

MINUTES OF PUBLIC MEETING  
New York City Loft Board Public Meeting

November 17, 2022

The meeting began at 2:09pm.

Attendees: Elliott Barowitz, Public Member; Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Nicole Oddo, Public Member; Richard Roche, Fire Department's ex officio; Guillermo Patino, Chairperson Designee.

INTRODUCTION:

Chairperson Patino welcomed those present to the November 17, 2022, public meeting of the New York City Loft Board, then briefly summarized Section 282 of the New York State Multiple Dwelling Law, which establishes the New York City Loft Board and described the general operation of Board as consistent with Article 7-C of the New York State Multiple Dwelling Law.

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VOTE ON MEETING MINUTES:

October 20, 2022 Meeting Minutes

Chairperson Patino asked if there were any comments on or corrections to the October 20, 2022, minutes. As there were none, he asked for a motion to accept the October 20, 2022, meeting minutes and for a second.

Ms. Roslund moved to accept the October 20, 2022, meeting minutes, and Mr. Roche seconded.

The vote

**Members concurring:** Mr. DeLaney, Ms. Roslund, Mr. Roche, Chairperson Patino

**Members dissenting:** 0

**Members abstaining:** Mr. Barowitz, Ms. Oddo

**Members absent:** Ms. Rajan, Mr. Hylton

**Members recused:** 0

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## EXECUTIVE DIRECTOR'S REPORT

Rules: With great pleasure, Ms. Cruz reports that the proposed rules were published. Members of the public could see the proposed changes via a link on the Loft Board's website. Public comments could be sent by email to [nycloftboard@buildings.nyc.gov](mailto:nycloftboard@buildings.nyc.gov); by fax to 646-500-6169; or mailed to 280 Broadway, first floor. The public hearing date for the proposed rules is December 8, 2022. The hearing will be held in this room at 2pm. Written comments may also be accepted at the hearing. For anyone testifying at the hearing, a written copy of their testimony will also be accepted on the day of the hearing. To submit a request for reasonable accommodation, please contact the Loft Board's office on or before December 1<sup>st</sup>.

Personnel: We continue to interview for the open attorney positions. The job postings will go down at the end of the weekend.

Enforcement: The staff is working on two types of enforcement. First is the enforcement of the annual registration requirement. There are 19 building owners that have failed to comply with the annual registration requirements. Eleven of those buildings appear on today's calendar. The rest will be added to the Board's case calendar in January 2023. Second is enforcement under the Reasonable and Necessary rule. Our efforts continue. Since the October meeting, we've served 19 notices of violation, and another 10 will be served either this afternoon or tomorrow.

Legalization Chart: The staff has prepared the legalization chart requested by the Board. You received a hard copy today. After you've had a chance to review it, if you have any questions, please feel free to call or email me. Significant takeaways about the chart are:

1. we have 322 IMD buildings on the list.
2. 10 buildings have not filed an Alt 1, which means that legalization work is not being done.
3. 67 buildings are in the Narrative Statement Process.
4. 102 buildings that have met the permit milestone.
5. 51 buildings that have met the fire and safety standards in Article 7-B.
6. 20 buildings that have obtained a Certificate of Occupancy.

The information on the chart changes quickly. Some of it could be outdated already. We'll update it every three to four months.

**Ms. Roslund** asked if a digital copy would be available, and **Ms. Cruz** confirmed that it would.

**Mr. DeLaney** thanked Ms. Cruz for these efforts and asked if she was struck by any data in particular while compiling it.

**Ms. Cruz:** I thought there were more buildings that had not filed an Alt 1, but there were only 10. Enforcement against these owners will begin.

**Ms. Roslund** asked which buildings was farthest behind and by how much time.

**Ms. Cruz** wasn't sure but she believed that none of the buildings with "no Alt 1" status were §§ 281(1) or 281(4) buildings. She thought the buildings classified as "No Alt 1" were § 281(5) buildings. She noted that § 281(1) building on Greenwich Street was now making progress.

**Mr. Barowitz** asked if we knew the number of units.

**Ms. Cruz** said no, but a column showing this information could be added to a future report.

**Mr. Barowitz:** I think it would be useful for the powers-that-be all over the city as well as the public to have an idea of how many units there are. But even then, we wouldn't know how many people are living in those units. It might also be interesting for some to know, approximately, how many people have been living in lofts since 1981 or so.

**Ms. Roslund** noted that to do that would mean including buildings that have moved out of the system and/or converted back to commercial.

**Mr. Barowitz** said that was also a good question – how many buildings have been converted back to commercial and what happened to the people who were living there.

**Ms. Cruz** said there is a way she might be able to extract that number of buildings that converted back to commercial use.

**Mr. DeLaney** had a related question. Elliot and I, and I believe the Executive Director as well, have attended some of the Soho-NoHo meetings, and it was pretty clear that City Planning had done a miserable job of figuring out who lived in SoHo, and how many IMD units, or former IMD units, there were. So, it's not just us that has trouble keeping track of all this.

We also have the issue that was raised in that letter you forwarded to me from someone whose building had left Loft Board jurisdiction in 2019. Such buildings are supposed to be registered with both DHCR (Division of Housing and Community Renewal) and HPD (Housing Preservation and Development), but there are a number of buildings that have missed one or both of those steps. I recall a few months ago, we talked about now informing HPD when a building leaves our jurisdiction. Is that still in place?

**Ms. Cruz:** The letter prompted the conversation. We will track it on HPD website. It affects tenants when the Loft Law flag is not removed.

**Mr. Barowitz:** The *Daily News*, the *Post*, and the *New York Times* have all run stories on SoHo/ NoHo, in which the number of people living there varied from 3,000 to 8,000, which shows that nobody really knows how many people are living in lofts.

**Ms. Roslund:** Or living anywhere. It's not confined to just lofts. Hurricane Ida brought to light all the issues with illegal basement apartments and more. The whole city is rife with people living who-knows-where.

**Mr. Barowitz** also noted that the number of people living in the city may not even be correct. For the longest time it was 6 to 7 million. Now it's supposedly close to 8 million.

When **the Board members** thanked **Ms. Cruz** for the information presented, she credited Ms. Storey and Mr. Kim for their assistance compiling the reports.

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## THE CASES:

Appeal and Reconsideration Calendar:

	Applicant(s)	Address	Docket No.
1.	Howard Kalish	221 Banker Street, Brooklyn	AD-0124
<i>The Loft Board denied the appeal requesting mitigation or waiver of the fine imposed due to the failure to file an alteration application.</i>			

Ms. Storey presented the case.

**Chairperson Patino** thanked Ms. Storey and asked if there were any comments on this case. As there were none, he asked for a motion to accept this case and for a second.

**Mr. DeLaney** moved to accept this case, and **Mr. Roche** seconded.

The vote

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Mr. Roche, Chairperson Patino

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** Ms. Rajan, Mr. Hylton

**Members recused:** 0

Summary Calendar:

	Applicant(s)	Address	Docket No.
2.	Annemarie Louise Borm	83 Canal Street, New York	TR-1401 and PO-0126
<i>The Loft Board deemed the applications for coverage and protected occupant status withdrawn with prejudice.</i>			

**Chairperson Patino** asked if there were any comments on this case. As there were none, he asked for a motion to accept this case and for a second.

**Ms. Oddo** moved to accept this case, and **Mr. Barowitz** seconded.

The vote

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Mr. Roche, Chairperson Patino

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** Ms. Rajan, Mr. Hylton

**Members recused:** 0

Master Calendar

**Chairperson Patino** explained that there are 13 cases on the Master Calendar, 11 of which are enforcement cases involving the failure to comply with the annual building registration requirements, and these cases are usually vote on as a block.

	Applicant(s)	Address	Docket No.
3.	224 Centre Street Realty, LLC	224 Centre Street, New York	FO-0985
4.	Vestry Holding Corp.	37 Vestry Street, New York	FO-0986
5.	Columbus Property Management LLC	12 East 18 Street, New York	FO-0987
6.	26 Bowery LLC	26 Bowery, New York	FO-0992
7.	Bijan Realty, Inc.	58 East 11 Street, New York	FO-0994
8.	Moore Street Building Corp.	42 North Moore Street, New York	FO-0997
9.	GG1, LLC	110-112 West 26 Street, New York	FO-0999
10.	Abdul Shaukat	322-324 East 3 Street, New York	FO-1004
11.	223 15th Street LLC.	223 15 Street, Brooklyn	FO-1009
12.	Gold Tillary Realty LLC	170 Tillary Street, Brooklyn	FO-1011
13.	450 Broadway Owners, LLC	450 Broadway, New York	FO-1019

*The Loft Board imposed fines against these owners for failure to comply with the annual building registration requirements.*

**Chairperson Patino** asked if there were any comments on these cases. As there were none, he asked for a motion to accept this case and for a second.

**Mr. DeLaney** moved to accept this case, and **Ms. Roslund** seconded.

The vote

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Mr. Roche, Chairperson Patino

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** Ms. Rajan, Mr. Hylton

**Members recused:** 0

	Applicant(s)	Address	Docket No.
14.	Catherine Lepp, Yuki Mori, Luke Brown, Medhi Zollo and John McDonald	385 Troutman Street, Brooklyn	TN-0233

*The Loft Board imposed \$20,000 fine for noncompliance with the legalization deadlines and deemed the application resolved.*

Mr. Kim presented this case.

Chairperson Patino thanked Mr. Kim and asked if there were any comments on this case. As there were none, he asked for a motion to accept this case and for a second.

Mr. DeLaney moved to accept this case, and Mr. Barowitz seconded.

The vote

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Oddo, Mr. Roche, Chairperson Patino

**Members dissenting:** Ms. Roslund

**Members abstaining:** 0

**Members absent:** Ms. Rajan, Mr. Hylton

**Members recused:** 0

	Applicant(s)	Address	Docket No.
15.	315 Broadway LLC	313-315 Broadway, New York	LE-0734
<i>The Loft Board granted the removal application.</i>			

Chairperson Patino asked if there were any comments on this case. As there were none, he asked for a motion to accept this case and for a second.

Ms. Oddo moved to accept this case, and Mr. Roche seconded.

The vote

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Mr. Roche, Chairperson Patino

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** Ms. Rajan, Mr. Hylton

**Members recused:** 0

Chairperson Patino: This will conclude our November 17, 2022 Loft Board meeting. Our next meeting is a public hearing on the proposed changes to the Loft Board's rules in Title 29 of the Rules of the City of New York scheduled for December 8<sup>th</sup> at 2pm in this room. Thank you.