

Politicians, Business Leaders Say Natural Gas Moratorium Will Have a Dramatic Impact on County's Building Boom

By John Jordan

WHITE PLAINS—Political and business leaders pulled no punches, describing the potential impact of Con Edison's impending moratorium on new gas connections as a "a full-blown crisis" with the potential to bring new commercial, multi-family and affordable housing "to a grinding halt."

In two separate hearings on Feb. 13, county, city and business leaders bemoaned the potential economic impact of Con Edison's moratorium on new natural gas connections for most of Westchester County scheduled to begin on March 15.

Those who testified before Administrative Law Judge Anthony Belsito and Cindy McCarran, deputy director, gas and water for the New York State Public Service Commission, charged that the moratorium is already causing some developers



New Rochelle Mayor Noam Bramson testified there will be some beneficial opportunities for the region from a properly-managed transition to green energy sources. However, a long-term natural gas connection moratorium could imperil some of the \$4 billion in new projects on the drawing boards in the Queen City.

to question their investments in the county and imperil the billions of dollars of new development pipelines on the drawing boards in the county.

State Assemblywoman Amy Paulin and others criticized both Con Edison and the PSC for the lack of notice given to the natural gas shortage problem. Con Edison stated that in filings with the PSC in 2017 it informed the commission that a moratorium could be an option if tight market conditions for natural gas continued.

Con Edison's Ivan Kimball, vice president of energy management for Con Edison, briefed meeting attendees at the afternoon session and Kim Boden, vice president of gas operations for the utility, spoke to those who attended the public hearing at the evening

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City, State Officials Differ on Reasons Why Amazon Abandoned HQ2 in NYC

By John Jordan

NEW YORK—If a post mortem were to be done on the failed Amazon HQ2 deal in Long Island City, Queens, the cause of death for the \$4-billion deal that was to bring in excess of 25,000 high-paying jobs to the region would no doubt be from multiple causes.

The reactions from the governor of New York, the mayor of New York City and others affixed blame on project opponents, the lack of transparency in the process, excessive incentives valued at \$3 billion and even the lack of toughness by Amazon itself.

Some municipal officials decried the lost opportunity of the Amazon HQ2 project that is no longer being devel-

oped in Queens for Westchester and the Hudson Valley region, while other locations, including Rockland County and Mount Vernon for example, are pitching Amazon to reconsider their respective locations now that Long Island City has been eliminated.

On Feb. 14, despite efforts from New York Gov. Andrew Cuomo, New York City Mayor Bill de Blasio to deflect mounting criticism of the project, Amazon announced it decided not to move



forward with previously announced plans to build a portion of its second corporate headquarter-

ters in Long Island City. The e-commerce giant in its statement, while praising Cuomo and de Blasio, cited the vocal opposition by some political and civic leaders as the reason for its decision.

"After much thought and deliberation, we've decided not to move forward with our plans to build a headquarter-

ters for Amazon in Long Island City, Queens," Amazon noted in its statement. "For Amazon, the commitment to build a new headquarters requires positive, collaborative relationships with state and local elected officials who will be supportive over the long-term. While polls show that 70% of New Yorkers support our plans and investment, a number of state and local politicians have made it clear that they oppose our presence and will not work with us to build the type of relationships that are required to go forward with the project we and many others envisioned in Long Island City."

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Commercial Brokers Expecting Another Good Year for Region

By John Jordan

WHITE PLAINS—A record crowd of approximately 150 real estate professionals attended the annual Commercial Broker Roundtable presented by the Hudson Gateway Association of Realtors' Commercial Investment Division on Jan. 23.

The panel of veteran commercial brokers who do business in the lower Hudson Valley and New York metro region, were upbeat at the session held at the White Plains headquarters of the Hudson Gateway Association of Realtors about the commercial markets in Westchester County and points north in Rockland, Orange and Putnam counties.

CID President John Barrett moderated the panel that included Paul Adler, chief strategy officer with Rand Commercial; William Cuddy, executive vice president with CBRE; Sarah Jones-Maturo, president of RM Friedland and Glenn Walsh, executive managing director with Newmark Knight Frank. Barrett also serves as senior vice president, managing director of investment sales at RM Friedland.



From left: Paul Adler, chief strategy officer with Rand Commercial; William Cuddy, executive vice president with CBRE; Sarah Jones-Maturo, president of RM Friedland and Glenn Walsh, executive managing director with Newmark Knight Frank.

While all panelists expressed concern over the new natural gas hookup moratorium imposed by Con Edison five days earlier, some of the key talking points included the continued positive impacts of adaptive reuse of outdated

office buildings in the region and particularly in Westchester County, significant investment and development of multifamily and mixed-use projects in the region and the dominance of small to medium-sized business growth as drivers of commercial real estate activity.

While multifamily development should continue if the natural gas shortage issue is addressed, the market is still not ready for any new office construction in Westchester County, they noted.

Walsh said that in 2017 large lease transactions fueled the market and led to the county posting an overall positive space absorption for the first time in years. He noted that in 2018, the county once again achieved positive space

absorption, but last year "was a much healthier market," because it was done with small and mid-sized deals.

The largest lease transaction in 2018 was a 30,000-square-foot sublease, as compared to 2017 when Fu-

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INSIDE SPOTLIGHT ON



Carmen Bauman
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Commercial Brokers Expecting Another Good Year for Region

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ji's expansion and lease renewal of 120,000-square-foot in Valhalla was the largest transaction in Westchester County.

He added that in 2018, a majority of the deals were 25,000 square feet and below and the 10,000-square-foot and lower sector was the best the market has seen in years. There was significant growth in the Eastern section of Westchester and in Downtown White Plains.

The western section of the market is now showing significant activity now that building ownership has stabilized and some are owners are undertaking capital improvements in their properties.

"We're projecting another good year for Westchester County, albeit maybe a little different than the national market," Walsh said.

Both Walsh and CBRE's Cuddy agreed that the conversion of outdated Class B and C buildings to other uses has benefitted the market. At its peak, the office market in Westchester totaled 33.3 million square feet, today the market totals approximately 26 million square feet.

Cuddy noted that in the past three years, 37% of all Class A and B buildings in Westchester County have changed ownership.

"The perception of the market being weak or distraught is misguided," Cuddy said. "We have seen this evolution of our office market for repurposing and adaptive reuses really accelerate the change in the underlying dynamics of the market."

Cuddy and Walsh pointed to a number of notable capital improvement projects, including the successful repositioning of the Boyce Thompson property in Yonkers by Simone Development, as well as the upgrades being



From left, (standing) Nick Mara of Webster Bank (the sponsor of the CID program), CID President John Barrett, HGAR Chief Executive Officer Richard Haggerty and HGAR President Ron Garafalo; sitting: Paul Adler of Rand Commercial, William Cuddy of CBRE, Sarah Jones-Maturo of RM Friedland and Glenn Walsh of Newmark Knight Frank.

undertaken at the Gateway and White Plains Plaza office properties in White Plains.

Cuddy said that because of the current market dynamics, CBRE expects rents in Westchester County to rise 4% in 2019.

Rand Commercial's Adler focused on the Rockland and Orange County markets in his presentation and noted that there are great shifts in the markets. He said that Orange, Dutchess and Putnam counties are seeking increased activity from industrial users from the Bronx moving north.

In Orange, Dutchess, Rockland and Putnam he said there is a lot of ground-up activity due to the lower costs as compared to locations to the south.

"Up in Orange County, leading the way is a 500-acre development known as Legoland (New York), which is not

only going to be a great regional tourist attraction, it speaks to what is going on and the dynamic energy that we are seeing particularly in Orange County," Adler said. "I think we are going to see in 2019 a real leap forward with the redevelopment of New York Stewart

International Airport."

Adler revealed that Rand Commercial is currently representing the Town of New Windsor in the potential sale of approximately one-third of the land at Stewart International Airport.

He also said that at present, service sector and data center users are very active in Rockland County. Adler also noted that Bradley Corporate Park in Blauvelt also will be changing hands in 2019.

Jones-Maturo, while noting that millennials are driving the demand for new multifamily product in New York City and major urban centers in the region, their interest will die down with age.

"People speak so much about millennials and renting in the city and all that. They (millennials) are my friends, my younger brothers and sisters and eventually a lot of these people will have families and they will get very sick of schlepping their strollers up the subway stairs and into taxis," she said. "I don't think this is going to exist in perpetuity that all of the millennials will live in the city... Eventually a lot of these people are going to move to the suburbs."

The sponsor of the CID broker roundtable was Webster Bank.

City, State Officials Differ on Reasons Why Amazon Abandoned HQ2 in NYC

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Critics of the Amazon project complained about the potential adverse traffic and environmental impacts from the project and also charged that the combined \$3 billion in state and city incentives to lure Amazon to New York City were too large.

Gov. Cuomo said the Amazon investment in Queens would have diversified New York City's economy away from Wall Street and real estate and would have benefited a wide region from Long Island to Albany.

In fact, the governor blamed the leadership of the Democratic-controlled State Senate for Amazon's decision and specifically "a small group of politicians (who) put their own narrow political interests above their community—which poll after poll showed overwhelmingly supported bringing Amazon to Long Island City—the state's economic future and the best interests of the people of this state. The New York State Senate has done tremendous damage. They should be held accountable for this lost economic opportunity," the governor stated.

New York State Senate Majority Leader Andrea Stewart-Cousins had a much different take on the root cause for the project's demise. "It is unfortunate that rather than engage in productive discussions about a major development, Amazon has decided to leave New York," she said. "This process was clearly flawed and did not include the affected community nor their legislative representatives until after the deal was signed. This was not the same process that was followed in other areas including Virginia and that is clearly why this deal failed."

In the case of New York City Mayor Bill

de Blasio, who was a strong supporter of the Amazon HQ2 project, he seemed to put part of the blame on Amazon itself. "You have to be tough to make it in New York City," the mayor said, "We gave Amazon the opportunity to be a good

neighbor and do business in the greatest city in the world. Instead of working with the community, Amazon threw away that opportunity. We have the best talent in the world and every day we are growing a stronger and fairer economy for everyone. If Amazon can't recognize what that's worth, its competitors will."

It should be noted that Amazon employs more than 5,000 workers in Brooklyn, Manhattan and Staten

Island. The company in its statement on the HQ2 project, said that despite its decision, it plans to continue growing its New York City-based teams.

Others who chimed in on the failed Amazon deal included the Long Island City Partnership, which said in a statement, "The departure of Amazon's HQ2 is a tremendous disappointment and blow to Long Island City residents, businesses, non-profits and more, who were eager to seize on the opportunities created by the largest economic development project in New York's history."

The partnership stated that LIC's selection has given the area global recognition for being attractive to technology, life sciences and other growth sectors, as well as its diverse amenities that include its live-work culture.

"Before Amazon's announcements, the Long Island City Partnership was advocating for investments to our infrastructure, workforce development, schools and mass transit, and we will continue to do so," the partnership stated.



Jeff Bezos, founder and chairman of Amazon

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session. Both explained that natural gas usage in Westchester and the entire New York metro region has grown considerably and the demand has far outpaced the supply. Combine that with a regulatory environment that has seen numerous gas pipeline projects be rejected by state regulatory authorities or abandoned by their developers, the pipeline supply into the area has not increased. In fact, the last year a pipeline was approved to connect to the Con Edison system was 2013.

They noted that since the utility announced last month the impending moratorium on new natural gas connections, customer applications for natural gas connections have doubled, which has led to a corresponding quadrupling of natural gas volume requested.

Those who file an application for natural gas prior to March 15, will have two years to complete their project. For major development projects still in the early stages, this timeline is virtually impossible, city officials and developers told *Real Estate In-Depth*.

The PSC approved earlier this month Con Edison's Smart Solutions program, which includes a host of mostly non-pipeline initiatives geared at enhancing supply and fostering new energy uses.

Westchester County Executive George Latimer asked both Con Edison and the PSC to delay the implementation of the gas connection moratorium until at least Aug. 1, 2019, which would be a month after the PSC issues a report (due July 1) on its investigation into the natural gas supply issue in Westchester.

"This move to abruptly and quickly halt new gas-line hook ups in Westchester County will be a tremendous blow to

our economic development," Latimer said. "This blow is particularly serious in our major cities where development has been the base of their economic revival efforts."

Westchester County has conducted a preliminary survey of projects that could be impacted by the moratorium. Latimer said that a total of 16,000 residential units are in the development pipeline and another two million square feet of commercial projects are on the drawing boards in affected municipalities. The projected loss in construction jobs would be somewhere around 28,500 and the loss of permanent jobs would be between 5,000 to 7,500 positions.

Latimer said the county's efforts to build much-needed affordable housing would also be stalled if the moratorium were in effect for any significant length of time.

A host of municipal officials, including White Plains Mayor Tom Roach and New Rochelle Mayor Noam Bramson testified that many multifamily and commercial projects valued in the billions of dollars could be impacted in their respective cities.

Yonkers Mayor Mike Spano in written testimony given to the PSC requested that an independent assessment be conducted as to whether there is indeed a natural gas supply crisis that warranted a moratorium. He also called for a short-term solution that would bring natural gas into Westchester, "while a long-term sustainable plan for renewable energy is developed that doesn't throw the local economy and tax base into a tailspin."

Mayor Spano continued, "Ultimately this moratorium is going to cost the

people in lost jobs, lost housing, lost taxes and lost economic growth. This gas moratorium without a viable energy alternative is a death sentence for Westchester and its communities."

Business Council of Westchester Vice President and Chief Operating Officer John Ravitz said the root cause of the natural gas supply problem has been the lack of gas transmission pipeline supply, caused in part by the state's unwillingness to approve pipeline projects, coupled with a dramatic increase in consumer demand for natural gas. "We now have the worst of both worlds, no available new gas supplies and no viable alternatives," Ravitz said.

PSC spokesman Jim Denn when asked by *Real Estate In-Depth* what regulatory powers the agency has and whether it could order Con Edison to delay or lift the moratorium once instituted, responded, "The Public Service Commission has commenced an investigation to determine whether or not the moratorium is warranted and needed. Depending on the outcome of that investigation, the Public Service Commission will decide what the next steps will be."

Editor's Note: See Westchester County Executive George Latimer's and John Ravitz's testimony given to the PSC on page 15.

Developers' Reactions

Editor's Note: *Real Estate In-Depth* talked with several commercial real estate executives to get their reaction to the impending natural gas moratorium.

"It should be clear to all of us at this point that a large portion of our critical infrastructure of all different types is reaching the end of its capacity and we are just not making the investments we need to make. That is true of our transportation infrastructure, that is true of a number of other areas of our infrastructure and we have to stop ignoring it."

Seth Pinsky, executive vice president, fund manager, metro emerging markets & public affairs director, RXR Realty

"We're in the middle of a building boom and they just throw this curve ball in. This is not about dirty fossil fuel energy versus clean energy. It is not about that. People who are in there (PSC hearing) want to make it about that, but it's not. It is about the process and phasing in cleaner energy. We have done co-generation in my company—MacQuesten—for 20 years. We have a co-gen plant in Yonkers at a senior citizen project. So, we do these types of projects and we will continue to do that, but you can't just shut the spigot off and say it is over now in six weeks. In a developer's timetable that is like tomorrow."

Joseph Apicella, managing director, MacQuesten Development

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PRESIDENT'S CORNER

By Ron Garafalo, HGAR President



Raise the Bar, Commit to Excellence

Happy February to all my HGAR friends. As we make our way through winter in the Hudson Valley, I know that spring will be here soon. Yes, there is always something to look forward to and there are always reasons to be positive. Spring brings us the busiest time of the year in real estate. We need to stay positive and of course always do our job in the most professional and ethical manner possible. In making the biggest financial decision of their lives, our clients deserve to work with positive, professional and ethical Realtors.

That is why I am asking all of you to join me in making 2019 a year in which we all try to raise the bar in our profession and keep in mind the importance of our role as Realtors. Remember what we all pledge to follow when we become Realtors and what we take classes on every two years—the Code of Ethics. What else can we do? Recognizing the importance of that goal, NAR has worked very hard in putting together a program to raise the bar, or as it is called, a Commitment to Excellence.

The National Association of Realtors proudly introduces the Commitment to Excellence (C2EX), a program that empowers Realtors to demonstrate their professionalism and commitment to conducting business while maintaining the highest standards. This innovative engagement tool encourages participation in all levels of the Realtor organization. It's not a designation or a course. It's not a requirement, but a benefit available to all NAR members at no additional cost. You can find the link for this great program on the home page of HGAR's Member Portal. Please join me in participating in this innovative program.

Along a similar theme, another very important part of being a Realtor is supporting home ownership. As you know there are always issues that we need to support and others we need to oppose in order to make the American Dream of home ownership remain strong. We need to fight higher taxes, transfer taxes and increased closing costs. We need to defend things like the mortgage interest deduction and the STAR program. We can do this by supporting RPAC (the Realtor Political Action Committee).

This year we all celebrate the 50th anniversary of RPAC. The money we contribute helps us defend home ownership. Many of you may not be aware of this but every Realtor Association in the country has an RPAC goal based on their size. This year HGAR's goal is (insert dollar and membership participation amount). I ask all of you to do your part in helping us reach our goal. Yes, the goal is lofty (\$219,177), but I am confident that if we all do our part, we can succeed.

If you have already made an RPAC contribution when you paid your dues, I thank you. If not, please reconsider by donating now. It is easy. There is a link on HGAR.com that you can click on to access the form for donating. The suggested donation is only \$35.00. If half of our members did that, we would reach our goal. If you already contributed, I thank you again, and ask you to think about raising the bar, and contributing a little more. Become a member of the \$99 Club, or another level of giving.

What else can you do? Spread the word. Talk to those in your office and ask them to join you in celebrating the 50th anniversary of RPAC and NAR's C2EX. You can also come to the many events that we have to raise funds for RPAC. This month's event is at Dave and Busters in the Palisades Mall, on Wednesday Feb. 27 from 5:30 p.m. to 7:30 p.m. Join me and your RPAC chairs Crystal Hawkins-Syska and Rich Herska, and your fellow Realtors for what is sure to be a fun night.

Together, let's raise the bar, commit to excellence, support the American Dream of Home Ownership, hit our RPAC goal and let's make 2019 a great year for all of us.

GATEWAY PERSPECTIVES

By Richard Haggerty, HGAR CEO



Dark Clouds Can Lead To New Opportunities

2018 was a solid year for real estate in the lower Hudson Valley. However, as the year progressed, we did experience slowly declining sales numbers. Whether this had to do with prospective purchasers having concerns about the SALT deduction limits is probably too early to tell, and we should have a better feel when we see the first quarter sales numbers in the beginning of April.

Unfortunately, I do see some dark clouds on the horizon and we need to aggressively work with all stakeholders to arrive at solutions to ensure the viability of continued economic growth in our area. The proposed gas moratorium for new customers for two thirds of Westchester County is one of the dark clouds. I think many of us are wondering how did this crisis just seem to appear out of the blue? However, the bottom line appears to be that either we start providing for the creation of new gas pipeline infrastructure, or we find other energy sources to fill the gap. If we fail to do that here are the grim consequences according to Westchester County Executive George Latimer:

- **Lost Rental Income- \$576 million/year**
- **Lost Construction Jobs (Multifamily Projects) 25,000**
- **Lost Number of Residents- 48,000**
- **Lost Number of New Residents to Westchester County- 20,000**
- **Lost Commercial Rental Income- \$60 million/year**
- **Lost Number of Permanent Retail Jobs- 5,000-7,500**
- **Lost Number of Construction Jobs (Commercial Projects)- 3,500**

These are scary numbers, and some of these projects have been years in the development pipeline, and to see them derailed in the final stretch would be painful indeed. HGAR moved its headquarters two years ago to make way for a large multi-family development. Currently it's a big hole while the developer get's final approval on new plans. I hope it's not destined to be a block-sized hole in the ground for the next 10 years. To be clear, this is not just a Westchester issue—the same type of moratorium is reportedly being discussed for Long Island. We need to find solutions now and not engage in finger pointing and posturing.

Speaking of finger pointing and posturing, I think that Amazon's cancelation of plans to build a second headquarters in Long Island City is another dark cloud. I don't want to take sides on who's right or wrong in terms of the politics of the deal, but I do believe that it sends a negative message to those companies that maybe

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In Memoriam

The Hudson Gateway Association of Realtors regrets to inform its membership of the passing of longtime Realtor Elaine "Kiki" Hayden.

The Associate Broker with more than 40 years of real estate experience, passed away on Sunday, Jan. 27 at the age of 93. Kiki joined John J. Lease Realtors in 1971, where she was an incredible sales associate, over and over again being a top producer in sales in all of Orange County, winning the Gold Excellence Award for Realtors many times.

She was known for her attention to detail, her passion for helping her clients, her real estate knowledge and her impeccable taste. She would ride through the City of Newburgh proudly talking about each house she had sold, and some of them more than once as years later buyers would be back to have Kiki help them sell or buy another house. Clients were still seeking her out, even in her 90s, to list with her.

Kiki was born and raised in her beloved City of Newburgh. Her parents were Michael and Adelina (DeRose) DeVasto. She was the youngest girl in a family of eight. As a young child she was already an organizer, she would plan family meetings, gatherings and events. At the Newburgh Free Academy, she was elected as the very first female Senior Class President.

She had a motto "You must give to the community in which you live." Her service in the community was evident early on as she served on the Newburgh Day Nursery Board and was very involved with the YWCA. She was on the YWCA Board of Directors, became Board President, was a Trustee for many years and in 1966 was honored as "YWCA Woman of the Year." Kiki has also earned recognition for her unending love and devotion to the City of Newburgh with Key to the City and Newburgh Woman of the Year awards, honored by the Downing Park Planning Committee, Newburgh Republican Committee, Woman of the Year (2005) and Honoree Award from the Orange County Human Rights Commission.

She has served on the board of the Greater Newburgh Symphony Orchestra and was a founding member of the Newburgh Chamber Music Group, was president of the Downing Park Planning Committee, was on the Advisory Board of the St. Luke's Hospital Foundation, a volunteer at Fishes and Loaves, president of the Trestle Committee and most recently served as vice president of Trestle Inc. Kiki was involved in many other charities and non-profit organizations too numerous to mention.

Kiki married the love of her life, John J. Hayden "Jack". Jack and Kiki were blessed with a son, Shawn J. Hayden. Jack served in World War II and was a Bronze Star recipient. Kiki was predeceased by her husband, Jack, in 1979.

Their son Shawn married Dorothy (Hughes) Hayden and are proud parents to Kiki's three grandchildren: Molly, Jack and Courtney, all were Kiki's greatest joys. They live in Stowe, VT. Kiki is also predeceased by her beloved son, Shawn, in 2016.

She is survived by her loving daughter-in-law, Dorothy; her grandchildren Molly, Jack, Courtney; close lifelong family friend, Melissa Hodgson and many very close and dear friends. A Mass of Christian Burial was scheduled on Friday, Feb. 1 at St. Mary's Church, 180 South St., Newburgh. Burial will be private at the convenience of the family.



REALTOR®

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Still No Clarity: The ADA Revisited in Light of the Ninth Circuit's Decision in Robles v. Domino's Pizza, LLC

LEGAL CORNER

By John Dolgetta, Esq.
HGAR Legal Counsel



On Jan. 15, 2019, the Ninth Circuit Court of Appeals issued its decision in *Robles v. Domino's Pizza, LLC* (see <https://bit.ly/2SDzfF7>), which sheds some additional light on the requirements "places of public accommodation" (which include real estate brokerage firms, Realtor associations, and other businesses) are subject to under the Americans with Disabilities Act (see <https://bit.ly/2dXuamI>) with respect to the websites they operate, but still does not provide the much needed and long awaited guidance.

In March, 2017, the District Court in *Robles* (see <https://bit.ly/2qFTjdb>) dismissed the plaintiff's case holding that since the Department of Justice had not promulgated formal rules establishing the standards that businesses must adhere to when operating websites that are considered "places of public accommodation," the defendant could not be held liable for violating the ADA because that would be deemed to be violative of Domino's due process right under the 14th Amendment of the U.S. Constitution. The plaintiff appealed the District Court's dismissal to the Ninth Circuit, which now reversed and remanded the case back to the District Court for reconsideration in accordance with its decision.

The Americans With Disabilities Act

In 1990, the ADA was enacted to protect the rights of persons with disabilities. The ADA was amended in 2008, but still did not specifically address requirements relating to companies that operate websites or that operate exclusively on the web. The ADA provides that "[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation." As indicated in a previous article (see <http://bit.ly/2r3Edcq>), the National Association of Realtors explains the "ADA specifically aims to end discrimination by private entities that operate a 'place of public accommodation,' and requires that any existing architectural and communication barriers be removed (where such removal is readily achievable and would not cause undue hardship to the entity) so that disabled persons are provided equal participation and benefits." If a website is established to be a "place of public accommodation" under the ADA then similar to "architectural barriers," any "communication barriers" must also be removed so that disabled persons are able to access the website, and its services and products.

The 'Nexus' Approach Applied by Courts

It is important to note that simply because a business or organization operates a website, it does not mean that such a website will be automatically deemed to be a "place of public accommodation," which would require compliance with the ADA. While many courts, and the Department of Justice, have held that the ADA does apply to websites, many other courts have held that there must exist a "nexus" between the website and the website operator's physical location, which affects the consumer's ability to access the business' services and products at physical locations, for the ADA to apply, and others, have simply held that if the company only operates a website and does not have any physical locations, then the ADA would not apply. This makes it very difficult for those entities that operate websites to know what is required of them.

In an article by Glenn G. Lammi, Esq., chief counsel of the Legal Studies Division, Washington Law Foundation, that appeared in *Forbes.com* (see <https://bit.ly/2WVGtTz>), Lammi points out that some "...federal courts have refused to expand the law's application beyond physical places, others have engaged in creative statutory interpretation. Several district courts, including the District of Massachusetts in *National Association for the Deaf v. Netflix, Inc.* (see <https://bit.ly/2E80TSC>) have conjured the 'spirit of the law' to justify rulings that websites are places of public accommodation." Lammi points out that the above decision is in direct conflict with *Cullen v. Netflix, Inc.* (see <https://bit.ly/2DwzS9F>). In *Cullen*, a California District Court held that Netflix did not have to comply with the ADA because "Netflix's streaming video library is a website where consumers can access videos with an Internet connection. The Netflix website is not 'an actual physical place' and therefore, under Ninth Circuit law, is not a place of public accommodation." Common sense would dictate that even if a company or other organization does not have a physical location, it would still be required to adhere to the ADA, but as indicated previously, the ADA does not directly address websites or businesses that operate solely on the web.

Lammi further explains how the court in *Cullen* applied the 'Nexus' standard. He pointed out that, "If the defendant, for instance, was Blockbuster Video instead of Netflix, and a plaintiff used the company's website to rent videos from the physical store, the court likely would have held the defendant's website had to comply with the ADA. But Netflix has no affiliated physical location, so the *Cullen* court declined to impose ADA standards."

Based on the "Nexus" theory, since Netflix's website did not impede the plaintiff's "full and equal enjoyment" of a physical location, the court refused to find that the defendant in that case violated the ADA. Lammi further pointed out that in another case involving Target, which does have physical locations, a court found that Target did violate the ADA. It is clear that the differing interpretations and conclusions reached by the courts is, in part, due to the DOJ's failure to promulgate rules and issue specific standards for companies to ensure that their websites comply with the ADA. The public has been waiting on the DOJ to issue rules and guidance since 2010. There also seems to be a clear need for Congress to update the ADA to address websites specifically.

The Ninth Circuit's Reasoning in Reversing Robles v. Domino's Pizza

In *Robles*, the Ninth Circuit agreed with the District Court's holding that Domino's website was covered under the ADA as a "place of public accommodation," however, the Court of Appeals disagreed with the District Court, in that it held Domino's right to due process under the 14th Amendment of the Constitution was not violated as a result of the DOJ not issuing the specific rules and standards relating to website accessibility. The court held "that Domino's has received fair notice that its website and app must comply with the ADA." The court went on to explain that although the DOJ did issue specific guidance, Domino's was on notice that its website should be made accessible to disabled persons under the ADA regardless of whether or not the DOJ issued specific rules.

The Ninth Circuit Panel explained that "The ADA articulates comprehensible standards to which Domino's conduct must conform. Since its enactment in 1990, the ADA has clearly stated that covered entities must provide 'full and equal enjoyment of their goods, services, facilities, privileges, advantages, or accommodations' to people with disabilities, 42 U.S.C. § 12182(a), and must 'ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services,' id. § 12182(b)(2)(A)(iii)." The panel further stated that the "DOJ has clarified that these provisions require 'effective communication.'" The court pointed out that the DOJ has repeatedly, in various settlements, amicus curiae briefs, consent decrees, and in its 2010 Advanced Notice of Proposed Rulemaking (see <https://bit.ly/2MR60Yw>), indicated that the ADA applies to websites that are "places of public accommodation." In addition, in some of the consent decrees and settlements entered into with companies, the DOJ also required that the Website Content Accessibility Guidelines (WCAG) 2.0 (see <https://bit.ly/2bIKahy>) should be followed by them when making their websites ADA compliant.

Lammi states that the "court's preliminary conclusion that Domino's was generally on notice that the ADA applied to its website, however, is rather flawed." He points out that "[t]he opinion quotes the 2010 ANPR's self-serving conclusion that 'DOJ has repeatedly affirmed the application of Title III to websites.'" The ANPR cited informal letters, DOJ amicus briefs in private lawsuits, and other sub-regulatory actions in support of that assertion. None of those documents or statements carries the force of law." In any event, it is clear that the failure of the DOJ to issue specific rules and the failure of Congress to address these issues in 2008, has led to more ambiguity, varying decisions and increased litigation.

NAR points out that the "the court expressly stated that it had made no determination on whether (Domino's) website and app complied with the ADA" nor did it "consider whether offering a 24/7 toll-free telephone number was a reasonable alternative to offer those who could not access the website or app." (See <https://bit.ly/2SNZkKL>). The District Court will, therefore, need to address these issues directly and hopefully provide additional and clearer guidance to those businesses which operate websites.

Increasing Threats of ADA Lawsuits

There has been a tremendous increase in the number of lawsuits filed against companies, municipalities, and organizations, which operate websites. In a *New York Law Journal* article by Jason Grant (see <https://bit.ly/2I9Bc8c>), the author points out that "New York's federal courts saw 1,471 lawsuits filed in 2018 aimed at websites that plaintiffs claim are not (ADA) accessible, accounting for 64% of the 2,285 ADA website accessibility lawsuits launched in seven major states tracked by the company UsableNet Inc." Further, in an article prepared by Seyfarth Shaw, LLP (see <https://bit.ly/2DAmRvR>) in its *ADA Title III News & Insights* publication, "Plaintiffs filed (website accessibility) ADA Title III lawsuits in 14 states - New York and Florida being the most busy jurisdictions with 1,564 and 576 lawsuits, respectively." Seyfarth Shaw in yet another report (see <https://bit.ly/2B1JcII>) pointed out that more than 10,000 ADA Title III lawsuits were filed in 2018. Lawsuits are being filed against municipalities as well (see <https://bit.ly/2S0gZkK>; and <https://bit.ly/2N4vSSm>).

It is clear that companies, organizations, municipalities, and the like which operate websites must take some proactive steps to ensure that their websites are ADA compliant and not wait for the DOJ or Congress to act. With the alarming rise of litigation, these entities should begin to evaluate their websites and take "reasonable" steps to make them ADA compliant.

One important aspect of Ninth Circuit's decision in *Robles* is that it does not specifically require that companies implement the WCAG 2.0 standards in order to be compliant. In fact, in its reasoning, the Court of Appeals explains that the defendant was not correct when it argued that the plaintiff was alleging that the defendant violated the ADA because it did not comply with the WCAG 2.0 Guidelines and stated that the lower court erred in dismissing the suit based on the fact that the DOJ did not issue specific rules.

In remanding the case, the Ninth Circuit Panel leaves it up to the District Court to determine whether a 24/7 call number made available to users was a "reasonable accommodation" and, ultimately, whether there was a violation of the ADA, irrespective of the failure of the DOJ to issue specific rules or formally require that the WCAG 2.0 Guidelines apply to website operators. Lawyers are increasingly filing these lawsuits on behalf of disabled clients and are specifically targeting companies, which operate websites that have accessibility issues. Making a good faith attempt at updating websites makes good sense and will hopefully avert a lawsuit and needless expense.

Editor's Note: The foregoing article is for informational purposes only and does not confer an attorney-client relationship.

Legal Column author John Dolgetta, Esq. is the principal of the law firm of Dolgetta Law, PLLC. For information about Dolgetta Law, PLLC and John Dolgetta, Esq., please visit <http://www.dolgettalaw.com>.



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Christie's International R.E. Expands Operations Into Westchester County and Hudson Valley Region



Dan Conn, CEO of Christie's International Real Estate

NEW YORK— Christie's International Real Estate, the real estate arm of Chris-

tie's, announced on Feb. 13th its expansion into Westchester County and the Hudson Valley in New York with Ilija Pavlovic, owner of its Northern New Jersey Affiliate Special Properties Real Estate Services.

The new brokerage will operate solely under the Christie's International Real Estate brand to serve the Hudson Valley counties of Rockland and Orange in addition to Westchester County.

"Ilija built a brokerage business that is a market leader in Northern New Jersey with proven expertise as a luxury real estate advisory firm," said Dan Conn, CEO of Christie's International Real Estate. "Supported by the strength of its marketing team, our Northern New Jersey affiliate has a proven track record of collaborating with the Christie's auction house and the global real estate network, positioning it perfectly to expand into the adjacent markets of Westchester, Orange and Rockland counties

in New York under the Christie's International Real Estate brand."

Within New Jersey, Pavlovic opened eight brokerages since the beginning of 2017, with all offices achieving dramatic growth in market share in their respective offices. These results earned the company Affiliate of the Year recognition at the 2018 Christie's International Real Estate Global Owners Conference in Buenos Aires. Pavlovic has also expanded successfully into Hudson County in New Jersey, and is expanding now into other top central New Jersey locations including Summit and Montclair.

Conn continued, "Westchester and Hudson Valley join New York City and Aspen as strategically important markets that will operate under the Christie's International Real Estate brand. This expansion forms part of Christie's broader plan to both represent and prominently display the brand in key strategic markets throughout the United

States, and underscores how we are growing alongside our affiliates to better serve buyers and sellers of high-end residential real estate in luxury markets around the world. This includes Christie's auction house clients, particularly those in New York who call Westchester and Hudson Valley home."

In January 2018, Christie's International Real Estate opened its first company brokerage in New York City—with an office within the gallery space of Christie's North American headquarters at Rockefeller Plaza to serve Christie's clients directly in the strategically important tri-state area.

Company officials said that there is currently a brokerage location in New City, with one soon to be opened in Scarsdale. Currently there are approximately 15 agents serving the Westchester and Hudson Valley markets. The firm expects its agent roster for the markets to grow to 150 by the end of this year.

Steckler Real Estate Joins Berkshire Hathaway HomeServices



From left, Veronica Meola (office leader, Eastchester), Ken Dinowitz (sales executive), Brenda Maher (regional vice-president BHHS), Fe Volcovici (sales executive), Jon Steckler (sales executive), Terese Carey (sales executive), Sheila Clarke (sales executive) and Mark Nadler (office leader, Scarsdale & Larchmont).

WALLINGFORD, CT—Berkshire Hathaway HomeServices New England, New York and Westchester Properties reported on Feb. 13th its merger with Steckler Real Estate of Scarsdale, a long-standing Westchester County residential real estate firm, into its Eastchester and Scarsdale offices.

"Westchester County is a vibrant residential real estate market," Candace Adams, CEO and President, said. "The brokers from Steckler Real Estate bring with them decades worth of rich local market expertise and will be a great addition to our growing network of sales

professionals."

Established in 1980 by the late Eleanor Steckler, Steckler Real Estate specializes in serving buyers and sellers in central and southern Westchester County. The transaction brings 14 agents to Berkshire Hathaway HomeServices Westchester Properties.

"After thinking about the future of the company, I quickly realized that this was the right opportunity. I've known their Westchester professionals for years and the favorable impression I had of them only strengthened when I met Candace," Jon Steckler, principal bro-

ker, said. "Joining Berkshire Hathaway HomeServices not only expands our resources and strengthens our technology, but connects us to a network of colleagues who can support clients who are relocating to the nearby New York City or Fairfield County markets."

"Expanding our presence in the Westchester market is a strategic prior-

ity," Adams said. "We're pleased to add the Steckler Real Estate professionals to our team."

Berkshire Hathaway HomeServices New England, New York and Westchester Properties is a real estate brokerage firm with more than 1,800 sales professionals in Connecticut, Massachusetts, New York and Rhode Island.

Gov. Cuomo Says SALT Impact 'As Serious as a Heart Attack'

ALBANY—While the true impact of the caps on state and local taxes imposed by federal tax reform are not evident as yet in the residential sales market, Gov. Andrew Cuomo, in response to two straight months of dramatic declines in state tax revenue said earlier this month SALT impacts are "as serious as a heart attack."

At a press conference in Albany on Feb. 4, Gov. Cuomo and State Comptroller Thomas P. DiNapoli revealed that estimated sales tax revenues the past two months were down a total of \$2.3 billion from estimates. Both Cuomo and DiNapoli blamed federal tax reform and specifically the \$10,000 cap the legislation imposed on state and local tax deductions.

Gov. Cuomo said the dramatic drop in state revenues began in December 2018 and continued in January 2019 and will now cause him to revisit his proposed state budget.

The governor noted that personal income tax collections were down to about 30% of the target. "\$2.3 billion as a drop at this point in revenues is as serious as a heart attack," Cuomo said.

The reduction in personal income tax receipts was observed both for the withholding component, which largely comes from current wages, including bonus income, and the estimated payment component, which mostly reflects non-wage income.

"The federal administration's SALT policy is an economic civil war that helps red states at the expense of blue states, and we are now seeing the potentially devastating effect of it in the form of significantly lower tax receipts," the governor noted. "These changes hurt our economy and make New York less competitive, and we will not stop ringing the alarm bell about this punitive policy until Congress reverses it."

Dark Clouds Can Lead To New Opportunities

Continued from page 4

interested in relocating to New York. Again, we need to learn from our mistakes, get all of the stakeholders at the table, and figure out how to stimulate responsible economic development that truly makes a positive impact for everyone, not just a select few.

The final dark cloud has been hovering for sometime, and we need to take the proverbial bull by the horns. We have an affordable housing crisis in the New York City and the greater suburban area, and it continues to be a drag on economic development and sustainable growth. The shortage of affordable housing has a significant impact on our workforce, and ultimately drives residents away. One part of the solution would be enacting NYSAR's first time homebuyer's savings account program.

From my perspective the dark clouds pose challenges, but they also pose opportunities—opportunities to create new dialogues and engage new stakeholders. However, we need to move forward aggressively and in a spirit of innovation and cooperation. One thing that I am sure about is that we are not going to solve these problems with finger pointing and posturing in the press—we need to have real, substantive and immediate engagement on these issues to arrive at viable solutions.



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Meet the Sellers of the Bronx Merges with ERA Insite Realty

WHITE PLAINS—ERA Insite Realty Services, a full service, family owned and operated residential real estate firm with offices in White Plains, Bronxville, Yonkers and Pleasantville, has reported that Meet the Sellers of the Bronx has merged with the White Plains based firm.

Meet the Sellers was founded and owned by broker Irene Guanill Elukowich. Louis and Debra Budetti are founders and owners of ERA Insite Realty Services.

The Meet the Sellers team of agents will all be affiliated with ERA Insite's White Plains office. They will continue to serve clients in both the Bronx and Westchester counties. The team consists of Elukowich, who joins as an associate broker, and salespersons Dion Griffith, Denisse DeLeon-Freytes, Edwin Freytes, Gebra Godoy and Teddy Janicki.

Guanill Elukowich has 22 years of experience in the real estate industry and is a very active member of the Hudson Gateway Association of Realtors. She is serving as 2019 Treasurer, as well as vice chair of the Education Council and member of the Realtors Political Action committee. She was a recipient of HGAR's "Extra Mile" Award for her service to the organization in 2018. She has also earned numerous designations including Certified International Property Specialist (CIPS), Pricing Strategy Advisor (PSA), Accredited Buyer Representative (ABR), and several others that enable her to provide the utmost in professional service to her clients.

DeLeon Freytes is events director for the Bronx chapter of the National Association of Hispanic Real Estate Professionals (NAHREP). Several team members are fluent in both Spanish and English. The team has served hundreds of residential and commercial buyer and seller clients since the inception of Meet



Irene Guanill Elukowich joins ERA Insite Realty of White Plains as an associate broker.

the Sellers in 2007.

"We are honored that, with all the firms who would have been thrilled to have Irene and her team join them, they chose to affiliate with ERA Insite Realty. They will help us expand our business in the Bronx, as well as within the Hispanic community of homebuyers and sellers," stated Louis Budetti.

"Meet the Sellers is being offered the opportunity to remain a Bronx team with expanded services and the support of an experienced brokerage like ERA Insite Realty. Joining Lou and Deb Budetti is a chance to learn and grow at the next level," added Guanill Elukowich.

ERA Insite Realty has been headquartered in White Plains for 34 years. The Meet the Sellers merger is the third within the past three years for the brokerage firm, following mergers with Haviland Realty in Pleasantville and Carlson Real Estate in Bronxville. The firm has completed more than a dozen other mergers in the past decade.

PUTNAM POSTING

By Jennifer Maher



Analyzing Two Significant State Legislative Issues

In his first state of the state since Democrats took control of both the State Assembly and Senate, Gov. Andrew Cuomo is quickly implementing his vision. Legislation that was stalled in a Republican-controlled State Senate now is likely to pass and the governor is obviously aware of that fact. Two specific proposals that stand out as having potential great impact are legalizing marijuana and closing the loop on Internet sales tax.

Proper taxation of Internet sales is one that many Republicans and Democrats agree on. The additional income will help with the county budget. It is projected to put a lot of money into the state's hand and will also have a big impact locally. Some also believe that this will help local retailers achieve more of a level playing field, assuming sales tax is a part of the decision process when online shopping, thus returning equilibrium to local economies.

Legalizing marijuana is being extensively discussed. Rumor has it Putnam County is considering a ban on dispensaries. I personally think this would be a huge mistake. I recently attended an informative meeting hosted by one of the 10 companies with a medical marijuana license in New York State, Curaleaf. They have a dispensary in Newburgh plus others in Queens and upstate. Over 50% of their business is comprised of adults over 60 with chronic pain. Nearly everyone in attendance at the event matched that demographic. A companion who suffers from chronic pain met with a doctor online and obtained a medical card in minutes. With selections that have very low THC, I am very curious to see how the card impacts his life.

Every study shows a great effect on local economies that house dispensaries and farms in terms of job creation, sales revenue and even attracting new visitors. The Newburgh Curaleaf location is its busiest location in New York, bringing in extra revenue for that city. None of the available studies show an increase in youth using marijuana in "legal" states. Most states do spend more on social programs and enforcement, but still are enjoying very sizeable net profits. Maybe its time to do the same!

Jennifer Maher is chairwoman of the Putnam County Business Council and currently serves as the vice president of the Hudson Valley Chapter of the New York State Commercial Association of Realtors.

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HG Realtor Foundation Presents \$15,000 Donation to Make-A-Wish Hudson Valley



From left, Mary Prenon; Robert Shandley; Krissy DiFrancesco; Maryann Tercasio, President of the HG Realtor Foundation; Tom Conklin, CEO, Make-A-Wish Hudson Valley; Gail Fattizzi; Stephanie Liggio; Ron Garafalo, HGAR President; Crystal Hawkins Syska; Cathleen Stack and Aimee DeCesare.

TARRYTOWN—The Hudson Gateway Realtor Foundation, the charitable arm of the Hudson Gateway Association of Realtors recently presented a check for \$15,000 to Make-A-Wish Hudson Valley, located in Tarrytown. Make-A-Wish grants wishes to children with life-threatening medical conditions to enrich the human experience with hope, strength and joy.

Since 1986, Make-A-Wish Hudson Valley has granted the wishes of more than 2,700 children in the Hudson Valley region with critical illnesses. Serving the eight counties of Delaware, Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester, the chapter's mission is to ensure that every child residing in the Hudson Valley who qualifies for Make-A-Wish services is granted his or her's fondest wish. While wishes are referred and completed on an ongoing basis, an average of 150

wishes are in progress at any given time.

"We are truly grateful to the Hudson Gateway Realtor Foundation for their continued generous support," said Tom Conklin, Make-A-Wish Hudson Valley CEO. "The Foundation is truly making a difference in the lives of our wish kids and their families."

Established in 2004 and relaunched in 2013, the HG Realtor Foundation has donated thousands of dollars to charities and non-profits throughout the Hudson Valley. As concerned members of the communities we work in, the Hudson Gateway Realtor Foundation participates in qualified community-based charities who serve the housing, hunger, health, happiness, and humane needs of citizens everywhere.

For more information or to apply for funding from the Hudson Gateway REALTOR® Foundation, please visit www.hgrealtorfoundation.com.

hgrealtorfoundation.com.

The Hudson Gateway Association of Realtors is a not-for-profit trade association representing almost 12,000 real estate professionals doing business in Westchester, Putnam, Rockland, Orange and Sullivan counties, as well as the Bronx and Manhattan. It is the second largest Realtor association in New York,

and one of the largest in the country. It owns and operates the Hudson Gateway Multiple Listing Service, offering more than 20,000 properties in the Bronx, Westchester, Putnam, Dutchess, Rockland, Orange, Sullivan and Ulster counties. It is among the top 50 largest MLSs in the country.

HGAR's Haggerty, Cameron Brief WCR



PHOTO BY JOHN VECCHIOLLA

Hudson Gateway Association of Realtors' Chief Executive Officer Richard Haggerty and HGAR Director of Legal Services and Professional Standards Administrator Leon Cameron briefed the Women's Council of Realtors Empire Chapter at its annual 2019 Overview and Legal Update breakfast held on Jan. 28 at the HGAR offices in White Plains. From left are: Cameron, HGAR President Ron Garafalo, WCR President Angie Primus and CEO Haggerty.



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International Real Estate Veteran Launches New Firm in Scarsdale

By Mary T. Prenon

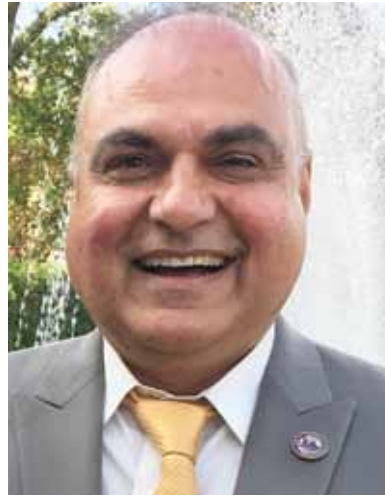
When he first came to the U.S. almost 20 years ago, Harry Singh had a dream of opening his own real estate brokerage. In fact, he actually incorporated Reliance America International Realty in 2007, but just recently launched the new Scarsdale agency.

Originally from New Delhi, India, Singh earned his Bachelors of Commerce at a local college. By 1987, he was married, a father, and the president and

owner of his own firm, Reliance Properties and Builders in New Delhi.

Active in the New Delhi Lions Club, Singh and his wife attended an International Lions Club convention in Hawaii in 1999. They both loved the islands, then revisited the U.S. mainland on another trip abroad. It was then that they decided to make America their new home.

"When I first came here, I never thought I'd be doing all of this, and be-



Harry Singh

ing so successful at it," admitted Singh. "I've always enjoyed helping other people, though, and I have been very fortunate."

Singh began his real estate journey working with George John, Broker-Owner of Century 21 Royal in Yonkers. He spent more than 17 years there as an associate broker. "I really valued my time there and George was such a great mentor," he added. "But having my own business now feels so great and I'm loving it so much!"

He now has four agents in his office, servicing clients from lower Westchester County, as well as New York City.

Singh also recently opened an office in Manhattan on the Avenue of the Americas. "Right now, I'm pretty busy managing my time between the two offices, and of course, I still do listing and selling," he said.

In addition to real estate, Singh is a property tax consultant, operating Hudson Property Tax Reduction, Inc. He founded the company eight years ago so that he could offer property tax savings to his clients following the close of their deals.

If that's not enough, he also served as a Director of HGMLS and WPAR, is a board member of the Westchester County Human Rights Commission and Fair Housing Board, a board member of the City of Yonkers Zoning Board of Appeals, a member of the Business Council of Westchester, the Yonkers Chamber of Commerce and the Commercial Real Estate Finance Council. Of course, he still remains involved with the Lions and Rotary clubs in Yonkers.

With all of his business dealings and volunteering, Singh's favorite "down time" activities are spending time with his family and four grandchildren. Occasionally, he'll go back to New Delhi to visit family. "I love giving back to the community, but I also love playing with the grandkids," he added. "It's a really nice diversion from business."

Simone Granted Tax Incentives For Montefiore Medical Project



A rendering of Montefiore Medical Center's pediatric care facility at 104 Corporate Park Drive in Harrison.

WHITE PLAINS—Simone Healthcare Development recently secured a resolution of intent from the Westchester County Industrial Development Agency to provide nearly \$1.75 million in incentives for its \$61-million plan to redevelop a vacant office building in Harrison into a pediatric care ambulatory facility for Montefiore Medical Center.

Simone Healthcare, an affiliate of Simone Development Companies, plans to renovate the four-story 104 Corporate Park Drive office building in Harrison that will be fully leased to Montefiore Medical Center. The building will also house a cancer center, which will be operated with White Plains Hospital, a member of the Montefiore Health System and Westmed Medical Group.

A 5,000 square-foot addition will be constructed to house a linear accelerator for the cancer center. A new 200 space garage connected to the building is also a component of the redevelopment project.

The Westchester County IDA Board at its meeting earlier this month approved \$1,328,021 in sales tax exemptions and \$419,755 in mortgage tax exemptions for the project. Simone stated that the redevelopment project will create approximately 100 construction jobs and 250 permanent health-care-related jobs upon completion.

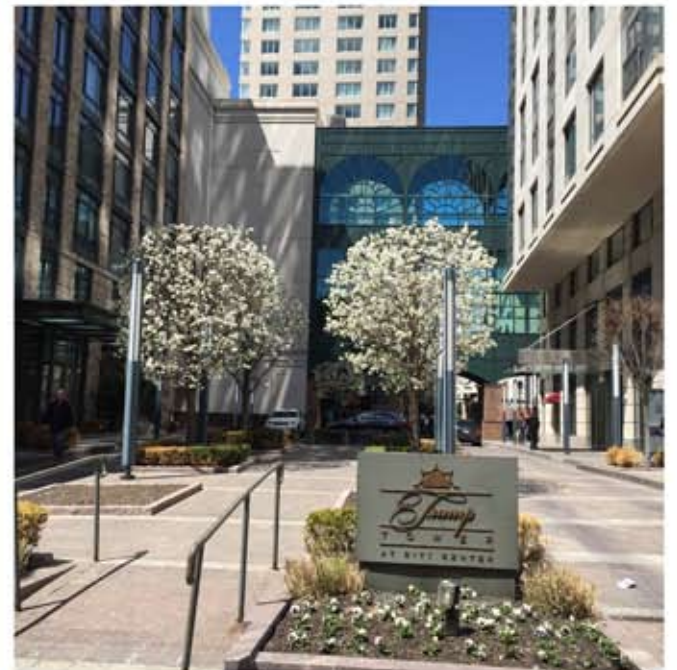
The renovated building at 104 Corporate Park Drive will feature urgent care, behavioral health, maternal fetal medicine, sports medicine, infusions, children's evaluation and rehabilitation, an imaging suite and lab facilities. The renovated building will incorporate various green building technologies such as LED lighting, high efficiency HVAC, and high solar reflective index roofing material.

The Westchester IDA Board of Directors on Feb. 14 also approved an extension of sales tax benefits for the second phase of LCOR's Continuum rental development in Downtown White Plains. The second phase of the project increases the building's height from 16 stories to 17 stories and the total rental units from 273 to 309. Total affordable units will increase from 55 to 62. The sales tax exemption was increased from \$4.15 million to more than \$6.4 million, the IDA reported.

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Better Homes and Gardens Rand Realty's Renee Zurlo has been named general manager of the Greater Hudson Valley region, covering Rockland, Orange, Sullivan, and Ulster counties. Zurlo will be overseeing 11 offices in her new role. Previously, she served as the Orange County Regional Manager at Better Homes and Gardens Rand Realty. She has been a Realtor for more than 24 years and has been with Better Homes and Gardens Rand Realty for the past 10 years.

"I am thrilled to share my experience and skills with an even larger scope of the Greater Hudson Valley region," Zurlo said.

June Stokes will continue in her role as Rockland County Regional Manager.

According to Matt Rand, CEO, Better Homes and Gardens Rand Realty, "Our goal with this new management structure is to accelerate our growth in the markets where we have dominant market share, as well as to serve our agents at an even higher level and help them grow their personal brand and business."



Renee Zurlo

Jim Speer, CEO of the New York MLS, has been named to the **2019 Swanepoel Power 200 (SP200) list**. The SP200 is a ranking of the residential real estate industry's 200 most powerful and influential leaders, as of Dec. 31, 2018.

Speer served as the senior vice president of operations at the Multiple Listing Service of Long Island prior to being named as the CEO of the newly formed regional New York MLS, consisting of the Multiple Listing Service of Long Island and the Hudson Gateway Multiple Listing Service. Speer was a key player in the formation of this 40,000-member Multiple Listing Service, which positions itself as one of the top five MLSs in the country.

The MLS will serve Westchester, Putnam, Rockland, Orange and Sullivan counties in the Hudson Valley, as well as the Bronx, Manhattan, Nassau, Suffolk, Queens, and Brooklyn.

Over the course of 30 years in the real estate industry, Speer has been instrumental in the development of MLSLI.com, one of the first MLS consumer-facing websites, which to this day remains one of the most successful. An expert in industry technology, he created the products and services division at MLSLI that promotes innovative tools to support member's business success.

"It comes as no surprise that Jim Speer has been named to the Swanepoel Power 200 list. Jim operates with integrity and innovation, and with these values I am confident that he will lead the New York MLS, LLC to be the most trusted source for real estate professionals in the New York Metropolitan area," said Leah Caro, chairperson of the Board of Managers of the New York MLS, LLC.



Jim Speer

Rand Commercial has announced the appointment of **Clayton Livingston**, Associate Broker, as commercial development leader at its White Plains office.

Livingston has been in the commercial real estate industry since 1983. For the past 26 years he has been an annual multi-million-dollar producer.

He began his commercial real estate career in Charlotte Amalie on St. Thomas in the US Virgin Islands in 1983 before moving to New York in 1990. He continued to build his brand and reputation with several local boutique brokerages before joining Prudential Serls (later Berkshire Hathaway) in 2007.

He most recently led the Coldwell Banker Residential and Commercial Croton-on-Hudson office as senior managing director and co-chairing the Westchester branch of Coldwell Banker Commercial.

A 2017 recipient of the Albert P. Schatz Award for Legislative Advocacy for the Hudson Gateway Association of Realtors (HGAR), Livingston has served as regional vice president of HGAR from 2015 to 2018 and currently serves as the 2019 HGAR Regional Director for Putnam County and co-chair for the Legislative Steering/ Legislative Committee. For the past five years he has been a director of The New York State Association of Realtors where he serves on various committees.



Clayton Livingston

GHP Office Realty of White Plains announced the promotion of **Brendan Hickey** to senior director and **Rob McNamara** to director of operations & management at GHP Office Realty, LLC.

In his new role, Hickey will continue to focus on leasing space within GHP's portfolio of properties while also taking on greater responsibilities in the sales, acquisitions, and brokerage fields.

Hickey first joined the company in 2010 as a tenant services coordinator and was later promoted to a leasing associate. He is a New York State licensed real estate salesperson and received his Bachelor's Degree in Business Administration from the Fordham University Gabelli School of Business in 2010.

McNamara, in his new role, will oversee the day-to-day operations of GHP Office Realty's entire portfolio, consisting of 20 buildings and more than two million square feet of space. He specializes in the technical aspects of building systems as well as construction management. In his tenure with GHP, McNamara has overseen the completion of more than \$15 million in energy efficiency, capital and tenant improvement projects.

He has a Bachelor's Degree in English and Biology from the University at Albany and holds the Certificate in Commercial Property Management from New York University Schack Institute of Real Estate. He also serves on the Board of Directors for the Westchester County chapter of BOMA.



Brendan Hickey



Rob McNamara

Cronin & Company Real Estate announced recently that **Kristen Price** has joined the company as a real estate salesperson. Price will be responsible for working with both buyers and sellers of real estate in Orange, Ulster and Sullivan counties.

Price was selected to be part of the company because of her high level of professionalism, and her outstanding reputation in the community, according to a company announcement.

With offices in Pine Bush and Goshen, Cronin & Company is a full-service real estate brokerage with 17 professional sales people covering Orange, Ulster and Sullivan counties. Maureen E. Cronin is the Broker/ Owner.



Kristen Price

Michael Boulos recently joined **Berkshire Hathaway HomeServices River Towns Real Estate** in Croton-on-Hudson as a licensed real estate salesperson and will be selling residential and commercial properties across Westchester, Putnam and Dutchess counties.

Boulos grew up in Croton-on-Hudson and currently lives in Ossining with his wife, daughter and dog. He has had a successful career in hospitality as a chef in Boston, London, Manhattan, Brooklyn and Westchester, but embarked on a new career in real estate. In addition to residential sales, he will be using his experience as a former chef on the commercial end of the business.



Michael Boulos

Orange County Executive Steven M. Neuhaus announced earlier this month that **Nicole Andersen** has been named **Orange County's Community Development Director**.

Andersen's responsibilities as Community Development Director will include formulating program policies, preparing the county's annual community development grant application and coordinating and supervising all community development and housing projects covered under the program.

Andersen had served as the County's Acting Director of Community Development since June of last year. She previously worked as the Director of Grants in the County's Planning Department and has an extensive background in grant development as a Certified Grant Professional. Prior to coming to Orange County government, Andersen served as the Director of Development and Communications for The Arc of Orange County.



Nicole Andersen

Better Homes and Gardens' Rand Realty's Tracey May, who works out of the White Plains office at 222 Bloomingdale Road, was named **"Opcity Agent of the Month"** for December. May has been in the real estate industry for close to two decades.

Opcity is a real estate referral company aiming to turn online inquiries into transactions. The company features an "Agent of the Month" awards program that highlights an agent each month who "stands out from the rest." Opcity's program description states that "out of the 40,000 agents who receive leads from Opcity, a few stand out from the rest based on their responsiveness to claim referrals, continued follow up and dedication to helping their clients buy and sell homes."



Tracey May

Mary McElroy, manager of **Weichert, Realtors' Rye** sales office, reported recently that sales associate **Jane Fogelson** has earned the Seniors Real Estate Specialist designation from the National Association of Realtors.

"By earning the SRES designation, Jane has become an even more valuable member of our sales team," McElroy said. "Senior homebuyers and sellers have specific needs and financial issues that must be considered, and Jane is well equipped to skillfully guide her senior clients through a real estate transaction with patience, understanding and knowledge."

SRES designees are Realtors qualified to address the needs of homebuyers and sellers age 50 and older. By earning the SRES designation, these real estate professionals have demonstrated the necessary knowledge and expertise to counsel clients age 50 and older through major financial and lifestyle transitions in relocating, refinancing or selling their family home.



Jane Fogelson

See more People Newson pages 16 & 17





HGAR

February 2019 UPDATE

HG Realtor Foundation's 'Project Beauty' Event Draws Nearly 200 People

By Mary T. Prenon

WHITE PLAINS—The Hudson Gateway Realtor Foundation's first event of 2019 drew almost 200 people to Neiman Marcus at The Westchester in White Plains for a "Project Beauty" event.

The luxury department store closed early for the special event that featured champagne, wine, hors d'oeuvres, make-overs, professional headshots, and a "What's New for Spring" runway show of fashions, makeup and skincare. Food was donated by Pax Romana, 808 Social, Haiku, Morton's The Steakhouse and El Cafetero.

"The energy at this spectacular event was priceless," said Bonnie Koff, chair of the HGRF Fundraising Committee. "Every single person there said it was the most fabulous event ever."

All attendees received a \$25 Neiman Marcus gift card, and shopping was

extended until 8 p.m. A portion of the proceeds from the evening's shopping spree will benefit the foundation.

"Because this event was so successful, I think this will bring more people out to our Pub Nights and to our Spring Fashion Show on April 4 at Glen Island Harbour Club in New Rochelle," added Koff.

The next HGRF Pub Night will be held on March 4 at Fortina in Yonkers from 5:30 p.m. to 7:30 p.m. The \$25 event will feature appetizers and a cash bar. Additional Pub Nights will be held throughout the year in various Hudson Valley locations.

For more information on upcoming Pub Nights and the Fashion Show, please visit HGAR.com

See events photos on page 23.



From left, Barbara Rego, Kim Gershuny, Lynn Conway and Stephanie Liggio

SPOTLIGHT ON

A Promise of Greener Grass

By Mary T. Prenon

To answer the proverbial question, "Is the grass really greener on the other side," Carmen Bauman says "Yes, it is!" Bauman is the Broker/Owner of her own firm, Green Grass Real Estate Corp. in Bronxville, which officially launched in 2017.

"The name was actually my husband's idea," admitted Bauman. "He said my business should be a place where the grass is always greener!"

Bauman, a new member of the HGAR Board of Directors this year, is also an attorney who left her own law firm to start her real estate firm. She and her husband Timothy, also an attorney, had actually been working both Green Grass and Bauman Law Group simultaneously until they decided she would concentrate on real estate, and he, on the law. "I often tell people that it was 'wonderfully terrible' when my husband and I were working together," she joked.

Growing up in Queens, Bauman graduated from St. John's University with a degree in Political Science. Her next stop was New York Law School in Manhattan. "I came from a first-generation Asian immigrant family, so typically the only career choices for children were either a doctor or a lawyer," she quipped. "So, I chose the lawyer."

While still in law school, she began working as a paralegal with Haynes and Boone, an AmLaw (American Lawyer) 100 firm in Manhattan, and later joined the firm as a litigator. When she left to start her own firm in Bronxville, she also began dabbling in real estate transactions by helping other people move to Westchester.

"I soon realized that I really loved doing real estate," she said. "I found that part of my life to be much more fulfilling than anything else. It's great to be able to help people take a big step in their life, and that direct effect on someone's life is what I treasured."

What really surprised Bauman is that her parents are very happy with her decision. "They knew it wasn't an easy



Carmen Bauman

choice—especially after passing the bar exam! But, they are proud of the fact that I made such a big decision and took on a brand new career," she added.

Bauman now has two agents in her office and her focus is on growing the business. "It can be challenging for small firms at times," she said. "It's natural for consumers to think that the larger companies may be able to do more, but my focus is on customer service, professionalism and bringing the whole industry to a higher standard."

In fact, Bauman echoed HGAR President Ron Garafalo's message for his 2019 presidency: "growing together and striving for excellence."

"I joined the HGAR Board of Directors because I wanted to get involved and make a difference," she said. "I'm trying to absorb a lot at once and it's been really great so far."

With all of the new "do it yourself" home sales firms out there, Bauman is also determined to drive home the fact that people do need to work with a Realtor. "Some people think they can do it themselves—that they know more than the Realtor does. But they're buying a home, not a new sweater," she explained. "There's so much that goes into a real estate deal and people can often

be uninformed about every aspect. There are a lot of pieces to the puzzle."

For Bauman, it's all about educating the client and helping them to better understand the whole buying and selling process. She especially enjoys working with first-time homebuyers, many of whom are from lower Westchester or New York City. "I also think the home renovation TV shows have helped a lot because now people don't seem to be afraid of buying a 'fixer-upper,'" she added.

Bauman and her husband have two children, Jake, 7 and Sebastian, 4 and are involved with a lot of school and community events. They also have a

new puppy named Peaches.

Most of her spare time is spent doing activities with the children. "You know, there's pre-children life and then post-children life," she laughed. "I used to do a lot of horseback riding, but now I haven't been on a horse in about six years!"

As Bauman continues to build a team who can "hold someone's hand throughout the transaction," she's also confident that her law degree is not going to waste. "Being an attorney, I don't let go when a lawyer takes over the transaction. I like to see everything through to the very end."

2019 HGAR RPAC HONOR ROLL as recorded by NYSAR to February 2019

Thank you to the following Members
who are leading the way in the 2019 RPAC campaign

Platinum R \$10,000

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Richard Haggerty, Hudson Gateway Association of Realtors, Inc.
Nancy Kennedy, Houlihan Lawrence Inc., Croton-on-Hudson
Paul Kennedy, Houlihan Lawrence Inc., Croton-on-Hudson

Crystal R \$2,500-\$4,999

JP Endres, BHG Rand Realty, New City
Irene Guanill Elukowich, ERA Insite Realty Services, White Plains

Sterling R \$1,000-\$2,499

Leah Caro, Park Sterling Realty, Bronxville
Katheryn DeClerck, BHG Rand Realty, Goshen
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Susan Greenfield, Susan Greenfield, Manhattan
Marcene Hedayati, William Raveis Legends Realty Group, Tarrytown
Joseph Houlihan, Houlihan and O'Malley Real Estate Services Inc. Bronxville
Pamela Jones, Coldwell Banker Res Brokerage, White Plains
Cynthia Lippolis, BHHS River Towns Real Estate, Croton-on-Hudson
Clayton Livingston, Rand Commercial, White Plains
Holly Mellstrom, Julia B. Fee Sotheby's, Bronxville
Mike Muldoon, Valley National Bank, Fishkill
Dean Nugent, Mary Jane Pastor Realty, Hartsdale
Altagracia "Grace" Patalano, BHHS River Towns Real Estate, Peekskill
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Renee Zurlo, BHG Rand Realty, Central Valley

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Carol Christiansen, Café Realty, Mt. Kisco
Eydie Lopez, Keller Williams Hudson Valley, Highland Mills
Maryann Tercasio, BHG Rand Realty, Monroe

99 Dollar Club \$99-\$249

Randall Calano, Michael Criscuolo

Recap of Contributions Year to Date**

TOTAL: \$53,000 24% towards goal

Goal: \$219,177 from 3,815 contributors for a total of 35% of membership

BOARDROOM REPORT

Please welcome the following new members to your area.

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White Plains, NY 10605
845-721-3236

Rivky Einhorn
Ruumi Realty
35 South Cole Ave.
Spring Valley, NY 10977
845-406-4944

Shulem Goldberger
Capital Estate Realty LLC
7 Sasev Ct., # 102
Monroe, NY 10950
845-682-1308

Natalia Reyes
143 Bennett Ave., # 2P
New York, NY 10040
347-640-3617

Affiliate

Susan Atwell
AtWell Staged Home
108 Village Square
Somers, NY 10589
914-525-0454

Tyler Bassett
PNC Bank
340 Madison 10th Floor
New York, NY 10173
845-926-7126

Anastasia Culianos
GHV RIE Appraisals Inc.
20 Scandia Road
Congers, NY 10920
845-267-0834

Tracey Daniels
Daniels O'Connell PC
120 Bloomingdale Rd., Ste. 100
White Plains, NY 10605
914-750-4160

Tom Denk
ShowingTime
550 W. Jackson Blvd. Ste. 800
Chicago, IL 60661
312-568-8000

Gregory DiNapoli
Envirostar Innovation Corp
50 Feilds Lane
Brewster, NY 10509
845-279-9555

Todd Greenberg
Budget Blinds
29 Kinnicut Rd. East
Pound Ridge, NY 10576
914-747-2619

Michael Horvath
House Master Home Inspection
127 South Broadway
Nyack, NY 10960
800-603-8134

Sarah Jones-Matruo
RM Friedland LLC
440 Mamaroneck Ave., Suite 504
Harrison, NY 10528
914-968-8500

Michael Lener
Get My C.O
57 Wheeler Ave.
Pleasantville, NY 10570
914-727-0980

Carol Lightbody
Changing Places LLC
41 Souland St.
Harrison, NY 10528
914-381-1022

Genesis Macedo
Genesis Pro Painting
300- B Adams St.
Bedford Hills, NY 10507
914-579-2110

Sunny Makhijani
Jiffy Junk
615 Sunrise Hwy N. Service Rd
West Babylon, NY 11704
844-543-3966

Katy McCabe
Lana's Limo, Inc
280 Dobb's Ferry Road #106
White Plains, NY 10607
914-831-2023

Paula Meighan
Changing Places LLC
41 Souland St.
Harrison, NY 10528
914-381-1022

Joann Menendez
Walden Savings Bank
15 Scott's Corners Drive
Montgomery, NY 12549
845-457-8222

Lauren Nicholson
World Insurance Associates
3 Starr Ridge Rd., Suite 100
Brewster, NY 10509
845-230-3331

Tiago Pereira
Homes.com
150 Granby St
Norfolk, VA 23510
914-220-2362

Maria Trusa
Formé Medical Center, Inc
7-11 South Broadway
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917-723-4900

Theresa Viti-Finck
TD Bank
2 Wall Street
New York, NY 10005
914-406-6695

David Willner
Pillar To Post Home Inspectors
P.O Box 70
Sugar Loaf, NY 10981
845-610-5366

Realtor

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**Indicates current member who opened an office as a broker.*

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MARCH 2019 FEATURED CLASSES

White Plains



THU MAR 14, 2019 9:00AM-5:30PM
IN PERSON CLASS | CREDITS: 7.5 CE
INSTRUCTOR | DOROTHY BOTSOE

F.H./Ethics/ Agency Compliance Day

- Member Price: \$70
- Class Express: \$0
- Non-Member Price: \$110

Additional Classes:

- 3/4- [F.H./Ethics/Agency Compliance Day](#) with Dorothy Botsoe
- 3/4- [Black, White & Gray F.H.](#) with Dorothy Botsoe
- 3/4- [Agency Disclosure + Ethics](#) with Dorothy Botsoe
- 3/4- [Salesperson Licensing Course-Mornings](#) with Various Instructors
- 3/5- [Matrix 1: Introduction to Matrix](#) with Kristine DiFrancesco
- 3/12- [Matrix 2: The Next Step into Matrix](#) with Kristine DiFrancesco
- 3/14- [Black, White & Gray F.H.](#) with Dorothy Botsoe
- 3/14- [Agency Disclosure + Ethics](#) with Dorothy Botsoe
- 3/19- [Matrix 3: Matrix to the Max](#) with Kristine DiFrancesco
- 3/26- [Instanet & Authentisign](#) with Ismail (Ish) Kolya
- 3/26- [Matrix Agent Listing Pro](#) with LaVerne Brown-Williams
- 3/27- [F.H./Ethics/Agency Compliance Day](#) with Dorothy Botsoe
- 3/27- [Black, White & Gray F.H.](#) with Dorothy Botsoe
- 3/27- [Agency Disclosure + Ethics](#) with Dorothy Botsoe

West Nyack



TUE MAR 5, 2019 9:30AM-12:30PM
IN PERSON CLASS | CREDITS: 3 CE
INSTRUCTOR | MAUREEN MCENROE

Tax Deductions for the Real Estate Professional

- Member Price: \$35
- Class Express: \$25
- Non-Member Price: \$50

Additional Classes:

- 3/12- [GoHGMLS Mobile App](#) with Katheryn DeClerck
- 3/12- [HomeSnap Mobile App](#) with Katheryn DeClerck
- 3/12- [Remedial or Gap Course – 30 hours – Evenings](#) with Various Instructors
- 3/18- [Fair Housing Update](#) with Peter Garruba
- 3/28- [Matrix agent Listing Pro](#) with Kristine DiFrancesco
- 3/28- [Instanet & Authentisign](#) with Katheryn DeClerck

Goshen



WED MAR 6, 2019 9:00AM-12:00PM
IN PERSON CLASS | CREDITS: 3 CE
INSTRUCTOR | KATHERYN DECLERCK

Consumer Expectations + Ethics + 2 hrs. of Agency

- Member Price: \$35
- Class Express: \$25
- Non-Member Price: \$50

Additional Classes:

- 3/7- [Matrix 1: Introduction to Matrix](#) with Katheryn DeClerck
- 3/14- [Matrix 2: The Next Step into Matrix](#) with Katheryn DeClerck
- 3/19- [Remedial or Gap Course – 30 hours – Evenings](#) with Various Instructors
- 3/21- [Matrix 3: Matrix to the Max](#) with Katheryn DeClerck
- 3/27- [Client or Customer? What's the Deal?!?](#) with Roberta Bangs

**For More Class Information
(In-Person and Online)
And Registration, go to
HGAR.com/Education.**

CALENDAR

FEBRUARY

February 25

WCR | "Transformation & a Healthy Heart is Good for Business!"
Mount Kisco Holiday Inn
9:15 am – 12:00 pm

February 27

RPAC | Happy Hour & Networking in Nyack
Dave & Buster's at the Palisades Center,
West Nyack
5:30 pm – 7:30 pm

MARCH

March 4

Hudson Gateway Realtor
Foundation Pub Night
Fortina, Yonkers
5:30 pm – 7:30 pm

March 7

CID & HGAR Global Business Council Breakfast
"The Intersection of Immigration & Real Estate"
HGAR White Plains
10:00 am – 11:30 am

March 9

Fair & Affordable Housing Expo
Westchester County Center,
White Plains
11:00 am – 4:00 pm

March 20

HGAR Board of Directors
HGAR White Plains
10:00 am – 12:00 pm

March 21

Breakfast with Benefits: "Identify & Eliminate Deal Killers in Your Listings"
HGAR White Plains
10:00 am – 12:00 pm

March 26

Breakfast with Benefits
"Secrets of Top-Selling Agents"
Westchester Marriott Hotel,
Tarrytown
9:00 am – 10:30 am

LEGISLATIVE AFFAIRS

By Philip Weiden



February Legislative Update

The New York State budget is facing a sudden major shortfall because of changes due to the cap at \$10,000 on state and local taxes (SALT), according to Gov. Andrew Cuomo. It is the biggest drop in income tax collections in many years. This could be one of the effects of the federal tax reform law.

The state spending plan proposed at \$175 billion is now “unsupportable” according to the governor.

One of the reasons for the sudden deficit is the wealthy in New York are changing their primary addresses and moving to other states. Currently the top 1% of earners pay 50% of the taxes in the State of New York. High income earners in this group tend to have mobile income and income that can suddenly plummet even in a mild recession.

In 2011, after the housing crash the state had a \$10-billion budget gap that they were forced to close. This resulted in cuts in services and years of austerity. The housing market has since come back and while prices have recovered, they have not reached pre-recession levels. The governor will have to contend with the As-

TD Ameritrade Building in Scarsdale Changes Hands for \$10.3 Million

SCARSDALE—New York City-based Helmsley Spear, LLC, reported on Feb. 13 that the firm brokered the sale of the TD Ameritrade building in Scarsdale.

Located at 880 Central Park Avenue, the TD Ameritrade building is a two-story structure comprising 5,000 square feet with TD Ameritrade Bank as the sole tenant under a 12-year lease. The transaction closed for a sale price of \$10.3 million. The purchaser was Garden Street Apartments LLC.

“We are thrilled to have brokered the sale of the TD Ameritrade building to Garden Street Apartments and wish them great success with their new investment,” said Kent M. Swig, president of Helmsley Spear.

Andrew Nemeroff, president of Imperial Capital Company represented the seller in this transaction.

sembly and the Senate that may demand more taxes and fees in order to close the budget gap.

The governor warned that the drop in tax collections could mean less money for programs and services. As an association we are going to continue to fight to lower real estate taxes, but this year’s budget gap is going to make it difficult because of potential losses in revenue to the state and local governments.

Another issue: Consolidated Edison, the natural gas supplier for Westchester County, has said they will institute a natural gas moratorium on new gas connections starting in March. This moratorium results from no new natural gas lines having been built in years and the Cuomo administration’s rejection of any new pipeline projects, according to Con Ed.

Increased demand means more supply is needed and that supply cannot be brought to new customers if the infrastructure is not there to support demand. National Grid on Long Island is also considering this ban, which would halt development of a stadium at Belmont Park and possibly preventing the New York Islanders from moving back to Long Island.

Finally, the governor has proposed legislation that will prohibit discrimination due to the source of a resident’s income. Heretofore, a landlord could refuse to rent to a prospective tenant who relied on a Section 8 voucher to supplement their rent. The bill will likely pass this year as both the New York State Assembly and New York State Senate have Democratic majorities.

Legislative Affairs columnist Philip Weiden is the Government Affairs Director for the Hudson Gateway Association of Realtors.

BARRISTER'S BRIEFING

By Leon Cameron, Esq.



A Close Look at Rent Security Deposits in NY

Virtually all leases require tenants to give their landlords a security deposit; usually of one month’s rent. If a lease is renewed at a greater amount or the rent is increased during the term of the lease, the owner is permitted to collect additional money from the tenant in order to bring the security deposit up to the new monthly rent.

Landlords, regardless of the number of units in the building, must treat the deposits as trust funds belonging to their tenants and they may not co-mingle deposits with their own money. Landlords of buildings with six or more apartments must put all security deposits in New York bank accounts earning interest at the prevailing rate. Each tenant must be informed in writing of the bank’s name, address and the amount of the deposit.

Landlords are entitled to collect annual administrative expenses of 1% of the deposit. All other interest earned on the deposits belongs to the tenants. Tenants must be given the option of having this interest paid to them annually, applied to rent, or paid at the end of the lease term. If the building has fewer than six apartments, a landlord who voluntarily places the security deposits in an interest-bearing bank account must also follow these rules.

For example: A tenant pays a security deposit of \$1,000. The landlord places the deposit in an interest-bearing bank account paying 1.5%. At the end of the year the account will have earned interest of \$15.00. The tenant is entitled to \$5.00 and the landlord may retain \$10.00, 1% of the deposit, as an administrative fee. A landlord may use the security deposit as a reimbursement for any unpaid rent, or the reasonable cost of repairs beyond normal wear and tear, if the tenant damages the apartment, he or she must return the security deposit, less any lawful deduction, to the tenant at the end of the lease or within reasonable time thereafter, whether or not the tenant asks for its return.

To avoid any disputes, the tenant should thoroughly inspect the apartment with the landlord before moving in and document any pre-existing conditions. Upon vacating, the tenant should leave the apartment in clean condition, removing all personal belongings and trash from the apartment, and making any minor repairs needed. If the building is sold, the landlord must transfer all security deposits to the new owner within five days, or return the security deposits to the tenants. Landlords must notify the tenants, by registered or certified mail, of the name and address of the new owner. Purchasers of rent stabilized buildings are directly responsible to tenants for the return of security deposits and any interest.

This responsibility exists whether or not the new owner received the security deposits from the former landlord. Purchasers of rent controlled buildings or buildings containing six or more apartments where tenants have written leases are directly responsible to tenants for the return of security deposits and interest in cases where the purchaser has “actual knowledge” of the security deposits. The law defines specifically when a new owner is deemed to have “actual knowledge” of the security deposits (General Obligations Law, Article 7, Title 1).

Editor’s Note: The foregoing is for information purposes only and does not confer an attorney/client relationship. For a legal opinion or advice specific to your situation, please consult with a private attorney at law.

Leon P. Cameron, Esq. is the Director of Legal Services and Professional Standards Administrator for the Hudson Gateway Association of Realtors, Inc.



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County Executive Requests Gas Moratorium Delayed Until August

Guest Viewpoint

Westchester County Executive George Latimer



Editor's Note: The following is the transcript of Westchester County Executive George Latimer's submitted testimony before the New York State Public Service Commission on Feb. 13 at the White Plains Library regarding the impending new natural gas connection moratorium to be imposed on March 15, 2019 by utility Con Edison.

Good afternoon, I'm Westchester County Executive George Latimer.

I want to thank the New York State Public Service Commission for holding this public hearing to receive public comment on Con Edison's decision to suspend offering new gas service to customers here in Westchester County.

On Jan. 17, 2019, Con Edison announced that due to a recent trend of increasing natural gas demand, beginning March 15, 2019, it would not accept new natural gas customers in the majority of its Westchester County natural gas service territory due to an inability to meet projected future demand on the coldest winter days.

This move to abruptly and quickly halt new gas-line hook ups in Westchester County will be a tremendous blow to our economic development. This blow is particularly serious in our major cities where development has been the base of their economic revival efforts.

My office has compiled an inventory of potentially impacted projects which provides insight into the expected impacts throughout lower and middle Westchester County.

Many of these projects have been planned and reviewed by local communities and are essential to their economic future and local job creation. They include affordable housing, mixed use housing, retail and commercial developments, transit-oriented development, business expansions, and more.

Below is my rough estimate of the lost opportunity due to the gas moratorium. These numbers do not take into account the lost economic stimulus to the county. These numbers are based on data supplied by municipalities, publications and statistics.

- Residential Units to be built- 16,000
- Average Residential Rent- \$3,000/month/unit or \$36,000/year
- Lost Rental Income- \$576 million/year
- Lost Construction Jobs- 25,000
- Lost Number of Residents- 48,000
- Lost Number of New Residents to Westchester County- 20,000
- Commercial Units to be Constructed- 2 million square feet
- Lost Rental Income- \$60 million/year
- Lost Number of Permanent Retail Jobs- 5,000-7,500
- Lost Number of Construction Jobs- 3,500

To combat this crisis on the horizon, the very near horizon, I recently announced a multi-step approach to deal with this moratorium county-wide.

Of the most pressing requests I am making I have asked both Con Ed and the PSC formally in letters to delay the moratorium until the Public Service Commission issues its report. Suspending actions until 30 days after the report is due (August 1, 2019) allows us all a 30-day period to review the PSC's findings. Also, it will allow sufficient time to assess important safety considerations and allow us here in the county to survey our own natural gas use and evaluate possible clean energy and efficiency

alternatives.

Along with the letter and testifying here today I am also:

- Facilitating next steps with municipalities and Con Edison; as stated above, we are keeping a full list of projects and their timetables for construction to get a big picture of where we as a county are with demand;
- Also, we are working with our IDA to provide economic incentives to encourage businesses transitioning to greener alternatives;
- Enlisting the help of energy consultants who can guide us through the regulatory process;
- Tasking my Director of Energy & Sustainability Pete McCartt with performing a survey to explore how the county can reduce gas usage at our facilities;
- Working with the business community, and other entities, to help them navigate this moratorium and how it relates to development.

There is no technical reason of which we are aware that Con Edison



On Feb. 4, Westchester County Executive George Latimer was joined at a press conference by county legislators as well as New Rochelle Mayor Noam Bramson and White Plains Mayor Tom Roach.

cannot continue its current practice of handling peak loads for the remainder of this winter.

It is unfair to residents of all income levels to be denied the opportunity to sign up for gas service at this time.

There is also the negative impact on new businesses considering establishing a presence in the county.

That said, the county is very willing to engage with Con Edison and other stakeholders in addressing demand-side management, including gas energy efficiency and beneficial electrification.

Long-term, we need a policy that al-

lows for new gas customers, while managing the level of demand for natural gas. Both are possible.

But we should lift the current moratorium, which is unduly punitive to Westchester County, until at the very least the PSC report is issued.

My office stands ready to work with Con Edison, elected officials, local businesses, and environmental advocates to find better solutions that will not have such a chilling impact on Westchester County.

Natural Gas Supply Crisis Poses Threat to Region's Economic Health

Guest Viewpoint

By John Ravitz



Editor's Note: The following was the testimony given by John Ravitz, executive vice president and chief operating officer of The Business Council of Westchester, at a hearing of the New York State Public Service Commission at a hearing at the White Plains Library on Feb. 13.

Good evening. My name is John Ravitz. I am Vice President and COO of the Business Council of Westchester, the only business membership organization whose focus is on economic development and advocacy in Westchester County. I appreciate the opportunity to address the commission on this urgent matter.

With hundreds of millions of dollars in new development and thousands of residential housing units in jeopardy,

the Business Council of Westchester is deeply concerned by Con Edison's announced moratorium on adding new natural gas customers in Westchester effective March 15. Upon receiving the

announcement, the BCW immediately convened a high level briefing with Con Edison that was attended by more than 50 leading developers, all of whom have important proposed development projects pending in Westchester County.

The developers in attendance, and dozens more who have contacted us since, expressed a combination of frustration and anger that the situation has been allowed to reach a full-blown crisis, one that poses a serious threat to the future development and the economic health not just of Westchester,

The state's unwillingness to approve any new pipelines as a way of encouraging creation of new alternative energy sources has backfired. We now have the worst of both worlds: no available new gas supplies and no viable alternatives!

but across the entire metropolitan area.

Without question, the root cause of the problem is the lack of gas transmission pipeline capacity necessary to supply Con Ed with enough gas to meet increased demand. This situation has been years in the making. The state's unwillingness to approve any new pipelines as a way of encouraging creation of new alternative energy sources has backfired. We now have the worst of both worlds: no available new gas supplies and no viable alternatives!

The pipeline companies have given up trying. Over the years they have spent countless millions seeking environmental approvals for new or expanded lines, only to be rejected in the end. At the same time, alternative energy sources such as wind turbines and solar installations have lagged far behind and face their own environmental obstacles.

CID to Tackle Natural Gas Moratorium's Impacts

WHITE PLAINS—Con Edison has officially announced its intention to impose a moratorium on new natural gas connection service for a majority of Westchester County. The gas utility will stop accepting applications for new natural gas service on March 15.

Join the HGAR Commercial and Investment Division on Thursday, Feb. 28th for an informative morning discussion on the moratorium's potential impacts and possible solutions to the crisis.

The program will feature Christine Cummings, general manager for gas products for Con Edison; Nicholas Ward-Willis, Esq. from the law firm Keane & Beane, who will provide background on how we arrived at this moratorium; and John Ravitz, executive vice president and chief operating officer of The Business Council of Westchester, who will share how this change could impact business and development in Westchester County.

The free event will begin with breakfast and networking at 9 a.m. with the program getting underway at 9:30 a.m. and ending promptly at 11 a.m.



Vincent Caiola



Paul DiMarco



Susan Cermele



Tulay Erdem



Jenifer Moore



Jorge Mejia

Brokerage firm **Houlihan Lawrence** has announced the addition of 10 new agents to its White Plains office:

Vincent Caiola brings a lifetime of local expertise to Houlihan Lawrence. A former paramedic and 9/11 first responder, he left that field in 2014 to become an international flight attendant and later entered real estate. He joins the firm from Keller Williams Realty.

Susan Cermele joins Houlihan Lawrence with 18 years of experience in the sales industry, working most recently as an agent with Keller Williams Realty and in financial services as a mortgage banker and licensed financial services salesperson. A longtime Westchester resident, Cermele recently moved from Yonkers to White Plains.

After several years in real estate, **Paul DiMarco** moves to Houlihan Lawrence from Keller Williams Realty. Before that, he owned his own company for 17 years. DiMarco is a lifelong resident of New Rochelle and holds a degree in architecture from the New York Institute of Technology.

Tulay Erdem joins Houlihan Lawrence having previously been with Post Road Realty in Mamaroneck. A native of Turkey, Erdem grew up in Switzerland and moved to Northern California in 2006, where she worked in property

management for several years. A resident of Mamaroneck, Erdem is fluent in Kurdish, Turkish, German and French.

Caroline A. Kaplan recently moved back to New York from Florida and looks forward to starting her real estate career. Prior to entering the business, she worked in the concierge healthcare industry and owned and operated an outdoor boot camp in greater Tampa. An alum of Baruch College, Kaplan resides in White Plains.

Teresa Keys brings 16 years of real estate experience to Houlihan Lawrence, joining the firm from YCL Real Estate Consulting. A 32-year Westchester resident, she had a prior career as a public school teacher in Yonkers.

Jorge Mejia brings to Houlihan Lawrence a varied background having held managerial positions in banking as well as working as a financial coach.

Jenifer Moore, who is part of the Gino Bello sales team at Houlihan Lawrence, offers a broad range of experience in different real estate markets. Most recently she was at Keller Williams Realty. Originally from Pennsylvania, Moore moved to White Plains in 2011 and now lives in Beacon, specializing in the northern Westchester and Dutchess markets.

A longtime Westchester resident,



Caroline A. Kaplan



Emanuela Szabados



Gary Voorhees

Emanuela Szabados comes to Houlihan Lawrence from Keller Williams Realty. Szabados, who is a resident of White Plains, is fluent in Romanian.

Gary Voorhees has a broad knowledge of the real estate markets in Westchester and Putnam counties, having grown up in Northern Westchester and currently living in White Plains. He was most recently with Keller Williams Realty.



Teresa Keys

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First 2019 RPAC Event Raises More Than \$2,000

WHITE PLAINS—HGAR’s RPAC Committee began the New Year by raising \$2,050 at its first event of 2019. More than 85 people came out on a bitter cold night on Jan. 31 to support the Realtors Political Action Committee at Pax Romana in White Plains.

The event featured delicious complimentary Italian appetizers like pizza, meatballs, rice balls, cheese and fruit.

“We’re off to a great start,” said Crystal Hawkins Syska, RPAC Committee Co-Chair. Richard Herska, co-chair added, “It was a fantastic turnout and we’re already gearing up for our next Happy Hour event on March 5 at Thunder Ridge Ski Area in Patterson.”

The 2019 RPAC initiatives include continuing to fight for co-op disclosure, maintaining the mortgage interest and STAR deductions, and making the New York State property tax cap permanent.



From left, Debra and Lou Budetti with Carol Christiansen



From left, Crystal Hawkins Syska, HGAR RPAC Co-Chair; Aimee DeCesare, Veronica Suarez and Rich Herska, HGAR RPAC Co-Chair



From left, Fenton Soliz, Jean Volcy, John Barrett and Robert Withers

The **Bristol at Armonk**, an assisted living community, has announced the appointment of **Suzanne Reuter** as executive director.

Reuter, who has 10 years of experience in the assisted living field, was previously the Director of Resident Relations at The Bristol at Armonk. Prior to that, she served as Director of Resident Services at The Bristol at White Plains. She began her career as a staff nurse at The Greens at Greenwich assisted living community and then became its nursing supervisor.

Reuter holds a BA degree in Human Relations from the Dyson College of Arts and Science and a BS degree in Nursing from the Lienhard School of Nursing both at Pace University. She was the commencement speaker for her nursing graduating class of 2003. She is a Registered Nurse in New York State. A resident of Hawthorne, Reuter is involved with the Alzheimer’s Association of Connecticut and New York and served as Council President of the Emanuel Lutheran Church in Pleasantville.



Suzanne Reuter



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Associate Real Estate Broker

M 914.588.1585

gklein@hlcommercialgroup.com



MICHAEL L. RACKENBERG

Real Estate Salesperson

M 973.609.2105

mrackenberg@hlcommercialgroup.com



BRYAN LANZA

Real Estate Salesperson

M 914.262.2598

BLanza@hlcommercialgroup.com

Tips to Help Speed Up Older Windows 10 Computers

TECH TALK

By John Vrooman
john@johnvrooman.com



I recently encountered a situation where I was unable to install an app that I wanted to get through the Microsoft Store app that's installed on my computer. So, I Googled my problem and quickly found a solution that worked for me. The solution was found in a blog post titled "How to Reset the Microsoft Store App in Windows 10" that's available at the winaero.com website. Fortunately, the fix was a quick and easy one! The following link will lead you to the solution that worked for me, and that may work for you should you ever encounter problems while using the Windows 10 Microsoft Store app...www.tinyurl.com/y5l6wcz3

Tips to Help Speed Up Older Windows Computers

Are you using a Windows computer that is more than a couple of years old? If so, does it have a traditional (spinning) hard drive? If you answered "yes" to these questions, there's a good chance that you've noticed that your computer is starting up and operating slower than it was back when it was a newer computer. Unfortunately, if you don't regularly maintain and optimize your computer's hard drive and manage your software programs, your computer's performance will likely degrade steadily over time...and that's normal. In contrast, if you do regularly clean and optimize your computer's hard disk, and better manage your installed software programs, you can keep your computer running at a high-performance level for a longer period of time. With the above in mind, let's now clean and optimize your computer to see if we can improve its overall performance. I'm confident that we can!

The first thing to do is to backup your computer so that if something "really bad" happens, you'll at least have a backup of your stuff. You've been warned! If you need help with this step, simply Google "How to back-up your computer" and you'll come across lots of articles and videos that can help you with this step.

Next: Create a "restore point." Doing this step is optional but it's recommended because if something "not so bad" happens while working on your computer, you'll likely be able to get your computer back up and running again quickly and easily. If you need help with this step, you can refer to an article titled "How to use System Restore on Windows 10" that's available at the windowscentral.com website. Here's a courtesy link to the article...www.tinyurl.com/yc4er5lk

Note: From this point on, I would encourage you to consider creating a new restore point before starting each new step (so that if something doesn't go well, you'll be able to restore your computer back to a point just before where the problem arose). Also, after completing each step, I would encourage you to also restart your computer. Why? Because when you restart your computer, it will be able to complete some steps that it might not have been able to complete while it was running. Additionally, by restarting your computer you'll also be able to confirm that it's able to boot up and run properly after each step.

Next: Check to see if your computer is running the latest version of the Windows 10 operating system by running "Windows Update." Here's a link that will lead you to a Microsoft.com support web page that will help you to quickly find Windows Update on your computer...

www.tinyurl.com/y7yg8q5s

When you're done running Windows Update, I recommend that you restart your computer and then repeat this same Windows Update step a few times until Windows Update reports that your computer is up to date. Issue: Some updates appear only after older updates have been installed.

Next: I recommend uninstalling software programs that you never or no longer use. Here's a link that will lead you to a Microsoft.com support web page that will help you to identify the programs that are currently installed on your computer...www.tinyurl.com/y9kpgq3g

Alternatively, here's a link to a free version of an uninstaller utility that I use (and recommend) that's called "IOBit Uninstaller"...www.tinyurl.com/y42rw8bd

Next: Turn off as many apps that are "running in the background" as you can. If you visit the windowscentral.com website and review an article titled "How to stop apps from running in the background on Windows 10," you'll be coached through the process of accomplishing this step. It's easy! To get started, visit www.tinyurl.com/y7ecb9ag

Next: Over time, it's common for computer users to install additional software programs. Unfortunately, during the installation process, many of these programs configure themselves to automatically start when your computer boots up. If you reduce the number of programs that automatically start up when you turn on your computer, your computer will be able to boot up faster. To help you accomplish this step, please review the windowscentral.com article titled "How to stop Windows 10 apps from automatically launching at startup." You can get to it by visiting...www.tinyurl.com/y79tngrg

Next: If your computer's desktop is cluttered with numerous icons, please review the makeuseof.com article titled "How to Clean Up Your Windows Desktop Once and for All." When you're done reading the article, I suggest that you also review the "Comments" section as additional tips can be found there. Here's a link to the article...www.tinyurl.com/y4rxyfa8

Next: Review and perform the tips that are highlighted in a computerworld.com article that's titled "Windows 10 quick tips: 12 ways to speed up your PC". Here's a link to help you get started...www.tinyurl.com/y4k5xq64

Next: Clean up and optimize your computer. To accomplish this, I suggest you download and install "CCleaner" by Piriform. I recommend that you download the "Professional" version of the product that offers an initial free trial period. After the free trial period, you can choose to buy it, uninstall it, or continue to use it in the free (not professional) version of the product's. Once you have the product installed, run the Cleaner and then the Registry cleaner. Here's a link to the products download page...www.tinyurl.com/y826cj8x

Next: If you use Google's Chrome Browser, you'll likely be able to speed things up even more if you review and implement a lot of the tips that are offered throughout a problogbooster.com article that's titled "28 tips [to] Make Chrome Faster."

Here's a link to the article...www.tinyurl.com/y8cbv99h

Next: Defragment of your hard drive. To accomplish this task, I recommend you use Auslogics "Disk Defrag Free" product. It's better than Windows 10's built-in defragmentation utility. You can learn more about the product and download it from the following web page...www.tinyurl.com/ybp5leo3

Warning: The process of defragmenting your hard drive can sometimes take a long time (hours), so I suggest doing this step at a time when you're not going to need to use your computer.

Whew! If you decide to work your way through the steps, I'm confident that you'll notice an improvement in your computer's boot up speed as well as its overall system performance. Generally speaking, the older and less maintained a computer system was, prior to working through the above steps, the greater the improvement will be after completing them.

I wish you luck while you work through the steps and I hope that when you're done, you'll be satisfied with the results.

Reminders

This column (and many previous ones) are made available for your viewing convenience at...

www.realestateindepth.com/technology.(The "Technology" section of the *Real Estate In-Depth* website.)

If you have comments, suggestions, tips, questions or just want to say "Hi", you are invited to contact me at john@johnvrooman.com. I always enjoy hearing from you!

John Vrooman is an experienced Realtor who enjoys staying on top of real estate, technology, gadgets, marketing, new media, and small business trends/developments. He gathers information from a diverse range of resources and enjoys sharing tips, thoughts, and discoveries with others—using a "something for everyone" approach. John has been authoring this column since August 2000 and enjoys hearing comments, suggestions, etc. from his readers and he is an Associate Broker with Better Homes & Gardens Rand Realty's White Plains office.

Natural Gas Supply Crisis Poses Threat to Region's Economic Health

Continued from page 15

The \$3.5 million Smart Solutions program, which the BCW has always supported, which was approved last week by the PSC, falls well short of the urgent action that is needed to provide sufficient energy to supply future demand. Two of the key elements of the program—creating up to five natural gas storage sites and three facilities for the conversion of organic waste to renewable energy—will undoubtedly face significant local opposition and require lengthy environmental review processes with no certain outcomes. And, even if some of these measures are ultimately adopted, the impact on the overall energy supply would be too little too late.

An example of what lies ahead can be found in the upstate Village of Lansing near Ithaca, where a natural gas hookup moratorium was imposed. This led directly to the abandonment of a planned new medical facility that would have created 100 new jobs. It should also be noted that since the gas moratorium was put in place in Lansing not a single new restaurant has opened, and the community is facing an economic crisis.

That scenario would be magnified 10-fold in Westchester, which is experiencing a major renaissance in its urban centers including Yonkers, White Plains and New Rochelle. In Yonkers alone, there are 8,000 new units of residential housing and more than 2.2 million square feet of commercial space on the drawing boards, development that is projected to create some 5,400 construction jobs.

Westchester County's Industrial Development Agency has approved inducements for \$881 million in development, including 1,800 units of rental

housing estimated to create 2,900 construction and permanent jobs, largely in White Plains. In New Rochelle, the state recently approved more than \$100 million in funding for waterfront development.

The moratorium on natural gas puts all these projects at risk. That is not a viable option. The BCW is forming a high-level task force that will fully assess the situation and propose both short and long-term solutions to address the problem. The task force will begin work immediately and will include outreach to local, county and state leaders to work together to address the immediate and long-term situation.

The business and development community stand ready to step forward and work with Con Edison, the state government, the Public Service Commission and other involved parties to tackle the issue head-on. The moratorium is a wake-up call that can't be ignored. We're confident that working together we can and will find viable solutions.

Tough decisions must be made in the very near future, and some options will face strong opposition. However, without new gas pipeline capacity to Westchester and the region, we face a huge disruption in economic development and affordable housing projects, particularly in areas that need it most.

The Business Council of Westchester urges in the strongest terms that the PSC review the current situation and offer realistic, quickly achievable solutions starting with exploring ways and a willingness to expand the existing supply pipelines.

John Ravitz is Executive Vice President and Chief Operating Officer of The Business Council of Westchester.

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Westchester County Association, HVEDC Agree to Merge

By John Jordan

WHITE PLAINS—The storied Westchester County Association, which has been one of the county's leading business advocacy organizations for nearly 70 years, says it intends to merge operations with regional economic development agency the Hudson Valley Economic Development Corp.

The deal announced in late January between the two organizations is intended to create a regional economic development and business advocacy organization.

William M. Mooney, Jr., the current president and CEO of the WCA and Mike Oates, HVEDC CEO, told *Real Estate In-Depth* that the merger should be finalized in the near future. The WCA and HVEDC announced that their respective organizations have agreed to pursue the merger of the two organizations.

Mooney, who announced in October his intent to retire, will serve as CEO of the yet-to-be-named organization until his retirement on Sept. 1, 2019. Oates will initially serve as president and then will assume the title of CEO upon Mooney's retirement. Oates in a conference call said that Mooney will likely serve the regional organization on a consultancy basis after his retirement.

The yet-to-be-named organization will be housed at the WCA's current headquarters at 1133 Westchester Ave. in White Plains and will have regional offices in other Hudson Valley locations. All current staff of the two organizations will be retained.

The WCA was founded in 1950, while the HVEDC was formed in 2003 as a regional economic development agency that serves Westchester, Rockland, Putnam, Orange, Ulster, Dutchess and Sullivan counties. At its formation, a primary sponsor of HVEDC was utility Central Hudson Gas & Electric Corp.

"This is an exciting, long overdue opportunity to develop a transformative, integrated business advocacy organization that will focus on economic development throughout the entire Hudson Valley region," said William P. Harrington, Esq., who will serve as the chairman of the new combined Board of Directors. "This merger will foster a coordinated effort by Westchester and Hudson Valley business leaders, in partnership with government, to create economic development and opportunities that will benefit the entire spectrum of Hudson Valley residents."

Robert J. Levine, Esq., the current chairman of HVEDC, will assume the role of First Vice Chair of the new organization's board of directors.

WCA and HVEDC officials stated that some of the benefits of the merger will include the organization having enhanced legislative power, as well as serving as an independent voice of businesses and the communities it serves with proactive policies and initiatives that foster smart growth and economic vitality in the region. Other functions of the new organization include advocacy for the business community, including on key industry sectors in the Hudson Valley on a local, state and federal level; launching innovative programs for the entire Hudson Valley and offering new channels of distribution for organizations throughout the region.

The new organization appears to be advancing many of the previous initiatives undertaken by the WCA and HVEDC.

For example, the organization stated that its focus will include healthcare advocacy and promoting the region as "BioHud Valley," initiatives that were undertaken by the WCA and the HVEDC respectively.

The organization will also focus on real estate, housing and intends to work closely with the real estate community to advocate for smart growth policies in the Hudson Valley. The organization will also provide up-to-date information about available buildings and sites, identify available incentives and assist in the project approval process. Other core areas of focus will also involve workforce development, cluster development that will foster programming designed to support and grow key industries in the Hudson Valley including biotechnology and healthcare, food and beverage, tourism and hospitality and advanced manufacturing, and call for the advancement of the "Gigabit economy" in the region.

"The WCA and HVEDC have always worked well together," Mooney said. "The strengths and programs of each organization are complementary and as a unified organization will realize incredible synergies. HVEDC's strength in key industry clusters and their geographic reach is of enormous value to our organization. As we come together to become one organization, we will clearly better serve the needs of Westchester County and the entire Hudson Valley."

Oates added, "The merger of the WCA and HVEDC will take advantage of the enormous talent and experience that these two organizations have. We found there are natural synergies between the organizations, as well as individual fortes. HVEDC has a noted history of attracting economic development, while WCA has exhibited a powerful skillset in delivering strong healthcare, workforce development and advocacy programs. Together, we feel these organizational strengths will

Houlihan-Parnes Arranges Nearly \$4M In Mortgage-Bridge Loans in NY Region

WHITE PLAINS—Jerry Houlihan of Houlihan-Parnes Properties, with its affiliate mortgage servicing company H-P Capital LLC, reported recently it has arranged the placement of first mortgage bridge loans for the following properties in the New York/Connecticut area:

- A \$550,000 first mortgage loan on a 4,000-square-foot diner in Yonkers on the Bronx border.
- \$1.09 million in first mortgage loans for two houses in Fairfield County, CT that will be torn down and completely rebuilt.
- A \$1.35-million first mortgage loan for a gut renovated four-story apartment building containing two ground level stores and six apartments in the redevelopment district of Downtown Yonkers.
- A \$340,000 first mortgage loan on a three-family house in the Fleetwood section of Mount Vernon.
- A \$600,000 first mortgage loan for a gut-renovated single-family house in Bayville, NY

All of the loans are for a 12-18-month term and were closed within weeks of a clean title report.

Houlihan-Parnes Realtors, LLC is a privately owned, vertically integrated commercial real estate investment and management firm. Owning more than 7 million square feet of office, retail and industrial space, the firm also owns or manages approximately 10,000 multifamily units. Founded in 1891 and operated by the fourth and fifth generations of the Houlihan family, the company is headquartered in White Plains.



From left, HVEDC Board Chairman Robert J. Levine, Esq., HVEDC CEO Mike Oates, WCA President and CEO William M. Mooney, Jr., WCA Vice President Amy J. Allen, and WCA Managing Director, Operations & Events Julia Emrick.

be a boon for economic development in our region."

The WCA announced last September a re-branding of the longstanding Westchester County business advocacy organization into what it termed would be Westchester's most "powerful economic development entity."

Mooney said that the merger deal in fact was done outside of that rebranding initiative. In a conference call announcing the deal, Mooney downplayed the competition that has existed between the WCA and the Business Council of Westchester. Both Mooney and Oates said that their respective organizations have worked with a host of business and economic development groups in the Hudson Valley region, including the Business Council of Westchester.

The Business Council of Westchester said in a statement concerning the pending WCA-HVEDC merger deal: "We congratulate the WCA and HVEDC on determining succession and their path forward in the Hudson Valley. The Business Council of Westchester now stands alone as the only business, economic development and advocacy organization focused on the county. We take this leadership role very seriously. We remain fully committed to continuing to create economic opportunities for all, to being strong advocates for the interests of our members from both the business and not-for-profit sectors, and to working with our elected officials on all levels."

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Rep. Maloney Warns Trump Fund Diversion for Border Wall Could be Costly for Hudson Valley

John Jordan

WASHINGTON—As the battle for funding for President Donald Trump's southern border wall continues with the possibility of another federal government shutdown or the declaration of a national emergency to free up funding, U.S. Rep. Sean Patrick Maloney (D-NY-18) warns that federal funding for projects at West Point could possibly be walled off.

Rep. Maloney says he is concerned that a national emergency declaration or diversion of Department of Defense funds by the president could threaten a total of \$252 million in funding already allocated for construction projects at the United States Military Academy at West Point.

A national emergency declaration would allow the president to raid funds from the military construction budget to pay for his proposed wall along the border with Mexico, Rep. Maloney warned. The president has noted in recent interviews that he may announce an emergency declaration if negotiations in Congress fail to produce a deal he supports. Threatened projects at West Point include a state-of-the-art engineering facility, the West Point Cemetery, a water treatment plant and a parking structure.

"It doesn't matter if you support building a wall or not—we can't steal funding from the next generation of military leaders to do it," Rep. Maloney said. "We set money aside to pay for projects like the engineering center and getting clean water for our cadets—not a wall.



An aerial view of the U.S. Military Academy at West Point.

Congress has the power of the purse and we make the calls on where money is going. It would be incredibly irresponsible of the president to exceed his authority and raid other funding which was set aside by Congress because of a contrived national emergency."

Rep. Maloney noted that if President Trump declares a national emergency and directs the military to build his proposed wall, he has the authority to draw "unobligated" funds in the military construction budget to pay for it. In this context, "unobligated" means funding that has been appropriated by Congress, but not obligated by a contract. Funding for four West Point projects that fit this criteria could be on the line if the president declares a national emergency, he noted.

Additional projects, like the ongoing renovation of the barracks at West Point, would not be affected by a potential national emergency declaration. Four of nine barracks involved in the project have already been completed, and additional funding has not yet been appropriated by Congress for the completion of the five remaining barracks.

Specifics on the four projects that could be affected by a national emergency declaration by President Trump include:

Engineering Center—\$95 Million

Funding will be used by the Army's Corps of Cadets to support the work of the Military Academy's Center for Inno-

vation and Engineering. This will allow the cadets greater access to project-based learning, a unique aspect of the USMA chemical and manufacturing engineering curriculum. Many of the projects undertaken by cadets directly support the Army Research Development and Engineering Command (RDECOM).

West Point Cemetery—\$22 Million

These funds were allocated as part of a larger effort to expand the number of burial plots available at the West Point Cemetery. The project will develop the Old PX Gas Station into burial grounds that will accommodate official government upright headstones.

Water Treatment Plant—\$70 Million

Funding will allow the construction of a new wastewater treatment plant on campus. This will play a large role in the general modernization of West Point that will provide cadets with the best possible facilities as they prepare to defend the nation.

Parking Structure—\$65 Million

The funding will be used to build a new parking garage in the central post area of campus that will allow more visitors to park in the central area of campus and provide more cadets the opportunity to bring cars to the base.

Clarkstown Forms Committee to Develop Pro-Growth Plan

NEW CITY—Clarkstown Supervisor George Hoehmann announced on Feb. 4 the creation of the Clarkstown Business and Economic Development Advisory Committee that is now charged with developing a strategic, pro-growth plan for the town.

The committee will focus initially on studying continued shifts occurring in the town's vitally important retail sector and ways the town can partner with businesses to further solidify its position as the place for retail in Rockland County and the greater metropolitan region.

"Clarkstown has served as the retail hub of Rockland County and the region for the last century. This committee will help solidify and strengthen our position for years to come," Supervisor Hoehmann said.

The committee includes a number of local business leaders who will lend their expertise to the town and produce specific recommendations on how the town's zoning and building codes can be maximized to attract not only retailers, but other types of industry to the town.

The committee will be chaired by Howard Hellman, chairman of All Bright Electric and a member of the Rockland County Industrial Development Agency.

Other committee members include: Steven Yassky, president of Rockland Realty; Walter Goldman, Business Expense Advisors; Rob Mayer, president of Autopro LLC; Raja Amar, president of Portables Unlimited and a member of Rockland County IDA; Brion Hayman, president of Gateway Building Services; Michael Shilale, principal of Michael Shilale Architects, LLP; Mark Glasel, associate broker, Triforce Commercial Real Estate; Jeremy Schulman, president of Rockland Economic Development Corp.; Phyllis Tucker, director of operations and marketing, Rockland Economic Development Corp.; Al Samuels, president of the Rockland Business Association; Rene Rodriguez, president



Clarkstown Supervisor George Hoehmann flanked by members of the newly formed Business and Economic Development Advisory Committee.

of the New City Chamber of Commerce; Risa Hoag, president of the Nanuet Chamber of Commerce; Jose Simoes, Clarkstown Town Planner; Albert T. Moroni, Chief of Staff and Robert Alberty, Director of Finance.

Committee Chairman Hellman said, "It is an honor to be asked by Supervisor Hoehmann to serve as the chair to the Clarkstown Business and Economic Development Advisory Committee. I look forward to working with this talented group of people to develop a robust plan that will keep Clarkstown the economic force that we are."

The committee has been tasked with producing an interim report within six months to examine and provide specific recommendations for the following topics:

- Improving the way the town promotes and facilitates various approval processes for those seeking to do or expand business in Clarkstown.
- A comprehensive look at trends in the retail sector and how they inform the

sustainability and long-term growth of retail in Clarkstown.

- The development of a marketing plan to reach emerging retailers who are looking for an ideal environment to shape their business spaces to attract consumers that live in the metropolitan area.
- The formulation of a framework for a complete economic development plan to be incorporated into the town's Comprehensive Plan, which is set to begin work in 2020.

- To make recommendations for potential changes to building and zoning laws to be considered by the Town Board to help promote business development and growth within the town.

The press conference was held at the soon-to-be redeveloped Macy's at the Shops at Nanuet, which has served as the anchor store since 1969. The location is emblematic of how times have changed, but also an example of how retail spaces are being re-imagined.

Recently, the property was acquired by Metropolitan Realty Associates, whose CEO Joseph Farkas is redeveloping the space to include the new home furnishings retailer, At Home.

"The Town of Clarkstown was the perfect location for this type of redevelopment. Clarkstown is at the heart of this region, with an abundance of ways for people to access it. Supervisor Hoehmann and his team have been effective partners in bringing about this redevelopment," Joseph A. Farkas, CEO of Metropolitan Realty Associates said.

Clarkstown is Rockland County's economic engine, accounting for 60% of the commercial ratables in the county. The two major malls that call Clarkstown home account for at least 25% of the total sales tax collected countywide. From a tax assessment perspective, retail locations account for approximately \$44 million in real estate taxes collected for the Town of Clarkstown and the school districts within the town.

"As the town approaches finalizing the Nanuet Transit Oriented Development and begins work on a comprehensive plan, I am confident that the members of this important committee will be instrumental in laying the foundation for a dynamic economy for Clarkstown for the next generation," Supervisor Hoehmann said.

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Empire City Casino Changes Hands to MGM Resorts in \$850M Deal

By John Jordan

YONKERS—The era of the Rooney family at Yonkers Raceway came to an end on Jan. 29 with the closing of the \$850-million sale of Empire City Casino and Yonkers Raceway to MGM Resorts International.

The Rooney family acquired the storied Yonkers Raceway property in 1972 and opened the highly successful Empire City Casino in October 2006.

After securing the necessary approvals from the New York State Gaming Commission on Monday, MGM Resorts International and MGM Growth Properties LLC announced on Jan. 29th that they completed the transactions for their acquisition of Empire City Casino in Yonkers.

Following MGM Resorts' acquisition of Empire City for approximately \$850 million, MGP acquired the developed real property from MGM Resorts for approximately \$625 million and leased it back to a subsidiary of MGM Resorts that will now operate the property. MGM announced its intent to acquire the property in May 2018.

The New York State Gaming Commission on Jan. 28 approved the sale of Empire City Casino and the debt transaction related to the deal. The commission also approved applications by MGM for licenses to conduct video lottery games at the Yonkers casino. The commission also approved simulcasting and account wagering and the license to conduct harness racing in 2019 at Yonkers Raceway.

"We are pleased to welcome the 1,200 employees at Empire City Casino to the MGM Resorts family," said Jim Murren, chairman and CEO of MGM Resorts. "Over the past three years, we have established a meaningful presence in the northeast with Borgata in Atlantic City, MGM National Harbor in Maryland, and MGM Springfield in Western Massachusetts. With this new addition to the MGM Resorts portfolio, we have now gained a foothold in the high-density New York City region and we look forward to leveraging the MGM platform to maximize value in this evolving marketplace."

Timothy Rooney, president and CEO of Empire City Casino, said, "What's incredibly exciting is the amount of opportunity MGM Resorts will bring to the employees at Empire City, as well as Westchester County, the city of Yonkers, and the State of New York."

MGM Resorts funded the acquisition with approximately \$360 million in cash, the issuance of approximately 9.4 million shares of common stock and the assumption of approximately \$246 million in debt. MGM Resorts has also agreed to pay an

GHP Office Realty Installs One of the Largest Battery Systems in a NY Office Building

WHITE PLAINS—GHP Office Realty, LLC, a division of Houlihan-Parnes Realtors, LLC, announced recently that it has successfully completed the installation of 375 kW / 940 kWh of battery energy storage at its headquarters at 4 West Red Oak Lane here.

This project represents one of the largest energy storage installations in a commercial building in New York State, and the first project of its kind funded through a Con Edison Energy Efficiency program, GHP Office Realty officials noted.

"We are proud to lead New York's real estate community in installing one of the largest energy storage systems in a commercial building in New York State," said Andrew M. Greenspan, principal, GHP Office Realty, LLC. "This battery storage system is a no-brainer

for us as a commercial landlord: it reduces our energy bills, improves efficiency and power quality, while reducing our carbon footprint."

This project was implemented with Peak Power Inc., a leading energy services provider based in Toronto.

The battery energy storage system features Lockheed Martin's Gridstar 2.0 energy storage technology and Peak Power's intelligent software platform, Synergy, which uses artificial intelligence to forecast moments of peak demand on the energy grid and stores energy for use during those peak times. GHP will receive significant long-term savings on energy costs and Con Edison's burden will be lowered when the demand on their grid is at its highest levels on the hottest summer days, company officials stated.

"This project offers a glimpse into our clean energy future in which customers will have reliability and resiliency," said Vicki Kuo, director of Energy Efficiency for Con Edison. "The owners of this building took advantage of our incentive program to install a technology that will lower their energy costs and enable them to earn revenue by reducing their usage when demand on our grid is high."

Westchester County Executive George Latimer said of GHP's energy initiative, "It will take all of us working together to tackle the climate crisis our planet is facing—and actions taken like this one by GHP Office Realty are exactly the type of bold steps needed to overcome these challenges. Similar to a program we in county government are utilizing, this effort to reduce energy grid usage during peak hours is both being a good local neighbor by decreasing the likelihood of outages and being a good global citizen by decreasing reliance on non-renewable energy sources."

The project also utilizes Peak Power's Building Insight Platform, which uses sensors within the building that are linked to a platform that uses algorithms and machine learning technology to generate predictive analytics. The BIP collects data



4 West Red Oak Lane



An aerial view of the Empire City Casino and Yonkers Raceway complex.

additional \$50 million if Empire City is awarded a license for live table games by New York State on or prior to Dec. 31, 2022 and MGM Resorts accepts that gaming license by Dec. 31, 2024.

The company announced in late December the appointment of Uri Clinton as president and chief operating officer of Empire City Casino upon the Las Vegas-based gaming company's closing on the property and completion of licensing requirements.

Last week, MGM Resorts International announced that its Board of Directors formed an ad-hoc Board committee to evaluate MGM Resorts' real estate portfolio and make recommendations to the full board regarding strategy and opportunities to enhance value.

The committee will be composed of three independent directors—John B. Kilroy Jr., Keith A. Meister and Paul Salem, who will work with management to assist in the evaluation.

The company stated that the committee's focus and objectives will remain consistent with the company's existing strategy to enhance free cash flow per share, maximize value of the owned real estate and MGM's equity holdings, preserve the company's financial stability and position the company for continued growth.

MGM CEO Murren said at the time of the committee's formation: "John, Keith and Paul have extensive relevant experience, and the board will leverage their knowledge as they analyze and evaluate opportunities. MGM prides itself on our capacity to nimbly respond to market opportunities. The formation of this committee is an extension of this focus by both the board and management, as we continually explore how best to take advantage of the enormous value we have developed to-date and seek opportunities on behalf of our shareholders."



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Robison Energy Moving HQ to Port Chester

PORT CHESTER—Robison Energy, LLC is relocating its corporate headquarters from Elmsford to the Gateway Plaza office building in Port Chester.

The long-term lease deal for approximately 11,000 square feet of space at Gateway Plaza (55 South Main St.) in Port Chester was announced by Jamie Schwartz, executive vice president of GHP Office Realty, LLC, an affiliate of Houlihan-Parnes Realtors, LLC, which represented Robison in the transaction.

The office space will serve as Robison's new headquarters and is located a block away from the firm's relocated delivery, service and warehouse space at 45 Ryan Ave. in Port Chester, which is next to the Purdy Avenue oil terminal. Schwartz also represented Robison in that lease transaction as well.

Robison will be relocating its headquarters from 15,000 square feet of office and warehouse space at 500

Executive Blvd. in Elmsford located in Mack-Cali's Cross Westchester Executive Park. That location has served as Robison's headquarters since 1990.

Last year, Robison signed a lease for a 16,400-square-foot industrial building, a 2,750-square-foot warehouse building and a 35,000-square-foot contiguous on-site parking/storage lot located at 45 Ryan Ave. consolidating its delivery, service and warehouse operations from Mount Kisco and Mount Vernon.

Schwartz said of the Robison lease deal in Port Chester, "The completion of Robison's office lease at Gateway Plaza is a culmination of Robison's consolidation plan that we jointly planned over the last few years and now have successfully executed. Gateway Plaza became a viable option for its office space after Ed DeLaurentis and his partners acquired the building over the summer and invested capital into the building's

infrastructure, grounds, parking lot and appearance. Robison will occupy the entire fourth floor."

Portchester Gateway LLC, the ownership entity of DeLaurentis and his partners, purchased the 40,000 square foot building in August 2018 for \$4.25 million.

"We are excited to be moving our entire operation to Port Chester. By having our entire operation, executives, administrators, service department and delivery department in one area, literally walking distance from one location to the other, as well as being in the Port Chester Central Business District and walking distance to the Metro-North Train station is something we planned to do for years," said Dan Singer, president of Robison. "Once we are fully moved into both properties, Robison will be leasing over 30,000 square feet of space and bringing approximately 150 jobs to Port Chester."



Gateway Plaza

CPC Launches Agency Mortgage Lending Subsidiary

NEW YORK—The Community Preservation Corporation, a leading non-profit affordable housing and community revitalization finance company, announced on Feb. 12th the launch of CPC Mortgage Company LLC, a subsidiary created solely to focus on the company's rapidly growing agency lending business.

CPC Mortgage Company LLC was officially introduced at a reception on Feb. 11th during the Mortgage Bankers Association's Commercial Real Estate Finance/Multifamily Housing Convention & Expo 2019 in San Diego, CA.

CPC Mortgage Company LLC will offer a suite of Freddie Mac, Fannie Mae, and Federal Housing Administra-

tion products for acquisition, refinance, rehabilitation and construction for multifamily properties. This new one-stop shop provides borrowers with a team of experts with deep experience in all aspects of the agency business to ensure that borrowers receive unmatched technical assistance and deal execution, CPC officials stated.

While offering products for a broad range of capital needs including flexible bridge loans, with strong ties to the parent company and its mission, CPC Mortgage Company LLC offers institutional expertise in affordable, stabilized housing and small buildings/small balance loans.

"It was important to us that CPC Mort-



Rafael E. Cestero, president and CEO of Community Preservation Corp.

gage Company not just be successful, but that it helps to further the non-profit mission of CPC and that it's true to our core values," said Rafael E. Cestero, president and CEO of CPC. "Having products that target affordable housing and small buildings is a perfect fit. Those are areas where our decades of experience put us in a position to provide unmatched value to our customers and communities."

CPC is a leader in the multifamily finance industry since its founding in 1974, focusing on the needs of un-

derstood communities and the unique capital challenges faced by owners and managers. CPC started its relationship with Freddie Mac in 1994 as a conventional lender. To help meet the needs of its core constituency of small building owners, the company became a Small Balance Loan seller/servicer in 2015, and soon added both Fannie Mae and FHA licenses.

"The launch of CPC Mortgage Company LLC, brings our trademark dedication and ability to execute to borrowers looking for the opportunities that agency products offer," said Sadie McKeown, EVP and COO at CPC. "It's not just about originating—we're here to build relationships and put our borrowers in the best position to be successful for the long-term."

For the last two fiscal years, the agency team operated under the CPC umbrella, but with originations in Fiscal Year 2018 at nearly \$500 million over a portfolio of 154 loans, it was time to officially launch CPC Mortgage Company LLC as a stand-alone subsidiary, company officials stated.

Since its inception in 1974, CPC has leveraged approximately \$10.5 billion in private and public investment to finance more than 193,000 units of multifamily housing. CPC's work with its partners has helped revitalize many neighborhoods and provided quality housing for families, senior citizens, and individuals with disabilities.

GHP Office Realty Installs One of the Largest Battery Systems in a NY Office Building

Continued from page 21

from sensors (including temperature, occupancy, electricity consumption and HVAC consumption), then uses these metrics to provide building managers with efficient recommendations and mobile alerts.

GHP is actively working with Peak Power to expand these green initiatives across its suburban office portfolio. GHP also utilizes other energy efficient solutions throughout its portfolio, such as: variable frequency drives that are installed wherever possible to reduce fan and pump motor usage, and energy-efficient LED light bulbs that have been installed in more than 735,000 square feet of GHP's portfolio from obsolete T8 models, utilizing Con Edison incentive programs. GHP has also standardized

the use of green cleaning products throughout its portfolio.

"Peak Power is proud to partner with GHP Office Realty, a well-respected leader in the New York real estate community," said Derek Lim Soo, CEO of Peak Power. "The electric industry is changing and energy storage systems can add tremendous value by reducing costs for building owners, while providing added resiliency and fast response grid services to the utility."

GHP Office Realty has acquired, financed, redeveloped, leased, and managed more than six million square feet of office space. Regionally, the partners own and manage buildings in Westchester, Rockland, Fairfield (CT) and Bergen (NJ) counties.



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HG Foundation's 'Project Beauty' Event Draws Nearly 200 People



From left, Phyllis Lerner, Elvira Aloia, Sander Koudjis, Bonnie Koff, Marcene Hedayati and Beth Hargraves



Bonnie Koff getting a makeover.



Tracey Daniels O'Connell



Rose Asprea on right with Neiman Marcus stylist.



From left, Karen Mayo and Lauren Mauro



From left, Danielle Roviezzo, Suzan Zeolla and Linda Urban



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