

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

**March 20, 2014**

The meeting began at 2:05 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, and Chairperson Designee Donald Ranshte.

**INTRODUCTION**

**Chairperson Ranshte** introduced himself and welcomed those present to the March 20, 2014 public meeting of the New York City Loft Board.

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**VOTE ON FEBRUARY 20, 2014 AMENDED MINUTES**

**Motion:** Chief Spadafora moved to accept the February 20, 2014 amended minutes. Mr. Barowitz seconded the motion.

**Members Concurring:** Barowitz, Spadafora, Delaney, Bolden-Rivera, Foggin, Schachter, Ranshte (7)

**Members Absent:** Meyer, Shelton (2)

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**REPORT OF EXECUTIVE DIRECTOR**

**Ms. Alexander** stated that there were 325 buildings registered with the Loft Board. This number did not include the 12 registration applications that the Loft Board recently received, which were currently being processed. Of these buildings, 249 are § 281(1) buildings and 76 are § 281(5) buildings.

**Ms. Alexander** stated that there were currently 2557 units in the Loft Board jurisdiction. Of these, 1294 are in the § 281(1) buildings and 1263 are in the § 281(5) buildings.

**Ms. Alexander** provided a brief overview of coverage application numbers received by the Loft Board in view of the March 11, 2014 statute of limitations.

Specifically, for context, **Ms. Alexander** reported that from the beginning of January to February 21, 2014, the Loft Board had received 15 coverage applications. But, from February 21<sup>st</sup> to March 11<sup>th</sup>, a total of 13 business days, the Loft Board received 88 new coverage applications, and 8 amended coverage applications. The 88 new coverage applications affect 37 new buildings.

**Ms. Alexander** stated that the Loft Board staff had docketed all of the applications and that once the answer period expires, the staff will transmit them to the Office of Administrative Trials and Hearings.

**Ms. Alexander** informed the Board that the staff had received 474 coverage applications under the expanded Loft Law. These coverage applications affect 200 buildings 74 of which are already registered with the Loft Board. **Ms. Alexander** gave a breakdown of the status of the 474 coverage applications as follows:

- 195 coverage applications have been brought to the Board for vote and are final.
- 49 coverage applications have been returned to the staff from the Office of Administrative Trials and Hearings, and are on the Loft Board's ready list for Board vote in the near future. Of these, 14 are master coverage cases and involve 6 buildings, and 35 are summary coverage cases and involve 24 buildings.

- 104 applications were still in the answer period: 88 applications that were recently filed along with 16 applications that were still in the answer period.
- 126 coverage applications are currently at the Office of Administrative Trials and Hearings.

**Ms. Alexander** stated that in light of the March 11<sup>th</sup> filing deadline, the coverage application form has been removed from the Loft Board website. However, the staff has created a new category of applications with the docket prefix of “PO,” for “protected occupant” for those tenants who are occupants of covered units who wish to apply for protected occupant status.

**Ms. Alexander** announced that Keesha Smartt, the Secretary to the Board, was leaving the Loft Board staff for a different position within DOB. **Ms. Alexander**, on behalf of the Board and staff, wished Ms. Smartt much happiness in her new position and thanked her for her work with the Loft Board. **Ms. Alexander** introduced Irma Rivera who will be taking Ms. Smartt’s place.

The Board held a discussion as to how the Loft Board will treat potential claims of additional units in buildings with pending coverage applications, in the context of the statute of limitations. **Ms. Alexander** informed the Board members that the Loft Board legal staff is in discussions with the New York City Law Department regarding the various legal issues involved. She also confirmed that the Loft Board will continue to accept claims for protected occupancy status.

Regarding outreach, **Chairperson Donald Ranshte** reported that prior to March 11<sup>th</sup>, Community Affairs staff members reached out to Community Boards and Council members by telephone, and also attended Community Board meetings to make them aware of the statute of limitations.

#### DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

1.	Raymond Gonzales and Flannery Foster	73 Cayler Street, Brooklyn	TR-0817	MC/MC
2.	55-65 South 11 <sup>th</sup> St. Tenants	55-65 South 11 <sup>th</sup> Street, Brooklyn	TR-0829	MC/MC
3.	83 Meserole Street Tenants	83-91 Meserole Street, Brooklyn	TR-0864	MC/MC
4.	Paulette Godfrey, Adam Engel and Olivia Cieri	13-15 Thames Street, Brooklyn	TR-1044	MC/MC
5.	Gina Pham and Matthew Penrose	98 Forsyth Street	TR-1066	MC/MC
6.	Ernest Matsukawa	41 West 24 Street	TR-1151	MC/MC
7.	Gustavo Satoshi Matsukawa	41 West 24 Street	TR-1152	MC/MC
8.	Setsuko Matsukawa	41 West 24 Street	TR-1153	MC/MC
9.	Scott Woods	41 West 24 Street	TR-1157	MC/MC

Regarding TR-0817, **Mr. Delaney** asked whether the Loft Board staff would conduct follow-up after rejecting the Stipulation of Settlement on public policy grounds, suggesting an FAQ on the Agency’s website or a newsletter. The staff responded that attorneys in the field are cognizant of the Loft Board’s position on settlement agreements that allow for continued occupancy in the absence of Loft Board registration.

Regarding TR-0829, **Mr. Delaney** asked why the staff did not reject the Stipulation of Settlement as it did in TR-0817. He pointed out that the Stipulation of Settlement provides the tenants with Loft Law-type rights, without agreeing to register the building with the Loft Board. The staff highlighted the public policy distinction between the cases, stating that, in TR-0829, the owner of the building obtained a legalization permit, whereas in TR-0817, the landlord could not legalize the unit because it was in a manufacturing zone, but was continuing to permit the tenant to live there.

**Ms. Bolden-Rivera** suggested that the staff flag the cases and conduct intermittent follow up by coordinating with other City agencies.

**Ms. Alexander** noted that the tenants in TR-0829 have an agreement that is legally enforceable, but not by the Loft Board. She asked the Board members for input as to what safeguards they would like to see be attached to settlement agreements, and their view of how they could be enforced.

**Mr. Ranshte** tabled the vote on TR-0829 for a future meeting.

**Motion:** Ms. Bolden-Rivera moved to accept the proposed orders. Mr. Barowitz seconded the motion.

**Members Concurring:** Barowitz, Spadafora, Ranshte, Delaney, Bolden-Rivera, Foggin, Schachter, (7)

**Members Absent:** Mayer, Shelton (2)

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**DISCUSSION AND VOTE ON MASTER DEFAULT CALENDAR CASES**

10.	Paul Nocera, Ann Marie Spencer, James Wilkerson	950 Hart Street, Brooklyn	TA-0190 TA-0192	MC/MC
11.	James Michael Wilkerson, Annie Spencer, Thomas Miller, James Ewing, Sara Butler, and Antoinette Johnson	950 Hart Street, Brooklyn	TR-0839 TR-0943	MC/MC
12.	Paul Crowley, Clifford Jackman and Charles Smith	41-43 Division Street	TR-0860	MC/MC
13.	Uriel Marrache	525 West 29 Street	TR-0866	MC/MC
14.	Benjamin S. Jones	1196-1198 Metropolitan Avenue, Brooklyn	TR-0888	MC/MC
15.	Bethany Romanowski, Michael Greathouse, Cindy Foster, Mark Foster, Dana Kainalu Vierstra, Meridith Pingree and Kevin Blackler	1083 -1095 Flushing Avenue, Brooklyn	TR-0899	MC/MC
16.	J. Sebastian Petane Masuelli	269 Meserole Street, Brooklyn	TR-0905	MC/MC
17.	Chadwick Tyler and Hannah Mishin, David Strothers	269 Meserole Street, Brooklyn	TR-0907 TR-0909	MC/MC

Regarding TR-0905, TR-0907 and TR-0909, filed at 269 Meserole Street, **Mr. Delaney** asked whether the Loft Board staff plans to track the building for legalization. **Ms. Alexander** responded that the owner of the building filed a registration application, which was processed by the staff that day.

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

**Members Concurring:** Barowitz, Spadafora, Ranshte, Delaney, Bolden-Rivera, Foggin, Schachter, (7)

**Members Absent:** Mayer, Shelton (2)

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**DISCUSSION AND VOTE ON MASTER CALENDAR CASES**

18.	John P. Romano	265-271 Douglass Street, Brooklyn	TR-0906	MC/MC
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**Motion:** Mr. Delaney moved to accept the proposed order. Mr. Bolden-Rivera seconded the motion.

**Members Concurring:** Barowitz, Mayer, Spadafora, Ranshte, Delaney, Bolden-Rivera, Foggin, Schachter, Shelton (7)

**Members Absent:** Meyer, Shelton (2)

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**DISCUSSION AND VOTE ON MASTER CALENDAR CASE**

19.	Alon Cohen	57 Jay Street., Brooklyn	TR-0988	MC/MC
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**Motion:** Mr. Foggin moved to accept the proposed order. Chief Spadafora seconded the motion.

**Members Concurring:** Barowitz, Schachter, Spadafora, Delaney, Ranshte, Bolden-Rivera, Foggin (7)

**Members Absent:** Meyer, Shelton (2)

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**DISCUSSION AND VOTE ON MASTER CALENDAR CASE**

20.	Kenneth Dubow for 134 West Broadway LLC	134 West Broadway	LE-0623	MC/MC
21.	111 Broadway Realty, Corp.	111 Broadway, Brooklyn	LE-0624	MC/MC

**Motion:** Ms. Bolden-Rivera moved to accept the proposed orders. Mr. Foggin seconded the motion.

**Members Concurring:** Barowitz, Schachter, Spadafora, Delaney, Ranshte, Bolden-Rivera, Foggin (7)

**Members Absent:** Mayer, Shelton (2)

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**Mr. Ranshte** concluded the March 20, 2014 Loft Board public meeting at 2:50 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on April 24, 2014 at 2pm.