

## MEMORANDUM

To: All shareholders

Date: 4/25/25

From: Board of Directors, Ten Park Avenue Tenant's Corp.

### WINDOW AIR CONDITIONER GUIDANCE AND RELATED REVISIONS TO HOUSE RULES

#### **This is an important notice to all shareholders who have window air conditioning units.**

As many of you know, the windows are a unique feature of Ten Park Ave. and, like our historic lobby, they make a major contribution to the overall character and impression of the building. They are also the most fragile component of its façade and, over the years, they have suffered weathering and deterioration which is sometimes severe. Compounding the problem is that, in the past, shareholders were permitted to remove parts of the steel frames and use the modified frame as support for window air conditioners, the unintended consequence of which was stress on a system that was never designed for that purpose.

The upshot is that the steel window frames are not designed to provide structural support. Moreover, NY City law forbids the installation of window air conditioners that are not securely fastened to the building structure.

As a result, the building must undergo a mandated safety and compliance survey of all installed air conditioners and any improperly installed units will have to be remediated. The 2023 house rules have also been updated to reflect new, more detailed guidance for air conditioner installations.

#### **Supporting Facts**

- Under Local Law 11 of New York City Code, window air conditioning units are required to have brackets affixed to the building structure, either on the inside or outside, and classifies window air conditioners without the requisite support as being "Unsafe".
- A window AC installation safety survey is a prerequisite for a Local Law 11 permit. Ten Park's upcoming survey will be performed by the façade engineers and any unsafe or otherwise defective installations will have to be remediated in a timely way since the building department penalizes us for unsafe conditions.

#### **Background and imperatives for change**

Ten Park has a variety of AC & heat pump installations. For clarity, they are as follows: Thru the wall PTACs (packaged terminal air conditioners which often provide heat), through the wall air conditioners, and window mounted units. The house rules describe the conditions and requirements for each type of installation.

Prior to 2023 our House Rules permitted the use of the steel window frames as structural support for window AC units. That language was revised after significant problems were identified during LL11/8 repairs and, as a result, our current House Rules and Alteration Agreements prohibit using the steel frames because they are not structurally sound and because that type of installation is not compliant with the law and must be remediated.

Damage: Regardless of their compliance status with the law or with prior House Rules, AC installations of all types have resulted in documented building damage consisting of compromised, deteriorating and cut window frames and water infiltration through improper drainage, caulking or clogged drains.

Shareholders are prohibited by the Proprietary Lease from modifying windows and are responsible for repairing such damage. (see excerpt below) Notwithstanding this, historically the Corporation has not enforced these obligations, and has often absorbed the repair costs, a situation which needs to be addressed. To the extent that such improper installations or damage is safety related (i.e. improper supports) or compromises the structural integrity of the building (i.e. water infiltration), they must be addressed immediately. The correction of other frame damage (i.e. mullion removals) may be addressed when existing AC units are removed.

Other pre-existing codes: Ten Park's property line ends at our façade, however our north facing shareholders were permitted to install window units that extended beyond the façade (in our case that would be anything beyond the stone sill) and technically into property owned by 16 Park, Mt. Sinai or Continuum (former church site). We were able to secure an easement for existing units with Continuum but all other units are in technical non-compliance with zoning and cannot be guaranteed over time.

### **Proprietary Lease Reference**

Language excerpts from the Prop Lease sections re House Rules & maintenance responsibilities of Lessee

1. (a) .....the Lessee shall keep the interior of the apartment (including interior walls, floors and ceilings, but excluding windows, window panes, window frames, sashes, sills, entrance and terrace doors, frames and saddles) in good repair, shall do all of the painting and decorating required for his apartment, including the interior of window frames, sashes and sills, and shall be solely responsible for the maintenance, repair, and replacement..... removable and through-the-wall air conditioners....

The Lessee shall be solely responsible for the maintenance, repair, and replacement of all....equipment of all types and kinds installed by the Lessee or any previous proprietary lessee in the apartment.

(b) If, in the Lessor's sole judgment, any of the Lessee's equipment or appliances shall result in damage to the Building ...the Lessee shall promptly, on notice from the Lessor, remedy the condition and, pending such remedy, shall cease using any appliance or equipment which may be creating the objectionable condition.

Please see the following excerpt from the 2025 House Rules and images of current non-compliant installations for your reference.

## H. Air Conditioning and Heating Equipment

### General

It is recommended that shareholders install either “through-the-wall” air conditioners or “PTAC” units which may be subject to filing with City agencies. Installations must conform to the specifications enumerated in the 2025 Alteration Guidelines, and be approved by the building engineer. In addition, shareholders must service their mechanical units on an annual basis to ensure proper function.

#### A. North, West & Courtyard facing units

We recommend that all mechanical units be placed through the wall, ensuring that it does not extend beyond the masonry lines. Alternatively, new units may rest against the inside of the metal window frame if supported by interior brackets and not by the steel window frame. Condensate drainage of the unit must be to the exterior of the building and the perimeter surround must be made weather tight; and vibration must be dampened as to not affect the window frame. Units may not extend beyond the plane of the façade

Existing mechanical units may project out of the windows provided these air conditioners are securely affixed to the building structure, supported by exterior brackets, and are not structurally affixed to the window frames.

*Note: Any pre-existing modification or damage to the steel window frames or masonry which is deemed defective or “unsafe” must be remediated, and all costs of such be borne by the Shareholder in accordance with the Proprietary Lease. In addition, the obligations of restoration of prohibited window modifications shall survive any sale, however, should the unit be subject to repossession such restoration shall be debited from the proceeds of the defaulted Shareholder. Further, **Shareholders should note that some existing window AC installations may not be in compliance with Zoning regulations.***

#### B. Park Avenue & 34<sup>th</sup> Street facing units

We recommend that all mechanical units be placed through the wall, ensuring that it does not extend beyond the masonry lines. The architect shall avoid locating mechanical units where decorative brickwork would be disturbed.

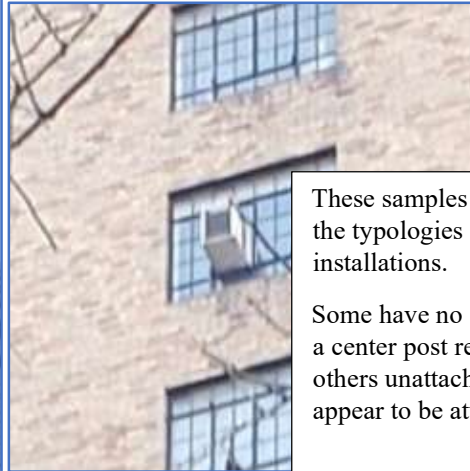
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***See note above regarding pre-existing modifications which shall apply to window AC units on all exposures.***

In accordance with City code, window AC installation surveys are performed on a regular cycle as a prerequisite for Local Law 11 filing. This survey is performed by façade engineers and any unsafe or otherwise defective installations will have to be remediated in a timely fashion.

END





These samples represent most of the typologies of window AC installations.

Some have no support, some have a center post resting on the sill, others unattached, and many that appear to be attached.

