

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

January 21, 2016

The meeting began at 2:05 p.m. The attendees were Elliott Barowitz, Public Member; Chief Spadafora, Fire Department Representative; Chairperson Alexandra Fisher; Chuck Delaney, Tenants' Representative; Gina Bolden-Rivera, Public Member; Daniel Schachter, Public Member and LeAnn Shelton, Public Member.

INTRODUCTION

Chairperson Fisher welcomed those present to the January 21, 2016 public meeting of the New York City Loft Board.

VOTE ON NOVEMBER 19, 2015 MINUTES

Motion: Ms. Shelton moved to accept the November 19, 2015 meeting minutes. Chief Spadafora seconded the motion.

Members Concurring: Mr. Barowitz, Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Schachter, Ms. Shelton (7).

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Alexander reported that as of the date of the meeting, the Loft Board has docketed 29 coverage applications since the Legislature amended the Loft Law to temporarily lift the statute of limitations on filing for coverage.

Ms. Alexander had previously distributed statistics regarding the building milestones for the buildings in the Loft Board's jurisdiction to the Board. **Ms. Alexander** stated that as of the date of the meeting, there are 332 buildings in the Loft Board's jurisdiction, of which 231 are buildings registered under Multiple Dwelling Law ("MDL") § 281(1) and (4) and 101 are buildings registered under MDL § 281(5).

Ms. Alexander reported that out of the 101 buildings registered under MDL § 281(5): 6 have certificates of occupancy, up 3 from November 2015; 4 have temporary certificates of occupancy, down 1 from November 2015; 11 have permits, up 1 from November 2015; 7 have finished the narrative statement process and have not pulled a permit, up 3 from November 2015; 37 are in the open narrative statement category, up 3 from November 2015; 12 have filed their alteration type 1 application, down 5 from November 2015; and 24 have not filed their alteration type 1 application, up 1 from November 2015.

Ms. Alexander also reported on the Loft Board's staffing turnover. Last month, Faaqqa Ahmad, who was the Loft Board's project manager, moved from the Loft Board to become an assistant plan examiner in Brooklyn. The Loft Board wishes Ms. Ahmad much success in her new position. In addition, Deborah Fremder, one of the Loft Board attorneys would be leaving the Loft Board, moving on to the Department of Environmental Protection. The Loft Board thanks Ms. Fremder for her years of service to the Loft Board, as well as to the Department of Buildings, where she twice assisted with the Department of Buildings' code revisions. The Loft Board wishes Ms. Fremder much success in her new position. **Ms. Alexander** also thanked Ms. Elaine Kong, the Loft Board's wonderful college intern, for her help during the winter break. Finally, **Ms. Alexander** reported that the Loft Board has hired two new part-time employees from "Re-Serve", an organization that places retirees who are still interested in contributing part-time work. Both of these part-time employees are accountants and will be assisting the Loft Board in calculating the rent adjustment pass along costs for the building owners that have requested them.

Ms. Alexander had also previously sent the Board members information regarding several Article-78 proceedings. There were 8 Article-78 proceedings involving Loft Board applications filed in 2015. One of the cases settled and the Loft Board has received three decisions.

Ms. Alexander also took the time to discuss two questions posed by two of the Board members.

Mr. Schachter asked about extension applications and whether the Loft Board denies them all. **Ms. Alexander** mentioned that the reason why the Board Members only see denials is because the denials are appealed to the full Board, whereas the extension applications that are granted, are not appealed and do not go before the them. **Ms. Alexander** stated that in order to receive an extension, an owner must demonstrate that the necessity for the extension arose from conditions or circumstances beyond the owner's control, and that the owner has made good faith efforts to meet the code compliance timetable requirements. In addition, **Ms. Alexander** stated that the majority of the extension applications are filed by owners of new buildings registered under MDL § 281(5), and most of the extension applications granted are based upon the "new owner" exception, as laid out in Title 29 of the Rules of the City of New York § 2-01(b)(1)(i).

Ms. Bolden-Rivera asked about the age of summary cases, and why the Loft Board is just getting to some older cases now. **Ms. Alexander** stated that as a general rule, the staff reaches the oldest cases first. However, if there are a number of cases for the same building, the staff brings them to the Board together, thus some cases must wait for the companion cases. In addition, many of the summary cases have settlements with terms that require either owner to register the building and or unit, tenants to vacate their units by a certain date, or owner providing monetary consideration. In those instances, the Loft Board staff not bring the case to the Board until it has confirmed that the terms of the settlement have been fulfilled. For the cases on today's agenda, 6 out of 10 needed confirmation that the tenants vacated; 2 needed a registration application; 1 was very recent; and 1 was a mistake and should have been on the November 2015 calendar.

Mr. Delaney asked whether of the 29 new coverage cases filed since the Legislature temporarily lifted the statute of limitations on filing for coverage the cases are new buildings or new units in an otherwise already covered building? **Ms. Cruz** stated that she believes these are new buildings. In addition, **Mr. Delaney** asked if it would be possible for the Loft Board to receive statistics on how many extension applications are filed, how many are granted and on what basis and how many are denied and on what basis.

Ms. Alexander stated that the staff will provide the Board members with the actual numbers.

DISCUSSION AND VOTE ON APPEAL/RECONSIDERATION CALENDAR CASES

1.	Bowery 21921 LLC	219-221 Bowery	AD-0077
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Motion: Mr. Delaney moved to accept the proposed order. Mr. Schachter seconded the motion.

Members Concurring: Mr. Barowitz, Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Schachter, Ms. Shelton (7).

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

2.	Ronica Mukerjee	134-136 Bowery	PO-0012
3.	Cinde Boutwell Meade, David Meade, Erin O'Donnell, Harvey Jaswal, Alan Lucey, Paul Cox, Anne Rogers, Richard Shaffer, Selma Cifka Calapez, Luca Bigini, Steven Thompson, Matthew Gribbon, Kelly Kreye, David Rosenzweig, John Grburek, Erin Hewgley, Terry Glispen, Joseph Burwell, Julie Guez, Bryan Kasenic and Seze Devres	258-270 Metropolitan Avenue, Brooklyn	TR-0882
4.	Eric Richard Buechel, Kathleen Ann Luker, Terese Monica Paolini and Sean Monahan	324 Canal Street	TR-1071
5.	Asa Clark, Anderienna Lunden, Hikari	1109 Dekalb Avenue, Brooklyn	TR-1117

	Tezuka and Nick D'ambrosia		
6.	Poonam Khanna-Bastin and Paul Bastin	57 Jay Street, Brooklyn	TR-1136
7.	Samuel Anderson	83-91 Meserole Street, Brooklyn	TR-1169
8.	Jerid Fortney	104-106 Green Street, Brooklyn	TR-1178
9.	Nicolas Locke	7 Dunham Place, Brooklyn	TR-1206
10.	Glenn Edwards	360-362 Broadway	TR-1241
11.	Mark Bloom	360-362 Broadway	TR-1254

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

Members Concurring: Mr. Barowitz, Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Schachter, Ms. Shelton (7).

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

12.	Matter of Romano	265-271 Douglass Street, Brooklyn	TR-0906
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Motion: Mr. Barowitz moved to accept the proposed order. Chief Spadafora seconded the motion.

Members Concurring: Mr. Barowitz, Chief Spadafora, Chairperson Fisher, Ms. Bolden-Rivera, Mr. Schachter, Ms. Shelton (6).

Members Dissenting: Mr. Delaney (1).

DISCUSSION AND VOTE ON REMOVAL CALENDAR CASES

13.	31-33 2 nd Avenue Owner, LLC	31-33 Second Avenue	LE-0651
14.	Lightstone Acquisitions II, LLC	94 Fulton Street	LE-0664

Motion: Ms. Bolden-Rivera moved to accept the proposed orders. Ms. Shelton seconded the motion.

Members Concurring: Mr. Barowitz, Chief Spadafora, Chairperson Fisher, Mr. Delaney, Ms. Bolden-Rivera, Mr. Schachter, Ms. Shelton (7).

Chairperson Fisher concluded the January 21, 2016 Loft Board public meeting at 2:35 pm and thanked everyone for attending. The Loft Board will hold its next public meeting at Spector Hall, 22 Reade Street, on February 18, 2016 at 2 p.m.