

**MINUTES OF PUBLIC MEETING  
New York City Loft Board Public Meeting Held at  
22 Reade Street, 1<sup>st</sup> Floor  
Spector Hall**

**September 19, 2013**

The meeting began at 1:05 p.m. The attendees were Gina Bolden-Rivera, Public Member; Chief Ronald Spadafora, Fire Department Representative; Chuck Delaney, Tenants' Representative; Matthew Mayer, Owners' Representative; Le Ann Shelton, Public Member; Elliott Barowitz, Public Member, Daniel Schachter, Public Member; and Chairperson Robert LiMandri

**INTRODUCTION**

**Chairperson LiMandri** introduced himself and welcomed those present to the September 19, 2013 public meeting of the New York City Loft Board.

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**VOTE ON JULY 18, 2013 MINUTES**

**Motion:** Mr. Delaney moved to accept the July 18, 2013 minutes. Mr. Mayer seconded the motion.

**Members Concurring:** Barowitz, Mayer, Spadafora, LiMandri, Delaney, Bolden-Rivera, Shelton (7)

**Members Absent:** Foggin (1)

**Members Abstained:** Schachter (1)

Adopted by the Loft Board on September 19, 2013.

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**REPORT OF EXECUTIVE DIRECTOR**

The Executive Director presented a breakdown of pending cases by application type and status.

**Ms. Alexander** reported that there are 288 cases pending. Of these, 190 are coverage applications, and 98 are non-coverage applications. The breakdown of cases by application type and status is:

- Breakdown of Cases by Application Type:
  - 1 Administrative Appeal Case;
  - 15 Extension Applications;
  - 1 Landlord Initiated Rent Dispute Application;
  - 9 Abandonment Cases;
  - 5 Landlord Initiated Contest of Coverage;
  - 24 Removal Cases;
  - 3 Challenge to Propose Sale of Improvements;
  - 1 De-coverage of Unit building;
  - 1 Unreasonable Interference;
  - 2 Access;
  - 1 Reconsideration;
  - 3 Code Compliance Rent Adjustments;
  - 7 Tenant Initiated Rent Disputes;
  - 2 Prime Leasee Compensation for Improvements;
  - 8 Harassment Applications;
  - 10 Dimension of Services; and
  - 5 Non-Compliance with Code Compliance Deadlines.
  
- Breakdown of Cases by Status:
  - 43 Non-Oath Cases
    - 1 Administrative Appeal;

- 3 Code Compliance Rent Adjustment Applications;
  - 24 Removal Cases; and
  - 15 Extension Applications.
- 230 Cases are in the Administrative Process:
  - 19 cases are in the Pre-Oath status
    - 3 Cases are incomplete or defective in their applications
    - 15 Cases are in the Answer Period
    - 1 Case is ready for Oath.
- 120 Pending at OATH.
- 91 Returned from OATH (post-Hearing/Settlement)
  - 35 Master Cases:
    - 5 Abandonment
    - 2 Non-Compliance with Code Compliance Cases
    - 1 Dimension of Services
    - 24 Coverage Cases
    - 2 Tenant Initiated Rent Disputes
    - 1 Challenge to Proposed Sale of Improvements.
  - 56 Summary Cases:
    - 1 Non-Compliance with Code Compliance Deadlines
    - 44 Coverage Cases
    - 1 Access Application
    - 1 Landlord Initiated Rent Dispute
    - 1 Tenant Initiated Rent Dispute
    - 2 Prime Lease Compensation for Improvements
    - 1 Landlord Initiated Contest of Coverage
    - 3 Dimension of Services
    - 2 Harassment Cases
    - 3 Cases in Litigation
- 3 cases are in litigation, 4 cases are part of a Conference conducted by the Loft Board staff, and 7 cases will be presented today for discussion and vote.

**Ms. Alexander** presented a breakdown of the Loft Board buildings' milestones.

- The summary of milestones reached by all 326 buildings in the Loft Board's jurisdiction was as follows:
  - 37 buildings obtained a certificate of occupancy with 17 pending removal applications and 20 that have no removal application pending;
  - 99 buildings with either a temporary certificate of occupancy or 7-B certification; 37 having a TCO and 62 with a 7-B certification;
  - 102 buildings were in the permit stage;
  - 52 buildings were in the narrative statement process: 15 had received certification and 37 were still in the process; and
  - There were 10 buildings with alteration type 1 filings; and
  - There were 26 buildings that had not filed an alteration type 1 as of yet.
- The second summary broke down § 281(1)(4) and § 281 (5) buildings as follows: There are 255 § 281(1)(4) buildings and 71 § 281(5) buildings.
  - Of the 37 buildings that had obtained a certificate of occupancy at set forth above, 35 were § 281(1)(4) buildings. Two of the § 281 (5) buildings had reached this milestone;

- Of the 99 buildings with either a temporary certificate of occupancy (TCO) or 7-B certification: 33 of the § 281(1)(4) and 4 of the §281(5) had a TCO; and 61 of the § 281(1)(4), and 1 of the § 281(5) buildings had 7-B certification;
- Of the 102 buildings with permits: 97 were § 281(1)(4) buildings, and 5 were § 281(5) buildings;
- Of the 52 buildings in the narrative statement process: 13 of the § 281(1)(4) buildings and 2 of the § 281(5) buildings had received certification, and 14 of the § 281(1)(4) and 23 of the § 281(5) buildings were still in the narrative statement process; and
- There were 10 § 281(5) buildings with alteration type 1 filings; and
- There were 2 § 281(1)(4) buildings and 24 § 281(5) buildings that had not filed an alt 1 as of yet.

**Ms. Alexander** reported that the Department of Buildings will assign designated Plan Examiners for Loft Board plan exams in Brooklyn and Manhattan. The designated Plan Examiners will help to streamline the review procedure and move the IMD buildings through the review process more quickly.

**Ms. Alexander** reported that the Loft Board Rules became effective on September 11, 2013. The rules will be available for reference on the Loft Board’s website; the official McKenney’s publication will not be available until March of 2014.

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**DISCUSSION AND VOTE ON SUMMARY CASES**

|    |                                 |                                |         |       |
|----|---------------------------------|--------------------------------|---------|-------|
| 1. | Mark Dann                       | 358 Broadway                   | TR-0812 | MC/MC |
| 2. | Edward Bass                     | 358 Broadway                   | TR-0819 | MC/MC |
| 3. | Keith Sirchio and Kate Mattison | 70 Commercial Street, Brooklyn | TR-0830 | MC/MC |
| 4. | Peter and Amy Spagnuolo         | 70 Commercial Street, Brooklyn | TR-0942 | MC/MC |
| 5. | Masanobu Motoya                 | 338 Berry Street, Brooklyn     | TR-1007 | MC/MC |
| 6. | Karl Francke                    | 235-237 Kent Avenue, Brooklyn  | TR-1069 | MC/MC |

**Motion:** Ms. Shelton moved to accept the proposed orders. Mr. Barowitz seconded the motion.

**Members Concurring:** Barowitz; Mayer; Spadafora; LiMandri; Delaney; Bolden-Rivera; Schachter; Shelton (8)

**Members Absent:** Foggin (1)

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**DISCUSSION AND VOTE ON MASTER CASE**

|    |              |  |         |       |
|----|--------------|--|---------|-------|
| 8. | Angela Wyman | 167 North 9 <sup>th</sup> Street, Brooklyn | TR-0802 | MC/MC |
|----|--------------|--|---------|-------|

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

**Members Concurring:** Barowitz; Mayer; Spadafora; LiMandri; Delaney; Bolden-Rivera; Schachter; Shelton (8)

**Members Absent:** Foggin (1)

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**Chairperson LiMandri** concluded the September 19, 2013 Loft Board public meeting at 1:35 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on October 17, 2013 at 1:00 p.m.