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Condo Owners Settle with Developer

By Elizabeth Stull

WILLIAMSBURG — A group of owners in a Williamsburg condominium complex received \$235,000 after settling a lawsuit with its developer, designers and contractors.

The lawsuit cited Shlomo Karpen, developer of The Williamsburg Mews, 98-106 Havemeyer St., for breach of contract, breach of warranty, negligent misrepresentation and negligent construction.

Roofing leaks and the resulting water damage were at the top of the owners' list of complaints. Also named in the lawsuit were the architectural firm Bricolage Designs and two Brooklyn contractors, Superior Construction Consulting Corp. and Roth Roofing, which completed the project.

The 24 units at The Mews were completed in 2001, and in 2002 the Eagle reported that they were being "snapped up" by young couples starting families. A realtor interviewed for that article said the prices ranged from \$325,000 to \$490,000, and that two-bedroom apartments were selling faster than one-bedroom apartments.

All 31 residents of The Mews joined the lawsuit, filed in Brooklyn Supreme Court in late 2005. Their attorney, Adam Leitman Bailey, told the Eagle then that active roof leaks had caused expensive damage to bulkheads and hardwood floors. The owners' list of complaints also included inadequate flashing over the heads of window lintels; improperly installed and/or inadequately sealed window sills; cement-clogged sewer pipes that caused basement flooding; inadequate heat; and only a single layer of sheetrock between units instead of the code-required two layers.

Under the settlement agreement reached a few months ago, each of the defendants agreed to take some action. The roofing contractor agreed to perform a full inspection of the roof and repair any damage to the satisfaction of the owners' engineer.

The developer, architect and construction manager each made payments to the condominium's board of managers within 30 days of the settlement. Karpen and his company Hope Houses LLC paid \$200,000. Bricolage Designs and Pulaski, P.A. paid \$25,000, and Superior Construction, \$10,000.

The defendants also agreed to cooperate with the unit owners in connection with any required repairs, reconstruction or restorative work, and to provide any relevant information, as well as building plans, permits and drawings related to the property's conversion to condominiums.

The developer's attorney, Martin Kera, said his experience as the owner of a Manhattan management company informs his advice to clients.

"I can look at a job and tell if it's built badly and needs to be redone," he said Friday. In this case, he said, "it's cheaper to repair and go on to the next job. The problem with this is, it's being portrayed in the press as bad developers. I would say it's more inexperienced developers, and they're using bad contractors."

Charles Martin Arnold, an attorney for Superior Construction, said his client agreed to the nominal settlement after its insurance carrier disclaimed the matter. "We'll chalk it up to the cost of doing business, unfortunately," he said.

The architect's attorney, David Montag, declined to comment on the settlement but noted that they did not admit liability. He said, "There are a lot of reasons why people settle, including the cost of litigation." Bailey considered the settlement a victory for the homeowners.

"This is a good example that other developers of badly constructed buildings in Brooklyn should follow, that they should stand up and pay the money it takes to make these buildings the way they were promised when these people bought their homes."

He added that there are laws and procedures to prevent poor construction practices, and that builders "wouldn't be able to get away with it if the government was doing their job."