

IMPACT

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THE HANLEY REPORT

The BRI, Baseball and the Bronx – A Successful Combination!

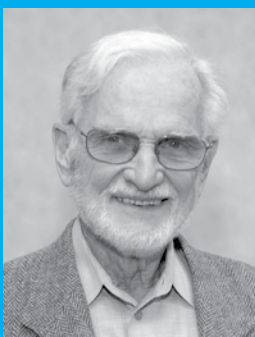
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By KENNETH J. FINGER, ESQ.,
CARL L. FINGER, ESQ., and
DANIEL S. FINGER, ESQ.
Finger & Finger, Chief Counsel,
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Builders, Developers: DEC Is Stacked Against the Industry

-An IMPACT Staff Report

ALBANY—The state's Department of Environmental Conservation (DEC) is an agency besieged, according to building and construction industry officials.

So far this year, building and construction industry officials said, DEC finds itself in the center of a maelstrom that includes such diverse - but no less controversial - issues such as Natural Gas Hydrofracking, the proposed replacement for the Tappan Zee Bridge and Stormwater Management.

Throw in proposed amendments to the State Environmental Quality Review Act (SEQRA) - including changes to the related issue of Environmental Assessment Forms (EAF's) - and the DEC finds its resources strained to the hilt, building and construction industry officials added.

Beset by reported budget cuts and concomitantly reduced staff, the DEC has been on the defense in the guise of a vigorous offense, building and construction industry officials are stressing. One of the ways the agency has

mounted a good "offense" is in the time periods allowed for public comment on many of its "hot button issues." The periods, building and construction industry officials said, have been obviously timed by DEC to insure a minimum of publicity, public participation and controversy.

Earlier this year, for example, according to sources within DEC, the agency reportedly spent six years to update a 1987 manual on Effluent Discharge

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Owners Meet with New Section 8 Administrator

WHITE PLAINS—Representatives of the Apartment Owners Advisory Council (AOAC) of the Building and Realty Institute (BRI) met recently with the private company in charge of administering the federal Section 8 Rental Assistance Program in Westchester County.

A national representative of CVR Associates Inc.—which is based in Tampa, Fla.—met with a delegation of owners at the White Plains offices of Finger and Finger, A Professional Corporation and Chief Counsel to the AOAC. The meeting was arranged so that CVR Associates could hear first-hand complaints as to how the federally-funded Rental Voucher Program was being handled.

CVR took over from Westchester County after it opted out of administering

Section 8 for the state.

Carmelo Milio, chairman of the AOAC, headed the delegation of landlords who are having "communication, procedural and attitudinal" problems with this new private vendor.

"Transitional problems come with most any kind of change," Milio said. "Different vendors have different styles and ways of doing things. In this case, you had a change from a government administration of a federal program to a private company's takeover of the program."

Owners admitted that, over the years, they had developed a comfortable working relationship with Westchester County's Department of Planning, the agency in charge of overseeing the Section 8 Voucher Program

countywide.

"After so many years, you got to know the staff, and who was cooperative and responsive to our problems. They usually could be resolved with a phone call or a visit," said one owner.

"When the county got out of the Section 8 business, many owners had to start all over again from square one, developing a relationship with the new management company," said another landlord.

An Honest Reply

A representative from CVR Associates admitted that there were problems with the transition, which is going on a full year.

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Nilsen to Receive Leadership Award from Community Services Group

By Jeff Hanley, IMPACT Editor

DOBBS FERRY – Ken Nilsen, a past president of The Building and Realty Institute (BRI), was recently selected to receive the Corporate Leadership Award of Cluster Community Services.

Nilsen, a Pelham resident, will receive the award on Oct. 25 at the organization's Annual Harvest Wine Tasting. The event will be in the Estherwood Mansion at The Masters School in Dobbs Ferry.

Cluster Community Services assists more than 2,000 Westchester County and Rockland County residents per year, event officials said. Last December, *Westchester Magazine* named Cluster Community Services as one of 13 "Homegrown Charities" to support in the



Ken Nilsen

county. The Wine Tasting on Oct. 25 will help to raise money for the organization's core programs – Mental Health Residential Services, the Westchester and Rockland Mediation Centers, the Housing Resource Center and Youth and Family Programs, event officials added.

Nilsen, a longtime member of the BRI, served as President of the associ-

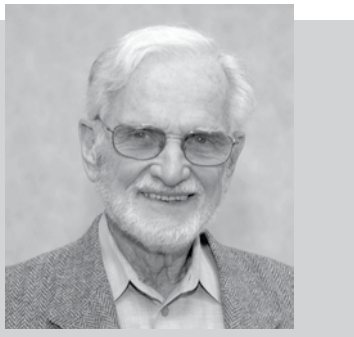
ation from 2007 through 2009. He was Chairman of the organization's Apartment Owners Advisory Council (AOAC) from 1997 through 2006. He has also served on committees for both organizations. Nilsen is a board member of both the BRI and the AOAC. He is the principal of Nilsen Management Company of Yonkers.

"We are very happy that Ken Nilsen is receiving this award," said Albert Annunziata, executive director of the BRI. "It is an honor that he very much deserves. He has provided our association with key leadership scenarios in several areas, so it is no surprise to us that he has been cited for his efforts by Cluster Community Services."

The BRI, founded in 1946, is a building, realty and construction industry membership organization. The association has members in 14 counties of New York State. BRI members are involved in virtually every sector of the building, realty and construction industry.

CO-OP
CONDO
CORNER

By HERB ROSE



NEW YORK—This past July, I attended an informational seminar presented by a New York law firm.

Most of the program - which was coordinated by the New York Association of Realty Managers (NYARM) - dealt with smoking in apartments. The smoking issue was presented as the second most frequent challenge to habitability. The first, believe it or not, was rats! But we'll save that topic for another article!

I was fortunate to attend the seminar, since smoking continues to be an important issue to multi-family buildings and complexes. Smoking was identified at the conference as a private nuisance, with both New York State and New York City providing limiting laws that specifically prohibit obnoxious and offensive odors.

Our well-qualified speaker at the seminar strongly recommended using practical solutions to solve the problem, instead of litigation. It was stressed that the possibility of success in "nuisance litigation" is very slight.

Options

Venting machinery, which varies from building-to-building, is a useful answer to issues related to smoking and can be identified by consultants working in this area. Possible units include:

- Alive Air Purifier
- Rabbit Air Purifier
- IQAir Health Pro Air Purifier
- Austin Air
- Blue Air Purifier
- Sharp Plasmacluster Air Purifier
- Alen AirA350
- Oreck XL
- Honeywell 5025
- Friedrich Air Purifier

There probably are other solutions, but this is a good place to start!

A Hot Issue

Restricting indoor smoking will indubitably cause a stir from both smokers and non-smokers. Smokers will feel that their rights are being restricted and non-smokers will probably assert that there are not enough restrictions. Whatever the noise and storm indicate, smoking both indoors and out-

A Look at the Complex Issues
Involved With Smoking

side will, eventually, become more restricted.

The backlash may be so serious that some complainants will seek legal remedies. In this connection, it is essential that your building's attorney is aware of your insurance coverage.

In summation of this complex issue, it is important to remember that your building needs to pass By-Laws detailing when and where smoking is prohibited. The By-Laws should also designate permissible smoking areas. The below notice will be a great help if it is posted in an easily noticed space. Procedures for dealing with complaints will simplify life and make for a happier habitat.

An Important Message
to Post

Publicly Posted Notice
Attention: All Residents!

Smoking of all kinds is prohibited in all public areas of this building, in all of the amenity rooms of the building, in all of the stairwells, elevators, corridors, lobbies, roof decks and other spaces of the building available to tenants, with the exception of their own apartments.

Smoking inside of apartments is only permitted to the extent allowed by law. All smoke within an apartment

must be ventilated to the outside by a window or fan or scrubbed out of the apartment air with a properly functioning recirculating filter device.

Another Key Topic

In an important issue for co-op and condo buildings, the "Reasonable Accommodations Edict" is mandated by various laws and regulations to start with the sponsor in developing co-ops and condos. Ease of location and preference on waiting lists are included in these "set asides." Once the property becomes owner-operated (Unit Owners vs. Sponsor), this convenience needs to be maintained.

Both federal and local laws require a minimum number of parking spaces for the handicapped. Keep in mind that a person claiming disability has the burden of proof. New York State issues a disability permit with medical certification and this is the general procedure in other states, as well.

Special attention to the needs of handicapped people is indicated, since the handicapped have special requirements. It is good business and practice to be accommodating and observant of laws and regulations for the people among us with special needs.

Herb's Hints:

1) Change your Carbon Monoxide (CO) and Smoke Detector Batteries with the change from Daylight Savings Time.

2) Check your Bank Account(s), on line, at least three times a week, to catch and reverse possible Cyber Fraud.

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



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THE HANLEY
REPORT

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



The BRI, Baseball and
the Bronx – A Successful
Combination!

NEW YORK – One of the many goals for the staff of a trade association is to create new concepts and services for its organization's members.

The staff of The Building and Realty Institute (BRI) reached one of those objectives on Sep. 14, when more than 45 BRI members participated in "The Inaugural BRI Night at Yankee Stadium." BRI members joined with the association's staff to watch the New York Yankees play the Tampa Bay Rays in a key American League East game.

Participants were treated well by the Yankees for the price of their respective tickets. The evening started with an old fashioned barbecue in the Malibu Rooftop Deck Section of Yankee Stadium. BRI members then moved to their reserved section to watch the game, a 6-4 victory for Tampa Bay.

Participants termed the event as a big success.

"We are currently being very aggressive to create new events and services for our members, and our 'Yankee Night' was a good example," said Michael Beldotti, BRI pres-

ident. "We want our members - and non-members considering membership in the BRI - to see that we are constantly exploring ways to develop services that will increase the BRI's networking opportunities for its members. We are always striving to help our industry and its related business activities."

The event, in all likelihood, has sparked a new BRI tradition for future summers - visits to Yankee Stadium and, possibly, Citifield, the home of the New York Mets.

As Beldotti stressed, events of those types are all part of the BRI's continuing efforts to help enhance the services of the association to its members and to the building and realty industry.

And speaking of services, there are a series of noteworthy reports in this edition:

*An article in Co-op and Condo Corner that covers the complex issue of smoking in multi-family buildings and complexes. Herb Rose authored the piece.

• A report in Tech Talk by Andrea Wagner on how businesses can optimize their Internet Marketing Strate-

gies for fourth-quarter sales.

• A review in Counsels' Corner on judicial decisions involving local co-ops. Finger and Finger, A Professional Corporation, authored the analysis.

• An article from the National Association of the Remodeling Industry (NARI) stressing that the current business climate is "slightly more positive" than last year at this time.

• A Page One Story from our staff detailing how the building, realty and construction industry is dissatisfied with the actions of the New York State Department of Environmental Conservation (DEC) on key industry issues.

• A Page One Story summarizing the efforts of The Apartment Owners Advisory Council (AOAC) in trying to correct a series of problems that realty industry members are having with the Section 8 Housing Program.

• A report from our staff on the Sep. 20 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC). More than 90 CCAC and BRI members

attended the meeting, which reviewed the conversion process from oil to natural gas for multi-family buildings and complexes.

As you can see, this edition delivers a "home run" when it comes to timely and informative reports. Enjoy the issue – and the first weeks of fall.

IMPACT
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REALTY NEWS

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Owners Meet with New Section 8 Administrator

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"The county had one way of dealing with Section 8, we have another. It has been a difficult period for us, but we manage Section 8 programs for many municipalities and counties nationwide. It's just a matter of time before we recalibrate everything: records, forms, applications, inspections, etc., to our standards... and our standards are directly answerable to the State of New York and HUD itself," the representative said.

One of the sticking points owners reported having with CVR was the repeated inspection of a building that had already passed inspection with the first Section 8 Application in that same building.

"If a building's infrastructure—its structural integrity, foundation, water, power, boiler, fire escapes, detectors, etc.—passes CVR's inspection, then why does that same inspection have to be made for the next Section 8 applicant in the same building?" said one owner.

"Apartments are different and I can see the need for inspections on a unit-by-unit and lease-by-lease basis, but if the overall building is deemed sound one week, why repeat the exercise the week after and the week after that?" the owner added.

Redundant inspections are one of the "quirks" of HUD's Section 8 Program, AOAC officials said. An apartment building can be in complete compliance with all local and state building codes, but the HUD inspection follows federal guidelines that are often far more stringent—and costly to comply with—for the landlord.

"This is one of the prices a landlord pays for even thinking about participating in the Section 8 program," an owner said.

Another drawback to the program is the time it takes for the administrator to approve the voucher once the building has "passed" inspection. Often, a month or two goes by before everything is approved, thereby depriving the owner of rent for that period of time. Many owners say that it just isn't worth it. Other owners find the Section 8 Program worthwhile, despite the time and expense of compliance, AOAC officials said.

Surveys and Stats

Indeed, an AOAC Survey of some 300 landlords county-wide back in 2010 revealed an almost even 50-50 split among the owners' view of—and participation in—the Section 8 Rental Assistance Program.

The survey results also underscored the voluntary nature of the Section 8 Program and the wide range of receptiveness (or lack thereof) on the part of landlords.

Westchester County Department of Planning Stats over the years consistently showed that the county not only used up the approximately 10,000 vouchers per annum that it was allotted by HUD, but that the program was so successfully received that there was always a long "waiting list" for those interested in the vouchers, on the part of tenants and owners alike, AOAC officials said.

The meeting concluded with a pledge for better communication and notification between owners and CVR, and a heightened awareness of the responsibility on both owners and tenants to make sure that the program works smoothly, AOAC spokesmen added.

Future meetings will be scheduled on an as-needed basis, officials said.

—An *IMPACT* Staff Report

Builders, Developers: DEC Is Stacked Against the Industry

Continued from page 1

from Intermediate Septic Systems. The DEC's response for public comment on these regulations - regulations critical to homebuilding in the more rural reaches of the Westchester and the Mid-Hudson Region - was to allow only 30 days for comment. And, as building and construction industry officials have stressed, that Public Comment Period was not widely publicized. A similar strategy of carefully timing and containing public comment occurred during the middle of last summer, when DEC unveiled its draft "SEQRA Reform Measures" in the middle of July, and then gave the building and construction industry - and environmental advocates alike - a mere 30 days for comment. The method was by design,

according to building and construction industry observers.

Continued Pleas

"The region's building and construction industry has pushed, pulled, exhorted and pleaded with DEC for nearly 10 years on the need for meaningful SEQRA reform," said Albert Annunziata, executive director of the Builders Institute of Westchester and the Mid-Hudson Region (BI). "Even 'The Crash of 2008' - and its deep, lingering effect to this day - was not incentive enough for DEC to recognize the need for this and act quickly."

The efforts of the building and construction industry were, however, noticed - undoubtedly with some alarm - by environmental groups, industry of-

ficials said. The monitoring put additional pressure on DEC to do "something," even if it was only an effort to contain and control the debate on SEQRA "streamlining."

DEC was put in a position of making sure that such reform didn't go too far for the likes of key Hudson Valley Environmental Advocates, building and construction industry spokesmen added.

"SEQRA was originally supposed to be a technical process of environmental review, with consideration of economic factors. Sadly, it has deteriorated into an almost purely political process. And when it comes to politics, facts don't matter!" Annunziata said.

Annunziata added: "Despite all the quantitative data provided to state officials as to the

hundreds of millions of dollars of economic activity that are lost to intentional, unjustifiable, irrational and costly delays in the environmental review process, the state appears to remain unheeded of the need for meaningful and sensible SEQRA reform."

A Result

The result of all this economic, environmental and political argument was a 2010 SEQRA Summit held by DEC, Patterns for Progress and Scenic Hudson in Newburgh. What came out of that confab was an extremely diluted body of SEQRA Reform Recommendations, building and construction industry officials said.

"As weak as the recommendations were, looking at them optimistically, I suppose it was

a small step in the right direction," said Annunziata. "At least there was a grudging acknowledgement - even among some of the environmental groups - that something had to be done to improve the process."

Annunziata, however, also quickly noted that it has taken another two years for DEC to advance the draft proposed amendments to the SEQRA statute itself.

A Key Road

Building and construction industry officials have stressed that the road to SEQRA Reform is basically a two-track path: administrative and legislative. Officials added that - after a total of 10 years of appealing to state legislators

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Co-op and Condo Group Sponsors Conference on The Conversion Process From Oil to Natural Gas

WHITE PLAINS — "A Review of the Conversion Process From Oil to Natural Gas" was the topic of the Sep. 20 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC).

More than 90 CCAC and Building and Realty Institute (BRI) members attended the event at The Crowne Plaza Hotel in White Plains. The BRI was a co-sponsor of the conference.

"We were thrilled with the response to the meeting," said Diana Virrill, chair of the CCAC. "Our staff received several requests that we coordinate a seminar for our membership on this topic. And those requests were absolutely correct - the topic is of great interest to many of our members."

A panel thoroughly examined all aspects of the process and its respective effects on multi-family buildings and complexes. Panel members were: Jeff Foster of Castle Oil; Nick Hellen, section manager of The Gas Conversion Operations Planning Group of Con Edison; and David Singer of Robison Oil.

Albert Annunziata (executive director) and Jeff Hanley (associate director) of the CCAC/BRI served as program moderators.

The CCAC represents more than 400 cooperatives and condominiums. The association, formed in 1979, serves those facilities through a variety of membership services. The CCAC is an affiliate organization of the BRI. The BRI is a building, realty and construction industry membership organization. The association has more than 1,500 members in 14 counties of New York State. The BRI was formed in 1946.

—An *IMPACT* Staff Report



Pictured at the Sep. 20 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC) are, from left to right, Jeff Hanley (moderator), associate director, CCAC; David Singer (speaker), Robison Oil; and Nick Hellen (speaker), section manager of The Gas Conversion Operations Planning Group of Con Edison.



A lengthy question-and-answer period followed the presentation of the panel. Pictured during the session are, from left to right, David Singer (speaker), Robison Oil; Nick Hellen (speaker), section manager of The Gas Conversion Operations Planning Group of Con Edison; and Jeff Foster (speaker), Castle Oil.

Photos by Myron Marcus

Report: Take Care of Mold Before It Produces Negatives

DES PLAINES, Ill.—Homeowners, residents and contractors should be aware of mold and its negative effects, according to a recent remodeling industry analysis.

In a study released in early September, the National Association of the Remodeling Industry (NARI) stressed that September was Mold Awareness Month. In the report, NARI officials said that the association wants homeowners, residents and building industry members to know how to recognize signs of mold or water damage. Officials also cite in the report how residents can catch mold issues early on, or prevent them all together.

"Mold is everywhere, though the amount and the location of the mold is what can be harmful to your home and your health," said Brian Jones, president of Jones Design Build LLC.

Jones and his firm know first-hand about mold in the home, how it impacts a house and how to have it safely removed, the report said. Jones and his company worked on a bathroom project which won NARI's 2011 North Central Regional COTY Award in the "Residential Bathroom Over \$60,000 Category." The project required mold remediation, the report said.

Moisture Brings Mold

Mold becomes a problem when moisture is present and

the mold begins to grow. The risk increases in places that are more exposed to moisture, such as bathrooms, kitchens, attics and basements, according to the study.

"Often times, bathrooms that are not properly ventilated or not properly insulated are at greater risk of mold issues, regardless of the age of the home," Jones said.

Such was the case with Jones' clients and their 10-year-old home, the report said. The residents began to notice stains on their first-floor ceiling, directly under the location of their upstairs shower, and grew concerned. Once Jones took down the drywall during the demolition phase of the project, their concerns were realized—the fiberglass batt insulation throughout the entire shower wall area was covered in mold, the report said.

"In this instance, the ceiling of the shower was sloped, and it can be difficult to install fiberglass insulation properly when the area is sloped, increasing chance for error," Jones said. "There needs to be a plastic barrier that protects the insulation from openings where moisture seeps in."

Given the oddly shaped shower, the vapor barrier between the drywall and the insulation was not taped or sealed at all seams, so moisture found its way under the plastic, creating a ripe environment for mold

to thrive, the study said.

Mold growth behind the wall reduced the direct health risk to the homeowners, but, according to Jones, if left untouched, the mold posed another risk to the structural elements of their bathroom.

"Mold that continues to grow for years can actually eat through the wood, causing structural problems," Jones said.

Removing Mold

After the discovery, Jones called in mold remediation experts to clear the area before work could continue. If not properly removed, mold can re-emerge, the report said.

Jones said that the remediation process can be fairly simple.

"A plastic barrier contains the area with the mold, so that it doesn't spread into other parts of the home. As it is being removed, a fan drives air to the outside through a window, and HEPA vacuums remove left-over mold particles from the area," Jones said.

Jones added that, once the area is completely cleared of mold and dried, it is sealed with a mold-inhibiting paint to help prevent future outbreaks. Following the remediation, Jones recommended using a polyurethane spray foam insulation, instead of the fiberglass batt insulation that was originally used, the report said.

"The polyurethane foam in-

sulation is sprayed into the area, so it completely fills every crevice and hole that may be present," Jones said. "Not only does this type of insulation block all moisture, but it is also known for its energy-efficient elements."

The report said that Jones' knowledge and expertise was very beneficial to his clients when dealing with a hidden issue like mold during their bath-

room remodel. They were very happy to have detected the problem early on, before structural damage could occur.

NARI is the only trade association dedicated solely to the remodeling industry, association officials said. The organization, which represents 7,000 member companies nationwide, is comprised of 63,000 remodeling contractors, officials added.

Recognizing Issues Early

For those with moisture issues in their homes, Jones provided the following tips in the report to ensure early detection of the issues and preventative measures for mold growth:

- **Staining.** By the time you notice staining, you can be sure that water either has been or is present. "Drywall and paint is easy and cheap to replace, so when I see staining, I recommend clients cut through the drywall immediately and locate the problem," Jones said.
- **Odor.** Many times you don't need to physically see the mold to know that it is present because it will have an odor. If you walk into a room or basement and notice an odor, it's time to investigate.
- **Blistering.** Paint that is peeled or blistering is another sign of water damage. Bulging dry wall, and screws or joints that are popping out, are signs that the wood is warping from repeated water exposure.
- **The Right Ventilation Methods.** Areas of the home that have accessible water systems—or could face water exposure from the outside—are extremely susceptible to mold growth and must have proper ventilation. "I suggest a bathroom fan with a wired timer, that will continue to run 30-to-60 minutes following shower use to keep the moisture level down," Jones said.

NYC Real Estate Expo Set for Oct. 18

NEW YORK—More than 3,000 people representing all facets of the region's commercial real estate industry are expected to attend the Fourth Annual New York City Real Estate Expo on Thursday, Oct. 18, event officials recently announced.

The expo will be at Alfred Lerner Hall on the campus of Columbia University.

The estimated attendance, if reached, would be 1,000 more than last year. Event officials said that the expo is one of New York's full-scale, real estate expositions geared exclusively toward the real estate and real estate-related professional.

Expo Executive Director Anthony Kazazis said: "Over 80 vendors will take part and there will be dozens of educational seminars and forums throughout the day. Our dynamic venue will have a distinct commercial slant, though several lectures and exhibits will be geared to residential professionals. Having an opportunity to hear and meet so many of our industry's legendary 'movers and shakers' all in one place is a major attraction in itself—a great opportunity to learn from the stories and tested methods of our hugely successful guests. There is no other venue like this."

Specifics

A highlight promises to be a panel discussion entitled "The Return of the NYC Real Estate

Titans." The discussion will be moderated by Miles Borden, Esq., of Troutman Sanders. It will feature "The Movers and Shakers" who have helped to shape New York:

- Red Apple Group Chairman and Chief Executive Officer John Catsimitidis;
- Murray Hill Properties President and Chief Executive Officer Norm Sturmer;
- Townhouse Management Company President Mitchel Maidman;
- Stonehenge Partners, Inc. Managing Partner Ofer Yardeni.

Presenters

Among the two dozen luminaries of New York City's real estate world who will present are:

- Victor Calanog, Ph.D., Reis, Inc., Head of Research and Economics for Reis;
- Shimon Shkury, president, Ariel Property Advisors;
- Billy Procida, president, Procida Funding and Advisors LLC;
- Sumner A. Baye, president, International Hotel Network LLC;
- Robert Knakal, chairman, Massey Knakal Realty;
- Lina G. Telese, partner, Zetlin & De Chiara;
- Cindy Feinberg, partner, JFK&M Consulting Group;
- Jennifer Carey, president, JLC Environmental Consul-

tants, Inc.;

- John Kazazis, founder and president, A.R.S. AbstractLTD;
- Rod Santomassimo, founder/president, Massimo Group, LLC.

Energy Issues

An energy panel will discuss current trends and future growth of the energy-saving and conservation field, event officials said.

Exhibitors will represent a huge cross section of the real estate industry, including bankers, attorneys, commercial and residential real estate brokers, developers, mortgage companies, social media experts, accountants, title insurance companies and marketing firms, event officials said.

The expo is sponsored by Ariel Property Advisors; Citibank NA; Con Ed Solutions; Emigrant Funding; Flushing Savings Bank; Massey Knakal Realty; The Real Estate Board of New York (REBNY); Silver Creative Group; A.R.S. Abstract Ltd.; Procida Advisors LLC; Troutman Sanders LLP; and many other prominent companies and organizations, spokesmen said.

Program officials added that the event is powered by the New York Real Estate Journal. Media sponsors include The New York Real Estate Journal, Real Estate Weekly, The New York Commercial Observ-

er, The Real Deal, The Mann Report, The Epoch Times and The Queens Courier.

Kazazis said there is still space for additional exhibitors.

"Here's an effective and affordable way to maximize your exposure and visibility to highly motivated professional consumers," Kazazis said. "You will be able to meet and connect with fellow real estate professionals, investors and small business owners. There is no better venue to share contacts, exchange business leads and network with high quality real estate-minded professionals."

This is targeted networking at its best!"

Pre-registration for the event is \$60 online (\$150 at the door.). For more information on registration, exhibiting or for the seminar schedule, visit www.nycrealestateexpo.com. You may also call Kazazis at (646) 210-2545 for further information.

"The New York City Real Estate Expo is the must-attend real estate event in New York City," Kazazis said. "It will be time well spent at a dynamic real estate shopping, information gathering and networking opportunity."

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Court Upholds Discrimination Claims Against Co-ops

COUNSEL'S CORNER

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



WHITE PLAINS—The Appellate Division First Department has upheld a variety of causes of action claiming discrimination by cooperatives in two cases this year where the co-operatives refused to approve purchases of apartments.

In each case the Plaintiff still needs to prove what happened, but the Court clarified and potentially added to the liability that the cooperatives and their directors face with regard to claims of discrimination.

In *Stalker v. Stewart Tenants Corp.*, 93 A.D.3d 550, 551, 940 N.Y.S.2d 600, 602 (2012), the Plaintiffs had contracted to sell their cooperative apartment to a couple who were senior citizens. The cooperative rejected the application and the seller claimed that the rejection was for illegal reasons, age and national origin. The cooperative, for its part, asserted that the purchasers did not meet the residence requirements of the cooperative because they resided out of state. The Court did not decide whether the residency was problematic, but dealt with the issue of who could bring the lawsuit.

Notably the claim in the *Stalker* case was not brought by the parties that allegedly suffered the discrimination, the purchasers, but rather by the sellers. The sellers were not themselves subject, even allegedly, to any discrimination. The Defendants applied to the Court for dismissal of the case.

The Court, however, interpreting the New York State Human Rights Law and the Fed-

eral Fair Housing Act, held that the Plaintiffs were qualified to bring a claim against the cooperative. The Court held that "we find that this more expansive language provides a remedy for any person adversely affected by reason of discrimination in the provision of housing in New York," *Stalker v. Stewart Ten-*

ants Corp., 93 A.D.3d 550, 551, 940 N.Y.S.2d 600, 602 (2012). The finding in the *Stalker* case ultimately points to the fact that the Courts may well allow for such expansion of who may commence actions based on discrimination to effectuate the "purpose of the Human Rights Law, which embodies 'the strong antidiscrimination policy of this State.'"

Both Fletcher and Stalker serve as an important reminder to cooperatives and their boards that the approval process must be attended to with great concern.

Parentetically, it also implicitly points to the need for all cooperative policies, such as those pertaining to residency at issue in this case, to be written and maintained in the corporate records.

Another Example

In *Fletcher v. Dakota, Inc.*, 948 N.Y.S.2d 263, 266 (App. Div. 2012) the Plaintiff was a prospective purchaser of an apartment adjacent to an apartment he already owned in the cooperative. The Board re-

fused to approve his purchase. In that case a significant issue addressed by the Court was the potential for individual liability of a director in a case of discrimination.

The Court, in the *Fletcher* case, specifically addressed the matter of *Pelton v. 77 Park Ave. Condominium*, 38 A.D.3d

N.Y.2d 530, 554 N.Y.S.2d 807, 553 N.E.2d 1317 [1990], which protects the decision making of the board from scrutiny by application of the business judgment rule, to a claim of discrimination, and found that there needed to be independent tortious conduct by a director in order to subject the director to individual liability. In *Fletcher* the Court specifically overturned the holding in *Pelton*.

The Court in *Fletcher* held that the Court itself failed in *Pelton* to distinguish between a contractual obligation and an intentional tort, finding that an intentional tort, such as discrimination may not be protected by the business judgment rule.

Interestingly, and worthy of warning, the Court used the term "tort" later in the decision without reference to "intentional." This and other language in the decision raises the con-

cern that tort claims in general may not be protected by the business judgment rule in the future to the extent previously understood. Hopefully, for co-operatives and their directors, this will not lead to a later and further dilution of the business judgment rule as it may apply to unintentional torts such as negligence.

In any event, the Court held that the Plaintiff *Fletcher* had stated a cause of action against certain individual directors and the case could proceed against them.

Both *Fletcher* and *Stalker* serve as an important reminder to cooperatives and their boards that the approval process must be attended to with great concern. This process is fraught with liability and they must be careful to adhere to their policies concerning admissions and hew tightly to the available legal bases for deciding applications.

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



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Report: Remodelers Are Forecasting Positive Trends

DES PLAINES, Ill.—The National Association of the Remodeling Industry (NARI) is revealing the latest from its Second Quarterly Business Review, and it is positive news.

The second-quarter research, which measures remodelers' assessments of business conditions, shows NARI members believing that the current business climate is slightly more positive than the same time last year.

"There are clear indications that some of our NARI members believe that they have weathered the storm, and that they expect consumer confidence to return in a more consistent pace going forward," said Kevin Anundson, NARI's national secretary.

Data from the report shows that NARI members were forecasting stronger sales for August and the early fall, based on three key factors:

- Postponement of Projects (80 percent).

- Growth Due to Low Interest Rates (50 percent).
- Improving Home Prices (35 percent).

The Tone is The Key

Remodelers say consumer confidence has a different tone this time around, according to the report.

"People are aware that that their home values may not be as high as they once were, yet that only affects those that are forced to sell," Anundson said. "Many homeowners have made the decision to remain in their home and are choosing to make improvements and increase their comfort and long-term living accommodations. This thought process allows them to be much less concerned about returns on investment and resale values."

That statement is supported by a homeowner poll conducted on NARI's website last May. The poll showed that 28 per-

cent of homeowners planned on staying in their home up to five years longer because of the economy.

Still, NARI members keep a conservative outlook on business conditions and are working hard to maintain the tighter and more efficient systems implemented during the past several years, the study said.

"As with most business owners, remodelers are only increasing staff when it makes good financial sense," Anundson said. "We are actively striving to keep overhead low, while continuing to invest in effective marketing strategies. Even as the remodeling market improves, we have gained a new insight into the fluid nature of our national economy."

More Facts

The report's additional findings related to overall business conditions stressed that:

- The number of inquiries has increased since last year.

- The requests for bids has increased since last year.
- The conversions of bids to jobs has increased since last year.
- The Sales Value of Jobs sold has increased since last year.

NARI's members are full-time, dedicated remodelers who follow a strict Code of Ethics that observes high stan-

dards of honesty, integrity and responsibility, association officials said. NARI is the only trade organization that is dedicated solely to the remodeling industry. The association, which represents 7,000 member companies nationwide, is composed of 63,000 remodeling contractors. It is recognized as "The Voice of the Remodeling Industry," NARI officials said.

CMS Bancorp and CMS Bank Report the Elections Of Mooney as Chairman of Its Boards of Directors

WHITE PLAINS—CMS Bancorp, Inc. and its wholly-owned bank subsidiary, CMS Bank, recently announced that William M. Mooney, Jr. of White Plains has been elected Chairman of the company's and the bank's Board of Directors.

Mooney has been a director on both the company's and bank's Boards of Directors since 2011.

Mooney is currently the President of The Westchester County Association, a business-based membership organization committed to addressing public policy issues with respect to business advocacy and economic development on behalf of the region's corporate and not-for-profit organizations.

Before being elected President of The Westchester County Association in 2004, Mooney had a long and distinguished career in the banking industry, most recently at Independence Community Bank, where he was responsible for all business activities in Westchester and Connecticut.

He has also held executive positions with Union State Bank, where he managed retail banking activities and business development, and Chase Manhattan Bank and Chemical Bank, where he was responsible for all retail and small business activities in the New York metro area. He also served as President and Chief Executive Officer of Hudson Valley Bank. Mooney began his banking career with Citibank.

"With his many years of business and banking experience, Bill Mooney will provide valuable leadership to CMS Bank as we continue to grow as a leading locally-based community bank," said John Ritacco, president and chief executive officer of CMS Bank.

In addition to his business leadership experience, Mooney is deeply committed to the community through his many philanthropic activities

with not-for-profit and educational organizations, officials said. He has served as chairman of the board of numerous organizations, including United Way of Westchester and Putnam Counties, St. Thomas Aquinas College, The Westchester County Association, American Heart Walk, Westchester Partnership for Economic Development, CYO Rockland County, Red Cross Rockland County and Rockland Center for the Arts.

Mooney has received civic and leadership awards from numerous organizations, including CYO Rockland County, 52 Association, Graymoor, Dominican Sisters, United Way, St. Thomas Aquinas College, Calvary Hospital, Pace University Law School, Boy Scouts of America and Westchester Mental Health Association. In 2004, he was honored with the Ellis Island Medal of Honor that recognizes individuals for their exceptional humanitarian efforts and outstanding contributions to the nation. He has also received honorary degrees from Mercy College and St. Thomas Aquinas College.

Formerly known as Community Mutual Savings Bank, CMS Bank is a New York state-chartered institution that provides a wide range of banking products and services to retail and small business customers. They include residential and commercial real estate loans, consumer loans and small business loans primarily in Westchester, Dutchess and Putnam Counties, as well as Fairfield County (Conn.). The bank recently converted from a federally chartered bank to a state-chartered bank. The bank's holding company, CMS Bancorp, Inc., is publicly traded on NASDAQ under the ticker symbol "CMSB." CMS Bank has branches in Eastchester, Greenburgh, Mount Kisco, Mount Vernon and West Harrison. The bank's corporate offices are in White Plains.

Deglomini Appointed to Local Board of Boy Scouts of America

NEW YORK—Real estate executive Joseph Deglomini, Jr. has been elected to the Board of Directors of the Bronx Council of Boy Scouts of America, one of the nation's oldest and largest youth service organizations, officials recently announced.

"We are thrilled to welcome Joe Deglomini, Jr. to the Board of Directors of the Bronx Council of the Boy Scouts, where his accomplishments as a successful businessman and dedicated father will enable him to make significant contributions to the growth and stability of the organization's offerings in New York City," said Joseph Kelleher, the Bronx Council's president.

Deglomini, a principal of Simone Development of the Bronx, is among the most accomplished real estate owners and developers in New York, company officials said. With partner Joseph Simone, Deglomini invests in office, medical, retail and industrial real estate throughout the five boroughs. Simone Development currently boasts a portfolio of more than 5 million square feet of commercial real estate. The company has an additional 900,000 square feet in various stages of planning, construction, leasing and delivery to the market, spokesmen added.

"I am honored to join the Board of Directors of the Bronx Council of Boy Scouts of America. This is an outstanding organization that provides exceptional programs for our youth," Deglomini said.

As a member of the Board, Deglomini will help guide the organization's local activities, including the execution of the national scouting mandate to help mold the future leaders of this country by combining educational activities and lifelong

values with fun, according to officials.

In addition to his career in real estate, spokesmen said, Deglomini has a long track record of service to the community. He is a member of the Board of Directors of the Bronx Chamber of Commerce and a member of the Board of Directors of the Westchester Square Dis-



Joseph Deglomini, Jr.

trict Management Association, the organization responsible for managing the Westchester Square Business Improvement District. As a principal of Simone Development, Deglomini also serves as host to many important community events and organizations within his properties, including the Bronx land-

mark Hutchinson Metro Center.

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

The company's largest and most successful development is the 42-acre Hutchinson Metro Center office complex located directly off the Hutchinson River Parkway in the Pelham Bay section of the Bronx. The first two phases of the complex - which comprise nearly 750,000 square feet of Class A office and medical space - are fully leased. A third building of 280,000 square feet was scheduled to break ground this summer. Headquartered in the Bronx, the company's portfolio of more than 100 real estate properties totals over 5 million square feet of development space, officials added.

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BRI Holds Its Second Annual Golf Tournament

**By Jeff Hanley,
IMPACT Editor**

LINCOLNDALE — The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI) held its annual Golf Tournament on Sep. 24 at Anglebrook Golf Club in Lincolnale.

More than 60 BRI members and associates participated in the event.

A team led by James Blose, Esq., of Griffin Coogan Blose and Sulzer, PC, finished first with a score of 58. Ken Mecchia, Sander Koudijs and Mark Okamoto were also on the squad.

James Constantino of The Crowne Plaza Hotel in White Plains led his team to a second-place finish with a 62. David Cardenas and Alberto Yoguez rounded out the unit.

BRI Board Members Brett LaRocque and Michael Beldotti (BRI president) were Co-Chairmen of the Tournament's Committee. BRI Board Members Eric Abraham and Carl DiMaio were also committee members, as was Ken Finger, Esq., chief counsel to the BRI.

"We were very happy with how well the event turned out," said Albert Annunziata, executive director of the BRI. "We have had two successful outings since reviving our tournament in 2011 and we are happy with the results. The feedback we received on the event was very positive."

(Photos by Albert Annunziata and Jeff Strauss)

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Pictured during the Awards Ceremony of the Sep. 24 Golf Tournament of The Building and Realty Institute (BRI) are, from left to right, Brett LaRocque (event chairman); James Constantino (a member of the second-place team), Alberto Yoguez (member, second-place team), David Cardenas (member, second-place team); and Michael Beldotti (BRI president and member of the event committee).



Shown during the dinner portion of the event are, from left to right, Ken Nilsen, BRI and Apartment Owners Advisory Council (AOAC) member; Carl DiMaio, BRI member; Jeff Foster, BRI member; and Vincent Mutarelli, BRI member.



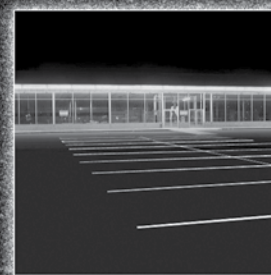
Pictured at the beginning of the tournament are, from left to right, Lucas Kairdolf, Summit Elevator; Ron Garfunkel, BRI member; and John Bonito, BRI and Advisory Council of Managing Agents (ACMA) member.



Pictured during the lunch portion of the event are, from left to right, Bob Lupica, BRI member; Michael Beldotti, BRI president; and Alex Beldotti, BRI member.

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US Energy Group, Greenwich Energy Solutions Announce Alliance

NEW YORK—US Energy Group recently announced a new alliance with Greenwich Energy Solutions (GES) to help drive down operating costs for facilities and ensure compliance with new environmental and energy regulations in New York City.

“GES is a service organization of energy auditors and specialists in Local Laws 84, 87, and Intro 194 as they pertain to building owners and their management,” said David Unger, chief operating officer of US Energy Group. “We are looking forward to having them support our clients with compliance benchmarking, energy audits and recommendations for heating/cooling system upgrades.”

Officials said that the unique alliance is designed to identify opportunities and provide com-

prehensive, cost effective solutions to help real estate organizations manage their overall fuel, energy and water consumption and costs through energy audits, benchmarking, implementation of energy conservation measures and retro-commissioning.

By deploying US Energy Group’s Building Energy Management System (BEMS)—proven to reduce fuel consumption by 15-to-30 percent with a payback in under two years—the alliance will work together to improve the energy efficiency of the city’s building stock, officials added.

GES has been working with the US Energy Group team to fully support this year’s Benchmarking compliance process of reporting energy usage to the EPA’s Portfolio Manager. USE

Manager, the information hub of US Energy Group’s Building Energy Management System, was the first system authorized to issue Benchmarking Compliance Certificates recognized by New York City as proof of benchmarking. The alliance makes it hassle-free for owners and managers by handling both the administrative and technical details of complying with the legislation, according to US Energy Group officials.

Founded in 1978 by Chief Executive Officer Jerry Pindus, US Energy Group is a metro-New York based building energy management solutions firm.

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

With the slogan “Building Efficiency Through Information Management,” the company’s Building Energy Management System (BEMS) integrates: USE-Manager™ Online Monitoring, heating and cooling system USE-Controllers and USE-PPM (Premium Portfolio Management Services). US Energy Group’s BEMS controls and monitors energy and fuel use, prevents overheating and

provides significant savings, with payback in less than two years, officials said. US Energy Group’s Verifier® Digital Fuel Gauge is a patented ultrasonic measurement system which enables building owners and managers to verify the amount of oil they receive, as well as control their inventory and budget. The USE-Controller and USE-Verifier have received the ETL Mark, indicating superior product safety and quality. With US Energy Group’s products and services, building owners save money, conserve energy and enhance tenants’ comfort, officials said.

US Energy Group Unveils the Expansion of Its Support Services

FRESH MEADOWS, N.Y.—US Energy Group recently announced the formation of its Enhanced Energy Management Service Team (EEMS), reorganizing customer-facing departments and integrating the engineering, installation, project management and customer service groups into one coordinated entity.

Building on what officials termed as “the company’s most successful two quarters,” US Energy Group is also increasing its staff to meet the burgeoning demand for monitoring and control management of fuel, electric and water.

“The growth in the past year was unprecedented,” said David Unger, chief operating officer of US Energy Group. “We are both expanding and reorganizing our staff into what we are calling a dynamic matrix – the new EEMS Team will feature an integrated framework so the highest level of technical expertise is available directly to customers and our network of Authorized System Integrators.”

In a recent series of focus groups, a cross-section of prominent customers applauded and helped refine US Energy Group’s personalized and newly “matrixed” approach to customer service. Spokesmen said that the reorganization is designed to “scale-up” this acclaimed approach and offer an even higher level of personalized service and an expanded scope of engineering expertise as the company continues its solid growth in New York and Boston and expands into other regional markets in early 2013.

US Energy Group’s flagship BEMS, which reduces fuel usage by 15-to-30 percent with a payback in less than two years, is currently installed in over 3,500 buildings and remains the leading “online energy monitoring and management solution” for existing

buildings, officials said. The advanced technology is currently installed in high-profile portfolios, including Newmark Knight Frank (37 commercial buildings), OMNI Properties (110 residential buildings) and scores of others, spokesmen said.

Property management executives for all portfolios will still have one primary support contact within the EEMS Team, officials said. However, this individual will be networked even more effectively. For example, customer support staff will share real-time information and channel feedback to the project management executives, who will address specific issues, such as aberrant space-temperatures, excessive fuel or water usage and high stack temperatures.

Meanwhile, with engineering staff members directly part of the team, they will be able to custom design new algorithms and software technology based directly on this customer feedback, spokesmen added.

The new EEMS Team will utilize USE Manager, the information hub of US Energy Group’s BEMS, in order to effectively identify and resolve building issues and channel feedback throughout the team. Already the most affordable and robust energy monitoring and management service for buildings from 30,000-to-80,000 square feet, USE Manager is also now the most versatile and personalized service, according to company officials.

“Customers can anticipate the highest level of service, knowledge, capital and product development all integrated together,” said John Cirella, vice president of operations, US Energy Group. “This dynamic matrix will reshape and expand the way information is shared and the most advanced technology is applied, enabling US Energy Group to continue its unprecedented growth.”

Builders, Developers: DEC Is Stacked Against the Industry

Continued from page 3

to at least recognize the need for some legislative “adjustments” to the original SEQRA Statute – those appeals have generally led to a stalemate in the legislature.

In general, building and construction industry officials said, the State Senate leans toward some reform, while the State Assembly tilts toward keeping the SEQRA Statute as it is.

With this stand-off a constant reality, more immediate and measured actions on the part of DEC are possible by way of a better, more efficient and fair administration of SEQRA Review. That has been the consistent argument on the part of the Builders Institute over the past 10 years, Annunziata said.

A Negative

The latest result of this particular decade-long struggle has been DEC’s issuance last summer of a draft scope for the Generic Environmental Impact Statement (GIS) on proposed amendments to SEQRA.

“Once again, DEC kept the

lid on this for the most part, issuing it on July 11 and setting the deadline for comment for August 10. It is another clear attempt to limit public comment and public controversy by sliding this important document in the middle of the summer, when many stakeholders who would otherwise comment are away,” Annunziata said.

The Builders Institute and its Construction Industry Foundation (CIF) appealed to the state for more time to properly assess this document, building and construction industry officials said. Although the request was reasonable, there has been no response, as of yet, from the DEC, officials added.

“You write a respectful letter. You send it to the highest echelons of DEC and the Governor’s office, and you don’t even get the courtesy of a reply, not even a boilerplate reply,” Annunziata observed ruefully.

An Important Alliance

Notwithstanding The Builders Institute’s efforts to buy

more time for a more thorough look at this latest round of amendments to SEQRA, the Institute worked diligently with the Westchester County Association (WCA) to submit comments to the DEC on August 7, Annunziata said.

A similar effort was submitted on August 9 by a consortium comprising the Orange County Partnership, the Builders Association of the Hudson Valley (BAHV) and Patterns for Progress.

“We will continue to argue for a better SEQRA Review Process, a review process that isn’t open-ended, a process that sets firm deadlines for all involved stakeholders, and that evens the playing field for all projects that fall under its jurisdiction, not just for big-ticket projects,” Annunziata said.

Those interested in obtaining a copy of the Builders Institute’s report on its recommendations for SEQRA streamlining and reform may contact Annunziata at (914) 273-0730.

Houlihan-Parnes Realtors and Q10 N.Y. Realty Advisors Report N.J. Transaction

MAHWAH, N.J. – Houlihan-Parnes Realtors, LLC and Q10 New York Realty Advisors, LLC recently announced the placement of a \$16,500,000 first mortgage on 35-73 Ramapo Valley Road, also known as The Mahwah Business Park, in Mahwah.

The Mahwah Business Park is a 400,000 square foot facility that is a combination of office and warehouse space. The largest tenant is Extra Space Storage, a self-storage center. The center also provides warehouse facilities to Accupac and Paulist Press.

The 80,000 square feet of office space is divided into small spaces, with none over 4,200

square feet. The five-year, non-recourse loan has a fixed rate of 3.99 percent, with a 25-year amortization schedule. The loan is pre-payable with a swap breakage feature that only results in a significant pre-payment penalty if interest rates are lower than on the day the loan was originated, officials said.

The borrower was represented by Robert Tiburzi of Houlihan-Parnes Realtors. Goldberg Weprin Finkel Goldstein, LLP was the borrower’s counsel. All New York Title Agency, Inc. provided the title services, officials added.

Houlihan-Parnes Realtors is a multi-faceted real estate investment company headquar-

tered in White Plains. Founded in 1891, its companies and affiliates are engaged in the acquisition and ownership of all types of commercial real estate investment property in the continental U.S.

The company’s mortgage brokerage affiliate, Q10 New York Realty Advisors, is a member of Q10 Capital, a leading commercial mortgage banking and investment sales company with 26 offices in 20 states nationwide.

Houlihan-Parnes and its affiliates specialize in commercial mortgage finance, investment sales, property management, leasing, mortgage servicing and consulting.



By Andrea Wagner
Wagner Web Designs, Inc.

TECH TALK

Eight Tips to Optimize Your Internet Marketing Presence For Last-Quarter Sales

YORKTOWN HEIGHTS—Fall is here. The time is now to think about how to gain the most momentum from your website this coming holiday season.

Plan now, implement in October and you should be ready for the start of the shopping season in November.

- Make sure your website is up-to-date on all of your latest products and services. Establish a pecking order. Put your most popular prod-

ucts/services up front. If you offer, for instance, contracting work, time to take the deck additions off the first page and concentrate on substituting it for painting/ updating kitchens and or bathrooms for those holiday guests.

- Offer incentives and reasons for a follow-up. Free tips, early bird specials, or launch a new product for peak interest.
- Make sure your website is viewable on an ipad or a smart phone. Many older technologies (and I mean only one-year old!) may no

longer be viewable on these devices, which are rapidly becoming the first way someone may come to your site. Contact your webmaster if images can't be seen or forms do not work.

- Revisit the keywords (meta-tags) on your site. Make sure they are not stale and that they reflect the latest of what you offer.
- Use video on your site, if applicable. It's very hot right now.
- Review your options with on-line local news sites (such as Patch.com or TheDailyvoice.com) to place banner ads on

these sites for the months ahead. The price is affordable because viewership is so targeted. You also can get an ex-

last minute. Make sure you direct them to your website, which, of course, is up-to-date and has the same message

The time is now to think about how to gain the most momentum from your website this coming holiday season.

cellent real-time idea on how many hits you are receiving, unlike traditional newspaper advertising.

- Speaking of newspaper advertising, prepare your budget and campaign now, if you feel print ads work for you. If you wait, everything becomes

as your ad.

- Use LinkedIn, Twitter, Facebook and other social media as a means of promoting your products. However, do not overdo it. No more than weekly postings are recommended — or you will start to be ignored.

Report: New Home Sales Rise 3.6 Percent in July

WASHINGTON, D.C.—Sales of newly built, single family homes rose 3.6 percent to a seasonally adjusted, annual rate of 372,000 units in July from an upwardly revised pace in the previous month, according to figures recently

said Barry Rutenberg, chairman of the National Association of Home Builders (NAHB), in an NAHB analysis. "This is further evidence that consumers are becoming more confident in local housing markets as they look to take advantage

gradual, upward trend that we expect to continue through the remainder of this year."

Crowe added that the fact that the inventory of new homes for sale reached an all-time low in July is "a worrisome signal that ongoing, unnecessarily tight credit conditions are keeping builders from being able to replen-

ish supplies as consumer demand improves."

A Regional Look

Regionally, the report said, the Northeast posted the biggest gain in new home sales with a 76.5 percent increase in July from an abnormal low in the previous month. The Midwest posted a 7.7 percent

gain, while the South and West registered marginal declines of 1.6 percent and 0.9 percent, respectively.

After trending downward for the past six years, the inventory of new homes for sale hit a record low of 142,000 units in July. This is a 4.6-month supply at the current sales pace, the report added.

"Sales of new homes in July returned to the same solid pace they set in May, which was the fastest sales rate we'd seen in more than two years."

— Barry Rutenberg, chairman,
National Association of Home Builders (NAHB),

released by the Department of Housing and Urban Development (HUD) and the U.S. Census Bureau.

"Sales of new homes in July returned to the same solid pace they set in May, which was the fastest sales rate we'd seen in more than two years,"

of today's very favorable prices and interest rates."

Noting that the three-month moving average of new home sales has been edging up consistently since last September, NAHB Chief Economist David Crowe added: "The report is the latest indicator of a

Candidates for Senate, Assembly Seats to Appear at Oct. 11 Forum

By Jeff Hanley,
IMPACT Editor

WHITE PLAINS—The Westchester Business Alliance will sponsor an Oct. 11 forum for candidates seeking seats in the New York Senate and Assembly, alliance officials recently announced.

The forum will begin at 5:15 p.m. It will be at The Crowne Plaza Hotel in White Plains.

The alliance is composed of The Builders Institute (BI)/ The Building and Realty Institute (BRI), The Construction Industry Council (CIC)/The Building Contractors Association (BCA), The Business Council of Westchester and The Hudson Gateway Association of Realtors (HGAR). The alliance monitors issues affecting the business sector in the Westchester and Mid-Hudson Region.

The organizations within the alliance are composed of

more than 10,000 individual and company members. Alliance officials have arranged for the major party candidates for State Senate and State Assembly positions to present their views on key business, economic and real estate issues affecting the region, alliance officials said in a joint statement announcing the event.

"Development and environmental policies, affordable housing and infrastructure renewal are among the issues the candidates will be addressing," alliance officials said. "Alliance moderators will ensure that both parties' views are heard and that every candidate will have a voice."

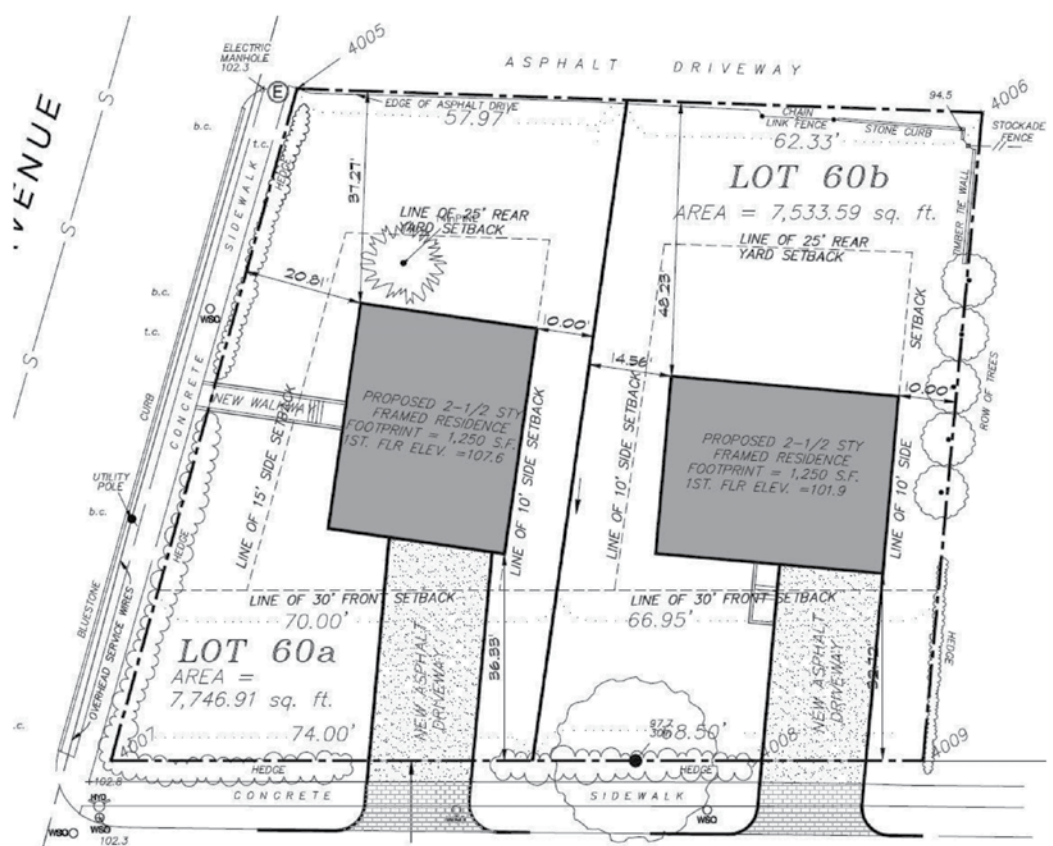
The event is scheduled to begin with a buffet dinner at 5:15 p.m.

For reservations and further information, call the BI/BRI offices at (914) 273-0730.

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Report: NAI Friedland Achieves “Record-Breaking Month”

YONKERS—NAI Friedland has set what company spokesmen recently announced as “a company record for commercial transactions.”

Officials said in a recent report that a pair of Friedland’s veteran retail brokers closed six deals over the month of June, including five in a single week. And, the company’s Office Division leased the final property at Fordham Place, bringing the Bronx’s premier office tower to its full 100,000 square-foot occupancy in only 18 months. Spokesmen added that June’s combined retail, office and industrial deals represented more than \$22.8 million and 83,000 square feet of space.

Managing Directors Carl Silbergleit and Ellen Benedek closed the final deal at Fordham Place, taking the new office tower from 70 to 100 percent occupancy within one year. Developed, owned, and operated by Acadia Realty Trust, the \$120 million property is at 400 East Fordham Road. Silbergleit and Benedek represented the landlord, Fordham Place Office LLC, in the latest six-year lease for 30,000 square feet.

Considered an urban destination in the borough’s business epicenter, Fordham Place features a 14-story office tower with 162,463 square feet of prime Class A Office Space – a rarity in the Bronx, officials said.

In addition to their latest lease, Silbergleit and Benedek also handled Professional Healthcare Institute’s 47,792 square foot lease, as well as 2,649 square feet for the Law Firm of Nonna Shikh and 19,549 square feet for the Children’s Village. Fordham Place’s 100,000 square-foot retail component is anchored by Best Buy, Walgreens, Bank of America, Sears, Healthfirst, and 24 Hour Fitness.

“Carl and Ellen’s nearly 50 years of combined industry experience was instrumental to the success of bringing Fordham Place’s office tower to full occupancy,” said NAI Friedland Chief Executive Officer Tony Lembeck. “Their extensive knowledge of the local market and unique perspective in office leasing contributed to this impressive achievement.”

Additional Efforts

Another of Friedland’s veteran duos, Executive Vice President Robin Herko and Retail Specialist David Scotto, closed a company record-setting six deals in June, all but one of which were in a single week. Most notably, Herko and Scotto negotiated the 10,100 square foot lease between JJ Operating Inc. (landlord) and 1775 Grand Concourse Food Corporation (tenant) at 1775 Grand Concourse in the Bronx, as well as the 6,100 square foot lease between Solil Management (landlord) and 640 Pelham Food Corporation (tenant) at 640 Pelham Parkway in the Bronx. Combined, the monthly revenue for the six properties is near \$12 million, officials said.

“Robin and I have both noticed an uptick in the retail market,” Scotto said. “We’re optimistic that this trend will continue and are thrilled to be able to leverage our local expertise in Westchester and the Bronx to the benefit of our clients.”

“Friedland has been an industry leader for more than 40 years,” Lembeck added. “No matter what the assignment – sale or lease – our brokers all have extremely high success rates.”

Industrial Scenarios

Industrial Specialist Andy Grossman closed a number of deals in 2012, including the re-

cent sale of two light industrial sites totaling more than 32,000 square feet. Grossman represented the buyer, Action Chutes, LLC, and seller, Marbel Investment Company, in the 23,000 square foot sale at 20 Jon Barrett Road in Patterson (N.Y.) He also represented Tekcast Industries in the sale of its 9,470 square foot property to Fisher Properties, LLC at 10-12 Potter Avenue in New Rochelle.

“Constant networking has helped to fill up my pipeline with more qualified leads, which, in turn, has resulted in deals coming to fruition on a more consistent basis,” Grossman said. “I’ve seen quite a bit of action on the industrial side in 2012. Personally, this year has been my best yet. I look forward to what the rest of the year has in store and believe we are now on the upswing.”

NAI Friedland, founded in 1970, is a full service commercial real estate firm covering the entire metropolitan New York area, with a majority of its business in Westchester County and the Bronx. The firm also does business in Putnam and Rockland counties, New York City, Connecticut, and New Jersey.

Headquartered in Yonkers, Friedland also maintains a satellite office in Manhattan. Company officials said that Friedland’s sales staff strives to provide guidance and information that enables clients to make the best lease or purchase decisions. Brokers in Friedland’s four divisions - Retail, Industrial, Office, and Investment Sales – understand their markets and are supported by a sophisticated computer database of available properties and potential tenants. Friedland is a member of NAI, the largest managed network of commercial real estate firms in the world, officials added.

Provident Bank Hires New Managing Director Kim Joins Bank as Managing Director in Orangeburg

MONTEBELLO—Provident Bank recently announced the appointment of Bo Kim as Managing Director.

Kim will be responsible for managing client relationships out of the bank’s Orangeburg Financial Center.

Kim has more than 10 years of experience in financial services. He most recently served as Branch Sales Manager at Valley National Bank. He has also managed numerous branches for leading banks in New York and northern New Jersey.

“Bo brings a breadth of experience in managing client relationships in a financial center environment,” said Colleen Sousa, consumer market leader for Provident Bank. “We are very pleased he has joined the Provident Bank team.”

Headquartered in Montebello, Provident Bank - with \$3.6 billion in assets - specializes in the delivery of service and solutions to business owners, their families and consumers in communities within the greater New York City marketplace through teams of dedicated and experienced relationship managers, officials said.

The bank’s franchise includes 37 Financial Centers. Provident Bank offers a complete line of commercial, business, and consumer banking products and services, officials added.

Houlihan-Parnes Announces Rockland Transaction

ORANGEBURG—Houlihan-Parnes Realtors, LLC and Q10 Capital, LLC recently announced the closing of a loan in the amount of \$6,850,000 on properties at 30-40 Ramland Road in Orangeburg.

The properties are improved by two, 40,000 square foot two-story office buildings. The multi-tenant properties are on 10-plus acres and have 244 on-site parking spaces. The properties have been upgraded in the last four years with a new lobby and common areas, HVAC upgrades throughout the building, a new elevator, new restrooms and a new roof. The parking lot was repaved and 45 new parking spaces were added.

The loan was placed for a term of 10 years with a local bank. The rate is fixed for the first five years of the term at 4.5 percent and is repayable on a 30-year schedule, officials said.

Michael Lynch, Esq. was the attorney for the borrowers. Title Insurance was provided by Ray Cohen of Chicago Title Insurance Company, officials added.

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Provident Bank Unveils the Formation of Its “Middle-Market Team” From The Recent Acquisition of Gotham Bank of NY

MONTEBELLO—Provident Bank recently announced that it has formed a new Commercial Banking Team from the former Gotham Bank of New York for the New York City Metro Market.

Officials said that the team will operate out of Provident Bank’s midtown Manhattan office. The team will focus on serving legacy Gotham Bank clients, as well as growing its middle market and private client base.

There are 15 Provident Bank Teams dedicated to serving the needs of businesses throughout the greater New York metropolitan area. The new team is one of six Commercial Banking Teams serving the New York City Metro Market, officials added.

“One of the attractive ele-

ments of Gotham Bank was the strength of their commercial bankers,” said Jack Kopnisky, president and chief executive officer of Provident Bank. “We are pleased that they have joined the Provident Bank team. We will continue to serve their clients in the manner to which they have become accustomed.”

William Rossi was named Senior Managing Director and will lead the team with the assistance of Gabriel Sadfie, who joined Provident Bank in January, 2012 as Managing Director. Rossi has more than 35 years of experience in commercial banking and had served as Gotham Bank’s Chief Credit Officer since 2001. Sadfie has more than 20 years in banking and was previously a Senior Vice President, Private Bank-

ing, at Capital One/North Fork Bank, spokesmen said.

Five “seasoned” commercial bankers complete the new team. Neil Zimberg, Frank Puccio, Frank Colluccio and Gary Solomon were each named Managing Directors. Officials said that:

*Zimberg has over 25 years of experience in commercial banking. He managed a commercial lending portfolio for Gotham Bank and was also responsible for business development.

*Puccio has nearly 20 years of experience in commercial banking. He was a commercial lender with Gotham Bank since 2007. He previously served as a branch manager for North Fork Bank.

*Colluccio has more than 35 years of experience in com-

mercial banking. He joined Gotham Bank in 1992 and was responsible for business development and relationship management.

*Solomon has over 30 years of experience in commercial banking. He joined Gotham Bank in 2007 as a commercial lender.

Provident Bank also announced that Melvin Altman was named Associate Managing Director. Altman has more than 35 years of experience in commercial banking. He served as a commercial lender for Gotham Bank since 2008. He previously managed a large commercial lending portfolio for Israel Discount Bank of New York.

“We are pleased to join Provident Bank. We look forward to delivering the high level of personalized service our clients

have come to expect through Provident’s team-based approach,” said Rossi, the team leader.

“Under Bill and Gabe’s leadership, this team will leverage their existing client base and continue to grow new, middle-market and private client relationships,” said David Bagatelle, New York City metro market president for Provident Bank.

Headquartered in Montebello, Provident Bank - with \$3.6 billion in assets - specializes in the delivery of service and solutions to business owners, their families and consumers in communities within the greater New York City marketplace through teams of dedicated and experienced relationship managers. The bank’s franchise includes 37 Financial Centers, officials said.

INSURANCE INSIGHTS

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



The Insurance Certificate Names You as an Additional Insured— So Now, You Think That You’re Protected? Better Think Again!

YONKERS—“This certificate is issued as a matter of information only, and confers no rights upon the certificate holder. This certificate of insurance does not constitute a contract. IMPORTANT: If the certificate holder is an Additional Insured, the policy (ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder.”

If you’re a contractor that hires sub-contractors, or a property owner/manager that hires contractors to service your building(s), do the italicized words look familiar to you? They should. They’re printed at the top of every Certificate of Liability Insurance in bold print!

As a contractor that uses subs, or as a property owner or manager, you are familiar with the practice of obtaining a Certificate of Liability Insurance from your (sub)contractors, naming you “Additional Insured”, before work begins.

As insurance brokers, we are constantly drawing our client’s attention to the above important statements. In general, they mean that you CAN NOT count on just the Certificate of Insurance, naming you as “Additional Insured” to actually establish Additional Insured status.

The Methods

Most contractor general liability insurance policies extend Additional Insured status via one of two ways:

1) Blanket Additional Insured—Frequently, contractors’ general liability insurance

dorsement, adding the actual name of the Additional Insured to the policy (rather than on a non-specific blanket basis for whomever the contractor agrees via written contract). In this case, the carrier may charge an additional premium

sary endorsement and Additional Insured contract/agreement (if required), to establish Additional Insured status.

Once Additional Insured status is achieved, coverage is provided in accordance with the contractor’s policy terms

Risk Reduction Services, LLC (www.riskreductionservices.com) to collect, maintain, track, and update the important documentation necessary to establish Additional Insured status, and transfer insurance claim exposure to the contractor.

If your organization collects certificates of insurance from contractors, the above certificate wording says it all: the certificate alone is not enough! Make sure to get the additional documentation required for proper risk transfer.

Editor’s Note: Ken Furst and Jason Schiciano are Co-Presidents of Levitt-Furst Associates, Ltd. The firm, based in Yonkers, is the Insurance Manager for The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. Levitt-Furst Associates can be reached at (914)457-4200.

“If your organization collects certificates of insurance from contractors, the above certificate wording says it all: the certificate alone is not enough! Make sure to get the additional documentation required for proper risk transfer.”

policies include an endorsement that allows the contractor to designate an Additional Insured via a written contract/agreement, signed by the contractor (prior to a loss). IMPORTANTLY, the Certificate of Liability Insurance clearly states (as noted above), that the certificate itself “...does not constitute a contract”; thus, the contractor must also provide a signed contract, agreeing to name you as an “Additional Insured.”

2) Additional Insured By Specific Endorsement—Sometimes, contractors’ general liability insurance policies require that the insured contractor obtain a specific en-

dorsement issued.

While the certificate is useful for evidencing summary information on insurance that the contractor carries (type, carrier, limits, policy term, etc.), it must be accompanied by the neces-

(along with “Additional Insured” status, the contractor should also provide written agreement to indemnify the Additional Insured party.)

As a service to property owners/managers and general contractors, Levitt-Furst has formed

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CCAC Sets Its Next Membership Meeting

By Jeff Hanley, IMPACT Editor

WHITE PLAINS – “How to Deal With Noisy Neighbors” will be the topic of the Nov. 13 Membership Meeting of The Cooperative and Condominium Advisory Council (CCAC).

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

“The issue of noisy neighbors is one that members of our association have discussed at our meetings and seminars,” said Diana Virrill, chair of the CCAC. “Since the conversations have been consistent, we have decided to schedule a meeting to address the issue.”

A panel of representatives from the CCAC and its affiliate organization, The Building and Realty Institute of Westchester and the Mid-Hudson Region (BRI), will cover the issue, Virrill said. The panel will feature presidents of co-ops and condos that are members of the CCAC, she added.

“Our staff is arranging to have every angle of this issue covered,” Virrill added. “We are anticipating a solid program and we urge our members to save the date so that they will be able to attend this meeting.”

Full details on the conference will soon be sent to CCAC and BRI members, Virrill said. Those wishing to make advance reservations may do so by calling the CCAC/BRI offices at (914) 273-0730.

The CCAC represents more than 400 co-ops and condos. The association serves its membership through a range of services. They include:

- Educational Meetings and Seminars
- Group Insurance
- Network Opportunities
- Referrals
- Lobbying
- Bulletins and Publications
- *Negotiations With Service Workers

The CCAC, formed in 1979, is based in Armonk.

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