



## The Master Apartments

August 4, 2016

Dear Residents,

Attached please find a new policy which addresses playing or practicing on musical instruments and singing and/or practicing voice in one's apartment. This policy expands upon the Proprietary Lease, House Rules, and those sections of other co-op documents that address noise.

The Master Apartments has a proud history of having been home to a number of notable musicians. However, historically, playing of instruments or practicing voice were limited to apartments on the third floor, which were specifically built to accommodate these activities. Over the years, as these restrictions were relaxed, the number of complaints has increased.

The goal of this policy is to create an environment in which resident musicians, whether playing or singing professionally or as an avocation, can enjoy their music and creative expression while minimizing the disturbance to their neighbors. The co-operative has the authority to set limits which are more restrictive than the NYC Noise Code to achieve the goal of "quiet enjoyment" of one's residence as set forth in the Proprietary Lease.

The policy and key elements of the policy will be incorporated into the House Rules and other co-op documents to which they pertain by the September 1, 2016 effective date.

Sincerely,  
The Board of Directors

**Master Apts., Inc.**  
**Musical Instruments and Voice Policy**  
**Effective: September 1, 2016**

**Current Residents**

Musical instruments owned and played by shareholders, subtenants, and tenants prior to the date of this policy are “grandfathered in.” However, all resident musicians and those who currently practice voice, sing and/or offer music or voice lessons in their apartments are:

- Subject to the requirement of implementing soundproofing measures if complaints are filed by multiple units, or a single unit, which in the judgment of Management and the Board of Directors constitute a breach of the warranty of “quiet enjoyment.”
- Required to work with Management to develop a plan for implementing soundproofing measures as specified in Appendix A.
- Required to submit written documentation, subject to verification by Management, that the agreed-upon soundproofing plan has been implemented.
- Required to abide by the designated hours (listed below) if individual agreements with neighbors impacted by the music are not able to be reached.

Electronic keyboards or other instruments that are able to be played in silent mode are exempt from the requirements of this policy if played in silent mode.

**Current Shareholders Who Plan to Acquire Instruments to Play or Practice Voice/Sing must note:**

- Grand or upright pianos and other percussion instruments will be permitted only on the 3<sup>rd</sup> floor.
- Authorization to play other instruments on the other residential floors will be determined on a case-by-case basis, taking into consideration the proposed soundproofing plan.
- Shareholders and/or their family members who plan to acquire an instrument or practice voice, or sing as of the date of this policy, are required to submit a plan for soundproofing the apartment, as outlined in Appendix A, to Management for review and approval.
- Written documentation is to be submitted, subject to verification by Management, that the agreed-upon soundproofing plan has been implemented.
- Shareholders risk penalties if they proceed to play musical instruments, practice voice/sing in their apartments without receiving approval of the soundproofing plan by Management or fail to implement the measures outlined in the plan.

**New Tenants and Subtenants**

All apartment owners must advise all prospective tenants and subtenants that as of the date of this policy they are not permitted to practice/teach voice, play or offer lessons on musical instruments unless the instrument has a silent mode.

**Designated Hours**

If soundproofing has been installed and complaints persist, musicians/vocalists are encouraged to contact their neighbors to discuss their practice and playing/singing schedules and negotiate an agreement regarding a schedule that is mutually acceptable. If the parties cannot reach an agreement, the musician and/or vocalist must abide by the following schedule:

Weekdays:

9:00 AM - 9:00 PM: may play and/or sing for periods of up to two (2) hours at a time, with a mandatory two (2) hour break between periods.

Weekends:

11:00 AM - 8:00 PM: may play and/or sing for periods of up to two (2) hours at a time, with a mandatory two (2) hour break between periods.

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**Applicants for Purchase of an Apartment**

- Should note that pianos and other percussion instruments are permitted only on the 3rd floor.
- Should note that authorization to play other instruments on the other residential floors will be determined on a case-by-case basis, taking into consideration the proposed soundproofing plan.
- Must disclose musical instruments and plans to play, practice voice, sing or rehearse in the apartment on the purchase application and submit a plan for soundproofing with the application which complies with the Soundproofing Requirements in Appendix A.

If the purchase application is approved:

- The Board's decision regarding whether or not the current musical instrument(s) will be permitted to be played in the apartment will be conveyed at the time of the approval.
- The new shareholder is required to submit written documentation, subject to verification by Management, prior to move-in, that the agreed-upon structural soundproofing plan has been implemented. Written documentation regarding non-structural elements of the soundproofing plan may be submitted prior to or soon after the move-in.
- New shareholders risk penalties if they have not disclosed that they plan to play an instrument, practice voice, sing or have not implemented the agreed-upon soundproofing plan. They will be required to install soundproofing or forego playing of an instrument or practicing voice in the apartment if they opt not to install soundproofing.

**Monitoring of and Response to Complaints**

If persistent complaints are filed by multiple units, or a single unit, which in the judgment of Management and the Board of Directors, constitute a breach of the warranty of "quiet enjoyment," the musician and/or vocalist will be required to:

- Meet with Management to develop a sound mitigation plan which augments current measures employed.
- File a copy of the plan with Management and implement the plan within 2 months.
- Hire a sound engineer to develop a more effective plan if complaints continue following implementation, the timetable for which will be determined by Management.
- Abide by the negotiated or designated hours of playing/singing if complaints regarding the hours of playing/singing are filed.

**Penalties**

Musicians/vocalists who do not comply with this policy will be subject to penalties. These penalties will be determined on a case-by-case basis and billed to the apartment owner's monthly maintenance statement. Apartment owners will be billed for penalties incurred for violations of the policy by tenants, including subtenants.

**Referral to Corporate Counsel**

Unwillingness on the part of a musician and/or vocalist to work toward addressing complaints will result in the co-operative referring the matter to corporate counsel. A formal nuisance complaint may be filed in addition to other measures, including termination of the Proprietary Lease. Apartment owners will be asked to terminate the lease or sublease of non-compliant tenants or subtenants and will be charged for the co-op attorney's legal services necessary to protect the rights of shareholders and other residents chronically bothered by the music.

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**Appendix A**

**Non-structural Measures Required to Absorb and/or Block Sound Transmission (regardless of whether or not complaints are filed)**

Sound transmitted through walls:

Pianos are to be placed at least 6" from demising walls and acoustical foam backing placed behind upright pianos.

Sound transmitted through the floor:

If a new floor is not being installed, 80% of the living area is to be covered with rugs or carpeting as specified in the House Rules. In addition, padding must also be placed under the rugs or carpeting. The rugs, carpeting and padding must all have sound-absorbing properties.

- For pianos, caster cups and acoustical padding are to be used.

**Structural Soundproofing (sound-minimizing) Requirements**

Apply to:

- Musicians with "grandfathered in" instruments and/or those who practice voice/sing and/or offer lessons, if non-structural measures are insufficient to block sound as evidenced by persistent complaints filed by multiple units or a single unit, which in the judgment of Management and the Board of Directors constitute a breach of the warranty of "quiet enjoyment."
- Current or new shareholders who plan to play Instruments, practice voice, offer music or voice lessons.

The type of materials and degree of soundproofing must address the pitch, loudness and quality of the sound produced by the instrument(s)/or type of singing.

- Sound-blocking and sound-absorbing materials must be installed in the rooms where the musical instrument(s) will be played, voice will be practiced.
- All surfaces must be addressed: ceiling, all walls, and the floor.

Requirements for:

Ceiling:

Acoustical ceiling tile, acoustical plaster or other material of equivalent sound-absorption or sound-blocking capability must be installed.

Walls:

If soundproof walls are not already in place, soundproofing gypsum board, such as "Quietrock" (USG), Soundbreak XP (Acoustical Surfaces, Inc.) or other comparable soundproofing paneling shall be used.

Flooring:

If new flooring is being installed where the musical instrument(s) will be played, whether wood, tile, stone, or other applied finish, it must be installed over noise-dampening padding such as "Acoustik" high performance subflooring, by Acoustical Surfaces, Inc. (as per the co-op's Design and Construction Standards.

**Resources**

[Master Apartments Alteration Checklist and Agreement](http://www.nyc.gov/html/dep/pdf/noise_code_guide.pdf)

[http://www.nyc.gov/html/dep/pdf/noise\\_code\\_guide.pdf](http://www.nyc.gov/html/dep/pdf/noise_code_guide.pdf)