

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

April 18, 2013

The meeting began at 1:12 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Chief Ronald Spadafora, Fire Department Representative; Chuck Delaney, Tenants' Representative; Daniel Schachter, Public Member; Mark Foggin, Manufacturing Representative; Matthew Mayer, Owners' Representative; and Chairperson designee Susan Pogoda.

INTRODUCTION

Chairperson Pogoda introduced herself and welcomed those present to the April 18, 2013 public meeting of the New York City Loft Board.

VOTE ON MARCH 21, 2013 MINUTES

Motion: Mayer moved to accept the March 21, 2013 minutes. Ms. Bolden-Rivera seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, Pogoda, Bolden-Rivera, Foggin, Schachter, (7)

Members Absent: Shelton, Delaney (2)

Adopted by the Loft Board on April 18, 2013.

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander distributed the Loft Board's Regulatory Agenda for the 2014 fiscal year. She explained that it was necessary to publish the Regulatory Agenda because it was not certain whether the rules would be enacted before the end of the 2013 fiscal year. **Ms. Alexander** stated that Loft Board rules 1-06.1, 2-01, 2-01.1, 2-03, 2-08, 2-01.1 and 2-12 had been published in the City Record on April 15, 2013. The rules were also posted on NYC RULES and the Loft Board website. The public hearing for these rules is scheduled to take place during the May 16, 2013 Loft Board meeting. The date of final enactment of all of the amended Loft Board rules will depend on whether the Loft Board members vote to accept the amendments at the May 16, 2013 meeting or decide to defer the vote until the next meeting.

Ms. Alexander presented two compliance milestone summaries:

- The first was a summary of the compliance milestone reached by the 330 buildings in the Loft Board's jurisdiction.
 - Of these 36 buildings have a certificate of occupancy (22 with removal applications pending);
 - 97 buildings have either a TCO (32) or 7-B Compliance (65); 104 buildings have permits;
 - 17 buildings have completed the narrative statement process but have not yet obtained a permit, and 38 are still in the narrative statement process;
 - Seven buildings have filed for an Alt. 1 permit; and
 - 31 buildings have not done anything since registering with the Loft Board.
- The second broke down the numbers by which section of Multiple Dwelling Law ("MDL") § 281 they entered Loft Board jurisdiction.
- There are 262 MDL § 281(1)(4) buildings in the Loft Board's jurisdiction.
 - Of these 36 buildings have a certificate of occupancy (22 with removal applications pending);

- 94 buildings have either a TCO (30) or 7-B Compliance (64);
 - 100 buildings have permits;
 - 15 buildings have completed the narrative statement process but have not yet obtained a permit, and 15 are still in the narrative statement process;
 - 0 buildings have filed for an Alt. 1 permit; and
 - two buildings have not done anything since registering with the Loft Board.
- There are 68 MDL § 281(5) buildings.
 - Of these 0 buildings have a certificate of occupancy;
 - three buildings have either a TCO (2) or 7-B Compliance (1); four buildings have permits;
 - two buildings have completed the narrative statement process but have not yet obtained a permit, and 23 are still in the narrative statement process;
 - seven buildings have filed for an Alt. 1 permit; and
 - 29 buildings have not done anything since registering with the Loft Board.

Ms. Alexander presented the applications summary. She stated that there were a total of 307 applications pending with the Loft Board.

- Two hundred and seven were coverage applications;
- One hundred were non-coverage applications.
- Of the applications that the Loft Board refers to the Office of Administrative Trials and Hearings (“OATH”) 29 are in the pre-OATH category:
 - seven filings are incomplete or defective;
 - four in the answer period; and
 - 18 to be transferred.
- One hundred and eight applications at OATH;
 - Ninety coverage and 18 non-coverage.
- There are 110 applications which have been returned from OATH.
 - Forty-two are summary cases;
 - 56 are master cases (37 of which are from the same building.)
- There are 50 non-OATH applications; and
- Ten are miscellaneous applications.

Mr. Foggin asked how long it usually takes for an application to make its way through the OATH process.

Ms. Cruz replied that it could take anywhere from a month if the case settles quickly to three years if there is extensive litigation. **Mr. Mayer** observed that the length of time it took to for the termination of harassment cases to reach the Board was discouraging and asked if there was any discretion about what goes to OATH or if the Loft Board can make an administrative finding.

Ms. Alexander stated that even in cases such as the one before the Board, where there was an inquest, a fact finding hearing still must be held either before an OATH judge or a Loft Board impartial hearing officer, which the Loft Board no longer has. Nor does the Executive Director have the authority to make such a decision or recommendation. **Ms. Cruz** stated that while it is the Loft Board’s practice to bring cases to the Board based on filing date, certain applications, such as harassment, access and unreasonable interference get priority.

Ms. Alexander distributed a chart that contained information regarding the 290¹ coverage applications received by the Loft Board under MDL § 281(5). In response to **Mr. Foggin’s** observation that the 290 number differed from the 207 coverage application number given earlier, Ms. Alexander stated that the 290 number represented all of the coverage applications filed with the Loft Board since the expansion of the Loft Law, while the 207 number represented the number of coverage applications pending.

¹ This number has been corrected.

Ms. Alexander further stated that three of the coverage applications were filed by tenants who resided in buildings that had previously been registered with the Loft Board, had obtained a certificate of occupancy, and had left the Loft Board's jurisdiction. Nineteen of the applications were filed by tenants who resided in buildings that had entered the Loft Board's jurisdiction under § 281(1) or (4) and were currently in the Loft Board's jurisdiction. The remaining 258 applications were filed by tenants who resided in 124 buildings that had not been registered with the Loft Board as of the date of the expansion of the Loft Law. **Ms. Alexander** also stated that as of December 2012, the number of units that had been registered as a result of a coverage application was 464 and as of April 2013 has risen to 635.

Ms. Alexander then asked if there were any comments or questions regarding the Frequently Asked Questions that she had previously distributed. **Mr. Delaney** suggested that we add a section on the legalization process; add the time limit for coverage applications and registrations; and asked that the section on subtenants be re-worded.

Ms. Alexander stated that the five-year report was not ready for publication. She distributed some charts that she contemplated using in the report to get the Board's comments. One chart showed that the issuance of Loft Board Certifications, which are issued once the narrative statement is completed and the owner clears the Department of Buildings objection sheet had increased from 15 in 2007 to 37 in 2012. Several of the Board Members indicated that they were not familiar with what occurred at a narrative statement conference and **Ms. Alexander** gave a brief overview of the process.

Ms. Alexander reported that there were 55 calls for inadequate heat during this year's heat season. Of these, six were from tenants who lived in building that were not in the Loft Board's jurisdiction and were referred back to HPD. Twenty nine tenants called more than once. Two buildings lost heat and power due to Hurricane Sandy. Inspector Sood issued four violations and the owner either cured within the seven days or was making a good faith effort to cure. Thirty-four of the buildings had their heat restored either on the day of the heat complaint, or within two days.

Finally, Ms. Alexander informed the Board that Donald Ranchte, Director of Community Affairs, had scheduled three community outreach programs in the Bronx. On April 25th, Ms. Alexander and Ms. Bender will attend Community Board 1's Board Meeting at the Board's office on Third Avenue. On May 28th, Ms. Alexander and Ms. Cruz will attend Community Board 4's Board Meeting at the Bronx Museum of Arts. On June 5th, Ms. Alexander and Ms. Cruz will attend Community Board 2's Board Meeting that was previously scheduled for April 24th, at the St. Athanasius School located at 830 Southern Boulevard.

DISCUSSION AND VOTE ON SUMMARY CALENDAR

1.	Abe David Equities	141 Spencer Street, Brooklyn	LC-0162	MC/MC
2.	151 Spring Realty, LLC	151 Spring Street	LF-0131	MC/MC
3.	Douglas Porter	1083-1095 Flushing Avenue, Brooklyn	TR-0902	MC/MC
4.	Martina Gratale	70 Commercial Street, Brooklyn	TR-0944	MC/MC
5.	David Gerson	385-387 Troutman Street, Brooklyn	TR-0967	MC/MC
6.	John McDonald	385-387 Troutman Street, Brooklyn	TR-0979	MC/MC

Motion: Mr. Mayer moved to accept the proposed orders. Mr. Foggin seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, Pogoda, Bolden-Rivera, Foggin, Schachter, Delaney, (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE ON MASTER CALENDAR

7.	Triad Capital, LLC	13 East 17 th Street	LT-0010	MC/MC
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Motion: Mr. Mayer moved to accept the proposed orders. Mr. Delaney seconded the motion.

Members Concurring: Barowitz, Spadafora, Mayer, Pogoda, Bolden-Rivera, Foggin, Schachter, Delaney, (8)

Members Absent: Shelton (1)

8.	Rudolf Alonzo	502 West 44 th Street	LT-0012	MC/MC
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Motion: Mr. Foggin moved to accept the proposed orders. Mr. Mayer seconded the motion.

Members Concurring: Barowitz, Spadafora, Mayer, Pogoda, Bolden-Rivera, Foggin, Schachter, Delaney, (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE ON MASTER CALENDAR

9.	Hawthorne Village, LLC	195-201 Front Street aka 220 Water Street, Brooklyn	LE-0601	MC/MC
10.	Giel Millner	24 Harrison Street	LE-0610	MC/MC

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

Members Concurring: Barowitz, Spadafora, Mayer, Pogoda, Bolden-Rivera, Foggin, Schachter, Delaney, (8)

Members Absent: Shelton (1)

Chairperson Pogoda concluded the April 18, 2013 Loft Board public meeting at 2:40 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, May 16, 2013 at 1:00 p.m.