

## DAILY NEWS

# The Yonkers Unco-op

### Owner and board at odds over \$94K apartment

[Wendy Frank](#) owns two [New York](#) apartments: one in [Harlem](#), where she lives, and a second in [Yonkers](#). The Yonkers apartment is a quaint co-op that sits high above downtown with sweeping sunset views of the [Hudson River](#).

But for Frank, her Yonkers lair is anything but a peaceful pied-à-terre. In fact, it's a nuisance that she has tried to unload for two years. The co-op board feels similarly. Frank has been such a problem for the board that oversees 47 Alta Ave. that other co-op members refuse to speak to her.

Anyone in New York who is trying to sell an apartment knows how difficult it can be, but Frank insists that her co-op board seems to have gone out of its way to make it next to impossible. The building's management, however, says it will gladly approve a sale when she presents a viable buyer for the apartment, priced at \$94,000.

How did it get so bad? First of all, Frank never lived in the apartment, and she never had a cozy relationship with her neighbors or the board.

"I have done everything to market this apartment except walk around Yonkers with a sandwich board," said Frank, a neighborhood revitalization planner.

Calling the board "the Unco-operative," Frank claims it has without reason rejected four financially qualified buyers. She argues that despite her pleas, it will not divulge the reasons for the rejections nor has it offered guidance on what kind of buyer it's looking for.

So Frank has entered into a battle with the board, constantly calling and sending letters. In return, the board has ordered Frank to stop contacting its members, even having its attorney, [Silvia M. Metrena](#), sending Frank a certified letter declaring that "the insistence of your direct contact is now bordering on harassment."

To cloud matters further, property manager [Bill Archer](#) of Archer Property Management, who speaks for the co-op board, said that Frank presented just two buyers, and they were rejected for financial reasons. "The only reason a co-op board can deny an application is due to financial reasons, and this has happened on two different occasions for this owner," said Archer, adding that other apartments have sold in the building in the past year.

Frank's brother bought the apartment in 1989 and lived there until 1998, when he moved into a co-op in [Queens](#). He signed the Yonkers unit over to his sister, Frank says, because the Queens board wouldn't let him own two co-ops.

Frank sublet the apartment. When the tenant moved out two years ago, she put it on the market, where it remains.

"This whole thing has been ridiculous," Yonkers [City Council President Chuck Lesnick](#) said. "She inherited this co-op and has had four qualified buyers, and for whatever reason, the board has turned them down ... shame on them."

Turning down a potential buyer is unquestionably the board's prerogative, as long as the reason isn't related to such factors as race, gender or family status.

Moreover, state law does not require co-op boards to divulge why they refuse interested buyers. Board members can tell people as little or as much as they want about why a potential buyer was rejected.

New York co-op boards are famous — or infamous — for being strict, particularly in buildings that have a reputation for exclusivity, which this board and area do not.

The Alta Ave. building is decidedly middle-class with no doorman, no amenities and maintenance costs of around \$360 per month. Frank's 700-square-foot apartment has one bedroom and a small kitchen. The bathroom could use updating, and the carpeting could use replacing.

Frank said problems with the building's board began when she started subletting the place.

"This one elderly lady would say, 'Oh, you're the one who is renting out your apartment,'" said Frank, adding that the woman's tone was not nice. One big point of contention: the tactics Frank used to sell the apartment.

Co-op board rules state that "No public hall above the ground floor of the building shall be decorated ... no advertisement shall be inscribed on or out of window or other part of the building."

Despite that, Frank hung wrapping paper on her door in December, along with advertisements for the apartment. The board fined her \$100. Frank also distributed what she calls a "holiday greeting" to her neighbors, asking them to help her find a buyer the board would find suitable.

"How nice it would be to have a friendly neighbor you could go shopping with, play card games with, take walks with and just shoot the breeze with," the greeting said.

Frank doesn't apologize for her methods, and she refuses to pay the fine. She insists that all of the potential buyers were financially qualified and that her broker, [Michele Lebron](#) of ERA Realty GEM, would not waste time on clients who are not. The four potential buyers, she said, were refused based on their paperwork — none made appearances before the board.

"They were perfect on paper," said Lebron, who is Frank's second broker, about a potential buyer she submitted to the board. "Honestly, I think that Wendy has totally alienated [the board] and they are not putting her people through. They have her stuck between a rock and hard place. She can't sell, and meanwhile, she has to pay maintenance. What better way to hurt someone than through their pocketbook?"

Board president [Eileen McGlinchey](#) told the Daily News that Frank has not presented a potential buyer in "a couple of years," a statement that Frank said is not true. McGlinchey would not comment on why the board rejected potential buyers of Frank's apartment.

One reason co-op boards refuse prospective buyers is a low sale price that could bring down other apartment values in the building. Lebron cited another apartment in the building on the market for \$76,000.

"My price is not too low if you compare the 160-plus other one-bedrooms on the market in the surrounding area," said Frank, who will continue to market the apartment aggressively. "I had the apartment appraised. It's not like I randomly picked that number out of a hat. I'm now totally blacklisted from the building. Let me divorce these people."

### **Bill requiring co-ops to explain rejections still buried in Legislature**

A bill that would require co-op boards to disclose why they reject prospective buyers has languished in the state Assembly for four years. Even the bill's primary sponsor said that she doesn't foresee it becoming law. "I think it's going to stay there," said [RoAnn Destito](#), D-Rome, the main sponsor of the bill, adding that she

has heard that the bill could hurt potential buyers rejected by one board who then may have to tell another board why they were turned down.

A 1971 amendment to the state's civil-rights law prohibits discrimination against prospective buyers on the basis of race, religion, national origin or sex.

"Such discrimination nevertheless remains a widespread problem," the bill says, so co-op boards should be required to provide a written reason for rejections.

The courts disagree. [Mary Anne Rothman](#), executive director of the [Council of New York Cooperatives and Condominiums](#), which is opposed to the legislation, points to a 1959 ruling by the [New York Court of Appeals](#) that co-op boards can reject potential buyers for any reason other than discrimination. Boards do not have to give the reason for any rejections, according to the ruling.

"There is no reason why the owners of the cooperative apartment house could not decide for themselves with whom they wish to share their elevators, their halls and facilities, their management problems and their homes," the ruling says.

"There is recourse available for anyone who feels they have been the victim of discrimination," Rothman said.

Some [New York City](#) real-estate brokers say that the system works.

"I was born in [Manhattan](#)," said [Kathy Braddock](#), a broker and partner at [Charles Rutenberg Realty](#). "The system is not broken. We don't have a zillion vacant apartments or many foreclosures. Co-op boards have prevented us from being in the same mess as the rest of the country."

– Bill Cresenzo