

Insurance Insights

by Ken Furst and Jason Schiciano
Levitt-Furst Associates



A Review of New York State Paid Family Leave

TARRYTOWN

What is Paid Family Leave?

Starting in January of 2018, Paid Family Leave (PFL) became a mandatory benefit in New York, providing employees with job protection and paid time off for these qualifying events:

- ◆ Providing care for family members* with serious health conditions
- ◆ Bonding leave after giving birth, adoption, or welcoming a child into foster care
- ◆ Qualifying military service

*Family members are defined as spouses, domestic partners, children, parents, parents-in-law, grandparents and grandchildren.

Employees are also guaranteed to be able to return to their job and continue their health insurance. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on Paid Family Leave.

Weekly Leave Overview

Benefit chart for employees taking paid leave in weekly increments (regardless of full-time or part-time).

Benefit Stage Effective Date*	Maximum Length of Paid Leave*	Maximum Benefit Amount**		
		Payable % of Employee's Average Weekly Wage (AWW)	To the Maximum % of NY Average Weekly Wage	\$ Max based on 2016 NYSAAW of \$1,305.92**
01/01/2018	8 weeks	50%	50%	\$653
01/01/2019	10 weeks	55%	55%	\$718
01/01/2020	10 weeks	60%	60%	\$784
01/01/2021	12 weeks	67%	67%	\$875

* While this is the anticipated phase-in schedule, New York State may delay increases at its discretion.
**NY Department of Labor releases the updated NYSAAW every March 31.

Businesses play an important role in implementing Paid Family Leave. Starting Jan. 1, 2018, nearly all private employees in New York State were eligible for Paid Family Leave.

Insurance coverage for Paid Family Leave benefits generally will be added to an employer's existing disability benefits policy. Paid Family Leave coverage is funded by employee payroll contributions.

In 2018, employees are eligible to receive 50 percent of their average weekly wage (AWW) up to 50 percent of the New York State Average Weekly Wage (SAWW) for up to eight weeks. When Paid Family Leave is fully phased in in 2021, the maximum benefits will increase to 67 percent of an employee's AWW up to 67 percent of the SAWW for up to 12 weeks.

Please note that this is an anticipated phase-in schedule. New York State may delay increases at its discretion. The first year is a learning curve which will help New York State set a standard for going forward.

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From the Editor's Desk

Hanley's Highlights

by Jeff Hanley

Associate Director, Building and Realty Institute (BRI), *Impact* Editor

Do Not Miss Our Extensive Tribute to 2017, A Productive and Memorable Year For the BRI

ARMONK

What a year! That was the first thought that came to the staff of The Building and Realty Institute (BRI) as it viewed our 2017 Retrospective Report in this issue. The four-page summary in the middle of this edition reviews the more than 55 Membership Meetings, Seminars and Social Events that our association sponsored last year. It also illustrates how the BRI's staff joined with some members of our association to represent the BRI at events of other business membership groups in the Westchester and Mid-Hudson Region.

A review of the report - which appears on pages eight through 11 - and its many photos illustrates that 2017 was another year filled with valuable networking and educational programs for members of the BRI. The summary is most definitely worth re-viewing, as are the many more reports in this edition that address issues affecting our region's building, realty and construction sector. They include:

- ◆ A report on page one stressing that the housing market will continue to gain ground in 2018. That was the sense of a panel of economists at the Jan. 9 International Builders Show of The National Association of Home Builders (NAHB);
- ◆ A study that stresses that overall housing and economic activity in metro markets across the U.S. remained on a gradual, upward trend in the fourth quarter of 2017, even with a decrease in permit activity. The evaluation is part of the NAHB/First American Leading Markets Index (LMI). The article is on page one;
- ◆ A report on page one citing that the BRI has begun its preparations for its upcoming Labor Contract Negotiations with Local 32-BJ Service Employees International Union (SEIU). The current contract between the two entities expires on Sep. 30;
- ◆ A summary on page one that reports on The Cooperative and Condominium Advisory Council (CCAC) of the BRI announcing its 2018 agenda, a strategy geared toward serving our region's co-op and condo sector;
- ◆ An important review of issues regarding the New York State Paid Family Leave scenario. The summary, written by Ken Furst and Jason Schiciano of Levitt-Furst Associates, insurance manager for the BRI, is on page two;
- ◆ A report in Co-op and Condo Corner on why membership in the CCAC is so valuable for co-ops and condos in our area. The article, on page two, was written by CCAC Chair Diana Virrill;
- ◆ The continuing series in Counsels' Corner on Emotional Support Animal Requests. Part Three of the series is on page 3. The reports have been produced by Finger and Finger, A Professional Corporation. The firm is Chief Counsel to the BRI;
- ◆ An article on page four that summarizes the support of NAHB for President Trump's Infrastructure Plan;
- ◆ A summary on page five that highlights the "Hidden Benefits of Membership" in the BRI. The report was written by Maggie Collins, director of membership for our association;
- ◆ A page 12 article on BRI Member RM Friedland being named Exclusive Retail Leasing Agent for 587 Main Street, the initial phase of RXR's Master Redevelopment Plan for New Rochelle;
- ◆ An analysis on page 12 showing sales of luxury homes selling for \$2 million and higher in Westchester County hitting a 10-year high in 2017, with 357 high-end homes sold. That data illustrates a 4.7 percent increase from 2016. The analysis is part of the comprehensive Houlihan Lawrence Luxury Market Report on that page;
- ◆ A page 12 report on Ginsburg Development Companies (GDC) continuing its expansion of its multifamily portfolio

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Co-op and Condo Corner



By Diana Virrill, Chair

The Cooperative and Condominium Advisory Council (CCAC)

The CCAC Offers A Solution to the "Wish Lists" of Board Members of Our Area's Co-ops and Condos!

ARMONK

Are you a member of the Board of Directors of a co-op, or a condo?

If so, do you often wish for an entity that can help you and your board deal with the intense responsibilities associated with running those facilities?

You no longer have to wish, or compose a "Wish List" to help you with the duties that you and your colleagues face. If you do not know of us, The Cooperative and Condominium Advisory Council (CCAC) of The Building and Realty Institute (BRI) is here to help you, and your complex!

The CCAC, based in Armonk, is membership organization of more than 400 co-ops and condos that offers a series of valuable Membership Benefits to board members. They include:

- ◆ **Networking** - Belonging to the CCAC means meeting other board members from co-ops and condos in Westchester County. It means exposure to new ideas, as well as experiences from your peers and advice from experts in the co-op and condo sector. As a member, your building also belongs to the BRI, with its considerable sources and contacts within the building, realty and construction community.
- ◆ **Insurance** - Membership in the CCAC allows you access to New York State Workers' Compensation Group 530. More than 500 co-ops and condos are members of the group, which helps cut the high costs of compensation insurance. Other insurance services are also available through Levitt-Furst Associates, the insurance manager for the CCAC/BRI.
- ◆ **Referral Services** - The CCAC draws upon the formidable resources of the BRI for referrals on a variety of services for members of Boards of Directors of co-ops and condos. Whether your board needs legal advice, investment counseling, real estate expertise or help with maintenance problems, a quick call to the CCAC/BRI can help solve your problems and offer referrals from our talented and experienced staff. The BRI has hundreds of its member supplier, service and professional firms at your fingertips, companies and consultants that can assist your facility in many valuable ways.
- ◆ **Information** - Members of the CCAC receive this publication (*IMPACT*), a bi-monthly newspaper. The publication covers key realty, building, business and construction news. Articles on realty management, banking, personal finance and new industry developments appear regularly in *IMPACT*. Members of the CCAC also receive periodic bulletins and notices on issues and events that are applicable to the duties and interests of board members of co-ops and condos.
- ◆ **Lobbying** - Co-ops and condos can most definitely feel at ease knowing that the CCAC/BRI is their lobbying representative. The association maintains close contact

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**A Review of New York State Paid Family Leave,
Continued from p. 2**

Highlights of some differences Between DBL & PFL

DBL	PFL
Taken due to employees' own disability	Taken to care for someone else, or to bond with a new baby
7-day waiting period	No waiting period
Employee can collect benefits while out on PTO or using vacation days	Employee cannot collect monetary benefits while out on PTO or using vacation days, job protection aspect is not impacted
Max duration of 26 weeks	Max duration of 8 weeks (12 weeks once fully phased in)
Rates set by carriers while adhering to MLR requirements	Rates set by New York State
Multi-tier rate with male/female and potentially owner rates (depending on the carrier)	Rate is in percent of employee's salary
Maximum weekly contribution/per employee: \$0.60	Maximum weekly contribution/per employee 0.126% of the employee's weekly wage (capped at current NYSAWW of \$1,305.92 = \$67,907.84). <small>* NY Department of Labor releases the updated NYSAWW every March 31</small>

Top Questions from Employers

How much should employers deduct from employees?

The 2018 payroll contribution is 0.126 percent of an employee's weekly wage and is capped at an annual maximum of \$85.56. If an employee earns less than the New York State Average Weekly Wage (\$1305.92 per week), they will have an annual contribution amount less than the cap of \$85.56, consistent with their actual weekly wages.

For example, in 2018, if an employee earns \$27,000 a year (\$519 a week), they will pay 65 cents per week.

What do employers do with the money deducted from employees?

The employee contributions that are withheld for Paid Family Leave are to be used to pay for the insurance.

If an employee/employment type is excluded from disability, are they included in Paid Family Leave?

The definitions of employment and employee are the same in the Workers' Compensation Law for disability and Paid Family Leave. If they are not included in the disability policy, they won't be included in Paid Family Leave, either.

Who is required to participate in Paid Family Leave?

Participation is required for private employers with one or more employees; public employers may opt in to provide the benefit.

How does Paid Family Leave work with other types of leave?

- ◆ Family Medical Leave Act (FMLA): If an employee has an event that qualifies for leave under both FMLA and Paid Family Leave the employer is covered under both laws, the leave should run concurrently. In order for the two types of leaves to run together, the employer must notify the employee that the leave qualifies for both FMLA and Paid Family Leave and that it will be designated as such.
- ◆ Short-term Disability: Employees cannot take short-term disability and Paid Family Leave at the same time. However, if the employee qualifies for short-term disability (for example, after giving birth), they may take short-term disability and then Paid Family Leave. Employees cannot take more than 26 weeks of combined short-term disability and Paid Family Leave in a 52-week period.
- ◆ Workers' Compensation: If an employee is collecting Workers' Compensation for a total disability, they cannot take Paid Family Leave. If they are on a reduced earnings schedule, they may still be eligible for Paid Family Leave.
- ◆ Maternity Leave/Paternity Leave: It is up to the employer to determine how Paid Family Leave works with their other leave policies.

Important Clarification of PFL Withholdings Method

As of Jan. 17, 2018, there is formal alignment of New York State agencies with respect to how employers need to withhold employees' Paid Family Leave premiums. In light of this latest clarification, let us walk you through the now required way of withholding by N.Y. State government:

The 2018 maximum contribution rate for Paid Family Leave is 0.126 percent of the employee's annualized wages capped at the annualized New York State Average Weekly Wage (NYSAWW) of \$67,907.84 per year, which means the maximum annual premium to be charged to an employee for Paid Family Leave is \$85.56 per year.

Here are a few examples of how the withholdings are intended to work (for illustration purposes only):

Example Employee	Annual Income	Typical Weekly Income (not including bonus)	2018 Maximum Contribution Rate	Annual Contribution	Typical Weekly Contribution	Bonus Week Contribution	Last Contribution Week in 2018
John	\$50,000	\$961.54	0.126% of annual income, capped at \$85.56	\$63.00	\$1.21	N/A	52
Jenna	\$80,000	\$1,538.46		\$85.56	\$1.94	N/A	45
Jeff	\$80,000 + \$50,000 bonus in February	\$1,538.46		\$85.56	\$1.94	\$64.94	12

But, the Question Remains: Can My Employees Opt Out of PFL

Paid Family Leave is a mandatory benefit for employees who do not fall into an excluded class and work at a Covered Employer, just like DBL.

There are a few limited scenarios under which certain employees may "opt out" by filling out the PFL-Waiver form. An employee may file a waiver for paid leave benefits if they:

- ◆ Work 20+ hours per week but not 26 consecutive weeks
- ◆ Work less than 20 hours per week and less than 175 days in a consecutive 52-week period

If an employee's work schedule ceases to fall below this threshold, their PFL waiver is automatically invalid within eight weeks of the change in their work schedule. At that time you must start counting this employee for premium purposes - and if you are collecting employee contributions for PFL, any employee coming off a waiver will need to start contributing, including any retroactive amounts back to the date of hire or inception of PFL. You will need to keep the waiver on file for as long as they are working for you - whether the waiver is still in force or not.

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Hanley's Highlights Continued from p. 2

- ◆ with the acquisition of The Landing on Mohegan Lake, a lakefront rental community featuring 207 one- and two-bedroom apartments. GDC has been a member of the BRI since January of 1977;
- ◆ An evaluation in Tech Talk on the efforts

of a new organization called "Truth About Tech." The entity is examining what it terms as the series of digital addictions that are seen across the U.S. The article, on page 14, was written by Andrea Wagner of Wagner Web Designs.

Those reports join with the other articles in this issue to produce what our staff feels is a solid edition.

As for the months ahead, BRI members can be assured that our staff, and our Boards of Directors, are working hard to make 2018 another positive year, just as 2017 was. Enjoy the issue!

Trion Real Estate Management and Holdings Marks the 40th Anniversary of Its Formation

WHITE PLAINS

Trion Real Estate Management and Holdings recently celebrated its 40th anniversary and the company's significant growth in that period.

The company celebrated its milestone on Dec. 5 with an elegant cocktail and dinner party at the Ritz Carlton in White Plains. Company officials said the event was attended by the real estate elite, media, friends, family and Trion executives and staff.

Trion Real Estate Management officials said that the company started with its purchase of a six-unit multifamily property in Yonkers. The company eventually expanded its portfolio to include more than 2,000 apartments throughout New York and Connecticut. Trion's portfolio consists of over 35 buildings and 2,000 units with a valuation of over \$500 million, officials added.

"We are so thankful to the Trion staff and the many colleagues for being an integral part of the company's growth over the past four decades," said Carmelo Milio, president of Trion Management and Holdings. "We are grateful for all their hard work, talent and dedication."

Carmelo Milio summarized the history of Trion's growth at the event, going back to when his parents, Filippo Milio and Fernanda Milio bought their first building (a six-unit multifamily property) in 1977 with just a \$5,000 down payment that they had received from their wedding gifts.

"To purchase that same building today, you would need a \$600,000 down payment," Carmelo Milio said. "And, at that time, the max rent they could get was only \$200 for each apartment."

Company officials said that, over the next several years, the Milio's continued to buy buildings in New York and Connecticut, growing their holdings portfolio to over 1,000 units by 2006. In 2012, the company decided to expand its investments to New York City and has acquired more than 400 units throughout eight buildings in that short time period.

"This 40th anniversary celebration is only possible because my parents, Filippo and Fernanda, had the guts to invest in real estate back in 1977," Carmelo Milio said. "In celebrating this milestone, we honor their hard work, courage and their ability to stick it out past any obstacles. Forty years is a long time, there have been many ups and downs, and many people, including those in the real estate industry, have benefited from their success along the way."

Trion Real Estate Management and Holdings is a leading full-service property management and investment company with a portfolio that exceeds more than 2,000 co-op, condo and rental units under management throughout New York City and the tri-state area. The company, which has offices in New York City and Yonkers, offers a complete range of services, including property management, maintenance and leasing, officials said.

Carmelo Milio served as president of The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI) in 2016 and 2017. He also has served as chairman of the BRI's Apartment Owners Advisory Council (AOAC). Milio is serving as chairman of the BRI in 2018, association officials said.

Ardsley Country Club Wins 2017 Building Award

MAMARONECK

Murphy Brothers Contracting recently announced that Ardsley Country Club was the recipient of the 2017 HOBI Award for Best Commercial Restoration Project by The Home Builders and Remodelers Association (HBRA) of Connecticut.

The HOBI Awards are the most prestigious awards presented annually by the Connecticut-based association of construction professionals. The awards recognize excellence in design, construction, sales and marketing, and financing by members of the organization, association officials said.

While many private clubs undergo planned renovation projects due to a changing membership with modern tastes, the Ardsley Country Club found itself in a more harrowing situation, officials said.

On Dec. 13, 2014, an early Saturday morning fire heavily damaged the main building at the historic club. The blaze was reported at 4:43 a.m. when a neighbor alerted local authorities. Firefighters from Irvington and Dobbs Ferry arrived to find the building fully engulfed in flames. As a result, two-thirds of the club's main building was completely destroyed, officials added.

A Beginning

Once the scope of work was determined and the design and construction teams were chosen, the main fire damage gut and restoration work began in early June of 2016. The work incorporated two new additions totaling 10,300 square feet to the overall major rebuild and restoration project:

The Southwest Main Dining Area, with storage below.

A Modernized Northeast Extension, which included:

- ◆ The First Floor - A remodeled lounge/bar area with grille room, a new modernized kitchen, a "members" entrance and viewing gallery;
- ◆ The Second Floor - A new men's locker room lounge and wet area;
- ◆ The Third Floor - A new office and administrative area.

"After the fire, our challenge was to quickly pull together an overall comprehensive restoration plan for the clubhouse that considered 21st century functionality, code compliance, architectural consistency and membership experiences," said Architect Rex Gedney.

"Our ultimate goal at Ardsley was to envision, enhance and restore the club's grandeur and appeal for today's modern lifestyle while embracing and honoring the club's legacy and geographical significance," added Craig Smith, partner/co-creative director of C2 Limited Design Associates.

Officials said that the entire project was completed for a Labor Day 2017 Opening in an amazing 15 months. Officials cited the collaborative efforts of Murphy Brothers Contracting Project Managers Joe Zito and John Dorsey, Cro-

zier Gedney Architects, and C2 Limited Design Associates, as well as a team comprised of nearly 150 subcontractors, including Murphy Brothers own in-house labor force.

Sean Murphy, vice president of Murphy Brothers Contracting, praised the efforts, noting that "award-winning projects are always the result of teamwork."

Specifics

Special Features of the project are:

- ◆ Custom-Made Bricks to match existing bricks and mortar from 1895, with Custom-Made Cast Coping topping off all the bricks;
- ◆ Custom-Made Anderson E-Series Windows and Doors;
- ◆ The restoration of existing Case-ment Steel/Lead Glass Windows and Doors;
- ◆ Semi-Weathering Green-Grey Vermont Slate;
- ◆ Marble Urinal Partitions;
- ◆ All LED Light Fixtures and Bulbs;
- ◆ Carrier Commercial Equipment for Heating and Cooling;
- ◆ A BMS (Building Management System) to control all heating, cooling fan shut downs and kitchen shut downs;
- ◆ A Four-Story Elevator;
- ◆ A 500 KW Generator;
- ◆ A total of 53,800 square feet post-fire, compared to 43,500 square feet pre-fire.

Key Team Members

The interior designer for the project was Smith of C2 Limited Design Associates. Founded in 1988, C2 Limited Design Associates is an award-winning boutique hospitality design practice led by founding partners and co-creative directors Smith and Christina H. Romann. Smith and Romann have created a signature niche in the worlds of luxury hotel, resort and exclusive private club design with their bespoke approach to design that is uniquely tailored to clients and their respective stories, officials said.

The architect for the project was Crozier Gedney Architects, P.C., an architecture and design firm that provides a broad base of professional services to private clubs, commercial, restaurant, and residential clients. The firm, established in 1952, has successfully completed thousands of projects throughout the metropolitan area, spokesmen said.

Murphy Brothers Contracting, Inc. was the general contractor for the project. Murphy Brothers Contracting is a 38-year-old family-owned business known throughout the New York metropolitan region for building what company officials termed as beautifully-designed custom homes, picture-perfect whole home renovations, and distinctive "non-residential" projects. Those projects include private club renovations. Company officials added that Murphy Brothers Contract-

ing understands that "award-winning projects are the result of collaborative teamwork."

Ardsley Country Club is housed in a mansion that once belonged to Frank Gould, son of 19th-century industrialist Jay Gould. Founded in 1895, the club has a Willie Dunn-designed golf course that was later redesigned by Donald Ross, Alister Mackenzie and the Robert Trent Jones organization. The club also has tennis and paddle courts, a pool and the only curling rink in the New York metropolitan area. Original membership included such notables as Jay Gould, Cornelius Vanderbilt, J. Pierpont Morgan, William Rockefeller, and Amzi Lorenzo Barber, spokesmen said.

A Review of New York State Paid Family Leave, Continued from p. 6

What new obligations and compliance considerations does PFL bring to my business?

Here are the top things you, as the employer, need to know:

Gearing up:

1. You must add PFL to your written guidance for employees concerning employee benefits or leave rights, such as in a n employee handbook.
2. Just like with DBL, you will have to **display and keep posted a printed notice** concerning PFL as published by New York State later this year.

Administering:

1. All your employees who are currently under DBL will be covered under (and thereby have the right to take) PFL effective 01/01/2018 - you may have employees out as soon as 2018 begins.
2. Since the PFL rate is based on each employee's wage/salary, this may add to the complexity of your current payroll tracking/administration. Start looking into solutions that may help you minimize the added burden.
3. Since paid leave can be taken in daily increments/intermittent intervals (such as every other Monday), your absence management may become more complex. If you are not subject to FMLA, which requires granular **absence management capabilities**, start looking into solutions that may help you keep track of intermittent leave efficiently.

Employee rights:

1. If you decline to reinstate an employee returning from PFL, your employee may report this to New York State. You then have 30 days to either take corrective action or file a formal response to the employee, explaining the reason that corrective action will or will not need to be taken.
2. If you have an employee whose circumstance would qualify for PFL but then doesn't use PFL, you can still dock that employee's "PFL time bank" (in 1/2 day increments) for time the employee is out.
3. **You cannot require employees to exhaust their accumulated PTO** before letting them go out on paid family leave.

Your rights:

1. You can't deny a valid request for PFL, but your employees will need to **give you 30 days' notice for foreseeable leave**.
2. You can request reimbursement from the insurance carrier in the amount your employee would be entitled to if they are out of PFL-qualified reasons but receive salary continuation from you instead.

Editor's Note: Levitt-Fuirst Associates is the Insurance Manager for The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. The firm is based in Tarrytown. Levitt-Fuirst can be reached at (914) 457-4200.

GDC Unveils Newly Renovated Lobby and a New Sculpture at "The Metro" Complex In White Plains, continued from p. 12

"We are thrilled to unveil our newly renovated lobby at The Metro featuring a first-class sculpture created by Eric David Laxman, whose magnificent works grace many of our residential developments. Public art is more than just a decorative feature. It creates a sense of place for our residential communities and enhances the quality of life of our residents," said Martin Ginsburg, principal of GDC, while speaking at the grand opening on Nov. 27.

Ginsburg added: "We are very pleased with our first entry into downtown White Plains and look forward to expanding our presence in this important urban market in the future."

White Plains Mayor Tom Roach attended the event, GDC officials said.

The 7-foot tall sculpture, called Bird of Paradise, is created from steel, bronze and stainless steel. According to the artist, the sculpture is in-

tended to evoke a bird in flight, ascending gracefully and defying gravity.

"The form is also inspired by the organic, elegant curves of the Bird of Paradise Flower. It suggests growth, vitality and the life force," said Laxman.

The Metro, which is GDC's first luxury rental property in downtown White Plains, is the company's fourth transit-oriented development in Westchester County. Others include Harbor Square in Ossining, River Tides at Greystone in Yonkers and 1177@Greystone in Yonkers.

The Metro's studio, 1- and 2-bedroom apartments feature designer kitchens with espresso cabinets and granite countertops and stainless steel appliances; large windows with wood blinds; wood floors in living areas with premium carpeting in bedrooms; porcelain-tiled showers and baths and balconies in select apartments, GDC spokesmen said.