

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

May 19, 2016

The meeting began at 2:15 p.m. The attendees were Robert Carver, Owners' Representative; Elliott Barowitz, Public Member; Joseph Gregory on behalf of Chief Spadafora, Fire Department Representative; Chairperson Alexandra Fisher; Charles Deianey, Tenants' Representative; Gina Bolden-Rivera, Public Member; and Daniel Schachter, Public Member.

INTRODUCTION

Chairperson Fisher welcomed those present to the May 19, 2016 public meeting of the New York City Loft Board.

VOTE ON April 21, 2016 MINUTES

At several prior Loft Board meetings, Mr. Deianey had requested that the Board members receive the cases two weeks in advance instead of the Friday before the meeting. Notwithstanding that the other Board members did not voice the same concern with the timing of their receipt of cases, and that the Chairperson had denied Mr. Deianey's requests, at the April 21, 2016 meeting, during the discussion of cases, Mr. Deianey raised the issue again, stating that he believed the Board members should be given more time to review cases prior to Board meetings.

At the May 19th meeting, **Mr. Deianey** asked why his statements regarding the amount of time Board members have to review the cases on the agenda did not appear in the April 21, 2016 minutes. **Ms. Alexander** explained to Mr. Deianey that he had made his comments during the Board members discussion of cases and it has long been Loft Board practice to omit Board discussions of cases in the minutes. **Ms. Alexander** suggested that if Mr. Deianey wished, he could state his comments again and they would be reflected in the May 2016 minutes. Accordingly, **Mr. Deianey** stated as follows:

It has been the Board's practice for over the past decade or more to provide members of the Board with the cases at about five p.m. on Friday the week prior to the Board meeting, which gives Board members less than a full week to review cases. For a number of years when the cases coming before the Board were for the most part following cases that precedent that had been set in prior cases (sic) that was an accommodation that I was able to make. Now I find, particularly when we are headed into areas that are new to us the whole protected occupant question we have been advised that we will start getting window cases and incompatible use cases, the amount of time necessary for me to be able to prepare and feel that I discharged my responsibilities is very difficult to accomplish within that timeframe. I suggested that Board members be given two weeks or in the alternative that if a case comes out that a Board member feels that he or she is not fully prepare (sic) for in the span of time - 6 days or one weekend and a work week - that the Board member be allowed to request that that case be laid over. Those were the two suggestions that I made back in February 2015. And the last point I would like noted is that there are many cases such as one on today's docket which I will not mention by name where the Board has been in receipt of a Report and Recommendation from OATH for 10 or 11 months and to have the Board staff have the opportunity to weigh, consider, research, look at other opinions study the arguments of the parties over a matter of months and then have the Board members have less than a week to review the cases to me seems to be a real matter of concern.

In response to that part of Mr. Delaney's comments wherein he noted that the Loft Board legal staff had many months to review a case while Board members were only given a week, **Ms. Alexander** clarified that even though a case may have been returned from OATH for a number of months, it did not mean the Loft Board legal staff had been looking at it, mulling over it, writing it, preparing it, discussing it or anything else during those months. Rather, all returned cases wait their turn in line and generally, the month or two before the case is going to the Board, the legal staff will begin preparing it. Further, it is the legal staffs job to present the analysis of each case to the Board in a concise and readable manner along with the backup so that the Board members can identify and voice any questions or concerns that they may have and reach a conclusion. But to assert that the legal staff takes 11 months to consider a case while the Board members only have a week is simply incorrect.

Motion: Mr. Gregory moved to accept the April 21, 2016 meeting minutes. Mr. Carver seconded the motion.

Members Concurring: Mr. Carver, Mr. Barowitz, Mr. Gregory, Chairperson Fisher, Ms. Bolden-Rivera, Mr. Schachter (6).

Members Dissenting: Mr. Delaney (1).

Members Absent: Ms. Shelton (1).

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Alexander distributed a copy of the decision in the Article 78 proceeding, initiated by the owners of 135 Plymouth Street, Brooklyn, New York. The presiding judge found in favor of the owner of the building, and a notice of appeal has been filed on behalf of the Loft Board.

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

1.	60 Beach Street LLC	48-60 Beach Street	LB-0191
2.	Jacques and Silvie Salle	365-369 Seventh Avenue	TH-0203
3.	Charles J. Esposito	48-60 Beach Street	TH-0206
4.	Jacques and Silvie Salle	365-369 Seventh Avenue	TM-0082
5.	Jacques and Silvie Salle	365-369 Seventh Avenue	TN-0224
6.	North Side Lofts. LLC	239 Banker Street, Brooklyn	TR-1218

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

Members Concurring: Mr. Carver, Mr. Barowitz, Mr. Gregory, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Schachter (7).

Members Absent: Ms. Shelton (1).

7.	Courtney Butler, Diana Peralta, Michelle Peralta, Adrienne Comoletti, Ian Bloom, Andrew Poitras, Tara McCarthy, William J. Bergen, Molly McGlew, Anna Srna and Andrew Veranne	239 Banker Street, Brooklyn	TR-1258
----	---	-----------------------------	---------

Motion: Mr. Carver moved to accept the proposed order. Mr. Gregory seconded the motion.

Members Concurring: Mr. Carver, Mr. Gregory, Chairperson Fisher, Ms. Bolden-Rivera, Mr. Schachter (5).

Members Dissenting: Mr. Delaney (1).

Members Abstaining: Mr. Barowitz (1).

Members Absent: Ms. Shelton (1).

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

8.	Fiona Campbell Stone, Peter Aleksa, Bernard Walker, Vlad Teichberg, Jason Beckford, Stephen A. Westbrook, William Foster, Nico Haupt, Arik MacAndreas	13-15 Thames Street, Brooklyn	TR-0889
----	---	-------------------------------	---------

Motion: Mr. Gregory moved to accept the proposed order. Mr. Schachter seconded the motion.

Members Concurring: Mr. Carver, Mr. Barowitz, Mr. Gregory, Chairperson Fisher, Ms. Bolden-Rivera, Mr. Schachter (6).

Members Dissenting: Mr. Delaney (1).

Members Absent: Ms. Shelton (1).

9.	657-665A Fifth Avenue Tenants	657-665A Fifth Avenue, Brooklyn	TR-1125 TR-1126 TR-1130
----	-------------------------------	---------------------------------	-------------------------------

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

Members Concurring: Mr. Carver, Mr. Barowitz, Mr. Gregory, Chairperson Fisher, Ms. Bolden-Rivera, Mr. Schachter (6).

Members Dissenting: Mr. Delaney (1).

Members Absent: Ms. Shelton (1).

Chairperson Fisher concluded the May 19, 2016 Loft Board public meeting at 3:25 pm and thanked everyone for attending. The Loft Board will hold its next public meeting on June 16, 2016 at 2 p.m. at 22 Reade Street, Spector Hall.