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To: Pennybridge Manor Condominium Board of Managers

Re: Proposed rule regarding Common Elements

As the Board is aware, some units in the complex have lower levels, or “sub-basements.” Some of these units have informed us that they are experiencing moisture within these sub-basements and have sought guidance with how to move forward.

First, pursuant to the Unit Floor Plans in the Offering Plan, all sub-basements are classified as “Common Area Not Included.” Further, the Definitions section of the Offering Plan for the community defines “(e) Limited Common Elements: Common Elements such as terraces, patios, balconies, sub-basement mechanical areas, garages and driveways which are for the exclusive use of the Unit Owner to which they are assigned or whose Unit has direct access hereto.”

Second, as a Limited Common Element, sub-basements are to be maintained by the Condo Association, and the individual Unit Owner may not do any maintenance or make any repairs. Accordingly, we recommend the Board elects to put notice on all Unit Owners that there will be no work done on any of the sub-basements without inspection. Only if the Board determines that there is a condition that substantially interferes with and/or materially impacts the use, occupancy, and/or habitability of the Unit, only then will the Board repair the condition. Moisture and dampness are common in unfinished lower levels of homes. If a Unit Owner so chooses, we recommend the Board allow them to install and operate a sump-pump and/or a dehumidifier in the sub-basement attached to their Unit. However, if a Unit Owner does so, they assume all cost and responsibility for the installation and maintenance of these utilities.

Third, Limited Common Elements may only be used for specific, intended purposes. Section 15 of the Declaration states that no objects shall be placed on the Common Elements, unless the area is designated as storage. Also, Section 9 of the Rules and Regulations states that nothing shall be stored in the Common Elements without the prior consent of the Board of Managers. As such, no Unit Owner is permitted to use the sub-basement as an extra storage area. If a Unit Owner chooses to use the sub-basement as storage in violation of this rule, the Unit Owner waives all rights or claims for damage or loss of property.

Our proposed policy for the Community regarding sub-basements is as follows:

**Pennybridge Manor Condominium Association
Sub-Basement Policy**

There are various units within the Association that have “sub-basements.” Sub-basements are those unfinished and un-liveable areas within a unit below the living areas. Some units may have mechanical equipment within their sub-basements. The sub-basements are classified as “Limited Common Elements.” Limited Common Elements are collectively owned, like other Common Elements, but are for the exclusive use of one unit owner. The Association maintains responsibility over Limited Common Elements as it does with Common Elements.

It is the policy of the Pennybridge Manor Condominium Board of Managers that those Unit owners that have “sub-basements” shall not do any maintenance or make any repairs to same. To the extent that there is a mechanical area within the sub-basement, the Unit Owner, and not the Association, is responsible for the maintenance and repair of same. The only time a Unit Owner should be accessing the sub-basement should be for the repair and/or maintenance of the mechanical equipment. The sub-basements are Limited Common Elements and as such, are the responsibility of the Condo Association to maintain and make repairs in their current condition. The Association shall only perform work on sub-basements upon inspection and only if the Association finds that there is a condition that substantially interferes with and/or materially impacts the use, occupancy, and/or habitability of the Unit. Upon discovery of a condition in the sub-basement, the Unit Owner must notify the Board so that the Board may conduct said inspection.

The Board recommends that those Unit owners who may have some dampness or moisture, which are common for basements and sub-basements, elect to install a sump-pump and/or a dehumidifier at their own cost. However, if a Unit Owner elects to install same, they assume all cost and responsibility for the maintenance and any damage the sump-pump and/or dehumidifier may cause to the rest of the Unit(s).

Further, sub-basements are not to be used for storage without prior consent of the Board. If a Unit Owner chooses to store items in the sub-basement attached to their Unit, they waive all rights or claims for damage or loss of property.