

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

October 24, 2014

The meeting began at 2:40 p.m. The attendees were Tayo Kurzman, Fire Department Representative; Chuck Delaney, Tenants' Representative; Elliott Barowitz, Public Member; Daniel Schachter, Public Member; LeAnn Shelton, Public Member and Chairperson Designee Alexandra Fisher.

INTRODUCTION

Ms. Alexander introduced newly designated **Chairperson, Alexandra Fisher** to the Loft Board meeting. **Chairperson Fisher** welcomed those present to the October 24, 2014 public meeting of the New York City Loft Board.

VOTE ON SEPTEMBER 18, 2014 MINUTES

Motion: Ms. Shelton moved to accept the September 18, 2014 minutes. Mr. Delaney seconded the motion.

Members Concurring: Ms. Kurzman, Mr. Delaney, Mr. Barowitz, Mr. Schachter, Ms. Shelton (5)

Members Absent: Ms. Bolden-Rivera (1)

Members Abstained: Chairperson Fisher, Mr. Foggin (2)

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander reported that she previously sent the Board members statistical charts showing the status of (1) Loft Board applications and (2) legalization milestones of the buildings in the Loft Board's jurisdiction. These statistics are attached to this month's minutes.

DISCUSSION ON THE WEBSITE

Mr. Delaney discussed his continuing concerns about the Loft Board's website. The Board members held a discussion about the logistics of upgrading the website and requested technical support be provided from the Department of Buildings. **Ms. Alexander** stated that she had already addressed the issue with **Chairperson Fisher**, who would be following up with the appropriate Department of Buildings' personnel.

Mr. Foggin opined that the website would require month-to-month attention by the Loft Board staff, and that the website technicians may not have the subject matter expertise required to do so.

DISCUSSION ON CONTENT OF MEETING MINUTES

Mr. Foggin proposed adding the Loft Board's substantive discussion of the cases to the minutes.

Ms. Alexander responded that the meeting minutes had never included case discussion. **Ms. Alexander** explained that the case discussions were a part of the Board's quasi-judicial function and that creating a summary of the discussion in the minutes would be inappropriate. **Mr. Delaney** asked if this would make filing an Article 78 proceeding more difficult. **Ms. Alexander** responded that in the past, anyone who wished to use the Board's discussion in an Article 78 proceeding could FOIL the meeting, which was on a tape cassette, and make a certified transcription. Similarly, anyone who cannot attend a meeting or would like to transcribe the Board's case discussion for further litigation, can view it on Youtube.

Mr. Foggin observed that the September meeting was not on Youtube. **Ms. Alexander** assured him that she had posted the September meeting on Youtube, but the link did not appear on the website. She

noted that the public could access all of the meetings by entering “New York City Loft Board” on the Youtube search. **Mr. Delaney** proposed adding a link to the YouTube video to the Loft Board’s website. **Ms. Alexander** stated that except for the September meeting, the links were already there and she would correct the omission.

Mr. Foggin stated that he would like more context and detail in capturing non-case discussions in the minutes. **Ms. Alexander** agreed to do so.

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

1.	240-242, LLC	242 West 14 th Street	LB-1086
2.	Lucien Harriot	118 West 27 th Street	TA-0199
3.	Michael Herman	9 Great Jones Street	TR-0814
4.	Nicole C. Bouchard, Marta Lwin, Julian Lwin, Bijou Lwin, Jason Rohlf and Guinevere Johnson	151 Kent Avenue, Brooklyn	TR-0863
5.	Kimberly Levin, Kurt Pitzer and John Tremblay	235-241 Berry Street, Brooklyn	TR-0872
6.	William Brumder	6 West 20 th Street	TR-0886
7.	S. Max Miller and Carla Hoke-Miller	83 Leonard Street	TR-0962
8.	Matthew Greene, Megan Slate, Jeanette Sherrard, Jacques Wolf and Monika Swiatkowska	51-53 White Street	TR-1012
9.	Gary Campbell	178 Walworth Street, Brooklyn	TR-1051
10.	Andre Gillardin, Michael Gelhard and Lori Gelhard	6 West 20 th Street	TR-1067
11.	Eleanor Covan	258 Bowery	TR-1095
12.	Karlin Brooks	51-53 White Street	TR-1099
13.	Dominique Nisperos and Jason Hu	100-110 Bridge Street, Brooklyn	TR-1110
14.	Michael Salas	470 Flushing Avenue, Brooklyn	TR-1115
15.	Christopher Ivery and Paola Pineiros	470 Flushing Avenue, Brooklyn	TR-1182
16.	Richard Ballard	260 Moore Street, Brooklyn	TR-1200

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

Members Concurring: Ms. Kurzman, Mr. Delaney, Mr. Barowitz, Mr. Foggin, Mr. Schachter, Ms. Shelton, Chairperson Fisher (7)

Members Absent: Ms. Bolden-Rivera (1)

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

17.	Sheila Properties, Inc.	473-475 Kent Avenue, Brooklyn	LB-0188
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Motion: Mr. Foggin moved to accept the proposed order. Mr. Barowitz seconded the motion.

Members Concurring: Chairperson Fisher, Ms. Kurzman, Mr. Barowitz, Mr. Delaney, Mr. Schachter, Mr. Foggin, Ms. Shelton (7)

Members Absent: Ms. Bolden-Rivera (1)

DISCUSSION AND VOTE ON MASTER CALENDAR CASE

18.	Ryan Kuonen, Jennifer Cox and Patrick Stettner	140 Metropolitan Avenue, Brooklyn	TR-0948
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Chairperson Fisher tabled this case.

DISCUSSION AND VOTE ON MASTER CALENDAR CASE

19.	Anna Bialobroda	155 Suffolk Street	TR-1020
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Motion: Mr. Foggin moved to accept the proposed order. Ms. Kurzman seconded the motion.

Members Concurring: Chairperson Fisher, Ms. Kurzman, Mr. Delaney, Mr. Barowitz, Mr. Foggin, (5)

Members Absent: Ms. Bolden-Rivera, Ms. Shelton, Mr. Schachter (3)

DISCUSSION AND VOTE ON REMOVAL CALENDAR CASES

20.	1314 Development Inc.	18-20 East 14 th Street	LE-0435
21.	112 Stanton LLC	112 Stanton Street	LE-0635

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

Members Concurring: Chairperson Fisher, Ms. Kurzman, Mr. Delaney, Mr. Barowitz, Mr. Foggin, (5)

Members Absent: Ms. Bolden-Rivera, Ms. Shelton, Mr. Schachter (3)

Chairperson Fisher tabled the discussion of the Board members' recommendations for legislative changes to the Loft Law provisions expiring in June because three Board members were absent. She concluded the October 24, 2014 Loft Board public meeting at 4:05 pm and thanked everyone for attending. The Loft Board will hold its next public meeting at Spector Hall, 22 Reade Street, on November 20, 2014 at 2 p.m.

BUILDING STATISTICS

Building Count

As of October 24, the Loft Board has 327 buildings in its jurisdiction 243 are 281(1) buildings.

Milestone Movement

All Buildings

There are 20 buildings in the pending removal category.

- Three buildings were removed in July leaving 15 buildings in the Pending Removal category. Five buildings were added to this category – four from the C/O category and one that is a BuyC that came from the permit category.
- Three of the buildings that had completed the Narrative Statement process now have obtained permits.
- Three of the buildings have moved from open Narrative Statement to closed Narrative Statement - No Permit.
- Four of the buildings moved from Alteration Application filed to Open Narrative Statement.
- Seven buildings moved from No Alteration Application filed to Alteration Application filed.

281(5) Buildings

There are 84 buildings registered under 281(5).

- One building has a final C/O
- Four buildings have a TCO
- Seven buildings have Permits: one has moved from Open Narrative Statement
- 25 buildings are in the Open Narrative Statement Category
- 18 buildings have filed their Alteration Applications and
- 29 buildings have not done anything since registration (added one)

Coverage Applications

The Loft Board has docketed a total of 470 coverage applications.

- These coverage applications involve units in 219 buildings.
- The Loft Board has completed the disposition of 228 of the coverage applications. These 228 coverage applications involved 105 of the 219 buildings.
- The 228 coverage applications have resulted in 63 buildings being registered with the Loft Board.
- However, 42 of these buildings have not registered. As the Board requested, I have given the updated list of unregistered buildings to DOB.
- There are 242 coverage applications still pending and 14 are on today's calendar.

I. BREAKDOWN OF PENDING CASES BY APPLICATION TYPE: 334 Cases

Coverage: 242

Non-Coverage: 92

- 21 Extension
- 7 Abandonment
- 6 Landlord-initiated Contest of Coverage
- 20 Removal
- 3 Challenge to Proposed Sale of Improvements
- 2 Unreasonable Interference
- 3 Access
- 1 Reconsideration/Administrative Appeal
- 7 Protected Occupant Status
- 4 Rent Adjustment Based on Code Compliance
- 9 Tenant-initiated Rent Dispute
- 5 Harassment
- 2 Diminution of Service
- 2 Non-Compliance with Legalization Deadline

II. BREAKDOWN OF CASES BY STATUS: 334 Cases

44 Non-OATH Cases

- Rent Adjustment Based on Code Compliance: 4
- Removal: 18
- Extension: 21
- Reconsideration: 1

259 Cases in the Administrative Hearing Process

- a. Pre-OATH Status: 12 Cases
 - 8 Cases are incomplete/defective
 - 4 Cases are in the answer period

- b. OATH Cases: 179 Cases
 - 21 non-coverage cases
 - 158 coverage cases

- c. Cases Returned From OATH (Post-Hearing/Settled): 68 Cases
 - i. Master Cases: 37
 - 1 Abandonment
 - 34 Coverage (27 Cases involve 2 buildings)
 - 1 Landlord-initiated Contest of Coverage
 - 1 Challenge to Proposed Sale of Improvements

 - ii. Summary Cases: 31
 - 22 Coverage
 - 2 Access
 - 2 Harassment
 - 1 Unreasonable Interference
 - 1 Landlord-initiated Contest of Coverage
 - 1 Non-compliance with Code Compliance Deadline
 - 1 Tenant-Initiated Rent Dispute
 - 1 Diminution of Services

1 Harassment Case being held until there is a finding of coverage for the building

7 Cases that the staff is working on

2 Cases involved in court litigation

21 Cases on the October 24, 2014 Agenda