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New York Self Storage Association Newsletter



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APRIL 2017



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MISSION

NYSSA is a not-for-profit corporation formed in 1982. The purpose of the Association is to provide a powerful network of information and a wealth of experience to those who are in or wish to enter the self-storage industry. As a member, you benefit from the advice and experience of industry insiders and other self-storage operators throughout New York State.

The primary aim of NYSSA is to give each owner/operator a support system for dealing with lien law and auction questions, building code issues, property tax strategies, manager education and industry visibility. Our goal is to link the entire industry in New York State, to act as legislative watchdog and to be the VOICE of the self storage industry in the Empire State!

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*Happy
Spring!*



Upcoming Events

Grassroots Luncheon

Albany, New York

Date & Location to be announced

Central New York Luncheon

June 8, 2017

Belhurst Castle, Geneva

More information to be announced soon. Please call our office with any questions about events.

Updates from Gotham



What's In Store is produced by the New York Self Storage Association (NYSSA) as a service to its members and the self storage industry.

It is distributed by NYSSA on a quarterly basis. We welcome all comments and articles of interest. You may contact us through our email or website.

*Design and Edited by
Denisse Giron*

*All photos provided by
Christian Libramonte*

You have probably seen these familiar faces at events in Westchester or New York City, or perhaps talked to them over the phone. Reyanna Bhairam and Denisse Giron have been hard at work in their managerial roles for the Association. Leading up to the Investment Forum, they reached out to sponsors, drafted marketing alerts, and worked with the Event Chairman to invite speakers. Currently, Reyanna and Denisse are reviewing each and every member's account history to prepare for the new

membership year. Denisse also manages the Association's Twitter page, so feel free to send a note! These two have also started preparing for the upcoming Luncheon at the Belhurst Castle in Geneva. If you have any questions or concerns, reach out to either one of them through the Association's email address - admin@nyselfstorage.org.



NYSSA Proposes Changes to the Lien Law

It has been a very busy few months here at Gotham Government Relations. We have made a great effort at being as proactive as possible in advocating for state legislation that strengthens our self-storage industry. Gotham has submitted to have Section 182 of the Lien Law Bill re-introduced this session. Sponsors Senator William Larkin and Assemblyman Matthew Titone are leading the effort to re-introduce this bill. This bill will modernize how operators and managers communicate with their tenants. Currently, the lien law in New York requires notices to be delivered to the last address provided by an occupant, despite a majority of tenants moving between a permanent residence and a second location. A more effective way to get their attention would be to give notices by email rather than snail mail. This would also allow for other electronic delivery methods that don't require hand-written certified green mail cards.

We are in constant contact with members of the NY Legislature to move these bills along. These bills have not passed yet, but we will be updating you on their statuses. We always encourage you to reach out to us with any insight, questions, or concerns.

David Schwartz, Esq.
Partner, Gotham Government Relations



Letter From The CEO

Getting Ready for Spring and Successes in the Industry



Fellow members of the New York Self Storage Association, I hope this correspondence finds you in the best of health and happiness. Spring is almost here! Now is the time to prepare for the busy season!

You should be examining and updating your lease agreements and possibly discussing it with an attorney proficient in the self-storage industry. In recent years, there has been an increase in litigation against self-storage companies. Limiting your liability in the event of a wrongful sale or damage to the contents of a unit should always be addressed in your lease agreement. According to self-storage attorney and NYSSA General Counsel Joseph Miller (of Miller & Lee LLP), every lease should have three specific limitation of liability clauses: **(1)** Warranty or covenant of total value of property in the unit clause; **(2)** Limitation of damages in the event of an occurrence such as water infiltration into the unit; and **(3)** Limitation of liability in the event of a wrongful sale. In addition, as a risk management measure you should consider requiring that every occupant carry insurance on the contents of their property with no deductible or

institute a tenant protection plan. If you require insurance or have a tenant protection plan, your lease must be carefully drafted to spell out the insurance requirements and the scope tenant protection plan.

I am a firm believer that the lease agreement should be very specific and leave no room for interpretation. Although it is impossible to think of all the issues that may arise, the more detailed your lease agreement is, the greater chance your lease will address any situation that may arise with a tenant.

This has also been a busy year in self-storage litigation. As most will recall, the service of a lien sale notice by certified mail, electronic return receipt has been a major issue in New York since the 2010 ruling in *Lewitin v. Manhattan Mini Storage*. In that case, Justice Joan Madden found that the defendant's service of the lien sale notice by certified mail electronic return receipt did not satisfy Lien Law 182. Justice Madden effectively found that if service by certified mail was used, it had to be served by the old fashioned green card return receipt method.

However, last year Mr. Miller obtained two favorable trial level decisions that were contrary to the *Lewitin* decision. The first was *James v. Public Storage*; in this case, Justice Ruben Franco found that Public Storage complied with Lien Law 182 by mailing the lien sale letter by certified mail electronic return receipt.

The second was *Anthony Haden-Guest v. Public Storage*, where the plaintiff challenged service of the lien sale notice by certified mail electronic return receipt, arguing it was invalid under *Lewitin*. In a well-reasoned decision, Justice Wavny Toussaint rejected the argument, finding that the statutory term "return receipt requested" is not limited to the traditional green card to the exclusion of other forms that have since been

established and implemented by the United States Postal Service. The plaintiff recently filed a notice of appeal and the Association will keep you advised of the outcome.

Your Association works hard to keep you abreast of issues and events that are important to our industry. During a recent meeting in my Manhattan office, I had the opportunity to meet with Jon Dario, a fellow Board Member, Ron Havner from Public Storage, and Timothy Dietz, President and CEO of the national Self Storage Association. We had a productive meeting discussing strategy, new events, and common goals. The New York State Self Storage

Association appreciates the support of Public Storage and the Self Storage Association moving forward. We are proud to say that the New York Self Storage Association was alive, well, and thriving in 2016, and we only predict better outcomes in 2017, thanks to the dedication of the Board of Directors and the hard work of Gotham Government Relations. As always, I wish each and every one of you the best of health, happiness, and prosperity.

God Bless,

Peter Ferraro Sr.

Peter Ferraro, Sr.
CEO
New York Self Storage Association

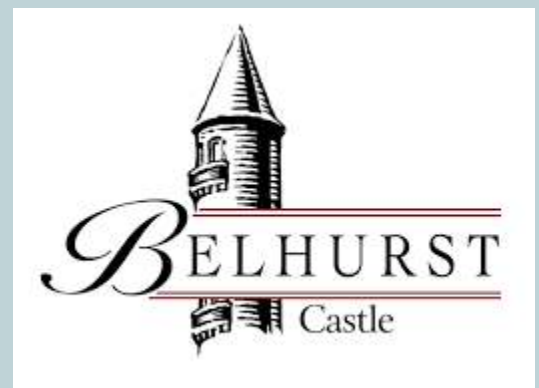


L-R: Jon Dario, President of Manhattan Mini Storage, Ron Havner CEO of Public Storage, Peter Ferraro Sr., CEO of New York Self Storage Association and Tim Dietz, President of the Self Storage Association.

SAVE THE DATE

Annual Central New York Luncheon
Belhurst Castle, Geneva NY
June 8, 2017

*Speakers and sponsorships to be announced soon via email. To
join our email list, please forward your information to
admin@nyselfstorage.org*





2017 Investment & Real Estate Forum Recap

It was standing-room only for another great event!

On January 10th, the New York Self Storage Association was proud to host the Annual Real Estate and Investment Forum at the Union League Club in New York City. The event was co-sponsored by the national Self Storage Association, with an appearance by President and CEO Timothy Dietz. Despite registration maxing out a week before the event, executives and self-storage professionals continued to fill up the room in another successful event.

Guests were greeted by Reyanna Bhairam and Denisse Giron, associates at NYSSA's managing team, who took registration and handed out giveaway bags, sponsored by LC Realty and Argus Self Storage Network. The Investment Forum

began with light refreshments in the Library as vendors presented their products to the attendees. Opening remarks were given by New York Self Storage Board Members Frank Crivello and Nicholas Malagisi, who noted, "There are operations people and software people here, but they're here because you're here, and everyone else is here because of the panel members that come from across the country each and every year to address the audience and try to keep us up to date with what's going on within the industry, what were the trends for last year, what do they see in their crystal ball coming here." Mr. Crivello thanked all of the sponsors for their generosity and constant support of the New York self-storage industry. The event's Platinum Sponsor was CubeSmart, which was represented by Guy Middlebrooks.

The Capital Markets panel was introduced by Jim Davies and moderated by Thomas Sherlock, both of Talonvest Capital. The panelists each held strong records of investment and financing backgrounds. The three panelists -- Guy Rau of TCF Bank, Brad Wilmot of Goldman Sachs, and

Brian Pieraci of Heitman – spoke on the acquisition and financing of self-storage facilities nationally, but with a particular eye on New York, as well as assessing the state of the current market.

The panel was followed by a delicious lunch and then remarks by Christian Sonne, Executive Vice President of CBRE. Mr. Sonne weighed in on self-storage investments, saying, “The fundamentals of self-storage are so strong that we forget. There are still more buyers than sellers. We are still seeing new capital coming into the center.” In comparison to other commercial real estate investments, Mr. Sonne agreed that self-storage remains as a “safe haven” in the United States. The Association then introduced Timothy Dietz of the Self Storage Association, who gave updates on his organization’s upcoming events. He also thanked the New York Association for allowing the Self Storage Association to collaborate on this event, a benefit that came after becoming a state-affiliated chapter last year.

Anne Hawkins of STR introduced the Development Panel next, which was moderated by Nick Malagisi, who also served as coordinator for the Investment Forum. It was a full panel of experts, including Gary Delaney, Stanley Bonilla of Safeguard, Gary Sugarman of The William Warren Group, Eric Rasmussen from Johnson Development, and Frank Relf of Frank G. Relf Architect. The panelists were asked about up-and-coming trends in development, ways to overcome new regulations to still turn profit. This was followed by the Acquisitions panels, which rounded the afternoon with a Q & A on the current market.

Following the presentations, guests, vendors, and panelists were encouraged to stay for a networking reception in the Library.



The Investment Forum was co-sponsored by the SSA

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LEFT: NYSSA Investment Chair Nick Malagisi with members of the Development Panel - Frank Relf, Nick Malagisi, Gary Sugarman, Stanley Bonilla, Eric Rasmussen, and Gary Delaney



ABOVE: Sponsor Pat Watson from Flexospan talking to attendees about her company



BELOW: Sponsor Theresa Gallas from List Self Storage at the Networking Reception



RIGHT: Nick Malagisi joined by storage professionals Zach Dickens, Wayne Johnson, Scott Levy, and Todd Amsdell



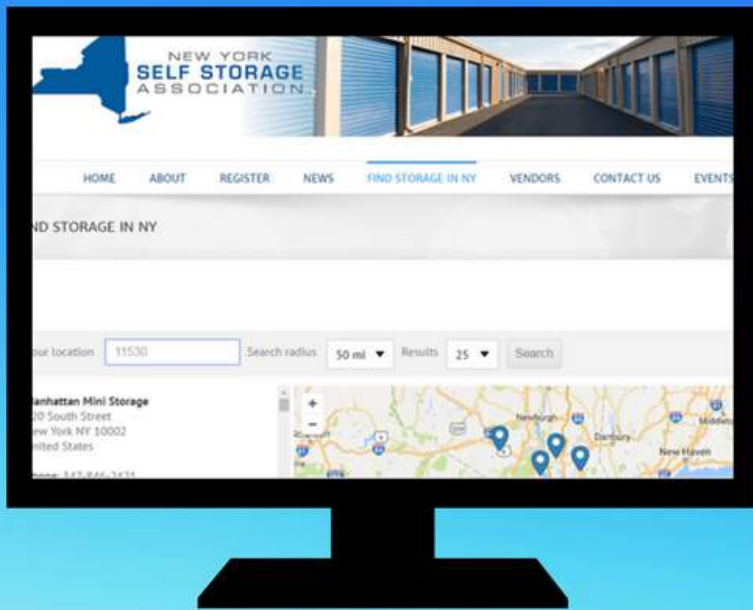
LEFT: Associates at Frank G. Relf Architecture networking at their sponsor table with other professionals before the Forum begins

RIGHT: Vendor Member and Sponsor Bruce Heverly from Select Merchant Solutions stands proud next to his table with sweet treats



LEFT: Sponsor Joe DeSantis from Carrara Business Services explaining the ins and outs of his business

Thank you to everyone that joined us for the Annual Investment Forum – you made the event a success! We hope to see you all at future events.



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www.nyselfstorage.org/find-storage-in-ny/

Hans Hardisty Named Partner and Managing Director at SVN Deegan-Collins

NYSSA member Hans Hardisty has recently been named as partner and managing director at SVN Deegan-Collins Commercial Realty, of Kingston. The Association extends our congratulations on this achievement! Previously, Hans worked as business development officer for Herb Redl Properties, which owns and operates 14 self-storage facilities across the Hudson Valley Region under the name Guardian Self-Storage. Hans is the son of Kelley Hardisty-Redl, owner of Guardian Self Storage and NYSSA Board Member.

Hardisty earned a bachelors degree in economics from the Gettysburg College. He also received a Masters in Business Administration from George Washington University, where his studies focused on real estate and entrepreneurship,

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Getting the Green Light

Overcoming zoning hurdles on your next project

By Steve Hajewski

Selecting the right parcel of land for your self storage development is one of the most important decisions you'll make for the business. Finding land where demand exists, in a visible location, and at the right price isn't always easy.

Add in the hurdle of proper zoning, and it can seem downright impossible. When you identify a market with a great need for storage, there's a very good chance it's because there is not properly zoned suitable land available. Before beginning a search for land, research what zoning allows for self-storage construction in the community. Most cities will have a land use or zoning map – look for properly zoned areas and first consider those. If you find the right land but it's not for sale, contact the owner anyway, and you might be able to make a deal.

Finding land that is properly zoned will save a great amount of time and expense. Be aware that even if zoning allows self-storage, a conditional use permit may be required before a building permit can be issued.

Before buying land, research local regulations to understand the permit process. Start with the city or county web site to educate yourself. Contact the city building, engineering, or economic development department if needed.

What exemptions have other developers been given in the past? Before public meetings, contact officials involved with the process and listen to their concerns. Speaking to them in advance will help guide you as to the required preparation.

A well run storage business is an asset to the community, but members of councils and committees may have concerns and reservations about a storage facility:

Appearance

Concern: If your area has older facilities that aren't well kept, residents may fear that your storage business will be an eyesore.

Answer: Professional landscaping is one of the most cost effective ways to add curb appeal. Additionally, decorative fencing in the front, an attractive sign, and upgraded façade materials applied to the office or endwalls facing the main street can all be ways to enhance the appearance of the property. While these features will add to your development cost, they will also help to boost occupancy and rental rates.

Employment

Concern: Officials may object to self-storage in their community due to the low number of employees required to operate the business.

Answer: It's true that a storage facility generally has few direct employees. However, it does support the local economy through the purchase of some services such as property maintenance and accounting. If the alternative is that the land sits vacant, you can bring up the benefit that your storage business will generate thousands of property tax dollars for the community while not adding significant burden to city services. Self-storage is a service that will serve the employees of other local firms, and is needed by individuals moving within the community.

Traffic

Concern: The facility will generate traffic problems.

Answer: While traffic studies are not available for the industry, facilities experience very little traffic – less than just about any other business.

Crime

Concern: The facility will invite crime and/or drug use.

Answer: A well run site should be unattractive to those engaged in illegal activities. Any new site should include a good camera system. If you plan to include it, a fence and access control system further shows your dedication to allowing only tenants on the property.

Management procedures such as requiring an ID and taking photos of renters will also help to deter criminal activity.

Light and noise

Concern: The property will generate noise and/or light pollution, especially if near residential properties.

Answer: Fencing or natural screening in the form of landscaping or berms can be an attractive buffer between other uses, but you want to avoid affecting visibility from the street side of the property. If the property must include a pond to manage stormwater, this might also serve as a buffer on a property line. Choosing building mounted "cut off" fixtures which direct light downward on driveways rather than sideways further helps to reduce light pollution. Restricting access hours can also provide peace of mind to neighbors regarding night time noise and activity.

Discuss with officials what level of presentation they will require. In some cases, a narrative may be enough. Most developers don't want to invest in site layout until they know that the project will be approved and is buildable. However, the project won't ever be buildable unless you invest in design work to present to local officials. Expect to invest a minimum of a few thousand dollars in civil engineering. An architect and attorney specializing in real estate law may be a part of your team. For larger projects requiring elaborate presentations, attempting to change zoning can easily be a \$30,000 gamble.

Developing in larger markets tends to be a bigger risk, however these sites also command the highest rents and potential to provide the best ROI. Good luck on your next project.

Steve Hajewski is the Marketing Manager for Trachte Building. He has been involved in the self-storage industry since 2005. In addition to his duties at Trachte, he also owns and operates a self-storage business in Wisconsin. Trachte Building Systems has previously sponsored NYSSA events.



Wall Street Journal Looks at Self Storage Benefits

In an early March edition of the Wall Street Journal, an article titled "Thrift Business Owners Give Self-Storage Spaces New Lease on Life," featured NYSSA members! Journalist Anne Kadet reached out to NYSSA earlier this year to talk about the different opportunities New York City self-storage facilities give growing businesses and new entrepreneurs. Kadet notes that, "Self-storage providers, including CubeSmart and Manhattan Mini Storage, are eager to accommodate businesses, which tend to rent larger units than residential customers."

The article goes on to quote Manhattan Mini Storage president and NYSSA Board Member Jon Dario, as well as NYSSA CEO Peter Ferraro. The Association is very excited to share our work with others that understand the importance of self-storage in the local business market.

A copy of the article has been included with a copy of this newsletter for you to read. To view the whole article online, please visit the Wall Street Journal website.

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Energy Incentive Programs: Good for the Earth and the Bottom Line

By Bruce Johnson

These days, people talk a lot about “going green.” Companies promote environmentally conscious programs and policies to win new customers, improve public image, and reduce costs. Yes, energy incentive programs may confer tremendous tax savings. There are a number of programs at both the federal and state levels that allow commercial real estate owners to increase their cash flow while decreasing their carbon footprint.

The star of the show is a powerful deduction benefit colloquially referred to as “EPAct 179D,” or simply “179D.” The Energy-Efficient Commercial Buildings Tax Deduction (IRC section 179D, enacted by Section 1331 of the Energy Policy Act of 2005), incentivizes energy-efficient construction for newly constructed and recently renovated commercial buildings. This incentive allows taxpayers to accelerate depreciation of qualified energy-efficient commercial building property placed in service after Dec. 31, 2005 and before Jan. 1, 2016. This is a one-time deduction benefit, and while it is best claimed in the year of construction, it can be claimed retroactively using a 3115 Change in Accounting Method.

The deduction is based on total building square footage but cannot exceed the cost of the energy-efficient improvements. Clearly, the best candidates are the largest candidates, and properties like hotels, retail facilities, warehouses, trucking terminals, and industrial facilities are all excellent choices.

In order to claim a 179D deduction, a taxpayer must be able to document the reduction in energy consumption generated by the improvements. Reduction in consumption is compared to a set benchmark determined by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). Projects completed prior to Dec. 31, 2015 must be able to demonstrate at least a 50% improvement in efficiency in comparison to ASHRAE Standard 90.1-2004. Projects completed after Jan. 1,



Peter Ferraro Sr. and Bruce Johnson, Partner at
Capstan Tax Strategies

2016 are compared to a slightly higher standard, ASHRAE Standard 90.1-2007. Improvements in interior lighting are the easiest to document—a simple spreadsheet enough to do the trick. Often, retrofits involving LED lighting are efficient enough to qualify for the 179D deduction on their own. Taxpayers who also wish to document improvements in HVAC or building envelope will need to submit a more thorough document. Buildings that qualify for the 179D deduction must be inspected and certified by a professional contractor or engineer who is based in the same jurisdiction as the property.

Solar power—perhaps the ultimate renewable energy source—has also been incentivized by a federal program since 2005.

This one-time tax credit applies to photovoltaics and solar heating systems. The incentive offers a 30% credit on project costs in the year the system was placed in service. There is no “look-back” option and no benefit in future—the incentive must be taken in the year the system was placed in service. Taxpayers must have a tax liability to take the credit, which is claimed via Form 3468. The size of the credit will begin to decrease in 2020, and it is expected to expire on Dec. 31, 2021. For the moment, however, this incentive may confer a sizable benefit, especially since solar systems are classified as short-lived MACRS five-year life and may be eligible for significant bonus depreciation under the PATH Act.

Energy Star, another federal tax credit program, applies mainly to residential properties and offers credits that may range from 10–30% of project cost. Some caps do apply, but the program offers incentives on a tremendous range of building assets: insulation, lighting, appliances, windows, doors, solar systems, and much more. Visit www.energystar.gov for a better look at this incentive and the broad scope of assets to which it applies.

The programs discussed until now are federally administered. Many states, however, have their own programs, and New York has a really powerful slate of incentives. The New York State Energy Research and Development Authority (NYSERDA) has been helping New Yorkers increase energy efficiency, save money, use renewable energy, and reduce reliance on fossil fuels since 1975. They administer funding and load management programs while performing research and educating partners as to the economic benefits of clean energy. Funds are collected via state utilities under the statewide systems benefits charge. NYSERDA works with residential, commercial, and non-profit partners.

Energy incentive programs can be a very significant part of an overall tax strategy. Being mindful of the triple bottom line—people, planet, profit—is more important than ever. Property owners and their CPAs are urged to explore these powerful initiatives.

Bruce A. Johnson, MBA, CEM is a Co-Founder and Partner at Capstan Tax Strategies in Jenkintown, PA and has previously sponsored NYSSA events. He has a contributing column in the New York Self Storage Association's What's In Store newsletter. You can contact Bruce at bjohnson@capstantax.com or (215) 885-7510.



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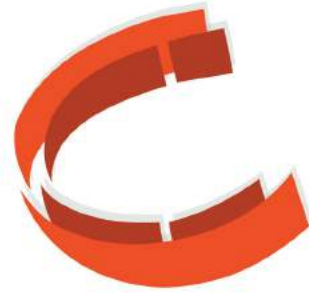
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Check Your Emails For The Next Billing Cycle!!

As many of you know, we have changed our membership billing cycle to begin in May. This means we will be sending out invoices for the May 2017 – May 2018 membership soon! Please check your emails for this invoice. If you prefer a mailed copy, please let us know.

We have also terminated any members that have not paid last year's dues, effective March 31st.

We thank everyone for their patience as we transitioned accounts over the last year. We've spent the last few months collecting overdue invoices for the last membership year to get everyone as up to date as possible.

As a reminder, the yearly base membership dues are \$300 for everyone and \$100 for each additional storage facility. If you would like to add new facilities or delete closed facilities to your account, please give us a call at the office.

If there are any issues with your invoices or membership status, please contact us immediately!



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What's Happening At Your Facility?

Did you recently go under renovations?
Did you change your facility name? Did your staff volunteer at a local community organization?

The staff at NYSSA loves to hear news about your facility so that we can share it with everyone! Tell us how your year is going! Feel free to send us pictures, changes in management, or any story you'd like to share with us -- we want to share the good news!

All matters can be sent directly to admin@nyselfstorage.org. Please indicate whether you'd like us to share this news with the rest of the NYSSA members.



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