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New York Association of Realty Managers is dedicated to excellence in real estate management.



NYARM's Executive Director, Margie Russell, presenting the New York Accredited Realty Manager Certifications to Union Local 32BJ Recipients at graduation in June. Joining her are, left, Kyle Bragg, Secretary-Treasurer at Union Local 32BJ and Jay Fingerman, Vice President, Managing Director at Brown Harris Stevens Residential Management LLC and on the right, Howard I. Rothschild, President, Realty Advisory Board on Labor Relations, Inc. Enroll your staff in classes online or in person.

UPCOMING EVENTS

October 29

NYARM Expo
Hotel Pennsylvania
7th Ave & West 33rd St - NYC

November 12

Seminar & Lunch
Tavern on-the-Green
Central Park West & W67th

January 31

Annual Honoree Awards Gala
Leonard's of Great Neck
Long Island

February 25

Seminar & Lunch
Tavern on-the-Green
Central Park West & W67th

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Landmarks Preservation Commission

A Guide to Successfully Navigating the LPC Application Process

WHAT IS A LANDMARK?

A landmark is a building, property, or object that has special historical, aesthetic, or characteristic value to the development, heritage or cultural characteristics of the locale. In New York City landmarks are designated by the Landmarks Preservation Commission (LPC). The LPC is responsible for regulating changes to existing landmarks in addition to identifying the city's landmarks.

WHAT ARE THE TYPES OF LANDMARK DESIGNATIONS?

A landmark can be categorized into one of four types:

1. Individual Landmark

Designated by the LPC for its exterior. Only the exterior features are protected.

2. Interior Landmark

Designated by the LPC for an interior space. The public must be able to access the interior.

3. Scenic Landmark

Designated by the LPC for a landscape feature or group of features. Must be situated on city property.

4. Historic District

Designated by the LPC for representation of a period or style of architecture typical to the area thus creating a "sense of place." Districts may also be designated due to cultural or social significance.

HOW DO I FIND OUT IF MY BUILDING IS A LANDMARK?

Visit the Department of Building (DOB) website. Search the address of the building. If the site is denoted with an "L," it is a landmark. If denoted with a "C" (calendared) the site is currently under review or consideration. The application process is the same for both "L" and "C" designated properties. The application for work on a "C" site will require a minimum of 40 business days.



The Landmarks Preservation Commission is instrumental in preserving the aesthetic and cultural charm of New York City neighborhoods.

DO I NEED TO APPLY TO LPC?

Owners are required by law to obtain a permit before work begins on landmarked properties. Application is required if the proposed work will:

- Change or affect the exterior
- Change or affect Interior Landmark
- Require DOB permitting (with the exception of abatements, MEP installations, and temporary structures such as sidewalk sheds)

ARE THERE VARYING TYPES OF APPLICATIONS?

An application is distinguished by the impact the proposed work will have on the protected architectural elements. The amount of change determines the permit required.

1. Certificate of No Effect (CNE)

The proposed work will not affect the protected feature. Approval requires 30

business days or more.

2. Permit for Minor Work (PMW)

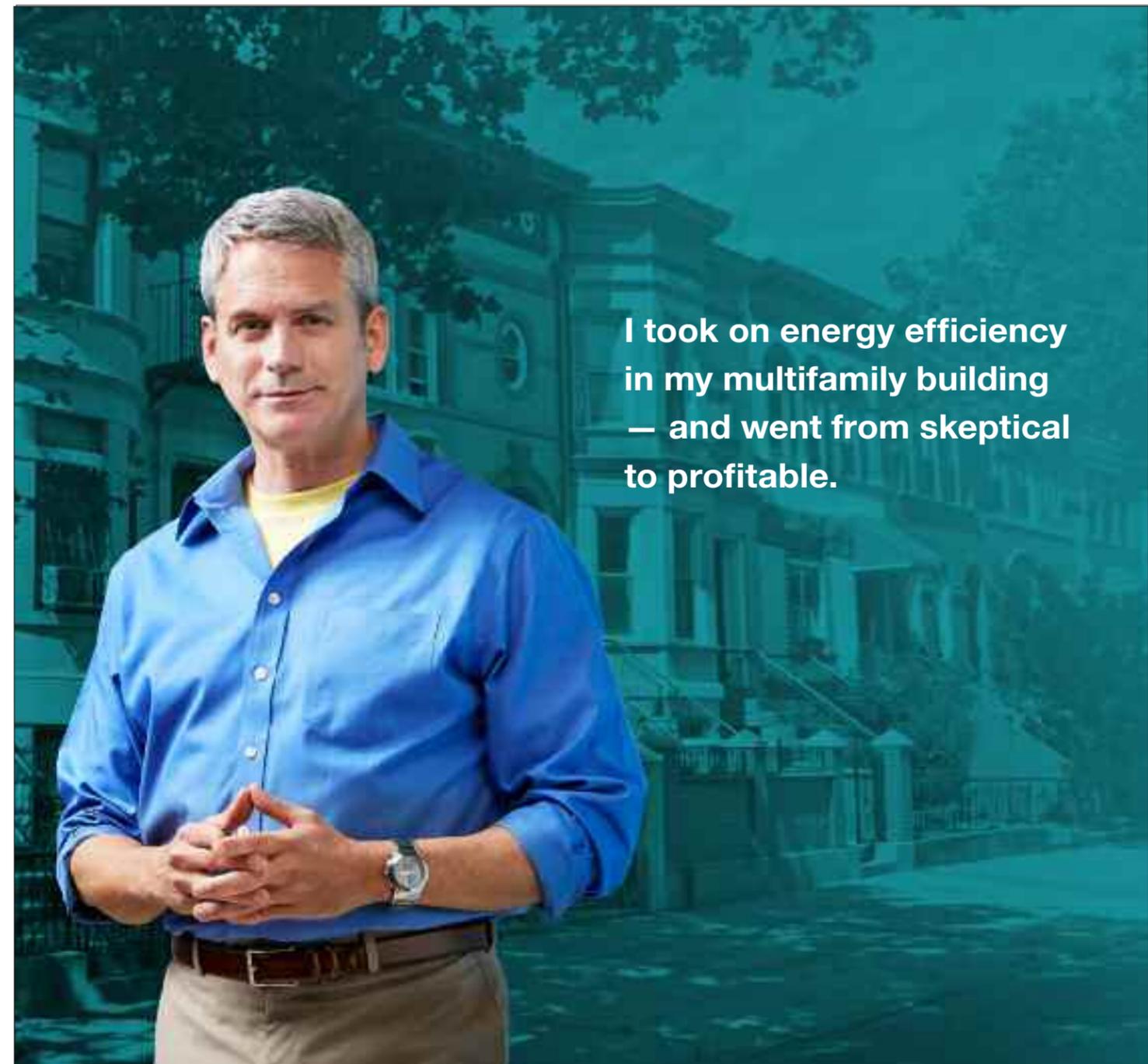
The proposed work will affect the protected feature but will not require DOB permitting. Requires 20 business days or more from application to approval.

3. Certificate of Appropriateness (C of A)

The proposed work will significantly affect the protected feature. After the application is filed, a public hearing must be held. Requires 90 business days or more from hearing to approval.

I NEED APPROVAL NOW. CAN AN APPLICATION BE EXPEDITED?

In early 2013 application expediting became available. The LPC reports that as much as 30 percent of new applications are filed for an expedited permit. There are two types of expedited applications. Both require applicants to have no outstanding LPC violations



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and all applications must meet the LPC requirements.

1. Expedited Certificate of No Effect (XCNE)

Requires three to five business days from application to approval. Applications must meet CNE requirements as well as meet the following conditions:

- Interior work only
- Above second story or in cellar or basement
- No work on the ground floor
- Not an interior landmark
- No changes to exterior wall/windows

2. Fast Track

Requires five to ten business days from application to approval. Applications can be requested for the following types of work:

- Work on non-visible facades including but not limited to HVAC, windows, skylights and decks
- Interior alterations
- Concrete sidewalk replacement and repair
- Minor repairs on rear or secondary facades
- Window replacements on secondary facades
- Window and/or door modification on non-visible facades
- Rear decks non-visible
- Non-visible roof deck
- Non-visible HVAC unit in rear yards or on rooftops
- Through-the-wall HVAC on non-visible or secondary facades
- Wall-mounted HVAC on secondary or non-visible facades
- Sidewalk cafes
- Notice of compliance for interior work

WHAT NEEDS TO BE INCLUDED WITH AN LPC APPLICATION?

- Completed application signed by building owner
- Historic Supplement including archival photos and pertinent property information
- List of proposed work, repairs and deficiencies with detailed photos
- Two copies of construction drawings with repair locations clearly noted
- A copy of the specification package noting how materials will match the historic look (color, texture, etc.)

WHERE CAN HISTORIC PHOTOS BE FOUND?

- NYC tax photos (taken circa 1940) are available through municipal archives. Visit nyc.gov/records
- Neighborhood Preservation
- New York Public Library
- Museum of the City of New York

APPLICATION SUBMITTED. WHAT HAPPENS NOW?

Now that the application has been submitted the waiting game begins. As noted earlier each type of application has a minimum amount of time needed for review. This means your application may require more time than noted for the commission to come to a decision. No work can begin until the review period is over and approval granted.

If the commission has any questions or requires more information in order to make a decision, a Material Checklist will be released. This checklist can include:

- questions regarding applications
- a request for clarification or change
- a request for more details or photos
- follow up of any kind

The information request will need to be answered satisfactorily before review continues. Supply the commission with the information requested and the review will render a decision. To receive a final ruling in a timely fashion, LPC recommends submitting a response to the Material Checklist within three days of issuance.

Once an application review is complete and the commission has approved the work, a permit will be issued. The permit will outline the LPC requirements for the project, if there are any. These requirements must be met.

DO I NEED TO CONTACT LPC DURING CONSTRUCTION?

If change orders are submitted or there is an alteration of scope over the course of work, these changes must be submitted to the LPC via a miscellaneous amendment application.

FOR MORE LPC INFORMATION

There are a number of sources for additional information on working with the Landmarks Preservation Commission. Please visit the LPC website (nyc.gov/html/lpc) for the following articles:

Making Changes to a Landmark Property

An overview of the landmark process and application guidelines as well as information on financial assistance for proposed work.

Permits Application Guide

Detailed information on permitting guidelines for the following:

- Windows
- Storefronts
- Awnings
- Signage
- HVAC
- Additions
- Restorations
- Repairs

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Landmarks (Brandon McGraw)

Hidden history of more than 850 New York City Landmarks. Features include history, photos, and direct links to the LPC designation report. iOS devices, \$1.99.

THE WORK IS COMPLETE. IS ANY FOLLOW UP REQUIRED?

The final step is to submit "Notice of Compliance" request. The submittal should include a letter from the owner confirming compliance and a set of as-built drawings with corresponding photos. If work has been completed in accordance with LPC regulations, a Notice of Compliance will be issued and the project is officially complete. ■



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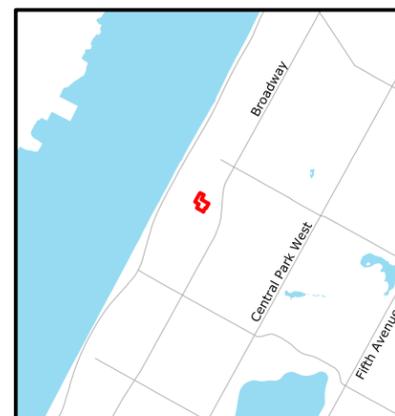
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Riverside - West 105th Street



Riverside - West 105th Street
Historic District
Manhattan
Designated: April 19, 1973

 Historic District Boundaries



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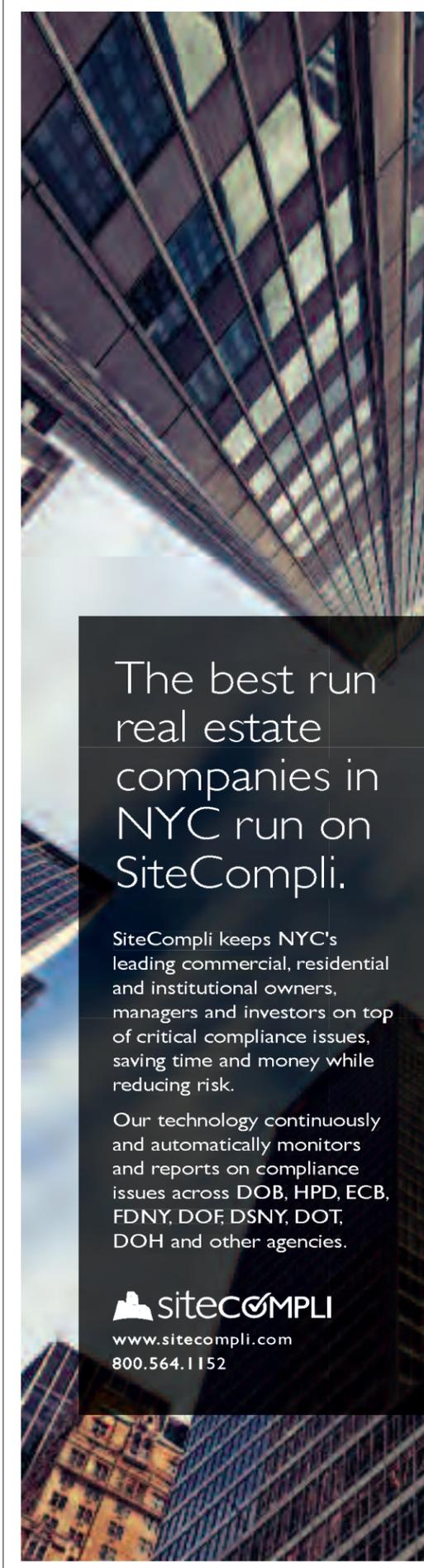
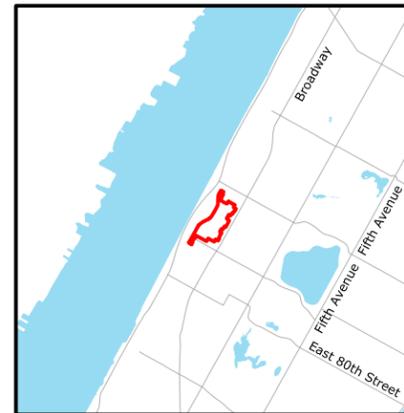
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Riverside - West End



Riverside - West End
Historic District
Manhattan
Designated: December 19, 1989

 Historic District Boundaries



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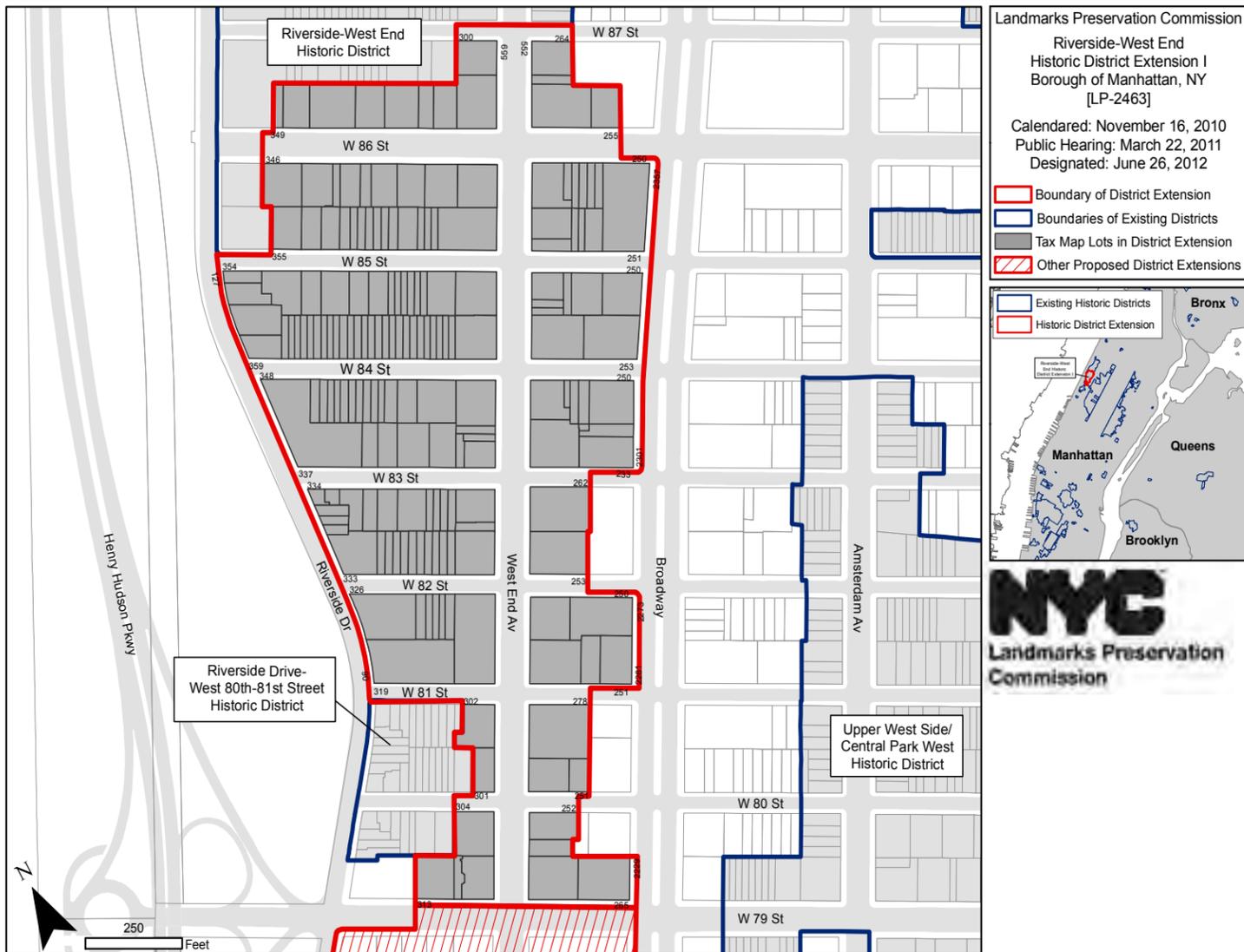
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Riverside-West End Historic District Extension I



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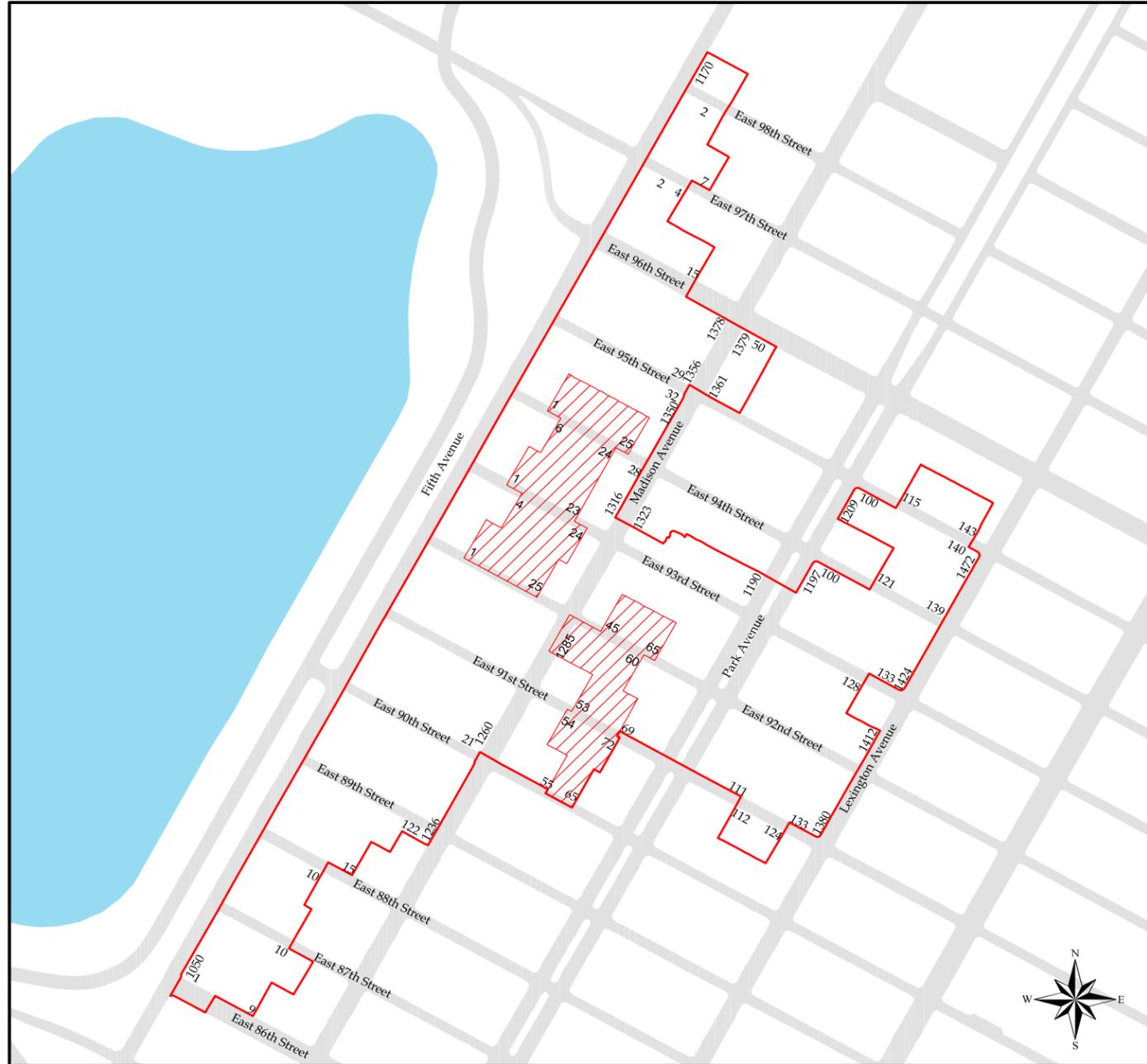


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Manhattan

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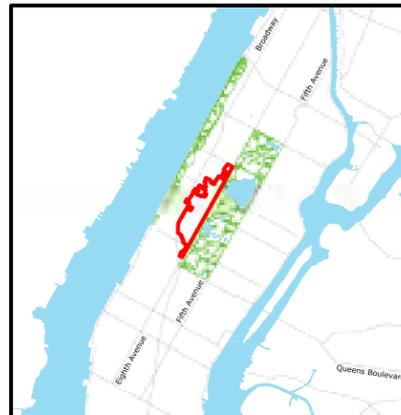

Upper West Side-Central Park West



Upper West Side-Central Park West
Historic District
Manhattan

Designated April 24, 1990

 Historic District Boundaries



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Upper East Side



Upper East Side
Historic District
Manhattan

Designated May 19, 1981

 Historic District Boundaries





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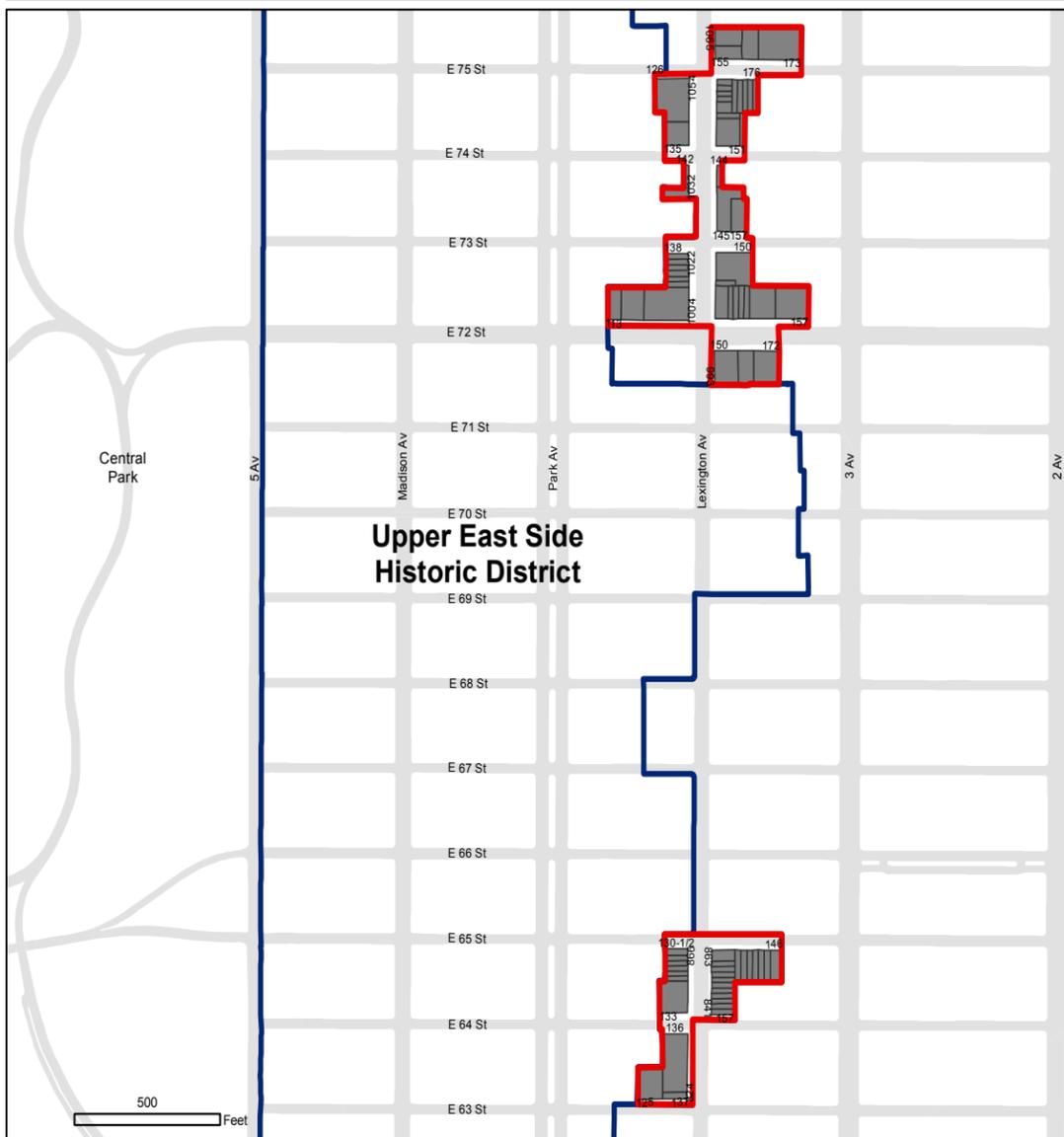
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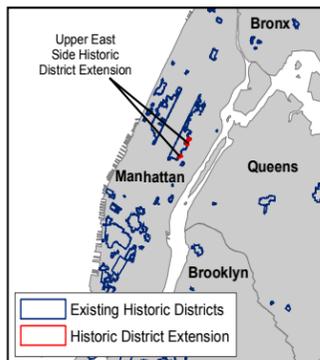
Upper East Side Historic District Extension



Upper East Side
Historic District Extension
Borough of Manhattan, NY
Landmarks Preservation Commission

Calendared: June 23, 2009
Public Hearing: October 27, 2009
Designated: March 23, 2010

- Boundary of Existing District
- Boundary of District Extension
- Tax Map Lots, District Extension



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“The 1990 US law, the Visual Artists Rights Act, AND YOUR BUILDING”

Margie Russell's interview with Richard A. Altman, Esq.

June 15, 2014

A June 15, 2014 article in the New York Times caught my attention. It said that many developers and building owners are hiring contemporary artists as part of their marketing strategies. Whether it is to install art in the public spaces of their buildings, or to create works just for buyers of apartments, or as part of a sales center, developers are increasingly hiring art consultants and artists, just as they hire architects and engineers.

I reached out to interview Richard A. Altman, a New York attorney who has litigated some of the most significant cases in this area. I found someone whose objective is to ease the process of formalizing the relationship between the building owner and the artist. This interview opens a window as to how ownership can gain a greater understanding and awareness when navigating the pitfalls of permitting artists to install original works of art in, on, or around their buildings.

Understanding the complexities is crucial, Mr. Altman explains. “It starts with an understanding of a 1990 US law called, THE VISUAL ARTIST RIGHTS ACT. It addresses the subject of such art, and provides powerful protections for the artists whose works are used by buildings. Those protections can include preventing the removal or destruction of a work of art for the artist's lifetime, or its alteration (or even placement) without the artist's consent, and can lead to expensive and usually highly public litigation. While those rights can be precisely set out and limited by contracts with the artist, the legal landscape is tricky, depending, for example, on whether the work of art was created before or after 1990, who has title to the work, whether it is installed in such a way as to be easily removable (a painting on the wall, or a sculpture bolted to the floor), or by contrast, whether it is so intrinsic to the real estate that to remove it is to destroy it (such as mosaic tiles, or a light installation), and so on.”

Mr. Altman's involvement with landmark cases put him at the forefront of understanding the risks facing building owners and developers. He cites a New York statute from 1984, in addition to the US law, which perhaps provides even greater benefits to artists, called the ARTIST'S AUTHORSHIP RIGHTS

ACT. This law, which authorized an injunction against a building owner who threatened removal of an artwork, can have a severe impact when it prevents destruction, even if only temporarily. “Both of these laws represent attempts to enact so-called ‘moral rights’ laws, which have long existed in Europe, and they are based on the idea that the artist retains certain rights of personality embodied in his creations,” says Altman. He further explains that, “They are an uneasy fit with the American legal system, under which art is simply personal property that can be bought and sold, and, once installed in a building, becomes simply a fixture in the legal sense.”

Building owners and developers should realize that there have been cases in which artists have succeeded in preventing removal of their art, and have even been awarded damages for its destruction. However, careful attention to the agreement between the artist and the developer/owner can prevent litigation with such unexpected consequences, and it can bring great benefit and increased prestige, both to the artist who gains through increased public exposure, and the developer/owner whose property is enhanced”. On October 29, 2014, as part of NYARM's all day Expo, Richard A. Altman, Esq. will conduct a seminar delving into these legal issues.



Mr. Altman's focus is intellectual property law, including copyright and trademark litigation, internet law and defamation, and art law, involving recovery of stolen art, auctions, artists' rights, and artist-dealer-building relations. He can be reached at: Law Office of Richard A. Altman, 285 West Fourth Street, New

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Margie Russell is the Executive Director of the NY Association of Realty Managers (NYARM). To attend or exhibit on October 29th, log on to www.nyarm.com



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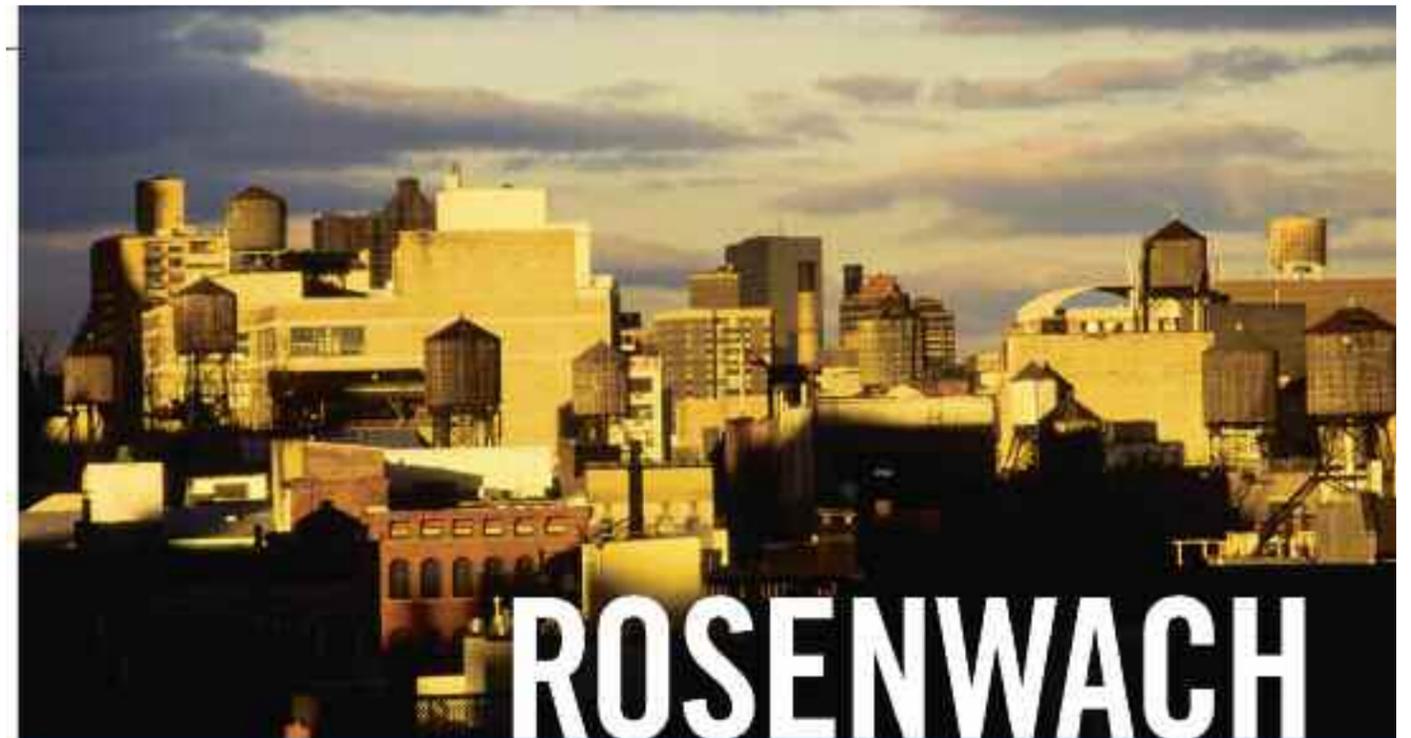
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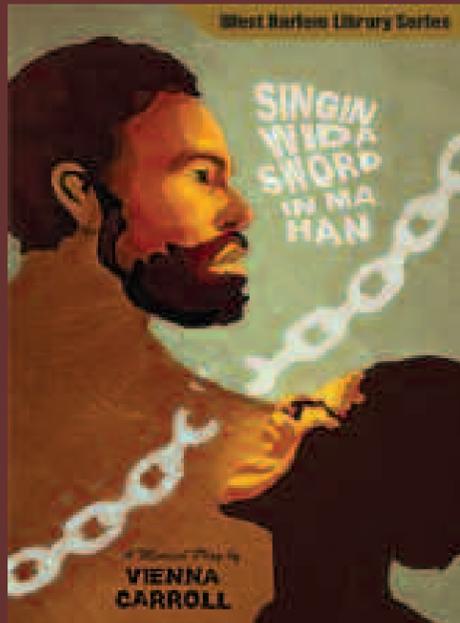


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Strangers' Gate



Enlightenment



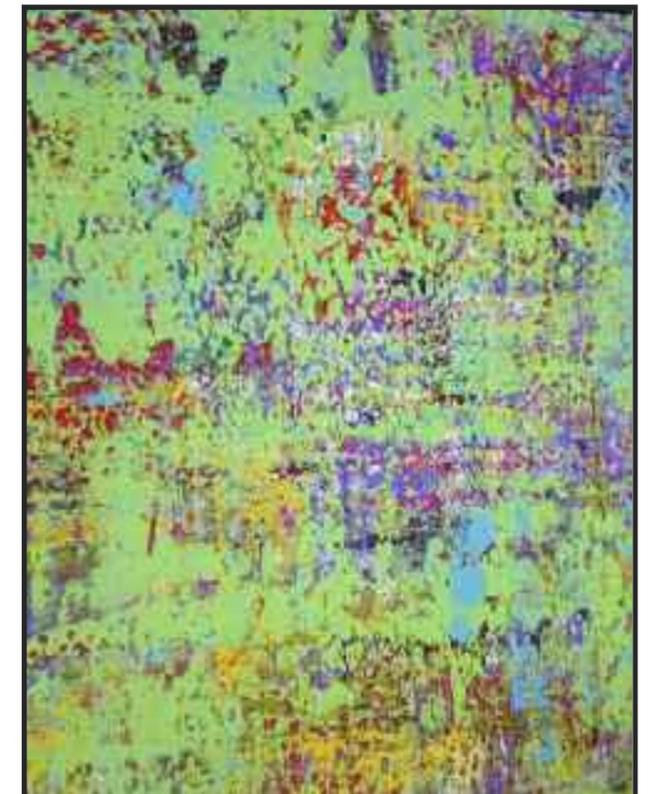
Mariner's Gate



Orchidaceae



Percussion



Cymbidium



3:39 AM



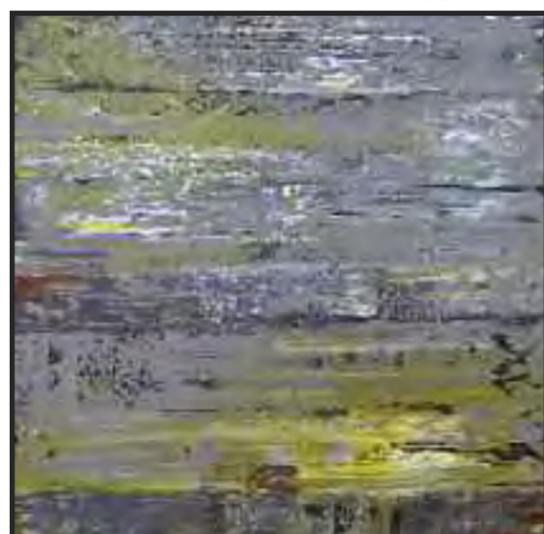
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LANDMARK DISTRICT DESIGNATIONS AFFECT YOUR BUILDINGS' ABILITY TO COMPLETE, PLAN & PERFORM WORK

- Differences in the restrictions between Landmark BUILDINGS and DISTRICTS
- Issues related to approvals for HVAC equipment, cooling towers, flues, solar panels, antennas and other mechanical upgrades in Landmarks districts
- Pitfalls to avoid with partial replacements for: sidewalks, masonry, windows, cornice repairs, handicap ramps
- Lobby & Interior First Floor upgrades that are subject to Landmarks review.

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10:30 to 11 ... Registration, Refreshments, Meet the Speakers

11 to 12:00 ... Landmark Districts & Application Approvals

12 noon ... Networking, Refreshments, Meet the Speakers

12:30 to 1:30 ... Wine Tasting & Sit Down Luncheon – Special Guest, Charles Massoud, Proprietor of Paumanok Vineyards on the North Fork of Long Island

1:30 to 2:00 ... Coffee, Dessert, Etc.

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Window Replacement Project in a New York City Landmark District

- I. Identify the specific Historic District (www.nyc.gov/buildings)
- II. Obtain information about the Building
(<http://maps.nyc.gov/doitt/nycitymap/>)
 - a. Original construction date
 - b. Number of stories
 - c. Location with respect to street
 - d. Identify individual window types
 - e. Historic District Map
(<http://www.nyc.gov/html/lpc/html/home/home.shtml>)
 - f. Historic Tax Lot Photos
(<http://www.nyc.gov/html/records/html/home/home.shtml>)
- III. Inspect all Windows from both the inside and outside of the Building
- IV. Prepare an Existing Window Conditions Statement, along with color photographs, depicting the present window defects
- V. Prepare LPC permit application form signed by the Building owner
(<http://www.nyc.gov/html/lpc/html/home/home.shtml>)
- VI. Prepare two [2] sets of drawings of Existing and Proposed Exterior Elevation (using large scale, include all dimensions), which identify

See next page

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the locations of the various window types and denote the location(s) of proposed work

- VII. Prepare Window Elevation drawings, for each type of window (Existing and Proposed)
- VIII. Prepare Window Section drawings (include vertical/ vent sill, horizontal jamb, mullions, muntins and head)
- IX. Calculate glazing diminutions for each different proposed window replacement (Should be no greater than ten percent [10%] glass reduction)
- X. Prepare in-depth report, comparing differences between existing and proposed windows
- XI. Show examples of other window types, to illustrate the range of options for obtaining the thinnest window profile possible (fiberglass, aluminum, or steel windows, or other)
- XII. Provide photos of specified windows installed, in another building, to show finished appearance of each
- XIII. Provide Air Conditioner Statement and drawings of proposed A/C unit location(s) in new windows
- XIV. Obtain a Paint Analysis report indicating the historic finish color of the window frames, as well as a proposed finished color for the replacement windows and provide proposed window color sample(s)
- XV. Submit all documents and drawings to LPC staff
- XVI. Submit all documents and drawings to local Community Board (CB) and obtain CB approval
- XVII. LPC Commission will review application for a Certificate of Appropriateness (CofA) at a Public Hearing

See next page

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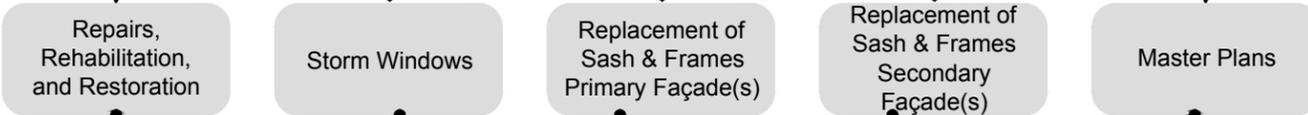
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Window Application Review Process

LPC Rule Applied

LPC Rules, Chapter 3: Repair and Replacement of Windows on Landmark and Historic District Buildings

Scope of Work



LPC Staff Level Approvals

Work may not require a permit. Review LPC Rules for work that does not require a permit.

For any application that qualifies as a FasTrak application or meets the criteria set forth by the Rules for a permit, and provides all required application items, a Permit for Minor Work (PMW) or Certificate of No Effect (CNE) may be issued at Staff Level. Otherwise, the application will be reviewed for a Certificate of Appropriateness (CofA) by the Commission.

A staff member may schedule a site visit to review the potential visibility and verify the actual conditions of the windows.

If the application for work meets the requirements of the Master Plan, an Authorization To Proceed (ATP) will be issued.

If the application does not comply with one or more criterion of the Rules it moves to the Public Hearing Process.

Public Hearing Approvals

Applications that come before the Commission for review and approval, may be granted a Certificate of Appropriateness (CofA).

These applications must be complete and include historic photographs of the site and building, color photographs of the existing building, color renderings of proposal and dimensioned drawings. Your staff preservationist will notify you of any missing pieces of information. Please follow the recommendations and guidance of your staff preservationist. See Appendix C for details on the public hearing process.

Continued next page

WINDOWS



See next page

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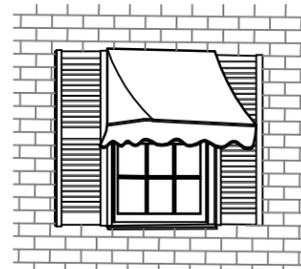
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Application Checklist for Window Replacement on Primary Facades

Below is a list of required descriptive materials for your window proposal. These materials will help the Commission evaluate the impact of your proposal on the associated landmark site. Examples of some of the required materials are available in the Sample Application Materials section of this chapter.

- Permit application form signed by the building owner
- Two sets of filings drawings signed and sealed by a licensed architect or engineer if the proposed work requires a Department of Buildings permit
- Documentation of the original window(s) (necessary for applications where existing windows are not original windows)
- Color photographs of the building and typical existing windows
- Historic photographs (if any)
- Written conditions statement describing the type and extent of deterioration for windows to be removed
- Two sets of drawings for historic and proposed windows (at large scale, include all dimensions)
- Floor Plan or Exterior Elevation (denote the location of proposed work)
- Window elevations (for each type of window, Existing & Proposed)
- Window section drawings

	Existing	Proposed	N/A
Vertical (Head thru sill)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horizontal jamb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mullions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Muntins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



- Proposed Color Sample(s)
- Glazing diminution calculations for each different proposed window replacement

An LPC staff preservationist will contact you if additional materials are required.

See previous page

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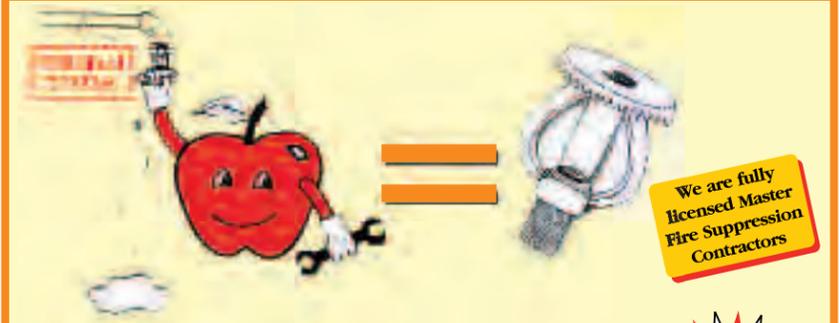
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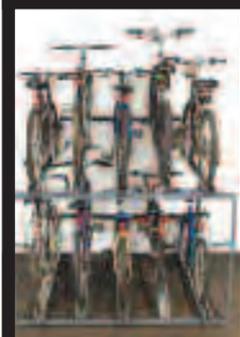


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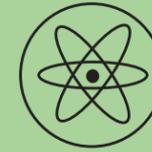
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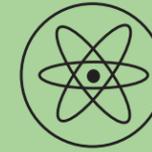
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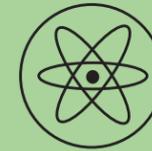
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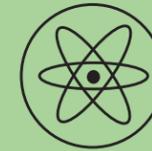
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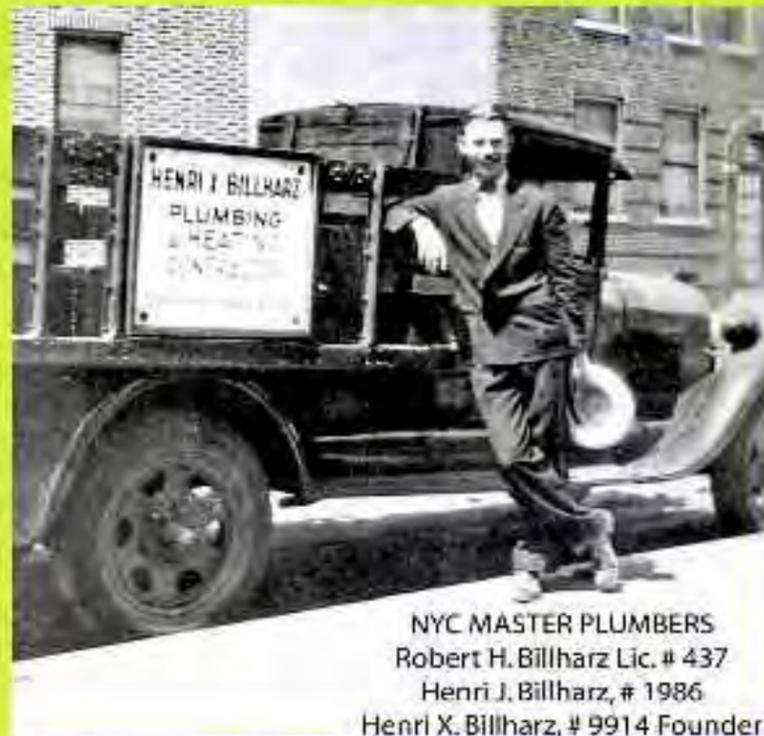
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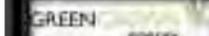
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Housing Options Exist Outside NYC Limits

By Margie Russell

WYANDANCH RISING, a new transit hub under development in the hamlet of Wyandanch, Town of Babylon, Western Suffolk County, is a community poised to be the next enclave of art galleries, destination-music and wine tasting events, focusing on locally driven purveyors. The immediate area beyond the development also happens to be a community where market rate housing IS affordable, having come by its affordability naturally. These and similar communities, when developed wisely have the ability to ease the needs of housing in NYC as an organic part of the whole picture by providing other opportunities that can only help working New Yorkers, whether or not the housing option exists within NYC limits.

The Albanese Organization website tells us that they are, "Master Developer of Wyandanch Village, a 40-acre, \$500 million sustainable, mixed income, transit oriented community. Currently in construction, the first phase of development will consist of three buildings. The first two will be mixed use buildings containing a total of approximately 222,000 square feet, including 177 residential units and 37,500 square feet of retail, restaurant and gallery space. The third will be a commercial building of approximately 77,000 square feet." www.albaneseorg.com

The Project Type: Mixed-income, Mixed-use Transit Oriented Development on 40 Acres, designed by Betty, Harvey, Coco Architects. The brainchild of Suffolk County Executive Steve Bellone, back when he was the Town Babylon Supervisor, this became a top project on the island thanks to dedicated teamwork participants including Empire State Development.

From a June 23, 2014 Newsday article by DENISE M. BONILLA we learn that approximately 1,500 households pursued 177 rental apartments in Wyandanch Rising, the majority of which will be affordable housing. The large application numbers show a trend developing momentum. Recently over 53,000 applied for 87 affordable units that were earmarked for artists in East Harlem. There developers are converting abandoned public school PS 109 into live/work housing for artists and their families and 13,000 square feet of complementary space for arts organizations.

The difference between these two developments is that in Wyandanch there are plenty of private affordable housing opportunities, well within walking distance of the new main development. The most important point is that affordable exists. The Wyandanch community happens to be on Long island, yet it is no further in mass transit time than a subway ride to an outer borough. Private efforts can profit by continuing with the development effort that already has made significant progress.

I am certain many of the households that unfortunately don't win housing lotteries, would consider living in a newly renovated home, on a private piece of land, through a rent-to-own arrangement that someday they can call their own. And because this organic effort is intended to be private investment driven, the more strident (top and bottom) income restrictions, along with other criterion, would be lessened allowing for more participation. Unlike the East Harlem development where qualifying tenants must be artists and, must meet specific income and household size requirements and, 50% of the units must be filled with residents from the immediate community. This leaves a lot of people out in the cold.

Wyandanch Rising will be a destination in and of itself, attractive to both young adults requiring regular mass transit access to midtown and baby boomers who wish to enjoy retirement years on Long Island with easy access to what the city has to offer, yet appreciate finding similar activities at home.

Living within walking distance of a transit hub also offers both convenience and ecologic soundness and, along with other similar multi-use properties they add range, cultural & professional variety to the needs of business, home and play. Within the year I see Suffolk County and New York State: WINE, ART and MUSIC, being the regular features at Wyandanch Rising and, the locale being an affordable place to live not only for emerging artists but a convenient comfortable home to some of New York City's labor force.



Margie Russell, executive director of the NY Association of Realty Managers (NYARM). Has a wealth of experience from a real estate career that began 30 years ago. As property manager of some of the city's largest multifaceted cooperative and condominium apartment and mixed-use buildings, she increased the market value of stagnant buildings through innovative problem solving, project management and staff retraining. She coordinates, plans and conducts: the NY Accredited Realty Manager Certification program and educational/networking events for building management and industry professionals. To attend or exhibit on October 29th, contact Margie Russell at mrussell@nyarm.com • 212.216.0654 • <http://www.nyarm.com/contact.htm> • www.nyarm.com and view her educational seminars http://www.youtube.com/results?search_query=margie+russell.

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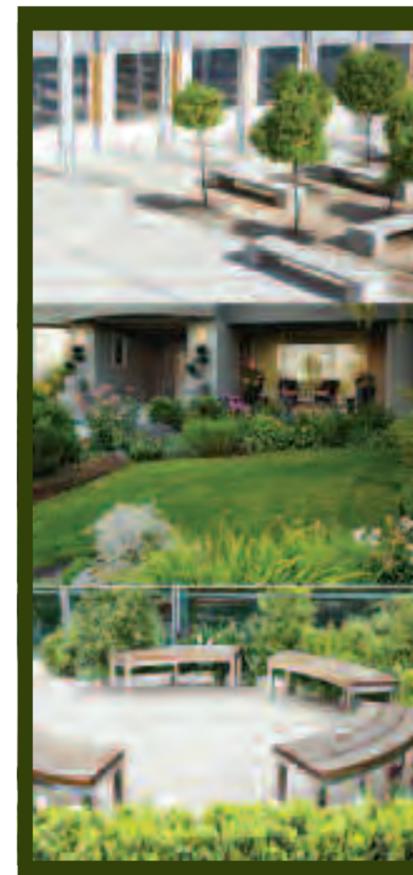
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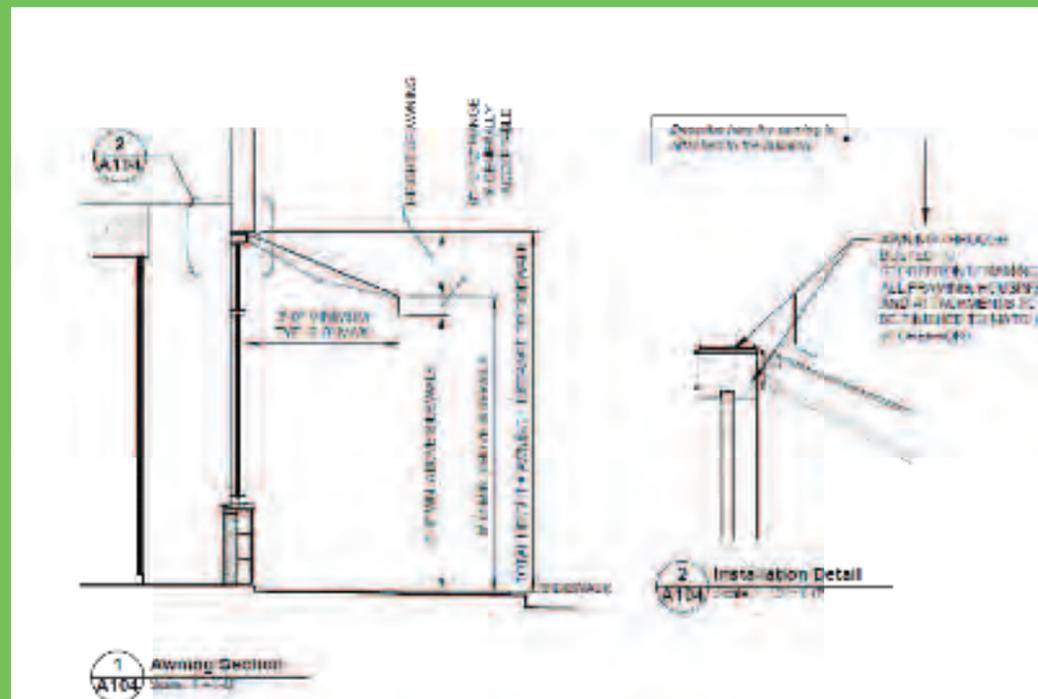
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