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## Haverstraw, chair factory site owners sit tight, await court decision on disputed parcel

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**THE JOURNAL NEWS**

(Original Publication: November 18, 2007)

**HAVERSTRAW** - The owners of the former Empire State Chair Factory site and Haverstraw village are expecting a court decision that could at least delay the village's condemnation process of land for the waterfront development project.

The 10-acre waterfront property on Liberty Drive was designated in 2003 as part of the village's urban renewal zone and was to be condemned by Haverstraw and developed by Ginsburg Development Cos. into condominiums.

But in March, the property owners filed a complaint in state Supreme Court claiming the village and its contractors were trespassing on their property. The owners challenged Haverstraw, saying that based on the village's August 2003 eminent domain agreement, the village was supposed to acquire the property within three years. Because Haverstraw didn't do so, the agreement expired, and the village no longer had authority to enter the property.

The village argued that the waterfront renewal project was planned in three phases, and as long as the first phase started within three years, which it did, the village fulfilled its obligation.

In July, state Supreme Court Justice John La Cava denied the owners' argument, and the owners filed an appeal with the state Supreme Court's Appellate Division, while the village filed a petition to condemn the property.

Appellate court Associate Justice Steven W. Fisher recently issued a temporary order to prohibit the village from condemning the property, and Haverstraw filed its response last week.

Within two weeks, the judge will decide whether to extend the stay order for the whole appeal process, attorneys from both sides said.

The property owners, who want to keep the land and develop it themselves, were pleased to receive the temporary stay order.

"It's a very interesting and unique situation," said Michael Rikon, an attorney representing the site's owners. "We maintain that the village of Haverstraw promised the property owners that they would condemn the property very quickly and agreed that it would never take more than three years."

Rikon also said he was optimistic that the judge would decide in favor of his clients and give the village a full stay order because the appeal process, which was to challenge the village's right to condemn the property, would be moot if the village were allowed to go ahead and acquire the Liberty Drive site.

But John Watkins, a special counsel for the village, disagreed with Rikon and wrote in his court papers that the property owners have "no clear legal right to prohibit condemnation of its property." Because the property owners "cannot establish a likelihood of success on the appeal to justify the granting of a stay, the village is

within its statutory authority to bring proceedings" to condemn the property, Watkins stated.

"At most, the court can delay the village, but it will not stop the village from ultimately acquiring the chair property," Watkins said.

Andrew Maniglia, vice president of Ginsburg Development Cos., said he wouldn't comment on the legal process, but said, "We would like to proceed as quickly as possible."

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