

Mazur Brothers owner says state owes \$3.2M after store forced to close for I-287 work

Written by

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WHITE PLAINS — Hank Press didn't like that the state forced him to shut his Lake Street furniture store to make room for a new bridge over Interstate 287. But he didn't fight it, either.

If the property was needed for progress, so be it, he figured. He'd use what the state offered for the land to pay off the mortgage and **retire**.

Five years later, the 76-year-old Greenburgh man remains locked in a court battle with the state, waiting for more than \$3.2 million he claims he's owed. He's had to take out a new mortgage on his **home** and even borrowed money from his son.

"They told me to leave. I left. It was for the highway, and I thought that was important," Press said. "It's been an effort by the state to get me on my hands and knees to beg for anything I can get instead of what they're supposed to pay me."

The store at 80 Lake St. was Mazur Brothers Furniture, one of White Plains' oldest businesses. Press joined the company in 1977 and bought it when former Common Councilman Joseph Mazur **retired** in 1985. At Mazur's request, Press later bought the property as well.

The business also had a small **parking** lot and a children's furniture outlet at 62 Lake. On the other side of the bridge, at 90 Lake, Mazur Brothers owned a warehouse.

First, the Department of Transportation told him the warehouse would have to come down. Press made arrangements to **rent** other warehouse space, but his lawyer told him not to sign a lease — this was the state, and it probably would come after more.

Sure enough, the other shoe did drop, and Press was told he had to give up 80 Lake as well.

The two properties were among 38 in Greenburgh, Elmsford and White Plains that the state took — some temporarily — over the past 10 years for the I-287

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reconstruction.

Among them was a sliver of the Westchester Marriott Hotel **property** in Greenburgh; two houses on Crane Avenue in White Plains that had to be demolished; and a strip along the back of Pace University's property in White Plains.

Press still owns what is left of the store property. He is trying to sell his three parcels on the south side, but prospective buyers have been scared off by the ongoing litigation, he said.

The state offered nearly \$1.37 million for 80 Lake St. and \$1.01 million for 90 Lake St. and even agreed to rent the parking lot for three years for \$500 a month.

Press accepted the offer for 80 Lake St. But he sued New York in the state Court of Claims on two fronts, challenging the offer for 90 Lake St. and demanding payment for "trade fixtures," items added to the furniture store over the years that lost their value because of the state's takeover of the property.

The only money Press said he received was \$20,000 that businesses get when the state forces them to close. Not only hasn't he been paid for the land, but he never got the rent money for the parking lot — and the state used it for four years, he said.

The DOT put the land money in an **account** with the state Comptroller's Office and told Press it wouldn't be released unless he gave up his trade-fixture claim. His lawyer, Michael Rikon, contends that was coercive and just one example of how the DOT and state Attorney General's Office have flouted

eminent-domain laws during the case.

After a trial, Court of Claims Judge Thomas Scuccimarra awarded Press \$1.1 million for 90 Lake St. and \$768,000 for the trade fixtures. The state has appealed the ruling and argues that the trade fixtures should have counted toward the property value. William Reynolds, a DOT spokesman, said the state appealed to avoid paying twice for the same property.

Rikon and Press have demanded at least partial payment so the mortgage on the White Plains land can be paid off, arguing that even if the state wins its appeal, it still would owe more than \$1.7 million. Press and his wife have continued to pay **taxes** and the mortgage on the property, necessitating the new home loan and help from their son.

"It's outrageous how (the state) can be so unfair to the small-business people but when it comes to large contractors they seemingly don't care if they waste money," Rikon said.

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