

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

September 19, 2019

The meeting began at 2:17 PM

Attendees: Elliott Barowitz, Public Member; Richard Roche, Fire Department's *ex officio*; Robinson Hernandez, Manufacturers' Representative; Charles DeLaney, Tenants' Representative; Julie Torres-Moskovitz, Public Member; Heather Roslund, Public Member; Renaldo Hylton, Chairperson Designee; and Helaine Balsam, Loft Board, Executive Director.

INTRODUCTION:

Chairperson Hylton welcomed those present to the September 19, 2019, 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.

Presentation of Department of Buildings Project Guidelines—Loft Law Guidelines for Interim Multiple Dwelling Units (IMDs) ([click here to access the presentation](#))

Mr. Hylton: In the interest of time, we're going to forgo the minutes and go right to a presentation by the DOB's Technical Affairs Office on the Project Guidelines, presented by

Marshall Kaminer, Executive Engineer, DOB Technical Affairs and Code Development
Mariya Zarankina, Code Development Architect
Hao Sun, Housing Maintenance Code Development Architect

While we recognize the need for questions and clarification, time is also limited, so I'm asking for everyone's cooperation in limiting their questions in length and depth. But the team will entertain questions outside of today's meeting via email, if the Board has follow-up questions. The presenters will not be able to address questions that are too technical and/or policy-related.

Mr. Hylton introduced Mr. Kaminer and thanked the team for taking the time to do this.

Mr. Kaminer called attention to the handout, which listed the links to what has been posted on the DOB web site since August 9, 2019, and he explained that the expansion of IMD's had indicated the need for this information. He then guided the Board through the attached presentation.

Mr. Hylton: I know that over the past year or so the Department of Buildings Technical Affairs Unit went full-force, trying to get this done. We had a lot of input from the outside loft community, and I really appreciate all of your efforts and for coming today.

Mr. DeLaney: In slide number 5, where you reference MDL § 277, and you have a breakdown of MD 1 through 9. Those are your designations?

Mr. Kaminer: Yes, that's right. As I said, you can go to the web site and see the organization. We tried to do it the same way we structure our other guidelines.

Mr. DeLaney: If I understand what's been explained to us as non-professionals, the purpose of this exercise is to, number 1, clarify where we are with things to be taken into account by the Buildings Department; and if I'm correct, this will also allow DOB to train a number of examiners in the different boroughs to more or less smooth the highway...

Mr. Kaminer: Yes, we're really open, especially about the MDL part; and the examiners are getting training in all of that. The training has already started. But everyone is going to have to digest it, then come back in a couple of weeks, and hopefully have some good questions for us. It's a lot.

Ms. Roslund: Almost everything that's covered in here has been discussed here among us, in just the nine months I've been on the Board. It's important.

Ms. Torres-Moskovitz: You didn't mention energy code. Did you look at that?

Mr. Kaminer: Yes, we did. We're saying that if you touch the wall or if you touch the floor, then you will have to comply. So we're not doing it as a conversion. And I believe there is even a monetary threshold, which I leave out, that you're going to get to with most IMDs. If you're converting a whole building, there might be some issues; but if you're converting one unit in a building that's mostly manufacturing and maybe one or two dwelling units, I don't think the energy code is going to be a hindrance to the design.

Ms. Torres-Moskovitz: I like the energy code.

Mr. Kaminer: It's hard. Even with a regular building, it's pretty much the same thing. Basically, if you touch it, unless you're doing a major renovation, you only have to worry about the part you touched. I think where the issues were coming from before was with the concept of conversion, which we're trying to get away from. And we're going to a concept of de facto multiple dwelling.

Mr. DeLaney: Little "e" versus capital "E"?

Mr. Kaminer: Little "e" stands for environmental. This is something in the Zoning Resolution, and if you were to look at a Zoning District map, there are designations of "e." When you look in the Zoning Resolution index, they explain that little "e" means there's an environmental concern. It's typically something like there used to be a gas station there, so if you're going to excavate, you'd better take care. But there are also other things in there about being adjacent to a subway L, glass, etcetera. That's something we reviewed with City Planning, and they were OK with the concept of de facto; and it's been reviewed with MOPD (the Mayor's Office for People with Disabilities), but I haven't yet reviewed with OER (Office of Environmental Remediation), which does have to happen.

Mr. Barowitz: How many examiners are being trained?

Mr. Kaminer: We typically have two select examiners in each office, and we have a hub division, so we're going to have a least twelve to eighteen examiners dedicated just to this. At the moment, we're trying to keep it out of the general examiner population, and we want to train particular examiners on what to do. So if an IMD comes in, we want to assign it to a particular examiner and not just send it out as a general examination.

Ms. Torres-Moskovitz: I have another question, which might be too technical, but I feel it has big implications: the bedroom with the alcove. It says, “parallel to.” In the past, we were able to do different directions.

Mr. Kaminer: We’re still looking at somewhat parallel.

Ms. Torres-Moskovitz felt it was a bit limiting.

Mr. Kaminer: The point is that if the alcove opens into a larger area with a window, then that’s fine. But, obviously, if it’s at a right angle, that might be an issue.

Ms. Torres-Moskovitz: I’m just wondering if there might be a few more diagrams...

Mr. Kaminer: No. What you see is what’s on line; and it took us a few meetings to get to that.

Ms. Torres-Moskovitz: I don’t think that will work in a lot of spaces

Mr. Kaminer: I believe the alcove you’re viewing is a “habitable” room, right? So if you have other rooms that are just occupiable, like an office...We are trying to expand the concept of occupiable, because MDL does have a concept of “living room,” which is a little odd. So offices are fine, provided it’s one per apartment. But the alcove is a habitable space, so it needs a certain amount of light and air. So we decided, based on the TPPN 9/93 (Technical Policy and Procedure Notice), that that was the best interpretation. It is a little odd (the alcove in the diagram), but I think it’s more favorable than what people were requesting, which was a doorway. This is not exactly what you have to use, but it’s your minimum.

Ms. Balsam asked for clarification in terms of the number of alcoves, and **Mr. Kaminer** confirmed that you can have more than one. And more than one office.

Mr. Hylton thanked the team again, and they departed.

APPROVAL OF MEETING MINUTES:

July 11, 2019 Meeting Minutes:

Mr. Hylton asked if there were any corrections or comments.

Mr. DeLaney: Page 5, the third comment attributed to you, Mr. Chairman, I think is reversed – “a cellar has less than one half of the livable space below grade; a basement has more below grade.” It should be the other way around.

Mr. Hylton: Mr. Hylton asked for a motion to accept the July 11, 2019, meeting minutes, with that correction.

Mr. Roche moved to accept the, July 11, 2019, minutes, and **Ms. Torres-Moskovitz** seconded.

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: Mr. Hernandez

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

July 18, 2019 Meeting Minutes:

Mr. Hylton asked if there were any corrections or comments.

Mr. DeLaney: On page 2, I had asked a question about the situation with voting when all of the special interest positions aren't filled. Ms. Balsam, you said, you did ask, but you didn't remember the answer, so you would forward it.

Ms. Balsam: I didn't? Sorry. I'll do that.

Mr. DeLaney: And at one point not too long ago, you distributed a chart about code-compliance deadlines, which you said wasn't finished. Has been finished? I had asked if it could be distributed to the public.

Ms. Balsam: Yes, it has been completed, and I'll send it to you.

Mr. DeLaney pointed out a typo at the middle of page 15.

Mr. Hylton asked for a motion to accept the July 18, 2019, meeting minutes, with those corrections.

Ms. Roslund moved to accept the, July 18, 2019, minutes, and **Mr. Roche** seconded.

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

EXECUTIVE DIRECTOR'S REPORT:

Ms. Balsam:

The web site: The DOB communications staff is continuing to work on the web site. They keep calling me and asking me for things, so they are working on it, and hopefully, they'll be done very soon.

Mr. Hylton: This is a huge under-taking, so I want to ask for patience. The web site has to be coordinated not just with the Loft Board and DOB IT, but also with DOITT, another agency, whose responsibility it is to convert all city web sites to the same look. For better or for worse, the administration policy is to have all the web sites look the same. So DOITT is overwhelmed with all this. Most of the major agencies have been undergoing conversions, so a small agency like the Loft Board has to take something of a backseat to agencies like the Fire Department or Department of Buildings. I know this has been promised for a long time, but please be patient.

Ms. Balsam resumed:

Staffing: I introduced Amy, our new attorney, at our last meeting, and we have concluded interviews for the vacant attorney position and identified a candidate. That is in the process, and we're very happy about that.

Revenue: We had a great July, collecting \$952,905; and \$103,560 in August. Of course, this is when we usually receive the bulk of our funds, due to the building registration fees.

Registrations: As of September 1, 2019, we have 335 buildings under our jurisdiction. Sixty-eight buildings have not renewed their registrations. We will be starting the failure to renew process, so if there are owners out there who haven't paid their registration, please do so. If you don't, we will ask the Board to fine you.

Litigation: We have one new case:

475 Kent Owner LLC v. New York City Loft Board and Andrew Ohanesian. You may remember this: the parking-space case. The Owner is challenging the Loft Board Order finding that a parking space was a required service. The Owner argues that 29 RCNY § 2-04(c), the Loft Board rule which states, "There must be no diminution of services" is ultra vires, meaning the Loft Board exceeded its authority in passing that rule, because the Loft Law only allows the Loft Board to pass rules regarding housing maintenance issues, and a parking space is not a housing maintenance issue. Obviously, we don't agree with that position, but that is the Owner's position.

Mr. Hylton: Thank you Ms. Balsam. Are there any questions?

Mr. DeLaney had a question about the document from the Project Guidelines presentation. He asked if the handout they were given is a public document.

Ms. Balsam replied that yes, it is. It's on the DOB web site.

Ms. Torres-Moskovitz said that they had looked and there was no down-load-able pdf.

Ms. Balsam: No, there's no pdf; there are web pages. That's why he gave you the links – because it is so difficult to find. Especially for designers, I know. I totally agree.

Mr. DeLaney: I didn't want to hector Mr. Kaminer on this, but there was a certain amount of, where is it? I can't find it. I know this is the special world of City Planning and to a certain extent DOB. You get all these acronyms thrown at you with no explanation of what they are. But presumably, if I were a plans examiner going to Loft Law Academy, I would get a hard-bound version of this? How does this work? We waited a long time for these guidelines, and it's a little confusing.

Mr. Hylton: The Guidelines are posted on the web site according to the person who needs the information. So the architects/ engineers, who we call a New York State Professional, have their link. There's a tenant part, a landlord area. Can it be better? Of course, and you're welcome to send your comments. But these are not easy things for them to do, because it's not their doing that it's broken up that way. It's DOITT's. Every agency is set up that way. There's a tab that leads people to the information that's relevant for them. The pdf version that was circulated to those who reviewed it is all the information. But you won't find all the information in one place on the web site. But trust me, the plan examiners will have all the information at their fingertips. They won't have to hunt for things. And I hear you about the acronyms. Like the military, they perhaps aren't recognizing their audience. But in terms of the content, they are very open to hearing your comments on things like that. If there's something missing from the architect's section, for example, that you think should be there, please let them know.

THE CASES:

Appeal and Reconsideration Calendar

Mr. Hylton introduced the first case.

	Applicant(s)	Address	Docket No.
1	Amicus Associates, Limited Partnership	83 Canal Street, Manhattan	AD-0095

Ms. Balsam will present this case.

Mr. Hylton thanked Ms. Balsam and asked for a motion to accept the case.

Mr. DeLaney motioned to accept this case, and **Mr. Barowitz** seconded.

Mr. Hylton asked if there were any comments on the cases.

Mr. DeLaney: I thought this was very clearly written, and it's helpful to have a decision that has the Board reaffirm the Executive Director's interpretation of how the extension scheme is currently working under the existing rules.

Ms. Balsam thanked Mr. DeLaney and noted the writing of the decisions is always a team effort.

Ms. Roslund: I'll comment for the record that this is food for thought in terms of issues we should revisit when discussing rule-making.

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

[T]he Board denies the appeal. The Board's rules do not provide for second extensions of the code compliance deadlines to obtain a permit and for Article 7-B compliance. Furthermore, even if the Board's rules did allow for second extensions, which they do not, Owner has failed to meet the statutory standards. The burden rests upon Owner to be diligent and to resolve any and all issues that arise which hinder the Owner's adherence to legalization deadlines. Owner did not meet its burden.

Mr. Hylton introduced the next case.

	Applicant(s)	Address	Docket No.
2	470 Manhattan Ave LLC	18-20 Eckford Street, Brooklyn	AD-0099

Ms. Cruz will present this case.

Mr. Hylton thanked Ms. Cruz and asked for a motion to accept the case.

Mr. Barowitz motioned to accept the case, and **Mr. DeLaney** seconded.

Mr. Hylton asked if there were any comments on the cases (none).

The appeal application seeking review of the administrative determination dated May 23, 2019 is denied. The administrative determination remains in full force and effect. The Board orders staff to commence the alternate plan dispute application process pursuant to the Loft Board's rules.

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

Summary Calendar:

Mr. Hylton: There are six cases on the Summary Calendar, and they are voted on as a group.

Mr. DeLaney: I would ask that case number 5, 54 Knickerbocker Avenue, be voted on separately.

Mr. Hylton revised his introductory announcement to reflect this request, and announced the following five cases.

	Applicant(s)	Address	Docket No.
3	517-525 West 45 LLC	517-525 West 45h Street, Manhattan	LS-0244
4	Zach Troyetsky	151 Kent Avenue, Brooklyn	PO-0082
6	Christine Manthey	365 West 36 th Street, Manhattan	TH-0218
7	Cameron Brown	33 Union Square West, Manhattan	TR-1298
8	Phil Amoss	245 Varet Street, Brooklyn	TR-1322

Mr. Hylton asked for a motion to accept these cases, and for a second.

Ms. Roslund motioned to accept these cases, and **Mr. Hernandez** seconded.

Mr. Hylton asked if there were any comments on the cases (none).

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

Mr. Hylton introduced case number 5, and asked for a motion to accept this case.

	Applicant(s)	Address	Docket No.
5	Amanda Eli	54 Knickerbocker Avenue, Brooklyn	TA-0254

Mr. Hernandez motioned to accept this case, and **Mr. Barowitz** seconded.

Mr. Hylton asked if there were any comments on the cases.

Ms. Roslund: While the reason we separated this does not follow quite where we've been in past meetings, I understand in terms of principles keeping it....

Mr. DeLaney: I plan to vote no on this case, because the tenant filed a rent dispute, and then withdrew the application because, presumably, he and the owner worked out some acceptable solution. But we have no idea what it is. That sets up a situation where, in my point of view, at some point, if 54 Knickerbocker is legalized, and the question of what the rent is for unit 1C arises, we'll be working with a less-than-complete set of information. Just as in coverage applications, I think it should be seen through to the end. I think when issues like this about rent are settled, they should somehow be on the record. And I plan to write that up in an opinion. It seems there will be more of a dissenting than concurring opinion; therefore, I'm going to vote no.

Ms. Roslund: This pattern of a dispute, no matter what it's about, that suddenly disappears ---- We've allowed a lot of questions to go unanswered. So I agree with Mr. DeLaney. We've seen this before at this particular property.

Mr. Hylton: So where does that leave this case? There is nothing mandated by law that compels disclosure of the substance of the settlement; so if this is not approved by the Board today, how could the Order be written?

Ms. Roslund asked if the case would just remain open if not approved, and **Ms. Balsam** confirmed that, yes, it would.

Mr. Barowitz pointed out that if voted down; the case would just remain unresolved.

Ms. Roslund: If we just vote yes on everything that's been withdrawn, without us understanding the reason why, it feels like we're just rubber-stamping these things.

Mr. Barowitz: I've been troubled by these stipulation agreements for years, because we don't have the facts. We then approve it without knowing what the agreement was. After reading all of these documents and explanations, I'm sometimes astounded to then find that the person has withdrawn.

Mr. Hylton: So the question is, is there a way for the Board to compel disclosure, and I think our lawyers are telling us no, is that correct?

Ms. Balsam: If we want more, we'd have to put something in the rules.

Mr. Hylton: But if there was a rule made today or tomorrow about this, would that affect this case?

Ms. Balsam: No.

Mr. Roche: I agree with my colleagues that it would be nice to have some of that information; however, I don't think we can somehow apply those wishes to this case. I think we have to change our policy at some point. I don't think we can make that request here, unless we're prepared to do it from here forward.

Mr. DeLaney: I'm prepared.

Ms. Balsam: People can withdraw their applications for a lot of reasons, so I'm wondering whether or not there could be unintended consequences. What if someone has a personal reason for withdrawing their application? Maybe they're getting divorced and moving somewhere else, or they just can't afford it. Do we really want to force them to say these things? So, it's something to think about. There could be reasons why someone is withdrawing their application that they don't want to disclose.

Mr. Hylton: And we don't know which party was the beneficiary in the stipulation agreement. It could have been good for both parties. We often assume the tenant is being taken advantage of, and that is true in many cases, but it's not always the case.

Mr. DeLaney: My reservation in this case is not because I'm convinced the tenant was taken advantage of. As I mentioned earlier, the problem is that when the building reaches a code-compliance milestone, the landlord is entitled to a percentage increase of the lawful rent, but we don't know what the lawful rent is. In my opinion, letting these things go through is kicking the hairball down the road, and the hairball only gets bigger as we get to it. If and when the building becomes legal, and Ms. Eli is still there, how do we then parse all that? It ends up being a big fight at that point in time. In this case, leaving this hang for a while doesn't seem to be that deleterious. Ms. Eli is or isn't paying the rent that was agreed upon, and the landlord doesn't seem to be screaming. So at the moment, I plan to vote no, so I can state why I'm voting no.

Mr. Barowitz asked if it would be possible to table the case until, perhaps in a month's time, more information is available.

Mr. Roche: Correct me if I'm wrong, but the only way to really solve this is by changing the rules. I'm not saying we shouldn't do that, but it's not going to happen within the next thirty or sixty days. So I return to what I originally said: we have to make the rule change and go forward from that point. That means this case could be hanging in limbo for months. We've been working on rule changes for almost two years.

Mr. Hylton: Right. And again, as Ms. Balsam explained, a rule change would not affect this case; it wouldn't be retroactive. So I don't think we should table it, as there is nothing more the staff can offer in terms of background information. And I think I can say that we all agree to some debate on this, yes? I think we should do that in the coming months, and you have my commitment to get that discussion started in the rules meetings.

Mr. Hernandez: My concern is, they've complied with what's required, and we have zero understanding of how this is affecting Ms. Eli. And if we delay this, we have no idea what, if any, negative impact this could have on Ms. Eli, simply because we want to make a point. The rules allow this to happen. If we don't agree with it, we have the power to change it. But right now, we have no ability to change this, so we'll leave this stuck in purgatory as months and months go by. I don't know that we can have a conversation with Ms. Eli; if we can ask her what happened.

Mr. Hylton asked Mr. DeLaney if the tenant had any recourse in terms of the rent issue.

Ms. Roslund: The landlord did roll back the rent to what Ms. Eli had discovered to be the true rent. But only moving forward, and she had been requesting a refund of the previous over-payment.

Mr. Barowitz: My problem is, I can neither vote for or against it, nor abstain, so...

Mr. Hylton: You can pass.

Mr. Barowitz: I can't in good conscience vote yes or no, because I don't have enough information to make a determination.

Mr. Hylton: The point we're trying to make is that you will never have enough information.

Mr. Hernandez: We could potentially be penalizing Ms. Eli.

Mr. Roche: It seems to me the Chairman's promise ought to give us a pass to let this go through, knowing that we will be addressing a possible change to this in the near future. I don't know why anyone would vote no on this particular case, when we've been doing this for years. Why single this one out?

Ms. Roslund: Some of us have been voting no on every one of these cases that has come before us in the past six months or so. Because you can't correctly assess the situation without all the facts.

Ms. Cruz: If the person wants to withdraw, that's the end of it. They don't want to litigate. For whatever reason, they don't want to go forward. So the application says. With respect to the rent, she can make any claims of overcharge at the end of the process. At the end of the process the owner will have a Notice of RGB Filing. When the owner files for rent adjustment at the end of the process, she can dispute it. She can say, no, this owner is only entitled to collect the \$2500.

Mr. Hylton: And by not voting, what's the impact?

Ms. Cruz: There's no impact right now, except that the case sits. Forever.

Mr. Hernandez reiterated that even if the Board does change the rule, it won't be retroactive, so Ms. Eli will never have this addressed.

Ms. Balsam: And if the building does legalize, this would be an open application, and we wouldn't be able to remove it.

Mr. Hylton: So my suggestion to the Board members is that right now we vote the law, not necessarily conscience, because there's nothing we can do to address the conscience issues, unless we have a real debate in the context of rule-making going forward. But I think this is a great start toward addressing the issue, and it has motivated us to put something into the rules. Does anyone have any other comments?

Ms. Torres-Moskovitz: If it doesn't pass, will we see it again next month?

Mr. Hylton: We can put it on again next month, yes. We can vote now and see if it passes, or bring it back next month. I'll agree to one month.

Mr. Hernandez: What would be the purpose of delaying this a month? To give us more time to reflect? Because I'm concerned that we'll just have the same conversation again next month.

Ms. Roslund: We probably will.

Mr. DeLaney: I have no instinct either way in terms of whether or not raising this issue is doing anything good or bad for Ms. Eli. My experience has been that, on certain types of issues, change at the Loft Board is incremental; and sometimes it requires burr under the blanket of the Loft Board to do that. For example, we had a couple of cases that were on the ropes for a few months, and then low-and-behold, we had more Board members here, and they were passed over some no votes. If we had nine members here today, we may be able to move this forward. I would be interested to hear what the Chairman is considering in terms of a discussion in the rule-making process.

Mr. Hylton said he expected the discussion to be about what could be presented as additional information in these kinds of situations. And that would have to be put into the rule. (He continued) I can't say, you can't have settlements. But is the Board going to say that certain details of the settlements must always be disclosed?

Ms. Balsam: It's not a settlement, it's a withdrawal. We have information about the settlement.

Mr. Hylton asked if there were any other comments (none).

The vote:

Members concurring: Mr. Roche, Mr. Hernandez, Chairperson Hylton

Members dissenting: Mr. DeLaney, Ms. Torres, Ms. Roslund, Mr. Barowitz

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

Mr. Hylton: The motion does not carry.

The Master Calendar:

Mr. Hylton: There are six cases on the Master Calendar. The first case is

	Applicant(s)	Address	Docket No.
9	Alexander Kosolapov	58 East 11 th Street, Manhattan	TN-0222

Ms. Cruz will present this case.

Mr. Hylton thanked Ms. Cruz and asked for a motion to accept the case.

Ms. Roslund motioned to accept this case, and **Mr. Barowitz** seconded.

Mr. Hylton asked if there were any comments on the cases.

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

The Loft Board remands the application to OATH for adjudication of Tenant's noncompliance application and if applicable, a recommendation for a fine against Owner pursuant to 29 RCNY § 2-11.1.

Mr. Hylton: The next case on the Master Calendar is

	Applicant(s)	Address	Docket No.
10	Stavit Allweis, Ria Katz and Nachson Peleg	199-201 North 8 th Street, Brooklyn	TR-1170

Mr. Clarke will present this case.

Mr. Hylton thanked Mr. Clarke and asked for a motion to accept the case.

Mr. DeLaney motioned to accept these cases, and **Mr. Barowitz** seconded.

Mr. Hylton asked if there were any comments on the cases.

Ms. Torres-Moskovitz wanted to go on the record about her attendance at a community board meeting at which this landlord rose to speak. When she did so, Ms. Torres-Moskovitz left the room, to prevent any possibility of hearing anything she shouldn't.

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: Ms. Roslund

The Loft Board deems Ms. Katz’s protected occupancy claim withdrawn without prejudice.

The Loft Board finds the Building to be an IMD pursuant to MDL § 281(5), containing four covered units: the Unit, two units on the third floor, and one unit on the fourth floor. The Unit includes the front, middle and rear portions of the second floor and the rear hallway. The front public hallway, the rear stairwell, the elevator, and the elevator mechanical room, all on the second floor, are not covered.

Tenants are the protected occupants of the Unit.

The Loft Board hereby directs Owner to register the covered units with the Loft Board within 30 days of the mailing date of this Order. If Owner fails to register and pay the applicable fees within 30 days of the mailing date of this Order, the Loft Board directs the staff to:

- Issue an IMD registration number for the Building;
- List the units as IMD units and Tenants as the protected occupants of the Unit; and
- Collect applicable registration fees and late fees if any.

Mr. Hylton announced that of the remaining four cases on the Master Calendar, number 11 (below) would be tabled.

	Applicant(s)	Address	Docket No.
11	W28 Street Holding LLC	40 West 28 th Street, Manhattan	LE-0653 and RA-0015

Mr. Hylton: The next three cases on the Master Calendar are removal cases and are voted on as a group.

	Applicant(s)	Address	Docket No.
12	Malach Premises Trust	104-106 Green Street, Brooklyn	LE-0674
13	95 Grand Street LLC	95 Grand Street, Manhattan	LE-0707
14	39 Ainslie Street LLC	39 Ainslie Street, Brooklyn	LE-0714

Mr. Hylton asked for a motion to accept these cases.

Mr. DeLaney motioned to accept these cases, and **Ms. Torres-Moskovitz** seconded.

Mr. Hylton asked if there were any comments on the cases.

Ms. Torres-Moskovitz: For the public record, can we state what the new status of each of these units will be?

Ms. Balsam reported:

104-106 Green Street: Originally six units. All are remaining residential. Two are market rate and four are rent-regulated.

95 Grand Street: Four residential units, all market-rate

39 Ainslie Street: Two units, both of which are market rate.

Mr. Hylton asked if there were any other comments (none).

The vote:

Members concurring: Mr. Barowitz, Mr. Roche, Mr. Hernandez, Mr. DeLaney, Ms. Torres, Ms. Roslund, Chairperson Hylton

Members dissenting: 0

Members abstaining: 0

Members absent: Mr. Carver, Mr. Schachter

Members recused: 0

Mr. Hylton asked if there were any additional comments before closing the meeting (none).

Mr. Hylton: This will conclude our September 19, 2019, Loft Board meeting. Our next public meeting will be held on Thursday, October 17, 2019, at 2:00PM at 22 Reade Street, Spector Hall.

The End