

# HGAR Lobbies NYC/Hudson Valley Lawmakers On Eight Key Priorities at Annual Lobby Day

By John Jordan

ALBANY—Approximately 60 members of the Hudson Gateway Association of Realtors traveled to Albany on Tuesday, May 7 to join hundreds of Realtors from across the state and present the real estate association’s 2019 legislative priorities to state lawmakers that represent Assembly and Senate districts in the Hudson Valley and New York City.

Tops on the HGAR legislative agenda were the association’s continued support for the NY First Home legislation that passed the Assembly and Senate



Approximately 60 members of the Hudson Gateway Association of Realtors traveled to Albany to participate in the annual Lobby Day event.

in 2017, but now awaits a study before it can go into effect, as well as the “Transparency and Disclosure in Cooperative Housing” bill that when originally proposed would require co-op boards to give reasons in writing to an applicant and establish reasonable time frames for Co-op boards to act on applications. HGAR Past President Barry Kramer said that the co-op bill has been modified since it was drafted to now only require a specific time frame for boards to act on an application, somewhat similar to legislation passed recently by Westchester and Rockland counties.

In connection with the NY First Home legislation, Gov. Andrew Cuomo signed the bill on Dec. 18, 2017 but issued a memorandum in conjunction with the approval that required the Division of Community Renewal, in consultation with the Department of Taxation and Finance and the State of New York Mortgage Authority to study “opportunities for, and implications of, a tax-advantaged first home savings program.” When originally announced, the study was scheduled to be complete by June 2018.

The legislation would have allowed individuals seeking to purchase their first home to establish a savings account and make annual tax-deductible contributions of up to \$5,000 for an individual or head of household or \$10,000 for married taxpayers who file taxes jointly. The bill put a cap on contributions of up to \$100,000 for the purchase or construction of their primary residence.

Continued on page 2

# Westchester Terminates Rye Playland Contract With Standard Amusements

By John Jordan

WHITE PLAINS—Westchester County notified Standard Amusements, LLC, which was scheduled to take over operation of the storied Rye Playland amusement park in November, that it terminated the 30-year lease agreement reached in mid-2016.

Late last month Westchester County Executive George Latimer reported he had reached the decision to terminate the Rye Playland 30-year lease agreement. The county has given Standard Amusements 30-days-notice of the contract termination, which will go into effect on May 28. The county’s decision to terminate the agreement was based on what the county termed as Standard Amusements’ failure to cure various



Rye Playland opened for the season earlier this month to the largest opening day crowd in the past seven years.

Continued on page 2

# Con Ed Reaches Deal to Expand Pipeline That Could Lift Westchester Natural Gas Moratorium in Four Years

By John Jordan

NEW YORK CITY—Con Edison has proposed a major project that could bring sufficient natural gas to sections of Westchester County impacted by the utility’s moratorium imposed last month. The only problem is the remedy won’t be online for four-and-a-half years at the earliest.

Utility Con Edison reported on April 24 that it reached an agreement with Tennessee Gas Pipeline to increase capacity in its existing natural gas pipeline that connects to Con Edison’s distribution system to Westchester County.

The deal, if approved, would upgrade and enhance the capability of the existing pipeline to transport additional natural gas for Con Edison and provide the incremental capacity to enable Con Edison to lift the moratorium on new natural

gas connections in most of Westchester County it imposed on March 15. The utility said the new natural gas capacity from the Tennessee Gas Pipeline could be in service by November 2023.

No financial terms of the agreement between Con Edison and Tennessee Gas Pipeline were disclosed at press time.

“This project offers a reasonable, sensible approach to allow an orderly transition to the renewable energy future we all desire,” said Tim Cawley, president of Con Edison. “The solution provides the time needed to improve non-pipeline technology and make it widely available. The additional natural gas capacity will continue to support economic growth in our region, while reducing reliance on heating oil and the need for locally deliv-



Tim Cawley, president of Con Edison

ered compressed and liquid natural gas.”

Con Edison reported that it is continuing to implement the company’s \$223-million Smart Solutions program for customers interested in alternatives to natural gas, including incentives to electrify heating systems, upgrade HVAC controls, install geothermal heat pumps or weatherize their homes. The increased gas capacity plan, which was approved by the New York State Public Service Commission earlier this year,

Continued on page 2

## INSIDE SPOTLIGHT ON



Anthony Domathoti, see page 11

- VIEWPOINTS** ..... 4
- LEGAL CORNER** ..... 5
- RESIDENTIAL**.....6,7
- PEOPLE** .....10
- HGAR UPDATE** ..... 11,12
- EDUCATION/CALENDAR** ..... 13
- LEGISLATIVE/BARRISTER**..... 4,14
- COMMERCIAL**.....16,17
- TECHNOLOGY**.....18
- MORTGAGE/FINANCE** ..... 20
- PUTNAM** .....21

## Section Two Focus on WESTCHESTER



## Westchester Terminates Rye Playland Contract With Standard Amusements

Continued from page 1

“material defaults” under the contract that were spelled out in a letter from the county to Standard Amusements on Dec. 7, 2018.

While the county and Standard Amusements have been in negotiations regarding a number of contractual issues identified by the Latimer Administration last year, the two sides now appear to be on a clear path to settle the dispute in a courtroom.

“We are unhappy with the way this has all turned out; we never wanted this kind of conflict,” Latimer said. “However, we are simply not satisfied with what we have been seeing. We wanted to see the energy, excitement and drive in Standard Amusements’ vision for Playland—we didn’t want just a real estate deal.”

Latimer stated that Standard Amusements “was in material breach” of its contract with Westchester County.

Standard Amusements characterized Latimer’s action as “deeply disappointing and devastatingly false” and added that the decision was “nothing more than a means to improperly terminate a 30-year contract that was twice approved by super majorities of the Westchester Board of Legislators. It exposes taxpayers to hundreds of millions of dollars in losses from Playland’s extensive capital needs and needless litigation.”

The Westchester County Board of Legislators in May 2016 voted 13-4 in favor of the contract with Standard Amusements for a 30-year management contract of the 280-acre property. Those improvements were to include new rides and attractions, as well as upgrading food choices, picnic areas, and restaurants and renovating grounds and buildings. Westchester County agreed to spend \$32 million for 11 capital projects to rehabilitate the infrastructure at Playland, including rides, gaming and concession improvements, as well as shoreline rehabilitation.

In its statement, Standard Amusements added that the Latimer Administration “has been negotiating in bad faith and, despite numerous requests, Mr.

Latimer has been unwilling to meet with Standard Amusements since November 2018.”

The firm continued, “Despite Mr. Latimer’s mismanagement and complete disregard for visitor safety, Standard Amusements remains more committed than ever to restoring Playland to its former glory.”

**“Standard Amusements has improperly claimed that it invested money in Playland, when in reality that money was not spent on purposes allowed under the agreement.”**  
—County Executive George Latimer

Standard Amusements stated that it has worked for nine years and spent more than \$10 million on its mission to save Playland. Westchester County noted that since receiving its December letter, Standard Amusements “has continued to claim expenses that do not qualify as part of the Manager’s Investment (including its legal expenses related to our negotiations), for a total of \$7.7 million according to its last monthly report.”

“Standard Amusements has improperly claimed that it invested money in Playland, when in reality that money was not spent on purposes allowed under the agreement,” Latimer said. “Standard Amusements is wasting taxpayer dollars at the end of the day.”

Last May, Westchester County’s Department of Public Works/Transportation and Parks Department released a highly-critical report of the Standard Amusements’ contract that estimated the state of good repairs necessary at Playland to be \$125 million. That estimate was far above the repairs called for in the Standard Amusement contract that require Standard Amusements to invest \$27.5 million in capital projects (including \$14 million for rides) and holds Westchester

County to be responsible for \$33 million in repairs, plus \$9.54 million associated with the pool reconstruction.

The report stated the county could be responsible for an additional \$65 million to as high as \$95 million in additional capital costs, depending on investments made by Standard Amusements.

In its contract termination announce-

ment, Westchester County cited a number of significant contractual issues that led to the decision to terminate the Rye Playland contract, including:

- Standard Amusements has improperly claimed millions of dollars as part of its contractually defined Manager’s Investment obligation, which is supposed to represent capital improvements at Playland.

- The county stated that it is entitled to an annual audit of Standard Amusements’ books and records under the agreement; however, the county charges that Standard Amusements has prevented the county from completing the audit and has refused to provide necessary documentation.

Latimer stated that the agreement has “Westchester taxpayers on the hook for \$125 million, with Standard committed for \$27.5 million. “My job is to make sure Westchester taxpayers come first. The county’s relationship with Standard Amusements must come to a close. We cannot have confidence in Standard Amusements based on its actions. The company has not proven it has been serious about Playland succeeding,” Latimer said.

ment, Westchester County cited a number of significant contractual issues that led to the decision to terminate the Rye Playland contract, including:

- Standard Amusements has impro-

## HGAR Lobbies NYC/ Hudson Valley Lawmakers

Continued from page 1

The HGAR delegation, led by Legislative and Legal Issues Council Chair Leah Caro and vice chairman Clayton Livingston, joined other members of the New York State Association of Realtors at its Annual Lobby Day program. HGAR staff that participated in the Lobby Day program included HGAR CEO Richard Haggerty; HGAR COO Ann Garti; HGAR Director, Multiple Listing Service & Information Systems Gary Connolly; HGAR Director of Professional Development and Industry Relations Theresa Hatton, HGAR Director of Marketing Cathleen Stack and HGAR Government Affairs Director Philip Weiden.

The event kicked off with an address by 2019 NYSAR President Moses Seuram and keynote speaker New York State Senator Shelley Mayer of Yonkers, who expressed her support for the entire Realtor legislative agenda.

Sen. Mayer, who is a co-sponsor of the Transparency and Disclosure in Cooperative Housing bill, told the hundreds of Realtors at the breakfast session, “I am hopeful that we can finally move this bill to get a timely answer to an application to buy a co-op.”

Members of the Hudson Valley delegation that met personally with HGAR members in a Hearing Room at the Legislative Office Building expressed their support for the measures. HGAR officials told *Real Estate In-Depth* that the bi-play with the state legislators at the LOB hearing room was one of the most productive in memory.

State lawmakers that attended the session with the HGAR contingent included: State Assemblywoman Sandy Galef, State Assemblyman Thomas Abinanti, State Assemblyman David Buchwald, State Assemblyman Kenneth Zebrowski, State Assemblyman Steve Otis and State Senators James Skoufis and Peter Harckham.

After the session ended, HGAR members hand-delivered the association’s legislative agenda to individual members of the Hudson Valley and New York City delegations.

Former Westchester County legislator and now State Sen. Harckham had an extended discussion with the HGAR group and expressed not only support but optimism that the co-op disclosure bill might be approved by the legislature this session.

Noting that the Source of Income bill that was part of the enacted state budget, Harckham said of the co-op disclosure bill “is sort of like the step sibling of that (measure). My guess is that we

will not have a problem with it.” He later added that while he is not a member of the Senate Housing Committee, “It just seems to me to be natural that if we are going to pass Source of Income then this is the next logical step,” Harckham said.

Sen. Harckham and HGAR’s Livingston had a back-and-forth discussion on HGAR’s opposition to a proposal in the Assembly to increase the state Department of Environmental Conservation’s oversight of wetlands from the current threshold of 12.4 acres or more to wetlands as small as one acre. Sen. Harckham said that local municipalities are bearing huge water quality costs due in part to issues surrounding the loss of wetlands. He said he would welcome further discussion with representatives of HGAR on the matter.

Among other topics discussed at the session included HGAR’s support for stronger continuing education requirements for Realtors and opposition to any attempt to broaden statewide rent control regulations. HGAR Regional Director New York County Tony D’Anzica discussed why the association is against efforts to broaden the state’s rent regulations that are set to expire at the end of this year.

D’Anzica told state lawmakers that building owners are forced to abide by rent control and other state and New York city regulations and yet in many cases cannot pass on the cost of necessary upgrades and improvements to their properties to tenants.

“How does a landlord run a building without going bankrupt?” D’Anzica said. “That is the question.” He added that building owners as well as condominium and cooperative properties are all feeling the squeeze from state and city housing regulations.

State lawmakers also cited a number of proposals and or issues that should require more scrutiny by HGAR and the real estate industry as a whole—a bill that would prohibit evictions without good cause; a measure to strengthen regulations regarding fraudulent transfer of properties and a proposal that would require commercial landlords to post a notice of the building’s ownership contact information in order to notify the area and local businesses that the property is available.

Assemblywoman Galef noted efforts now underway by her and other area lawmakers to study the assessments of

Continued on page 8

## Con Ed Reaches Deal to Expand Pipeline

Continued from page 1

allows more time for technologies to advance, and for customer adoption to increase for alternative heating and cooking solutions, the utility stated.

Con Edison reported that it received 1,600 applications for natural gas service in the moratorium area from the time the company first announced its intent to impose the moratorium in January and its imposition on March 15.

The utility noted that demand for natural gas in New York City and Westchester County has grown significantly in recent years due to conversions of heating systems from oil to natural gas, as well as economic growth, with developers preferring natural gas in new buildings. At present, the utility has not imposed a natural gas connection moratorium for its service area in New York City.

The Business Council of Westchester, which has formed a task force to deal with the impact the natural gas moratorium might have on development projects in the affected areas, said the agreement between Con Edison and Tennessee Gas Pipeline “offered a ray of hope for our increasingly energy-starved region.”

However, the Business Council in a prepared statement, added, “Unfortunately, this potential increase to the available supply requires its own set of approvals. Con Edison characterized it this way: ‘The incremental capacity could be placed in service by November 2023.’ That’s four and a half years, if the

approval goes smoothly, and at least four and a half years more of the moratorium on new gas hookups in most of Westchester.”

Earlier this month the mayors of New Rochelle and White Plains said that the impacts of the natural gas moratorium, at least initially, were not as bad as first feared and that no developer had pulled their projects from consideration due to the natural gas connection moratorium. One project that could be impacted by the moratorium, is a project to redevelop the Chicken Island property near City Hall in Downtown Yonkers, according to Yonkers Commissioner of Planning and Development Wilson Kimball.

In another pipeline expansion-related deal, Con Edison announced an agreement on May 9 with Iroquois Gas Transmission System, L.P. to develop and permit a rational solution that would provide needed incremental natural gas capacity to the Bronx and parts of Manhattan and Queens.

Under the agreement, Iroquois Gas would provide increased natural gas capacity to Con Edison’s distribution system that serves New York City by upgrading compression facilities on the Iroquois system. These upgrades will enhance Iroquois’ capability to transport much needed natural gas supplies to Con Edison customers. Subject to the necessary permits and approvals, the incremental capacity could be placed in service by November 2023.



# White Plains Hospital Breaks Ground on \$272M Outpatient Center Project

By John Jordan

WHITE PLAINS—White Plains Hospital officials and other county and local dignitaries were on hand on April 22 to celebrate the groundbreaking of a new 252,000-square-foot outpatient center being built at the corner of Maple and Longview avenues here.

The \$272-million project is being built on the site of a former vacant apartment building, a hospital building and storage facility. Site work has already begun on the nine-story outpatient center for advanced medicine and surgery that will have two connections to the main hospital, as well as to the adjacent Center for Cancer Care on the corner of East Post Road.

The new project is part of what has been a significant capital program undertaken by the hospital since 2015. The hospital's new lobby and inpatient tower, completed in 2015, was a \$100-million venture, while the Center for Cancer Care, which opened in 2016 totaled \$50 million.

Since 2015, approximately 475,000 square feet has been renovated or added to the hospital. Including the new project, the hospital's capital investment will total approximately \$422 million once the new outpatient center is completed in 2021.

White Plains Hospital is a member of the Montefiore Health System. Susan Fox, president and CEO of White Plains Hospital, said that financing for the project will be secured through the hospital's partnership with Montefiore.

"The new center is an exciting step in White Plains Hospital's transformation into the leading tertiary care hub for

patients in Westchester County and beyond," Fox said. "Inside, we will deliver a seamless patient experience and offer ease and convenience for accessing additional advanced ambulatory services and procedures."

Steven M. Safyer, MD, president and CEO, Montefiore Medicine, said, "This new location represents the very best Montefiore has to offer, passionate physicians, who are leaders in their fields with access to cutting-edge research from Albert Einstein College of Medicine, backed by the most modern technology available today."

The new advanced center will house new operating rooms, endoscopy suites, cutting-edge imaging, wound care delivered through hyperbaric chambers, and specialty physician practices including: orthopedics, spine, maternal fetal medicine, neurosurgery, and a Heart and Vascular Center.

Fox added that some functions currently housed in the main 292-bed hospital will be shifted to the new outpatient center, which will then free up space for more beds and other hospital-related services.

The new project is expected to add another 422 jobs at White Plains Hospital. The hospital is currently the largest employer in the City of White Plains, employing approximately 3,500 workers. White Plains Hospital also has satellite offices throughout Westchester County and boasts a footprint that extends from New Rochelle in Southern Westchester to Yorktown in Northern Westchester.

Some of the key elements of the project include a patient drop-off drive-



A rendering of the new White Plains Hospital outpatient center for advanced medicine and surgery, which is now under construction.

way that is integrated into the building's design, allowing patients to essentially drive into the building for convenient drop off.

The project is designed in accordance with the principles of sustainable construction to support energy efficiency, water efficiency, light pollution reduction, and indoor air quality.

The building will also feature a robust IT infrastructure designed to facilitate current and future medical technology, such as telemedicine. An intelligent infrastructure will support automatic building management, energy efficiency through technology and real-time data

collection.

Paul LeClair, a senior project manager for construction manager New York City-based Turner Construction, said the project will be built under a Project Labor Agreement with the Building & Construction Trades Council of Westchester & Putnam Counties, based in Briarcliff Manor. He said the project at peak construction will employ 250 construction workers and will create a total of approximately 1,500 construction jobs during the life of the project. Edward Doyle, president of the building trades organization, confirmed that a PLA had been reached with Turner on the project.

**Subscribe to In-Depth**  
**Call 914-681-0833**

## Don't Forget!

### Grievance Deadlines

WESTCHESTER

All Westchester Towns as well as the Cities of New Rochelle, Peekskill, Mt. Vernon, Rye.

Third Tuesday in June.

ROCKLAND

All Rockland Towns.

Fourth Tuesday in May

PUTNAM

All Putnam Towns.

Fourth Tuesday in May.

O'DONNELL & CULLEN  
 PROPERTY TAX CONSULTANTS

“Who better than a retired Tax Assessor?”

FOR OTHER HELPFUL ASSESSMENT INFORMATION PLEASE VISIT OUR WEBSITE:  
[www.retiredassessor.com](http://www.retiredassessor.com)

CALL FOR A FREE CONSULTATION 914-779-4444



## PRESIDENT'S CORNER

By Ron Garafalo, HGAR President



# June is National Homeownership Month

June is National Homeownership month, a time to celebrate and promote the American Dream of owning a home. Realtors know that homeownership is the best investment an individual can make to build their personal wealth, however, owning a home is not just in the best interest of the homeowner. Homeownership provides social stability, builds communities and is a driving force for the national economy.

June is a time to reiterate what Realtors across the country have always known, that it is in the best interest of the nation that anyone who is able and willing to assume the responsibilities of owning a home should have the opportunity to pursue that dream in a safe, responsible way.

My fellow HGAR members, you know that our job requires us to do many things, while at the same time be knowledgeable about a vast number of subjects. With that in mind, I have said many times, the most important job that we have is to always do what is in the best interest of our clients. What better way to do what is in our client's best interest and celebrate Homeownership Month than to be great at our job and at the same time be respected by each other by doing our job in the most ethical and professional manner possible.

As a real estate instructor for more than 15 years, and one that has taught the Code of Ethics during that time to thousands of agents, I always discuss in class my favorite piece from the National Association of Realtors, which is NAR's Pathways to Professionalism. This voluntary list of professional courtesies is something we should all be doing every day in our career. Our jobs would be so much more enjoyable and done in a more efficient manner if we followed the list. I have had an insert of this piece included in this month's edition of *Real Estate in Depth*.

The most important point of all those listed in the insert is simply "Follow the golden rule." That alone would be a great start in all we do. Other ideas include "call if you are delayed or must cancel an appointment," "be responsible for everyone you allow to enter a listed property," "never allow buyers to enter a property unaccompanied," "leave the property as you found it," "do not prospect at other Realtors open houses or similar events," "respond to other agents e-mails or call promptly," "show courtesy, trust and respect to other real estate professionals" and lastly "real estate is a reputation business. What you do today may affect your reputation and business for years to come."

If you are an agent, I ask that you please take the time to read what I believe is a very important piece and follow what is written. If you are a broker or manager, I encourage you to follow up with your agents and make Pathways to Professionalism a topic in one of your sales meetings during the month of June. As I have said in previous articles, I encourage you to join me in NAR's commitment to excellence. You can find C2EX on HGAR, NYSAR and NAR's websites.

In addition to making us all better at our jobs, the other great thing about Pathways to Professionalism and C2EX is that they are free. All that is needed is a little time and a commitment to be the best that you can be. As always, I wish all of you continued success.

## GATEWAY PERSPECTIVES

By Richard Haggerty, HGAR CEO



# Still a Long Way to Go!

Last month was Fair Housing Month, and HGAR's Fair Housing and Cultural Diversity Committee, chaired by Dorothy Botsoe and Eydie Lopez, coordinated a wonderful event to celebrate Fair Housing Month entitled "Play by the Rules or Pay the Consequences." The speakers were Sally Santangelo, the executive director of CNY Fair Housing from Central New York, and Fred Freidberg, executive director of the Fair Housing Justice Center based in the New York City Metro area (see photos from the event on page 19).

I was very pleased to see that the room was packed to hear these two excellent speakers share their knowledge, but the message was grim—racial segregation and active discrimination in housing continue to be a fact of life, despite the progress we have made over the last several decades.

Santangelo discussed the practice of redlining, which began in the 1930s and led to the systematic denial of various services to residents of specific, often racially associated, neighborhoods or communities. She demonstrated as an example that the effects of redlining in Downtown Syracuse can still be felt to this day. Freidberg talked about specific instances of discrimination cases that are occurring in the New York City and suburban area.

What also brought the subject matter home for me was a conversation I had recently with a real estate attorney in the area that made an offhand comment that in his opinion prospective buyers often times want to live in areas or buildings where they feel "comfortable." He specifically cited an example where senior citizens might prefer to live in a building where the residents were predominantly older with few children. This individual, who is also an elected official, indicated that he would advise his clients to be sensitive to that concern. It may have just been me, but I thought I heard an audible gasp from colleagues when this attorney said this and one even rightfully pointed out to him that as real estate professionals it is our responsibility to show all available properties to prospective purchasers based upon the criteria that they provide, and not play the role of "matchmaker" to determine where the prospective buyer would be most "comfortable."

While the remark from the elected official may have been intended to be innocuous, the reality is that such a sentiment actually reinforces segregation. We need to remember that buyers and renters are the decision makers as to where they want to live, and we need to show them all available properties that meet their criteria. We are not "matchmakers," we are real estate professionals who comply with all of the local, state, and federal fair housing laws, as well as the Realtor Code of Ethics.

## LEGISLATIVE AFFAIRS

By Philip Weiden



# Realtors Head to D.C. For Capitol Hill Visits

HGAR members, along with Realtors from across the country, at press time are headed to the annual NAR Legislative meetings in Washington DC to meet with their Congressional representatives and advocate for Realtor issues.

Among the topics of discussion this year include the National Flood Insurance program. Realtors are fighting to reauthorize the program for at least five years. Currently the flood program expires on May 31st of this year. NAR and HGAR are advocating for meaningful reforms to include more accurate flood mapping along with aligning insurance rates to actual risk, providing property risk mitigation resources and opening the door to private flood insurance. Private flood insurance would afford property owners an opportunity to opt for the level of insurance they prefer and hopefully drive down the cost by creating competition among insurance companies.

A relatively new issue this year will be The Qualified Opportunity Zone program (QOZ). Created in 2017, the program aims to encourage development and job creation in economically distressed communities through tax incentives for investments in designated areas. Rulemaking to finalize the program is currently taking place and Realtors are active with helping the Treasury Department make the new

Continued on page 14

**Subscribe to In-Depth**  
**Call 914-681-0833**

## REAL ESTATE IN-DEPTH

May 2019 Published May 16, 2019

Publisher: Hudson Gateway Association of Realtors, Inc.

Ronald Garafalo, President

Gail Fattizzi, President-Elect

Tony L. D'Anzica, Regional Director New York County

Clayton Livingston, Regional Director Putnam County

Eydie Lopez, Regional Director Orange County

Roberta Bangs, Regional Director Rockland County

Aimee G. DeCesare, Regional Director Westchester County

Irene Guanill Elukowich, Treasurer

Crystal Hawkins Syska, Secretary

Richard K. Haggerty, Chief Executive Officer

John Jordan, Editor

Bart D'Andrea, Art Director

John Vecchiolla, Photographer

Meadow Art & Design, Design & Production

REAL ESTATE IN-DEPTH, published monthly, is the official publication of the Hudson Gateway Association of Realtors, Inc., One Maple Ave., White Plains, New York 10605. Opinions contained in the articles herein do not necessarily reflect the opinions of the Association. The editors of REAL ESTATE IN-DEPTH reserve the right to accept or reject all advertising copy. REAL ESTATE IN-DEPTH (ISSN 0043-339X) or (USPS 677-500) is published 12 times a year for \$12 per year, included in member dues, and \$24 for non-members, by The Hudson Gateway Association of Realtors, Inc., One Maple Ave., White Plains, N.Y. 10605. Periodical Postage is paid at White Plains, N.Y. REAL ESTATE IN-DEPTH cannot be responsible for unsolicited manuscripts, nor undertake to return manuscripts or pictures. POSTMASTER: Send address changes to REAL ESTATE IN-DEPTH, One Maple Ave., White Plains, New York 10605.



**Sign up for our**  
**Free Real Estate In-Depth**  
**online edition and**  
**Newsletter Updates**  
**@ RealEstateInDepth.com**



# The Doctrine Caveat Emptor or ‘Buyer Beware’ Is Still Alive, But One Must Still Use Caution

## LEGAL CORNER

By John Dolgetta, Esq.  
HGAR Legal Counsel



On April 10, 2019, the Appellate Division for the Second Judicial Department issued a decision in *Comora v. Franklin* (see <https://bit.ly/2H90yk4>) holding that the defendants in the case, the seller and seller’s agent, had no duty to disclose to the buyer, based on the doctrine of “Caveat Emptor” (i.e., “Buyer Beware”), the existence of humidity and mold in an indoor pool area of the home they purchased. This may seem like a simple and straightforward decision reiterating that the doctrine of “Buyer Beware” is still the law in New York; however, it is important to note that the rationale the Appellate Court applied in *Comora* in overturning the decision of the lower court was primarily based on the existence of specific disclaimers contained in the contract of sale.

### The Facts of *Comora v. Franklin*

The purchasers, Adam and Hillary Comora, purchased a luxury home from the seller, Martin Franklin, in November 2013, for \$6.2 million. The seller’s real estate agent was his sister, who worked for the brokerage firm that listed and marketed the property. Prior to entering into contract, the purchasers had the home inspected by a licensed home inspection company and the report found that there was no visible evidence of mold. After “extensive negotiations” between the parties, the seller accepted the purchasers’ offer and the parties entered into a formal contract of sale on Oct. 11, 2013.

The standard “Residential Contract of Sale” form (version 11-2000) prepared by the Real Property Section of the New York State Bar Association and other organizations (the “Form Contract”) was used by the seller’s attorney in this transaction. This Form Contract is commonly used by real estate attorneys on residential transactions in the southern parts of New York State, but is not commonly used in the more northern parts of the state. Paragraph 12 of the Form Contract includes the following language:

“12. *Condition of Property.* Purchaser acknowledges and represents that Purchaser is fully aware of the physical condition and state of repair of the Premises and of all other property included in this sale, based on Purchaser’s own inspection and investigation thereof, and that Purchaser is entering into this contract based solely upon such inspection and investigation and not upon any information, data, statements or representations, written or oral, as to the physical condition, state of repair, use, cost of operation or any other matter related to the Premises or the other property included in the sale, given or made by Seller or its representatives, and shall accept the same “as is” in their present condition and state of repair, subject to reasonable use, wear, tear and natural deterioration between the date hereof and the date of Closing (except as otherwise set forth in paragraph 16(e)), without any reduction in the purchase price or claim of any kind for any change in such condition by reason thereof subsequent to the date of this contract.”

There was also an additional rider (“Rider”) annexed to and executed by the parties, which provided, in pertinent part, that:

“Seller is not liable or bound in any manner by any verbal or written statements, representations, real estate broker’s set-ups, or information pertaining to the Premises furnished by any real estate broker, agent, employee, servant, or other person, unless the same are specifically set forth herein. Purchaser is purchasing the premises in “AS IS” condition as of the date hereof.”

The Rider also provided that the purchaser agreed to receive, and seller agreed to provide, a credit of \$500 in lieu of the seller delivering the Property Condition Disclosure Statement to the purchasers. This is customary in most residential real estate transactions. The same paragraph further stated that the “Purchaser has been given the opportunity to have any and all inspections done to the Premises that the Purchaser wishes to have done.” It also specifically provided that the provision would survive the closing.

After the parties entered into contract, the purchasers’ attorney ordered the customary title search on the premises, which included a standard municipal search. The only item that came up relating to this in the municipal search was the approval for the original construction and completion of the indoor pool area. However, according to the original Summons and Complaint filed by the purchasers on July 31, 2015, it was discovered, after the closing, that the seller had undertaken a major mold remediation project in March of 2013 at a cost in excess of \$1 million. The municipal search did not reveal that there were any permits pulled in connection with this remediation work. The home was eventually listed for sale in May 2013.

In September 2013, the purchasers (who were represented by their own agent according to the court records) met with the seller’s real estate agent to view the property for the first time, and once the offer was accepted by the seller, in early October, the purchasers had the home, including the pool area, inspected by a licensed inspection company. The inspection report noted that there was “no visual evidence of musty odor associated with fungi during the inspection, and there were no elevated moisture levels to indicate fungi proliferation.” However, shortly after the closing, the purchasers stated that the humidity alarm went off when they attempted to prepare the pool for its first use. When the alarm was triggered the purchasers contacted the seller who, as they recount, “curtly” referred them to the company that handled the remediation project in March. The mold remediation company went out to the property several times to attempt to remedy the humidity issue and it was during this time that the purchasers first learned that this company

had handled the major mold remediation project in March.

In January 2014, mold began to appear in the pool area. The purchasers had the pool wing inspected again by the original inspection company they had used and then obtained a second opinion. Both inspection companies reached the same conclusion, “that there were significant moisture issues in the pool area and that the infrastructure and mechanical systems in place to control these issues were flawed.” Ultimately, the purchasers’ attorney reached out to the seller’s attorney, who responded on April 14, 2014 and informed them of the mold remediation project for the first time. The seller’s attorney provided the purchaser’s attorney with a copy of the remediation report showing that the mold issue had been resolved and the invoices relating thereto. The purchasers also obtained copies of additional reports from the remediation company, which detailed subsequent visits to the property after the March 2013 project. In the Spring of 2014, the purchasers hired a mold removal company and at the same time elected to redo the entire pool area at a cost of \$1.1 million. Soon thereafter, the purchaser commenced the lawsuit against the seller and seller’s agent.

The purchasers alleged that the seller and seller’s agent engaged in fraud because they had a “peculiar knowledge of the humidity and mold problems” and failed to inform the buyers of these issues. They alleged that the seller and seller’s agent “actively concealed these issues” until several months after the closing. The purchasers further alleged that the defendants engaged in fraud by posting a misleading listing that did not include any mention of the 2013 remediation work.

As trial court judge, Judge Smith, pointed out in her May 3, 2016 decision, the purchasers also claimed that the seller did not obtain the necessary permits from the town to complete the March 2013 remediation project, which would have put the purchasers on notice about the issue. They allege that the seller did so intentionally so that it would not appear in the building department records. The purchaser also sought punitive damages alleging that the fraud was “gross” and involved “wanton dishonesty.” The defendants filed a motion to dismiss the action and Judge Smith dismissed only two of the 10 causes of action filed by the purchasers. She held that there were sufficient questions of fact as to allow the lawsuit to proceed against the defendants. She did, however, dismiss the 10th cause of action for punitive damages and third cause of action simply because it was not “pleaded with any particularity.” The defendants appealed the decision to the Appellate Division.

### The Appellate Division Upholds the Doctrine of Buyer Beware

As the Appellate Court points out, citing various previous Appellate Division decisions (see *Hecker v. Pashke* (2015) (<https://bit.ly/2VQ8uyQ>); *Daly v. Kochanowicz* (2009) (<https://bit.ly/2YiFxt0>) and *Jablonski v. Rapalje* (2005) (<https://bit.ly/2DViXyl>)), “[i]n the context of real estate transactions, ‘New York adheres to the doctrine of caveat emptor and imposes no duty on the seller or the seller’s agent to disclose any information concerning the premises when the parties deal at arm’s length, unless there is some conduct on the part of the seller or the seller’s agent which constitutes active concealment.’”

The court explains that “[i]n an action to recover damages for fraud, the plaintiff must prove a misrepresentation or a material omission of fact which was false and known to be false by defendant, made for the purpose of inducing the other party to rely upon it, justifiable reliance of the other party on the misrepresentation or material omission, and injury.” The decision further explains that “[i]f however, some conduct (i.e., more than mere silence) on the part of the seller rises to the level of active concealment, a seller may have a duty to disclose information concerning the property.” Therefore, if the seller or agent engages in “active concealment,” which according to this decision has to be more than the actions of the defendants in this case, then there may be potential liability for failing to disclose same.

In order to proceed with a fraud claim based on active concealment, “the plaintiff must show, in effect, that the seller or the seller’s agent thwarted the plaintiff’s efforts to fulfill his [or her] responsibilities fixed by the doctrine of caveat emptor.” The critical question is—what is the purchaser’s responsibilities under the Buyer Beware” doctrine? According to the cases, Purchaser’s most important responsibility in New York is to thoroughly and completely inspect the property before entering into contract, or after the contract is executed, if there are inspection contingencies included in the contract. In this case, the Purchaser was provided the opportunity to inspect the premises and did so—by engaging a third-party licensed inspection company. While the decision does not elaborate much on the active concealment aspect, its holding seems to establish that as long as the seller did not “thwart” the purchasers’ efforts in conducting their inspections, the purchasers do not have any legal rights against the sellers in this instance.

### Disclaimers Are Critical and Can Protect Against Fraud Claims

Another, and more important, aspect of the decision in *Comora* is the focus on disclaimers in contracts. The court holds that “the presence of disclaimers in a written agreement may preclude a claim of common-law fraud by rendering any resulting reliance unjustified.” The court goes on to state that “a specific disclaimer of reliance on representations as to the condition of real property will generally bar related fraud-based claims.” As indicated above, there were very specific disclaimers and “As is” language contained in the Form Contract and added rider. Ultimately, the Appellate Division held that “in light of the facts alleged, together with the language of the contract,... the plaintiffs cannot establish reliance upon the alleged concealment of material facts related to the condition of the premises.” While these disclaimers provide increased protection, one cannot assume that these disclaimers will always be included in contracts or drafted in a way that will protect the seller and seller’s agent. Contracts are normally negotiated and if these provisions are changed or “watered down,” the protections afforded by them may not be available.

Continued on page 19



Preparing a House for Sale? We Can Help With That!

(914) 345-5700 | [www.RobisonOil.com](http://www.RobisonOil.com)

Mold • Air Duct Cleaning • Carpet Cleaning • Attic/Crawl Space Insulation



## Christie's International Opens Office in Rockland County

NEW CITY—Christie's International Real Estate – Westchester & Hudson Valley, reported on April 17 it had launched its Rockland Regional Sales Gallery in New City at 340 South Main St.

The opening of the office comes on the heels of a mid-February announcement by Christie's International Real Estate that it was expanding its reach into southern New York State with a new brokerage operation. Christie's International Real Estate – Westchester & Hudson Valley will operate solely under the CIRE brand and will be operated by Ilija Pavlovic, owner of Special Properties Real Estate Services, CIRE's Northern New Jersey affiliate.

"Ilija built a brokerage business that is a market leader in Northern New Jersey with proven expertise as an industry-leading real estate advisory firm," said Dan Conn, CEO of Christie's International Real Estate, when the new brokerage operation was announced. "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."

Christie's International Real Estate – Westchester & Hudson Valley will benefit from the success of Special Properties, which was voted Christie's Affiliate of the Year in 2017 and 2018.

"We are honored that Christie's International Real Estate has asked us to bring their esteemed brand into the Westchester and Hudson Valley region, and we remain committed to providing the same high level of customer service and individualized client attention we currently offer in northern New Jersey," said Pavlovic. "This new brokerage is the latest part of our ongoing collaboration with Christie's, and this ongoing partnership is what has and will continue to set us apart from other real estate firms."

The new regional brokerage will be managed by Andy Emery, Regional Vice President. Emery, a real estate professional with more than three decades of industry experience.

Joining Emery at the New City office will be real estate agents: Alison R. Crowther, Amy Hyde, Claudia Inoa, Corrina Dooley, David Sanders, Jacqueline Garcia-Morales, Joseph Hendrick, Maral Sahagian, Nicholas Morales, Patricia Lomupo, Shannon Bonifas, Suzanne Papke and William McGivney.

"Our entire team looks forward to bringing the power of Christie's to the



Pictured are the agents of Christie's International Real Estate – Westchester & Hudson Valley, including (bottom row from left): Christina Montanye, Regional Vice President Andrew Emery, Melanie Capello. (top row, from left): Darlene Bandazian, Nicholas Morales, Amanda Quraishi, Jacqueline Garcia-Morales, Joseph Hendrick, Claudia Inoa, Alison R. Crowther, Amy Hyde, David Sanders, Shannon Bonifas, Suzanne Papke, Corrina Dooley, Patricia Lomupo. Not pictured were: Maral Sahagian and William McGivney.

southern portion of New York State," said Emery. "Throughout my career, my personal and management focus has been on the customer experience, and I look forward to working with my colleagues to bring Christie's industry-recognized marketing and customer service programs to this new region. Luxury is not about the price of the home; it is about the unparalleled level

of customer service that we deliver."

Christie's International Real Estate – Westchester & Hudson Valley, the southern New York State affiliate of Christie's renowned real estate brand, covers Rockland, Westchester, and Orange Counties in New York. Currently, the brokerage has offices in New City, with a second office opening soon in Scarsdale.

## Developer Unveils Plans for Luxury Condos in Larchmont

LARCHMONT—Rye-based developer Elk Homes has recently unveiled plans for "Centro Larchmont," a new luxury condominium residence to be developed in the heart of the Village.

The new building will replace several aging commercial buildings that will be demolished. Located at 112 Chatsworth Ave. and 65 Wendt Ave., the 26-unit building will include 23 market rate

and three affordable condominium residences ranging in size from 900 square feet to 3,500 square feet. Centro Larchmont will feature an elegant lobby entrance and will include 5,000 square feet of modern retail space along Chatsworth Avenue.

Designed by the architecture firm Perkins Eastman, Centro Larchmont is consistent with the scale of many of the



A rendering of the Centro Larchmont condominium development.

historic and long-established multifamily and mixed-use buildings nearby, the developer maintained. The building design reflects and incorporates many classic architectural elements contextually significant within the Larchmont Central Business District, the firm noted.

The project will include the redevelopment of the current village parking lot on the north side of Wendt Avenue that will be rebuilt as a two-story parking structure. The expansion will provide 28 additional parking spaces, including four handicapped spaces—a 50% increase in lot capacity. The parking deck will be constructed and paid for by Elk Homes. An additional 54 parking spaces will be provided within Centro Larchmont to serve residents and merchants of the new building.

Elk Homes will also provide and maintain a new 10-foot wide accessible pedestrian walkway from the parking lot to Chatsworth Avenue, making direct access to Chatsworth far easier for shoppers and residents.

The project will provide a substantial increase in the village tax base with minimal impact on municipal services. Over the first 10 years, estimated local taxes to be paid will be approximately \$4 million, with approximately 60% go-

ing to the schools.

The site is a short walk to the Larchmont Metro-North station as well as the village's retail stores and restaurants.

"Centro Larchmont is a bold step in the revitalization of the village's central business district. The project offers many benefits to the community with increased tax revenue for the schools and village, additional parking for the village and much-needed modern retail stores—and all with minimal impact on municipal services," said Gary D. Hirsch, chairman of Elk Homes, a premier developer of high quality single-family and multi-family housing.

Elk Homes currently owns and operates 64 rental properties located in Westchester and Greenwich, CT. The company initially focused solely on the purchase, construction and rental of single-family homes, but over time has expanded its scope to include development of multi-family properties at infill locations. Completed projects include: Elk Court in Rye; Astor Court in Irvington; Harbor Court, Marina Court and Coastal Court in Mamaroneck; and Orchard Court and Brookside Court in Greenwich, CT. The firm's Colonial Court development is currently under construction in Pelham.

### FLOWER PROPERTY TAX CONSULTANTS, LLC

Over 50 Years of Trustworthy Service & Unmatched Success



From left: Angela Flower, Deb Flower, Robert Flower, Bobbie Anne Flower-Cox Esq., Of-Counsel, Rob Flower

Our advantages over other firms:

- Top-notch attorneys
- In-house appraisers
- Former Board of Assessment Review member
- Most competitive contingency fee structure

Family owned and operated since 1962.

Commercial and residential grievances, nearly 100% success rate. We helped develop the law on residential tax grievance over 30 years ago!

3 former associates went on to become Assessors

Call for a FREE consultation today.

FLOWER PROPERTY TAX CONSULTANTS, LLC

34 Palmer Avenue

Bronxville, N.Y. 10708

Phone: 914.779.6299 FAX: 914.337.3619

Web: www.FlowerPropertyTax.com

Subscribe to In-Depth  
Call 914-681-0833



# U.S. Existing-Home Sales Slide 4.9% in March

WASHINGTON—Existing-home sales retreated in March, following February’s surge of sales, according to the National Association of Realtors. Each of the four major U.S. regions saw a drop-off in sales, with the Midwest enduring the largest decline last month.

Sales in the Northeast dropped nearly 3% in March, according to the NAR report.

Total existing-home completed transactions that include single-family homes, townhomes, condominiums and co-ops, fell 4.9% from February to a seasonally adjusted annual rate of 5.21 million in March. Sales as a whole are down 5.4% from a year ago (5.51 million in March 2018).

Lawrence Yun, NAR’s chief economist, said, “It is not surprising to see a retreat after a powerful surge in sales in the prior month. Still, current sales activity is underperforming in relation to the strength in the jobs markets. The impact of lower mortgage rates has not yet been fully realized.”

The median existing-home price for all housing types in March was \$259,400, up 3.8% from March 2018 (\$249,800). March’s price increase marks the 85th straight month of year-over-year gains.

Total housing inventory at the end of March increased to 1.68 million, up from 1.63 million existing homes available for sale in February and a 2.4% increase from 1.64 million a year ago. Unsold in-

ventory is at a 3.9-month supply at the current sales pace, up from 3.6 months in February and up from 3.6 months in March 2018.

“Further increases in inventory are highly desirable to keep home prices in check,” says Yun. “The sustained steady gains in home sales can occur when home price appreciation grows at roughly the same pace as wage growth.”

Properties remained on the market for an average of 36 days in March, down from 44 days in February but up from 30 days a year ago. Forty-seven percent of homes sold in March were on the market for less than a month.

Yun said tax policy changes will likely add further complications to the housing sector. “The lower-end market is hot while the upper-end market is not. The expensive home market will experience challenges due to the curtailment of tax deductions of mortgage interest payments and property taxes,” he said.

Realtor.com’s Market Hotness Index, measuring time-on-the-market data and listing views per property, revealed that the hottest metro areas in March were Columbus, OH; Boston-Cambridge-Newton, MA.; Midland, TX; Sacramento--Roseville--Arden-Arcade, CA and Stockton-Lodi, CA.

According to Freddie Mac, the average commitment rate (for a 30-year, conventional, fixed-rate mortgage decreased to 4.27% in March from 4.37% in

February. The average commitment rate across all of 2018 was 4.54%.

“We had been calling for additional inventory, so I am pleased to see that there has been a modest increase on that front,” said NAR President John Smaby, a second-generation Realtor from Edina, MN and broker at Edina Realty. “We’re also seeing very favorable mortgage rates, so now would be a great time for those buyers who may have been waiting to make a purchase.”

First-time buyers were responsible for 33% of sales in March, up from last month and a year ago (32% and 30%). NAR’s 2018 Profile of Home Buyers and Sellers—released in late 2018—revealed that the annual share of first-time buyers was 33%.

All-cash sales accounted for 21% of transactions in March, down from February’s 23%, but up from a year ago (20%). Individual investors, who account for many cash sales, purchased 18% of homes in March, up from February’s 16%, and up from a year ago (16%).

Distressed sales—foreclosures and short sales—represented 3% of sales in March, down from 4% last month and down from 4% in March 2018. One percent of March 2019 sales were short sales.

## Single-Family and Condo/Co-Op Sales

Single-family home sales sit at a seasonally adjusted annual rate of 4.67

million in March, down from 4.91 million in February and down 4.7% from 4.90 million a year ago. The median existing single-family home price was \$261,100 in March, up 3.8% from March 2018.

Existing condominium and co-op sales were recorded at a seasonally adjusted annual rate of 540,000 units in March, down 5.3% from last month and down 11.5% from a year ago. The median existing condo price was \$244,400 in March, which was up 3.6% from a year ago.

## Regional Breakdown

March existing-home sales numbers in the Northeast decreased 2.9% to an annual rate of 670,000, 1.5% below a year ago. The median price in the Northeast was \$277,500, which was up 2.5% from March 2018.

In the Midwest, existing-home sales declined 7.9% from last month to an annual rate of 1.17 million, 8.6% below March 2018 levels. The median price in the Midwest was \$200,500, which was up 4.6% from last year.

Existing-home sales in the South dropped 3.4% to an annual rate of 2.28 million in March, down 2.1% from last year. The median price in the South was \$227,400, up 2.4% from a year ago.

Existing-home sales in the West fell 6.0% to an annual rate of 1.09 million in March, 10.7% below a year ago. The median price in the West was \$389,300, up 3.1% from March 2018.

# White Plains Expands Affordable Rental Housing Program

WHITE PLAINS—The White Plains Common Council recently passed significant changes to the city’s Affordable Rental Housing Program at its May 6th session. The changes had originally been proposed in February by Mayor Tom Roach and represent a focused effort and commitment by the mayor and Common Council to increase the overall number of affordable housing units in the city.

With the changes the City of White Plains Affordable Rental Housing Program will become one of the most progressive in the region, city officials noted.

The City of White Plains has shown a strong commitment to affordable housing. Its program, which has been in place since 2003, requires multi-family developments to provide a 10% set-aside of affordable units reserved for those at 80% of the Westchester County Area Median Income (AMI) range. Alternatively, a developer could seek Common Council approval to provide 6% affordable units at the lower 60% AMI range. AMI is determined annually by HUD.

The legislation passed on May 6th expands the City’s Affordable Rental Housing Program (ARHP) in several ways. First, it would make the program applicable citywide in areas where multi-family housing with 10 or more units is permitted by the zoning code. Currently, the program applies primarily in the downtown area.

Second, the proposal expands eligibility for the program to those whose incomes are 50% of AMI. The city’s current Analysis of Impediments to Fair Housing Choice reveals that there are few housing options for those in this income range. Subsidized housing exists for those whose income is below the 50% AMI threshold, and the ARHP is available to those whose income is above this threshold. This change would close an important identified gap in the current program.

Third, the proposal would increase affordable set aside amounts to 12% of units at 80% AMI and to 8% at 50% and 60% AMI. Developers would have the

discretion to select either the 8% or 12% option.

Fourth, the proposal would establish a buy-out of up to 25 of the required affordable rental units as an option for developers. The funds generated from the buy-out option would go into the city’s existing Affordable Housing Assistance Fund (AHAF) and would be used to create a range of housing assistance programs and more affordable units. For example, the funds could be used for down payment assistance, land acquisition or project construction expenses for the development or rehabilitation of affordable housing, to defray a portion of the city’s administrative costs associated with management of the program, and other actions taken for the furtherance of increasing affordable housing city-wide.

A separate proposal also aimed at increasing affordability will be introduced at an upcoming Council meeting. This legislation will propose increasing the annual income eligibility limits under the Senior Citizen Rental Income Exemption (SCRIE) program and authorize the city to participate in the Disabled Rental Income Exemption (DRIE) program. The city has participated in SCRIE for many years. Several years ago, the city increased the income eligibility limit under SCRIE to its current \$30,000 level. In an effort to encourage more participation in these programs, the proposal would increase the income eligibility limits to the current state maximum of \$50,000/year. These programs apply to those who live in Emergency Tenant Protection Act (ETPA) buildings, of which there are many in the city. Tenants in ETPA buildings who are participating in the SCRIE or DRIE programs are protected from rent increases and building owners receive a tax credit for their participation in the program.

“While this program has certainly been successful in creating affordable rental housing units in the city, we recognize that maintaining White Plains as an affordable place to live for people of all income levels strengthens our city. It also requires our consistent attention to

ensure that our program is meeting the housing needs of our residents,” said Mayor Roach.

Council Member Nadine Hunt-Robinson said, “We are always looking for ways to improve our city, and the expansion of our affordable housing program ensures that White Plains remains accessible to people of varied income

levels. This is vital to maintaining the diversity that makes our city a great place to live, work and play. In addition, after championing an increase to SCRIE/DRIE protections a few years ago, I am pleased that we are now raising the income eligibility limit further to the state maximum.”



**Sign up for our**  
**Free Real Estate In-Depth**  
**online edition and**  
**Newsletter Updates**  
**@ RealEstateInDepth.com**



**PEST CONTROL — Specializing in:**  
 • ipm • termites inspections • termite control • sentricon always active baiting system • residential/commercial • schools/institutions • board certified entomologists • wildlife trapping and removal • npma quality pro /green pro/schools • parkway green pest solutions (green shield certified)

**1 (800) 220-park (7275) - 914 725-5997**

**HGAR Affiliate of the year 2016**

**www.parkwaypestservices.com**  
**Member: NPMA, NYSPPMA, APS, ESA, HGAR, WCR, PUA**



# Westchester Legislators Push for Bill to Tax Golf Courses More Fairly

**BRIARCLIFF MANOR**—A group of state legislators and an advocacy group staged a rally outside of Trump National Golf Club Westchester here on April 28 in support of legislation to change how golf courses in New York State are assessed and taxed.

State Senator David Carlucci (D-Rockland/Westchester), Assemblywoman Sandy Galef (D-Ossining) and other state and county lawmakers, as well as advocacy group Indivisible Briarcliff Ossining staged the rally in support of legislation (S.4420/A.6444) to change how golf courses are assessed. The bill is sponsored in the Senate by Senator Kevin Parker (D-WF-of Brooklyn) and in the Assembly by State Assemblywoman Galef.

The legislation gives a community the option to assess golf courses based upon their highest and best use, which would give local assessors a more accurate assessment of the property and prevent taxpayers and school children from subsidizing golf courses.

Currently, several golf courses in Westchester, including Trump National, are taking advantage of what Senator Carlucci called the “Country Club Loophole,” and filing grievances with their local governments over their tax assessments, knowing under current law their private multi-million-dollar courses will be assessed like municipal golf courses, the lawmakers stated.

“It’s simple, this legislation protects taxpayers and school districts from subsidizing people to play golf. I am working to lower taxes for New Yorkers, not burden them more when a golf course that is \$250,000 or more to join is taking advantage of a loophole in the law to pay less in taxes. This legislation is not a state mandate, instead the decision is left up to local municipalities to change how they assess golf courses,” said

Senator Carlucci.

Joining Senator Carlucci in support of the legislation were Assemblywoman Galef, Indivisible Briarcliff-Ossining, the Board of Education for Briarcliff Manor Schools, Town of Ossining Supervisor Dana Levenberg, Briarcliff Manor Village Manager Philip Zegarelli, Ossining Village Board Trustee Omar Herrera, Assemblyman Tom Abinanti (D-Greenburgh/Mt. Pleasant), Westchester County Legislator Catherine Borgia, and New York State Senator Peter Harckham (D-Dutchess, Putnam and Westchester).

“Two golf courses in the Town of Ossining are currently taking advantage of a loophole in the law in order to pay a lot less in taxes, shifting the burden to local residents. We cannot let this type of behavior go unchecked; taxpayers should not be subsidizing private golf clubs. This bill gives municipalities a leg to stand on if a golf course in their community is intentionally lowering the value of their property to reduce their tax burden. We want to ensure that golf courses pay their fair share of taxes just like the rest of us,” said Assemblywoman Galef.

“Taxes must be fair. Homeowners should not be required to subsidize private recreation facilities. This legislation gives local governments more options for balancing the taxes on different land uses,” said Assemblyman Abinanti.

Since 2015, President Trump has been engaged in a lawsuit with the Town of Ossining over the evaluation of Trump National. The Town assessed the golf course at \$15.1 million, however President Trump said in his suit, the course is only worth \$1.4 million, despite valuing it at more than \$50 million on his public financial disclosure form during the 2016 presidential race. The lawmakers noted that President Trump is seeking to have his property tax bill cut from



From left, State Assemblywoman Sandy Galef, Town of Ossining Supervisor Dana Levenberg, State Senator David Carlucci, Westchester County Legislator Catherine Borgia and State Assemblyman Tom Abinanti.

about \$500,000 to \$340,000 a year, and be paid back what he claims he has over paid in taxes. To pay the President back will cost the Town of Ossining 67% of the Briarcliff Manor school taxes previously collected, 18% of the Briarcliff Village taxes previously collected, and 15% of the Town of Ossining and Westchester County taxes previously collected will have to be paid back to the President. In 2008, the President took similar legal action against the Town of Ossining and won, having his assessment of the course reduced from \$38 million to \$16 million and leaving taxpayers to foot the difference.

The organizers of the rally also reported that Sleepy Hollow Country Club in the town of Ossining and The Apawamis Club in Rye are also seeking reductions on their property tax assessments

at the expense of taxpayers. Sleepy Hollow Country Club since 2012 is seeking to reduce its assessment by 30% and shift about \$450,000 to taxpayers, while \$310,000 would have to be paid back to the club from Briarcliff Manor school taxes.

The Apawamis Club is seeking a 50% reduction in its taxes from \$900,000 to \$200,000.

While this legislation is not a state mandate, but a local opt-in for local municipalities, Senator Carlucci and Assemblywoman Galef believe it will make golf courses think twice about filing costly lawsuits to get out of paying their taxes.

The Westchester Chapter of the New York State Assessors’ Association support the legislation, they note.

# HGAR Lobbies NYC/Hudson Valley Lawmakers On Eight Key Priorities at Annual Lobby Day

Continued from page 2

golf courses in the state. She noted that a number of Westchester golf course owners, including the Trump Organization, are seeking dramatic reductions in their tax assessments.

“It’s all about equity, it’s all about everyone paying their fair share,” Galef said.

The following is a list of HGAR’s 2019 legislative priorities that were presented to state lawmakers on Lobby Day:

**NY First Home** (First-time home buyer savings account proposal)—Signed by Governor Cuomo, Chapter No. 379 now awaits a study before it can go into effect. HGAR supports the first-time home buyer savings account program, which would put home ownership within reach for more first-time buyers.

**Mortgage Recording and Transfer Taxes**—HGAR strongly opposes proposals to raise revenue through transfer taxes and flip taxes. New taxes imposed in the budget on real estate transaction in New York City in this year’s budget helped make New York the highest taxed state in the country.

**Transparency and Disclosure in Cooperative Housing:** S. 4677 (Kavanaugh) A. 6194 (Lavine)—HGAR supports requiring co-op boards to give reasons in writing to an applicant, and establish reasonable time frames for co-op boards to act on applications.

**Wetland Oversight:** A. 3658 (Englebright)—HGAR opposes this unnecessary legislation, which would increase

the state Department of Environmental Conservation’s oversight of wetlands from the current threshold of 12.4 acres or more to wetlands as small as one acre. The DEC already has authority over all wetlands determined to be of “unusual local importance,” and local municipalities have the authority to regulate wetlands. The significant expansion of the state’s regulatory authority, as proposed by this legislation, would create an unnecessary imbalance with significant negative ramifications for homebuyers, developers and the overall economic health of New York State, HGAR stated.

**Require Additional Continuing Education for Real Estate Licensees** S. 3839 (Hoylman) A. 6082 (Dinowitz)—HGAR supports mandatory continuing education courses that provide licensed real estate professionals with updated knowledge on changes in their field. State law currently requires real estate brokers and salespersons to complete 22.5 hours of continuing education every two years to renew their licenses. Full-time brokers who have been licensed for at least 15 consecutive years prior to July 1, 2008 are exempt from these education requirements—also known as a “grandfathering” clause. Given ongoing changes in the profession and the laws that govern real estate transactions, removing the “grandfathering” clause thereby requiring continuing education of all licensees re-

gardless of when they were licensed will benefit consumers by helping improve the level of quality and expertise among real estate professionals. Included in the 22.5 hours of required continuing education, there are three core hours of fair housing education and one core hour of Agency Law education required. Expanding Continuing Education core requirements to also include 2.5 hours pertaining to ethical business practices and one hour pertaining to legal updates will benefit both consumers and real estate professionals.

**“Flip tax” on Properties in New York City** (S.3060 – Salazar)—HGAR strongly opposes legislation that would impose an additional 15% real estate transfer tax on residential properties sold within one year and a 10% transfer tax on residential properties sold after one year, but less than two years from the prior purchase or conveyance. This bill does not achieve its intent and would dramatically increase the tax burden imposed on the real estate transaction in New York City and make home buying and renting less affordable for city residents, according to HGAR.

**Neighborhood Integrity Act** (S.212 – Benjamin/A.2543 – Rodriguez)—HGAR strongly opposes legislation that would prohibit licensed real estate brokers and salespersons from selling or listing any property for sale or for rent in a New York City neighborhood that is not a traditionally recognized neighbor-

hood. Violations would be subject to a monetary fine, license suspension or license revocation at the discretion of the New York State Secretary of State. Realtors oppose this burdensome and misguided legislation because there is no current legal description of what constitutes a “neighborhood boundary” nor a “traditionally recognized neighborhood.” This legislation will only cause consumer confusion and market disruptions in a constantly evolving real estate marketplace, HGAR noted.

**Oppose New York Statewide Rent Control**—The Hudson Gateway Association of Realtors is opposed to any efforts to broaden New York State’s rent regulation laws which are set to expire this year. HGAR acknowledges the existence of a housing shortage and the need for more affordable units, however it sees rent regulation as the engine that exacerbates the housing shortage. Economists on both the left and the right agree with this assessment (93% according to a study by the American Economic Assoc.), including Nobel Prize economist Paul Krugman.





# NYSAR Annual Lobby Day, Albany, NY, May 7, 2019



HGAR Realtors gather in the Legislative Office Building's Hearing Room to meet with state lawmakers.



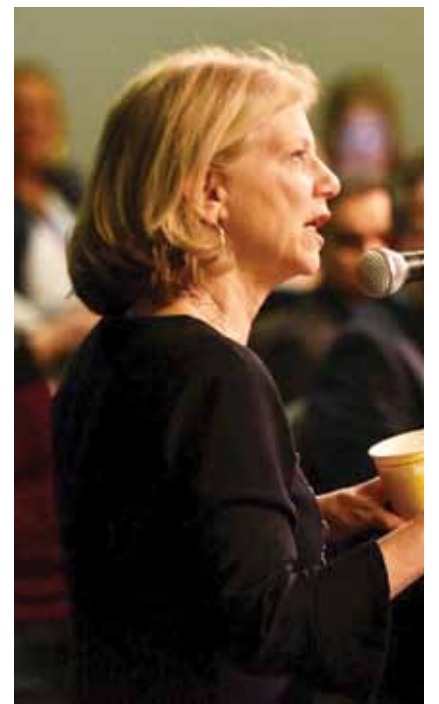
From left, NYS Assemblyman David Buchwald, NYS Assemblyman Ken Zebrowski and NYS Assemblywoman Sandy Galef



From left, NYS Senator Peter Harckham; Clayton Livingston, Vice Chair, HGAR Legislative Council; and Richard Haggerty, HGAR CEO



From left, Phil Weiden, HGAR Government Affairs Director; Leah Caro, Chair, HGAR Legislative Council and Richard Haggerty, HGAR CEO



NYS Senator Shelley Mayer



From left, NYS Assemblymen Tom Abinanti and David Buchwald



Top row from left, John Crittenden and Barry Kramer, immediate past HGAR President. Bottom row from left, Crystal Hawkins Syska, HGAR RPAC Committee Co-Chair and Bob Meyerson



From left, Ron Garafalo, HGAR President; Leah Caro, Chair, HGAR Legislative Council and Barry Kramer, immediate past HGAR President



Part of the HGAR contingent at Lobby Day.



Realtors from all over New York State attended Lobby Day at the State Capital in Albany.



**Kathy Kane**, a member of **Hudson Gateway Association of Realtors**, has received the advanced “Graduate, Realtor Institute Designation” (GRI) accreditation from the New York State Realtor Institute after successfully completing the rigorous course work requirements established by the National Association of Realtors. The GRI is the industry’s highest-level designation for real estate education, ethics and standards.

The Realtor Institute of New York, administered by the New York State Association of Realtors aims to satisfy the need for a more comprehensive and effective learning experience for real estate professionals in all phases of career development. By taking classes offered by the Institute, a Realtor can become a more proficient professional, effective service provider and elevate the standards of the real estate industry.

In addition to earning the GRI designation, Kane has also received the following designations: CIREC Commercial and Investment Real Estate Certification, BPOR (Brokers Price Opinion Resource), ABR (Accredited Buyers Representative), and SFR (Short Sale and Foreclosure Resource).

Kane, currently an Associate Broker with Coldwell Banker in White Plains, is a member of the HG Realtor Foundation Fundraising Committee and along with her business partner Joan Spota, an Associate Broker with Coldwell Banker in Yorktown Heights, also act as principals for a property management company West Put Home Services, LLC.



**Kathy Kane**

**Pamela Henning**, one of the area’s long time top producing real estate professionals has made the move to **Keller Williams Realty Hudson Valley United** in Sullivan County.

Henning, a longtime resident and entrepreneur in Sullivan County and after many successful years in the business, felt it was time to implement new strategies through a different business model and decided to affiliate with Keller Williams’ Rock Hill office.



**Pamela Henning**



**Kirkwood Tischler**

**Urstadt Biddle Properties Inc.**, a real estate investment trust located in Greenwich, CT announced the recent hiring of **Kirkwood Tischler** as Assistant Vice President/Acquisitions. Tischler will assist UBP in sourcing and underwriting new shopping center acquisitions in the metropolitan New York region as well as special projects. He will report directly to James Aries, Senior Vice President/Acquisitions.



**Brian Amen**

**Houlihan Lawrence** has announced the addition of five new agents to its Riverside, CT office.

**Brian Amen**, a native and current resident of Greenwich, has nearly 15 years of experience in real estate sales, with prior experience as a mortgage broker. He comes to Houlihan Lawrence from Coldwell Banker, where he achieved the level of President’s Circle, ranked about 40th out of 2,200 agents in 2018 in all of Connecticut and Westchester. Previously, Amen worked at Sotheby’s International Realty and William Raveis Real Estate.

With 16 years of experience in real estate sales, **MaryDana McCann** also comes to Houlihan Lawrence from Coldwell Banker. She was previously at William Raveis. She is a member of the Junior League of Greenwich, Parent Association at Christ Church Nursery School and Scholarship Chair for the Ohio State Alumni Association (2007 graduate). McCann grew up in New Rochelle and now lives in Stamford, CT with her husband and two children.

**Rebecca Karson** comes to the real estate field with more than 20 years as a home stager, interior designer, shop owner (Gather, in Old Greenwich) and art director and prop stylist for TV shows (Food Network, Martha Stewart, PBS). Originally from Brooklyn, she has lived in Greenwich for 20 years. Karson has designed, built and renovated several homes throughout Greenwich, with an extensive list of contacts and a sharp eye for a space’s potential.

A native of Greenwich and current Riverside resident, **Emily Martin** has most recently worked as an events producer for Sebass Events, which produces events for nonprofits throughout Greenwich, including the Greenwich Hospital Foundation, Pacific House and the Greenwich International Film Festival. Previously she worked in marketing and social media for Moffly Media and HBO.

**Elsa Case** has more than 15 years of experience in marketing, publishing and broadcast media, most recently as VP/Events for Tribune Publishing, where she oversaw national events across all of the company’s markets. Previously she was Director, Marketing Events and



**MaryDana McCann**



**Rebecca Karson**



**Emily Martin**



**Elsa Case**

Sales for Tribune Media in West Hartford, CT. Originally from St. Johnsville in upstate New York, she recently moved to Greenwich from West Hartford.

**William Raveis Real Estate, Mortgage & Insurance** promoted **Susan Reische** to sales manager of the Rye office. Reische has more than 20 years of experience in sales, marketing and creative management. Prior to joining William Raveis as associate manager, she was an award-winning real estate salesperson in Westchester County, and earlier in her career had earned a stellar reputation for enhancing some of the world’s biggest television, digital and magazine brands at CNN, CNN.com, HLN, and News Corp. Most recently, she managed an in-house creative services agency for the CNN Networks before entering the real estate business in 2012.



**Susan Reische**



**Annette Cicinelli**

**Better Homes and Gardens Rand Realty** announced that **Annette Cicinelli**, who has sold more than \$20 million in homes, has joined its Yorktown and White Plains offices.

Cicinelli, who has risen to the top of the industry as a seasoned agent at Coldwell Banker and then Houlihan Lawrence, began her career in real estate in 1999. She has been a successful Realtor for 20 years, serving the entirety of Westchester County, and holds a dual license in New York and Connecticut.

**Houlihan Lawrence** recently reported the addition of experienced New York City agent **Kathryn Kempton** to the firm’s Bronxville team.

Most recently, Kempton worked as an agent at Stribling & Associates, covering both the Brooklyn and Queens markets. Prior to entering real estate, she held executive administrative roles at both Glocap and Citigroup, and worked with the Boston Fire Department as a fire prevention photographer and instructor to emergency medical technicians.

At Houlihan Lawrence, Kempton will specialize in the Lower Westchester communities of Bronxville, Eastchester, Mount Vernon, Tuckahoe and Yonkers.



**Kathryn Kempton**



**Joseph “Thurgood” Crim**

**Charles Rutenberg Realty** has announced the addition of **Joseph “Thurgood” Crim** who joined its Bronx office located at 2800 Bruckner Blvd. He was formerly associated with Better Homes & Gardens Rand Realty.





# HGAR

May 2019

# UPDATE

## ‘Runway for Hope’ Fashion Show Raises More Than \$30K for HG Realtor Foundation

WHITE PLAINS—The Hudson Gateway Realtor Foundation reported recently that a total of \$30,417 was raised at its "Runway for Hope" Fashion Show held on April 4 at Glen Island Harbour Club in New Rochelle.

The event featured fashions by Lord & Taylor in Eastchester and were modeled by HGAR Realtors.

Established in 2003 and relaunched in 2013, the Hudson Gateway REALTOR-Foundation has donated thousands of dollars to charities and non-profit organizations serving the housing, hunger, health, happiness, and humane needs of people throughout the Hudson Valley and beyond. Last year, the foundation donated more than \$81,000 to 26 local charities.

"We are so grateful to all who attended this exciting event and to our many sponsors who helped to make the evening possible," said Maryann Tercasio, president of the Hudson Gateway Realtor Foundation.

"This funding will allow us to continue to support so many wonderful charitable organizations that make a real difference in the lives of both individuals and families here in the Hudson Valley," added Bonnie Koff, chair of the HG Realtor Foundation Fundraising Committee.

The HG Realtor Foundation models included: Ed and Justin Albano of Keller

Williams NY Realty in White Plains; Carol Aloia of Houlihan Lawrence in White Plains; Carmen Bauman of Green Grass Real Estate Corp. in Bronxville; Anthony Berardi of BHG Rand Realty in New Rochelle; Viktoria Cooper of Coldwell Banker in Katonah; Justin Cruz of BHG Rand Realty in the Bronx; Virginia Doetsch, Julia B. Fee Sotheby's Int. Realty in Bronxville; Luis Omar Figueroa Hudson Group Realty in the Bronx; Rich Herska of BHG Rand in Nyack; Ron Garafalo, HGAR President, of John J. Lease Realtors in Middletown; Ari LaFauve of Compass Greater NY, LLC in Dobbs Ferry; Nikki McMann of William Raveis-New York LLC in Katonah; Jeliana Melendez of Keller Williams in White Plains; Jennifer Moore of Houlihan Lawrence in White Plains; Leia Rodman of William Raveis Legends Realty in Briarcliff Manor; Evelyn Roman of Compass Greater NY LLC in Dobbs Ferry; Tremaine Selby of Weichert Realtors in Monroe; Al Smith of Coldwell Banker in New Rochelle; Veronica Suarez of RE/MAX Distinguished Homes & Properties in Tuckahoe; Crystal Hawkins Syska of Keller Williams in White Plains; Linda Urban of Houlihan Lawrence in Briarcliff Manor; Elaine Voss of Coldwell Banker in Pound Ridge; Jill Ramsey Wilkins of BGH Rand in Goshen and Suzan Zeolla of Houlihan Lawrence in Briarcliff Manor.



PHOTO BY JOHN VECCHIOLLA

HGAR Realtors walk the runway in Lord & Taylor fashions.

The Hudson Gateway Realtor Foundation is part of the Hudson Gateway Association of Realtors, which serves more than 13,000 real estate professionals doing business in Westchester, Putnam, Rockland, and Orange counties 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 (HGMLS), offering more than 22,000 properties in the Bronx, Westchester, Putnam, Dutchess, Rockland, Orange, Sullivan and Ulster counties. It is among the top 50 largest MLSs in the country.

## SPOTLIGHT ON

### A Long Road Traveled To Real Estate Industry

By Mary T. Prenon

Years ago, Anthony Domathoti, now the broker/owner of Exit Realty Premium in the Bronx, had no idea he would one day have a successful career in real estate.

Armed with a degree in Education Administration from St. John's University in Queens, Domathoti had a thriving career as principal for a private New York high city school. "I was the type of principal with the tie tucked in the shirt and sleeves rolled up playing ball with the kids," he recalled. "I loved working with kids and my biggest goal was to make sure they were learning and growing."

Later, he had the opportunity to travel extensively, working with international private American schools in China, Southeast Asia and Korea. He actually spent a year in China and four years in Korea. He also traveled to Central America, including Honduras, Nicaragua and El Salvador.

"It was very exciting and rewarding, but I felt that as my parents were getting older, it was time for me to come back home," he said. Born in South India, Domathoti came to the United States as a child and actually grew up in Queens, where he still lives today. "My parents were immigrants and came here for work. Both had successful careers in the medical field."

What first attracted him to real estate was his family's experience of buying, refurbishing and either selling or renting multi-family properties. They would



Anthony Domathoti

seek out distressed properties on the market, and make them habitable again. "People would tell us, 'Oh, you should buy this place or that place,'" he remembered. "We started out small and now we have a crew who work with us."

The rental market in New York City is hot, said Domathoti, with some studio apartments in Queens getting as much as \$1,800 a month. "A lot of people are coming from Brooklyn and Manhattan, which is so overpriced," he explained.

Just about the same time he got into the house-flipping business, Domathoti earned his real estate license and was an independent broker servicing

Continued on page 19

#### 2019 HGAR RPAC HONOR ROLL as recorded by NYSAR to May 2019

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

##### Platinum R \$10,000

Dorothy Botsoe, Dorothy Jensen Realty Inc., White Plains  
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 \$2500-\$4,999

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

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

Leah Caro, Park Sterling Realty, Bronxville  
Katheryn DeClerck, BHG Rand Realty, Goshen  
Ronald Garafalo, John J Lease Realtors, Middletown  
Ann Garti, Hudson Gateway Association of Realtors, Inc., Goshen  
Susan Greenfield, Susan Greenfield, Manhattan  
Marcene Hedayati, William Raveis Legends Realty, 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, White Plains  
Grace Patalano, BHHS River Towns Real Estate, Peekskill  
Rosemarie Pelatti, Keller Williams Hudson Valley, New City  
Mark Seiden, Mark Seiden Real Estate Team, Briarcliff Manor  
Renee Zurlo, BHG Randy Realty, Middletown

##### President's Club \$500-\$999

Jamal Hadi, Keller Williams Realty Group, Scarsdale  
Crystal Hawkins Syska, Keller Williams NY Realty, Fishkill  
Maryann Tercasio, BHG Rand Realty, Monroe

##### Capitol Club \$250-\$499

Carol Christiansen, Café Realty, Mount Kisco  
Tony D'anzica, Dynamax Realty NYC, INC. New York City  
Sarah Hughes, William Raveis Legends Realty, Briarcliff Manor  
Carol Kope, Keller Williams Realty Partners, Putnam Valley  
John Kope, Keller Williams Realty Partners, Putnam Valley  
Barry Kramer, Westchester Choice Realty, Scarsdale  
Eydie Lopez, Keller Williams Hudson Valley, Highland Mills

##### 99 Dollar Club \$99-\$249

Barbara Barber, Allan Bohlin, Janet Brand, Tamara Boyd, Randall Calano, Michael Criscuolo, Kevin Dwyer, Jeffrey Farnell, Donna Gennaro Susan Giordano, James Hawkins, Nancy Hertz, Jerome Jeffrey, Mary Kingsley, John Kope, Jennifer Maher, Kathleen Mangan, Caterina Massaregli, Cathy Massaregli, Roseann Paggiotta, James Rood, Cary Sleeper, Maria Weiss

##### Recap of Contributions Year to Date\*\*

TOTAL: \$127,932 58% towards goal

With 2, 818 contributors 74% towards participation goal.

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



# BOARDROOM REPORT

Please welcome the new members in your area:

## Designated Realtor

**\*\*Juan R. Aracena**  
Rubirosa International Realty  
246 Fifth Ave, 3rd Floor  
New York, NY 10001  
347-850-2590

Ralph Bowen  
Wadadli Realty  
Ralph Bowne  
801 East 222nd Street, Suite 2  
Bronx, NY 10467  
914-592-7991

**\*\*Adrienne A. Brecher**  
The Marketing Directors, Inc.  
750 Lexington Ave, 18th Fl.  
New York, NY 10022-1200  
212-826-8822

Juan Camacho  
United Capital Group  
11 Woodland Ave.  
Tarrytown, NY 10591  
914-316-7323

Robert DiBiase  
Purplebricks Inc  
315 W. 36th St, Ste. 30121  
New York, NY 10018  
888-822-8008

Farris Fayyaz  
Exclusive Realty & Brokerage  
192-08 Jamaica Ave.  
Jamaica, NY 11423  
917-719-3300

**\*\*Marissa Landrau-Pirazzi**  
Neighborhood Assistance Corp  
225 Centre St., Suite 100  
Roxbury, MA 02119  
617-250-6222

Kempshall C. McAndrew  
1 Noel Dr.  
Ossining, NY 10562  
646-620-7924

**\*\*Arthur Meltser**  
Hudsoncrest Estates Inc.  
5683 Riverdale Ave., Ste. 203  
Bronx, NY 10471  
718796-5022

Mark G. Neary  
BN Metro LLC  
57 W. 16th St., 2nd Floor  
New York, NY 10001  
212-633-2727

Famida Zaman  
Devon Group Realty  
3424 Irwin Ave., 2nd Floor  
Bronx, NY 10463  
347-427-1414

**Affiliate**

David Jones  
Barnum Financial Group  
565 Taxter Road, Suite 625  
Elmsford, NY 10523  
914-372-2949

Weezie Mullaly  
Geico Local Office  
1915 Central Park Ave.  
Yonkers, NY 10710  
914-874-2886

Evelyn Reyes  
Geico Local Office  
1915 Central Park Ave.  
Yonkers, NY 10710  
914-874-2886

Elizabeth Ross  
Betty Ross Decorating  
132 Rye Hill Rd.  
Monroe, NY 10950  
845-987-6909

Brian Wyre  
Alianza Services LLC  
74 N. Broadway  
South Nyack, NY 10960  
845-675-7337

**Realtor**

**\*\*Rafael Aguirre**  
BHG Rand Realty, Goshen

Ernesto Alandy  
Henry Djonbalaj Real Estate

Taina Alicea-Scaf  
William Raveis-New York, LLC, Somers

Vera Allain  
Keller Williams NY Realty, White Plains

**\*\*Kerry Appleholm**  
John Edwards Real Estate, Inc.

Irving R. Arciniega  
DKC Realty Group LLC

Raiza Arroyo  
Exp Realty, White Plains

Evans Asare  
Keller Williams Hudson Valley Realty, New City

Iris Ashkenazi  
Coldwell Banker Residential Brokerage, New City

Jose Avelar  
Rye Port Real Estate, Inc.

Aeen A. Awini  
Compass Greater NY, LLC, Dobbs Ferry

Joel Ayala  
Monroe Realty Center

Matthew Bank  
BN Metro LLC

Dionilda Bautista  
Exit Realty Premium

Lara Belluscio  
Houlihan Lawrence Inc., Rye

Natanya Bertin  
BHG Rand Realty, New City

Olga Bilukhta  
Keller Williams NYC, New York, NY

Lindsay Block  
Modern Residential

Jovino P. Borrero  
Integrity Realty

LaVonne C. Bost-Barksdale  
Exit Realty Premium

Joseph Brach  
Sohn Real Estate Corp.

Margaret Brand  
Redfin Real Estate

Yisruel D. Braun  
Capital Ventures Group Inc.

**\*\*Scott C. Burns**  
Real Broker LLC

Laureny A. Campechano  
Keller Williams Realty NYC Group, Bronx

Joseph Caparaso  
Curasi Realty Inc.

Christina Cecon  
Curasi Realty Inc.

Behar Celaj  
Nexgen Realty Services Inc.

Besnik Celaj  
Nexgen Realty Services Inc.

Mou Chong Long  
Keller Williams Realty NYC Group, Bronx

Jennifer Colicino  
Harborview Properties

Crystal Colombo  
Houlihan Lawrence Inc., Jefferson Valley

Amy Colon  
BHG Rand Realty, Bronx

Joanna Concepcion  
Café Realty

Carolyn Constantine  
Redfin Real Estate

Veronica Cordero  
Champion NY Realty Inc.

Desiree Crespo  
Compass, New York, NY

Cammy Cutler  
Modern Residential

Stacey D'Alessi  
Five Corners Properties Inc.

Ann Marie D'Onofrio  
Keller Williams Realty Partners, Baldwin Place

Andrea DeFreitas  
Westchester Realty Consultants

Daraine Delevante  
Besmatch Real Estate

Lawrence Deubler  
Coldwell Banker Residential Brokerage, Rye

Adam DiMonaco  
Park Sterling Realty

Chandrabos Divakaran  
Shaw Properties

Ying Dong  
Han Tang Realty Inc.

Cindy-Lee Dorcelly  
Keller Williams Hudson Valley United, Middletown

Shimshon Drizin  
Keller Williams Hudson Valley Realty, New City

Michael Drummond  
Fiver Corners Properties

Tanisha Dunn  
Director Choice Realty

Emily Eccles  
William Raveis Legends Realty Group, Tarrytown

Kristina Egitto  
Alliance Real Estate Consultants, LLC.

Yakov Y. Eisenbach  
eRealty Advisors, Inc., White Plains

Warrick C. Ekwueme  
Besmatch Real Estate

Alan Englander  
BHG Rand Realty, Nyack

Meza Eythel  
Modern Residential

Erica Fagan  
Keller Williams Hudson Valley United, Middletown

Trevor Falby  
Keller Williams Hudson Valley United, Middletown

Michael Falson  
Keller Williams Hudson Valley United, Middletown

Kyle Farrell  
Grand Lux Realty Cerrone Inc., Ardsley

Toni-Marie Farrell  
Grand Lux Realty Cerrone Inc., Ardsley

Carlin Felder  
RE/MAX Town & Country

John Felix  
Besmatch Real Estate

Nohelly Ferruzola  
Douglas Elliman Real Estate, Armonk

Adrian Figueroa  
Damico Group Real Estate

Daniel Figueroa  
RE/MAX In The City

Matthew W. Flamio  
Century 21 Kafcos Realty

Derek H. Flint  
Realty Guild LLC

Joseph Ford  
Elite Real Estate Group 1 LLC

Michele Fox  
Keller Williams NYC, New York, NY

Nicole Frias  
DKC Realty Group LLC

Caroline Gabay  
R New York

Xun Gao  
DKC Realty Group LLC

Randy Geronimo  
Keller Williams Realty NYC Group, Bronx

Ibish Gjekaj  
Keller Williams Realty Group, Scarsdale

Willy Gomez  
Modern Residential

Elvira Gonyo  
Weichert Realtors, Rye

Mary F. Gray  
BHG Rand Realty, New City

Ricci Guzzardo  
Keller Williams Hudson Valley United, Middletown

Kelly Hack  
William Raveis New York, LLC, Chappaqua

Jaclyn Hagey  
William Raveis Real Estate, Yorktown Heights

Kazi Hasan  
Diversity Homes Inc.

Jason Henry  
NY Future Homes Realty Co.

Gary Herzog  
LBH Real Estate

Evan Holland  
Keller Williams NY Realty, White Plains

Beatrice Hutcherson  
Keller Williams Hudson Valley United, Middletown

Craig Hutcherson  
Keller Williams Hudson Valley United, Middletown

**\*\*John Hutchinson**  
K. Fortuna Realty, Inc.

**\*\*Nazrul Islam**  
Diversity Homes Inc.

Ysabel Jaeger  
Houlihan Lawrence Inc., Somers

Alexander Jamieson  
BHG Rand Realty, Central Valley

Mian Jamshaid,  
Century 21 Dawns Gold Realty

Errol Jones  
Exit Realty Group, Bronx

Kunal Khemlani  
Modern Residential

Kristen Khemraj  
Exit Realty Group, Bronx

Brian Kinsella  
Tactical Realty LLC

Mary Kirby  
William Raveis Baer & McIntosh, Nyack

Christian Klein  
United Realty Estate Inc.

Kobi Lahav  
Modern Residential

Brandon Lalli  
Alliance Real Estate Consultants, LLC.

Marco Laloi  
Modern Residential

KerryAnn Lawson  
United Real Estate Inc.

Kristen Lehmann  
William Raveis-New York LLC, Rye

Yong Lin  
Hang Tang Realty Inc.

Mark Loevinger  
M. Newhouse Realty Inc.

Abraham Lowy  
MK Realty USA Inc.

Mark Lucovic  
Keller Williams Realty, Ridgefield, CT

**\*\*Christopher Lynch**  
Keller Williams Valley Realty, Baldwin Place

Anthony Madia  
Exp Realty, White Plains

Tabatha Malone  
BHG Rand Realty, Bronx

Louis P. Mancuso  
Century 21 Royal

Clara Martinez  
RE/MAX Voyage Realty

**\*\*Rebecca Martinez**  
Keller Williams Realty Partners, Baldwin Place

Kasim Mazyck  
Hungreder Inc.

Julie McKinnon  
Compass Greater NY, LLC, Dobbs Ferry

Sandra Medina  
River Realty Services, Inc.

Robert Meibauer  
Century 21 Alliance Realty Group, Wappingers Falls

Anna A. Merced  
K. Fortuna Realty, Inc.

Karl Merring  
J Realty Group

Michael Morgigno  
DKC Realty Group LLC

Kristina Mullings  
Keller Williams Realty, Chester

Edward R. Munoz  
United Realty Estate Inc.

Tiffany J. Murchison  
Diamond Quality Real Estate

Cimen Mustafa  
HomeSmart Homes & Estates, Montgomery

Joseph Nemeth  
Keller Williams Realty Partners, Baldwin Place

Brian Nieh  
Keller Williams Hudson Valley United, Middletown

Dominica O'Neill  
Deutsche Gramatan Vanderbilt Inc

Louis I. Octobre  
Weichert Realtors, Nanuet

Daniel Ortiz  
Firehouse Realty

Lawrence Paredes  
Coldwell Banker Residential Brokerage, White Plains

Amitkumar Patel  
Keller Williams Valley Realty, Woodcliff Lake, NJ

Oliver Peralta  
RE/MAX In The City

Christopher Petti  
eRealty Advisors, White Plains

Bogdan J. Piatek  
Cronin & Company Real Estate

Chaim Pollak  
eRealty Advisors, White Plains

Anna Proctor  
Douglas Elliman Real Estate, Katonah

Sumit Rajpal  
Exp Realty, Yonkers

Adi Ramada  
Exit Realty Group, Elmsford

**\*\*Alexander E. Ramirez**  
Keller Williams NY Realty, White Plains

Stephanie Rivera  
NY Future Homes Realty Co.

Gary Robinson  
DKC Realty Group LLC

Hannah Rodriguez  
William Raveis Baer & McIntosh

Stephanie L. Rosenhaus  
William Raveis Real Estate, Armonk

Richard Sanders  
Mary Jane Pastor Realty

Jessica Sandfort  
Wansor Realty

Justine Santana  
Keller Williams Realty NYC Group, Bronx

Michael Savinon  
Grand Lux Realty Cerrone Inc., Ardsley

**\*\*Susan B. Schruth**  
Berkshire Hathaway HS NE Prop., Greenwich, CT

Moncia Schwerberg  
Keller Williams Hudson Valley United, Middletown

Carol A. Sciscente  
Keller Williams Hudson Valley Realty, New City

**\*\*Jeff Serouya**  
BHHS Hudson Valley Properties, Stone Ridge

Ronny Sheik  
Nationwide Brokers Corp.

Robert D. Slagle  
Village Realty of Westchester

Bridget Smith-Osbourne  
Besmatch Real Estate

Rosa Soto-Pena  
Coldwell Banker Residential Brokerage, New City

Shilpa Spencer  
Houlihan Lawrence Inc., Scarsdale

Zev Srulowitz  
Capital Ventures Group Inc.

Philip Szumlaski  
Keller Williams NY Realty, White Plains

Efraim Tessler  
Keller Williams NYC, New York, NY

Roger Thomas  
Keller Williams NYC, New York, NY

Jana Thur  
RE/MAX Prestige Properties

Rudolph Tomaselli  
Green Team New York Realty

Matthew Tully  
Keller Williams NYC, New York, NY

Donald Utschig  
Pachyderm Realty

Eric J. Valdes  
Keller Williams City Views, Fort Lee, NJ

Luisa J. Velasquez  
Century 21 Full Service Realty, New City

Sharon Veliyathu  
Century 21 Dawns Gold Realty

Stanley Vericain  
BHG Rand Realty, New City

**\*\*Valeria Vilela**  
William Raveis Real Estate, Greenwich, CT

Lisa M. Walden  
Daniel Aubry Realty, LLC

Lyndsey Wall  
Keller Williams NY Realty, White Plains

Terence Walsh  
Valuation Consultants, Inc.

Norbert Weissman  
Weichert Realtors, New City

Damika Wells  
eRealty Advisors, Inc., Mamaroneck

Keeba Williams-Henry  
Houlihan Lawrence Inc., New Rochelle

Matthew R. Willows  
BHG Rand Realty, New City

Stephanie A. Wilson  
Exit Realty Group, Bronx

**\*\*Weiming Wong**  
Keller Williams Realty Landmark, Bayside

Yuriy Yavdoshnyak  
ERA Insite Realty Services, White Plains

Michael J. Young  
BHG Rand Realty, Pearl River

Ashinwi Zama-Chi  
Keller Williams NY Realty, White Plains

Moses Zwiebel  
Exit Realty Venture

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

*\*\*Secondary Member*





## JUNE 2019 FEATURED CLASSES

### White Plains



WED JUNE 5, 2019 9:00AM-5:00PM  
IN PERSON CLASS | CREDITS: 7.5 CE  
INSTRUCTOR | CHRIS ABAZIS

#### Building a Winning Team

- Member Price: \$75
- Class Express: \$65
- Non-Member Price: \$90

#### Additional Classes:

- 6/3- Cooperatives and Condos with Barry Kramer
- 6/4- Matrix 1: Intro to Matrix with Kristine DiFrancesco
- 6/10- Compliance Day – Fair Housing/Ethics/Agency with Dorothy Botsoe
- 6/10- Black, White and Gray – Fair Housing with Dorothy Botsoe
- 6/10- Agency Disclosure/2 hrs. Agency/Ethics with Dorothy Botsoe
- 6/12- CIPS: The Americas & International Real Estate with Lind Lugo
- 6/13- Verbal Hazards: Environmental Issues with James Rood
- 6/18- Sales Remedial or Gap Course – 30 HOUR with Various Instructors
- 6/18- 6 Hrs. Worth: Working With Your First Buyer and Tenant with Katheryn DeClerck
- 6/25- Pricing Strategies For Listings and Listing Presentations with Katheryn DeClerck
- 6/27- Instanet Forms & AuthentiSign with Ismail Kolya

### West Nyack



TUE JUNE 18, 2019 10:00AM-1:00PM  
IN PERSON CLASS | CREDITS: 3 CE  
INSTRUCTOR | DOROTHY BOTSOE

#### REO Properties: Best Practices

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

#### Additional Classes:

- 6/7- GRI-2 Business with Don Scanlon
- 6/14- Matrix 1- Intro to Matrix with Katheryn DeClerck
- 6/17- I am Licensed, How Do I Start My Business with Katheryn DeClerck
- 6/19- Seller Representation with Roberta Bangs
- 6/19- Matrix 2: The Next Step into Matrix with Katheryn DeClerck
- 6/26- Matrix 3: Matrix to the Max with Katheryn DeClerck
- 6/27- Etiquette – 2 hrs. Agency with Katheryn DeClerck

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

### Goshen



SAT JUNE 8, 2019 1:00PM-5:00PM  
IN PERSON CLASS | CREDITS: 4 CE  
INSTRUCTOR | KATHERYN DECLERCK

#### Negotiating: Matching the Deal to the Style

- Member Price: \$40
- Class Express: \$30
- Non-Member Price: \$55

#### Additional Classes:

- 6/3- REO Properties: Best Practices with Dorothy Botsoe
- 6/5- Instanet Forms & Authentisign with Katheryn DeClerck
- 6/8- Realtor Safety Survival Guide with Katheryn DeClerck
- 6/10- Realtor Safety Survival Guide with Katheryn DeClerck
- 6/11- Pricing Strategies For Listings and Listing Presentation with Katheryn DeClerck
- 6/14, 6/21 & 6/28- CIRE Commercial & Investment 101, 102 & 103 with Edward Smith, Jr.
- 6/14- CIRE 101 with Edward Smith, Jr.
- 6/20- Etiquette – 2 hrs Agency with Katheryn DeClerck
- 6/21- CIRE 102 with Edward Smith, Jr.
- 6/24- I am Licensed, How Do I Start My Business? with Katheryn DeClerck
- 6/26- Buyer Representation + 2 hrs. Agency with Robert Bangs
- 6/28- CIRE 103 with Edward Smith, Jr.

## CALENDAR

### MAY

#### May 21

CID | Westchester Clean Energy  
HGAR White Plains,  
9:00 AM – 10:30 PM

HG Realtor Foundation | Pub Night at the Tequila Grille  
Tequila Grille at  
Monroe Country Club, Monroe,  
5:30 PM – 7:30 PM

#### May 27

HGAR Offices Closed  
Memorial Day

### JUNE

#### June 4

RPAC | "Take Me to the Vino & Brewski," a Hudson Valley Wine & Beer Tour  
Newburgh Brewing Company, Newburgh, Nostrano Vineyards, Marlboro, Palaia Winery, Highland Mills.  
Bus departures:  
White Plains, 9:45 AM,  
West Nyack, 9:00 AM, &  
Goshen 10:20 AM.

#### June 7

Breakfast with Benefits  
LinkedIn Bootcamp  
HGAR Goshen,  
9:00 AM – 10:30 PM

#### June 12

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





# NY State Establishes Source of Income as Protected Class

## BARRISTER'S BRIEFING

By Brian S. Levine, Esq



On April 12, 2019, the “Lawful Source of Income Non-Discrimination Act of 2019” was signed into law by Gov. Andrew Cuomo. For most of you in Westchester County, you might be saying to yourself, “Wait, wasn’t source of income already a protected class?” The answer to that is, “yes.” Back in 2013, the Westchester County’s Board of Legislators established source of income protections for consumers looking to purchase, rent or lease real estate. That law was made permanent in October 2018. For the other Realtors in the remaining counties, you may be asking yourselves, “What is source of income discrimination?”

With the new statewide law now in effect, Realtors should be asking, “Under this new law, what do I need to know and do to comply with the law and, more importantly, what do I need to do to protect and best represent my clients?” The quick and fast answer to that question is, “It depends.” If you already had a source of income law on the books (for example, Westchester), provisions can still be enforced if they are more restrictive than the New York State law. However, if those provisions are less restrictive than the New York State law, they will no longer be enforceable.

### Westchester’s Old Law

Under Westchester’s law, “source of income” protection applied to persons who obtained lawful income through:

- Social Security;
- Any form of federal, state or local public assistance or housing assistance;
- Grant or loan programs, including federal housing subsidy know as “Section 8;”
- Any disability payment; and
- Any assistance, grant or loan program from a private housing assistance organization.

Under the Westchester law, there were several exceptions where the law did not apply. These were: condominiums and co-ops; and any landlord with a building with six units or less, if the owner has only one such building.

Further, under the Westchester law, it was not discriminatory for a landlord to make inquiries into a prospective tenant’s total income level (as opposed to source), their credit history, and their previous landlord references.

### The New York State Law

The New York State’s law’s most important change is that there are no exceptions to this law. It applies to everyone including buildings with six or fewer units, condominiums and co-ops.

The law states that lawful source of income shall include, but not be limited to:

- Child support, alimony, foster care subsidies;
- Income derived from Social Security;
- Any federal, state, or local public assistance or housing assistance (including Section 8);
- Any other form of housing assistance payment or credit whether or not such income or credit is paid or attributed directly to a landlord; and
- Any other form of lawful income.

The New York law also permits the use of: criteria or qualifications of eligibility for the sale, rental, leasing or occupancy of publicly-assisted housing accommodations where such criteria or qualifications are required to comply with federal or state law, or are necessary to obtain the benefits of a federal or state program. A publicly assisted housing accommodation may include eligibility criteria in statements, advertisements, publications or applications, and may make an inquiry or request information to the extent necessary to determine eligibility.

### What Does It All Mean

There are pros and cons to this new law, but first and foremost is knowing that the old Westchester law is unenforceable, as it was less restrictive than the New York State law.

On the positive side of the new law, for the Realtor whose business takes them to numerous counties, the state law creates one uniform rule, aiding compliance. Also, because it’s a state law, aggrieved parties can now seek recourse in the state courts or at the New York State Division of Human Rights, in addition to the Westchester County Human Rights Commission (for those in Westchester County). Owners, landlords, property managers and rental agents are no longer permitted to refuse potential tenants who receive any type of lawful housing assistance. Any advertisement, publication or application can no longer limit or discriminate as to lawful source of income (for example, “No Section 8” or “No Programs”).

It is clear that any Realtor that receives a directive from an individual (owner, landlord, property manager, rental agent, broker, or other licensee) to discriminate based upon lawful source of income should advise that individual that doing so is unlawful and you cannot follow that instruction. Also, if a Realtor knows that a client will accept an application from a prospective tenant, but will never approve the applicant because they are a lawful source of income recipient (for example, they receive Section 8 vouchers), that Realtor should terminate their involvement with that client and fully document that action.

On the negative side, as with most new laws, there are several unanswered questions. For starters, can the owner of a non-publicly assisted housing accommodation use any criteria or qualifications for those individuals protected under lawful source of income? Can a landlord request a credit report (especially if the entire rent is paid for by a program, making creditworthiness irrelevant)? What if the program only pays a portion of the rent? What about tenant screenings? Additionally, clarification is needed where a property has to pass inspection in order to qualify for a particular program. Some program requirements are more stringent than state and local laws require for legal rentals. What happens to a property that is in full compliance with state and local laws, but an inspection requires an issue or item be remedied in order for the tenant to receive the program benefit? Does a landlord or owner have to remedy this issue if it does not violate any state or local law? Can the landlord or owner deny the tenant instead of remedying the item?

The New York State Association of Realtors is reaching out to state agencies and departments to obtain answers and get clarity on the law. They are also aware that there will be many questions from Realtors as to what is/is not permitted, what questions can/cannot be asked, and many other issues that arise as the law is implemented. Realtors are encouraged to reach out to the NYSAR Legal Hotline (free to members) Monday-Friday, 9:00 am – 3:00 pm at (518) 436-9727 or (518) 43-NYSAR.

**Editor’s Note:** The foregoing is for informational 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.

*Brian S. Levine, Esq. is In-House Counsel/Director of Legal Services and Professional Standards Administrator for the Hudson Gateway Association of Realtors.*

## Realtors Head to D.C. For Capitol Hill Visits

Continued from page 4

program a success.

The third issue to be addressed will be infrastructure improvements, which have been shown to enhance property values by creating, livable communities and business districts. Poorly maintained streets and traffic congestion in an area impose extra costs throughout the local economy. Realtors support infrastructure policies that reflect a broad community vision and a level playing field for both highway and public transit funding.

Finally, Realtors support strengthening GSEs (Fannie and Freddie), which play a crucial role in providing capital for mortgage lending. NAR has unveiled a comprehensive vision to reform our nation’s housing finance system and ensure that people in Springfield, MO have the same rates and access to mortgage products as those in Springfield, MA.

America’s uniqueness of offering a 30-year fixed rate mortgage, ensures affordable mortgage credit for middle income Americans. Government guarantee and oversight of the system stimulates and protects the flow of private capital to homebuyers.

Stay tuned for updates on these agenda items

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



**Don't Show a House with Dirty Carpets and Musty Odors!**



**20% OFF Indoor Air Quality Services for all Real Estate Agents and Brokers!\***

**Call Robison!  
(914) 345-5700**

\*Restrictions may apply. Call for details.

**Subscribe to In-Depth  
Call 914-681-0833**



# Yonkers Mayor Introduces New Landlord Identification Bill

YONKERS—Yonkers Mayor Mike Spano announced on May 6 plans to propose legislation to the Yonkers City Council expanding the responsibilities and accountability of local landlords in an effort to better protect the safety and well-being of their tenants.

The local law would amend the “Housing and Building Maintenance Code” and would apply to residential buildings with two or more apartments, with the goal of enhancing the public health of tenants so the city can proactively identify any unsafe housing conditions or building deficiencies.

According to the proposed legislation:

- Every property owner must register once a year with the Housing and Building Department.
- If the owner lives more than 20 miles from Yonkers they must designate a live agent who lives within 20 miles. They must provide a 24-hour phone number and post contact information on the furnace for repair and service.
- If the property is owned by an LLC or corporation, they must provide the individual owners of the legal entity.
- Owners must certify that each dwelling unit has been inspected once a year and that there are no health and safety violations.
- Any building with five or more health and safety violations in a one-year period, the building shall be designated a chronic violator. The owner is then liable for an additional fine of up to \$1,000 a day until all violations are corrected.
- The city shall have the right to abate any violations in a building classed as a chronic violator and charge the owner costs, plus a 15% service charge.

• The law creates a Chronic Review Violation Board, consisting of the Commissioner of Housing and Building, the Commissioner of Planning & Development and the Corporation Counsel.

“After numerous concerns and issues with landlords of multi-family homes in Yonkers who are not providing safe and secure buildings to their tenants, it became very evident that the city needs to hold these landlords more accountable,” said Mayor Spano. “This thorough and expanded list of landlord guidelines strengthens the city’s code enforcement capabilities, helps alleviate conditions of substandard housing for Yonkers residents and hopefully assures them that the city has means to hold landlords responsible.”

“I fully support this legislation as it provides additional protections for the residents of our city,” said Yonkers Councilwoman Shanae Williams. “It further takes action against those landlords who think they are above the law or are negligent to conditions of the buildings they own. Thank you to Mayor Spano and his administration for continually looking out for the well-being of our residents.”

Yonkers Councilwoman Corazon Pineda-Isaac stated, “In June of 2016, I introduced legislation addressing the need for tenant protection and increased landlord accountability. It is great to see that Mayor Mike Spano and the City of Yonkers have introduced legislation that goes hand in hand with this idea in mind, and that would further strengthen tenant protection and landlord accountability in the City of Yonkers. I am happy to support this because it is so important to have mechanisms in place that create an environment



Yonkers Mayor Mike Spano announced the proposal to create a citywide landlord registry at a press conference on May 6.

where everyone is protected—tenants and landlords alike—so that our Yonkers residents can live in safe, reasonable, and quality housing. Everyone should have that as a minimum guarantee.”

The Landlord Identification legislation comes just months after Mayor Spano proposed legislation mandating, that

in the event of a building condemnation, the costs and expenses of relocating tenants incurred by the City of Yonkers be reimbursed by the building owner.

If the proposed legislation is passed by the Yonkers City Council in the coming weeks, the amended law could go into effect in September 2019.



**Sign up for our**  
**Free Real Estate In-Depth**  
**online edition and**  
**Newsletter Updates**  
**@ RealEstateInDepth.com**



## Your Local Lender in Tarrytown, NY!

Local Processing and Underwriting

Broad Loan Program Portfolio

CONVENTIONAL • VA • FHA • FHA 203K  
JUMBO • USDA-RD • STATE PROGRAMS  
HOMEReady • HOMESTYLE RENOVATIONS

**Be part of a winning team!**

Now hiring experienced loan officers, underwriters and processors!

Apply today at [www.RSMortgage.com/Careers](http://www.RSMortgage.com/Careers)



**Kevin Kearns**, NMLS# 175711  
*Producing Area Manager*

120 White Plains Rd., Suite 425  
Tarrytown, NY 10591

Cell: 914-309-9867

[Kevin.Kearns@RSMortgage.com](mailto:Kevin.Kearns@RSMortgage.com)

[RSMortgage.com/KevinKearns](http://RSMortgage.com/KevinKearns)



*We'll Guide You Home*

Residential Mortgage Services



# GlobalFoundries to Sell Dutchess County Semiconductor Plant for \$430 Million

By John Jordan

EAST FISHKILL—In a blockbuster deal that will save about 1,000 jobs in Dutchess County, GlobalFoundries of Santa Clara, CA has reached an agreement to sell its 300mm chip fab plant in East Fishkill to Phoenix-based ON Semiconductor for \$430 million.

The two firms announced on April 22 they had reached a definitive agreement on the “Fab 10” plant sale that had GlobalFoundries pay ON Semiconductor \$100 million at the signing of the agreement. The remaining \$330 million will be paid at the end of 2022 when ON Semiconductor will take over full operational control of the site.

ON Semiconductor, which according to its corporate website operates a plant in Rochester, NY, will expand its operations in New York with the deal and could receive up to \$40 million in grants and tax credits from the State of New York for the deal that will preserve the East Fishkill plant and nearly 1,000 positions at the former IBM facility.

Gov. Andrew Cuomo announced that ON Semiconductor has committed to invest more than \$720 million over 10 years at the East Fishkill facility to establish its first 300mm chip manufacturing plant, further fueling the company’s strategic growth in the areas of power management including automotive electrification, 5G mobile networks, cloud computing and alternative energy.

“ON Semiconductor’s decision to expand and grow its operations in New York State is proof positive that smart investments in our innovation economy are working and fueling New York’s unprecedented growth,” Gov. Cuomo

said. “We’re glad ON Semiconductor is choosing to deepen its roots here and its commitment to New York State.”

The agreement between GlobalFoundries and On Semiconductor calls for a three-year transition to increase the 300mm production at the East Fishkill plant, while allowing GlobalFoundries to transition its technologies to the company’s three other at-scale 300mm sites. Under the terms of the agreement, GlobalFoundries will manufacture 300mm wafers for ON Semiconductor until the end of 2022. First production of 300mm wafers for ON Semiconductor is expected to start in 2020.

At the end of the transition period, ON Semiconductor has committed to hiring from GlobalFoundries a minimum of the site’s 950 employees that directly support Fab 10 operations. ON Semiconductor also intends to create approximately 150 new jobs in the Mid-Hudson region.

Empire State Development has offered to provide ON Semiconductor up to \$17.5 million in grants toward the purchase of the Fab 10 property, facilities and certain manufacturing equipment, and \$22.5 million in Excelsior Jobs Program tax credits related to its investment, new hiring and research and development over 10 years.

“We are pleased to welcome the GlobalFoundries Fab10 team to ON Semiconductor’s team. The acquisition of 300 mm East Fishkill fab is another major step in our progress towards leadership in power and analog semiconductors,” stated Keith Jackson, president and chief executive officer of



The plant known as “Fab 10” will be sold at the end of 2022 for \$430 million.

ON Semiconductor.

He added, “The acquisition adds additional capacity over the next few years to support growth in our power and analog products, enables incremental manufacturing efficiencies, and accelerates progress towards our target financial model. I am very excited about the opportunity this acquisition creates for customers, shareholders, and employees of the two companies and look forward to a successful partnership with GlobalFoundries in the coming years.”

The agreement also includes a technology transfer and development agreement and a technology license agreement. This provides a world class, experienced 300mm manufacturing

and development team to enable conversion of ON Semiconductor wafer processes from 200mm to 300mm. ON Semiconductor will also have immediate access to advanced CMOS capability including 45nm and 65nm technology nodes. These processes will form the basis for future technology development at ON Semiconductor, the company stated.

Global Foundries will be shifting production from the Fab 10 to their other facilities including Fab 8 located in Malta, NY. The firm acquired the semiconductor technology business of IBM in 2014, which included the East Fishkill plant, for \$1.5 billion.

## Starwood Capital Group to Develop Mixed-Use Opportunity Zone Project in the S. Bronx

NEW YORK—Starwood Capital Group announced on May 9 that an affiliate had reached an agreement to develop a 147,000 square-foot mixed-use facility in a designated Opportunity Zone in the South Bronx.

The 10-story development, located at 425 Westchester Ave., will be anchored by a PK-8 charter school and include office space for a non-profit organization as well as ground floor retail. Construction is expected to begin this month.

425 Westchester Ave. will be one of the highest-quality schools in the Bronx. With modern finishes, state-of-the-art classrooms and double-height recreational gym space, the building will help meet the historically high charter school demand in the Bronx, New York City’s fastest-growing borough. As one of few new construction Class A properties in the Bronx, the property has a variety of unique features including floor-to-ceiling windows, open plan offices and more than 11,000 square feet of outdoor space.

“The Bronx is New York City’s fastest growing borough and we see continued opportunity to help bring new investment in the services, schools, office space and retail that have long contributed to the Bronx being such a vibrant community,” said Anthony Balestrieri, senior vice president and leader of Starwood Capital Group’s Opportunity Zone investment strategy. “We are thrilled to begin construction on 425 Westchester to bring a best-of-class charter school to the area that will serve hundreds of local families.”

Starwood Capital Group is headquartered in Miami.

“This project is representative of how Starwood’s Opportunity Zone business can deliver value-add projects to priority areas in our markets that benefit our partners and investors and serve the community,” said Christopher Graham, senior managing director and head of real estate acquisitions for the Americas of Starwood Capital Group. “As Starwood grows its Opportunity Zone investment portfolio, we will look to capitalize on market opportunities to identify attractive projects and deliver significant value for our investors and to the neighborhoods they serve.”

Starwood Capital announced the formation of its Opportunity Zone initiative on Jan. 30, 2019, to ensure the success of its ongoing investments in Opportunity Zones, which were created by the 2017 Tax Cuts and Jobs Act to offer investors certain tax advantages for developing and operating assets in designated Opportunity Zones.

The global private investment firm hired Balestrieri in January as a senior vice president to lead Starwood Capital’s Opportunity Zone investment business. Balestrieri joined Starwood from MetLife Real Estate Investors, where he most recently served as director and head of acquisitions in Washington, D.C. effective immediately.

Starwood Capital stated that it will focus its Opportunity Zone strategy on markets in regions where the firm has developed a strong real estate presence, including the West Coast, Southeast and large metropolitan markets such as New York City and Washington, D.C.

Starwood Capital Group is a private investment firm with a core focus on global real estate, energy infrastructure and oil & gas. The firm and its affiliates maintain 13 offices in five countries around the world, and currently have approximately 4,000 employees. Since its inception in 1991, Starwood Capital Group has raised \$45 billion of equity capital, and currently has in excess of \$60 billion of assets under management.



Our members receive a wide range of special offers & exclusive discounts, such as:

- Insurance
- Health
- Office/Business
- Technology
- Retirement
- Marketing
- Travel
- Flood Zone Services

Visit [NYSAR.com](http://NYSAR.com) for full details on NYSAR’s Member Perk programs and start saving today!

Connect with us! [f](#) [t](#) [v](#) [in](#)



## Woodbury Common Reveals Significant Expansion Plans

CENTRAL VALLEY—On May 9, Woodbury Common Premium Outlets outlined new details of its proposed expansion that will bolster tourism and job creation for the region. The center’s plans were unveiled at the Orange County Chamber of Commerce monthly breakfast held at Woodbury Common’s Market Hall.

Woodbury Common has proposed plans that include: approximately 165,000 square feet of additional retail space; an increase in parking with the addition of a five-level parking garage and expansion of the existing four-level parking garage. In total, more than 2,140 new parking spaces will be created.

Other new development elements include pads for two 120-room hotels, a spa facility to serve patrons of Woodbury Common Premium Outlets, 37,000 square feet of new restaurant space, as well as upgraded customer amenities and sustainability initiatives.

At the breakfast, Woodbury Common representatives cited data from AKRF, Inc., a leading environmental, planning and engineering consulting firm, predicting enormous economic spinoffs from the center’s proposed plans. The economic benefits of the proposed renovations include the creation of 998 additional jobs at the center as well as approximately 400 indirect and induced jobs and more than 1,600 construction jobs over the two-year project.

The proposed expansion will generate both direct and indirect tax revenues, including an additional \$22.51 million in retail sales taxes annually including \$12.10 million for Orange County, \$9.2 million for New York State and \$1.21 million for MTA during operations.

Woodbury Common, which is owned by Simon, attracts more than 13 million visitors annually. Home to more than 250 highly sought-after retailers offering daily savings of up to 65%, the center has become a major tourism driver for the region and New York State.

The outlet center did not divulge any financial details about the expansion, including the estimated cost of the new project.

“New projects such as this are one of the reasons why economic development in Orange County continues to flourish,” said Orange County Executive Steven Neuhaus in a prepared statement. “The thriving tourism scene offers visitors and residents access to world-class shopping experiences, unparalleled dining and unique family-friendly attractions that can’t be found anywhere else in the state.”

“Woodbury Common is an internationally recognized brand that draws outside dollars into Orange County. The generation of sales and property tax alone, infused into our local economy, even during the worst of economic times, has been a cash-cow,” said Maureen Halahan, president and CEO of The Orange County Partnership. “Orange County has never been dependent upon one industry but rather a diverse cluster of industrial, office, retail and tourism destination. Woodbury Common continues to be a leader in the retail/tourism industry, expanding jobs and overflowing an abundance of ripple effect spending. Simon is the gift that keeps giving.”

“The benefits of this project will extend beyond Woodbury Common itself,” said Lynn Allen Cione, Orange County Chamber of Commerce president and CEO. “The creation of nearly 1,000 new jobs offers employment opportunities for local residents, the increased property value and sales tax will generate additional revenue at the county and state levels, and the increased tourism to the region will create ancillary benefits for neighboring businesses. I am excited to see the positive impact these plans will have on Orange County in the coming years.”

“The proposed expansion of Woodbury Common is an exciting venture for the entire county,” said Amanda Dana, Orange County Tourism Director. “With each phase of development, the center has continued to grow tourism in the region and the state by providing a world-class shopping experience and elevated dining options. Adding a lodging and spa component to the campus is a critical piece that will ultimately transition this premier shopping location to a tourism destination. We are delighted to be working closely with the Woodbury Common management team and know the details shared today stand to offer tremendous benefits to Orange County, its residents and its visitors.”

This is the fourth expansion since the property first opened in 1985. The latest redevelopment, which was completed in 2018, included an additional 60,000 square feet of retail space, a full renovation, four-story parking garage and Market Hall, an entrance building with a new food court, resulting in a total of more than 250 stores and 912,000 square feet. That project was estimated to have cost well in excess of \$100 million.

Nearby the property construction work continues on a \$150-million road improvement project being undertaken by the New York State Department of Transportation that will include new and improved access to the retail property at Exit 131 of Route 17.

Woodbury Common Premium Outlets currently features 250 stores including Tory Burch, Celine, Nike, Bottega Veneta, Michael Kors, Burberry, Coach, The North Face and more.

Simon is a global leader in the ownership of premier shopping, dining, entertainment and mixed-use destinations. The global Simon Premium Outlets portfolio includes properties located in the United States, Puerto Rico, Canada, Japan, Malaysia, Mexico and South Korea. In addition to Woodbury Common, the portfolio also includes the Orlando Premium Outlets, Desert Hills (Palm Springs), Las Vegas Premium Outlets and Wrentham Village Premium Outlets (Boston).



A rendering of the expansion program at Woodbury Common Premium Outlets.



# PEPE/BERARD CAPITAL

## Private Real Estate Lenders

*We offer creative solutions to your real estate financing needs*

Fix & Flip Loans  
Cash-out Refinances

Purchase Loans  
Partnership Buyouts

**William S. Pepe, Jr. • Ralph J. Berardi, Jr.**

211 South Ridge Street, Second Floor  
Rye Brook, NY 10573

[pbc@pepeberard.com](mailto:pbc@pepeberard.com)  
[pepeberard.com](http://pepeberard.com)  
**914-428-8888**



P/B Capital is a private real estate lender that provides capital to real estate investors and commercial property owners in most metropolitan areas along the east coast.

# Welcome to eXp Realty



**These 7 agents just made an eXpert move joining the future of the real estate industry, eXp Realty. With their addition, this innovative cloud-based brokerage has just added a combined 40 more years of knowledge and experience to their team.**



**Eric Illowsky**  
914-413-3689  
[eric@nyreex.com](mailto:eric@nyreex.com)



**Gianni Castillo**  
917-696-8589  
[giannicast.re@gmail.com](mailto:giannicast.re@gmail.com)



**Ebeline Felton**  
914-885-3206  
[ebelinefelton17@gmail.com](mailto:ebelinefelton17@gmail.com)



**Betty Emamian**  
646-965-6300  
[bettyexprealty@gmail.com](mailto:bettyexprealty@gmail.com)



**William Tarrant**  
917-628-9660  
[william.tarrantexprealty@gmail.com](mailto:william.tarrantexprealty@gmail.com)



**Jonathan Watnick**  
914.565.3800  
[Jonwatnick@gmail.com](mailto:Jonwatnick@gmail.com)



**Jessica Rosado**  
929-242-9424  
[Jessica.rosadoexprealty@gmail.com](mailto:Jessica.rosadoexprealty@gmail.com)



**Team Leader**  
**Rummy Dhanoa**  
914.920.2289  
[rummy@nyreex.com](mailto:rummy@nyreex.com)



# What's New with Software Updates, Scheduling Gmail Messages, Gboard, Browser Keyboard Shortcuts

## TECH TALK

By John Vrooman  
john@johnvrooman.com



If you use a computer that's running the Windows 10 operating system, I want you to know that a new version of the operating system is expected to be released in late May 2019. The new version of the operating system is known as "Windows 10 Version 1903" (a.k.a. "May 2019 Update"). For your review and convenience, the link below will take you to a page at pureinfotech.com that has a long video that introduces and discusses many of the features contained in the update...[www.tinyurl.com/y68vtf8g](http://www.tinyurl.com/y68vtf8g)

### Tools to Keep Your Windows Computer Software Up to Date

Microsoft Windows includes a "Windows Update" feature that does a good job of keeping the Windows 10 operating system and some other Microsoft software applications up to date and secure. However, most computer users also install additional software programs that Windows Update doesn't monitor or update. Fortunately, many software programs check for updates on their own, but some do not. To help address this situation, I would encourage you to visit Lifewire.com and review an article titled "10 Free Software Updater Programs." The "updater programs" that the article mentions can help you to identify software programs that you have that may be out of date and that may be able to be updated. Unfortunately, not all software update checkers are able to check for updates for all software programs, so you'll likely have to manually check for updates for some of your programs. Keeping your computer's software up to date is important as updates typically include both product and security fixes as well as new features and compatibility improvements. Here's a link to the article mentioned above...[www.tinyurl.com/y5qpcgtx](http://www.tinyurl.com/y5qpcgtx)

### You Can Now Schedule When A Gmail Message Should Be Sent

Do you use Gmail? If so, you may not be aware that you can now schedule e-mail messages! Over the past month or so, Google has been rolling out some new features to Gmail users. By now, most Gmail users should have received these updates. I believe that for most Gmail users, the most exciting update is the ability to compose e-mails that can be saved and scheduled to be sent later. If you would like to review a short article that shows you how to access and use this new feature, here's a link to an article titled "How to schedule an email in Gmail" that I found at The Verge's website...[www.tinyurl.com/y2max7ua](http://www.tinyurl.com/y2max7ua)

**Tip:** Try googling the names of the software and online services that you use and add some additional keywords such as tips, features, hacks, troubleshooting, solved, update, podcast, etc. to your search criteria. When you do this, you'll likely discover articles, videos and other resources that may offer you helpful information about the software product or service that you use.

### Gboard is an Alternative Keyboard for Your Mobile Device

Did you know that you can install and use alternative keyboards on iOS and Android phones and tablets? If not, I would encourage you to visit your devices' app store/play store and search for the free alternative keyboard app called "Gboard" (a.k.a. Google keyboard). Once you have Gboard installed, you might want to check out the helpful tutorial videos below. There's a good chance that after you learn more about Gboard's features you may want to configure it to be your devices' default keyboard!

YouTube Video: Geeks on Tour channel "Install Gboard on Apple iPhone and iPad iOS Tutorial Video 556"  
[www.tinyurl.com/y3ecls6t](http://www.tinyurl.com/y3ecls6t)

YouTube Video: Geeks on Tour channel "Install Gboard on Android Phones Tutorial Video 557"

[www.tinyurl.com/y2yakuku](http://www.tinyurl.com/y2yakuku)

Article: "13 handy hidden shortcuts for Gboard on Android" at computerworld.com

[www.tinyurl.com/y2l3nzgu](http://www.tinyurl.com/y2l3nzgu)

### Google's Chrome Browser Supports Many Keyboard Shortcuts

Do you use Google Chrome as your web browser? If so, please review the keyboard shortcuts that are listed on the Google Chrome support page below. If you use a different web browser, you can find lists of keyboard shortcuts for the browser you use by performing a web search using the name of your browser and "keyboard shortcuts" as your search keywords (e.g. "Safari keyboard shortcuts," or "Firefox keyboard shortcuts"). Since many computer users spend most of their computing time working within a web browser, it makes sense to learn and use keyboard shortcuts to help increase productivity/efficiency. Here's a link to a list of Google Chrome's keyboard shortcuts...[www.tinyurl.com/yap9ayg8](http://www.tinyurl.com/yap9ayg8)

### Create 'How to' Videos Using Screen Recording Software

Recording your computer screen is a great way to create demonstrations and tutorials! If you have an interest in creating videos that involve recording computer screen activity, I would encourage you to review an article I found at the zapier.com website. The title of the article is "The Best Screen Recording Software in 2019." The article provides concise reviews of several screen recording applications, and I'm confident that you'll find a suitable application for your screen recording needs. Here's a link to the article...[www.tinyurl.com/y3fqtedd](http://www.tinyurl.com/y3fqtedd)

### Google I/O 2019

Google I/O is an annual Google event where new Google devices, services, etc. are often introduced. I always enjoy watching the event's keynote address as it usually includes demonstrations of new/updated products and services. If you're interested, you can watch a recording of this year's Google I/O keynote address by visiting the following web page...[www.tinyurl.com/y2zk8d6e](http://www.tinyurl.com/y2zk8d6e)

### Reminders

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

[www.realestateindepth.com/technology](http://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](mailto: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.*

## Bronx Multifamily Trades For First Time in Decades

NEW YORK—A 28-unit multifamily building on Bainbridge Avenue in the Norwood section of the Bronx has changed hands for the first time in nearly 35 years.

Cushman & Wakefield announced on May 8 that the firm had arranged the sale of 144 East 208th St., a 36,800-square-foot multifamily building in the Bronx. The final closing price was \$4.25 million. The property was acquired by Prana Investments, which is headquartered in San Francisco.

Cushman & Wakefield's Stephen Preuss, Jonathan Squires, Kevin Louie, Eric Roth and Addison Berniker, represented the seller, Don Lou Realty, in the transaction.

"The sale of 144 East 208th Street was the first ownership transaction of this Bronx property in almost 35 years. One could say that the Bronx market has greatly improved in this time frame as the seller originally purchased the property for \$160,000," said Squires.

C&W's Preuss added, "Our team was able to facilitate a sale from start to finish within 30 days of being hired. Our marketing process and territory platform proved to be effective tools for this sale."

144 East 208th St. is a five story, 36,800-square-foot corner apartment building comprised of 28 units. The property is located on the Southwest corner of Bainbridge Avenue and East 208th Street.

The Norwood neighborhood is one of the Bronx's most thriving neighborhoods with Montefiore Hospital a major presence in the area, C&W noted. The building is situated directly across the street from Williamsbridge Oval, one of the most popular parks in the borough and is in proximity to the D train at 205th Street Station as well as the 4 train at Moshulu Parkway Station.

## CHIMNEY & FIREPLACE EXPERTS ASBESTOS REMOVAL RESIDENTIAL & COMMERCIAL



1.800.834.3155

**MR. CHIMNEY**  
MRCHIMNEY.COM

**PHIL MCCRACKIN**  
PHILMCCRACKIN.COM

**THE FLUES BROTHERS**  
THEFLUESBROTHERS.COM



# HGAR Fair Housing Event, Doubletree Hotel, Tarrytown, April 29, 2019



**Fred Freiberg, Executive Director for the Fair Housing Justice Center**



**Thank you to our event sponsors.**



**Sally Santangelo, Executive Director, City of New York Fair Housing**



**A crowd of more than 200 attended HGAR's Fair Housing event at the DoubleTree Hotel.**



**Fred Freiberg and Sally Santangelo address the HGAR Realtors at the event.**

## A Long Road Traveled To Real Estate Industry

Continued from page 11

Queens, Long Island, Brooklyn and Manhattan. "I just looked around and thought, I can do this buying and selling myself," he said. I've always loved working with families, so this was a natural fit."

A Realtor for nearly 20 years now, he purchased the Exit Realty franchise in 2016, opening Exit Realty Premium on Morris Park Avenue in the Bronx.

With 15 agents in his office, the brokerage services the local area, Brooklyn and Queens, specializing in rentals and capital developments in Manhattan.

Domathoti especially enjoys working with first-time homebuyers, investors and veterans. He often works with the Veteran Association of Real Estate Professionals (VAREP) to help both active and retired military personnel find homes.

This year also marks Domathoti's first time as an HGAR Board of Directors member, and he's enjoying every minute of it. "I share our President Ron Garafalo's vision of striving for excellence in this profession, and I'm excited about the huge task of merging our MLS with the Long Island MLS," he said. "I'm glad to be part of something that's growing and resonating the 21st Century in so many ways."

Domathoti is a member of the Bronx Chamber of Commerce and also supports the Van Nest/Morris Park Association,

a local community group. With Exit Realty, he participates in the Candles of Hope program, a non-profit group that plans birthday parties for homeless children living in shelters. He has also been involved with Bags for Kids and Harvest Baskets, which provide supplies and foods for children and families. Habitat for Humanity is another charity that he supports through Exit Realty.

As for his free time, Domathoti loves traveling. "I must have about a million air miles by now," he quipped. He also enjoys hiking and golfing.

Earlier this month his firm held a "Mix and Mingle" real estate event at the Pine Bar & Grill in the Bronx. The widely-attended event included everyone in the real estate business, from agents to mortgage professionals to home inspectors and title firms.

He also believes that despite all the new trends in technology, real estate agents are here to stay because real estate is still a "people" business. For anyone considering a career as a Realtor, Domathoti has some sound advice: "Be people-centric and an active listener," he said. "You also need to have empathy because your primary product is people, not homes."



**From left, Ron Garafalo, HGAR President; Eydie Lopez, Co-Chair, HGAR Fair Housing & Cultural Diversity Committee; Sally Santangelo, Executive Director, City of New York Fair Housing; Fred Freiberg, Executive Director for the Fair Housing Justice Center; Richard Haggerty, HGAR CEO; and Dorothy Botsoe, Co-Chair, HGAR Fair Housing & Cultural Diversity Committee.**

## The Doctrine Caveat Emptor or 'Buyer Beware'

Continued from page 5

### Obligations of Realtors Under Code of Ethics

While not part of the decision in Comora, it is important for those real estate agents and brokers who are "Realtors" to note their obligations under the National Association of Realtors' Code of Ethics. Article 2 of the Code of Ethics requires:

*"REALTORS® shall avoid exaggeration, misrepresentation, or concealment of pertinent facts relating to the property or the transaction. REALTORS® shall not, however, be obligated to discover latent defects in the property, to advise on matters outside the scope of their*

*real estate license, or to disclose facts which are confidential under the scope of agency or non-agency relationships as defined by state law."*

NAR's Code of Ethics makes it clear that Realtors are not required to discover "latent" defects, however, if they know of certain defects, they may be required to disclose such facts. Nevertheless, they are not obligated to "...advise on matters outside of the scope of their real estate license or to disclose facts that are confidential under the scope of agency or non-agency relationships as defined by state law."

One critical takeaway from all of these "Caveat Emptor" decisions is that

Realtors should never infer or recommend a buyer to waive inspections or not undertake active and comprehensive due diligence with respect to the purchase of real property. The Comora case reestablishes that as long as the doctrine of Caveat Emptor remains applicable, purchasers must be diligent and conduct thorough inspections of any property they wish to purchase. On the other hand, sellers, seller's agents and attorney must ensure that appropriate disclaimers are included in the contracts, that a purchaser is never "thwarted" from conducting any inspections and that they never actively conceal a defect that would make its

discovery impossible.

**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>.*





## \$28 Million Mixed-Use Housing Development in Peekskill Opens

PEEKSKILL—Governor Andrew M. Cuomo announced on May 1 the opening of Lofts on Main, a \$28-million mixed-use housing development in Peekskill's downtown arts district.

The newly constructed development features 75 apartments for local artists and residents with a variety of income levels, as well as 7,200 square feet of ground floor commercial space.

"New York's \$20-billion housing plan continues to create vibrant neighborhoods where New Yorkers want to live, work and play," Gov. Cuomo said. "By combining affordable housing with new commercial space, Lofts on Main is revitalizing Peekskill's Main Street and building a stronger local economy in the Mid-Hudson region for all to enjoy."



The Lofts at Main in Peekskill

Lofts on Main is comprised of two four-story buildings with 49 one-bedroom apartments and 26 two-bedroom loft-style apartments. Twelve apartments are reserved for persons with physical disabilities. The Housing Action Council will provide referrals and services for these residents with physical disabilities.

Fifty of the apartments will be available to households with incomes at or below 50% of the area median income with a preference for artists. Six apartments will be available to households with incomes at or below 90% of the area median income and 18 apartments will be available to households at or below 100% of the area median income. One two-bedroom apartment serves as an onsite superintendent's unit.

Ken Kearney, principal of project developer Kearney Realty and Development, said, "The Lofts on Main was one of the first developments to utilize New York State Homes and Community Renewal innovative Middle-Income Housing Program. This funding combined with Housing and Brownfield credits as well as private financing from CPC provided the necessary funding to produce this impactful downtown revitalization project. We thank all of our partners who join with us today to celebrate the grand opening of The Lofts on Main."

Lofts on Main has four commercial ground floor spaces occupied by Ty's Bread Basket BakeShop, The Evolution Gallery, Nourish Hair & Body Salon and Green's Natural Foods.

Building amenities include a gallery space in the lobby for resident artists to showcase their work and two studio/performance practice spaces. There is a large courtyard between the two buildings available as a performance and meeting space. Additional building amenities include a laundry room, fitness room, community room and rooftop terrace with views of the Hudson River. Lofts on Main was designed with numerous energy efficient features including EnergyStar appliances

and highly efficient heating, cooling and ventilation systems.

Located on Main Street between Division and Nelson Streets, Lofts on Main is within walking distance from City Hall, the public library and the Metro North train station. Downtown Peekskill has undergone a revival over the past 15 years, becoming a hub and regional destination for arts and entertainment. Home to the Paramount Theatre, numerous cafes, art galleries, restaurants and music venues, the City of Peekskill fosters a thriving artist community in need of affordable housing.

State financing for the development included state and federal Low-Income Housing Tax Credits that generated \$10.9 million in equity and \$5.2 million in subsidy from New York State Homes and Community Renewal. The New York State Energy Research and Development Agency provided \$187,500 and the New York State Department of Environmental Conservation provided brownfield tax credits that generated \$3.7 million in equity. The Community Preservation Corporation provided a \$15.5-million construction loan and a \$6.8-million SONYMA-insured permanent loan.

Peekskill Mayor Andre Rainey said, "Lofts on Main creates more high-quality housing options for local residents while also supporting economic growth and activity along Main Street here in downtown Peekskill. We are proud of Peekskill's reputation as an inclusive and vibrant artistic community. We are grateful to all of our state and local partners for working with the City of Peekskill to deliver this beautiful new development. Congratulations to all."

Rose Noonan, executive director, Housing Action Council, said, "The Housing Action Council is pleased to celebrate the opening of Lofts on Main which not only offers affordable housing for artists but also contributes to the growth and excitement of downtown Peekskill."

### RE/MAX Distinguished Homes Opens New Office

RE/MAX Distinguished Homes & Properties celebrated the grand opening of its new location in Tuckahoe at 273 Columbus Ave. on May 8th.



Eric Stein, and Al Posillico, Broker/Owners, along with the Mayor of Tuckahoe Greg Luisi, and staff, business officials, family and friends attended the event.

## Trustco Bank Mortgages

### Making Home Ownership a Reality



- ❖ No Points
- ❖ No Borrower Paid PMI\*
- ❖ Low Closing Costs
- ❖ Friendly, Local Service
- ❖ Financing up to 97%

Come into any of our Hudson Valley locations and deal with one our friendly Branch Managers, who are also Loan Originators!

**Orange County** - Monroe Office (845) 782-1100 **Putnam County** - Mahopac Office (845) 803-8756 **Rockland County** - Airmont Office (845) 357-2435, New City Office (845) 634-4571, Nyack Office (845) 535-3728, Pomona Office Tel: (845) 354-0176

**Westchester County** - Ardsley Office (914) 693-3254, Briarcliff Manor Office (914) 762-7133, Bronxville Office (914) 771-4180, Elmsford Office (914) 345-1808, Hartsdale Office (914) 722-2640, Katonah Office (914) 666-6230,

Mamaroneck Office (914) 777-3023, Mt. Kisco Office (914) 666-2362, Peekskill Office (914) 739-1839, Pelham Office (914) 632-1983

**NOW OPEN!**  
Rockland County  
NYACK OFFICE  
Tel: (845) 535-3728  
388 route 59  
Nyack, NY 10960

**TRUSTCO BANK**  
Your Home Town Bank  
www.TrustcoBank.com

\*PMI - Private Mortgage Insurance. Lender paid Private Mortgage Insurance on loans over 89.5% Loan-to-Value. Please note: Rate subject to change. We reserve the right to alter or withdraw these products or certain features thereof without prior notification. NMLS #474376





# Putnam County Business Council Hosts First Leadership Breakfast

## PUTNAM POSTING

By Jennifer Maher



The Putnam County Business Council recently welcomed representatives from the New York City Department of City Planning at the April 25th Putnam County Leadership Breakfast, held at Tilly Foster Farm in Brewster.

During her presentation, Carolyn Grossman Meagher addressed several inequalities and the need for New York

City to reach out to its neighboring communities to ensure that the entire Hudson Valley Region thrives.

Meagher is the director of the new Regional Planning Division of New York City Planning. The division was created with five objectives: to connect with regional governments and planning officials, to analyze, aggregate and

disseminate regional data, to instill regionalism in planning activities, to cultivate opportunities to cross-border collaboration and to provide information on regional policy and capital priorities.

Putnam County Executive MaryEllen Odell expressed optimism about this new division. “New York City has seen the most post-recession economic and job growth in our region,” Odell said. “While areas outside of New York City saw slower wage growth. I am looking forward to working with New York City Planning for the benefit of the entire Hudson Valley.”

Our county is part of a larger region which comprises one of the world’s largest and most populous metropolitan areas. This partnership will be immensely valuable since so many residents of the

Hudson Valley commute to jobs in New York City, as well as a smaller population that does the so-called “reverse commute” from New York City to the Hudson Valley.

As the primary advocate, voice and resource for the county’s business community, The Putnam County Business Council is excited to bring more quality forums to the Putnam County business community for 2019. We would love to hear your ideas for future speakers and venues. Please contact us at (845) 228-8595 or e-mail at [info@putnamchamber.org](mailto:info@putnamchamber.org).

*Jennifer Maher is chairwoman, 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.*

# Houlihan Parnes Brokers Refinancing Of Newburgh Commercial Properties

NEWBURGH—Houlihan Parnes Realtors reported that it recently arranged financing for two buildings at 700 and 900 Corporate Blvd. in Newburgh.

Steve McCulloch of the White Plains-based commercial real estate and investment firm, worked on behalf of a private partnership in the transaction.

The buildings total 72,000 square feet of flex space and are located within the Northeast Business Center. These two properties are fully leased to a variety of national and local businesses, are easily accessible to I-87 and I-84 and front on Route 17K, which runs along the eastern border of Stewart International Airport. The loan was in the amount of \$3,750,000, has a term of seven years, and interest rate of 5.20% and non-recourse. The lender was a regional bank.

The average contract interest rate for 5/1 ARMs increased to 3.88% from 3.81%, with points decreasing to 0.26 from 0.54 (including the origination fee) for 80% LTV loans.



900 Corporate Blvd., Newburgh

## Mortgage Applications Increase In Latest MBA Weekly Survey

WASHINGTON—Mortgage applications increased 2.7% from one week earlier, according to data from the Mortgage Bankers Association’s (MBA) Weekly Mortgage Applications Survey for the week ending May 3, 2019.

The Market Composite Index, a measure of mortgage loan application volume, increased 2.7% on a seasonally adjusted basis from one week earlier. On an unadjusted basis, the index increased 3% compared with the previous week. The Refinance Index increased 1% from the previous week. The seasonally adjusted Purchase Index increased 4% from one week earlier. The unadjusted Purchase Index increased 5% compared with the previous week and was 5% higher than the same week one year ago.

“We saw a good week for the spring homebuying season, as a 5% increase in purchase applications —both weekly and year-over-year—drove the results,” said Joel Kan, MBA’s associate vice president of economic and industry forecasting. “Average loan amounts also stayed elevated, with government purchase applications rising to the highest in the survey. Even with slower price appreciation in higher-priced markets, home prices are still rising enough to push average loan sizes higher.”

Added Kan, “With purchase activity increasing and mortgage rate movements mostly unchanged, the refinance share of applications were at their lowest level since last November.”

The refinance share of mortgage activity decreased to 37.9% of total applications from 38.8% the previous week. The adjustable-rate mortgage (ARM) share of activity increased to 6.4% of total applications.

The FHA share of total applications remained unchanged from 9.5% the week prior. The VA share of total applications increased to 11.1% from 10.9% the week prior. The USDA share of total applications remained unchanged from 0.6% the week prior.

The average contract interest rate for 30-year fixed-rate mortgages with conforming loan balances (\$484,350 or less) decreased to 4.41% from 4.42%, with points increasing to 0.47 from 0.46 (including the origination fee) for 80% loan-to-value ratio (LTV) loans. The effective rate remained unchanged from last week.

The average contract interest rate for 30-year fixed-rate mortgages with jumbo loan balances (greater than \$484,350) decreased to 4.27% from 4.31%, with points remaining unchanged at 0.23 (including the origination fee) for 80% LTV loans. The effective rate decreased from last week.

The average contract interest rate for 30-year fixed-rate mortgages backed by the FHA increased to 4.44% from 4.39%, with points increasing to 0.56 from 0.47 (including the origination fee) for 80% LTV loans. The effective rate increased from last week.

The average contract interest rate for 15-year fixed-rate mortgages remained unchanged from 3.81%, with points increasing to 0.42 from 0.40 (including the origination fee) for 80% LTV loans. The effective rate remained unchanged from last week.



Business banking expertise.  
*Your place. Or ours.*

contact: Nick Marra, SVP Regional Manager  
email: [nmarra@websterbank.com](mailto:nmarra@websterbank.com)  
phone: 914.298.2533



The Webster symbol is a registered trademark in the U.S.  
Webster Bank, N.A. Member FDIC. Equal Housing Lender ©2019 All Rights Reserved, Webster Financial Corporation



# RPAC Karaoke Night, Chatterbox 54, Briarcliff Manor, May 4, 2019



The Chatterbox Bar & Grill in Briarcliff Manor attracted more than 50 Realtors for RPAC's Networking & Karaoke Night.



From left, Douglas Kooluris, Leah Caro, Angelo Ponzi and Bee Sung "Jennifer" Ooi



From left, Maryann Tercasio and Bonnie Koff



From left, Joe Pandolfom Chatterbox owner, and Linda Urban



From left, Hans Schindhelm, Phyllis Lerner and Eileen Gilroy



From left, Wendy Phillips, Sarah Hughes, Carol Christiansen and Roseann Paggiotta



From left, Sander Koudijs; Gail Fattizzi; Marcene Hedayati and Dave Moore



From left, Mark Aakjar, Stephanie Liggio and Phyllis Marcus, Esq.

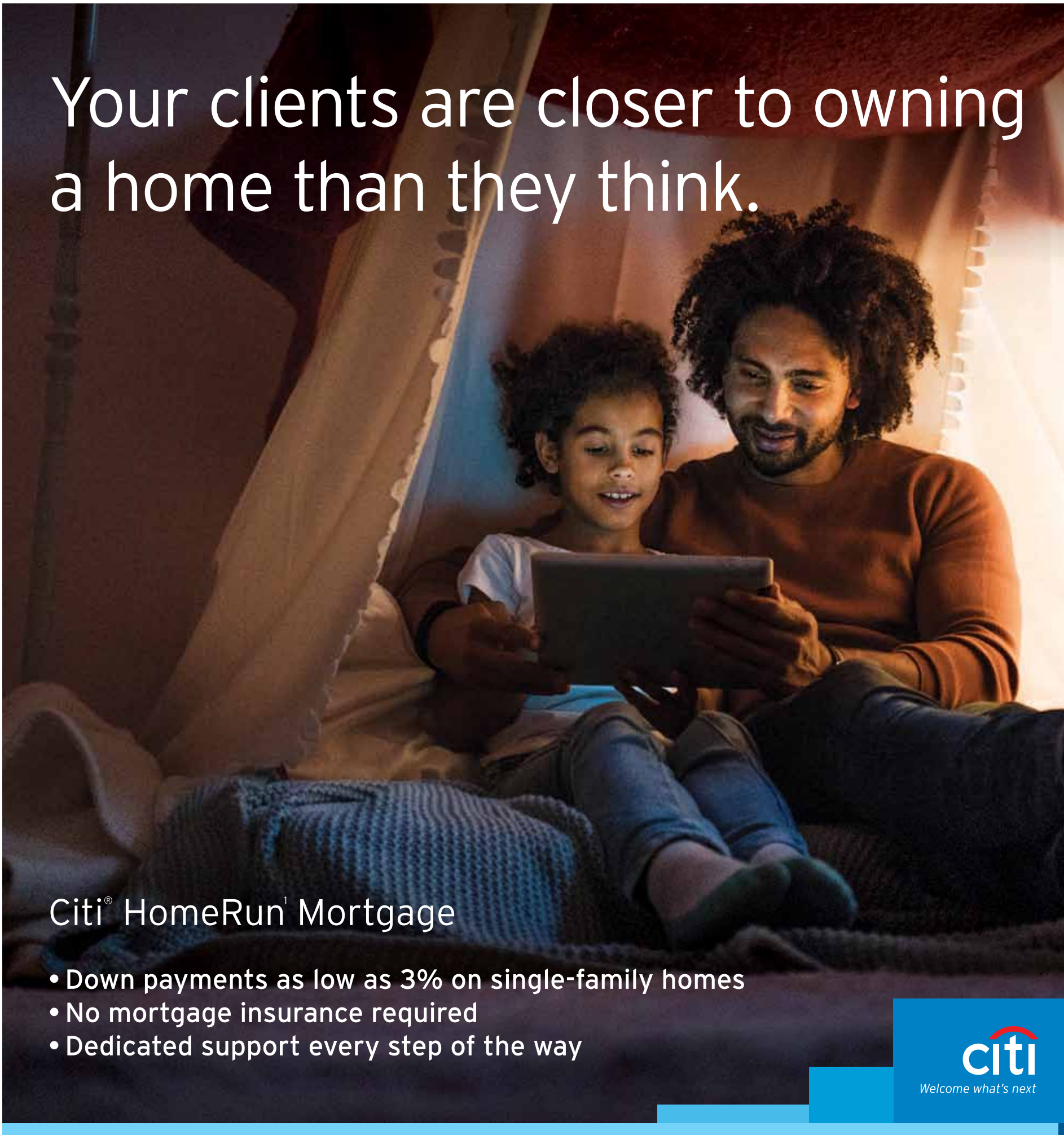


From left, Crystal Hawkins Syska and Teresa Belmore

PHOTOS BY JOHN VECCHOLLA



# Your clients are closer to owning a home than they think.



## Citi® HomeRun<sup>1</sup> Mortgage

- Down payments as low as 3% on single-family homes
- No mortgage insurance required
- Dedicated support every step of the way



**We've helped millions become homeowners and we can help your clients, too.**

Call us today.



**Mary Ellen O'Connor**  
 Home Lending Officer  
 914-874-2994  
 maryellen.oconnor@citi.com  
 citi.com/maryellenoconnor  
 NMLS# 406220



**John Porcello**  
 Home Lending Officer  
 914-469-1807  
 john.porcello@citi.com  
 citi.com/johnporcello  
 NMLS# 727356



**Jigar Shah**  
 Home Lending Officer  
 845-837-9234  
 jigar4.shah@citi.com  
 citi.com/jigar4shah  
 NMLS# 725858

Terms, conditions and fees for accounts, programs, products and services are subject to change. This is not a commitment to lend. All loans are subject to credit and property approval. Certain restrictions may apply on all programs. Offer cannot be combined with any other mortgage offer. This offer contains information about U.S. domestic financial services provided by Citibank, N.A. and is intended for use domestically in the U.S.

<sup>1</sup>HomeRun is available only in Citibank assessment areas for loans on the primary residence of borrowers who qualify and is subject to geographic, income, property, product and other restrictions. To be eligible for up to 97% financing, the property must be a single-family home (including condos, co-ops and PUDs) with a loan amount up to \$484,350. Single-family homes in certain high-cost markets with loan amounts between \$484,351 and \$726,525 are eligible for up to 95% financing.



©2019 Citibank, N.A. NMLS# 412915. Member FDIC and Equal Housing Lender. Citi, Citi and Arc Design and other marks used herein are service marks of Citigroup Inc. or its affiliates, used and registered throughout the world.



# My Why?

A stellar app branded just for me, automated marketing resources at no additional charge, a lead generation system that works... I could go on. The tech offerings at RE/MAX® make it possible for me to do more - with intention. I now have more energy and time to give my clients an unforgettably successful experience.

Why RE/MAX?  
The tools. That's why.



Find your why.  
[joinremax.com](https://www.joinremax.com)