

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

July 17, 2014

The meeting began at 2:15 p.m. The attendees were Tayo Kurzman, Esq., Fire Department Representative; Chuck Delaney, Tenants' Representative; Elliott Barowitz, Public Member; Daniel Schachter, Public Member; Mark Foggin, Manufacturing Representative, Gina Bolden-Rivera, Public Member, LeAnn Shelton, Public Member and Chairperson Marshall A. Kaminer.

INTRODUCTION

Chairperson Kaminer introduced himself, gave a brief overview of his work experience with the Department of Buildings and welcomed those present to the July 17, 2014 public meeting of the New York City Loft Board.

VOTE ON APRIL 24, 2014 MINUTES

Motion: Ms. Shelton moved to accept the April 24, 2014 minutes. Mr. Delaney seconded the motion.

Members Concurring: Ms. Kurzman, Mr. Delaney, Mr. Barowitz, Mr. Schachter, Ms. Bolden-Rivera, Ms. Shelton (6)

Members Absent: Mr. Foggin (1)

Members Abstain: Chairperson Kaminer (1)

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander had sent statistics to the Board members prior to the meeting and asked them for feedback as to how they prefer she present them. Specifically, she asked whether the members would prefer the Loft Board staff to post the statistics on the website along with the minutes and have her present a general overview at the meeting. She also asked the members whether they prefer she provide the statistics on a three or six month basis.

Ms. Bolden-Rivera requested the Loft Board staff to provide an annual comparison of the statistics from the prior year.

Mr. Foggin requested that **Ms. Alexander** provide the Board members with a general overview every three months, and post the more specific statistical breakdown on the Loft Board's website.

Mr. Delaney requested that she post the statistics report on the Loft Board's website in addition to the milestone and application breakdowns. He also suggested that the Loft Board staff consider adding a column to the report that lists the number of units registered when each building initially entered the Loft Board's jurisdiction.

Ms. Alexander provided a general overview as requested, including a comparison of the number of IMD buildings subject to the Loft Law under § 281(1) and (4) versus those buildings subject to the Loft Law under § 281(5), as well as the breakdown of IMD units subject to the Loft Law pursuant to § 281(1) and (4) and the number of units subject to the Loft Law pursuant to § 281(5).

There was a discussion regarding why so many buildings subject to the Loft Law under 281(1) and (4) have not completed the legalization process yet, and **Ms. Alexander** explained that the milestone statistics show that most buildings are moving forward to complete the legalization process.

Ms. Alexander informed the Board members that there are five Article 78 cases currently pending. She listed them and provided a brief description of each case. They are as follows:

- In Matter of 99 Commercial Street: owner is appealing the Loft Board's determination regarding coverage for unit 1H and the parameters of the unit.
- In Matter of Goins: tenant is appealing the Loft Board's determination that his application to reopen the removal application after more than 10 years was time-barred.
- In Matter of Grant: tenant is appealing the Loft Board's determination that there are two units on his floor, not one.
- In the Matter of the Application of Jean Luc Fievet, Tessa Grundon and Mark Veeder: tenants are appealing the Loft Board's finding that their reconsideration application was faulty and thus time-barred, as well as the merits of the application where the Loft Board held that the tenants were not protected occupants of units that had previously been subject to sales of rights.
- In Matter of 13-15 Thames Street: tenants are claiming that the Loft Board erred when it went into executive session and discussed this case.

Ms. Alexander informed the Board members that the registration deadline was July 1st, and in the next few months, the staff members will begin following up with the owners of those buildings that have not renewed their registration.

Ms. Alexander discussed the Loft Board's recent move and thanked certain DOB personnel for their assistance and support.

Ms. Alexander informed the Board members that the recent effort to amend the Loft Law's statute of limitations advanced through the State Assembly but did not reach the floor of the Senate.

Ms. Alexander addressed **Mr. Schachter's** question regarding the administrative procedures for proposed orders that the Loft Board rejects. **Ms. Alexander** explained that Board rejection of a proposed order is unusual. Generally, if the Board does not agree with a proposed order, or wants more information, the Board tables the case with instructions on what it wants the staff to do. What happens next depends on why the Board rejected it and what the Board wants done. If the Board requests more research or wishes to have changes drafted the staff will do the research or make the changes in a proposed order as recommended by the Board and bring it back the following month for a Board vote.

Finally, in the case before the Board, the Board rejected the staff's proposed order at the last meeting. Accordingly, the staff drafted a new order to reflect the consensus of the Board's wishes and placed it on the master calendar list for a vote.

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

1.	Daniel Mechanic, Gintas Janusonis, Jonah Smith and Lex Braes	70 Flushing Avenue, Brooklyn	TR-0883	MC/MC
2.	John Thomas Heida and Valessia Erin Locke	269-271 Meserole Street, Brooklyn	TR-0940	MC/MC
3.	Michael and Lynn Hassan	70 Flushing Avenue, Brooklyn	TR-0955	MC/MC
4.	Edward Jahn	2413 Third Avenue, Bronx	TR-1029	MC/MC
5.	Paul D'Agostino	250 Moore Street, Brooklyn	TR-1034	MC/MC
6.	Robert Rush	547 Broadway	TR-1087	MC/MC
7.	Nathaniel Ward	250 Moore Street, Brooklyn	TR-1113	MC/MC
8.	Jonathan Ellison	250 Moore Street, Brooklyn	TR-1123	MC/MC

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

Members Concurring: Ms. Kurzman, Mr. Delaney, Mr. Barowitz, Mr. Schachter, Ms. Bolden-Rivera, Ms. Shelton, Chairperson Kaminer (7)

Members Abstain: Mr. Foggin (1)

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

9.	Sealand Realty Corp.	17 West 20 Street, Manhattan	LB-0185	MC/MC
----	----------------------	------------------------------	---------	-------

Motion: Mr. Barowitz moved to accept the proposed order. Mr. Foggin seconded the motion

Members Concurring: Ms. Kurzman, Mr. Delaney, Mr. Barowitz, Mr. Schachter, Ms. Bolden-Rivera, Ms. Shelton, Mr. Foggin (7)

Members Recused: Chairperson Kaminer (1)

DISCUSSION AND VOTE ON MASTER CALENDAR CASE

10.	55-65 South 11 Street Tenants	55-65 South 11 Street, Brooklyn	TR-0829	MC/MC
-----	-------------------------------	---------------------------------	---------	-------

Motion: Mr. Foggin moved to accept the proposed order. Ms. Kurzman seconded the motion

Members Concurring: Ms. Kurzman, Mr. Delaney, Mr. Schachter, Ms. Bolden-Rivera, Ms. Shelton, Mr. Foggin, Chairperson Kaminer (7)

Members Abstain: Mr. Barowitz (1)

DISCUSSION AND VOTE ON REMOVAL CALENDAR CASES

11.	Loft Board Initiated Application	502 West 44 Street, Ma	LE-0613	MC/MC
12.	Robert Pincow	181 Duane Street	LE-0631	MC/MC
13.	James Gallagher on behalf of 150 West 26 th Street Condominium	146-150 West 26 th Street	LE-0637	MC/MC

The Board had a brief discussion regarding the setting of initial rents by the Loft Board in residential IMD units that are vacant at the time of removal from the Loft Board's jurisdiction.

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

Members Concurring: Mr. Barowitz, Ms. Kurzman, Mr. Delaney, Mr. Schachter, Ms. Bolden-Rivera, Ms. Shelton, Mr. Foggin, Chairperson Kaminer (8)

Mr. Kaminer concluded the July 17, 2014 Loft Board public meeting at 3:00 pm and thanked everyone for attending. The Loft Board will hold its next public meeting at Spector Hall, 22 Reade Street, on September 18, 2014 at 2pm.