

# IMPACT

## BUILDING & REALTY NEWS

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SERVING WESTCHESTER AND THE MID-HUDSON REGION

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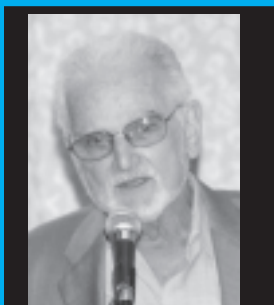
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## Industry Meeting to Address The Affordable Housing Issue

By Jeff Hanley, *IMPACT* Editor

WHITE PLAINS -Issues related to the development of affordable housing will be the topic of the next General Membership Meeting of the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI).

The meeting has been scheduled for Thursday, March 9, 6:30 p.m. at the Crowne Plaza Hotel in White Plains.

Albert Annunziata, executive director of the BRI, recently announced that a panel of speakers will present multiple cases and perspectives of the challenges involved in the development of affordable housing in the Westchester and Mid-Hudson Region.

The speakers will be:

•Rose Noonan, executive director of The Housing Action Council of Tarrytown.

•Bill Balter, developer and partner, Wilder-Balter Partners, Inc. of Elmsford. Balter is a board member of the BRI.

•Richard Hyman, former Mount Vernon planning and development commissioner. Hyman is a planning consultant with Parish Weiner and Maffia, Inc. of Elmsford. He will serve as moderator of the program.

•Ken Kearney, a Westchester County developer. Kearney is principal of The Kearney Realty Group of Shrub Oak.

•Nancy Bensal, Esq., director, Community Housing Resource Center of Tarrytown, a program of The Housing Action Council.

"We feel we've assembled an outstanding panel to address this impor-

tant issue," said Annunziata. "I am urging our members to attend this program. It addresses a key issue affecting the Westchester and Mid-Hudson Region."

The meeting is open to all members of the BRI and its component associations, the Advisory Council of Managing Agents (ACMA), the Apartment Owners Advisory Council (AOAC) and the Cooperative and Condominium Advisory Council (CCAC). Non-members are also welcome. For further information and reservations, call the BRI at (914) 273-0730.

The BRI is a building, realty and construction industry membership organization. The association, founded in 1946, has more than 1,700 members in 14 counties of New York state.

### Special Report:

## Examining the Negatives of Workers' Compensation Self-Insurance Trusts

By V. David Levitt

YONKERS - Back in October 2005, the Workers Compensation Board (WCB) had stated that there are still 64 self-insurance trust funds operating in the State of New York.

Since then, in October 2005, the Board indicated that approximately one

half of the 64 trusts were "underfunded" and at least 12 trusts had begun assessing members to reduce financial shortfalls that were running as high as \$15 million. The Board indicated that the 64 entities had a combined deficit of \$163 million.

Then, in late December, the Board took the unprecedented step of closing two trusts because the funds had no chance of ever achieving the State's standards for claim reserves.

The independent insurance agents

*Continued on page 3*

## Reaction is Strong to the BRI's First Two Membership Meetings of the New Year

By Jeff Hanley, *IMPACT* Editor

WHITE PLAINS – Continuing what association officials termed as "our consistent dedication to providing quality, timely and relevant programs," the Building and Realty Institute (BRI) recently sponsored its first two membership meetings of 2006.

The Jan. 19 General Membership Meeting of the BRI featured Westchester County Executive Andy Spano as a guest speaker. The event drew more than 85 participants to the Crowne Plaza Hotel in White Plains.

Spano reviewed developments affecting the business sector, the economy and lifestyles in Westchester. He stressed that:

•The lack of Affordable - or Workforce - Housing continues to be a major problem for the county.

•The county's urban areas provide the best opportunities for economic growth.

•The county's biggest asset is its outstanding quality of life.

•There are continuing growth opportunities in Peekskill and Yonkers.

•The Westchester Medical Center is on its way to a recovery.

•The county is recognized as one of the most technologically advanced in the United States.

•Westchester is rated as one of the most fiscally responsible counties in the United States.

•There are numerous opportunities for waterfront development in areas adjacent to the Hudson River. People, he added, will eventually realize that waterfront development is great, since "you need people for a vibrant society."



Photo by Barbara Hansen

Pictured at the Jan. 19 General Membership Meeting of the Building and Realty Institute (BRI) are, from left to right, Westchester County Executive Andy Spano and Gus T. Boniello, president, BRI.

•The homeless rate in Westchester has decreased by 50 percent in the last eight years.

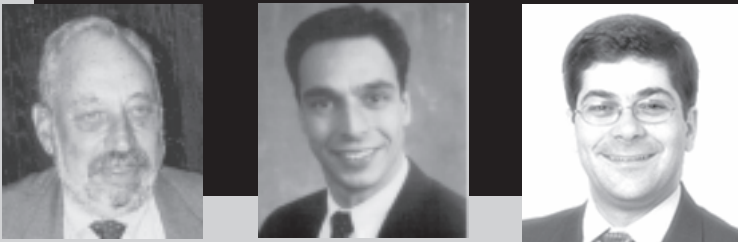
•The county's business plan is to try and maintain "a range of people" in the county. He added that the county needs "that range of people."

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# Landlords Beware....Or Another Lease Renewal Problem

## COUNSELS' CORNER:

By: Kenneth J. Finger,  
Carl L. Finger and  
Daniel S. Finger,



Finger & Finger, Chief Counsel, Building & Realty Institute (BRI)

WHITE PLAINS - The issue of a lease renewal in an Emergency Tenant Protection Act (ETPA), or Rent Stabilized apartment, has been one that has led to a plethora of litigation.

In previous articles we discussed the history. In a future article we shall discuss the "right" to cure the failure to renew a lease in a timely manner.

The law provides that a tenant in Westchester, protected by the 1974 Emergency Tenant Protection Act ("ETPA") is entitled to a written notice of an option to renew the lease not more than 120 days and not less than 90 days before the existing lease expires.

The written renewal offer must be made by certified mail. A New York City landlord must give a rent-stabilized tenant written notice of the option to renew by mail or personal delivery not more than 150 days and not less than 90 days before the existing lease expires.

The tenant then has 60 days from the date of mailing or personal delivery to accept the offer of renewal. If the tenant does not transmit the acceptance in a timely fashion, the Landlord is entitled to either deem the lease renewed or to refuse to renew the lease and commence eviction proceedings by the service of a notice of termination and thereafter moving in court for a petition to recover possession of real property.

### A Difficult Scenario

What happens, however, if the premises are no longer the primary residence of the tenant? The Landlord has the right to seek to recover possession. Some landlords have run into a problem in this regard. When a landlord discovers that

lease renewal and as every first-year law student knows, with leases you have to have signatures for validity. He timely sent the Golub notice and mistakenly after the "renewal period" sent the renewal.

### The Decision

Based on the Golub notice,

"...Involve your attorney as soon as possible, so that you do not undertake any act to negate your hard-earned anticipated vacancy."

a tenant is no longer using the housing as the tenant's primary residence, the landlord has the right to serve what is known as a "Golub" notice, which is a notice that is sent in the same time frame as the lease renewal notice advising the tenant that the tenant's lease will not be renewed because of the failure of the tenant to use the premises as the tenant's primary residence.

All too frequently however, the landlord's right hand may not fully know what the left hand knows and/or is doing, and when the right hand sends out the "Golub" notice, the left hand may thereafter send out a lease renewal notice.

One such landlord did just that in the case of *123 W. 15<sup>th</sup> Street v. Lafayette Compton*. However, that landlord thought he was protected because, fortunately, he did not sign the

the Landlord moved to evict the tenant in court and the court agreed, holding that the Tenant failed to demonstrate that the Landlord clearly and unmistakably intended to renew the lease and that the Landlord did not waive the Golub non-renewal notice by issuing an unsigned lease renewal outside the window period.

The Court said that the unsigned renewal lease is not binding under the statute of frauds (General Obligations Law § 5-703 [2]). The Court also drew a distinction based on the giving of the various notice within or without the window period. So far, so good for the Landlord.

Then, the bad news. The Tenant appealed to the Appellate Term.

### The Appeal

The Appellate Term said that "...as we read the Code, a belated offer of a renewal lease cannot prejudice the tenant. Acceptance by the tenant created a binding lease agreement on the terms included in the offer, and superseded the prior notice of non-renewal (see *Steinmetz v. Barnett*, 155 Misc.2d 98). "The fact that the landlord may not have intended the proposed lease ... to constitute a binding offer is immaterial because the statute requires that the offer be binding" (*Matter of East 56th Plaza, Inc. v. New York City Conciliation & Appeals Board*, 56 N.Y.2d 544, 546; see also, *Jacreg Realty Corp. v. Barnes*, 284 A.D.2d 280).

Similarly, the Court also found that the fact that the Landlord had not signed the lease renewal notice did not have any bearing. The Court concluded by saying that a tenant should not be placed in the position of having to parse equivocal notices given by the landlord in renewal situations.

Here, the tenant would reasonably have relied upon the

latest expression of landlord's intent—i.e., the offer of renewal, and would have had no cause to prepare to vacate or to defend legal proceedings."

Thus, the Appellate Term reversed the Court below and held the lease renewal valid, even though not signed by the Landlord and even though not proffered until after the lease renewal window.

### An Important Lesson

The Lesson to be Learned: make sure that once you have a non-primary residence, non-renewal notice that you have not only the appropriate proof

and investigation (in anticipation of both a trial and a complaint to the Division of Housing and Community Renewal (DHCR)), but involve your attorney as soon as possible so that you do not undertake any act to negate your hard-earned anticipated vacancy.

**Editor's Note: The authors are with the law firm of Finger and Finger, A Professional Corporation. Finger and Finger is chief counsel to the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI). The firm is based in White Plains.**

## THE HANLEY REPORT

By Jeff Hanley  
IMPACT Editor/  
Associate Director,  
Building and Realty Institute (BRI)



## Noting a Special Landmark for the Building and Realty Industry

ARMONK – A magnificent milestone.

That phrase is most appropriate when describing the landmark commemoration members of the local building, realty and construction industry will be marking throughout this year – the 60<sup>th</sup> anniversary of the Building and Realty Institute (BRI).

The BRI, formed in 1946, has more than 1,700 members in 14 counties of New York state. The association is regarded as one of the most well-known business membership organizations in New York. It is comprised of the Builders Institute (BI), the Apartment Owners

Advisory Council (AOAC), the Cooperative and Condominium Advisory Council (CCAC) and the Advisory Council of Managing Agents (ACMA). The BRI also publishes this newspaper.

Members of those organizations, as well as members of the overall business sector, will officially mark the BRI's anniversary during a gala dinner dance on Friday, June 2, at the Renaissance Westchester Hotel in White Plains.

The event, scheduled to begin at 7 p.m., will honor past presidents of the BRI. It will also review the achievements

*Continued on page 10*

## Reaction Strong to the BRI's First Two Membership Meetings of the New Year

*Continued from page 1*

\*The object of his administration is to maintain the county's strong quality of life.

### A Strong Co-op and Condo Connection

The Feb. 6 General Membership Meeting of the Cooperative and Condominium Advisory Council (CCAC) was another success for the BRI. The conference focused on how co-op boards should interview prospective shareholders. More than 90 CCAC members attended the meeting at the Crowne Plaza Hotel in White Plains.

The event's panel featured Carl Finger, Esq., of Finger and Finger, A Professional Corporation, of White Plains; Bill Ploski, a representative of the New York State Division of Human Rights; and Donna Harrison, property manager of the self-managed co-op of River Ridge Owners Corp. of

Peekskill.

Each panel member gave a presentation on the full and proper procedures boards should follow during the interview process. Ken Finger, chief counsel to the CCAC and the BRI, served as moderator. A lively question-and-answer period followed the presentations.

"We were absolutely delighted by the response to this meeting," said Diana Virrill, chair of the CCAC, which represents more than 400 co-ops and condos in the Westchester and Mid-Hudson Region. "We've always had a positive response to this topic, and this meeting was no exception. We've had strong responses to our membership meetings for years now, and we're really happy that the CCAC membership finds our programs so important."

Photo coverage of the meetings are on page 10.

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## Guest Commentary:

# Finding the Proper Balance is the Key in the Eminent Domain Issue



Adam Bradley

By Adam Bradley

**Editor's Note: The following article was written by Assembly Member Adam Bradley (D-89AD). The article is a response to a recent Journal-News Editorial.**

ALBANY - The Supreme Court's decision in *Kelo v. New London* (Conn.) sent shock waves across the nation, raising concerns of homeowners, small businesspeople and others who care about private property rights.

The Supreme Court allowed the City of New London to utilize its power of "eminent domain" to dispossess over 100 homeowners and others in order to turn their property over to other private interests, all in the name of economic revitalization. People rightly wondered "where is the balance here?"

Nobody is opposed to economic vitality or creating jobs, but of course people ask, shouldn't these goals be pursued without forgetting the rights of everyday citizens to be secure in their homes and to have their property respected?

The *Kelo* decision has produced a strong reaction, with proposals in state legislatures, in Congress and in the press to rein in the power of eminent domain - in particular, to confine its use to certain narrowly prescribed purposes. However, the effect of most of these proposals would seriously cut down the longstanding ability of localities to improve the well-being of their citizens through the use of public-private partnerships and the like.

Although the *Kelo* decision clearly highlighted a need to bring balance back into the equation, I believe that most of the current proposals go too far. They would unwisely deprive municipalities of an important civic tool that has proven its value over and over. That is why I have introduced legislation (A.9473) that would preserve the ability of local governments to promote the interests of their communities while, at the same time, insuring that vital public interests are not accomplished at the expense of homeowners and small business owners who happen to be "in the way."

## Goals

First, the proposed law aims to eliminate the under-compensation that now typically occurs

when private homes and small business sites are taken for public purposes. In the case of homes, this under-compensation happens because present law assumes that most homeowners are "willing sellers," quite happy to part with their homes at current market value. This is simply not true.

For most homeowners, home is not just another commodity, to be sold at the drop of a hat, but a very special place - one that they, in fact, have made their special place. So most homeowners typically wouldn't be "willing" sellers at anything like the so-called fair market value that present law allows.

Another reason that present law under-compensates is that, in neighborhoods typically targeted for revitalization, one often finds significant numbers of homeowners who have been there for many years and who could never, with their so-called "just" compensation, find comparable housing in the same neighborhood or community. They cannot find it because, for the most part, comparable housing at affordable prices simply no longer exists there. Many areas in southern and central Westchester fit this description.

The bill I have introduced addresses both of these causes of under-compensation by redefining how "just compensation" is determined. Under the new definition, compensation would no longer be based on the mythical "willing seller," but rather it is based on what it would require to keep the affected homeowners, as nearly as possible, where they would have been if the project never happened. Because essentially similar kinds of under-compensation can fall on small business owners, whose businesses are typically location-dependent, my bill gives protection to them as well.

The second core provision of my bill assures that small owners have the "back-up" protection of a jury trial for cases in which, due to institutional or other factors, the special plight of persons losing their homes or livelihoods may otherwise receive only a callous or unsympathetic ear.

Realistically, the usual commercial market values that are familiar stuff to eminent domain professionals may fall far short of truly just compensation, and only a call to the judgment of the "conscience of the community" - the homeowner's peers - will assure a balanced result. However, I do not expect that resort to juries will be very common since the bare possibility of being able to invoke a jury should normally suffice to deter rapaciously low-ball offers from the pro-development side.

Lastly, let me clear up one serious misconception about the law I have proposed. It would not open the door for

windfalls to owners of businesses that aren't going concerns. Some other proposals in fact would do this (for example, by providing a flat compensation of 150 percent of fair market value to everybody, no matter what), but mine would not. The reason is this: When owners truly hold land purely for speculation and not, for example, as a place to carry on a location-dependent business, then the property's only current value is, by definition, its "com-

modity" or market value. Therefore, the property should be easily replaceable by many other properties at fair-market rates and, accordingly, the "replacement" compensation under my bill and the traditional measure of compensation would amount to essentially the same thing.

The important point is this: As pressures mount, the question is not whether there will be a legislative response to *Kelo*,

but what that response will be. I believe that a measured and balanced response is preferable to the current trend of proposals, which would cut back severely on the ability of communities to use eminent domain at all. Keeping small owners in as good a position as they would have been in, while still allowing broadly beneficial projects to proceed, will provide the greatest advantage to all.



**AT THE WINTER OLYMPICS** - Pat Beldotti, a longtime member of the Board of Trustees of the Building and Realty Institute (BRI), is attending the Winter Olympics in Torino, Italy. Beldotti is pictured above in the top row, seventh from the left, wearing a skull cap. Beldotti, a former vice president of the BRI, is chairman of Tri-Global Sports of Ossining. Tri-Global Sports assists athletes from developing nations in their quests to compete in the games. The organization helped Robel Teklemariam of Ethiopia reach the Torino Games.—Jeff Hanley

## Special Report:

# Examining the Negatives of Workers' Compensation Self-Insurance Trusts

Continued from page 1

and brokers of New York have been asking the Board for some data on the trusts, but the WCB is reluctant to share this information. Representatives of the Insurance Agents Association asked the Board to post on its website a list of the trusts they deem to be underfunded and the financial status of each trust, etc., but the Board has declined to do so up to the present.

## Delicate Areas

To give you an idea how touchy this subject matter is, the insurance company who provides professional liability insurance to agents and brokers throughout New York State specifically excludes coverage for an agent or broker if some of the self-insurance trusts become insolvent.

The thought process is that employers who become assessed by the self-insurance trusts might sue their agent for having their coverage in troubled trusts.

It is interesting to note that one can obtain detailed financial information on any insurance company, but cannot get information on self-insurance trusts.

Self-insurance trusts began to flourish in the mid-1990s after Gov. Pataki created a low cost alternative for businesses strapped by high-priced workers compensation coverage. But by 2001 State officials saw poorly run trusts as a threat and clamped down on reserve rules. They also ordered independent auditors to review the trusts.

As stated earlier, two trusts, when the audits were completed, were so deeply in debt that the WCB had no other alternative but to close them down. This will probably happen in the very near future with several other trusts.

All trusts have a provision in same wherein a member can be assessed for the deficit of the trust even though their insurance is paid up to date and they in turn have no financial problems.

This is a large liability issue and will eventually lead to a rude awakening on the part of many employers, unless they take steps to have their workers compensation coverage placed in a guaranteed cost admitted company.

Trusts were previously started in the states of Florida,

Illinois and Kentucky and most of the trusts in those states have filed for bankruptcy and are no longer active. It appears the biggest trust of them all was Associated Industries of Kentucky, a self-insurance trust that covered 70,000 workers.

## A Need for Concern

Here in New York, few employers covered by self-insurance trusts have shown concern about their financial condition.

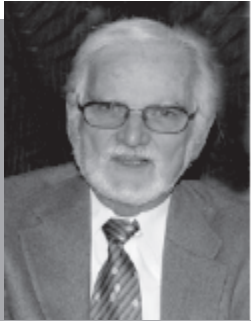
It appears that the employers are not fully aware as to how vulnerable they are under the joint-and-several liability provisions they have agreed to.

Hopefully employers will become knowledgeable in this area and realize the problem they may face and, according to the Workers Compensation Board, one can see that the problem will become very noticeable in the near future.

**Editor's Note: V. David Levitt is a principal of Levitt-Fuirst Associates Ltd. of Yonkers. The firm is the Insurance Manager for the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI).**

# The Proposed “Bill of Rights” Produces A Series of Wrongs!

CO-OP  
CONDO  
CORNER  
BY HERB ROSE



NEW YORK - A mislabeled attempt at legislation named the “Co-op Bill of Rights” - or the “Condo Bill of Rights” - appears periodically and is heralded by various newspapers and well-intentioned owners/shareholders.

Annual meetings and certified financial statements often lead the list of desired “rights.” Although these procedures are already found in numerous building By-Laws, and the New York State Corporation Rules of Law, there is a current movement to pass redundant regulations.

Why is it necessary to pass a new set of regulations, which duplicate old and time-honored rules? The passage of a new set of laws will not stop neglectful boards and/or managements from flouting these basic rights. Those who have made a pattern of neglect of owner interests are not likely to serve owners any better under

duplicate regulations.

Buildings where shareholder interest is high with substantial attendance at meetings and careful reading of information have a much better chance of board and management service. Demands by a good number of owners for an Annual Meeting cannot easily be ignored. Most by-laws call for - and proscribe - the mechanics of calling an owners meeting.

One of my first co-op accounts was a large building that had not had an annual meeting for six years and a group of dissatisfied shareholders retained my services to organize a meeting. The response was enthusiastic and a new, more representative board was elected.

Numerous requests for a Certified Financial Statement on a regular and sustained basis by owners are a good path to success. On the other hand, the lack of interest in financial

documentation will encourage the neglect of this function.

**The Wording**

“Section 1. Annual Meetings:” “Written notice of each meeting shall be given to all shareholders entitled to vote..... Such notice shall state the time, when and the place where the meeting is to be

“Bill of Rights” are described above: Annual Meetings, Financial Statements, and Meeting Notices. They are rallying cries. Should these be underscored in new regulations, absent owner participation and attention? Nothing will be accomplished – sort of a “Bill of Wrongs.”

This leads us to another rallying cry - “*Secret Ballots.*” The latter sounds like a cure but may accomplish nothing at great expense. Current election systems provide for inspectors and various individuals to tabulate the votes.

A third party, such as the accounting firm or law firm, could be brought in under present regulations to administer the election to guarantee fairness. Once again, *participation* is the key, with wide owner action assuring acceptable results.

The current proposed legis-

lation: Section 6 of Assembly 5297, has a long laundry list of reports and documents that shareholders/owners are entitled to see. Substantially, these reports and statements are already available to shareholders under certain conditions. Those who do not avail themselves of this access under present rules are no more likely to seek this information under restated procedures, which are substantially the same.

One would wonder whether this attempt at a “Bill Of Rights” is wishful thinking to have someone else enforce these “rights” instead of taking individual responsibility. Cooperative living is a “Do It Yourself” activity and functions best when those involved are interested and informed.

“One would wonder whether this attempt at a “Bill Of Rights” is wishful thinking to have someone else enforce these “rights” instead of taking individual responsibility. Cooperative and Condominium Living is a “Do It Yourself Activity” and functions best when those involved are interested and informed.”

held, and shall be delivered....to each such shareholder not less than ten 10 or more than fifty (50) days before the meeting.”

Proposed legislation? Not at all, this is standard meeting notice information printed in most, if not all, the By-Law sections of offering plans.

**The Objectives**


The three objectives of the

**Herb’s Hints:**

1) Use ceiling fans at the lowest setting to drive heat down from the ceiling.

2) Set refrigerators one setting lower in very cold weather to save energy.

**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). To reach Rose, or the CCAC, call (914) 273-0730.**



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**Yonkers, NY**  
St. James Apartments  
New construction, 6-story, 65-unit apartment building  
Perm: \$9,550,000

**Newburgh, NY**  
Jenny’s Garden Phase II  
New construction, 22-unit garden-style senior apartment complex  
Construction & Perm: \$1,395,000

**Yonkers, NY**  
Hoover Road Homes  
New construction of 10 two-family homes  
Construction: \$3,013,000

## Cappelli Enterprises Appoints Slaney as General Counsel



Paul Slaney

VALHALLA - Cappelli Enterprises, Inc., one of the area’s leading development companies, recently announced the appointment of Paul Slaney as the chief operating officer and general counsel of George A. Fuller Company, Inc. George A. Fuller Co. is a subsidiary of Cappelli Enterprises.

Slaney has more than 14 years of experience in the construction industry.

Prior to joining Cappelli Enterprises, Slaney was general counsel and managing director of finance and administration for HRH Construction LLC in New York. In that role, he

handled all financial matters for the company, as well as all corporate legal matters. They included contract administration, personnel and litigation.

Slaney also has served as an associate for Ingram Yuzek Gainen Carroll & Bertolotti, LLP in New York, where he managed litigation for construction industry clients. The clients included owners, developers, contractors, construction managers, architects and engineers.

Slaney was also an associate in the Construction Industry Practice Group with Baer Marks & Upham, and Shea & Gould, both in New York City. He holds a Juris Doctorate from New York Law School, where he graduated cum laude. He also holds an M.B.A. from Baruch College and a B.S. degree in Marine Engineering, from the U.S. Merchant Marine Academy.

Cappelli Enterprises is a leading real estate developer and general contractor in the northeast. Headquartered in Valhalla, the company has built more than 10 million square feet of mixed use, retail, waterfront, residential, office building and laboratory and parking facilities, company officials said.

# CONGRATULATIONS

## COOPERATIVE & CONDOMINIUM ADVISORY COUNCIL (CCAC) ON YOUR ANNIVERSARY

Since 1979, the Cooperative & Condominium Advisory Council of Westchester & The Mid-Hudson Region (**CCAC**) has been providing important services to more than 400 co-ops and condos.

The **CCAC**, a non-for-profit membership association serving more than 25,000 co-op shareholders and condo unit owners, has earned statewide recognition for its noteworthy services.

Running today's co-ops and condos is a challenging and multi-faceted job. The mission of the **CCAC** is to broaden and sharpen the knowledge of board members to better meet this responsibility.

With offices in Armonk and staffed by association professionals and consultants, the **CCAC** offers a range of membership benefits to its members. They include:

- Group Insurance
- Educational Forums
- Meetings, Seminars & Workshops
- A Monthly Newspaper
- Legislative Services
- Monthly and Periodic Bulletin Services
- General Legal Advisory Services
- Professional and Technical Referrals
- Collective Bargaining Services
- Investment Advisory
- A Periodic Newsletter

The **CCAC** is proud of its record as the voice of over 400 co-op and condo boards and the corresponding 25,000 shareholders and unit owners.

The organization has consistently stressed the concerns and represented the interests of one of the largest groups of residential taxpayers in Westchester, while providing effective management, education and communication-based services for its members.

*Congratulations **CCAC**, on a job well-done!*

For further information, write to the **CCAC** at  
80 Business Park Drive, Suite 309, Armonk, NY 10504.

Inquiries will also be accepted by phone at  
**(914) 273-0730** or

**e-mail at JHANLEY655@aol.com.**

Look For Us At [BuildingandRealtyInstitute.org](http://BuildingandRealtyInstitute.org)!

**BASIC REQUIREMENTS**

- U.S. Citizenship
- Pass a written test
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# Residential Development Study: Houlihan Lawrence and Croniser Construction Form an Alliance

POUGHKEEPSIE - Houlihan Lawrence recently announced the launching of a new alliance with Croniser Construction Corporation of Hopewell Junction to market new residential construction in Dutchess County.

"The Croniser family has been a well-known and respected residential builder in this area for more than 30 years," said Bill Lavery, Houlihan Lawrence's regional vice president and associate broker. "This new alliance, forged through our Land Development and New Homes Division, will allow our two firms to work together in selling new homes throughout the area. We believe it will be a 'win-win' situation for both, and we're thrilled to have the Croniser name associated with Houlihan Lawrence."

Founded in 1970 by Raymond Croniser, Croniser Construction Corp. specializes in residential building, ranging from affordable housing to luxury custom-designed estates. Croniser Construction has been noted throughout the area for first-class, quality construction, with personalized service, Houlihan-Lawrence spokesmen said.

Some of Croniser's residential developments have included: Smith Acres, consisting of 70 homes; Freedom Hill Estates, 50 homes; Brookmead Acres, 40 homes; Tall Tree Estates, 40 homes; Dain Estates, 35 homes; Moccasin Hill Estates, 30 homes; Pegasus Manor, 30 homes; Gravel Ridge Estates, 25 homes; Colonial Estates, 10 homes; Pheasant Walk, 10 homes; and Squires Farms, 8 homes.

**In the Family**

Rick and Mike Croniser took over the business in 1990, following their father's passing.

"I knew Bill Lavery's name for a long time, and he always had a good reputation. When he joined Houlihan Lawrence, I thought that was a good move for him, and now I'm looking forward to working with Bill and Houlihan Lawrence in this exciting new venture," said Rick Croniser, president, Croniser

Construction Corp.

"It's time to move our company forward, and we believe that aligning with Houlihan Lawrence will help us to continue to provide high-quality, new construction housing opportunities throughout the county," he added.

Houlihan Lawrence merged operations with William J. Lavery Real Estate two years ago and has since has become one of the top brokers in the area, with almost 100 agents, company officials said.

In 2004, Houlihan Lawrence created a new Land Development and New Homes Division. For many years, Houlihan Lawrence has been working closely with builders and developers to create marketing and sales approaches for their new housing developments. Through this new division, the company now has a formal structure that allows it to quickly and efficiently provide focused project development, marketing and sales programs, and brokerage services, as an opportunity to add value to projects with local builders, company officials said.

With residential real estate prices continuing to soar in Westchester and Putnam County, Dutchess County has experienced a surge in popularity from homebuyers who are willing to drive a little farther for more value, Houlihan-Lawrence officials said. In the past five years, officials added, Dutchess County's population has grown by more than 11,000.


Currently at 291,153, the Dutchess County Planning Department projects the county's population will skyrocket to 338,809 by the year 2025.

Founded in 1888, Houlihan Lawrence is headquartered in Bronxville. The company operates 34 offices serving Westchester, Putnam and Dutchess counties. With 1,000 agents, the company has annual sales of more than \$3.5 billion and is the market leader in both total homes sold and total dollar volume of sales, according to company spokesmen.



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# GDC Appoints Six Executives

VALHALLA – Ginsburg Development Companies (GDC) recently announced the appointment of six executives:

•Joseph DiBernardo, executive vice president, business development - Prior to his appointment, DiBernardo served as vice president of acquisitions and development, director of development for GDC. A resident of Old Tappan, N.J., DiBernardo will work out of GDC's corporate headquarters in Valhalla.

•Pat LaBracio, regional vice president of GDC Homes in Rockland County - Prior to his appointment, LaBracio served as an executive project manager. A resident of Convent Station, N.J., LaBracio will



Joseph DiBernardo

work out of the firm's Rockland County office in Pomona.

•Richard Mancuso, director of acquisitions & development -Prior to his appointment, Mancuso served as a land acquisition manager for GDC.



Dan Mulvey

Mancuso currently resides in Danbury, Conn. and will work out of GDC's Danbury office.

•Glen Moran, regional vice president of GDC Homes in Connecticut - Prior to his appointment, Moran served as an

executive project manager for GDC. A resident of Poughquaq, Moran will be based in GDC's Danbury, Conn. office.

•Dan Mulvey, executive vice president of GDC Homes - Prior to his appointment, Mulvey served as an executive project manager for GDC. Mulvey resides in Yonkers. He will work out of GDC's corporate headquarters in Valhalla.

•Jack O'Connell, acquisitions & development project manager - Prior to his appointment, O'Connell served as a project planner with GDC. A resident of Lyndhurst, N.J., O'Connell will work out of GDC's Pomona office (in Rockland County).

Active GDC communities in-

clude the Fairways at Walkkill; Ichabod's Landing in Sleepy Hollow; Harbors at Haverstraw; Marbury Corners in Pelham; Liberty at Newtown (Conn.); Riverbend in Peekskill and The Greens at Gillette Ridge in Bloomfield (Conn.).

GDC was established in 1964. The firm, based in Valhalla, is one of the nation's premier, full-service real estate design, development and management companies. Martin Ginsburg is the president and chief executive officer. The firm has developed and built more than 4,000 for-sale homes, apartments, office buildings and commercial shopping centers. GDC also owns and manages 3,500 apartments in four states, company officials said.

# Model By J.R. Cattington Interiors Opens at Briar Oaks Luxury Condos

BRIARCLIFF MANOR - The newest luxury condominium in Briarcliff Manor, Briar Oaks on North State Road at Chappaqua Road, features public spaces and a model designed by award-winning J.R. Cattington Interiors, project officials recently said.

Joseph R. Stabile, president of J.R. Cattington, and his design team tastefully decorated a two-bedroom residence, the lobby and spacious hallways for Zapp Properties of Somers, the developer of Briar Oaks, project officials recently said.

"In creating a theme for the Oakley Unit, I used an interplay of beige fabric, textures and patterns which serve to unify the decor. The addition of mirrors in strategic places enhances the spacious flow of the open floor plan by reflecting light and lush foliage from outside," Stabile said.

The Briarcliff Manor office of Houlihan Lawrence Inc. is the exclusive marketing agent for the 29-unit condominium, where pre-construction prices range from \$550,000 to \$659,000.

During the past 21 years, J.R. Cattington Interiors has distinguished itself as a leading interior design firm. In addition to designing the interiors of some of the most luxurious homes in New York, Boca Raton and Palm Beach, J.R. Cattington has fashioned a niche for itself in working with real estate developers to create inviting public spaces and gorgeous model apartments, company officials said.

Clients include Cappelli Enterprises of Valhalla, for whom Stabile recently designed several model apartments for Trump Towers in White Plains and the models and common

areas for One City Place, part of City Center in White Plains.

Successfully completed projects by J.R. Cattington in-

## Cappelli Enterprises Names Oniffrey Executive Vice President



Catherine Oniffrey

VALHALLA – Cappelli Enterprises, Inc., one of the area's leading development companies, recently announced the appointment of Catherine

Oniffrey of Pound Ridge as executive vice president.

Oniffrey has worked with Bank of Scotland, North America, for the past 19 years. Prior to joining Cappelli, she was the bank's regional director of corporate finance in New York City for the past five years. She managed more than \$2 billion in assets and a staff of 15 people. Oniffrey was responsible for real estate, healthcare, large and middle corporate markets, regional banking and portfolio management.

From 1998 to 2002, Oniffrey was regional director of the bank's Midwest Region in Minneapolis. From 1994 through 1998, she was senior vice president of Strategic Planning at the bank's New York City office. Oniffrey served as vice

Shore Club and Wykagyl Country Club in New Rochelle.

president of Credit and Loan Administration in the bank's New York City office from 1992 to 1994, and began her career with Bank of Scotland as vice president of corporate finance in 1987 in New York City.

Oniffrey holds an MBA from St. Thomas University in Minneapolis, where she graduated summa cum laude. She also holds a B.S. from Mount St. Mary College in Newburgh, where she graduated magna cum laude.

Cappelli Enterprises is a leading real estate developer and general contractor in the Northeast. Headquartered in Valhalla, the company has built more than 10 million square feet of mixed use, retail, waterfront, residential, office building, and laboratory and parking facilities, officials said.

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*Services Study:*  
**Mortgage Executive Proves That You Can “Come Home Again”**

*By Harriet Lerner*

VALHALLA - In 2000, when Columbia Home Loans was being taken over by OceanFirst Financial, Mitchell Cooperman, a mortgage executive for 15 years, resigned because he did not feel secure in the direction of the company.

Last summer, he decided to return.

“You should never jump to conclusions or act too rashly,” said the mortgage executive, referring to his having left the company but not the realty in-

dusty.

Since he didn’t know what to expect from the merger, he looked for another position elsewhere in the industry. Since the mortgage bank is prospering more than ever and is now approaching its 25<sup>th</sup> year in business in Westchester, it looks like he made the right decision. Columbia Home Loans is a full service mortgage banker with offices in New Jersey, Connecticut, Long Island, St. Croix and St. Tho-

mas. It is a fully owned subsidiary of OceanFirst Financial bank, a New Jersey thrift institution.

Reflecting back, Cooperman credits his service in the U.S. Navy for his education and self-discipline and his own natural talents which enabled him to become a “top producer” in the industry.

“I always knew I could sell,” he said and indeed he started his career selling land for General Development Company in

Florida. When the land “ran out,” he returned north and worked in the stock market. Then he started working in the mortgage industry.

He developed a rare and sought-after specialty at Battery Park City in New York, which was created when the World Trade Center was being built in the 1970’s. He became

an expert on ground leases. A good deal of his financing work took place and continues in that area, although he is able to close loans anywhere Columbia Home Loans has offices, he said.

Cooperman, company officials stress, is living proof that “you can come home again.”



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*Development Study:*  
**Buying “Frenzy” Continues at Jefferson Place, Officials Say**

WHITE PLAINS - The Residences at Jefferson Place, the new 281-unit moderately priced luxury condominium development in downtown White Plains, has been experiencing unprecedented sales since its Grand Opening in early November.

Project spokesmen said in late December that 100 of the 281 condominium apartments have sold, representing almost 35 percent of the entire development. The first closings were anticipated within the first few weeks of January, officials added.

Developed by JPI, one of the nation’s largest luxury residential developers, The Residences at Jefferson Place offer sales prices ranging from

the low \$300,000’s to the mid \$600,000’s, almost 50 percent lower than other new condominiums in White Plains, a market where, according to project officials, prices in excess of \$1 million are common.

“What makes The Residences at Jefferson Place unique is that you won’t find anything in this market with the same quality of finishes and amenities for these prices,” said Scott Zwilling, asset Manager for JPI Northeast.

“This development rivals some very expensive high-end condos in the area, but with much more attractive prices. To be 35 minutes from New York City and have a brand new luxury condo with a concierge, media room, fitness center and

on-site parking for under \$350,000 is unbelievable!” he added.

**The Facts**

The Residences at Jefferson Place comprise two buildings separated by a private street. The first, 300 Mamaroneck, is an attractive eight-story mid-rise building, which features 237 one and two-bedroom homes and the second, 31 Greenridge Avenue, is a three-story townhouse-style building, which includes 44 one and two-bedroom homes.

The one and two-bedroom residences range in size from 690 to 1,270 square feet. There is also a four-level, on-site parking garage with elevator access and 435 spaces, officials said.

“Each building appeals to a diverse group of buyers – those who want an urban lifestyle with views and those who want a more quiet, suburban setting,” Zwilling said.

Each residence features granite kitchen and bathroom countertops; hardwood flooring in foyers, living, and dining areas; high ceilings; ceramic kitchen and bathroom flooring tile; and crown molding in the living room. All units also include a washer and dryer. The top floor units feature fireplaces. Many units come with spacious bay windows or balconies, project officials said.

**More Details**

Officials said that the extensive building amenities include 24-hour concierge service; a state-of-the-art fitness room with high-end strength and cardiovascular equipment; a clubroom with a fireplace and a pool table; a 12-seat media room with a 145-inch projection screen and theater-style, surround-sound system; and a fully equipped business center and conference room.

Since sales began last November, JPI has sold apartments to a broad mix of buyers, project officials said. The buyers include young professionals and couples from Westchester, New York City, and Connecticut, as well as empty nesters who are local

and as far away as Long Island.

“Many are first-time homebuyers who are taking advantage of the great prices, the proximity to New York City, and the vibrant local community,” Zwilling said.

As part of its “one-stop” shopping concept, JPI said that it has selected Wells Fargo Home Mortgage to provide on-site lending services for its buyers. Houlihan Lawrence, in collaboration with Halstead Development Marketing of New York, is the exclusive marketing and sales agent for the luxury condominium residences.

“The Jefferson Place team provides every buyer with the services of experienced sales agents, competitive mortgage lending, and on-site closing coordinators who assist in everything from answering questions to helping with move-ins,” added Zwilling.

JPI is one of the nation’s largest luxury residential developers. The company provides acquisition, development, construction, property management, asset management, leasing and disposition services for its multifamily and student housing communities nationwide. JPI maintains a significant investment partnership with GE Capital to develop multifamily communities across the country, officials said.

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*Development Study:*  
**Active Adult Residential Community Proposed on Reader’s Digest Site**

*Continued from page 7*

acquire and redevelop the property. He said the company was pleased to be remaining at the site for the long-term and supported the active adult residential approach being taken by S/G Chappaqua.

S/G Chappaqua is now actively leasing 171,000 square feet of vacant office space. A new entrance for the multi-tenant portion of the building is being designed and extensive modernization of the interior office areas is planned. Reader’s Digest will return to

using the original building entrance under the landmark cupola.

S/G Chappaqua’s application for the active adult community will now undergo an extensive environmental review by the town.

“We are hopeful that the merits of our approach to this unique site will be recognized and we look forward to a continuing dialogue with town officials and the New Castle community in the weeks and months ahead,” Charney said.

# Industry Meetings Receive A Solid Response

By Jeff Hanley,  
IMPACT Editor

WHITE PLAINS - The Building and Realty Institute (BRI) and the Cooperative and Condominium Advisory Council (CCAC) each received strong attendance at their first Gen-

eral Membership Meetings of 2006. Westchester County Executive Andy Spano was the guest speaker at the Jan. 19 General Membership Meeting of the

BRI at the Crowne Plaza Hotel in White Plains. Spano reviewed issues of importance to the building and realty industry, as well as the general business sector.

"How to Interview Prospective Shareholders" was the topic of the Feb. 6 General Membership Meeting of the CCAC. More than 90 CCAC members attended the confer-

ence at the Crowne Plaza. Full reports of both meetings are on page one. Photo coverage of the events are provided below.



Westchester County Executive Andy Spano (left) is pictured while delivering his presentation at the BRI's General Membership Meeting of Jan. 19. Also pictured are, from left to right, Albert Annunziata, executive director, BRI; Gus T. Boniello, president, BRI; and Myron Marcus, associate counsel, BRI.



Pictured during the reception of the BRI's General Membership Meeting of Jan. 19 are, from left to right, Myron Marcus, associate counsel, BRI; Carl DiMaio, past president, BRI; and Westchester County Executive Andy Spano.



Westchester County Executive Andy Spano (left) is pictured during the Jan. 19 General Membership Meeting of the BRI. Spano is shown speaking with, from left to right, Jeff Stillman, chairman, Advisory Council of Managing Agents (ACMA) of the BRI; and Hank Fries, BRI member.



Photos by Barbara Hansen

Pictured during the Feb. 6 General Membership Meeting of the CCAC are, from left to right, Ken Finger (program moderator), chief counsel, CCAC; Bill Ploski (speaker), a representative of the New York State Division of Human Rights; Donna Harrison (speaker), manager, River Ridge Owners Corp.; and Carl Finger (speaker), Finger and Finger, chief counsel to the CCAC.



A lively question-and-answer session was part of the Feb. 6 General Membership Meeting of the CCAC. Pictured during the session are, from left to right, Jeff Hanley (program moderator), associate director, CCAC; Donna Harrison (speaker), manager, River Ridge Owners Corp.; Bill Ploski (speaker), a representative of the New York State Division of Human Rights; and Carl Finger (speaker), Finger and Finger, chief counsel to the CCAC.



Pictured during the reception of the Feb. 6 General Membership Meeting of the CCAC are, from left to right, Pamela Brunderman, program participant; and Jane Curtis, vice chair, CCAC.

## Noting a Special Landmark for the Building and Realty Industry

Continued from page 2

of the association and its component organizations. Many BRI members probably remember the 50<sup>th</sup> anniversary of the association being celebrated at a similar event on May 3, 1996 at the former Alex and Henry's Roman Gardens in Eastchester, which, for years, hosted a majority of the BRI's membership meetings and seminars.

The success of the BRI is a remarkable achievement. The association's membership is

diverse, but has still joined together for the good of the building, realty and construction industry, as well as the business sector and the public.

The BI is comprised of builders, developers, contractors, sub-contractors, property owners and managers, suppliers, professionals and service-related firms. The AOAC's membership contains owners and managers of rental buildings and complexes whose properties are affected by rent stabili-

zation and rent control. The CCAC is a realty membership organization of 400 cooperatives and condominiums. ACMA is composed of property managers of cooperatives, condominiums and rental buildings.

Together, the groups form a unique and highly successful mix. Full details on the June 2 dinner dance will soon be sent to BRI members, as well as members of the business sector. Save the date. The event

should be one to remember.

### A Review

Speaking of events, this issue of IMPACT reviews the BRI's two most recent membership meetings, both of which drew large crowds. The association's March 9 General Membership Meeting, which will examine the Affordable/Workforce Housing Issue in the Westchester and Mid-Hudson Region, is also previewed. The reports are on page one.

Our regular features, Counsels' Corner and Co-op/Condo Corner, review, respectively, issues of importance to the AOAC and CCAC memberships. There are also special reports on Workers' Compensation Self-Insurance Trusts (page one, by V. David Levitt) and the Eminent Domain Issue (page three, by Assembly Member Adam Bradley, D-89 AD).

Enjoy the issue.

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