

Q. & A.

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The New York Times Real Estate Section**Treadmill Vibration Disturbs a Tenant**

Q: I am a renter in a co-op building in Queens. Recently, my upstairs neighbor (who is an owner) installed a treadmill in his apartment. Even though the machine is used only once a day, the vibration is annoying and is causing my ceiling to blister and disintegrate. I know that the building management will re-plaster for me, but I would like to know if this treadmill is legally allowed. . . . Daniel D. Garnet, Bayside.

A: **Andrew D. Brodnick**, a White Plains real estate lawyer, said that he is not aware of any law that specifically prohibits treadmills.

"If the letter-writer is disturbed by the vibration from the machine, he should report the problem to his landlord and the managing agent," Mr. Brodnick said. "Generally, most co-op house rules prohibit disturbing noises."

In addition, Mr. Brodnick said, most co-ops also require tenants to place rugs over most of the floors in their apartments. As a result, he said, it is likely that the letter-writer's landlord can persuade the co-op board or managing agent to take steps to alleviate the situation, if only to avoid the expense involved in repairing the tenant's ceiling.

"If that doesn't work, the writer can also call the Department of Environmental Protection to see if the noise levels from the vibration exceed the legal limits," Mr. Brodnick said, adding that as a last resort, the tenant could sue his landlord or the upstairs shareholder for denying him the right to quietly enjoy his apartment without being subjected to a nuisance. The complaint number at the Department of Environmental Protection is (888) 677-5433).