gasoline...and
Natural Gas?

charges which are regulated by the Public Service Commission (PSC) are about 73 cents per therm.

Combining delivery and product totals about \$1.23 per therm, which is what you pay. To add a little light to the situation, you may want to compare natural gas to the price of oil. Roughly, a gallon of oil is 140,000 btus. So you need to multiply your gas therms by 1.4 to compare prices. At \$1.23 per therm, the comparative price is about \$ 1.72 per gallon. Remember all figures are approximate and have many variables.

To summarize, natural gas costs about \$1.23 per therm (100,000 btus) consisting of 73 cents for delivery and about 50 cents for the gas itself. This corresponds to about \$ 1.72 per gallon of oil.

To further understand the discussion about natural gas, you have to compare the price for gas quoted in financial news reports. Currently, that figure is about \$2.00 per million btus or decatherm. A decatherm is ten times the quantity used on your gas bill (therm=100,000btus)

face more rapidly. In brief, consider the cost of delivery at 73 cents per therm, gas supply at 50 cents plus per therm and multiply the total by 1.4 to get the equivalent oil price. Get specs for the conversion from an engineer specializing in this kind of work and get

Get specs for the conversion from
an engineer specializing in this
kind of work and get price quotes.
Expense offset deals are available
from Con Edison and NYSERDA.

vs. 1,000, 000 btus. Financial news prices are for the gas alone coming out of the ground in Louisiana, Texas, Ontario (Canada) or any other place in North America. Delivery is another phase and contributes large costs. Familiarity with wholesale gas prices are interesting, but aren’t necessary.

What is important to you, the retail consumer, is the ultimate price you pay adjusted against the price of oil. You don’t have to be a rocket scientist to realize that gas which costs less than \$2.00 per gallon of oil is worth considering!

Calculate the cost of new furnace equipment and lining the chimney to burn gas. The New York State Energy Research and Development Authority (NYSERDA) recommends lining the chimney since burning natural gas gives off a more acidic exhaust which, in turn, erodes the chimney sur-

price quotes. Expense offset deals are available from Con Edison and NYSERDA. All of this may seem like a lot of work, but this is a once in a lifetime project. The payoff can be huge and well worth the effort if it is done right!

Herb’s Hints

- Close window shades and/or blinds to keep out heat and conserve power for air conditioning.
- Check batteries in smoke detectors.

Editor’s Note: Herb Rose is a co-op and condo consultant. He is also a member of the Board of Directors of The Cooperative and Condominium Advisory Council of Westchester and the Mid-Hudson Region (CCAC). Rose can be reached at hrose47563@aol.com, or by calling the CCAC at (914) 273-0730.

THE HANLEY
REPORT

By JEFF HANLEY
Associate Director, Building and
Realty Institute (BRI)/IMPACT Editor



Communications with Key Contacts—
and the Usual Positives!

WHITE PLAINS – Interaction with involved entities.

One of the positives of being a staff member of a membership organization is when that opportunity arises. A strong example occurred on Apr. 20.

Representatives of the Apartment Owners Advisory Council (AOAC) attended an Open House of The New York State Homes and Community Renewal Agency (HCR) that day. The event provided AOAC officials with the chance to meet with HCR representatives at the agency’s Regional Office of Rent Administration (ORA) in White Plains.

The AOAC, an affiliate of the Building and Realty Institute (BRI), is a realty industry membership organization that represents more than 300 owners and managers whose rental apartment buildings are affected by the Emergency Tenant Protection Act (ETPA). Those owners and managers are responsible for more than 25,000 units in multi-family buildings and complexes in Westchester County. HCR is the organization that administers New York State’s Rent Stabilization Program.

All involved with the event termed the Open House as a

good communications vehicle for both parties. HCR spokesmen reviewed the many functions and upgrades of their office and its corresponding effects on owners and managers. AOAC officials, in turn, relayed their concerns and questions to HCR representatives.

Ken Nilsen, a former chair of the AOAC and a longtime member of the organization, was one of the association’s representatives at the forum. AOAC members Gisele Mahnke, Tom Mahnke and Giovanni Puerta were also at the event. Attorneys Ken Finger, Carl Finger and Dan Finger of Finger and Finger, chief counsel to the AOAC, also attended.

Darryl C. Towns, commissioner and chief executive officer of HCR, delivered the keynote presentation.

“The dialogue at conferences of this type is usually very productive,” said Albert Annunziata, executive director of the AOAC/BRI. “The reaction from AOAC representatives who attended the event was good.”

So there it is—further proof that interaction with involved entities is a positive, and that the AOAC/BRI continues to consistently voice the concerns of its membership.

And speaking of concerns, this edition of IMPACT contains a series of reports for building and realty industry members. The reports include:


- An article from Herb Rose in Co-op and Condo Corner. The review summarizes some of the processes involved in conversions to natural gas for multi-family buildings.
- An analysis in Counsels’ Corner on the Lease Renewal Process for Owners and Managers of Rent Stabilized properties. The report is from Finger and Finger, chief counsel to the AOAC.
- A report in Communication Keys on the importance of Social Media to businesses. Harriet K. Lerner authored the piece.
- An article in Tech Talk that reviews tips on the construction of successful Web Sites for businesses. Andrea Wagner wrote the report.
- A Case Study on how the Community Preservation Corporation (CPC) was involved in the development of an upstate affordable housing project. CPC is a long-time member of the BRI.

Enjoy the issue – and the remainder of your spring!



80 Business Park Drive, Suite 309
Armonk, N.Y. 10504

(914) 273-0730
[www. BuildersInstitute.org](http://www.BuildersInstitute.org)



Publisher: ALBERT ANNUNZIATA
Executive Editor: JEFFREY R. HANLEY
Editorial Assistants: PEGGIE MACDOUGALL, JANE GILL
Art Director: BART D’ANDREA
Photographic Consultant: BARBARA HANSEN
Contributors: CARL FINGER, DAN FINGER, KEN FINGER, ALEX ROBERTS, HERB ROSE
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Federal Magistrate Backs County Executive In HUD Dispute

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programs like Section 8 has not gone unnoticed by the building and realty industry sector, officials added.

A Mystery

"HUD's Section 8 program has always been voluntary in nature," said Albert Annunziata, executive director of The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI). "Now, HUD wants to change the rules and, in effect, make it mandatory only for Westchester, while leaving the rest of the nation's 3,000-plus counties alone."

Exactly why HUD and the federal government are singling out Westchester County for such unique and punitive treatment is not known, building and realty industry officials said.

"There are few, if any, counties in the U.S. which have done more for affordable housing than Westchester," Annunziata said. "The County's utilization of Section 8 rental assistance vouchers, over the years, has run at—or in excess of—capacity. Landlord participation was usually robust, and at least 50 percent of members polled from the BRI's Apartment Owners Advisory Council (AOAC), participated in the program, voluntarily—and the key word here is voluntary! If the feds want to make participation mandatory, let them go to Congress, change the applicable law, and make it compulsory for all 50 states."

Notwithstanding the county's record over the years in promoting and administering affordable housing opportunities for all who sought them, the Westchester County Board of Legislators—in apparent concern over the court-appointed Monitor's attitudes toward the county's compliance with the settlement—passed Source of Income legislation in 2010.

The move was met with a veto by the County Executive and it was this veto that was also challenged by HUD.

Source of Income Veto Affirmed

The magistrate found that Astorino was within his rights to veto source of income legislation that came before him in July 2010 and backed up his decision with case law, stating: "Courts must abide by the express terms of a consent decree and may not impose supplementary obligations on the parties even to fulfil the purposes of the decree more effectively."

Gorenstein's opinion then goes on to state: "Accordingly, we conclude that the Monitor erred in concluding that the County Executive violated the Settlement by vetoing the source of income legislation enacted by the Board of Legislators."

Astorino vetoed the source of income legislation that came before him in 2010, declaring that it was his belief that "...the legislation was a violation of basic property rights.... Landlords who want to accept federal

vouchers are free to do so, but they should not be required to do so. This was a governmental intrusion that would have had the unintended consequence of actually working against the settlement because it would have made housing more expensive and less available."

Zoning Portion of the Magistrate's Ruling

With respect to the zoning portion of the case, the magistrate ruled that the monitor is entitled to information with respect to zoning practices. The county believes this requirement was met on Feb. 29 (after the court papers were filed) when it submitted to the monitor its review of 43 municipal zoning ordinances covering 853 zoning districts.

The housing settlement requires the county government to ensure the development of 750 units of fair and affordable housing over a seven-year period in 31 mainly white communities. The agreement includes benchmarks for financing and obtaining building permits that must be in place by the end of each year.

It also requires the county to market the housing in a way to reach African Americans, Hispanics and others least likely to apply, not only in Westchester but also in New York City and surrounding counties. The county faces severe financial penalties if it fails to meet certain benchmarks.

To date, the county has at least 206 housing units approved by the federal housing monitor, of which 196 have all financing in place and 108 units have building permits in place. Under the terms of the settlement with HUD, the county was only required to have 100 units with financing and 50 units with building permits by the end of 2011. The settlement calls for 200 units with financing and 125 with building permits by the end of 2012.

The county is making better progress than expected and hopes to meet these settlement benchmarks almost a year ahead of schedule, officials said.

HUD Appealing Magistrate's Decision

Notwithstanding the federal magistrate's ruling on the source of income portion of the housing settlement, HUD has mounted an appeal on this issue in federal district court. Countering, the Astorino administration is, once again, defending its position.

Building and realty industry observers will be keeping a close eye on what develops, industry officials said.

Editor's Note: See related story in this issue on new DEC regulations that will make the construction of affordable housing in Westchester, especially in the areas and communities targeted by the lawsuit settlement, even more difficult.



IMPACT Staff Photo

BRI DELEGATION ATTENDS VESTED RIGHTS CONFERENCE—A contingent from the Building and Realty Institute (BRI) attended a Mar. 2 symposium that examined Vested Rights in New York State. The forum was sponsored by the Albany Law School. Pictured before the conference are, from left to right, Richard Hyman, RH Consulting; Ken Finger, Esq., Finger and Finger, chief counsel to the BRI; and Albert Annunziata, executive director, BRI. Michael Beldotti, BRI president, was also part of the association's contingent.



Photo by Myron Marcus

SEQRA REFORM ADDRESSED—"The SEQRA Process/Forms and Reforms: How New York State Can Benefit from Streamlining the Review Process" was the topic of the Mar. 14 General Membership Meeting of The Building and Realty Institute (BRI). A panel reviewed how reforms to SEQRA—the State Environmental Quality Review Act—could help New York's weakened economy. Pictured during the event, sitting, from left to right, are panel members Richard Hyman, principal, RH Consulting; and Lawrence Weintraub, assistant counsel/office of the general counsel, N.Y. State Department of Environmental Conservation (DEC). Pictured, standing, from left to right, are panel members Tim Allen, PE, Bibbo and Associates; and Carl Finger, Esq., Finger and Finger, chief counsel to the BRI. More than 65 BRI members attended the event at the Crowne Plaza Hotel in White Plains.



Photo by Myron Marcus

A CCAC MEMBERSHIP MEETING—"How to Interview Prospective Shareholders in Co-ops" was the topic of the Mar. 22 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC). Pictured at the event are, from left to right, Dan Finger, Esq. (speaker), Finger and Finger; Jason Schiciano (speaker), president, Levitt-Fuirst Associates; Diana Virrill, CCAC chair; Albert Annunziata, executive director, CCAC; and Margaret Gormley-King (key-note speaker), regional director of the New York State Division of Human Rights. More than 55 CCAC members attended the event at the Crowne Plaza Hotel in White Plains.

U.S. Energy Group in IMT Study on Energy Disclosure/Job Creation

Company Profiled for Helping Property Owners Decrease Energy Usage

FRESH MEADOWS, N.Y.—U.S. Energy Group is profiled in a new report on energy disclosure and job creation by the Institute for Market Transformation (IMT), a non-profit in Washington, D.C.

U.S. Energy Group is heralded for developing technologically-innovative solutions, such as the Building Energy Management System (BEMS) that reduces fuel usage by 15-to-30 percent, with payback in under two years. The report is titled “Energy Disclosure and the New Frontier for American Jobs.” It identifies U.S. Energy Group as a leader in the emerging field of building energy management solutions, company officials said.

The report illustrates the efficacy of building energy rating and disclosure policies, which require owners of large buildings to track exactly how much energy their properties use. New York’s Local Law 84, “the Benchmarking Law,” is an ex-

ample of one of these policies. Company spokesmen said that U.S. Energy Group has successfully benchmarked hundreds of clients’ buildings in the first year of filing under the new policy.

USE Manager, the information hub of U.S. Energy Group’s Building Energy Management System, was the first system authorized to issue Benchmarking Compliance Certificates, recognized by New York City as proof of benchmarking. Currently, U.S. Energy Group is offering a 2012 Benchmarking Service Program for building owners that want a hassle-free pathway to benchmarking compliance, company officials said.

The IMT report argues for developing a national reporting policy, noting that this plan would lead to 23,000 new jobs in 2015 and 59,000 jobs in 2020.

Founded in 1978 by Chief Executive Officer Jerry Pindus, U.S. Energy Group is a metro-New York based building en-

ergy management solutions firm. The company develops and integrates energy control, monitoring and analysis hardware and software systems for large residential and commercial properties.

With the slogan “Building Efficiency Through Information Management,” the company’s three flagship products include: USE Manager, an Internet-based building management service which provides information to keep buildings running energy-efficiently and cost-effectively; USE Control-

ler Building Energy Management System (BEMS), which controls and monitors energy and fuel use, prevents overheating and provides significant savings, with payback in less than two years; and USE Verifier, a patented ultrasonic measurement system which enables building owners and managers to verify the amount of oil they receive, as well as control their inventory and budget. The USE Controller BEMS and USE Verifier have received the ETL Mark, indicating superior product safety

and quality. Company officials said that, with U.S. Energy Group’s products and services, building owners save money, conserve energy and enhance tenants’ comfort.

IMT is a Washington, DC-based non-profit organization dedicated to promoting energy efficiency, green building and environmental protection in the United States and abroad. Much of IMT’s work addresses market failures that inhibit investment in energy efficiency, officials said.

Admiral Closes a Series of Retail/Office Leases

BRONXVILLE—Admiral Real Estate Services Corp. recently announced that it ends the last two quarters having completed 60,000 square feet of office and retail lease transactions on behalf of its clients.

Those transactions include the following by Jonathan Gordon and Joan Simon:

- Gordon finalized 24,000 square feet of retail and office leases in Scarsdale, Bronxville and Mount Kisco. In Scarsdale, Gordon brought SkinThera P to 15 Popham Road to add a second store to its current 81st Street location in Manhattan. The Bronxville transactions included lease renewals for Botticelli Bridal, Provisions for Pets, Toni Toney & the Gang, Nor’ea Furrier and Station Plaza Wine, as well as new leases to Insite Realty and Savannah Home.
- Gordon also negotiated a 11,240 square foot lease to animal supplies retailer Petco, which has just opened for business at Mount Kisco Shopping Center on North Bedford Road in Mount Kisco. With the exception of the Petco lease—where the tenant was represented by Brian Schuster of Ripco Real Estate Corp.—Gordon represented both the tenant and the landlord in the transactions.

Joan Simon closed the following retail deals, totaling over 21,000 square feet. Except

where noted, Simon represented both the tenant and the landlord in the transactions:

- Umami Sushi Restaurant and Jeza Veterinary Associates at Village Green Shopping Center on Saw Mill River Road in Ardsley.
- Dunkin’ Donuts at Orchard Square Shopping Plaza in Cross River.
- Hito, an Asian eatery, at 28 E. Main Street in Mount Kisco.
- A Greek Restaurant by Niko Kostakis at 36 E. Main in Mount Kisco.
- Indulgence Blow Dry Bar Salon at 69 S. Moger in Mount Kisco.
- Tommie Copper, represented by Justin Friedland of Coldwell Banker, will be opening a store and offices at 74 S. Moger in Mount Kisco.
- Aunt B’s Yogurt Bar at 351 Manville Road in Pleasantville, across from the Jacob Burns Film Center and Media Arts Lab.
- Khangri Indian Restaurant and Luvin’ Spoonfuls Yogurt Shop at Triangle Shopping Center in Yorktown Heights.

Admiral Real Estate Services Corp is a full-service commercial real estate firm, offering leasing, investment sales, property management and advisory services, company officials said. Based in Westchester, the company lists and/or manages more than 75 retail, office, residential and development properties in the New York metropolitan area.

CPC Provides a \$1 Million Permanent Loan for Buffalo Facility

BUFFALO—Continuing what company officials termed as a commitment to providing financing for affordable multi-family housing in Buffalo, The Community Preservation Corporation (CPC) has closed on a \$1 million permanent loan for East Village Lofts, a newly renovated mixed-use building featuring 42 low-income apartments and 4,000 square feet of commercial space.

CPC officials announced the transaction in early April. Located at 937 Broadway, the four-story building was formerly a vacant light manufacturing and warehouse facility. It was redeveloped as a mixed-use building in cooperation with the New York State Housing Trust Fund and Homes for Working Families program. All of the apartment units and commercial space have been leased. East Village Lofts is in the Broadway/Fillmore area of Buffalo, a low to moderate in-

come area that has been undergoing significant redevelopment, CPC officials said.

The borrower is 937 Broadway LLC, a limited liability company whose members are Christopher Gerhart and Eran Epstein, also co-managers of the property. Gerhart is the founder and president of CWG Development Associates, Inc., a full-service, New York-based real estate development firm specializing in affordable and supportive housing. Epstein is the owner and principal of Buffalo-based E Square Capital, responsible for the company’s acquisitions and asset management, CPC officials added.

“This loan coincides with CPC beginning its 16th year in making a significant impact on Buffalo’s affordable residential market, a record for which we take great pride,” said Nick Petragani, senior vice president/regional director of CPC’s Central and Western New York Region

office, which handled the loan.

Since 1996, CPC has provided more than \$300 million in financing for projects in the Greater Buffalo Area representing nearly 8,000 units of housing, with almost half of those units in the City of Buffalo, company officials said.

Among the many projects financed by CPC in the Buffalo area are Ellicott Lofts, Holy Family Senior Apartments, Sycamore Village and 800 Main Street. CPC continues to remain committed to help smaller developers restore upstate New York’s neighborhoods one block at a time, company officials added.

CPC officials said that the company is a not-for-profit mortgage lender that finances residential multifamily development throughout New York. Since its founding in 1974, CPC has invested more than \$8 billion in over 144,000 units of housing, officials added.

AN INTERESTING TALE—



“From Builder to Banker – How One Metro Area Builder Met the Needs of the Construction Industry” was the topic of Apr. 18 General Membership Meeting of the Building and Realty Institute (BRI). Frank Sorrentino, chief executive officer/chairman of the North Jersey Community Bank, was the keynote speaker at the event. Sorrentino reviewed his move from construction industry member to the banking sector. Pictured at the event are, from left to right, Sorrentino; Albert Annunziata, executive director, BRI; Michael Beldotti, president, BRI; and Panel Members John Naclerio (Bank of America) and Anthony Morgis (TD Bank).

Photo by Myron Marcus

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COUNSEL'S CORNER

By **Kenneth J. Finger, Esq., Carl L. Finger, Esq., and Daniel S. Finger, Esq.**
Finger & Finger, Chief Counsel, Building & Realty Institute (BRI)



WHITE PLAINS—In *Samson Management LLC v. Hubert*, the tenant failed to sign and return the renewal lease tendered as required by the Rent Stabilization Code.

The landlord notified the tenant that if not signed and returned the landlord would deem the lease renewed as permitted under the Rent Stabilization Code and that the increased rent would be due and owing on a monthly basis thereafter.

The tenant wrote the landlord that he would not be renewing and would be vacating the Premises. The tenant then remained in occupancy after the expiration of the written lease and paid the increased rent for six months. Ultimately the tenant vacated the premises and stopped paying rent prior to the expiration of the deemed renewal lease year.

The landlord sued for rents due pursuant to the deemed renewal lease for the balance of the deemed lease term. The trial court agreed with the landlord on a motion for summary judgment and issued a judgment in favor of the landlord and awarded the landlord judgment in the amount of \$6,817.81.

The Appeal

The tenant appealed and the Appellate Term 2nd, 11th and 13th Judicial Districts held that the issue of whether the landlord successfully deemed the lease renewed was an issue of fact and reversed the decision and remitted the matter to the trial court for a trial on whether there was an "implied agreement" for a one-year lease extension.

The concept of an "implied agreement" seems to be somewhat different from the regulatory structure, which allows the landlord to "deem" the lease renewed without agreement by the tenant who fails to return the lease.

However, that disparity became moot when the case was appealed to the Appellate Division.

The Appellate Division Second Department then held that

at Rent Stabilization Law language indicating that nothing contained therein should impair or diminish any rights under law. The assumption with reference thereto was that being held to the term of a renewal lease tendered under the Rent Stabilization Law and Rent Stabilization Code was an impairment of a right.

Generally, Rent Stabilized Leases are considered valuable and the extension or re-

Therefore, the most realistic option for landlords where the tenant fails to renew the lease, is to permit the tenant to pay rent, become a month-to-month tenant, then terminate the month-to-month tenancy.

not only was it not an issue of fact as to whether there was an implied agreement, but that the landlord could not deem the lease renewed.

In other words, the Appellate Division held that the Rent Stabilization Code provision permitting the landlord to deem the lease renewed upon the failure of the tenant to return the legal required lease renewal document was without meaning. The Appellate Division concluded that, because the Real Property Law Section 232-c states that a tenant remaining in possession after the expiration of a lease but paying rent becomes a month-to-month tenant, that the tenant in this situation was only a "month-to-month" tenant, not a "deemed" tenant for one year.

In addition the Court looked

newal a benefit, not an impairment of a right. In this case, the Court found otherwise.

Additional History

Contrariwise, in *Martine v. Donahoe*, the Appellate Term held that where the landlord accepted rent following the expiration of the lease term, the tenant was vested with "new tenancy rights – at a minimum,

The ETPA Deemed Renewal—Darned If Landlord Deems, Darned If Landlord Does Not!

the rights of a month-to-month tenant." In that case the landlord wanted to utilize the alternative right to commence a holdover proceeding but was stymied. In the *Samson v. Hubert* case the landlord wanted to deem the lease renewed. In both cases the landlord's efforts were frustrated.

Interestingly the decision in *Samson v. Hubert* seems to hold that in the event of a non-renewal of a lease, where the tenant pays rent, even at the increased rent that would have been due under the renewal lease if accepted, the tenant becomes a month-to-month tenant.

A month-to-month can be terminated by either party by providing a full month's notice of such termination. In such event, presumably, the landlord would not be required to provide a reason for the termination and the issue of the renewal lease would be subsidiary. This is important because many cases have found the tenant's failure to return a renewal lease in a timely fashion is an excusable default.

A Negative Position for Landlords

In finding the tenant's failure to renew excusable, Courts have permitted tenants to be-

latedly renew their leases after the expiration of the lease, after the commencement of the holdover proceeding, and even after judgment. These findings tend to place landlords in a disadvantageous position because the regulations allow them to commence holdover proceedings while the courts then negate that right by allowing the tenants to renew thereafter. The *Samson v. Hubert* decision negates the landlord's ability to deem the lease renewed.

Although the excusable nature of the failure to renew the lease is a fact-specific determination relative to each case, the risk of losing such a case is substantial enough to deter landlords from proceeding in that manner though it must be considered. Nor, under *Samson v. Hubert* can the landlord deem the lease renewed as permitted under the regulations.

Therefore, the most realistic option for landlords where the tenant fails to renew the lease, is to permit the tenant to pay rent, become a month-to-month tenant, then terminate the month-to-month tenancy.

Under *Samson v. Hubert* the tenant who fails to renew becomes a month-to-month tenant, and under such circumstances
Continued on page 6

NYS DEC Proposed Wastewater System Design Standards Pose New Peril

Continued from page 1

ment has serious implications for any kind of housing and commercial construction in Westchester County, especially in the northern NYC watershed part," said Albert Annunziata, executive director of The Builders Institute.

Among the major, critical points that came out of that public hearing:

- Gary Naderman, engineer, noted that "Design Standards" like these have been used as if they were law. Whichever way they are used, they would be very devastating to the development potential of the entire county, he said.
- Affordable housing advocates like Joan Arnold, executive director of the not-for-profit A-Home, were very critical, saying these regulations make it very difficult to build affordable housing in the very northern Westchester areas targeted by the HUD-Housing Discrimination lawsuit settlement.
- Richard Lyman, town councilman of Pound Ridge, denounced the entire document: "The promulgation of these regulations without

due consideration of the economic consequences to local communities is sheer folly... It is about time that state agencies work and communicate with all stakeholders from the grass-roots before coming out with these very damaging, blanket standards."

- Jeff Osterman, planning director of Bedford, questioned the actual purpose of the draft document. "Nobody knows who is responsible for the content of this report...there are disclaimers galore within it... we aren't exactly sure where this report came from and who in DEC authored it."

Gus T. Boniello, a builder-developer in northern Westchester and a past president of The Builders Institute, was highly critical of the lack of communication between agencies and the failure of the state to recognize and take advantage of new septic and related construction technologies. In particular, he warned of the ever-broadening and deepening influence of DEP in the northern part of the county. "DEP takes every opportunity to shut this part of the county down...

I can't stress enough that our northern towns and villages and hamlet areas will be shut down economically," he said.

As of late April, Consultants and Legal Staff for The Builders Institute were endeavoring to draft a meaningful critique of this DEC draft report before the Apr. 30 deadline imposed by DEC, although most experts agree that it would take several months to properly critique the voluminous material in the entire document.

Westchester County Legislator Peter Harckham (D-Bedford), chairman of the Septic Subcommittee of the County's Board of Legislators, has reportedly asked the DEC for more time for comment.

"In order for there to be meaningful, affordable residential development in Westchester, and especially in the mostly northern areas of the county targeted by HUD based on the housing lawsuit settlement, the regulatory environment has got to permit a higher density of development for affordability. These new standards make that harder than ever to do," Annunziata said.

—An IMPACT Staff Report



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AHRC New York City Moving its Bronx Day Habilitation Center to New Building to Be Designed and Built by Simone Development

New Center to be Located Opposite Westchester Square Station

NEW YORK—AHRC New York City will have a new home for one of its programs in the Bronx, thanks to the efforts of Simone Development Companies.

AHRC is moving its Bronx Day Habilitation Center from Pelham Parkway to a new 15,195-square-foot building that Simone Development is constructing on a vacant parcel at 1420 Ferris Place, across the street from the Westchester Square Station.

The new building, which will be owned and managed by Simone Development, will feature physical and occupational therapy areas, sensory stimulation rooms, specially designed bathrooms and will be fully accessible for people with physical disabilities. Completion is scheduled for late summer, officials said.

AHRC is relocating its Day Habilitation Center from its current location in the Bronx because of a change in ownership of the building. AHRC is a 63-year-old not-for-profit or-

ganization which serves more than 15,000 individuals with intellectual and developmental disabilities throughout the five boroughs. AHRC operates 18 locations in the Bronx, spokesmen said.

Barbara Kaplan, director of AHRC's office of real property, said the new building's location in the Westchester Square District will provide an ideal environment for the adults served by AHRC's center.

"By being exposed to experiences in the surrounding community, they will learn valuable skills to use in their daily lives. The location opposite the Westchester Square station is also very convenient for our employees, many of whom rely on public transportation," Kaplan said. "It was vitally important that we remain in this area of the Bronx. We are glad to be working with a development company that is able to facilitate this important move for us and create a first-class facility designed to meet our unique requirements."

"We are delighted to be able to accommodate the space requirements for AHRC so that they can continue to provide their valuable services to the Bronx community," said Joseph Simone, president of Simone Development Companies.

James MacDonald, director of leasing for Simone Development, said: "As the leading developer and owner of commercial space in the Bronx, Simone Development is able to satisfy AHRC's requirements with a built-to-suit, free-standing building that is not far from their current location. At the same time, we were able to add value to our portfolio with the development of a high quality commercial

building on what is now a vacant lot."

Simone Development Companies is a full service real estate investment company spe-

cializing in the acquisition and development of office, retail, industrial and residential properties in the tri-state area. The privately held company owns and manages an extensive range of commercial projects, from multi-building office parks to retail and industrial space in the Bronx, Westchester County, Queens, Long Island and Connecticut, 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. A third building of 280,000 square feet is scheduled to break ground this summer. Headquartered in the Bronx, the company's portfolio of more than 100 real estate properties totals more than five million square feet of development space, spokesmen said.

The new building, which will be owned and managed by Simone Development, will feature physical and occupational therapy areas, sensory stimulation rooms, specially designed bathrooms and will be fully accessible for people with physical disabilities. Completion is scheduled for late summer, officials said.

HGAR Announces Its Support of the Current Plans For The Construction of a New Tappan Zee Bridge

WHITE PLAINS—The Hudson Gateway Association of Realtors (HGAR), a trade organization representing more than 9,000 real estate professionals in Westchester, Put-

The current bridge has been cited for insufficient capacity, less-than-modern structural and highway design standards, escalating maintenance costs and the inability to accept

bridge has the design features to accommodate the later addition of a mass transit system."

HGAR officials added that the organization believes that delaying bridge construction for mass transit to be fully designed would probably add several years more of analysis and environmental review.

"Anyone who participated in the former Tappan Zee Bridge / I-287 Corridor project is aware of the extraordinary depth of planning it entailed, not just on what mode—rail or bus—is best, but also the configuration of 30 or so miles of dedicated right of way in the I-287 corridor," added Haggerty. "This

includes stations and station parking, signalization, precise route alignments, connections with other systems, takings of some properties, repurposing of others, and so on."

A Top Priority Construction of a new Tappan Zee Bridge has received the highest infrastructure priorities at both the federal and state levels, HGAR officials said.

"It does not make sense to risk all that by tacking on an untold number of years to plan and review the transit options. Our preference as an organization is that the project stays on its current fast track and in transit-capable mode," Haggerty said.

HGAR added that it strongly supports mass transit and is urging that planning for it begin now so that a final configuration could be in place when the bridge construction is completed.

HGAR is a not-for-profit trade association covering more than 9,000 real estate professionals doing business in Westchester, Putnam, Rockland, and Orange counties. The association is comprised of the former Westchester Putnam Association of Realtors (WPAR), the Rockland County Board of Realtors (RCBR) and the Orange County Association of Realtors (OCAR).

"Anyone who participated in the former Tappan Zee Bridge / I-287 Corridor project is aware of the extraordinary depth of planning it entailed, not just on what mode—rail or bus—is best, but also the configuration of 30 or so miles of dedicated right of way in the I-287 corridor..."

—Richard Haggerty, chief executive officer of HGAR.

nam, Rockland and Orange counties, is lending its support to the current plans for the construction of a new Tappan Zee Bridge.

The organization announced its support in a formal statement during the first week of March.

"The Tappan Zee Bridge knits our region together and we are all aware of the growing list of deficiencies of the present bridge," said Richard Haggerty, chief executive officer of HGAR. "There is an urgency for action to replace the bridge before any hazardous conditions create an emergency that leaves us no options at all."

meaningful mass transit improvements, among other issues, HGAR officials said.

"We are mindful of one of the principal criticisms of this project—that it does not include a defined mass transit component—and our organization fully agrees that the inclusion of significant mass transit via the bridge is vital to the region for traffic capacity and environmental reasons," Haggerty said. "However, we don't think that the mass transit component needs to be fully designed and ready for construction on day one of bridge construction. It is sufficient that the new

Darned If Landlord Deems, Darned If Landlord Does Not!

Continued from page 5

stance, as explained, it would appear that the landlord can then end the tenancy of the ETPA tenant who failed to renew the lease by the service of a notice of termination of month-to-month tenancy. This has not yet been attempted by any landlord to our knowledge as the decision in *Samson v. Hubert* was rendered in February, 2012 and is apparently being appealed.

Options

The bottom line at this point

seems to be that the landlord presently has two basic options: tacitly assent to the month-to-month tenancy and subsequently terminate the month-to-month tenancy, or commence the holdover proceeding immediately at the expiration of the lease and litigate the excusable nature, or lack thereof, of the failure to renew the lease.

If, in fact, the termination of the month-to-month tenancy becomes an easier course,

as the technical legal requirements would seem to indicate it must, the defeat of the landlord in the above cases may ultimately prove to be a substantial victory.

Editor's Note: The authors are attorneys with Finger and Finger, A Professional Corporation. The firm, based in White Plains, serves as Chief Counsel to the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI).

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Robert Redford's Sundance Cinemas Heading to Westchester as the Entertainment Anchor of Rivertowns Square in Dobbs Ferry

8-Screen Cinema Will Be Sundance Cinemas' First Theatre on the East Coast

DOBBS FERRY—Rivertowns Square recently announced that Robert Redford's acclaimed Sundance Cinemas has signed a lease to build and operate an eight-screen cinema at the new luxury retail center to be developed on the Saw Mill River Parkway and Lawrence Street in the Village of Dobbs Ferry.

It will be Sundance Cinemas' first theatre on the East Coast, officials said.

Robert Redford, Sundance Group president said: "I'm so pleased that Sundance Cinemas will be building our first theatre in the Northeast in such a vibrant corridor in the state of New York. Westchester County has a long and rich tradition of supporting the arts, which makes me particularly enthusiastic about our future in this terrific community."

Speaking at a news conference held recently in Dobbs Ferry, Sundance Cinemas President and Chief Executive Officer Paul Richardson said that he is delighted with the plans for Rivertowns Square and elated at how naturally Sundance Cinemas will fit in.

"We are fortunate to be a part of an exciting new center located in the heart of Westchester County. We know that locals will enjoy our 'grown-up' movie-going experience, and we're delighted to be surrounded by restaurants and shops and plenty of free parking, making this a true destination," he said.

"We are very excited to be welcoming Sundance Cinemas as the entertainment anchor for our Rivertowns Square development. This celebrated cinema company will bring to Westchester and the Rivertowns communities an incomparable entertainment experience found nowhere else in the New York Metropolitan area," said Martin Berger, principal of Saber Real Estate Advisors, the developer of Rivertowns Square. "Today's major announcement is the first of many more to come as we finalize agreements with several outstanding retail tenants."

chor for our Rivertowns Square development. This celebrated cinema company will bring to Westchester and the Rivertowns communities an incomparable entertainment experience found nowhere else in the New York Metropolitan area," said Martin Berger, principal of Saber Real Estate Advisors, the developer of Rivertowns Square. "Today's major announcement is the first of many more to come as we finalize agreements with several outstanding retail tenants."

The Specifics

The Sundance Cinemas Westchester cinema will occupy 32,500 square feet. It will feature a unique programming and movie-going experience with all reserved stadium seating, a Sundance Bar & Bistro serving great food and drink designed to take to your seat, an art gallery featuring local artists, concessions for the purist and the adventurous and no annoying on-screen television commercials, officials said. Sundance Cinemas Westchester is scheduled to open in the Spring of 2014, officials added.

Sundance Cinemas offers specialized film programming, playing the finest movies for a discerning audience culled from independent film festivals and the best in general release. At all Sundance Cinemas, guests enjoy drinking and dining choices, and the theatres feature all reserved seating, digital stereo sound and presentation, filmmaker events and exclusive screenings, all within a comfortable environment designed

with a nod of respect to both the filmmaker and the patron, and the signature elements that are intrinsically Sundance, according to spokesmen.

There are currently four theatres in the growing Sundance

ment in the region, along with luxury residential units, officials said. Rivertowns Square's mix of tenants will include a range of restaurants—some with rooftop dining—quality boutiques and a gourmet market. River-

and create over 500 full- and part-time jobs.

The developer of Rivertowns Square is Saber Real Estate Advisors, an Armonk-based fully integrated real estate development company specializing in shopping center development and redevelopment. Leasing is being handled exclusively by Robert Greenstone, chairman and chief executive officer of Greenstone Realty.

Based in Los Angeles, Sundance Cinemas, LLC is a multiple facility and growing national theatre circuit. Sundance Cinemas, LLC brings together Robert Redford's Sundance brand, a recognized name in independent film, with a seasoned specialized theatre management team, responsible for building and operating some of the most successful theatres in the nation. Investment funds managed by Oaktree Capital Management are financing the company, officials said.

Project officials said that Rivertowns Square, which is anticipated to open in 2014, will provide a big boost for the local economy, generate millions of dollars in tax revenues and create over 500 full- and part-time jobs.

Cinemas circuit. They are in Madison, Wisconsin; San Francisco; Houston and the newest theatre currently under construction in West Hollywood (Calif.).

Rivertowns Square is a \$150 million luxury mixed-use development that will feature some of the most exciting restaurants, boutiques and entertain-

towns Square provides exceptional regional access from the Saw Mill River Parkway and will provide abundant and free customer parking.

Project officials said that Rivertowns Square, which is anticipated to open in 2014, will provide a big boost for the local economy, generate millions of dollars in tax revenues

Mediation to Be Reviewed at May 9 Membership Meeting of the BRI

By Jeff Hanley, *IMPACT* Editor

WHITE PLAINS — "The Role of Mediation in the Construction and Realty Industry" is the topic of the May 9 General Membership Meeting of the Building and Realty Institute (BRI), event officials recently announced.

The event is scheduled to begin at 6:30 p.m. It will be at the Crowne Plaza Hotel in White Plains.

BRI officials also announced

that the association will introduce its new Mediation Service at the meeting. The service is an initiative of the Remodelers Advisory Council (RAC) of the BRI. Members of RAC have been working with BRI staff and consultants in recent months to finalize the program.

"We're looking forward to the meeting," said Albert Annunziata, executive director of the BRI. "We will have a panel

of speakers review our new Mediation Service and how it can help the BRI's members. We are urging our members to attend this program."

Scheduled panelists for the meeting are:

- Jenny Besch, Director, Westchester Mediation Center
- Carl Finger, Esq., Finger and Finger, Chief Counsel to the BRI

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Houlihan-Parnes Reports Bedford Hills Transaction

BEDFORD HILLS—Houlihan-Parnes Realtors, LLC - an affiliate of Q10 Capital, LLC, represented by Jerry Houlihan - recently announced the modification of a \$2,650,000 first mortgage loan encumbering two contiguous one-story steel frame and concrete buildings at 160-178 Harris Road and 180-224 Route 117 By-Pass Road in Bedford Hills.

The property consists of the southernmost two buildings in a three-building shopping center on eight acres known as Northern Westchester Plaza Shopping Center. The property is at the northwest corner of Harris Road and the Route 117 Bypass Road (also known as Katonah Bypass Rd) in the Village of Bedford Hills, Town of Bedford.

The seven-year loan now has a fixed interest rate of 4.75 percent on a self-liquidating amortization schedule. The loan is pre-payable throughout the term on a declining scale, officials said.

Houlihan-Parnes Realtors, LLC is a multi-faceted real estate investment company headquartered in White Plains. Founded in 1891, its companies and affiliates are engaged in the acquisition and ownership of all types of commercial real estate investment property in the continental U.S., officials said.

The company’s mortgage brokerage affiliate, Q10New York Realty Advisors, is a member of Q10 Capital, LLC, a leading commercial mortgage banking and investment sales company with 26 offices in 20 states nationwide, officials added.

Houlihan-Parnes and its affiliates specialize in commercial mortgage finance, investment sales, property management, leasing, mortgage servicing and consulting.

GHP Reports Major Leases at 145 Huguenot Street

NEW ROCHELLE—GHP Office Realty LLC recently announced the signing of six new leases totaling 40,000 square feet at 145 Huguenot Street, a 300,000 square foot, eight-story office building in New Rochelle.

The building is one of the single largest in Westchester County, officials said. It is now 100 percent leased.

Officials said that the recent flurry of deals was highlighted by a 17,280 square foot commitment by McCabe Weisberg & Conway PC, a major law firm headquartered in Philadelphia, and a 10,541 square foot lease by Advent Software, Inc., which is headquartered in San Francisco. Advent is a leader in investment management software solutions worldwide. Both leases were for 10 years, officials added.

Other new activity, all of which absorbed vacant space, included the headquarters of the McDonough Law Firm for 6,910 square feet, M&M Recovery Services, Inc. for 2,615 square feet and Maui Tacos for 2,489 square feet, officials said.

GHP Office Realty represented the building owners directly in all of the deals. Advent Software was represented by Marc Weiss of the New York City office of Newmark Knight Frank. The McCabe lease was negotiated by David Lachtman of Platte, Klarsfeld Levine & Lachtman LLP, officials added.

The Background

The Class A office building was purchased by the principals of GHP Office Realty in April, 2002. Since the acquisition, the owners have spent several million dollars upgrading the property. Included in the upgrades are new lobbies and common areas, new elevators, new boilers and a new parking area, spokesmen said.

Officials added that the building has views of Long Island Sound, 24-hour security, on-site parking, food service and conference facilities. It is within walking distance to the Metro North Train Station. Major tenants include Steiner Sports, Monroe College, the State of New York and the County of Westchester.

GHP Office Realty is the office building division of Houlihan Parnes Realtors, which is one of the New York area’s leading owners, operators and purchasers of suburban New York commercial space. GHP Office has acquired, financed, redeveloped, leased and managed more than 6,000,000 square feet, officials said.

Regionally, the partners presently own and manage buildings in Westchester and Rockland counties, Fairfield County (Conn.), Bergen County and Princeton (N.J.), and in Fort Worth (Tex.).

McGoldrick Joins Provident Bank as Senior Managing Director

MONTEBELLO—Provident Bank, a subsidiary of Provident New York Bancorp, recently announced that it has hired Marianne McGoldrick to lead its Commercial Banking Team in Rockland County.

McGoldrick joins the firm as Senior Managing Director/Commercial Banking. She will be responsible for leading the team to build and cultivate commercial relationships.

“Marianne brings to Provident Bank an impressive record of success in relationship management, loan originations and new

Continued on page 10

NAI Friedland Closes Eight Local Transactions

YONKERS—NAI Friedland recently announced that its Office, Retail and Industrial Divisions closed eight transactions in Westchester County and the Bronx during February. The combined deals represent more than 97,000 square feet of space.

The Office Division completed three transactions:

- The sale of 25,000 square feet at 250 Tarrytown Road, White Plains. Executive Director Carl Silbergleit and Retail Specialist David Scotto brokered the deal between Joyce Leslie (seller) and Simone Development (buyer). Silbergleit and Scotto represented the buyer in the transaction.
- The lease of 6,500 square feet at 41 Columbus Avenue, New Rochelle. Executive Director Ellen Benedek and Silbergleit brokered the deal between Simone Bantels Realty (landlord) and Passaic Healthcare Services, LLC (tenant). Benedek and Silbergleit represented the tenant in the transaction.
- The lease of 1,872 square feet at 2 John Walsh Boulevard, Peekskill. Silbergleit brokered the deal between Singer Properties (landlord) and Nuway Fuel & Service Corp. (tenant). Silbergleit represented both the landlord and the tenant in the transaction.

The Retail Division completed three transactions:

- The lease of 44,000 square feet at 110 North Route 303, West Nyack. Executive Vice President Robin Herko and Scotto brokered the deal between Nyack Motor Hotel Inc. (landlord) and Tappan Zee Hotel LLC (tenant). Herko and Scotto represented both the landlord and the tenant in the transaction.
- The lease of 8,000 square feet at 1 Larkin Plaza, Yonkers. Herko and Scotto brokered the deal between National Resources (landlord) and The Academy of Jewish Studies (tenant). Herko and Scotto represented the landlord in the transaction.
- The lease of 1,500 square feet at 490 South Broadway, Yonkers. Herko and Scotto brokered the deal between Prana Investments (landlord) and Little Caesars Pizza (tenant). Herko and Scotto represented both the landlord and tenant in the transaction.
- The Industrial Division completed two transactions:
- The sale of 6,200 square feet at 62 Fulton Street, White Plains. Senior Executive Vice President Ross Schneiderman brokered the deal between Nicholas Albanese (seller) and ESPI LLC (buyer). Schneiderman represented both the seller and the buyer in the transaction.
- The lease of 4,000 square feet at 10 Beach Street, Mount Vernon. Industrial

Specialist Jeff Clinton brokered the deal between T & A Beach Avenue Corp. (landlord) and Valley Paper Products Inc. (tenant). Clinton represented both the landlord and the tenant in the transaction.

“We are still seeing deals take a longer than usual time to consummate, but our brokers are active and busy showing space throughout our territories,” said Tony Lembeck, NAI Friedland’s chief executive officer. “We are also sending more business to our affiliated firms throughout the NAI Managed Network, and our clients are seeing, more than ever, the value in working with a local firm that has the global reach of NAI. Even in this difficult economy, our brokers are continuing to match clients with space that suits their needs.”

NAI Friedland, founded in 1970, is a full service commercial real estate firm covering the entire metropolitan New York area, with a majority of its business in Westchester County and the Bronx. The firm also does business in Putnam and Rockland counties, New York City, Connecticut and New Jersey.

Headquartered in Yonkers, Friedland also maintains a satellite office in Manhattan. Friedland has four divisions -- Retail, Industrial, Office and Industrial/Development. The company is a member of NAI, the largest managed network of commercial real estate firms in the world.

Houlihan-Parnes, Metro Property Group Report Hartsdale Transaction

HARTSDALE—Houlihan-Parnes recently announced that it represented the landlord in completing a 1,000 square foot lease to Yoga Station LLC.

Yoga Station will be the first commercially located yoga studio for Owner Charlene Daigle. Daigle has been instructing through a home-based business. She has a loyal customer base in the Hartsdale/Scarsdale Area and offers a variety of classes seven days a week, officials said.

The 217-221 East Hartsdale Avenue facility is adjacent to

the Hartsdale Metro North Station in the heart of Hartsdale Village. It houses RAD Art Studio, the Azuma Sushi Restaurant, the US Alliance Federal Credit Union, Inidgo, the Chic Boutique and medical offices.

Craig Weitz of Houlihan Parnes Realtors and Metro Property Group represented the landlord.

Houlihan Parnes Realtors is a multi-dimensional, privately owned real estate company founded in 1891. The company has a significant number of multi-family and commercial

buildings throughout the U.S. Houlihan Parnes Realtors and its affiliated companies provide a wide array of services, including sales, mortgage finance, management, leasing, servicing and consulting services, officials said.

Metro Property Group is a Houlihan Parnes-affiliated management company under James K. Coleman’s supervision. The company manages a number of Houlihan Parnes Investment properties and provides third-party management services, spokesmen said.

Goldschmidt and Associates Announces Local Transaction

MOHEGAN LAKE—Eric S. Goldschmidt, senior partner of Goldschmidt and Associates, recently announced that the former 8,100 square foot Charlie Brown’s space in Mohegan Lake has been leased to IHOP, Pizza Hut and TCBY.

The center is now 100 percent leased, Goldschmidt added.

Goldschmidt was the sole broker on the Pizza Hut/TCBY space and represented the Landlord on the IHOP transaction. Paul Fetscher of Great American Brokerage represented IHOP.

“The combination of these three national food operators will strengthen even further the popularity of this center with morning to nighttime activity,” Goldschmidt said.

The 36,000 square foot center is anchored by CVS, Verizon Wireless, Subway, and Emigrant Savings Bank. Both Verizon (corporate) and Subway just renewed their respective leases, another indication of the center’s importance to the community, officials said.

Goldschmidt added that there is increased activity for the

1.5-acre site at the corner with the traffic light on Route 6 and Mohegan Avenue across from CVS. He added that there is room for a freestanding, 4,000-to-6,000 square foot building and, with IHOP, TCBY, and Pizza Hut opening soon, he said that the area will become even more of a retail magnet.

Goldschmidt and Associates specializes in the leasing and sales of retail, office, and industrial properties in the New York metropolitan area, company officials said.



By Andrea Wagner
Wagner Web Designs, Inc.

TECH TALK

Tips for Building The Success of Your Company's Web Site

YORKTOWN HEIGHTS— Your web site is so important in today's business market.

You should think of it like an unpaid salesman for your business. If your website were an employee, would you fire it?

Here are some important tips for the success of building your site to result in effective online marketing:

- Should you take direction from your web designer even if you disagree or have other ideas? Good web designers are more like architects than decorators. An experienced web designer understands structure and

how search engines work. You should consider that their opinion comes from experience.

- When I look at a web site I should know the product or service that is being offered in about five seconds. I also expect a call to action. I'm ready to buy, what do I do now?
- Ask your designer if they are using CSS and web safe fonts. You don't have to understand what that means, but they do. If they don't, drop them.
- Include your social media links.
- Don't be seduced by lots of features on your site.

Many users are using mobile phones and Ipad to view your site. Make sure the technology is able to be seen on all devices. If not, consider alternatives or also create a mobile site.

The Current Trends

Speaking of features, here are some of the latest:

Chat services (like olark). The service makes it easy to add a Web Chat function to your site. You can customize a welcome message and an offline notification and link it to a messaging program that you use. The transcript can also be exported to customer relationship programs such as salesforce.com. Fees start at \$17 a month for one user. If you do not have an employee at their computer all day, this is not for you.

Video Spokesperson (liveactor.com). You can select an actor from this service (age, gender, type of clothes, etc.) and send them a script. You receive back a line of code for your site and voila! A person

walks onto your website and speaks your message. It's great for an immediate attention grabber but it can get an-

sites. Your visitors have a leaderboard which tracks their points and they can gain rewards points toward an incen-

You should think of it like an unpaid salesman for your business. If your website were an employee, would you fire it?

noying if your site is visited frequently by the same users.

Launch Rock. Looking to generate buzz about a new service or product? This service lets you create a "coming soon page" that appears on your home page, allowing visitors to sign up to receive emails and earn incentives by allowing them to share your content through Facebook, Tumblr, Twitter and more. The cost? Free!

Punchtab. This is a loyalty program for people that come to your site and make comments on social networking

tive of your choice by sharing your content. Cost? Again, free!

You should explore the options and ask your designer if it works for you.

Editor's Note: Andrea Wagner has been creating web sites for small business for more than 14 years. Her firm can design, redesign or create updates for you. It can also create a social media campaign for your business. Her firm's web site is www.wagnerwebdesigns.com.

Keller Williams Realty Partners Names Boyle as Its "Team Leader"

YORKTOWN HEIGHTS— Keller Williams Realty Partners recently announced that new hire Ellen Boyle has been appointed as its "Team Leader."

Boyle is one of the country's top-producing real estate professionals, as well as one of the nation's leading real estate coaches, officials said.

"This is an exciting time for our company," said Lou Cardillo, broker/owner of Keller Williams Realty Partners. "Due to our rapid growth in this area, there was a need to offer more to our agents in the way of leadership and training. This company succeeds through its people, and having Ellen on our team is a huge win for us."

Cardillo added: "Ellen Boyle is a national motivational speaker and excellent real estate educator. Ellen developed her B.E.S.T.T. (Building-Exceptional-Salespeople-Through-Training) and has been responsible for educating thousands of Realtors from coast-to-coast. Ellen is a Realtor who built a legendary listing and sales business that spanned over two decades with multi-million dollar production. She was a consistent top producer in the business, having closed over 100 homes annually. Although she will no longer be selling real estate in her

new position, she is truly committed to improving the real estate profession by sharing her experiences and highly successful techniques with others."

"I joined Keller Williams Realty Partners because I wanted to be a part of something exciting," Boyle said. "This company promotes an agent-centric business model that focuses on cutting-edge training, profit-sharing and wealth-building opportunities. The culture and business model of Keller Williams is absolutely unique within this industry. It is unequalled by any other real estate company that I've worked with, in that the agent is truly important. When the agent is educated, motivated and enthusiastic about their career, everyone wins."

Boyle added that "her objective is to educate, enlighten, empower, and elevate my agents to their highest potential."

"The focus is helping others better their business and themselves through the power of knowledge," she said.

The Yorktown Heights Market Center, at Two Old Tomahawk Street, was established in 2006 and has 100 associates. Nationally, Keller Williams International is the second largest company in the U.S., officials said.

Mediation to Be Reviewed at May 9 Membership Meeting of the BRI

Continued from page 7

- Eric Messer, Chairman, RAC
Reservations for the meeting are now being accepted at (914) 273-0730. Those interested in attending may also reserve through jeff@buildersinstitute.org.

The BRI is a building, realty and construction industry membership organization. The association, formed in 1946, is based in Armonk. The BRI has more than 1,500 members in 14 counties of New York State.

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Continued from page 8

business development,” said Vincent DeLucia, senior vice president/commercial market leader.

McGoldrick has more than 25 years of experience in banking. She most recently served as Vice President/Senior Relationship Manager for HSBC, where she was responsible for the bank’s Middle Market Portfolio for the Hudson Valley Region. McGoldrick began her banking career at The Bank of New York, where she held a Team Leader/Relationship Manager role for more than 10 years.

“Rockland County is a core market for us and we are pleased to have Marianne McGoldrick join our Commercial Banking team,” said Jim Peoples, central market president for Provident Bank.

Headquartered in Montebello, Provident Bank - with \$3.1 billion in assets - specializes in the delivery of service and solutions to business owners, their families and consumers in communities within the greater New York City marketplace through teams of dedicated and experienced relationship managers, spokesmen said. The bank’s franchise includes 36 Financial Centers.

Sousa Earns Appointment at Provident Bank

MONTEBELLO—Provident Bank, a subsidiary of Provident New York Bancorp, recently announced the appointment of Colleen Sousa as Consumer Market Leader for the Northern and Central Markets.

The appointment continues the implementation of the bank’s strategy to build out a strong leadership team, officials said.

Sousa, who has more than 24 years of experience in banking, is responsible for the overall management and profitability of the Provident Bank Financial Centers in both markets, directly overseeing the activities of the 13 Financial Centers in the Central Market and the 17 Financial Centers in the Northern Market.

“With her many years of leadership experience in banking, Colleen is a valuable addition to the Provident Bank team. She brings to the bank an impressive record of success in the retail delivery arena,” said Jim Peoples, central region market president for Provident Bank.

“We are pleased that Colleen is taking on the management of the Financial Centers. Her wealth of experience will help us develop new opportunities for growth and help take Provident Bank to the next level,” said Rick Jones, northern region market president for Provident Bank.

Sousa was most recently the District Retail Leader for Key Bank in the Hudson Valley. Prior to joining Key Bank, she was District Manager for Northern New Jersey at Chase. She was responsible for the sales management and the successful launch of 13 newly built branches during her tenure that spanned Central and Northern New Jersey.

Before joining Chase, Sousa was Vice President, Retail Market Manager for Commerce Bank. She began her banking career at First Union Bank in 1987. She is an active member of the Rockland Business Association.

Headquartered in Montebello, Provident Bank specializes in the delivery of service and solutions to business owners, their families, and consumers in communities within the greater New York City marketplace through teams of dedicated and experienced relationship managers, officials said. The bank’s franchise includes 36 Financial Centers. Provident Bank offers a complete line of commercial, business, and consumer banking products and services, officials added.

Gordon and Simon Honored For Achievements

BRONXVILLE—Admiral Real Estate Services Corp. recently announced that both Jonathan Gordon and Joan Simon have been recognized as “CoStar Power Brokers” by The CoStar Group, commercial real estate’s leading independent research firm.

The annual award recognizes the “best of the best” in commercial real estate brokerage by spotlighting the U.S. firms and individual brokers who closed the highest transaction volume in commercial property sales or leases for the entire year of 2011 in their respective markets. Simon and Gordon qualified as top retail brokers in the Westchester / Connecticut real estate market based on the total leasing transactions closed during the year, program officials said.

“CoStar Group is very proud to recognize the select few commercial real estate brokerage firms and brokers who performed at the industry’s highest level and achieved remarkable sales and leasing success in 2011,” said CoStar Group Founder and Chief Executive Officer Andrew C. Florance. “These top performers truly represent the best of the best in commercial real estate, and they deserve to be recognized for their proven deal-making abilities. We congratulate Jonathan Gordon and Joan Simon on their impressive professional accomplishments.”

Admiral Real Estate Services Corp is a full-service leasing, property management and advisory firm. Based in Westchester, the company currently leases and/or manages more than 75 retail, office, residential and development properties in the New York metropolitan area, company officials said.

Goldberger Appointed Village Attorney for Mamaroneck

WHITE PLAINS—Charles Goldberger, a partner in the White Plains-based law firm of McCullough Goldberger & Staudt, LLP, has been appointed Village Attorney for the Village of Mamaroneck.

The Village Board of Trustees unanimously approved the nomination that was effective immediately. Mayor Norman Rosenblum selected Goldberger for nomination after reviewing the credentials of four other law firms that had expressed interest in the position.

The appointment enhances the already impressive municipal practice of McCullough Goldberger & Staudt, officials said.

James Staudt, a partner, is currently the Village Attorney for the Village of Larchmont. The firm also serves as Village Attorney to the Villages of Croton-on-Hudson and Bronxville. The firm has also been Special Counsel to the City of Yonkers in connection with its complete Zoning Code revision, the Village of Ossining in connection with its Comprehensive Plan/

Zoning Code, and the Village of Scarsdale regarding its downtown mixed-use zoning.

“Key to making this selection was not only the expertise of Charlie Goldberger, but that of the entire firm,” Rosenblum said.

Rosenblum added that Goldberger had successfully represented the Village in several court matters. The Mayor also recalled that when he served as a Trustee for the Village of Larchmont about three decades ago, he had been impressed with Staudt’s work as Village Attorney of Larchmont.

“McCullough Goldberger & Staudt gives us the background and advantage of their research in specific areas, such as drafting local laws, court time and trials and so on,” Rosenblum said. “The bottom line is I am confident that Charlie Goldberger and the firm itself will be the best lawyer the Village can have.”

“This municipality expands the scope of our municipal work and that is one of the main

reasons why we sought the appointment,” Goldberger said. “It adds one more large Village to our municipal practice. On a personal note, I am really looking forward to the challenge.”

The Village Attorney’s responsibilities include: attending and providing counsel to the Board of Trustees at its twice-monthly sessions, dealing with contractual claims, as well as representing the Village in court cases, officials said.

McCullough, Goldberger & Staudt, LLP was established in 1984 by the merger of Taylor, McCullough & Geoghegan with Fredericks, Goldberger & Liberman, two firms with long, successful histories in Westchester County. Spokesmen said that the firm’s strong municipal, zoning, real estate and banking background—combined with its litigation experience—have resulted in a diversified firm with the depth and range to fully service client matters from inception, through negotiations and to conclusion, including litigation when necessary.

Provident Bank Adds New Commercial Banking Team

Tamm, Reardon and Dolce Join the Bank

MONTEBELLO—Provident Bank, a subsidiary of Provident New York Bancorp, recently announced that it has hired a new Commercial Banking team in the New York City Market.

The addition of the team in New York City brings the total number of Provident Bank Teams dedicated to serving the needs of businesses throughout the franchise to 13. The new team will operate out of the midtown Manhattan office and is the fifth Commercial Banking Team added to the New York Metro Market, officials said.

“We continue to attract top talent to our brand of relationship banking,” said Jack Kopnisky, president and chief executive officer of Provident Bank. “We look forward to the contributions this team will make to our expanding franchise.”

Eric G. Tamm, who has more than 15 years of banking experience in New York City, was named Senior Vice President and Managing Director of the team. He most recently served as Managing Director for First

Republic Bank, where he built a significant portfolio of high net worth clients. He had previously served as Vice President for M&T Bank, where he held a dual role in Private Banking and Health Care Finance.

Lisa A. Reardon was named Vice President and Associate Managing Director. Reardon has been successfully serving high net worth clients in the New York City Market for nearly 10 years. She joined Provident Bank from Gibraltar Private Bank and Trust, where she served as Vice President, Private Banking. Previously, she held a similar position with First Republic Bank.

Seth Dolce was also named Vice President and Associate Managing Director. Dolce has focused on real estate lending for nearly 10 years. He joined Provident Bank from Gibraltar Private Bank and Trust, where he served as Vice President, Real Estate Lending. Dolce has a history of success in real estate lending and was a top-rated producer at both Wells Fargo and Bank of America, of-

ficials said.

“Eric, Lisa and Seth bring to Provident Bank an impressive record of success in relationship management, loan originations, and new business development,” said David Bagatelle, New York City metro market president for Provident Bank. “They will play a leading role in developing and managing commercial banking relationships in the New York City marketplace.”

Headquartered in Montebello, Provident Bank, with \$3.1 billion in assets, specializes in the delivery of service and solutions to business owners, their families, and consumers in communities within the greater New York City marketplace through teams of dedicated and experienced relationship managers, officials said.

The bank’s franchise includes 36 Financial Centers. Provident Bank offers a complete line of commercial, business, and consumer banking products and services, officials added.

Feds Holding Millions of CDBG Funds Hostage

Continued from page 1

come and prolonging costly litigation to the taxpayers, it is steadfastly withholding over \$7 million in Community Development Block Grant (CDBG) Funds from 2011 and a comparable amount for 2012, while appeals continue. The cruelty and irony has not escaped the County Executive.

“HUD’s action forced us to layoff five workers assigned to the affordable housing settlement,” Astorino said. “Withholding the money has also

hurt non-profit housing organizations, as well as communities not involved in the settlement having some of our neediest residents...but this is how our federal government apparently believes housing gets built - through intimidation and outrageous demands!”

It was the hope of the County Executive, as the county moves forward engaging HUD with all due “caution and respect,” that the Federal Agency would eventually relent on freeing up the

CDBG funds. Whatever HUD’s decision, Astorino made it clear that he would continue the course charted by Westchester County under his watch.

“We will continue to build affordable housing by working cooperatively with our communities, not through litigation... and we will continue to defend the principles of law and liberty when it comes to protecting the rights of all Westchester residents,” Astorino said.

—An IMPACT Staff Report

Marketing Commentary



By Harriet K. Lerner

HARTSDALE—Does a day go by when we don't hear about, or try to learn more about, social media?

It's as revolutionary, almost, as the Internet was, and we think of it as "new media." Well let's take a glance at what it might do for us and try to remember that some new media has not replaced trusty "old" media. Where have radio and television gone? They are still with us, and stronger than ever.

Let's limit this to Facebook, Twitter and LinkedIn, although there are many other sites like YouTube (the biggest Google-owned video site) Pinterest and Instagram. Probably, their respective contributions to our lives is the interactivity of the experience. There are you, and your camera, for you to record the experience and then upload it for the world.

Or at your will, you can post a message—that's your input. A phone call, especially a conference call or a webcam, can bring two or more people together; probably that's why people are always on their mobiles—now they make a com-

ment on Twitter and it trends to their followers. Within minutes they might get an answer if someone reads the 160 character tweet.

On the other hand, if you are home or in your office alone, you are never alone when you go to your news page and read that day's comments on Facebook, or check out your own page or fan page (business) page—that's what I mean by interactivity, connectivity. I like to check my LinkedIn page to see who is saying what of my 575 "friends."

I can send a message to any of these connections by e-mail through LinkedIn—it is the ultimate networking site for jobs and for active business people. Its numerous groups and group discussions make it interesting and educational and the sheer number of people, all of them reachable directly or through another contact, makes you think, and see other ways to "connect."

Dynamics

When websites were new, we all thought they were the ultimate technological calling

Communication Keys:
Reviewing "The New Media" —
As Well as Some Familiar Media Modes

card. They are, but websites are static compared to the dynamism of the other media. Once your site is up there, it takes some effort to change it and it is really about perfecting it and letting others take a look. Get a Search Engine Optimization done so your would-be clients can find your business website in the directories, egg., Google, Microsoft, Yahoo etc.

More interactive than websites are the popular blogs, where you are invited to leave a comment. This is a good way to get your company's brand out there. You can create new copy as frequently as you like—it's all about developing an audience and talking to it. Think about what you paid for your website, and it is still highly important for it to look right, have excellent content, and be designed well. Your blog might be free!

Because on the Internet data is being collected at such an alarming rate for all three social media entities, there is the concomitant issue of privacy. People wonder, or should be wondering, how far they should go in what they should reveal or what kind of photos they should share.

Facebook is a real time aggregation of messages – applications can be added to a page, like Spotify for music, like a list of events you might go to that week, etc. Google Plus, an up-and-coming social media site, shares information with people that matter to you. You need an easier, more intuitive way to engage people - you can share photos and once again be interactive.

As the world becomes more "social," data is being collected – fast, relevant and easy answers to life. If you think about it there are no easy answers, but in our entertainment and networking vehicles, we seem to seek them.

The "Old Methods"

The old-fashioned, "old media" of television remains with us—and it has blossomed! We passively receive it when we turn it on and watch a program. However, there are educational programs and while we don't interact, we certainly can learn, like reading a book or an e-book.

Radio is another quite old media that we "receive" when we listen to it, either to an ed-

ucational or news program on National Public Radio (NPR) or music of every kind across different stations. You can pick your music and listen on your iPod, but here you will have controlled it. On the radio, stations have even learned to interact: they give you an e-mail address so you can comment!

The press, in general, which has undergone an enormous transformation, has always been interactive to professional public relations people who write about their clients through an educated approach to a reporter's interests, either on traditional media, online media or radio and TV programs. Luckily these are still around and are the means for clients to build their brands and build their businesses.

Editor's Note: Harriet Lerner is the founder of Go Visible PR, a full-service public relations and branding company. She is also a marketing consultant for the Hudson Gateway Association of Realtors (HGAR). Her company specializes in helping businesses with their social media networking and face-to-face networking needs.



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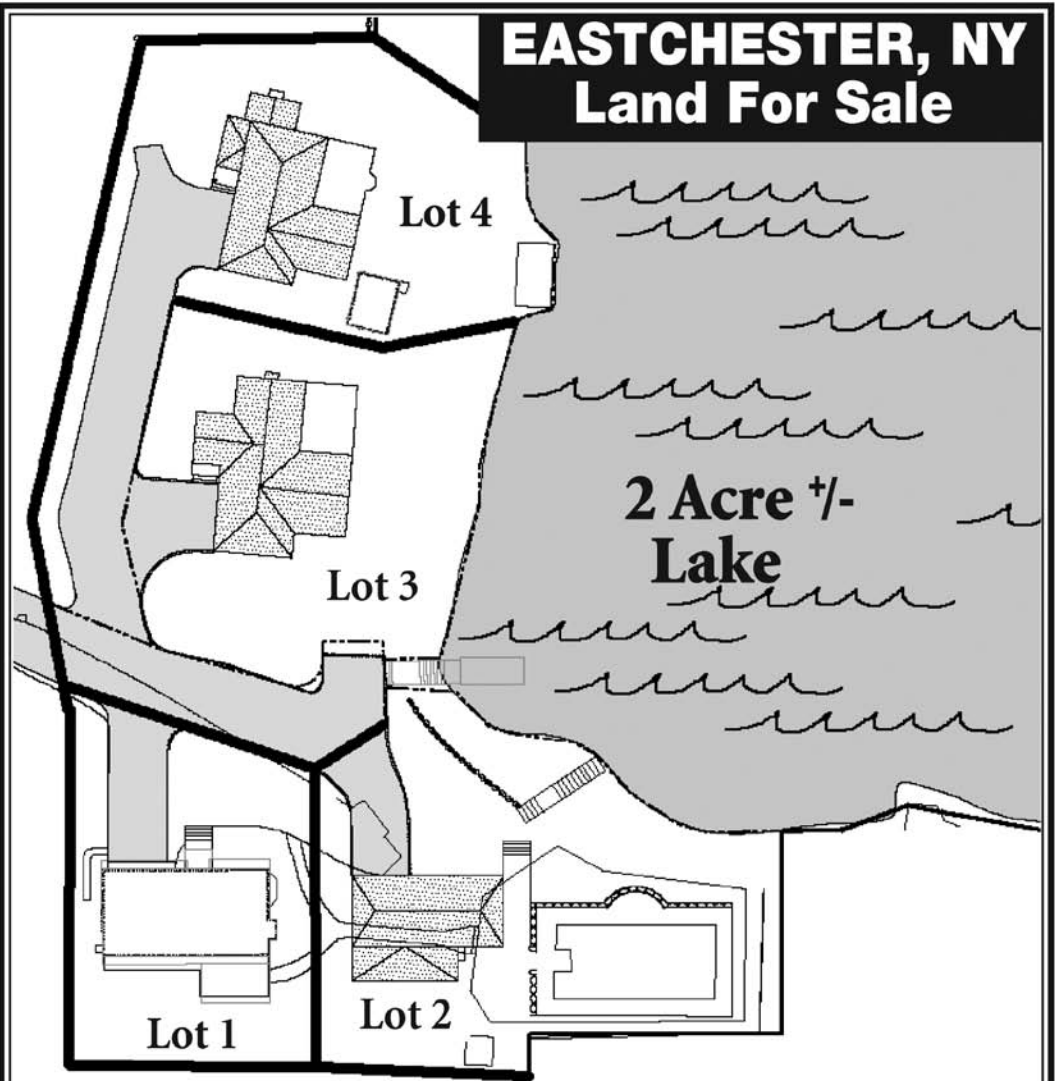
 



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