

GM Redevelopment Finally Breaks Ground

By John Jordan

SLEEPY HOLLOW—In what Village of Sleepy Hollow Mayor Ken Wray described as simply “a defining moment for our village, a real turning point” and a break with its industrial past, the developers of The Edge-on-Hudson, a planned more than \$1-billion mixed-use development, broke ground on the former site of the General Motors assembly plant here.

Joint venture partners SunCal and Diversified Realty Advisors staged the groundbreaking ceremony on the site of the assembly plant, which rolled out its last GM (Chevrolet) Astro minivan in June 1996. Peter Johnson, vice president, director of land development for SunCal of Irvine, CA and Jonathan Stein, founding and managing partner of Diversified Realty Advisors of Summit, NJ, spoke about the history of the development site and their goal to bring the waterfront back to the Village of Sleepy Hollow. A host of local and county officials also participated in the long overdue groundbreaking program.

Stein, who has been involved in trying to develop the property since 1998 when General Motors first contacted him when he was an executive with Roseland Property Co., extolled the virtues of the property’s location. Stein noted that the project site—on the shores of the Hudson River with views of Manhattan and the Palisades, situated within walking distance between two train stations and near the construction of the new Tappan Zee Bridge, “has every dynamic element that any developer could wish for in this economy, or any economy.”

Mayor Ken Wray said of the project’s groundbreaking, “We’re doing more than simply breaking ground today. At long last we’re laying the foundation for unprecedented waterfront access and for economic development that will propel Sleepy Hollow forward for many years to come, while at the same time, positively impacting the broader

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PHOTO BY JOHN VECCHIOLLA

Jonathan Stein, founding partner of Diversified Realty Advisors, at the groundbreaking for The Edge-On-Hudson development at the former General Motors assembly plant site in Sleepy Hollow.

Rye Playland Saga Ends With New Management Deal

BY John Jordan

WHITE PLAINS—A six-year process to form a public-private partnership to save the storied, but money-losing Rye Playland amusement park, finally came to an end on May 2nd when the Westchester County Board of Legislators overwhelmingly approved a deal with New York City-based Standard Amusements.

The Board of Legislators voted 13-4 in favor of the deal that will require Standard Amusements to invest \$30 million in improvements to Rye Playland in return for a 30-year management contract of the 280-acre property. Those improvements include new rides and attractions, as well as upgrading food choices, picnic areas, and restaurants



Rye Playland’s infamous Dragon Coaster.

and renovating grounds and buildings. Westchester County has agreed to spend \$32 million for 11 capital projects to rehabilitate the infrastructure at Playland, including rides, gaming and concession improvements, as well as shoreline rehabilitation. Westchester County remains the owner of Rye Playland.

“We started with a blank piece of paper for how to save Playland six years ago,” said Westchester County Executive Robert Astorino. “Now we are taking a historic step forward. The capital, the operator and the vision are in place to protect both taxpayers and the Dragon Coaster for years to come.”

The battle over the future of Rye Playland has lasted six years. The county issued an RFP for a developer to revitalize the park back in 2011 and the county signed a memorandum of understanding in 2012 with Sustainable Playland, which bested 12 respondents to the RFP. In April 2013, the county signed an asset management agreement with

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Orange County IDA Approves Incentives For Controversial Matrix Project

By John Jordan

NEW WINDSOR, NY—The third time was the charm for Matrix Development Group to secure more than \$10 million in incentives for its major distribution project in the Town of Newburgh. The project was granted the incentives despite the objections of the local building trades who charged that the project continues to violate the Orange County Industrial Development Agency’s local hiring requirements.

On May 12, the Orange County IDA granted the incentive package involving mortgage and sales tax exemptions for the 565,000-square-foot warehouse distribution project despite the vo-



The Orange County IDA approved incentives for the Matrix warehouse distribution project in the Town of Newburgh at its May 12th session. FILE PHOTO

ciferous objections of Hudson Valley Building & Construction Trades Council representatives Todd Diorio and Mike Gaydos. A number of IDA Directors, who voted to grant the incentives, did so with reservations, including former Orange County Executive Edward Diana. IDA Member and Chairman of the Orange County Legislature Steve Brescia was the sole dissenting vote on granting the incentive package to Matrix. IDA Chairman Robert Armistead and members Mary Ellen Rogulski, John Steinberg and Henry VanLeeuwen joined Diana

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Orange County IDA Approves Incentives For Controversial Matrix Project

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in voting to grant the incentives. Diana stressed that the IDA, which is now considering hiring a monitor to check compliance with IDA required work rules, would “claw back” on incentives granted if any firm was found in non-compliance.

The center of the controversy over the Matrix project and others that were granted incentives over the past year is ensuring compliance with the IDA’s local labor policy. The IDA Board held two sessions in April but did not vote until it got more information on whether

Matrix was in compliance with the local hiring ordinance that calls for any firm receiving incentives to hire 85% of its workforce from a seven county area in the Hudson Valley.

A large tenant at the development to be built in the Town of Newburgh is AmerisourceBergen, which announced plans to build a major distribution facility there in June 2015. The company at that time also announced plans to build distribution facilities in Olive Branch, MS and Shakopee, MN. Empire State Development has provided Ameri-

sourceBergen with up to \$1 million in performance-based Excelsior Jobs Program Tax Credits. AmerisourceBergen has agreed to hire 121 new employees in the next two years and maintain those staffing levels through at least 2025 in connection with those state incentives.

Matrix executives at a meeting in late April told the IDA that it was seeking labor harmony and is committed to complying with the 85% local labor mandate.

While Diorio and Gaydos have charged that Matrix and most other firms that have received incentives over the past year since the requirement was put in place are not in compliance, Chairman Robert Armistead countered saying that the IDA believes all are now in compliance. He added that in analyzing the Matrix project’s payroll records for site work undertaken there, approximately 84% of the workers reside in the seven county Hudson Valley region.

After the vote, Diorio told reporters, “The IDA folded to corporate pressure. They put corporate greed ahead of construction workers from Orange County and surrounding counties. They stood with local labor for a short period of time, but then folded.” He personally thanked Brescia for his vote against the incentives.

He said that because the labor policy that passed last year was “weak” and did not include prevailing wage requirements, he predicted that the Matrix project will end up having about 50% of the workforce being from outside the area. He predicted, “A lot of it will go

non-union, non-local.”

After the vote was taken, Armistead responded to Diorio’s charges concerning project compliance, saying, “We are focusing on some jobs that may be out of compliance. And we will do claw-backs and that is a fact.” In another exchange with Diorio, the IDA Chairman said the Board planned on “tweaking the labor policy.”

The IDA announced at the session that it had received five proposals from consultants seeking to provide labor-monitoring services on construction projects that receive benefits from the agency. The IDA staff is conducting an expedited review of the proposals and hopes to make a selection recommendation at the next meeting of the Board of Directors on June 9th.

According to the IDA there are currently nine active projects under construction that received assistance from the IDA, with a number of new projects expected to move forward in the next few months.

“The spirit of the local labor policy is to ensure that it’s our local residents who go to work when the IDA gives a company benefits,” Chairman Armistead said. “It’s essential that companies keep their promises. If they don’t adhere to the labor policy they agreed to, we will have zero tolerance.”

Diorio said that the Hudson Valley Building & Construction Trades Council is one of the five consultants that submitted a proposal to serve as the labor monitor.

Rye Playland Saga Ends With New Management Deal



Rye Playland opened for its 88th season on May 7th.



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that firm. However, in June 2014 the county abandoned the \$34-million project after it failed to secure sufficient support from the Westchester County Board of Legislators.

In addition to the rancorous debate over how to redevelop Rye Playland, the park sustained millions of dollars in damage from Superstorm Sandy in 2012. Westchester County spent nearly \$5 million to restore the Ice Casino, which was closed for two years for repairs. In April 2015, the county introduced a new plan by Standard Amusements to revitalize the park, which ultimately secured Board of Legislators approval to proceed.

“To have the opportunity to take a place that meant so much to me throughout my childhood and help restore it to a condition that ensures generations of children to come will be able to enjoy it as I did, is really a dream

come true,” says Standard Amusements partner Nicholas J. Singer. “I cannot be more thankful to County Executive Astorino and the Westchester Board of Legislators for their vote of confidence and their partnership throughout this process. This is a wonderful day for Westchester,” added the Harrison, NY native.

Standard Amusements will pay the county \$2.25 million up front and invest \$27.75 million within five years into refurbishing the park. The firm will make annual payments to the county starting at \$300,000 and escalating 2% a year. Once Standard Amusements has recouped its initial investment, the county will participate in a sliding-scale profit sharing agreement, county officials state.

Rye Playland opened for its 88th season on May 7th. The park first opened to the public on May 26, 1928.

HGAR Trio Inducted Into RPAC Hall of Fame



From left, HGAR CEO Richard Haggerty and former Association Presidents Nancy Kennedy and J.P. Endres were inducted into the RPAC Hall of Fame. The trio were honored for their individual contributions over the years that have exceeded \$25,000 each and were recognized during the National Association of Realtors’ Legislative Meetings & Trade Expo event held earlier this month in Washington, DC.



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HGAR's Red Carpet Spectacular Event Raises Needed Funds for Make-A-Wish

By John Jordan

STONY POINT—Approximately 150 members of the Hudson Gateway Association of Realtors gathered on May 5th at the Clubhouse at Patriot Hills to hear a courageous 15-year-old tell his story of how a trip to the beaches of Australia organized by Make A Wish Hudson Valley helped give him the resolve to win his battle against cancer.

Thomas Conklin, president and CEO of Make A Wish Hudson Valley, introduced Ramiro Vargas, who relayed how at the age of 13 following a routine physical and blood work, he was informed he had two blood cancers. The diagnosis caused him to not only miss school, but also his beloved soccer. In his battle to overcome cancer, he underwent chemotherapy treatments as well as a bone marrow transplant.

He admitted that for a time he was upset, but eventually got a "wish" to surf at Australia's Surfer's Paradise, one of the best places in the world to catch a wave. That wish he said helped him "get his mind off" the hard road he had ahead.

"The opportunity (provided by) Make-A-Wish gave me hope, joy and strength because there was something to look

forward to outside of the hospital walls," Vargas said.

The teenager, who at the time was missing high school and was being tutored due to his illness, learned in late 2014 that his wish for he and his family to travel to Surfer's Paradise would be granted after all. On March 13, 2015 the family was transported by limousine to JFK Airport and then traveled 22 hours by plane to Australia.

In addition to he and family members getting surfing lessons and then eventually surfing the giant waves there, they also visited Dreamworld, one of the largest amusement parks in the world and Steve Irwin's Australia Zoo where he fed and petted kangaroos and he even held a koala bear. "It was nothing like I ever imagined," he said. "It was such a great experience."

He concluded his speech by saying, "This amazing experience came to life because of Make A Wish Hudson Valley. It was such a life-changing experience making all the hospital stays and treatment worth it. The trip to Surfer's Paradise Australia gave me hope, strength and joy in my life and the power of that experience continues to impact me and



Ramiro Vargas

my family today."

As he walked away from the microphone back to the table to join his family, the entire audience stood up and gave this well-spoken and courageous young man a standing ovation. Make A Wish's Conklin praised Vargas for his courage, as well as his sister who donated bone marrow to her brother during his treatment.

HGAR and its predecessor Orange County Association of Realtors have been longtime sponsors of Make-A-Wish, having contributed more than \$300,000 in the last 20 years. While final tabulations were being made at press time, HGAR officials said the event raised more than \$16,000 for the non-profit organization through donations, as well as raffle and door prizes that were handed out. The evening program also featured dinner, music and dancing.

Conklin said that since 1986 the Hud-

son Valley Chapter has granted 2,447 wishes and another 150 wishes are currently being worked on. Make-A-Wish Hudson Valley serves eight counties: Delaware, Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties. The wishes have an average cost ranging from \$7,500 to \$10,000.

The following were the sponsors for the event:

Gold Star Sponsors: Dorothy Jensen Realty, Inc., JP Morgan Chase & Co., Ulster Savings Bank, William Raveis Legends Realty Group, Wright Bros. Real Estate Inc. Wells Fargo Home Mortgage (New Windsor) and BHG Rand Realty (New City).

Silver Star Sponsors: Allan M. Block Agency, Inc., ASAP Mortgage Inc., Fini Developers, M&T Bank (Fishkill), Mid Hudson Valley Federal Credit Union (Kingston), Prime Lending, Richard Haggerty, HGAR CEO, Smitchger Realty and Sterling Bank (Montebello).

Bronze Star Sponsors: Advantage Home Inspections, Ann Garti, HGAR COO, Bloom & Bloom, Century 21 Prestige Realty (Goshen), John Chewens (Newburgh), Edberg Solution, FM Home Loans, (Teaneck, NJ), Keller Williams Hudson Valley Realty, New City, Keller Williams Realty, Chester, Keller Williams Realty Hudson Valley United, Middletown, Korth & Shannahan Painting Co., Inc., Lucrezia & Partners LLP, Mark's Inspections, O'Keefe & McCann, Goshen, Shadow Glen Farms, LLC, The Brothers that just do Gutters and The Law Office of R. Spencer Lauterbach, New City.

HGAR also wished to thank other event sponsors: Red Carpet Photography sponsored by Sander Koudijs of The Great American Title Company, Caricature art sponsored by Kerri Stretch, the Cocktail hour music provided by Sadiki Pierre and Elasea Douglas of "Acute Inflections." HGAR also wishes to thank the many companies that donated basket raffle items.

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Hudson Valley region."

Work has already begun on the construction of a temporary Beekman Avenue bridge that will allow heavy construction vehicles to gain access to the site. Work on that bridge is expected to be finished in three weeks, to be followed by demolition of the slab that at one time housed the more than 2-million-square-foot assembly plant. Other infrastructure-related work will involve grading and the addition of fill to elevate the property to be in conformance with new flood regulations imposed in response to Hurricane Sandy. Johnson said that vertical construction on the first phase of the project—306 housing units—is expected to begin this fall.

The first phase is to include 40 senior affordable units and 21 affordable workforce units. The breakdown includes 188 loft-style apartments in the four-story "Loft District" section at the eastern edge of the property; 46 three- and four-story condominium homes and 72 townhouses in the "Central Park District," as well as neighborhood green space, a central park and a new roundabout and village green at the base of Beekman Avenue adjacent to the existing Ichabod's Landing community. Architectural and landscape design is led by the firm of Hart Howerton. The project is expected to be certified to LEED Neighborhood Development standards, the developer stated.

When fully completed in at least five phases, Edge-On-Hudson will feature 1,177 units of housing, including condominiums, townhomes and apartments; a 140-room boutique hotel; 135,000 square feet of retail space and 30,000 square feet of office space.

SunCal's Johnson stressed that the development will not be gated, noting that the property during its tenure as an industrial complex, was always gated to village residents. Edge-On-Hudson is being constructed on approximately 67 acres, with an additional 28 acres east of the Metro-North Hudson Line tracks already donated to the Village of Sleepy Hollow Local Development Corporation. The project will also feature 16 acres of open space and a winding promenade along the water linking the existing Westchester County RiverWalk to the south and Kingsland Point Park to the north. In addition to property

tax payments and other payments for water and traffic improvement infrastructure, Edge-On-Hudson has also committed to contributing more than \$11 million to the Village of Sleepy Hollow during the eight to 10-year construction timeline.

Don't Forget!

Grievance Deadlines

WESTCHESTER
All Westchester Towns as well as the Cities of New Rochelle, Peekskill, Mt. Vernon, Rye.
Third Tuesday in June.

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**PRESIDENT'S
CORNER**

By Marcene Hedayati, HGAR President

**RPAC Allows Realtors to
Advocate For Industry
And Consumer Issues**

The mission of the Hudson Gateway Association of Realtors is to help our members thrive. We do this through various initiatives, but the most important of these are our legislative efforts where we work hard to support issues that protect and promote the tradition of homeownership. The Realtor Political Action Committee (RPAC) is a non-profit committee that advocates for lawmakers who support Realtor interests on a local, state and federal level. RPAC gives us the platform by which we can champion private property rights on behalf of our clients and customers and protect the industry as a whole.

Just recently, RPAC helped influence legislation that extended the Property Tax Cap another four years and helped to enact a property tax rebate program through STAR. On May 24th, member volunteers will travel to Albany to participate in the annual Lobby Day program to rally around issues such as increasing the minimum price threshold for triggering the Mansion Tax, which, if passed, would certainly stimulate the high-end market. Support for the First-Time Homebuyer Savings Account Program, another important bill on the table, would help more buyers afford homeownership in our area and translate into a more robust real estate market. All of these achievements are examples of how, by shaping policy, we can positively impact our industry.

The accomplishments of RPAC have a direct impact on our consumers and an indirect effect on our industry. If the purchase power of the consumer is diminished or impeded in any way, we will see it play out in our marketplace. RPAC is the only mechanism we have to support pro-Realtor issues and it needs the assistance of Realtor members to be effective in influencing policy. RPAC relies on your contributions to ensure that homeownership continues to be the principal form of investment and the primary road to fulfilling the "American Dream. In many ways, RPAC is your insurance policy. It protects your profession against hardships and keeps your business safe.

The Hudson Gateway Association of Realtors is fortunate to have a Government Affairs Director Philip Weiden, who makes sure we remain aware of any legislative policy that may be detrimental to our industry. He, along with the RPAC committee, which is comprised of member volunteers, is charged with raising money for RPAC. Throughout the year, you will be invited to attend various RPAC events organized by the RPAC Committee with the proceeds from these events going towards funding these legislative initiatives.

So the next time you are asked to contribute to RPAC, whether by attending an event or when you pay your annual dues, it is not a favor that is being asked, but an opportunity for you to safeguard your business and those you represent. In fact, I urge you to be pro-active and give to RPAC now.

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**GATEWAY
PERSPECTIVES**

By Richard Haggerty, HGAR CEO

**HGAR Supports Equal Housing
Opportunities for All**

As we celebrate the 48th anniversary of the federal Fair Housing Act and the progress that has been made, sadly, we must recognize that after nearly five decades illegal discrimination in housing is a crime that still exists today.

The Hudson Gateway Association of Realtors applauds Gov. Andrew Cuomo's recent proposal to expand state fair housing protections on the basis of gender identity, as well as the governor's partnership with Westchester Residential Opportunities (WRO) through the organization's Fair Housing Enforcement Program.

I'm proud to note that Realtors incorporated gender identity as a protected class in our Code of Ethics in 2014. All Realtors subscribe to the Realtor Code of Ethics, which holds fair and equal service for all among its core tenets.

HGAR members receive regular updates as to new developments in Fair Housing law. Realtors have continuing education programs available to them to help ensure that they understand the law in their practice of real estate.

We support measured government efforts to root out housing discrimination. It is our hope the governor's program will serve as a great reminder to sellers, non-Realtor real estate licensees and landlords that housing discrimination will not and cannot be tolerated.

HGAR has had a close collaborative relationship with Westchester Residential Opportunities for many years. WRO is a not for profit organization whose mission is to promote equal, affordable and accessible housing opportunities throughout the lower Hudson River Valley. In addition to providing fair housing training for HGAR members, WRO also provides a fair housing helpline and other resources to advance fair housing compliance.

Realtors see on a daily basis the fulfillment that comes with homeownership, and that inspires us to become advocates for consumers who are striving to achieve the American Dream of homeownership or in renting a place to call their own.

Realtor anti-discrimination efforts include advocating for greater transparency in the process of approving cooperative housing purchases. Today, co-op boards can deny the sale of a co-op that has been agreed to by the seller and the purchaser and may do so without giving a reason for denial. Even more troubling is the fact that a co-op board has no obligation to act within a specific timeframe. The board's inaction can have the effect of a purchaser losing their financing. Realtors have proposed a change to current law requiring co-op boards to respond to applications, which would reduce the potential for discrimination to occur.

The Hudson Gateway Association of Realtors vigorously supports the ideal that no one should be discriminated against based on race, color, national origin, disability or familial status as well as the additional protected classes under New York State Law including sexual orientation, military status, age or being a victim of domestic violence.

We believe in building strong, diverse communities where all are welcome.

**HGAR Honored for Fair Housing Work
And a Century of Doing Business**

In honor of Fair Housing Month and in recognition of HGAR's 100th anniversary, Rockland County Executive Ed Day and Westchester County Executive Robert Astorino recently issued proclamations honoring the Realtor association.



Top photo, from left, Eydie Lopez, Rockland County Executive Ed Day, HGAR COO Ann Garti and Legislative Affairs Director Philip Weiden.

Bottom photo, from left, HGAR Legislative Affairs Director Philip Weiden, Cedric Smith, Westchester County Executive Robert Astorino and Eydie Lopez.



Licensed Real Estate Salesperson: Employee or Independent Contractor?

The issues concerning whether a licensed real estate salesperson should be classified as an employee or an independent contractor have existed for many years. It is a widely accepted practice for real estate salespersons to be treated as independent contractors by the brokers and brokerage firms with whom they are affiliated. In recent years, however, licensed real estate salespersons have commenced lawsuits against brokers and brokerage firms ("Brokers") challenging whether they should be classified as employees rather than as independent contractors.

The increasing litigation has arisen because agents are being requested to fulfill mandatory office hours, complete mandatory training and undertake other office responsibilities (e.g., answer phones, attend to the reception desk, etc.) that have been traditionally fulfilled by office staff rather than salespersons. This article will address the state of the law, particularly federal and New York law, as it applies to employment classification and the issues Brokers and other real estate professionals need to be aware of relating to such classification.

The 'Eleven Factor' IRS Independent Contractor Test

The Internal Revenue Service (the "IRS") previously used the "Twenty Factor" test, which has been adopted by Texas (see http://www.twc.state.tx.us/news/efte/appx_d_irs_ic_test.html), for purposes of determining whether a worker should be classified as an employee or an independent contractor. The IRS, in an attempt to streamline the test, now uses the "Eleven Factor" test. These factors are also known as the "common law" rules (i.e., rules that have come into existence through the years from the case law and are not actual statutory rules passed by Congress or a state legislative body). The "Eleven Factor" test is organized into three categories: "behavioral control, financial control and the relationship of the parties." (See <https://www.irs.gov/pub/irs-pdf/p15a.pdf>). Below are relevant excerpts taken from the Publication 15-A issued by the IRS entitled "Employer's Supplemental Tax Guide" that detail and explain the 11 factors.

In the "behavioral control" category there are two distinct factors an employer needs to consider when determining whether there is an "employee" or "independent contractor" relationship:

- 1) Instructions that the business gives to the worker.
- 2) Training that the business gives to the worker.

The IRS explains that "[t]he key consideration is whether the business has retained the right to control the details of a worker's performance or instead

has given up that right." It is important to assess the facts of each particular circumstance.

The next category focuses on "financial control." In this category, an employer must assess whether the business has a "right to control" the business aspects of the worker's job and assess the extent to which those controls exist. According to the IRS, an employer must consider the following:

3. The extent to which the worker has unreimbursed business expenses.
4. The extent of the worker's investment.
5. The extent to which the worker makes services available to the relevant market.
6. How the business pays the worker.

If it is found that a worker has been misclassified, the penalties and interest may be very severe, and the legal fees and costs incurred can be extremely high.

7. The extent to which the worker can realize a profit or loss.

Finally, an employer must determine the "type of relationship" that exists and make an assessment based upon the following remaining factors:

8. Written contracts describing the relationship the parties intended to create.
9. Whether the business provides the worker with employee-type benefits, such as insurance, a pension plan, vacation pay, or sick pay.
10. The permanency of the relationship.
11. The extent to which services performed by the worker are a key aspect of the regular business of the company.

Every employer, including Brokers, should review each of the above factors carefully when making a determination as to how a particular worker should be classified.

The Meaning of 'Statutory Non-Employees'

In Publication 15-A, the IRS also points out that licensed real estate agents are 'statutory non-Employees.' It provides that "licensed real estate salespersons are treated as self-employed for all federal tax purposes, including income and employment taxes, if:

- Substantially all payments for their services as direct sellers or real estate agents are directly related to sales or other output, rather than to the number of hours worked, and
- Their services are performed under a written contract providing that they won't be treated as employees for federal tax purposes."

The fact that the IRS designates that licensed real estate salespersons are "statutory nonemployees" does not mean that they are automatically deemed to be independent contractors. It is important for Brokers to be aware that they must

still employ the "Eleven Factor" test in determining whether the salesperson is an employee or an independent contractor.

New York State's 'Carve Out' Under Section 201(5) of Workers' Comp Law

In addition to the IRS recognizing the unique nature of a licensed real estate salesperson's employment status, New York State also provides for an important "carve out" under the Workers' Compensation Law. Section 201(5) specifically provides that the term "employment" will not include the services of a licensed real estate broker or sales associate if three requirements are met:

(a) substantially all of the compensation is directly related to sales or other output rather than to the number of hours worked; (b) the services performed must be pursuant to a written contract (and for services rendered within the past 12 to 15 months); and (c) the written contract was not executed under duress. Section 201(5) further requires that in connection with subsection (c) above, the written agreement include the following provisions:

- The broker or sales associate is engaged as an independent contractor associated with the person for whom services are performed pursuant to Article 12-A of the Real Property Law and shall be treated as such for all purposes, including but not limited to federal and state taxation, withholding, unemployment insurance and workers' compensation;

* The broker or sales associate (1) shall be paid a commission on his or her gross sales, if any, without deduction for taxes, which commission shall be directly related to sales or other output; (2) shall not receive any remuneration related to the number of hours worked; and (3) shall not be treated as an employee with respect to such services for federal and state tax purposes;

- The broker or sales associate shall be permitted to work any hours he or she chooses;
- The broker or sales associate shall be permitted to work out of his or her own home or the office of the person for whom services are performed;
- The broker or sales associate shall be free to engage in outside employment;
- The person for whom the services are performed may provide office facilities and supplies for the use of the broker or sales associate, but the broker or sales associate shall otherwise bear his or her own expenses, including but not

limited to automobile, travel, and entertainment expenses;

- The person for whom the services are performed and the broker or sales associate shall comply with the requirements of Article 12-A of the Real Property Law and the regulations pertaining thereto, but such compliance shall not affect the broker or sales associate's status as an independent contractor nor should it be construed as an indication that the broker or sales associate is an employee of the person for whom the services are performed for any purpose whatsoever; and

- The contract and the association created thereby may be terminated by either party thereto at any time upon notice given to the other.

Again, while New York law does provide for this specific "carve out," the Broker must be sure to adhere to the requirements outlined above and also be sure to comply with the IRS "Eleven Factor" test. It is important to note that some of the above provisions are similar to the factors enumerated by the IRS in its test. The New York State Association of Realtors has made available a form of Independent Contractor Agreement that can be used as an initial starting point, however, it is strongly recommended that an attorney is consulted before this or any form is utilized (see http://hgaredu.com/pluginfile.php/655/mod_data/content/240/Independent%20Contractor%20Agreement%20HGAR.pdf).

Out of State Lawsuits Provide a Helpful Guide

Two cases, *Bararsani v. Coldwell Banker*, a California case which was recently settled in January 2016, and *Monell v. Boston Pads, LLC*, a Massachusetts case decided on June 3, 2015, provide useful guidance as to the issues that exist regarding the employee-independent contractor misclassification controversy. While neither of these cases resolves the "employee-independent contractor" dilemma directly they each highlight important key facts.

Bararsani v. Coldwell Banker

In the *Bararsani v. Coldwell Banker* case, the Plaintiff, a licensed real estate salesperson, filed a class action lawsuit against Coldwell Banker Residential Brokerage Company, alleging that it had misclassified the Plaintiff, along with other salespersons, as independent contractors rather than employees based on the existence, or lack thereof, of many of the factors discussed in this article. The Defendant filed a Demurrer seeking to dismiss the lawsuit based on the fact that the California Business & Professions Code Section 10032 set out a three-part test to be used to establish that the salespersons were independent contractors. The court denied the Defendant's Demurrer stating that it was going to utilize the common law factors test to determine whether the salespersons were employees or independent contractors.

Continued on page 8

LEGAL CORNER

By John Dolgetta, Esq.



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Rockland County Executive Taking on Slumlords, Tax Delinquent Properties

By John Jordan

NEW CITY—Rockland County has embarked on an aggressive campaign to compel slumlords to remedy code violations that have forced tenants to live in dangerous and unsanitary conditions. Under Rockland County Executive Ed Day, the county government has also embarked on an effort to expedite the foreclosure process on non-residential tax delinquent properties.

The Rockland Codes Initiative was started one year ago and the results thus far show the initiative has been a success, according to County Executive Day.

"We are getting compliance," he said. "The landlords know we are not kidding. We are coming after them. And when they realize that, they make the repairs they need to make."

The initiative allows residents to report unsafe housing conditions through a confidential web-based system. The goal is to force landlords to make repairs.

Day joined Rockland Commissioner of Health Dr. Patricia Schnabel Rupert and Catherine Johnson Southren on May 2nd outside a house at 11 South St. in Haverstraw. The home has two apartments, both of which had numerous dangerous conditions, including broken windows, lack of a second exit, missing smoke and carbon monoxide detectors, inoperable plumbing, leaking ceilings, mice and roaches.

The landlord was brought to formal hearings before the Board of Health twice. It wasn't until the landlord was fined more than \$41,000 that the violations were corrected. The tenants now have a safe place to live, county officials stated.

In the first year of the Rockland

Codes Initiative: (May 1, 2015-April 29, 2016):

- 1,238 complaints were received, compared to 836 the year before. (416 complaints received through new, confidential web-based reporting system);
- 5,802 inspections were conducted, compared to 3,191 the year before;
- A total of 7,812 violations were issued through the program in its first year, including 2,272 of them deemed critical, life-threatening violations;
- \$453,166.25 in fines were assessed, compared to \$53,637 the year before;
- No tenant was put out on the street as a result of these inspections.

People are living in safer homes. First responders aren't going blind into a death trap, County Executive Day noted. County government is also working on a Rental Registry that will require landlords with three or more units to register with the county.

RCI staff works with numerous agencies, including DSS, Adult Protective Services, the Sheriff's Department, the Office of Fire and Emergency Services and others on the effort.

In March, Rockland County Executive Day and County Attorney Thomas Humbach unveiled a new campaign to expedite the foreclosure process for non-residential tax delinquent properties that are confirmed to be vacant. The new policy recognizes that the county is permitted to legally foreclose on land parcels that owe real property taxes in two years instead of three years. The new policy also allows the county to seek foreclosure against property owners who breach pre-arranged installment payment agreements in a timely fashion.



Rockland County Executive Ed Day (left) and County Attorney Thomas Humbach.

"This new policy will help to alleviate the financial burden that these properties impose on our taxpayers," said County Executive Day. "Starting this week, we will move aggressively on foreclosures when they become ripe, and not delay unnecessarily."

County Executive Day made the announcement outside the 208-acre Patrick Farm property in Ramapo, the largest non-residential tax delinquent property in Rockland. Scenic Development, LLC, which owns the Patrick Farm parcels totaling over 150 acres, owed more than \$350,000 of tax debt. County Executive Day told *Real Estate In-Depth* that the owners of Patrick Farms made payment in full to the county on its tax debt shortly after foreclosure proceedings were initiated.

Working with Rockland's Department of Finance, County Attorney Humbach identified 125 non-residential tax delinquent properties, from Stony Point to Sparkill to Suffern, which owe more than \$3.3 million to Rockland County.

"This effort is about turning liabilities into assets," said County Attorney Humbach. "Controlling the county's costs involves seeking payment from tax debtors. The county is making every effort to collect money to maintain the funding needed to provide the services

the taxpayers demand."

Properties that have accrued delinquent taxes have negative spillover effects that impact neighboring properties and, when concentrated, entire communities. Research links foreclosed, vacant, and abandoned properties with reduced property values, increased crime, increased risk to public health and welfare and increased costs for municipal governments, he said.

"Today we send a clear message to delinquent property owners that my Administration will seek out money owed to the County of Rockland with vigor and intent using new and innovative approaches," said Day. "As we work every day to restore the county's fiscal health, we expect this effort to generate much-needed dollars."

Day acknowledged Department of Finance Commissioner Stephen DeGroat and his team for their diligence in collecting back taxes. In fact, back tax collections are at record highs.

Rockland County currently offers the option for property owners to enter into a payment plan with the Finance Department so as to avoid the tax title auction process. County Executive Day encourages property owners to take advantage of all the options available to them.

New Independent Senior Housing Complex Opens at United Hebrew of New Rochelle

NEW ROCHELLE—Meadow Lane Senior Apartments, a new independent senior housing complex at United Hebrew of New Rochelle, has received a \$250,000 grant from The Harry and Jeanette Weinberg Foundation that will support its \$6-million construction.

The project adds 32 low-income apartments—24 one-bedroom units and eight studios—to United Hebrew's senior housing stock, which also includes Soundview Apartments' 135 units. The purpose of the Weinberg Foundation is to assist low-income and vulnerable individuals and families through nonprofit grants to direct-service providers.

Meadow Lane helps fill a growing need in the region, which has seen a dramatic decrease in programs and housing options for low-income seniors, while the aging population has increased and greater numbers of older adults have chosen to "age in place." United Hebrew reported that senior housing demand is high and the waiting list for the Soundview independent senior living apartments on the campus has grown to more than 300 people. The wait to get in is more than three years. The new complex expands United Hebrew's ability to accommodate them.

Meadow Lane is the latest addition to United Hebrew, and part of a transformation of its 7.5 acre campus of comprehensive care that that now includes a state-of-the-art skilled nursing and rehabilitation center, an award winning assisted living facility, and a new memory care facility devoted exclusively to the care of those with Alzheimer's and related dementias. Additional funding came from the U.S. Department of Housing and Urban Development's section 202 program supporting housing for very low-income elderly and from private donations.

"This Weinberg grant means more to us than just the financial support it offers," said Rita Mabl, president and CEO of United Hebrew. "It helps us to provide the best care possible to a growing number of residents, and to serve as a model eldercare community for Westchester County, the greater New York area, and the nation. We are very grateful to the Weinberg Foundation and look forward to working with them in the future as we provide for the housing needs of the seniors in our community."

The grant for Meadow Lane is the second gift that United Hebrew has received from the Weinberg Foundation. The first, a \$1.5-million challenge grant, helped to build a new, state-of-the-art skilled nursing and rehabilitation center, which opened in 2009. Meadow Lane was created in the building that housed United Hebrew's former skilled nursing center, a four-story, 82,000-square-foot building that also includes Willow Gardens Memory Care, Westchester's first nonprofit assisted living facility devoted exclusively to caring for those with Alzheimer's and related dementias.

United Hebrew hopes to eventually establish Meadow Lane as a technology hub with links to medical, wellness and social services for seniors in nearby Section 202 buildings as well as those living on campus. Activities such as health programs and exercise sessions at Meadow Lane could be simulcast in the community rooms in neighboring buildings via linked-in communications systems so that seniors throughout the region could benefit from them.

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U.S. Existing-Home Sales Rebound in March; Northeast Sales Rise 11%

WASHINGTON—Bolstered by large gains in the Northeast and Midwest, existing-home sales bounced back in March and remained slightly up from a year ago, the National Association of Realtors reported recently.

Total existing-home sales, which are completed transactions that include single-family homes, townhomes, condominiums and co-ops, jumped 5.1% to a seasonally adjusted annual rate of 5.33 million in March from a downwardly revised 5.07 million in February. Sales rose in all four major regions last month and were up modestly (1.5%) from March 2015.

Lawrence Yun, NAR chief economist, said home sales had a nice rebound in March following February's uncharacteristically large decline. "Closings came back in force last month as a greater number of buyers—mostly in the Northeast and Midwest—overcame depressed inventory levels and steady price growth to close on a home," he said. "Buyer demand remains sturdy in most areas this spring and the mid-priced market is doing quite well. However, sales are softer both at the very low and very high ends of the market because of supply limitations and affordability pressures."

The median existing-home price for all housing types in March was \$222,700, up 5.7% from March 2015 (\$210,700). March's price increase marks the 49th consecutive month of year-over-year gains.

Total housing inventory at the end of March increased 5.9% to 1.98 million existing homes available for sale, but was still 1.5% lower than a year ago (2.01 million). Unsold inventory was at a 4.5-month supply at the current sales pace, up from 4.4 months in February.

"The choppiness in sales activity so far this year is directly related to the unevenness in the rate of new listings coming onto the market to replace what is, for the most part, being sold rather quickly," added Yun. "Additionally, a segment of would-be buyers at the upper end of the market appear to have been spooked by January's stock market correction."

Matching the lowest share since August 2015, properties typically stayed on the market for 47 days in March, a decrease from 59 days in February and below the 52 days in March 2015. Short sales were on the market the longest at a median of 120 days in March, while foreclosures sold in 50 days and non-distressed homes took 46 days. Forty-two percent of homes sold in March were on the market for less than a month—the highest since July 2015 (43%).

The share of first-time buyers was 30% in March, unchanged both from February and a year ago. First-time buyers in all of 2015 also represented an average of 30%.

"With rents steadily rising and average fixed rates well below 4%, qualified first-time buyers should be more active participants than what they are right now," says Yun. "Unfortunately, the same underlying deterrents impacting their ability to buy haven't subsided so far in 2016. Affordability and the low availability of starter homes is still a major barrier

for them in most markets."

According to Freddie Mac, the average commitment rate for a 30-year, conventional, fixed-rate mortgage ticked up from 3.66% in February to 3.69% in March, but remained below 4% for the eighth straight month. The average commitment rate for all of 2015 was 3.85%.

NAR President Tom Salomone, broker-owner of Real Estate II Inc. in Coral Springs, FL, said despite modest improvements, mortgage credit is still difficult to come by for many first-time buyers and middle-income households. "Reducing the Federal Housing Administration's annual mortgage insurance premium rate and repealing its life-of-loan policy requirement would certainly expand options for more of these buyers," he says. "These changes would save consumers money and further strengthen the FHA's program by enticing more creditworthy borrowers to seek out FHA-insured loans."

All-cash sales were 25% of transactions in March (unchanged from February) and were up from 24% a year ago. Individual investors, who accounted for many cash sales, purchased 14% of homes in March, down from 18% in February and unchanged from a year ago. Sixty-six percent of investors paid cash in March.

Distressed sales—foreclosures and short sales—fell to 8% in March, down from 10% both last month and a year ago. Seven percent of March sales were foreclosures and 1% were short sales. Foreclosures sold for an average discount of 16% below market value in March (17% in February), while short sales were discounted 10% (16% in February).

Single-family and Condo/Co-op Sales

Single-family home sales increased 5.5% to a seasonally adjusted annual rate of 4.76 million in March from 4.51 million in February, and were 2.6% higher than the 4.64 million pace a year ago. The median existing single-family home price was \$224,300 in March, up 5.8% from March 2015.

Existing condominium and co-op sales rose 1.8% to a seasonally adjusted annual rate of 570,000 units in March from 560,000 in February, but were still 6.6% below March 2015 (610,000 units). The median existing condo price was \$209,600 in March, which was 4.6% above a year ago.

Regional Breakdowns

March existing-home sales in the Northeast ascended 11.1% to an annual rate of 700,000, and were 7.7% above a year ago. The median price in the Northeast was \$254,100, which was 5.8% above March 2015.

In the Midwest, existing-home sales jumped 9.8% to an annual rate of 1.23 million in March, and were 0.8% above March 2015. The median price in the Midwest was \$174,800, up 7.0% from a year ago.

Existing-home sales in the South rose 2.7% to an annual rate of 2.25 million in March, and were 2.3% above March 2015. The median price in the South was \$194,400, up 4.6% from a year ago.

Existing-home sales in the West climbed 1.8% to an annual rate of 1.15 million in March, but were 2.5% lower than a year ago. The median price in the West was \$320,800, which was 5.9% above March 2015.

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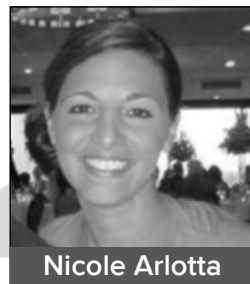
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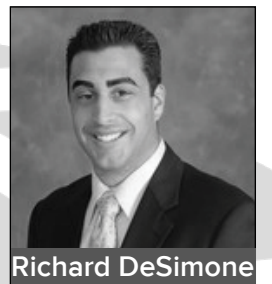
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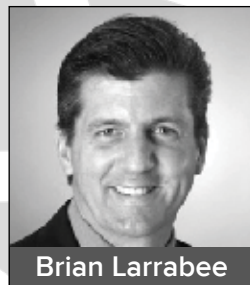
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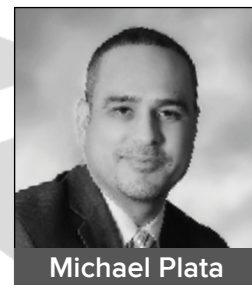
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BHHS Westchester Properties Opens Office in Rye

RYE—Berkshire Hathaway HomeServices New England and Westchester Properties announced recently the opening of its Rye office at 22 Purchase St. in the heart of downtown Rye.

The latest opening gives the company a total of 53 offices and nearly 1,800 agents. Heading the office is Harrison resident, Margaret Grasso.

"Our Rye outpost provides us with a centralized location for our clients and agents," said Grasso. "It is the perfect place to serve Rye, Harrison, Rye Brook and residents of the surrounding communities."

Grasso currently represents Grasso Development Corp., one of the most respected homebuilders in Westchester County. For more than 80 years the Grasso family's hands-on project management and construction has operated in Westchester County. With her husband, Jeffrey, Grasso will continue to oversee the sales of Grasso Development Corp. projects while leading the Rye office.

"Margaret brings with her a wealth



Margaret Grasso is managing Berkshire Hathaway HomeServices New England and Westchester Properties' new Rye office on Purchase Street in Downtown Rye.

of experience and knowledge of the Westchester County market," said New England and Westchester Properties President and CEO Candace Adams. "Our company's values are aligned with Grasso Development Corp. We are thrilled to have her on our team and leading our Rye office."

Berkshire Hathaway HomeServices New England Properties became one of the network's first affiliates when it transitioned from Prudential Real Estate

in September 2013. Since then, the brokerage has become the network's sixth-largest affiliate for volume and expanded into Westchester County in July of 2015. The firm also has offices in Eastchester, Scarsdale and Larchmont.

Berkshire Hathaway HomeServices New England and Westchester Properties is a leading real estate brokerage firm with more than 1,800 Realtors in Connecticut, Rhode Island, and Westchester County.

Licensed Real Estate Salesperson: Employee or Independent Contractor?

Continued from page 5

The court, in denying the Defendant's motion to dismiss the case, indicated that although the California statute provided that if the three-part test was met that a worker could be classified as an independent contractor, the statute did not require that worker be so classified. As discussed above with regard to the New York "carve out," simply because there are statutes that allow for licensed real estate salespersons to be classified as independent contractors, it does not mean that a court or other governmental authority will not review the facts and circumstances of each case and, if necessary, apply the "Eleven Factor" test to determine whether or not a worker has been misclassified.

Another important element that came out of the Bararsani case was that the court upheld the mandatory arbitration and class action waiver provisions. This resulted in many of the real estate salespersons, who had such clauses in their Independent Contractor agreements, being ineligible as class members, therefore requiring them to arbitrate their disputes on an individual case-by-case basis. The parties settled the case in January for \$4.5 million and nearly \$1.5 million went to pay legal fees. The remaining class members received very little individually. Therefore, it is critical that specific mandatory arbitration clauses and class-action waiver provisions be included in any independent contractor agreement executed between the Broker and salesperson.

Monell v. Boston Pads, LLC

In Monell, the plaintiffs brought an action against their former Broker alleging that the Broker had misclassified them as independent contractors. Again, the plaintiffs alleged that they were required to "own day planners, pay desk fees each month, have cell phones with a "617" area code, complete office hours in some cases, and were subject to disciplinary action if productivity goals were not met." (See "Independent Contractor Status in Real Estate – 2015 White Paper" published by the National Association of Realtors available at <http://www.realtor.org/law-and-ethics/independent-contractor-status-in-real-estate-2015-white-paper>).

Here the court ruled in favor of the defendants. The plaintiffs claimed that the defendants violated the independent contractor statute, which required that a three-part test be met before a worker could be classified as an independent contractor. One of the elements of the test was that the employer could have no supervision or limited supervision of the worker. However, the court in its decision found that there was an inherent conflict between the independent contractor statute and the

real estate statute. The Massachusetts real estate statute, similar to Article 12-A of New York's Real Property Law and other state law, required that the broker have a heightened degree of control and supervision over the salesperson. A broker in New York is responsible for supervision of its salespersons and is usually named in complaints filed with the Department of State for a "failure to supervise." Therefore, the court reasoned that since the real estate statute was more specific (and based on statutory construction rules), it would control in this particular case. Again, while the court seemed to make the correct decision in this case, the court's ultimate ruling did not specifically address whether or not the salespersons were employees rather than independent contractors.

The Law Is Not Settled Brokers Must Be Careful!

As one can see, while real estate salespersons have been traditionally characterized as independent contractors, the case law, federal law and state laws all vary. Before hiring any salesperson it is important for the Broker to determine what the salesperson's duties and functions will be. If, after a careful review of the IRS factors, applicable state laws and the case law, there still remains a question as to whether a salesperson should be classified as an employee or independent contractor, then the broker should engage legal counsel.

The one thing that is clear is that the law is far from being settled and each jurisdiction, each court and each governmental agency may ultimately arrive at a different conclusion based on the facts and circumstances of each situation. If it is found that a worker has been misclassified the penalties and interest may be very severe, and the legal fees and costs incurred can be extremely high as was evident in the Bararsani case. However, even where an employer may have misclassified its workers, all hope is not lost, at least on the federal level. There is a "safe harbor" provision under Section 530 of the Internal Revenue Code and also the "Voluntary Classification Settlement Program" offered by the IRS that may provide some relief to employers provided certain conditions are met.

Legal Corner author John Dolgetta, Esq. is the principal of the law firm of Dolgetta Law, PLLC, which recently acquired the law practice of Board Counsel, Edward I. Sumer. Mr. Sumer remains "of counsel" to the firm. For information about Dolgetta Law, PLLC, John Dolgetta, Esq. and Edward I. Sumer, Esq., please visit <http://www.dolgettalaw.com>.

IBM Plans to Vacate, Sell Somers Campus



IBM plans to vacate its Somers campus by March 2017.

By John Jordan

SOMERS—IBM is planning to relocate its workforce at its Somers complex to North Castle by the spring of 2017 and put that multi-building 1.2-million-square-foot complex on more than 700 acres on the market for sale.

The company plans to also undertake capital improvements to modernize its original corporate headquarters building of approximately 420,000 square feet in connection with the space consolidation program. The original headquarters "IBM North Castle" is located adjacent to its existing headquarters building in Armonk, which is less than 300,000 square feet in size.

"IBM is transforming the company to meet the needs of a changing world and the emerging needs of our clients. As a result, IBM is transforming the way our teams work as we become a cognitive solutions and cloud platform company," said IBM spokesman Doug Shelton in a prepared statement. "That's why we will be moving all our employees in Somers, many of whom work in solitary offices, to modern, open work spaces at our facility in North Castle by March 2017."

He continued, "IBMers want to work in agile, collaborative work environments—like the original development team for our Watson system, which worked in an open setting at our Yorktown Research headquarters. IBM Somers real estate holdings will be sold to an outside developer."

The 1.2 million-square-foot I.M. Pei-designed complex was built in the mid 1980s. IBM's Shelton said that the company has not identified any outside developer/buyer for the Somers prop-

erty as yet.

Shelton added that IBM will make what he termed "a significant investment" in its North Castle facility to create a collaborative workspace environment. Those improvements "will provide the tools, technology and amenities to support this new way of working. This will enable faster innovation, a contemporary work environment, and meaningful results for IBM and our clients," he added.

While IBM did not release how many employees would be affected by the move, Shelton did say that IBM's employee headcount in Westchester "will remain about the same at the end of the year, as it is now".

The news is another blow for the Town of Somers, which also saw PepsiCo move out of its nearly 550,000-square-foot complex recently in a consolidation to its headquarters in Purchase. Somers Supervisor Rick Morrissey said that the decision by IBM "did not come as a surprise to Somers," noting that IBM has requested tax reductions on the property in the past due to lower occupancy levels. The PepsiCo property has been sold to an entity called One P. Way, which is attempting to reposition the vacant property, according to Supervisor Morrissey.

Supervisors Morrissey said that he was informed on Monday by an IBM representative of its plans for the Somers property and was told that while the North Castle building was being modernized, IBM plans to relocate some workers there to the Somers complex.

Continued on page 18

BARRISTER'S BRIEFING

By Leon Cameron, Esq.



Not All Standards of Practice are Created Alike

The National Association of Realtors Code of Ethics and Arbitration Manual is the architecture by which Professional Standards enforcement is shaped at the local Association level. In the Code of Ethics itself are 17 Articles and various Standards of Practice. The Standards of Practice are applications of ethics principles to specific conduct in specific circumstances as related to one or more Articles of the Code of Ethics. The Professional Standards Committee of the National Association of Realtors has adopted these Standards of Practice as "interpretations" of the Code.

However, Realtors should be aware that in New York, there are two specific Standards of Practice, 3-4 and 16-16 that are not enforceable due to conflicts with the New York Department of State. One Standard of Practice is in conflict with an opinion letter, the other in opposition to a Declaratory Ruling.

Article 3 of the Code of Ethics deals with the directive to cooperate with other Brokers, except when cooperation is not in the client's best interest. As a practical interpretation of Article 3, Standard of Practice 3-4 states:

"Realtors, acting as listing brokers, have an affirmative obligation to disclose the existence of dual or variable rate commission arrangements (i.e., listings where one amount of commission is payable if the listing broker's firm is the procuring cause of sale/lease and a different amount of commission is payable if the sale/lease results through the efforts of the seller/ landlord or a cooperating broker). The listing broker shall, as soon as practical, disclose the existence of such arrangements to potential cooperating brokers and shall, in response to inquiries from cooperating brokers, disclose the differential that would result in a cooperative transaction or in a sale/lease that results through the efforts of the seller/landlord. If the cooperating broker is a buyer/tenant representative, the buyer/tenant representative must disclose such information to their client before the client makes an offer to purchase or lease."

However, on Sept. 28, 1992, the New York Department of State issued a Declaratory Ruling in the *Matter of MI Realty* (92-37), which effectively declared Standard of Practice 3-4 unenforceable, although that particular ruling was specifically directed at an analogous regulation of the then Columbia County Board of Realtors Multiple Listing Service, Inc. At issue there was a certain MLS regulation relating to when a listing broker has entered into an agency agreement with a seller. If the listing broker agrees to accept a different commission based on whether or not they co-broke the transaction, the listing broker must disclose the existence of that agreement when the property is listed. The Department of State declared the MLS regulation an unlawful restraint of trade in violation of Federal anti-trust laws and citing federal case law in support, *United States v. Realty Multi List Inc.*, 629 F.2d 1351 (5th Cir., 1980); in addition to state case law, *Maxine Gerard, Inc. William B. May & Co.*, 51 Misc.2d 711, 273 N.Y.S.2d 888 (Supreme Ct. N.Y. County, 1966).

Due to a conflict with an opinion letter from DOS, there is another Standard of Practice, found in the Code of Ethics, which is unenforceable in our state. Standard of Practice 16-16 sets forth:

"Realtors, acting as subagents or buyer/tenant representatives or brokers, shall not use the terms of an offer to purchase/lease to attempt to modify the listing broker's offer of compensation to subagents or buyer/tenant representatives or brokers nor make the submission of an executed offer to purchase/lease contingent on the listing broker's agreement to modify the offer of compensation."

On April 21, 1989, in an opinion letter transmitted from DOS to the then Executive Vice President of the New York State Association of Realtors, the DOS stated that the Division of Licensing would consider disciplinary action against any licensee who attempted to conduct business in accordance with that Standard of Practice (which was then numbered as 21-16 under a prior version of the Code). The DOS took umbrage with the fact that it appeared that the fiduciary relationship between sellers and their agents, and buyers and agents, was being tampered with so far as commissions being freely negotiated between principals and agents.

Specifically, the DOS admonished the rationale behind the Standard of Practice by stating that "the new standard usurps the seller's right to set the amount and other terms upon which incentives are offered to other brokers to assist the listing broker in selling or leasing the property, usurps the buyer's right, as offeror, to establish the amount and all other terms of the offer (including, of course, which transaction expenses such as mortgage tax, deed stamps, closing costs and brokerage commissions, if any, are to be borne by which principal."

Realtors in New York are therefore cautioned strongly against conducting themselves in accordance with Standard of Practice 3-4 or 16-16, and conversely are cautioned against filing an Ethics Complaint against a fellow Realtor predicated upon the same.

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 Cameron is Director of Legal Services & Professional Standards Administrator for the Hudson Gateway Association of Realtors.

Berkshire Hathaway HomeServices Announces Consumer Sweepstakes



CROTON-ON-HUDSON—Berkshire Hathaway HomeServices, part of the HSF Affiliates LLC family of real estate brokerage franchise networks, and BHHS River Towns Real Estate have launched a new campaign and a consumer sweepstakes.

Advertisements launched March 7th with 30- and 15-second spots airing on HGTV, one of the top networks with familiar programming such as Love It or List It, Fixer Upper, Rehab Addict, House Hunters and Property Brothers. The campaign will be supported on Scripps Network digital channels such as HGTV, DIY Network, Food Network, Cooking Channel, Travel Channel and Great American Country.

As part of the campaign, Berkshire Hathaway HomeServices will sponsor HGTV's popular Love It or List It show featuring interior designer Hilary Farr and real estate agent David Visentin. The show's hosts will appear in vignettes featuring "Good to Know" home design and renovation tips that will appear on HGTV and its digital properties. Berkshire Hathaway HomeServices will also initiate the Love Your Home Sweepstakes promising a \$50,000 grand prize or one of a dozen \$2,500 weekly prizes.

From March 28 through June 17, register at the www.LoveYourHomeSweeps.com site for a chance to win.

Cynthia Lippolis, BHHS River Towns Licensed Real Estate Broker, encourages all local residents to log on to www.LoveYourHomeSweeps.com and register, "This is a wonderful opportunity for home owners that want to do some home improvement. We'd love to see the \$50,000 Sweepstakes grand prize winner come from our local community."

Berkshire Hathaway HomeServices River Towns Real Estate, which is independently owned and operated, became a member of the Berkshire Hathaway HomeServices brokerage network, operated by HSF Affiliates LLC, in 2014. BHHS River Towns Real Estate has two offices: 133 Grand St., Croton-on-Hudson and 983 Main St., Peekskill.

Are high property taxes preventing you from selling a home?

We are experts in reducing tax assessments

Call Granite today at 914-747-8999 for a free, no-risk consultation.

For more than 37 years David Ruzow has been helping homeowners throughout Westchester, Putnam, Rockland, Dutchess & Orange County evaluate their properties to determine if they are over assessed and paying more in real estate taxes than they should.



www.granitetaxreduction.com

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RealEstateInDepth.com



Julie Piazza

Julie Piazza has been named the new agent-development manager for **Better Homes and Gardens Rand Realty's** Orange County offices.

Piazza is a licensed associate broker and works out of Rand Realty's office in Central Valley. As an industry veteran for over a decade, Piazza has become known for her knowledge in the community and skills in negotiation and communication. She is a member of the Hudson Gateway Association of Realtors, the New York State Association of Realtors, and the National Association of Realtors.



From left, Nancy Sardo, Geoff Green, principal broker, and Denise Schmidt.

Geoff Green, principal broker and owner of the **Green Team Home Selling System** in Warwick, recently named two of his most successful agents as "Team Captains."

Those honored were Associate Broker **Nancy Sardo** and Licensed Salesperson **Denise Schmidt**. Qualifications for the honor include exceeding \$3 million in closed sales volume during any one fiscal year. In order for the agent to remain an active member of the Team Captains, the agent must close a minimum of \$3 million in closed sales volume during each successive fiscal year. The benefits of Team Captain Status include \$300 per month paid towards the Certified Sales Assistant (CSA) of the agent's choice.



Nikolas Stanovic



Angela Thompson

Nikolas Stanovic and **Angela Thompson** have recently joined **ERA Insite Realty's** headquarters office in White Plains, announced Principal Broker Louis Budetti.

Stanovic has a background in financial services and property management. He holds his Series 7 and 63 broker licenses, and is a Certified Property Manager, serving as chief executive of his family-owned property management firm, Stanovic Property Management in White Plains. He worked primarily with rental clients at Home Sweet Home in Mamaroneck over the past year. Having recently acquired his real estate broker's license, he joins ERA Insite as an associate broker.

Thompson comes to ERA Insite with her real estate salesperson's license and recent experience supporting a broker who primarily services distressed property listings. Prior to that, she spent more than 40 years in the hotel, travel and media industries, working for companies from small trade organizations up to Fortune 100s. Born in Kingston, Jamaica and primarily educated in the United Kingdom, Thompson has resided in the U.S. for more than 35 years.

Coldwell Banker Residential Brokerage in Connecticut and Westchester County announced recently that **Alvis "Al" Smith** was appointed branch office manager of the company's New Rochelle office.

Smith will be responsible for the oversight of approximately 30 affiliated real estate sales professionals serving homebuyers and sellers in New Rochelle, Bronxville, Eastchester, Yonkers, and the surrounding communities in Southern Westchester County.

Prior to his management role, Smith was a commercial real estate salesperson affiliated with the Coldwell Banker Residential Brokerage New Rochelle office.

"Al is a seasoned professional who has a proven track record of successfully motivating sales professionals and helping them to take advantage of emerging opportunities and increase productivity. I am so pleased he has joined the management team, and I know that with his expert skill set, the New Rochelle office will continue to flourish," said Joseph A. Valvano, president of Coldwell Banker Residential Brokerage in Connecticut and Westchester County.

With 15 years of real estate experience, Smith handled commercial sales



Alvis "Al" Smith

throughout Southern Westchester County for the last seven years. Prior to affiliating with Coldwell Banker Residential Brokerage, Smith was the broker owner and sales trainer at a real estate firm with offices in Atlanta and Columbus, Ga. In addition to real estate sales, Smith spent more than 10 years of his professional career as a lead supervisor with Bayer Material Science. Smith served in the United States Army and was a member of the 82nd Airborne Division.

Hudson United Title announced recently that **Anthony Arace** has joined its Westchester office as a sales executive.

In 2011, Arace became a licensed Realtor and started his career as an agent when he joined Better Homes and Gardens Rand Realty in White Plains. Arace has closed many transactions since entering the title business three years ago.



Anthony Arace

The **Coldwell Banker Residential Brokerage** office in Rye has once again been recognized as the company's No. 1 top-performing office in Westchester County for its sales achievements in 2015.

With approximately 50 affiliated real estate professionals, the Coldwell Banker Residential Brokerage office in Rye is managed by **Nancy Neuman**, an associate real estate broker with nearly 45 years of real estate experience.

"Nancy is an exceptional leader who works closely with the affiliated real estate professionals in her office to ensure they have the resources they need to be successful in today's real estate environment. The Rye office continues to achieve such remarkable results because of the dedicated efforts of the staff and affiliated sales associates who work hard to meet and exceed the needs of local homebuyers and sellers," said Joseph A. Valvano, president of Coldwell Banker Residential Brokerage in Connecticut and Westchester County.

See more people on page 17



What Would You Say?

If one of your suburban clients asked you to sell a property in the Bronx, what would you say? Say yes!
Earn referral income AND serve your loyal client's needs.

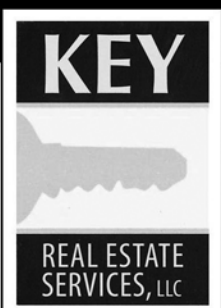
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Allison Jaffe, Broker
GRI, CBR, SRES





HGAR UPDATE

MAY 2016

Hudson Gateway Realtor Foundation Accepting Applications From Charities, Non-Profits

By Mary Prenon

WHITE PLAINS—The Hudson Gateway Realtor Foundation, the charitable arm of the Hudson Gateway Association of Realtors, is now accepting applications from lower Hudson Valley 501 (c) (3) charities and non-profit organizations interested in obtaining funds for their organization or for specific events.

As concerned members of the communities HGAR works in, the Hudson Gateway Realtor Foundation participates in qualified community-based charities who service the housing, hunger, health, happiness, and humane needs within Westchester, Putnam, Rockland, Orange, and Bronx counties.

Established in 2004 and re-launched in 2013, the Foundation has donated thousands of dollars to charities such as Make-A-Wish Hudson Valley, Habitat for Humanity, the Westchester Coalition for the Hungry and Homeless and many others. While the Foundation has held smaller events and contributed to local non-profit organizations in the past, last September marked its inaugural Gala

at the Glen Island Harbour Club in New Rochelle. The Gala raised more than \$15,000 and a similar event is being planned for this year.

“We believe it is so important now to really put the Foundation on the map and make everyone aware of the great work being accomplished by charities and non-profit groups throughout the communities that we serve,” said Richard Haggerty, HGAR CEO. “We look forward to receiving applications from many of these wonderful organizations that really make a difference in the lives of our Hudson Valley residents.”

An earlier “Pub Night” event at Pax Romana in White Plains raised more than \$7,000 for the Foundation, and other “Pub Nights” will be taking place in Putnam, Rockland and Orange counties throughout the year.

To apply for funding from the Hudson Gateway REALTOR® Foundation, please visit our website at:

<http://www.hgar.com/about/hgar-foundation/>.



2015 HGAR President Drew Kessler at the inaugural Hudson Gateway Realtor Foundation Gala held last September at the Glen Island Harbour Club in New Rochelle. The Gala raised more than \$15,000. FILE PHOTO

The Hudson Gateway Association of Realtors is a not-for-profit trade association covering more than 10,000 real estate professionals doing business in Westchester, Putnam, Rockland, and Orange counties. It is the second largest Realtor Association in New York, and one of the largest in the country. It owns and operates the Hudson Gateway Multiple Listing Service (HGMLS), offering more than 24,000 properties in the Bronx, Westchester, Putnam, Dutchess, Rockland, Orange, Sullivan and Ulster counties. It is among the top 50 largest MLSs in the country.

SPOTLIGHT ON

From the Little Leagues To the Big Leagues

By Mary T. Prenon

More than 20 years ago, Cindy Schweizer stepped into a Stony Point real estate office to sell sponsorships for her son’s little league team. Little did she know that this chance encounter would be the start of her own long and successful real estate career.

Now an Associate Broker with John J. Lease Realtors in Middletown, Schweizer recalls meeting Marsha Rand on that fateful day. “She looked at me and said, ‘If you can sell that, you can sell real estate.’ I took her advice and got my license,” said Schweizer.

The year was 1993 and her children were young, so real estate was a perfect fit. “I thought I could do it part time, but actually, I never did. I got right into it the very first year,” she recalled. Her persistence paid off as she was named “Rookie of Year” by the former Rockland County Board of Realtors.

Schweizer credits friends and family with helping her jumpstart her new business. “I was very nervous and I didn’t think I could do it, but I had a lot of encouragement,” she added. “I was very fortunate because I had friends who were getting married and wanted to buy houses, and friends’ parents who were moving and needed to sell houses.”

Schweizer fully admitted using her friends as “guinea pigs.” “It gave me the training I needed and it happened at a very good time,” she said

In 1995, she moved to Cornwall in Orange County, continuing to work with Rand Realty. “Things were a little different in a new county and it took some



Cindy Schweizer

getting used to, but I just began to learn more and more about Orange County,” she said.

The real estate business itself was also quite different 20 years ago. Schweizer remembers everyone buzzing around the fax machine on a Monday morning to see what new listings came through. “This was a time before the Internet and cell phones and we had to rely on those old listing books,” she said.

She later joined Viking Real Estate, which was eventually bought out by John J. Lease Realtors. Schweizer began managing John J. Lease’s Middletown office, with 62 agents, in 2008.

Today, her children are grown — Robert is 30, Kyle, 29 and she has a grandson who will soon be two years old.

Schweizer had been actively in-

Continued on page 12

2015 HGAR RPAC HONOR ROLL

as recorded by NYSAR to April 8, 2015**

Thank you to the following Members who are leading the way in the 2015 RPAC campaign

Platinum R

Dorothy Botsoe, Dorothy Jensen Realty Inc., Croton-on-Hudson
Nancy Kennedy, Houlihan Lawrence Inc., Tappan
Paul Kennedy, Houlihan Lawrence Inc. Tappan

Golden R

Richard Haggerty, Hudson Gateway Association of Realtors, Inc.

Crystal R

J.P. Endres, BHG Rand Realty, White Plains
Katheryn DeClerck, BHG Rand Realty, Goshen
Russ Woolley, Wright Bros Real Estate Inc. Nyack

Sterling R

Irene Amato, A.S.A.P. Mortgage Corp., Cortlandt Manor
Nina G. Betancourt, North Country Sotheby’s International Realty, Croton-on-Hudson

Dorothy Botsoe, Dorothy Jensen Realty, Inc., White Plains

Leah Caro, Bronxville Real Estate LLC, Bronxville
Carol Christiansen, Café Realty, Mount Kisco

Diane M. Cummins, Coldwell Banker Residential Brokerage, Bedford

Katheryn E. DeClerck, BHG Rand Realty, Warwick

J.P. Endres-Fein, BHG Rand Realty, White Plains

Ann Garti, Hudson Gateway Association of Realtors, Inc.

Marcene Hedayati, William Raveis Legends Realty Group, Tarrytown

Joseph Houlihan, Houlihan & O’Malley R. E. Serv, Bronxville

Pamela Jones, Coldwell Banker Residential Brokerage, White Plains

Drew Kessler, M & T Bank - Mortgage Corp, Fishkill

Sander Koudjis, Great American Title Agency, White Plains

Barry Kramer, Westchester Choice Realty, Scarsdale

John Lease III, John J. Lease Realtors Inc., Newburgh

Clayton Livingston, Coldwell Banker Res Brokerage, Croton-on-Hudson

Jerry Lott, Jerry Lott Associates LLC, Valley Cottage

Stephen Meyers, Houlihan Lawrence Inc., Rye Brook

David Moore, Embrace Home Loans, White Plains

Rosemarie A. Pelatti, Keller Williams Hudson Valley Realty, New City

Marsha Rand, BHG Rand Realty, New City

Russell S. Woolley, Wright Bros Real Estate Inc., Nyack

WCR, Empire Chapter

Alan Yassky, Rockland Realty Commercial Real Estate Services LLC, Nanuet

President’s Club

Joseph Houlihan, Houlihan & O’Malley Real Estate Services, Bronxville

Lazer Milstein, Realty Teams Corp, Pamona

Capitol Club

Laurie DiFrancesco, BHG Rand Realty, Suffern

Drew B. Kessler, Wright Bros Real Estate Inc., Nyack

Eric T. Levenson, William Raveis Legends Realty Group, Briarcliff Manor

Eydie Lopez, Wright Bros Real Estate Inc., Nyack

Cynthia Lippolis, Berkshire Hathaway Home Services River Towns Real Estate,

Croton-on-Hudson

Veronica Meola, Tri-Crest Realty Inc., Eastchester

Continued on page 12

BOARDROOM REPORT

Boards of Directors

Hudson Gateway Association of Realtors, Inc. (HGAR)

April 6, 2016

HGAR offices, White Plains, New York

Hudson Gateway Association General Activities

CEO Richard Haggerty reported on the relocation to One Maple Avenue. He stated that although HGAR has now moved to One Maple Avenue there remains punch list items to be addressed with the contractor on the build-out. In addition, he stated that ultimately HGAR will be requested to terminate its direct relationship with its present landlord, Urstadt Biddle Properties, Inc., with whom it currently exists in a sub-tenancy status, and enter into a direct relationship with the current landlord of One Maple Avenue. A review of the Relocation Agreement and its requirements will be necessary.

CEO Haggerty addressed HGAR's 2014 Final Strategic Planning Committee Report. He advised that HGAR and HGMLS had achieved the large majority of goals detailed in the 2014 Plan. CEO Haggerty then presented an updated Strategic Plan, dated April 6, 2016, which was provided to all of the Directors present and which reflected accomplishments to date and included several new initiatives that had been taken up by some of the HGAR Councils. The 2016 Plan also included some mandatory requirements stipulated by the NAR Core Standards initiative. The Directors reviewed both the 2014 Strategic Plan and the 2016 Strategic Plan, and after discussion approved the 2016 Strategic Plan.

Communications and Member Services

HGAR Director of Communications Mary Prenon provided the Communications Council report, advising that October 17, 2016 is the date selected for HGAR's annual Members Day with ABC News Correspondent Dan Harris selected as the keynote speaker. In addition, there will be two "breakout" sessions to benefit members attending, one of which will be hosted by Lone Wolf Real Estate on technology, the other to focus on memory retention skills.

Education

Education Council Chairperson Gail Fattizzi reported on behalf of the Education Council, advised that the next meeting of said Council will be on April 15, 2016 and it will conduct an in-depth review of HGAR's online offerings. In addition, there are seven upcoming lunch and learn programs for CE credit and a new evening Salesperson's Course began the night prior at the new HGAR White Plains location.

Legislative, Political and Legal Issues

RPAC Committee Chairperson Laurie DiFrancesco provided the RPAC Update, advising that RPAC has a busy year ahead with events scheduled for the week of May 15 (Pine Tavern), June 30 (Yankee Stadium), August 10 (Rockland Boulders Stadium), August 28 (Billy Joe's Ribworks), and November 16 (Levity Live). Also, the Women's Council of Realtors is planning a RPAC-centric event to take place in May.

HGAR Director of Governmental Affairs Philip Weiden provided an update on several matters on the legislative advocacy front. He advised that Lobby Day will be held on May 24, 2016 in Albany and there will be scheduled bus pickups early that morning through HGAR's territorial region. He also stated that he recently met with U.S. Congresswoman Nita Lowey to discuss Realtor legislative priorities and to advocate for the preservation of the Mortgage Interest Deduction. He also indicated that this year's budget agreement between Governor Andrew Cuomo and state lawmakers included a change to the STAR program for certain new homeowners. The change will only apply to homeowners that purchased a home in New York on or after March 1, 2015. These new homeowners will now receive a STAR rebate check in September rather than a STAR credit against their school tax bill. On or about May 1, property owners subject to this new program will receive a letter from their local assessor outlining this new process and how to apply to receive their rebate check. There is no change to the amount of the STAR benefit that homeowners will receive. In addition, this change in the STAR Program does not affect the manner in which existing homeowners receive the STAR exemption.

Fair Housing and Cultural Diversity

Committee Chairperson Eydie Lopez then reported on behalf of the Fair Housing

From the Little Leagues To the Big Leagues

Continued from Page 11

volved with the former Orange County Association of Realtors (OCAR) and is currently an HGAR Director. "This is my first year, so I've been kind of quiet—which is unusual for me," she quipped.

Since her children were young, she has been very active in her local community as a Cub Scout leader and Sunday school volunteer. Schweizer has also volunteered with the former OCAR's Habitat for Humanity and Make-A-Wish committees. She is currently involved with the homeless shelter at St. Paul's Church in Middletown, and the Interfaith Council.

If that's not enough, Schweizer is also attending school full time in the evenings at SUNY Orange in Middletown, pursuing a degree in business management.

Her spare time is important to her and she loves spending time with family, including Sunday dinners and even vacations. Her favorite U.S. travel spots are Florida, Cape Cod, and Wildwood, New Jersey. She has also spent time traveling through Europe including England, France, Italy and Germany.

Looking back, Schweizer is so happy that she decided to drop into her local real estate office to sell those little league sponsorships. "While technology has changed a lot in 20 years, the basics of real estate are the same—you click or you don't click," she said.

As a manager, she still does a small amount of listing and selling, but has always preferred working with buyers. "You have the opportunity to share in the excitement of their dream," she said.

ing and Cultural Diversity Committee, advising that the Committee was seeking a grant from NAR specifically to underwrite the cost of an International Food Festival that will feature rare international artwork. She called the Directors attention to the fact that April is Fair Housing Month and that the Committee was seeking ample attendance amongst HGAR membership at Lobby Day in May. Moreover, she stated that it was a priority among the committee members to have the New York State Agency Disclosure form translated into Spanish, which requires legislative approval. To that end, she desired to have that initiative brought before NYSAR's Article 12-A Working Group at the earliest possible juncture.

Professional Standards

Leon Cameron, Director of Legal Services, reported on behalf of the Professional Standards Council. Since the last HGAR Board of Directors meeting, the Grievance Committee met and reviewed 14 matters. Two of the matters were classified as Mandatory Arbitration and 12 were classified as ethics matters and were forwarded on to the Ethics Panel for a hearing.

Director Cameron then presented an ethics decision designated as 191-E, a copy of which was presented to each of the Directors. Time was given to the Directors to review the decision and thereafter the Directors confirmed Ethics Decision 191-E.

Multiple Listing Service

HGMLS President Renee Zurlo reported that a strategic "thinking" session will be held on May 3, 2016 with outside counsel for HGMLS, Larson Skinner, PLLC, and presented by Brian Larsen, Esq. and Mitch Skinner, Esq. who will come to HGMLS headquarters to discuss, among other topics, Project Upstream and AMP initiatives, the Broker Public Portal, and what the implications are for the industry, as well as for HGMLS, and to educate HGMLS Officers and Directors and assist them in making informed decisions.

CID Reports

John Barrett reported on behalf of the Commercial and Investment Division, indicating that CID's most recent event at 1133 Westchester Ave. in White Plains (the former IBM building), hosted by developer Robert Weisz, was a great success. The next CID event will be held at HGAR's White Plains office on April 14, 2016 and will be a Roundtable Discussion on Economic Development in the Hudson Valley.

Management, Financial & Membership Reports

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

Please welcome the following new members to your area:

Designated Realtor

Jennifer R. DeFlorio
Jan M Appraisals Inc.
980 Broadway - Ste. 519
Thornwood, NY 10594
914-769-4120

Leonore Garvey
Coldwell Banker Fowkes
4069 Route 52
Holmes, NY 12531
845-279-2944

Eddie Lai
Bedford Park Development Corp.
93 Riverview Rd.
Irvington, NY 10533
914-755-2733

Kevin T. Langtry
Langtry Realty, LLC
126 Wellington Drive
Carmel, NY 10512
914-438-0321

Philip Santana
All Yonkers Realty Corp
466 South Broadway
Yonkers, NY 10705
914-207-6370

Shayla Sellars
SASRE Properties LLC
206 Montgomery St.
Newburgh, NY 12550-3639
347-218-0321

Affiliate

David Ruzow
Granite RE Tax Consultants LLC
331 Manville Rd., Ste. 105
Pleasantville, NY 10570
914-747-8999

Sam Dugan
Granite RE Tax Consultants LLC
331 Manville Rd., Ste. 105
Pleasantville, NY 10570
914-747-8999

Erik Wilhelmsson
Digital Market Designs
170 Hamilton Ave.
White Plains, NY 10601
914-600-7777

Max Kremer
Digital Market Designs
170 Hamilton Ave.
White Plains, NY 10601
914-600-7777

Michael Benevento
Quantum Mortgage Corporation
333 Old Tarrytown Road
White Plains, NY 10603
914-287-2405

Realtor

Roman Abreu
ERA Tucker Associates, Inc.

Continued on page 21

2015 HGAR RPAC HONOR ROLL

Continued from page 11

Chris Scibelli, Keller Williams Realty, Highland Mills
Renee Zurlo, BHG Rand Realty, Central Valley

99 Club new this month

Janet Brand, Houlihan Lawrence Inc. Briarcliff Manor, Randall Calano, Keller Williams Realty Partners, Yorktown Heights, Patricia Cassese, Berkshire Hathaway HS West. Pr, Scarsdale, Carol Christiansen, Café Realty, Mount Kisco. Michael Criscuolo, Houlihan Lawrence Inc. Irvington, Nancy Curasi, ERA Curasi Realty Montgomey, Kevin Dwyer, Dwyer Agency, Mahopac J. Philip Faranda, J. Philip Real Estate, LLC., Briarcliff Manor. Gail Fattizzi, Westchester Real Estate, Inc. Eastchester, Jeffrey Farnell, John J Lease REALTORS Inc. Newburgh, Ronald Garafalo, BHG Rand Realty, Pine Bush, Patricia Holmes, Julia B. Fee Sotheby's International Realty, Rye, Pamela Jones, Coldwell Banker Res Brokerage, White Plains, Barry Kramer, Westchester Choice Realty, Inc, Scarsdale Carol Kope, Dorothy Jensen Realty, Inc. White Plains, Gary Leogrande, Keller Williams NY Realty, White Plains, Kathleen Mangan, Stiefvater Real Estate, Pelham, Gregory Miller, Keller Williams Hudson Valley, New City Josef Muller, Westchester Choice Realty, Inc. Scarsdale, Patricia Palumbo, Houlihan Lawrence Inc. Somers, Kathy Piergiorgi, BHG Rand Realty, Goshen, Peggy Shea, Keller Williams NY Realty, White Plains, Cary Sleeper, Julia B. Fe Houlihan Lawrence Inc. e Sotheby's International Realty, Larchmont, Claudia Vaccaro, Keller Williams NY Realty, White Plains, Karen Willman,

Houlihan Lawrence Inc. Brewster

Recap of Contributions Year to Date**
TOTAL: \$101,815 from 2,062 contributors

Goal: \$144,787 from 3,278 contributors

% of dollar goal: 70%

% of member goal: 91%



WHITE PLAINS, GOSHEN,
WEST NYACK, PUTNAM

JUNE 2016 FEATURED CLASSES

White Plains



TUES JUNE 21 2016 9:00 AM - 12:15 PM
IN PERSON CLASS | CREDITS: 3 CE
INSTRUCTOR | JIM ROOD

Lunch & Learn
Mold and Other Environmental
Hazards

Sponsored by Hudson United

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

Additional Classes:

- 6/1 & 6/2- (NYSAR) – (SRS) Seller Representative Specialist with Roseann Farrow
- 6/3- Matrix 3: Matrix to the Max with Kristine DiFrancesco
- 6/3- Matrix 3: Matrix to the Max (NO CE) with Kristine DiFrancesco
- 6/7- NAR Mandated Ethics with Dorothy Botsoe
- 6/7- RPR: Using RPR to Better Serve Buyers and Sellers with Data and Analytics with Veronica McManus
- 6/8- Matrix 3: Matrix to the Max with Kristine DiFrancesco
- 6/8- Matrix 3: Matrix the Max (NO CE) with Kristine DiFrancesco
- 6/14- Matrix 1: Introduction to Matrix with Kristine DiFrancesco
- 6/15- First Time Homebuyer’s Workshop + Fair Housing with Nichole Burton
- 6/16- Property Tax Grievance with John Yoegel

West Nyack



THURS JUNE 16, 2016 9:00 AM – 12:15 PM
IN PERSON CLASS | CREDITS: 3 CE
INSTRUCTOR | ROBERTA BANGS

Client or Customer:
What’s the Deal?

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

Additional Classes:

- 6/7- Matrix 1: Introduction to Matrix with Kristine DiFrancesco
- 6/8- RPR: Using RPR to Better Serve Buyers and Sellers with Data and Analytics with Veronica McManus
- 6/15- Matrix 2: The Next Step into Matrix with Kristine DiFrancesco
- 6/15- Matrix 2: The Next Step into Matrix (NO CE) with Kristine DiFrancesco
- 6/22- Fair Housing Compliance with Sharon Tucker
- 6/22- NAR Ethics Compliance with Sharon Tucker
- 6/28- Matrix 3: Matrix to the Max with Kristine DiFrancesco
- 6/28- Matrix 3: Matrix to the Max (NO CE) with Kristine DiFrancesco

Goshen



THURS JUNE 9, 2016 9:30 AM - 12:45 PM
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Divorce and Real Estate

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Additional Classes:

- 6/7-6/30- AFTER HOURS PROGRAM
- 6/7- Realtor Safety- Safety First in NY/NJ with Laurie DiFrancesco
- 6/8- RPR: Using RPR to Better Serve Buyers and Sellers with Data and Analytics with Veronica McManus
- 6/9- Distressed Market Guide with Carole McCann
- 6/14- Seven Deadly Sins in R.E. with Roberta Bangs
- 6/16- NAR Mandated Ethics with Peter Mallon
- 6/16- Fair Housing with Peter Garruba
- 6/21- Why Are You Needed for Rentals? with Peter Mallon
- 6/23- Tap, Tap, Tap with Adam DiFrancesco
- 6/28- Environmental Hazards with Peter Mallon
- 6/30- Agency Update with Carole McCann

For details and registration go to WWW.HGAR.Com

CALENDAR

MAY

Tuesday, 24
Lobby Day
Albany, NY

YPN Summer Kick Off Networking Event
6:00 pm – 10:00 pm
The Pour House , W. Nyack

Wednesday, 25
Education Council Meeting
1:00 p.m.
W. Nyack

HGMLS Board of Directors Meeting
10:00 a.m. – 12:00 p.m.
W. Nyack

Friday, 27
Member Experience Committee
11:00 a.m. – 12:00 p.m.
White Plains

Monday, 30
Memorial Day Holiday
HGAR Offices Closed

Tuesday, 31
Broker/Owner/Manager Meeting
8:30 am – 10:30 am
TBD

JUNE

Friday, 3
Communications Council Meeting
11:00 a.m. – 12:00 p.m.
White Plains Office

Wednesday, 8
HGAR Board of Directors Meeting
10:00 a.m. – 12:00 p.m.
White Plains

New Member Orientation
6:00 p.m. – 9:45 p.m.
White Plains

Thursday, 9
New Member Orientation
9:00 a.m. – 12:45 p.m.
West Nyack

Monday, 20
New Member Orientation
10:00 a.m. – 1:45 p.m.
White Plains

Wednesday, 22
HGMLS Board of Directors Meeting
10:00 a.m. – 12:00 p.m.
White Plains

Friday, 24
Member Experience Committee
11:00 a.m. – 12:00 p.m.
White Plains

Real Estate-Related Tax Policies are Critical to the Residential Market

Congress is unlikely to pass tax reform in 2016. Typically, legislation that engenders controversy does not get put forward in an election year. However, lawmakers and their staffs are gearing up with plans and ideas for next year when we will have a new president and possibly a shift in control of the Senate and/or possibly the House.

Now is the time for members of Congress and their staffs to be reminded of just how vital real estate tax provisions are to the housing market and the U.S. economy. Reform ideas that repeal or weaken tax provisions that encourage home ownership must be rejected. We need tax reform, but the first caveat—it

must do no harm. So far, no viable tax reform legislation has been introduced in the current Congress. House and Senate leaders on both sides of the aisle are developing plans to move their vision of tax reform next year when political conditions are likely to be more favorable.

Since the modern income tax code was created, the MID (mortgage interest deduction) provision has made homeownership possible for millions of American families, thus strengthening society. We are asking Congress to reject tax reform plans that eliminate or marginalize the mortgage interest deduction for primary and second homes. Property tax deductions are also critical

in a state like New York. Repealing this would not only raise taxes on millions of middle income Americans, but would also put homeownership out of reach for many who want to buy their first home.

Like kind exchanges are critical to commercial real estate. This is a provision in the tax code that permits real estate held for investment to be exchanged for property of a like kind on a tax deferred basis. Exchanges are essential to the commercial real estate sector and to the economy. If repealed, fewer redevelopment projects will go forward and fewer jobs will be created. The like-kind exchange provision provides liquidity to an illiquid asset. Repealing it would harm economic growth.

More than 75% of homeowners utilize the mortgage interest deduction at some point over the period they own a home. Of all those claiming the MID,

88% earn less than \$200,000. Limiting or repealing current housing tax incentives would hurt the housing sector and unfairly harm homeowners who currently pay 80%-90% of all federal income tax.

For many homeowners, the property tax deduction is substantial and one that continues long after a mortgage is paid off. The value of both the mortgage interest and property tax deductions is imbedded into house prices. Eliminating the MID alone would cause an 11% drop in home values and decreasing the deduction, even for a limited group, would compress the value of all homes.

We will be meeting with our Congressional members and U.S. Senators this month to communicate this message.

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



Realtor Moldow Resigns From Clarkstown Council

By John Jordan

NEW CITY—After about five months serving on the Clarkstown Town Council, Realtor Valerie Moldow resigned on May 2, citing “unforeseen personal and family matters.”

Moldow, an Associate Broker with Keller Williams Hudson Valley Realty of New City, was appointed to the post in January to fill the position vacated by newly elected Town Supervisor George Hoehmann, who upset six-term Democratic incumbent Alex Gromack last November.

The veteran Realtor in a prepared statement to the Town Council said,

Continued on page 16



Valerie Moldow

Sen. Hassell-Thompson Appointed To Special Advisor with Housing Agency



ALBANY—Governor Andrew M. Cuomo announced on April 22nd he appointed New York State Sen. Ruth Hassell-Thompson as Special Advisor for Policy and Community Affairs of New York State Homes and Community Renewal.

Hassell-Thompson has served as Senator for New York’s 36th Senate District, representing parts of the Bronx and Westchester County, since 2000. She will begin her new role in July.

“As a nurse, an advocate and a member of the New York State Legislature, Sen. Hassell-Thompson has spent her entire career fighting to improve lives and build communities,” said Gov. Cuomo. “I am proud to have her continue this work as a member of my administration and look forward to working with her to build a stronger, fairer and more prosperous New York for all.”

“I am thrilled to be joining Governor Cuomo’s administration within New York State Homes and Community Renewal,” said Sen. Hassell-Thompson. “Under Governor Cuomo, HCR has a tremendous impact on advancing housing policy state-wide, including the governor’s efforts in developing and protecting affordable housing and protecting vulnerable communities. I am excited to lend my expertise to those efforts.”

Hassell-Thompson is also a former City Council President and Acting Mayor of Mount Vernon, having been first elected to the City Council in 1993. She is also a retired nurse for Mount Vernon Hospital, specializing in pediatrics and substance abuse counseling. She is the founding president and CEO of “The Gathering,” a volunteer-staffed women’s center in Mount Vernon that provides counseling and support services, and has also worked extensively with individuals impacted by HIV/AIDS.

Prior to holding an elected office, she was President/CEO of Whart Development Company, Inc., a real estate development company that also provided consultant services to small and developing businesses. She was also the executive director of the Westchester Minority Contractors Association, helping to bring opportunities for growth and economic development to minority- and women-owned businesses in the region. Previously, she led the Westchester Community Opportunity Program, which provided medical, social and related support services to local residents in need.

Hassell-Thompson is the recipient of two Honorary Doctorate degrees; Mercy College, Doctor of Humane Letters; and Eastern Theological Consortium, Faculty of Arts and Sciences, Christ Theological Seminary, Doctor of Humanities. She is an alumna of Bronx Community College.

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CB Residential Westchester Offices Garner Multiple Cartus Awards

DANBURY, CT—The Westchester County offices of Coldwell Banker Residential Brokerage in Connecticut and Westchester County were recently named a Platinum Award winner by the Cartus Broker Network for their outstanding performance during the past year. The award was presented at the 2016 Cartus Broker Network International Conference held recently at the Harbor Beach Marriott Resort and Spa, Ft. Lauderdale, FL.

Platinum is the highest level of the Excellence Awards presented to principal brokers. Excellence Award recognition is based on performance results related to a wide variety of goals including customer service, cost management, and effective analysis and marketing of homes. Less than 35% of the network's principal brokers achieved Platinum level recognition for their performance in 2015.

"The Platinum Award has long represented extraordinary accomplishment," said Gerald Pearce, Cartus executive vice president, Broker Services and Affinity Services. "To earn this distinction, a broker must have successfully demonstrated outstanding performance in the areas of attention to customer needs, understanding of local conditions, and execution of best business practices. I'm extremely proud to honor Coldwell Banker Residential Brokerage in Connecticut and Westchester County, which has delivered on this goal by producing the very highest levels of results to both its customers and the Cartus Broker Network."

"Receiving a Platinum Award is a high honor, and something that we worked for consistently throughout 2015," said Joseph Valvano, president of Coldwell Banker Residential Brokerage in Connecticut and Westchester County. "Our entire staff has put a committed effort into achieving the best results for Cartus, their clients and transferring employees, and our brokerage. I applaud them and thank them for their efforts."

Additionally, Coldwell Banker Residential Brokerage's Westchester County offices were presented the Cartus Five Star Award, which recognizes brokers who have met or exceeded their individual objectives for outgoing broker-to-broker referral closings during the calendar year.

In addition to the Platinum and Five Star awards, the company received the Cartus Affinity Home Event Services Summit Award, which recognizes the highest achiever within the Cartus Broker Network based on performance in service and sales conversion, as well as achievements above and beyond for all Affinity Home Event Services programs.

Redwood Team Completes Mount Vernon Apartment Sale

MOUNT VERNON—Redwood Realty Advisors announced on May 16th the closing of two apartment buildings in Mount Vernon for a price of \$7.5 million and a cap rate of 6.9%. The two properties are located on the same block of South Second Avenue. The sale included one 34-unit apartment building and a second mixed-use apartment with 35 apartments and seven commercial spaces.

The property had a number of attributes, including its location within walking distance to the Mount Vernon Train Station and close proximity to key interstates and local parkways. Redwood Realty Investment Associates Michael Scrima and Thomas Gorman brokered the transaction. "This asset really offered a great location for commuters, and the buyer recognized the tremendous potential to implement a renovation program and capture the future upside," said Scrima.



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Latest on Mileage Tracking Solutions, Windows 10 and Home Automation Help

Let me guess, another year has gone by and you once again failed to regularly and reliably log your personal vs. business mileage. Let me guess again, you said to yourself after filing your taxes, "This year I'm going to log my miles!" Let me guess just one last time, you're once again not logging your mileage, or not doing it as well as you should!

If the above describes your mileage logging situation, maybe it's time to try an app that can automatically log your mileage for you (as long as you have your Smartphone with you). If you like the idea of having your mileage logged automatically and want to learn more about what's involved and what your options are, a quick web search can help. A web search that uses search criteria such as "iOS automatic mileage tracking app" or "Android automatic mileage tracking app" will yield links to both apps and relevant articles on the topic. Unfortunately, my brief exploration of the topic found that many of the higher-rated solutions are not free, but they do seem to be worth the investment if you decide to use them.

To help jump start your effort, the following two links will lead you to mileage tracking apps that appear to be highly

rated and available for use on both Android and Apple Smartphones.

www.mileiq.com

www.everlance.com

Tip: You may want to take a look at Triplogik's TL1000 GPS Mileage Log Tracker if you would prefer a dedicated mileage tracking device that doesn't rely on 1) requiring to have your Smartphone with you, or 2) having to keep a mileage tracking app running on your phone. To learn more about this product, please visit the web page below and when you get there, I suggest you watch the how-to videos and also browse the support area to see what types of information and help will be available to you after purchasing the product. Here's the link...

www.triplogik.com

Windows 10 Tweaking Utility

Are you comfortable using Windows 10 yet? If so, would you be interested in doing some fine tuning and tweaking to your computer system? If you answered "yes" to the questions I would suggest you take a look at a free utility called "Ultimate Windows Tweaker 4 for Windows 10." This free utility of-

TECH TALK

By John Vrooman
john@johnvrooman.com



fers a lot of basic to advanced system tweaks. Two tweaks that I think a lot of people will like is the ability to add "Move to folder..." and "Copy to folder..." commands to your Windows right-click context menu. If you keep dumping files onto your Windows desktop, these two commands can help you to move, copy and organize files more easily. To learn more about this nifty utility, please visit www.thewindowsclub.com/ultimate-windows-tweaker-4-windows-10

Easy Photo Resizer

I haven't discussed photo resizing software for quite some time, so I thought it was time to circle back to the topic. Instead of covering multiple products, I'm just going to cover one this time. The software tool that I typically turn to when I need to quickly and easily resize individual or groups of photos is a free software utility called "Image Resizer for Windows." What I like about this program is that it's accessible from the right-click context menu. To use the utility, you just 1) select one or more photos, 2) right-click on one of the selected photos, 3) select "Resize Pictures" from the context menu and 4) when the picture resizing application window appears you just select the resizing option(s) that interest you and then 5) click the resize button. That's about all there is to it! If you would like to learn more about this handy utility here a courtesy link to the product's home page...

<https://imageresizer.codeplex.com>

Helpful Home Automation Website

When it comes to implementing various home automation solutions, a common issue that many people encounter is that not all home automation solution providers' products are compatible. To help you with home automation product selection and to help you avoid and/or work through compatibility problems, I suggest you pay a visit to the Smart-HomeDB website. Among the things that you can do at the website is the ability to look up "Playbooks" that identify how others have achieved home au-

tomation solutions that are the same or similar to the type of solution you want to achieve. What you'll typically find in a Playbook are the products, approximate prices, apps, compatibilities, how-tos and notes that other people have used to achieve their desired home automation solution(s). The benefit here is that you can quickly and easily learn from other people's home automation project solutions and experiences. The Smart-HomeDB website is an interesting and helpful resource that I think anyone who is interested in home automation should check out. Here's a courtesy link...

www.smarthomedb.com

Tip: The Yonomi app looks quite interesting to me. I would encourage those who are interested in home automation to check out. The app helps you integrate and manage many different home automation devices and tasks. If you decide that you want to use the app, just make sure that the home automation devices that you get are on the app's list of compatible devices that you can find at the app's website. To learn more, please visit...

www.yonomi.com

Reminders

This column and a number of recent past ones are made available for your viewing convenience and reference at www.realestateindepth.com/technology (The "Technology" section of the new *Real Estate In-Depth* website.)

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

John Vrooman is an experienced Realtor who enjoys staying on top of real estate, technology, gadgets, marketing, new media and small business trends/developments. He curates information from a wide range of resources and enjoys sharing tips, thoughts and discoveries with a something for everyone approach. He is an Associate Broker with Better Homes & Gardens Rand Realty's White Plains office.

HGAR Tackles MLS Issues



HGAR recently hosted a strategic roundtable meeting at its new headquarters offices in White Plains, on major initiatives occurring in the MLS environment. The session was led by MLS industry experts and attorneys Mitch Skinner and Brian N. Larson. Participants included MLS Directors and staff from the surrounding metropolitan region.



From left to right, Mitch Skinner and Brian N. Larson

Realtor Moldow Resigns From Clarkstown Council

Continued from page 14

"I regret to inform you that due to unforeseen personal and family matters, I am unable to fully commit to continue my service on the Clarkstown Town Council. Due to this fact, I must tender my resignation from the board effective immediately."

She added, "Given the responsibility and work ahead, it would not be fair to the residents of Clarkstown to continue in this role without the ability to give 100%. Thank you to the members of the board and staff of the Town of Clarkstown for making my brief tenure an enjoyable and rewarding experience. I wish you all the very best as you continue to make our town a better place. While I remain committed to the mission of moving Clarkstown forward, at this time I must focus on addressing these personal issues."

"Valerie was an asset to the board and a partner to reduce government spending and create a more accountable local government," Hoehmann said at the Council session, according to a report in the *Journal News*. "She will be

missed and I wish her the best going forward." A replacement was expected to be named shortly.

The Rockland native and 20-year member of the real estate industry told *Real Estate In-Depth* earlier this year that her experience as an entrepreneur and small business owner will be of benefit to the town. At that time she informed the newspaper that she planned to run for election this November. She said her priorities were making sure the town operates in a fiscally responsible manner, finding a solution to the alarming number of distressed properties and providing assistance to the town's senior citizens.

According to her biography on the Keller Williams Hudson Valley Realty website, Moldow began working in the mortgage industry in the 1980s and launched her real estate career in 1996. The Nanuet resident is a graduate of Boston University and according to her LinkedIn profile has been an Associate Broker with Keller Williams Hudson Valley Realty since December 2008.



Ann Teyssonniere de Gramont



Robert Meyerson

Realtor **Anna Teyssonniere de Gramont** and **Robert Meyerson** have joined the Scarsdale office of **Berkshire Hathaway HomeServices Westchester Properties**. The announcement was made by Mark Nadler, Director of Westchester Sales.

Born in Poland, Teyssonniere de Gramont brings with her a diverse background. She and her family have lived in Warsaw (Poland), Versailles (France), Singapore (Singapore), Chesney (France), San Francisco (California) and Scarsdale, company officials stated.

Meyerson joins the brokerage firm with 17 years experience as a mortgage loan officer.



Nicholas Chiappetta



Latesha Parks

ERA Insite Realty principal broker Louis Budetti recently announced that **Nicholas Chiappetta** has joined his White Plains office and **Latesha Parks** has joined the firm's Bronxville office. Both are licensed real estate salespersons who moved to the company from other local brokerages.

Chiappetta, a North Salem resident and Westchester native, started his real estate career with Urban Realty in New York City and Home Sweet Home in Mamaroneck. Prior to that, he attended Westchester Community College for business management and worked in the world of retail.

Parks, a Yonkers resident and Queens native, has spent more than a dozen years in the real estate environment, offering property management, title production and closing services in Maryland. She has an extensive professional profile that also includes grant writing, program budgeting and coordination, as well as successfully serving as a mediator in Baltimore County District Court. She holds a Bachelor of Science, Legal Studies degree from New York City Technical College and a Master of Public Administration from John Jay College of Criminal Justice.

Coldwell Banker Residential Brokerage in Connecticut and Westchester County has reported that Brewster resident **Lisa LaGuardia-Tremblay** has affiliated with the Coldwell Banker Residential Brokerage office in Somers. As a real estate salesperson, LaGuardia-Tremblay will provide residential real estate services in Somers as well as the surrounding communities of North Salem, Carmel, Mahopac, Southeast, Brewster, Pawling, Danbury and New Fairfield.

LaGuardia-Tremblay has extensive experience in residential real estate sales. She has been a real estate salesperson since 2002, and has won numerous production awards over the last 15 years. She earned the Seniors Real Estate Specialist (SRES) designation and currently represents Putnam County as a Regional Director for the Hudson Gateway Multiple Listing Service.

As a member of the Putnam County community, Tremblay has been active in numerous organizations including the Realtors Political Action Committee, the Brewster Chamber of Commerce, and the Putnam County SPCA.



Lisa LaGuardia-Tremblay



Cushman & Wakefield announced recently that **Kevin J. McCarthy** has joined the firm's Fairfield/Westchester office brokerage group as senior director. He is located in the firm's Stamford, CT office.

McCarthy, a leading brokerage professional in the Tri-State area, has more than a decade of experience in commercial real estate, assisting his clients in lease negotiations, property sales and multi-market strategic real estate portfolio management. While the majority of his work focuses in Fairfield and Westchester Counties, he has completed a number of transactions around the world. Prior to joining Cushman & Wakefield, McCarthy served as First Vice President in CBRE's Westchester/Fairfield office, serving the commercial real estate requirements of clients throughout the region, U.S. and globally.

McCarthy's brother, Michael J. McCarthy, works out of Cushman & Wakefield's White Plains office where he serves as an associate director. Their father, John R. McCarthy, an accomplished veteran of the industry, with more than 40 years of experience, has been a key figure in the real estate community in Fairfield/Westchester region as well.

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Touro College to Open New Dental School in Hawthorne

HAWTHORNE—Touro College announced recently that it will open later this year the first new dental school in almost 50 years at an office building adjacent to the New York Medical College's Grasslands campus in neighboring Valhalla.

The Touro College of Dental Medicine, which will open to its first class this fall, will reportedly occupy approximately 100,000 square feet of the 249,000-square-foot 19 Skyline Drive office building in Hawthorne. New York Medical College acquired the five-story vacant building from Mack-Cali Realty Corp. for \$17.5 million in April 2013 for its expanding programs. New York Medical College, based in Valhalla, is a member of the Touro College and University System.

In addition to New York Medical College and the new dental school, Touro's medical programs include three schools of osteopathic medicine with campuses in Harlem and Middletown, Vallejo, CA and Henderson, NV, a school of pharmacy in New York City, and a school of health sciences with campuses in New York City and Bay Shore, NY.

Touro College redeveloped the shuttered Horton Hospital in Middletown in Orange County and opened its Touro College of Osteopathic Medicine at the campus on Aug. 31, 2014. The college has since expanded operations at that facility.

Alan Kadish, M.D., president of Touro College and University System (TCUS), said of the new dental school, "As New York State's first new dental school in nearly half a century and the only dental school in the Hudson Valley, the Touro College of Dental Medicine at NYMC will fill a void in dental education and improve access to oral health care, particularly in underserved rural and urban

communities throughout the region."

The school is intended to improve the oral health care delivery network in New York State, where the population has grown by 4.5 million people since 1968 when the last school of dentistry opened, Touro officials stated.

The anticipated enrollment in the dental school during its first year is expected to be 110 students. When at full capacity, the school will include approximately 440 students and offer basic science coursework taught by the medical school faculty and will feature state-of-the-art digital dental clinical capabilities.

"The dental school's location within the NYMC campus gives the school and its students a competitive edge," said Edward C. Halperin, M.D., M.A., NYMC chancellor and CEO and Touro College and University System provost for Biomedical Affairs. "Students of the Touro College of Dental Medicine at NYMC will reap both the benefits of a new school, including state-of-the-art facilities and leading educational innovations, and those of an established institution, including NYMC's expert faculty, long-standing and celebrated research program, and strong network of affiliated hospitals."

Touro has appointed Jay P. Goldsmith, D.M.D., as the founding dean of the dental school. Dr. Goldsmith was formerly a professor, program director, and deputy chief in NYMC's Department of Dental Medicine. In addition to his experience in the academic world, Dr. Goldsmith is a leading dentist, oral and maxillofacial surgeon with more than 50 years of experience, a fellow of the American College of Dentists, and founding fellow of the American College of Oral and Maxillofacial Surgeons as well as past president of the New York Academy of Dentistry.



The Touro College of Dental Medicine will open this fall at 19 Skyline Drive in Hawthorne, adjacent to the New York Medical College's Grasslands campus in Valhalla.

Houlihan Lawrence Commercial Markets \$100M Hong Kong Property For Maryknoll Missionaries



An aerial photo of the Stanley Hilltop property in Hong Kong.

By John Jordan

RYE BROOK—Thomas LaPerch believes that the international listing of Maryknoll Missionaries stately Stanley Hilltop waterfront property in Hong Kong will raise Houlihan Lawrence Commercial Group's standing in the commercial brokerage sector to a new level.

LaPerch, director and associate broker with Houlihan Lawrence Commercial Group, told *Real Estate In-Depth* in late April that the Stanley Hilltop assignment is the most prestigious since the commercial brokerage group was established three-and-a-half years ago.

"We are thrilled to represent Maryknoll on the sale of this incredible property, one of the finest sites available in Hong Kong," said Thomas LaPerch, director and associate broker of Houlihan Lawrence Commercial Group. "Not only is this property exceptional in location and grandeur, but it provides a significant development opportunity as well."

Built in 1935, Stanley Hilltop stands on 85,000 square feet of land that include pre-war colonial "east-meets-west" designed buildings. It is located next to Stanley Knoll, a luxury residential complex. The property is listed for sale at \$100 million.

LaPerch said that the Maryknoll Missionaries considered the Stanley Hilltop complex as underutilized and put the property on the market for sale.

In late April, LaPerch said he was traveling to Hong Kong and that there were already 17 appointments to visit the property from potential buyers. He

said that in the short amount of time the property has been on the market it had attracted "keen interest." Houlihan Lawrence sold an underutilized 25-acre site in Ossining owned by the Maryknoll Missionaries to the Bethany Arts Community last year.

"While Maryknoll has placed Stanley Hilltop on the market, the Maryknoll missionaries will continue to serve the Chinese people and the Chinese Catholic Church as we have for almost a century," said Father David Smith, chief financial officer of the Maryknoll Fathers and Brothers. "The Maryknoll Society remains vibrant in Asia and elsewhere around the world. As we reimagine our mission work for the 21st Century, we are taking this unique opportunity to right-size our real estate holdings, permitting us to focus more of our resources on our core mission of helping those in need and those seeking Christ around the world."

The listing of this prestigious property perhaps puts the image of Houlihan Lawrence being just a residential firm to rest, LaPerch said. He noted that the commercial division of Houlihan Lawrence began with just three agents and has since grown to almost 20 full-time agents.

He said the commercial division is now successfully leveraging Houlihan Lawrence's presence in the residential brokerage sector for its clients in the commercial sector.

IBM Plans to Vacate, Sell Somers Campus

Continued from page 8

The plan is to vacate the Somers complex and relocate all employees to the North Castle building upon the project's completion, he says.

The Somers Record reported on Monday that IBM sent a memo to its employees at the Somers complex on Monday detailing its plans. The memo obtained by *Real Estate In-Depth* from a source, detailed the company's modernization plans at the North Castle facility and its plans to sell its Somers real

estate footprint.

"To enable the renovation, investment and modernization of North Castle, some IBMers in North Castle will temporarily move to Somers so that by March next year the North Castle site will be ready to welcome everyone from Somers. We know that this is a major change, and we will be working very hard to make the process of changes as smooth as possible," IBM stated in the memo to its Somers employees.

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\$60M French American School Project Still in 'Limbo'

By John Jordan

WHITE PLAINS—Despite a blistering rebuke of the actions by the White Plains Common Council over what has been a five-year long approval process, the \$60-million French American School of New York development project to be built on a former golf course is still nowhere near breaking ground.

New York State Supreme Court Judge Joan Lefkowitz in her recent ruling described the project as being “held hostage” since last August and that the controversial plan has been placed in “administrative limbo” in what she described as an apparent “war of attrition” being waged by the City of White Plains against the French American School of New York.

The proposal to build a French American School at the former Ridgeway Country Club in White Plains has drawn significant neighborhood opposition and has been in the approval process since 2011. On April 21, 2016 Judge Lefkowitz rejected the City of White Plains’ motion to dismiss FASNY’s case against the city that is challenging the Common Council’s rejection of its plan.

Although Judge Lefkowitz strongly criticized the Common Council’s actions, Karen Pasquale, senior advisor to White Plains Mayor Thomas Roach, sent *Real Estate In-Depth* a statement on May 11th, which stated, “The City is defending the action brought by FASNY and has filed a Notice of Appeal of the court’s recent denial of the city’s motion to dismiss FASNY’s action. The City has six months to submit briefs in support of the appeal.”

“In sum, having repeatedly wrung from FASNY concessions and accommodations on FASNY’s original proposal, then extending the SEQRA process further by compelling FASNY to explore the North Street option and essentially enticing FASNY to submit a new application incorporating that very option, the Common Council illegally placed the 2014 Application in administrative limbo, has held it hostage since August 5, 2015, and is now waging a war of attrition in an effort to dissuade FASNY from pursuing what appears to be a legal use of its land,” Judge Lefkowitz stated in her decision filed on April 19 with the Westchester County Clerk’s office.

In December 2013, the Common Council, by a 6-1 vote, adopted findings

pursuant to the State Environmental Quality Review Act (SEQRA) that determined that FASNY’s proposed school worked with certain conditions, including the discontinuance of a limited portion of a local street, Hathaway Lane, for public safety purposes. Despite its recommendation, the council in August 2015, voted not to discontinue Hathaway Lane. In addition, the council voted to table the proposal to approve a special permit and site plan for FASNY and to date the council has not voted on that resolution, Judge Lefkowitz stated in her decision.

FASNY’s litigation filed in September 2015 challenged the “Catch-22 situation” as described by FASNY representatives, created by the council. On one hand, the council required by a 6-1 vote a mitigation measure that included the partial discontinuance of Hathaway Lane, but on the other hand, later rejected that mitigation proposal.

The city sought to dismiss FASNY’s lawsuit, contending that the decisions of the Common Council should not be before the court. Judge Lefkowitz’s most recent decision, dated April 19, marks the third time the court has ruled in favor of the French American School.

Andrea Colombel, chair of FASNY’s Board of Trustees, said, “We are obviously very pleased with the judge’s strong ruling, and we appreciate the thoughtful and thorough review the court has given this matter. FASNY has acted in good faith from the beginning of this process. As the court recognized, the Common Council acted unfairly, at best. The court’s decision shows that it understands the merits of FASNY’s position, and we are now more confident than ever that we will ultimately prevail.”

Colombel stressed, “FASNY is staying in White Plains. We are committed to our property and to our rights as property owners. We now urge the rational voices on the council and the mayor to end the court proceedings and work with FASNY toward a positive resolution.”

FASNY’s counsel, Michael Zarin of the law firm Zarin and Steinmetz, added, “The court’s decision shows that the writing is on the wall. New York law unambiguously establishes that municipalities need to accommodate educational uses, and the City of White



A rendering of the proposed French American School at the former Ridgeway Country Club in White Plains.

Plains is no exception. The court’s decision, which recognizes the council’s bad faith actions, will support a federal damages claim, which would allow FASNY to recover millions of dollars that have been wasted by the ‘war of attrition’ the Council is still waging. It’s time to stop litigating and start building.”

The review of the French-American School’s plan has lasted about five years. The school bought the moribund 130-acre Ridgeway Country Club in January 2011 for an agreed upon sale price of \$11 million and that spring proposed a plan to build a school that would ultimately accommodate its nursery through 12th grade students. FASNY purchased the Ridgeway Country Club in order to consolidate its leased campus buildings in Scarsdale, Larchmont and Mamaroneck to the White Plains property.

A host of neighborhood groups have opposed the project up to this point. After the judge’s decision was released, one major Westchester County business organization—The Business Coun-

cil of Westchester—sent a letter to White Plains Mayor Roach urging the city to end the litigation and allow the project to move forward. In the letter, authored by BCW Executive Vice President and COO John Ravitz, the organization touted the project’s benefits including publicly accessible green space, \$14.3 million in annual economic benefits to White Plains businesses, along with \$22 million for Westchester County businesses, the creation of an estimated 530 construction jobs in the county, 317 jobs in support industries and businesses and the employment of 232 full-time and part-time staff by FASNY upon the project’s completion.

“By ending its legal battle with FASNY, the City of White Plains would send a positive signal about its burgeoning position as an exciting, progressive city and economic hub for Westchester County and the Hudson Valley,” Ravitz said in the letter to the mayor. “A world-class school and publicly-accessible green space would be wonderful additions for a community on the rise.”



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Real Estate Agents, Appraisers Concerned Over FHA Appraisal Policies

WASHINGTON—While the Federal Housing Administration's overhaul of its "Single-Family Housing Policy Handbook" last year offered loan originators more clarity on lending policies and loan underwriting standards, some changes made to the property valuation policies are causing confusion and delays, according to speakers at a real property valuation forum released earlier this month at the 2016 Realtors Legislative Meetings & Trade Expo.

All properties bought or refinanced with an FHA loan have to be appraised by a HUD-approved home appraiser. When purchasing a property with a conventional loan product, the appraiser focuses on determining the market value of the home; however, with an FHA-insured loan, the appraiser not only determines market value, but also inspects the home to ensure it meets certain minimum property standards. Requiring appraisers to take on home inspection-type duties to ensure standards are met appears to blur the line between appraisals and home inspections and has raised questions among consumers, agents and appraisers.

"FHA appraisal guidelines are stricter; the standards set the benchmark for appraisals in the industry," said Gary Eisenbraun, appraisal/technical support branch chief of the Federal Housing Administration. "The guidelines are strict though to protect consumers and safeguard FHA's mortgage insurance fund and taxpayer dollars."

Martin Wagar of Wagar & Associates Inc., of Kalamazoo, MI outlined several recent changes to the handbook, but said that many were, in fact, not changes to what appraisers are being asked to do—the handbook simply uses more

definitive language to describe what steps appraisers "must" do as part of the process. Those steps include operating all conveyed appliances and observing their performance; fully accessing attics and crawl spaces, if possible; reporting if roof coverings are in good condition; noting if any sump pump is properly functioning and verifying that any pool is operational and does not pose any hazards.

"The appraiser's job is to observe, analyze and report to the underwriter that the property meets HUD's minimum property requirements," said Wagar. "The danger is that consumers can mistake the role of the appraisal for that of an inspection."

Panelist John Anderson, a Realtor and appraiser with Twin Oaks Realty Inc., Minneapolis, MN agreed there is confusion about whether and how appraisals are different from home inspections. "There is growing confusion among consumers about whether they also need a home inspection," he said. "An appraisal makes sure a home meets FHA minimum standard requirements; it is different from a home inspection and does not replace it. Buyers should still get an inspection, and it's often required by the lender."

A low home appraisal can kill the sale of a home, so when it comes to minimizing problems, the panelists agreed that good communication is critical. David Schiffmayer, vice president for Wells Fargo National Underwriting and Production Risk Management, told attendees that despite some early challenges, there is no shortage of appraisers willing to take on FHA-insured home appraisal; however, many in the audience seemed to disagree.

"There have been a lot of questions because of the recent changes, but those have died down significantly," said Schiffmayer. "I recommend agents work closely and be responsive to appraisers; it's important to communicate with the appraiser, answer questions and provide any additional requested property information."

Buyers, sellers and Realtors are free to ask appraisers or lenders to consider additional property information, documentation and comparisons. They may discuss the unique conditions of a home and its neighborhood with appraisers. Once an appraisal has been completed, any communications about errors or offers of additional information must be with the client who ordered the appraisal, generally the lender.

Anderson said that concerns over FHA appraisals could hinder borrowers' ability to compete in today's housing market. "The consumer is the one who is getting hurt because of delays or not getting their offer accepted," he said. "We are in a market where homes are getting multiple offers, and if sellers are

hearing there are problems with FHA appraisals they may not be willing to work with buyers using FHA-insured loans."

According to NAR's most recent Realtor Confidence Index, when reporting about their last contract that went into settlement or was terminated over the period January–March 2016, 27% had delayed settlement, and 7% were terminated; of the 27% delayed, 18% were because of appraisal issues, and of the 7% terminated, 5% were the result of appraisal problems.

To help ensure the FHA home buying process functions smoothly and without delay, in March 2016, NAR President Tom Salomone sent a letter to the Department of Housing and Urban Development concerning FHA's handbook. NAR asked the agency to reconsider some of the language, especially that which requires appraisers take on additional home inspection-type duties that were not previously mandatory.

Additional resources for agents about appraisals can be found at www.realtor.org/appraisal.

Veteran Realtor, Mortgage Executive Howard Parnes Passes Way at 86

WHITE PLAINS—Howard Leon Parnes, partner of Houlihan-Parnes Realtors, passed away at age 86 on April 21.

Parnes joined forces in 1967 with the long-established Houlihan firm run by James G. Houlihan and Daniel J. Houlihan. The firm, which became known as Houlihan-Parnes Realtors, celebrates its 125th anniversary this year.

Parnes was known in the industry for being active in purchasing and selling real estate for over 56 years, and he brought a wealth of experience to any transaction. He was involved in the acquisition, ownership and/or sale of over 5,000 properties, not only throughout the New York area, but also throughout the United States and in the Caribbean. His extensive career covered virtually all types of investment real estate. He specialized principally in shopping centers and taxpayers, along with high-rise, mid-rise and garden apartment buildings.

At Houlihan-Parnes Realtors, Parnes established a mortgage servicing company, as well as a management company to run his various properties in New York and nationwide. Parnes and his staff formed investor groups, arranged financing with the assistance of the Houlihan Parnes Realtors' mortgage brokerage department, and performed the due diligence and handled the closings on more than \$3 billion of real estate in the United States.

He was affiliated with The Bronx/Manhattan Board of Realtors, the Real



Howard Leon Parnes

Estate Board of New York, and the Westchester County Board of Realtors.

A dedicated philanthropist, Parnes constructed three wings for an old age home, Hogar de Ancianos, in La Romana, Dominican Republic. This included building an infirmary with a medical office, a reception hall where patients may congregate and have social activities, a new kitchen and fully furnished dining room, as well as a dormitory with sleeping quarters. Parnes was also involved in the orphanage "Hogar de Nino" and donated money for the medical equipment of the Romana Central Hospital. Nearby at the Casa de Campo resort, he also developed many vacation homes and villas there as well.

Mark Your Calendar

A.S.A.P. Mortgage Corp. to Hold Event Honoring Military, Veterans on May 23

MOHEGAN LAKE—A.S.A.P. Mortgage Corp. is holding an event on Monday, May 23 at the Roma Grill restaurant in Mohegan Lake to honor military personnel and veterans.

The event to be held at 3131 East Main St. in Mohegan Lake from 6:30 p.m. to 8:30 p.m. is free for all veterans and military personnel with military identification and will feature a four-course dinner, coffee and dessert. A total of 100 seats are available for the free event. Other non-military attendees will be charged \$25.

There will be a VA home loan specialist on site reviewing loan options for veterans.

"This is our way of saying thank you to our veterans and military for all they do for us," said A.S.A.P. Mortgage owner Irene Amato, said that the firm is also looking to stage a similar event in Yonkers. The inaugural veterans and military appreciation program will be an annual event run by A.S.A.P. Mortgage, she added.

For more information or to make a reservation to attend the May 23rd event, go to: <https://www.asapmortgageinc.com/events/>

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PUTNAM POSTING

By Jennifer Maher



Latest CFA Process Stresses Downtown Development, Community Involvement

Through the New York State Consolidated Funding Application (CFA), a single application for multiple sources of state funding, New York State is soliciting grant applications for projects that advance the priorities of the Regional Economic Development Councils (REDC). Governor Andrew Cuomo has emphasized infrastructure in his budget message and a CFA priority this year seems to be “downtown revitalization.”

As discussed in an earlier column, this approach may be problematic for Putnam County because we lack a significantly definable “downtown” and we don’t have the basic infrastructure to propose projects that will bring the necessary jobs to impress the selection committees. Some investors have “thoughts” of what could be done if we had waste treatment facilities and some other basic infrastructure in place (having gone beyond the approval process). Will the municipalities step forward and place projects through the CFA process that will lay the groundwork for long-term commercial/employment investment? It appears that we must also look beyond the CFA competition for other elements, some under local control, to foster the base for our economic development—reduction of DEP/DEC restrictions, a realistic SEQRA process, and an informed, forward-looking citizenry.

Now more than ever, we need to be fully involved in the process. Businesses—commercial and not-for-profit— and municipalities, working in joint venture projects where possible, need to take advantage of the CFA opportunities. As the saying goes, “You have to be in it to win it.”

There are scheduled CFA Workshops in the Mid-Hudson region on May 25 at Touro College, Middletown Campus and June 13 at Iona College’s Murphy Center in New Rochelle. Here in Putnam we will have an information session presented by Meghan Taylor, director of the Empire State Development Mid-Hudson Regional Office on Wednesday, May 18 from 9:00 a.m.-11:00 a.m.at the Putnam County Training and Operations Center (TOC), Donald B. Smith Campus, 112 Old Route 6, Carmel. Attendees will be able to get the current criteria and direction to prepare a successful application for a project in this competitive process. There is no charge for this vital information session.

Jennifer Maher served as the 2015 vice president of the Hudson Gateway Association of Realtors and currently serves as the 2016 vice president of the Hudson Valley Chapter New York State Commercial Association of Realtors and chairwoman of the Putnam County Chambers of Commerce.

Houlihan Lawrence Launches Chinese Language Web Experience

NEW YORK—In response to increasing local interest by Chinese homebuyers and investors, residential brokerage firm Houlihan Lawrence has launched a Traditional Chinese-language version of its website.

The site offers a seamless browsing experience for Chinese viewers by pairing a curated selection of properties with deep links to its premier listings translated on LuxuryPortfolio.com.

“We are proud to extend our capabilities to meet the needs of this premium market,” says Chris Meyers, managing principal of Houlihan Lawrence. “It is important for us to evolve our tools for international home buyers in order for all clients to have an easy, accessible experience.”

This new feature is a result of Houlihan Lawrence’s growing demand from Chinese users, the brokerage stated. Traffic from China to HoulihanLawrence.com more than doubled in 2015 as compared to 2014, and inbound web leads from Chinese buyers have increased significantly since last year. Houlihan Lawrence has been steadily attracting Mandarin and Cantonese speaking agents to the company, with a dozen native speakers dispersed among its offices. The agents have been reporting a growing demand from Asian investors for better digital home buying tools and a desire to correspond primarily through popular messaging platform WeChat.

Elizabeth Nunan, vice president of global business development explained, “By featuring our luxury properties in Traditional Chinese, Houlihan Lawrence and our sellers will benefit from an increased global presence among this ever-important audience as Chinese are now the biggest foreign buyers of U.S. housing.”

According to a survey by the National Association of Realtors, in the 12 months ending March 2014, Chinese investors spent \$22 billion on real estate in the United States, or nearly one quarter of all international sales. Roughly 51% of the deals were in New York. In 2015, the demographic poured \$28.6 billion into properties in the U.S.

For more information, please visit <http://www.houlihanlawrence.com/> and <http://www.houlihanlawrence.com/chinese>



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- An experienced team to work exclusively on home purchase transactions.



Maddaline Kostyra

Home Lending Officer
914-473-5605
maddaline.kostyra@citi.com
NMLS# 589649



Terms, conditions and fees of accounts, programs, products and services are subject to change. This is not a commitment to lend. All loans are subject to credit and property approval. Certain restrictions may apply on all programs. Offer cannot be combined with any other mortgage offer.

1. SureStart is a registered service mark of Citigroup Inc. Final commitment is subject to verification of information, receipt of a satisfactory sales contract on the home you wish to purchase, appraisal and title report, and meeting our customary closing conditions. This offer is not a commitment to lend and is subject to change without notice. There is no charge for the SureStart pre-approval, but standard application and commitment fees apply.

2. A Citibank deposit account is required to receive Citibank mortgage relationship pricing. Ask a mortgage representative for details on eligible balances and the qualifying closing cost credit or rate discount. Availability of the Citibank mortgage relationship pricing for Citibank account holders is subject to change without notice.

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HGAR's Red Carpet Make-A-Wish Spectacular



The Make-A-Wish Committee (back row, from left) Sadiki Pierre; Michelle Gilliard; Kathy Milich; Kerri Stretch; Ramiro Vargas, "Wish" recipient; Angela Demaris; Mary Prenon and Tom Conklin, CEO, Make-A-Wish Hudson Valley. Front row, from left: Joseph Brown; Maryann Tercasio; Shirley Van Dam; Eydie Lopez, Make-A-Wish Committee Chair and Melissa Grillo



The event was held on May 5th at the Clubhouse at Patriot Hills in Stony Point.



From left, "Wish" recipient Ramiro Vargas and Tom Conklin, CEO, Make-A-Wish Hudson Valley



From left, Rodrigo, Jennifer, Elena, and "Wish" recipient Ramiro Vargas with Tom Conklin, CEO, Make-A-Wish Hudson Valley



Gold Star Sponsors — From left, Fah Islam and Gabriel Ramirez , Chase Bank; Russ Woolley, Wright Bros., Real Estate Inc.; Marcene Hedayati, William Raveis Legends Realty Group; Matthew Rand, BHG Rand Realty; Scott Gunst, Wells Fargo Home Mortgage; Dorothy Botsoe, Dorothy Jensen Realty Inc. and Daniel Boykin, Wells Fargo Home Mortgage.



Tom Conklin, CEO, Make-A-Wish Hudson Valley; Rodrigo, Jennifer, Elena, and "Wish" recipient Ramiro Vargas; Marcene Hedayati, HGAR President and Richard Haggerty, HGAR CEO



From left, Sander Koudijs and Scott Gunst



Vicky Gozalez, HGAR, wins the coveted "Red Wagon" raffle prize.



Eydie Lopez, Make-A-Wish Committee Chair and Kathy Milich, Committee Vice Chair