

**MINUTES OF PUBLIC MEETING  
New York City Loft Board Public Meeting Held at  
Department of Buildings  
280 Broadway, Third Floor**

**March 16, 2017**

The meeting began at 2:45 p.m.

Attendees: Robert Carver, Esq., Owners' Representative; Elliott Barowitz, Public Member; Richard Roche, Fire Department ex officio; Robinson Hernandez, Manufacturer Representative; Charles DeLaney, Tenants' Representative; Daniel Schachter, Public Member; and Chairperson Designee Renaldo Hylton.

Absentees: Gina Bolden-Rivera, Public Member; LeAnn Shelton, Public Member.

**INTRODUCTION**

**Chairperson Hylton** welcomed those present to the March 16, 2017 public meeting of the New York City Loft Board.

---

**VOTE ON February 16, 2017 MINUTES**

**Mr. DeLaney** commended the staff on the minutes. **Mr. DeLaney** also corrected that on page six, five lines from the top, in his reply to Mr. Schachter, the end of his thought was "but it's highly likely that the unit was re-rented as residential."

**Motion:** Mr. Carver moved to accept the February 16, 2017 meeting minutes. Mr. Schachter seconded the motion.

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

---

**Report of the Executive Director, Ms. Helaine Balsam, Esq.**

**Ms. Balsam** reported that she sent out a memo to the Board members regarding what she thought could be categorized as policy changes and has asked for the Board members' feedback. Mr. Roche did have a question about how some cases would be resolved. **Ms. Balsam** believes that when we get to more of a discussion on rulemaking and the rules are in front of the Board, that will be a better time to discuss.

On the issue of the monthly revenue collected by the Loft Board, **Ms. Balsam** stated that staff cannot give an official figure and breakdown, but will be able to after the fiscal year closes and it is published. Staff can give an unofficial total, which last month totaled a little more than twenty-one thousand (\$21,000) dollars. **Ms. Balsam** mentioned that figure includes registration renewal fees.

**Ms. Balsam** mentioned that there are fifteen (15) proposed orders in front of the Board members for vote on the master calendar for fifteen buildings/owners who have not paid their registration renewals for the 2016-2017 fiscal year. Everyone else has paid.

On the notices of violation for failure to file the monthly reports, **Ms. Balsam** reported that seventeen (17) owners cured; one (1) violation was dismissed because an owner did in fact file a monthly report but filed it under the "also known as" address; another two violations will be probably be dismissed because the violations were issued based on a record keeping error and these buildings have not yet received their narrative statement certifications; eight (8) buildings have started to file monthly reports, in addition to the other seventeen (17), but didn't file for the month of December 2016. **Mr. Michael Bobick, Esq., Assistant General Counsel**, presented to the Board members a year's worth of monthly reports for an

individual building in order to show them the progression of legalization as narrated by the reports. **Mr. Bobick** described that the reports show a steady progression of legalization work being completed by an increase in the percentage of legalization work, by the steady decrease of open violations, by the steady decrease of open applications with the Department of Buildings (“DOB”) and by the steady decrease of active permits. **Mr. DeLaney** asked whether the rules as currently written require every owner of a registered interim multiple dwelling (“IMD”) to submit this report every month. **Ms. Balsam** replied no, only when a narrative statement certification has been issued. **Mr. DeLaney** clarified that only after a building has received “4B” certification. **Mr. Bobick** responded that once a building has gone through the narrative statement process and work has been agreed to, the Loft Board issues a narrative statement certification in order to begin work. Once that certification has been issued, owner is then required to file a monthly report every month until the building obtains a final residential certificate of occupancy. **Mr. DeLaney** further clarified that any owner who started to do work is then required to thereafter file a monthly report. **Mr. Bobick** asked Mr. DeLaney what he meant by “start work.” **Mr. DeLaney** responded that is when an owner receives 4B certification. **Mr. DeLaney** mentioned that the narrative statement certification used to be called 4B certification (section 4B of the rules). **Mr. DeLaney** asked about the redacted portion of the report. **Mr. Bobick** responded that the reports were redacted in order to not play favorites for a specific building, architect or owner. **Mr. DeLaney** asked/stated that if I were a tenant in that building and I wanted to inspect that monthly report form, I have a right to look at it under the Freedom of Information Act and in fact any citizen could request the reports of any building.

**Ms. Balsam** mentioned that the Board had asked a question about working with the Mayor’s Office of Legislative Affairs to move the application deadline for registrations and coverage. **Ms. Balsam** stated that staff did reach out to the Mayor’s Office of Legislative Affairs, but they mentioned that they are not dealing with the Loft Law at this time. With that said, **Ms. Balsam** stated that staff has been conducting outreach to try and communicate the June 15, 2017 deadline to the public. Staff sent out one hundred and two (102) emails to city council members, community boards and borough presidents. Staff worked with DOB’s press office to further publicize the deadline. DOB’s Facebook page has posted the flyer alerting/reminding the public of the coverage/registration deadline and it has also been posted on the DOB’s twitter feed. **Ms. Balsam** further mentioned that staff had a phone call with staff from the Department of Cultural Affairs and we are probably going to have a series of workshops with them through the borough Arts Councils to try and bring more attention to the Loft Law and the deadline. **Mr. DeLaney** asked whether Ms. Balsam’s report covers item #4 on today’s agenda. **Ms. Balsam** responded yes. **Mr. Barowitz** asked about contacting the press office to get a small article in some of these city newspapers. **Mr. Barowitz** clarified that he meant the Mayor’s office. **Chairperson Hylton** responded that while the Loft Board staff is doing all that it can, he was hoping to be able to count on some participation from the Board members in reaching out to their individual constituents. **Chairperson Hylton** is not sure that staff, as public servants, can reach out to the press on issues that City Hall might not support. **Chairperson Hylton** recommended that the Board members might want to think about reaching out to City Hall on their own initiative. **Mr. DeLaney** stated that his request at last month’s Board meeting, which was clearly summarized in the minutes, was that we as a Board should consider either publically or privately advocating to the city the position that the Board would like to see them push for in Albany with this two year extension set to expire on June 15, 2017. **Mr. DeLaney** did not understand what the Office of Legislative Affairs meant by “we are not ready to deal with the Loft Law at this time.” **Ms. Balsam** clarified that staff reached out to the Mayor’s Office of Legislative Affairs and brought to their attention the upcoming June 15, 2017 deadline, and they said at this time they are not going to Albany with anything about the Loft Law. They are really focusing on the June 2019 deadline for some of the other provisions set to sunset. **Chairperson Hylton** commented that is only City Hall. **Ms. Balsam** stated that it behooves us to do as much as we can on the local level here to get the word out and get as many people in as possible before the deadline. There is nothing that staff can do with respect to Albany. **Mr. DeLaney** commented that two years ago, the-then Executive Director expressed some opinions that she was hoping to advance as a position, regarding some of the provisions in the 2010 legislation which expanded the Loft Law including the statute of limitations on coverage, there was an expression and desire by her to get rid of it. **Mr. DeLaney** further commented that it sounds like at this point in time, we are getting blown off by the Mayor’s Office. **Chairperson Hylton** clarified that he does not characterize it the same way. **Chairperson Hylton** commented and suggested that the Board members make their own outreach to electives to make people aware of this. The Loft Law is a state law. Whether the Mayor’s Office pushes it or not doesn’t mean that it is not being considered by the state. **Mr. Barowitz** asked that if the Mayor’s Office is not willing to do anything and we are part of the city of New York, can we

ourselves reach out to various legislatures to deal with this. **Chairperson Hylton** responded yes. **Mr. DeLaney** responded that the outreach is great, but what he thinks the Loft Board should be saying as an institution is that time should not be running out, that there should be no artificial cut off for applications because the way the Loft Law was amended in 2010, it created an eligible class of buildings that could apply and that eligibility was set by the window period of 2008 and 2009. To say that you could have applied but you didn't because now there is a deadline creates a bunch of buildings that will never come under the Loft Board's jurisdiction that are another class of buildings out there that may be used residentially without any program to look after it. **Chairperson Hylton** replied that the law is the law, and it does include a deadline. **Mr. Barowitz** replied that the Board members understand that, but on the other hand, the Loft Law was in perpetuity and had to be improved every two or three years, so there is some contradiction. The Loft Board will be in existence long after most of us are gone but the deadline is set to expire in a few months. **Ms. Balsam** responded that the deadline is for coverage and registration but there are a lot of other issues that need to be dealt with. **Chairperson Hylton** again reiterated that we need to reach out to our own electeds to let them know of the deadline because they are in a better position than our civil servants to do anything about it. **Mr. DeLaney** further commented that instead of educating people, who are hard to get a hold of, that ninety days from now the window closes, he thinks that it would be incumbent on us to try and educate the people in the Mayor's Office, which we are no longer part of, that having a deadline like this may not be good public policy and might make our jobs harder. If the answer of the Mayor's Office is that they are focusing on 2019, than that is them blowing us off. **Ms. Balsam** clarified that the Mayor's office is focused on other law making. They are waiting to do a push on the Loft Law in 2019. **Mr. Hernandez** commented that the challenge here is that staff has presented an issue to City Hall and City Hall's position is not something that staff can control, and City Hall has indicated that they have other priorities. **Mr. Hernandez** stated that we cannot keep hammering staff because of a position City Hall has taken. **Mr. Hernandez** asked staff to try to reach out again to City Hall and let's hope for a better response. **Mr. Schachter** asked if it would be possible to get a sense of the concentration of loft units by assembly district and city council district and whether it could be posted on the Loft Board's website. **Chairperson Hylton** responded that it might be best to contact the Mayor's Office of Analytics for that information but staff will try.

**Mr. DeLaney** asked with respect to the emails staff sent out regarding the deadline, how long ago did those go out? **Ms. Balsam** replied that they went out on Tuesday, March 14<sup>th</sup>. **Mr. DeLaney** asked whether staff has received any responses. **Ms. Balsam** replied that staff received one response from a community board and they sent it out to their constituents. **Mr. DeLaney** asked that staff re-send the email again next week because of the snow storm. **Ms. Balsam** agreed, and further mentioned that staff will be mailing out notices as well. **Chairperson Hylton** also responded that we will ask DOB's communication staff to re-tweet and keep the Facebook page current. **Mr. DeLaney** further commented that maybe staff should invite someone from the Mayor's Office. **Chairperson Hylton** responded no, the Board members should make an effort to invite someone from the Mayor's Office to attend a Loft Board meeting. **Mr. Hernandez** commented that the Board members will have more push than staff. **Mr. DeLaney** stated that after discussing it with the Chair and the Executive Director of the Loft Board, he will take it upon himself to request that a representative of the Mayor's office come attend a Loft Board meeting in order to learn more about the Loft Law and the upcoming deadline.

---

**VOTE ON APPEAL/RECONSIDERATION CALENDAR CASES**

Ms. Balsam presented the below reconsideration calendar case for vote by the Board:

1.	Luke Weinstock and Theresa Totengco, Salon Realty Corp and Richard Fiscina	430 Lafayette Street, Rear, Manhattan	R-0345, R-346 and R-0347
----	---	---------------------------------------	-----------------------------

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

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

---

**VOTE ON SUMMARY CALENDAR CASES**

Chairperson Hylton presented the below summary calendar cases for vote by the Board:

2.	Eddie Chu	467 Troutman Street, Brooklyn	TA-0219
5.	Mari Watase and Hiroya Watase	19 Hope Street, Brooklyn	TR-1271
7.	Joseph Falsetta	100 Sutton Street, Brooklyn	TR-1294
8.	Mark Mangan	85 North 6th Street, Brooklyn	TR-1300

**Motion:** Mr. Roche moved to accept the proposed orders. Mr. Hernandez seconded the motion.

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

Chairperson Hylton presented the below summary calendar cases for vote by the Board:

3.	Patricia Dwyer	83 Canal Street, Manhattan	TR-1150
4.	Ethan Goldwater and Jacob Boeskov	83 Canal Street, Manhattan	TR-1216
6.	Jeremy Jacob Schlangen, Melanie Peterson and Daniel Fay	722 Metropolitan Avenue, Brooklyn	TR-1290

**Mr. DeLaney** commented that the Loft Board over the years has gotten into accepting stipulations and using “the Loft Board neither accepts nor rejects the remaining terms of the stipulation” language. He has a concern that some of these buildings where a tenant files an application for coverage, an agreement is reached, the tenant is bought out, the application for coverage is withdrawn, like the building in case number 6 on today’s agenda where there is no IMD number and the building is not registered with the Loft Board but it sure looks like there are a lot of units in the Building. In the case of 3 and 4 on today’s agenda where some units in this building are already registered with the Loft Board, but if a tenant withdraws their case pursuant to a stipulation, in his mind once the building has been subjected to a Loft Board application the Loft Board should determine whether or not that building or unit is an IMD whether or not the tenant withdrew his claim and he thinks the Loft Board is starting to head in the wrong direction.

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

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. Schachter, Chairperson Hylton (6).

**Members Dissenting:** Mr. DeLaney (1).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

## VOTE ON MASTER CALENDAR CASES

Chairperson Hylton presented the below master calendar cases for vote by the Board:

9.	315 Broadway, LLC	313-315 Broadway, Manhattan	FO-0721
10.	Matera, Peter F.	187 Duane Street, Manhattan	FO-0722
11.	138 Emmut Properties, LLC	134-136 Bowery, Manhattan	FO-0726
12.	Bridge Associates of Soho, Inc.	533 Greenwich Street, Manhattan	FO-0727
13.	GLS Real Estate Co., LLC	2413 Third Avenue, Bronx	FO-0730
14.	25 Jay Street, LLC	19-27 Jay Street, Brooklyn	FO-0732
15.	307 Scholes Street, LLC	307-309 Scholes Street, Brooklyn	FO-0734
16.	Thames Street Lofts LLC	13-15 Thames Street, Brooklyn	FO-0735
17.	20 Grand, LLC and 20 Grand Holdings, LLC	20 Grand Avenue, Brooklyn	FO-0736
18.	239 Holdings, LLC	239 Banker Street, Brooklyn	FO-0737
19.	Yisgeh Trust	278 Broadway, Brooklyn	FO-0738
20.	Castel Baljac, Inc.	210 Cook Street, Brooklyn	FO-0739
21.	Bais Ruchel Taafe, Inc.	54-90 Taaffe Place, Brooklyn	FO-0740

22.	Hlad Limited Partnership	73-77 Third Street, Brooklyn	FO-0741
-----	--------------------------	------------------------------	---------

**Mr. DeLaney** commented that for most of these buildings we are fining the owner five thousand (\$5,000) dollars for failure to register for this fiscal year. In three of these buildings, 187 Duane Street, we are fining the owner seventeen thousand five hundred (\$17,500) dollars for failure to register for three years, 13-15 Thames Street, we are fining the owner seventeen thousand five hundred (\$17,500) dollars for failure to register for five years, and 533 Greenwich Street, we are fining the owner seventeen thousand five hundred (\$17,500) dollars for failure to register for nine consecutive years. In addition, Loft Board records indicate that these owners have failed to pay each of these fines associated with the different orders. In our private meeting, which he doesn't believe should be private, **Mr. DeLaney** asked what are we going to do to these owners who are serial deniers. Particularly, one of the obligations of registering your building is to provide an emergency phone number where we can contact somebody. Maybe the phone number for Bridge Associates of Soho, Inc., the owner of 533 Greenwich Street, hasn't changed in nine years but maybe it has. **Mr. DeLaney** stated that we have to do more than fining these owners because obviously in this day and age while seventeen thousand five hundred (\$17,500) dollars sounds like a hefty fine, it is just a tax deductible cost of doing business. **Chairperson Hylton** mentioned that staff is revising the rule, so Mr. DeLaney should bring it up during rule discussions.

**Motion:** Mr. Hernandez moved to accept the proposed orders. Mr. DeLaney seconded the motion.

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

**Chairperson Hylton tabled this case for the April 20, 2017 Board meeting:**

23.	Estate of Minda Bikman By Its Administratrix, Charla Bikman	595 Broadway, Manhattan	LF-0132
-----	---	-------------------------	---------

Mr. Bobick presented the below master calendar case for vote by the Board:

24.	54 W. 22nd Owners, LLC	54 West 22 Street, Manhattan	LT-0014
-----	------------------------	------------------------------	---------

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

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

Mr. Bobick presented the below master calendar case for vote by the Board:

25.	WG Three Associates, LLC	53-55 West 21 Street, Manhattan	LT-0015
-----	--------------------------	---------------------------------	---------

**Motion:** Mr. Hernandez moved to accept the proposed order. Mr. Roche seconded the motion.

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

Mr. Michael Atzlan, Esq., Assistant General Counsel, presented the below master calendar case for vote by the Board:

26.	Amber Lasciak	430 Lafayette Street, Rear, Manhattan	TR-1301
-----	---------------	---------------------------------------	---------

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

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

---

Mr. Bobick presented the below master calendar case for vote by the Board:

27.	Rebekah Schiller	698 Flushing Avenue, Brooklyn	TR-1303
-----	------------------	-------------------------------	---------

**Mr. Barowitz** commented that when the Loft Law came in in 1980, 1981, the IMD unit, which by the way, was never mentioned by any of the loft groups in the city. The Fire Department's argument was that in a case of a fire, the Fire Department could only get two (three) people out of a building, so as a result there were dozens and dozens of buildings that did not come under the Loft Board's jurisdiction. It was only those buildings where the landlord broke that two rule to begin with that came under the Loft Board's jurisdiction. Now we have this sort of situation thirty to forty years later and it doesn't make sense. In addition, **Mr. Barowitz** further commented that there are small specific areas in Manhattan where two (2) units are required, rather than three (3).

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

**Members Concurring:** Mr. Carver, Mr. Roche, Mr. Hernandez, Mr. Schachter, Chairperson Hylton (5).

**Members Dissenting:** Mr. Barowitz, Mr. DeLaney (2).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

---

Ms. Balsam presented the below master calendar case for removal for vote by the Board:

28.	99 Sutton, LLC	99 Sutton Street, Brooklyn	LE-0652
-----	----------------	----------------------------	---------

**Mr. DeLaney** pointed out that this is a case where it appears that owner did not timely file thirty-eight (38) sales record forms with the Loft Board and that equals a fine of one hundred fifty-two thousand (\$152,000) dollars.

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

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

---

Chairperson Hylton presented the below master calendar case for removal for vote by the Board:

29.	Arnold Bias Products, Inc.	591-593 Broadway, Manhattan	LE-0665
-----	----------------------------	-----------------------------	---------

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

**Members Concurring:** Mr. Carver, Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Mr. Schachter, Chairperson Hylton (7).

**Members Absent:** Ms. Bolden-Rivera, Ms. Shelton (2).

---

**Ms. Balsam** welcomed staff's newest member, Tracy Rivers, who joined us as a clerical associate/paralegal.

**Chairperson Hylton** concluded the March 16, 2017 Loft Board public meeting at 3:53 pm and thanked everyone for attending. The Loft Board's next public meeting will be held at 280 Broadway, third floor, on April 20, 2017 at 2:30p.m.