

# The Park West Tenant

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The Newsletter of the Park West Village Tenants' Association info@pwvta.org November 2009

## 784, 788, 792 Columbus Ave buildings: **LOBBY MCI — NEXT STEPS**

The October newsletter reported that the PWVTA won a major victory when the state's DHCR disallowed approximately 75% of the owner's application for an MCI. Although the Lobby MCI was contested by the PWVTA on behalf of its members, all rent-stabilized tenants benefited from our robust challenge.

Pursuant to the orders issued for 784, 788 and 792, the owner was granted an MCI in the amount of \$1.48 per room, for the front and vestibule doors and for alterations to the landscaping, ramp, and staircase. Although the notice permitted the owner to collect the new rent from November 1, and provided for a 6-month arrearage, for some unknown reason the owner did not raise the rent in November, but instead calculated and billed a 7-month arrearage. It is likely that the new rent will appear on the December bill.

On advice of counsel, the PWVTA is submitting a PAR to challenge the MCI amount which was allowed, asking in effect for the entire application to be disallowed.

In the past, our PARs have been accompanied by rosters of current PWVTA members, which entitled those members to withhold the arrearages until the PAR was decided. For this current PAR, only the PWVTA President's name was included.

Accordingly, the Executive Board has not taken a position on the payment of the arrearages, except for a strong suggestion that if a tenant chooses to pay the arrearages now, *s/he should pay by separate check clearly marked "for retro charge"*.

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## The PWVTA Legal Committee

From time to time over the last few years, tenants have directed questions to the Legal Committee (LC) or one of its members concerning their leases, their rental bills, numerous landlord-tenant issues, overcharges, evictions, and more.

While the LC and its members, as fellow

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## PWVTA ANNUAL MEETING TUESDAY DECEMBER 15 7:30PM PS163 – 163 WEST 97<sup>th</sup> STREET

- ⇒ PWVTA annual business
- ⇒ Alternative Plans for Park West Village
- ⇒ Excess Overdevelopment Prospects
- ⇒ New business

*All Park West Village residents welcome!*

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## COMMUNITY COALITION MEMBERS HEAR ALTERNATIVE DEVELOPMENT PLAN AT PWVTA MEETING

On October 21, PWVTA Executive Board members and invitees for a new coalition of neighborhood groups were presented the PS163 PTA's plan by Dr. Virginia Pepe and Michael Gresty, an architect and a parent whose child attends PS163.

Dr. Pepe, Principal of PS163, and members of PS163's PTA have met or plan meetings with the major Park West Village stakeholders to present their plan to meet the challenge of the threatened land swap between Jewish Home Lifecare (JHL) and the Chetrit Group.

The land swap would allow JHL to erect a 22-story lifecare facility on the parking lot in front of 792 Columbus Avenue, and the Chetrit Group to build housing on 106th Street. The 792 parking lot is zoned now for "community facility" and could be built on "as of right".

The PS163 plan would preserve in perpetuity the open space on both PWV parking lots, fulfill the intent of neighborhood rezoning to limit the height of new development, relieve the overcrowding in PS163, and purportedly allow JHL to redevelop in a manner acceptable to the community.

Since the October meeting, Dr. Pepe and her group have met with Borough President

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tenants — and in some cases, friends — are glad to help. Nevertheless, our neighbors need to be reminded of exactly what the LC and its members can and cannot do. There are two matters which govern this:

First, the Legal Committee is not a law firm, and — not possessing a law license — cannot lawfully represent nor give legal opinions to the Association or to any tenant.

Secondly, pursuant to the PWVTA ByLaws, which define the role of the various standing committees — of which the LC is one — the Legal Committee is “a lay advisory body”, charged only with “examining the legal aspects of legal issues, for advising the Board on whether to pursue legal actions, and for providing information on tenants’ rights.”

Once each month, the LC meets, legal matters are discussed, and when appropriate the committee will recommend to the Executive Board that the Association take some legal action on behalf of all tenants, a class of affected tenants, or even a single tenant if an issue is deemed significant enough.

If the Board follows such a recommendation, outside counsel is retained. When that happens, and at the Board’s discretion, the LC may be asked to serve as liaison to outside counsel, discuss legal issues, review legal bills, etc.

As for questions phoned or emailed to LC members by individual tenants, members of the Committee can try to help tenants understand the Rent Stabilization regulations, terms of their leases, MCI Orders and tenant rights generally.

Furthermore, members of the LC can help clarify options that a tenant may have in a given situation. For example, one option might be to file a complaint with the DHCR, in which case the LC member can assist in the proper preparation of a petition.

Another option might be to consult a tenant attorney, in which case the LC can refer such a tenant to attorneys who have adequately assisted our tenants in the past.

***What the LC cannot do is to present a tenant with a legal opinion, and it is imperative that the members of our association understand this.***

We appreciate your concerns. For more info, please write us at [Legal@PWVTA.org](mailto:Legal@PWVTA.org).

## PWV Flea Market – Sunny Results!

The weather cooperated on the rainedate, Sunday October 25, for the 2009 PWV Flea Market.

Everything went smoothly as residents successfully divested their apartments of “stuff” and made a little cash as well. Neighbors enjoyed meeting neighbors, and had fun seeing and selling all the stuff!

The money collected from the flea market registration and table rental fees covered the expenses — balloons, printing — with the balance used for improvement of The Vaux Condominium itself, the sponsor of the annual event.

To those who generously donated some unsold items, Sister Renee and the Fraternite Notre Dame expressed their gratitude. They were thrilled to get donations which help support their soup kitchen and other services. See [www.fraternitenotredame.com](http://www.fraternitenotredame.com).

The Flea Market Committee — Lisa Butcher, Sharon Kaufman, Adrienne Lawler, Linda LeShanna, and Sharon Roberts — seeks feedback to make next year’s event even better: [info@vauxcondominium.org](mailto:info@vauxcondominium.org).



Photos by Pam Tice



Scott Stringer and the JHL group. As soon as all stakeholders have been presented the plan, PWVTA will organize a meeting of the new coalition and their members.

The PWVTA wants to allow the entire community to view the plan, ask questions and recommend beneficial improvements.

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## STANDING ON THE CORNER?

Several proposals have recently surfaced regarding commercial newsstands or outdoor cafes on the corners of the new Columbus Avenue developments. Some of these have been raised and discussed at meetings of Community Board 7.

First proposal: newsstand for Columbus Avenue in front of Whole Foods Market, but for many reasons it will probably not happen.

Next proposal was for the northwest corner of 97th Street and Columbus Avenue, but the police captain said “No!”, since it would be too congested and dangerous.

Still another proposal is for the southwest corner of 97th and Columbus.

PWVTA asked about the possibility of the new drug store selling magazines and newspapers. Peter Rosenberg said he is looking into it.

At CB7’s Transportation Committee meeting we learned that Whole Foods may want to put an outdoor cafe in front of their store. A vacant location exists for a restaurant or diner on Columbus Avenue, but nothing more is yet known.

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## CONSIDERATION PLEASE!

The noisy folks in 788 Columbus Avenue were surprised to hear neighbors complain on a recent Friday night about the loud parties, the noise of slamming doors, and the commotion that led to angry calls to management. Not only in 788, but in other buildings too.

The laws against excessive noise protect all tenants, and people should immediately report neighbors who are guilty of it.

First call “311” to report the culprits, and be sure to write down the time and apartment or location — such as the hallway door or stairs.

Call the management office as soon as possible with the same details. If all else fails, you can call the police department: 212-678-1811.

# 100<sup>th</sup> Street at Center of Storm

More than five hundred trees were destroyed and another five hundred damaged in the 90th to 110th Street section of Central Park during the intense half-hour “microburst” storm on August 18.

In addition, several trees on the grounds of Park West Village were ripped apart or blown down.

The area around 100th Street has reputedly been the worst hit in several recent storms: a northeaster in the ’90s; a microburst nearly two years ago; and this summer’s major upheaval.

Evidence of the carnage can be seen in the giant 15-foot-high log piles on the Great Hill at 106th Street in Central Park, the mounds of woodchip tree compost throughout the park, and the now-barren spaces where the felled trees had grown for over one hundred years.

The Central Park Conservancy and the NYC Department of Parks began clean-up efforts at dawn the morning after the storm. Restoration has also begun but will take years to do.

On November 17, JP Morgan Chase announced a \$1 million donation to the Conservancy’s Storm Damage Fund. Restoration will cost \$3 million. For more information or to help, call 212-360-2751, or see [www.centralparknyc.org](http://www.centralparknyc.org).



Photo by Jim Britton

Log piles from downed trees on the Great Hill in Central Park. Note the Park West Village buildings across Central Park West.

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## PLAYGROUND AND PLANTS AT 788/808

Trees and plants may soon go into the open space in back of 808 and in front of 788 Columbus Ave, reported Peter Rosenberg to the PWV/CB7 Coordinating Committee. The playground there — open for all PWV children — will probably not receive its equipment until spring.

## 792 Columbus Avenue Elects New Reps

At the building meeting in the lobby on October 29, tenants discussed current neighborhood issues, including the PS163 PTA Alternative Development Plan (see article on page 1) and the Michael Chenkin lawsuit, and elected new PWVTA Building Reps and Alternates.

Elected Building Representatives: Lucille Michelle Donte (16A), Clare Dockery (11G), and Jerylyn O'Neill (17H).

Elected Alternate Representatives: Cheryl L. Strong (7M), Joanne Silverstein (11P), and Bernice Gordon (6-O).

## 382 CPW Building Meeting

On Tuesday, December 8, at 7:00pm in the lounge in the basement, the tenants and residents of 382 Central Park West will meet to elect three PWVTA Building Representatives and three Alternate Reps.

PWVTA President Maggi Peyton will speak about the current building plans and store openings along Columbus Avenue, including 775 Columbus Ave at 97th Street, on the northeast corner bordering the Olmsted.

Owners are invited to attend, and may want to join the PWVTA as "Associate Members" by submitting the coupon below. They enjoy the same rights as tenant members to serve on the Executive Board, except not enabled to vote on matters of tenants' rights.

Fellowship with neighbors can be helpful in enjoying a better life in Park West Village for all — and certainly make it interesting!

## WPP Community Meeting with the NYC Department of Buildings Wednesday, December 2, 7:30PM doors open at 7 PM sharp

Second Presbyterian Church 6 W. 96th St  
corner of Central Park West - Entrance on South Side of 96th Street "At the Red Door".

Westiders for Public Participation and Councilmember **Melissa Mark-Viverito** will host an Open Forum with top officials from DOB to discuss impacts of the the "Columbus Village" real estate development on the surrounding Park West Village neighborhood.

New Yorkers are invited to attend and participate in this discussion with assistant commissioners of the NYC Department of Buildings.

The PWVTA Executive Board regularly meets on the third Tuesday of the month, except July and August (see PWVTA.org for info).

**DECEMBER ONLY – NOTE SPECIAL TIME AND PLACE:** The next Executive Board meeting will be held Tuesday, December 15, 6:30pm at PS163. PWVTA members are welcome to attend, and everyone should expect to attend the Annual Meeting which begins at 7:30pm at PS163.

Produced by the PWVTA Communications Committee.

Contributors: Win Armstrong, Jim Britton, Dean Heitner, Maggi Peyton, Eileen S, Cbuck Tice, and Pam Tice. To help report, edit, compose, design, or distribute, call the PWVTA Hotline: 212-662-2610, or write Commo@pwvta.org. Submit content articles to: Editor@pwvta.org.

## JOIN YOUR NEIGHBORS – RENEW NOW!

**PLEASE RETURN THIS MEMBERSHIP / ASSOCIATE MEMBERSHIP COUPON TO YOUR BUILDING REPRESENTATIVE OR MAIL TO:**

Park West Village Tenants' Association  
P.O. Box 20339, Park West Finance Station, New York, NY 10025-0339

Name: ..... Building: ..... Apt: ..... Phone: .....

Rent-stabilized tenant  Market-rate tenant  Renting from private owner  Owner Email: .....

Check for 2009 membership dues enclosed, **payable to PWVTA**  \$40  Other\*: \$ .....

Check for 2009 associate membership dues enclosed, **payable to PWVTA**  \$35 .....

Check includes additional contribution to Legal fund. Amount: .....  Check for MCI Legal Fund only: .....

☆ If you cannot make full \$40 payment of your annual dues, please pay what you can.

Your membership card will be delivered to you.