

would totally obliterate that person's right to recovery." The same would hold true if a "recalcitrant worker" refused to use safety equipment the contractor provided.

BCW executive vice president and COO John Ravitz says of the absolute liability factor: "We're not looking to repeal Labor Law 240.



We just want to reform one section." Stebbins explains: "We're looking for comparative negligence. We want to keep the law as it is, but add: 'Nothing in the law shall absolve the plaintiff of culpability for his own injury.'"

As expected, Pirrotti opposes that change. "If you put comparative negligence into the law," he says, "you are shifting the burden and putting it back on the worker, who is going to be forced to work in an unsafe manner."

Furst is against comparative negligence for a different reason: "Changing the law to allow degrees of liability will just bring in more legal fighting." The workers' compensation system, he says, already protects workers: "If an employee gets injured, he or she should be compensated through workers' compensation, end of story."

Hotspot

New Life for Mount Vernon West

Is Mount Vernon a hotspot for commercial development? Given the city's sometimes beleaguered reputation, some might find that hard to imagine. But not MacQuesten Development, the Pelham-based construction-and-development company that is riding a wave of change in a key part of Westchester's third-largest city.

"It reminds me of Harlem 25 years ago," says MacQuesten managing director Joe Apicella. "The ingredients are the same: proximity to the city, good zoning, a densely populated area. We're going where nobody wanted to go, and we will reap the benefits of being there first."

MacQuesten's plans center on the transit-oriented development zone being created around the Mount Vernon West Metro-North station. In July, the company purchased the old train-station building for \$3 million, then acquired a one-acre parcel next to it that was once home to a gas station. One block away, at 30 Mount Vernon Avenue, the company's 81-unit, 11-story workforce-housing project, The Modern, broke ground last year and topped out in August. Apicella believes it will be fully leased when it opens in January. MacQuesten also owns other plots in the area.

"We'll knock down the old, decrepit train-station building," Apicella explains, "and build a 30,000 to 40,000 sq ft retail center that will integrate a bank and other uses, like cafes, supermarkets, and the like,



The development at 22 S West Street will include higher-income and workforce-income units, plus retail space.

which will serve not only commuters but the residents in the neighborhood." MacQuesten is encouraging Metro-North to update the railroad's ticket booth and track area that connects with the building.

"We're going to break ground next spring on a 174-unit residential mixed-use development on the former gas-station site," Apicella adds. The \$71 million 20-story residential building at 22 S West Street will include higher-income and workforce-income units, as well as some retail space. "We also want to build parking there for both the train-station site and the apartment building," Apicella notes.

Key factors in bringing MacQuesten — and other potential developers — to the area include the city's willingness to rezone 46 acres to transit-oriented development. In addition to awarding density bonuses, to incentivize development, the city is handling environmental-impact statements through a generic form, according to Apicella.

Apicella adds that the transformation of Mount Vernon West is the direct result of a partnership: "We are working with the mayor and city council to make what was the back door of the community the front door of the community." — DD

Profile

Flying Above the Crowd

Jonathan Gordon, CEO, Admiral Real Estate



For a man who relaxes by piloting an experimental two-seat plane through the skies over Westchester, Jon Gordon has a very down-to-earth explanation for his success in commercial real estate: "It's our perseverance and the empirical approach we use."

Gordon founded his Bronxville firm, Admiral Real Estate Services, with his wife, Jessica Munzel, in 1997 and has closed more than \$800 million worth of deals in the NY-Metro area. A recent \$4.4 million transaction his company put together was the sale of 153 Main Street, a two-story building in Mount Kisco that now houses Exit 4 Food Hall, as well as other retail and office tenants.

Gordon's strategy is data-driven. "If you wanted us to lease a shopping center for you, for example, we would run a retail demand-gap

analysis that shows how much is spent on a particular prospective tenant's SIC [Standard Industrial Classification] code by demographic and economic groups in the geographic area served by your property." The analysis would also show what competitors the prospect would have, possibly revealing an opportunity for them in the new space. This approach has helped Gordon win the CoStar Power Broker of the Year award for the last six years.

"Westchester has fared much better than most parts of the country on the retail end," Gordon reports. One help has been some municipalities' loosening of retail zoning restrictions for food and entertainment tenants who bring foot traffic to retail areas. "Certain [towns] get it and are doing quite well," he says, "like Bronxville, Scarsdale, and Tarrytown."

Gordon's data-driven strategy doesn't exclude the personal touch. "I spend 75 percent of my time on the phone," he says. "Whether those calls are putting people together, keeping up with the latest deals or negotiating fine points of a deal, I enjoy them all." — DD