



Order Denying Application or Terminating Proceeding

Mailing Address of Tenant:

Name: Various Tenants
 Number & 2-6; 8-12; 16-26; 28-34 Columbia Place
 Street: 20-28; 30-32 Joralemon Street
 City, State,
 Zip Code: Brooklyn, NY 11201

Mailing Address of Owner/Owner's Rep.:

Joralemon Realty NY, LLC
 Name: c/o Horing Welikson & Rosen, P.C.
 Number &
 Street: 11 Hillside Avenue
 City, State,
 Zip Code: Williston Park, NY 11596

Subject Building: (If different from tenant's mailing address)

- Same As Above -

Number and Street	Apt. No.	City, State, Zip Code
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After consideration of all the evidence in the record, the Rent Administrator finds that:

Applicable Regulation:

- Section 2102.5 of the State Rent and Eviction Regulations
- Section 2502.4 of the Emergency Tenant Protection Regulations
- Section 2202.4 of the Rent and Eviction Regulations
- Section 2522.4 of the Rent Stabilization Code

Determination:

After consideration of all the evidence in the record, the Rent Administrator finds:

" See Attachment "

Therefore, it is ordered that the relief requested is denied, and/or this proceeding is terminated.

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

JUL 14 2009

Issue Date

Lilia Albano

Lilia Albano
 Rent Administrator

Docket Nos. WD-220005-OD
WD-230006-OD
WD-210007-OD
WD-230008-OD
WD-230009-OD

ATTACHMENT

Subject Buildings: White Riverside Apartment Complex:

2-6; 8-12; 16-26; 28-34 Columbia Place & 20-28; & 30-32 Joralemon Street, Brooklyn, NY 11201

Landmark Buildings constructed in 1890 contained an open area, a garden and a children's play area for the residents. Owner filed an application to modify essential services wherein, the owner proposes to construct a new landscaped garden in the existing courtyard space with a single-level, completely below-grade parking garage. This project has been approved by the New York City Landmarks Preservation Commission.

The application states that the housing complex had originally contained a courtyard surrounded by buildings. During the 1940's, 40% of the housing complex was demolished to make way for the Brooklyn Queens Expressway (BQE). In 1991, the prior owner constructed a parking lot that contained 31 spaces and encompassed a portion of the courtyard. After the filing of complaints by tenants an evidentiary hearing was held and it was found that the creation of the parking area and resultant reduction of courtyard/garden area constituted a reduction of services and a rent reduction was ordered. The owner seeks to remove the rent reduction by virtue of this application which seeks to restore the courtyard/garden area but also expand the parking by virtue of an underground garage.

This request follows an earlier application for similar relief although in that instance the owner intended to retain only seven parking spaces and access for emergency vehicle entry. That application was granted as the courtyard/garden area was to be significantly restored. However, the tenants appealed that order and during the proceeding the owner withdrew the application indicating it would re-file a new application.

This application originally provided for a two tier garage one below ground level and one at ground level with a courtyard or park area located on the roof.

The owner and tenants have made various submissions during this proceeding. The majority of tenants are against the creation of a garage in the area and have indicated it will have many negative impacts and would actually be a further reduction in service.

The owner disputes this fact and indicates that there will be no noise or pollution from the proposed garage area and tenants will benefit from the new park like atmosphere.

The record also indicates that the owner had difficulty obtaining permission from the NYC Landmarks Preservation Commission for approval and has as a result amended its plan before that body and has changed its application herein, to indicate that an underground garage would be built and a park like area would be created at ground level. It was also noted that the parking area was reduced in size and would contain 100 vehicles instead of the 135 planned previously.

The record indicates that Landmarks Preservation Commission issued a Certificate of Appropriateness based upon this change.

It is also clear from the record that the Department of Buildings has not approved plans for the proposed work and that the owner has not yet had them drawn. Counsel for the owner indicates that as such plans are costly, it is seeking a determination of this matter before expending such funds and that an order should be issued conditioned upon obtaining all necessary governmental approvals.

After review of this extensive record it is found that the proposal set forth by the owner to modify services would in fact result in a further reduction in service to the tenants.

Prior orders of this agency have determined that the tenants are entitled to the use of the complete courtyard, garden and play area. The application granted in 2004 provided for the return of the majority of that space. The application as amended would restore some courtyard area but that is counterbalanced by negative factors.

The proposed construction would require the removal of the mature trees which currently populate the site. These trees provide a dense canopy of foliage between the complex and the Brooklyn Queens Expressway which mitigates the noise, pollution and unsightliness of that highway for the tenants. While the trees may have leaves only about half the year that is the same time that the tenants would more often be outdoors and have their apartment windows open. New plantings would not provide the cover of the existing trees for many years into the future, even if trees planted on top of a concrete structure could do so at all.

The courtyard/play area was meant for recreational use by the tenants. The rent reduction was imposed as that use had been severely reduced by the establishment of parking in the area. The proposed plan does not ameliorate the situation as access to the underground facility continues to be through the courtyard/play area and the increase in vehicular traffic in this small area, as provided for in this plan is greater than currently exists. This proposal is in direct conflict with the intended use of this area and the increase of vehicular traffic would be a further negative impact on this service.

Based upon the above, the owners application must be denied.



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433
Web Site: www.nysdhcr.gov

Notice of Right to Administrative Review

This Notice explains your right to appeal, seeking review of orders issued by a Rent Administrator. If you believe that an order is based on an error of law and/or fact, as an aggrieved party you have the right to ask the Division of Housing and Community Renewal (DHCR) to review the order based on your claim of error. This request is called a Petition for Administrative Review, and is referred to as a PAR. If you wish to file a PAR, please read the information and instructions below and follow them carefully. Further details may be found in Operational Bulletin 84-1 governing PARs and in the instructions printed on the reverse side of the form used for filing a PAR.

Who may File a PAR:

An owner, tenant, or other party affected by an order, or an authorized representative of such person(s), may file a PAR. Two or more affected owners or tenants may join in filing a PAR. The DHCR encourages joint filings by affected parties filing on common grounds.

How to File a PAR:

1. Use the correct form. PARs must be filed in duplicate using DHCR form RAR-2, in accordance with the instructions on the form. PARs filed on other forms or by letter will not be accepted.
2. You must attach a complete copy of the order which you are appealing on the original of your PAR.

Time Limit for Filing a PAR:

The PAR must be either hand-delivered or mailed to DHCR at Gertz Plaza, 92-31 Union Hall Street, Jamaica, New York 11433.

1. If the PAR is hand-delivered, it must be received **no later than 35 days after the date the order was issued**. The date issued usually appears in the lower left portion of the order.
2. If the PAR is mailed, it must be postmarked **no later than 35 days after the date the order was issued**. If you use a private postage meter and the envelope does not have an official U.S. Postal Service postmark, the PAR must be received by the DHCR office **not later than 35 days after the order's issuance date**, or you will be required to submit other adequate proof (such as an official Postal Service receipt or certificate of mailing) that the PAR was mailed within the 35-day limit.

PARs filed after the time limit will be considered untimely and will be dismissed.

How to Obtain the PAR Form:

You may request the PAR form RAR-2 by coming to any DHCR Borough Rent Office listed below or to the Office of Rent Administration's main office at Gertz Plaza, 92-31 Union Hall Street, Jamaica, New York 11433. You may also request that the form be mailed to you by calling (718) 739-6400. Please note that any delay resulting from mailed delivery of the form to you does not extend the time limit for filing the PAR.

DHCR Rent Offices

Lower Manhattan

25 Beaver Street
5th Floor
New York, New York 10004

Bronx

1 Fordham Plaza
2nd Floor
Bronx, New York 10458

Upper Manhattan

163 West 125th St.
5th Floor
New York, New York 10027

Queens

92-31 Union Hall St.
6th Floor
Jamaica, NY 11433

Brooklyn

55 Hanson Place
7th Floor
Brooklyn, NY 11217

Westchester

75 South Broadway
Suite 200
White Plains, NY 10601