

IMPACT

BUILDING & REALTY NEWS

VOL. 10 NO. 5

SERVING WESTCHESTER AND THE MID-HUDSON REGION

DECEMBER 2011

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A Special Blend Helps to Mark the 65th Anniversary of the BRI

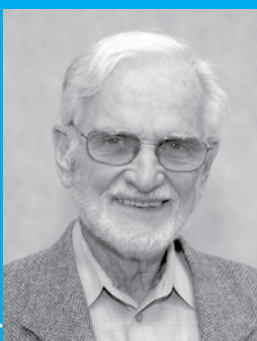
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Finger & Finger, Chief Counsel, Building & Realty Institute (BRI)
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County Lawmakers Drop Source of Income / Section 8 Legislation

WHITE PLAINS—The first full week in December brought an early, unexpected but welcome development for Westchester's residential owners and property managers with the withdrawal of the proposed Source of Income Legislation by Westchester County lawmakers.

After a nearly five-year debate with the County Legislature, building owner and manager members of the Building & Realty Institute (BRI) were told by Democratic leaders (generally for) and Republican legislators (generally against) the bill, that the initiative was being "sent back to committee" - effectively killing the legislation, at least for this session.

The BRI's Apartment Owners Advisory Council, otherwise known as the AOAC, led the arguments against the bill. Representing more than 400 apartment building landlords and managers throughout Westchester, the AOAC maintained that the Board of Legislators never really established the need for a law that purported to defined sources of

legitimate income for real estate transactions like buying or renting. Section 8 rent subsidies were included in the proposed legislation and that was a major point of contention.

"Over the years, the county's own housing division has told legislators that Westchester not only uses all of its Section 8 vouchers allotted to it by the fed-

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State Comptroller to Address Jan. 11 Membership Meeting of the Building and Realty Institute (BRI)

By Jeff Hanley, IMPACT Editor

WHITE PLAINS—New York State Comptroller Thomas P. DiNapoli will be the guest speaker at the January 11 General Membership Meeting of the Building and Realty Institute (BRI), association officials recently announced.

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

"We are happy that Mr. DiNapoli has agreed to speak at our General Membership Meeting," said Albert Annunziata, executive director of the BRI. "We

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Thomas P. DiNapoli

BRI Elects Its Slate of Officers for 2012

Michael Beldotti Elected President of Building and Realty Group

By Jeff Hanley, IMPACT Editor

ARMONK – The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and the Mid-Hudson Region recently announced the elections of its officers for 2012.

Michael Beldotti of Ossining, president of P.B. Planners Ltd. of Ossining, was elected President of the BI/BRI. Beldotti was elected at the association's Board of Trustees' meeting on Dec. 1 in Chappaqua. He replaces Eric Lashins of Armonk. Lashins served as President of the association for 2010 and 2011.

Beldotti has served the BI-BRI in several roles. He has been a board member of the association's Commercial Builders Advisory Council (CBAC) since 2005. He was Vice Chairman of the CBAC for 2011. He has also served on Sub-Committees of the BI-BRI. Beldotti is joined in business at P.B. Planners Ltd. with his brother, Alex Beldotti. Alex Beldotti is a Vice President of the company, a family and third-generation firm that specializes in the ownership and management of properties, as well as in the development sector. Michael Beldotti and Alex Beldotti are the sons of the late Pat Beldotti. Pat Beldotti served as a Vice President of the BI-BRI in 1990 and 1991.

The component associations of the BI-BRI also recently announced their respective election results for 2012. The elections were conducted at the association's General Membership Meeting

on Nov. 10 in White Plains.

Co-op and Condo Group Selects Its Officers

Diana Virrill of the Hastings House Tenants Corporation was elected to

her ninth term as chair of the Cooperative and Condominium Advisory Council (CCAC) of the BRI. The CCAC represents more than 400 cooperatives and condominiums. Those buildings are

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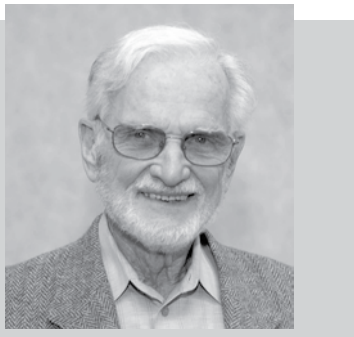
THE BRI MARKS A MILESTONE



The Builders Institute (BI)/Building and Realty Institute (BRI) marked the 65th anniversary of its formation with a combined anniversary celebration and Holiday Reception on Dec. 2. Pictured during an awards ceremony honoring past presidents of the association are, from left to right, Albert Annunziata, executive director, BRI and Master of Ceremonies for the event; Past BRI Presidents Ken Nilsen, Eric Lashins, Ed Lashins, Carl DiMaio and Richard Esposito. Also pictured is Lisa DeRosa, representing her father, John DeRosa, a past BRI president. A full report on the event is featured on pages 8 and 9.

CO-OP
CONDO
CORNER

By HERB ROSE



A Look at Your Building’s
Exterior Scenarios—
Reviewing the “Freeze,
Thaw & Flood” Issues

NEW YORK—Walking uptown on Ninth Avenue in Manhattan during a recent rainy night, the number of building scaffolds in the street struck me as being very serious.

Although these structures offered protection from the rain, the frequency and extent of these temporary additions was striking. Particularly notable was the wraparound on the building across from the Alvin Ailey Dance Company, which was completed a short time ago. A nearby hotel had similar cladding and was noteworthy as being about 100 years old.

Most of these buildings have the same thing in common: they leak water through the outside masonry. And, new or old, they face the same problem. The work being done is to correct the insufficiency of brick and mortar to keep the rain out and forestall the expensive freeze-thaw process.

A Negative Cycle

Freeze-thaw is one of the

most destructive cycles in nature. Freezing water expands 1/8 or 12 percent and can break apart granite blocks. Ancient Egyptians chiseled fissures into large stone blocks, poured

Related interior problems such as ceilings falling down, wiring shorting out, and plumbing corroding excessively can add to the mess.

water into the cracks and waited for freezing weather to form ice and break apart the stones which were subsequently used for pyramid-like architecture.

This process may seem far-fetched, but the masonry facades of your building will eventually crumble in-like manner. Roof parapets, brick work, and window lintels are the most common and expensive offenders. Of these, roof parapets probably are the most difficult to cure. A parapet is the

three to four-foot wall surrounding the roof of a building. Over a long period of time, the surfaces crack, take on rain water and freeze in winter. They also break when they thaw and leak.

It’s tempting to dismiss this problem but the water incursion leaks down into the exterior walls and damages interior spaces far down the building.

Before attempting to cure any leak problem and certainly parapets, an engineer experienced in this type of restoration should be engaged to draw up specifications. Generally, the parapet walls may be patched, replaced, or completely removed. Complete removal is believed to be the best solution, with the re-

maining masonry capped with tile or capping stones. Metal railings are installed for safety. Many new buildings are topped off with capstones and metal railings to avoid the parapet problem.

A Needed Process

Walking along the street on a clear, dry day will find crews chipping and grinding away the porous mortar between bricks and other masonry. Although the chipping—and then painstakingly replacing the mortar—is expensive, it is far less costly than allowing water incursion through the walls. In addition, leaking walls will allow mold and deteriorating of the inner surfaces that can make the property uninhabitable.

Done properly, this process—called Pointing—will last 15 to 20 years. Improper work may have to be redone each few years. Occasionally, the bricks are splayed enough to warrant replacement, adding additional expense.

Look up and you will make

out a metal panel at the top of each window which is called a lintel. Lintels are employed to stabilize the brick work above and along side the top of a window frame. Sometimes they rust enough to leak and have been known to expand and contract enough to cause leaks. Corrective work can include replacement or pointing above and below.

All these problems get worse with the passage of time and cannot be delayed for long. Related interior problems such as ceilings falling down, wiring shorting out, and plumbing corroding excessively can add to the mess. A responsible board needs to address the problem responsibly and promptly.

Herb’s Hints:

- 1) Change Batteries in Smoke and Carbon Monoxide Detectors.
- 2) Check your Electric Bills for overcharges at rosenyRE-FUNDS.com

THE HANLEY
REPORT

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



A Special Blend Helps
to Mark the 65th
Anniversary of the BRI

ARMONK – There are special instances in life when a mix comes together and produces a memorable result.

Such was the case on Dec. 2 as a combination of veteran and new members of the Building and Realty Institute (BRI) marked the 65th anniversary of the formation of the association. More than 95 BRI members attended a combined Anniversary/Holiday Reception of the organization that night at Crabtree’s Kittle House Restaurant and Inn in Chappaqua.

The positive feeling at the event was evident from the start. A special ceremony to honor the Past Presidents of the BRI for their respective service to the association got the evening going and set an upbeat tone. A glance at the gathering of the Past Presidents receiving their respective Service Awards reminded one of the historical sectors of the BRI that were present:

- Carl DiMaio. A BRI president in 1995 and 1996, DiMaio has been a member of the association since the early 1960’s. He continues to serve as Chairman of the association’s Special Events Committee.
- Ed Lashins. A member of the association since the

1960’s, Lashins was president of the BRI in 1978. He remains a member of the BRI’s Board of Trustees and serves on several Sub-Committees of the BRI.

- Richard Esposito. The veteran BRI member served as President of the organization from 1992 through 1994. Esposito is still a member of the BRI’s Board of Trustees. And his son, Doug Esposito, serves as Chairman of the BRI’s Home Builders Advisory Council (HBAC).
- Ken Nilsen. A well-known member of the local building, realty and construction industry, Nilsen was President of the BRI from 2007 through 2009. He is also remembered for his 10-year role as Chairman of the BRI’s Apartment Owners Advisory Council (AOAC) from 1997 through 2006.
- Eric Lashins. Lashins will soon be the Immediate Past President/Chairman of the BRI. He served as President of the association in 2010 and 2011. The election of Eric Lashins to the presidency of the BRI in 2010 produced a rare event – he was the third member of his family to be appointed to that role. His father, Edward

Jr., and his grandfather, Edward Sr., also served as Presidents of the group.

- John DeRosa. A President of the BRI in the early 1970’s, DeRosa was represented at the Awards Ceremony by his daughter, Lisa DeRosa. Lisa DeRosa is a board member of the BRI’s Apartment Owners Advisory Council (AOAC) and is very active in that organization.
- After the Awards Ceremony was completed, a wave of new BRI members mixed with the veteran members of the association to produce the noteworthy and positive mix. The new members included:
 - Gisele Mahnke and Thomas Mahnke of the BRI’s Apartment Owners Advisory Council (AOAC). Both are with Bocu Realty.
 - John Manley of PEPCO, a BRI Professional Services Member.
 - Hillary Sheperd and Forest Sheperd of ServPro. ServPro is also a Professional Services Member of the BRI. Hillary Sheperd will serve her first term as a board member of the BRI’s Remodelers Advisory Council (RAC) in 2012.
 - Jeff Strauss of Haves, Pine and Seligman, another

BRI Professional Services Member.

And adding a nice touch to the positive mixture were the efforts of the Event Sponsors. They were:

- Castle Oil
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- Elefante and Persanis
- Finger and Finger, A Professional Corporation
- Haves, Pine and Seligman
- Levitt-Furst Associates

- Magical Music for Humanity
- Milio Realty Corp.
- PEPCO
- Shamberg Marwell and Hollis
- Sir Speedy of Pleasantville
- The Riddell Group

A full Photo Montage of the event is on pages 8 and 9.

And speaking of “the new,” here’s wishing all a Happy New Year! Enjoy our latest issue.

IMPACT
BUILDING &
REALTY NEWS

Publisher: ALBERT ANNUNZIATA
Executive Editor: JEFFREY R. HANLEY
Editorial Assistants: PEGGIE MACDOUGALL, JANE GILL
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Photographic Consultant: BARBARA HANSEN
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Production: MEADOW ART & DESIGN, FAIR LAWN, N.J.

Published By The Builders Institute/Building and Realty Institute.
Subscription, \$20 Per Year, Included In Membership Dues.
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Entered As Periodical Matter At
Post Office, White Plains, NY 10610
USPS 259-900

IMPACT (USPS 259-900) Is Published Monthly For \$20 Per Year By The Builders Institute/
Building and Realty Institute, 80 Business Park Drive, Suite 309, Armonk, NY, 10504.
Periodicals Postage Pending At Armonk, NY.
POSTMASTER: Send Address Changes To IMPACT, 80 Business Park Drive,
Suite 309, Armonk, NY 10504.

State Comptroller to Address Jan. 11 Membership Meeting of the BRI

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are looking forward to an update on financial matters affecting the state and the business community, as well as his outlook on the state's economy for 2012."

DiNapoli is the 54th comptroller of the state. A former member of the state assembly, he was appointed as comptroller on Feb. 7, 2007. He was re-elected comptroller in November, 2010.

DiNapoli is responsible for auditing the operations of all

state agencies and local governments, managing the state's pension fund, overseeing the New York State and Local Retirement System, reviewing the state and New York City budgets, approving state contracts, and administering the state's payroll and central accounting system.

The meeting is open to all members of the BRI. Non-members are also welcome. For further information, contact the BRI at (914) 273-0730.

BRI Elects Its Slate of Officers for 2012

Continued from page 1

composed of more than 25,000 shareholders and unit owners.

Jane Curtis was elected to her ninth term as Vice Chair. Virrill and Curtis have both served on a series of CCAC and BRI Sub-Committees. The CCAC also elected Angelo Ponzi as a Vice Chair. Ponzi will be serving his second term in 2012.

Milio Named Chairman of AOAC

Carmelo Milio, president of Milio Realty Corp. of Yonkers and New York, was elected Chairman of the Apartment Owners Advisory Council (AOAC) of the BRI. Milio will be serving his first term. Milio was Vice Chair of the organization in 2011. He has been an AOAC board member since 2009. Alana Ciuffetelli and Jerry Houlihan were elected Vice Chairs of the association. Houlihan served as Chairman of the AOAC from 2007 through 2011.

Property Managers Elect Their Officers

The Advisory Council of Managing Agents (ACMA) of the BRI re-elected David Amster, a principal of Prime Locations of Yonkers, as its Chairman. Amster will chair ACMA for the sixth consecutive year. Amster served as chair of the BRI's Negotiating Committee during the association's Labor Contract Negotiations with Local 32-BJ Service Employees International Union (SEIU) in 2006 and 2010.

The council also re-elected Jeff Stillman, a principal of Stillman Management of Mamaroneck, and John Bonito, a principal of Garthchester Realty of Scarsdale, as Vice Chairs. Stillman will serve his sixth term. Bonito has been a Vice Chair since 2003. Both Stillman and Bonito are former chairs of ACMA.

Homebuilders Select Their Officers

Doug Esposito, a principal of Esposito Builders of Peekskill, was elected Chairman of the Home Builders Advisory Council (HBAC) of the BRI. Esposito will be serving his second term. He was a Vice Chair of the group from 2004 through 2010. The HBAC also elected Eric Abraham of Comstock

Residential Contracting of Briarcliff Manor and Bob Bossi of Northern Westchester Builders of Katonah as Vice Chairs. Bossi is a former Chairman of the organization.

Messer to Lead Remodelers

Eric Messer, the principal of Sunrise Building and Remodeling of Briarcliff Manor, was re-elected Chairman of the Remodelers Advisory Council (RAC) of the BRI. Messer will be serving his sixth term in 2012. He has been a member of the BRI since 1987. Messer has served on several Sub-Committees of the association. He has been a member of the BRI Board of Trustees since 2002.

The RAC also elected Sandy Levine and Joe Pizzimenti as Vice Chairs of the group. Levine is a principal of Danleigh Insulation and Supply Corp. of Thornwood. She will be serving her second term. Pizzimenti is a principal of Better Building Concepts of Rye Brook. He will serve his first term. Pizzimenti has been a member of the BRI since 2003.

Commercial Builders Appoint Their Officers

The Commercial Builders Advisory Council (CBAC) of the BRI elected Chuck Pateman as its Chairman. Pateman is a principal of C.M. Pateman Associates of Irvington. Pateman served as Vice Chair of RAC from 2007 through 2011. He is a former Vice President of the BRI. A member of the BRI since 1997, Pateman has also been Chairman of the former Residential Builders Advisory Council (RBAC) of the BRI.

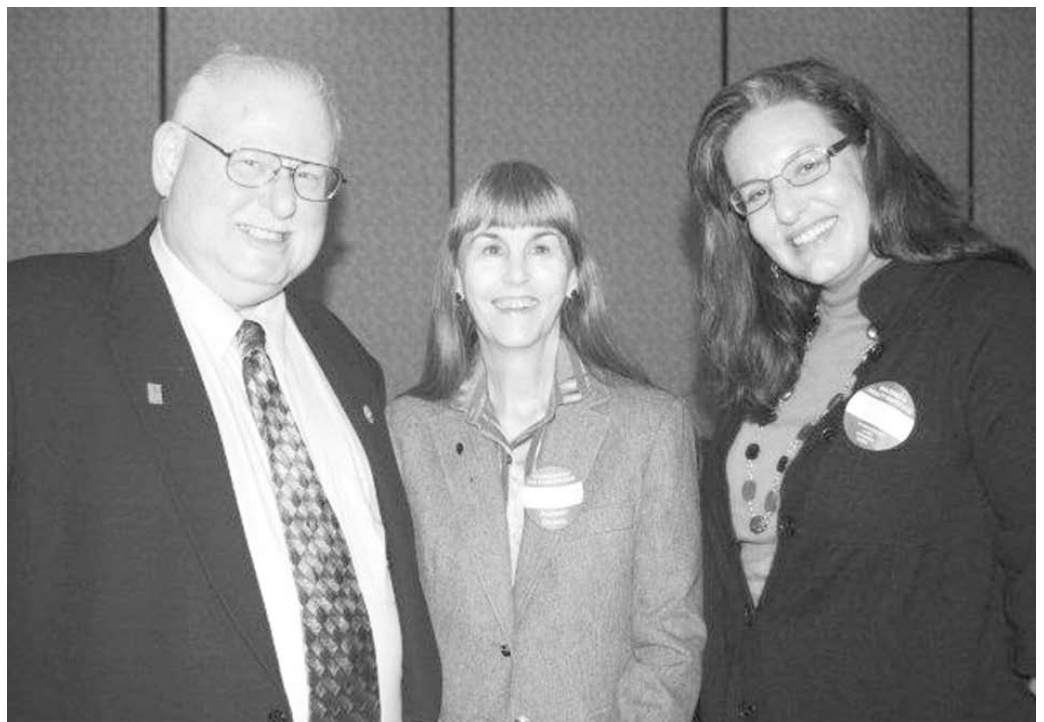
The CBAC also elected Lee Lasberg of Lasberg Construction Associates of Armonk as a Vice Chair of the association. Lasberg served as Chairman of the CBAC in 2011. He was Vice Chair of the group from 2003 through 2010.

BRI Officers

BRI officials also announced the association's slate of Senior Officers for 2012.

Eric Lashins will serve as Chairman/Immediate Past President of the BRI. Amster, Esposito, Messer, Milio, Pateman and Virrill will all serve as Vice Presi-

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ADDRESSING THE TAPPAN ZEE BRIDGE SCENARIO— The Oct. 13 General Membership Meeting of The Building and Realty Institute (BRI) examined issues affecting the Tappan Zee Bridge. More than 70 BRI members attended the conference, which was entitled "The Tappan Zee Bridge – A Complete Review of the Issues Affecting the Structure and Their Effects on the Business Community." Pictured at the event are, from left to right, Robert T. Hintersteiner, PE (speaker); Jane Curtis, vice chair, Cooperative and Condominium Advisory Council (CCAC) of the BRI; and Hillary Sheperd, BRI member.



RAC MEETS – The Board of Directors of the Remodelers Advisory Council (RAC) of The Building and Realty Institute (BRI) met on Oct. 13. Pictured at the meeting are, from left to right, Tina Mancuso, board member, RAC; Eric Messer, RAC Chairman; and Ken Finger, chief counsel, BRI. RAC is a component organization of the BRI.



BEING PREPARED – "Disaster Preparedness, Response and Recovery – What to Do Before, During and After Natural or Manmade Emergencies!" was the topic of the Nov. 10 General Membership Meeting of the Building and Realty Institute (BRI). Pictured during the meeting are, from left to right, Jason Schiciano (speaker), Levitt-Fuirst Associates; Albert Annunziata, executive director, BRI; J. Mark Drexel, PE (speaker), JMD Enterprises; and Stuart Bethell (speaker), former director of emergency services for the Westchester County Chapter of The American Red Cross. More than 80 BRI members attended the event.

CONGRATULATIONS

COOPERATIVE & CONDOMINIUM ADVISORY COUNCIL (CCAC) ON YOUR ANNIVERSARY

Since 1979, the Cooperative & Condominium Advisory Council of Westchester & The Mid-Hudson Region (**CCAC**) has been providing important services to more than 400 co-ops and condos.

The **CCAC**, a non-for-profit membership association serving more than 25,000 co-op shareholders and condo unit owners, has earned statewide recognition for its noteworthy services.

Running today's co-ops and condos is a challenging and multi-faceted job. The mission of the **CCAC** is to broaden and sharpen the knowledge of board members to better meet this responsibility.

With offices in Armonk and staffed by association professionals and consultants, the **CCAC** offers a range of membership benefits to its members. They include:

- Group Insurance
- Educational Forums
- Meetings, Seminars & Workshops
- A Monthly Newspaper
- Legislative Services
- Monthly and Periodic Bulletin Services
- General Legal Advisory Services
- Professional and Technical Referrals
- Collective Bargaining Services
- Investment Advisory
- A Periodic Newsletter

The **CCAC** is proud of its record as the voice of over 400 co-op and condo boards and the corresponding 25,000 shareholders and unit owners.

The organization has consistently stressed the concerns and represented the interests of one of the largest groups of residential taxpayers in Westchester, while providing effective management, education and communication-based services for its members.

*Congratulations **CCAC**, on a job well-done!*

For further information, write to the **CCAC** at
80 Business Park Drive, Suite 309, Armonk, NY 10504.

Inquiries will also be accepted by phone at
(914) 273-0730 or

e-mail at JHANLEY655@aol.com.

Look For Us At BuildingandRealtyInstitute.org!

COUNSEL'S CORNER

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



Revisiting Price as a Consideration in Co-op Applications

WHITE PLAINS—Previously the authors of this column provided an analysis of the case law relative to the issue of a cooperative rejecting a proposed purchaser on the basis that the purchase price for the unit was too low. This article will update the case law dealing with this issue.

A very recent case, *Chapell v. Trump Plaza Owners, Inc.*, 2011 NY Slip Op 32661(U), 10/3/11, permitted an action brought by a shareholder to go forward after a motion to dismiss by the cooperative although it did not have an articulated policy of a minimum price.

In a complicated decision the judge reviewed the various cases on the subject, including those cited here. The court did find that the cooperative had the authority to approve an application “for any reason or no reason” and that the board had a legitimate interest in securing the highest price of the unit. The Court also held that absent fraud, self-dealing, bad faith or discrimination there was no basis to nullify the business judgment rule, discussed herein.

However, the Court held that the particular facts of the case, which detailed the plaintiff’s (selling shareholder’s) circumstances and attempts to sell at a higher price, provided sufficient allegations of bad faith. The Court observed that the apparent minimum price, which seemed to be higher than the market price, with un-

limited duration on the floor, and no designation of a method for fixing the price could be an unreasonable restraint on alienation.

The Court then denied the Cooperative’s motion to dismiss. This means that the Court found that the Plaintiff, while not entirely proving her case, had established a cause of action against the cooperative based on the denial due to the low price predicated on what the court found might be the apparent bad faith of the cooperative.

An Important Task

Perhaps the single most significant responsibility to fall upon a cooperative’s Board of Directors is the responsibility of reviewing applications to purchase shares and reside in the cooperative. In agreeing to permit a person to purchase stock and reside in a unit at a cooperative, the Board is agreeing to permit that person to become a member of the community with all of the rights and obligations imposed upon a member of the cooperative community.

Additionally, the terms of the purchase may impact the cooperative from a financial and economic perspective. Thus, many cooperatives regulate the amount of financing permitted against the shares and lease, as well as other financial requirements relative to the proposed purchaser. In this vein the issue of sale price as a

consideration as to whether to approve or disapprove a purchaser deserves scrutiny.

A Strong Point

Many Boards of Directors enunciate a concern that if the sale price of a unit is far below the reasonable value of the property, then the result will be the devaluation of other units in the cooperative. This concern is certainly legitimate given that the common manner for valuing units is the price paid for similar units on prior sales. The

Perhaps the single most significant responsibility to fall upon a cooperative’s Board of Directors is the responsibility of reviewing applications to purchase shares and reside in the cooperative.

valuation by prior sales is particularly significant in circumstances where purchasers obtain financing to purchase units and the lender does an appraisal which relies in some, or large part, on prior sales in the cooperative.

In such a circumstance one “low” sale can devalue future sales. Thus, it is important to review what a Board may and may not do with regard to a sale price.

Generally, a cooperative’s Board of Directors may exercise its business judgment in

determining whether to approve or disapprove any application (*Levandusky v. One Fifth Ave. Apartment Corp.*, 75 NY2d 530). The “business judgment rule” generally protects decisions by a Board of Directors from review thereof, unless there is an allegation that the Board acted in bad faith or in a discriminatory manner. The question as regards to sale price may thus be confined to whether in considering sale price a Board is acting in a bad faith or in a discriminatory

ly long lasting prohibition”. The Court held that although “corporate shares may be reasonably restrained in terms of the alienability...the floor price resolution, as adopted, is a prohibition of transfer and is an unreasonable restraint of alienation.”

Thus the Court in *Oakley v. Longview Owners, Inc.* held that a strict price minimum would be an impermissible restraint on alienation and therefore was not legal. While that case might be viewed negatively in regard to the Board’s powers, that language was part of an overall review of the particular matter. In that case the corporate documents, specifically the by-laws, certificate of incorporation, and the proprietary lease, did not give the board the authority to impose such a restraint. Language giving the Board the right to refuse “for any reason or no reason” might have formed the basis for a different result.

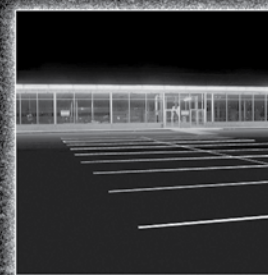
Another Example

The issue was also addressed in the matter of *Marine Midland Bank v. White Oak Cooperative Housing Corp.*, NYLJ, 3/19/97, P. 31, Col. 5. That particular cooperative was a Section 213 cooperative which was formed under federal law and has unique provisions in its documents. The case was complicated by two issues other than the sale price: the cooperative docu-

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Asphalt Pavement Deterioration is a Never Ending Process

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VHB Analysis Helps to Secure Financing For Affordable Housing Project

WHITE PLAINS—An economic analysis and market study undertaken by VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) proved instrumental in securing financing for the Mount Vernon Grace Towers Housing Project, which recently won a prestigious U.S. Department of Housing and Urban Development (HUD) Home Award.

VHB, a leading provider of integrated planning, transportation, land development and environmental services in the Westchester and Mid-Hudson Region, performed the study for Scarsdale-based developer Mountco Construction and De-

velopment, officials said.

VHB has a long history of collaborating with Mountco, a highly respected housing developer in the Hudson Valley. Owen Wells, VHB project planner, said that his firm's analysis was helpful in securing financing from a variety of sources for the \$40 million project.

"VHB is pleased to have participated in the pre-development planning stage for this residential development in Mount Vernon that was recognized by HUD," Wells said.

The economic analysis was used to demonstrate the significant positive economic benefits of the project.

The market study compo-

nent, submitted in support of a Low Income Housing Tax Credit application, was performed to determine whether there would be sufficient market demand from income-eligible households to fill the planned units and whether, at the proposed rents, the project would be competitive with other comparable housing options, officials said.

In making the announcement, HUD Secretary Shaun Donovan noted that the project had been spotlighted for its exceptional use of funding provided through HUD's HOME Investment Partnerships Program. Grace Towers Housing was one of only 14

affordable housing projects to win HUD's prestigious 2011 "Door Knocker Award," program officials said.

Completed last year, Grace Towers Housing is a rental and commercial development that provides 133 units of affordable housing in the 3rd Street corridor, a revitalization area that had blighted and vacant buildings and a high crime rate, spokesmen said.

HUD noted that Grace Towers Housing has proven to be a strong anchor in the neighborhood, reducing both blight and crime.

The awards coincided with the 20th anniversary of the HOME Program, the largest

federal block grant program dedicated to producing affordable housing at the state and local level. Since 1992, HOME has produced more than one million units of affordable housing throughout the U.S., according to officials.

VHB is affiliated with Watertown, Mass.-based Vanasse Hangen Brustlin, Inc., an 850-person firm that provides integrated planning, transportation, land development and environmental services from 21 offices along the east coast. Engineering News Record ranks VHB 80th of the Top 500 U.S. Design Firms and among the Top 50 Transportation Firms in the U.S., company officials said.

County Lawmakers Drop Source of Income / Section 8 Legislation

Continued from page 1

eral Housing & Urban Development Department (HUD) but the county could use more," said Albert Annunziata, executive director of the BRI.

Annunziata added that federal budget woes—coupled with the county transferring the administration of the Section 8 Rental Program to the state—further complicated the picture.

"The planning department's stats confirm our own results of a detailed survey we conducted of our 400 landlords," said Annunziata. "Slightly over half of our member owners responding participate in the Section 8 program, the remainder do not."

Annunziata also noted that the HUD program was conceived as, and still remains, both in federal law and nationwide administration, as a voluntary arrangement between tenant and landlord.

Kenneth J. Finger, chief counsel to the BRI, has levied harsh criticism of the Source of Income measure from its inception.

"This is a bill that is nothing more than legislation in search of a purpose," Finger said. "Our Freedom of Information (FOIL) request to the county revealed no immediate, pressing or even probable need for such legislation, and that was over a period of nearly 10 years!"

Finger added: "Section 8 was designed as a voluntary program. While many landlords want to participate, there are owners, particularly those of smaller buildings, who prefer not to be enmeshed with government bureaucracy and the inevitable delays in getting a tenant into an apartment. This is due to the additional requirements of HUD building inspections, delays in renting an apartment, lost monthly income, more paperwork, and increased insurance costs."

The ETPA Factor

Kenneth O. Nilsen, chair-

man of the BRI and an owner of several apartment buildings in Westchester, acknowledged all those negatives, plus a few others.

"Our county legislators forget the overlay of New York state rent laws and the burden of the Emergency Tenant Protection Act (ETPA)," Nilsen said. "Over the years, court cases in this state have determined that where there are apartment lease agreements with ETPA tenants having a Section 8 subsidy, the Section 8 subsidy becomes a permanent part of the lease - until the tenant chooses to opt out or move out. When was the last time you heard of anybody voluntarily leaving a rent-regulated apartment, with a Section 8 rider on the lease, for all intents and purposes, for as long as the tenant stays there?"

Social Engineering

Nilsen also was critical about the "Social Engineering" aspects of a county law that would effectively make acceptance of Section 8 mandatory.

"The intended results will simply not happen," he said. "Tenants will not suddenly disperse from those areas with a preponderance of affordable rental housing - the urban areas - to more rural sections of the county. The housing, frequent and reliable public transportation and accessible jobs simply don't magically come together and appear with a Section 8 voucher. The prospects of that critical and supporting infrastructure isn't likely to improve, especially with budgetary constraints weighing in as they do now."

Legislative Disagreement

Democratic Legislator Martin Rogowsky (Port Chester) consistently opposed the measure. Most recently, at a Nov. 29th Legislation Committee Meeting of the Board of Legislators on the subject, he re-

counted some of the inherent problems with the Source of Income bill.

"We rally against costly state and federal mandates, yet the Board is willing to pass this burden onto owners - given the patchwork quilt of the often haphazard and costly administration of Section 8, landlords are often left on a hook, facing costly delays."

Rogowsky also reminded the Legislation Committee that, since the state now runs Section 8 for Westchester, the Board was pushing a measure with absolutely no state feedback about the program. Even Legislator John Nonna, the chairman of the Legislation Committee, acknowledged that Rogowsky had made a good point.

Legislator Peter Harkham noted that the Board's Source of Income bill covered other kinds of income in addition to Section 8.

Rogowsky countered, for the record, that other states have passed Source of Income laws which do not include Section 8.

Rogowsky asked "what if we passed Source of Income without the Section 8 proviso, would the (federal housing) monitor approve?"

Housing Lawsuit Complications

Rogowsky was, of course, referring to the federal monitor overseeing the county's compliance with a 2008 housing discrimination settlement that calls for the creation of 750 units of affordable housing, coupled with a vigorous analysis of county-wide housing impediments and an equally-vigorous promotion of Section 8, a.k.a. "the Housing Mobility Voucher Program" in an overall Source of Income law.

The monitor's expectations concerning such wide and weighty issues as local home rule mixed in with Section 8 and its role in an aggressive Source

of Income law, have also been viewed by many as an expansion of the original boundaries and focus of the 2008 Housing Settlement.

"Things are up in the air right now," said one frustrated county lawmaker. "Everybody's waiting on a federal magistrate to review the arguments presented by the federal monitor, the county administration, and HUD on these admittedly thorny and complicated issues."

Last year the BRI and its Co-operative and Condominium

Advisory Council (CCAC) successfully won a critical exemption, as the county's Source of Income draft bill originally included co-op and condo transactions.

Annunziata admits that, while Source of Income has been shelved for now, it could very well come back with a vengeance, depending on a whole new set of factors and developments in 2012.

"The BRI will continue to monitor this situation very closely," he said.

—An IMPACT Staff Report

BRI Elects Its Slate of Officers for 2012

Continued from page 3
dents of the association.

Eric Abraham of Comstock Residential Contracting of Briarcliff Manor was elected Secretary. Susan Fasnacht of WSP-Sells of Briarcliff Manor will serve as Treasurer. Abraham and Fasnacht will be serving their second terms in their

respective roles.

The BRI is a building, realty and construction industry membership organization. The association has more than 1,500 members in 14 counties of New York. The BRI, based in Armonk, celebrated the 65th anniversary of its formation in 2011.



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.

US Energy Group Featured In NYC Exhibition

NEW YORK—US Energy Group is featured in the Buildings = Energy Exhibition at the Center for Architecture in New York.

The event is scheduled to run through Jan. 28, company officials recently announced.

Buildings=Energy explores how the choices made by design, planning, engineering, government, and building management professionals—as well as the behavior of individual citizens—can contribute to significant energy savings in our cities, event officials said.

US Energy Group's Building Energy Management System (BEMS) is featured prominently as an example of how building owners and managers can reduce energy consumption and save money, officials added.

The exhibition tells the story of a fictional building. It also includes a selection of 30 case studies of successful building energy management. US Energy Group's case study illustrates how three buildings in Newmark Knight Frank's portfolio reduced fuel usage by an average of 22.03 percent in less

than a year by installing US Energy Group's Building Energy Management System (BEMS), company officials said.

"US Energy Group is proud to be part of this important installation by the Center for Architecture," said Jerry Pindus, chief executive officer of US Energy Group. "This exhibition highlights the essential role that buildings have in meeting our larger sustainability efforts."

"Buildings = Energy is one of the most important exhibitions the Center for Architecture has mounted," said Margaret Castillo, AIA, LEED AP, president of the AIA New York Chapter. "The issues surrounding buildings, transportation and the environment are more critical than ever."

Admission to the event is free. The gallery hours are Mondays through Fridays, 9 a.m. to 8 p.m., and Saturdays, 11 a.m. to 5 p.m. For more information on the exhibition, visit www.cfa.aiany.org.

Founded in 1978 by Pindus, US Energy Group is a metro-area, New York-based building energy management solutions firm. The company develops

and integrates energy control, monitoring and analysis hardware and software systems for large residential and commercial properties, company officials said.

With the slogan "Building Efficiency Through Information Management," the company's three flagship products include:

*The USE Manager™, an Internet-based building management service which provides information to keep build-

ings running energy efficiently and cost effectively;

*The USE Controller™ Building Energy Management System (BEMS), which controls and monitors energy and fuel use, prevents overheating and provides significant savings, with payback in less than two years;

*The USE Verifier®, a patented ultrasonic measurement system which enables building owners and managers to verify

the amount of oil they receive, as well as control their inventory and budget.

The USE Controller BEMS and the USE Verifier have received the ETL Mark, indicating superior product safety and quality, company officials said.

Company officials added that with US Energy Group's products and services, building owners save money, conserve energy and enhance tenants' comfort.

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Richard G. Baccari, CPA, Partner

and

Suzanne Cortese, CPA, Partner

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Revisiting Price in Co-op Applications

Continued from page 5

ments had a "buy back" provision which permitted the co-operative to purchase and sell the apartment, and the unit had been foreclosed upon and the transfer being contemplated was between the bank and a third party. The cooperative also had a requirement that units be sold at a price set by the cooperative in order to be approved.

The Court found, based on Oakley, that this restriction was "an unreasonable restraint on

distinct issue not to be considered relative to the purchaser's application. Certainly the language in this case is not helpful to a Board seeking to place price limits on purchases, but is not in itself determinative.

In the matter of *Levine v. Yokell*, 245 AD 2d 138, 665 NYS 2d 962 (1997), the Plaintiff was a potential purchaser of a cooperative apartment. The Plaintiff claimed that her application was denied as a result of the price to be paid pursuant to the contract of sale and

Finally, it is worth noting that as with all such discussions, and as specifically referenced by the Court in Marine Midland Bank and Singh, the corporate documents—including the proprietary lease, occupancy agreement, and by-laws—may play a significant role in any determination of this matter in a specific circumstance and it would always be wise to consult those documents and the corporation's legal counsel before formulating a complete opinion.

alienation" and that the cooperative "has no right...to restrict the price. Such a right is also not implicit under the defendant's [cooperative's] right to approve a third party purchaser as the price to be paid has nothing to do with the person." However, because of the complexity of the transaction, the case rested in part on the fact that the bank was reselling the unit to a third party and that the price was a

because the defendant Board members were concerned that the value of their own units would be detrimentally impacted because of the low price of her sale. She alleged that this was an improper basis to deny her application and sued the Board for damages. The Court dismissed the action, which claimed tortious interference with contractual relations, find-

Continued on page 14

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



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

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

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

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

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

CPC Green Financing Initiative
www.community.com

Freddie Mac
We make home possible®

Awards Program/Holiday Reception Helps Mark BRI's 65th Anniversary

By Jeff Hanley, IMPACT Editor

CHAPPAQUA – One of New York state's leading business membership organizations recently marked the 65th anniversary of its formation with a combined Anniversary Celebration and Holiday Reception.

More than 95 members of The Builders Institute (BI)/The Building and Realty Institute (BRI) attended the Dec. 2 event at Crabtree's Kittle House Restaurant and Inn in Chappaqua.

Past Presidents of the BRI were honored at the celebration during a special program. Each Past President received a Service Award. Albert Annunziata, executive director of the BRI, served as Master of Ceremonies for the event. Carl DiMaio, chair of the association's Special Events Committee, was cited for his efforts by Annunziata in helping to coordinate the overall program.

"It was a memorable night, to say the least," said Annunziata. "The feedback from those who attended was very positive. And there was a good representation from all of the BRI's component organizations - including the Apartment Owners Advisory Council (AOAC), the Advisory Council of Managing Agents (ACMA), the Cooperative and Condominium Advisory Council (CCAC) and the Home Builders Advisory Council (HBAC). It was a special night."

The BI/BRI was formed on Feb. 11, 1946 as the Home Builders Association of Westchester County. On March 11, 1959, the organization changed its name to The Builders Institute of Westchester and Putnam Counties, setting the stage for the eventual growth of the organization into its current format.

The BRI has more than 1,500 members in 14 counties of New York state. BRI members are involved in virtually every sector of the building, realty and construction industry.

A photo montage of the Dec. 2 event is featured on these pages. (Photos by Barbara Hansen)



Shown dancing to a medley of tunes are Margaret Annunziata and Albert Annunziata (executive director, Building and Realty Institute).



P. Gilbert Mercurio (left), chief executive officer of The Westchester Putnam Association of Realtors (WPAR) and Myron Marcus, associate counsel to the Building and Realty Institute (BRI), are pictured at the beginning of the reception.



Participants had the opportunity to enjoy a full Reception Hour prior to the beginning of the Awards Ceremony. Pictured during that reception period are, from left to right, Daniel Finger, Finger and Finger, chief counsel to the Building and Realty Institute (BRI); John Manley, PEPCO, Building and Realty Institute (BRI) member; and Apartment Owners Advisory Council (AOAC) members Alana Ciuffetelli and Lisa DeRosa.



Chad Donohue (left), Metro Property Group of Houlihan Parnes Realtors, and Jerry Houlihan, chairman, Apartment Owners Advisory Council (AOAC) of the BRI, are pictured after the event's Award Ceremony.



Michael Beldotti of P.B. Planners of Ossining was recently elected President of the Building and Realty Institute (BRI) for 2012. Pictured as the dinner portion of the program was about to begin are, from left to right, Yvonne Beldotti; Michael Beldotti; Dorothy Finger; and Ken Finger, both of Finger and Finger, chief counsel to the Building and Realty Institute (BRI).



Silvio and Paula Solari of the Apartment Owners Advisory Council (AOAC) of the Building and Realty Institute (BRI) are pictured during the dinner portion of the program.



Shown moments after the Awards Ceremony portion of the event are, from left to right, Ed Lashins, Phyllis Lashins and Eric Lashins.



Shown after the dinner portion of the program are, from left to right, Frank D'Eufemia; Linda Whitehead, Building and Realty Institute (BRI) member; Jill LaRocque and Brett LaRocque, Building and Realty Institute (BRI) members; and Eric Messer and Hillary Messer, Building and Realty Institute (BRI) members. Eric Messer is Chairman of the Remodelers Advisory Council (RAC) of the Building and Realty Institute (BRI).



Shown during a discussion after dinner are, from left to right, Jeff Foster, Building and Realty Institute (BRI) member and board member of the Cooperative and Condominium Advisory Council (CCAC) of the BRI; Jeff Stillman, vice chair, Advisory Council of Managing Agents (ACMA) of the Building and Realty Institute (BRI); and John Bonito, vice chair, Advisory Council of Managing Agents (ACMA).



Shown during the dinner portion of the event are Ann Lee Marcus and Myron Marcus. Myron Marcus is Associate Counsel to the Building and Realty Institute (BRI).



Pictured during the dinner portion of the event are, from left to right, Annelie and Jeff Foster, Building and Realty Institute (BRI) members; John Bonito, vice chair, Advisory Council of Managing Agents of the Building and Realty Institute (BRI); Ken Furst and Susan Furst, Building and Realty Institute (BRI) members; Ondrea Schiciano and Jason Schiciano, Building and Realty Institute (BRI) members; and Eric Abraham and Susan Abraham, Building and Realty Institute (BRI) members.



Pictured while dancing to a medley of holiday classics are Annette DiMaio and Carl DiMaio (event chairman).



Music for the event was provided by Bi-joux, a band featuring Sue Larsen of White Plains. Pictured dancing are Roberta Cassetta and Anthony Cassetta, Building and Realty Institute (BRI) members.



Pictured after the event's Award Ceremony are, from left to right, Ursula and Gene DiResta, Building and Realty Institute (BRI) members; Cathy Sama, International Facilities Management Association (IFMA); and Ava and Bob Lupica, Building and Realty Institute (BRI) members.

Mack-Cali, Ironstate Development to Develop Rental Towers

EDISON, N.J.—Mack-Cali Realty Corporation, along with Ironstate Development Company, recently announced that the two companies have formed a joint venture to develop luxury multi-family rental towers on the Jersey City Waterfront.

The first phase of the project consists of a parking pedestal to support two high-rise towers of approximately 500 apartment units each. Featuring a contemporary design, the towers will encompass planned on-site amenities. They include a café, pools, fitness center, and more. The project will offer its residents magnificent views of the Hudson River and New York Skyline, project spokesmen said. Residents will benefit from the area's comprehensive transportation infrastructure, making it easy to travel via PATH, light rail, ferry, bus, and car, officials added.

The project will be built on land owned by Mack-Cali Realty Corporation within its Harborside Financial Center. The center is adjacent to the Exchange Place PATH station. The center is comprised of five state-of-the-art Class A office buildings, retail shops, and a multitude of fine and casual restaurants, spokesmen said.

The companies said that they anticipate a fourth quarter 2012 ground breaking on the project and expect residents to take occupancy within approximately two years thereafter. The architect on the project is HLW International LLP.

Mitchell E. Hersh, Mack-Cali president and chief executive officer, said: "On behalf of Mack-Cali, we are thrilled to be working with Ironstate to develop this premier project. It allows us to utilize a portion of the land we already own in a man-

ner consistent with creating a 24/7 'city within a city.' We believe there is strong demand for this type of high-end workforce housing and we chose to partner with Ironstate because of their vast experience and exceptional reputation in the development and management of high rise residential real estate."

Added David Barry, Ironstate Development president: "We're delighted to announce this partnership with Mack-Cali as both companies have long worked toward a common goal of creating a world-class live/work destination in downtown Jersey City. This well-positioned site represents a tremendous development opportunity to introduce quality rental residences to an established waterfront neighborhood already offering broad public transportation options, a vibrant commercial base and

complementary retail."

The Backgrounds

Mack-Cali is a fully integrated, self-administered, self-managed real estate investment trust (REIT) providing management, leasing, development, construction and other tenant-related services for its Class A real estate portfolio. The company owns or has interests in 278 properties - primarily office and office/flex buildings in the Northeast - totaling approximately 32.4 million square feet. The properties enable the company to provide a full complement of real estate opportunities to its diverse base of more than 2,000 tenants, company officials said.

Ironstate Development is one of the largest privately held real estate development companies in the Northeast, spokesmen said. Based in

Hoboken (N.J.), the company engages in the development and management of large-scale, mixed-use projects and has a diverse portfolio of apartments and hotels valued at several billion dollars.

Ironstate Development's multi-family portfolio comprises an extensive range of apartments, condominiums and retail and recreational spaces in key urban centers near mass transportation hubs. The company's hospitality holdings include the W Hoboken Hotel along the Hudson River waterfront facing Manhattan and the newly acquired Standard East Village in Manhattan with partner Andre Balazs. Ironstate has approximately \$1 billion in the development pipeline, including the redevelopment of the former U.S. Naval Base on the waterfront in Staten Island, company officials added.

Smith Electric Vehicles Signs a Major Lease For Bronx Space

NEW YORK—In what was termed by officials as a major boost for the economy of the Bronx, New York City and New York State, Simone Development Companies recently announced that Smith Electric Vehicles Corp. has signed a lease for a 90,000-square-foot industrial building at 295 Locust Avenue in the Bronx.

Smith Electric will establish a new "clean technology manufacturing facility" at the site, officials said. The move is expected to create more than 100 new jobs, officials added.

The major announcement was made at a news conference on Nov. 15 at the Bronx County Building. The conference was attended by State, City and Borough officials, as well as executives from Smith Electric and Simone Development. Among those at the event

were Bronx Borough President Ruben Diaz Jr.; Ken Adams, president and chief executive officer of the Empire State Development Corp.; New York City Economic Development Corp. President Seth W. Pinsky; and Bryan Hansel, founder, chief executive officer and chairman of Smith Electric Vehicles.

"We are absolutely thrilled that Smith Electric Vehicles will be opening its new manufacturing facility in our state-of-the-art industrial property. This is a great day for the Bronx and a significant development for the entire region's economy. Not only will this facility create new jobs, it will also produce clean energy vehicles to improve our environment," said Joseph Simone, president of Simone Development Companies. "This announcement is yet another example of the remarkable eco-

nomics renaissance now underway in the Bronx."

Officials said that Smith Vehicle Corp.—which is based in Kansas City, Miss.—will renovate and equip the building for its manufacturing assembly, service and sales facility.

Beginning in 2012, the company will manufacture its Newton,™ a zero-emission, all-electric commercial vehicle. In addition to making investments in renovations, equipment and training, Smith Electric is receiving a package of state and city incentives valued at over \$6 million, officials said.

Smith Electric Vehicles operates in major urban centers. The centers include New York City, where companies such as PepsiCo's Frito-Lay Division, Duane Reade, Coca Cola, and Down East Seafood have purchased and currently operate

Smith Electric vehicles.

Built in 2002, the Simone property at 295 Locust Avenue was formerly occupied by the Murray Feiss Company, a major distributor of interior and exterior residential lighting and lamps. The building features a 70,000-square-foot ground floor and a 20,000-square-foot mezzanine with 5,000 square feet of office space.

Representing Simone Development in the lease transaction was James D. MacDonald, director of leasing for the company, spokesmen said.

"We are proud to have Smith Electric join Simone Development's growing roster of corporate tenants. We look forward to providing them with the first-class space that they need to grow their business today and in the future," said MacDonald.

Headquartered in the Bronx,

Simone Development Companies is a full service real estate investment company specializing in the acquisition and development of office, retail, industrial and residential properties in the tri-state area. The privately held company owns and manages an extensive range of commercial projects, from multi-building office parks to retail and industrial space in Westchester County, Queens, the Bronx, Long Island and Connecticut.

The company's portfolio of more than 100 real estate properties totals over five million square feet of development space. The company's signature property is the 42-acre Hutchinson Metro Center office complex in the Bronx. The complex features approximately 750,000 square feet of Class A office and medical space, officials said.

Westchester Medical Pavilion Announces Recent Transactions

WHITE PLAINS – The Westchester Medical Pavilion, a new, state-of-the-art medical office complex in White Plains, recently announced the signing of approximately 22,000 square feet in new leases, renewals and expansions at the complex.

Medical and dental practices signing new leases at the complex include Upper Cervical Chiropractic; AP Progressive Dental; Scott Newman, MD; Westchester Cardiac Associates; and Sports Care Physical Therapy.

In addition to the new leases, tenants signing renewals include Kenneth Goldman, MD; John Farella, MD; Joseph Tartaglia, MD; and George Owens, MD. Hospice and Palliative Care of Westchester signed an expansion for an additional 4,401 square feet for its administrative and nursing facilities currently located at the complex.

More than 92 percent of the space on the lobby level through the fourth floor has been leased. Among the medical tenants with offices in the building is

NYU Langone Medical Center's Department of Orthopaedics Westchester location.

An Addition

The Westchester Medical Pavilion is currently bringing online an additional 28,000 square feet of medical office space on the ground level, officials recently announced. Craig Ruoff of Rakow Commercial Realty Group is the exclusive leasing agent for the facility.

Officials added that the Pavilion has emerged as a popular location for medical practices in Westchester. Located just minutes from the heart of downtown White Plains with easy access to major highways and parkways—including I-684, I-95, I-87, the Saw Mill River Parkway, the Sprain Brook Parkway and the Hutchinson River Parkway—the pavilion is specifically designed and constructed for medical office use, with an advanced infrastructure to support the unique needs of medical users. It offers a full range of features and amenities designed specifically for

medical users in a 23-acre landscaped campus setting that's only minutes from downtown White Plains, officials said.

North Street Community, the owner of the property, has invested more than \$4 million in enhancements and upgrades into the four-story building, which can accommodate a wide range of medical use requirements, spokesmen said.

Interior renovations include

a new lobby and courtyard entry as well as new common areas, elevator cabs and restrooms throughout the building. A new café in the lobby area is opening soon. The building has also undergone major upgrades to its infrastructure, including backup power, state-of-the-art building systems, new roof, new windows and all new life safety systems, officials said.

The Westchester Pavilion is

near some of the county's largest medical institutions, including White Plains Hospital Center and Westchester Medical Center. A new, 140-bed assisted living facility is nearing completion in the building adjacent to the medical building on the property which was once the site of St. Agnes Hospital. The new assisted living facility is scheduled to open in the fall of 2012, officials said.

Gateside Corporation Relocates To 500 Mamaroneck Avenue

HARRISON—Gateside Corporation, a commercial and residential real estate development and investment company, has sold its offices in Rye and will relocate to Malkin Properties' 500 Mamaroneck Avenue in Harrison.

The recent announcement was made by Jeffrey H. Newman, executive vice president of Malkin Properties, the building's marketing and managing agent.

The tenant has taken occupancy of a 2,182-square-foot office space on the third floor for a term of five years, officials said.

"We had owned the building that housed our office in Rye for the last 20 years," says Rich Timme, director of leasing at Gateside. "After having sold that property for a healthy price, we decided that we wanted to move to a well-located and well-run suburban

building. Once we evaluated everything that Malkin Properties provides to its tenants, 500 Mamaroneck was the obvious choice. With hands-on management so similar to our own business philosophy and convenience to transportation, its amenities and services cannot be surpassed in the area."

"We're glad that Gateside made the decision to lease at 500 Mamaroneck," Newman

Continued on page 11

Remodeling Case Study:

Four-Season Sunrooms Provide Extra Space for Entertaining

DES PLAINES, ILL. — With the holiday season in full swing, homeowners find themselves think about seating arrangements for their respective homes.

In an effort going along with that thinking, a leading building and realty industry association recently reported that many homeowners are expanding their living spaces - inside and outside - by adding a screened or four-season porch.

In a recent report on the trend, The National Association of the Remodeling Industry (NARI) suggests that interested homeowners should seek the advice of a professional remodeler to help plan indoor and outdoor rooms that incorporate smart-space planning, the best all-season materials and innovative design solutions.

An Option

Jarro Building Industries Corp. in East Meadow (N.Y.) won a 2010 Northeast Regional COTY (Contractor of the Year) Award for Residential Exterior Specialty from NARI for a 540-square-foot covered outdoor space the firm built for a New York family.

"The homeowners spent a lot of time on their deck barbecuing for family and friends," said Tony Tiso of the firm "Since they use their grill all year long and love to eat outdoors, they decided to build a permanent roof over it."

NARI officials said that the family began by sifting through magazines and remodeling books for ideas and - together with the Jarro team - planned the new Art Deco-inspired addition. The outdoor room featured a vaulted ceiling covered in bead board, large trimmed columns and a full outdoor kitchen. The U-shaped cooking space, which was constructed by the homeowner, features a stainless steel grill, an under-counter refrigerator and ample workspace for food prep.

Jarro built the deck using natural mahogany deck material and cultured stone accents that helped to tie together the new covered space with the outdoors. The project was finished with two ceiling fans, providing much-needed cooling in the summer for ventilation, a sofa, a dining table and chairs. Drapes and portable propane heaters were added to warm up the space in cooler months, NARI officials added.

"It's a great solution for people who love to be outdoors," Tiso said.

Creating Continuity

Even in warmer climates, homeowners are looking to create continuity between the indoor and outdoor spaces of the home for year-round enjoyment, NARI officials said in the report.

Revival Construction Inc. in Atlanta won a 2010 National COTY Award for Residential

Addition Under \$100,000 for a project that included an enclosed porch project that actually became a key passageway for a home. The 1920's structure was lacking flow between the original house and a two-sided addition. Only an open back porch connected the kitchen and the family room.

Wright Marshall of the firm said that the company rebuilt the porch as an enclosed space

and added a hallway to adjoin all the parts of the home. A new foundation, custom-arched windows and doors brought more light into the space. Granite rubble was found to match the home's original exterior, making the entire project look like it had always been there. Today, the homeowners use the new enclosed porch, which features beautiful windows, as a place to hang coats and store

bags and shoes when they enter and leave the home, NARI added.

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



By Andrea Wagner
Wagner Web Designs, Inc.

YORKTOWN HEIGHTS—According to Facebook, there are more than 800 million users of its service.

Although started and created for young adults, it has increasingly become a must-use Social Media Tool for small businesses to gain followers, loyalty, awareness and, in the end, sales.

The service is free and available to everyone. The secret is how to use it effectively for your business. Follow these five simple rules to begin:

1. Create your Facebook as a business page (not a personal page). Go to facebook.com/pages or google "how to create a facebook fan page."

2. Start with inviting all of your friends to "like" you. Avoid updating your status more than once a week.

3. Do not use this page just to sell your products or push your services, but rather to post an unusual, thought-provoking image or relevant news item and ask readers to share. Facebook actually has its own ranking system and will position a new item high on someone's wall if it gets shared a lot, has links or news items. Think of the interesting things that have prompted you to share. Perhaps it was an unusual picture, or a funny YouTube Vid-

eo. Or you may post a recent, thought-provoking question and suggest readers to answer or comment. You're not selling here - you are building brand awareness and a fan base. Of course if you have a new product or service, or a discount to offer, this is the place to do it. Avoid overuse or it will become less special.

4. Write articles, post to your website, and link to them from your Facebook wall. Find lo-

The service is free and available to everyone. The secret is how to use it effectively for your business.

cal reporters to share. This can help expand your fan base while establishing yourself as an expert in your field.

5. Facebook ads work pretty much the same way as Google ads, but are much more targeted to your demographics. The more targeted you can be, the less it will cost to run a campaign. For instance, if you sell blue skis, you can target specifically teens and adults who have added skiing as an interest, who

live in Westchester County and who like the color blue. That ad should also link to a page just created for the campaign, called a Landing Page. This way you can track your results.

Popular Stuff

Don't ask me why, but puppies, babies and love are the most intriguing images/messages that get clicked on! The most popular advertising words are: your, we, world, best, more, easy, handsome, better, new, taste, people, our, first, like, most, only, quality, great and choice. Use some of these in your ad campaign.

Of course, while all this is free to create, some always prefer the help of professionals. May I suggest anyone under the age of 25 will be helpful! That is why my new Social Media Associate, Harris Decker of Think Social, is so helpful to many of my customers. A recent journalism graduate, and past Apple Genius, he has all the skill and knowledge to create, and or manage any Social Media Campaign. Oh, and he is 23!

We wish you all a healthy, happy and "social" holiday season!

Editor's Note: Andrea Wagner is the owner of Wagner Web Designs, Inc., a local Web Design and Maintenance firm in Yorktown Heights.

Gateside Corporation Relocates

Continued from page 10

said. "We look forward to hosting its business and offering our premium on-site amenities and management services, as we do with all of our tenants."

Newman, together with Senior Leasing Associate Kimberly Zaccagnino and Leasing Associate Tara L. Long, represented the landlord in the transaction. The tenant was represented by William V. Cuddy, Jr. of CBRE.

Five Hundred Mamaroneck Avenue is a five-story, 285,000-square-foot, multi-tenanted office building. The complex is only 1/4 mile south of the Hutchinson River Parkway, 1 1/4 mile north of I-95 and less than 30 minutes from New York City by car or train. The building, comprising dual "center core" pods, subdivides well for multiple users within each pod, with unit size availabilities from 1,100 square feet, officials said.

A recipient of The Office Building of the Year Award (TOBY) from the Building Owners and Managers Association (BOMA) of Westchester County, 500 Mamaroneck features on-going building wide en-

hancements, including recent upgrades within the fitness center; in-house concierge service; the Café 500 dining facility and catering service; a tenants-only fitness center with locker room facilities; a tenants-only multimedia conference facility; free on-site parking; 24/7 on-site security; a broad range of telecommunications systems; an ATM; "park-like" landscaping; and tenants-only shuttle service to the Mamaroneck Train Station.

Malkin Properties is the real estate management, marketing and acquisition arm of the Malkin family, which has commercial, retail, and residential operations in 15 states. The company's portfolio of suburban Trophy Office Buildings totals 1.85 million square feet of prime space in Westchester County and in Fairfield County (Conn.), officials said.

Malkin Properties' other Westchester County Trophy Building is Ten Bank Street, a 225,000-square-foot, 12-story office building one block from the White Plains Transportation Center, in the heart of the White Plains Central Business District, officials added.

Better Homes & Gardens Rand Realty Celebrates Opening of Its New Office

CENTRAL VALLEY—Better Homes and Gardens Rand Realty (BHGR) recently celebrated its new Central Valley (Orange County) office location with a ribbon-cutting ceremony.

Formerly at Two Corporate Drive, the firm's new office at 229 Route 32 is half a mile north of the previous location

and is more easily accessible, company officials said. Company officials added that the office has a warmer feel that better represents the firm's brand.

Managing partners Joseph and Matt Rand led the ceremony, along with Barbara Meyer, regional vice president; Nick Germak, vice president, affili-

ated services; Renee Zurlo, regional development manager and branch leader; Jeff Winsper, business development manager; Janet Farsetta, vice president, relocation; and Ann Garti, executive officer, Orange County Association of Realtors. A variety of BHGR agents and staff members also attended the event.

Local Merger Creates One of the Largest Realtor Groups in U.S.

New Entity to Become Hudson Gateway Association of Realtors in January

WHITE PLAINS — A recent merger vote by three Hudson Valley Realtor groups will create one of the largest Realtor associations in the nation, officials recently announced.

Members of the Westchester Putnam Association of Realtors (WPAR), the Rockland County Board of Realtors (RCBR) and the Orange County Association of Realtors (OCAR) have voted overwhelmingly in favor of the merger that will create the new Hudson Gateway Association of Realtors (HGAR) on Jan. 1, 2012.

Officials termed the merger as “historic.” The new group will produce an association composed of close to 10,000 members, officials added.

As part of the merger agreement, the Orange and Rockland groups will dissolve into the Westchester Putnam Association, which will seek approval from the National As-

sociation of Realtors (NAR) to change the entity’s name to the Hudson Gateway Association of Realtors (HGAR).

“Across the country, the real estate industry has experienced many years of recession, and the Lower Hudson Valley has not been immune to these market conditions,” said Gil Mercurio, chief executive officer (CEO) of WPAR. “As a result, all three of these associations have lost membership, which in turn, affects our revenue and may limit our ability to provide the full array of services that our members expect and deserve.”

The merger will now allow WPAR, RCBR and OCAR to combine their resources and consolidate operations and help stabilize member dues, while continuing to offer what officials termed as “first-rate services.”

“I’m very happy with the

merger vote based on all the work we did to bring it to this point,” said Bill Thorne, president of the Rockland County Board of Realtors (RCBR). “This combined organization

“This combined organization will become more powerful in legislative matters in New York state, as well as the national level.”

—Bill Thorne, president, Rockland County Board of Realtors

will become more powerful in legislative matters in New York state, as well as the national level.”

OCAR President Ron Garafalo added: “Without a merger, OCAR members would have faced a dues increase and loss of some services. This is a very positive measure.”

The new HGAR will maintain its White Plains headquar-

ters, with additional offices in Goshen, Putnam County, and in either West Nyack or Pearl River in Rockland County.

Officials said that, beginning in 2012, WPAR Deputy Chief

ture of real estate in the Hudson Valley,” said Haggerty.

The new group will initially operate two multiple listing services until the end of its contractual agreements. The ultimate goal will be to merge the WPAR’s Empire Access Multiple Listing Service and the Greater Hudson Valley Multiple Listing Service.

WPAR is a not-for-profit trade association representing more than 6,700 real estate professionals doing business in Westchester County and the surrounding region. Its predecessor organizations, the Westchester County Board of Realtors and the Putnam County Association of Realtors, were founded in 1916 and 1932, respectively. The association owns and operates the Empire Access Multiple Listing Service that provides a real estate MLS database for the Bronx, Westchester, Putnam and Dutchess counties.

WPAR Names Caro its 2011 “Realtor of the Year”

Newhouse Receives WPAR’s 2011 “Affiliate of the Year” Honor

WHITE PLAINS—The Westchester Putnam Association of Realtors (WPAR) has named Leah Caro, broker/owner of Bronxville-Ley Real Estate, as

its Realtor of the Year for 2011.

The “Realtor of the Year” award is based on involvement with the association, as well as volunteer activities within the

local community, officials said while making the recent announcement.

Caro has been in the real estate industry for 18 years. She

is a member of WPAR’s Board of Directors and is the organization’s immediate Past President.

Caro has served on the association’s Leadership, Awards, Finance, Member Services, Membership, Legislative and Broker/Owner-Manager Committees. She has also been a part of the Education Council, Fair Housing and Cultural Diversity Committee, Long Range Planning Committee and Communications Council, among many others, officials said. She has also represented her local association on the Boards of Directors of the national and New York State Associations of Realtors.

Officials added that Caro is a member of the Women’s Council of Realtors and serves as a director for the Westchester Residential Opportunities. In her local community, she has been involved with the Chamber of Commerce on many projects that give back to the community. Caro lives in Crestwood with her husband Doug Kooluris and her son Joseph.

Kudos for Newhouse

WPAR also named Jim Newhouse, owner of Newhouse Financial & Insurance Brokers of Rye Brook, as its Affiliate of the Year for 2011. The WPAR “Affiliate of the Year” Award is based on an affiliate’s participation in WPAR events and in-

volvement with WPAR members, officials said.


Newhouse has been actively involved with the association for the past few years and has been an avid supporter of Realtor events, like WPAR’s Annual Members Day, various networking events and the Women’s Council of Realtors. His company is also one of WPAR’s Preferred Providers, offering discounts to employees of major corporations or individually-owned companies with a few or even one employee. Newhouse was recognized for his tireless work with WPAR members to find affordable solutions for healthcare insurance, according to award officials.

Gibbons and Hughes Honored

Mike Gibbons and Sarah Hughes, co-chairs of the association’s Political Action Committee, were honored with the “Extra Mile” Award, a special award presented to those who have excelled in their involvement with the Realtor family. Gibbons owns CJM Gibbons Realty in Dobbs Ferry. Hughes works with William Raveis Legends Realty Group in Briarcliff Manor.

WPAR is a not-for-profit trade association representing more than 7,500 real estate professionals doing business in Westchester County and the surrounding region.

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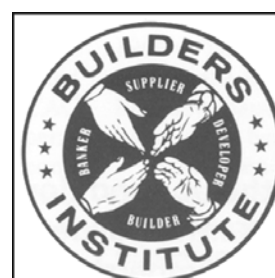
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McCullough Receives Honor From City of Rye Facility

WHITE PLAINS—Frank S. McCullough, Jr., senior partner in the law firm of McCullough, Goldberger & Staudt, LLP, was recently honored for his extensive work on behalf of The Osborn in the City of Rye.

McCullough received the John W. Sterling Legacy Award in recognition of his nearly two decades of service to the retirement community, event officials recently announced.

A resident of Rye, McCullough received the award that is named for John Sterling, the founder of the law firm Sherman and Sterling, who first identified the 56-acre site at the crest of Theall's Hill in the City of Rye, where The Osborn campus was created.

BOMA Westchester Elects Its New Officers

Bill Muzzio of Reckson Elected President

WHITE PLAINS—The Building Owners and Managers Association of Westchester County has announced the election of Bill Muzzio as president for the two-year term beginning in January (of 2012).

Muzzio is senior vice president of architecture, construction and development for Reckson, a division of SL Green. He is responsible for the overall management of the company's architecture, construction and development services.

Since joining Reckson in 1998, Muzzio has been closely involved in the planning, design and construction for more than seven million square feet of tenant improvement, repositioning and development projects totaling over \$500 million in construction. Muzzio, who has more than 20 years of experience in the design and construction sector, is a LEED AP.

Other officers elected and sworn in for the 2010/2011 term were:

- Vice President: Ian Ceppos of CBRE
- Secretary: William Bassett, Cushman & Wakefield
- Treasurer: Catherine Morrissey, BioMed Realty Trust

Houlihan Arranges Financing for Yonkers Building

YONKERS - Jerry Houlihan of Houlihan-Parnes Realtors, LLC, an affiliate of Q10 Capital, LLC, has arranged acquisition financing in the amount of 75 percent of the price for the purchase of a three-story, brick walk-up apartment building containing 13 apartments and on-site parking at 609 Van Cortlandt Park Avenue in Yonkers.

The property was purchased by a local family business with holdings of more than 600 apartments in the tri-state area for a price of about 4.5 times the gross rent roll, officials said.

Officials added that the loan was placed with a savings bank at a fixed interest rate of 4 percent for 10 years, with an interest reset in the sixth year on a 30-year amortization schedule. The lender charged no commitment fee and the loan allows for pre-payment, subject to a penalty of five percent for two years, declining one percent every other year, with a 60-day window.

Houlihan-Parnes Realtors is a multi-faceted real estate investment company headquartered in White Plains. The firm's mortgage brokerage affiliate, Q10New York Realty Advisors, is a member of Q10 Capital, LLC, a leading commercial mortgage banking and investment sales company with 26 offices in 20 states nationally, company spokesmen said.

The award was presented at The Osborn Remembrance Ball on Nov. 11th at the Sterling Lounge and Auditorium. Proceeds from the event will be used to support the development of a new Memory Care Center at The Osborn to meet the region's rapidly growing need for specialized dementia care, officials added.

Also honored at the event were Frank Corvino, president and chief executive officer of Greenwich Hospital, and the late Peter G. Bergmann, a partner in the law firm of Cadwalader, Wickersham & Taft LLP of New York City.

An attorney for more than 43 years, McCullough has played a critical role in the evolution of

The Osborn, a facility that traces its roots to 1891. First envisioned by its founder, Miriam Osborn, as a supportive home for women, The Osborn opened in 1908. It was later transformed into a campus providing services for all seniors.

In November of 1992, as lead zoning counsel, McCullough filed plans with the City of Rye for a major expansion of the campus as part of The Osborn's Pathway 2000 initiative that included the development of Sterling Park at The Osborn, an independent living community. Final approval for the ambitious capital project was obtained approximately six months later. Prior to the expansion, approximately 100 seniors resided at The Osborn. As a result of the expansion, approximately 430 seniors now call The Osborn their home. Bergmann also worked on facets of the Osborn's expansion and marketing plans, McCullough noted.

Since then, McCullough's association with The Osborn has continued on an ongoing basis in land use and real estate-related matters, officials added.

"I am truly honored to have been selected for the Sterling Award along with Frank Corvino and the late Peter Bergmann, true leaders in their respective fields," McCullough said. "It has been a privilege to help The Osborn grow into the state-of-the

art institution it is today, that provides a continuum of care from independent living to the highest levels of assisted living. It is a wonderful community asset that allows people to remain in the Rye community as they age and their needs change."

McCullough said he was particularly pleased that with its expansion, The Osborn has successfully maintained the architectural character of the original neo-Georgian style residence.

An Impressive Background

With his firm, McCullough practices primarily land use and real estate law and has been particularly active in the area of golf course development. He is admitted to the New York State Bar and is admitted to practice in U.S. District Court, Northern District of New York, U.S. Supreme Court and U.S. District Court, Southern and Eastern Districts of New York.

Prior to joining the White Plains-based law firm in 1971, he was law secretary to Supreme Court Justice Elbert T. Gallagher. A graduate of Albany Law School of Union University, he holds a Bachelor of Arts degree from St. Lawrence University.

He is a past member of the Mamaroneck-Harrison-Larchmont Bar Association, and has served as Treasurer (1974-

1975), Vice President (1978-1979) and President (1980-1981) of that organization. He is also a member of the New York State Bar Association and a member of the Westchester County Bar Association, and served as a Director of the Westchester County Bar Association from 1979 to 1985 and as Vice President from 1985 to 1987. He is also a past member of the Joint Grievance Committee of the Ninth Judicial District and has been a member of the Committee on Character and Fitness, Ninth Judicial District. McCullough has also been a member of the Board of Visitors of the School of Law of Pace University.

McCullough served as a trustee of the New York Power Authority from 1997 to 2008 and as its Chairman from 2006 to 2008. He is also a past President of the Economic Power Allocation Board of the State of New York and served as a member of the Board of Trustees of the New York State Energy Research and Development Authority and a member of the Conservation Coordination Task Force of New York State.

With roots going back more than 60 years, McCullough, Goldberg & Staudt LLP ranks as one of the region's leading land use and zoning, environmental, municipal, real estate, banking, trust and estate law firms, officials said.

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Provident Bank Reports Management Appointments

MONTEBELLO—Provident Bank recently announced appointments to what officials termed as “key leadership positions.”

“As we implement our strategy, strong leadership is critical to our success,” said Jack Kopnisky, president and chief executive officer of the bank.

Officials said that the position of Market President is a new role for the bank. Market Presidents will lead all aspects of the bank within their geography, delivering all of the resources of the bank to commercial and consumer customers to meet their total banking needs, officials added.

Jim Peoples has been named Executive Vice President of Provident Bank and Market President for the central market that covers Rockland, Westchester and Bergen (N.J.) counties.

“Jim is a great addition to our leadership team and has a track record of growing markets,” said Kopnisky.

“I am looking forward to growing Provident Bank and providing superior value to our customers,” Peoples said.

Peoples has more than 35 years of experience in banking. He was most recently Chairman, President and Chief Executive Officer of United Western Bank in Denver. Prior to joining United Western Bank he served in a variety of leadership positions with KeyCorp

from 1995 to 2008. During those years Peoples served as President of the Seattle Cascades District, the second largest district within Key, growing deposits by 72 percent and loans by 60 percent, in addition to expanding the franchise both organically and through acquisition.

Officials added that Peoples is “no stranger to the metropolitan New York marketplace, as he held a credit leadership position for National Westminster Bank earlier in his career.”

Rick Jones has been named Market President for the north market that covers Orange, Sullivan, Ulster, Putnam, and Dutchess counties. Jones joined Provident Bank in 2004 as Executive Vice President and previously served as head of Business Services.

“We are pleased that Rick is taking on leadership of our north market and leveraging his experience both with the bank and in this marketplace,” said Kopnisky.

“I am excited to broaden my responsibilities in this market,” Jones said. “I have lived in Orange County for more than 35 years and have been actively involved in this community.”

Jones has 38 years of consumer and business banking experience, officials said. He joined Provident Bank after retiring from JP Morgan Chase, where he served as Senior Vice President of Client Man-

agement and Personal Financial Services for JP Morgan Chase’s Personal Financial Wealth Services Group since 2002. From 1996 to 2002, Jones served as Senior Vice President/Regional President for the Tri-State (New York-New Jersey-Connecticut) and Texas Regions of JP Morgan Chase.

Jones was previously with Chemical Bank, which was acquired by Chase. He started his banking career with Manufacturers Hanover in 1973.

Rodney Whitwell has been named Executive Vice President and Chief Operating Officer of Provident Bank. He joined Provident Bank in August and served as Senior Vice President of Strategy/Corporate Development. Chief Operating Officer is a new role for the bank, officials said.

Whitwell will be responsible for driving strategy and consolidating operational functions under his leadership. Those

duties include overseeing Provident’s direct banking channels, systems and technology, products and services, marketing, and bank operations.

“Rodney brings a wealth of experience to drive strategy and build a customer-centric, highly efficient bank operation that supports our market sales leadership,” Kopnisky said.

Prior to joining the company, Whitwell served as Principal at Mercatus LLC, a national financial services consulting and investing firm, where he was responsible for directing strategic consulting engagements with financial services providers. From 2008 to 2010, Whitwell was Chief Executive Officer of Union Federal Savings Bank, a federally chartered savings bank and subsidiary of The First Marblehead Corporation. From 2007 to 2008, Whitwell was Senior Vice President, New Business Initiatives at The First Marblehead Corporation, a provider

of outsourcing services for private education lending. Prior to joining First Marblehead, Whitwell served as Director of Segment Management at KeyCorp from 2004 to 2007.

“Our new leaders are ready and able to leverage our existing market strength to develop new opportunities for growth and take Provident Bank to the next level,” Kopnisky said.

Headquartered in Montebello, Provident Bank - with \$3.1 billion in assets - is the largest independent, full-service community bank in the lower Hudson Valley, officials said. The bank operates 37 branches that serve the Hudson Valley Region, including three Commercial Banking Centers in Westchester County, two Commercial Banking Centers in Bergen County, and one Commercial Banking Center in Montebello. The bank offers a broad line of commercial, retail and investment management services, officials added.

Revisiting Price in Co-op Applications

Continued from page 7

ing that the “defendants’ acts were based on economic considerations, not merely an unjustified intent to harm” which would have been required to establish the specific claim asserted by the Plaintiff, the prospective purchaser.

A Note

It should be noted that purchasers have fewer possible claims against a cooperative because of the limited legal relationship between them. This was recently reiterated in *Harris v. Seward Park Hous. Corp.*, 79 A.D.3d 425, 913 N.Y.S.2d 161(1st Dept., 2010) wherein the appellate court upheld the determination that the plaintiff purchaser did not have a right to a cause of action for breach of contract against the cooperative as there was no contract or agreement with the cooperative (See also *Singh v. Turtle Bay Towers Corp.*, 74 A.D.3d 568, 905 N.Y.S.2d 22 (1st Dept., 2010), thus limiting the plaintiffs because the cooperative had a right of first refusal.

To the extent one can discern a rule of thumb in these cases, it can fairly be stated that the Courts have not frowned upon

the consideration of economic issues, i.e. price, but have been negatively impressed when economics is not considered but dictated by a set price. The use of a set price seems to indicate that consideration is not being given to the issue because the hard and fast rule precludes any meaningful consideration of a price that does not meet the criteria previously established.

Finally, it is worth noting that as with all such discussions, and as specifically referenced by the Court in *Marine Midland Bank and Singh*, the corporate documents—including the proprietary lease, occupancy agreement, and by-laws—may play a significant role in any determination of this matter in a specific circumstance and it would always be wise to consult those documents and the corporation’s legal counsel before formulating a complete opinion.

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

Horowitz and Pierro Join Better Homes & Gardens Rand Realty

LARCHMONT—Better Homes and Gardens Rand Realty (BHGR) recently announced that Alice Horowitz of Larchmont has joined the firm’s Larchmont office as branch manager.

Horowitz brings 13 years of real estate experience to BHGR. Prior to joining the firm, she worked with Weichert Realtors and Julia B. Fee/Sotheby’s. Horowitz is also a former real estate attorney. In her new role, Horowitz will oversee the day-to-day operations of the Larchmont office and will direct and train the agents, company officials said.

“Alice has a can-do attitude and is very involved in the local community,” said Arlyne Ashkinos, regional vice president of BHGR. “Her community ties, ability to lead and mentor and

positive enthusiasm make her a great fit to head our Larchmont office. We look forward to working with her.” Horowitz is an officer of the Westchester Jewish Center and a Board of Education member.

Pierro Joins the Yorktown Office

BHGR also recently announced that Rosetta Pierro of Yorktown Heights has joined the firm’s Yorktown office as an associate broker.

Pierro brings seven years of real estate experience to BHGR. Prior to joining the firm, she worked with Westchester Homes, Inc. and Century 21 Mulvey. Pierro will work with buyers and sellers in Westchester and Putnam counties, company officials said.

“Rosetta has a proven rep-

utation for client satisfaction,” said Matthew Vanacoro, manager of the Yorktown office of BHGR. “She has a great referral base, and is extremely dedicated to her clients’ real estate needs. We’re thrilled to have Rosetta on our team.”

Pierro is a member of the National Association of Realtors (NAR), New York State Association of Realtors (NYSAR), Westchester-Putnam Association of Realtors (WPAR) and The Empire Access Multiple Listing Service.

BHGR, founded in 1984, is a leading real estate brokerage in the Greater Hudson Valley. The firm has 25 offices serving Westchester, Rockland, Orange, Putnam and Dutchess counties, company officials said.



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Marketing Commentary



By Harriet K. Lerner

HARTSDALE—Although we all run off to the latest Social Media Presentation in order to perfect our techniques, I have found a much more effective technique for business growth is to interact with my colleagues on a weekly basis. Exchanging referrals in a highly organized and committed fashion is also effective.

But where can you find this type of business growth?

One method is at Berman Consultants Associates/Business Development Groups – a network that achieves valuable marketing interchanges between its members.

Business Networks International (BNI) was the first to start these one-of-a-kind groups. Berman Consultants Associates/Business Development Groups (BCA/BDG's) have now perfected it. Referrals, not leads, are requested and given - with a membership of primarily business-to-business (B2B) organizations.

Referrals are not dropped on recipients. They are, instead, followed up with the close assistance of the entire group! It's not a perfect world, especially when it comes to helping others, yet BCA/BDG's seem to have made it as good as it gets!

The Start

These interesting and successful groups were started over five years ago by a sales training expert, Howard Berman of BCA Management.

"The group's mission is closed new business for our members, not referrals only," Berman said. "We are not networking groups. The referral is only the first step. As a business development group our management and group leaders provide the on-going train-

ing, coaching, and support necessary for converting these referrals into closed new sales. In short, think of our groups as a combination resulting from activities that create significant numbers of qualified personal referrals with sales training and business development strategies.

Berman added that what takes place in BCA/BDG's is not at all about cold leads, but, instead warm, personal and highly closable referrals. The Four Column Detective, which begins the New Member Process, identifies proven referral sources based on actual previous sales. Basically, it enables a member to discover from whom they should be gaining introductions to - and why.

New to BCA/BDG's, Berman said, is the flexibility for members to visit any other group where there is not already a competing member present. This membership advantage multiplies, by many times, the business people you can meet. I myself have visited Connecticut and New York City groups and by so doing have met many new and valuable contacts.

A Common Goal

In other words, you can follow up with whomever you please. BCA/BDG and its members share the common goal of growing your business. Because Berman is a sales training pro, you can also work with him separately to learn what you may need to achieve to reach the business success that you are seeking.

In all these groups – each of which began in Westchester County where they are still operating – there is a highly organized agenda that members are trained on at the outset of their membership. When fol-

"Face to Face" Trumps Social Media in the Interaction Game

lowed, these procedures and the related different meeting agendas are highly successful. Each member is expected to meet with his or her colleagues, which is termed the "One-on-One Meeting," a part of BCA/BDG's Monthly Action Plan (MAP).

Recently, new groups have been established in New York City, New Jersey, Connecticut and Long Island.

BCA/BDG's members are expected to keep a careful, exacting record of the referrals given, the referrals received and the business growth achieved from these referrals in the Statistical Target Page. These referrals are usually received and created during the One-on-One meetings and weekly group meetings, as well as after individual member Spotlight Presentations.

The presentations are given by a different member at each meeting during which time the presenting member describes his or her business in detail, including the types of new business he or she is looking for. I can attest, for example, that a banker member received 30 referrals after her presentation!

Obviously it is all about referrals and helping other members. In this carefully crafted system, it seems to work. If it's all in writing, it's clear to see! Berman and his Group Leaders provide detailed written instructions on how the BCA/BDG process works. Visitors are allowed to attend two meetings as a guest, provided that they do not compete with another member. Should a guest

guests whose business overlaps that of a current member will then be referred to another BCA/BDG.

Follow-up with Berman can be conducted through (914)788-0373 or (914)439-6563. His e-mail address is HBerman@BCAManagement.com.

Editor's Note: Harriet Lerner, the principal of Go Visible PR, is a professional writer. She is the founder of Go Vis-

In all these groups – each of which began in Westchester County where they are still operating – there is a highly organized agenda that members are trained on at the outset of their membership.

show interest in joining the group, the Group Leader is there to take them through the application approval process.

Once accepted, members are encouraged to invite their associates to also attend meetings as a guest. Prospective

ible PR, a full-service public relations firm which offers visibility on-and off-line to clients to improve their sales. She also markets for the newly formed Hudson Gateway Association of Realtors (HGAR).

Houlihan Parnes and Q10 New York Realty Advisors announce the closing of a

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BRONX, NEW YORK

Two Fordham Square is a 250,000 square foot office and retail building at Fordham Road and the Grand Concourse.

The non-recourse, par loan was placed for a term of 7 years. The interest rate was fixed for the full term of the loan at 3.94% and provides for 2 years of interest only with amortization on a 30-year schedule thereafter.

The placement team included Jeanne Cronin, Mike O'Neill, Jerry Houlihan and Kelly Houlihan of Houlihan-Parnes Realtors and Q10 New York Realty Advisors.

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