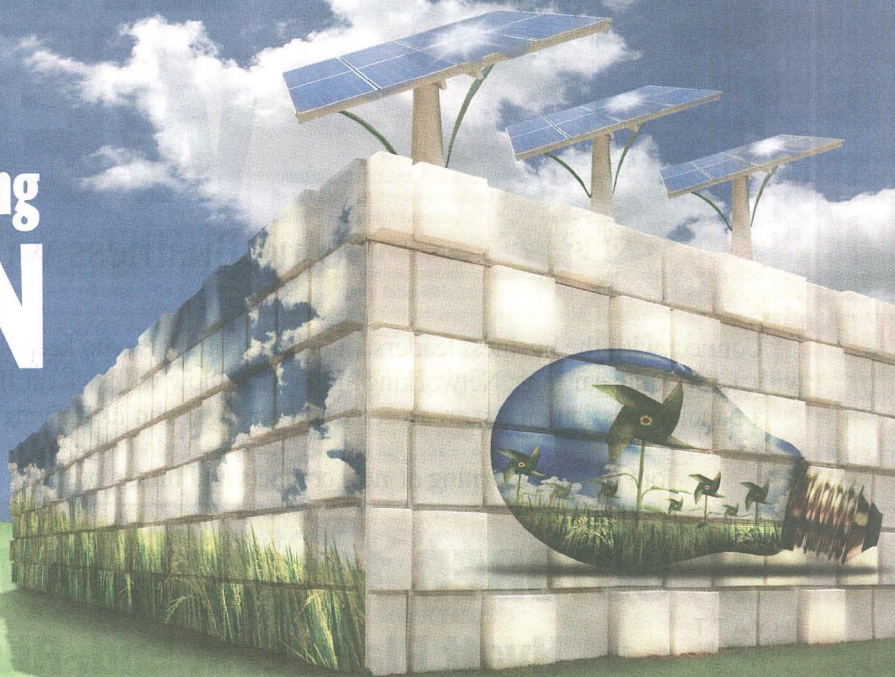


LIFOCUS

COMMERCIAL REAL ESTATE

It's easier being GREEN

Adoption of regs cuts prices, streamlines processes, but inconveniences linger



By **BERNADETTE STARZEE**

Commercial building codes are becoming more stringent when it comes to energy efficiency and other green requirements. Which is a blessing in disguise for environmentalists and builders.

Because the green movement has taken off, builders and developers are better able to acquire the necessary materials and designs to build to code than they were a few years ago.

New York state adopted its current code in 2010.

"Our members have transitioned to the code and now find it workable," said Brendan Manning, education and environmental director for Associated General Contractors of New York State. "The manufacturers are now producing the products and more designers are designing that way."

For example, Manning said, five years ago it was hard to find the proper flooring for a school or paint with low levels of volatile organic compounds.

"Now, low-VOC paint is sold in Home Depot," he said.

The growing popularity of Leaders in Energy and Environmental Design construction among the building community and building owners, in particular institutions like schools, hospitals and government buildings, has paved the way for green products and designs to become more widely available, Manning said.

"LEED advocates have pushed the ceiling, which has made it easier to raise the floor for the benefit of everyone," said Vince Capogna, executive director of the U.S. Green Building Council's Long Island chapter in Hauppauge, which developed the LEED program. "The economies of scale have begun to bring the prices down, and we

have shown that building to the LEED basic level, which will always be above the code level, does not have to cost any more than traditional building."

While costs have come down, and no one disagrees with the importance of using finite resources like energy and water efficiently, the commercial real estate industry nonetheless continues to adjust to limitations, inconveniences and added expenses related to greener codes.

For instance, a client of Michael J. Heller recently renovated an office suite for a new tenant.

"There was existing lighting that could have been used, but the code required that it be replaced with more energy-efficient lighting, which delayed the revenue," said Heller, a partner with the Melville law firm Lamb & Barnosky, which concentrates on commercial real estate.

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Green: New regulations, a change of use problem

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Developers must file energy reports to explain their plans for lighting, cooling and other products that use energy.

"We're more restricted in the way the lighting and air conditioning systems can be designed," said Peter Riccardo, owner of Riccardo Associates, a commercial development firm that does business mainly in Suffolk County. "A client who is putting in a showroom won't be able to use the same wattage of lights that was allowed in the past."

As rules regarding water usage and runoff get more restrictive, it's more difficult to change the use of a property, Heller said. Different types of businesses have different requirements for things like sanitary waste and allotted parking spaces.

changes in use and projects in general.

"They move our clients through more paces to get approvals and signoffs," Heller said, adding that this could be partly attributed to personnel shortages in building departments due to budget cuts.

While adjusting to more stringent codes is difficult enough, John Caravella's construction industry clients have particularly struggled with the lack of standardization in regulations from town to town. Local towns and other municipalities can opt to

adopt more stringent codes than the state, and many of them have.

"Each little jurisdiction is its own kingdom, and the inconsistency grabs the efficiency out of the construction process," said Caravella, a construction attorney with an office in Uniondale. "Builders can't plan ahead, and each project becomes a custom project. It's hard for companies to stay in business if they can't develop some efficiencies."

As Caravella noted, there's no standard

definition of building green. "What qualifies as green construction in Oyster Bay may fail in Southampton," he said.

The USGBC's Long Island chapter has begun to focus in earnest on an effort to convene all the jurisdictions in Long Island to agree on a unified building code.

"Our goal is to bring all the stakeholders together to adopt a smart building code that would still be below the LEED basic level," Capogna said, noting that he hopes to begin meetings on this in September.

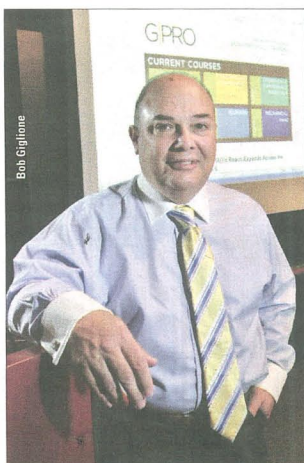
SANITARY WASTE FLOW IS A PARTICULARLY IMPORTANT ISSUE IN SUFFOLK COUNTY, WHICH IS LARGELY WITHOUT SEWERS

"The way the retail industry is going, there are fewer old-school retailers like book stores and clothing stores, and more gyms, yoga studios and restaurants that are looking to come into those locations," said Jeffrey Pliskin, president of Pliskin Realty & Development in Garden City. "First I have to determine if I can get a variance to change the use, which could take about six months."

Sanitary waste flow is a particularly important issue in Suffolk County, which is largely without sewers.

"If you're looking to go from a retail store to a small restaurant, you probably can't do it," Riccardo said.

While codes have gotten more restrictive, a bigger issue is that municipalities have become more hesitant to allow



VINCE CAPOGNA: Focusing efforts to unify codes of all jurisdictions.