

MINUTES OF PUBLIC MEETING  
New York City Loft Board Public Meeting

January 18, 2024

The meeting began at 2:12 PM

**Attendees:** Elliott Barowitz, Public Member; Charles DeLaney, Tenants' Representative; Heather Roslund, Public Member; Nicole Oddo, Public Member; Samira Rajan, Public Member; Guillermo Patino, Chairperson Designee.

**INTRODUCTION:**

**Chairperson Patino** welcomed those present to the January 18, 2024 public meeting of the New York City Loft Board. He 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 the Board as consistent with Article 7-C of the New York State Multiple Dwelling Law.

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**VOTE ON MEETING MINUTES:**

**January 18, 2024 Meeting Minutes**

**Chairperson Patino** asked if there were any comments on or corrections to the January 18, 2024 minutes.

**Mr. Delaney:** Yes, I have a comment. One thing that is missing from the minutes is the comment that came at the end about Ms. Ryan's departure. So, I'd like to suggest that we add that to the list. I have also suggested to the Executive Director perhaps we should adopt a resolution to thank her for her service.

**Chairperson Patino:** That is agreed. Definitely open to the resolution. We can present it at a later meeting.

**Mr. Delaney:** I just happen to have one ready. This is what I propose.

*"Whereas Teresa Ryan has served at the New York City Loft Board for "blank" number of years. Not quite sure, but I'm sure we can add time. Whereas Ms. Ryan is no longer on the Loft Board staff. Whereas Ms. Ryan was responsible for the creation of the minutes of the Loft Board meetings for blank" number of years.*

*Whereas, Ms. Ryan elevated the detail and clarity of the law court meeting minutes to an unprecedented level, therefore be resolved that members of the New York City Law Court commend her and thank her for her years of service and wish Teresa Ryan the very best.”*

**Chairperson Patino** then asked for a motion to accept the resolution, to bring to the next meeting and vote to adopt it.

**Mr. Borowitz** moved to accept the Resolution, and **Ms. Oddo** seconded.

**The vote**

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Ms. Rajan, Chairperson Patino  
**Members dissenting:** 0  
**Members abstaining:** 0  
**Members absent:** Mr. Roche  
**Members recused:** 0

**Chairperson Patino** then asked for a motion to accept the January 18, 2024\_meeting minutes and for a second.

**Ms. Roslund** moved to accept the January 18, 2024\_meeting minutes, and **Ms. Oddo** seconded.

**The vote**

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Ms. Rajan, Chairperson Patino  
**Members dissenting:** 0  
**Members abstaining:** 0  
**Members absent:** Mr. Roche  
**Members recused:** 0

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**EXECUTIVE DIRECTOR’S REPORT -- Martha Cruz**

**I. BOARD**

Effective December 18, 2023, Christian Hylton, the owner’s representative, resigned from the Board. We thank Mr. Hylton for his service, and we wish him well.

**II. PERSONNEL**

It is with great pleasure that I introduce Amara Hyde, our new paralegal. Amara started with us on November 27<sup>th</sup>. She has been helping the attorneys with the LONOs and enforcement. Welcome, Amara.

**III. FACT SHEETS**

At the November meeting, I handed out the latest draft of the narrative statement fact sheet. We did not get any comments. Since the email on Friday, I updated the fact sheet to include, I think there was a comment during the November meeting that the page numbers were off, so I fixed that on the top right hand side. I think we agreed that the chart would be the first page, so I made that page number one and then the two other pages, 2 and 3. I just wanted to confirm that there were no other changes or suggestions to the fact sheets. We are eager to start using them and sending them out when we schedule the narrative statement conferences. To post it on our website and to give more information about the process. So, I wanted to make sure that these were final and there were no other changes or suggestions that the Board wanted.

**Mr. DeLaney:** First off, I just want to commend you and Ms. Vargas for the work you've done on this. I think we're very close. I have a few little notes that I made. I will give you a copy. There's one question of some substance that actually may raise a policy issue. On the bottom of page one question, question 4 of the parties agreed on the legalization plan A: Yes - If occupants have no objection to proposed work, they may sign waivers of the narrative statement process. Waivers may be completed at any time after narrative statement has been filed with the Loft Board. That would seem to imply that a waiver signed prior to the owner filing a Narrative Statement would not be recognized, which, frankly, I think would be a very good policy.

**Ms. Cruz:** The waivers have a date, the plan date, and the DOB job number. I can't see that someone would be able to waive something that they have not seen or that hasn't been created.

**Mr. DeLaney:** That happens a lot. Well, they agree not to object to the owner's plan.

**Ms. Cruz:** The waiver form requires a plan number.

**Mr. DeLaney:** Not necessarily. Generally, these are tied into coverage.

**Ms. Cruz:** I think they're coverage to additional units, not necessarily brand-new buildings. Right?

**Mr. DeLaney:** But personally, I think that should result as policy.

**Ms. Cruz:** Yes, it is a policy.

**Mr. DeLaney:** Okay. You can't... So, there's a narrative statement because my coverage application has been pending. The building is an IMD, and as part of getting coverage for my additional unit I waive my right to participate in the Narrative Statement Process. That would be, okay?

**Ms. Cruz:** That would be okay because it's a plan and they've seen it. Any other questions?

**IV. LITIGATION**

Since the November Board meeting, we received two new cases. The first case is related to 151 Kent Avenue in Brooklyn. The owner seeks an administrative determination for an alternate plan filed by the tenants. The second case is related to 135 Plymouth Street. The owner seeks an administrative determination for the owner's extension application. We are working with the Law Department on both cases.

I also wanted to tell the Board about litigation regarding one of our buildings at 117 West 26th Street. In September 2023, there was a partial roof collapse of the first-floor extension in this building. The first floor is used for commercial purposes. The IMD units are on the 2nd, 4th, 5th, and 6th floor. After the roof collapse, the DOB issued an immediate emergency declaration for the repair work necessary to stabilize the building. The owner filed a case seeking a stay of any action by the DOB to do the repair work. The court granted the stay.

It appears work was done to stabilize the building. The case continues. DOB and the Loft Board are working with the Law Department. And lastly, I want to tell you that the staff is working on a version of the annual report that has previously been provided to the Board. It will not be as complete as others, but certainly we will give you the stats for 2023 and give you all that we worked on during the calendar year 2023. We're hopeful that we will be presenting that in February, but the latest will be, March.

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**Ms. Storey** presented the Enforcement Report and the Legalization Report.

**ENFORCEMENT REPORT:**

**(1) Legalization Reports**

- a. 316 Buildings within Loft Board's jurisdiction
  - i. 312 buildings provided legalization reports have been received for the January 1 quarterly report.
  - ii. 4 awaiting quarterly reports
- b. 130 Violations have been issued in 2023 for failure to provide April and or July Quarterly reports
  - i. 71 Will be reviewed for compliance
  - ii. 59 Will be withdrawn due to compliance

**(2) Housing Maintenance**

- a. We had one trial at OATH (December 14 & 18, 2023) for a housing maintenance issued against the owner of 117-119 West 26 Street. We are awaiting a decision.

**LEGALIZATION REPORT:**

**(1) Narrative Statement Conferences**

- a. Since the November 2023 meeting, we conducted 8 Narrative Statement Conferences and
- b. 7 Narrative Statement Conferences have been scheduled for January and February.

## **(2) Certification Requests**

- a. 6 Certifications issued

We continue to appreciate the help of all professionals throughout this process.

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**Mr. DeLaney:** With regard to both enforcement and legalization, I've been contacted a couple of times recently by some of the tenants at 255 18th Street in Brooklyn.

And it also occurred to me, it's been a year now since we had the public hearing in December of 2022, when we last gave the public a chance to let us know what's on their mind. And we normally, through the whole history of the Loft Board, we've only had hearings based around proposed rules. But I don't see anywhere in our rules or the law where we could not hold a hearing occasionally to hear what's on the public's mind. So, I would like to encourage that. But in particular, I just want to read a paragraph or so of one of the people who testified last December, Paul Lieber.

*"Hi, my name is Paul Lieber. I live at 255 18th street in Brooklyn. My wife and I are grateful to have Loft Law status, as it's the only protection afforded to us as tenants, and we understand that the institution has its limits. But you, the Loft board, are the only agents, intermediaries that can protect us. You are our only hope in most of these situations. As loft tenants, we do not have the same abilities to appeal for essential services and remediation, as anyone else does. As a tenant in New York City, we cannot call 311. And only recently were we granted the right to sue in housing court. Our building has been without heat since 2016.*

*Ice covers our walls in the depths of winter, literally. Our electric usage increases by 300%, and we are still below legal temperatures. I know that you've been in touch with this building, but my question is, what more can we do to try to get this building heat?"*

**Ms. Storey:** We have issued a violation against the building owner. They have seven days to comply. Recently, they have filed an answer stating that they have complied, and they asked us for withdrawal of the violation. A reinspection is next. If it is determined that they cured the condition, we will withdraw. If not, we will begin an enforcement proceeding.

I do know that this building has a tortured past, and heating is a problem. We did contact the building owner months prior to the winter season to make sure that these issues will be rectified prior to the winter months. Reinspection is our next step.

**Chairperson Patino:** We'll now turn to vote on the case on the appeal and reconsideration calendar. We have two cases on the calendar. The first case is 72 Warren Street, docket numbers AD-0119 and AD-0121.

**THE CASES:**

Appeal and Reconsideration Calendar

|                                                                                       | <b>Applicant(s)</b>                                      | <b>Address</b>             | <b>Docket No.</b>  |
|---------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------|--------------------|
| 1.                                                                                    | Ingo Gunther, Thomas Brigham, David Kelley and Clara Kim | 72 Warren Street, New York | AD-0119<br>AD-0121 |
| <i>The Loft Board denied the Appeal challenging the issuance of the Clock Notice.</i> |                                                          |                            |                    |

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

**Ms. Rajan** moved to accept the case, and **Mr. Barowitz** seconded.

The vote

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

**Members dissenting:** 0

**Members abstaining:** 0

**Members absent:** Mr. Roche

**Members recused:** Ms. Roslund

**Chairperson Patino:** Thank you. The second case on the appeal reconsideration calendar is 33 Union Square West in New York. Docket number R-0390. Ms. Oyegue will present this case.

|                                                                                      | <b>Applicant(s)</b>                   | <b>Address</b>                 | <b>Docket No.</b> |
|--------------------------------------------------------------------------------------|---------------------------------------|--------------------------------|-------------------|
| 2.                                                                                   | Walter Kim and Leslie-Ann Feldman-Kim | 33 Union Square West, New York | R-0390            |
| <i>The Loft Board denied reconsideration application challenging Order No. 5111.</i> |                                       |                                |                   |

**Mr. DeLaney:** I voted against the underlying case for which this reconsideration is being filed. To my knowledge, as a first, the order that was mailed to the parties recorded me as having voted both against the proposed order and for the proposed order. But we will get that corrected. I continue to be troubled by this case.

I continue to be troubled by this case. Particularly the part of the case that the former tenant who provided testimony was handed an envelope with \$1,000 cash in it from the owner of the building. And that seems to be undisputed whether when the former tenant opened the envelope. It was intended, apparently, to cover expenses, because to come in to testify from Long Island. But that just all seems unseemly to me. I express my concern.

**Chairperson Patino** asked if there were any other comments on this case. He asked for a motion to accept the case, and for a second.

**Ms. Roslund** moved to accept the case, and **Ms. Oddo** seconded.

**The vote**

**Members concurring:** Mr. Barowitz, Ms. Roslund, Ms. Oddo, Ms. Rajan, Chairperson Patino  
**Members dissenting:** Mr. DeLaney  
**Members abstaining:** 0  
**Members absent:** Mr. Roche  
**Members recused:** 0

**Summary Calendar**

**Chairperson Patino:** We'll now turn to vote on the cases on the summary calendar. There are eleven cases on the summary calendar. We will be voting on eight cases today, as three of the cases regarding 226-240 Franklin Street will be tabled. And then we'll also be voting on seven of the eight cases as a block, as we will be voting on case number twelve regarding 210 Cook Street separately. So, the cases that we will be voting on as a block are:

|                                                                                               | <b>Applicant(s)</b>                                 | <b>Address</b>                    | <b>Docket No.</b>  |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------|--------------------|
| 3.                                                                                            | New Commune DTLA                                    | 533 Greenwich Street, New York    | LS-0297            |
| <i>The Loft Board deemed the access application withdrawn with prejudice.</i>                 |                                                     |                                   |                    |
| 4.                                                                                            | 169 Spencer St LLC                                  | 169 Spencer Street, Brooklyn      | LS-0300            |
| <i>The Loft Board deemed the access application withdrawn with prejudice.</i>                 |                                                     |                                   |                    |
| 5.                                                                                            | Larry Bercow, Klaudia Bercow and Elizabeth Hardwick | 98 Forsyth Street, New York       | PO-0165            |
| <i>The Loft Board deemed the protected occupancy application settled.</i>                     |                                                     |                                   |                    |
| 6.                                                                                            | Jean-Marie Truelle                                  | 357 Canal Street, New York        | PO-0213            |
| <i>The Loft Board deemed the protected occupancy application discontinued with prejudice.</i> |                                                     |                                   |                    |
| 7.                                                                                            | Milan Powell                                        | 169 Spencer Street, Brooklyn      | PO-0216            |
| <i>The Loft Board deemed the protected occupancy application withdrawn without prejudice.</i> |                                                     |                                   |                    |
| 8.                                                                                            | Daniel Kocielinks                                   | 226-240 Franklin Street, Brooklyn | TR-1421<br>PO-0160 |
| <i>The Loft Board tabled this case.</i>                                                       |                                                     |                                   |                    |
| 9.                                                                                            | Kyra and Sebastian Rogowski                         | 226-240 Franklin Street, Brooklyn | TR-1422<br>PO-0161 |
| <i>The Loft Board tabled this case.</i>                                                       |                                                     |                                   |                    |
| 10.                                                                                           | Matthew Canale and Brooke Gillespie                 | 226-240 Franklin Street, Brooklyn | TR-1423<br>PO-0162 |
| <i>The Loft Board tabled this case.</i>                                                       |                                                     |                                   |                    |
| 11.                                                                                           | Larry Bercow, Klaudia Bercow and Elizabeth Hardwick | 98 Forsyth Street, New York       | TR-1425            |
| <i>The Loft Board deemed the coverage case settled.</i>                                       |                                                     |                                   |                    |
| 13.                                                                                           | Michael Raveney                                     | 8-10 Grand Avenue, Brooklyn       | TR-1444            |
| <i>The Loft Board deemed the coverage application withdrawn with prejudice.</i>               |                                                     |                                   |                    |

**Chairperson Patino:** With respect to case number 11; 98 Forsyth Street, New York, docker number TR-1425, we'll be voting on this case as amended. So, the order is going to be amended to indicate that the Loft Board neither accepts nor rejects the terms of the stipulation.

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

**Mr. Barowitz** moved to accept the case, and **Ms. Rajan** seconded.

**The vote**

- Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Ms. Rajan, Chairperson Patino
- Members dissenting:** 0
- Members abstaining:** 0
- Members absent:** Mr. Roche
- Members recused:** 0

**Chairperson Patino:** So, we will now vote on case number 12, 210 Cook Street in Brooklyn. Docket numbers TR-1431 and PO-0177. Are there any comments on this case?

|                                                                               | <b>Applicant(s)</b>             | <b>Address</b>            | <b>Docket No.</b>  |
|-------------------------------------------------------------------------------|---------------------------------|---------------------------|--------------------|
| 12.                                                                           | Garrett Black and Maggie Albert | 210 Cook Street, Brooklyn | TR-1431<br>PO-0177 |
| <i>The proposed order did not pass. There is no final order in this case.</i> |                                 |                           |                    |

**Mr. DeLaney:** I ask that this be taken up separately. I plan to vote against this case. Once again, this case is settled pursuant to a stipulation that the Loft Board neither accepts nor rejects some of the terms in the stipulation. And once again, as is often the case, the stipulation goes into a variety of topics that had nothing to do with what the application was filed about and what issues were raised in the answer. And as I said earlier to my colleagues, it's a little bit like the dispute is about the main course, but the stipulation includes information about the appetizer, dessert, the cheese plate, and the reason I'm concerned about this, for example, it sets the rent, creates a preferential rent for a period of time. While it may appear to the parties that resolving these issues in a stipulation is going to make their lives simpler, there's a great chance that it's going to come back to make their lives more difficult later. It's contrary to circumstances. So, it would be my wish, and I've been saying this for a number of years now, that the OATH would not entertain these kinds of global stipulations so that we wouldn't be in this position. So therefore, I plan to vote a no on this.

**The vote**

- Members concurring:** Ms. Roslund, Ms. Oddo, Ms. Rajan, Chairperson Patino
- Members dissenting:** Mr. Barowitz, Mr. DeLaney

**Members abstaining:** 0  
**Members absent:** Mr. Roche  
**Members recused:** 0

Master Calendar

**Chairperson Patino:** We'll now turn to vote on the cases on the master calendar. There are three removal cases on the master calendar.

|                                                        | <b>Applicant(s)</b>     | <b>Address</b>                  | <b>Docket No.</b> |
|--------------------------------------------------------|-------------------------|---------------------------------|-------------------|
| 14.                                                    | 47 Brooklyn Loft LLC.   | 47 Thames Street, Brooklyn      | LE-0730           |
| <i>The Loft Board granted the removal application.</i> |                         |                                 |                   |
| 15.                                                    | 451 Broome Street Corp. | 443-451 Broome Street, New York | LE-0738           |
| <i>The Loft Board granted the removal application.</i> |                         |                                 |                   |
| 16.                                                    | Little Ann LLC.         | 55 Ann Street, New York         | LE-0747           |
| <i>The Loft Board granted the removal application.</i> |                         |                                 |                   |

The proposed order for Case No. 14 for 47 Thames Street in Brooklyn, is being amended. The background is going to be amended to clarify that DOB issued a mixed-use certificate of occupancy for the building. Are there any comments on these cases?

**Ms. Roslund:** I was just going to point out that two of these took almost 40 years to complete.

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

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

The vote

**Members concurring:** Mr. Barowitz, Mr. DeLaney, Ms. Roslund, Ms. Oddo, Ms. Rajan, Chairperson Patino  
**Members dissenting:** 0  
**Members abstaining:** 0  
**Members absent:** Mr. Roche  
**Members recused:** 0

**Chairperson Patino:** Thank you. Before we conclude, do any members have anything else they would like to address during today's meeting?

**Ms. Roslund:** So many people may be aware that the Department of City Planning has recently proposed a series of citywide zoning amendments called the "City of Yes".

The first one was focused on construction practices and sustainability that was ratified by the City Council either, maybe late November. And we're in the second phase, which is economic development and stimulation. I'm sure it's called something else. Hold on, let me see. It's called zoning for a resilient economy. And the third one will be housing. And the idea is to revise language throughout the Zoning Resolution, which is obsolete. The Zoning Resolution was written in the 60s. It's updated periodically, but a lot of the language from the 60s still exists, so there isn't a place for a lot of the new economies that we have in New York City.

Computer code, small boutique businesses, and the rules for economic development are also obsolete in terms of incompatible uses. The definition of a lot of the use groups have changed or the manufacturing types have changed. So, this particular segment is somewhat of interest to me personally, because in my time at the Brooklyn Community Board 1, back in forever ago; I worked on both the 197A plan and then the subsequent rezoning of Williamsburg and Greenpoint in 2005 and I went to a couple of meetings.

City Planning has been going around different community boards throughout the city and making presentations. And as I was listening to a lot of the suggestions or the proposed amendments to the NYC Zoning Resolution, were topics we discussed in 2001 and 2002 mixed use buildings, mixed use spaces, live-work, commercial on the second floor were some of our recommendations. So, for instance, this is from the Community Board 1 recommendations for the rezoning in 2005. The creation of new opportunities for residential and commercial development while preserving the community's low density, mixed-use, mixed-income, character workshops, high performance business, studios, promote a clean and safe living and working environment, and promote local economic development. I wonder how these topics would affect our work, or potentially provide alternative avenues for loft living.

Some of it relates to home occupation and the expansion of the definition of home occupation, the square footage, the number of employees permitted the types of businesses. So, affects our work, maybe, our community for sure. Again, I really have only scratched the surface, so I can't say I understand all the policies being proposed. I can't sit up here and sort of give you a lecture on the pros and cons of it. I just think it should not go without being reviewed by us. The time frame, unfortunately, is very short. If we had had a December meeting, we could have started the conversation then, but because we didn't, we're starting the conversation now. This goes before the City Planning Commission on Wednesday, so I don't know if there's even an opportunity for us to comment before the comment period is closed. The public session period is closed.

**Mr. Delaney:** I saw this when it was announced and thought, I can't possibly, I don't have the bandwidth to get involved. I commend you for doing so. Are these all-zoning text changes?

**Ms. Roslund:** Correct.

**Mr. DeLaney:** And they did the community boards, now they're at City Planning and then it's on the city council.

**Ms. Roslund:** The Borough Presidents are usually in there and then the mayor.

**Chairperson Patino:** So now it's with the City Planning Commission and then it goes to City Council for a vote.

**Ms. Roslund:** Correct.

**Mr. DeLaney:** So then realistically, if we had any comment, ability to get it to City Planning Commission before next Wednesday is slim.

**Ms. Roslund:** We have five days.

**Ms. Roslund:** Maybe it's not important that we comment, but I think it's important that we understand that this overlaps somewhat with what we do. Parallels somewhat what we do.

**Chairperson Patino:** Yeah, I agree that it's important to understand what the impact is. We can certainly commit to looking into this further, possibly bringing a guest speaker to a future meeting to discuss how it will impact the work of the board.

**Mr. DeLaney:** And this is coming as three separate parts, is that right?

**Ms. Roslund:** That's correct.

**Mr. DeLaney:** Currently it's number two.

**Ms. Roslund:** Yes. At the economic development package, I believe there's 18 points within the proposal, 18 proposals within the proposal. And then it's divided up into different types of areas. There's core transition and growth areas. There are modifications to modernize use group classifications, loosen parking requirements, update loading requirements, alter uses and regulations in commercial zones include small scale production, micro distribution, life sciences, entertainment, and amusements. Some of it is economic development driven.

The home occupation proposals would certainly overlap with our work.

**Chairperson Patino:** Thank you. Are there any further comments before we close today's meeting?

**Mr. DeLaney:** Thank you for bringing it up.

**Chairperson Patino:** We will circle back. All right, so this will conclude our January 18<sup>th</sup>, 2024 public meeting. Our next public meeting is scheduled for February 15, 2024.

The meeting ended at 3:04pm.