

# STUYVESANT TOWN - PETER COOPER VILLAGE TENANTS ASSOCIATION

*A Volunteer Staffed Organization Working to Preserve an Affordable Community*

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**Internet**

www.stpcvta.org

members@stpcvta.org

**Postal:**

P.O. Box 1202

New York, NY 10009

**Message Center:**

(866) 290-9036 (V)

(866) 290-9036 (F)

Date

Dear Peter Cooper Rent Stabilized Resident,

We have concluded our analysis of Tishman Speyer's Application for MCI Increase for Water Tanks and Valves and have prepared an ANSWER TO NOTICE for you to submit. Please follow the directions below carefully to submit your answer to "Notice of Application By Owner for MCI Rent Increase" for Water Tank/Valves.

1. You will recall that we asked you to request a 60-day extension to reply to the Notice. We asked you to make two copies keeping one. On the back of your saved copy of the Notice write, "Please see attached."
2. Attach the "Answer to Notice for Water Tank/Valves" which we have provided.
3. In the space provided at the top of the answer, write the docket number that appears on the fourth line at the upper right hand corner of the Notice. Below that write your building address.
4. At the bottom of our prepared Answer to Notice, print your name, apartment number, and date and sign it.
5. As you did last time, make one copy of the original Notice, and the Answer to Notices for future use.
6. Mail the Notice and Answers to Notice to: State of New York, Div. of Housing & Community Renewal, MCI Unit, 92-31 Union Hall St., Jamaica, NY 11433.
7. Although not required, for your protection we recommend you mail your response using a method that provides you with proof of delivery. i.e. Certified, return receipt requested, USPS Express mail, Overnight mail, discounted Second day or Third day delivery by UPS, DHL, or Federal Express, or any method that provides you with a receipt.

DHCR will then request the Owner to respond to the Answer to Notice. Based on the Owner's Answer to the Tenants Answer and a review of the facts, DHCR will issue a decision on the Owner's application for a rent increase.

Thank you for your help.

Sincerely,



Al Doyle

Docket # \_\_\_\_\_

Bldg Address \_\_\_\_\_

## **WATER TANKS**

### **Answer to Notice**

This MCI Application covers four (4) different items of work: Water Tank Replacement, House Pump Replacement, Valve Replacement and Environmental Services. This MCI Application is deficient and must be rejected.

#### **1. Work Dates**

The work dates of the various work items indicate that the different items were not performed in connection with one another. The water tank replacement commenced on 10/4/04 and completed on 7/6/09. The water tank installation started 15 months before the start of any other work. The water tank installation was performed over a 33-month period. Each tank would have taken, on average, 4 months to complete, which is beyond the period set for the completion by prevailing industry standards. The work dates indicate that these work items are unrelated. Industry standard would dictate that the Water Tanks and House Pumps be completed as one operation to minimize water service interruption.

#### **2. Commercial Allocation**

This MCI Application fails to account for the commercial allocation of the MCI costs. The water tanks will be servicing many businesses, stores and professional offices in the complex.

#### **3. Schedule of Major Capital Improvements**

House pump replacement and isolation valves do not appear on the DHCR Schedule of Major Capital Improvements and are not eligible for MCI treatment.

#### **4. Change Orders are Defective**

*Water Tanks:* Change Order #1 is missing. The scope of the other change orders is not known.

*House Pumps:* There are four (4) change orders and two (2) change order requests. These change orders lack explanation or documentation and cannot be approved.

#### **5. Claimed Costs**

*Water Tanks:* The contract sum is \$382,823.91, but the claimed cost is \$450,832.91. There are no documents to explain this difference.

*House Pumps:* The contract sum is for \$1,139,000.00, but the claimed cost on the MCI Application is \$1,372,839.22 and the final cost is \$1,701,711.40. There is no explanation for these different costs.

*Isolation Valves:* There is no explanation of this work. There is no quantity of valves replaced, location of valves, or explanation of work performed.

#### **6. Itemization**

The application fails to provide worksheets, daily logs, time records or other data pertaining to the various items of work.

#### **7. Government Permits**

This MCI Application fails to include governmental permits, approvals or sign-offs even though they are required by NYC regulations.

#### **8. Environmental Services**

The contractor AKRF Inc. was to perform soil analysis, however, the AKRF proposal is based on “due diligence”, “property acquisition” and “compliance”.

The work detailed in the AKRF proposal has nothing to do with the water tank replacement and must be rejected.

#### **9. Room Count**

The landlord has filed numerous applications with the NYC Department of Buildings to construct new interior partitions. These new interior partitions create new additional rooms, increasing the number of rooms in the building.

**Conclusion:** For the foregoing reasons the MCI Application must be denied.

Name: \_\_\_\_\_

Apt #: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_