# NEW YORK STATE BAR ASSOCIATION



#### **Section Chair**

Patricia E. Watkins, Esq.
Bartlett, Pontiff, Stewart
& Rhodes PC
Glens Falls

# Program Chair Thomas J. Hall, Esq.

The Law Firm of Hall & Hall, LLP Staten Island

# NYSBA

# Real Property Law Section

First-time Real Property Law
Section summer attendees enjoy
a 75% discount for meeting
registration fees and hotel
accommodations. You must be
a member of the NYSBA RPLS to
take advantage of this special
offer. If you are not a member of
NYSBA or the RPLS section you
can become one by calling our
Member Resource Center
800-582-2452.

# **Summer Meeting**

High Peaks Resort Lake Placid, NY July 27–30, 2017



This program will provide you with a total of 8 MCLE credit hours, consisting of 7 in Professional Practice and 1 in Ethics. This program is not transitional and does not qualify for newly admitted attorneys.

# SCHEDULE OF EVENTS

#### Thursday, July 27

1:00 p.m. – 6:00 p.m. **Registration** 

1:30 p.m. – 2:30 p.m. **Officer's Meeting** 

3:00 p.m. – 5:00 p.m. **Executive Committee Meeting** 

6:30 p.m. – 7:30 p.m. Cocktail Reception - High Peaks Resort

7:30 p.m. – 9:30 p.m. Dinner - High Peaks Resort

#### Friday, July 28

7:30 a.m. – 8:15 a.m. Committee Breakfast Meeting

7:30 a.m. – Noon **Registration** 

8:15 a.m. – Noon General Session

8:15 a.m. – 8:30 a.m. Welcome and Introductory Remarks

**Patricia E. Watkins, Esq.**, Bartlett, Pontiff, Stewart & Rhodes PC, Glens Falls **Thomas J. Hall, Esq.**, The Law Firm of Hall & Hall, LLP, Staten Island

Sharon Stern Gerstman, Esq., President, New York State Bar Association

8:30 a.m. – 9:45 a.m. A Legal Hike Through the Adirondacks: The Birth of the Adirondack Park, the Forever

Wild Provision of the NYS Constitution, The Creation and Operation of the Adirondack

Park Agency, Land Use and Related Issues." (1.5 credits in Professional Practice)

**Speakers: Joel Sachs, Esq.**, Keane & Beane PC, White Plains

James T. Townsend, Esq., General Counsel, Adirondack Park Agency, Ray Brook

9:45 a.m. – 9:55 a.m. **Refreshment Break** 

9:55 a.m. – 10:45 a.m. Preferences and Avoidable Transfers of Real Estate in Bankruptcy

(1.0 credits in Professional Practice)

Transfers of interests in real estate and payments made on real estate loans are, under certain circumstances, subject to attack as avoidable transfers (i.e., fraudulent conveyances and/or preferences). This presentation will give you a primer on what constitutes avoidance actions and the available remedies, and provide you with valuable information to assist your clients in

future transactions.

Speaker: Daniel Zinman, Esq., Glen Ridge, New Jersey

10:45 a.m. – 11:10 a.m. *FinCEN Geographic Targeting Orders* (.5 credits in Professional Practice)

Understanding FinCEN's Geographic Targeting Orders as they pertain to certain real estate

transactions. What are they, when do they apply and how to comply.

**Speaker:** Matthew C. Cahill, Esq., First American Title Insurance Company, New York City

11:10 a.m. – 12:00 p.m. Blockchain Technology and Smart Contracts - What is it? (1.0 credits in Professional Practice)

Will it be as transformative as the pundits predict? Where is it being used today and how can it

affect the practice of Real Property Law?

Speaker: Lewis R. Cohen Esq., Hogan Lovells US LLP, New York City

# SCHEDULE OF EVENTS

12:30 p.m. Lake Placid Club Mountain Course – First tee-time is 12:30 p.m. Fee is \$78 per person

which includes 18 holes of golf, golf cart and lunch. (Advanced sign up and payment is required)

Golf Chair: Ken Block

2:00 p.m. Canoe/Kayaking - Meet at the Lake Placid Boat launch.

Novices and experienced are welcome. The guided trip will focus on the waters in and around Lake Placid. Learn canoe and paddle stroke skills, see wildlife and beautiful mountain views.

Cost is \$60 per person. Pre-registration is required.

2:00 p.m. Stand-up paddle boarding - Cost is \$60 per person. Pre-registration is required.

Stand-up paddle surfing is a surface water sport that is derived from surfing. The paddler uses a long paddle to move through the water while standing on the board. One difference between the modern idea of surfing and stand-up paddling is that the latter does not need a wave, which is perfect for our time in Lake Placid! If you have ever wanted to walk on water this may

be the closest you get. Novices and experienced are welcome.

6:00 p.m. - 7:30 p.m. Cocktail Reception at Lake Placid Olympic Ski Jumping Complex

5486 Cascade Rd, Lake Placid, NY 12946

This evening we will enjoy cocktails and hors d'oeuvres while watching Olympic ski jumping at

the complex. Transportation is on your own this evening.

Dinner is on your own this evening.

#### Saturday, July 29

8:00 a.m. **Registration** 

8:30 a.m. – 12:15 p.m. **General Session** 

8:30 a.m. – 9:20 a.m. Fun with Ethics (1.0 credits in Ethics)

A reprise of the interactive program using fact patterns derived from recent cases and ethics

opinions. Contributors will be awarded with chocolate.

**Speaker:** Anne Reynolds Copps, Esq., Copps DiPaola, PLLC, Albany

9:20 a.m. – 10:10 a.m. **Case Law Update** (1.0 credits in Professional Practice)

A summary of recent cases affecting all of our practices – some troubling, some

groundbreaking, some humorous and always entertaining presented by two of the Section's

most seasoned presenters.

Speakers: Peter V. Coffey, Esq., Englert, Coffey, McHugh & Fantauzzi, LLP, Schenectady

Michelle H. Wildgrube Esq., Cioffi Slezak Wildgrube P.C., Schenectady

10:10 a.m. – 10:25 a.m. Refreshment Break

10:25 a.m. – 11:15 a.m. Legal Issues Concerning Short-Term Rentals Through Airbnb and Other

**Similar Online Sites** (1.0 credits in Professional Practice)

This program will cover legal issues relevant to both New York City and upstate. There will be an explanation of what is legal and what is not and why in different types of housing stock – from New York City multifamily buildings to single family homes upstate. We will consider short-term leasing issues regarding Rent Stabilization, premises liability, insurance coverage,

mortgages, and sales tax.

Speaker: Michelle Maratto Itkowitz, Esq., Itkowitz PLLC, New York City

# SCHEDULE OF EVENTS

11:15 a.m. - 12:05 p.m.

#### Cybersecurity Regulations Issued by NYS Department of Financial Services

(1.0 credits in Professional Practice)

The new cybersecurity regulation published by the New York State Department of Financial Services represents one of the most rigorous and detailed cybersecurity initiatives promulgated by a regulator in the United States. The regulation applies to any person or entity licensed under the New York Banking Law, Insurance Law or Financial Services Law and therefore applies to a variety of businesses ranging from major financial institutions and insurance companies to mortgage bankers and mortgage brokers as well as title insurance agents, including attorney title insurance agents. What will this regulation actually require? And how can an organization best comply?

Speaker:

Joseph V. DeMarco, Esq., DeVore & DeMarco, LLP, New York City

1:00 p.m.

#### Hiking in the Adirondacks (two possible hikes from which to select)

Jim Burnham has put together two different hikes that you can do this weekend. The first one is a family friendly self-directed hike up Owl's Head. This is a popular short hike due to its ease of access with outstanding views. For more information and directions go to page 6.

The second hike is to **Owl Head Lookout** which is a longer more strenuous hike led by Jim. It is 5.2 miles roundtrip, easy to moderate, Elevation 2530', Ascent 1257'. **Appropriate foot wear, such as hiking boots or shoes are STRONGLY recommended. No flip flops**. Hiker with Young Kids: 1.5 hours to summit, 3 hours roundtrip. Experienced Hiker: 1 hour to summit. Out-of-shape Hiker: 2 hours to summit. For more information go to page 6.

2:30 p.m.

#### One Hour Boat Tour - Lake Placid Marina & Boat Tours

Wilderness beauty. Adirondack history. Serenity. Cruise the pristine waters of Lake Placid in one of the enclosed pontoon boats. The hourlong, narrated tour travels 16 miles on one of the world's most beautiful lakes. See and hear about the stately manors situated along the shore, Adirondack wildlife, and Whiteface Mountain, site of the alpine events during the 1980 Winter Olympic Games. Pre-registation is required. Cost is \$15.00 per person. Boat leaves promptly at 2:30 p.m. Limited to 24 passengers.

6:30 - 9:00 p.m.

#### **Cocktail Reception - Lake Placid Club Golf House**

Cocktails will begin at 6:30 p.m. with dinner following at 7:30 p.m.

Sunday, July 30 Departure

# IMPORTANT INFORMATION

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program will provide you with a total of **8 credit hours**, consisting of **7.0** in **Professional Practice** and **1** in **Ethics**. *This program is not transitional and does not qualify for newly admitted attorneys*.

**DISCOUNTS AND SCHOLARSHIPS:** New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, not later than two working days prior to the program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207 or e-mail Inicoll@nysba.org.

**ACCOMMODATIONS FOR PERSONS WITH DISABILITIES:** NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518-487-5563.

**REIMBURSEMENT INFORMATION:** Hotel Accommodation reimbursements will be given by NYSBA after the summer event is complete. A reimbursement form will be given to you to complete and return to Lori Nicoll with your hotel receipt. For more details or questions, please contact: Lori Nicoll at Inicoll@nysba.org or 518-487-5563.

# PLACES OF INTEREST

#### The Olympic Sports Complex | (518) 523-4436

220 Bobsled Run Lane, Lake Placid | www.lakeplacid.com/do/activities/olympic-sports-complex

www.lakeplacid.com/do/activities/olympic-sports-complex| Home to the combined bobsled, luge and skeleton track, the only one east of the Rockies as well as, 50 km of groomed cross country ski trails and a biathlon shooting range, the Olympic Sports Complex is a study in extremes.

# **Adirondack Equine Center** | (518) 241-3388 | XTC Ranch 776 County Route 18 Lake Clear | www.lakeplacidhorse.com

Whether visiting Lake Placid or the Adirondack Coast, Adirondack Equine is a High Peaks family horseback riding adventure for all ages. You will appreciate the personalized attention and patience of the staff and gentleness of the horses. Enjoy spectacular scenery of the Adirondack Mountains, High Peaks & Lake Placid Olympic Sites. Trail rides run through a classic Adirondack forest, and are taken out by a knowledgeable trail guide who leads the way, provides assistance, and answers any questions you may have.

# **Adirondack Museum** | (518) 352-7311 | Route 28N & 30, Blue Mountain Lake | www.adkmuseum.org

With Blue Mountain rising behind it and Blue Mountain Lake sparkling below, the Adirondack Museum's vast campus features displays in 22 modern exhibition galleries and historic buildings. There are lush grounds and sweeping views. The exhibitions tell the unique story of the Adirondacks and its people. You will explore topics ranging from boating to logging, and there are plenty of indoor and outdoor activities for kids, too.

#### Adirondack Scenic Flights | (518) 523-2488

27 Airport Lane, Lake Placid | www.lakeplacid.com/do/activities/adirondack-flying-service

You've never experienced the Adirondacks like this. Each 20-minute flight offers a unique perspective of this amazing park. Choose from a spectacular view of the highest peaks in the state, an inspiring view of the Village of Lake Placid and the Olympic Venues or a closeup view of the waterways that make the Adirondacks so special.

#### **Golf**

Panoramic Adirondack High Peaks scenery, coupled with lush fairways and well-manicured greens, makes for that one of a kind golfing experience that is unique to Lake Placid. It's a well known local's saying that with spectacular views like these you will have trouble keeping your head down - we challenge you to keep your eye on the ball.

Craig Wood Golf course Lake Placid Club Golf Course Whiteface Club & Resort Golf Course

#### Experience Outdoors Zip Line | (518) 524-7944 Cascade Ski Center, 4833 Cascade Rd, Lake Placid www.experienceadkoutdoors.com

Experience Outdoor's tree-based zipline adventure tour is based out of the Cascade Nordic Ski Cdenter in Lake Placid. The course is designed to thrill, educate and inspire.

#### **The Lake Placid Center for the Arts** | (518) 523-2512 17 Algonquin Drive, Lake Placid | www.lakeplacidarts.org

A year-round performing and visual Arts Facility. Located in the Adirondack Park of Northern New York, the LPCA consistently presents arts of the highest caliber in music, dance and theatre performances, film exhibitions and visual arts presentations. In addition the Arts Center provides special arts-in education programs, workshops and residencies for aspiring and renowned artists. The Arts Center is the home of the Lake Placid School of Ballet, LPCA Children's Theatre, Community Theatre Players, as well as the Summer home of the Lake Placid Sinfonietta.

#### **Lake Placid Olympic Museum** | (518) 302-5326 2634 Main St. Lake Placid | /www.lpom.org/

Come visit the only Olympic museum in North America that interprets the stories of two Olympic Winter Games – 1932 and 1980. They have an extensive collection of Olympic material including items that display Lake Placid's rich sports history from 1895 to present. The displays and exhibits will bring to life the memories and accounts of Olympic achievement through the years. As you journey throughout the museum to see the many treasures, make sure you take some time to watch the never-released historical footage of the 1980 Miracle on Ice hockey game.

#### **The Wild Center** | (518) 359-7800 45 Museum Drive, Tupper Lake | www.wildcenter.org

The award-winning Center houses live exhibits and multi-media shows. This year they feature Moments, an experience all about how we see the fractions of time where nature lives. You can also experience Planet Adirondack, a new show with a giant floating Earth where you can see the planet come alive. You can explore the 31-acre campus and take a guided paddle on our section of the flat waters of the Raquette River. Inside there are plenty of hands-on activities and hundreds of live animals from rare native trout, to porcupines, hawks, and many other often hard-to-see residents of the woods and waters.

# **High Falls Gorge** | (518) 946-2278 | 4761 NYS Route 86, Wilmington | www.highfallsgorge.com

Privately owned nature park, safe trail access for all ages with four splendid Adirondack waterfalls cascading over rocks into a deep crevice carved a billion years ago.

For more year round outdoor activities please visit: http://www.highpeaksresort.com/local-experiencesevents/local-experiences

# HIKING INFORMATION

#### Hiking in the Adirondacks – Saturday (two possible hikes from which to select)



#### **Hike Number One**

Family friendly self-directed hike up Owl's Head

- Suggest 1:30pm departure from High Peaks Resort, with 20 minute drive to trailhead
- Popular short hike due to its ease of access with outstanding views.
- Trailhead: Leave Lake Placid on Route 73, follow Route 73 toward Keene. Continue for around 12-miles, to Owl's Head Lane on the right. Drive up this road to a fork, park here, the trail is at the fork.
- This is a 0.6 mile hike, one way, over sometimes steep terrain. From the trailhead you will start hiking immediately on an uphill grade. The trail will soon sweep to the right to the first open view. As you continue to climb the views keep arising. A short low gradient area comes about half way up before the final steep scramble over open rock to the summit.
- Elevation: 2120'
  - Family with Young Kids: Primary Trail 3/4 hour to summit Experienced Hiker: Primary Trail – 1/2 hour to summit
  - Out of Shape Hiker: Primary Trail 3/4 hour to summit
- Arrive back at High Peaks Resort around 4:00pm (assumes 40 minutes roundtrip drive,
- 90 minutes roundtrip hike, and 20 minutes on the summit)

#### **Hike Number Two**

#### Hike to Owl Head Lookout (A longer more strenuous hike led by Jim Burnham)

- 1:00pm departure from High Peaks Resort we can carpool, as desired
- 5.2 miles roundtrip, easy to moderate, Elevation 2530', Ascent 1257' Hiker with Young Kids: 1.5 hours to summit, 3 hours roundtrip.
  - Experienced Hiker: 1 hour to summit
  - Out-of-shape Hiker: 2 hours to summit
- Trailhead Location: From the intersection of Route 73 and Route 9N, south of Keene, follow Route 9N toward Elizabethtown. Continue for 5.75 miles to the Trailhead for the Giant Mountain Wilderness on the right. Park in the parking lot and begin by following the dirt road.
- From the parking area you will begin the hike following a dirt driveway for a short distance before dropping into the woods. From here you will have the pleasure of hiking though a very attractive mixed forest. The climb is easy for the first mile to a crossing of Slide Brook after which it is steady but never steep to a junction at 2.4 miles. Go left on a short, steep 0.2 mile spur trail that you will need to use to access the summit. The summit has wide open views in almost all directions.
- Arrive back at High Peaks Resort around 5:30pm (assumes 1 hour roundtrip drive, 3 hour roundtrip hike, and 30 minutes on the summit)

Appropriate foot wear, such as hiking boots or shoes are STRONGLY recommended. No flip flops.

6:30 pm at Lake Placid Club Golf House - share photos from the Owl Head hike you selected

# SOME PLACES TO EAT

#### Artisans at the Lake Placid Lodge | (518) 523-2700 144 Lodge Way, Lake Placid

Artisans is an intimate, fire-lit Lake Placid restaurant that extends out to the Lodge's wide covered balconies in fine weather. The high windows and grand porches seem to seat the diner almost upon the lake. The skilled and dedicated culinary team offers a full a la carte and 7 course tasting menu based on the freshest regional ingredients, true "farm to table" cuisine.

#### **The Cottage** | (518) 302-3000

#### 77 Mirror Lake Dr, Mirror Lake Inn Resort & Spa, Lake Placid

The Cottage is a fun place to hang out with comfy seating on the outdoor deck. You can just paddle up to the deck and stop in for a drink, lunch or dinner. Enjoy great food and drink in a relaxed setting.

#### **The Cowboy** | (518) 837-5069 2226, Saranac Ave, Lake Placid

Offering an exciting fusion of flavorful, ethnic dishes from around the globe. Blending spices, herbs and fresh ingredients to create memorable cuisine. Great cocktails and drink, set in a casual tavern style atmosphere.

#### Dancing Bears Restaurant | (518) 523-3619

#### 2384 Saranac Ave, High Peaks Resort, Lake Placid

This fun and energetic restaurant has roots in the 1980 Olympics when Olympians came to celebrate their victories here. Stop by and enjoy the rustic atmosphere and unique character of this upstate New York classic.

#### The Good Bite Kitchen | (518) 637-2860 2501 Main St., Lake Placid

The Good Bite Kitchen offers inventive vegetarian fare in a casual atmosphere with counter seating available for 8 or they can package your food to-go and point you in the direction of somewhere to eat outside and enjoy the weather when it's nice. The Good Bite Kitchen serves lunch Tuesday -Saturday from 11am - 5pm.

#### **Great Adirondack Steak & Seafood Company** (518) 523-1629 | 2442 Main St, Lake Placid

A Lake Placid family tradition since 1987, open year-round offering amazing steaks, chicken, pasta and fresh seafood dishes. Their Live Main Lobsters are from the Boston Fish Market and their juicy steaks are from local Kilkoyne Farms and are specially cut to their specifications

# Lake Placid Pub & Brewery | (518) 523-3813

813 Mirror Lake Drive, Lake Placid

The Lake Placid Pub & Brewery has been brewing awardwinning ales and lagers for more than 17 years and has expanded rapidly due to its popularity and quality, earning the respect of the brewing community and national media attention. Over the years they have brewed almost 80 different styles of beer and they brew almost 300,000 pints of beer annually, placing them in the top 7% of brewpubs nationwide.

#### Maggie's Pub | (518) 523-2700

#### 144 Lodge Way, Lake Placid Lodge, Lake Placid

Maggie's is the Lodge's classic wood-paneled Lake Placid pub, well-stocked with drinks of every kind, games, puzzles and good cheer. Deep armchairs face a merry, crackling fire; pendant lamps illuminate the billiards table. Outside on the terrace, Adirondack chairs invite the study of a summer sunset or the pleasure of a warming drink next to the huge outdoor fireplace.

#### **Taste Bistro and Bar** | (518) 302-3000

# 77 Mirror Lake Dr, Mirror Lake Inn Resort & Spa, Lake Placid

With gorgeous Mirror Lake as your backdrop, Taste Bistro is the perfect spot for having a cocktail or casual dinner. They pride themselves on a delectable menu of comfort foods infused with French, German and Italian elements.

#### **The View Restaurant** | (518) 302-3000

#### 77 Mirror Lake Dr, Mirror Lake Inn Resort & Spa, Lake Placid

A truly exceptional dining experience, The View is Lake Placid's only AAA Four-Diamond "Exceptional" rated restaurant. They have also received the Wine Spectator's Dining Guide Award for Excellence for the past fourteen years. It's elegant, romantic and decidedly not fussy – a wonderful spot for a memorable dinner in a relaxed Adirondack atmosphere.

#### Wyatt's | (518) 523-2388

#### 2527 Main Street, Lake Placid

Wyatt's is a family owned and operated burrito and BBQ restaurant in Lake Placid, NY. Stop by for great food in a friendly atmosphere.

#### LAKE PLACID

Lake Placid has a long tradition of welcoming people from all over the world. Having hosted two Winter Olympic Games, 1932 and 1980, Lake Placid is often thought of as a winter destination, but those who experience their summer will quickly realize how diverse this historic mountain village is. From mountain biking to museums, from fly fishing to theatre, from horseback riding to Adirondack pack basket weaving, the possibilities are endless.

Golf and hiking season is just around the corner along with the long days of summer full of fun on the lake and outdoors. Dream up your perfect day in Lake Placid and plan your getaway!

#### **High Peaks Resort**

2384 Saranac Ave Lake Placid, NY 12946 http://www.highpeaksresort.com



#### From New York City and New Jersey:

Take the NY State Thruway (I-87) north to the Adirondack Northway (Exit 24 in Albany). Follow 87 to Exit 30.

Pick up Rt. 9 north and follow it for two miles to Rt. 73. Continue on 73 for 28 miles to Lake Placid area.

Drive times: From NYC: 5 hrs; From Albany: 2-1/2 hrs.

#### From Boston, Springfield, Hartford:

Take Massachusetts Turnpike (I-90) to Albany.

Pick up I-787 north to Cohoes.

Connect with Route 7 west to I-87 north.

Follow I-87 (Northway) to Exit 30, and then use final directions above: "From New York City..."

Drive time from Boston: 5 hrs.

#### From Buffalo, Rochester, Syracuse, Points West:

Take I-90 (NY State Thruway) east to Exit 36 (Syracuse).

Pick up I-81 north and follow to Watertown.

Take Route 3 and follow it east to Saranac Lake, then follow Route 86 east to Lake Placid.

Drive times: From Buffalo: 5-1/2 hrs; From Rochester: 4-1/2 hrs; From Syracuse: 3-1/2 hrs.





NEW YORK STATE BAR ASSOCIATION

**SECTION AND MEETINGS DEPARTMENT** 

One Elk Street Albany, NY 12207



