



State of New York  
Division of Housing and Community Renewal  
Office of Rent Administration  
Web Site: www.nysdhr.gov

Gertz Plaza  
92-31 Union Hall St  
Jamaica NY 11433  
(718) 739-6400

Docket Number  
TA 410074 OM  
Issue Date  
07/17/2009

## ORDER DENYING MCI RENT INCREASE

### Mailing Address of Owner:

Rockrose Development Corp  
C/O Belkin Burden Wenig & Goldman, LLP  
270 Madison Avenue  
New York, NY 10016

### Subject Premises:

Apt. No: Various  
310 E 46th St  
New York NY 10017

### APPLICABLE REGULATIONS:

- ( ) Section 2202.4(c) of the Rent and Eviction Regulations  
(X) Sections 2522.4(a)(2) of the Rent Stabilization Code

On 01/27/2005 the owner applied for an increase in the maximum legal regulated rent as a result of completing the following Major Capital Improvement(s):

ITEM(S)	CLAIMED COST
EXTERIOR RESTORATION	7,837,233.08
CONSULTING ARCHITECT	430,547.63

TOTAL CLAIMED COSTS: \$ 8,267,780.71

After consideration of all the supporting documentation submitted, the tenants' responses and pursuant to the applicable provisions of the codes and regulations set forth above, the Rent Administrator determines that the application for rent increase, based on MCI, is denied and/or this proceeding is terminated for the following reasons:

#### - OTHER:

THE EXTERIOR FACADE RESTORATION IS CONSIDERED TO BE A PIECE-MEAL INSTALLATION; THE RESTORATION WORK WAS COMPLETED BETWEEN JANUARY 2000 AND FEBRUARY 2003. THE MCI APPLICATION WAS FILED IN JANUARY 2005. VARIOUS DEPARTMENT OF BUILDINGS

#### - OTHER:

PERMITS DATED 3/8/2007, 5/14/2007 AND 4/16/2008 FOR RENOVATION OF EXISTING FACADE INDICATES PIECEMEAL WORK. THE TENANTS' ASSOCIATION SUBMITTED PHOTOGRAPHS TAKEN ON 6/18/07 SHOWS WORK WAS STILL IN PROGRESS ON THE FACADE OF THE

#### - OTHER:

BUILDING.

State of New York  
Div. of Housing & Comm Renewal  
Rent Administration  
RECEIVED

AUG 21 2008

To: ROCKROSE DEVELOPMENT CORP  
C/O BELKIN BURDEN WENIG & GOLDMAN, LLP  
270 MADISON AVENUE  
NEW YORK, NY 10016

Gertz Plaza •  
92-31 Union Hall Street  
Jamaica Queens, NY 11433  
MAILROOM

Pg. 1

2X Copy (Turn Over)



Division

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92-31 Union Hall St.  
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(718) 739-6400

Docket Number  
UH 430089 OM  
Issue Date  
08/03/2009

## ORDER GRANTING MCI RENT INCREASE

## Mailing Address of Owner:

150 West 82nd Road  
C/O Salomon & Appelmann, Ltd.  
114-04 Beach Channel Drive Suite #7A  
Rockaway Park NY 11694

## Subject Premises:

Apt. No: Various  
150 W 82nd St  
New York NY 10024

Received

MAIC  
8/04/09

(Signature)

PER: (X) Section 2512.4(a)(2) of the Rent Stabilization Code  
(X) Section 2202.4(c) of the Rent and Eviction Regulations

I. FACTS: On 08/30/2006 the owner applied for an increase in the legal regulated rent as a result of completing a Major Capital Improvement. The tenants were afforded an opportunity to comment:

SEVERAL TENANTS & THE TENANTS' REPRESENTATIVE RESPONDED OBJECTING TO THE INCREASE CLAIMING THAT THE WORK WAS NOT DONE IN A TIMELY MANNER, EXTERIOR WORK STILL ONGOING, & BUILDING HAS "C" VIOLATIONS. OWNER WAS NOTIFIED & RESPONDED. HE STATED THAT THE WORK WAS TIMELY, AND THE BUILDING HAS NO "C" VIOLATIONS. OWNER STATED THAT THE CURRENT WORK (ROOF, PARAPETS, ETC.) IS UNRELATED TO THE WORK DONE HEREIN. IT IS NOTED THAT THE TOTAL ROOM COUNT WAS AMENDED FROM 201 ROOMS TO 16 ROOMS AS INDICATED BY THE OWNER. ELEVATOR DEVICE NOS. IP14981 AND IP14982 WERE UPGRADED. THIS ORDER MAY BE REVISED IN THE EVENT THAT A TAX ABATEMENT HAS BEEN GRANTED FOR THE VARIOUS INSTALLATIONS. NOTES: 1. THE INSTALLATION OF NEW METAL DOORS AND SIDELIGHTS IN THE VESTIBULE AND THE NEW MAILBOXES IN THE LOBBY CONSTITUTE AS MCI; ALL OTHER WORK DONE WAS NOT DONE THROUGHOUT THE ENTIRE BUILDING AND IS THEREFORE CONSIDERED BASIC REPAIRS AND MAINTENANCE. 2. CHILD GUARDS AND INSTALLATION OF AIR CONDITIONING UNITS NOT MCI. 3. POINTING/PARAPET ETC. DENIED AS OWNER FAILED TO FURNISH A FULLY EXECUTED CONTRACT SIGNED BY THE OWNER AND THE CONTRACTOR AS REQUESTED BY DHCR ON 6/25/09. IN ADDITION, THE OWNER FAILED TO ADEQUATELY EXPLAIN WHAT WORK WAS DONE SINCE ORIGINAL CONTRACT WAS REDUCED BY ALMOST 50%. 4. ARCHITECT (EXT. WORK) DENIED SINCE POINTING/PARAPET WORK DENIED.

To: P NAG L/S. BURNS OR  
CURRENT OCCUPANT DO NOT FORWARD  
APT 3  
150 W 82ND ST  
NEW YORK NY 10024



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II. DHCR FINDS: The legal regulated rent for all stabilized and rent controlled housing accommodations are increased by 640.81 per room per month. It is further found that there are 3 rooms in your apartment. Accordingly, the total permanent monthly increase for your apartment is \$122.43. This increase is subject to the limitations outlined under Section V for rent controlled tenants and Section VI (C) for rent stabilized tenants. Notice temporarily reducing MCI increase may follow if owner received J-51 abatement.

III. ITEM	CLAIMED COST	APPROVED COST	REASON FOR DISALLOWANCE
LOBBY + HALLWAY WORK	204,408.00	24,255.00	SEE NOTE 1
FUEL STORAGE TANK	48,400.00	45,100.00	LESS TEMPORARY FUEL TANK
WATER TANK	31,004.00	31,004.00	
ELEVATOR UPGRADING	210,400.00	205,000.00	LESS MAINT. CONTRACT
CONSULTING FEE (ELEV)	12,398.24 *	0.00	WORK DONE NOT MCI
ELEVATOR CAB	14,350.00	11,850.00	LOBBY/ENTR DRS NOT MCI
WINDOWS (LANDMARK)	250,838.00	236,563.00	SEE NOTE 2
ARCHITECT (WINDOWS)	27,910.25	27,910.25	not justified
POINTING/PARAPET ETC	143,475.00	0.00	SEE NOTE 3
ARCHITECT (EXT.WORK)	8,924.50	0.00	SEE NOTE 4

### IV. COMPUTATION OF PERMANENT RENT INCREASE:

1. Total approved cost	\$	581,682.25
2. Comm/Prof tenants share	( \$	2,314.34 )
3. Net approved cost	\$	579,367.91
4. Divided by 84 months	\$	6,897.24
5. Total rooms		169
6. Rent increase per room per month	\$	40.81
7. Number of rooms in your apartment:		3
8. Permanent rent increase for your apartment	\$	122.43

### V. RENT CONTROLLED APARTMENTS - EFFECTIVE DATES AND LIMITATIONS:

For rent controlled tenants, increase is effective and collectible on 09/01/2009 and shall not exceed 15% of the rent as of 08/03/2009 each year.

TAX ABATEMENT?

1,080  
122.43  
-----  
1,202.43



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### VI. RENT STABILIZED APARTMENTS:

#### A) EFFECTIVE DATES:

For stabilized tenants, increase is effective as of 11/01/2006, collectible as of 09/01/2009.

#### B) TEMPORARY RETROACTIVE INCREASE (RENT STABILIZED ONLY):

Permanent increase \$ 40.81 X 34 mos. ( 11/01/2006 to 09/01/2009 ) = \$ 1,387.54 per room.

Based on the number of rooms in your apartment, the total retroactive increase is \$4,162.62 subject to the limitations set forth below.

#### C) LIMITATION ON COLLECTIBILITY:

Pursuant to section 26-511 (c) (6) of the Rent Stabilization Law, collection of the rent increase, including any temporary arrears which may be due, shall not exceed 6% of the rent as of 09/01/2006 (the rent roll date) in any 12 month period, with the excess spread forward in similar increments. Total arrears may be higher as the result of the compounding of guidelines increases during the retroactive period. Permanent rent increase is to be collected first.

### VII. IMPORTANT:

- (1) Service reduction orders bar collectibility of this increase for any period during which such reduction order is in effect.
- (2) To collect this increase the lease must provide for an increase pursuant to DHCR order.
- (3) For this MCI to be collectible during a vacancy lease term the vacancy lease must state that MCI is pending and list items.
- (4) If a stabilized tenant moves from the building on/after this order's effective date, owner may charge prior tenant full increase for period tenant was in apartment.
- (5) Sr. citizens who qualify for SCRIE may not have to pay the increase. For SCRIE information call (212) 442-1000.
- (6) Disabled persons who qualify for DRIE may not have to pay the increase. For DRIE information call (212) 788-2830.
- (7) If you believe this order is based on an error in law and/or fact you may file a Petition for Administrative Review within 35 days of issuance of this order. Call (718) 739-6400 or visit your Borough Rent Office and request form RAR-2.

RAR-2

Lilia Albano

LILIA ALBANO  
Rent Administrator  
Date Issued: 08/03/2009

COLLINS, DOBKIN & MILLER

CC: COLLINS, DOBKIN & MILLER ✓  
BELKIN BORDEN WENIG & GOLDMAN ✓