

DRAFT
MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting Held at
22 Reade Street, Main Floor
Spector Hall

February 20, 2014

The meeting began at 1:10 p.m. The attendees were Ronald Spadafora, Fire Department Representative; Chuck Delaney, Tenants' Representative; Elliott Barowitz, Public Member; Daniel Schachter, Public Member; Mark Foggin, Manufacturing Representative, Gina Bolden-Rivera, Public Member, Matthew Mayer, Owners' Representative, LeAnn Shelton, Public Member and Chairperson Designee Donald Ranshte.

INTRODUCTION

Chairperson Ranshte introduced himself as the newly designated Chairperson and welcomed those present to the February 20, 2014 public meeting of the New York City Loft Board.

VOTE ON AMENDED DECEMBER 12, 2013 MINUTES

The Board held a brief discussion regarding adding prior mention of outreach efforts as something to undertake prior to the March deadline, rather than as part of enforcement.

Motion: Mr. Delaney moved to accept the December 12, 2013 minutes. Mr. Mayer seconded the motion.

Members Concurring: Spadafora, Delaney, Bolden-Rivera, Foggin, Schachter (5)

Members Abstained: Mayer, Ranshte, Shelton (3)

Members Absent: Barowitz (1)

VOTE ON JANUARY 16, 2014 MINUTES

Motion: Ms. Shelton moved to accept the January 16, 2014 minutes. Mr. Foggin seconded the motion.

Members Concurring: Barowitz, Spadafora, Delaney, Bolden-Rivera, Foggin, Schachter, Mayer, Shelton (8)

Members Abstained: Ranshte (1)

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander reported that the Loft Board Rules, as amended, are now on the Loft Board's website via the link to the Rules of the City of New York. Each Board Member will receive a binder containing the amended rules at the March 20, 2014 meeting. In addition, each Board Member will receive the PDF version of the Rules as well as the Loft Law as amended.

Ms. Alexander also stated that the Loft Board's staff will be moving from the 3rd floor Borough Commissioners Office to the 4th Floor at 280 Broadway.

Regarding the building statistics for the last three months, **Ms. Alexander** reported that as of February, there are 326 Buildings under the Loft Board's jurisdiction. Of these, 36 buildings have obtained a final C of O (18 buildings have filed removal applications and 18 buildings have not filed removal applications). There are 100 buildings with TCO's or 7-B compliance (of which, 39 have a TCO and 61 of which have achieved 7-B Compliance). There are 98 buildings with alteration permits. In the Narrative Statement process, there are 49 buildings, (15 of which are closed and 34 are open). There are 16 buildings with Alteration Type 1 filings, and 27 buildings without Alt 1 filings.

Ms. Alexander stated that since the November meeting, 4 buildings left the Loft Board's jurisdiction and 4 new buildings have come in. Two buildings moved from the TCO category to the Final C of O category and 4 buildings moved from the permit category to the TCO category. Two buildings were combined into a horizontal multiple dwelling.

Ms. Alexander informed the Board that she e-mailed each member a link to the Loft Board's map of covered IMD buildings, which can be converted to a satellite view, and which shows a view of what is in the community, such as restaurants and other services and establishments.

With regard to applications, **Ms. Alexander** stated that the Loft Board received 27 new coverage applications for a total of 376 applications, bringing the total number of buildings impacted by applications to 163.

Ms. Alexander also reported that there are 2 cases that are currently being appealed. In *Grant v. New York City Loft Board* the tenant is appealing the Loft Board Order finding the fourth floor is comprised of two units and that Grant waived his right to challenge the 1994 legalization plan, which showed two independent units on the fourth floor. In *71 North 7th Street v. New York City Loft Board*, the tenant is appealing the Loft Board's Order rejecting a stipulation of settlement in a coverage case. In the stipulation, the tenant agreed to withdraw his coverage application and the owner agreed to permit the tenant to residentially occupy the unit for six years as well as permit the tenant to lease the space above for residential occupancy. The Loft Board rejected the settlement on the grounds that it was against public policy.

Ms. Alexander gave a breakdown of the 267 pending cases by application type.

1. **Coverage Applications: 187**
2. **Non-Coverage Applications: 80**
 - 1 Appeal of Determination
 - 18 Extension
 - 1 Landlord-initiated Rent Dispute
 - 7 Abandonment
 - 4 Landlord-initiated Contest of Coverage
 - 21 Removal
 - 3 Challenge to Proposed Sale of Improvements
 - 1 Unreasonable Interference
 - 2 Access
 - 3 Code Compliance Rent Adjustment
 - 8 Tenant-initiated Rent Dispute
 - 1 Prime Lessee Compensation for Improvements
 - 4 Harassment
 - 4 Diminution of Service
 - 2 Non-Compliance with Code Compliance Deadline

Next, **Ms. Alexander** gave a breakdown of the 267 pending cases by status.

1. **40 Non-OATH Cases**
 - Rent Adjustment Applications: 3
 - Removal cases: 19
 - Extension Applications: 18
2. **204 Cases in the Administrative Process**
 - a. **Pre-OATH Status: 9 Cases**
 - 7 Cases are incomplete/defective
 - 2 Cases are in the answer period

- b. **OATH Cases: 121 Cases**
 - 16 non-coverage cases
 - 105 coverage cases
- c. **Cases Returned From OATH (Post-Hearing/Settled): 74 Cases**
 - **Master Cases: 29**
 - 2 Abandonment Cases
 - 22 Coverage Cases
 - 2 Rent Dispute Cases
 - 1 Challenge to Proposed Sale of Improvements
 - 2 Landlord-initiated Contest of Coverage
 - **Summary Cases: 45**
 - Coverage Cases
 - Access Case
 - Landlord-initiated Rent Dispute Case
 - 1 Prime Lessee Compensation for Improvements
 - 1 Diminution of Service
- 3. **2 Cases in Litigation**
- 4. **6 Cases that the staff is discussing**
- 5. **15 Cases anticipated for the February 20, 2014 Agenda**

BACKLOG OF CASES

Ms. Alexander reported that OATH has returned seventy-four (74) cases to the Loft Board. Of these, twenty-nine (29) are master cases and forty-five (45) are summary cases. The oldest summary case is a Landlord initiated rent dispute dating from March 17, 2008. This case is an example of why the staff may not always prepare cases by the filing date. Here there are certain conditions that must be met by both parties before the stipulation can be considered final and the case resolved. More often, the tenants agree to withdraw his/her application and the owner agrees to register the buildings. The Loft Board holds the settlement agreement until the owner registers. When a case is not ready, the Loft Board moves to the next oldest case.

Ms. Alexander stated that at this time, there are 13 cases that are ready, 32 cases that the staff has not reached. Generally, the cases skipped are not ready because the owner has not registered the building or unit as agreed. For example, three cases are related to a master case that is not ready, one will possibly have to be conferenced and one has pending litigation in state court. There are three instances where the Loft Board received multiple coverage applications for the same building. The Loft Board generally tries to resolve these cases together. Currently, there are 16 such applications: two buildings have three applications each, two buildings have four applications each, and another has two applications. The 45 summary case applications impacts on 33 buildings.

Ms. Alexander reported that there are 29 master cases back from OATH. Of the 29 master cases, there are 4 buildings that have multiple applications. For example, one building has 7 applications, another has 4 applications, a third has 3 applications, and a fourth has 2 applications. There are 17 buildings that have outstanding master cases. There are 3 others that are related to summary cases which are not ready. Also, 9 of these cases are master defaults, will be on the next month's calendar, along with two other master cases, which means that we will likely have 7 buildings on the Master calendar next month. This will leave the staff with 10 buildings that have outstanding master cases. If a case is not ready, the staff will skip over it and go to the next case. This does not mean that the case is ignored; sometimes the staff has to hold off because of a related case. This is what happened with our oldest case on the list, which is actually 7 applications.

DISCUSSION OF LOCAL LAW 103

Chairperson Donald Ranshte moved the discussion to the topic of Local Law 103. A copy of the Local Law had previously been distributed to each member of the Board. **Mr. Ranshte** explained that the Law

requires the Loft Board to video record public meetings and make them available on line within 72 hours of the meeting. In addition, the Loft Board will be required to keep a copy of each video permanently accessible to the public. The Loft Board will be responsible for implementing and adhering to the Local Law requirements. The Loft Board staff will be responsible for the procurement, installation and maintenance of the recording equipment. The videos may either be live-streamed or recorded and posted to the internet on YouTube as well as the Loft Boards website.

Mr. Ranshte introduced to the Board the Director of Information Technology at the New York City Department of Buildings, James Cronin. **Mr. Cronin** explained that a camcorder will be setup, testing would begin the following week and the sound system will be included to make sure that everyone's voices are audible. After the meeting is recorded the IT staff will review the recording to make sure that it is clear to everyone and that there is not anything inappropriate, however the videos will not be altered. The video will be posted to the appropriate location. Mr. Cronin explained that the Department of Information Technology & Telecommunications (DOITT) has recommended that the videos be posted to YouTube and then a link will be posted to the appropriate page inside the City Agency's website.

DISCUSSION

The Board discussed the potential negative impact of using video cameras during discussions of quasi-judicial decisions, and whether the master Calendar cases should be held in Executive Session and whether this practice comports with the Open Meetings Law.

DISCUSSION OF MARCH 11, 2014 FILING DEADLINE

Mr. Delaney proposed submitting documentation from the Loft Board to the New York State Legislature opposing the March 11, 2014 statute of limitations deadline, or requesting it be extended. The Loft Board concluded that it is bound by the Amended Loft Law, and will consider responding to questions extended from the Legislature, but will not collectively take a position.

Chairperson Designee Ranshte discussed the limited role of the Loft Board and its staff in conducting outreach and suggested that the individual members reach out to their constituencies for information on the statute of limitation.

Ms. Alexander noted that each of the code-compliance deadlines have passed and enforcement proceedings can be initiated pursuant to multiple dwelling law ("MDL") § 284, as well as Loft Board rule § 2-01.1.

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

1.	Golden Hart Realty LLC	950 Hart Street, Brooklyn	AD-0067	MC/MC
2.	K & C II	235-241 Berry Street, Brooklyn	LS-0220	MC/MC
3.	Brian Lutz and Leslie Mintzer	134 West Broadway	TA-0193	MC/MC
4.	David Perez, Egon Zippel and Nancy Ralph	319 -321 Grand Street, 62 Allen Street, 64 Allen Street	TR-0890	MC/MC
5.	Juan Falla, Zuleika Milan-Falla, Jason Irwin, Leah Pryor, Rachel Lease, Chloe Badawy, Anne Shratter and Claire Farris	476-498 Jefferson Street, Brooklyn	TR-0910	MC/MC
6.	Al Roundtree, Malinda Sorci, Erica Amianda, Adam Nix, Molly Thraikill, Maggie Downing, Jeff Albert and Jeanette May	476-498 Jefferson Street, Brooklyn	TR-0978	MC/MC
7.	Fulvia Zambon Rafferty	338 Berry Street, Brooklyn	TR-0994	MC/MC
8.	45 Broadway Tenants' Association	45 Broadway, Brooklyn	TR-1053	MC/MC
9.	Thomas Arsenault	32 South First Street, Brooklyn	TR-1055	MC/MC
10.	Richard Cefalo	109 Broadway, Brooklyn	TR-1102	MC/MC

Motion: Mr. Foggin moved to accept the proposed orders. Ms. Shelton seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, Ranshte, Delaney, Bolden-Rivera, Foggin, Schachter, Shelton (9)

Members Absent: (0)

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

11.	Harmon Residence LLC	1918 Harmon Street, Queens	FO-0699	MC/MC
12.	Bridge Associates of Soho, Inc.	533 Greenwich Street	FO-0701	MC/MC

Motion: Ms. Shelton moved to accept the proposed order. Mr. Mayer seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, Ranshte, Delaney, Bolden-Rivera, Foggin, Schachter, Shelton (9)

Members Absent: (0)

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

13.	Tom Cayler, Clarice Marshall, Douglas Kelley, Daniel Schneider, Charlotte Pfahl and Aric Zagon	517-525 West 45 th Street	TN-0215	MC/MC
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Motion: Ms. Shelton moved to accept the proposed orders. Ms. Bolden-Rivera seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, Ranshte, Delaney, Bolden-Rivera, Foggin, Schachter, Shelton (9)

Members Absent: (0)

DISCUSSION AND VOTE ON MASTER CALENDAR CASE

14.	Gino Gareza and Rusudan Grigolia Peter Grass	383 Eighth Avenue	TR-0848 TR-1009	MC/MC
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Motion: Ms. Shelton moved to accept the proposed order. Ms. Bolden-Rivera seconded the motion.

Members Concurring: Mayer, Barowitz, Schachter, Spadafora, Delaney, Ranshte, Bolden-Rivera, Foggin, Shelton (9)

Members Absent: (0)

DISCUSSION AND VOTE ON MASTER CALENDAR CASE

15.	The Nieuw Broome Tenants Corp.	458 Broome Street	LE-0629	MC/MC
16.	45 Reade LLC	145 Reade Street	LE-0630	MC/MC

Motion: Mr. Barowitz moved to accept the proposed orders. Mr. Spadafora seconded the motion.

Members Concurring: Mayer, Barowitz, Schachter, Spadafora, Delaney, Ranshte, Bolden-Rivera, Foggin, Shelton (9)

Members Absent: (0)

Mr. Ranshte concluded the February 20, 2014 Loft Board public meeting at 3:05 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on March 20, 2014 at 2pm.