



NEW YORK CITY LOFT BOARD

100 Gold Street, 2nd Floor
New York, New York 10038
Tel: (212) 788-7610 • Fax: (212) 788-7501
www.nyc.gov/html/loft



MARC RAUCH
Chairperson

LANNY R. ALEXANDER
Executive Director

DATE: May 15, 2009
DOCKET: LE-0303
RE: 16-18 East 30th Street
IMD No.: 10361

To the Parties:

Enclosed please find a copy of the proposed order that will be presented to the Loft Board with the report and recommendation. Please be advised that this matter will be placed on agenda and presented to the Loft Board for a final determination at its **Thursday, May 21, 2009** meeting, which is open to the public, pursuant to Public Officers Law § 103. The meeting will be held at 22 Reade Street, 1st Floor, Spector Hall, New York, New York at 2pm.

The proposed order, which may be accepted, rejected or modified by the Board at its meeting, is forwarded to you in compliance with the requirements of §1046(f) of the City Administrative Procedure Act and to keep you informed of the progress of the case.

Neither §1046 (f) nor Loft Board regulations provide the parties with an opportunity to submit additional evidence or to contest the proposed order prior to its presentation to the Board. Moreover, the Board is required to make its determination based on the evidence, and legal arguments presented to the hearing officer and is not permitted to consider any additional evidence or arguments at this point in the proceedings.

When the Board issues a final order, it will be mailed to you. The Board Order is final for purposes of filing applications for reconsideration pursuant to 29 RCNY §1-07 and for judicial review.

Very truly yours,

Edith Nicolas

Enclosure

Proposed Order

NEW YORK CITY LOFT BOARD

In the Matter of the Loft Board Initiated Application Concerning

16-18 EAST 30TH STREET

Loft Board Order No.

Docket No. LE-0303

**RE: 16-18 East 30th Street
New York, New York**

IMD No. 10361

ORDER

The New York City Loft Board ("Loft Board") accepts the Report and Recommendation of Director of Hearings Martha Cruz dated April 21, 2009.

On January 12, 1988, the New York City Department of Buildings issued a final certificate of occupancy for 16-18 East 30th Street, New York, New York ("Building"), under certificate number 91518. The owner of the Building, Design and Comfort ("Owner"), is in compliance with Multiple Dwelling Law ("MDL") § 284(1).

A final rent adjustment is not necessary for the building located at 16-18 East 30th Street, New York, New York ("Building") because sales of improvements and rights pursuant to Multiple Dwelling Law ("MDL") §§ 286(6) and (12) were executed for all of the units. Declaration of Intent forms were filed for two of the six IMD units, units 3W and 4W, stating an intention to use the units for non-residential purposes. An inspection of these units revealed that the units were vacant and contained no residential fixtures.

Consequently, pursuant to MDL § 286(12), none of the IMD units are subject to rent regulation and pursuant to Title 29 of the Rules of the City of New York §2-10(c)(1)(i), Owner is no longer subject to the legalization requirements of Article 7-C of the Multiple Dwelling Law for units 3W and 4W.

Effective thirty-five days from the date of this Order, the Building is no longer an IMD building and is no longer under the jurisdiction of the Loft Board.

DATED: May 21, 2009

**Marc Rauch
Chairperson**

DATE LOFT BOARD ORDER MAILED:

NEW YORK CITY LOFT BOARD

In the Matter of the Loft Board Initiated Application Concerning

16-18 EAST 30TH STREET

REPORT AND RECOMMENDATION

Docket No. LE-0303

**RE: 16-18 East 30th Street
New York, New York**

IMD No. 10361

MARTHA CRUZ, DIRECTOR OF HEARINGS

BACKGROUND

On January 12, 1988, the New York City Department of Buildings issued a final certificate of occupancy for the building located 16-18 East 30th Street ("Building") under certificate number 91518. The final certificate of occupancy listed the description of the four residential IMD units as "Lofts - Article 7B." Pursuant to Title 29 of the Rules of the City of New York ("29 RCNY") § 2-01(i)(1), the then owner of the Building was eligible to apply for rent adjustments based on the costs of code compliance and rent guidelines board ("RGB") increases.

On May 24, 1988, Danny Leopold, the then-owner, filed a rent adjustment application based on code compliance costs. After requests from the Loft Board's staff for additional information went unanswered, the Loft Board dismissed the rent adjustment application with prejudice. *See, Matter of the Application of Danny Leopold*, Loft Board order No. 950 (Sept. 28, 1989).

On October 18, 2000, the New York City Loft Board ("Loft Board") initiated this application seeking removal of the Building from its jurisdiction.

ANALYSIS

According to Loft Board records, the Building was originally registered on January 25, 1983. The registration form listed six units in the Building - two units on the third floor, two on the fourth floor, and two on the fifth floor. On January 12, 1988 a final certificate of occupancy was issued for the Building under certificate number 91518, which listed the four residential IMD units as "Lofts" with "Article 7B," thus the Owner is in compliance with Multiple Dwelling Law ("MDL") § 284(1). *See, Application of Teliman Holding Corp.*, Loft Board Order No. 2052 (Jan. 9, 1997); *Application of Halebid Corp.*, Loft Board Order No. 585 (Apr. 30, 1987).

Loft Board records show that sales of rights pursuant to MDL § 286 (12) were executed on:

1. December 17, 1984 for unit 4W between the previous owner, Danny Leopold and former occupants Bruce Emery and Fred Picariello for Luigi Picariello;
2. December 5, 1985 for unit 3W between the previous owner, Danny Leopold and the former occupant Robert F. Pascazio;
3. December 9, 1988 for unit 4E between the previous owners, Danny Leopold and Ira Sesardi and former occupants Robert Barsamian and Katherine Snedeker;
4. November 1, 1990 for unit 5W between the previous owner, Danny Leopold and the former occupant Nicholas Aristovulos;
5. February 1, 2003 for unit 3E between the previous owner Danny Leopold and the former occupant Melcon Tashian; and
6. November 11, 2008 for unit 5E between the previous owner, LHG Group LLC and the former occupant Maryann Eckels.

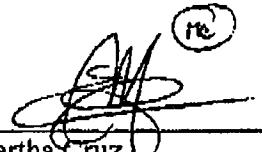
Loft Board records also show that sales of improvements pursuant to MDL § 286 (6) were executed for units 3W, 4E, 5W, 3E and 5E on the dates and between the same parties mentioned above.

On April 13, 2008, Declarations of Intent were filed for units 3W and 4W. Loft Board staff inspected both units on April 20, 2009. The units were vacant and all residential plumbing fixtures had been removed.

Pursuant to MDL § 286(12), none of the IMD units are subject to rent regulation and pursuant to Title 29 of the Rules of the City of New York § 2-10(c)(1)(i), the Owner is no longer subject to the legalization requirements of Article 7-C of the Multiple Dwelling Law for the non-residential units 3W and 4W.

RECOMMENDATION

Based on the foregoing, I recommend that the Loft Board determine that the Owner of the building located at 16-18 East 30th Street in New York, New York is no longer subject to the legalization requirements of Article 7-C pertaining to units 3W and unit 4W of the Multiple Dwelling Law and that none of the registered IMD units are subject to rent regulation.



RE
Martha Cruz
Director of Hearings

DATED: April 21, 2009