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Impact

Serving Westchester and the Mid-Hudson Region

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Building and Realty
Industry

71 Years of
Providing Knowledge
to the Building Community



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77 West Post Road, White Plains:
**Remedy Proposed
for Brownfield Site
Contamination**

Public Comment Period
Announced by N.Y. State DEC

Publisher's Note: The following article is a textbook example of a Brownfield Cleanup Program (BCP) Announcement by the New York State Department of Environmental Conservation (DEC). While it has been edited and annotated from the original in the interests of clarity and space requirements, it nevertheless captures the exhaustive and painstaking process of the proper cleanup of a contaminated site and the stringent physical, chemical, engineering and environmental standards that must be adhered to. The BCP encourages the voluntary cleanup of contaminated properties (brownfields) so that they can be safely reused and redeveloped for recreation, housing, business-commercial or other uses.

WHITE PLAINS

The New York State Department of Environmental Conservation (DEC) recently announced that is soliciting public comment on a proposed remedy being reviewed by DEC to address contamination related to the Post Road Corridor - White Plains site ("site") located at 77 West Post Road in White Plains. The cleanup activities will be performed and funded by Post Maple 77, LLC (applicant) with oversight provided by DEC, officials said. When DEC is satisfied that cleanup requirements have been achieved, the applicant may be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site, officials added.

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"Make No Small Plans..."
**President Trump Has Big
Proposals to Address the Needs
of Our Nation's Infrastructure**

Publisher's Note: I began writing this article/commentary a couple of weeks after the hotly-contested and lamentably acrimonious presidential election. I strived to avoid all the residual post-election agita and began to focus and think about the impact (no pun intended) a President Trump might have on this country's infrastructure. If infrastructure were a hospital patient, the patient's condition would be nothing short of critical, verging on life-support! - Albert A. Annunziata

By Albert A. Annunziata, Impact Publisher

ARMONK

Donald Trump will be the first "builder" president since Thomas Jefferson, if my knowledge of American History (and American presidents) isn't faulty.

As such, it is a unique perspective that will certainly be called to bear upon the massive infrastructure needs throughout the U.S.

The Trump "Vision" on Infrastructure was consistently broad and sweeping leading right up to the election. In a way, Trump's infrastructure ideas reminded me of the legendary urban planner Daniel Hudson Burnham.

For those IMPACT readers unfamiliar with Burnham, he was a leading American architect and urban designer whose major work spanned the latter half of the 19th and early 20th centuries.

Burnham was a veritable - and often unstoppable - force of nature. He was,

essentially, the Commander-in-Chief in charge of the World's Columbian Exposition (World's Fair) in Chicago, 1893. As a collector of world's fair memorabilia, this Fair, in my humble opinion, is the all-time champion.

This World's Fair was the largest and grandest of its kind up to that time. The sheer size, complexity and beauty of this Fair was - and still is - an astonishing accomplishment. Under Burnham's direction, the construction of the Fair overcame huge engineering, financial and logistical challenges, weathered a major financial recession (as bonds had to be sold to finance the Fair) and a punishing deadline was met, to open the Exposition on time in May of 1893.

Burnham also played a leading role in the creation of master plans and projects in such diverse cities as Chicago, Washington, Detroit, Pittsburgh and Manila. He also designed several famous buildings, including New York City's Flatiron Building, Union Station in Washington D.C., and

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Stuart R. Shamberg

**Building and Realty
Industry Spokesmen
Mourn the Recent
Death of Iconic Attorney
Stuart R. Shamberg**

By Jeff Hanley, Impact Editor

ARMONK

Representatives of the local building, realty and construction industry expressed their sadness over the recent death of Stuart R. Shamberg, a leading and well-respected attorney for the industry.

Shamberg, the founding partner of Shamberg Marwell Hollis Andreyckak & Laidlaw, P. C. of Mount Kisco, died on Jan. 1, 2017, according to media reports. News of his death was recently issued in an e-mail from the well-known firm to members of the building, realty and construction industry.

"Stu was recognized by all of us, our clients, and the community as a man of great intellect and a master of our profession," the statement from the law firm said. "His legacy of excellence and tireless commitment to serve our clients lives on at Shamberg Marwell Hollis Andreyckak & Laidlaw, P. C.," the statement added.

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**Industry Attorney:
All Employers Need to Be Fully
Prepared to Avoid Potential
Judicial Problems with the Fair
Labor Standards Act (FLSA)**

By Jeff Hanley, IMPACT Editor

WHITE PLAINS

Employers of all types must conduct processes of preparation in efforts to avoid possible litigation problems associated with the Fair Labor Standards Act (FLSA).

That was the message stressed by Matthew Persanis, Esq., chief labor counsel to The Building and Realty Institute (BRI), at a Jan. 18 building and realty industry meeting.

The event - entitled "Increased Enforcement Processes Involving the Fair Labor Standards Act (FLSA) and The Effects on All Employers" - served as the winter Membership Meeting of The Advisory Council of Managing Agents (ACMA), an affiliate organization of the BRI. A total of 56 BRI and ACMA members attended the conference at The Crowne Plaza Hotel in White Plains.

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Insurance Insights

by Ken Furst and Jason Schiciano
Levitt-Furst Associates



How Insurance Company Mergers Have Affected the Building and Realty Institute’s (BRI’s) Membership

TARRYTOWN

Do you remember an insurance company named St. Paul? What about one named Royal & Sun Alliance? Or USF&G? What happened to Tower Insurance Co.?

Harleysville Insurance is still around, but it’s not the same as before. Fireman’s Fund still sells insurance, but not personal insurance. Is Philadelphia in Pennsylvania or Tokio? Good old Chubb still sells insurance, but it has a new owner. What do these insurance companies have in common? In simple terms, they were all merged into, or acquired by, other insurance carriers.

Many Building and Realty Institute (BRI) members have their personal insurance (home, auto, valuable articles, umbrella) with Chubb. But, as most people know by now, Chubb is no longer Chubb. Chubb is ACE. Fireman’s Fund, a long-time competitor of Chubb in high-end personal insurance, is also ACE! Sound confusing?

More importantly, how do insurance carrier mergers and acquisitions affect policyholders, including BRI members? Before we answer that question, here are some details of what happened to the insurance companies noted above:

INSURANCE COMPANY	WHAT HAPPENED TO IT?
Fireman’s Fund	Acquired by Allianz in 1991
Aetna	Property/Casualty business purchased by Travelers in 1996
USF&G	Purchased by St. Paul in 1998
Royal & SunAlliance	Policy renewal rights purchased by Travelers in 2003
St. Paul Insurance	Merged with Travelers in 2004
Philadelphia	Acquired by Tokio Marine in 2008
Harleysville	Merged-with/Acquired-by Nationwide in 2012
Tower	Merged-with/Acquired-by AmTrust in 2014
Fireman’s Fund Personal Lines	Acquired (from Allianz) by ACE in 2014
Chubb	Acquired by ACE in 2015

The insurance industry certainly has had its share of mergers and acquisitions over the past few decades, including some of the biggest and/or most notable mergers/acquisitions of their day. The 2004 St. Paul/Travelers merger was a \$16 billion deal that rocked the insurance world at the time. When ACE announced a \$28 billion acquisition of Chubb in 2015, many thought the press had mixed up the headline. Surely Chubb - perhaps the most famous, long-standing name in the insurance business - had been the acquirer, and not the acquired!

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From the Editor’s Desk

Hanley’s Highlights

by Jeff Hanley
Associate Director, Building and Realty Institute (BRI), *Impact* Editor

A Special ‘Keepsake’ to Help Industry Members Remember a ‘Sensational 70th’ for the BI-BRI

ARMONK

Most members of The Builders Institute (BI)/Building and Realty Institute (BRI) will remember 2016 as an outstanding time.

The year-long commemoration of the 70th anniversary of the formation of our association - which included a series of special Membership Meetings, programs and social events - was the highlight of an unforgettable year for our organization.

Members of the BI-BRI wishing to recall some of those programs can do so by reviewing a unique Photo Montage in the center spread of this issue. The section summarizes the 2016 programs, their tributes to our organization’s 70th anniversary and the key issues of importance to the building, realty and construction industry that were covered at the meetings.

BI-BRI members attended more than 65 events as part of our organization’s “Sensational 70th Celebration.” Our members, as well as the readers of *IMPACT*, now have a ‘keepsake’ of a memorable year for our organization through the special section. Our staff urges you to read the report. It is well-worth a review.

Other reports of interest in this issue include:

- A Page One Commentary on the plans of President Trump regarding the Infrastructure needs of the U.S. The report was written by Albert Annunziata, the publisher of *Impact*.
 - An analysis in *Insurance Insights* on a series of mergers in the insurance industry and their effects on members of the building, realty and construction industry. The piece was written by Jason Schiciano and Ken Furst of Levitt-Furst Associates, insurance manager for the BI-BRI.
 - A Page One report on the recent death of Stuart R. Shamberg, an iconic and well-respected attorney. Shamberg was regarded as “a giant” by many in the building, realty and construction industry.
 - The debut of “Presidential Perspectives.” Carmelo Milio, president of the BI-BRI, authored the report. The column will now be a regular feature in *IMPACT*.
 - An analysis in *Counsels’ Corner* on the “Altman Case,” a scenario of importance to members of The Apartment Owners Advisory Council (AOAC) of our organization. The commentary was written by Finger and Finger, A Professional Corporation. The firm serves as Chief Counsel to the BI-BRI.
 - A review in *Co-op and Condo Corner* of the successful accomplishments in 2016 of The Cooperative and Condominium Advisory Council (CCAC) of the BI-BRI. Diana Virrill, chair of the CCAC, authored the report.
 - A look back at key membership developments and programs that affected the members of the BI-BRI in 2016. Maggie Collins, director of membership for our association, wrote the review.
- Here’s wishing all of our members - as well as all of our readers - a Happy and Healthy New Year!

Co-op and Condo Corner



By Diana Virrill, Chair
The Cooperative and Condominium Advisory Council (CCAC)

A Review of an Impressive “Numbers Game!”

WHITE PLAINS

Numbers, very often, tell a big part of a story.

That phrase is most definitely accurate when summarizing the recent Membership Meetings of The Cooperative and Condominium Advisory Council (CCAC) of Westchester and The Mid-Hudson Region.

The CCAC, which represents more than 400 co-ops and condos in our region, recorded some impressive attendance figures at its Membership Meetings in 2016.

Here is a look at those attendance numbers:

- ◆ Wednesday, January 20, 2016, “An Insurance Check Up For Boards!” – 74 members;
- ◆ Wednesday, March 16, 2016, “Enforcing Your House Rules: How to Deal with the Associated Challenges and the Enforcement of Fines!” – 90 Members;
- ◆ Tuesday, June 14, 2016, “Major Capital Improvements – The Ramifications of Needed Work!” - 76 Members;
- ◆ Wednesday, October 5, 2016, “A Complete Review of Disaster Preparedness Procedures for Multi-Family Buildings and Complexes” – 56 Members;
- ◆ Thursday, November 9, 2016, “Apartment Alterations – What Is Required For All Parties?” – 45 members.

The numbers associated with our Membership Meetings for 2016 bring a great level of satisfaction to the Board of Directors of the CCAC, as well as its staff.

Jeff Hanley, the associate executive director of the CCAC and its affiliate organization, The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI), often tells members of the CCAC’s Board of Directors that the attendance figures at the CCAC’s Membership Meetings impress representatives of other membership associations in our region.

That, of course, is extremely nice to hear. A primary function of the CCAC is to educate and advise Boards of Directors of local co-ops and condos on the many issues that they face in the daily operations of their respective buildings and complexes.

Messages of Thanks

Accordingly, I would like to take this opportunity to thank the Board of Directors of the CCAC for its coordination efforts in producing the topics for our 2016 Membership Meetings. The board - and its consultants - most definitely did a superb job. Many thanks to the Directors of the CCAC:

- *Jane Curtis and Angelo Ponzi, Vice Chairs;
- *Clementine Carbo, Carol Carney, Peg Conover, Dori Engley, Kathleen Jensen-Graham, Pat Kinsey, Sondra Laskay, Michele Lavarde, Cesare Manfredi, Joe McCarthy, Monica Picarelli, Members of our Board of Directors;

*Daniel Finger, Esq. (of Finger and Finger, A Professional Corporation, chief counsel to the CCAC/BRI), and Jason Schiciano (co-president of Levitt-Furst Associates, insurance manager for the CCAC/BRI), consultants involved in the planning of our Membership Meetings.

One additional note of thanks goes to all of the panel members who issued such outstanding presentations at our Membership Meetings. You all know who you are. Please know that we totally appreciate your efforts.

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Presidential Perspectives: The Importance of Proper Communication Processes between Boards of Directors and Property Managers

By Carmelo Milio, President, Builders Institute (BI)/Building and Realty Institute (BRI)

ARMONK

Team and communication are two “almost-coexistent” words.

A team can hardly attain its success without communication. It is crucial in any type of organization. When it comes to achieving success in any endeavor, communication is the most vital aspect. A team, when you think about it, cannot perform as a successful unit unless there is candid, in-depth communication. It is crucial in any organization or association.

In an association, a group of people are elected and their major roles are to manage the physical, financial, and legal matters within the organization. Because of the extent of the role of the Board of Directors, some associations hire a property management company to effectively implement policy and procedures. The major roles delegated to them are to maintain the property and to ensure that it is up to current standards, communicate with homeowners about non-compliance, manage finances, and handle the questions and the concerns of the homeowners.

The role of the board that cannot be delegated to the property management company is creating policy. This is the responsibility of the board, along with enforcing the policies. The nature of the communication between boards and management becomes critical. Each side must be vigilant in their understanding of what the policy is and how it will be “managed.”

Translating the communication mechanisms into reality would seem easy enough – meetings, emails, phone calls, etc. There has to be written - and verbal - back and forth processes of dialogue.



This kind of communication is essential to the relaying of information in the decision-making process. It helps identify problems - and quickly resolving them with alternative actions.

For instance, property managers may come up with some suggestions that, in their opinion, would be helpful for the well-being of the property.

However, the board may have different priorities. If both sides are speaking and writing to one another often, communication is open and ongoing, and effective plans can be created.

Both verbal and follow-up written communication keeps all parties apprised and on the same page. It helps promote an environment of harmony, understanding, and peace. When conducted properly, it also helps resolve any differences between residents and the board.

Most importantly, when communication is valued, it is key to achieving common goals by giving clarity to what should be done by the property manager, how it should be done, when it should be done, and whether the property manager is performing its task, according to the standards of the community. In short, peace can reign.

Editor’s Note: Carmelo Milio is in his second term as President of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. He is also President and Director of Property Management for Trion Real Estate Management. Milio will contribute his perspectives on issues affecting the building, realty and construction industry in this new feature of Impact, “Presidential Perspectives.”



Ralph D. Amicucci

Amicucci Associates P.C. Announces Its Formation

By Jeff Hanley, Impact Editor

PLEASANTVILLE

Veteran building and realty industry member Ralph D. Amicucci, Esq. recently announced the formation of Amicucci Associates P.C., a firm concentrating in real estate law.

The Pleasantville-based firm will specialize in Landlord-Tenant Law, Commercial Leasing, Commercial and Residential Closings, Commercial and Residential Bank Closings and Construction Law. Spokesmen said the firm will be active in Westchester, Rockland, Putnam and Orange counties, as well as the Bronx, Manhattan, Brooklyn and Queens.

Owners and Managers of Emergency Tenant Protection Act (ETPA) and Rent-Controlled properties will be able to seek assistance from the firm on all matters associated with those laws. Those matters include representation before the Division of Housing and Community Renewal (DHCR)/New York State Homes and Community Renewal Agency (HCR), spokesmen said.

Amicucci was an Owners’ Representative on The Westchester County Rent Guidelines Board in the 1990’s. The board annually sets rent increases for ETPA properties. He also served as president of Amicucci Management, a company that owns and operates multi-family buildings in Westchester County, officials said.

Amicucci has more than 35 years of experience in the New York commercial real estate and construction sector, including consulting, leasing, sales, property management, project management and financial analysis.

Prior to forming Amicucci Management, Amicucci provided property management, project management, financial analysis, accounting and leasing services for a series of building, realty and construction industry companies. Those companies include Bovis Lend Lease, LMB Inc., New York Presbyterian Hospital, FMB Asset Management, Cushman and Wakefield Inc., Mack-Cali Realty, Arthur Anderson and Turner Construction Company, spokesmen said.

Amicucci is a member of the Institute of Real Estate Management (IREM), The Commercial Investment Real Estate Institute, The Appraisal Institute and The Apartment Owners Advisory Council (AOAC) of The Building and Realty Institute (BRI). Amicucci is also a member of the New York State Bar. He is a Certified Property Manager (CPM), a Certified Commercial Investment Member (CCIM) and a licensed real estate broker in New York State.

Spokesmen for the firm said that Amicucci Associates P.C. is strong in the construction lending sector for both the residential and commercial arenas. Officials said the firm can review contracts and arrange for construction financing on behalf of its clients.

Counsels’ Corner

Addressing Issues Related to Vacancy Increases

By Kenneth J. Finger, Esq., Carl L. Finger, Esq. and Daniel S. Finger, Esq., Finger and Finger, A Professional Corporation, Chief Counsel, Builders Institute (BI)/Building and Realty Institute (BRI)

WHITE PLAINS

Last year, the Appellate Division in Manhattan sent shock waves through the real estate industry by holding that an Owner subject to the Rent Stabilization Law (RSL, only in New York City) could not effectuate a deregulation of an apartment by an increase in rent for the tenant following a vacancy, even if the increase was over the statutory threshold (at that time \$2,000.)

In the Altman case, even though the tenant had agreed that the rent was over the \$2,000, the Court said that the agreement was void as against public policy where the tenant had agreed to a rent over the \$2,000. The Court held that the tenant was still subject to rent stabilization and was entitled to a refund of the rent overcharge.

The Rent Stabilization Statutes (RSL - New York City and the Emergency Tenant Protection Act (ETPA) - Westchester, Rockland and Nassau) provide that owners are entitled to increase the rents of their rent-regulated apartment units after they improve the units through a Major Capital Improvement (MCI) or Individual Apartment Improvement (IAI). (See RSL § 26-51(c)(13); ETPA § 8626(d)(1)-(3).)

Moreover, they are entitled to do so on top of the vacancy increase of 20 percent. Also, and more significantly for the purpose of this article, the Rent Stabilization Statutes, prior to the Altman case, permitted a Rent Regulated Owner to increase the rent of an apartment after it becomes vacant. (RSL § 26-51(c)(5-a); ETPA § 8630(a-1).)

A Rent Regulated Owner’s right to a “Vacancy Increase” has long been honored, even when DHCR has served the Rent Regulated Owner with a “rent reduction order” (i.e., an order that requires the Rent Regulated Owner to decrease the rent due to a lapse in services).

In fact, the Division of Housing and Community Renewal (DHCR) itself previously admitted that its “prior position” - i.e., of allowing MCI and vacancy rent increases even if there was an outstanding service reduction - “was consistent with [DHCR’s] understanding that a failure to otherwise comply with the RSL did not affect the ability to collect [vacancy, longevity and MCI] increases.” This was the law, without question, until Altman.

In 2015, the Appellate Division in New York, by its Altman decision, appeared to overturn the above and held that a tenant was still subject to rent stabilization even if the rent increased as a result of the vacancy to above the statutory threshold. The essence of this decision was that an apartment could not become deregulated just by raising the rent after it was vacant, but it had to reach the threshold during a tenancy. Therefore, even though a Landlord could raise the rent to above the threshold after a vacancy, the next tenant was still protected by the various rent stabilization laws and there would have to be a second vacancy before the apartment could be decontrolled.

This decision, while only applicable in New York and Bronx counties, was a significant precedent for applicability in Westchester, Rockland and Nassau.

However, all was not lost for landlords seeking a way out of the Altman morass. First, shortly after Altman, in Aimco 322 East 61st Street, LLC v. Brosius, an intermediate appellate court in New York (a court lower than the Altman court) declined to follow Altman.

In that case the Appellate Term held that the tenant was not automatically entitled to rent stabilization coverage in a case with similar factual circumstances as Altman. The Court there pointed to language in the RSL that referenced high rent deregulation on another ground, as to “housing accommodation [that] is or becomes vacant.” The court there specifically stated that increases in rent for post vacancy improvements count to bring the legal rent above the luxury decontrol threshold (citations omitted).

The Court distinguished Altman by stating that in Altman, the Court only relied on the first basis for decontrol, not the second.

Moreover, in a recent case (Dec.8, 2016), the Appellate Term again declined to follow Altman, holding that the subject apartment was deregulated before the tenant took occupancy and that the legal rent was established by the 20 percent vacancy increase allowance after the vacancy which brought the subject rent to over the \$2,000 luxury decontrol threshold then in effect.

This court looked at the statutory interpretation (Governor’s Bill Jacket, 1997 N.Y.Laws, ch.116) to support its finding and stated that the intent was to grant such increases when rents received the threshold, even if when post-vacancy.

Therefore, we have the anomalous situation of two lower appellate courts specifically declining to follow a higher appellate court - a situation that hopefully would lead the higher appellate court, when lower court cases get to the higher appellate court, to take another, and hard look, at its Altman decision and decline to follow or expand it. We can only hope.

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



Ken Finger



Carl Finger



Dan Finger

“Therefore, we have the anomalous situation of two lower appellate courts specifically declining to follow a higher appellate court - a situation that hopefully would lead the higher appellate court, when lower court cases get to the higher appellate court, to take another, and hard look, at its Altman decision and decline to follow or expand it. We can only hope.”

Buyers Are Now Willing to Trade Square Footage for Amenities, Building & Realty Industry Report Shows

By Jeff Hanley, IMPACT Editor

WASHINGTON, D.C.

The average size of newly built homes decreased in 2016, a sign that the home building industry is preparing for the coming wave of first-time buyers as Millennials begin to dip their toes into the market. Those findings were in a building and realty industry report from The National Association of Home Builders (NAHB) that was released on Jan. 12, association officials said. In 2015, the typical new home had 2,689 square feet. In 2016, it dropped to 2,634, according to figures supplied by the U.S. Census Bureau and contained in the NAHB report. The figure represents the first drop in size since 2009, according to Rose Quint, NAHB’s assistant vice president for survey research. “The data on new home characteristics show a pattern,” she said in the study. “2016 marked the end of an era that began in 2009, when homes got bigger and bigger with more amenities. I expect the size of homes to continue to decline, as the demand (for amenities) increases from first-time buyers.”

Specifics

The NAHB report said that those homes must include specific amenities. A separate laundry room tops the list of must-haves across all income groups. Energy-efficient features, like low-E windows, Energy Star-rated appliances, ceiling fans and programmable thermostats, are also at the top of buyers’ wish lists. Home buyers also want their homes to have a patio, exterior lighting and a full bath on the main level, the NAHB report added. Some features not as popular among buyers in 2017 will include cork flooring and solar and geothermal energy, as well as features such as pet-washing stations, outdoor kitchens and sunrooms, the NAHB study said. “Builders are not going to include them in the average home,” Quint said.

Preferences

A majority of home buyers say they would prefer a new home to an existing home, the NAHB report said. A total of 65 percent of those home buyers want that home to be in the suburbs. Size preference goes up as income goes up, with buyers in the \$150,000-plus income bracket preferring homes around 2,500 square feet. But no matter what the income, buyers overwhelmingly prefer a smaller house with more features and amenities over sheer size, the NAHB study added. “More than two-thirds are willing to trade size for high-quality products and features,” Quint said. The NAHB report said that new research from Better Homes and Gardens targets a subset of these home owners – “First Millennials,” those between the ages of 22-to-39 who are living in their first home.

Those first-time home buyers generally purchase older housing stock in need of fixing up, said Better Homes and Gardens Executive Editor Jill Waage in the NAHB study. The trend means that “88 percent of them are very interested in learning about home improvement and repair,” she stressed in the NAHB report. Added Waage: “They don’t want to spend too much money, and they are willing to wait for high-quality products and finishes until their next home. They’re scarred, from the recent economic downturn, but they aren’t scared.” The NAHB report added that, surrounded by a culture that watches home improvement reality shows and how-to videos on social media - and remembering their parents’ experiences in the Great Recession – “First Millennials” overwhelmingly prefer do-it-yourself projects, according to Waage, even if they ultimately have to turn it over to a professional to complete. “Amenities for outside living continue to be popular and increasingly include ‘she sheds,’ stand-alone buildings from a kit or built onsite to be used for outdoor entertaining, crafting, reading or just to get away,” Waage said. “Seventy-five percent of Millennials want relaxing outdoor spaces, and vegetable gardens, and fences and decks top their list of projects.” But, the NAHB study said, it’s all about value, as the “Millennials Group” thinks ahead to building equity to enable them to purchase their next home. “And when that happens, they aren’t looking for oversized master suites or over-the-top finishes - they want mud rooms, that important separate laundry room, and plenty of gathering space,” Waage said. “This generation likes being together. They don’t want to be separate.” The NAHB study was sponsored by Reverse Mortgage Funding (RMF), a company interested in serving the needs of baby boomers as they consider what they want in their homes, NAHB officials said. “We are excited by the conclusions outlined in the research and believe the patterns uncovered will benefit our company and the entire real estate industry,” said Rob Cooper, RMF’s national director for its Builder/Realtor Home Equity Conversion Mortgage for Purchase Program.

A Local Look

Gus Boniello, a former president of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region and a current member of the organization’s Board of Trustees, said the NAHB report was on target. “Our industry, in recent years, has seen a series of changes, and the findings of the NAHB study illustrate a definite series of current changes and trends,” said Boniello, a senior partner with Boniello Development of Katonah. “The results of the study are accurate.”

How Insurance Company Mergers Have Affected the Building and Realty Institute’s (BRI’s) Membership, Continued from p. 2

Nope! ACE now owns Chubb, and wisely has decided to use the venerable, pristine “Chubb” name for all operations of the combined company. The Combination So what happens when two insurance companies combine into one? Usually, a reduction of competition is bad news for the consumer, but not always. Here’s an opinion of how a few of these mergers/acquisitions have affected BRI members:

ST. PAUL/TRAVELERS MERGER (2004) This merger created the second-largest insurance carrier at the time (second only to AIG). BRI members may have had their homes, autos, buildings, and/or businesses insured by either St. Paul or Travelers, so this deal effectively eliminated a competitive option for both personal and commercial insurance. On the positive side, the combined company - now known as The Travelers Companies - experienced incredible growth, and now offers consumers many more insurance products, and insures a wider variety of industries. BRI member companies now rely on Travelers as a leading provider for construction contractors insurance, construction bonding, and condo/co-op/apartment/Home Owners Association (HOA) insurance (including Package, Directors and Officers (D&O), and Crime policies).

TOKIO MARINE ACQUIRES PHILADELPHIA INSURANCE (2008) Condominiums, cooperatives, and HOA’s had cause for concern when Tokio Marine, Japan’s largest insurance company, acquired Philadelphia Insurance Companies for \$4.7 billion in 2008. In the years leading-up to the acquisition, Philadelphia had earned a significant share of the habitational real estate market by providing broad coverages at reasonable

(and sometimes ultra-competitive) premiums. Perhaps Philadelphia was consciously writing policies at low premiums, to just build-up its worth, ahead of being acquired; or perhaps the new owners didn’t like the prospects for the habitational real estate book of business. Whatever the cause, following Tokio’s acquisition, Philadelphia rapidly tightened its underwriting standards, and increased pricing. While Philadelphia is still a significant player in the New York habitational real estate market, insuring many BRI-member condos, co-ops, and HOAs, it is no longer the “hot ticket” carrier it was, prior to being acquired by Tokio Marine. **NATIONWIDE ACQUIRES HARLEYSVILLE (2012)** This is a somewhat similar story to Tokio/Philadelphia. Prior to being acquired by Nationwide, Harleysville was a major regional insurance carrier, insuring a wide variety of BRI members, including condos, co-ops, HOA’s, apartments and commercial buildings. Perhaps most importantly, Harleysville served the underserved construction subcontractor and general contractor segments, providing high-quality insurance at very reasonable premiums. Now four years post-merger, Harleysville still insures real estate and construction risks, but underwriting has become more strict, and the carrier has in some cases non-renewed what it now considers bad risks, relative to its tighter underwriting standards. Many contractors who have recently been non-renewed, or have experienced price increases from Harleysville, are disappointed to find that other carriers will not meet the low premiums offered by Harleysville, before it was acquired by Nationwide.

TOWER MERGED WITH/ACQUIRED BY AMTRUST (2014) In the early 2000’s, Tower Insurance was hot. As a publicly traded company with an aggressive growth plan to fuel its stock price, Tower

competitively insured a diverse range of insurance from habitational real estate, to contractor’s commercial auto, workers compensation, and even contractors. Many BRI members were insured by Tower. But, in part because Tower’s prices were too competitive relative to losses, and/or because it failed to properly reserve for claims, the company’s growth and success came to an abrupt end in 2014, when it lost its AM Best ‘A-’ rating, and almost went bankrupt, before being merged with/acquired-by AmTrust. Following some post-acquisition disorganization, BRI members are benefiting from AmTrust’s interest in maintaining positions in many of the insurance markets that Tower used to write. **CHUBB ACQUIRED BY ACE (2015)** For decades, the name “Chubb” had been synonymous worldwide with reliability and stability for policyholders. If you wanted to protect your valuable assets (home, auto, jewelry, artwork, etc.) with an insurance carrier known for paying claims fully and without hassle, Chubb was your company. Chubb was also a solid option for various types of commercial insurance. Then, on Jul. 1, 2015, the insurance world was turned upside-down, when the most respected name in the insurance business was acquired by insurance giant, ACE (headed by Evan Greenberg, son of Hank Greenberg of AIG fame). Before ACE acquired Chubb, most people had never heard of ACE. And, they may never hear of ACE again, because ACE wisely assumed Chubb’s name, soon after the acquisition. The most obvious impact of this acquisition was that ACE, a recent entrant into the high-end personal insurance industry, had eliminated its biggest competitor. Importantly, ACE had also eliminated another high-end personal insurance competitor in 2014, when it purchased Fireman’s Fund’s personal

insurance business from Allianz. When one player takes-out two of its biggest competitors over a two-year period, it’s usually not good for consumers. While the “new” Chubb appears to be continuing to uphold its traditional reputation for outstanding claims service, high-end personal insurance renewal premiums have been increasing in the range of 5-10 percent during the past two years.

A State of Change Like any other industry, the insurance industry is in a constant state of flux, and mergers/acquisitions play an important part. Sometimes, these transactions help policyholders, including BRI members, such as when a financially-sound carrier acquires a failing carrier on the brink of insolvency, thus avoiding turmoil for policyholders, especially those in the midst of a claim settlement with the failing company. Sometimes, these transactions hurt, in particular when viable competitors are removed from the marketplace. It’s difficult to know what changes (pricing, non-renewals, etc.) are a direct result of a merger/acquisition, versus other market conditions. Regardless, mergers and acquisitions are part of our free-market economy, an economy from which, most agree, we all benefit. For more information on the best carrier options for your personal and business insurance, contact your broker, or Levitt-Fuirst Associates, at (914) 457-4200.

Editor’s Note: Levitt-Fuirst Associates is the Insurance Manager for The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. The firm can be reached at (914) 457-4200.



IN YONKERS - Ludlow Commons, an eight-story, 71-unit development in Yonkers, held a “topping-off” ceremony on Nov. 10. The development is being built by Westhab, a non-profit developer, and Lasberg Construction Associates Inc. of Armonk (the project’s general contractor), officials said. Spokesmen termed the development as an affordable housing complex for seniors. Pictured at the Nov. 10 event are, from left to right, Lee Lasberg, president of Lasberg Construction Associates; Michael Spano, mayor of Yonkers; and Richard Nightingale, executive director of Westhab. Lasberg is a member of the Board of Trustees of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and the Mid-Hudson Region. Lasberg Construction Associates has been a member of the BI-BRI since 1977, association officials said.

A Review of an Impressive “Numbers Game!,” Continued from p. 2

And, one final message to the CCAC membership – please know that the CCAC’s Board of Directors, as well as its staff and the staff of the BRI, will continue their respective efforts to move all the positive “numbers” the CCAC achieved in 2016 into 2017.

A Happy and Healthy New Year to all!

Editor’s Note: The CCAC is a realty industry membership organization that represents more than 400 co-ops and condos in the Westchester and Mid-Hudson Region. The CCAC is an affiliate organization of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI). The BRI has more than 1,400 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction industry. Further information on the CCAC and the BRI can be found at www.buildingandrealtyinstitute.org, or by calling (914) 273-0730.

Building and Realty Industry Spokesmen Mourn the Recent Death of Iconic Attorney Stuart R. Shamberg, Continued from p. 1

The e-mail said that a memorial service for Shamberg was planned for “the near future” in Mystic, Conn.

“Stuart Shamberg was a fighter for our industry,” said Albert Annunziata, executive director of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and the Mid-Hudson Region. “His accomplishments on behalf of the industry most definitely speak for themselves. Those accomplishments will always be remembered. Stu was also a definitive gentleman.”

Annunziata announced Shamberg’s death to the Board of Trustees of the BI-BRI at the board’s meeting on Jan. 5 at Crabtree’s Kittle House Restaurant and Inn in Chappaqua. Shamberg served the BI-BRI in a series of roles in the 1980’s and 1990’s. He was the association’s litigation counsel during that span.

A link from Shamberg Marwell Hollis Andreyck & Laidlaw, P. C. to a New York Times obituary was contained in the firm’s e-mail that announced Shamberg’s death. The Jan. 5 obituary noted that Shamberg died at the age of 90.

The obituary said Shamberg was born on Apr. 4, 1926 in New Rochelle. After graduating from New Rochelle High School in 1944, the obituary said that Shamberg joined the U.S. Navy and served in World War II.

Upon his discharge from the U.S. Navy, the obituary said that Shamberg attended Cornell University on the G.I. Bill. It added that he graduated in 1951 and returned to Cornell University

to obtain his law degree in 1954. The report said that Shamberg worked his way through college and law school with various jobs.

The obituary termed Shamberg as “a prominent land use lawyer in Westchester County.” The report said that Dan Hollis, a longtime partner of Shamberg, termed him “as a giant of a man, and our profession. He created, and left, a legacy of excellence for our firm which we are all duty bound to pass forward.”

The obituary added that Shamberg was “known and was respected for many progressive changes and steps forward in land use in Westchester County and the metro New York area.”

Among them, the obituary said, is the 1976 New York Superior Court case, Berenson v. the Town of New Castle. The Berenson case effectively eliminated exclusionary zoning in the State of New York, the report said.

The obituary added that Shamberg “was a family man of greatness, and his spirit will live on within his family members, his many friends and all those at Shamberg Marwell, et. al.”

Myron Marcus, associate counsel for the BI-BRI and its chief counsel from the early 1960’s to 2001, said Shamberg and his achievements on behalf of the building and realty sector will never be forgotten.

“Stu was an icon of the industry, as well as a tremendous leader for our industry,” Marcus said. “He was something special, as an attorney, and as a person.”

A 2016 Membership “Round-Up”
By Maggie Collins, Director of Membership
Building and Realty Institute (BRI)



WHITE PLAINS

As I look back it really is hard to believe that 11 months have elapsed since I began as Director of Membership and Advertising for The Builders Institute (BI)/The Building and Realty Institute (BRI).

To say the least, it has been a whirlwind year, all over the map. The ‘Map’ is interesting to look at, tracing the journey we’ve embarked upon. It’s analogous to a busy Road Trip, but, more appropriately, I’d say we’ve created a blueprint, built upon a healthy, strong, sturdy foundation, framed it out and added some finishing touches.

Let’s think of it as a remodel, with a couple of additions while we consider our initiatives, efforts and progress thus far.

Take the not-so-lowly “Name Tag,” for instance. An under-appreciated asset? It was foundational for my getting to know you, and most importantly, your names! The added flourish was to award a \$100 raffle winner at our General Membership Meetings – a simple way of securing the return of your Name Tag.

The remodeling/renovation/facelift/redesign of our flagship newspaper, IMPACT, has been thrilling – a handsome addition in a class by itself. It deserves this elegant design which sets off and highlights the excellent, relevant, robust content.

Our Media Kit received a bright blue, glossy, updated new look with revised specifications and rate structures. We moved onto a beautiful redesign of our membership packet, expanding its content, creating a fresh, attractive traditional marketing device and communications vehicle.

As one initiative built upon the next, the “project” just became more ambitious as we moved out into another realm with advertising and publicity. Membership Recruitment Events at the Yonkers Brewery and another at the Peekskill Brewery raised our profile.

Celebrating the 70 anniversary of the formation of our organization became the overarching I-beam to which all else could connect – publicity, advertising, our 70th Anniversary Party at Glen Island Harbor Club in New Rochelle on Apr. 21, and our aggressive Membership Recruitment Initiatives (up year-over-year by 15 percent!).

Mid-year, we began building the Member-to-Member Incentive Program with the help of the BRI’s President, Carmelo Milio, and our member firm, PGM Marketing. This exciting endeavor will be ongoing.

Yet another ‘no small thing’ initiative of redesigning the BRI website is now concluded! If you have not logged on lately, please do so at buildersinstitute.org/member-services/incentives/.

The beginning of our charitable alignment with the SHORE organization (Sheltering the Homeless is Our Responsibility) in February at a “Share a Meal with Friends” luncheon at Sam’s of Gedney Way in White Plains, is yet another initiative that makes perfect sense for the BRI. A large contingent of our Board of Trustees participated in the Feb. 24 event.

Jeff Hanley, associate executive director of the BRI, and Michele Lavarde, a member of the Board of Directors of The Cooperative and Condominium Advisory Council (CCAC) of the BRI, attended SHORE’s annual fundraiser on Jul. 13 at the Orienta Beach Club in Mamaroneck to represent our association at the program. The BRI was a major sponsor of the event.

Our overarching aim in all of this, of course, is bringing new members into our ranks!

Our point of departure in January of 2016, or ground breaking, you may want to say, started with “Name Tag Ending” and, impressively continued through almost nine months later with our Oct. 13 Vendor Showcase. That event was a huge success, with more than 175 members of the building, realty and construction industry participating. It has been non-stop motion, sometimes at a withering pace!

But, as any proud builder, remodeler, or member of the building, realty and construction industry can tell you, we are gratified to say that “we haven’t lost a day on the job!”

An Additional Member to Our Incentive Program

We are happy to report that a new entity has joined our Member Incentive Program – New Crystal Restoration of Port Chester. The firm is no stranger to the members of our association. Lisa Cordasco, a principal of New Crystal Restoration, is a member of the Board of Trustees of the BRI.

Here is what the company offers in terms of Member-to-Member Incentives: Complimentary Consultation and or Site Assessment of Fire/Water Damage, Mold Remediation and Asbestos Abatement Services. The firm is a certified NYS/NYC WBE. It offers 24/7 Emergency Services. It features green, non-toxic products.

The Builders Institute (BI)/
Building and Realty Institute (BRI)

Welcomes its Newest Members

Gotham Signs and Graphics

Hi Fab, LLC

Sagres Industries, Inc.

Sienna Construction, LLC

Sun Blue Energy

A Look Back at a Memorable 2016

Remembering the 70th Anniversary Celebration of The Builders Institute (BI)/Building and Realty Institute (BRI)

By Jeff Hanley, IMPACT Editor

ARMONK

Members of The Builders Institute (BI)/Building and Realty Institute (BRI) attended more than 65 major meetings and seminars of the organization in 2016, a year that marked the 70th anniversary of the formation of the association.

From the organization's General Membership Meetings, to the Membership Meetings of its component groups, and to the seminars and social events of the association, there was no shortage of programs for BI-BRI members throughout 2016.

Most of those meetings and programs were dedicated to the key issues facing the building, realty and construction industry in the Westchester and Mid-Hudson Region, but a series of events were scheduled as part of the commemoration of the 70th anniversary of the founding of the BI-BRI.

"The year of 2016 will definitely be

remembered by our members for the outstanding events our organization coordinated as part of our 70th birthday celebration," said Albert Annunziata, executive director of the BI-BRI. "Those events included our April 21 Birthday Bash at Glen Island Harbour Club in New Rochelle, our Jun. 23 Membership Networking Reception at Anglebrook Golf Club in Lincolndale, our Sep. 26 Golf Outing at Willow Ridge Country Club in Harrison and our Oct. 13 Vendor Showcase at the Crowne Plaza Hotel in White Plains. Our members were very pleased with how the anniversary of the BI-BRI was marked."

The BI-BRI was formed as The Home Builders Association of Westchester (HBAW) on Feb. 11, 1946. On Mar. 11, 1959, the HBAW opted for a name change, a revision that resulted in the birth of The Builders Institute of Westchester and Putnam Counties, Inc. It also set in motion the evolution of what is currently the BI-BRI.

In 1971, The Apartment Owners Advisory Council (AOAC) of the BI-BRI was formed, providing the BI-BRI with its first major realty component. The AOAC represents Owners and Managers of rental apartment buildings and com-

plexes throughout Westchester.

Another major realty component of the BI-BRI was formed in 1979 – The Cooperative and Condominium Advisory Council (CCAC) of Westchester and The Mid-Hudson Region. The CCAC represents boards of directors of co-ops and condos.

The Advisory Council of Managing Agents (ACMA) of the BI-BRI was created in 1985. ACMA represents property managers of co-ops, condos and rental apartment buildings and complexes.

The BI-BRI, based in Armonk, currently has six component associations. In addition to the AOAC, CCAC and ACMA, the BI-BRI is also composed of The Home Builders Advisory Council (HBAC), The Commercial Builders Advisory Council (CBAC) and The Remodelers Advisory Council (RAC).

Members of the BI-BRI are involved in virtually every sector of the building, realty and construction industry. The association, based in Armonk, has more than 1,800 members in 14 counties of New York State.

A Photo Montage of some of the 2016 events of the BI-BRI is featured in this section.



The Building and Realty Institute (BRI) held its inaugural Vendor Showcase on Oct. 13 at The Crowne Plaza Hotel in White Plains. A total of 37 exhibitors presented their products and services to more than 170 BRI members and representatives of the building, realty and construction industry who attended the event. Many sectors of the industry were represented at the program, BRI officials said. Event officials termed the showcase as a highly successful event based on what they said was "a tremendously positive response" from both exhibitors and attendees. Pictured is a portion of the showcase floor during the program. *Photo by Barbara Hansen.*



"An Update on The Construction of The New Tappan Zee Bridge" was the topic of the Nov. 17 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI). More than 55 representatives of the building, realty and construction industry attended the program at the Crowne Plaza Hotel in White Plains. Pictured during the event are, from left to right, Maggie Collins, director of membership for the BI-BRI; Dan Marcy (keynote speaker), community relations specialist, The New NY Bridge Project of the New York State Thruway Authority; Jane Curtis, board member, BI-BRI; Michele Lavarde, board member of the Cooperative and Condominium Advisory Council (CCAC) of the BI-BRI; Jeff Hanley (program moderator), associate executive director of the BI-BRI; and Diana Virrill, chair, CCAC, and board member of the BI-BRI.

Photo by Barbara Hansen.



The Builders Institute (BI)/Building and Realty Institute (BRI) was a sponsor of the Annual Awards Dinner/Anniversary Commemoration of The Westchester Hudson Valley Chapter of The American Institute of Architects (AIA). The event - entitled "Soiree 80" - was held on Dec. 5 at The Capitol Theater in Port Chester. Pictured during the program are, from left to right, Michele Lavarde, a board member of The Cooperative and Condominium Advisory Council (CCAC) of the BI-BRI; Peter Gaito, Jr., an AIA member; and Jeff Hanley, associate executive director of the BI-BRI. *An Impact Staff Photo.*



The Advisory Council of Managing Agents (ACMA) of The Building and Realty Institute (BRI) was well-represented at the Sep. 26 Golf Outing of the BRI. Pictured during the dinner portion of the event at Willow Ridge Country Club in Harrison are, from left to right, Jeff Stillman, vice chair, ACMA; John Bonito, vice chair, ACMA; and ACMA Board Member Bob Lupica. More than 80 members of the building, realty and construction industry participated in the event, BRI officials said. *Photo by Jeff Hanley.*



Eric Messer, vice chair of The Remodelers Advisory Council (RAC) of The Building and Realty Institute (BRI), is pictured moments after scoring a hole-in-one on the second hole at the BRI's Annual Golf Outing. The outing was on Sep. 26 at Willow Ridge Country Club in Harrison. *Photo by Bill Balter.*



The continuing call of the business sector for reforms to New York State's "Scaffold Law" was the topic of the Feb. 11 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI). More than 70 members of the building, realty and construction industry attended the program at The Crowne Plaza Hotel in White Plains. Pictured during the event are, from left to right, Albert Annunziata, executive director, BI-BRI; Matthew Pepe, executive director of The Construction Industry Council (CIC) and the Building Contractors Association (BCA); Tom Stebbins (the program's keynote speaker), executive director of The Lawsuit Reform Alliance of New York; and Jason Schiciano, co-president, Levitt-Fuirst Associates, insurance manager for the BI-BRI. *Photo by Barbara Hansen.*



More than 70 members of the building, realty and construction industry attended the Feb. 11 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI). The continuing call of the business sector for reforms to New York State's "Scaffold Law" was the topic of the program. Pictured during the conference are, from left to right, Jason Schiciano (speaker), co-president, Levitt Fuirst Associates, the insurance manager for the BI-BRI; Jeff Stillman, vice chair of The Advisory Council of Managing Agents (ACMA) of the BI-BRI; John Bonito, vice chair, ACMA; and David Amster, chair, ACMA. The meeting was at The Crowne Plaza Hotel in White Plains. *Photo by Barbara Hansen.*



More than 85 members of The Builders Institute (BI)/Building and Realty Institute (BRI) attended the association's Mar. 10 General Membership Meeting. "An Economic Overview" was the topic of the event at The Crowne Plaza Hotel in White Plains. Dr. Robert Goodman, a noted economic analyst, was the keynote speaker at the conference. Goodman is pictured at the podium during his presentation. *Photo by Jeff Hanley.*



Westchester County Executive Rob Astorino presented The Builders Institute (BI)/Building and Realty Institute (BRI) with a special proclamation in April to help mark the 70th anniversary of the formation of the association. Adam Rodriguez, director of real estate for Westchester County, presented the proclamation to the BI-BRI at its 70th Birthday Bash on Apr. 21 at The Glen Island Harbour Club in New Rochelle. Astorino was unable to participate in the presentation ceremony due to his Annual State of the County Address. Pictured after the presentation on Apr. 21 are, from left to right, Albert Annunziata, executive director, BI-BRI; and Rodriguez. *Photo by Barbara Hansen.*



The Builders Institute (BI)/Building and Realty Institute (BRI) commemorated the 70th anniversary of its formation on Apr. 21 with a Birthday Bash at Glen Island Harbour Club in New Rochelle. More than 185 members of the building, realty and construction industry attended the event. Pictured during the Dinner Portion of the celebration are, from left to right, Marin Milio; Carmelo Milio, president, BI/BRI; Michael Murphy, BI-BRI member; and BI-BRI Board Members Eric Messer and Eric Lashins (also a past president of the BI-BRI). *Photo by Barbara Hansen.*



The Builders Institute (BI)/Building and Realty Institute (BRI) was a major sponsor of The "SHORE and I Care Midsummer Dinner" on July 13. SHORE is the acronym for Sheltering the Homeless Is Our Responsibility, an all-volunteer, interfaith, not-for-profit housing organization that provides housing-related programs for the homeless. The dinner was at the Orienta Beach Club in Mamaroneck. Pictured during the event are, from left to right, Michele Lavarde, a member of the Board of Directors of The Cooperative and Condominium Advisory Council (CCAC) of the BI-BRI; Rose Noonan, executive director of The Housing Action Council; Jeff Hanley, associate executive director of the BI-BRI; and Susan McCarthy, chair of the Board of Directors of SHORE. *An Impact Staff Photo.*



Westchester County Executive Rob Astorino was the keynote speaker at the May 12 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI). Astorino issued an update on key issues affecting the building, realty and construction industry, as well as the county. A total of 101 BI/BRI members attended the event at The Crowne Plaza Hotel in White Plains. Pictured during the program in the front row, from left to right, are Ken Nilsen, BI-BRI board member; Astorino; Eric Abraham, chairman, BI-BRI; and Angelo Ponzi, vice chair of The Cooperative and Condominium Advisory Council (CCAC) of the BI-BRI. Pictured in the back row, from left to right, are Albert Annunziata, executive director, BI-BRI; and Michael Beldotti, board member, BI-BRI. *Photo by Barbara Hansen.*



A review of the important steps that Boards of Directors of co-ops and condos should take during Major Capital Improvement Processes on their respective buildings and complexes was the topic of the Jun. 14 membership meeting of The Cooperative and Condominium Advisory Council (CCAC). A total of 76 members of the CCAC and its affiliate organization, The Building and Realty Institute (BRI), attended the program at The Crowne Plaza Hotel in White Plains. Pictured during the event's panel presentation are, from left to right, Panel Members Barry Korn, Barrett Capital; Mario Mouzouris, Merritt Engineering; Vincent Mutarelli, Capital One; Rich Williams, Insite Engineering; Gregg DeAngelis, a member of The Westchester/Hudson Valley Chapter of The American Institute of Architects (AIA); and Pat Clair, Levitt Furst Associates (insurance manager for the CCAC/BRI). Jeff Hanley (not pictured), associate executive director of the BRI/CCAC, served as the event's moderator. *An Impact Staff Photo.*



Members of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region attended a May 10 seminar on the benefits of electric vehicles to the building, realty and construction industry. The program was entitled "Electric Vehicle (EV) Charging: The Basics and Beyond." It was at the Mamaroneck Self Storage facility in Mamaroneck. The seminar was sponsored by ChargePoint, BI-BRI Member Power Performance Industries (PPI) and Mamaroneck Self Storage. Pictured at the event, from left to right, are Bill Demersky, PPI; Ryan Bakley, director of sales at ChargePoint for the tri-state area; BI-BRI Member Michael Murphy of the New Project Development Division of Murphy Brothers Contracting; and Jeff Hanley, associate executive director of the BI/BRI. The quartet is pictured around a ChargePoint model charging station. ChargePoint works with organizations and business groups to develop effective, scale-able EV charging solutions, event officials said. *Photo by Peter Krupenye.*



New York State Workers Compensation Group 530, the compensation insurance group for the Building and Realty Institute (BRI), announced a 20 percent dividend for its membership in May. The announcement was made at the group's Annual Meeting on May 23. Pictured during the meeting are, clockwise from top, John Holzinger, chairman of the Executive Committee of Group 530; Robin Steiner, a member of the Executive Committee of Group 530; Maggie Collins, director of membership, BRI; Gerry Pinto of the New York State Insurance Fund; Donna Premuto and Linda Cannistraci of Levitt-Furst Associates; and John Bonito, a member of the Executive Committee of Group 530. The meeting was at the former Yonkers offices of Levitt-Furst Associates. Levitt Furst Associates is the manager of Group 530 and the insurance manager for the BRI. The firm is now based in Tarrytown. *An Impact Staff Photo.*

A Look Back at a Memorable 2016

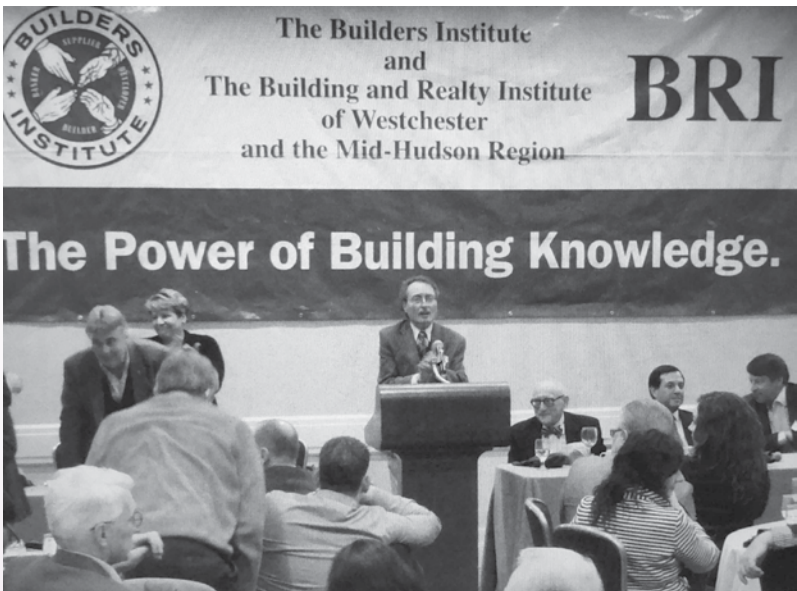


“Issues Affecting the Rental and Affordable Housing Markets In Westchester and The New York City Area” was the topic of the Jun. 9 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI). More than 60 BI-BRI members attended the program at the Crowne Plaza Hotel in White Plains. Pictured at the event are, from left to right, Frank Cerbini (speaker), vice president of business development for The NHP Foundation; Ken Finger, Esq. (speaker), chief counsel to the BI-BRI and a principal of Finger and Finger, A Professional Corporation; Norma Drummond (speaker), deputy commissioner of planning for Westchester County; Albert Annunziata, executive director, BI-BRI; and Brian McCarthy (speaker), executive vice president, Samson Management and a member of the Board of Trustees of the BI-BRI. McCarthy was also a 2016 Vice Chair of the BRI’s Apartment Owners Advisory Council (AOAC). *Photo by Barbara Hansen.*



The Building and Realty Institute (BRI) and Fidelity National Title Insurance Company of New York were joint sponsors of a Jun. 23 reception for building, realty and construction industry members. More than 40 members of the building, realty and construction sector attended the networking event at The Anglebrook Golf Club in Lincolndale. Pictured during the reception are, from left to right, Event Hosts and BRI Staff Members Margie Telesco (office manager); Maggie Collins (director of membership); and Jane Gill (controller). *Photo by Barbara Hansen.*

The Building and Realty Institute (BRI) and Fidelity National Title Insurance Company of New York were joint sponsors of a June 23 reception for building, realty and construction industry members. Pictured at the event are, from left to right, Brett La Rocque, board member of the BRI; BRI member John Santacroce; Jane Gill, event host and controller of the BRI; and BRI Member Bill Demersky. Santacroce and Demersky are with Power Performance Industries (PPI), a BRI member. More than 40 members of the building, realty and construction industry attended the networking event at The Anglebrook Golf Club in Lincolndale. *Photo by Barbara Hansen.*



“Challenges and Obstacles to Home Building in Westchester and Fairfield (Conn.) Counties - A Comparative Look” was the topic of the Apr. 14 General Membership Meeting of The Builders Institute (BI)/Building and Realty Institute (BRI). The event featured representatives of the BI-BRI and The Home Builders and Remodelers Association of Fairfield County (HBRA) in a comprehensive panel discussion on current conditions facing builders and developers in Westchester and Fairfield counties. More than 80 representatives of the local building, realty and construction industry attended the event at The Crowne Plaza Hotel in White Plains. Pictured, standing, at the beginning of the program are Albert Annunziata (at the podium), executive director of the BI-BRI; and Gina Calabro (to Annunziata’s right), executive director of the HBRA. Annunziata and Calabro were co-moderators of the event. *Photo by Barbara Hansen.*



Representatives of some of the leading business membership groups in the Westchester and Mid-Hudson Region attended the Oct. 13 Vendor Showcase of The Building and Realty Institute (BRI). Officials from the Westchester and Mid-Hudson Chapter of The American Institute of Architects (AIA) and the BRI were among those officials. Representatives of those groups, pictured at the event, are, from left to right, Peter Gaito, Sr., AIA; John Fry, AIA; Albert Annunziata, executive director, BRI; Peter Gaito, Jr., AIA; Gregg DeAngelis, AIA; and Eric Abraham, chairman, BRI. *Photo by Barbara Hansen.*



New York State Workers Compensation Group 458 of The Builders Institute (BI) held its Annual Meeting on June 1. Pictured at the event are, from left to right, Jason Schiciano, a principal of Levitt-Fuirst Associates, manager of Group 458; Lew Rapaport, chairman of the Executive Committee of Group 458; 458 Executive Committee Members Lee Lasberg and Eric Messer; and Ken Fuirst, principal, Levitt-Fuirst Associates. Levitt-Fuirst Associates announced a 25 percent dividend for the policy year ending June 29, 2015 at the meeting. The dividend was in addition to the maximum 20 percent advance discount that group members are eligible to receive, 458 officials said. The meeting was at the offices of Component Assembly Systems in Pelham. *Photo by Jeff Hanley.*



More than 40 members of The Builders Institute (BI)/Building and Realty Institute (BRI) attended the association’s Sep. 15 seminar that covered the recent revisions to New York State’s Building Codes. John Drobysh, code compliance specialist I, Division of Building Standards and Codes (DBSC) of the Department of State (DOS), issued the update. Drobysh is pictured, standing, during his presentation. *Photo by Jeff Hanley.*



“Disaster Preparedness - What Property Managers and Owners Should Know” was the topic of the Sep. 21 Membership Meeting of The Advisory Council of Managing Agents (ACMA). More than 25 ACMA and Building and Realty Institute (BRI) members attended the program at The Crowne Plaza Hotel in White Plains. Stuart Bethell (pictured standing, during his presentation) of Fleet West Management Corp. was the keynote speaker at the program. ACMA, an affiliate organization of the BRI, is composed of the leading property management companies in the Westchester and Mid-Hudson Region. *Photo by Jeff Hanley.*

“Make No Small Plans...” President Trump Has Big Proposals for Our Nation’s Infrastructure, Continued from p. 1

many skyscrapers in Chicago.

All of this, and more, seals the association I make in my own mind between Burnham and Trump. Burnham’s most famous quote: “Make no small plans, for they do not have the magic to stir men’s blood...” seems to have been embraced by Trump himself.

So, with this somewhat grandiose backdrop of American construction history, let’s take a look at Trump’s big plans for the nation’s infrastructure needs. The details are, admittedly, sparse, but plans have to start somewhere, and here is Trump’s “vision” for our infrastructure.

Specifics

First we’ll look at the problems and key issues that he feels need addressing immediately, then we’ll examine the plans conceived to tackle those issues.

The key infrastructure-related precepts, issues and challenges that he has identified, are these:

1. Infrastructure Investment strengthens the country’s economic platform, makes the country more competitive, creates millions of jobs, increases wages and lowers the costs of goods/services for consumers;
2. Nationally, more than 60,000 bridges are considered “structurally deficient.” Traffic delays alone cost the U.S. economy more than \$50 billion annually.
3. There are approximately 2,000 water systems across all 50 states where testing has revealed excessive levels of lead contamination, and this just in the last four years. This includes over 300 systems that supply drinking water to schools and to day-care centers.
4. Trump cites the NAM - the National Association of Manufacturers’ - finding that the U.S. will lose more than 2.5 million jobs by 2025 if major improvements to our transportation systems are not made, and made soon.
5. If current trends continue in infrastructure neglect, NAM has estimated a 10-year funding gap amounting to a mind-boggling \$1 Trillion. Trump has maintained that this gap can be filled with what he describes as “innovative financing” programs generating a 10-to-1 R.O.I.

The Major Points

Peeling away Trump’s political invective and criticism of Hillary Clinton’s ideas on infrastructure (all of which is water under the bridge now, pun intended!), here are the major points constituting the President’s plans on restoring infrastructure, in all its forms, to its rightful place as the keystone to a strong and sustainable national economy:

- Pursue an “American Infrastructure First” policy, supporting investment in transportation, clean water, a modern/secure/reliable energy grid, state of the art telecom, cyber and other security-related infrastructure, and other pressing domestic needs. This would refocus government spending on American infrastructure and away from previous administrations’ emphasis on globalization;
- This “American Infrastructure First” focus and funding would result in the creation of thousands of new jobs in construction, steel manufacturing and related industries, products and services. New jobs translate into more disposable income, new tax reve-

nues, more prosperity.

- Harness “market forces” to help attract new private infrastructure investments and leverage new revenue sources and work with financing authorities, public-private partnerships and other “prudent” funding channels, resulting in a “deficit-neutral” funding system.
- Resurrect a bold, visionary plan for a cost-effective network of roads, bridges, tunnels, airports, railroads, ports, waterways and pipelines, citing the tradition of the Interstate Highway System back in the 1950’s.
- Work with Congress to modernize the nation’s airports and Air Traffic Control Systems.
- Reform the Federal Aviation Administration (FAA) and Transportation Security Administration (TSA) to better safeguard from terrorism and other threats.

“With the exception of (Thomas) Jefferson, we’ve never had another builder as President, until now. Builders build. The good ones not only build bridges and buildings, but enduring relationships, as well. Trump’s challenge is not only to rebuild this nation, but to “bind up the nation’s wounds.” It is the ultimate “art of the deal” if he can pull this off and govern well. Trump is full of surprises. It should be interesting.”

These points comprise the broad outlines of Trump’s infrastructure plans. There is also a regulatory aspect to his ideas, which recognizes the burden that some regulations, or over-regulations, can have on construction projects.

One of Trump’s ideas is to link increases in investment spending to reforms that are meant to streamline permits and approvals. The thinking being that these reforms, in turn, should improve projects’ delivery systems and cut wasteful spending.

Another idea is to employ “incentive-based” contracting to ensure that projects are on time and on budget (The Builders Institute (BI) has long advocated the need to streamline permits and the approvals process). Not by taking shortcuts or short-circuiting reviews, environmental or otherwise as required by law, but making the process fairer by clearly defining the responsibilities of all stakeholders in the process, and moving it forward to a conclusive decision, either thumbs-up or down.

The Road Ahead

All of Trump’s plans and proposed initiatives, as welcome as they are, as compelling as they are in the

face of the critical and dire condition the country’s infrastructure finds itself, will still face understandable and considerable scrutiny.

There will, no doubt, still be legitimate concerns to deal with: cost concerns, environmental and health concerns, legal concerns, to name but a few.

For example, Trump is also calling for the approval of private sector energy infrastructure projects - including pipelines and coal export facilities - to better “connect” American coal and shale-oil energy production with markets and consumers. The legal and environmental challenges to this initiative alone would be monumental. Still, Trump is obviously no stranger to such challenges.

As a modest student of American history and government, I always bring myself back to the Preamble of the Constitution, where it outlines in the broadest possible terms the responsibility of the Federal Government, as “providing for the common defense and promoting the general welfare.”

Broad, sweeping concepts indeed. Strictly construed, it’s “Guns and Butter.” Broadly interpreted, it covers a mind-spinning number of facets of American life, including security in all of its aspects, socio-economic opportunity, mobility and well-being and overall quality of life. That’s a tall order.

Any way it’s interpreted, the responsibilities are daunting and the challenges that a modern country faces in a modern world must be met. As Americans we seem to eventually come “round” and know what needs to be done. The stickier question has always been how to go about actually doing it!

Each president has found his own way to address these responsibilities, some far more successfully than others. Trump has a history of ignoring the odds, even beating them, as this unprecedented election proved. Yes, rancor, regret, uncertainty and maybe even fear remain with many in the wake of this election.

But, even former President Obama recently admitted that what is said in an election is one thing, how one moves forward and governs afterward is another. And Clinton exhorted her supporters by saying that Trump must be allowed to govern.

With the exception of Jefferson, we’ve never had another builder as President, until now. Builders build. The good ones not only build bridges and buildings, but enduring relationships as well. Trump’s challenge is not only to rebuild this nation, but to “bind up the nation’s wounds.” It is the ultimate “art of the deal” if he can pull this off and govern well. Trump is full of surprises. It should be interesting.

I close this piece by coming full circle back to my association of Trump with Burnham. When Burnham died in 1912, Frank Lloyd Wright delivered the eulogy. Although strongly critical of Burnham’s often heavy-handed professional style, Wright still admired him and remembered him thus:

“Burnham made masterful use of the methods and men of his time... an enthusiastic promoter of great construction enterprises... his powerful personality was supreme.”

Can you blame me for linking the two?

Industry Attorney: All Employers Need to Be Fully Prepared to Avoid Potential Judicial Problems with the Fair Labor Standards Act (FLSA), Continued from p. 1

Persanis stressed that the number of FLSA cases has risen by more than 100 percent since 2011. Those increases, he added, involve employers in all sectors of the building, realty and construction industry, as well as those in the general business community. He termed the increases as “an epidemic.”

“The FLSA covers Overtime Payments, Record-Keeping Provisions and puts onerous requirements on employers,” Persanis said. “Employers must consistently keep thorough and accurate time and payment records in efforts to be prepared for possible problems and potential enforcement actions associated with the FLSA.”

Persanis said that the FLSA is one of the most important laws for employers to understand, since the edict sets out a wide array of regulations for dealing with employees. He added that mistakes employers may make are being “waited for” as part of the FLSA enforcement actions.

“Documentation on the part of employers regarding the payroll payments, work schedules and routines of employees is so very important, as is the need to follow the guidelines of the FLSA,” Persanis said. “We cannot stress that message enough, to all employers.”

Copies of the presentation by Persanis are available by calling the BRI offices at (914) 273-0730. Requests will also be accepted through jeff@buildersinstitute.org, association officials said.

ACMA is composed of more than 30 leading property management companies in the Westchester and Mid-Hudson Region. ACMA members are involved in the daily operations of co-ops, condos, rental apartment buildings and complexes and commercial facilities.

The BRI is a building, realty and construction industry membership organization. The association has more than 1,800 members in 14 counties of New York State. Members of the BRI are involved in virtually every sector of the building, realty and construction industry, association officials said.

Profit Margins for Remodelers Increasing, Report Says

By Jeff Hanley, IMPACT Editor
ORLANDO

Remodelers’ average profit margins have increased since 2011, indicating that they are running their businesses more efficiently as residential remodeling activity steadily improves.

That evaluation came from building, realty and remodeling industry officials at a press conference hosted by The National Association of Home Builders (NAHB) Remodelers during the recent International Builders Show in Orlando.

The newly released 2017 Remodelers Cost of Doing Business Study shows that the average gross profit margin for surveyed remodelers increased from 26.8 percent in 2011 to 28.9 percent in 2015. The average net profit margin increased from 3.0 to 5.3 during the same period, the study added.

“Remodelers were forced to adopt new strategies to survive the downturn, and keeping those business models in place as the market grows has helped improve their margins,” said 2016 NAHB Remodelers Chair Tim Shigley. “However, with continued market growth, the ongoing labor shortage will threaten their ability to both meet demand and maintain cost-effective business operations.”

“Pacific Northwest consumers are tech-savvy and community-minded,” said NAHB Remodelers member Joseph Irons, a remodeler from Shoreline, Wash. “We’ve reduced costs while growing our business by focusing on social media outreach and community service over traditional advertising.”

NAHB predicts that, over the next few years, remodeling expenditures will continue to grow, but at a more gradual pace.

Continued on p. 11

Study: Builder Confidence across the U.S. Holds Firm in January

By Jeff Hanley, *IMPACT* Editor

WASHINGTON, D.C.

Builder confidence in the market for newly built single family homes remained on “firm ground” in January, according to a recent building and realty industry report.

The report, entitled The National Association of Home Builders (NAHB)/Wells Fargo Housing Market Index (HMI), said that the national confidence figure of builders was down two points to a level of 67 from a downwardly revised December reading of 69. The study was released on Jan. 19.

“Builders begin the year optimistic that a new Congress and administration will help create a better business climate for small businesses, particularly as it relates to streamlining and reforming the regulatory process,” said NAHB Chairman Granger MacDonald, a home builder and developer from Kerrville, Tex.

I’m optimistic that Mr. Trump’s (President Donald Trump’s) background will help our industry with an easing in regulations.”

*— Eric Abraham, Chairman,
The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region.*

family construction in 2017, adding to the gains of 2016,” said NAHB Chief Economist Robert Dietz. “Concerns going into the year include rising mortgage interest rates, as well as a lack of lots and access to labor.”

Eric Abraham, chairman of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and the Mid-Hudson Region and a past president of the association, said the positive feelings in the study are correct.

“I’m optimistic that Mr. Trump’s (President Donald Trump’s) background will help our industry with an easing in regulations,” said Abraham, the principal of Comstock Residential Contracting LLC of Briarcliff Manor.

Abraham added that there were a series of upbeat feelings at NAHB’s recent International Builders Show (IBS) from Jan. 7 to Jan. 12 in Orlando. He said there was a definitive optimism from vendors and from building and realty industry members that he spoke with.

“I left there feeling great,” he said. “The event was packed. It was filled with industry members and that was great.”

Measurements

Derived from a monthly survey that NAHB has been conducting for 30 years, the NAHB/Wells Fargo HMI gauges builder perceptions of current single family home sales and sales expectations for the next six months as “good,” “fair” or “poor,” according to the report.

The survey also asks builders to rate the traffic of prospective buyers as “high to very high,” “average” or “low to very low.” Scores for each component are then used to calculate a seasonally adjusted index, where any number over 50 indicates that more builders view conditions as good than poor, the study said.

The Components

The report said that all three HMI components retreated in January. The component gauging current sales conditions fell three points to 72, while the index charting sales expectations in the next six months registered a two-point decline to 76. The component measuring buyer traffic edged one-point lower to 51, the report added.

Looking at the three-month moving averages in the study for regional HMI scores, the Northeast rose two points to

52 and the Midwest posted a three-point gain to 64. The South and West each held steady at 67 and 79, respectively, according to the study.

NAHB officials said that the index is strictly the product of NAHB Economics and is not seen, or influenced, by any outside party prior to being released to the public. Spokesmen said that the HMI tables can be found at nabh.org/hmi. Additional information on housing statistics is also available at housingeconomics.com, the report said.



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Aponte Joins Houlihan Lawrence Commercial Group

NEW YORK

Houlihan Lawrence Commercial Group recently announced the appointment of Rich Aponte to its Westchester-based team as an Associate Broker.

With more than a decade of commercial real estate experience from Rand, Aponte brings to his role a diverse background in construction and design, as well as an extensive portfolio of properties, officials said.

“Rich is the perfect addition to our team,” said Thomas LaPerch, director of Houlihan Lawrence Commercial Group. “His extensive knowledge in construction management, architectural and mechanical design, in addition to his sales and leasing prowess, will benefit our division tremendously.”

Aponte has successfully sold and leased a variety of commercial properties throughout the Hudson Valley, officials said. They include land, Class “A” office space, industrial, multi-family and investment properties. As a Project Manager in the construction industry, he was responsible for managing the development of office spaces in Manhattan and Westchester. His experiences help him offer Houlihan Lawrence Commercial Group clients a unique perspective as they locate the right property for their business needs, officials said.

“I look forward to bringing my diverse background to Houlihan Lawrence,” Aponte said. “I’m excited to aggressively start taking on business with a brokerage with such incredible data capabilities and that is so global in reach.”

A resident of Westchester County, Aponte stressed that he is proud to join Houlihan Lawrence Commercial Group.



Rich Aponte

The company, officials said, specializes in investment opportunities, office condominiums and leasing, industrial and retail sales and leasing, land acquisition and development, as well as municipal approval consultation. The company has 20 highly experienced agents across New York City, Westchester, Putnam, Dutchess and Fairfield (Conn.) Counties.

Company officials said that the Houlihan Commercial Group “boasts unparalleled insight, expertise and service.” Complete with a database of international buyers and sellers, the firm effectively markets commercial properties and investment opportunities on a global scale, officials added.

Houlihan Lawrence Commercial Group is a member of The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI). The BRI, a building, realty and construction industry membership association, publishes this newspaper.

With a full understanding of the regions north of New York City and beyond, he said his specialty is canvassing territory to learn as much about the marketplace as possible.

Officials added that since location is critical to a client’s business, Aponte’s knowledge and experience in identifying the right properties effectively saves clients of his company money and time.

Consistently recognized as a top producer, Aponte is an asset to both the industry and Houlihan Lawrence Commercial Group, company spokesmen said.

Houlihan Lawrence Commercial Group is a full-service division of Houlihan Lawrence, the well-known brokerage firm.

Profit Margins for Remodelers Increasing, Report Says, Continued from p. 9

“Remodeling activity has experienced strong growth over the past three years,” said Paul Emrath, NAHB vice president for surveys and housing policy. “Now that spending has largely recovered to its pre-boom levels, we expect the pace of growth to moderate going forward.”

NAHB officials said that the study assesses the growth, viability and demographics of the remodeling industry. The 2017 study was conducted through an online survey sent out to 5,700 residential remodeling/rehabilitation firms across the country in the spring of 2016, NAHB spokesmen said.

The Local Perspective

“Remodeler members of our association are reporting healthy levels of activities in their respective business areas,” said Albert Annunziata, executive director of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI), which has an affiliate in the remodeling sector, The Remodelers Advisory Council (RAC).

Annunziata added: “Those positive reports from our members illustrate that the remodeling component of the building, realty and construction industry continues to see good things, just as the NAHB report says.”

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77 West Post Road, White Plains: Remedy Proposed for Brownfield Site Contamination, Continued from p. 1

Based on the findings of the investigation, DEC, in consultation with the New York State Department of Health (DOH), has determined that the site poses a significant threat due to elevated concentrations of chlorinated solvents in groundwater, according to spokesmen. The draft Remedial Action Work Plan (RAWP) containing the proposed site remedy is available for public review at the location(s) identified below under “Where to Find Information.” Comments to the NYSDEC Project Manager can be made to the “Who to Contact” area below.

8-Step Extensive Remedy Proposed

1. Excavation and off-site disposal of approximately 3,390 cubic yards of contaminated soils;
2. Removal and disposal in accordance with NYSDEC guidance of any remaining on-site underground storage tanks (UST’s).
3. Depositing clean fill that meets the regulatory requirements for restricted residential use will be brought in to replace the excavated soil and establish the designed grades at the Site.
4. The Installation of a cover system to allow for restricted residential use of the site in areas where the upper two feet of exposed surface soil exceed the applicable soil cleanup objectives. The cover may consist of paved surface parking areas, sidewalks, or a soil cover. Where a soil cover is placed, it will be a minimum of two feet of soil placed over a demarcation layer, with the upper six inches of sufficient quality to maintain vegetation.
5. Treatment of groundwater by in-situ chemical oxidation (ISCO), which entails injection of a chemical oxidant into the subsurface to remediate volatile organic compound (VOC) contamination in groundwater.
6. Completion of soil vapor intrusion evaluations and implementation of appropriate actions to address exposures at any building developed on the site.

7. The placement of an environmental easement on the property that will allow the use and development of the controlled property for restricted residential, commercial and industrial uses (subject to local zoning laws) and restrict the use of groundwater as a source of potable or process water.

8. Development and implementation of a site management plan (SMP) which will detail the soil management in the event of future excavations in addition to long-term monitoring at the site. Part of the site management will be to monitor groundwater to evaluate the effectiveness of the ISCO technology.

Summary of the Investigation

The DEC’s investigation documented the presence of volatile organic compounds (VOCs), including petroleum-related ethylbenzene and xylenes, semi-volatile organic compounds (SVOCs) and metals, including arsenic, barium, lead and mercury in soil above restricted residential soil cleanup objectives (SCOs).

Chlorinated solvents were not detected in the soil above the restricted residential SCOs. Discrete areas of petroleum-contaminated groundwater are present at parcels A, C, D, F, G and J, with the highest levels at parcel D. Chlorinated solvents were detected above groundwater quality standards at parcels D, F, G and J, with the highest levels at parcel J. VOCs were also detected in up-gradient off-site monitoring wells. One SVOC, naphthalene, was detected above standards in onsite monitoring wells at parcels A, C and D.

Metals, including iron, manganese, antimony and sodium, were detected in several monitoring wells above standards. However, these metals are naturally occurring in shallow groundwater and are not believed to be associated with an on-site source of contamination.

On-site soil vapor sampling was not completed during the investigation based on the expectation that future site structures would include underground parking garages or unoccu-

pied spaces, or ventilation/mitigation systems to address potential exposures related to soil vapor intrusion.

Limited off-site soil vapor sampling along Maple Avenue did not detect chlorinated solvents. Some petroleum related compounds, including 2-hexanone, ethanol, hexane, benzene, toluene, xylenes, heptane, and cyclohexane, were detected.

Next Steps

DEC officials said that the agency will consider public comments received on the proposed remedy presented in the draft RAWP and ultimately issue a final Decision Document. The New York State Department of Health (NYSDOH) must also concur with the remedy.

The final Remedial Action Work Plan (with revisions, if necessary) and the Decision Document will be made available to the public. The applicant(s) may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH. NYSDEC will keep the public informed throughout the investigation and cleanup of the site, officials said.

The Post Road Corridor - White Plains site is located at 77 West Post Road in the City of White Plains, Westchester County, New York. This site is made up of 10 tax parcels occupying 3.69 acres of the overall 5-acre redevelopment project. All 10 parcels are currently vacant. Abandoned former commercial-use buildings of varying sizes on the site have been demolished, leaving only grass, trees and former parking lots.

Current Zoning and Land Use: Nine of the 10 parcels are zoned B-3, which is a general retail district allowing retail, office and service business uses and multi-family dwellings. The other parcel is zoned B-2, which is an intermediate business district. The site is part of a planned mixed-use (commercial and residential) development. Surrounding land use is mixed, consisting of residential and commercial properties, including a church.

History and Past Use of the Site

The site’s 10 parcels initially contained residential buildings as early as 1905 which later were used for commercial purposes beginning in the 1930’s. Former commercial uses included dry cleaners; gas stations with underground storage tanks (UST’s); automobile sales and service facilities with UST’s; above-ground storage tanks (AST’s); hydraulic lifts and associated parking lots; various commercial businesses and offices; and commercial parking lots.

In 2005 two in-ground hydraulic lifts were removed from the site. In 2010 two USTs, eleven in-ground hydraulic lifts, a floor drain and an oil water separator were also removed from the site. Approximately 408 tons of impacted soil and 1,180 gallons of contaminated groundwater were removed from the site during this work. In 2012 four UST’s and approximately 360 tons of petroleum impacted soil were removed from the site.

Information Sources & Key Contacts

Project documents for this site (DEC Site # C360129) can be found at:

The White Plains Library, Attention: Tim Baird, 100 Martine Ave., White Plains, NY 10601, Phone: 914-422-1400, tbaird@wppl.lib.ny.us.

DEC officials said that the agency welcomes comments and questions to the following contacts:

For Health-Related Inquiries site specific, contact Mark Sergott, NYS Department of Health, Empire State Plaza, Corning Tower Room 1787, Albany, NY 12237, 518-402-7860, BEEI@health.ny.gov.

For questions related to the project itself, contact Jamie Verrigni, NYS DEC, 625 Broadway, Albany, NY 12233-7014, (518) 402-9662, Jamie.Verrigni@dec.ny.gov.

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