

# Bulletin Board

The Builder Connection

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**SHORE BUILDERS**  
Association of Central NJ, Inc.

Covering Monmouth, Ocean,  
Mercer, & Middlesex Counties

President's Message  
John Cummins

State Legislative  
Update

Young Professionals  
Q & A

Welcome  
New Members

2015 Calendar  
of Events





John Cummins  
President - SBACNJ

If there's one thing we can all agree on at this place in time, it's that things are happening in the building industry at the New Jersey shore! For anyone that's been away from the association for a while and recently come back, it's like going back to the future. From the highest participation at this year's events in over seven years, to a continued increase in new memberships, building industry professionals are back in a big way this year. This issue of Bulletin Board Magazine is dedicated to getting everyone on board with the association and continuing to work together toward our common destination: SUCCESS!

Our industry is seeing a revival and building is stronger throughout the state than it's been in years. Getting on board with everything happening in our industry and our association has become an integral part of doing business for many of our members and there are incredible reasons why you should care about what is happening and why you should be a part of it.

Our membership is growing. At last month's event, the Post-Convention Schmoosa Palooza hosted by Ferguson in Lakewood, it was standing room only. This casual networking event built on the connections that started at the ABC Convention in March. Many members brought non-member guests, who then joined the association immediately after the event. For Ferguson, the benefit of hosting our members was the exposure to Ferguson's showroom, their products and services, and their staff on-hand during the event. Many companies host and sponsor these types of events throughout the year.

Success breeds success. Participating in association events, committees, and sponsorships provides plenty of opportunities for our members to succeed and build on their initial efforts. This issue of Bulletin Board Magazine is packed with valuable advice and information from other members about how they've succeeded through various forms of participation in the association. By getting on board with a committee, or sponsoring an event, and even bringing a non-member guest to an event, your chances of doing business with another member can only increase.

Your competitors are on board, which means you should be too. Many companies don't think about the fact that if they are not represented at association functions or gatherings, their competition may be reaping all the benefits. Come to an event over the summer and make sure you are taking advantage of every opportunity not only to mingle and network with potential

customers, but also with your competition. We're all in this industry together and need to support and help one another through idea exchanging, referral sharing, and staying ahead of the trends.

Speaking of events, Shore Builders has some great events coming up for the rest of the year. The Annual Golf Outing will be June 22nd and will feature our Summer Kick Off and Gift Basket Auction at the end of the day. The Annual BBQ on the Beach is scheduled for July 23rd, so save the date for that. In September we will be celebrating Association Appreciation Month at our General Membership Meeting and October are our Annual Elections, leading up to our Awards and Holiday Ball in December. All of these events offer an array of sponsorships, advertising opportunity, and networking through attending. Many of the committees that plan these events are always seeking members, which is a great way to demonstrate your work ethic and get to know other members on a more personal level. Remember, people do business with people they like, so join a committee and make some friends!

With so many ways to get on board with Shore Builders Association, make sure you're not left at the station. I hope you enjoy this issue of Bulletin Board Magazine and I look forward to seeing you at the next event.

**Interested in Joining SBACNJ?**

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[CLICK HERE  
As an Associate](#)
[CLICK HERE  
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61 Continuous years of publication to our members

# Contents

01 President's Message  
by John Cummins

03 Welcome New Members 2015

04 Membership Update  
by Michelle Madden

05 Flooring tips by Avalon Flooring

09 State Legislative Update  
by Carol Ann Short

13 Generational Shifts: Working for the Greater Cause  
by Mike Kurpiel

16 Sales and Marketing Keeps Pace with Industry Growth  
by Marge Karahuta

19 Legal/Legislative  
by Michael J. Gross, Esq. and Steven M. Dalton, Esq.

27 Young Professionals Q&A

31 Shore Builders Events Recap

33 The Power of the Referral

35 Calendar of Events

THE BUILDER CONNECTION

**SAVE THE DATES!**

**ANNUAL BBQ ON THE BEACH**

**THURSDAY, July 23<sup>rd</sup>**

*Martels Tiki Bar, Point Pleasant*

**SBACNJ BPAC FUNDRAISER**

**THURSDAY, Aug 27<sup>th</sup>**

*Silverball Pinball Museum, Asbury Park*



**SHORE BUILDERS**

Association of Central NJ, Inc.

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# WELCOME *New Members 2015*

We would like to take this opportunity to welcome the following new members and thank their sponsor.

## **Eastern Door Supply of NJ Garage Doors & Openers**

Christopher Codner  
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Lakewood, NJ 08701  
(732) 994-5110

## **Ability Home Services, Inc. Roofing & Siding**

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*Sponsor: Mike Kurpiel, Universal Supply*

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## **Five Star Hardwood Floors, LLC Hardwood Supplier, Installer**

Erick Medall  
125 Timber Ridge Court  
Neptune, NJ 07753  
732-677-8332  
*Sponsor: Joe Navarra,  
General Plumbing Supply*

## **Patriot Land Transfer, LLC Title Insurance**

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5001 Route 42  
Turnersville, NJ 08012  
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## **Whirlpool Corporation Appliance Manufacturer**

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## **A. DeCotiis Millwork, Co. Building Materials**

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*Sponsor: Domenic Parago,  
DL Paragano Homes*

## **Prime Lending, Mortgage Lending**

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197 Route 18 South, Suite 3000  
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*Sponsor: Suzzane Kronenfeld, Gloria Nilson  
& Co. Real Estate*

## **Miele, Inc., Appliance Manufacturer**

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9 Independence Way  
Princeton, NJ 08540  
800-843-7231, ext. 1511  
*Sponsor: John Cioletti, Reno's Appliance*

## **Angela Mermini Designs Interior Design**

Angela Mermini  
142 S. Longboat Drive  
Little Egg Harbor, NJ 08087  
908-720-3496  
*Sponsor: Jeffrey Fernbach, Fernmoor Homes*

## **Corner Property Management Property Management**

Tony Nardone  
PO Box 297  
Springfield, NJ 07081  
973-376-3925  
*Sponsor: John Vincenti, JV Engineering*

## **R.C. Shea & Associates, PC, Attorney Robert Shea**

244 Main Street, POX 2627  
Toms River, NJ 08754  
732-505-1212  
*Sponsor: Arvo Prima, Pr1ma Builders*

## **MidAtlantic Engineering Partners, LLC Engineers**

Louis Zuegner  
5 Commerce Way, Suite 200  
Hamilton, NJ 08691  
609-910-4450

## **JDM Andrews Construction, Inc. Builder**

Mary Finelli  
697 Mill Creak Road, Suite 8  
Manahawkin, NJ 08050  
609-978-8855  
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## **MBI Development Company Builder**

Lara Schwager  
725 Cuthbert Boulevard  
Cherry Hill, NJ 08002  
856-662-1730  
*Sponsor: Mike Gross, Giordano,  
Halleran & Ciesla*

## **Murphy Building & Remodeling Remodeler**

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42 Stoneham Place  
Metuchen, NJ 08840  
732-548-5511  
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## **Shearon Environmental Design, Co. Civil Engineering & Landscaping**

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Plymouth Meeting, PA 19462  
610-828-5488  
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## **Robert Downey General Contractor General Contractor**

Robert Downey  
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Sayreville, NJ 08871  
732-257-5421

## **Dakan Homes, LLC Builder**

Rob Shino  
20 Circle Drive  
Moorestown, NJ 08057  
570-251-0842  
*Sponsor: Tim Richardson, Ryan Homes*

## **Mezzy, LLC. Remodeler**

Kathy Misdea  
27 Tulsa Avenue  
Metuchen, NJ 08840  
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## **Western Technologies Group Flood Determination**

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360 E. Main Street  
Somerville, NJ 08876  
908-725-1143  
*Sponsor: John Cummins  
K. Hovnanian Companies*

# Membership UPDATE

Michelle Madden, Chair

With the amazing turnout for our Schmoosza Palooza event in April it brought to light for me the fact that more professionals in our industry are coming back to the association. We had approximately 40 to 50 new members that night at our Ferguson showroom! I would like to thank everyone for coming, including our sponsors Jacuzzi and Delta/Brizo.

During my short presentation at the event I talked about doing business in the building industry and that if we want to continue to do business the way

**“WE” want to do business it is important to be involved and show support for Shore Builders as THE local that cares and fights for the future of our industry.**

We are stronger together and our voice can be heard in Trenton. But every membership counts. Please continue to recommend membership in Shore Builders Association to your colleagues, vendors, and friends. We have several great events coming up this summer including the annual Barbeque on the Beach at Martell's on July 23rd and a BPAC event at the Silverball Pinball Museum in Asbury Park on August 27th. Please consider bringing a new potential member with you and let them see what we are all about. We need to continue to grow in numbers so that we can continue to grow in strength.



# Flooring tips by AVALON FLOORING

For those who are not familiar with Avalon Flooring, I'd like to give you a brief overview on our company. We are an Employee owned company(ESOP) servicing the Builder, Residential, and Commercial markets for 53 years. We have 14 locations, nine in NJ, four in PA and one in DE. Our shore locations are in Ocean Township (Rt 35), Brick (Rt 70), Toms River (Rt 37), Manahawkin (Rt 72), Egg Harbor Township, Ocean City, and Rio Grande.

Avalon just re launched a new "Pro Partner" Builder Program which have many benefits exclusive to Builders. You can have a dedicated Salesperson in any of our locations who are Builder and Design centric, so they know and understand the needs of your business. We make it easy for your customers to shop in our stores or we can provide exclusive private label samples for your showroom. We inventory over \$10,000,000 in Tile, Stone, Hardwood, Laminate, Carpet, and Area Rugs to service your needs. Also, we are a Hunter Douglass Gallery Window Treatment dealer as well. We have open bed trucks for job site deliveries or we can have product delivered to one of our locations for pick up.

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Flooring on the Jersey Shore...what to install? Porcelain Tile is a great option due to its great styling, easy maintenance, and product longevity. Large format tile in wood looks (so real you won't believe it's tile) have been growing in popularity over the past few years. We can supply and install Tile and Natural Stone for your backsplash, showers, bathrooms, and of course all other areas in your home.

If you are looking for wood flooring and you live on the water, you might want to consider an engineered wood floor (which is real wood) vs a 3/4 solid product as excessive moisture could possibly compromise the floor. Don't worry, if you want a 3/4 solid wood floor, our Estimator will come to your home to ensure there is not a moisture issue. Another great option is Luxury Vinyl Tile which has been growing in popularity due to its style, durability, and easy maintenance.

Carpet today is all about soft which feels great underfoot with excellent durability. We feature carpet that won't fade from the sun...it's 100% fade resistant. Also you can spill red wine on your carpet and clean it up with just water... yes just water.

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Area Rugs – There are a number of beautiful area rugs in our Everywhere Collection that will enhance your outdoor living. Our rug galleries include Traditional, Transitional, Contemporary and casual styles. We also have rugs that fit into a "Down the Shore" motif

I look forward to being an active member in the association and having the opportunity to earn your business.

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# State Legislative UPDATE

By Carol Ann Short, Esq., NJBA CEO



Carol Ann Short, Esq., NJBA CEO

## Permits Get Another Extension

Despite being told that another extension would be extremely unlikely, NJBA worked diligently over the last year conducting outreach and meeting with the members of the Legislature to build the case for another Permit Extension Act. After successfully lobbying the legislature to pass **A3815/S2815 (Green, Burzichelli, Singleton, Johnson/Sarlo, Kyrillos)**, Governor Chris Christie signed the legislation into law on December 26th as P.L.2014, c.84. The new law extends for one year the expiration date of state and local government approvals until December 31, 2015 (with potential six month tolling to June 30, 2016). With the exception of the date change, all of the other provisions of the legislation are virtually identical to the 2012 Permit Extension Act.

## Fire Sprinkler Mandate Conditionally Vetoed

NJBA also continues to work against unnecessary and costly mandates. The most critical being **A1698/S2316 (Wisniewski/Whelan)**, which would have required mandatory fire suppression systems in new single and two family homes. The bill received final legislative approval from

the Senate (22-13) in March and had previously passed the Assembly (46-31-1). NJBA vehemently opposed this bill and strongly urged the Governor not to sign it into law. The Governor heard our concerns and conditionally vetoed the bill on May 7th. However, the conditional veto recommended the Legislature amend the bill to require the DCA to undertake a review to determine whether the Uniform Construction Code should be amended to require the installation of fire suppression systems in all newly constructed townhouses.

## MLUL Preliminary Approval Process Reform Bill Introduced

After meeting monthly to discuss many of the problems associated with New Jersey's land use procedures, NJBA Past President David Fisher's MLUL Reform Task Force was successful in having Senator Jeff Van Drew introduce the first in a series of proposals that will address some of the onerous requirements of the MLUL. **S2818** would amend the MLUL by simplifying and streamlining the application and review process for preliminary site plan and subdivision approval consistent with the original intent of the MLUL. This bill would create a (true) preliminary approval process and checklist, as distinguished from a more detailed final approval with all requisite engineering documentation. It would also extend the vesting period for a preliminary approval from three to five years, to allow sufficient time for completion of the detailed engineering plans and outside agency approvals associated with the final approval. NJBA is in the process of meeting with various stakeholders to build a coalition to support the legislation

and hopes to have a legislative hearing scheduled in the next few weeks.

## Land Use Court Legislation Introduced

Due to the complexities of land use law, an experienced judiciary is critical to the efficient operation of the system and achieving consistent outcomes. Judges hearing land use cases should be background and additional required training be experts in the land use field. This would free up judicial resources through greater efficiencies in case management, since experienced judges knowledgeable in land use matters will be able to render decisions more rapidly, thus allowing those judges to participate in more cases.

Additionally, unlike most areas of litigation, a very high percentage of land use cases are appealed. Land use expertise would result in fewer appeals, thus improving the schedule of and burden on the higher courts. As a result, NJBA worked with Senator Ron Rice to draft legislation that would establish a Land Use Court to increase the efficiency of the judiciary with respect to land use decisions. The bill, **S2847**, has been introduced and has been referred to the Senate Judiciary Committee for consideration.

## NJBA Continues to Develop FAIR Act

NJBA's initiative, Fees for Application and Inspection Reform Act (FAIR Act), to address the serious abuses and problems associated with development applications and the inspection of development projects continues to evolve internally.

A working group, which now includes representatives of NJBA's Mixed Use Developers Affiliate (MXD), is refining and finalizing the legislative concept and a political strategy to bring the following 3 proposals to fruition:

- Standardizing application and escrow review fees for development applications.
- Modifying the process by which performance bond estimates are developed, how bonds are reduced and released, and the function of maintenance bonds.
- Limiting the improvements covered by performance guarantees and the improvements that would be subject to inspection by the municipality.

## Sewer & Water Service Charge Reform Drafted

NJBA has drafted legislation that would address the inequities that exist in certain water and sewer usage charge calculation formulas and is in the process of identifying legislative sponsors. Under current law, the various statutes governing water and sewer rates provide that user charges can be based on any one of a number of factors. As a result, in many municipalities, the annual water and sewer service charges (user fees) are

the same for apartments and for single-family homes. To correct this imbalance, NJBA's draft legislation would stipulate that water and sewer charges be based on usage providing for a more equitable method of calculating such charges while putting water/sewer on the same footing as other utilities, such as electric and telephone. NJBA is working with an Assembly sponsor and introduction of a bill is likely in the near future.

*“NJBA worked diligently over the last year conducting outreach and meeting with the members of the Legislature to build the case for another Permit Extension Act.”*

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# GENERATIONAL SHIFTS: Working for the Greater Cause

by Mike Kurpiel



Mike Kurpiel

I applaud the baby boomers within NAHB who stay active after 20, 30, 40 plus years of dedicated volunteerism. I just lost a very dear friend to cancer who was an NAHB leader and housing legend, nationally and at state, who was in the 55 plus range in years of extremely active volunteerism when he passed. He was a great mentor to me and others and believed that change in our NAHB, while inevitable, could and would include him because he stayed

Here's what we are all "entitled" to as building industry proponents and volunteers in NAHB; the right to help protect our industry in the present and since our present is always moving towards the future, we can confidently take pride in the fact that we are working towards a consistent, never ending vigilance to encourage the American Dream of home ownership. What we are not entitled to is holding on to positions. We are not entitled to taking care of now,



current with an eye and ear on tomorrow's advance. Yet there are some who aren't current with the ever changing, and at breath taking speeds, needs of a 21st century world and they can't see the proverbial forest for the trees. A few don't want to lose position, as if they are entitled to position and will protect it like a dog with a steak bone.

however long an individual's now lasts. Our association is a great association, made great by hard working volunteers and exceptional staff. But, and I write this with utmost respect, true leaders of our association are truly protectors of the vitality of our industry. The true leaders want what's best for today but their love of home building transcends time, extending to the next guardians of NAHB.

No, the fact is I am NOT asking anyone to step aside for the next generation. I am asking today's leaders to embrace the next generation by incorporating them on our team. I am asking today's leaders to understand that NAHB staff has many talents and is very adept at change. 100% of staff does not have to focus on one singular issue as some elder statesmen may think. My mind goes back to discussions of change during the Great Housing Depression and some would say, and I paraphrase, "we need to focus on getting housing back online. This initiative (plug in any here) should be shelved to a time certain or a certain measuring stick, say after we have hit one million starts." A sound housing industry IS NAHB's top priority but I'm amazed that anyone would think that staff could not have multiple, industry AND association, tasks on their list of action items.

Today's generation of Xs and Ys know how to multi-task and I'm quite sure that they would not want productive conversation shelved for the sake of a one track mindset. Two weeks ago I spoke to the "Young Professionals Group" at the Builders League of South Jersey. Two days ago I spoke to the "Young Guns Committee" at the Shore Builders Association of Central New Jersey. My take away from this particular meeting are echoed in the below bullet points. The group was vibrant, energized and ready to conquer the world. THEY were the ones who explained in a very firm and concise voice that they do want to volunteer but cannot volunteer if they feel muted or pressured to back away from new visions. They are not impatient; they are business professionals who value their time.

### Here's what I'm reasonably sure of;

- We won't have a great pool of future national leaders until, and unless, we get over the fear of being "aged out" of volunteerism. Aging does not diminish your volunteerism, your leadership or your value to the association. UNLESS, of course, you feel entitled to stay in place which takes aging in place to a whole new level.

- You know, I'm sure, the saying "we've beat this horse to death." If we continue to have meetings where we beat a horse to death, resuscitate the horse and then beat it to death again, we will lose any desire from the next generation to volunteer. Discuss an initiative, identify the outcome you would hope for and then build strategies around the end result. Move forward and make sure WE dictate the course of action not the financial environment.
- The next generation wants to stop being viewed as "the next generation." They are building industry professionals. They are here, now, engaged in home building. They are going to move forward, with or without the boomers.
- Stop the "remember when" conversations and "we've always done things this way" mindset. Oh yes, and the "we tried that ten years ago and it didn't work" answer that will kill any good mood. While it's a great history lesson it will dampen the enthusiasm of the next generation because they won't know what you're talking about.

### I also believe that;

- The next generation has family and work time commitments, just like we did at that age. They have families; some are just staring while others are progressing through grade school and into high school. The next generation is coaching their children in soccer, little league or youth football. They are committed to being there for their children through school plays, boy scouts and girl scouts, proms and dances.
- Unless the next generation is either a) independently wealthy or b) not interested in being in our industry for more than a few years, they will need NAHB because NAHB is the ONLY association that has THEIR best interests at heart. Making the correlation between personal life and financial wherewithal is vital in gaining their undivided attention and igniting an association passion.

Their family's well being, supporting outside of school activities, family vacations, college funding and, as important if not more, having a decent roof over their heads. This is all obtained by having finances that can meet the needs of the next generation's familial needs. The next generation of home building professionals will need the continued victories of NAHB to keep their respective lifestyles intact, or improved. Do they know this undisputed fact?

- You want them to take time and volunteer at the HBA? Do not squander their time. Embrace it by having efficient meetings that have a clear cut reason for taking place with a firm grasp on the desired outcome. Think of the next generation's time as an ATM card. Instead of dollars, hours. Most people do not have an infinite amount of dollars in their ATM. You choose withdrawals wisely and when absolutely needed.. This should be the strategy for asking for someone's time; it's not infinite, choose and withdraw my time wisely and with meaning. They should leave each meeting better educated and with a sense that their time is truly aiding the cause.

It really is that simple. Embrace, enlighten and engage the next generation. Like I wrote above, I am an aging boomer that, due to the housing crisis that recently passed, doesn't have retirement in my short range plans. I need NAHB because I need to maintain my lifestyle and prepare for that unforeseen retirement. I will remain active in NAHB, local, state and national. Why? If I fail, it won't be from the comfort of my couch. It will be from doing everything I can to succeed. If I am successful, I will take great pride in knowing I was not on that couch letting others do for me and by being involved as an NAHB volunteer, I helped. I need the next generation because they will help ensure my future, their future, our future, IF we can bring to them VALUE and a sense of OWNERSHIP while volunteering.





us as “kids” who are wildly pontificating about unrealistic expectations. Furthermore, I encourage anyone to attend our meetings, as we enjoy the perspectives of everyone, regardless of where they are in their careers. We like to think of our committee as more of a think tank, then a youth oriented “club.”

We all see our younger selves in the mirror. There is nothing wrong with that image. As long as we can all understand that the association is for our industry, we as impassioned volunteer boomers will embrace the next generation, both X and Y, just like they will have to embrace the Millennials in the next “how do we bring in the next generation” discussions in 2030, which is in a blink of an eye. Maybe, just maybe, with the help of the next generation of today, I will be retired by then.

**P.S. I received two emails since my Young Guns meeting, one from a third generation builder member and one from a third generation associate member. What is eye opening here, for me anyway, is that I knew and worked with both their GRANDFATHERS!**

**Here is an excerpt from the builder, Michael Kokes, Kokes Organization:**

“Our Young Guns’s meeting was an opportunity for you to peer into what we have been organically growing and cultivating at the Shore Builders Young Professionals committee for the past year or so.

As a side note, one misconception I want to get out of the way, is of our name. Although we are younger in relativity to the rest of our industry, I don’t want people to think of

With that, our committee embodies a few things. First, that the youth of our industry have a lot of great ideas and passion for what we are doing. Second, that for any youth to be in this industry right now, you have to be either a legacy person or extremely ambitious, as there are much more “trendy” industries to be involved in. Finally, that our perception of our industry is untarnished from the history of the past few market cycles. To elaborate, we are unhindered by previous failures or experiences, which allow us to explore all ideas to the fullest.

Another great aspect of our group has been the social component. Despite what many “experts” say about us, we do still enjoy meeting face-to-face to discuss ideas. We actually tried to implement an online forum for our group, which ultimately was not successful as people preferred discussing topics face-to-face. Sure, we utilize technology to stay in touch, but the bulk of what I feel we have accomplished has been in a face-to-face group setting”

Here is an excerpt from the associate, Rich Robinson, Member Rebate Program;

“Mike,

You are a wealth of knowledge offering insight on the Local, State, and NAHB levels that every member should find valuable. Your guidance, leadership, and advice to our Local HBA Young Professionals Committee is extremely welcomed and appreciated. You helped to energize our group and we’ll all be better from it. As a 3rd generation Associate member, I’ve known you as a colleague and friend for many years and I always make it a priority to listen intently to what you have to say about the HBA. Whether it’s in person or through your outstanding blog, Association Maximization, you continually help members of the HBA gain a better understanding of their HBA investment and how to maximize the return.”

*Regards,  
Mike*

Michael Kurpiel, CGA, CGP

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## Sales and Marketing Keeps Pace with **INDUSTRY GROWTH**

Over the years I have had the great opportunity to work with many Sales and Marketing committee members from a variety of builder and associate companies. Our committee members are incredibly dedicated to the Sales & Marketing mission, which is to plan events that enhance our association and its membership. One of our signature events, the Fabulous Achievements in Marketing Excellence (FAME) Awards, provides an incredible opportunity for members to be recognized for the hard work they do in sales and marketing each year by entering their projects in a variety of award categories. Attended by over 200 building industry professionals, it is a night to come together in celebration of all our industry’s sales and marketing excellence.

This past February, we celebrated with our members at the FAME Awards, and the entries and winners were amazing! We would like to congratulate all of the winners, as well as thank all of our sponsors, participants, Shore Builders staff, and our great committee members for their continued dedication to the program. Believe it or not, we are already starting to plan the 2016 FAME Awards and are very excited to announce our theme,

“All Aboard the FAME Express”, inspired by the renewed interest in our industry, and our association. With an influx of new members, and increased participation in events and committees, our local building industry is moving forward and accelerating at a swift pace.

In addition to the FAME Awards, Sales and Marketing will be planning a fun, yet educational seminar program for members sometime this fall. We are currently looking for a topic and presenter that will appeal to all our members. Participation in association events and committees is an integral part of being successful in growing your business by doing business with other members. Help us plan our next FAME Awards, as well as upcoming seminar programs, and provide support to other committees and events throughout the year. We invite anyone interested in joining a committee to come to one of our meetings and join in the sales and marketing conversation.



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Michael Gross



Steve Dalton

## Legal/Legislative

by Michael J. Gross, Esq. and Steven M. Dalton, Esq.  
Michael J. Gross is a Partner and Chair, Steven M. Dalton is a Partner of Giordano, Halleran & Ciesla, P.C., Red Bank

### AFFORDABLE HOUSING BACK IN THE HANDS OF THE TRIAL COURTS

On March 10, 2015, the New Jersey Supreme Court issued an Order and unanimous Opinion on COAH's failure to adopt third round affordable housing regulations. In a nutshell, it held that due to COAH's inaction, "there no longer exists a legitimate basis to block access to the courts." Although the Court dissolved the exhaustion-of-remedies requirement from the Fair Housing Act, which encouraged voluntary compliance with affordable housing obligations through an administrative forum (i.e., COAH), it did not immediately open the floodgates for litigation.

Rather, the Court established a process for municipalities that had been previously processing their plans through COAH to file their plans with the trial court. These municipalities have 30 days from the effective date of the Order, which is not for another 90 days, to file a declaratory action with the court.

For those municipalities that were previously granted substantive certification, after the 30-day period, a party can file a lawsuit challenging the municipality's constitutional compliance. However, no builder's remedy litigation shall be permitted unless and until a court finds that: 1) the previous grant of substantive certification was invalid; 2) a constitutionally compliant supplementing plan cannot be developed; and 3) an exclusionary zoning action, including a builder's remedy, should proceed.

Municipalities that had been participating in the COAH process without obtaining a grant of substantive certification and that file a declaratory action with the court within the 30-day period, will have no more than five months to submit a plan, and the court may provide initial immunity from an exclusionary zoning action during that period. If such municipality does not file with the court within the 30-day period and is then the subject of a constitutional compliance lawsuit, the court will have discretion as to the length of immunity, if any, from a builder's remedy lawsuit based on an individualized assessment of the municipality's compliance efforts.

Municipalities that never availed themselves of the COAH process continue to be subject to builder's remedy lawsuits, as they have been since the inception of the Mount Laurel obligation.

Thus, while courts are now the forum of first resort for evaluating municipal compliance with affordable housing obligations, the floodgates have not yet been completely opened for builder's remedy litigation.

Finally, the Court has left the door open for COAH to adopt compliant third round regulations, and has invited the Legislature to create a statutory alternative. Unless and until that occurs, the affordable housing issue is one that will be decided by the courts.

### SUPREME COURT REINSTATES DOWNZONING ORDINANCE

Gripenburg v. Ocean Township

Property owners who had successfully challenged a municipal open space ordinance that downzoned their property from one unit per acre to one unit per twenty acres on the purported basis of promoting "smart growth" and protection of environmentally sensitive lands achieved only a short-lived victory. In the January 22, 2015 decision of Gripenburg v. Ocean Township, the Supreme Court reversed the Appellate Division and reinstated a trial court decision upholding the validity of the ordinance.

The Township amended its Land Use Plan and Master Plan in 2005, and in conjunction with that process the property in question was redesignated through the State Planning Commission Plan Endorsement process from a Suburban PA-2 planning area to an Environmentally Sensitive PA-5 planning area. In 2006, the Township rezoned all PA-5 designated lands to an environmental conservation district with a density of 1 unit per 20 acres. The rezoning had the effect of precluding further development of plaintiff's land.

In the proceedings below, the Appellate Division invalidated the rezoning ordinances as-applied to plaintiff's property finding that the record lacked credible evidence to support the municipality's rezoning on grounds of a need to preserve open space to protect environmental resources. The record lacked evidence, according to the Appellate Division, to justify the conclusion that significant environmental constraints or special resource areas were associated with the property, and the municipality's simple desire preserve open space was found to be an insufficient basis for the downzoning.

The Supreme Court reversed concluding the rezoning ordinances represented a legitimate exercise of municipal zoning authority under the Municipal Land Use Law and were consistent with the Township's Master Plan. The Court afforded substantial deference to the fact finding

process and determination of the trial court that initially upheld the ordinance. The Appellate Division's focus on the absence of significant environmental constraints or special resource areas on the parcel in question was too narrow according to the Court, because the Township's Master Plan goals were broader in scope and encompassed not only protection of resources associated with the specific property in question, but also protection of contiguous open space corridors and forested upland areas. In this context, the Court gave weight to testimony of the Township's planning expert who stressed that the subject property was contiguous to other forested, undeveloped lands creating a buffer between those lands and the Township development center. The Court held the Township was not required to establish that every downzoned parcel contains evidence of endangered species or other environmental conditions to justify its planning objectives.

The Court also noted that plaintiff did not provide sufficient expert evidence to establish that the property should be not be included in the conservation district based on habitat differences and differing environmental conditions, suggesting that the opportunity for a different result may have existed if such evidence had been presented. While this may have been plaintiff's burden, it seems apparent that had evidence of specific environmental resources of concern existed with respect to the property in question, such evidence would have been presented by the Township in further support of its planning action and defense of the litigation. The record does not reflect that such evidence was presented by the Township, but rather, that evidence of freshwater wetlands, flood plains, or protected species was not established. The failure of the Township to present such evidence suggests that environmental resources warranting special protection do not exist with respect to the property as determined by the Appellate Division.





The Court also based its decision in part on the finding that plaintiff failed to seek a variance from the Ordinance, and did not exhaust available administrative remedies. While exceptions to the exhaustion doctrine such as “futility” and “irreparable harm” exist to promote the “interests of justice”, those exceptions are not absolute in landowner as-applied challenges to municipal ordinances, and the Court found plaintiff did not satisfy the grounds for an exception to the exhaustion doctrine.

This case is a somber reminder of the challenges landowners face in the development process. Developers must address the myriad of environmental permitting and regulatory programs in place for the purpose of ensuring the protection of environmental resources. However, even when conditions warranting special protection are absent, development opportunity may be thwarted due to municipal planning action implemented to protect off-site environs. Landowners and developers who seek to challenge such action face a heavy burden, and should carefully evaluate available administrative remedies when considering litigation.

#### PERMIT EXTENSION ACT (PEA) EXTENSION UPDATE

In prior Bulletin Board editions, we reported on proposed legislation to extend the Permit Extension Act (PEA) for an additional two years. Governor Christie took action to sign the PEA extension into law in late December 2014. The bill was revised through the legislative process. Instead of a two year extension, the PEA was lengthened for one additional year. The current PEA now expires on December 31, 2015, with the possibility of additional six months tolling until June 30, 2016 for certain approvals. Developers and landowners are encouraged to review their project portfolios to evaluate the potential beneficial effect of the PEA on previously approved projects, and

to develop a strategy to ensure rights are vested prior to expiration of the PEA.

#### Town Need Not Address Master Plan Change

Myers v. Ocean City Zoning Board

The Appellate Division held in a January 2015 decision that municipalities are not obligated to respond to proposed zoning change recommended by the town’s planning board in a master plan reexamination report. Under the MLUL, municipal planning boards are responsible for regularly preparing master plans and reexamining those master plans. Planning boards may recommend zoning changes as part of the mast plan reexamination process. In this case, the Ocean City Planning Board made recommendations for changes to the zoning ordinance intended to address a group of single family homes that had become non-conforming uses in the City’s Beach and Dune Zone. Ocean City’s governing body ignored the recommendation, and an affected property owner sued. The trial court decided that the governing body was required to either adopt an ordinance consistent with the change proposed in the reexamination report, or affirmatively reject the change after holding a hearing. The Appellate Division reversed, deciding that the MLUL does not require a governing body to affirmatively act in response to a master plan recommendation, so long as the existing ordinance is “substantially consistent” with the master plan’s land use and housing plan elements.

This decision clarifies authority of governing bodies in the planning context, but whether it is beneficial to developers and landowners will depend on particularized facts and circumstances.

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Committees general meet one hour, once a month

- ❑ **ASSOCIATE MEMBERS:** This committee works for the betterment of all associate members. This committee is responsible for the BEAM (Builders Employing Associate Members) Award as well as the SBACNJ and NJBA Associate of the Quarter nominations.
- ❑ **BY-LAWS, POLICIES, PROCEDURES & ETHICS:** This committee has been formed to review and update the SBACNJ bylaws, when necessary, as well as set policy for the betterment of the Association.
- ❑ **GOLF CLASSIC:** This committee meets 6 times per year, beginning in February, to plan the SBACNJ Annual Golf Outing. As a committee member it is important to be available the day of the outing to work as an event volunteer.
- ❑ **LEGAL/LEGISLATIVE & ENVIRONMENTAL:** This committee interfaces with local and state municipalities to maintain good relations, provide exchange information flow, and oppose adverse government regulations on the building Industry in Monmouth, Ocean, Middlesex and Mercer Counties. The committee considers challenging ordinances, practices, and policies of municipalities which are harmful to SBACNJ members.
- ❑ **MEMBERSHIP SERVICES AND PROGRAMS:** This committee recruits new members, screen prospective applicants, retains current members as well as conducts new member orientation and special membership drives. The committee also schedules informative programs, educational seminars and obtains sponsors for general membership meetings.
- ❑ **SALES & MARKETING:** This committee promotes professionalism in sales and marketing and further educates the members on the latest ideas available to Builder and Associate members. This committee also plans the Annual FAME (Fabulous Achievement in Marketing Excellence) Awards Banquet. The committee keeps industry views before the public and creates a better public image of the Association and the role it plays in the community.
- ❑ **MARTELL'S:** This committee promotes professionalism in responsible for setting up and running the Builder Dune Buggy Race the evening of Martell's BBQ on the beach. As a committee member it is important to be available the day of the event.
- \* **BULLETIN BOARD MAGAZINE:** If you are interested in providing industry related or sales related articles for Bulletin Board Magazine please contact the SBACNJ office @ 732-364-2828.

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# Young Professionals Q&A

**1** Last year the Young Professionals Committee (or Young Guns as you are so affectionately known as) was formed and helped to rebrand the association and position it as a community resource in the aftermath of superstorm Sandy. Where do you see the future of this committee heading?

**CHRIS COWAN:** *With the great core of young professionals within Shore Builders, the future certainly looks bright for the committee, as well as the Shore Builders Association. We would like to see this committee continue to grow and develop a strong voice within the industry. We expect to see more “Young Gun” committees/groups popping up throughout the industry. After all, we are the industry’s future, therefore we need to work hard, share our creative ideas, support each other, utilize the knowledge that we have gained from those who have helped shape the industry and the Association over the years. We will do our best to carry on their legacy and make them proud.*

**MIKE KOKES:** *My thought was that the young professionals committee was formed to rebrand the association after the recession. The recession caused many to leave our industry, and it was determined that our association needed some more “new blood.” From that, I thought the purpose was for the young professionals to get more young people involved. I see the future of the young professionals continuing to shape the shore builders as we move forward. A lot of the progressive ideas have been generated in our committee, as well as some of the most successful events by numbers have*

*been set up by us. I see this continuing, as our committee is considered a “no judgment zone” where people can speak freely about their ideas without fear of being ridiculed. Some of the best ideas come from the freshest eyes. Hopefully, the committee will live in perpetuity, as more younger members come in and utilize the forum to discuss ideas.*

**MICHELLE MADDEN – FERGUSON:** *Each generation has different ways of working to achieve the same goals. Our committee allows us to brainstorm and discuss where we want to see the association going and what we can do as a local to make the strongest impact within our industry. I believe that seeing the “future leaders” excited about events, ideas, and overall involvement with the association has really built up the confidence and morale among all members.*

**2** What other ways do you see the association reaching out to the communities it serves and how can other members participate in the outreach?

**MIKE KOKES:** *I’m not really sure this is the purpose of the committee, but merely a byproduct. We have discussed various community service related events, but have yet to complete one. We have discussed habitat for humanity and a few other programs.*

**MICHELLE MADDEN:** *When focusing on rebranding the association we decided that “Shore Builders” needs to have a stronger name within our community. We want our local communities to think of “Shore Builders” as the*

*trusted source for referrals when building, buying, or remodeling a home in the Monmouth, Ocean and Middlesex area. If we can have this type of impact it will be a great recruitment tool and bring more value to our members. I would like to see our relationship grow with the local vocational schools, by providing internship and entry-level career opportunities which would not only help the community but also our builder members.*

**3** Are you planning any events in the near future? And what type of event will it be, or would you consider, for the future and how would it tie in with your committee’s theme and purpose?

**CHRIS COWAN:** *In addition to our happy hours, we currently have a pinball evening at the Pinball Museum in Asbury Park planned for August 27th. We are very excited about this event as it is different from the usual events, and will be a blast. There will be some challenges set up as well to allow members to unleash their competitive side in a fun environment. We have discussed some other different type of events as well during our committee meetings, but we will keep those quiet for now. We feel that by hosting different events throughout the year, it will show current and prospective members that there is more to the Shore Builders Association than industry support. It also provides friendships, networking, growth opportunities, etc.*

**MIKE KOKES:** *Gina has a full list of events, and we continue to add events as we move forward. Themes of our events are as such; low cost, fun, and open to all. Our hang up with many events was that they cost too much. Our major issue with this was that when a member wanted to attend an event, they had to request their employer to pay for it. Because of this relationship, many people would pick and choose their events and would be limited by the amount of events they could attend, due to the cost. As such, we have decided to make the events as low cost as we can, some even being free. What we have found is that many more people show up, when it doesn’t cost them anything. Additionally, I think we have focused on trying to bring more interactive events (Pinball, Bowling, BlueClaws Game) as people find it easier to interact when you have an activity.*

**MICHELLE MADDEN:** *We also discussed putting together educational events that would target various smaller groups depending on the focus for that seminar. We will be reaching out to our members, especially the builders, for input on what would be helpful and interesting to them. Within our committee we have mentioned scheduling another roundtable as well as seminars to discuss recent changes that effect our industry.*

**4** How do you attract new committee members and what type of companies/young professionals do you seek for new members?

**CHRIS COWAN:** *Attracting new committee members really happens naturally. When current or prospective builders and associates see the passion for the construction industry that we all share, as well as our motivation to keep the industry heading towards a bright future, they want to be involved as well. Most young professionals we meet whether it’s at convention or at one of our networking events, want to be a catalyst for a prosperous industry, they may just not know how to get involved. That is where our committee could really benefit them.*

*As far as the type of companies/young professionals we seek. It is really any young professional whether a builder or associate that is passionate about the industry and wants to see it blossom. Also they have to like having fun.*

**MIKE KOKES:** *We haven’t done much “formal marketing” as our committee has grown substantially through organic means. We continue to encourage young, highly motivated, nice people to our committee. Much of our membership has been added through word of mouth and we hope to continue adding members as time goes on.*



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# Shore Builders Association EVENTS RECAP



**Post Convention SchmoosaPalooza at Ferguson**

*From left to right*  
**Back Row:** Frank Robinson  
**3rd Row:** Rich Robinson, Pat Ward, Chris Cowan, Nick Macluso, Chris Amato  
**2nd Row:** Steve Dalton, James Pittenger, Kelly Filler, Liz Widdis, Michelle Madden, Matt Amato  
**Front:** Brad Campbell



**February 2015 - Annual FAME Awards Committee**  
*From left to right - Rick Pristis, Debbie Cangi, Giovanna Pergola, Mike Skea, Kelly Filler, Len Sandolsky, Marge Karahuta, Chris Amato, Rosemary Johnson, Stephanie, Shaffery, Susan Smith, Adam Lepore*



February 2015 - Annual FAME Awards



**SchmoosaPalooza at Ferguson**  
A standing room only crowd at Schmoosa Palooza



**January 2015 - Economic Forecast Breakfast Meeting**  
*Speaker: Anika Khan of Wells Fargo addresses the audience.*



**January 2015 - Economic Forecast Breakfast Meeting**  
Fred Patterson, Paul Schneiner, Jeanne Tomlinson



**February 2015 - Annual FAME Awards**  
Julie Jenner, Greg Pouliot, Mary Lou Finer



February 2015 - Annual FAME Awards  
Cocktail Networking



# THE POWER of the Referral



Jeanne Tomlinson

As an associate member of the builders association, I often hear from other associates that I need to speak to builders while at association networking functions in order to get the most out of the event. I have learned that that is not always the case. While it is great to have the opportunity to speak to a builder member outside of his/her office, speaking to other associates can be as beneficial even if you cannot directly sell or service that member. It is all about getting to know one another and developing a relationship whereby the person is comfortable with your ability to follow through on what you say you will do. For example, volunteering to work on a committee - while being involved you agree to make phone calls to solicit participants for an event. This is your time to show those committee members you follow through on what you say you will do. You show you are a responsible person who follows through on your commitments by making those calls. Once you have established a pattern for doing what you say you will do your work ethic becomes known. These fellow committee members learn to trust you and your work ethic making them more apt to be willing to refer you to their customers or a customer they are friends with.

Referrals are very powerful. Did you know that a cold lead from a random source has a closing rate of around 25% to 30%. In contract you double your success with a referred lead, which traditionally has a closing rate of 50%. The value: you are spending less time in the sales process and getting better results.

Many of us do not ask for referrals. Texas Tech did a study and found 83% of satisfied clients or work associates who feel you are a good asset for their customers are willing to give referrals. Unfortunately only 7% of people ask for referrals. Why you ask? Ego and fear of rejection keeps us from asking. Most sales people (we all sell our businesses whether its law, accounting or windows) have a fairly good size ego and decide we can do it by ourselves without anyone's assistance. The fear of rejection would stop us from asking as well. The worst someone can say is "sorry I do not know anyone" or "I am not comfortable introducing you". If the later you need to ask yourself why. It could be they are not comfortable referring or you possibly have not made them secure enough to give you referrals.

I have been fortunate to be the recipient of many referrals. Some have allowed me to reach prospects who I had tried to do business with and never had good results. Once I received the referral from another associate or builder the doors opened and I then was able to establish a business relationship. It works.

Another important fact about referrals is that sales people who regularly ask for referrals tend to earn 4-5 times more than a sales person who does not all things being equal.

So whether you are at a general membership meeting, committee meeting, or speaking with a satisfied client, be sure to ask if they have any one they think you should speak with about your product/service. If they say yes, ask if they would mind calling or emailing that person to introduce you or if they do not have the time, ask if you could use their name as the person who suggested you speak to them. If you are not in a face to face setting, email your close peers and satisfied clients letting them know you have extra time to speak to potential clients and do they know anyone they would suggest you speak to. You may be happily surprised at the results.

*“Did you know that a cold lead from a random source has a closing rate of around 25% to 30%. In contract you double your success with a referred lead, which traditionally has a closing rate of 50%.”*

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# CALENDAR OF EVENTS

**June 22**

Annual Golf Outing  
1pm Shotgun Start  
Location: Jumping Brook  
Country Club, Neptune

**July 23**

Annual BBQ on the Beach  
6pm Location: Martel's Tiki Bar,  
Point Pleasant Beach

**August 27**

SBACNJ BPAC Fundraiser  
Silverball Pinball Museum  
Asbury Park

**September 23**

General Membership  
Meeting—6pm  
Location: TBD

**October 28**

Annual Elections/Lead Sharing  
/Networking Happy Hour  
5pm Location: TBD

**December 9**

Annual Awards - Installation  
& Holiday Party  
6:00 PM Location: Jumping  
Brook Country Club, Neptune

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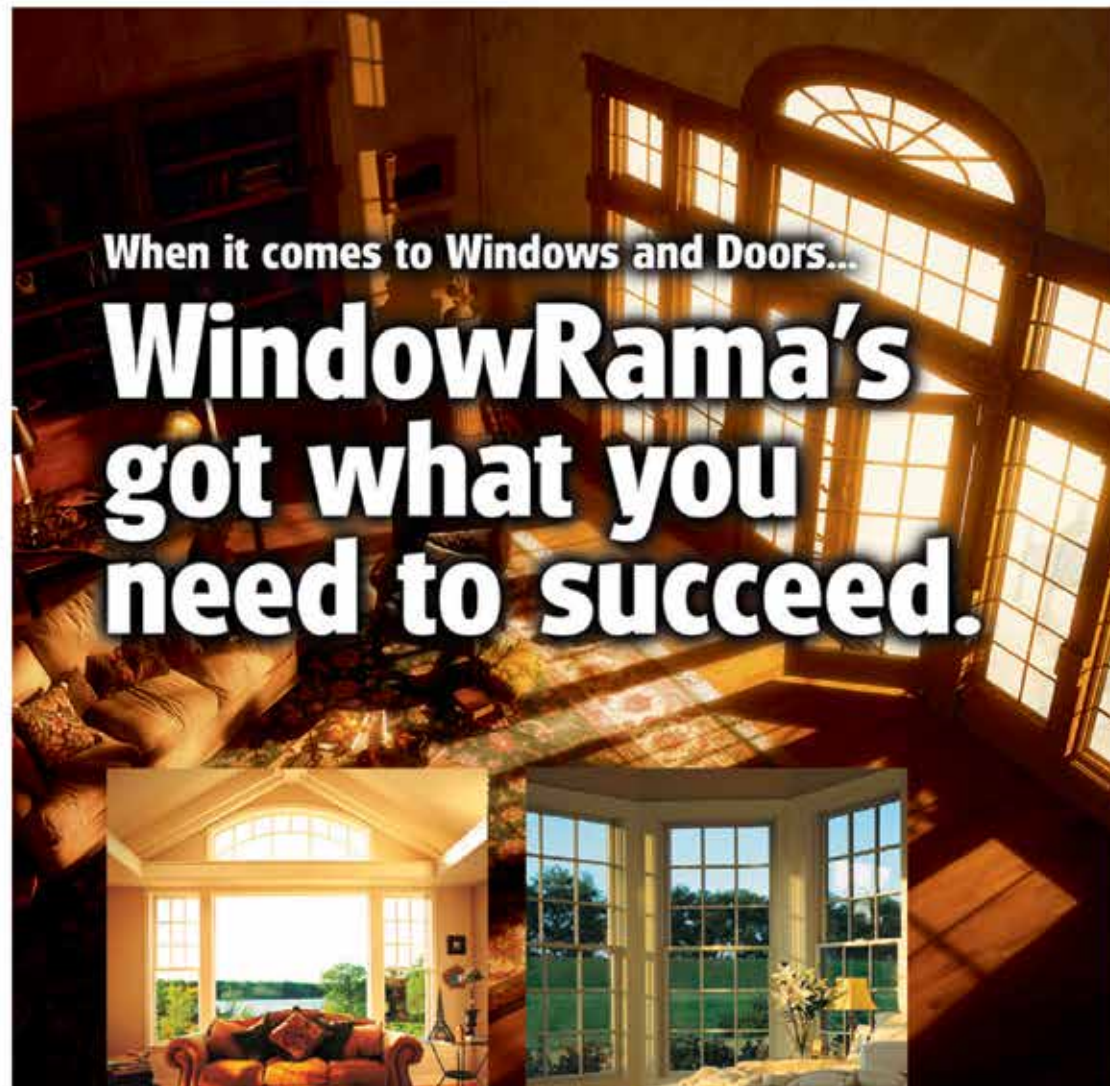


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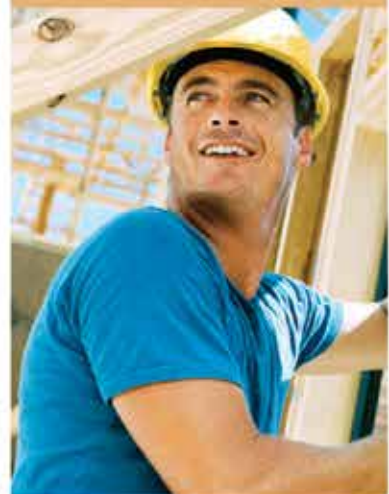
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