

## Hudson Valley Home Prices Continue to Rise, While Sales Decline

By John Jordan

WHITE PLAINS—Home sale prices were up sharply in the third quarter in the four-county market area of the Hudson Gateway Association of Realtors, with the exception of Westchester County where sales prices were relatively flat as compared to a year earlier.

Sales volume was off marginally throughout the region, with overall third quarter sales down 5.2% in Westchester; 1.8% in Orange and 1.2% in Rockland, while Putnam County's sales numbers were flat with an increase of 0.3%.

Market results were mixed depending on product type and location. Realtors interviewed by *Real Estate In-Depth* said that while some negative market influences, specifically the cap on SALT deductions, low inventory and higher interest rates, may be impacting some buying decisions, it is way too early to tell just what real impacts they will have on the market going forward.

Westchester County posted a third quarter median sale price for a single-family home of \$679,000, which was slightly lower than the third quarter of 2017 (\$680,000). The median sale price for a single-family home in Putnam was \$360,000, up 5.9% from the third quarter of 2017; the median sale price in Rockland was \$475,000, up 6.7% and the Orange County median was \$275,000, up 7.8%.

**Editor's Note:** for further coverage, including region-wide home sales statistics see pages 8-9.

Paul Breunich, president and CEO of William Pitt and Julia B. Fee Sotheby's International Real Estate, said in connection with the Westchester County market that

Hudson Valley Home Sales Third Quarter 2018	
County	Change from 2017
Putnam	+0.3%
Rockland	-1.2%
Orange	-1.8%
Westchester	-5.2%

the declining sales numbers, while noteworthy, are not a sign of a troubled market. He insisted that the market appears to be in transition and that most market observers expect home sales to fall between 4% to 6% for the year countywide.

"The market is in an adjustment period and is in flux," Breunich said. "With what is going on in the economy—the stock market, GDP, (low) unemployment and consumer confidence through the roof, that is all pointing to a very strong, healthy real estate market, but that is not being reflected in our marketplace, yet."

Breunich said that he is concerned about consumer market perceptions of a severe downturn in Westchester home sales based on erroneous sales numbers released recently by a local brokerage firm that garnered national media coverage.

"These news stories have contributed toward an exaggerated negative narrative about the state of the real estate market in Westchester, spreading misinformation and miseducating consumers," Julia B. Fee Sotheby's stated in its third quarter market report on Westchester County. "The actual picture is dramatically different, according to our own analysis, and varies greatly by town and price range."

He noted that the market is seeing a decline in sales, but not double digits as was erroneously reported in the press. He also said that some locations are stronger than others both in terms of home sales volume and pricing.

"You have to look at the reality of it," Breunich said. "The market is still down five to six percentage points. That is not something to pull the fire alarm on about, but it

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## Group Looks to Convert IBM Somers Campus to STEM School

By John Jordan

SOMERS—A plan was presented to the Somers Town Board recently that if approved would involve the adaptive reuse of the 1.2-million-square-foot former and now vacant IBM campus here into a STEM high school geared at attracting top students from across the country.

The plan for the IBM Somers property was first reported on RealEstateInDepth.com.

Evergreen Ridge, LLC of Stamford, CT, headed by principal Tim DiScipio, presented its initial plans to the Somers officials on Sept. 20 that call for significant interior renovations to the five-building complex to convert it into a



The now vacant IBM campus in Somers includes five buildings totaling approximately 1.2 million square feet of office space.

school for grades 9-12 that would focus on STEM (science, technology, engineering and math), as well as the arts. Evergreen officials said the firm hopes to open the school for its first class in the fall of 2020.

Evergreen Ridge officials, along with Roxana Girand, president and CEO of Sebastian Capital Inc. of New York City, the asset manager for the 723-former IBM campus, and Sean Cahill of Avison Young, a broker in the deal, confirmed that negotiations are ongoing with the building owner for Evergreen to lease the entire 1.2-million-square-foot complex pending all necessary approvals

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## NYC Developer Banking on Opportunities in Westchester



Peter Duncan, president and CEO of New York City-based development firm George Comfort & Sons

By John Jordan

WHITE PLAINS—New York City-based George Comfort & Sons is looking to take advantage of changing market conditions and reposition some of its iconic properties in Westchester, as well as in neighboring Fairfield County, CT.

Peter Duncan, president and CEO of New York City-development firm George Comfort & Sons, told more than 80 attendees of the Hudson Gateway Association of Realtors Commercial Investment Division at a meeting held at the HGAR headquarters in White Plains on Oct. 4 that the firm is bullish on Westchester and has embarked on some ambitious redevelopment efforts at a number of properties in the county.

The firm, recently acquired the former Reckson Executive Park in Rye Brook, now known as 1100 King St., in a joint venture with a fund managed by DRA Advisors for \$55 million from SL Green Realty. The firm has office holdings and development rights for approximately two million square feet in Westchester County and another two million square feet in Fairfield County, CT, including the former UBS headquarters complex in Stamford, CT, as well as another 450,000 square feet in Southern New Jersey.

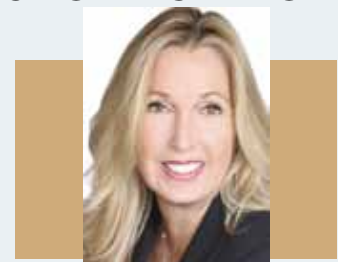
George Comfort & Sons has extensive holdings in Manhattan, including 200 Madison Ave, 498 Seventh Ave., 63 Madison Ave. and 575 Lexington Ave., to name just a few. The company has grown its overall portfolio from around 1 million square feet in the early 1990s to between 14 million square feet to 15 million square feet at present.

"All we really are is a company that rolls up its sleeves every day and tries to work out the problems," Duncan said, noting that particularly with its suburban portfolio, the company had to have the patience and imagination to adapt to changing market conditions. He related several examples of suburban properties the company acquired that required George Comfort & Sons to alter its initial plans to a different leasing or investment environment.

Overall, he said that he likes acquiring suburban New York City properties be-

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is something to be aware of.”

He added that the federal tax reform law and the cap on SALT deductions might be having some impact on demand. However, there are other factors that influence demand, such as high consumer confidence and the strong economy, for example, and the market is working through all the factors, both positive and negative.

While bullish on the future of the Westchester County residential market, Breunich said the real estate market is no longer booming, but is in transition. He said it is too early to tell the true impact of federal tax reform and added that the first indications of its effect on the market will likely show up in the next six months or so when people file their taxes in the spring of 2019.

Joseph Rand, managing partner of Better Homes and Gardens Rand Realty, said the federal tax reform law might be having a small impact on the very high end of the market where the loss of deductibility for mortgage interest and local taxes hits the hardest.

He noted that price appreciation was more pronounced in the lower-priced markets.

In terms of the loss of the SALT deductions, he said, “We’re talking about a marginal, not a major, impact. Prices aren’t rising at the rate they are in the lower-priced markets, they’re basically flat, not falling.”

A plus for the marketplace is that inventory levels are starting to respond to rising

prices, Rand noted that for the first time since 2012, inventory levels went up in the third qtr.

Rand said what is happening region-wide is that after years of decline, single-family inventory was higher in almost every county in the region, stabilizing near that six-month level that usually signals a balancing market. This market phenomenon occurs when demand is strong, and supply stays steady (or goes down) and prices go up. In response to the rising prices, eventually new inventory comes onto the market, he explained.

“Going forward, we believe that the appetite in the market can handle both the impact of tax reform and this increased inventory while still driving continued price appreciation,” Rand said. “With strong economic conditions, relatively low-interest rates (and the specter of rate increases on the horizon), and pricing still at attractive 2004-05 levels, we expect a robust market through the end of the year.”

Brokerage network Westchester Real Estate Inc. in its third quarter market report on Westchester County also discussed the positive and negative economic and regulatory forces affecting the housing market.

The firm concluded that with those forces factored in, it believes, “Westchester properties will always remain in high demand based on our proximity to New York City and fantastic quality of life. While we may see pullbacks or shifts at times, our housing market possesses innate strength and resilience. Prices are not decreasing, home sales are still strong, and Westchester’s real estate market is just fine!”

## NYC Developer Banking on Opportunities in Westchester

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cause, “quite frankly I can buy on a basis that in most instances where I can feel comfortable in putting money into these properties, repositioning them and turning them into something that they weren’t at the time that we acquired them.”

Duncan at the session said that one of the reasons Westchester is attractive to the firm is that there has been approximately six million square feet of outdated office space taken off the market in the last 10 years or so.

“I do think Westchester is ahead of Fairfield right now because Westchester, whether by design or whatever, bit the bullet and started transforming a lot of Class C and D properties into new uses,” he said. “So, I think the Westchester market right now—the commercial

office side—is much sounder than the Fairfield market.”

He added that market conditions in Greenwich are tightening, which will eventually benefit the Stamford office market. However, he cautioned that the turnaround will take some time. Duncan blamed at least some of the market’s troubles on the administration of Gov. Dannel Malloy and said that there needs to be a “wholesale change of thinking” in state government.

### Good Counsel High School Complex

Duncan briefed CID members on a number of the company’s redevelopment efforts, including the proposed redevelopment of the former Good Coun-



From left, CID sponsor Mike Traynor of Webster Bank, HGAR Chief Executive Officer Richard Haggerty, HGAR Chief Operating Officer Ann Garti, Peter Duncan of George Comfort & Sons and CID President John Barrett.

sel High School campus in White Plains. The plan, which is currently in the approval process before the White Plains Common Council, calls for the sale of a portion of the property to Sunrise Senior Living, which will develop 85 assisted living units in a four-story building. The plan also calls for the preservation of a portion of the property formerly owned by the Sisters of Divine Compassion, including its storied chapel and a portion of the convent. The development plan involves the construction of 95 units of graduate student housing for the adjoining Pace University Law School, and 370 market rate apartments in an eight to 10-story building.

He said the development plan is geared to trying to keep the property’s “beautiful vistas” as well as its rich history.

### 900 King St., 1100 King St.

Duncan also outlined the planned redevelopment of 900 King St. in Rye Brook, a vacant 265,000-square-foot office building it plans to convert into a senior living (age restricted 55 and over) complex that will feature a total of 269 units—80 to 90 units of assisted living/memory units, 24 townhomes and 160 independent living units. The plan, if approved, will involve the demolition of the existing office building.

He also noted that the firm is currently in negotiation with a number of prospective tenants at 1100 King St. in Rye Brook that he believes could bring the percentage of leased space at the 560,000-square-foot complex from its current 65% level to the higher 80s by early 2019.

The firm recently acquired the six-building complex at a little less than 7.5% unlevered cap rate and believes that based on strong tenant demand for its nearby Center at Purchase office complex, which consists of four buildings totaling approximately 685,000 square feet, the 1100 King St. property could lease up quickly. The Centre at

Purchase is currently 98% leased and Duncan said that smaller-sized tenant demand has driven significant activity at 1100 King St.

He termed the 1100 King St. purchase as a “market opportunity. We took advantage of a great site, we got a great base to start with and we are meeting a market.”

In just a few months, Duncan said that the firm has completed 45,000 square feet in new lease deals, another 15,000 square feet in lease renewals and extensions, and is in negotiations on another 100,000 square feet in potential transactions at the property.

### Connecticut Properties

One of the company’s other high-profile suburban New York projects is the repositioning of the former UBS headquarters complex in Downtown Stamford, CT.

Thus far, George Comfort & Sons has leased approximately 50,000 square feet of the 710,000-square-foot complex and is currently undertaking a host of capital improvement projects at the property and also plans to add a 180-room boutique hotel at the site. One of the new tenants at the former UBS property is KPMG.

Duncan said that his firm is in “earnest” negotiations with firms involving about 1 million square feet at the complex. While not revealing the identity of the prospective tenant, he said, “We are very far down the road with a group that would take all of the pavilion (275,000 square feet) and a good chunk of the (415,000-square-foot) office tower.”

George Comfort & Sons recently suffered a setback when the Stamford Board of Representatives rejected a Zoning Board approval of its plan to convert an office building at its High Ridge Office Park to a Life Time Fitness facility. Duncan said the firm is committed to the project and hopes to work out a deal with the city so that it can move forward with the redevelopment project.



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# Mass. Developer Withdraws \$4.51M Offer To Buy Vacant Sain Building in New City

By John Jordan

NEW CITY—A noticeably agitated Rockland County Executive Ed Day stood in front of the vacant Sain Building here on Oct. 9 and announced that National Development, the developer who had offered to pay \$4.51 million to acquire the property and convert it into a senior residence, had withdrawn its purchase offer.

National Development, a real estate development firm based in Newtown Lower Falls, MA, cited delays by county government as the chief cause for its withdrawal of the purchase offer for the six-story now vacant office building on New Hempstead Road across the street from the County Office Building.

County Executive Day said “The inaction and outright obstruction of some in the Rockland County Legislature have killed this deal. The developer has made it extremely clear in his letter to myself and the County Legislature. The only way to make a revised proposal work now is for the legislature to finally act in good faith. Declare the property surplus immediately.”

In its letter dated Oct. 9, National Development vice president Michael Glynn left the door open somewhat that a deal could be done on the Sain property.

“If there is still interest in working together to literally and figuratively put seniors at the center of Rockland County, I would be open to a discussion,” Glynn stated. “But in fairness to my team and the many Democrat and Republican legislators who have put so much energy, resources and goodwill into this over the last three years, I ask the legislature to restart the process by declaring the Sain property as surplus. Absent this motion, I see no way for discussions to advance.”

He added, “When the legislature makes this motion, I believe all the stakeholders will be re-energized to work in good faith and collaborate on a great project.”

Democratic Legislator Alden H. Wolfe released a statement in response to the County Executive’s criticism and the developer’s purchase offer withdrawal.

“It’s strange that it took until now for Ed Day to realize that the sale of the Sain property to National Development was a dead deal. The rest of us knew it months ago after the Legislature formally declined to support it, Wolfe said.”

He charged that he and many of his colleagues had serious concerns about the deal since it was first proposed, noting that the developer is represented by a broker named Scott Milich, who has been a campaign contributor to Ed Day and others and also served in a high-ranking position in Day’s campaign.

“I also strongly oppose the use of ‘one shot’ revenue items to pay for operating expenses. We’ve been warned time and time again by the New York State Comptroller and our independent auditors that this practice is frowned upon. Just last year, Moody’s downgraded Westchester County for their reliance on one shot revenue items. After all of our hard work restoring Rockland’s financial stability, I don’t want to do anything that would undermine our efforts,” Wolfe said.

He also criticized the county executive’s plans to renovate and relocate operations at its Pomona complex, noting the costs could approach \$100 million.

“The potential net proceeds from the sale of the Sain property have already been spent and would be spit in the ocean in the context of this massive project, he added. While he agrees the Sain Building should be torn down,

he noted, “I’m not yet prepared to sell taxpayer-owned real estate without a well thought out plan that meets the current and future needs of Rockland’s residents.”

Other county legislators offered support for the Sain Building sale and were critical of their fellow legislators who did not support the proposal.

Legislator Lon Hofstein, whose district contains the Sain Building said, “My constituents continuously say to me, the young people looking to purchase a home can afford to pay for the house, but it is the school and property taxes that are prohibitive. Those who presently reside in Rockland say to me; I don’t want to leave, but the taxes we pay are making it difficult to stay. The proposed sale of the Sain Building for a price in excess of \$4.5 million, along with \$500,000 in annual tax revenues was voted down.”

Legislator Patrick Moroney said, “It is a total disgrace. The county is losing \$4.5 million in the sale and the county, town and school district are losing close

to half a million dollars a year in real property taxes.”

“The Democratic majority in the leg-

islature continues their path of showing complete contempt and disdain for the public,” Legislator Charles Falciglia said. “They’re more interested in pursuing a paid leave of absence for someone than even proposing an alternative,

notwithstanding that this is a very good all-around deal.”



Rockland County Executive Ed Day



Sain Building



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## PRESIDENT'S CORNER

By Barry Kramer, HGAR President



# NYSAR Fall Business Meetings Update

The New York State Association of Realtors held its Fall Business Meetings earlier this month at Turning Stone Casino in Verona, NY. I was joined by nearly 30 representatives from HGAR, all who volunteered to spend a few days hearing updates and addressing issues that affect membership and the association.

On the first day of the meetings NYSAR Legal Counsel Anthony Gatto presented a Legal Update. Among the important issues covered was the new mandate that all employers in New York State adopt a sexual harassment prevention policy. An employer that does not adopt the model policy provided by the state must ensure that the policy they adopt meets or exceeds minimum standards set by the state. The new regulations, which went into effect October 9th, require employers to conduct annual training aimed at preventing sexual harassment. They must also post their policies in highly visible places.

Other issues were discussed at the Legal Update included one item that involves the use of the @ symbol when describing a team. For example, the Smith Team at XYZ Realty was previously allowed but now, per the Department of State, the team could also use the Smith Team @ XYZ Realty. Gatto also reviewed the use of titles by Realtors. Generally, descriptions like Vice President are not permitted. We are allowed to abbreviate License to Lic. and Real Estate to R.E. on business cards.

The Legal Update was followed by an informative session called "Tech-Know2018," where the latest in technology was discussed for Realtors. This year's NYSAR President CJ DelVecchio had embraced technology as one her themes, this was an appropriate and well-attended session.

At the NYSAR Fall Business Meetings event, I presided over the Co-op Working Group Committee meeting, my last as Committee Chair. I updated the working group on progress being made on co-op transparency in Westchester, and we had a report from Parkside Group on efforts in the state and New York City. We also had a report from efforts in Long Island. I thanked next year's Chair, Liz English, and introduced our very own Irene Guanill, who will serve as Vice Chair.

The most significant changes discussed at the fall meetings were related to education. The first involved changing the core education requirements, part of the 22.5 hours required for CE credit on license renewal. Recommend by the Education Management Committee, the change would add 2.5 hours of ethical business practice to the 7.5-hour core requirements. This would add to the existing requirements including 1-hour legal update, 3 hours, fair housing, and 1-hour agency. Another significant change would be to remove all grandfather exemptions for licensees that currently do not need CE credit to renew their license. Removal of the exemption would come into effect on the first renewal after the legislation passes. While both of the proposed changes to education were approved by the Board of Directors, they are still subject to legislative review by the state.

The Fall meetings included a Karaoke night hosted by Long Island's Matt Arnold. This fun event raised more than \$50,000 for RPAC, a portion that will be credited to HGAR. After last year's Karaoke night, I was not found anywhere near a microphone. In addition to RPAC, many attendees participated in a build for Habitat for Humanity.

The meetings also included a talk on Realtor Safety from Carl Carter Jr., the founder of the Beverly Carter Foundation. His emotional and moving presentation provided a powerful message on Realtor safety. I can't stress enough the importance of being safe, and being cognizant of your surroundings and risks. Always let someone know when you are showing property, and when possible meet clients in advance at your office. For more on Realtor safety be sure to attend our session on Realtor safety at the Annual Meeting and Members' Day on October 29th.

I attended several other committee meetings including Professional Standards and Legislation. Dorothy Botsoe, vice chair, presided over the Fair Housing and Cultural Diversity Committee, and I was pleased to update the committee members

on co-op legislation in Westchester. Our regional Caucus on Wednesday provided an update for all participants.

NYSAR business meeting are held twice a year. They are always rewarding and informative. C.J. DelVecchio puts it best when she describes them as an opportunity to collaborate and further the association and our own professionalism. They provide a week of networking and learning from each other.

## GATEWAY PERSPECTIVES

By Richard Haggerty, HGAR CEO



# Embracing Technology

Technology seems to be on the tip of everyone's tongue these days, with some in the industry exploring how new technologies can help grow their businesses to others who openly wonder if new technologies will put real estate agents out of business. From my perspective, the ultimate key is how we engage with and stay knowledgeable about new technologies that will determine whether talking robots will replace real estate agents—and I'm not kidding—the prototypes are out there! Here are some takeaways that strike me when I read the real estate headlines every day.

Money, and I mean a lot of money, is flowing into the real estate space, especially the real estate tech space. A lot of folks speculate that there is no way these new initiatives will ever be able to pay back their investors. My gut tells me that these are pretty tech savvy investors and they wouldn't be opening up their wallets if they didn't firmly believe they will get a significant return on their investments.

"iBuyers" are here to stay, at least for a while. You've been reading about this trend for months, and in areas where home prices are depressed and there is a lot of inventory, I can see how a quick transaction would appeal to some sellers. However, that is not the market we have in the lower Hudson Valley, so while I think the iBuying craze will continue in some markets, it won't take hold in this market.

AI, as in artificial intelligence, is here to stay, and will get more and more sophisticated. How will it relate to real estate? It is already being used for predictive analytics in customer relationship management (CRM) systems, and that's just barely scratching the surface. AI will allow you to interact with consumers in more productive ways.

Blockchain will revolutionize the real estate closing process. I just need someone who can explain to me what it is in terms I can understand.

So back to my original question about how we deal with new technologies. I believe we should embrace those technologies that enable us to be more effective agents. We can only do that if we stay abreast of what's happening in the technology space. Stay current with news from this publication, *Real Estate In-Depth*, as well as other sources like Inman and RIS Media. Don't play the ostrich and put your head in the sand. Also, recognize that your value goes far beyond your knowledge of technology.

Back in 1993 the President of NAR, Bill Chee, uttered the famous phrase "There were lions coming over the hill." He was referring to Microsoft and speculating that Microsoft would take over the real estate business. That same speculation has occurred more recently with Google and Apple and Zillow. It hasn't happened yet, and it won't happen so long as real estate agents recognize their role as the "trusted advisor" who know the market, the process, and are able to leverage new technologies to their benefit as well as their client's benefit.

## HGAR's Botsoe Inducted Into NYSAR RPAC Hall of Fame



At the recent NYSAR Fall Business Meetings held at the Turning Stone Resort/Casino in Verona, NY, HGAR's Dorothy Botsoe was inducted into the RPAC Hall of Fame. Pictured with Botsoe (right) are from left, RPAC Hall inductee Liz English of the Long Island Board of Realtors and NYSAR President Christine "C.J." DelVecchio. At the conference NYSAR announced its Realtor of the Year honoree—Marie Bettini of Albany.

## REAL ESTATE IN-DEPTH

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# Commissions: Procuring Cause Standard of 'Amicable Atmosphere' and Unjust Enrichment Affirmed Again

## LEGAL CORNER

By John Dolgetta, Esq.  
HGAR Legal Counsel



On August 8, 2018, the Appellate Division, Second Department, affirmed the right of the plaintiff, Gluck & Co. Realtors, LLC [see *Gluck & Co. Realtors, LLC v Burger King Corp.*, 164 AD3d 562 (2nd Dept, 2018), at <https://bit.ly/2C1SdfE> to receive a commission in connection with the lease of commercial space where the plaintiff introduced a tenant to the defendants, the owners of the property ultimately leased by the tenant. The plaintiff commenced the action to recover the commission alleging that it performed brokerage services for the defendants.

### The Facts in Gluck

The tenant was a franchisee of Burger King Corp. and at trial the plaintiff's president testified that "...she was negotiating the terms of a lease with a broker for Burger King, which had to approve the location before the subject property could be leased to [the] franchisee...." However, when the plaintiff presented the defendants with a commission agreement for signature, the defendants terminated the plaintiff's services. Therefore, no formal commission agreement was ever entered into by the parties. The defendants argued that the plaintiff did not act as its agent in connection with this leasing transaction. The defendants also argued that even if they were found to have provided brokerage services, the plaintiff should not receive any commission because an employee of the plaintiff, who was not a licensed broker under Real Property Law Section 442-d, engaged unlawfully in real estate brokerage activities. Ultimately, the Supreme Court found in favor of the plaintiff and awarded the plaintiff a judgment in the amount of \$55,810.88. The defendants appealed the decision of the trial court to the Appellate Division, Second Department.

### Implied Contract, Procuring Cause And the "Amicable Atmosphere" Standard

It is well established under New York State case law that "in the absence of an agreement to the contrary, a real estate broker will be deemed to have earned his commission when he (or she) produces a buyer who is ready, willing and able [to purchase at the terms set by the seller]" (see *Lane-Real Estate Dept. Store v Lawlet Corp.*, 28 NY2d 36, 42 [1971] at <https://bit.ly/2C5xiIA>). Further, under existing case law, a real estate broker is entitled to a commission where the broker can establish "...that it (1) is duly licensed, (2) had a contract, express or implied, with the party to be charged with paying the commission, and (3) was the procuring cause of the transaction." The above standards are fact intensive and will usually involve a careful review of the circumstances and evidence surrounding each case.

In *Gluck*, in establishing that the first prong had been met, the Appellate Division found that the plaintiff provided credible evidence at trial that its employee did not engage in brokerage services and that since the plaintiff was, in fact, licensed at the time, it provided the brokerage services on behalf of the defendant.

The Appellate Division also held that plaintiff established that there existed an "implied contract" to provide the defendants with brokerage services satisfying the second prong of the commission test. It is well-settled in real estate agency law in New York that there is no requirement for a commission agreement to be in writing, which is an exception to the Statute of Frauds (a legal principle dictating that agreements be in writing). A broker may be entitled to a commission based upon the actions of the parties or even a verbal agreement. While it is strongly recommended to have a written or "express" agreement, at times, as was the case in *Gluck*, a defendant may refuse to sign one or the parties may elect not to enter into a formal agreement.

While the first two prongs of the above test are more objective, and easier to establish based on the evidence, or lack thereof, the third prong is the one that is usually more difficult to prove. In *Gluck*, the Appellate Division held that the plaintiff was also able to show at trial that it was the "procuring cause" of the transaction. The court, citing several cases, stated that in order for a broker to establish that it was the "procuring cause" of a transaction, a broker "...must establish that there was a direct and proximate link, as distinguished from one that is indirect and remote, between the bare introduction and the consummation" [see *Douglas Elliman, LLC v Silver*, 136 AD3d 658 (2nd Dept, 2016) at <https://bit.ly/2EgLn8K>; see *Talk of the Town Realty v Geneve*, 109 AD3d 981 (2nd Dept, 2013) at <https://bit.ly/2A0EdBr>].

The Appellate Court further held that "while the plaintiff was not involved in the negotiations leading up to the completion of the deal between [the landlord] and [the tenant], it established that it created an amicable atmosphere [emphasis added] in which negotiations proceeded, and that it generated a chain of circumstances that proximately led to the transaction (see *Saunders Ventures, Inc. v Catcove Group, Inc.*, 151 AD3d 991 (2nd Dept, 2017) at <https://bit.ly/2Nwi0yK>)." It is important to note that the Second, Third and Fourth Department have adopted and relied upon the "amicable atmosphere" standard. However, the First Department,

which includes New York City, has specifically refused to rely on this standard in its decision issued in *SPRE Realty, Ltd. v Dienst* (see 2014 NY Slip Op 03642 [119 AD3d 93] (1st Dept, 2014) at <https://bit.ly/2PmRwBr>).

### The First Department Relies on SPRE Realty, Ltd. v Dienst

The court in *Dienst* specifically refused to adopt the standard of "an amicable atmosphere," and focused instead on the "direct and proximate link" standard. In its opinion the court noted that the Court of Appeals did not affirm or sanction the "amicable atmosphere" or "amicable frame of mind" language. The court explained its reasoning in *Dienst* as follows:

"We regard the 'amicable atmosphere' and 'amicable frame of mind' standards as somewhat broader and more amorphous than the requirement of a 'direct and proximate link,' or even a requirement that the broker 'generated a chain of circumstances which proximately led' to a transaction's consummation. Although courts have attempted to harmonize the continued use of the 'amicable' phrases discussed above with Court of Appeals precedent articulating the 'direct and proximate link' standard, the former phrases are not precise enough terms by which to determine whether a broker is the procuring cause of a transaction. Reliance on the creation of an 'amicable atmosphere in which negotiations went forward' seems to ignore the proximity element of the 'direct and proximate link' test. Furthermore, we think that this continued deviation from the standard set forth by the Court of Appeals in *Greene* (*Greene v Hellman*, 51 NY2d 197, 205 [1980]) [see <https://bit.ly/2Pjp8QK>] has led to some confusion. Yet litigants, and the bar, deserve a greater level of certainty."

The First Department further went on to state "...in order to reduce the confusion that has arisen from the more nebulous terminology heretofore employed by the Departments of the Appellate Division, we reiterate that the 'direct and proximate link' standard articulated in *Greene* governs determinations of circumstances under which a broker constitutes a procuring cause within the First Department. This standard requires something beyond a broker's mere creation of an 'amicable atmosphere' or an 'amicable frame of mind' that might have led to the ultimate transaction. At the same time, a broker need not negotiate the transaction's final terms or be present at the closing."

Although the First Department does not seem to recognize the "amicable atmosphere" standard, the other departments continue to rely on this standard and it is again cited and affirmed in *Gluck*. Therefore, until the issue is specifically decided on by the Court of Appeals, there seems to be a split in the departments of which one must be aware. In addition, while the First Department's rationale seems to proffer that the "amicable atmosphere" standard should not be relied upon, it is clear that it should be definitely considered and applied in all circumstances in conjunction with, and not in opposition to, a determination of whether there exists a "direct and proximate link."

### Commissions are Due Where There Is Bad Faith and Unjust Enrichment

The Appellate Division in *Gluck* further held that even when a broker cannot satisfy the three-prong test above, a broker may still be able to recover a commission where there is evidence of bad faith on the part of the defendant or if the broker performed services for which the broker should be paid. With regard to bad faith by the defendant, the Appellate Division held that "even if the plaintiff were not the procuring cause of the transaction, it would still be entitled to recover a commission, as the evidence established that (the defendants) terminated the plaintiff's activities in bad faith and as a mere last-minute device to escape the payment of the commission." Therefore, where a defendant terminates a relationship in an effort to avoid payment of a commission, the defendant will be held liable.

As for a recovery based on unjust enrichment, the Appellate Division held that "...even assuming that there was no contract, express or implied, between the parties, the plaintiff would be entitled to recover for its services in quantum meruit in order to avoid the unjust enrichment of (the defendants)." The court explained that "the plaintiff established that it performed services in good faith, that (the defendants) accepted the services, that it expected to be compensated therefor, and the reasonable value of the services." "Quantum meruit" is a Latin phrase meaning "as much as is deserved" and it is an equitable remedy. Courts, in their equity jurisdiction, may enter judgment for the fair value of the services rendered in favor of a party even where there is no implied or express contract and it prevents a party from becoming "unjustly enriched" from receiving the services of the party claiming payment therefor.

The *Gluck* decision highlights the importance of brokers being aware of what their rights are with respect to commissions. This and other decisions stress the importance of "precedent," a term which has recently been in focus in connection with the Supreme Court appointment process. It is clear that even when litigating an issue in the same state, different courts will rely on the "precedent" established in the specific courts or departments (as would be the case in New York), even where other courts or departments have issued a decision to the contrary.

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



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# Historic Rehabilitation of Newburgh's East End Apartments Completed

NEWBURGH—New York State Homes and Community Renewal Commissioner RuthAnne Visnauskas announced on Sept. 25 the opening of a \$15-million scattered-site project that renovated 15 abandoned properties to create 45 new affordable apartments in a four-block area of Newburgh's East End.

Called East End Apartments, state and city officials said the development is helping to revitalize the historic but troubled neighborhood.

Homes and Community Renewal Commissioner Visnauskas said, "East End Apartments has taken abandoned properties and brought them back to life as affordable homes for dozens of residents that will breathe new energy into Newburgh's historic East End neighborhood. With supportive services for homeless youth and veterans, and apartments and space set aside for artists, East End apartments will continue to move Newburgh forward while strengthening the safety net for all of its residents."

East End Apartments were rehabilitated by Kingston-based developer RUPCO, which is maintaining ownership with Safe Harbors of the Hudson serving as property manager. Among the development's 45 homes are seven apartments set aside for homeless youth ages 18 to 25 and homeless veterans. Bridges of New York will coordinate support services. Another 12 apartments will be targeted to tenants involved in artistic or literary endeavors.

The homes were preserved with sensitivity to the historic character of the neighborhood. All 15 properties will meet New York State's EnergyStar for Homes energy efficient standards and will receive a LEED for Homes designation.

The 15 renovated buildings include homes located on Lander, South Miller, First, Johnston and DuBois Streets. The neighborhood is immediately adjacent to the City of Newburgh's Broadway business and government corridor. The neighborhood is also next to SUNY Orange's Newburgh campus and Mount Saint Mary College, as well as the regional St. Luke's Cornwall Hospital.

The multi-site development also includes 3,000 square feet of community space known as "The Hub." This multi-purpose area at 39B Johnston Street will host a community policing sub-station, studio/gallery space for artists, and meeting space for after-school activities. The Hub is dedicated in honor of the late former City of Newburgh Mayor Judy Kennedy.

New York State Homes and Community Renewal provided federal low-income housing credits that generated \$9.9 million in equity. The New York State Office of Parks, Recreation and Historic Preservation provided federal and state historic tax credits, and the New York State Office of Temporary and Disability Assistance are providing funding for the support services and rental subsidy through the Empire State Supportive Housing Initiative. Orange County provided \$320,000 in HOME funds. The City of Newburgh provided \$140,000. Additional financing partners include; Community Preservation Corporation, Raymond James, and Sterling National Bank.

The architect is Coppola Associates and the general contractor is Affordable Housing Concepts. The 15 renovated properties were previously owned by the Newburgh Community Land Bank.

New York State Senator Bill Larkin said, "This public private partnership will greatly build on the community development efforts taking place in the City of

Newburgh. I was proud to support this collaborative effort which creates an adaptive re-use for abandoned properties, while working to promote economic development that has the potential to lower the tax burden for residents and businesses. The state, the City of Newburgh and local stakeholders must continue to work together on these types of projects moving forward."

Orange County Executive Steven M. Neuhaus noted, "This important revitalization project will reinvigorate this historic Newburgh neighborhood. It serves as an example of what is possible when government and the private sector work together to benefit our community. I'm excited that our residents will be able to call the East End Apartments home."

Newburgh Mayor Torrance R. Harvey said, "I must thank all the stakeholders involved in this ongoing revitalization process in our great historical city. We



Some of the rehabilitated properties in Downtown Newburgh

must continue to work collaboratively and creatively to provide equity; real equity of opportunity and access to fair, decent, affordable housing for all of our residents. We cannot survive as humans in a healthy, productive community without this important work. We are at a critical turning point in our city's history. We are about creating real solu-

tions to an ongoing housing problem in our city and nationwide. We thank RUPCO, The Land Bank, Habitat for Humanity and our City Council, executive staff, county, state, and federal partners as well. We all know we cannot do this important work alone."

## Westchester County Historical Society Publishes First History of the County in More Than 35 Years

ELMSFORD—The Westchester County Historical Society announced recently it has published the first comprehensive history of Westchester County in more than 35 years.

Written by Field Horne, printed by Rose Press in Mount Vernon, designed by Christina Wong, and edited by Elizabeth G. Fuller, Katherine M. Hite, Patrick Rafferty, and Gray Williams, the 257-page publication entitled "Westchester County: A History" includes more than 225 illustrations, 110 of which are in full color.

The 13 chapters guide the reader through the major influences and developments that formed the character of the county: Native American settlements; English and Dutch control; origins of county government; the Revolutionary War and subsequent rebuilding; county expansion during the railroad era; volunteerism, relief efforts, and political life during the Civil War; growth of estates, communities, and industrialization during the Gilded Age; suburban growth, public works and public education throughout the Progressive Era; the impact of two World Wars and the Woman's Suffrage Movement; creation of the county parks system and the development of suburban life as well as demographic changes.

When asked what was the biggest surprise in conducting research for this four-year project, Horne said, "The greatest surprise was the existence of the Chappaqua Spring and Sing Sing Retreat, a mineral water resort hotel at the present Millwood. It is known only from some newspaper stories and a very brief mention in a gazetteer. I found it only because I was searching a weekly paper published in Sing Sing for any mention of African American celebrations in the county following full emancipation on July 4, 1827, and spotted the advertisement for the hotel."

"The biggest challenge," Horne added, "was keeping the book to a reasonable length for readability while covering the full scope of Westchester's history. I actually tried not to leave anything 'out' per se, but rather kept everything brief. In fact, most of the earlier histories concentrated on Indians, settlement, manors and Revolution to the near-exclusion of everything else."

Designer Christina Wong added, "Just about every page has an accompanying photograph, illustration, map or document reproduction in order to create the most inviting and reader-friendly

experience throughout the entire publication."

In his introduction to Westchester County: A History, local historian Gray Williams said, "This book offers readers a double reward. Not only does it tell, in words and pictures, an engaging story

not-for-profit organizations. He was the editor and co-owner of *Saratoga Life* magazine, the Community History Editor of The Encyclopedia of New York State, an adjunct professor at Russell Sage College, executive director of the Saratoga County Historical Society, was

**"Every Realtor should read this publication cover to cover in order to develop an enriched understanding of this wonderful county in which they live and work."**

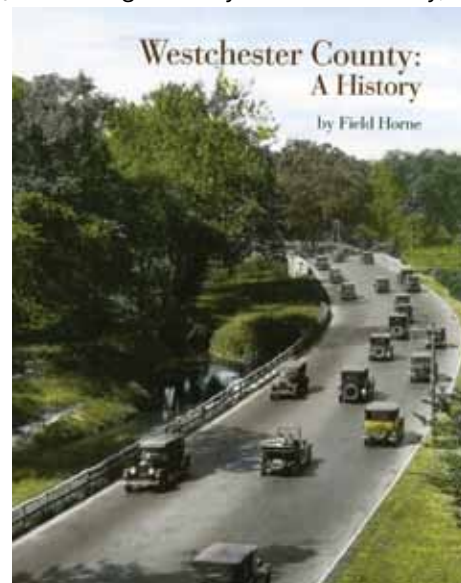
**—P. Gilbert Mercurio, Former Realtor association executive**

of a long and colorful past, but it also provides us with a useful guide to the forces that have shaped that past..."

In announcing the publication, WCHS Executive Director Katherine Hite said, "Because this book chronicles the county's past from pre-history to the present, and includes much newly discovered information, it will be a valued resource for our county's teachers and for all those interested in learning about the history of where they live."

P. Gilbert Mercurio, prior CEO of the Westchester Putnam Association of Realtors, and currently a Trustee of the Historical Society, noted that the history book is "just plain fun to read—scholarly but not a bit stuffy." He added, "Every Realtor should read this publication cover to cover in order to develop an enriched understanding of this wonderful county in which they live and work. Their clients and customers will appreciate having a copy, too. Consider Westchester County: A History as a truly classy closing gift."

Author Field Horne holds a B.A from Williams College and an M.A. in Museum Management from Cooperstown. He has authored numerous works as well as consulted for history museums, government agencies, businesses and



selected as a Founding Fellow of the New York Academy of History, and is a member of many educational and historical organizations such as the New York State Department of Education's Advisory Council on State and Local History.

Westchester County: A History is available in soft cover for \$40, plus \$14.95 shipping/handling/tax. Copies can be purchased through the WCHS website ([www.westchesterhistory.com](http://www.westchesterhistory.com)), or by mail, or in person at WCHS offices at 2199 Saw Mill River Road in Elmsford, NY, Monday through Thursday 9 a.m. to 5 p.m. (Phone: 914 592-4323).

Established in 1874, the Westchester County Historical Society is one of the oldest historical societies in the U. S. and the only organization that collects and promotes the countywide history of Westchester.





# New Multifamily Project in New Rochelle Breaks Ground

NEW ROCHELLE—YoungCraft, a locally-based real estate development company, held a groundbreaking ceremony on Oct. 3 at the future site of The Rockwell, a more than 160,000-square-foot mixed-use development at 583 North Ave. here.

Robert Young and Phil Craft, principals of YoungCraft, were joined at the project site by New Rochelle Mayor Noam Bramson, City Manager Chuck Strome and other city officials at the ceremony.

The Rockwell, a \$60-million project, when completed, will feature 114 apartments ranging from studios, one-bedroom, two-bedroom and three-bedroom units, all with hi-end appliances, modern

furnishings and custom kitchens and baths.

A total of 11 units will qualify for affordable housing. The development will also feature a fully landscaped rooftop terrace, a community lounge, and a fitness center. An additional 22,000 square feet will be devoted to ground floor retail, with 13,000 square feet already pre-leased, according to YoungCraft officials. The site will also include 207 parking spaces for residents and retail customers. The Rockwell is scheduled to be completed in the summer of 2020.

“Today the YoungCraft team embarks on our 12-year mission to rebuild and reimagine this stretch of North Avenue by breaking ground on this impressive



From left, Mark Weingarten of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP; Luiz Aragon, development commissioner of the City of New Rochelle; Robert Young, principal at YoungCraft; New Rochelle Mayor Noam Bramson; Charles Strome, City of New Rochelle Manager; Barry Fertel, City of New Rochelle Council Member; Kathleen Gill, City of New Rochelle Chief of Staff; Janet Giris of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP and Phil Craft, principal at YoungCraft

## Hudson Gateway Realtor Foundation Donates \$5,000 to Feeding Westchester



From left, Robert Shandley, Paul Russo, Leon Cameron, Stephanie Liggio, Harding Mason, Gail Fattizzi, and Bonnie Koff, HG Realtor Foundation Committee members; Barry Kramer, HGAR President; Teri Crozier, Deb Budetti, Aimee DeCesare and Krissy DiFrancesco, HG Realtor Foundation Committee members.

WHITE PLAINS—The Hudson Gateway Realtor Foundation, the charitable arm of the Hudson Gateway Association of Realtors, recently presented a check for \$5,000 to Feeding Westchester in Elmsford.

Feeding Westchester is at the heart of a network that sources and distributes food and resources to some 300 partners that feed people who are hungry in every community in Westchester. Currently, more than 200,000 Westchester residents count on Feeding Westchester to provide access to nutritious food.

Each year, Feeding Westchester recovers more than three million pounds of good, nutritious food that would otherwise go to waste. It also supplies 95% of all food distributed annually by the region’s local agencies and offers education for healthier eating.

“We are grateful to have the support of our generous partner, Hudson Gateway Realtor Foundation,” said Leslie Gordon, president & CEO of Feeding Westchester. “Their donation provides healthy food for our neighbors who are hungry and we could not do this crucial work without the support of generous donors like Hudson Gateway Realtor Foundation.”

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

development in the geographical center of New Rochelle,” said Robert Young, partner of YoungCraft. “The Rockwell will be the premiere luxury living development on North Avenue, with 135,000 square feet of residential space and numerous amenities for our residents.”

People’s United Bank and Fairfield County Bank are providing financing for the project.

“The Rockwell is the most significant new project on the North Avenue corridor in generations. Fully consistent with our ambitious goals for transit-oriented growth, it will have a dramatic positive impact not only on its immediate surroundings, but also on public impressions of our primary north-south artery. I applaud the YoungCraft team for their

vision and persistence, and look forward to the completion of this transformative development” said Mayor Bramson.

“We look for projects that make an impact on communities and this is one of them. Having the opportunity to purchase 700-800 feet of street frontage in the center of a city like New Rochelle is a once-in-a-lifetime opportunity. I look forward to additional projects here in New Rochelle,” said Craft.

YoungCraft is developing high-end, mid-sized residential and mixed-use properties in New York, Connecticut, Massachusetts and Florida. The company anticipates announcing additional projects in the coming year, the developer stated.

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# Hudson Valley Real Estate Report

## Home Sales Still Strong Prices Rise in Most Hudson Valley Markets

### Staff Report

WHITE PLAINS—Third quarter real estate sales in the lower Hudson Valley remained robust, although slightly lower than third quarter 2017 sales. While unit sales were generally lower in the Hudson Valley region served by the Hudson Gateway Multiple Listing Service, sale prices remained strong.

With the exception of Westchester County, which experienced a one tenth of 1% drop in median sales price, all other counties in the region saw the median price of a single-family residential unit increase by more than 5%, according to the recently released "2018 Third Quarter Residential Real Estate Sales Report for Westchester, Putnam, Rockland, Orange and Sullivan Counties, New York" report authored by the Hudson Gateway Multiple Listing Service Inc.

Westchester, which is the most populous of the counties in the HGAR market area, had a median sale price for a single-family home of \$679,000, which was fractionally lower than the third quarter of 2017. The median sale price in Putnam was \$360,000, up 5.9% from the third quarter of 2017; the median sale price in Rockland was \$475,000, up

6.7%; the Orange County median was \$275,000, up 7.8% and in Sullivan County, the newest area to join HGMLS, the median price was 12.7% higher than the third quarter of last year.

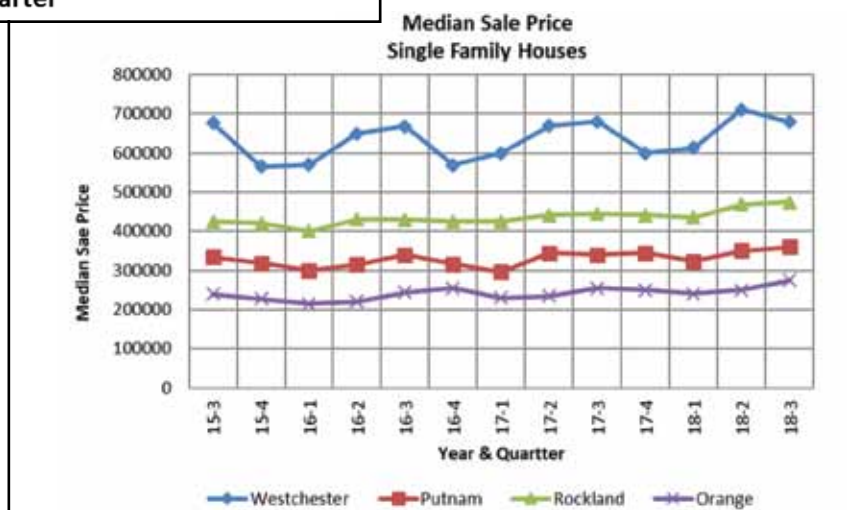
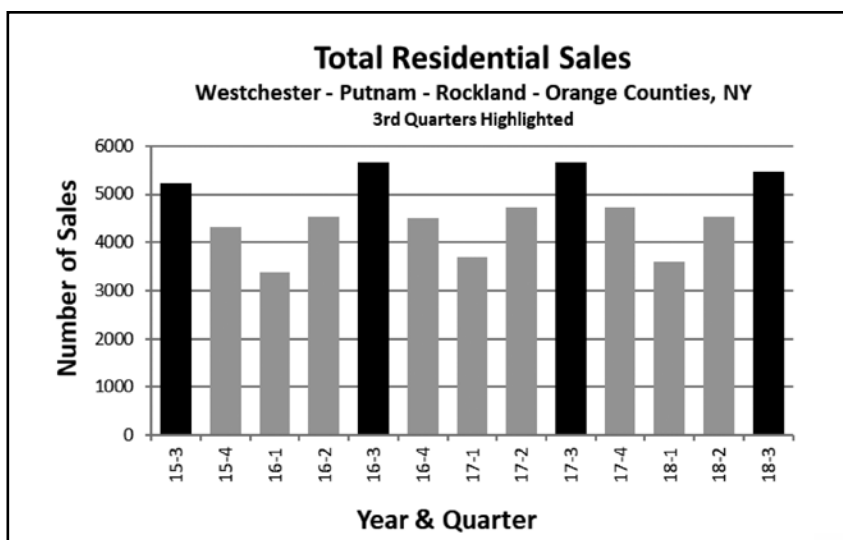
Cooperatives (co-ops), which play a significant role in the Westchester market, although not for the rest of the region, experienced a 3% increase in median price to \$170,000. Co-op sales in the third quarter were down 7.8% as compared to a year earlier.

Condominium sales in Rockland County totaled 170 units for the quarter, a nearly 20% increase from third quarter of 2017 and in Orange County condominium sales increased 10.9% in the third quarter of 2018 as compared to a year earlier, for a total of 143 units. Condominium sales

in Westchester County were down 1.2% and totaled 401 units in the third quarter.

As the sales season begins its fall wind down, inventory appears to be stabilizing, albeit at the lowest levels the market has experienced in many years. For example, residential inventory in Putnam County has dropped 42% in the last three years, while Orange County has seen a drop of 33% and Westchester and Rockland counties have experienced a 27% and 28% decline respectively. The figure for Sullivan County was not available. This lack of inventory invariably contributes to upward pressure on prices and lower sales figures.

As of the third quarter of 2018, it does not appear that the tax reform law passed earlier in the year has had a material effect on sales, nor have gradually rising mortgage interest rates. While both could manifest an influence at a later date, the housing market in the lower Hudson Valley currently remains strong, the HGMLS report concluded.



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WESTCHESTER - Third Quarters 2015-2018					
Property Type	2015 Q3	2016 Q3	2017 Q3	2018 Q3	% Change 2017-2018
<b>NUMBER OF SALES, 3RD QUARTER</b>					
Single Family Houses	2,067	2,112	1,998	<b>1,913</b>	-4.3%
Condominiums	403	404	406	<b>401</b>	-1.2%
Cooperatives	548	535	590	<b>544</b>	-7.8%
2-4 Family	143	160	195	<b>164</b>	-15.9%
<b>Total</b>	<b>3,161</b>	<b>3,211</b>	<b>3,189</b>	<b>3,022</b>	<b>-5.2%</b>
<b>NUMBER OF SALES - YEAR TO DATE (9/30)</b>					
Single Family Houses	4,332	4,787	4,723	<b>4,512</b>	-4.5%
Condominiums	959	1,065	1,027	<b>997</b>	-2.9%
Cooperatives	1,318	1,407	1,563	<b>1,469</b>	-6.0%
2-4 Family	382	439	474	<b>471</b>	-0.6%
<b>Total</b>	<b>6,991</b>	<b>7,698</b>	<b>7,787</b>	<b>7,449</b>	<b>-4.3%</b>
<b>MEDIAN SALE PRICE</b>					
Single Family Houses	676,500	668,500	680,000	<b>679,000</b>	-0.1%
Condominiums	373,000	369,000	385,250	<b>392,000</b>	1.8%
Cooperatives	162,500	159,000	165,000	<b>170,000</b>	3.0%
2-4 Family	465,000	418,500	470,000	<b>517,500</b>	10.1%
<b>MEAN SALE PRICE</b>					
Single Family Houses	893,700	867,139	873,589	<b>879,644</b>	0.7%
Condominiums	439,289	418,820	434,006	<b>456,310</b>	5.1%
Cooperatives	192,926	195,847	197,373	<b>205,931</b>	4.3%
2-4 Family	459,191	448,404	477,093	<b>528,901</b>	10.9%
<b>END OF QUARTER INVENTORY (9/30)</b>					
Single Family Houses	3,614	2,956	2,764	<b>2,982</b>	7.9%
Condominiums	554	428	410	<b>397</b>	-3.2%
Cooperatives	1,056	872	740	<b>552</b>	-25.4%
2-4 Family	433	268	221	<b>244</b>	10.4%
<b>Total</b>	<b>5,657</b>	<b>4,524</b>	<b>4,135</b>	<b>4,175</b>	<b>1.0%</b>

ROCKLAND - Third Quarters 2015-2018					
Property Type	2015 Q3	2016 Q3	2017 Q3	2018 Q3	% Change 2017-2018
<b>NUMBER OF SALES, 3RD QUARTER</b>					
Single Family Houses	603	680	635	<b>594</b>	-6.5%
Condominiums	105	143	142	<b>170</b>	19.7%
Cooperatives	17	21	27	<b>20</b>	-25.9%
2-4 Family	21	21	17	<b>27</b>	58.8%
<b>Total</b>	<b>746</b>	<b>865</b>	<b>821</b>	<b>811</b>	<b>-1.2%</b>
<b>NUMBER OF SALES - YEAR TO DATE (9/30)</b>					
Single Family Houses	1,300	1,536	1,597	<b>1,425</b>	-10.8%
Condominiums	286	339	410	<b>430</b>	4.9%
Cooperatives	56	51	66	<b>47</b>	-28.8%
2-4 Family	50	50	64	<b>68</b>	6.3%
<b>Total</b>	<b>1,692</b>	<b>1,976</b>	<b>2,137</b>	<b>1,970</b>	<b>-7.8%</b>
<b>MEDIAN SALE PRICE</b>					
Single Family Houses	425,000	429,000	445,000	<b>475,000</b>	6.7%
Condominiums	252,000	230,000	236,250	<b>230,050</b>	-2.6%
Cooperatives	95,000	72,000	70,000	<b>70,000</b>	0.0%
2-4 Family	325,000	370,000	350,000	<b>345,000</b>	-1.4%
<b>MEAN SALE PRICE</b>					
Single Family Houses	466,235	454,705	479,454	<b>505,126</b>	5.4%
Condominiums	265,775	267,472	259,240	<b>251,835</b>	-2.9%
Cooperatives	125,918	106,714	81,109	<b>105,120</b>	29.6%
2-4 Family	352,081	401,960	339,868	<b>374,302</b>	10.1%
<b>END OF QUARTER INVENTORY (9/30)</b>					
Single Family Houses	1,289	1,087	946	<b>1,006</b>	6.3%
Condominiums	367	264	203	<b>183</b>	-9.9%
Cooperatives	54	55	49	<b>48</b>	-2.0%
2-4 Family	75	59	46	<b>52</b>	13.0%
<b>Total</b>	<b>1,785</b>	<b>1,465</b>	<b>1,244</b>	<b>1,289</b>	<b>3.6%</b>

PUTNAM - Third Quarters 2015-2018					
Property Type	2015Q3	2016 Q3	2017 Q3	2018 Q3	% Change 2017-2018
<b>NUMBER OF SALES, 3RD QUARTER</b>					
Single Family Houses	276	330	298	<b>296</b>	-0.7%
Condominiums	41	48	40	<b>41</b>	2.5%
Cooperatives	2	1	0	<b>2</b>	
2-4 Family	4	3	9	<b>9</b>	0.0%
<b>Total</b>	<b>323</b>	<b>382</b>	<b>347</b>	<b>348</b>	<b>0.3%</b>
<b>NUMBER OF SALES - YEAR TO DATE (9/30)</b>					
Single Family Houses	633	800	748	<b>755</b>	0.9%
Condominiums	102	120	109	<b>107</b>	-1.8%
Cooperatives	6	4	3	<b>4</b>	33.3%
2-4 Family	12	18	19	<b>24</b>	26.3%
<b>Total</b>	<b>753</b>	<b>942</b>	<b>879</b>	<b>890</b>	<b>1.3%</b>
<b>MEDIAN SALE PRICE</b>					
Single Family Houses	335,000	340,000	340,000	<b>360,000</b>	5.9%
Condominiums	265,000	200,500	215,000	<b>237,500</b>	10.5%
Cooperatives	156,500	92,500	0	<b>125,000</b>	
2-4 Family	271,000	500,000	330,000	<b>345,000</b>	4.5%
<b>MEAN SALE PRICE</b>					
Single Family Houses	380,737	376,580	365,968	<b>406,970</b>	11.2%
Condominiums	279,828	225,055	240,592	<b>270,613</b>	12.5%
Cooperatives	156,500	92,500		<b>125,000</b>	
2-4 Family	253,475	455,000	311,786	<b>376,244</b>	20.7%
<b>END OF QUARTER (9/30) INVENTORY</b>					
Single Family Houses	918	648	546	<b>559</b>	2.4%
Condominiums	100	67	46	<b>40</b>	-13.0%
Cooperatives	6	6	-	<b>1</b>	
2-4 Family	36	27	32	<b>16</b>	-50.0%
<b>Total</b>	<b>1,060</b>	<b>748</b>	<b>624</b>	<b>616</b>	<b>-1.3%</b>

ORANGE - Third Quarters 2015-2018					
Property Type	2015 Q3	2016 Q3	2017 Q3	2018 Q3	% Change 2017-2018
<b>NUMBER OF SALES, 3RD QUARTER</b>					
Single Family Houses	857	1,034	1,114	<b>1,072</b>	-3.8%
Condominiums	112	110	129	<b>143</b>	10.9%
Cooperatives	3	1	3	<b>9</b>	200.0%
2-4 Family	40	62	61	<b>60</b>	-1.6%
<b>Total</b>	<b>1,012</b>	<b>1,207</b>	<b>1,307</b>	<b>1,284</b>	<b>-1.8%</b>
<b>NUMBER OF SALES - YEAR TO DATE (9/30)</b>					
Single Family Houses	1,988	2,570	2,809	<b>2,799</b>	-0.4%
Condominiums	259	285	341	<b>349</b>	2.3%
Cooperatives	8	5	13	<b>12</b>	-7.7%
2-4 Family	126	153	178	<b>178</b>	0.0%
<b>Total</b>	<b>2,381</b>	<b>3,013</b>	<b>3,341</b>	<b>3,338</b>	<b>-0.1%</b>
<b>MEDIAN SALE PRICE</b>					
Single Family Houses	239,175	244,500	255,000	<b>275,000</b>	7.8%
Condominiums	153,000	154,800	163,500	<b>185,000</b>	13.1%
Cooperatives	63,500	36,000	35,000	<b>49,900</b>	42.6%
2-4 Family	85,000	106,500	110,000	<b>167,500</b>	52.3%
<b>MEAN SALE PRICE</b>					
Single Family Houses	253,168	263,304	264,323	<b>303,221</b>	14.7%
Condominiums	164,207	164,274	164,180	<b>194,049</b>	18.2%
Cooperatives	56,000	36,000	47,167	<b>64,869</b>	37.5%
2-4 Family	134,866	123,053	145,176	<b>180,857</b>	24.6%
<b>END OF QUARTER INVENTORY (9/30)</b>					
Single Family Houses	2,783	2,268	1,901	<b>1,853</b>	-2.5%
Condominiums	225	187	157	<b>157</b>	0.0%
Cooperatives	12	6	2	<b>4</b>	100.0%
2-4 Family	212	189	156	<b>164</b>	5.1%
<b>Total</b>	<b>3,232</b>	<b>2,650</b>	<b>2,216</b>	<b>2,178</b>	<b>-1.7%</b>



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**Jake Mastro**

**J. Philip Real Estate** of Putnam County has announced that the firm has hired seven new licensed agents to service the agency's growing client base.

"Despite a scarcity of inventory in Putnam and Westchester, J. Philip Real Estate continues to buck the trend, achieving 5% year-over-year growth, which puts us about 10% ahead of the curve," said Jennifer Maher, managing partner, J. Philip Real Estate. "We need more feet on the ground to meet with client demand and our new talent infusion means we can service a broader demographic range, including special needs and those whose first language is other than English."

New agents to the firm, include: **Bohumila Kunca**, who was born in Slovakia (formerly Czechoslovakia) and speaks fluent Slovak, Czech, Polish, and Russian. She moved to the U.S. 25 years ago and settled in Mahopac. She has been a licensed agent for 15 years. **Jake Mastro** is a young Realtor who has a background in the hospitality industry. **Guiseppina (Josie) Rodriguez** is an Italian native and fluent speaker of the language, she was raised in the U.S.



**Robert Molloy**

and graduated with a business degree from Fordham University. Rodriguez is an independent broker agent who represents clients in Putnam and Westchester County. **Kevin Green** quickly developed an interest in real estate after a year of interning with J. Philip Real Estate's Putnam County office. He is an avid sports fan and traveled to Los Angeles with his Special Olympic Unified basketball team, where he proudly took home the Gold Medal. Being part of the Special Ed community, Green has faced many challenges, but he believes everyone can achieve their goals if they really try. **Lizette Fluellen** spent the first 30 years of her life in Cortlandt Manor and recently moved to Wappingers Falls with her husband and three lovely children. She attended college where she earned an AAS degree in Education. **Robert Molloy** is a licensed real estate agent who has worked with clients across Westchester, Putnam, and Dutchess counties, as well as Fairfield County, CT. He is a seasoned veteran in the real estate business and a consecutive million-dollar producer. **Stephanie Finney** is a licensed Realtor, property



**Stephanie Finney**



**Lizette Fluellen**

owner and landlord and a lifelong resident of Putnam County.

In addition to the Putnam County office located in Mahopac, J. Philip Real



**Kevin Green**



**Guiseppina (Josie) Rodriguez**

Estate currently maintains offices in Pelham and Briarcliff. Including J. Philip Commercial Group, the organization consists of more than 80 licensees.

**The Hudson Valley Economic Development Corp. of Goshen** announced the appointment of **Matt Rand**, CEO of Better Homes and Gardens Rand Realty, to its Board of Directors. Rand is also managing partner of Rand Commercial, as well as Hudson United Mortgage, Hudson United Title Services and Hudson United Insurance Services.

Under Rand's leadership, Better Homes and Gardens Rand Realty is among the 100 largest real estate firms in the country. The company serves the Hudson Valley from offices in Orange, Westchester and Rockland counties, as well as the greater tristate area—including the metro New York and Northern Jersey markets—from locations in Bronx, Bergen, Passaic, Hudson and Morris counties. Rand Commercial, a full-service real estate firm, also serves these areas, as well as Sullivan County, with services that include expertise in commercial real estate, development marketing, land sales and development and corporate relocation.

Rand is chair of the New York State Board of Real Property Tax Services and serves on the Board of Directors of the Rockland Business Association and Pattern for Progress. He is also Board President of People to People, Rockland County's largest food pantry and hunger relief agency. He previously served on the boards of the American Red Cross in Greater New York and Leadership Rockland, Inc. He is actively involved with the New York State Association of Realtors and the local Realtor associations and multiple listing services across the Hudson Valley region and Northern New Jersey.



**Matt Rand**

**Hudson Valley Economic Development Corporation** also announced the appointment of **Richard Krupp**, co-founder and managing partner of Pierpoint Capital, to its Board of Directors.

Krupp is an experienced investor in both private companies and real estate. He currently serves on the board of CoreFlow, a precision aeromechanical manufacturing equipment company, and as a director on the board of Berkshire Group, a national real estate investment management company. Prior to launching Pierpoint Capital, Krupp held acquisitions and asset management positions at Berkshire Group. He also served as a director on the board of Berkshire Income Realty, Inc. in the years leading up to its privatization in 2015.



**Richard Krupp**

**Houlihan Lawrence's Commercial Group** has announced that **Kim Galton** has joined the company as director of retail specializing in leasing, sales and development of retail properties.

Galton, who has 20 years of experience in the retail industry, was previously a commercial real estate salesperson for Princeton Realty Group. In her accomplished retail career, she has held numerous management positions including general manager for Lord & Taylor, divisional merchandise manager for Bloomingdale's Flagship Store and store manager for Anne Klein New York and vice president of Merchandising for Donna Karan.

Galton is a graduate of Ithaca College where she earned a BA in economics. She is a resident of Stamford, CT.



**Kim Galton**

**Polly Watt** has joined the Yonkers office of **Houlihan Lawrence**, bringing more than 15 years of experience to the brokerage firm.

A 40-year resident of Westchester, Watt began her real estate career in 2001 after 30 years as a radiology transcriptionist at one of the tri-state's largest medical/teaching institutions. After retiring early, she discovered a passion for real estate, becoming an experienced agent serving communities in Westchester and the Bronx.

Watt, a Westchester Associate Real Estate Broker, joins Houlihan Lawrence from Better Homes & Gardens Rand Realty, where she consistently received the Silver Award for Excellence in Sales. She is a member of the Hudson Gateway Association of Realtors and the National Association of Realtors, and holds designations as Accredited Buyer Representative (ABR); Certified Buyer Representative (CBR); Short Sale and Foreclosure Resource (SFR) and Commercial and Investment Real Estate Certified (CIREC) designations.



**Polly Watt**

**Charles Rutenberg Realty** has announced the recent addition of **Jessica Colon** who became associated with its Bronx office located at 2800 Bruckner Blvd.

Colon services the Bronx, Westchester, Putnam and Orange counties. She was formerly licensed with Better Homes & Gardens Rand Realty and is a member of Hudson Gateway Association of Realtors.



**Jessica Colon**





# HGAR

October 2018

# UPDATE

## SECOND NOTICE OF ANNUAL MEETING Oct. 29, 2018 Hudson Gateway Association of Realtors, Inc.

**Report of the HGAR Leadership Committee to be presented at the HGAR Annual Meeting, October 29, 2018.**

The 2018 Annual Meeting of the Hudson Gateway Association of Realtors, Inc. will take place on October 29, 2018 at 3:30 p.m. at the DoubleTree Hotel, 455 South Broadway, Tarrytown, New York 10591. The voting business at the Annual Meeting will include the Report of the Leadership Committee:

The election of Officers in accordance with Article XI, Section 3, subsection (a)(i) of the Bylaws; the election of five (5) HGAR Directors in accordance with Article XI, Section 3, subsection (a)(3)(i) of the Bylaws ("Class 1 Directors"), with terms expiring at the end of 2019, five (5) HGAR Directors in accordance with Article XI, Section 3, subsection (a)(3)(ii) of the Bylaws ("Class 2 Directors") with a term expiring at the end of 2020, and five (5) HGAR Directors in accordance with Article XI, Section 3, subsection (a)(3)(iii) of the Bylaws ("Class

3 Directors") with terms expiring at the end of 2021; and the election of five (5) Regional Directors in accordance with Article XI, Section 3, subsection (a)(2) of the Bylaws, representing the counties of New York (i.e., Manhattan), Putnam, Orange, Rockland and Westchester with terms expiring at the end of 2019. The HGAR Leadership Committee has submitted the following slate of candidates for election to serve as Officers and Directors on the HGAR Board of Directors for 2019.

Approval of various amendments to the By-Laws, including amendments that remove representation of the HGMLS President from the HGAR Board of Directors, that removes HGMLS representation from the HGAR Finance Committee and some additional changes. These amendments are being made as the result of the formation of a new regional Multiple Listing Service that will be co-owned with the Long Island Board of REALTORS, Inc. Additional revisions include: a description of the "Role of Re-

gional Directors" (new provision added – Article XI, Section 3, subsection (b)(3)), deletion of Section 2, subsection (d) of Article XI, entitled "Specific Duties of Regional Vice Presidents" as it no longer applies in light of the revisions approved the previous year, and additional minor "clean-up" and formatting revisions. A link to a copy of the HGAR By-Laws and the proposed revisions are posted on the home page of [www.hgar.com](http://www.hgar.com).

**President**

Ronald Garafalo  
John J. Lease REALTORS Inc.  
495 Schutt Rd. Ext.  
Middletown, NY 10940

**President-Elect**

Gail Fattizzi  
Westchester Real Estate, Inc.  
358 Route 202, Suite 2

Somers, NY 10589

**Treasurer**

Irene G. Guanill  
Meet The Sellers  
3451 E. Tremont Ave., 2nd Fl.  
Bronx, NY 10465

**Secretary**

Crystal Hawkins Syska  
Keller Williams NY Realty  
120 Bloomingdale Rd., Suite 101  
White Plains, NY 10605

**Immediate Past President**

Barry Kramer  
Westchester Choice Realty, Inc  
105 Garth Road  
Scarsdale, NY 10583

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## SPOTLIGHT ON

### A Surprising Career Choice

By Mary T. Prenon

Beth Hargraves, a real estate sales associate with Julia B. Fee Sotheby's International Realty in Irvington, admits it was her own experience with buying homes that coaxed her into the business.

Years ago, while house hunting in the Rivertowns, she had the good fortune to end up with Hudson Shores agency owner Bernice Gottlieb as her Realtor. Hargraves purchased a townhome in Irvington, then worked with Gottlieb again when selling it five years later.

"Bernice kept telling me I should go into the real estate business," recalled Hargraves. "She would always say 'I can see you doing this.' I actually had a friend who was working there, so I decided to just go for it."

Hargraves joined Hudson Shores in Irvington in 2005 and her first year was actually quite a shock—in a very good way. "I still can't believe it. My first year in real estate I did \$22 million in business! I was just so plugged in to the community and got referrals from all of my friends," she said. She also walked away with the company's "Rookie of the Year" award.

Hargraves credits Gottlieb for helping her to succeed. "She mentored me and it was like I had someone holding my hand that first year," she added. "Bernice is a very strong woman and I was so lucky to have worked with her." Years later, Gottlieb merged her business with William Raveis Legends Realty. "She was the last 'mom and pop shop' on the block."

In 2007, Hargraves met Robin Friedman of Houlihan Lawrence at an open house. "She came up to me and said, I don't know who you are, but I've heard about you and I'd love to have you join us," remembered Hargraves. With that invitation, Hargraves joined Houlihan



Beth Hargraves

Lawrence and stayed with them until joining Julia B. Fee Sotheby's in 2015.

The firm actually opened an Irvington office for Hargraves and her team, including Maria Carlino and Bernadette Haley. Known as the "HCH Team," the three continue to work together and are among the top 25 teams in Westchester, while vying for first place in the Rivertowns. The Julia B. Fee Sotheby's office now has 20 agents.

Looking back over the past 13 years, Hargraves is still sometimes surprised about her career choice. "Years ago, I never thought about real estate," she admitted. She grew up in Yonkers and right after college, she joined her father's electrical supplies company that provided lighting for distributors and retailers. Working in sales, she covered five counties in New Jersey. "I think that's really where I got my sales skills," she said.

For Hargraves, it was an eye-opening experience. "At the time, it was an all-

Continued on page 12

**2018 HGAR RPAC HONOR ROLL  
as recorded by NYSAR to October 2018**

Thank you to the following Members who are leading the way in the 2018 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 \$2,500-\$4,999**

Katheryn DeClerck, BHG Rand Realty, Goshen  
JP Endres, BHG Rand Realty, New City  
Irene Guanill, Meet the Sellers, Bronx  
Marcene Hedayati, William Raveis Legends Realty, Tarrytown

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

Leah Caro, Park Sterling Realty, Bronxville  
Douglas Dill, Houlihan Lawrence, Yorktown  
Ann Garti, HGAR, Goshen  
Joseph Houlihan, Houlihan and O'Malley Real Estate Services Inc. Bronxville  
Barry Kramer, Westchester Choice Realty, Eastchester  
Cynthia Lippolis, BHHS River Towns Real Estate, Croton-on-Hudson  
Clayton Livingston, Coldwell Banker Residential Brokerage, Croton-On-Hudson  
Holly Mellstrom, Julia B Fee Sotheby's, Bronxville  
Mike Muldoon, Valley National Bank, Fishkill  
Rosemarie Pelatti, Keller Williams Hudson Valley, New City

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

Chloe Jensen, Dorothy Jensen Realty Inc.,  
Molly Jensen, Dorothy Jensen Realty Inc., White Plains  
Atagracia Patalano, BHHS River Towns Real Estate, Peekskill  
Renee Zurlo, BHG Rand Realty, Central Valley

**Capitol Club \$250-\$499**

Roberta Bangs, BHG Rand Realty, New City  
Carol Christiansen, Café Realty, Mount Kisco  
Gary Connolly, Hudson Gateway Association of Realtors Inc.,  
Lawrence Curasi, Curasi Realty Inc. Montgomery  
Laurie DiFrancesco, BHG Randy Realty, Suffern  
Ronald Garafalo, John J Lease Realtors Inc. Middletown  
Michael Graessle, BHG Rand Realty, White Plains  
Richard Herska, BHG Rand Realty, Nyack  
Eydie Lopez, Keller William Hudson Valley United, Middletown  
Pamela Jones, Coldwell Banker Res. Brokerage, White Plains  
Eric Levenson, J. Philip Real Estate, Briarcliff Manor  
John Olivero, Griffith Olivero Realtors, Goshen  
Anil Soman, Exit Realty Group, Yonkers  
Vanessa Saunders, Global Property Systems, White Plains  
Philip Weiden, Hudson Gateway Association of Realtors, Inc. White Plains

**99 Dollar Club \$99-\$249**

Barbara Barber, Barbara Bodnar, Diane Blanton, Allan Bohlin, Margo Bohlin,  
Pat Cassese, Randall Calano, Gloria Correa Cepin, Michael Criscuolo,  
John Crittenden, Theresa Crozier, Jennife DeFlorio, Aimee DeCesare,  
Kevin Dwyer, Benjamin Eisenberg, Jeffrey Farnell, Sarah Hughes,  
Carol Kope, Melissa Lanza, Gary Leogrande, Phyllis Lerner, Kathleen Mangan,  
Veronica Meola, Gregory Miller, Valon Nikci, Thomas Ninan, Angelo Ponzi,  
Myriam Ramos, Cary Sleeper, Cathleen Stack, Mary Stetson, Maryann Tercasio

Recap of Contributions Year to Date\*\*

**TOTAL: \$145,764 66% towards goal**

Total Contributor: 2,814 contributors 77% towards goal

**Goal: \$205,106 from 3,653 contributors**



## BOARDROOM REPORT

Boards of Directors  
Hudson Gateway Association of Realtors, Inc. (HGAR)  
June 13th, 2018  
HGAR offices, White Plains, New York

### Management, Financial & Membership Reports

Secretary/Treasurer Gail Fattizzi presented the Treasurer's Report on behalf of HGAR including the bank and investment summaries for June 1st, and the Directors approved receipt of the Cash Report.

Secretary/Treasurer Fattizzi then presented the HGAR Draft Financial Statements as of December 31, 2017. The vast majority of budget projections and actual expenditures/revenues were very close to projections. Overall, HGAR ended 2017 in a strong financial position. The Directors approved a motion approving the 2017 HGAR Financial Statements. President Kramer advised that there will be Leadership Training for HGAR Board of Director members. While the training program is geared for new Directors, all are welcome.

### Communications and Member Services

Debra Budetti provided a brief update on behalf of the Communications Council in which she encouraged attendance at HGAR Members Day on October 29 at the Doubletree Hotel in Tarrytown. Barry Kramer reported on behalf of the Broker/Owner/Manager ("BOM") Committee. The recent event on "Teams" was a great success and was also held at the Doubletree Hotel. THE BOM Committee will host another event in the fall.

### Legislative, Political and Legal Issues

Council Chair Leah Caro advised that the next meeting will be held on July 24 at 10 a.m. at HGAR White Plains. HGAR Past-President and RPAC Chair Dorothy Botsoe delivered an update on behalf of the RPAC Committee and stated that the committee has raised more than \$129,000 thus far this year. HGAR Director of Government Affairs Philip Weiden provided an update regarding proposed Co-Op Transparency Legislation in Westchester County. He stated that he and HGAR President Barry Kramer continue to meet with legislative decision makers on the issue. Additionally, he stated that it is expected that there will likely not be future action taken on the matter until September at the earliest.

### Fair Housing and Cultural Diversity

Fair Housing and Cultural Diversity Committee Chair Crystal Hawkins-Syska advised that there will be a Fair Housing Act 50th Anniversary Celebration to take place on July 12, 2018 at the Doubletree Hotel in Tarrytown. There will be a panel discussion with representatives from several minority-based real estate organizations discussing fair housing concerns. A cocktail reception will follow. Westchester Residential Opportunities ("WRO") will host a 50th Anniversary Gala on October 10 at the VIP Country Club in New Rochelle. The event's honorees will include HGAR Past-President Dorothy Botsoe.

### Global Business Council

Global Business Council Chair Robert Shandley reported that there will be a "Global Real Estate Summit" to be held in conjunction with the Staten Island Board of Realtors ("SIBOR") on October 22, 2018 at the Marriott Marquis in Midtown Manhattan. CEO Richard Haggerty reported that there is an opportunity for HGAR to become an Ambassador Association to Portugal. Haggerty will report back to HGAR if and when there are further developments in that regard.

### Professional Standards

In House Legal Counsel and Professional Standards Administrator Leon Cameron advised that the Grievance Committee will next meet on June 20 and will have 15 matters to review.

### Multiple Listing Service

CEO Haggerty reported that the HGMLS training conducted recently in Monti-

## A Surprising Career Choice

Continued from page 11

male industry so I guess it seemed a little strange when people saw a woman walking in to a business to take lighting orders," she added. "I'd just offer to take them to lunch, let them browse through our catalogs and usually come away with orders."

Soon, she was dealing with architects and designers, providing everything from recess and overhead lighting for commercial clients to outdoor lighting for retail stores and malls. Even the Lincoln and Holland Tunnels ended up with lighting through her father's company. "I learned a lot on the job, and as a result, the industry did start to hire more women for sales," she said.

Hargraves worked there until she started her own family. She married her high school sweetheart Tom, and the couple have three children, now all adults. Thomas, 28 lives in New York City, Kelly 25, is in Austin, TX and Danny, 22, lives at home and works in Manhattan.

Her foray into real estate happened while her children were growing up. "The business has changed a lot from when I first started," said Hargraves. "Everything is online now and some people think they know the market better than you do!"

Many of her clients are younger New York City natives looking to start a family in the suburbs. "There's a huge number of people from Brooklyn living in the River-towns now. The commute to the city is just about a half hour."

About a year ago, Hargraves got involved with the Hudson Gateway Realtor Foundation. "I kept running into Bonnie Koff at all the events and of course she convinced me to get involved," she said. "I really enjoy it. It's wonderful to be able to give back to our local communities."

In her spare time, Hargraves loves to play golf and cook. She and her husband recently sold their Irvington home and purchased a townhome in Dobbs Ferry. Hargraves has always loved the Rivertowns. As for real estate, her secret is being a real "people person."

"I just love being around different types of people," she added. "Whether they're buying a co-op or a castle, I always treat them the same way."

cello for Sullivan County Participants went well. He also reported that due to communication issues with vendors, the rollout of NewYorkMLS.com has been delayed until later this summer. NewYorkMLS.com is a new website geared towards enticing New York City Brokers and Agents to join HGAR. CEO Haggerty and Attorney John Dolgetta provided a detailed overview of the discussions that have taken place to date between representatives of HGAR/HGMLS and LIBOR/MLSIL concerning the creation of a regional MLS, and the points of agreement that had been reached between the respective organizations concerning the operation of such an MLS. In that vein, Attorney John Dolgetta delivered in detail the salient points of a draft Operating Agreement between HGMLS and MLSIL to create a new MLS entity to be named later a.k.a. "NewCo." After extensive discussion, the Directors approved in principle the draft Operating Agreement to create a new regional MLS.

### Commercial and Investment Division

President Kramer presented a report on behalf of the Commercial and Investment Division ("CID"). CID's next event will be on June 7 and will be entitled "Meet Metro-North's New President" and will feature Catherine Rinaldi, newly appointed President for Metro North. The event will be co-hosted with the Business Council of Westchester and will be held at 800 Westchester Avenue, 5th Floor ("RPW Group Board Room").

### WCR

Carol Christiansen delivered news from the Women's Council of Realtors Empire Chapter ("WCR"). The next event for WCR will be July 9 at Knollwood Country Club in Elmsford. This event will be a "Deal Breakers" panel, which will be moderated by Phil Faranda.

### Hudson Gateway Realtor Foundation

Aimee Decesare gave an update on the Hudson Gateway Realtor Foundation. The next event for the Foundation will be on June 19 at Patzy's Pizzeria in New Rochelle. Registration is available on HGAR.Com. The recent "Viva Las Vegas" Gala in May at Glen Island Harbour Club was a great financial success for the Foundation.

Please welcome the following new members in your area:

### Designated Realtor

\*\*Faride J. Francklin  
Jortevsky Real Estate Firm  
5 Sunrise Plaza Ste. 201  
Valley Stream, NY 11580  
516-593-1000

Tracey Gardner  
Waring Realty  
552 Rte. 214  
Chichester, NY 12416  
518-952-2138

Lisa Gilroy  
310 Greenwich Ste. 35B  
New York, NY 10013  
646-379-1480

Elisa C. Gwilliam  
Signature Group Brokers & Cons  
51 Springside Ave.  
Poughkeepsie, NY 12603  
845-849-0838

Sandra Ozoria  
Latin Realty & Multiservice Inc.  
2168 C Ellis Ave.  
Bronx, NY 10462  
718-828-0307

Kiel E. Van Horn  
Oakland Valley Real Estate LLC  
18 E. Broome St.  
Port Jervis, NY 12771  
845-858-0990

### Affiliate

Ralph Gabay  
Empire Inspectors, LLC  
30 Lakeview Dr.  
Yorktown Heights, NY 10598  
914-352-0699

Carey Hollander  
AG Williams Painting Company  
411 Fifth Ave.  
Pelham Manor, NY 10803  
914-738-2860

Suzanne Kelly  
Suzanne Kelly Chief Talent Advisor  
11 River Street, Apt. 212  
Sleepy Hollow, NY 10591  
212-715-3949

Paul Viggiano  
AG Williams Painting Company  
411 Fifth Ave.  
Pelham Manor, NY 10803  
914-738-2860

### Realtor

Tara Abel  
Houlihan Lawrence Inc., Briarcliff Manor  
Carmita Abrigo  
Keller Williams NY Realty, White Plains

Jobin Alias  
BHG Rand Realty, New City

Patty Anker  
BHG Rand Realty, Pleasantville

Eva M. Arias  
Weichert Realtors, Nanuet

Joseph Barber  
Coldwell Banker Res. Brokerage, Rye

Christopher Briscoe  
Keller Williams NY Realty, White Plains

Bjeshk Bruncaj  
William Raveis Real Estate, Scarsdale

Jeff Buszta  
Coldwell Banker Res. Brokerage, White Plains

Vincent M. Caiola  
Keller Williams NY Realty, White Plains

Ruben Cano  
Century 21 Dawns Gold Realty

Jonathan Carrera  
BHG Rand Realty, Central Valley

Aidan J. Cassidy  
Houlihan Lawrence Inc., Scarsdale

Maria Constanza Sobrino  
Weichert Realtors, Larchmont

Alyssa Corona-Allen  
Douglas Elliman Real Estate, Chappaqua

\*\*Jason G. Crocitto  
Estate Homes

\*\*Omar Cruz  
Estate Homes

Timothy G. Curtin  
My Seasons Realty LLC

Tracie Dalessandro  
BHG Rand Realty, Briarcliff Manor

Yesenia Davila  
Base Realty

Maria De Aguiar  
DKC Realty Group LLC

Lorraine De La Parra  
Purplebricks Inc.

Elizabeth De Veau  
DKC Realty Group LLC

\*\*Fred A. DeCaro  
Kinard Realty Group

Kristen DeRosso  
Green Team Home Selling System

\*\*Norma DeRuggiero  
BHG Rand Realty, Warwick

Damma Dixon  
Keller Williams Realty Group, Scarsdale

Dani Dollinger  
Julia B. Fee Sotheby's Int. Realty, Rye

Lauren English  
Coldwell Banker Res. Brokerage,  
Croton-on-Hudson

Max Esh  
Exp Realty LLC

Paula C. Esteves  
BHG Rand Realty, New City

Kevin M.J. Fox  
Julia B. Fee Sotheby's Int. Realty, Larchmont

Kewin Garabito  
Century 21 Dawns Gold Realty

John P. Gardner  
Houlihan Lawrence Inc., Rye

Lynn-Eric Guillaume  
Home Sweet Homes Properties

Darlene Hejnas  
BHG Rand Realty, Central Valley

Scott Heller  
Keller Williams Hudson Valley, New City

Elijah Hoffman  
Rodeo Realty

Jeffrey Hoffmann  
Douglas Elliman Real Estate, Chappaqua

\*\*Wei Wei Huang  
E Realty International Corp.

Gabriel D. Isaacs  
BHG Rand Realty, Nyack

Neville Jemmott  
Keller Williams Realty NYC Group, Bronx

Donna Jenkins  
Coldwell Banker Res. Brokerage, Croton-on-Hudson

Michael J. Jenkins  
Keller Williams Hudson Valley Untd.,  
Middletown

Julio Jimenez  
NY Future Homes Realty Co.

Perry Jones  
William Raveis Real Estate, Yorktown Heights

\*\*Ernest L. Joseph  
Keller Williams Town Life, Tenafly, NJ

Jason Joshua  
Keller Williams Realty NYC Group, Bronx

Raj Karia  
R New York

Continued on next page



## New members

Continued from previous page

- Kevin Khani  
Weichert Realtors, Larchmont
- Aster Kidane  
Exit Realty Group, Bronx
- Avraham Koenig  
Exit Realty Venture
- William K. Kuehsel  
Limited Editions Realty, Inc.
- William T. Langlais  
Keller Williams Realty NYC Group, Bronx
- Abimbola Laniyan  
Keller Williams Realty Group, Scarsdale
- David Leak  
Coldwell Banker Res. Brokerage, White Plains
- Jessica Levy  
Keller Williams Realty Group, Scarsdale
- Lina M. Lince  
Houlihan Lawrence Inc., Bronxville
- Elvis Lopez  
Keller Williams Realty NYC Group, Bronx
- Zhaohui Lu  
Acer Realty Inc.
- Mariella A. Malizia  
Julia B. Fee Sotheby's Int. Realty, Larchmont
- Regina Mancini  
Grand Lux Realty Cerrone Inc., Ardsley
- Dominick S. Marchese  
Keller Williams Realty Group, Scarsdale
- Theresa McGillicuddy Smit  
Weichert Realtors, Nanuet
- Franklin Mendez  
United Realty Estate Inc.
- Marci L. Miles Ponagai  
William Raveis Legends Realty Group, Irvington
- Erika Morgan  
Coldwell Banker Res. Brokerage, Croton-on-Hudson
- Monica Mowla  
Joseph O. Baratta
- Veronica Mugnano  
Apple2Orange Realty
- Jeffrey F. Murray  
Century 21 Dawns Gold Realty
- Elena A. Nair  
Houlihan Lawrence Inc., Rye
- Lynn G. Noel  
Weichert Realtors, Nanuet
- Tremaine O'Garro  
Keller Williams NY Realty, White Plains
- Matthew O'Reilly  
BHG Rand Realty, Goshen
- Terese Olsen  
Houlihan Lawrence Inc., Cold Spring
- Noelle Palumbo  
Century 21 VJF Realty
- Ramona M. Pena  
Latin Realty & Multiservice Inc.
- \*\*Andrea Petite  
CS Realty Relocation Service
- Nadia Philistin  
Keller Williams Realty NYC Group, Bronx
- Heather Pinieri  
Monroe Realty Center
- Jessica Pinto  
BHG Rand Realty, New City
- James Price  
Besmatch Real Estate
- Sumi Rahman  
K. Fortuna Realty, Inc.
- Natalia Rathbauer  
Stetson Real Estate
- Wendy A. Reinike  
Weichert Realtors, Monroe
- \*\*James T. Reville  
Keller Williams Realty, Ridgefield, CT

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## NOVEMBER 2018 FEATURED CLASSES

### White Plains



**MULTIDAY NOV 14-16<sup>TH</sup> 9:00AM-5:30PM**  
**IN PERSON CLASS | CREDITS: 22.5 CE**  
**INSTRUCTOR | EDWARD S. SMITH**

**Commercial & Investment Real Estate Certification Program + F.H. + Ethics + 1 hour of Agency**

- Member Price: \$250
- Class Express: \$250
- Non-Member Price: \$250

**Additional Classes:**

- 11/1- Infosparks & FastStats with LaVerne Brown-Williams
- 11/2- F.H./Ethics/Agency Compliance Day with Don Cummins
- 11/2- Ostrich Syndrome + F.H. + Ethics with Don Cummins
- 11/2-Etiquette + 2 hours of Agency with Don Cummins
- 11/6- Instanet & Authentisign with Ismail (Ish) Kolya
- 11/7- (NYSAR) GRI-5: Buyers (includes 2 hours of Agency) with Nick Gigante
- 11/7- Matrix 1: Introduction to Matrix with LaVerne Brown-Williams
- 11/8- Matrix 1: Introduction to Matrix with Kristine DiFrancesco
- 11/12- Mortgage Updates with David Moore
- 11/14- Matrix 2: The Next Step into Matrix with LaVerne Brown-Williams
- 11/14- (CIRE101) Working with Office, Green, etc. with Edward S. Smith
- 11/15- RPR 2: Presentations, Reports and Farming with Sharon Tucker
- 11/15- (CIRE 102) Discrimination Issues in Commercial R.E. + F.H. + Ethics with Edward S. Smith
- 11/16- (CIRE 103) Land & Site Development (includes 1 hour of Agency) with Edward S. Smith

### West Nyack



**FRI NOV 16<sup>TH</sup> 9:00AM-12:00PM**  
**IN PERSON CLASS | CREDITS: 3 CE**  
**INSTRUCTOR | ROSEANN FARROW**

**Double Trouble- Antitrust & Misrepresentation (3 CE NJ)**

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

**Additional Classes:**

- 11/7- Using RPR to Better Serve Buyers and Sellers with Data and Analytics with Sharon Tucker
- 11/14- (NYSAR) Short Sales & Foreclosure Resource (SFR) with Linda D'Amico
- 11/16- Create & Maintain a Win-Win Relationship with Clients with Roseann Farrow
- 11/28- RPR 2: Presentations, Reports and Farming with Sharon Tucker
- 11/29- F.H./Ethics/Agency Compliance Day with Roberta Bangs
- 11/29- Ostrich Syndrome + F.H. + Ethics with Roberta Bangs
- 11/29- Agency Disclosure + Ethics with Roberta Bangs

**White Plains Continued...**

- 11/19- (NYSAR) Seller Representative Specialist (SRS) (includes 2 hours of Agency with Roseann Farrow
- 11/28- Matrix 3: Matrix to the Max with LaVerne Brown-Williams

### Goshen



**MON NOV 5<sup>TH</sup> 9:00AM-5:30PM**  
**IN PERSON CLASS | CREDITS: 7.5 CE**  
**INSTRUCTOR | ROBERTA BANGS**

**Buyer Representation (includes 2 hours of Agency)**

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

**Additional Classes:**

- 11/1- Matrix 1: Introduction to Matrix with Kristine DiFrancesco
- 11/7- Matrix 2: The Next Step into Matrix with Kathryn DeClerck
- 11/14- Matrix 3: Matrix to the Max with Kathryn DeClerck
- 11/14- Remedial or Gap Course – 30 hours – Evenings with Various Instructors
- 11/15- Only You Can Prevent Closing Fires + 1 hr. of Agency with Laurie DiFrancesco

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

# CALENDAR

## OCTOBER

- October 22**  
Global Real Estate Summit NYC  
New York Marriott Marquis Hotel, NYC,  
8:00 am – 5:30 pm
- October 23**  
HGMLS Board of Directors  
HGAR West Nyack,  
10:00 am – 12:00 pm
- October 29**  
HGAR's 102nd Annual Member  
Appreciation Day  
DoubleTree Hotel, Tarrytown,  
8:00 am – 5:00 pm

## NOVEMBER

- November 2 – 5**  
NAR Realtor Conference & Expo,  
Boston
- November 6**  
Breakfast with Benefits

- "Ask the Experts" -  
Your Mortgage Questions  
Answered  
HGAR Goshen,  
9:00 am – 10:30 am
- November 7**  
Breakfast with Benefits  
"Make the Most of Your Home's Space  
to Improve  
Your Home's Value"  
California Closets, Hawthorne,  
9:00 am – 10:30 am
- November 13**  
HGAR Board of Directors  
HGAR Goshen,  
10:00 am – 12:00 pm
- RPAC Networking Mixer in  
Downtown Nyack  
LaFontana Italian Restaurant,  
Nyack,  
5:30 pm – 7:30 pm

- November 9**  
Breakfast with Benefits  
What You Need to Know About  
Fair Housing Laws  
HGAR White Plains,  
9:00 am – 10:30 am
- November 13 & November 15**  
Discounted Defensive  
Driving Course  
Hudson United, New City,  
5:30 pm – 8:30 pm (both days)
- November 15**  
Breakfast with Benefits  
Working with First-Time  
Home Buyers  
HGAR White Plains,  
9:00 am – 10:30 pm
- WCR | Installation and  
Holiday Celebration  
Glen Island Harbour Club,

- New Rochelle,  
6:00 pm - 10:00 pm
- November 20**  
HGMLS Board of Directors  
HGAR White Plains,  
10:00 am – 12:00 pm
- November 22 & 23**  
HGAR Offices Closed  
Thanksgiving
- November 29**  
Hudson Gateway Realtor Foundation  
Holiday Party  
Westchester Hills Golf Club,  
White Plains,  
6:00 pm - 9:30 pm



# A Refresher on Legal Protections of Service Animals

## BARRISTER'S BRIEFING

By Leon Cameron, Esq.



We all love our pets. However, service animals, as that term is defined in our state law, are not pets and are afforded certain legal protections above and beyond what pets receive. This article concerns the definition of service animals, where they are allowed, and the interplay between local, state and federal laws concerning this issue.

Under the Americans with Disabilities Act, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. The disability may be physical, psychiatric, sensory or mental. Only dogs are considered service animals under the ADA. Regardless if the dog has been licensed or certified by state or local law, they are service animals under federal law. There are various tasks that a service animal can perform including providing seizure assistance, alerting individuals to sounds or allergens, and pulling wheelchairs, just to name a few items.

Under both New York State law as well as the ADA, businesses and other facilities, which serve the public, may not discriminate against persons with disabilities. These locations include restaurants, hotels, retail stores, theatres, sports facilities and any other similar venues that hold themselves out to the public. Disabled persons are also protected when using public transportation including taxicabs and buses. Any person or entity that is found violating these laws can be assessed administrative penalties by the New York State Division of Human Rights. Likewise, they may also be assessed damages and penalties by a court of competent jurisdiction.

Local laws, which try to prohibit the presence of service animals (e.g. a local health ordinance prohibiting dogs on a particular premises,) are preempted by the Americans with Disabilities Act. Businesses may only exclude service animals if the animal is out of control or not housebroken. Allergies or fear of dogs are not valid reasons to exclude a service animal. Businesses are not permitted to require documentation from the person requiring the use of a service animal.

The federal Fair Housing Act prohibits discrimination in the sale or rental of housing based on an individual's disability and requires a housing provider to make "reasonable accommodations" that are necessary for an individual with a disability to fully use and enjoy the housing. This may include allowing those with a disability to have a service animal live with them, regardless of a "no pets" policy. Similar to the ADA, the federal Fair Housing Act protects persons with physical and mental

disabilities, and requires that service animals be allowed in housing. However, the animal service rules that apply to service or other animals in housing differ from the rules that apply to public accommodations in a few ways. For instance:

- The definition of service animals under the Fair Housing Act is broader than that under the ADA. Animals that provide comfort or emotional support do not qualify as service animals under the ADA, but may qualify under the Fair Housing Act. This is not limited to dogs; any animals may qualify.
- The animal need not be specifically trained as a service animal if it provides physical or emotional support, lessens the effects of the person's disability and is necessary for the person to be able to fully enjoy the housing.
- A housing provider may require an individual to provide documentation of their disability and their need for the animal (for example, letters from doctors or therapists describing the disability and explaining how the animal helps the individual).

With this information, Realtors can find themselves better prepared to serve landlord and tenant clients who may have questions or concerns regarding service animals. Remember, they are not pets, but nevertheless hold a special place in the law and in our society.

**Editor's Note:** The foregoing article is for informational purposes only and does not confer an attorney/client relationship. For a legal opinion specific to your situation, please consult a private attorney.

*Leon P. Cameron, Esq. is director of legal services and professional standards administrator for the Hudson Gateway Association of Realtors, Inc.*

## LEGISLATIVE AFFAIRS

By Philip Weiden



# Federal Legislative and Regulatory Update

The Tax Cuts and Jobs Act legislation, passed earlier this year, includes a 20% deduction from the net business income of sole proprietors and owners of S corporations, partnerships, and limited liability companies. The new deduction is intended to provide roughly the same tax rate cut the act provided to regular corporations. However, it is unclear whether owners of rental real estate will be able to claim the deduction.

NAR has asked the Treasury Department and Internal Revenue Service, in a letter, to treat all real property rental activity as eligible for the 20% deduction. The letter asserts that without this change, the 10 million American owners of rental real estate will be forced to wade through voluminous and confusing tax cases and conflicting IRS positions in order to determine for themselves whether their rental activity constitutes a "trade or business," which is a requirement for the deduction. The letter also lists factors that indicate Congress intended the deduction to be available to the great majority of owners of rental property without the burden of excess complexity.

The IRS will hold a public hearing on the proposed regulations on Oct. 16. NAR has requested that a representative of the association be allowed to testify on this issue. NAR sent an earlier comment letter to Treasury and IRS on another issue related to the 20% deduction, on the question of whether real estate brokerage activities qualify for it. In a huge win for Realtors, the proposed regulations reflected the position suggested by the letter.

NAR, in coalition with other real estate industry groups, joined a letter to the U.S. House of Representatives Leadership opposing legislative efforts to undermine the Supreme Court's ruling in *South Dakota v. Wayfair*, the case decided in June 2018 that gives states the authority to require online sellers to collect and remit sales tax. Prior to the Wayfair ruling, the states have been waiting for Congress to pass legislation allowing this, as e-commerce has grown and sales tax collection declined. Brick-and-mortar retailers—commercial real estate clients—have been especially impacted by this, as they are perceived to have higher prices due to charging sales tax on them at the point of sale. Despite many attempts though, Congress failed to enact legislation resolving this issue.

NAR supports a level playing field for online retailers and brick-and-mortar stores, and joined two amicus briefs to the Supreme Court in favor of giving states the authority to require collection of sales tax—the position that ultimately prevailed. Post-Wayfair, the states have acted in an orderly manner—many are working on legislative options that will make collection of sales tax from their residents go smoothly for online retailers, and most are waiting until Jan. 1, 2019 to begin enforcement to avoid confusion. However, some members of Congress who oppose the Wayfair decision have introduced or are considering legislation that would effectively neutralize Wayfair, halting progress on this issue and continuing to place brick-and-mortar retailers at a disadvantage. Thus, the coalition letter points out the orderliness of the implementation thus far, and urges Congress not to enact legislation that would impede progress.

On Sept. 28, the Federal Housing Administration released Mortgagee Letter 2018-06 which requires a second appraisal for certain home equity conversion mortgages. Given the recent volatility in the HECM program and its disproportionate effect on the Mutual Mortgage Insurance Fund, FHA has decided to require that higher risk HECMs undertake a second appraisal to ensure credibility in assessing the collateral risk.

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

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

**eXp Explained**  
**Lunch & Learn**  
Nov 15th 12PM | Uno Pizzeria & Grill  
2650 Central Park Ave, Yonkers, NY 10710

Logos for NYREX and eXp REALTY are visible at the bottom of the poster.

## eXp Explained with Rummy Dhanoa

We welcome Rummy Dhanoa as our speaker a Licensed Real Estate Associate Broker at eXp Realty - NY and Owner/CEO of New York Real Estate Experts.

Rummy gained his unfailing real estate experience via; C21, EXIT, Independent Company, and KW. His ambition to innovate the industry summoned him to open his own independent company known as New York Real Estate Experts. Over the past 20 years, he and his staff have become big players in their market. Once again his unwavering foresight has summoned him to move, but this time the sky's the limit. In THE CLOUD...with eXp Realty.

Now with eXp, Rummy will shed some light on the latest innovation in the industry, the cutting edge technology called cloud-based brokerage. Learn about all the advantage of joining eXp Realty, Agent Ownership, Powerful Technology and Maximum Earning Potential.

Earn doing exactly what you are already doing

Set yourself up for life beyond your most recent sale

Repurpose your career to achieve financial freedom

Find out why many Top Real Estate Agents, Teams and Brokerages Nationwide are making the switch and joining eXp Realty. We are experiencing record breaking growth with hundreds of agents joining our organization every day.

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# Controversial CPV Valley Plant in Orange Cty. Goes Online

By John Jordan

WAWAYANDA—The controversial 680-megawatt CPV Valley Energy Center, owned by Competitive Power Ventures, is now operational.

Competitive Power Ventures announced on Oct. 1 that the \$900-million natural gas plant achieved commercial operation and was supplying enough electricity to power more than 600,000 average homes.

The power plant, built by a joint venture of Skanska USA Civil Northeast, Inc., Burns & McDonnell Engineering Company, Inc. and ECCO III Enterprises, Inc., is operating while the New York State Department of Environmental Conservation and Competitive Power Ventures await a ruling on whether CPV required an air state facility (ASF) permit before becoming operational.

Back in August, project opponents secured a victory when the DEC denied a critical air quality permit that all but shut down operations at the fledgling and controversial CPV Valley Energy Center. However, the firm won a court ruling a day later that allowed the plant to continue operations until a final ruling was reached on the issue. At press time, public hearings on the dispute were held, but a final ruling had yet to be reached.

“I’m proud to announce the commercial operation on natural gas of the CPV Valley Energy Center. After nearly 10 years of development and construction, we are providing significant value to the area and New York,” said CPV

CEO Gary Lambert when announcing the plant had gone online. “This facility will enhance the reliability of the Lower Hudson Valley electric system, reduce annual electricity costs to New York consumers by a forecasted \$700 million while reducing carbon emissions by an estimated 500,000 tons a year. We look forward to being an integral part of the community for decades to come.”

“Our technology, service, and financing partnership with CPV’s Valley Energy Center in New York is a model for how Siemens can provide efficient, reliable, and low-carbon power to customers across the country while meeting state and local clean energy goals,” said John Gibson, Country Division Lead for U.S. Power and Gas, Siemens. “Siemens looks forward to providing homes and businesses throughout the lower Hudson Valley region with affordable and reliable energy.”

The newly operating facility created more than 3,000 construction jobs and the project now employs 23 full-time professionals.

In addition to local opposition to the plant’s construction and operation, much of the controversy that surrounds the project stems from the conviction earlier this year of former Gov. Andrew Cuomo aide Joseph Percoco on corruption charges.

Percoco, a former executive deputy secretary to Gov. Cuomo, was found guilty of soliciting and accepting more than \$315,000 in bribes in return for



An aerial view of the CPV Valley Energy Center in Wawayanda.

assisting Competitive Power Ventures Inc. of Silver Spring, MD and Syracuse, NY-based real estate developer COR Development in business dealings with New York State. Percoco, 47 of South Salem, was convicted of conspiracy to commit honest services fraud and solicitation of bribes and gratuities and was sentenced to six years in prison.

The corruption case has led to Orange County Executive Steve Neuhaus and Riverkeeper to call for the state to pull the plant’s permits. However, the project has received support from some business and union trade organizations as well.

“The partnership’s mission as the lead economic development agency in Orange County, NY is to create jobs, expand the regional tax base and support infrastructure expansion. With hundreds of jobs created during construction, scores more during operations, along with millions of dollars of new tax revenue for the community, the CPV Valley Energy Center has helped us fulfill our mission and then some,” said Orange County Partnership President, Maureen

Halahan.

“The Hudson Valley Building and Construction Trades Council is proud to have partnered with CPV to bring this state-of-the-art electric generating facility online to help power the Hudson Valley into the 21st century,” said L. Todd Diorio, HVBCTC President. “Since first committing to use local union labor to build the CPV Valley Energy Center more than a decade ago, the company has kept their promises and been a great partner. The efficient, reliable energy and significant regional benefits provided by this project for decades to come are a big win for citizens of Orange County and the Greater Hudson Valley.”

Headquartered in Silver Spring, MD, with offices in Braintree, MA, and San Francisco, CA, Competitive Power Ventures has successfully developed or monetized 21 projects totaling 13 gigawatts of natural gas-fired and renewable generation assets. The company’s Asset Management division currently manages 8,897 MW of fossil and renewable generating facilities in nine states for 12 different owner groups.

## SECOND NOTICE

Continued from page 11

### Regional Director New York County (i.e., Manhattan) and Chapter Representative Manhattan

Tony L. D’Anzica  
DynaMax Realty NYC, Inc.  
419 Lafayette St.  
New York, New York 10003

### Regional Director Putnam County

Clayton C. Livingston  
Coldwell Banker Residential  
Brokerage  
1392 Albany Post Rd.  
Croton-on-Hudson, NY 10520

### Regional Director Orange County

Eydie Lopez  
Keller Williams Hudson Valley United  
9 Bert Crawford Rd., Suite 104  
Middletown, NY 10940

### Regional Director Rockland County

Roberta F. Bangs  
BHG Rand Realty  
268 S. Main St.  
New City, NY 10956

### Regional Director Westchester County

Aimee G. DeCesare  
RE/MAX Distinguished  
Homes & Properties  
52 Pondfield Rd. West  
Bronxville, NY 10708

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237 Mamaroneck Ave.  
White Plains, NY 10605

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BHG Rand Realty  
229 Route 32  
Central Valley, NY 10917

Anthony A. Domathoti  
Exit Realty Premium  
813 Morris Park Ave.  
Bronx, NY 10462

Theresa Crozier  
Houlihan Lawrence Inc.  
55 E Grassy Sprain Rd., Suite 102  
Yonkers, NY 10710

Rey Hollingsworth Falu  
Hollingsworth Real Estate Group  
75 S. Broadway, 4th Fl.  
White Plains, NY 10601

### Class 2 Directors

Katheryn E. DeClerck  
BHG Rand Realty  
300 Canal St.  
Goshen, NY 10924

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Brokerage  
1331A North Ave.  
New Rochelle, NY 10804

Maurice Owen-Michaane  
Capital Realty NY LLC  
175 Huguenot St., Ste. 200  
New Rochelle, NY 10801

Robert Shandley  
BHG Rand Realty  
222 Bloomingdale Rd, Ste. 114  
White Plains, NY 10605

Carmen A. Bauman  
Green Grass Real Estate Corp.  
66 Palmer Ave., Suite 49C  
Bronxville, NY 10708

### Class 3 Directors

Debra Budetti  
ERA Insite Realty Services  
600 N. Broadway  
White Plains, NY 10603-2411

Dorothy Botsoe  
Dorothy Jensen Realty, Inc.  
20 Haarlem Ave., Suite 406  
White Plains, NY 10603

Richard Herska  
BHG Rand Realty  
46 S. Broadway  
Nyack, NY 10960

Tammy Teresa Belmore  
Keller Williams NY Realty  
120 Bloomingdale Rd., Suite 101  
White Plains, NY 10605-1500

Mark J. Seiden  
Mark Seiden Real Estate Team  
1238 Pleasantville Rd.  
Briarcliff Manor, NY 10510

### Classification of Directors

Class 1 Directors terms of office shall

Continued on page 19



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# WCR Empire Chapter Strategic Partner Luncheon, Sept. 24, 2018



From left, Robert Shandley, Leah Caro and Richard Haggerty, HGAR CEO



Westchester County Executive George Latimer



From left, John Dolgetta, Esq. and Dorothy Botsoe



From left, John Dolgetta, Esq.: Donald Arace: Carol Dorado, President, WCR Empire Chapter: George Latimer, Westchester County Executive; Leah Caro and Richard Haggerty, HGAR CEO



From left, Nancy Hertz; Sarah Hughes; George Latimer, Westchester County Executive; Roseann Paggiotta; Angie Primus Gilford and Carol Dorado, President, WCR, Empire Chapte



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# Westchester Put on 'Significant Fiscal Stress' List

By John Jordan

ALBANY—Westchester County was among four counties statewide to be characterized as under "significant fiscal stress" according to a report released recently by New York State Comptroller Thomas DiNapoli.

The State Comptroller's Annual Fiscal Stress Monitoring System report designated 25 municipalities statewide as being fiscally stressed. Also making the significant fiscal stress list were Nassau and Suffolk counties and upstate Monroe County, as well as the cities of Niagara Falls, Poughkeepsie and Watervliet and the towns of German Flatts, Oyster Bay and Parish.

The stress monitoring system report results were mixed with 10 counties, six cities and nine towns listed in stress, which marked the third-straight decline in the overall number of municipalities listed in stress. The number of local governments considered to be in "significant fiscal stress," however, more than doubled over the prior year.

"Fewer local governments are considered fiscally stressed, but those with persistent financial problems are struggling to stay out of the red and fix their problems," said State Comptroller DiNapoli when he issued the stress report on Sept. 25. "While the results may be encouraging in some areas, there are municipalities that should focus on near-term financial risks and implement more prudent long-term planning."

The latest round of scores was based on 2017 financial information provided to DiNapoli's office by local governments as of Sept. 5, 2018 and includes only municipalities with fiscal years ending on Dec. 31, 2017. In New York, all counties and towns, 44 cities and 10 villages have a calendar-based fiscal year – a total of 1,043 communi-

ties. Westchester County Executive George Latimer said in response to the State Comptroller putting the county on the "significant financial stress" list, "It has been apparent to objective observers that Westchester County is facing serious fiscal problems due to recent past fiscal policies; the Comptroller's fiscal stress report points out in brief what we expect will be spelled out in greater detail when the results of their five-year audit (2013-2017) of Westchester County is released."

Latimer in a prepared statement clearly put the blame squarely on the former administration of Robert Astorino for the county's current fiscal woes. "For almost a decade, the prior leadership used the reserve fund, one-shot revenues and drastic staff reductions to deliver on an ideological commitment rather than prudently developing a steady stream of revenue," he said. "It is unsustainable to have an unrealistic revenue policy—as the Comptroller's report now points out. This problem didn't happen overnight, and it isn't going to be fixed overnight."

Six communities have been listed in the second-highest category of "moderate fiscal stress." This includes: Franklin and Rockland counties; and the cities of Albany and Plattsburgh. Rockland County Executive Ed Day noted that the latest report moves the county off the "significant fiscal stress" list and is a clear sign his budget reform efforts are bearing fruit.

"Moving from the New York State Comptroller's 'Significant Fiscal Stress' list to the 'Moderate Fiscal Stress' those is yet another affirmation that Rockland County's finances are improving. We made the hard choices and it is rewarding to see them recognized by

the Comptroller's Office," said County Executive Day.

He added, "Strict budgeting, careful cost-benefit analysis and responsible long-term planning have been the cornerstones of my administration's policies. And while we have made significant progress, we still have a long way to go until we reach full financial

strength. I will continue to make the decisions necessary to keep Rockland County on a strong fiscal track."

An additional nine municipalities were listed as "susceptible to fiscal stress." Those are: the counties of Broome, Clinton, Erie and Onondaga; the city of Fulton; and the towns of Clarkstown, Covert, Dayton and Elmira.

## Westchester, Suffolk Vow to Battle IRS Reg. Limiting Charitable Deductions

By John Jordan

WHITE PLAINS—Standing in front of the White Plains Internal Revenue Service office on East Post Road here, Westchester County Executive George Latimer and Suffolk County Steve Bellone staged a press conference on Oct. 3 to announce their partnership to fight new IRS regulations that would limit the benefits of charitable deductions.

In response to the federal tax reform law signed into law in January that caps SALT (state and local tax) deductions to \$10,000, Gov. Andrew Cuomo signed legislation in April that authorized New York municipalities to establish charitable funds to which homeowners may contribute, and later receive, both income and property tax credits. The new state program was an attempt to mitigate the SALT deductions cap on state taxpayers and particularly those who reside in affluent New York suburban counties like Westchester and Suffolk counties.

However, on Aug. 23, the US Treasury Department and the IRS proposed regulations that would severely limit the benefits of the charitable fund contributions. The IRS explained that if a state grants a 70% state tax credit and the taxpayer pays \$1,000 to an eligible entity, the taxpayer receives a \$700 state tax credit. Under the new IRS regulation, the taxpayer must reduce the \$1,000 contribution by the \$700 state tax credit, leaving an allowable contribution deduction of \$300 on the taxpayer's federal income tax return.

At the White Plains news conference, both county executives called on the IRS to amend its proposed regulations that would significantly limit the ability of homeowners and individuals to deduct authorized state and local charitable contributions on their federal tax returns.

Westchester County Executive Latimer said, "While the federal government claims only 5% of the nation will be impacted by the cap on SALT deductions, we know here in Westchester that is not the case. This cap will hurt our county's working families, our property values and our way of life."

He added that Westchester County estimates that 185,000 taxpayers will be negatively impacted by the SALT deduction cap.

Suffolk County Executive Bellone added, "The looming tax increase headed towards New York from Washington can, and must, be stopped before it is too late. We will fight Washington's effort to hurt our homeowners and residents, and I thank County Executive Latimer for his leadership and partnership in this endeavor."

Latimer said that like the San Francisco earthquake in 1906, if the impacts of the federal tax reform law and the SALT cap are not mitigated, Westchester County economy will take a major hit that will take years to recover from.

"The devastation will be significant to business disincentive, to housing price disincentive, to the level of public service that makes this economy move," Latimer said. "This is not just the money



From left, Westchester County Executive George Latimer and Suffolk County Executive Steve Bellone

that we spend on charitable things, this is the money we invest on public infrastructure. How do we fix our roads when people wind up paying a huge increase in taxes and then don't want to pass a school budget and don't want to be involved in anything other than reduce everything you are spending money on so they can have a lower bill?"

The Westchester-Suffolk County initiative is just one of a number of campaigns in opposition to the IRS regulation that substantially limits the federal tax reform workaround by New York State. State Assemblywoman Amy Paulin of Scarsdale is leading an effort against the new IRS regulation as well, according to a report in the *Journal News*.

Gov. Andrew Cuomo has threatened to sue the federal government over the new IRS regulations that all but kill the benefits of his federal tax reform workaround.

The IRS is accepting comments until Oct. 11 and a public hearing on the new regulation is scheduled in Washington, DC on Nov. 5. Suffolk County Executive Bellone says he plans to travel to the nation's capital to testify against the regulation.

In July, New York and other states filed suit against the federal government charging that the federal tax reform law was unconstitutional and that specifically the SALT cap was enacted to target New York and other states, that it interferes with states' rights to make their own fiscal decisions and that it will disproportionately harm taxpayers in these states.



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# Latest Updates on Free Tech Support, Podcasts, Zapier.com and New Windows 10 Feature

## TECH TALK

By John Vrooman  
john@johnvrooman.com



Are you experiencing a tech-related network, computer, software, Smartphone or other peripheral device related issue? If so, you may be able to obtain free technical support that could possibly resolve your problem. Both the Hudson Gateway Association of Realtors and the New York State Association of Realtors offer free technical support options to their members. I recommend that you visit the web pages below to better acquaint yourself with these services and how they may be able to help you.

I would encourage everyone to somehow record the contact information and support hours for these services in a way that you'll be able to refer to when needed. Might this information be good to review and share at an office meeting? The following courtesy links lead to webpages where you can learn more about the free technical support services...

HGAR's Tech Helpline webpage

[www.tinyurl.com/y8ycdf64](http://www.tinyurl.com/y8ycdf64)

NYSAR's Tech Hotline

[www.nysar.com/technology](http://www.nysar.com/technology)

### Podcasts to Check Out

If you are a Realtor who is also a podcast listener, you may be interested in subscribing to some real estate-related podcasts. If that's the case, I came across a RIS-Media.com article titled "Top Podcasts for Real Estate Agents." The article provides some information about a few podcasts that you may want to learn more about and possibly even subscribe to. To review the article, simply visit the link below...

[www.tinyurl.com/yavjmw2](http://www.tinyurl.com/yavjmw2)

Tip: Make sure to browse through the "Comments" section at the above web page as several additional podcast recommendations are mentioned.

### How to Listen to a Muted TV

Have you ever gone somewhere and found yourself wanting to listen to a TV that's muted? I've come across this situation in certain waiting rooms, restaurants and a variety of other places. I came across an app called "Tunity" that can help you in these situations. Once you have the app installed and set up, the basic process is: 1) make sure you have a decent Wi-Fi or other data connection on your Smartphone and probably have headphones unless you want to share the audio; 2) take and submit a photo of the show you're watching and want to be able to hear and 3) sync the audio to the TV show. All the above is a bit easier said than done, but I got it working within a few minutes. To get things going, visit your device's app store or visit the following web page...[www.tunity.com](http://www.tunity.com)

### Explore Zapier Guides

There's a good chance that many of you find yourself performing repetitive tasks. For example, backing up, copying or moving files between various web services. Whenever you find yourself performing a repetitive task it's a good idea to evaluate whether the task might be able to be automated. With automating tasks in mind, I would encourage you to familiarize yourself with Zapier.com.

Zapier.com is a powerful web service that can help non-programmers to auto-

mate certain common tasks. To help you better understand how the service works I would direct you to several guides that can help you to familiarize yourself with the service and its capabilities. The following are titles of some of the available guides that I think those of you who are interested in this topic will likely want to check out: "Getting Started with Zapier;" "Zap Templates Collection;" "The Ultimate Guide to CRM Apps;" "The Ultimate Guide to Email Marketing Apps;" "The Ultimate Guide to Forms and Surveys;" "An Introduction to APIs;" "The Ultimate Guide to Google Sheets" and "How to Do Anything in Apps" and "The Ultimate Guide to G Suite." You can access the above guides by visiting this link...[www.zapier.com/learn](http://www.zapier.com/learn)

**Suggestion:** After visiting the web page above, I would encourage you to consider signing up for the services free plan so that you can try out some "workflows" (workflows is the name given to a series of automated tasks).

### Information on Windows 10 October 2018 Update

At some point this month (expected by mid to late October), Microsoft will be releasing a Windows 10 operating system update that will include some new features. If you are the type who wants to know more about the upcoming features, please visit the link below.

The link leads to a PureInfoTech.com video that's hosted on YouTube. The video covers the more significant updates in a fair amount of detail. **Tip:** When you get to the YouTube web page below, click the "SHOW MORE" link that's found below the video. When you do this, additional text is exposed and if you scroll down the text a bit you'll come across a list that includes features that the video covers as well as the time within the video that the beginning of each topic is discussed. Simply identify the features/topics that interest you and then navigate to the corresponding start time within the video. Here's the link...[www.tinyurl.com/yb2nfdvs](http://www.tinyurl.com/yb2nfdvs)

### 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. John gathers information from a diverse range of resources and enjoys sharing tips, thoughts, and discoveries with others—using a "something for everyone" approach. He has been authoring this column since August 2000 and is an Associate Broker with Better Homes & Gardens Rand Realty's White Plains office.*

## SECOND NOTICE

Continued from page 15

expire December 31, 2019, and every three years thereafter. Class 2 Directors terms of office shall expire December 31, 2020, and every three years thereafter. Class 3 Directors terms of office shall expire December 31, 2021, and every three years thereafter.

Regional Director terms shall expire on December 31, 2019.

### Members of the Leadership Committee

The Leadership Committee members filing this report were: Dorothy Botsoe, Chair; Katheryn DeClerck, Mark Boyland, Leah Caro, Roberta Bangs, Brad Kimmelman, Debra Budetti, Members. Committee members who were proposed as Director candidates recused themselves from the applicable discussions and votes.

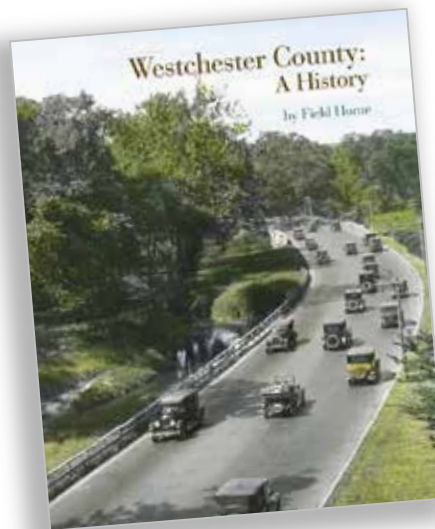
### ALTERNATIVE NOMINATIONS BY PETITION

The period for filing petitions to nominate candidates other than those proposed above for any of the Director positions has expired. The balance of the Officer positions are not subject to petition challenges because they are subject to election by the HGAR Board of Directors.

### PROXY VOTING

Realtor members may vote in person or by proxy at the annual meeting. The person who attends and votes may act as proxy for only one absent Realtor. A proxy ballot and the procedure for voting by proxy shall be posted on the member-only pages of [www.hgar.com](http://www.hgar.com) no later than October 5, 2018.

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# \$203M AT&T Building Redevelopment Moving Forward

By John Jordan

WHITE PLAINS—The more than \$200-million plan by New York City developer Rose Associates to redevelop the former AT&T building in Downtown White Plains into a mixed-use project that would feature 468 rental apartment units cleared a major hurdle, but with one caveat.

The Westchester County Industrial Development Agency granted a resolution of intent to provide more than \$5 million in incentives for its project to redevelop the former AT&T building at 440 Hamilton Ave. into a mixed-use property that will include 255 rental apartment units and approximately 3,400 square feet of ground floor commercial space.

In addition, Rose plans to convert an adjoining surfaced parking lot with a mid-rise building of six and seven stories that would contain another 213 units of rental housing. The development, per requirements agreed to with the City of White Plains, will have 6% of the units that will be affordable at 80% of the Westchester County area median income. The White Plains City Council approved the project on Sept. 4.

In attendance at the IDA session on Sept. 27 were a number of representatives of the unionized building trades, including Louis Picani, president of Teamsters and Chauffeurs Local 456 in Elmsford, and John Coffey, business agent for Local 46 of the Metallic Lathers and Reinforcing Ironworkers Union of New York City, who pressed the IDA that projects receiving public funding should be undertaken with local union labor.

In its IDA application, Rose Associates stated that the company did not intend to enter a Project Labor Agreement with the Building & Construction Trades Council of Westchester & Putnam Coun-

ties. However, during the IDA session, Picani, who said he was speaking for Edward Doyle, the president of the Building Trades Council, and Whiting Turner Contracting Co. vice president David Brickley both concurred that the firm and the building trades have held meetings about crafting a PLA for the project. Turner Contracting is the general contractor for the project.

Prior to the vote IDA Chairperson Joan McDonald, said, "I would like to propose to the Board is that we proceed with the vote on the inducement with the caveat that Whiting Turner/Rose Associates continue to meet with organized labor to hopefully reach a mutually agreed upon path on this project."

The Westchester County IDA subsequently unanimously approved the resolution of intent with the caveat that talks continue between the developer and organized labor.

A public hearing on the IDA inducements for the project has yet to be set.

Rose Associates, in its application for incentives to the Westchester County IDA, estimated the cost of the redevelopment at \$202,917,835. The company is hoping to secure approximately \$3.34 million in sales tax exemptions and nearly \$1.69 million in mortgage tax exemptions. David Steinmetz, a partner with Zarin & Steinmetz of White Plains, said the developer is currently negotiating a PILOT (payment in lieu of taxes) with the White Plains School District.

Michael Adamo, director of development for Rose Associates, told the IDA Board that market rate apartments at the development will be priced at \$2,000 to \$2,300 for studios; \$2,400 to \$2,600 for one-bedrooms and \$2,600 to \$3,000 for two-bedroom units, although he said the firm would be look-



Renderings of the planned 440 Hamilton Ave. project in Downtown White Plains

ing at the market to determine the pricing for the project.

Adamo said that the retail component of the project would include a "Green Grocer" to service the Hamilton Avenue region.

Adamo said that Rose Associates would like to begin construction on the

project in the spring of 2019 and that the development would take 24 to 28 months to complete.

Steinmetz said the project would create approximately 659 construction jobs as well as seven retail jobs and another 18 jobs in connection with the apartment development.

## Latimer Appoints Gibbons as Director Of Office of Economic Development

By John Jordan

WHITE PLAINS—Westchester County Executive George Latimer has decided to hire from within county government's ranks and appointed Bridget Gibbons as the new Director of the Office of Economic Development.

Gibbons had served as the county's Deputy Director of Economic Development since Latimer took office in January 2018. She was the guest speaker at the Sept. 17 meeting of the Hudson Gateway Association of Realtors' Commercial Investment Division meeting held at the HGAR offices in White Plains.



Bridget Gibbons

Continued on page 22



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## New Rochelle Wins \$10M Downtown Revitalization Grant

NEW ROCHELLE— Gov. Andrew Cuomo announced Sept. 27 that New Rochelle's Lincoln Avenue Corridor will receive \$10 million in funding as the Mid-Hudson region's winner of the third round of the state's Downtown Revitalization Initiative competition.

"New Rochelle's Lincoln Avenue Corridor is an area ripe with potential to appeal to a new generation of residents, businesses and visitors," Gov. Cuomo said. "This new funding will lead to strategic investments that will spur positive economic growth for New Rochelle, Westchester County and the surrounding region."

With the DRI award, New Rochelle will connect its evolving and prosperous city center with the mile-long Lincoln Avenue Corridor that contains mixed-income residential housing, a newly renovated hospital, green space, a Metro North Train Station and part of the city's Arts and Cultural District.

The Downtown New Rochelle Strategic Investment Plan will build upon significant public-private investment over the past few years to spur commercial, residential, and mixed-use development in the city. DRI investments will leverage city resources and private investments to forge connections between residential neighborhoods in the northern portion of

the corridor with commercial, institutional, and cultural resources to the south, state officials noted.

The city envisions infrastructure improvements that will improve pedestrian and traffic circulation and extend the downtown's walkable, sustainable, transit-oriented design into this corridor to create a bustling environment in which to live and work.

New Rochelle Mayor Noam Bramson said, "With New Rochelle as the most recent winner, the Downtown Revitalization Initiative continues to be the proven economic driver for communities across the state. We are proud to be the recipient of this award that will create exciting opportunities for New Rochelle, its residents, businesses and visitors."

The Mid-Hudson Regional Economic Development Council went through a competitive review process of proposals from communities throughout the region and recommended New Rochelle as its nominee for this year's DRI award.

Donald Christian, chair of the Mid-Hudson Regional Economic Development Council said, "The Downtown Revitalization Initiative is a significant part of the success of the governor's regional approach to generating economic potential for the Mid-Hudson region. This third round proposal from New Rochelle



**New Rochelle officials, including Mayor Noam Bramson (front left), hold the ceremonial \$10-million Downtown Revitalization Initiative check from New York State.**

exemplified the council's priorities and key criteria. I look forward to seeing this plan come to fruition, and to the great benefits this project will bring to New Rochelle, its residents, and the economy and well-being of the region."

New Rochelle's third round DRI win entitles it to receive \$10 million in state funding and investments to revitalize its downtown neighborhoods and generate new opportunities for long-term growth. New Rochelle now joins the cities of Middletown and Kingston, which were the Mid-Hudson region's winners in the first and second DRI rounds, respectively.

Empire State Development President, CEO and Commissioner Howard Zemsky said, "Vibrant, attractive downtowns are vital to our economic future and this award will help invigorate New Rochelle with new development, improved infrastructure, and greater opportunities."

New York State Homes and Community Renewal Commissioner RuthAnne Visnaukas added, "Through Governor Cuomo's Downtown Revitalization Initiative, these community-led, targeted investments will combine with HCR's \$818-million investment in the Mid-Hudson Valley over the last seven years that has created affordable housing for

about 28,000 residents to help ensure that as New Rochelle's economy grows, all New Yorkers have the opportunity to take part."

New Rochelle will now begin the process of developing a Strategic Investment Plan to revitalize its downtown with up to \$300,000 in planning funds from the \$10-million DRI grant. A Local Planning Committee made up of municipal representatives, community leaders, and other stakeholders will lead the effort, supported by a team of private sector experts and state planners.

The Strategic Investment Plan for New Rochelle will examine local assets and opportunities and identify economic development, transportation, housing, and community projects that align with the community's vision for downtown revitalization and that are poised for implementation. The Lincoln Avenue Corridor Strategic Investment Plan will guide the investment of DRI grant funds in revitalization projects that will advance the community's vision for its downtown and that can leverage and expand upon the state's \$10-million investment. Plans for the DRI's third round will be complete in 2019.

## KZA Realty Group and RM Friedland Form Affiliation



**Kathy Zamechansky**  
President & Owner  
KZA Realty Group



**Sarah Jones-Maturo**  
President  
RM Friedland

NEW YORK—Two commercial real estate firms in The Bronx have announced a new affiliation agreement that they say will bring unprecedented expertise and client service benefits to property and business owners.

Commercial real estate brokerage firms KZA Realty Group and RM Friedland will join forces on select assignments to add value for clients. The alliance combines the strength of RM Friedland's brokerage team and staff resources with KZA's strong ties to the Bronx community.

"Our companies offer tremendous resources, market knowledge and a peerless track record in The Bronx," said Sarah Jones-Maturo, president of RM Friedland. "Together, we have a tremendous breadth and depth of experience in the borough, not to mention a combined 75-year track record."

The new arrangement reflects the borough's booming business climate. KZA and RM Friedland are the exclusive commercial brokers for the massive La Central development in The Hub, the revitalized shopping district in the heart of the borough. The largest development currently underway in The Bronx, La Central will create more than 1.1 million square feet of residential and commercial space. In addition, the two firms are leasing space at 354 East 149th St., also located in the downtown Hub.

"For the past 25 years, we have developed enviable relationships with owners, tenants, elected officials and community organizations borough-wide," said Kathy Zamechansky, president of KZA Realty Group. "Now, tapping the resources of RM Friedland, we will be better positioned to navigate complex projects. Our complementary capabilities and market knowledge provide clients with a tremendous level of support."

With interest in The Bronx at an all-time high, the potent collaboration between KZA and RM Friedland facilitates opportunities for tenants and buyers, said Jones-Maturo. "The Bronx is, in many ways, considered the next frontier for development, but many people have trouble navigating the market," she said.

The synergy between KZA and RM Friedland will help direct clients to areas that are most beneficial. "Together, we can be the go-to team for tenants and landlords, along with buyers and sellers, due to RM Friedland's assets and our ability to provide community and government relations services to help facilitate approvals for an array of projects," said Zamechansky.

## HVEDC Partners with Pattern for Progress and the Westchester County Association

GOSHEN—The Hudson Valley Economic Development Corp. announced recently it had formed strategic partnerships with Newburgh-based Pattern for Progress and the Westchester County Association of White Plains.

Goshen-based HVEDC is a regionwide economic development agency and Pattern for Progress, based in Newburgh, is the Hudson Valley's primary public policy and think tank organization. Pattern for Progress is a not-for-profit policy, planning, advocacy and research organization whose mission is to promote regional, balanced and sustainable solutions that enhance the growth and vitality of the Hudson Valley.

"We are excited to form a strategic research partnership with Pattern for Progress," said Mike Oates, president and CEO of HVEDC. "HVEDC will utilize research provided by Pattern for Progress to assist in the attraction, retention and expansion of businesses into the Hudson Valley."

Pattern for Progress will assist HVEDC with market research by helping to identify economic development trends, including workforce challenges brought about by population decline, education and training gaps in the market and the impact of housing with workforce retention and recruitment. Both organizations will also develop strategies to revitalize distressed communities to bring jobs and investment.

"We are excited to partner with Hudson Valley Economic Development Corporation," said Pattern for Progress President and CEO Jonathan Drapkin. "We look forward to working with HVEDC for the betterment of the residents and businesses of the Hudson Valley for many years to come. The division of responsibilities plays to each organization's strengths."

**Editor's Note:** HVEDC President and CEO Mike Oates will be the featured speaker at the RPAC Luncheon event held in conjunction with the Hudson Gateway Association of Realtors' 102nd Annual Member Appreciation Day on Oct. 29 at the Doubletree Hotel in Tarrytown. Oates will speak on "Economic Development in the Hudson Valley."

HVEDC is the leading economic development agency for the seven-county region of Westchester, Putnam, Dutchess, Rockland, Orange, Ulster and Sullivan counties. The public-private partnership markets the region as a prime business



**Mike Oates**





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## RECENTLY SOLD



**SOLD**  
148-150 Pearl Street, Port Chester | Listed by the Klein /Lanza Team | \$1,100,000



**LEASED**  
New Casual Bistro | 615 Milton Road, Rye |  
Michael Rackenberg represented the tenant



**SOLD**  
Formerly the Horseman Diner | 276 N. Broadway,  
Sleepy Hollow | Listed by the Klein/Lanza Team

## New Members

Continued from page 13

Beth Rosenberg  
BHG Rand Realty, Briarcliff Manor  
Pinchus Rosenberg  
Exit Realty Venture  
\*\*Vito Rullo  
K. Fortuna Realty, Inc.  
Nicholas Saumell  
BHG Rand Realty, Yorktown Heights  
Terry Scelfo  
Global Property Systems  
Sussie Schik  
Rodeo Realty  
Michele M. Schroeder  
Alliance RE Consultants, LLC  
Jason Sedita  
BHG Rand Realty, Goshen  
Vlora Sejdi  
Keller William NY Realty, White Plains  
Aliyah Simmons  
BHG Rand Realty, Suffern  
Cara Skala  
R2M Realty Inc.  
Deana Smith  
Coldwell Banker Res. Brokerage,  
New Rochelle  
Deborah Smith  
Cronin & Company Real Estate  
Kevin Smith  
HomeSmart Homes & Estates  
Jaime Spedaliere  
Houlihan Lawrence Inc., Jefferson Valley  
Elizabet C. Stahl  
Houlihan Lawrence Inc., Yonkers  
Edward Stephens  
Home Sweet Home Properties  
Meyer Stoessel  
Metrex Realty Inc.  
NaKassa Tarawally  
Keller Williams Realty Partners,  
Yorktown Heights

Dana Teehan  
Weichert Realtors, Nanuet  
Adolis Tesfamariam Gaim  
Foxworth Realty Inc.  
Johanel Then  
RE/MAX In The City  
Holly Thomson  
Grand Lux Realty, Inc.  
Demetrio Urena  
Boutique Realty, Inc.  
Cindy Vaca  
Boutique Realty, Inc.  
Allen Valerio  
DKC Realty Group LLC  
Brenda L. Vasquez  
Lucille Esposito Realty  
Katarina Verrelli  
Keller Williams Realty Partners,  
Yorktown Heights  
\*\*Lourdes Villanueva Hartri  
Realty Connect USA LLC  
Joseph Violanti  
eRealty Advisors, Inc.  
Tiffany A. Williams  
Weichert Realtors, Monroe  
Jarrett Wold  
BHG Rand Realty, New City  
Mary Worstell  
BHG Rand Realty, Yorktown Heights  
Malka R. Zaks  
Rodeo Realty  
George Zinko  
Artisan Realty



## Latimer Appoints Gibbons as Director Of Office of Economic Development

Continued from page 20

Latimer in his announcement on Oct. 10, said of his appointment of Gibbons, "Westchester County is extremely fortunate to have an individual of Bridget Gibbons' caliber lead the Office of Economic Development. Over the past 10 months as Deputy Director, Bridget has demonstrated an astute ability and a clear understanding of this vitally important office. She has shown that she has the vision to focus on initiatives that effectively attract and retain businesses and create jobs, while at the same time assuring that all of Westchester's citizens are able to share in our economic success.

He added, "Her experience and success as a management executive, an entrepreneur and a private sector business owner add to her breadth and depth of knowledge and insight."

Since January, Gibbons also assumed the role of heading both the Westchester County Industrial Development Agency and the Westchester County Local Development Corporation. The two agencies offer business resources, financial assistance and a wide range of related services and incentives to help businesses and not-for-profits expand through construction and permanent jobs.

Latimer praised Gibbons, a resident of Bronxville, for her work as head of the IDA and LDC, pointing to her successful outreach to the not-for-profit and business communities in Westchester.

Since taking office in January, the county's Office of Economic Development and its Industrial Development Agency and Local Development Corp. have seen a host of new development projects seeking county assistance, including a planned more than \$300-million senior housing development at SUNY Purchase and major mixed-use projects in Downtown White Plains by Lennar Multifamily on a site on Mamaroneck Ave. and a transformative mixed-use development on Westchester Avenue called "The Collection." The \$136-million project, to be built across the street from the Westchester mall by Sabre Chauncy, WP, LLC will feature 276 units of rental housing and nearly

25,000 square feet of retail space. The latest major project to come before the IDA was the \$200-million redevelopment of the former AT&T building in White Plains.

"I would like to thank the County Executive for this opportunity to lead the Westchester County Office of Economic Development. In this past year, I have had the good fortune to meet many truly inspired and dedicated business leaders to see first-hand the great potential for economic development and job creation throughout Westchester," Gibbons said. "I look forward to working with our business and not-for-profit communities to realize these goals and ensure that Westchester continues to be a strong and vital hub for business."

Gibbons was founder and owner of Gibbons Digital Consultants, a digital marketing agency. The company helped a wide variety of industries in the tri-state area leverage social media as a business development tool, providing a full-range of services from comprehensive, long-term strategy to daily social media management on Facebook and all other platforms.

Her company was recognized by the Advertising Club of Westchester, winning awards for its work with Facebook and e-mail management. In 2014, Gibbons was recognized for her leadership and management skills, and *914Inc.* magazine named her one of Westchester County's "Best Bosses." After nine years, her company was acquired by a larger marketing agency in White Plains.

Prior to launching her digital business, Gibbons spent 15 years as a senior consultant and project manager for Towers Watson, a global human resources and benefits consulting firm, where she managed large, multi-national project teams to implement complex, web-based systems. Her clients included JPMorgan Chase, IBM, Molson Coors and Accenture.

Gibbons holds a Bachelor's Degree in International Studies from American University in Washington DC, and certificates in computer technology from Columbia University and in Social Media from New York University.

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# Group Looks to Convert IBM Somers Campus to STEM School

Continued from page 1

for the STEM high school project to move forward.

If the STEM high school project secures all approvals and lease negotiations are finalized, the lease transaction and the subsequent adaptive reuse project would be the largest of their kind in memory in Westchester County. The largest lease and eventual subsequent adaptive reuse of a property in Westchester was the sale/leaseback of the Reader's Digest headquarters property in Chappaqua in late 2004 to Connecticut-based Greenfield Partners and Summit Development. Eventually, Reader's Digest moved out of the complex, that has since been converted to a mixed-use project featuring office, residential and retail uses.

According to multiple published reports, the former IBM campus at 294 Route 100, as well as the former PepsiCo campus in Somers, are owned by Mexican business magnate Carlos Slim Helu. In 2016, IBM sold its Somers complex for nearly \$32 million and the PepsiCo property traded earlier that year for \$87 million. Evergreen Ridge representatives told the Town Board that the owner of the property would also be an investor in the STEM high school project as well.

Evergreen Ridge could file an application for a necessary zone change for the property to allow the educational

use sometime in October, which would begin the municipal approval process that would also entail site plan approval. Other approvals from other agencies, including the New York State Education Department, would be required for the project to move forward to construction.

While there are a number of highly successful and well-known private schools in Westchester County, the Somers school would be the first of its kind to provide a STEM or STEAM-centric curriculum.

While no firm projects costs were released, DiScipio, the former CEO of international K-12 private school provider Weiming Education Group USA, explained that the project would involve approximately 140 acres surrounding the ring road of the five-interconnected buildings on the campus. Vivek Kamath, a partner and managing director of Tyton Partners of Stamford, CT, an equity partner that will be providing financing for the venture, characterized the cost of the renovations and additions planned at the campus to be "significant," but could not provide a cost estimate.

The for-profit school would offer a curriculum that aligns with emerging career fields in biotech, bioscience, biomedical engineering and physics, artificial intelligence, computer science, information technology, robotics, aero-

space, nano-science and manufacturing technology.

DiScipio said that the exteriors of the buildings would not be disturbed, but the interiors would be renovated to include classroom, laboratory, dormitory and administrative space. He said that because of the large floorplate, the school could potentially offer one of the largest Artificial Intelligence laboratories in the world.

Among the planned additions to the campus would include: a new Arts Center, Athletic Center, dormitories, Head of School Residence, athletic fields for baseball, softball, track, tennis courts and basketball, as well as jogging and hiking trails and gardens.

The facility would include student housing (dormitory space) since the student body would encompass approximately 85% boarding students and 15% day students. Tuition for boarding students would be approximately \$49,000 per year, while day students' tuition would run at approximately \$37,000.

He said the student enrollment would be ramped up from a projected 750 by the fall 2020 opening, to 1,300 the following year and to the maximum

of between 1,500 to 1,800 students by 2022.

Once operational, the STEM high school will employ approximately 235 workers, including 102 teachers, 23 administrators, and 110 support staff.

"We think this campus aesthetically and the academic program and the modern housing, classroom and eco-system we have put together will make this one of the most important and relevant schools in the world," DiScipio told Town Board members.

Mark Weingarten, a partner with White Plains-based law firm Delbello Deonnellan Weingarten Wise & Wiederkehr, which is representing Evergreen Ridge in the approval process, said the plan has great potential for the region.

Weingarten, who is a trustee of Cornell University, pointed to the success of the Cornell Tech engineering campus on Roosevelt Island and added, "This whole idea of science and technology is what we need here. This is what is being built, this is what people are looking for, what kids are looking for, this is where the jobs are."

## HVEDC Partners with Pattern for Progress and the Westchester County Association

Continued from page 21

location to corporate executives, site selection consultants and real estate brokers. HVEDC helped start the organizational, branding and promotional effort for NY BioHud Valley, Hudson Valley 3D Printing, and the Hudson Valley Food & Beverage Alliance.

Hudson Valley Pattern for Progress is a policy, planning, advocacy and research nonprofit that has promoted regional, balanced and sustainable solutions for the Hudson River Valley since 1965.

On Oct. 8, HVEDC and the Westchester County Association launched a strategic partnership to grow specific industry sectors such as healthcare and real estate, expand on each others' workforce development initiatives and close the digital divide through programs that promote gigabit-speed broadband connectivity.

Leaders of both organizations will sit on each other's board of directors to help guide each organization's strategic missions and facilitate the partnership. HVEDC President and CEO Mike Oates will become a member of the WCA Board of Directors and WCA President and Chief Executive Officer William M. Mooney, Jr. will become a member of the HVEDC Board of Directors.

The organizations will jointly work on:

- Growing the biotechnology, pharmaceutical, medical device and healthcare industry sectors in Westchester and the Hudson Valley;
- Developing the workforce to help prepare the region's population for present and future jobs; and
- Bringing state-of-the-art high-speed technology to bridge the gap between demographics and regions that have access to modern information and communications technology, and those that have restricted or no access.

In addition, HVEDC and the WCA will identify key market trends and work together to find solutions that will help bring jobs and investments to Westchester County and the Hudson Valley.

"Forming a strategic partnership with the Westchester County Association creates a combined force to continue the expansion of the bio, pharma, medical device and life science sectors in Westchester and across the region," said Oates. "We will bring together our knowledge, research, advocacy and business support to create more extraordinary economic development initiatives that will connect highly qualified workers with well-paying jobs to create better lives for their families."

The WCA has recently completed a years-long transition from being a leading business membership organization to becoming Westchester's most powerful economic development and advocacy entity. The WCA also unveiled a new brand and completely redesigned website, emphasizing the organization's heightened focus on high-level advocacy, which has long differentiated it within Westchester's business community.

"The WCA's partnership with the HVEDC provides an opportunity for both organizations to examine the best practices in economic development advocacy and augment those approaches to fit the needs of the business community in each respective region," said William Mooney, Jr., president and CEO of the WCA. "At the WCA, we've identified and implemented proven solutions to drive economic growth in key areas such as healthcare, real estate, workforce development and gigabit-speed connectivity, and we're excited to expand our impact into the Hudson Valley."



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## EVENT PROGRAM

8:30 – 11:30 am • Grand Ballroom

**FAIR AND ETHICAL HOUSING** Leon Cameron, HGAR Director of Legal Services, and Leah Caro, HGMLS Director, present real-life scenarios for complying with federal, state and local rules for Fair Housing and Ethics. No CE Credit: FREE for HGAR members (satisfies NAR's REALTOR® Ethics two-year training requirement) CE Credit (3 hrs): \$25 for HGAR members (satisfies NYS DOS three-hour Fair Housing CE requirement and NAR's REALTOR® Ethics two-year training requirement). Full three-hour attendance required for both NAR and DOS requirements.



9:45 – 10:30am • Salons 4 & 5

### ARE THEY LOOKING FOR YOU?

Today's consumers shop online and would rather text than speak. What does that mean when they're ready to buy or sell? How will they find you? Join **Tracy Weir**, Founder of August Partners, for an overview of how new technology affects the average agent. August Partners provides technology companies, MLSs, Associations and top-tier brokers with strategy and communications counsel.



10:45 – 11:30am • Salons 4 & 5

### REALTOR SAFETY

**Tom Grimes**, a 20-year award-winning veteran detective of the NYPD, cites real life situations and examples of how industry professionals have been victimized and how they can protect themselves. Tom was part of the Organized Crime Investigation Division and the Federal Drug Enforcement Task Force among others.

11:00am – 1:30pm • Grand Pre-Function Area  
**LUNCH BREAK** Lunch Break (Boxed Lunches)



11:45 am – 12:30 pm • Salons 4 & 5

### MINDFULNESS & MEDITATION FOR REAL ESTATE PROFESSIONALS

**Gary Goldman, Esq.** of Fentin, Goldman, Turk & Davidoff LLP, is known as the "mind body" lawyer. He'll show you how meditation can improve your mental capabilities and health, and help you to function at your peak performance level. He has trained at the Center for Mind-Body Medicine.



12:45 pm – 2 pm • Westchester Ballroom

### RPAC LUNCHEON - ECONOMIC DEVELOPMENT IN THE HUDSON VALLEY

Get a first-hand look at what's happening in the Hudson Valley with **Mike Oates**, CEO of the Hudson Valley Economic Development Corp. Mike is the former Managing Partner for Bellefield Development Partners LLC, the developer of the \$500 million Bellefield at Historic Hyde Park.

12:45 pm – 2:00 pm • Grand Pre-Function and Hudson Room  
**VISIT EXHIBITOR BOOTHS**

There's still time to do some last minute browsing at our Exhibitor booths!



2:00 – 3:30 pm • Grand Ballroom

### KEYNOTE ADDRESS with: rock star selling **RYAN ESTIS**

**Ryan Estis** is recognized as "one of the best keynote speakers ever heard" by *Meetings & Conventions Magazine*. He has over 20 years of experience as a top-performing sales professional and leader, including the former chief strategy officer for the McCann Worldgroup advertising agency. Ryan has been published in *Forbes, Inc, Fast Company* and *Entrepreneur Magazines* and his clients include AT & T, MasterCard, the Mayo Clinic, Honeywell and Lowes.

3:30 – 4:30pm • Grand Ballroom

### HGAR ANNUAL MEETING

Elect your 2019 HGAR leaders and congratulate the HGAR REALTOR® and Affiliate of the Year, along with other REALTOR® award winners.

4:30 – 6:00pm • Salons 4 & 5

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