

IMPACT

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SERVING WESTCHESTER AND THE MID-HUDSON REGION

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After The Holiday-Season Euphoria:

Economic Indicators Painting Sober, Somber Picture

By Albert Annunziata, Executive Director, Building and Realty Institute (BRI)

ARMONK—The relatively bright picture generated by the 2010 Holiday Shopping Season in terms of consumer confidence, robust retail spending and healthy season employment has given way to a host of perplexing questions and troubling scenarios regarding 2011 and beyond that would boggle the mind of Nostradamus.

Based on several indicators relating to the continued recovery of the national and regional economy, the overall picture, at this moment, looks cloudy at best, according to analysts.

One prime indicator is construction and housing. Residential building continues to be severely depressed due to the surfeit of existing housing available for sale. One leading economist from Standard and Poors sees a good possibility for a double-dip recession in the housing market within the year.

With such an overwhelming supply of housing literally dumped onto the market, as unemployment, under-employment and foreclosures continue at high levels, home prices continue to be significantly depressed, realty industry studies are saying.

"Where is the incentive to build?" said one third-generation Westchester home builder. "When we had a robust market with lots of people ready, willing and able to buy homes, it was worth the investment to build homes despite the regulatory overhead and high land costs. Now we're dead in the water, waiting for that high economic tide that's supposed to lift all of our boats!"

That rising economic tide expected from some continuation of the Bush Tax Cuts may or may not manifest itself in 2011, some experts say. Tax cuts take time to translate into the spending and

job-generation levels necessary to continue pushing us out of recession, noted one local economist.

The Role of Public Policy

Building and Realty Industry experts say that it all has to be part of a concerted effort and coordinated public policy – tax cuts, plus significant infrastructure investment, the continuation of sizeable first-time homebuyer credits and meaningful economic incentives for energy efficiency in residential and commercial building.

All these things, in tandem, would constitute a far more potent formula to drive the economic blues way, industry officials said.

Another economic wild card, officials added, is energy. The steady and inexorable climb to \$5 a gallon gasoline has been forecast for 2011 into 2012.

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Analyst:

Economy to Improve, But Long Term Still a Concern

By Jeff Hanley, IMPACT Editor

WHITE PLAINS – Economic conditions will improve as 2011 progresses, but the improvement may not result in long term growth and stability.

Nationally-known economist Robert Goodman recently issued that evaluation to members of the local building, realty and construction industry.

Goodman, a consultant for Putnam Investments, spoke at the Jan. 13 General Membership Meeting of the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI).

"This group will have reason, in four, five, six months from now, to feel better than last year at this time," Goodman said. "The year 2011, economically speaking, will look good. The fact that

you are here, now, means that you have gotten through the worst. Next year, no matter who is here (speaking before the BRI), you will feel better than we do now. Enjoy it, you have suffered enough."

Goodman said that in the months ahead:

- The employment picture will become stronger. The Federal Reserve Board will do all it can to stop increases in the unemployment figures.
- Corporate Earnings will soar.
- Retail Sales will improve.
- The Dow Jones Industrial Average could reach 12,000.
- The Equity Markets will see continued growth.

- The Service Sector will find that their respective services are once again in demand.

Goodman, however, stressed that the scenario for sustainable economic growth over the long term is cloudy.

"You should feel good about what will happen in the months ahead, but it is temporary," he said. "Don't get blind-sided by the short-term positives. Growth will be much slower over the next 10 years, much slower than in previous years. Unless there is economic expansion by the end of 2011 – fueled by spending by consumers and businesses – we could be talking about a new recession by the end of 2011."

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Realtor Report:

Local Real Estate Market Improved in 2010

WHITE PLAINS—Realtor firms participating in the Empire Access Multiple Listing Service, a wholly owned subsidiary of the Westchester Putnam Association of Realtors, reported 6,586 closed residential transactions in Westchester County and 646 in Putnam County during 2010, according to a recent study from the association.

The total dollar volume of sales in both counties was \$4.3 billion in 2010 as against \$3.5 billion in 2009 and \$4.5 billion in 2008.

That level of activity constituted, in Westchester, an encouraging 13 per-

cent increase in sales over 2009, but there was insufficient momentum—by just under one percent—to outperform 2008 as well, the year in which the so-called "Great Recession" became palpable in the region's real estate market.

In Putnam County there was a bare one-half of one percent increase in sales over 2009, and a 12 percent decrease from 2008.

Positive Results

The single family house sector in both counties posted the best results. Westchester's 4,014 house sales rep-

resented a nearly 20 percent increase over 2009's sales and five percent over 2008, the study said.

Putnam County's 576 house sales increased by nearly six percent over 2009, but fell 8 percent short of the 623 sales posted in 2008, according to the report.

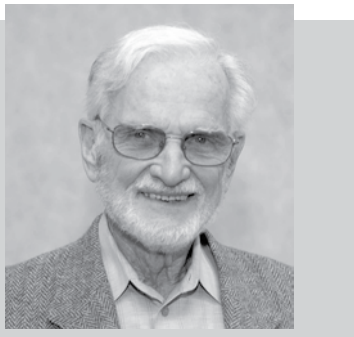
The Condo, Co-op and Multi Family Scenarios

The study said that condominium sales in Westchester picked up their pace, too, with a 14 percent increase over 2009. In Putnam County, howev-

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CO-OP
CONDO
CORNER

By HERB ROSE



Fix It: Why, When, Where—
And How?

NEW YORK - Fix it! Why, how, etc.? Here are the many categories:

- Painting and Redecorating
- Pool Repairs
- Boiler Refitting
- Oil Tank Testing/Replacement
- Roof Repair/Replacement
- Water Tank Replacement
- Electric Service Upgrade
- Brick Pointing
- Plumbing Upgrades
- Hot Tub Repairs
- Tennis Court Resurfacing
- Window Repairs
- Concrete Walks/Driveways
- Structural Framing
- Finances, Etc.!

You—being reasonably intelligent and informed—are probably asking yourself: “Which area am I an expert in...or familiar with?”

If you are like most of us, all of this is a mysterious dark hole. As a board member of a co-op or condo in a position of responsibility, you must provide a ready answer for repairs and ongoing maintenance when situations arise in these areas.

Certainly, when there is an emergency, why you must re-

spond is obvious. How is a little more complex!

Help Is a Must

You are going to need help from professional experts better informed than you are. Of infinite value will be a list of architects, engineers and specialty consultants who know the “ins-and-outs” of renovations and temporary fixes.

Imagine a severe rain storm similar to which we’ve become accustomed. Your beautiful, six-story building has water leakage on the fifth and six floors. The situation is creating a considerable mess.

Accordingly, simple logic dictates that you get someone to arrest or slow the flood on an emergent basis. Is the cause clogged drains, a broken roof surface, plumbing, or some other mysterious phenomenon? After you have hired the “white knight” to fix the immediate situation, you will need the advice of an architect, roof consultant, or engineer to identify a permanent fix.

This technical advisor must spell out plans and specifi-

cations to permanently solve the problem. Many people in this situation will take the advice of contractors for the final word. You should stand fast in the process. Get the specs and price the job based on your independent expert.

Although there is a separate cost to getting a technical layout of the solution, it will never be more than a small part of the overall project. And you can be more certain to solve the difficulties.

The Whole Picture

Boards should get specs for the whole job! A very attractive, commodious co-op found that its hot tub was in a complicated maintenance situation. Problems existed with the plumbing, drainage and water retention. Somehow, the management was persuaded to start work with no particular plan.

“Let’s see how this turns out” was the method employed. Existing masonry and tile work was ripped out and the project came to a complete halt because of numerous problems such as direction and cost.

Specifications from architects and plans need to be in place before anything happens. The next step is to get at least three estimates from

contractors for the entire finished job. Then one contractor should be selected and contracted to complete the entire job (including the hauling away of debris, supply material, labor, etc.).

Temptation often appears in the form of a deal in which you buy the material and then search for tradesmen to do the installation.

Time for completion and payments should be made to coincide with the process. Then a bonus for early completion is useful, as well as a penalty for late work!

Under no circumstance should the board get involved with separate plumbers, masons, carpenters, or garbage haulers. All of this detail is the responsibility of the general contractor. Remember, you are a victim of circumstance and will be easily undone without the help of experts.

Temptation often appears in the form of a deal in which you buy the material and then search for tradesmen to do the

installation. You may find that the cost of material is 30 or 40 percent of the cost of a completed job, but you will need to know how to put the task together. Don’t try—let the experts do it all for you!

And what happened to the hot tub? It’s still incomplete!

Herb’s Hints:

- 1) Check the kWh rate you pay to an Energy Services Company (ESCO). In most cases it’s more than Con Edison!
- 2) Verify your sales tax rate. One third of residential buildings overpay.

Editor’s Note: Herb Rose is a co-op and condo consultant. He is also a member of the Cooperative and Condominium Advisory Council of Westchester and the Mid-Hudson Region (CCAC). Rose can be reached at hrose47563@aol.com.

THE HANLEY
REPORT

By JEFF HANLEY
Associate Director, Building and
Realty Institute (BRI)/IMPACT Editor



A Noteworthy Milestone:
The BRI Marks Its
65th Anniversary!

ARMONK – One of New York State’s leading business organizations will be marking an impressive milestone on Feb. 11.

On that day, the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI) - which publishes this newspaper - will mark the 65th anniversary of its formation.

The BRI, a building, realty and construction industry membership organization with more than 1,500 members in 14 counties of the state, was formed on Feb. 11, 1946. The organization was then known as the Home Builders Association of Westchester, Inc.

On March 11, 1959, the name of the association was changed to the Builders Institute of Westchester and Putnam Counties, Inc.

Eventually, the organization formed component groups, including the Apartment Owners Advisory Council (1974), the Cooperative and Condominium Advisory Council (1979) and the Advisory Council of Managing Agents (1985).

The BRI and its component

groups comprise an organization that is regarded as one of the most well-known business membership groups in the state. The association represents virtually every sector of the building, realty and construction industry.

“We have stressed a repeated message through the years – through wars, recessions, inflation, economic disruptions and countless emergencies and legislative battles, the BRI consistently and aggressively addresses issues of importance to our industry, while providing many services to our members,” said Albert Annunziata, executive director of the BRI. “We are proud of our history and how we continue to represent our industry.”

That assessment is right on target. A 65-year record of accomplishments is something to celebrate. And the BRI plans on doing just that as 2011 progresses. Details will follow in the weeks ahead.

In the interim, enjoy our latest issue. The edition features another series of interesting reports, including:

- Two summaries on the economic outlook for 2011. The articles begin on page one.
- The premiere of Insurance Insights. Ken Furst and Jason Schiciano of Levitt-Furst Associates of Yonkers are the authors of the column, which will provide building and realty industry members with updates on key insurance issues. Levitt-Furst is the insurance manager of the BRI.
- A Case Study on Remodeling Design and its relevance to the residential sector. The article was written by the National Association of the Remodeling Industry (NARI).
- A summary in Counsel’s Corner on Eviction Processes. The article is a “must read” for owners and managers of multi family buildings and complexes. The story was prepared by Finger and Finger, A Professional Corporation. The firm, based in White Plains, is chief counsel to the BRI.
- *A guide in Co-op and Condo Corner that deals with the “Fix-It Process.” The ar-

ticle, written by Herb Rose, provides sound advice for boards of co-ops and condos.

- An update by Andrea Wagner in Tech Talk on how the

Internet Search Process can be made easier. Wagner is president of Wagner Web Designs of Yorktown Heights.

Happy New Year to all!

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Economic Indicators Painting Sober, Somber Picture

Continued from page 1

Higher energy costs, officials stress, will have a profound effect on our local, regional and national economy. It will lead to higher transportation costs, higher labor costs, higher prices for meat, dairy, produce and other vital commodities that are dependent on shipping.

Infrastructure

The region's and nation's infrastructure is yet another critical indicator affecting our economy, officials said. A recent national poll revealed that while Americans are unhappy with the condition of their roads, bridges, tunnels, water and sewer systems, they are just as reluctant to pay for needed improvements.

The result? Reliability and safety suffer. In addition, as improvements get put off, the total cost to taxpayers keeps on growing, analysts stress.

Balancing Act

Economist Robert Goodman, a longtime economic expert with Putnam Investments, said on Jan. 13 during a presentation to the Building and Realty Institute (BRI) that it all boils down to a delicate balancing act.

"Federal, state and local governments have to balance their levels of spending with their levels of taxation, all to the goal of adopting policies appropriate to the problems of today," said Goodman. "In the early 80's, we adopted a supply-sided approach to our economy at the time, when the U.S. was hit with both high inflation and recession."

This time, however, Goodman notes that the country has a "Demand Problem," saying the U.S. needs to stimulate demand.

Many economists agree that corporations, sitting on \$2 trillion in cash, will not hire and are not in the business of hiring unless they sell products

or services and make a profit. And, to do all that, they need a robust demand environment, which Goodman says, in the absence, is a key critical economic conundrum.

A Critical Question

So, the question remains, who does what and to what degree?

Goodman notes that if the markets are "let go" of their own accord with little or no Fed refereeing, "we could see an unemployment level of 13 percent and a continued low level of economic activity."

Ideological and legislative gridlock is not the answer, notes Goodman, who warned that "the American people are getting exactly what they're asking for, and the consequences will be severe....the gaps will get bigger and bigger between the rich and the poor."

Even if the federal government gets its act together and begins to really turn the economy around, many states are in even more dire straits, industry officials are noting.

New York, to put it mildly, is in "pretty bad shape," according to one veteran political observer.

"Unless there is a fundamental change, a paradigm shift in the way this state runs, does business and governs, even the Empire State can face insolvency," the observer said.

Goodman, however, allayed such concerns over the current financial condition of states like New York, saying that the federal government would act decisively to help states in distress.

"This (federal) government, which bailed out many entities in recent years, will do what needs to be done for the states," he said.

As one attendee noted after the meeting: "Fasten your seat belts folks, it's going to be a really bumpy ride!"

Economy to Improve, But Long Term Still a Concern

Continued from page 1

Goodman said that a variety of factors could help to negate economic development and contribute to another recession. He said that:

- Worries will persist about the 2012 presidential election and its overall effects.
- There will be no significant improvement until the U.S. Government responds to the nation's economic needs.
- The rest of the world is experiencing inflation. Inflation will be a major problem in the years ahead, similar to inflationary conditions of the 1970's.
- The gap will get bigger and bigger between the rich and the middle class, producing another obstacle to economic improvement.

- Wage Flexibility, while needed in all economic sectors, will be difficult to achieve.

Goodman said that government has to do "the right thing" in the months ahead, meaning that it has to deliver hope to people that there will be no serious long term economic problems.

"That requires government spending slowing down," he said. "If government takes the approach of controlling spending, people will take advantage of the corresponding eventual results, such as low mortgage rates."

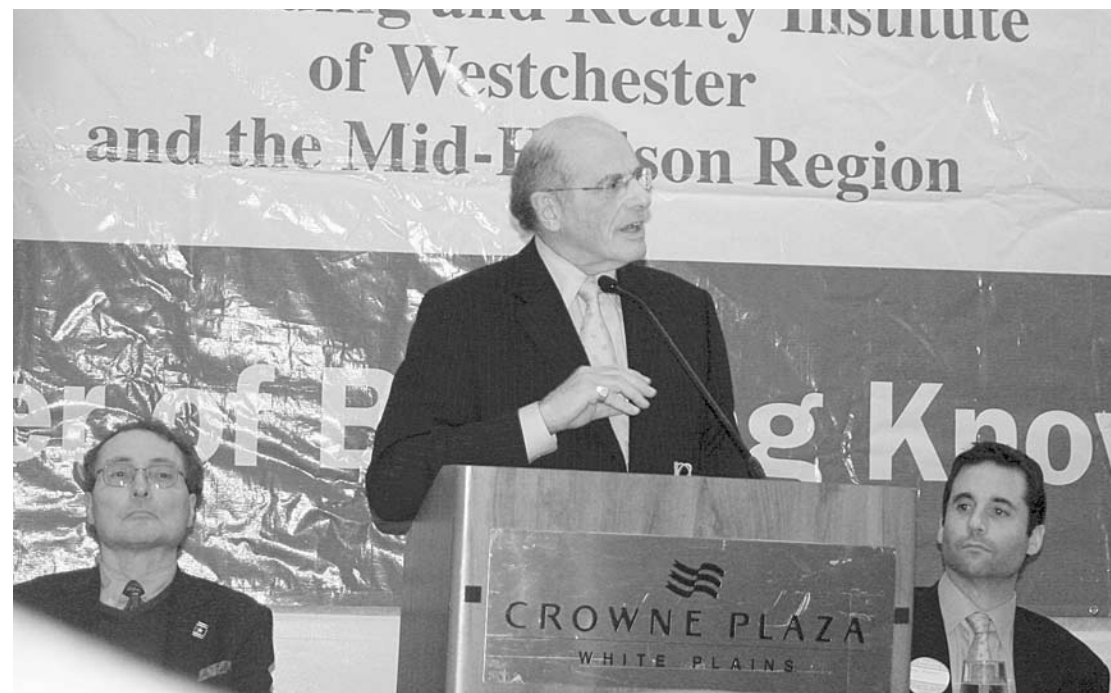
If not, Goodman added, economic growth will be hampered.

"The long term is the real issue," Goodman said. "We have to take a realistic approach."

DelBello Issues Assessment of Recent Elections at Industry Meeting

By Jeff Hanley, IMPACT Editor

WHITE PLAINS — "Reflections of a Political Pro — Reviewing the Recent Elections!" was the topic of the Nov. 18 General Membership Meeting of the Building and Realty Institute (BRI). More than 75 BRI members and representatives of the Westchester and Mid-Hudson region's business sector attended the event at the Crowne Plaza Hotel in White Plains. Former Lieutenant Gov. and Westchester County Executive Alfred DelBello was the guest speaker. DelBello's presentation reviewed the November elections and their impacts on the region and the state. Photo coverage is below.



Alfred DelBello is pictured at the podium during his presentation. Albert Annunziata, executive director of the Building and Realty Institute (BRI), is pictured on the left. Eric Lashins, BRI president, is on the right.



Alfred DelBello, pictured at the podium, is shown during the event's question-and-answer period. Also pictured are, from left to right, Diana Virrill, chair of the Cooperative and Condominium Advisory Council (CCAC); Ken Finger, chief counsel, Building and Realty Institute (BRI); and Albert Annunziata, executive director, BRI.



Pictured during the event's reception are, from left to right, Jane Curtis, vice chair of the Cooperative and Condominium Advisory Council (CCAC); Diana Virrill, chair, CCAC; and Eric Messer, chair of the Remodelers Advisory Council (RAC) and a board member of the Building and Realty Institute (BRI).

Photos by Myron Marcus

Services Study:

Entrepreneur Works to End “The Bed Bug Scourge”

COS COB, Conn.—Landlords and property managers are coming to appreciate Frederick Feldman’s entrepreneurial spirit, even though they have never heard of him.

The inveterate entrepreneur seems to have developed the most reasonably priced and safest product to exterminate bed bugs. In previous decades, he lead the curve and utilized his talents to create consulting businesses in Voice and Data Security for law firms and colleges, followed by private telephone systems and

interacting with their ever-growing universes, he became concerned with another issue - natural products. So much for Mrs. Feldman’s idea of a normal retirement!

The first product he brought to market was Green Rhino, an all-natural lubricant competing against WD-40 because it is NSF certified, meets all standards for use around food, contains no VOCS (Volatile Organic Compounds) and is safe for use around children and pets.

Feldman’s next step was to create the Green Blaster line of

An Important Discovery

In the lab, it was discovered that the basic cleaning formula could be tweaked and the products could take on other uses. When one test killed some ants and spiders without leaving any toxic residue, Feldman and his team sat down to mull this one over.

Research brought them to the conclusion that their ingredients were vastly safer than those already in the market place since many of these chemicals used in other products are toxic and contribute to

zymes to address one of America’s most irritating problems.

Within weeks from commencement, Bed Bug Magic was created. Not only does it work, but also this proprietary, all natural, enzyme based formula is non-toxic, non-flammable and biodegradable. During the weeks that followed, the experiments concluded that a residual kill occurs for up to four weeks. Feldman quietly added the product to the existing web site and before he knew it, dozens of orders were coming in daily.

ment and retails for \$29.95. Larger areas may require an additional bottle and for those with such needs, there is also a refill size for larger applications.

For those using it on a regular basis in apartments, offices, stores or hotels, a heavy-duty pump spray is being sold and drum sizes are available for larger volume orders, officials said.

“To eliminate the bed bugs entirely, a thorough and intensive application is necessary,” Feldman said.

“We’ve learned that the bed bug comeback was made possible by the elimination of dangerous pesticides such as DDT. For a long time, many thought there were no harmless ways to deal with the problem, but we think Bed Bug Magic is the answer.” —Frederick Feldman

interconnect companies. He then spearheaded the pre-paid phone cards trend.

When he sold his last business, his wife thought this was it and that they could become normal retirees. But as the Greenwich (Conn.) resident watched his grandchildren growing and

enzyme-based cleaning products. They are highly effective and also contain no VOCS or petroleum products and are safe for use around children, plants and pets. The products are selling well on-line at the Green Blaster Products web site, company officials recently said.

allergies, asthma and a host of health issues.

More research and a finely-honed marketing concept meshed with the blaring headlines that the U.S. was under attack from the scourge of our great grandparents – the Bed Bug! Immediately, the lab busied to undertake the use of en-

A Big Step

Then a very interesting thing occurred. A major metropolitan exterminator approached Green Blaster Products this past summer and signed a contract for a very large amount of product for a very long period of time to be used under their own label. That’s when Feldman knew big things were about to happen.

On his own, Feldman sold some product to hardware stores in the Lower Hudson Valley and Fairfield County (Conn.). Within days, distribu-

Key Spots

He added: “Entomologists tell us that bed bugs love to make their homes in really tight spaces, such as the seams of a mattress, but that also means that they love the crevices where the sides and bottoms of a drawer come together, where baseboards meet the floor, in the seams of hardwood flooring, in a picture frame, in sofas, chairs, armoires and cabinets. The only place we tell people not to use Bed Bug Magic is in electrically-live areas such as outlets, switches, devices and

“To eliminate the bed bugs entirely, a thorough and intensive application is necessary.” —Frederick Feldman

tors came knocking. A network of distributors is being created from Cos Cob to Illinois, Pennsylvania, Ohio, Nevada, Oregon and other areas of the country hard hit by bed bugs. Bed Bug Magic is doing very well in the metropolitan NY area already, officials recently said.

“We’ve learned that the bed bug come back was made possible by the elimination of dangerous pesticides such as DDT. For a long time, many thought there were no harmless ways to deal with the problem, but we think Bed Bug Magic is the answer,” Feldman said.

appliances.”

Bed Bug Magic is now available in a 2-ounce travel size for those concerned about the itinerant hitchhiking bed bug. For regular travelers who wish to protect themselves, spraying luggage and their hotels rooms should buy much peace of mind. Due to its enzyme base, Bed Bug Magic will not stain most fabrics. A silk blouse was tested and though it was spotted when dried, a regular visit to the dry cleaner brought back all its original beauty, sans spots, officials said.

For those using it on a regular basis in apartments, offices, stores or hotels, a heavy-duty pump spray is being sold and drum sizes are available for larger volume orders.

Bed Bug Magic is available in pint spray bottles, quart sprayers and gallon bottles. Because the amount of spraying required to get into all the crevices where the critters live and spawn is so rigorous, Feldman and his Quality Control team use a durable spray nozzle that will not break under normal usage. The one quart bottle is sufficient for a 2-bedroom apart-

In addition to ordering capabilities, The Green Blaster Products’ web site is updated regularly to offer pertinent information on application and other pertinent bed bug issues.

These days Feldman is so busy that Mrs. Feldman is wondering if they are ever going to have a retirement. She’s not complaining—she’s just curious!

Working Together to Create a GREENER Tomorrow...
...One Neighborhood at a Time.



CPC, the leader in multi-family financing solutions and **Freddie Mac**, a top provider of mortgage capital to lenders, have partnered to create CPC’s Green Financing Initiative. This innovative program combines quick and easy financing solutions for property owners with *Simple, Sensible and Sustainable* solutions to retrofit existing multi-family buildings.

SIMPLE one-stop financing options combined with government incentive programs and subsidies. Construction loans with permanent take outs available. Permanent loans available through enhanced Freddie Mac product.

SENSIBLE suggestions for retrofitting existing buildings with cost-effective rehabs. We’ll conduct an energy audit of your building and work with you to take it from there.

SUSTAINABLE alternatives to inefficient systems including air sealing, properly sized boilers, heat and hot water controls, better fixtures, upgraded ventilation and more. The more you conserve, the more you save.

For more information about CPC’s Green Financing Initiative, please contact Sadie McKeown at (914) 747-2570 or smckeown@community.com.



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COUNSEL'S CORNER

By **Kenneth J. Finger, Esq.,**
Carl L. Finger, Esq., and
Daniel S. Finger, Esq.
 Finger & Finger, Chief Counsel,
 Building & Realty Institute (BRI)



Addressing the Issue of Evictions in Difficult Economic Times

WHITE PLAINS—When we represent a Landlord in an eviction proceeding, whether it is a Non-Payment proceeding (for failure to pay rent and/or additional rent) or a Holdover proceeding (failure to comply with lease provisions), we try to get the quickest result while complying with the increasingly inordinate technicalities of landlord-tenant law.

Many courts are not only generally loathe to evict a tenant, but many judges will use any excuse to interpret the law strictly and against the Landlord. That is why it is important to utilize counsel with an expertise in this area to make sure that you get an even chance at the eviction and not be thrown out on a technicality.

While doing it may take somewhat more time in the first instance, to avoid a case being dismissed is the aim and will ultimately be much quicker, less expensive and more often result in a favorable determination.

An Example

One situation where a Landlord lost even after originally obtaining a Judgment and Warrant was the case of 3414 Knos LLC v. Bryant, decided December 30, 2010. In that case, the named party in the landlord-tenant court proceeding was not the leaseholder, but the owner, whose name was different in this case. The Court held that this was a non-curable mistake and not amendable, even though it was an oversight.

While seemingly at odds with reality and common sense, this case represents a reality check for an attorney to make sure that the proper party is named, since there was no direct relationship between the owner and the tenant, only between the lease holder and the tenant.

In The City

In New York City, when a landlord wants to serve a no-

ity to dismiss the proceeding and, more significantly, to find that the tenant was thus entitled to a renewal lease.

In the case of Papadeas v. West, decided November 10, 2010, the court dismissed the allegations in the proceeding, alleging violation of a substantial obligation of the tenancy based on the fact that the notice to cure, dated December 11, 2009 was mailed the same

Our advice to landlords, large or small, is to consult with your counsel at the very inception of an attempt to bring a legal action. Do not wait too long and risk the argument of waiver, be timely in the service of notices, serve the proper notices in the proper proceedings, make sure the documents are properly prepared with the correct allegations, and be patient.

tice of non-renewal of a lease (for non-primary residence, for example) the required time period is no less than 90 and no more than 150 days prior to the expiration of the lease (90 to 120 in Westchester County).

In Mendis v. Bartholomew, decided on December 14, 2010, the Landlord served the notice 151 days before the lease expired. This one day mistake gave the court the abil-

date and the effective date was December 21, 2009. The Court added 5 days for mailing, and thus, the notice was not timely and was defective.

Where the tenants complied with a stipulation and were nevertheless evicted, the Landlord was held liable for an illegal eviction and there was also a possibility of treble damages. Greaves v. Memadet Realty Corp., 12/16/10, Supreme, New York.

On the other hand, a court finally had enough when a tenant came in after agreeing in a stipulation to pay the rent and brought five (5) orders to show cause, and the court found there was not "good cause" to vacate the warrant of eviction. Audubon 189-190 LLC v. Cabrera (12/3/10).

A Negative Presence

In another case, involving a Housing Authority, the Court allowed the eviction where the tenant was considered a threat. Thomas v. Rhea, decided 11/19/10, Supreme, New York. The Court has a tendency to be somewhat more favorable to landlords in a commercial situation. In the case of A.K. Estates v. 454 Central Corp., a Nassau County case decided on November 29, 2010, the Court held that a Notice to Cure was not necessary where the tenant consistently failed to pay the rent on time and violated the lease by defaulting in its payment of rent for at least 3 months in an 18-month period.

The lease was well drafted from the landlord's point of view and only required a notice of termination and no notice to cure was required as to a failure to pay rent on time.

A Positive for Landlords

Finally, in another case fa-

vorable to the landlord, Frebar Development Corp. v. Posner, decided in New York City on Nov. 16, 2010, the Court reaffirmed Holy Properties Ltd., L.P. v. Kenneth Cole Productions, Inc., 87 NY2d 130 [1995], which held that a Landlord had no duty to mitigate its damages by re-renting the apartment, even in a residential setting.

Thus, even in bad economic times, as in Frebar where the landlord said he would try to re-rent and the tenant never even moved in, the Court upheld a lease and held the tenant responsible. However, the landlord followed the correct legal procedure and was successful.

Our advice to landlords, large or small, is to consult with your counsel at the very inception of an attempt to bring a legal action. Do not wait too long and risk the argument of waiver, be timely in the service of notices, serve the proper notices in the proper proceedings, make sure the documents are properly prepared with the correct allegations and be patient.

Editor's Note: The authors are with Finger and Finger, A Professional Corporation. The firm, based in White Plains, is Chief Counsel to the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI).

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Industry Members Participate In the BRI's Annual Holiday Reception

By Jeff Hanley, *IMPACT* Editor

OSSINING – More than 90 members of the building and realty industry attended the recent Holiday Reception of the Building and Realty Institute (BRI). The Dec. 9 event was at The Travelers Rest in Ossining. Albert Annunziata, executive director of the BRI, served as Master of Ceremonies. Carl DiMaio, a past president of the BRI, was chairman of the event.

"The evening provided a nice atmosphere and gave our members a chance to celebrate the holiday season," said Annunziata. "The feedback from those in attendance was very positive." Full photo coverage is featured below.



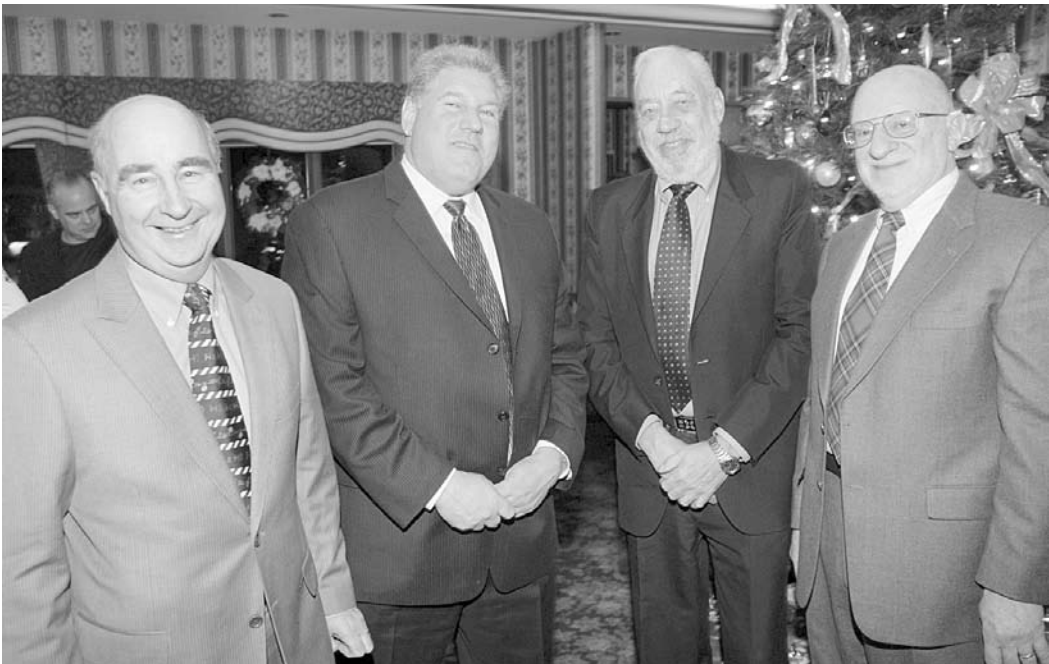
Pictured during the reception portion of the event are, from left to right, Jean Tierney; Jennie Wirth; and Lois Colera of the Mountainview Condo Complex in Valley Cottage. Mountainview is a member of the Cooperative and Condominium Advisory Council (CCAC) of the Building and Realty Institute (BRI).



Pictured at the event's opening are, from left to right, Eric Messer, chairman of the Remodelers Advisory Council (RAC) of the Building and Realty Institute (BRI); and BRI members Tina Mancuso and Harriett Lerner.



Shown after dancing are Carmelo Milio, vice chair, Apartment Owners Advisory Council (AOAC) of the Building and Realty Institute (BRI); and Marin Milio.



Pictured moments after the event began are, from left to right, Ken Nilsen, chairman, Building and Realty Institute (BRI); Gus Boniello, past president, BRI; Ken Finger, chief counsel, BRI; and Saul I. Gluckman, past president, BRI.



Albert Annunziata (left), executive director of the Building and Realty Institute (BRI), is pictured with Ken Fuirst of Levitt-Fuirst Associates, Insurance Manager for the BRI.

Photos by Barbara Hansen



Shown prior to the dinner portion of the event are, from left to right, Peter Abt, Provident Bank, a Building and Realty Institute (BRI) member; Eric Lashins, BRI President; and Ilenia Lashins.



Sue Larsen, lead singer for the group Bijoux, is pictured with Event Chairman Carl DiMaio during a music set.



Bob Lupica of JP McHale Pest Management, a Building and Realty Institute (BRI) member, and Eva Lupica are pictured during the dinner portion of the event.

Economic Development Taskforce Formed By WCA

WHITE PLAINS—Citing a continuing weakness in Westchester's economic climate, the Westchester County Association (WCA) recently announced that it was forming a broad-based, private-sector economic development taskforce.

The taskforce will include representatives of key private economic sectors. The entity will work to identify current issues and conditions and to develop action steps and public policy recommendations designed to rejuvenate the county's economic base, officials said.

In announcing the major new initiative, Bill Mooney, president of the WCA, said that the decision to form the taskforce followed months of discussion among the group's board of directors and its members. For the last 60 years, the WCA has spearheaded economic development efforts in the county, officials added.

Referring to the recent editorial in The Westchester County Business Journal titled "Who's going to the mat for the private sector?" Mooney said: "It's a timely question that we can answer - no organization is better prepared and qualified to tackle this serious challenge than ours. We have the top business leaders who are ready to take action and we will be moving ahead quickly and assertively."

He added: "As the recession has continued and the financial problems confronting both our state and local governments have continued to grow at an alarming rate, our members have expressed an increasing level of concern about the economic climate of the state, the

county and its municipalities. We are seeing that no place, including Westchester, is immune from today's enormous economic pressures."

Mooney said that while there are a few economic sectors showing some signs of economic growth, most are not.

"There are a few encouraging pockets in limited areas of business," he said. "Unfortunately, many of the key sectors that form the economic underpinning of the county are stalled or shrinking. It's a disturbing situation and our board and membership are unanimous in seeing the need for a serious private sector initiative to make sure that the county's economy remains stable."

Mooney noted that with the public sector facing serious financial constraints and ever more challenging economic problems, "the government, be it federal, state, or local, can no longer be relied on to carry the ball as it has been doing for the last 10 years or more."

"In the 1990's the private sector formed the Westchester Business Partnership and had great success in both attracting and retaining important businesses for Westchester," Mooney said. "Many of the companies that are part of our economic backbone today came at least in part as a result of efforts by that group."

Mooney said that before the Thanksgiving holiday, the WCA held a day-long, off-site strategy summit at which the economic stability of the county was the major focus. He said that the off-site meeting capped a series of discussions, forums and small group meetings that

the WCA has held over the last six months as the weak economic situation has raised growing concern within the WCA's membership.

"The WCA Call-To-Action Campaign that focused on the recent election and the financial and dysfunctional problems of New York State brought us to form alliances with several major state-wide and regional business organizations," Mooney said. "That outreach provided us with a vantage point from which to see the true breadth and scope of the state-wide economic crisis, and it is daunting."

Further impetus was provided when Robert Selander, the former chief executive officer

of Westchester-based MasterCard International, spoke at the WCA's 60th Anniversary dinner recently. His speech emphatically stated that "business, not government, provides the energy and the ideas to build the nation's economic future."

"Those words provided inspiration to virtually every one of the more than 700 people attending the dinner and re-enforced our decision to form the new taskforce," Mooney said. "We left that evening knowing that the need is here and the time is now and we will move forward this crucially important initiative." Mooney added that the WCA will soon be announcing the members of "Taskforce

2011" that will work to bolster the county's economy for the 21st century.

The WCA is committed to business advocacy, economic vitality and to providing a strong and clear voice for the interests of businesses on the regional, national and international levels, officials said.

The association's key objectives are:

- Promoting positive economic development in the region;
- Fostering business development;
- Providing its members with access and interaction with key public and private sector individuals, agencies and organizations.

Chiapperino Joins Better Homes & Gardens Rand Realty

CENTRAL VALLEY, N.Y. — Better Homes and Gardens Rand Realty recently announced that Kim Chiapperino, an associate broker, has joined its Central Valley office.

Chiapperino brings 10 years of real estate experience to Rand Realty. Previously, she was an associate broker with RE/MAX Benchmark Realty in Harriman. Chiapperino is a Short Sale and Foreclosure Representative and specializes in Orange County real estate, company officials said.

"Kim is an experienced agent, and customer service has always been her number one priority," said Renee Zurlo, regional development manager with Better Homes and Gardens Rand Realty in Central Valley.

Zurlo added: "She is a life-long Orange County resident, is extremely knowledgeable of the local market, has tremendous enthusiasm and is dedicated to customer satisfaction. Kim is a great addition to our Central Valley office."

Chiapperino is a member of the National Association of Realtors (NAR), the New York State Association of Realtors (NYSAR), The Greater Hudson Valley Multiple Listing Service and The Orange County Association of Realtors.

"Better Homes and Gardens Rand Realty not only has the latest marketing tools and technology, but also a great team of agents and managers," said Chiapperino. "I'm excited to be a part of a company that provides its agents with the best resources around and a wonderful support system."

An active member of her community, Chiapperino resides in Highland Mills (N.Y.). She is Vice President of Membership for the Woodbury Chamber of Commerce.

Better Homes and Gardens Real Estate - Rand Realty was founded in 1984. Company officials said that the firm is the number one real estate brokerage in the Greater Hudson Valley. The company has 24 offices serving Westchester, Rockland, Orange, Putnam and Dutchess counties. Rand has more than 800 sales associates, officials added.

Case Study: Remodeling Design Influences Homeowner Satisfaction

DES PLAINES, IL—Long gone are the days of homeowners putting in new finishes and appliances in their homes and calling it a successful remodel, a new industry report reveals.

A Consumer Poll from the National Association of the Remodeling Industry (NARI) said that 49 percent of homeowners consider outcome and design as the greatest determinant of project satisfaction.

"Today's homeowners are smarter and more strategic when it comes to remodeling their homes," said NARI National President-Elect Michael Hydeck. "They want their design to cater perfectly to their lifestyles and how they intend to use the space."

Good design means more than customization of the home. Design work can bring multi-functional capabilities to a room, the study said. For example a kitchen that also serves as the living room. Or, it can enhance

the flow of the space by widening walkways and adding more access to the space from various parts of the home.

"Once my clients start to sense the magnitude of possibilities within a remodeling project, they start to get very specific about the design and how it's going to impact their space," Hydeck said.

Exercises

Many remodelers put clients through special exercises to get them to think about their lifestyles.

"It's my job to ask clients detailed questions about how they live and the things that are most important to them in order to create a perfect space," Hydeck said. "Whether it's a questionnaire or a walk-through of the current home, the main goal is that the remodeler knows what is desired."

The study said that the un-

Continued on page 8



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INSURANCE INSIGHTS

By Ken Furst and Jason Schiciano, Levitt-Furst Associates Ltd.



Editor's Note: Levitt-Furst is the Insurance Advisor to the Building & Realty Institute (BRI) and is the Group Manager for Workers Compensation Safety Groups 458 (Construction) and 530 (Real Estate). The Safety Groups offer discounted insurance for construction and real estate operations. In addition, Levitt-Furst's 45-person office specializes in Property & Casualty Insurance, as well as Construction and Real Estate Bonding.

ALBANY – Former Gov. Paterson, in his press release upon signing the new Construction Industry Fair Play Act, said:

"Employee misclassification is a terrible practice that happens when a worker who should be considered an employee is improperly categorized, or paid, 'off-the-books.' It deprives the government of tax revenue at a time when it is sorely needed and places an unfair burden on law-abiding employers who play by the rules."

Misclassification occurs when a construction contracting company:

- Categorizes an employee incorrectly, such as identifying a roofer's payroll in the "Interior Carpentry" class, in

order to take advantage of lower workers compensation rates, and fraudulently reduce workers compensation premium.

- Pays an employee "off-the-books," or tries to identify

- Pull more tax revenue into the state's coffers; and
- Generate more workers compensation premium for carriers, including the New York State Insurance Fund (the largest construction

must be met, in order for a business to be considered a "separate business entity" (i.e. an "independent contractor").

In short, a construction contractor that has set-up a "front" business, portrayed to be an "independent contractor" in order to avoid paying payroll taxes and workers compensation premium, will be subject to the law's penalties.

The Penalties

New penalties for paying off-the-books or improperly treating employees as independent contractors are harsh:

- Civil Penalty First Offense: up to \$2,500 per employee. Subsequent Offense(s): up to \$5,000 per employee.

- Criminal Penalty First Offense: Misdemeanor—up to 30 days in jail, up to a \$25,000 fine and debarment from performing Public Work for up to one year. Subsequent Offense(s): Misdemeanor—up to 60 days in jail, up to a \$50,000 fine and debarment from performing Public Work for up to five years.

For those who have been playing "by the rules," the new law and penalties will provide welcomed new regulation (provided that the State aggressively enforces the law.) For those who have been "cheating the system," the risks of doing so may no longer outweigh the rewards.

For those who have been playing "by the rules," the new law and penalties will provide welcomed new regulation (provided that the State aggressively enforces the law). For those who have been "cheating the system," the risks of doing so may no longer outweigh the rewards.

the employee as an "independent contractor," in a fraudulent attempt to avoid workers compensation premium (and other payroll-related costs) all together.

The Plan

- The new law is designed to:
- Make it more fair for employees that already "play by the rules," who previously operated at a competitive disadvantage versus contractors that misclassified their labor; and

workers compensation insurer in the state).

The law says that an individual is considered your employee unless he or she:

- Is free from direction and control in performing your job; and
- Performs work that is not part of the usual work done by your business; and
- Has an independently established business.

There is also a long list of qualifications, all 12 of which

Construction Moving Ahead on New Greenwich Complex

GREENWICH, Conn.—A long vacant site on West Putnam Avenue in Greenwich will soon be home to a new 36,000-square-foot retail/office/medical building, spokesmen recently announced.

Construction of the two-story structure at 644 West Putnam Avenue is underway and a major retail tenant – CVS Pharmacy – has already signed a lease for space in the building. Occupancy is scheduled for next spring.

"We are delighted to be moving forward with this exciting and attractively designed building that will bring new business activity to the Greenwich area. We are particularly pleased to have CVS as our major retail tenant," said Joseph Simone, president of Simone Development Companies of New Rochelle. Simone is developing the project in partnership with Fareri Associates, a Greenwich-based real estate development firm whose president is John Fareri, officials said.

The 644 West Putnam Avenue facility features 17,000 square feet of ground floor retail space and 19,000 square feet of second floor office/medical/retail space. CVS is occu-



pying 13,500 square feet on the ground floor, which leaves 3,500 square feet available for lease. The ground floor space is approved for a drive-up bank ATM.

The building, which has direct access to West Putnam Avenue (Route 1) and Holly Hill Lane, is situated on a two-level parking garage.

Simone said the second floor space available for lease is ideally suited for a medical practice.

"In addition to having ample parking for patients, this building will have a full-service CVS Pharmacy and is minutes from

nearby Greenwich Hospital. There's a growing demand for high quality, conveniently located medical space in this market. We anticipate tremendous interest in our building from medical practices throughout the area," he said.

644 West Putnam Avenue is on a site that was once dubbed as "the hole in the ground." The 1.6-acre property was originally excavated in 1999 by a car dealership which never went ahead with its plans. The property remained vacant for many years. Plans for the site were approved last year, project officials said.

Are You Ready to "Play Fair?"

New "Construction Industry Fair Play Act" Establishes Fines and Penalties for Violators

Remodeling Design Influences Homeowner Satisfaction

Continued from page 7

stable economy may have a slight relation to the recent findings. A more practical attitude toward spending in the last few years has amplified the homeowner's involvement in each step of the remodeling process. That way, no leaf goes unturned, the study said.

"To be successful as a remodeler today, you must have full transparency with your clients," Hydeck said. "That usually means open communication lines and joint decision-making in every aspect of the job: budget, design, material selection,

- A total of 20 percent noted accessibility and timeliness of the remodeler during the project as influential.
- Surprisingly, finishing on-time, and safety precautions and cleanliness of the remodel were much less significant, with 4 percent and 6 percent, respectively.

For homeowners who are considering a remodel, Hydeck stressed a bit of advice.

"Make a note of everything you do in your home and how you access it over the course of a few days," he said. "What

"Today's homeowners are smarter and more strategic when it comes to remodeling their homes..."

—Michael Hydeck
President-Elect, NARI National

timeline and management."

Hydeck said that process also reflects the long-term perspective most people have when it comes to their homes.

"My clients remodel their homes for the rest of their lives—they don't think of remodeling as a short-term investment," he said.

The Numbers

The breakdown of the poll results showed that:

- A total of 22 percent considered having their needs met as satisfactory.

paths you take, which counters you set items on, where you store belongings, and where you sit and relax—those are the things that are going to determine your remodeling outcome."

NARI is the only trade association dedicated solely to the remodeling industry. The association, which represents more than 8,200 member companies nationwide, is comprised of 63,000 remodeling contractors. The organization is known as "The Voice of the Remodeling Industry," association officials said.

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Westchester Putnam Multiple Listing Service is Renamed “Empire Access Multiple Listing Service”

New Designation Reflects Listings in Westchester, Putnam, Dutchess and the Bronx, Officials Say

WHITE PLAINS—Reflecting a broader view of the organization’s role for real estate agents and the general public in the Lower Hudson Valley, the Westchester Putnam Multiple Listing Service (WPMLS) has been renamed the “Empire Access Multiple Listing Service” (EAMLS), association officials recently announced.

“We’ve been operating as a regional MLS outside of Westchester and Putnam Counties since 1996,” said MLS Pres-

ident Gary Leogrande. “We were long overdue to have the name catch up with the reality.”

For several years, the organization has been serving nearly 1,000 real estate offices stretching from the Bronx to the most rural northern areas of Dutchess County. In 2008, the former WPMLS Board of Directors began the process of selecting a new name.

“We went so far as to sponsor naming contests,” said WPMLS past President Mark

Boyland. “There was a lot of creativity, but the problem was that there was no single geographic or historic marker that characterized the whole stretch from the Bronx to Dutchess.”

The final selection, “Empire Access Multiple Listing Service,” solved the geography problem while accurately conveying the organization’s purpose and character, association officials said.

“Empire reflects our placement in New York, the Empire

State,” said Leogrande. “Access to real estate information is what multiple listing services are all about for real estate agents and consumers. With this new name we are poised for growth as our region expands.”

P. Gilbert Mercurio, chief executive officer of the MLS and the Westchester Putnam Association of Realtors Inc., assured that while the name has changed, the MLS is not a different organization.

“EAMLS will still be owned

by the Realtor association, its service territory continues as the Bronx, Westchester, Putnam and Dutchess, and its rules and operations remain the same,” he said.

Currently the EAMLS has 927 participating real estate offices and some 15,000 properties in its database - about 9,400 in Westchester, 1,900 in Dutchess, 1,500 in Putnam and 1,600 in the Bronx. It is among the top 50 largest MLS’s in the country, officials said.

Local Real Estate Market Improved in 2010

Continued from page 1

er, condominium sales were off by 28 percent from 2009.

Westchester’s cooperative apartment sector performed weakly, the report noted. The 1,266 sales were virtually unchanged (two units) from 2009, and were 18 percent below 2008 levels.

Sales of multi-family properties, counted only for Westchester, remained at very low levels as well, the report said.

Different Situations

The 2010 experience was a composite of two very different real estate environments, the study said.

In the first half of the year, and particularly in the second quarter, sales increased by significant double-digit percentages compared to 2009 amounts. The apparent rejuvenation of the market at that time was largely attributable to the first-time homebuyers tax credit that required contracts to be signed by Apr. 30 and closed by June 30 (later extended to Sep. 30).

The trend resulted in a burst of sales of condominiums and cooperatives, the housing types that are most affordable to first-time buyers. The single family house market also benefited, however. The resurgence was so strong that it appeared there would be continued growth even after the tax credit program expired, the report said.

But, the reality was different. Third-quarter sales came in at 5 percent below 2009 levels, and fourth-quarter sales were down by a major 25 percent from the prior year, according to the study.

Seasonally adjusted, Westchester’s fourth-quarter sales were equivalent to an annual volume of 5,870 units, a scant 2 percent increase over the third-quarter rate, and more characteristic of annual volumes posted in the mid-1990’s, the study said.

Prices

The same kind of split-level patterning that applied to sales volume has complicated the analysis of the region’s real estate price trends in 2010 as

well, the report stressed.

On a quarterly basis, the highest median sale price ever posted for Westchester single family houses was \$730,000 during the third quarter of 2007. Thereafter the price trend was downwards until the most recent low point of \$532,000 in the first quarter of 2009, according to the report.

After that, prices increased again through the third quarter of 2010 when surprisingly, in the midst of a recession, a new record median of \$730,250 was established, the study said.

The report noted that the dominant reason for the erratic price track in the single family house sector was not inconsistent appreciation (or depreciation) but rather the ratio of sales

expired, the study said, high-end sales once again obtained a larger market share—up to 28 percent—which circumstance produced the record high \$730,250 median sale price system wide, the report noted.

It appears that with the 2010 fourth quarter, the market mix may have started to change again - the high-end share was just 16 percent, thus mitigating any increase in the overall median sale price. The \$576,500 median sale price of a Westchester single family house in the fourth quarter of 2010 stood about 3 percent above the 2009 level. Probably all of that 3 percent increase constituted true price appreciation rather than statistical artifact, the report said.

The fourth-quarter median sale price of a Westchester condo was \$359,000, up 3 percent from 2009, and the Westchester co-op median of \$172,250 was up by 2 percent, the study added.

of high-end properties (\$1 million and up) to the balance of the market.

Generally speaking, higher priced properties have fared better from a sales volume aspect than have lower priced properties, and that fact has tended to elevate the overall average price while masking a lower level of price performance among the more moderately priced properties, according to the study.

Sales of high-end properties accounted for 23 percent of total sales in 2008, then fell to a 17 percent share in 2009. The high end bounced back again in the first half of 2010, but the infusion of lower priced transactions stimulated by the tax credit program tended to restrain the amount of the overall average price increase, the report said.

When the tax credit program

That improvement was shared by the condominium and cooperative sectors. The fourth-quarter median sale price of a Westchester condo was \$359,000, up 3 percent from 2009, and the Westchester co-op median of \$172,250 was up by 2 percent, the study added.

Foreclosures and Inventory

The study said that, nationally, there is a continuing worry about backlogged processing of foreclosed properties, as well as yet-to-be-filed foreclosure actions.

However, in the Westchester-Putnam real estate market, foreclosure activity to date appears not to have caused serious damage in terms of excess inventory or a depressed price structure, the report said.

Foreclosure filings recorded by the Westchester County

Clerk’s office declined by 50 percent in the fourth quarter of 2010 compared to 2009, and by 42 percent in Putnam County. Many, if not most filings, are resolved through so-called short sales.

Realtors who are active in the short sale submarket report that, while short sale transactions obviously yield lower sales prices than those obtained from normal market transactions, that fact does not necessarily result in a loss of value among the unimpaired properties as a class, according to the study.

The Inventory Picture

The study said that the end-of-quarter inventory of Westchester properties listed for sale was 5,703 units, six percent more than at the end of 2009. The single family house inventory in Putnam County was also higher by about six percent. Inventory has steadily – but slowly – increased since 2007, reflecting, in part, the slower pace of sales system wide.

In recent quarters, the cooperative unit sector has contributed the most to inventory accumulation, as first-time and moderate-income buyers remain cautious about entering the market, the report said.

Overall, however, Westchester and Putnam inventory is not excessive and, in fact, is at about the same levels as it was in 2005-2006, before the recession took hold, according to the study.

A Look Ahead

Nominally, prospective home buyers should be seeing mostly green lights for the ride back to normalcy. These include:

- Mortgage interest rates probably as low as they’ll ever be, currently averaging

- about five percent (or less) for a 30-year fixed rate loan.
- Foreclosure Activity at manageable, non-threatening levels in our area.
- Current inventory offering ample choice to prospective home buyers.
- Price moderation in the range of eight-to-15 percent, from the top of the market in 2006-2007.
- Local unemployment easing ever so slowly, but nevertheless steadily, by about one-half percentage point from the start to finish of 2010.
- A gain of about 10 percent in the Dow Jones Industrial Average over the course of 2010, and continuing increases thus far into 2011. The performance of the equity markets is important not just for confidence-building among consumers, but for maintaining high-earnings employment – and home buying capability – in our region’s financial industry jobs market.

The study, however, stressed that pervasive uncertainty remains about job security, tax policy, the safety of personal investments, and the national economy in general, among other worries. Prospective first-time buyers in particular have been reticent to step onto the first rung of the housing ladder with a starter house or cooperative apartment. Yet their confidence in the future is what is needed to power ascending sales volumes like those posted in the first half of 2010 during the homebuyer tax credit program – this time without the program, the report said.

Without them, the relatively lackluster performance of the second half of 2010 will constitute the “new normal” for assessing progress in 2011, the study added.



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Celebrating a Milestone: NAI Friedland Marks 40 Years in The Realty Industry

WHITE PLAINS—Executives and brokers at NAI Friedland recently gathered at “42” atop the Ritz-Carlton in White Plains to celebrate the company’s 40 years of service and achievements in the local commercial real estate market, officials recently announced.

Included in the celebration were Larry Gottlieb, Westchester County’s director of economic development; Bill Mooney, president of the Westchester County Association; Robert P. Weisz, president of RPW Group; and Robert F. Weinberg, president of Robert Martin Company.

The evening, officials said, started off in high spirits. Robert Friedland, president, reminisced about starting the firm in 1970 at the age of 27.

“I saw an advertisement for commercial ‘RE’ sales and wanted to find out what the ‘RE’ stood for,” he said.

Friedland’s first big listing was the Otis Elevator plant in Yonkers, followed by a large deal with Kawasaki. The rest, as the saying goes, is history. “I can’t believe that 40 years have passed,” Friedland said.

Following Friedland’s speech, Jeffrey Finn, president and chief executive officer of NAI Global, the world’s leading managed network of commercial real estate firms, spoke positively of the partnership NAI Global and NAI Friedland have shared for the past eight years.

“Combining the global network of NAI and the local expertise of NAI Friedland has made ours a very complementary partnership which continually

leads to success,” Finn said.

NAI Friedland’s affiliation with the NAI Global Network, which has 5,000 professionals and 350 offices in 55 countries throughout the world, gives the company the necessary national and international contacts when representing Fortune 500 firms and other national and regional corporations in larger sized retail, industrial and office transactions, officials said.

Closing out the night of celebratory toasts and handshakes was NAI Friedland’s Chief Executive Officer Tony Lembeck, who enthusiastically shared his sentiments with the attendees.

“I’d like to congratulate everyone on their individual successes, as well as our success as a team,” said Lembeck.

Lembeck eventually pre-

sented 25-year service awards to NAI Friedland employees Jean Manning, director of operations; Peter Cokin, senior executive vice president; and Ross Schneiderman, senior executive vice president. Schneiderman has been with the firm for 27 years, longer than any other NAI Friedland broker.

“Thank you all for your consistent cooperation as we look forward to an even brighter future,” said Lembeck.

NAI Friedland Inc. is a full-

service commercial real estate firm covering the entire metropolitan New York area, with a majority of its business in Westchester County and the Bronx, but additionally in Putnam and Rockland counties, New York City, Connecticut and New Jersey.

Headquartered in Yonkers, Friedland also maintains a satellite office in Manhattan. The firm has four divisions – Retail, Industrial, Office and Residential/Development.

Kope Named 2010 Realtor of the Year, Arace Selected Affiliate of the Year

WHITE PLAINS—The Westchester Putnam Association of Realtors (WPAR) has named John Kope of Keller Williams Realty in Yorktown Heights as its Realtor of the Year for 2010, association officials recently announced.

Kope has worked in residential real estate for the past 12 years after retiring from a teaching position he held for 33 years with The Children’s Village in Dobbs Ferry.

For the past two years, he has chaired WPAR’s Legislative, Political and Legal Affairs Council, and will continue in that position for 2011. He has also chaired the Education Committee and served as Treasurer and Second Vice President of (WPAR). Kope is also completing a second term as Secretary for the Empire Chapter of The Women’s Council.

WPAR also named Donald Arace, president of Prospect Lending in White Plains, as its Affiliate of the Year. With more than 25 years in the banking and mortgage industry, Arace



John Kope
Realtor of the Year, 2010

has been constantly involved with WPAR and its events, such as Hearts and Hope for the Homeless, Lobby Day, Members Day and more. He has also been a speaker at the Women’s Council of Realtors events.

Arace first received this prestigious award in 1999, association officials said. He is the only Affiliate Member to date to receive the award twice.

WPAR is a not-for-profit trade association representing more than 7,500 real es-



Donald Arace
Affiliate of the Year

tate professionals doing business in Westchester County and the surrounding region. Its predecessor organizations, the Westchester County Board of Realtors, Inc. and The Putnam County Association of Realtors, were founded in 1916 and 1932, respectively. The association owns and operates the Empire Access Multiple Listing Service that provides a real estate MLS database for the Bronx, Westchester, Putnam and Dutchess Counties.

Irish America Magazine Honors Houlihan

NEW YORK—James J. Houlihan of Houlihan-Parnes Realtors was recently honored at the 25th Annual Irish America Magazine’s Business Awards Luncheon at the New York Yacht Club.

Houlihan was also named to the magazine’s Top 100 Business Award List for the fifth consecutive year.

The Irish America Magazine honored the extraordinary achievements of Irish and Irish-American leaders at the event. The honors run from significant professional accomplishments by individuals to their contributions to Irish-American society, as well as their personal commitments to safeguarding their respective Irish heritages and strengthening the relationship between the

United States and Ireland.

Houlihan is a graduate of Manhattan Preparatory School and of the Fordham University School of Business. He is a licensed Real Estate Broker and represents the fourth generation in a family business founded in 1891 by his great-grandfather.

Houlihan is a partner at Houlihan-Parnes Realtors, LLC of White Plains, a multi-faceted commercial real estate firm. He has managed its daily operations since becoming a partner in 1987. Houlihan is an active partner in Metro Property Group, LLC, a commercial property management company based in Westchester County, as well as a partner in HP Capital, LLC, a mortgage service company, and

GHP Office Realty, LLC, an entity involved in the principal acquisition, management and leasing of office buildings. Houlihan is also on the Board of Directors for Q10 Capital, LLC, which is a national leader in commercial real estate capital, officials said.

Houlihan is a past Chairman of the Apartment Owners Advisory Council (AOAC) of the Building and Realty Institute (BRI). He is also a past Chairman of the prestigious Sales Brokers Committee of the Real Estate Board of New York. In 1999, Houlihan was a winner of the “Most Ingenious Deal of the Year Award” from the Real Estate Board of New York and runner up for its 2006 award, officials added.

Adler Earns Appointment at Rand Commercial Services

NEW CITY – Rand Commercial Services (RCS) recently announced that Paul Adler has been appointed Vice President at the firm.

Formerly Senior Executive Managing Director of RCS, Adler has worked with the Rand family of companies since 1996. In his new role, Adler will have direct oversight and management responsibilities for Rand Commercial’s fast-growing team of nearly 30 agents covering the greater New York area, officials said.

“Paul has managed Rand Commercial Services for several years,” said Matt Rand, managing partner of Rand Commercial Services. “Since he has been at the helm of RCS, Paul has helped us develop and grow the commercial company into a regional powerhouse. Paul’s extensive knowledge of the Hudson Valley and his decades of experience in commercial real estate and development make him an industry leader.”

Adler has served in numerous governmental, public, civic, charitable and professional organizations in New York state. He received a bachelor’s degree from Pace University, a master’s degree in public administration from Long Island University and a Juris Doctorate from the Pace University School of Law.

Adler resides in New City and works out of the firm’s White Plains, New City and Newburgh offices.

Rand Commercial Services is an independent, full-service commercial real estate brokerage that serves the greater New York area. The firm specializes in repositioning and redeveloping properties to improve their returns, in addition to assisting clients with more conventional sales and leasing. RCS has nearly 30 agents in Orange, Rockland and Westchester counties. The company also serves New York City, northern New Jersey and Connecticut, officials said.

Provident Bank Appoints Community Business Loan Specialist

MONTEBELLO—Provident Bank recently announced that Tracy Marshall has joined the bank as a Community Business Loan Specialist.

In her new position, Marshall will work directly with the Community Business Loan Manager in meeting the bank’s goals in community business loan products, including underwriting and analyzing business loan requests.

Marshall was most recently with HSBC Bank USA, where she served as Vice President and Commercial Business Relationship Manager for HSBC’s commercial business throughout Rockland County. Prior to that role, she was an Assistant Vice President and Branch Manager for Commerce Bank’s

Stony Point office. She began her banking career in 1997 with JP Morgan Chase Bank (formerly Bank of New York).

A resident of Garnerville, Marshall is a graduate of Rockland Community College.

Headquartered in Montebello, Provident Bank, with \$2.9 billion in assets, is the largest independent, full-service community bank in the lower Hudson Valley, officials said. Provident Bank operates 35 branches that serve the Hudson Valley region, including three Commercial Banking Centers in Westchester County, and one office in Bergen County (N.J.). The bank offers a complete line of commercial, retail and investment services, officials added.

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Klein Joins Goldschmidt & Associates

SCARSDALE—Garry Klein has joined Goldschmidt and Associates of Scarsdale as an Associate Broker, company officials recently announced.

Klein joins the firm with what company officials termed as “a wealth of experience encompassing over 25 years in the real estate business.”

Company officials said that Klein has a diverse background in real estate brokerage, investments, development, management and construction. Officials added that Klein has owned his own real estate brokerage firms and has held management positions with Berco Development Group and Prudential Rand Realty. They stressed that he has been involved with “many interesting and complex real estate transactions in the region that have ranged from office and retail leasing, sales of multi-family, office and commercial properties, to zoning and approvals on land, and the adaptive reuse and redevelopment of commercial properties.”

“Garry’s experience will fill a niche in our Investment Sales Division,” said Eric Goldschmidt, a senior partner of the firm. “My partner, Pam Bren Goldschmidt and I, are excited about putting Garry’s expertise to work for our varied and diverse client base and working with our very active team of agents.”

Klein earned a Master’s Degree in Real Estate Planning and Development from Pratt Institute and has been a Licensed Real Estate Broker since 1987 and a Certified Real Estate Appraiser since 2008. He has been a member of the Commercial and Investment Division (CID) of the Westchester Putnam Association of Realtors (WPAR) since 1997. He is also a member of the Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI).

Goldschmidt and Associates specializes in the sale and leasing of commercial, retail, industrial and multi family properties in the New York metro area, company officials said.

Djonovic Named to Boards at Provident Bank

MONTEBELLO, N.Y.—Provident Bank has announced the appointment of Navy E. Djonovic to the Boards of Directors of Provident New York Bancorp, Provident Bank and Provident Municipal Bank.

Provident Bank also announced that Djonovic was appointed a member of the Audit Committee.

Djonovic, a Certified Public Accountant, is a partner with the accounting firm of Maier Markey & Justic LLP of White Plains. Djonovic brings more than 15 years of experience to the respective boards. She began her career with the accounting firm of Deloitte & Touche LLP and later joined Arthur Andersen LLP as a senior accountant.

Prior to joining Maier Markey & Justic in 1999, she served as the Director of Operations of Mikimoto (America) Co. Ltd.

Djonovic is a graduate of Fordham University, where she earned a Bachelor of Science Degree in Accounting. She is a member of the New York State Society of Certi-

fied Public Accountants, the Westchester County Association and the Business Council of Westchester. She currently serves on the Board of Directors of the Child Care Council of Westchester, where she is Chairperson of the Investment Committee.

“We are very pleased to welcome Navy Djonovic to our Board. With her many years of experience in the accounting field, she is a valuable addition to our Board’s Audit Committee,” said George Strayton, president and chief executive officer of Provident Bank.

Headquartered in Montebello, Provident Bank, with \$2.9 billion in assets, is the largest independent full-service community bank in the lower Hudson Valley, officials said. The bank operates 35 branches that serve the Hudson Valley region, including three Commercial Banking Centers in Westchester County and one office in Bergen County (N.J.). The bank offers a complete line of commercial, retail and investment services, officials added.

Austin Corporate Properties Announces Recent Leases

RYE BROOK—White Plains Hospital has exercised its option to lease 10,795 square feet for a term of 10 years at 90 South Ridge Street in Rye Brook for its Women’s Imaging Center, Austin Corporate Properties recently announced.

In other activity, Austin Corporate Properties reported that:

*The law firm of Pannone

Lopes Devereaux and West, which has six offices in Rhode Island, Massachusetts, Florida and New York, has leased 2,500 square feet at 81 Main Street in White Plains to serve as its New York City-area office.

*Hitachi Metals of America, headquartered in Purchase, has, leased 3,543 square feet at 701 Westchester Avenue in White Plains.



By Andrea Wagner
Wagner Web Designs, Inc.

YORKTOWN HEIGHTS—Snow, sleet, wind and cold are keeping us all indoors as this winter continues to be quite harsh.

Meetings have been postponed and lunch dates cancelled on a regular basis.

That means your potential clients are relying more on the Internet for researching new businesses and information-gathering. Now is a great time to make sure your information is up-to-date, relevant and informative. Updating your site will also help your Search Engine Rankings.

The Right Combinations

Using a Search Engine for research can be a time-consuming task. It helps to understand how Google Algorithms work to help make your results more meaningful.

- To match an exact phrase, use quotes around the phrase.
- Locate flight tracking fast;

TECH TALK

Search Tips – They Can Make Your Internet Process Easier

type in the airline and flight number right into Google Search. There is no need to first go to the airline website.

- How many liters in a quart? Type in “4 Liters in Quarts” or any conversion you need. It comes up instantly!
- Instant weather; type in

• You can use AND, OR, NOT to create a narrower search, but they MUST be in capital letters. Example: (wagner AND web)

• Exclude words: You want to exclude any results that contain the term “advertising.” To do this, simply use the “-” sign in front of

It helps to understand how Google Algorithms work to help make your results more meaningful.

“weather” and your zip code.

- Traveling outside of your time zone? Type in “Time In Mexico” (your destination) for instant time.
- Type in your UPS or other Carrier Tracking Code right into Google Search – there is no need to go to the UPS site first!
- Keep it simple. If you’re looking for a pizza restaurant, just enter pizza and the name of your town or your zip code.

the word you want to exclude. Example Search: Internet Marketing –Advertising.

• Similar Words and Synonyms: You want to include a word in your search, but want to include results that contain similar words or synonyms. To do this, use the “~” in front of the word.

• Try Googling yourself, and see what comes up!

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