

IMPACT

BUILDING & REALTY NEWS

VOL. 14 NO.1 SERVING WESTCHESTER AND THE MID-HUDSON REGION MARCH-APRIL 2015

THE HANLEY REPORT

Recalling Three Definitive "Giants" of The BI-BRI

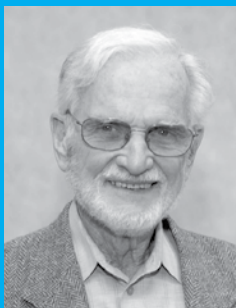
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COUNSELS' CORNER

Lease Violations, Notices and Rent Rejection – What To Do

By KENNETH J. FINGER, ESQ.,
CARL L. FINGER, ESQ., and
DANIEL S. FINGER, ESQ.
Finger & Finger, Chief Counsel,
Building & Realty Institute (BRI)
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AOAC Begins Its Preparations for Upcoming "Rent Guidelines Season"

By Jeff Hanley, IMPACT Editor

WHITE PLAINS—The Apartment Owners Advisory Council (AOAC) has begun its preparations for the realty industry's testimony on rent guideline increases for rental apartment buildings affected by The Emergency Tenant Protection Act (ETPA).

AOAC spokesmen recently said that the association's Membership Meeting of Feb. 11 covered the organization's preparations and strategies on the guidelines process. The meeting allowed members to voice their input on how the AOAC should prepare for the upcoming Public Hearings and Deliberations of The Westchester County Rent Guidelines Board, officials added.

The guidelines board is the entity that annually decides on guidelines for lease renewals affected by the ETPA. Those guidelines are decided upon af-

ter the board conducts its Public Hearings and Deliberations. The guidelines board released its schedule of Public Hearings and Deliberations for 2015 at its Jan. 14 meeting at the offices of the New York State Homes and Community Renewal Agency (HCR) in White Plains.

The schedule is as follows, with locations to be announced:

Public Hearings:

- Monday, June 1st, 7 p.m.—The Yonkers Public Hearing.
- Tuesday, June 2nd, 7 p.m.—The Mount Vernon Public Hearing.
- Monday, June 8th, 7 p.m.—The White Plains Public Hearing.

Deliberations of the Board (Locations In White Plains To Be Announced):

- Tuesday, June 16th, 7 p.m.
- Monday, June 22nd, 7 p.m. (The Actual Guidelines Vote).

The board's decision will affect rent adjustments for one or two-year leases which begin between Oct. 1, 2015 and Sep. 30, 2016.

The Vital Need for Participation

"Each year, we stress the fact that it is extremely important that Owners and Managers testify on the continuing increases in costs that the realty sector is facing," said Carmelo Milio, AOAC chairman. "We are, once again, continuing to urge our members to attend the Public Hearings and Deliberations and to offer their individual struggles with their day-to-day costs to the guidelines board."

He added: "We cannot say it enough—we need the AOAC membership to help us. In turn, the participation of our members will help us help them. A

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IN MEMORIAM

George Frank, Longtime Executive VP of The Builders Institute/Building and Realty Institute

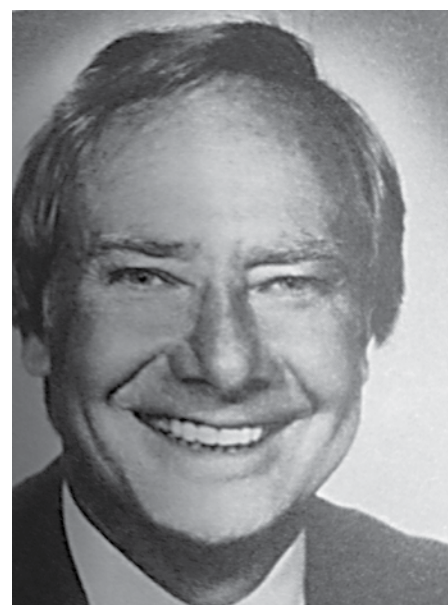
By Jeff Hanley, IMPACT Editor

ARMONK —George Frank, the former executive vice president of The Builders Institute (BI)/Building and Realty Institute (BRI), died on Jan 30.

A longtime Westchester County resident, Frank served as executive vice president of the BI-BRI from 1954 to 2001. He oversaw all aspects of the association, a building, realty and construction industry membership organization. The BI-BRI, based in Armonk, has more than 1,400 members in 14 counties of New York State. It is one of the largest associations of its type in New York.

Frank joined the BI-BRI in 1954 when it was known as The Home Builders Association of Westchester, Inc. He immediately helped to expand the association. In 1959, it became known as The Builders Institute of Westchester and Putnam Counties, Inc.

Frank was instrumental in helping the organization eventually form six component groups in the 1960's, 70's and 80's. Those groups represent virtually every sector of the building, realty



George Frank

and construction industry. They include:

- The Apartment Owners Advisory Council (AOAC);
- The Cooperative and Condominium Advisory Council (CCAC);
- The Advisory Council of Managing Agents (ACMA);
- The Home Builders Advisory Council (HBAC).

Frank also served as president of The Building Contractors Association (BCA), a building and construction industry membership organization. The BCA was an affiliate of the BI-BRI from 1972 to 2000.

Frank's responsibilities at the BI-BRI included representing the building, re-

alty and construction industry before local, county and state governments. He also represented the BI-BRI and its component groups before the media and the public.

A veteran of the U.S. Navy, Frank served as the spokesperson for the building, realty and construction industry on regulatory and legislative processes, as well as public policy issues.

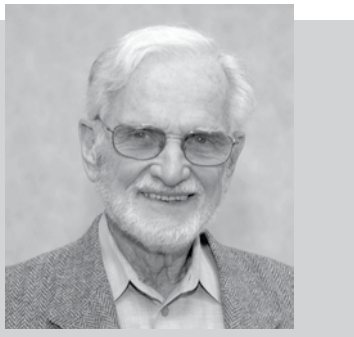
Frank also helped to coordinate the BI-BRI's many Membership Programs and Services. He also was frequently involved in labor contract negotiations for the organization, representing the BI-BRI and BCA in negotiations with local building, construction and realty trade unions. He also served as an employer representative to many union committees that addressed labor, construction and realty issues throughout the Westchester and Mid-Hudson Region.

Veteran members of the BI-BRI were unanimous in citing Frank's contributions to the association, as well as to the building, realty and construction industry. Those members also credited Frank for his efforts in helping the growth of Westchester County and the Mid-Hudson Region.

"There is no doubting the important contributions that George Frank made to our association," said Albert Annunziata, executive director of the BI-BRI. "He was a top factor in helping the BI-BRI grow into a major business membership organization. His efforts will always be remembered."

CO-OP AND CONDO COMMENTARY

By HERB ROSE



Confusion Reigns Supreme — And It's Very Expensive To Consumers

son is your supplier of last resort in that the company must supply you unless you have an alternative Energy Savings Company (ESCO).

A price of 17.8 cents per kWh was the December, 2014 price of the ESCO supplying a client whose bills I was auditing. A price of 6.1 cents and 7.9 cents per kWh were bills I examined that were supplied by Con Edison.

Throughout this period of time, the Con Edison price was between 6.1 and 10.1 cents per kWh! Remember,

NEW YORK—How much do you pay for electricity?

Is it 17.8 cents, 6.1 cents, or 7.9 cents per kilowatt hour? Remember, a kilowatt hour is enough electricity to light a 100-watt bulb for 10 hours.

Your electric bill, no matter who you buy electricity from, is figured in kilowatt hours (kWh). You must be aware that

17.8 cents, 6.1 cents, or 7.9 cents are only parts of the bill. Electric bills come in two parts: Delivery and Product (17.8 cents, etc.). Delivery is the same no matter who your supplier is. It is not negotiable or “shop-able.”

Product demands your attention, since you have some measure of control over where you buy your kWhs. Con Edi-

Recalling Three Definitive “Giants” of The BI-BRI

THE HANLEY REPORT

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



ARMONK – The term “giants” most likely carries a range of different meanings for different people.

In the case of a series of recent deaths involving well-known individuals associated with The Builders Institute (BI)/Building and Realty Institute (BRI), the term is totally accurate.

The deaths of those three iconic figures—each with long-time and important ties to our association—have led building, realty and construction industry officials to recall the trio’s invaluable contributions to the BI-BRI and the industry that it serves.

On Jan. 30, our organization lost George Frank, the long-time executive vice president of the BI-BRI. Frank was a major factor in helping our association grow into one of the largest business membership organizations in New York State.

A longtime Westchester County resident, Frank served as executive vice president of the BI-BRI from 1954 to 2001. He oversaw all aspects of the association, a building, realty and construction industry membership organization that has more than 1,400 members in 14 counties of New York.

Frank joined the BI-BRI in 1954 when it was known as The Home Builders Association of Westchester, Inc. He helped expand the association and, in 1959, it became known as The Builders Institute of Westchester and Putnam Counties, Inc. He was instrumental in helping the organization eventually form six component groups in the 1960’s, 70’s and 80’s as the association earned its reputation as a major statewide force. More details on Frank’s achievements can be found in a page one report.

BI-BRI officials also have been quick to cite the noteworthy efforts of Charles Weinberg and Sam Rivellini.

Weinberg was president of the association in the 1960’s and a longtime member of the organization’s Board of Trustees. He eventually served as chairman of the BRI’s Negotiating Committee, a unit that periodically helps the organization reach Labor Contracts with Local 32-BJ Service Employees International Union (SEIU).

Rivellini served as president of the BI-BRI in 1974 and 1975. He was a longtime member of the association’s Board of Trustees and also served on many of the organization’s committees that dealt with industry issues. Rivellini was also a member of the BRI’s Apartment Owners Advisory Council (AOAC).

Frank, Weinberg and Rivellini were, without a doubt, giants of the BI-BRI. They will be sorely missed.

This Issue

Our latest edition features some informative and interesting reports. They include:

- A Photo Montage that reviews the 2014 meetings and seminars of the BI-BRI. The montage is in the center section.
- A report in Counsels’ Corner on what Owners and Managers should do in the event of Lease Violations, Notices and Rent Rejections. The article was authored by Finger and Finger, A Professional Corporation. The firm is chief counsel to the BI-BRI.
- An Energy Update in Co-op and Condo Corner. The report reviews how confusion is continuing regarding energy choices for multi-family

buildings and complexes. Herb Rose wrote the piece.

- The second article in a series that addresses the positives of Affordable/Workforce Housing. Dr. Richard Cirulli, the former chair of The Facilities and Construction Management Program at Iona College in New Rochelle and a frequent contributor to IMPACT, authored the report.
- A report on the efforts of industry officials that are calling for “Scaffold Law Reform” in New York State. The issue is one of major importance to our industry. The summary was prepared by Jason Schiciano and Ken Furst of Levitt-Furst Associates, insurance manager for the BI-BRI.
- A review in Tech Talk on Google announcing its new Web Guidelines. Andrea Wagner wrote the summary.
- An article reviewing the Village of Ossining’s recent announcement that it is seeking a qualified developer to collaborate with the village in the renovation and re-use of a National Register-Listed building at the intersection of Main Street and Route 9. A request for proposals has been issued for the village-owned property at 200 Main Street, architecturally significant as one of the best-preserved examples of “Beaux Arts Architecture” in Westchester County, officials said.
- A report on MacQuesten Development LLC and The New York State Homes and Community Renewal Agency announcing a new \$31.5 million, mixed-use Transit-Oriented Development for

Continued on page 3

The History of the 17.8 Cents Per kWh Client

Nov. 2013	9.5¢	Feb. 2014	23.4¢	Oct. 2014	16.5¢
Dec. 2013	9.63¢	March 2014	15.67¢	Nov. 2014	17.8¢
Jan. 2014	13.25¢	June 2014	15.0¢	Dec. 2014	17.8¢

this figure is for the product only. In addition, the Sales Tax was overcharged!

An Opportunity

“Get 7 percent off your bill” is advertised in many places and holds out a very limited opportunity in which you must contract an ESCO for your electrical supply. When the limited offer ends, the ESCO can charge you whatever it wants. Numbers in the previous examples are typical. Aggressive marketing by Con Edison is puzzling, but not so if you look at the history.

Past rulings by the Public Service Commission (PSC)—which make the rules for Con Edison’s operating processes—enable the utility to become a purely defined delivery system. This process is ongoing and is facilitated by Con Edison selling its generating plants and purchasing electricity for resale.

Con-Ed Solutions is a separate corporation and is an ESCO with a pricing system that is different than the parent company. Constant comparisons are necessary if you want to shop your power supply. Unless you can make a bilateral deal with an ESCO indexed to the Con Edison rates, the odds of you coming out ahead are miniscule. Even comparisons of Con Edison to Con-Ed Solutions show that Con Ed Solutions is more expensive.

In Westchester County, using an ESCO for your electrical supplier will exempt you from Sales Tax on the delivery portion of your bill and save you about five percent of your total bill. When your ESCO overcharges you 30 or more percent of the going price, where are your savings? In New York City there is no longer forgiveness of Sales Tax on delivery, so don’t consider that amount.

“One Size Fits All” is the basis for your electricity purchasing. During the 24-hour day, the price of electricity varies from nothing to one dollar per kWh, due to frequent periodic auctions.

“Real Time Purchasing” would allow you to take advantage of these fluctuations if you have this remarkable skill. Very few individuals can time the market, so you buy at a price which is a sort of average for the 24 hours. Real Time Pricing is an option that utilities may someday institute. Users who consume more power in the late summer afternoons and those consumers who have large evening experience would pay more than those who curtail usage at peak times. In the wee hours of the morning, the price for power often is zero cents per kWh!

In order to buy electricity economically, you must separate product from delivery, compare prices often, and moderate usage. Ignoring specifics is expensive.

Herb’s Hints

1) Verify the Sales Tax Rate on your Utility Bill since one out of three bills is routinely overcharged.

2) Clear, readable floor numbers on the stairways are a matter of life and death! Firemen have been known to be unable to reach people trapped in stairwells because stair numbers are omitted.

Editor’s Note: Herb Rose is a co-op and condo consultant. He is also a member of the Board of Directors of The Cooperative and Condominium Advisory Council of Westchester and The Mid-Hudson Region (CCAC). Rose can be reached at hrose47563@aol.com. The CCAC is at (914) 273-0730.

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An IMPACT Special Report:

Westchester County Legislators Announce Legal Action Against HUD to Recover \$17 Million in Grant Funding

WHITE PLAINS—Legislation was recently passed by The Westchester County Board of Legislators that enabled County Attorney Robert Meehan to amend the legal proceedings against the federal Department of Housing and Urban Development (HUD).

The vote, taken at a special meeting on Mar. 16, was unanimous. The court action is an attempt to recover approximately \$17 million in Community Development Block Grants (CDBG) that were earmarked for Westchester County, but reallocated outside of Westchester by HUD.

HUD had informed Westchester County Executive Rob Astorino that it would reallocate the CDBG funds because the County Executive had not submitted an "Analysis of Impediments (AI) acceptable to HUD."

On behalf of Astorino, Meehan petitioned Judge Denise Cote - who is presiding over the completion of the settlement - to overturn HUD's decision to reallocate the CDBG funds. Cote had ruled that HUD's actions are not subject to judicial review. Astorino and HUD have remained at an impasse regarding the AI.

On Feb. 18, the U.S. Court of Appeals for the Second District ruled on Westchester's appeal that HUD's actions were, in fact, subject to judicial review. That ruling was the impetus for the legislation that was passed by The Westchester County Board of Legislators on Mar. 16, officials for the board said.

Michael Kaplowitz (D-Dist. 4), chairman of The Westchester County Board of Legislators, has tried to mediate a resolution to the impasse between the County Executive and HUD.

Kaplowitz was recently successful in getting HUD to delay the reallocation of the CDBG funds. Kaplowitz also appealed to Westchester's congressional representatives and proposed to HUD that the CDBG funds be distributed to Westchester municipalities by New York State.

On Feb. 9, U.S. House of Representatives Member Nita Lowey (D-17th CD) announced that HUD would release approximately \$5 million in CDBG funds to the state, earmarked for Westchester communities. The state is working out the details of a competitive application process for those funds, officials for the Westchester County Board of Legislators said.

Following the vote, Kaplowitz said: "An important objective in dealing with HUD on the Affordable Housing Settlement has been to prevent the loss of the CDBG funds that are owed to Westchester County. While we have been successful in saving about \$5 million that the state will administer, I am hopeful that the legislation we passed will secure the release of additional CDBG funds meant for Westchester."

Kaplowitz added that the recent ruling from the Court of Appeals provides Westchester County with an opportunity to petition the courts for its lost CDBG monies but, more importantly, it is an opportunity for Astorino and HUD "to finally sit down and work out a compromise that will produce an acceptable AI."

"Losing the HUD funding is certainly something we want to avoid, but remaining in a protracted standoff with HUD risks far greater penalties for Westchester County," Kaplowitz said.

John Testa (R-Dist. 1), minority leader of The Westchester County Board of Legislators, said that the Republican caucus was happy to vote for the legislation.

"It is unfortunate that we have to go these lengths to try and recuperate funds that HUD had no right to withhold in the first place," he said. "The Court of Appeals decision that led us to this vote confirmed what the County Executive has been saying all along - HUD does not have the right to act with impunity. The reallocation of these funds from the communities and people that need them most was an arbitrary and capricious decision. Many of the municipalities that HUD sought to punish by reallocating the funds, like my hometown of Peekskill, aren't even subject to the affordable housing settlement."

Editor's Note: The preceding report was written by the office of Westchester County Legislator John Testa (R-Dist. 1).

The Hanley Report

Continued from page 2

downtown Mount Vernon. Named The Modern, the facility will be built on an underutilized former industrial area, officials said. Officials added that it will include 80 affordable rental apart-

ments and approximately 9,400 square feet of commercial, possible medical use and office space on the first two floors.

Enjoy both the issue and spring - if it ever arrives!



ACMA MEETS – The Advisory Council of Managing Agents (ACMA) held its first Membership Meeting of 2015 on Feb. 25. The meeting examined issues of importance to property managers in the Westchester and Mid-Hudson Region. Pictured during the event are, from left to right, ACMA Member Larry Newman; Ken Finger, chief counsel, Building and Realty Institute (BRI); David Amster, ACMA chair; and Albert Annunziata, executive director, BRI. The conference was at The Crowne Plaza Hotel in White Plains. *Photo by Jeff Hanley*



REVIEWING THE INDUSTRY'S NEW INSURANCE CERTIFICATE – More than 85 members of The Builders Institute (BI)/Building and Realty Institute (BRI) attended the association's Feb. 12 General Membership Meeting. The meeting reviewed the specifics of the building and realty industry's new Insurance Certificate. Ken Furst, a principal of Levitt-Furst Associates, insurance manager of the BI-BRI, is pictured at the podium while addressing the topic. The conference was at the Crowne Plaza Hotel in White Plains. *Photo by Jeff Hanley*



IN ALBANY – Representatives of The Building and Realty Institute (BRI) and The Apartment Owners Advisory Council (AOAC) were in Albany on Mar. 2 to voice the concerns of the building and realty sector on key issues affecting the industry. Pictured during one meeting are, from left to right, Carmelo Milio, chairman, AOAC; Albert Annunziata, executive director, BRI; Assembly Member Amy Paulin (D-88 AD); Ken Finger, chief counsel, AOAC/BRI and Glenn Riddell, Lobbying Consultant, AOAC/BRI. —*Photo by Legislative Photographic Services*

GUEST COMMENTARY

The Positives of Affordable and/or Workforce Housing

By Dr. Richard Cirulli
(Part Two)
ARMONK—We continue on with the topic of Affordable/ Workforce Housing, as seen through the eyes of an economist.
Moving forward with this science, I hope to compensate for this shortcoming with some comedic sarcasm. Affordable/ Workforce Housing does seem to have a rather negative overtone both for its proponents and opponents. We may need to be reminded that just a few decades ago, the cost of homes in the majority of our region cost what Affordable/Workforce Housing costs today. This confirms the high inflationary value of real estate in the Westchester and Mid-Hudson Region.
Good housing makes for good investment, personal financial stability and growth. To be objective and free of bias and political agendas, Affordable/Workforce Housing should not be abused or used for political posturing. I hope that honest social reflection and dialogue can be found to accommodate a stable common ground for this polarizing issue.
I believe the first order of this discussion is to place Afford-

able/Workforce Housing in a real world perspective. On one side of the equation, remember that algebra lecture on the law of equalities? This side of the equation supports a free market system free of politically manufactured economic intrusions into the market place.
With the underlying angst, “my wife and I both make six-figure incomes, and are statistically in the top 2 percent of the economy and would love to live in a Scarsdale or Greenwich (Conn.) home, but I cannot afford the housing there.”
The previous phase is quite the true statement, with much validity. On the other side of the equation are all those hard-working and productive workers of society that do not make six-figure incomes who provide vital services to our communities. They include teachers, police officers, fire fighters and civil workers, to name a few, as well as the rest of the bottom 98 percent who earn a Median Income of \$51,000.
That Median Income level has been in a steady decline since 1996. Currently, the average wage earners’ median income is in the negative digits and does not even keep pace

with the national CPI (Consumer Price Index).
As incomes fall and housing costs appreciate, a real income gap is created along with the downward mobility of the working class. In such a case, the average middle class family is denied good housing and is being forced to live in substandard housing which eventually leads to blight, lower property values and higher crime.
Affordable/Workforce Housing for the productive workforce is also required to keep inflation down at the local level. This makes it more enticing for new businesses to ex-

pand or to relocate into the local market. Every economist will agree economic prosperity does not equate to every one being a millionaire. If this were the case, we would all be poor, having to pay \$100 for a cup of coffee.
On a serious note, for families to support today’s high mortgages, they need to command big salaries. Salaries that most businesses can ill afford to pay in order to remain competitive. Affordable/Workforce Housing helps to promote businesses to locate in areas that have productive, complete and efficient labor pools. That

scenario, simply put, is not possible in high-salaried areas.
I believe, between these two extremes, as a society, we can make this equation equal.
Editor’s Note: Dr. Richard Cirulli has more than 40 years of experience as a Construction Executive. He is the former Chair of The Facilities and Construction Management Program at Iona College in New Rochelle. He is a retired Professor of Business and Economics. Dr. Cirulli is a frequent contributor to this publication. This series will be continued in the next issue of IMPACT.

Developers’ Sentiment About Multifamily Market Holds Steady During the Fourth Quarter, NAHB Report Says

WASHINGTON, D.C.—The Multifamily Production Index (MPI), released in late February by The National Association of Home Builders (NAHB), held steady with a reading of 54 for the fourth quarter of 2014, NAHB officials recently announced.

NAHB officials said the data capped the third straight year of quarterly readings consistently at 50 or above.
The MPI measures builder and developer sentiment about current conditions in the apartment and condominium market on a scale of 0 to 100. The index and all of its components are scaled so that any number over 50 indicates that more respondents report conditions are improving than report conditions are getting worse, the study said.
The MPI provides a composite measure of three key elements of the multifamily housing market: Construction of Low-Rent Units, Market-Rate Rental Units and “For-Sale Units,” or condominiums. The MPI component tracking Low-Rent Units increased one point to 52, while Market-Rate Rental Units fell two points to 62. For-Sale Units held steady at 50, according to the study.
“Demand for multifamily housing remains strong and we continue to build new units to meet this need,” said W. Dean Henry, chairman of

NAHB’s Multifamily Leadership Board. “Because of strong job growth, we expect to be able to keep building for the foreseeable future.”
The Multifamily Vacancy Index (MVI), which measures the multifamily housing industry’s perception of vacancies, dropped two points to 39, with lower numbers indicating fewer vacancies, the report said.
“This quarter’s MPI reading of 54 is in line with our view that the multifamily segment of the industry has largely recovered from the downturn,” said NAHB Chief Economist David Crowe. “After increasing steadily over the past several years, multifamily production has now reached a healthy, sustainable level.”
Historically, the report said, the MPI and MVI have performed well as leading indicators of U.S. Census figures for multifamily starts and vacancy rates, providing information on likely movement in the Census figures one to three quarters in advance.
For data tables on the MPI and MVI, visit nabh.org/mms.



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About CPC
The Community Preservation Corporation, Inc. (CPC) is a non-profit lender providing reliable capital to underserved neighborhoods throughout New York State since 1974. A nationally recognized leader in affordable housing finance, CPC is committed to delivering financing and technical expertise, and to working with community partners to create and preserve affordable housing.

For more information, please contact Jessica Mui at 212-869-5300, ext. 519 or our Regional Field Office Heads:

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Houlihan-Parnes Realtors Reports Regional Activities

WHITE PLAINS—Richard Hendey of Houlihan Parnes Realtors, LLC recently announced that the building at 675 Mamaroneck Avenue in Mamaroneck has been sold for \$407,500.
The two-story brick building consists of approximately 1,800 square feet, with office space on the second floor and a garage/office on the first floor. The building was sold empty to the new owner. The facility will be used by the new owner for “his personal use,” officials said. Hendey was the sole broker in the transaction, officials added.
In other news, company officials said that:
• Houlihan-Parnes Realtors was involved in the refinancing of a \$934,000 first mortgage on the 7,500 square-foot, one-story retail building at 579-585 Central Park Avenue in Yonkers. The five-year, non-recourse loan has a fixed rate of 3.75 percent, with a 30-year amortization schedule. The loan, closed with a local bank, is pre-payable throughout the term on a declining scale. The borrower has an option to extend the loan for an additional five years. The borrower was represented in the transaction by Elizabeth Smith of Goldberg Weprin Finkel Goldstein, LLP.

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Lease Violations, Notices and Rent Rejection – What To Do

COUNSELS' CORNER

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



WHITE PLAINS – A Landlord has a tenant who is in violation of the lease. The tenant has continued paying rent. The Landlord has finally decided to take legal action and decides to do it properly. What are the steps to be taken and what are the risks?

First, in an Emergency Tenant Protection Act (ETPA) residential premises, the Landlord generally has to give a Notice to Cure and Notice of Termination. These can be combined in the same document which can, for the lack of better phrasing, be called “30-day notice of termination including 10-day notice to cure.”

However, risk one – do not terminate effective as of the middle of a month and all terminations should be the last day of a calendar month. Then, the Landlord should not collect any rent after the last day of the month in which the tenancy and lease was terminated and wait until you commence legal action or you will have been deemed to have waived the termination and if you go to court, will lose the case.

Further Examples

If you have commercial premises or a non-ETPA residential premises, you have to look to the terms of the lease to see what is required. It differs.

For example, in most co-

operatives, if there is an illegal sublet, there is a 10-day notice to cure. Other cooperative violations generally require a 30-day notice to cure. Thereafter, there is generally a 5-day notice of termination.

Commercial premises may require a variety of time limits. However, in any case, once the notice of termination is served, the tenancy and lease are considered terminated as of the effective date and if rent is collected before a court action is started, as stated, the termination will be considered waived.

But, suppose you have a lockbox and the bills go out automatically and the lockbox accepts the rent automatically – what then is to be done? First, try to stop the bill from going out for rent after the effective date of the termination.

In Landlord and Tenant Practice in New York (Finkelstein / Ferrara, Ch. 15, Holdover Proceedings, ©Westlaw 2014 Thomson Reuters), the authors said: “Petitioner’s acceptance of two rent checks after the tenancy’s termination did not vitiate the predicate notices where the landlord returned the payments uncashed “without unreasonable delay....following discovery of its clerical error.”; Liant Record Co. v. Newman, N.Y.L.J., 6/7/93, p. 29, col. 1 (App. Term, 1st Dep’t) (“[L]andlord’s accep-

tance of certain rent payments through a lockbox following the death of respondent’s brother did not constitute a waiver of landlord’s right to prosecute this eviction proceeding.”); 83rd St. Assocs. v. Gourmet Wine and Spirits, Ltd., N.Y.L.J., 6/7/93, p. 28, col. 5 (App.Term, 1st Dep’t) (“[P]etitioner’s inadvertent acceptance through a lockbox of a single ‘rent’ payment ... did not constitute a waiver Notably, the landlord immediately tendered a refund check ... upon discovering this error which tenant rejected.”); Metropolitan Life Insurance Company v. Sucdad, N.Y.L.J., 8/2/85, p. 6, col. 1 (App. Term, 1st Dep’t) (“[I]n large residential complexes ... where rent is remitted to a bank through use of a lock-box, the receipt of rent checks signed by unauthorized occupants does not realistically put the landlord on notice of or constitute a waiver of the unauthorized occupancy.”).

Therefore, in at least this situation, the Court looks at the realities so long as the Landlord acts expeditiously and returns the checks as soon as it realizes they came in through the lock box. The important thing is to expeditiously return the rent as soon as received. What can happen if the rent is not immediately rejected? The Court, in all probability will dismiss the proceeding and the Landlord will have to start all

over again with the loss in time and legal fees and costs.

Suffering For The Landlord?

But does the Landlord have to suffer through a “holdover” proceeding (court action to evict the tenant for the breach of its lease) until it gets its rent? The answer is no, it does not have to wait.

An occupant of the apartment, store, unit is obligated to pay “use and occupancy” for the premises predicated on the theory that it just isn’t just for the tenant to have the use of the premises and not pay the landlord for the reasonable use and occupancy.

As to what is reasonable use and occupancy, one measure is the rent prior to the termination. If the lease is up, there may be other methodologies of computing the sums due (New York City has special rules as to the payment of use and occupancy if the matter is successively adjourned – those rules do not exist in Westchester).

Responsibilities

At a minimum, once the holdover proceeding is brought, the Tenant is obligated to pay and the Landlord is entitled to collect use and occupancy, both presumably without prejudice. Are there risks to accepting the rent? Probably not once

the court action starts, but to be safe, it is wise to ask the court to require the tenant to pay use and occupancy during the pendency of the proceeding and to allow the Landlord to accept same, both without prejudice.

As the Court said in the case of Marbru Associates v. White, 114 AD3d 554, “Plaintiffs are entitled to an order requiring defendants to pay use and occupancy pending the determination of this action (see Levinson v. 390 W. End Assoc., L.L.C., 22 A.D.3d 397, 403, 802 N.Y.S.2d 659 [1st Dept.2005]; MMB Assoc. v. Dayan, 169 A.D.2d 422, 564 N.Y.S.2d 146 [1st Dept.1991]).

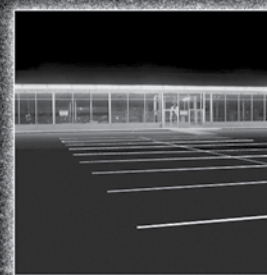
The amount sought, \$1,595.53 per month, is the amount of monthly rent under the last lease effective between the parties, and, as such, is fair (see Eli Haddad Corp. v. Redmond Studio, 102 A.D.2d 730, 731, 476 N.Y.S.2d 864 [1st Dept.1984]). Plaintiffs are also entitled to an award of use and occupancy arrears as indicated (see Shoshany v. Goldstein, 20 Misc.3d 687, 689, 860 N.Y.S.2d 908 [Civ.Ct., N.Y. County 2008]).”

Thus, be careful and wait until you actually start the legal action until you accept the rent (called use and occupancy after a termination) and make sure to ask the Court for permission to do so. If you do collect it too soon – return it promptly and then ask for it once the proceeding is started.

Editor’s Note: The authors are attorneys with Finger and Finger, A Professional Corporation. Finger and Finger is chief counsel to The Builders Institute (BI)/The Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. The firm is based in White Plains.

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Simone Development Selected by Yonkers As Redeveloper of the Boyce Thompson Property

Plan Calls for Restoration of Historic Property into Mixed-Use Complex of Offices, Medical Space, Retail Stores and Restaurants

YONKERS—Simone Development Companies of the Bronx recently announced that it has been designated by the City of Yonkers as the redeveloper of the former Boyce Thompson Institute property into a new, mixed-used complex.

Simone's plan for the \$35 million redevelopment project includes offices for business and medical use on the upper floor of the building, with the front and rear grade levels housing medical offices, retail stores, banking and two restaurants, officials said.

The Boyce Thompson building, officials added, will be restored to its original character using materials to match or offset the period architecture. An addition will be attached at the south end to resemble the existing structure. A glass "greenhouse" connecting the new building with the existing building will house an information gallery honoring the Boyce Thompson legacy. Built in the early 1900's, the property was once the home of the Boyce Thompson Institute, a horticulture research center which

moved to Cornell University in the 1970's.

As a nod to the property's historic greenhouses, a dramatic two-level freestanding glass and aluminum building will be constructed at the corner of Executive Drive and Executive Plaza for either office, medical and/or retail use. The plan includes a public space with a clock or fountain.

The existing 52,000-square-foot building will be increased to 70,000 square feet with the free-standing building totaling 15,000 square feet. The parking areas will be paved, landscaped and illuminated using state-of-the-art materials selected to complement the architecture, officials said.

An Acknowledgement

"Our development plan restores the Boyce Thompson Institute property, acknowledging its illustrious past and embracing its exciting future. Taking cues from the heavy masonry of the main structure and the light open feel of the original glass greenhouses, our design will blend these

elements together in a unique manner while still maintaining the character of the existing building," said Joseph Simone, president of Simone Development Companies.

Simone added: "We are very excited by the changing business character in Yonkers with emerging technology and biotech companies bringing new ideas and people to the city. It is our desire to make the Boyce Thompson Center a place which attracts a diversity of new and traditional businesses working together to further economic growth in the city."

The site's close proximity to St. John's Riverside Hospital on North Broadway, Simone added, makes the Boyce Thompson Center an excellent location for physician practices and ambulatory services.

"We are so pleased that Joe Simone and Simone Development are bringing their talents, and their investment dollars, to Yonkers," said Yonkers Mayor Mike Spano. "The redevelopment of the historic Boyce Thompson building, which has long stood as an eyesore

in the heart of Yonkers' corporate center, will bring new jobs and revenues to our city and help solidify Yonkers' place as Westchester's retail and business destination."

Following a planning period for design and approvals from the city, construction is expected to require 20 months. That period includes the renovation of the existing structure, the addition to the Boyce Thompson building and the new glass building, officials said.

Simone Development manages more than 100 properties comprising over 5 million square feet, many of which are in the Yonkers area. The company has owned and managed properties in Yonkers for more than 30 years. The company recently purchased 1034 North Broadway, a two-story building containing 11 retail and business tenants, spokesmen said.

Simone Development Companies is a full-service real estate investment company specializing in the acquisition and development of office, retail, industrial and residential prop-

erties in the New York tri-state area. The privately held company owns and manages more than 5 million square feet of property in the Bronx, Westchester County, Queens, Long Island and Connecticut, officials said.

The company's portfolio includes more than 100 properties and ranges from multi-building office parks to retail and industrial space. The firm's largest and most successful development is the 42-acre Hutchinson Metro Center of office complex directly off the Hutchinson River Parkway in the Pelham Bay section of the Bronx.

The first two phases of the complex (1200 Waters Place and 1250 Waters Place), which comprise nearly 750,000 square feet of Class A office and medical space, are fully leased. Two additional phases totaling 650,000 square feet (the 370,000-square-foot Metro Center Atrium and 280,000-square-foot Tower Two, adjacent to 1250 Waters Place), are recently completed and fully leased, officials added.

Insite Reports Its Acquisition of DeRosa Land Surveying

CARMEL—Insite Engineering, Surveying and Landscape Architecture, P.C. recently announced its acquisition of DeRosa Land Surveying of Brewster/North Salem.

DeRosa Land Surveying provides a full range of surveying services, primarily in

Westchester and Putnam counties. The merger provides Insite with an even stronger presence in the area and access to more than 50 years of surveying records, company officials said.

As a result of the acquisition, Insite now owns the records of DeRosa Land Surveying, Nicholas G. Chapis, L.S., Bunney Associates Land Surveyors and Devine Surveying, officials added.

As Insite's newest partner, Jeffrey DeRosa, LS will serve as a principal surveyor. DeRosa started DeRosa Land Surveying in 2013 after purchasing the records of Bunney Associates. Licensed as a surveyor in 2009, DeRosa also holds a degree in Financial Management from Clemson University.

Insite also announced the promotion of Richard Williams, Jr., PE as a partner. Williams joined Insite in 2007 and has been instrumental in the further advancement of the company's engineering services. Williams is a graduate of Manhattan College. He holds a degree in Civil Engineering.

Jeffrey J. Contelmo, P.E.,

Nicholas G. Chapis, L.S., Scott W. Blakely, R.L.A., and John M. Watson, P.E. the senior partners at Insite, said that they welcome the merger and their new partners as Insite expands to better serve its clients and the local community.

Insite Engineering, Surveying and Landscape Architecture, P.C. provides profes-

sional services backed by a reputation of delivering timely, innovative solutions to its many municipal, institutional, corporate and private clients. The company's mission has remained consistent since its inception in 1989 – to deliver prompt, professional services, driven by value and clients' needs, officials said.

AOAC Preparing for Upcoming "Guidelines Season"

Continued from page 1

lack of a good turnout from the membership of the AOAC will, without a doubt, hurt the realty industry in this process."

Albert Annunziata, executive director of the AOAC, said that strong levels of attendance from the AOAC membership is "vitally important."

"A good response from the AOAC and members of the realty industry always makes a good impression to members of the guidelines board," he said. "If we do not receive a good turnout from our industry, the results will be highly negative to Owners and Managers."

AOAC officials said that

members of the association will receive updates on the efforts of the organization as it continues to prepare for the Public Hearings and Deliberations.

The AOAC represents more than 300 owners and managers of more than 25,000 rental units, association officials added. The AOAC is an affiliate organization of The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI). The BRI has more than 1,400 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry, association officials said.



PLANNING THE BRI'S "SUMMER LAUNCH" – The Planning Committee for the Inaugural "Summer Launch" networking event of The Building and Realty Institute (BRI) met on Mar. 3. The committee discussed plans for the Jun. 26 event, which is being scheduled to help BRI members kick-off their respective summers. Pictured at the Mar. 3 meeting are, from left to right, Committee Members Kathleen Jensen-Graham; Dori Engley; Michele Lavarde (event chair); Angelo Ponzi; and Tina Thiakodemitris. The Mar. 3 Planning Session was at The Crowne Plaza Hotel in White Plains. —Photo by Jeff Hanley

MacQuesten Development and N. Y. State Homes and Community Renewal Announce Development for Downtown Mount Vernon

MOUNT VERNON—MacQuesten Development LLC and New York State Homes and Community Renewal have announced a new \$31.5 million mixed-use Transit-Oriented Development for downtown Mount Vernon.

The Modern, to be built on an underutilized former industrial area, will include 80 affordable rental apartments and approximately 9,400 square feet of commercial, possible medical use and office space on the first two floors. Construction began this past December. An opening is scheduled for the fall of 2016, officials said.

The 130 Mount Vernon Avenue site is at the southeast corner of MacQuesten Parkway, previously the site of businesses that had closed, including Avis Car Rental. The site is within short walking distance of the Mount Vernon West Metro North Train Station, in an area of the city that is transitioning from industrial and commercial

uses to mixed-use residential, spokesmen said.

With the announced rehabilitation of the Mount Vernon West Metro North Train Station, which offers the shortest commute from Westchester County to Grand Central Station, The Modern, officials said, is ideally positioned. The site is within walking distance of the two other train stations in Mount Vernon, as well as the Gramatan Avenue shopping corridor, and is situated on a bus line for quick access to the Cross County Shopping Center and movie theatres in Yonkers.

The Modern is expected to create more than 200 construction jobs and, when complete, more than 100 permanent jobs on site, officials added.

“We are particularly excited about this project because it will serve as a catalyst for the creation of a sustainable neighborhood in which people can live, work and have easy access to services and mass

transit,” said Rella Fogliano, president, MacQuesten Development LLC. “As a mixed-use project, The Modern will bring expanded activity and new focus to this strategically important area of the city.”

Financing the Development

Financing for the project comes from a combination of sources, the largest being \$6.9 million from New York State Homes and Community Renewal in a permanent tax exempt mortgage, officials said. Another \$4.4 million comes from the New York State Office of Mental Health, made possible through MacQuesten’s not-for-profit partner, Community Housing Innovations (CHI) and \$3.9 million in additional funding from The Bank of America’s Department of Justice Fund. This is the largest amount to date that the Bank of America has invested in an individual project, officials added.

“Supporting the development of safe, affordable housing in underserved communities like Mount Vernon is vitally important to Bank of America Merrill Lynch,” said Todd Gomez, northeast regional executive, Bank of America Merrill Lynch. “MacQuesten’s experience with and passion for community development made this an ideal project to finance. In addition to \$27MM of debt financing and equity investment, the Bank also provided \$3.9MM of deeply subordinate financing targeted to family housing throughout New York, which reduced The Modern’s reliance on state subsidy.”

CHI Executive Director Alexander Roberts said: “We are thrilled to be part of one of the first projects under Gov. Cuomo’s innovative mental health initiative.”

along that busy corridor.”

Affordable Housing

The 80 residential apartments will include:

- 9 studio apartments renting at \$1,089
- 27 one-bedroom apartments renting at \$1,167
- 44 two-bedroom apartments renting at \$1,400
- One on-premise apartment for the superintendent
- Parking for 89 cars

All apartments and common areas will be wheelchair accessible and 22 will be designed for individuals who are living with disabilities, including some veterans. CHI will identify tenants for these units and will provide supportive housing services for them, officials said.

Office and Community Facility Space

There will be 9,300 square feet of office and community facility space, project spokesmen said. A total of 89 parking spaces will be available on the property – 81 for housing and 8 for commercial. The 11-story building will also feature a rooftop recreational space offering beautiful views of Westchester County and the New York City skyline, spokesmen added.

Officials added that the building will conform to a stringent Green Building Initiative and seek LEED Certification. Energy efficiency, sustainability, and “green design” are fundamental principles of the project. The Modern has also been approved for NYSEERDA certification under the Energy Star and Multi Family Performance Program, spokesmen said.

Village of Ossining Seeks a Developer for Historic Building at 200 Main St.

OSSINING—The Village of Ossining recently announced that it is seeking a qualified developer to collaborate with the Village in the renovation and re-use of a National Register-listed historic building at the intersection of Main Street and Route 9.

A request for proposals has been issued for the Village-owned property at 200 Main Street, architecturally significant as one of the best-preserved examples of Beaux Arts architecture in Westchester County, officials said.

Located in Ossining’s Downtown Historic District, 200 Main Street sits on a parcel totaling approximately 6,100 square feet and is listed on the National Register of Historic Places. The building, which has two stories and a basement, was constructed in 1908 in the Beaux-Arts style to serve as the headquarters of the Ossining Bank for Savings. It functioned in that capacity until the bank’s closure in 1983. In 2003, 200 Main Street was donated to the Village. The structure is currently vacant and is approximately 5,200 square feet, excluding the basement, officials added.

“200 Main Street is the gateway to our downtown. The business or organization that breathes life into the historic Ossining Bank for Savings will be a powerful force in the revitalization of our Main Street,” said Village of Ossining Mayor or Victoria Gearity. “We on the Village Board are very excited about the potential for redeveloping this property. It is a key

element in our vision for growing our vibrant local economy.”

The Village seeks to partner with a developer that has a good track record, sound financial backing, and commitment to implementing creative, quality development in a timely manner, officials said. The Village is willing to consider a private venture or a public/private partnership to provide a dynamic use for residents and visitors alike. The complete RFP for the property is available online at www.villageofossining.org/economicdevelopment. Responses are due by 4:30 p.m. on Friday, May 15, 2015, spokesmen added.

Located along the Hudson River, Ossining, village officials said, is a culturally diverse and affordable place to live, rich in both history and natural beauty. Approximately 25,600 people reside in the 3.5-square miles of the village, with an additional 15,000 in the immediate suburbs. Ossining boasts extensive shopping, dining, recreational programs, educational enrichment opportunities, and excellent municipal services, officials added.

In 2012, the Village of Ossining set forth economic development strategic objectives that laid a strong foundation for economic development growth in the Village. The strategic objectives include increasing the buying power in and around the Village’s downtown area through the approval of new market rate residential units, improved and enhanced pedestrian and traffic circulation, and increased beautification

efforts of the downtown area to promote the Village as a welcoming community, spokesmen said.

“The Village has invested time and capital in the redevelopment of downtown Ossining,” said Ingrid Richards, manager of downtown and economic development. “Over the past few years there has been what some would call an economic boom in the Village of Ossining. This boom will no doubt lead to a successful venture at the 200 Main Building.”

Village officials added that Ossining is particularly attractive for young professionals and empty nesters looking for a combination of affordable living, waterfront views, and convenience with easy access to mass transit and New York City a mere 45 minutes away. Families can establish roots with an award-winning school system, close proximity to a variety of employment opportunities, and reasonable property taxes, spokesmen added.

“Ossining is arguably the highest return on investment in Westchester for business owners and residents alike,” said Richards. “We are focused on equitable community development and strive to create a sustainable foundation for retail business and a local marketplace.”

For more information or to schedule a walk through of the 200 Main Street property, contact Ingrid Richards, manager of downtown and economic development, at irichards@villageofossining.org or 914-941-3554.



The “I’ll Just Have One More” Martini

3 oz. gin or vodka
1/2 oz. dry vermouth
3 olives
1 automobile
1 long day
1 diminishing attention span
1 too many

Combine ingredients. Drink. Repeat.
Mix with sharp turn, telephone pole.

Never underestimate ‘just a few.’
Buzzed driving is drunk driving.



A Look Back at 2014

By Jeff Hanley, *IMPACT* Editor
ARMONK – Members of the local building, realty and construction industry attended more than 60 meetings, seminars and networking/social events sponsored by The

Builders Institute (BI)/Building and Realty Institute (BRI) in 2014.
The BI-BRI and its affiliate organizations—The Advisory Council of Managing Agents (ACMA), The Apartment Owners Advisory Council (AOAC),

The Commercial Builders Advisory Council (CBAC), The Cooperative and Condominium Advisory Council (CCAC), The Home Builders Advisory Council (HBAC) and The Remodelers Advisory Council (RAC)—sponsored conferenc-

es that covered a series of key topics for the industry. Photos of some of those meetings are featured in this special photo montage.
The BI-BRI is a building, realty and construction industry membership organization.

The association, formed in 1946, has more than 1,400 members in 14 counties of New York State. Members of the organization are involved in virtually every sector of the industry. The BI-BRI is based in Armonk.

JAN/FEB/MARCH



THE PASSING OF THE GAVEL – The Board of Trustees of The Building and Realty Institute (BRI) conducted its official “Passing of The Presidential Gavel Ceremony” at its Jan. 9 meeting. Pictured during the ceremony are, from left to right, newly elected BRI President Eric Abraham and BRI Chairman/Immediate Past President Michael Beldotti. Beldotti was president of the association in 2012 and 2013. —Photo by Myron Marcus



VIRRILL CITED – Diana Virrill, chair of The Cooperative and Condominium Advisory Council (CCAC), recently received an award from the CCAC and its affiliate organization, The Building and Realty Institute (BRI), for her service to the CCAC. Virrill has been chair of the CCAC since 2004 and a member of the association’s Board of Directors since 1987. Virrill is pictured while receiving the award from Jeff Hanley, associate director of the CCAC and the BRI. Hanley presented the award to Virrill prior to the Jan. 9 Board of Trustees’ Meeting of the BRI. Virrill was scheduled to be honored at the Dec. 6, 2013 Holiday Reception of the BRI, but was unable to attend the event. —Photo by Myron Marcus



THE RAC BOARD MEETS – The Board of Directors of The Remodelers Advisory Council (RAC), an affiliate organization of The Building and Realty Institute (BRI), met on Jan. 16 to plan RAC’s agenda for 2014. Pictured during the meeting, in the front row, from left to right, are Carl Finger, Esq., counsel to RAC/BRI; Jason Schiciano, Levitt-Fuirst Associates, insurance manager, RAC/BRI; RAC Board Member Linda Blair; Ken Finger, chief counsel, RAC/BRI; Eric Abraham, president, BRI; RAC Vice Chair Joe Pizzimenti; and Jeff Hanley, associate director, BRI. Pictured behind the front row are, from left to right, Ken Fuirst, Levitt-Fuirst Associates; and RAC Chairman Eric Messer. RAC is composed of remodelers conducting business in the Westchester and Mid-Hudson Region. —Photo by Myron Marcus



AN ECONOMIC FORECAST – Bob Goodman, a well-known economic analyst, delivered his outlook for 2014 at the Jan. 16 General Membership Meeting of The Building and Realty Institute (BRI). More than 55 members of the BRI attended the event at The Crowne Plaza Hotel in White Plains. Goodman is pictured on the left during his presentation. —Photo by Myron Marcus



The Board of Directors of The Cooperative and Condominium Advisory Council (CCAC) met on Feb. 4 to plan the association’s schedule of events for the winter and spring. Pictured during the meeting are, from left to right, Joe McCarthy, CCAC board member; Jason Schiciano, Levitt Fuirst Associates, Ltd., insurance manager for the CCAC; CCAC Board Members Jay Taggart; Michele Lavarde; Angelo Ponzi; Peg Conover; Diana Virrill (CCAC chair); Cesare Manfredi and Pat Kinsey; and Dan Finger, Esq., counsel to the CCAC. The CCAC is a realty industry membership organization. The association represents more than 400 co-ops and condos. The meeting was at The Crowne Plaza Hotel in White Plains.—Photo by Myron Marcus



“Health Insurance—In or Out of the Exchange?” was the topic of the Mar. 13 General Membership Meeting of The Building and Realty Institute (BRI). The meeting covered issues related to The Affordable Care Act (ACA), The New York State Health Exchange and the Small Group Health Insurance market. Pictured at the event are, from left to right, Ken Fuirst, principal, Levitt-Fuirst Associates, insurance manager for the BRI; Joseph Moschitto (speaker), president, J.D. Moschitto and Associates; Ken Nilsen, board member and past president, BRI; and James Schutzer (speaker), vice president, J.D. Moschitto & Associates. A discussion on the new ACA plan designs, provider networks and options for businesses was also featured at the event. More than 55 BRI members attended the program at The Crowne Plaza Hotel in White Plains. —Photo by Myron Marcus

MAY



THE ANNUAL MEETING OF GROUP 530 – New York State Workers Compensation Group 530 of The Building and Realty Institute (BRI) held its Annual Meeting on May 21. The event was at the offices of Levitt-Fuirst Associates, Ltd. in Yonkers. Levitt-Fuirst Associates is the manager of Group 530. Pictured during the meeting are, from left to right, Ken Fuirst, principal, Levitt-Fuirst Associates; John Holzinger, chairman of the Executive Committee of Group 530; John Bonito, a member of the Executive Committee of Group 530; and Jason Schiciano, principal, Levitt-Fuirst Associates. Group 530 is the Workers Compensation Insurance Group for The Advisory Council of Managing Agents (ACMA), The Apartment Owners Advisory Council (AOAC) and The Cooperative and Condominium Advisory Council (CCAC) of the BRI. —Photo by Jeff Hanley



New York State Workers Compensation Group 458 of The Builders Institute (BI) held its Annual Meeting on May 29. Pictured at the event are, from left to right, Lew Rapaport, chief executive officer of Component Assembly Systems and chairman of the Executive Committee of Group 458; and Ken Fuirst, principal, Levitt-Fuirst Associates, group manager. The meeting was held at the offices of Component Assembly Systems in Pelham. —Photo by Jeff Hanley



“A Review of Westchester’s Industrial Development Agency (IDA) - How It Can Help Your Business” was the topic of the May 15 General Membership Meeting of The Building and Realty Institute (BRI). Jim Coleman, executive director of the IDA, was the keynote speaker at the event. Coleman is pictured, in the center and standing, while making his presentation. More than 60 BRI members attended the meeting at The Crowne Plaza Hotel in White Plains. —Photo by Jeff Hanley

JUNE — SEPT



“The Insurance Certificate is Not Enough—Understanding What is Really Required to Properly Transfer Risk to Your Contractor” was the topic of the June 3 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC). More than 45 CCAC and Building and Realty Institute (BRI) members attended the seminar at the Crowne Plaza Hotel in White Plains. Pictured during the program are, from left to right, Jason Schiciano (speaker), Levitt-Fuirst Associates, insurance manager for the CCAC/BRI, and Peter Andersen (speaker), director, Risk Reduction Services. The CCAC represents more than 300 co-ops and condos. It is an affiliate organization of the BRI. —Photo by Jeff Hanley



Albert Annunziata, executive director of The Apartment Owners Advisory Council (AOAC)/Building and Realty Institute (BRI), is pictured at the podium while addressing The Westchester County Rent Guidelines Board at its June 9 Public Hearing in White Plains. Also pictured, from left to right, are Jane Morgenstern, chair of the Guidelines Board; and Carol Kope, owner representative to the guidelines board.

Carmelo Milio, chairman of The Apartment Owners Advisory Council (AOAC), delivered the overall building and realty industry presentation to The Westchester County Rent Guidelines Board at the board’s June 9 Public Hearing in White Plains. Milio, pictured at the podium, issued a comprehensive overview of the continuing increases in expenses and the consistent challenges that owners and managers of multi-family buildings continue to face.



“Development in The New York City Watershed” was the topic of the June 12 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI). More than 40 BI-BRI members attended the event at The Crowne Plaza Hotel in White Plains. Pictured during the meeting are, from left to right, Michael Beldotti, chairman, BI-BRI; Philip Bein (speaker), assistant attorney general, New York State/New York City watershed inspector general; Bob Weinberg, board member and past president, BI-BRI; and Eric Abraham, president, BI-BRI. —Photo by Jeff Hanley



AFFORDABLE HOUSING in BRIARCLIFF—Holly M. Leicht, regional administrator for The Department of Housing and Urban Development (HUD), was among the dignitaries at the June 19 ribbon-cutting for Comstock Heights, an affordable housing development in Briarcliff Manor. Flanking Leicht, left to right, are Catherine Borgia, Westchester County Legislator, Ossining; Eric Abraham, builder-developer of Comstock Heights and president of The Builders Institute of Westchester and The Mid-Hudson Region (BI); Rose Noonan, executive director, Housing Action Council; Matthew Nelson, president, Office of Community Renewal of The New York State Homes and Community Renewal Agency (NYSHCR); and Joseph Riina, P.E., project engineer. —Photo by Barbara Hansen/Albert Annunziata



A LABOR UPDATE – The Building and Realty Institute (BRI) held a meeting on Sept. 18 to update members of its Collective Bargaining Group (CBG) on the BRI’s Labor Contract Negotiations with Local 32-BJ Service Employees International Union (SEIU). Matthew Persanis, Esq., labor counsel to the BRI, is pictured while issuing the update. More than 30 members of the CBG attended the event at The Crowne Plaza Hotel in White Plains. —Photo by Jeff Hanley



A PRESENCE OF STARS AND STRIPES PAC – Representatives of Stars and Stripes PAC, the Political Action Committee of The Builders Institute (BI)/Building and Realty Institute (BRI), attended an Aug. 13 function for Westchester County Executive (and N.Y. State gubernatorial Candidate) Rob Astorino. Pictured during the event at Seaside Johnnie’s at Rye Town Park in Rye City are, from left to right, Michele Lavarde, board member, Co-operative and Condominium Advisory Council (CCAC); Jeff Hanley, associate director, BI/BRI; Astorino; Bob Lupica, board member, Advisory Council of Managing Agents (ACMA); and Tina Thiakodemitris, ACMA/BRI member. —An IMPACT Staff Photo



NEGOTIATING FOR THE BRI – The Negotiating Committee of The Building and Realty Institute (BRI) concluded the association’s negotiations for a new Labor Contract with Local 32-BJ Service Employees International Union (SEIU) on Sep. 30. Negotiating Committee Members met with representatives of the union’s Benefit Fund Offices on Sep. 22 as part of the negotiating process. Pictured above, from left to right, at the Sep. 22 meeting are Jennifer Campion, a BRI member (Advisory Council of Managing Agents) and a guest speaker before the Benefit Fund Offices of Local 32-BJ; BRI member Brian McCarthy (Apartment Owners Advisory Council); Matthew Persanis, Esq., chief labor counsel for the BRI; and BRI Members Jeff Stillman (Advisory Council of Managing Agents) and Larry Newman (Advisory Council of Managing Agents). —Photo by Jeff Hanley

OCT/NOV



ADDRESSING THE ISSUES – The Builders Institute (BI)/Building and Realty Institute (BRI) sponsored a forum on Oct. 9 for candidates seeking seats in the New York State Senate and Assembly. More than 55 BI-BRI members attended the event at the Crowne Plaza Hotel in White Plains. Pictured above during the forum are, from left to right, Sen. George Latimer (D-37th SD) and Albert Annunziata, executive director, BI-BRI. —*Photo by Myron Marcus*



Diana Virrill, chair of The Cooperative and Condominium Advisory Council (CCAC), is pictured while delivering her presentation on House Rules for Co-ops and Condos at the CCAC's Oct. 14 membership meeting. Virrill reviewed the processes involved in creating and maintaining House Rules. —*Photo by Jeff Hanley*



“An Evening with Richard Ravitch” was the topic of the Nov. 20 General Membership Meeting of The Building and Realty Institute (BRI). Ravitch, the former Lt. Gov. of New York and a noted analyst, delivered his views on issues affecting the building, realty and construction industry, as well as the general business community. Pictured during the event are, from left to right, Angelo Ponzi, vice chair, Cooperative and Condominium Advisory Council (CCAC) of the BRI; Ken Finger, chief counsel, BRI; Ravitch; Nat Parish, board member, BRI; Albert Annunziata, executive director, BRI; and Joe Pizzimenti, vice chair, Remodelers Advisory Council (RAC) of the BRI. More than 65 BRI members attended the meeting at The Crowne Plaza Hotel in White Plains. —*Photo by Jeff Hanley*



Eric Messer (left) and Hillary Messer are pictured during the Oct. 27 Expo/Trade Show of the Westchester/Hudson Valley Chapter of The American Institute of Architects (AIA). The event was at the Westchester Marriott Hotel in Tarrytown. Messer is Chair of The Remodelers Advisory Council (RAC) of The Building and Realty Institute (BRI). —*Photo by Jeff Hanley*

DECEMBER



Ken Finger, chief counsel to the Building and Realty Institute (BRI), issued an update on issues affecting the local property management sector at the Dec. 3 Membership Meeting of The Advisory Council of Managing Agents (ACMA). Pictured during the update are, from left to right, Finger; Albert Annunziata, executive director of the BRI; and David Amster, chair, ACMA. —*Photo by Jeff Hanley*



Joe Pizzimenti, vice chair of The Remodelers Advisory Council (RAC) of The Building and Realty Institute (BRI), received a Service Award from the BRI at its Holiday Reception on Dec. 5. Pizzimenti was acknowledged for his contributions to the associations in 2014. Pizzimenti (left) is pictured with his wife, Alice (right), during the opening portion of the program.



The Dec. 5 Holiday Reception of The Building and Realty Institute (BRI) featured an hour-long opening program. Pictured during the program are, from left to right, standing, Jay Mendel, member, Advisory Council of Managing Agents (ACMA) of the BRI; and BRI members Ava Lupica and Bob Lupica (an ACMA board member). Pictured sitting are, from left to right, MoyYen Fan; and John Bonito, vice chair, ACMA.



Pictured during the dinner portion of the Holiday Reception of The Building and Realty Institute (BRI) on December 5 are, from left to right, Eric Lashins, board member, BRI; Robert Ferrara, board member, Advisory Council of Managing Agents (ACMA) of the BRI; and Tina Thiakodemitris, ACMA member. Thiakodemitris received a Service Award from the BRI for her contributions to the association during 2014.



Participants in the Dec. 5 Holiday Reception of The Building and Realty Institute (BRI) were treated to an extensive dinner. Pictured during the dinner portion of the program are, top row, from left to right, Alan Singer, BRI member; Eric Abraham, president, BRI; Kevin O'Neill, BRI member; Tom Tripodianos, BRI member; Jason Schiciano, Levitt-Fuirst Associates; and Ken Fuirst, Levitt-Fuirst Associates (Levitt-Fuirst Associates is the Insurance Manager for the BRI). Pictured sitting, from left to right, are Susan Abraham; Ondrea Schiciano; and Susan Fuirst.

Scaffold Law Reform - Fighting The Good Fight

INSURANCE INSIGHTS

By Ken Fuirst and Jason Schiciano, Levitt-Fuirst Associates



YONKERS—In our Nov./Dec. Impact column (“Do You Hire Contractors? This New Insurance Certificate Could Be ‘Your New Best Friend’”), we highlighted the new “Acord 855 Certificate.” The column stated:

- The Acord Certificate 855 helps protect you and your company from Contractors/Sub-Contractors with inadequate insurance coverages.
- Exclusions in the contractor’s liability policy could include: work outside your building; hiring sub-contractors or day laborers; work performed above a certain height or number of stories; contractor’s liability created by the hold-harmless.
- The new “Acord Certificate 855” can help determine if that contractor you hired has quality insurance, or insurance filled with exclusions that leave you unprotected.

The Reason

Our last column did not take the time to identify a primary reason for the above-referenced exclusions in New York Contractor liability insurance policies, which created the need for the Acord 855. It’s the same reason the contractors pay more for liability insurance in New York than in any other state. It’s the same reason why property owners’ liability insurance is so expensive.

And, the same reason that causes seven-figure (or higher) settlements/judgments against contractors and/or property owners for claims involving a worker who has suffered a gravity-related injury. It’s the same reason that so few insurance carriers are willing to insure contractors and certain types of buildings in New York.

The reason, of course, is New York Labor Law 240/241,

aka, the “Scaffold Law.” The law assigns absolute liability to building owners and general contractors for ensuring the safety of laborers working above the ground. Insurance carriers, contending with massive court costs and settlements/judgments stemming from this 100+-year-old law, have imposed substantially higher liability premiums on New York building owners and contractors working in the state.

New York building owners and general contractors usually try to “transfer the risk” to trade contractors or subcontractors, resulting in higher insurance rates for trade/subcontractors, and higher costs for their services (higher costs that hurt everything from housing affordability, to school budgets, to project feasibility). The Scaffold Law has resulted in the introduction of various ex-

clusions designed to eliminate liability carriers’ responsibility for claims related to the law, and provide cheaper insurance to contractors, particularly smaller contractors.

A Longtime Fight

For years, the New York construction and real estate industries have fought to reform the Scaffold Law. Similar laws have been reformed or eliminated in all other states in the

ment, but the lobbying efforts, a coalition of over 60 industry associations, and criticism of the law from editorial boards across the state (including The New York Daily News, The New York Post, and Crain’s New York), may not be enough.

You can learn more about the law at www.scaffoldlaw.org, and then contact your New York State Assembly Member and/or Senator. Scaffold Law Reform may be among the

Scaffold Law Reform may be among the best causes to take part in the democratic process and ‘Fight the Good Fight!’

U.S. Jason Schiciano was one of more than 100 people representing the construction/real estate industries, and affiliated trade groups and organizations, which met with state lawmakers in Albany on Feb. 10, to once again appeal for reform.

Changes in the state legislature—most notably the replacement of former Assembly Speaker Sheldon Silver—have re-energized the reform move-

best causes to take part in the democratic process and “Fight the Good Fight!”

Editor’s Note: Levitt-Fuirst Associates is the Insurance Manger for The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. For more information on the previous topic, contact Jason Schiciano or Ken Fuirst at (914)457-4200.

C.W. Brown Awarded Prestigious Certification From Green Business Challenge

Armonk Company Employs Many Sustainable Practices, From Solar Panels to LED Lighting to Compost Garden

ARMONK—C.W. Brown, Inc. has long held a commitment to sustainability, as seen in everything at its Armonk headquarters, from its non-reflective roof to the compost garden on the company grounds.

Thanks to that commitment, C.W. Brown has received the prestigious Westchester Green Business-Certification from the Westchester Green Business Challenge. The WGB-Certified program, which was launched last year, is the region’s only green business certification program that provides the tools, training and expertise for organizations to become true green business leaders within their industries, program officials said.

C.W. Brown announced the honor at a Mar. 3 ceremony held at its Armonk headquarters, a building that already holds LEED Platinum certification for environmental sensitivity, the highest level of recognition given by the U.S. Green Building Council, officials added.

“We are very excited to be recognized as a Westchester Green Business-Certified company,” said Renee Brown, president and chief executive officer (CEO) of C.W. Brown. “It was important when we built our new headquarters back in 2010 that we lessen its environmental impact as much as possible.

We felt that sustainability was the future, not just to benefit the environment, but to attract talented younger employees who value a more sustainable lifestyle. The Westchester Green Business certification takes our efforts to the next level and renews our commitment to be green,” she said.

The ceremony was attended by Westchester County Executive Robert P. Astorino; Dr. Marsha Gordon, president and chief executive officer (CEO) of The Business Council of Westchester; and Dani Glaser, co-founder of the Westchester Green Business Challenge.

“Congratulations to C.W. Brown on taking its already impressive sustainability efforts to an even higher level,” said Astorino. “We are thrilled that C.W. Brown is growing its business and its green practices here in Westchester. It’s smart for the environment and for its company’s bottom line.”

“C.W. Brown embodies the type of businesses that are leading the way to a more sustainable Westchester County,” said Gordon. “With its commitment to forward-thinking policies and business practices, C.W. Brown shows us that sustainability is both good for the environment and good for business. We are so pleased that they are part of our Westches-

ter Green Business Challenge and are now WGB-Certified.”

“It’s very special to be here at C.W. Brown,” said Glaser, co-founder of the Westchester Green Business Challenge. “C.W. Brown has participated in and championed the Westchester Green Business programs from the beginning, and we are here to honor them for achieving Westchester Green Business certification. Congratulations Renee, Erika, Kimberly and your entire staff for this fantastic achievement and for continuing your sustainability journey with us.”

Specifics

WGB-Certified is an expansion of the highly successful Westchester Green Business Challenge program, a public-private partnership launched in 2009 by Westchester County and The Business Council of Westchester to help businesses become more environmentally sustainable, while saving money and improving performance. To date, 275 businesses have taken part in that challenge, officials said.

The WGB-Certified title takes environmental sensitivity a step further. The program offers business tools, training and support and requires the company to develop a plan to become more sustainable in its

energy efficiency, transportation, waste management, land use and water, officials said.

The C.W. Brown office building at 1 Labriola Court earned its LEED Platinum certification with many special design features. Built in just 88 days, the headquarters makes optimal use of sunshine, allowing natural light into inner offices, partly with the use of Solatubes, which use mirrors to carry light further. The roof is coated with a non-reflective surface that reduces the “heat island” effect. Solar panels can provide enough power to meet the offices’ electricity needs—demands that are further reduced by the building’s use of LED lighting. Waterless urinals and automatic faucets help reduce water use, spokesmen added.

C.W. Brown officials added that the company also follows environmentally friendly policies. The staff recycles diligently, buys paper with a high content of recycled material, restricts purchases of supplies and equipment with contaminants, VOCs and toxins, and even uses the backs of documents as scratch paper.

At C.W. Brown, employees can pedal their bikes to work (rather than driving a car or SUV) and lock their rides to a bike rack on site, then wash up in showers provided in

the offices. They carpool for work-related travel. Employees are also treated to vegetables grown in the compost garden on the grounds. Rainwater is collected for irrigation. These measures and many others combine to make C.W. Brown’s impact on the environment as light as possible, company spokesmen said.

Background

Since 1984, C.W. Brown, company officials said, has built its reputation based on the ability to exceed the expectations of its wide and diversified range of clients. Providing general contracting and construction management services to commercial clients in the Tri-State area, the company specializes in high-end interior alterations and renovations, offering a well-organized and highly professional approach to construction that has been developed and continually refined over the years, officials added.

In addition, C.W. Brown directly employs a workforce of more than 50 full-time carpenters and laborers who perform tasks such as carpentry, dry-wall and acoustical work. The team approach gives the company control over the quality, budget and scheduling of projects, bringing added value to every job, spokesmen said.

Ossining Schools Thank GDC for Its Donation

OSSINING – The school children of the Park Early Childhood Center in Ossining have a new place to play, thanks to a donation by Ginsburg Development Companies (GDC).

On Jan. 22, Ossining School District officials formally thanked GDC founder Martin Ginsburg for the donation that allowed the district to build a new playground at the Park Early Childhood Center. The new playground is the first project to be funded by GDC's \$400,000 donation to the Ossining School District, officials said.

The ceremony was attended by school officials, parents and students. Ossining Board of Education President Bill Kress presented Ginsburg with a certificate of appreciation in a reception held at the school library, officials added.

Park Principal Carrieann Sipos told Ginsburg that the addition of the new playground has contributed to the overall well-being of Park students, meeting their physical and health needs.

"We love the slides," she said, "especially the fast slide."

Superintendent of Schools Raymond Sanchez told Gins-

burg that Park students "are loving the new playground. And when they smile, we smile."

"We are very proud to help one of the most outstanding school districts in the region. This donation to the School District and others we have made to the Village are part of our ongoing commitment to investing in the communities where we build our developments," said Ginsburg.

In addition to the \$400,000 donation to the School District, GDC has donated \$600,000 to the Village of Ossining for downtown improvements, GDC officials said.

GDC is currently constructing Harbor Square, a 188-unit luxury rental apartment complex with a 6,000-square-foot restaurant on the Ossining waterfront. Harbor Square is scheduled for completion in the spring of 2016, officials added.

Background

Founded in 1964 by Ginsburg, GDC is a premier residential developer in the northern suburbs of New York City.

With 50 years of experience and market leadership, GDC

has built many of the region's most successful and prestigious luxury developments, many with a Hudson River and/or transit-friendly focus, company officials said. The developments include:

- Harbors at Haverstraw

- Livingston Ridge in Dobbs Ferry
 - Ichabod's Landing in Sleepy Hollow
 - Mystic Pointe in Ossining
 - Marbury Corners in Pelham
 - Christie Place in Scarsdale.
- GDC's developments have

won numerous design and community planning awards, company officials said. GDC also owns and manages a portfolio of commercial properties that are located primarily in Westchester County, spokesmen added.

Report: Custom Penthouse at Ritz-Carlton is The Largest Condominium Home Sold in Westchester

WHITE PLAINS—Louis R. Cappelli, managing member of Renaissance Rental Partners, LLC, sponsor of The Residences at The Ritz-Carlton, Westchester, recently announced the sale of a 10,700 square foot, full-floor penthouse in Tower 2 of the mixed-use development.

The Residences at The Ritz-Carlton, Westchester facility comprises two, 42-story residential towers and a full service Ritz-Carlton Hotel. The price for the customized penthouse on the 41st floor was \$10,500,000. The buyers, whose names were not disclosed, are a European family whose business interests include real estate on an international level, officials said.

In addition to that sale, the last penthouse in Tower 1 was also sold in the fourth quarter of 2014 to an American financial executive. The price for the 41st floor, 5,200 square foot customized penthouse was \$5,000,000, officials added in a recent industry report.

"These sales represent the largest condominium homes to be sold in Westchester County and reflect the growing confidence on the part of not only American buyers, but Europeans who clearly understand the true value of top quality real estate outside of Manhattan," said Cappelli. "These individuals are savvy buyers who know that a comparable residence in Manhattan would be triple or quadruple the price."

Cappelli pointed to unequaled views of the Manhattan skyline, Long Island Sound and the Westchester/Connecticut countryside—coupled with the ability of buyers to take a raw penthouse space and design a residence customized to their individual taste—as important factors in the decision to purchase.

"Of course," he added, "the fact that the incredible space and views are complemented by the legendary service provided by The Ritz-Carlton Hotel Company management,

creates the perfect package for an unprecedented lifestyle."

Nancy Kennedy of Houlihan Lawrence Real Estate, exclusive selling agent for The Residences at The Ritz-Carlton, Westchester, noted that there is a marked increase in activity from buyers who previously were focused solely on Manhattan.

"There is an interesting dynamic occurring," she said. "Luxury high-rise buyers are discovering Westchester and, in particular, White Plains. It's like they've found a secret gem of a walk to convenience, fantastic views, huge floor plans ranging from 2,500 to 10,000 square feet and unbelievable value," she said.

Tower 2 of The Residences at The Ritz-Carlton, Westchester is also home to the 5,400 square foot Westchester Magazine 2014 Penthouse Dream Home. The home has created a major buzz in Westchester since its introduction last September, officials said.

“BRI Night at Yankee Stadium” Set for May 8

By Jeff Hanley, *IMPACT Editor*

ARMONK – The Builders Institute (BI)/Building and Realty Institute (BRI) has announced the scheduling of its latest "BRI Night at Yankee Stadium."

BRI officials recently announced that the event has been scheduled for Friday, May 8. The New York Yankees will host the defending American League East Champion Baltimore Orioles that night in a 7:05 p.m. start.

Participants, BRI officials added, will receive:

- Bus Service from the BRI offices in Armonk to Yankee Stadium.
- Seats for the game that are in Section 226 of the Main Level. The seats are directly adjacent to third base.
- Bus Service from Yankee Stadium back to the BRI offices in Armonk.

Full information on the outing – including Payment Details and Instructions – will soon be sent to BRI members, association officials said. Tickets will be reserved on a first-come, first-served basis. Association officials added that the BRI has purchased 40 tickets, so those wishing to participate in the event must reserve their tickets through the BRI as soon as possible.

"This is our fourth year of coordinating this outing, and it has grown into quite a popular

event," said Albert Annunziata, executive director of the BRI. "Since the outing is so popular, we have respectfully imposed a Five-Ticket, Per Member Company/Entity Maximum."

Annunziata added that full information on the outing will soon be sent to all BRI members.

Another Trip to The Subway Series

BRI officials also announced the association's Second Annual "BRI Night at The Subway Series." The outing has been set for Friday, Sep. 18, at Citifield in Flushing. The New York Yankees are scheduled to play the host New York Mets that night in a 7:10 p.m. start.

The inaugural "BRI Night at The Subway Series" was held last year on May 13 at Yankee Stadium. The Mets defeated the Yankees 12-7 in that contest.

BRI officials added that further details on the event will be sent to association members in the weeks ahead.

The BRI is a building, realty and construction industry membership organization. The association, based in Armonk, has more than 1,400 members in 14 counties of New York State. BRI members are involved in virtually every sector of the building, realty and construction industry, association officials said.

Trion Real Estate Management Adds Three Complexes to its Westchester County Portfolio

YONKERS – Trion Real Estate Management of Yonkers is now managing three new residential complexes in Westchester County, company officials recently announced.

The complexes bring the company's real estate management portfolio to more than 1,700 units throughout 26 properties. The Trion team was selected to take over the management of Whiteoak Condominiums in White Plains, Boulder Condominiums in Bronxville, and The Commons Cooperative in Peekskill.

"We're excited about this growth and expansion and look forward to building strong relationships with all our new clients," said Carmelo Milio, president of Trion Real Estate Management.

Trion Real Estate Management was selected to take over the management of the 40 townhouse-style condominium units at Whiteoak Condominium at 36 Greenridge Avenue in the heart of White Plains. The Trion team, company officials said, was selected because of its proven track record of managing and improving communications with owners, and with increasing the efficiency of the daily manage-

ment of housing units.

"We've already created a great team environment within the condo board and together, we are on our way to achieving the condo board's early goals, including plans to increase energy efficiency and to review all current contracts to ensure that we are getting first-class service at a great rate," said Milio.

Trion has also taken over the management of the 84 luxury condominiums at Boulder Condominium at 1133 Midland Avenue in Bronxville. The Trion team was selected to improve communications with the owners, board, and union maintenance staff, company officials said. Trion said that it plans to help guide the board as it improves the rules and regulations of the association. The company said that it will also offer assistance in implementing a work order and a purchase order system to help lower expenses, while increasing the level of service for the residents. Trion's main construction goal for 2015 is to upgrade the landscaping and update the security system onsite, company officials added.

As of Mar. 1, 2015, Trion will be the new managing agent of 137 luxury cooperatives at The

Commons at 1879 Crompond Road in Peekskill. The Trion team was selected to improve communications between management and the residents, as well as implement policies to help reduce costs and to ultimately create a team environment onsite with the union staff, board members and management, company officials said.

"This growth comes from our track record of successful real estate management," Milio said. "We've recently expanded our main office and grown our staff because of this growth. One of our newest innovations enables residents to make payments and to submit maintenance requests using an on-line platform."

Trion Real Estate Management is a leading full-service property management company with a portfolio that exceeds more than 1,700 co-op, condo and rental units under management throughout New York City and the Tri-State area for more than 35 years, company spokesmen said. Trion offers a complete range of services, including property management, maintenance and leasing, spokesmen added.

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www.BuildersInstitute.org

Mack-Cali Realty Corp. Announces Fourth Quarter Results

EDISON, N.J.—Mack-Cali Realty Corporation recently reported its results for the fourth quarter of 2014.

Company officials said that recent key highlights in the report include:

*Reported funds from operations, excluding certain items, for the quarter of \$0.47 per diluted share;

*Reported net income, excluding certain items, of \$0.03 per diluted share;

*Acquired developable land in Conshohocken, Penn., for approximately \$15.3 million;

*Reported FFO of \$0.34 per diluted share and net loss of \$0.10 per diluted share, including certain costs associated with executives' severance of \$0.13 per diluted share.

Funds from operations (FFO) for the quarter ended Dec. 31, 2014 amounted to \$34.1 million, or \$0.34 per share, company officials said.

For the year ended Dec. 31, 2014, FFO equaled \$162.7 million, or \$1.63 per share. Net loss to common shareholders

for the fourth quarter 2014 equaled \$9.2 million, or \$0.10 per share, officials added.

Mack-Cali officials said that, for the year ended Dec. 31, 2014, net income available to common shareholders amounted to \$28.6 million, or \$0.32 per share. Included in net income and FFO for the fourth quarter 2014 was \$12.8 million, or \$0.13 per share, related to executives' severance costs.

Included in net income and FFO for the year ended Dec. 31, 2014 was \$4.8 million, or \$0.05 per share, related to the net effect of unusual electricity rate spikes and \$23.8 million, or \$0.24 per share, related to executives' severance costs. All of those per share amounts are on a diluted basis, officials said.

Mitchell E. Hersh, president and chief executive officer, said: "Mack-Cali had a successful fourth quarter, increasing our office building occupancy through significant leasing activity in our key markets. On

the luxury multi-family front, we made outstanding progress with several well-located, well-amenitized communities, including the newly opened Portside at East Pier in East Boston."

Total revenues for the fourth quarter 2014 were \$151.4 million. For the year ended Dec. 31, 2014, total revenues amounted to \$636.8 million, company officials said.

Regional Leasing Activities

Mack-Cali officials also announced that:

*Fabrication Enterprises, Inc., a manufacturer, importer, and master distributor of products for physical and occupational therapy, athletic training, and home care, signed a transaction totaling 81,394 square feet at 250 Clearbrook Road in Elmsford, representing a renewal of 33,659 square feet and an expansion of 47,735 square feet. The 155,000 square-foot office/flex building in the Cross Westchester Ex-

ecutive Park is 95.1 percent leased.

*Westinghouse Air Brake Technologies Corporation, a provider of value-added, technology-based equipment and services for the global rail industry, signed a renewal for 28,000 square feet at 4 Warehouse Lane in Elmsford. The 195,500 square-foot industrial building in the Elmsford Distribution Center is 97 percent leased.

*Retrieval-Masters Creditors Bureau Inc., a recovery agency for consumer collections, signed transactions totaling 15,100 square feet at 4 Westchester Plaza in Elmsford, consisting of a 10,100 square-foot renewal and a 5,000 square-foot expansion. The 44,700 square-foot office/flex building in the Cross Westchester Executive Park is 100 percent leased.

*Immucor, Inc., a provider of transfusion and transplantation diagnostics that facilitate patient-donor compatibility, signed a renewal for 36,928 square feet at 550 West Ave-

nue in Stamford (Conn.). The 54,000 square foot office/flex building in the Stamford Executive Park is 81.3 percent leased.

Background

Mack-Cali Realty Corporation is a fully integrated, self-administered, self-managed real estate investment trust (REIT). The company provides management, leasing, development, construction and other tenant-related services for its Class A real estate portfolio.

Company officials said that Mack-Cali owns or has interests in 282 properties, consisting of 263 office and office/flex properties totaling approximately 30.9 million square feet and 19 multi-family rental properties containing more than 5,400 residential units, all located in the Northeast. The properties enable the company to provide a full complement of real estate opportunities to its diverse base of commercial and residential tenants, officials added.

NAHB Publication Provides Builders With The Tools to Accurately Forecast Their Cash Flow

WASHINGTON, D.C.—BuilderBooks, the book publishing arm of The National Association of Home Builders (NAHB), recently released a new publication, "Financial Forecasting in Microsoft Excel."

"Financial Forecasting in Microsoft Excel" shows small-to medium-sized businesses how to achieve the same forecasting power as larger companies, NAHB officials said. Filled with a wealth of illustrations and how-to templates, the book is written to help business owners make better,

more educated decisions that result in more stable, enduring companies, officials added.

NAHB spokesmen said that Author Jeff Prager shows readers how to use Excel to run "if/then" scenarios, calculate cash flow projections, structure partnerships and financing, and test how changes in the market, or pricing, will affect the bottom line.

"Financial Forecasting in Microsoft Excel" provides step-by-step instructions for creating financial forecasts with Microsoft Excel 2010 so readers

can:

- Assess Project Feasibility
- Fund Company Cash Needs
- Determine the Financial Feasibility of a project before committing
- Identify problems before they become serious.

Jeff Prager has founded, owned and sold multiple businesses, including Strauss

Homes, a large home building company based in Denver. He's the founder of Backroom Management Services, a full-service accounting firm specializing in the construction industry. He promotes the concept of Cash Flow Engineering as a way to streamline business management and ensure consistent and predictable cash

flow, NAHB officials said.

"Financial Forecasting in Microsoft Excel" is available for purchase (\$44.95 Retail/\$39.95 NAHB Member, ISBN 978-0-86718-733-5) at BuilderBooks.com, or by calling 800-223-2665. The eBook is available at ebooks.builderbooks.com (\$31.99 Retail/\$26.99 for NAHB Members).

Houlihan-Parnes Realtors Reports Regional Activities

Continued from page 4

• Michael J. Karger of Houlihan-Parnes Properties recently announced the closing of 7 Highview Terrace in Somers. The facility is a 3,000-plus square-foot residence. Karger acted as the buyer's agent. The transaction represents a leap into the single-family residential real estate market for the mostly multi-family and commercial real estate company, officials said. Karger's extensive knowledge in the areas of title insurance, deal-making, and of the Westchester and Putnam Town and School Districts will allow him to grow this niche market at Houlihan-Parnes Realtors, company officials said.

Houlihan-Parnes Realtors is a multi-faceted real estate investment company headquartered in White Plains. Founded in 1891, its companies and affiliates are engaged in the acquisition and ownership of all types of commercial real estate investment property in the continental U.S. Houlihan-Parnes Realtors and its affiliates specialize in commercial mortgage finance, investment sales, property management, leasing, mortgage servicing and consulting, spokesmen said.

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TECH TALK

Google Announces New Web Guidelines



**By Andrea Wagner
Wagner Web Designs, Inc.**

DANBURY, Conn.—In January, Google began to penalize websites that are not mobile-friendly.

As a result, if your website does not meet Google's Mobile-Friendly requirements your Google Ranking may drop. What's worse, clients and potential clients may have a difficult time finding your website.

Google is hoping, of course, that the better mobile experience people have, the more they will use Google Search to find sites and products. A poor mobile experience reflects badly not only on the sites, but on Google Searches that sent them there.

Two-thirds of smartphone users say a mobile-friendly site makes them more likely to buy a company's product or service. A total of 74 percent say they're more likely to return to the site later (the survey was conducted by market research firms Sterling Research and Smith Geiger).

The surveys also reported that 61 percent said that if they don't find what they're looking for (probably within about five seconds), they'll

click away to another site. Half say that even if they like a business, they'll use its site less often if it doesn't work well on their smartphones.

"This is a wakeup call," said Jason Spero, head of Google's Global Mobile Sales and Strategy. "You will lose customers at the moments that matter without a mobile site."

Passwords: My Enemy

If you're like me, you hate passwords. You love the security the process provides, but who can possibly remember every password you need? If you write a password down, then how secure is it?

Here is a thought: use EnterRoboform.com. It was highly recommended to me as a location to store all your passwords in one secure place. You need only to remember the roboform password and to gain access to all the others.

Editor's Note: Andrea Wagner is President of Wagner Web Designs, Inc. The firm has specialized in small business websites since 2007.

Report: OSHA Underestimated Cost of Silica Rule by \$4.5 Billion a Year

WASHINGTON, D.C.—A new report recently released by the Construction Industry Safety Coalition (CISC) found that the Occupational Safety and Health Administration's (OSHA's) proposed silica standards for the U.S. construction industry will cost the industry \$5 billion per year—roughly \$4.5 billion per year more than OSHA's estimates.

The coalition cautioned that the flawed cost estimates reflect deeper flaws in the rule and urged the federal agency to reconsider its approach, the report said. The report was recently inserted onto the Web Site of The National Association of Home Builders (NAHB).

OSHA's proposed rule, intended to drastically reduce the permissible exposure limit (PEL) of crystalline silica for the construction industry, has been underestimated by the agency to cost the construction industry about \$511 million a year. The new estimates recently released by CISC estimate that the costs to the industry will actually be approximately 10 times the OSHA estimate, costing nearly \$5 billion a year.

The cost and impact analysis from OSHA reflects a fundamental misunderstanding of the construction industry, the report said.

The OSHA analysis included major errors and omissions that account for the large discrepancies with the CISC report. The CISC report estimates that about 80 percent of the cost (\$3.9 billion/year) will be direct compliance expenditures by the industry, such as additional equipment and labor and record-keeping costs. The remaining 20 per-

cent of the cost (\$1.05 billion/year) will come in the form of increased prices that the industry will have to pay for—construction materials and building products such as concrete block, glass, roofing shingles and more. OSHA failed to take into account these additional costs to the construction industry that will result from the proposed standard, which will then be passed down to customers in the form of higher prices, the report added.

Key Losses

The report stressed that not only will the proposed rule be more costly than originally estimated, but it would translate into significant job losses for the construction industry and the broader economy.

The study said that the CISC estimates that the proposed regulation would reduce the number of jobs in the U.S. economy by more than 52,700 yearly. That figure includes construction industry jobs, jobs in related industries such as building material suppliers, equipment manufacturers and architects, as well as losses in non-construction sectors. Additionally, the losses are full-time employee positions.

Factoring in the many part-time or seasonal jobs, that number could increase to close to 80,000 positions lost, according to the report.

"We are deeply concerned about the misguided assumptions and cost and impact errors that OSHA has relied upon in creating this proposed rule that will significantly affect our industry," said NAHB Chairman Tom Woods.

"This report reveals the critical need for OSHA to withdraw

its proposed rule until it can put forth a technologically and economically feasible rule that also works to improve industry workers' health and safety."

"This report clearly demonstrates OSHA's lack of real world understanding of the construction industry and raises serious questions about its ability to responsibly craft industry standards," said Associ-

"We are deeply concerned about the misguided assumptions and cost and impact errors that OSHA has relied upon in creating this proposed rule that will significantly affect our industry. This report reveals the critical need for OSHA to withdraw its proposed rule until it can put forth a technologically and economically feasible rule that also works to improve industry workers' health and safety."

— NAHB Chairman Tom Woods

ated Builders and Contractors (ABC) Vice President of Government Affairs Geoff Burr. "We hope that this report will lead OSHA to withdraw its proposed rule and work more closely with the construction industry to emphasize compliance with the current standard."

"These errors raise serious and significant questions about many of the other assumptions the agency relied upon in crafting its new rules," said Stephen E. Sandherr, the chief executive officer of the Associated General Contractors of America. "We need measures in place that are going to allow all of us to continue the significant improvements

in silica safety the industry has made, and the sad truth is that the agency's rule is too riddled with errors to do that."

"The assumptions that were made by OSHA in developing this rule are completely off base and we hope this report adequately tells the truth of what this rule will truly mean to the construction industry. We believe the current silica rule

is not technologically and economically infeasible to implement and this report clearly shows that this rule does not fit that bill."

The full CISC report, which was also submitted to OSHA, can be found at: www.nahb.org/silicareport.

The members of the CISC include: The American Road and Transportation Builders Association, American Society of Concrete Contractors, American Subcontractors Association, Associated Builders and Contractors, Associated General Contractors, Association of the Wall and Ceiling Industry, Building Stone Institute, Concrete Sawing & Drilling Association, Construction & Demolition Recycling Association, Distribution Contractors Association, Interlocking Concrete Pavement Institute, International Council of Employers of Bricklayers and Allied Craftworkers, Leading Builders of America, Marble Institute of America, Mason Contractors Association of America, Mechanical Contractors Association of America, National Association of Home Builders, National Association of the Remodeling Industry, National Demolition Association, National Electrical Contractors Association, National Roofing Contractors Association, National Utility Contractors Association, Natural Stone Council, The Association of Union Constructors and The Tile Roofing Institute.

Energy and Gas Issues and Their Effects on the Building and Realty Industry to Be Addressed at the May 14 General Membership Meeting of the BI-BRI

By Jeff Hanley, *IMPACT Editor*

WHITE PLAINS — "Electric and Gas Issues Facing the Building and Realty Industry" will be the topic of the May 14 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI), association officials recently announced.

The event is scheduled to begin at 6:30 p.m. It will be at The Crowne Plaza Hotel in White Plains.

BI/BRI officials said that representatives of Con Edison will compose a panel to address key topics affecting members of the building, realty and construction industry.

"We urge our members to attend this meeting," said Al-

bert Annunziata, executive director of the BI/BRI. "We are anticipating a very informative and valuable program as topics that directly affect our association and our industry will be discussed and reviewed."

Annunziata said that the event is open to all members of the BRI and its component associations. Those groups are The Advisory Council of Managing Agents (ACMA), The Apartment Owners Advisory Council (AOAC), The Commercial Builders Advisory Council (CBAC), The Cooperative and Condominium Advisory Council (CCAC), The Home Builders Advisory Council (HBAC) and The Remodelers Advisory Council (RAC).

BI-BRI officials said that full details on the program will be sent to members of the association in the weeks ahead. Event officials added that non-members are also welcome to participate in the conference.

Advance Reservations are now being accepted at the BI-BRI offices through (914) 273-0730.

The BI/BRI is a building, realty and construction industry membership organization. Based in Armonk, the association has more than 1,400 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry, BI-BRI officials said.

has done a fantastic job of reducing related illnesses, so much so that it is still declining every year and current projections have it being eliminated over time," said Jeff Buczkiewicz, president of the Mason Contractors Association of America. "Our industry needs a rule that is based on real world construction site scenarios that

Report: Housing Starts Fall 17 Percent in February

WASHINGTON, D.C.—Nationwide housing starts dropped 17 percent to a seasonally adjusted annual rate of 897,000 units in February, according to newly released data from the U.S. Commerce Department.

The data was recently released in a report from The National Association of Home Builders (NAHB).

"This drop is not surprising based on our recent surveys, but our builders continue to show cautious optimism in the months ahead," said NAHB Chairman Tom Woods. "February's numbers indicate that wavering consumer confidence continues to impact the housing recovery," said NAHB Chief Economist David Crowe. "Buyers are waiting for a stronger, more reliable economy before making a home purchase, and builders are responding to their reluctance. Even with this month's drop in production, we expect the housing market to move forward this year in step with an improving economy."

Key Numbers

Single-family housing production fell 14.9 percent to a seasonally adjusted annual rate of 593,000 in February, while multifamily starts dropped 20.8 percent to 304,000 units, the study said.

Combined single- and multifamily starts decreased in all regions of the country, with the Northeast, Midwest, South and West posting respective declines of 56.5 percent, 37 percent, 2.5 percent and 18.2 percent, the report added. The study said that overall permit issuance was up 3 percent in February to a rate of 1.092 million. Single-family permits decreased 6.2 percent to 620,000 units, while multifamily permits rose 18.3 percent to a rate of 472,000 units.

Regionally, the Midwest, South and West registered permit gains of 6.1 percent, 7.3 percent and 2.2 percent, respectively, while the Northeast posted a 17.4 percent loss, the report said.

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Services Profile:

A Two-Tiered Approach Helps to Define CertaPro Painters

By Jeff Hanley, *IMPACT* Editor
ARMONK — CertaPro Painters of Bedford Hills is quick to stress that it utilizes two levels in its daily operations.

“We are like two companies in one,” said Anthony Chillemi, vice president of the firm’s Commercial Division. “Our customers, of course, receive our painting skills as we work in their respective facilities, but they also receive a company that is like a property manager. We understand multi-family buildings and what they need.” Chillemi, a Westchester County native, said the company’s clients consistently receive a caring colleague when they use CertaPro Painters.

“We partner with our clients, whether they are co-op and/or condo boards, or owners of rental multi-family buildings and complexes. We understand the challenges of running those facilities. So, we are really selling peace of mind.”

Chillemi and his firm serve both Westchester and Fairfield (Conn.) counties, as well as New York City. The firm maintains constant dialogues with property managers of co-ops, condos, and rental apartment

buildings. Chillemi cites that CertaPro Painters is also very active in the commercial sector. “We have an office staff of 12-to-15,” he said. “That staff helps to orchestrate processes

“We are, definitely, offering the most reasonable prices to our customers,” he said. Chillemi said that he cites the solid skill and communication levels of CertaPro Paint-

Those efforts include memberships in a series of business organizations in both New York and Connecticut, including The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI). The BRI, based in Armonk, is a well-known building, realty and construction industry membership

organization. “I have shopped quite a few trade associations, but the BRI is the first I wanted to join,” he said. “It has been the most useful. The BRI has played a big role for our company. The educational programs that the association provides have been awesome.”



Anthony Chillemi of CertaPro Painters is pictured while addressing the Dec. 3 Membership Meeting of The Advisory Council of Managing Agents (ACMA) of The Building and Realty Institute (BRI). —Photo by Jeff Hanley

involving 100 to 125 painters. We are involved in more than 600 jobs per year. We are in constant touch with our clients.” And, while maintaining those levels of communication with his company’s clients, Chillemi stresses another message.

ers at continuous networking events that he attends with Karen Haas, the firm’s Commercial Marketing Associate. The duo helps the company maintain strong levels of dialogues as part of the firm’s consistent networking initiatives.

Houlihan-Parnes Reports a Bronx Transaction

NEW YORK—Houlihan-Parnes Realtors, LLC recently announced the placement of first-mortgage financing on the 5-story walk-up apartment building at 1038 Southern Boulevard in the Bronx. The non-recourse loan is fixed at 3.5 percent for seven years, with a 30-year amortization schedule. The lender did not charge a fee. The loan can be prepaid throughout the term on a declining schedule and

the borrower has a 5-year option to extend, officials said. The building, just off of Westchester Avenue, has 17 apartments and two stores. The financing was handled by Mike O’Neill of Houlihan-Parnes. Elizabeth Smith of Goldberg Weprin Finkel Goldstein LLP represented the borrower. Houlihan-Parnes Realtors is a multi-faceted real estate investment company headquar-

tered in White Plains. Founded in 1891, its companies and affiliates are engaged in the acquisition and ownership of all types of commercial real estate investment property in the continental U.S. Houlihan-Parnes and its affiliates specialize in commercial mortgage finance, investment sales, property management, leasing, mortgage servicing and consulting, officials said.



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Yes, I am interested in a membership investment in the BRI, a building and realty industry and professional association with over 65 years of growth, service and performance. Please send an application.

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