

LAW OFFICE

Goodfarb & SandercocK, LLP

110 East 59th Street - 22nd Floor

New York, New York 10022

(212) 509-0440

FAX (212) 509-0464

ADAM D. GOODFARB

ADG@GOODFARB.LAW.COM

MARGARET B. SANDERCOCK GOODFARB

MBS@GOODFARB.LAW.COM

ELIZABETH SANDERCOCK

ES@GOODFARB.LAW.COM

WHITE PLAINS OFFICE

235 MAIN STREET - PH

WHITE PLAINS, NY 10601

June 20, 2022

By Email

ALJ Astrid Gloade

OATH

100 Church Street, 12th Fl.

New York, NY 10007

Re: Matter of American Package Co., OATH Index No. 22-1754,
Loft Board Docket No. LS-0238
Matter of Gray et al., OATH Index No. 22-1758,
Loft Board Docket No. TH-0221

Dear Judge Gloade:

Please consider this letter and accompanying materials a motion to consolidate the above captioned cases for any further conferences and for trial. A conference was held last Friday in Matter of American Package, a conference is scheduled this coming Thursday in Matter of Gray, and a trial date of August 3, 2022 was set for Matter of American Package.

Pursuant to OATH regulations codified at 48 RCNY Section 1-41, ALJ's at OATH have the discretion to consolidate cases where appropriate in furtherance of justice, convenience or efficiency. Matter of American Package is an access application to do legalization work in the unit occupied by Theodore Lockhart at 226 Franklin Street, Brooklyn, NY. Matter of Gray is a harassment application brought by the protected occupants of five units at 226 Franklin Street, of which Mr. Lockhart is one. Four of the five tenants who are applicants in Matter of Gray, including Mr. Lockhart, assert that the manner in which the landlord plans to legalize their units is harassment and that the landlord has breached its oral agreement during the narrative process to do PAA's (post approval amendments) for those tenants who wanted them, once a building permit was obtained.

Annexed for your convenience are the following documents: Exhibit A, the landlord's access application; Exhibit B, the tenants' answer to the access application; Exhibit C, the tenants' amended harassment application; and Exhibit D, the landlord's answer to the amended harassment application.

ALJ Astrid Gloade
OATH
June 20, 2022
Page 2 of 2


In Matter of Alkara and Matter of Pilot, Loft Board Order No. 2920 (4/21/05), a landlord's access application and a tenant's harassment application stemming from the same and related facts were consolidated for trial. Recently OATH consolidated for trial an owner's decoverage application and tenants' decoverage application, Matter of Various Tenants of 239 Banker St., OATH Index Nos. 155/21, 300/21, 313/21, 1217/21, 085/22 and 2318/21 (5/25/22). It would appear, based on these precedents, that cases should be consolidated where the parties are the same or there is overlap, the issues are related and there would be no prejudice to the parties.

Here, the applications overlap on the issue of legalization of the Lockhart unit. Both the harassment and the access application assert that legalizing the Lockhart unit with no enclosed bedrooms, where there are two separate bedrooms now and where the unit is occupied by two adult males whose relationship is simply that of roommates, is harassment per se, and also that the landlord has previously brought two defective access applications regarding the Lockhart unit, as well as a meritless reconsideration application, and that this repetitious misconduct is also a form of harassment.

Not only is there overlap of a party in the two applications, but there are multiple substantive areas of overlap in the two cases, and the tenants are represented by the same counsel in both applications. The only factor not overlapping is that the landlord is represented by one attorney in the access case and another in the harassment case. This difference of counsel can be analogized to when coverage applicants in a large building have different counsels. This often happens, and counsel simply work out among themselves whose units are being presented on any given day.

The consolidation of these applications is in the interest of the economy of OATH and of the tenants. The owner is not prejudiced by consolidation, but the tenant Theodore Lockhart will be prejudiced if the applications are not consolidated because, absent consolidation, he could be required to provide access for legalization before he is able to litigate whether the circumstances of his access applications constitute harassment, and whether the legalization plans for his unit constitute harassment. That these issues are legally meritorious is clear when Matter of Byrne, OATH Index No. 2003/04 (1/14/2005) is reviewed. In that case, the tenant was found to have been harassed when the owner served them with repeated, defective access notices.

Thank you for your consideration.

Sincerely,

Margaret B. Sandercock

MBS/jo
Encs.

cc: Christina Browne, Esq.
Harry Shapiro, Esq.
Clients

EXHIBIT A

FOR OFFICE USE ONLY

DOCKET #: _____

Building Information

House No.(s) 226-240 Street Name Franklin Street (aka 97 Green Street)
 Borough Brooklyn BIN 3336829 Tax Block 2512 Tax Lot 1

Applicant Information

NAME:
American Package Company, Inc.

MAILING ADDRESS:
c/o Belkin Burden Goldman, LLP 60 East 42nd Street, NY, NY 10165
 _____ UNIT Suite 1620

DAYTIME PHONE: (212) 867-4466

BUSINESS PHONE: () _____

FAX NUMBER: (212) 297-1859

EMAIL: LLindenberg@bbgllp.com

Applicant is the:

Owner

Owner's Representative

Net Lessee

Prime Lessee

Other (specify)

Occupant(s) of Units Owner Claims Denied Access

OCCUPANT'S NAME: Theodore Lockhart UNIT: G12

OCCUPANT'S NAME: Phillip Hubbard*** UNIT: G12

NOTICE TO OCCUPANTS

The occupant must file five (5) copies of a written answer in response to the application with the Loft Board, within fifteen (15) calendar days after service of the application. If the occupant fails to answer, the Loft Board may issue an order granting access. If the Loft Board issues an order granting access and the occupant fails to comply with that order, the failure to comply may be grounds for eviction in a proceeding brought before a court of competent jurisdiction. See 29 RCNY §2-01(g)(4)(i)

***The listing of Mr. Hubbard on this application is without prejudice to Owner's claim that Mr. Hubbard has no rights under the Loft Law, nor does the listing of Mr. Hubbard acknowledge or concede any rights under the Law.

Basis for Application

Use the space provided below to state all relevant facts and arguments. Extra sheets of paper may be attached as necessary.

SEE RIDER

I verify or affirm that all statements made are true and correct except for those statements which I have stated to be based on information and belief, and as to those statements, I believe them to be true and correct.

Lewis A. Lindenberg

Name (print)

Attorney

Relationship to Applicant (if same, write 'Same')

Lewis A. Lindenberg

Signature

February 3, 2022

Date

NOTE: False statements may subject you to the penalties provided by law, including fines and/or imprisonment.

RIDER TO ACCESS APPLICATION

This Rider, together with the affidavit of Violet Lautan, sworn to on February 1, 2022, and exhibits hereto, are submitted in support of the access application of American Package Company Inc. (“Owner”), the owner of the building located at 226-240 Franklin Street, Brooklyn, New York a/k/a 97 Green Street (the “Building”). Specifically, Owner respectfully requests an Order directing Theodore Lockhart (“Occupant”) and Phillip Hubbard¹, the residential occupants of unit G12 in the Building (the “Unit”), to provide Owner with access to the Unit as required under Title 29 of the Rules of the City of New York (“29 RCNY”) § 2-01(g). Indeed, Owner requires access to the Unit to undertake and complete certain legalization work required in the Unit, as provided for in the approved narrative statement and plans dated August 2, 2018 (the “Legalization Work”).

Under Article 7-C of the Multiple Dwelling Law (“MDL”), Owner is required to legalize the Building and obtain a residential certificate of occupancy for the residential portions of the Building. *See*, MDL §§ 280 and 284.

On October 25, 2018, the New York City Loft Board (“Loft Board”) issued a Notice of Opportunity to File Comments or Alternate Plans (the “Forty-Five Day Clock Notice”) pursuant to 29 RCNY § 2-01(d)(2)(viii), providing the occupants of the Building, inclusive of Occupant, forty-five (45) days to either: (i) file alternate plans with the Department of Buildings’ (“DOB”), to the extent the proposed legalization work in Owner’s alteration application and legalization plan unreasonably interfered with Occupant’s use of the Unit; or (ii) file comments with the Loft Board opposing Owner’s alteration application and legalization plan on the ground

¹ Owner does not acknowledge Mr. Hubbard as a tenant or occupant under the Loft Law. Owner notified Hubbard as required by the Loft Board.

that such plans unreasonably interfere with Occupant's use of the Unit, or otherwise diminished services to which Occupant is legally entitled, provided that Occupant's claim does not require DOB review for the Loft Board to resolve the dispute. A copy of the Forty-Five Day Clock Notice is annexed as **Exhibit A**.

Pursuant to the Forty-Five Day Clock Notice, the forty-five (45) day period expired without Occupant or the other occupants of the Building filing alternate plans with DOB or comments with the Loft Board. Consequently, on January 8, 2019, the Loft Board issued Owner a Loft Board Initial Certification pursuant to 29 RCNY § 2-01(d)(2)(xi) approving Owner's narrative statement and legalization plans dated August 2, 2008, including the Legalization Work required in the Unit. A copy of the Loft Board's initial certification is annexed as **Exhibit B**. On September 12, 2019, Owner pulled the necessary permit(s) to begin the Legalization Work, a copy of which is annexed hereto as **Exhibit C**.

As is relevant here, on October 28, 2021, Owner sent Occupant and Hubbard a written notice (the "First Access Notice") by first class mail and certified mail, return receipt requested, requesting that Occupant and Hubbard provide access to the Unit, enabling Owner to perform and complete the Legalization Work. Definitively, the First Access Notice advised that the Legalization Work will require more than five (5) consecutive business days to complete. Owner further advised that the Legalization Work would begin on a date certain, falling on a consecutive business day – on November 29 or 30, December 1, 2 or 3, 2021, between 8:00 a.m. and 5:00 p.m. Additionally, the First Access Notice advised Occupant and Hubbard that JDP Design Construction, Inc. ("JDP") would perform the Legalization Work on Owner's behalf. A copy of the First Access Notice and proof of mailing are annexed hereto as **Exhibit D**.

Neither Occupant or Hubbard responded to the First Access Notice or otherwise provided alternative dates for access. To be sure, the First Access Notice complied with the access regulations set forth in 29 RCNY § 2-01(g).

Thereafter, on November 16, 2021, Owner notified Occupant (and Hubbard) in writing that the Legalization Work would begin on November 29, 2021 at 10:00 a.m. (the “Second Access Notice”). The Second Access Notice was personally delivered to Occupant and Hubbard at the Unit per 29 RCNY § 2-01(g)(2). Owner’s agent also deposited the Second Access Notice underneath the Unit’s front door, and affixed a separate copy onto the same. Copies of the Second Access Letter, proof that it was hand delivered, as well as proof that it was affixed to the Unit’s front and simultaneously deposited underneath same are collectively annexed hereto as **Exhibit E**.

On November 29, 2021, Owner’s agent, Violet Lautan, went to the Unit to begin the Legalization Work. As per the Lautan Affidavit, on November 29, 2021, access was denied. It is indisputable that Occupant’s denial of access has impeded Owner’s good faith efforts to legalize the Building and the Unit in accordance with the Loft Law and DOB’s laws and regulations.

Owner has irrefutably complied with the requirements of 29 RCNY § 2-01(g) to gain access to the Unit. Occupant, nonetheless, has failed to provide access – a bright-line violation of the Loft Law, and, further, in direct conflict with the Loft Law’s purpose to expeditiously bring the Building into compliance.

Occupant’s aforesaid tactics, surely employed to delay completion of the Legalization Work, have severely prejudiced Owner’s ability to legalize the Building under the Loft Law, including achieving Article 7-B compliance and obtaining a residential certificate of occupancy.

WHEREFORE, it is respectfully requested that the Loft Board issue an Order requiring Occupant and Hubbard to provide immediate access to Owner and its agents for the purposes of performing the Legalization Work as listed in the approved narrative statement and plans dated August 2, 2018, and that the Loft Board provide such other and further relief to Owner as may deem just and proper under the circumstances, including, without limitation, providing Owner the right to proceed in a Court of competent jurisdiction to recover possession of the Unit predicated upon Occupant's utter failure to cooperate in the legalization process.

Dated: New York, New York
February 1, 2022

Respectfully submitted,

Lewis A. Lindenberg

Lewis A. Lindenberg, Esq.

AFFIDAVIT IN SUPPORT OF ACCESS APPLICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF KINGS)

VIOLET LAUTAN, being duly sworn, hereby deposes and says:

1. I am the office manager of American Package Company Inc. (“Owner”) the owner of the building located at 226-240 Franklin Street, Brooklyn, New York, also known as 97 Green Street (the “Building”). As such, I am fully familiar with the facts and circumstances herein set forth.

2. This affidavit is submitted in support of Owner’s Access Application for an order requiring Theodore Lockhart (“Occupant”), the IMD occupant of unit G12 in the Building (the “Unit”) and Phillip Hubbard, Occupant’s roommate, to provide access to the Unit as required under Title 29 of the Rules of the City of New York (“29 RCNY”) § 2-01(g), enabling Owner to perform and complete the legalization work listed for the Unit in the approved narrative statement and plans dated August 2, 2018 (the “Legalization Work”), which was attached to the access notices for ease of convenience.

3. On October 28, 2021, Owner sent Occupant and Hubbard a written notice (the “First Access Notice”) by first class mail and certified mail, return receipt requested, requesting that Occupant and Hubbard provide access to the Unit to perform and complete the Legalization Work. *See*, Exhibit D. The First Access Notice provided an extensive list of the items of work Owner must perform in and to the Unit. *See* Exhibit D.

4. To the best of my knowledge, neither Occupant or Hubbard responded to the First Access Notice.

5. Thereafter, on November 16, 2021, I personally delivered a second notice to Occupant and Hubbard confirming that access would be required starting on November 29, 2021 at 10:00 a.m. (the “Second Access Notice”). Occupant and Hubbard each signed for the


Second Access Notice. In addition, I affixed a copy of the Second Access Notice to the Unit's front door and simultaneously deposited copies of the notices underneath same. See Exhibit E.

6. To the best of my knowledge, neither Occupant or Hubbard responded to the Second Access Notice.

7. On November 29, 2021, at 10a.m., I went to the Unit with Diana Duque and Denish Morgan, to start the process of performing the Legalization Work. Occupant and Hubbard answered the door but refused to provide me with access to the Unit to perform the Legalization Work.

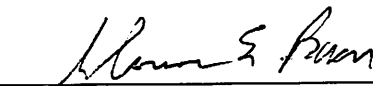
8. To date, Owner has not been granted access to start the work necessary to legalize the Unit.

9. I respectfully request that the Loft Board issue an Order requiring Occupant to provide access to Owner to perform and complete the Legalization Work.



Violet Lautan

Sworn to before me this
1 day of February 2022



Notary Public

SOLOMON E. BAER
Notary Public, State of New York
No. 01BA0128155
Qualified in Queens County
Commission Expires Sept. 30, 2025

EXHIBIT A



Rick D. Chandler, PE
Chairperson

Helaine Balsam, Esq.
Executive Director/
General Counsel

280 Broadway 4th Floor
New York, NY 10007
nyc.gov/loftboard

1 212 393 2616 tel
1 646 500 6169 fax

October 25, 2018

NOTICE OF OPPORTUNITY TO FILE COMMENTS OR ALTERNATE PLANS

Premises	IMD Number	Loft Board Docket Number	DOB Job Application Number
226-240 Franklin Street, Brooklyn, NY 11222	30077	NS-0847	320914347 321680828

Dear Affected Party:

The Loft Board is sending you this notice for two reasons. First, we want to tell you that the owner has filed a narrative statement dated August 2, 2018 with the Loft Board and an alteration application and legalization plan dated August 2, 2018 for architectural work, an alteration application and legalization plan dated October 30, 2017 for a fire alarm system and a legalization plan dated May 18, 2016 for mechanical work (collectively "alteration application") with the Department of Buildings ("DOB"). Second, we want to give you an opportunity to file comments or an alternate plan application and legalization plan ("alternate plan") for work affecting your unit. This action is authorized by Title 29 of the Rules of the City of New York ("29 RCNY") § 2-01(d)(2). A copy of this notice is being sent to all affected parties.

On or before December 9, 2018 which is 45 days from the date of this notice, any occupant may file either comments with the Loft Board or, if DOB review is required, an alternate plan with the DOB for work affecting the occupant's use of its unit. The comments or alternate plan must explain why the occupant believes owner's alteration application will unreasonably interfere with the occupant's use of its unit or how owner's alteration application diminishes a service to which the occupant is legally entitled.

If you do not file comments with the Loft Board or an alternate plan with the DOB within 45 days, you will waive your right to challenge owner's alteration application.

If you have any questions, you may contact the Loft Board at 212-393-2616.

Sincerely,

Michael M. Bobick
Assistant General Counsel

CERTIFICATION

I HEREBY CERTIFY THAT THE ANNEXED
DOCUMENT IS A TRUE COPY OF A RECORD
MAINTAINED IN THE CUSTODY OF THE
NEW YORK CITY LOFT BOARD

CERTIFYING OFFICER

build safe | live safe



Premises: 226-240 Franklin Street

Borough: Brooklyn

45 Day Clock Issued On: 10/25/18

IMD #: 30077

NS#: 0847

Meltzer/Costa & Associates
c/o Angelo R. Costa, RA
175 Great Neck Road, Suite 303
Great Neck, NY 11021

Belkin, Burden, Wenig & Goldman, LLP,
c/o Lisa Gallaudet, Esq.
270 Madison Avenue
New York, NY 10016

American Package Company Inc.
Or Current Occupant
226 Franklin Street
Brooklyn NY 11222

Arthur Atlas, RA
c/o Arthur Atlas Architects, P.C.
15 West 18th Street - 4th Floor
New York, NY 10011

Robert Petrucci, Esq.
Attorney at Law
12 West 27th Street, 16th Floor
New York, NY 10001

Alex Sloane
Or Current Occupant
226-240 Franklin Street # F-101
Brooklyn NY 11222

Alex Sloane
Or Current Occupant
100 Freeman Street # F-101
Brooklyn NY 11222

Andrew Barlow
Or Current Occupant
226-240 Franklin Street # F-105
Brooklyn NY 11222

Andrew Barlow
Or Current Occupant
100 Freeman Street # F-105
Brooklyn NY 11222

Heather Troy and Michael K
Or Current Occupant
226 Franklin Street # F-106
Brooklyn NY 11222

Heather Troy and Michael K
Or Current Occupant
100 Freeman Street # F-106
Brooklyn NY 11222



Erez C. Horovitz & Teryl Hann
Or Current Occupant
226-240 Franklin Street # F-107
Brooklyn NY 11222

Erez C. Horovitz & Teryl Hann
Or Current Occupant
100 Freeman Street # F-107
Brooklyn NY 11222

Camillo Cerro & Renee McNamara Cerro
Or Current Occupant
226-240 Franklin Street # F-108
Brooklyn NY 11222

Camillo Cerro & Renee McNamara Cerro
Current Occupant
100 Freeman Street # F-108
Brooklyn NY 11222

Rob and Tanya Kolb
Or Current Occupant
226-240 Franklin Street # F-109
Brooklyn NY 11222

Rob and Tanya Kolb
Or Current Occupant
100 Freeman Street # F-109
Brooklyn NY 11222

Andrew & Eric Frasz
Or Current Occupant
226-240 Franklin Street # F-111
Brooklyn NY 11222

Andrew & Eric Frasz
Or Current Occupant
100 Freeman Street # F-111
Brooklyn NY 11222

Evan & Oliver Haslegrave
Or Current Occupant
226-240 Franklin Street # F-118
Brooklyn NY 11222

Evan & Oliver Haslegrave
Or Current Occupant
230 Franklin Street # F-118
Brooklyn NY 11222

Alan R Tansey & Julia Simon
Or Current Occupant
226-240 Franklin Street # F-119
Brooklyn NY 11222

Alan R Tansey & Julia Simon
Or Current Occupant
230 Franklin Street # F-119
Brooklyn NY 11222



Zachary Dilgard
Or Current Occupant
226-240 Franklin Street # F-120
Brooklyn NY 11222

Zachary Dilgard
Or Current Occupant
238 Franklin Street # F-120
Brooklyn NY 11222

Thiago Bueno & Peter Irby
Or Current Occupant
226-240 Franklin Street # F-121
Brooklyn NY 11222

Thiago Bueno & Peter Irby
Or Current Occupant
238 Franklin Street # F-121
Brooklyn NY 11222

Aaron Smuiktis
Or Current Occupant
226-240 Franklin Street # F-2
Brooklyn NY 11222

Aaron Smuiktis
Or Current Occupant
100 Freeman Street # F-2
Brooklyn NY 11222

Marshall Weber & Chelsea Bailey
Or Current Occupant
100 Freeman Street # F-5
Brooklyn NY 11222

Marshall Weber & Chelsea Bailey
Or Current Occupant
226-240 Franklin Street # F-5
Brooklyn NY 11222

Lisette Sacks
Or Current Occupant
100 Freeman Street # F-6
Brooklyn NY 11222

Lisette Sacks
Or Current Occupant
226-240 Franklin Street # F-6
Brooklyn NY 11222

Christopher Kausch
Or Current Occupant
100 Freeman Street # F-7
Brooklyn NY 11222

Christopher Kausch
Or Current Occupant
226-240 Franklin Street # F-7
Brooklyn NY 11222



Theodore Lockhart
Or Current Occupant
97 Green Street # G12
Brooklyn NY 11222

Theodore Lockhart
Or Current Occupant
226-240 Franklin Street #G12
Brooklyn NY 11222

Michael Fisher
Or Current Occupant
226-240 Franklin Street # G-13
Brooklyn NY 11222

Michael Fisher
Or Current Occupant
97 Green Street # G-13
Brooklyn NY 11222

Melissa Frost
Or Current Occupant
226-240 Franklin Street # G-14
Brooklyn NY 11222

Melissa Frost
Or Current Occupant
97 Green Street # G-14
Brooklyn NY 11222

Timothy Blane & Pat Ouckama
Or Current Occupant
97 Green Street # G2
Brooklyn NY 11222

Timothy Blane & Pat Ouckama
Or Current Occupant
226-240 Franklin Street # G2
Brooklyn NY 11222

Christian Gray
Or Current Occupant
226-240 Franklin Street # G-21
Brooklyn NY 11222

Christian Gray
Or Current Occupant
97 Green Street # G-21
Brooklyn NY 11222

William J. Fratesi & David May
Or current Occupant
226-240 Franklin Street # G-22
Brooklyn NY 11222

William J. Fratesi & David May
Or current Occupant
97 Green Street # G-22
Brooklyn NY 11222



Ian Michael, Michael Tesser, Thomas Sands & Tyler Mitchell
Or Current Occupant
226-240 Franklin Street # G-23
Brooklyn NY 11222

Ian Michael, Michael Tesser, Thomas Sands & Tyler Mitchell
Or Current Occupant
97 Green Street # G-23
Brooklyn NY 11222

Benjamin Gletzman
Or Current Occupant
226-240 Franklin Street # G-25
Brooklyn NY 11222

Benjamin Gletzman
Or Current Occupant
97 Green Street # G-25
Brooklyn NY 11222

Jean Pierre & H. Kocher
Or Current Occupant
226-240 Franklin Street # G-27
Brooklyn NY 11222

Jean Pierre & H. Kocher
Or Current Occupant
94 Freeman Street # G-27
Brooklyn NY 11222

Stephen Watts
Or Current Occupant
226-240 Franklin Street # G-31
Brooklyn NY 11222

Stephen Watts
Or Current Occupant
97 Green Street # G-31
Brooklyn NY 11222

Canaan Folk-Reinke, Minka Bleakley & Charlie Hawks
Or Current Occupant
226-240 Franklin Street # G-32
Brooklyn NY 11222

Canaan Folk-Reinke, Minka Bleakley & Charlie Hawks
Or Current Occupant
97 Green Street # G-32
Brooklyn NY 11222

Eric Masters & Adam Hribar
Or Current Occupant
226-240 Franklin Street # G-33
Brooklyn NY 11222

Eric Masters & Adam Hribar
Or Current Occupant
97 Green Street # G-33
Brooklyn NY 11222



Sally Schmidt
Or Current Occupant
226-240 Franklin Street # G-4
Brooklyn NY 11222

Sally Schmidt
Or Current Occupant
97 Green Street # G-4
Brooklyn NY 11222

Jessica Hume & Nathan Wood
Current Occupant
226-240 Franklin Street # G5
Brooklyn NY 11222

Jessica Hume & Nathan Wood
Current Occupant
97 Green Street # G5
Brooklyn NY 11222

Kathryn Downie
Or Current Occupant
226 Franklin Street # G-51
Brooklyn NY 11222

Kathryn Downie
Or Current Occupant
97 Green Street # G-51
Brooklyn NY 11222

Frederick Urbanelli
Or Current Occupant
226-240 Franklin Street # G-53
Brooklyn NY 11222

Frederick Urbanelli
Or Current Occupant
97 Green Street # G-53
Brooklyn NY 11222

Lou DeRose
Current Occupant
226-240 Franklin Street # G-54
Brooklyn NY 11222

Lou DeRose
Current Occupant
97 Green Street # G-54
Brooklyn NY 11222

Corey Hutson & Joel Dodd
Or current occupant
226 Franklin Street # G-55
Brooklyn NY 11222

Corey Hutson & Joel Dodd
Or current occupant
97 Green Street # G-55
Brooklyn, NY 11222



Bryan Gregg
Or Current Occupant
100 Freeman Street # F-104
Brooklyn NY 11222

Seth Founds
Or Current Occupant
100 Freeman Street # F-3
Brooklyn NY 11222

Ethan Cook
Or Current Occupant
100 Freeman Street # F-1
Brooklyn NY 11222

Lisa Levine
Or Current Occupant
97 Green Street # G-3
Brooklyn NY 11222

Lisa Levine
Or Current Occupant
100 Freeman Street # F-110
Brooklyn NY 11222

Jacob Piper Corporation
Or Current Occupant
226 Franklin Street # G-26
Brooklyn NY 11222

Jose Cabaco
Or Current Occupant
100 Freeman Street # F-102
Brooklyn NY 11222

Mark Grgulich
Current Occupant
100 Freeman Street # F-103
Brooklyn NY 11222

Andrew Chee
Current Occupant
100 Freeman Street # F-4
Brooklyn NY 11222

Kyra Rogowski
Or Current Occupant
97 Green Street # G11
Brooklyn NY 11222

Matthew Canale
Or Current Occupant
97 Green Street # G24
Brooklyn NY 11222

Matthew-Z. Drye
Current Occupant
97 Green Street # G52
Brooklyn NY 11222



I hereby certify, under the penalties provided by law, including fine and imprisonment, or both, that I mailed a copy of the 45 Day Clock Notice, dated October 25, 2018, to the above listed parties.

Mailed by: Michael B
Michael Bobick

Date Mailed: 10/25/18

EXHIBIT B



Rick D. Chandler, PE
Chairperson

Helaine Balsam, Esq.
Executive Director/
General Counsel

280 Broadway 4th Floor
New York, NY 10007
nyc.gov/loftboard

1 212 383 2816 tel
1 646 500 6188 fax

January 8, 2019

INITIAL
LOFT BOARD CERTIFICATION OF COMPLIANCE
WITH THE NARRATIVE STATEMENT PROCESS

Owner's Mailing Address:
American Package Company Inc.
228 Franklin Street
Brooklyn, NY 11222

Re: Interim Multiple Dwelling No.: 30077
Loft Board Certification No.: 1108
Narrative Statement No.: 0847
BIN No.: 3336829

Dear Owner:

This letter certifies compliance with all requirements of 29 RCNY § 2-01(d)(2).

<u>Address</u>	<u>Job Application</u>	<u>Plan</u>
226-240 Franklin Street	320914347	Plans dated 08/2/2018
aka 90-94 Freeman Street		
aka 100-118 Freeman Street		
aka 91-115 Green Street		

The original of this letter, with the raised seal affixed, must be submitted to the appropriate Borough Office of the Department of Buildings before you may obtain a building permit.

Very truly yours,

Helaine Balsam
Helaine Balsam
Executive Director

AFFIX LOFT BOARD SEAL:

CERTIFICATION
I HEREBY CERTIFY THAT THE ANNEXED
DOCUMENT IS A TRUE COPY OF A RECORD
MAINTAINED IN THE CUSTODY OF THE
NEW YORK CITY LOFT BOARD

Michelle Kupka 1/25/20
CERTIFYING OFFICER

EXHIBIT C

STATE OF NEW YORK
COUNTY OF NY

authenticate this document as a true and complete copy of a record of the Department of Buildings. This record was made in the regular course of business of the Department of Buildings. It is the regular practice of the Department to make records of this type, and this record was made at or about the same time of occurrence of the events recorded.
Dated: 05/14/2020

Designated Certifying Officer



NYC

Buildings

Work Permit Department of Buildings

Permit Number: 320914347-01-AL

Issued: 09/16/2019

Expires: 07/24/2020

Address: BROOKLYN 226 FRANKLIN STREET

Issued to: DANIEL CHAN

Business: JDP DESIGN CONSTRUCTION I

Contractor No: GC-616508

Description of Work:

ALTERATION TYPE 1 - FILING TO CONVERT COM FACTORY USE @ 1ST, 2ND FLRS. TO IMD APTS., NON-IMD APTS., & COM ARTISTS STUDIOS @ 1ST FL ALL PER ART. 7C OF MDL. FACTORY USE TO BE MAINTAINED PER PLANS. NEW AMENDED C OF O TO BE ISSUED. FILING TO RESOLVE VIOL. NO DOB-0104RG.

Number of dwelling units occupied during construction: 37
Review is requested under Building Code: 1958

SITE FILL: NOT APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

Commissioner of Buildings:

This permit copy created on 05/14/2020 reflects the Commissioner(s) as of such date.
Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

02 05/14/2020

EXHIBIT D



Belkin · Burden · Goldman, LLP

A T T O R N E Y S A T L A W

One Grand Central Place
60 East 42nd Street, 16th Fl.
New York, NY 10165
Tel 212.867.4466
Fax 212.297.1859
www.bbglp.com

direct email:cbrowne@bbglp.com

October 28, 2021

VIA FIRST CLASS MAIL AND CERTIFIED MAIL RRR

Theodore C. Lockhart
97 Green Street, G12
Brooklyn NY 11222

Theodore C. Lockhart
532 Warren Street
Hudson, NY 12534

Phillip Hubbard
97 Green Street, G12
Brooklyn NY 11222

RE: 226 Franklin/aka 97 Green Street, Unit G12
Request for Access for Legalization Work

Dear Occupants,

American Package Company Inc. (the "Owner") is the owner of the above referenced building (the "Building"). Your unit, G12 (the "Unit") is an Interim Multiple Dwelling ("IMD") subject to Article 7-C of the Multiple Dwelling Law (the "Loft Law"). Pursuant to the Loft Law, the Unit must be legalized for residential use.

Please take notice that pursuant to the Loft Board's regulations, Title 29 of the Rules of the City of New York § 2-01(g), access to the Unit is required for the Owner to complete the following legalization work, with such work to be read in conjunction with the attached pages of the August 2, 2018 narrative statement and the attached legalization plan¹:

1. A mechanical engineer shall inspect in the field if the existing spacing, distances from walls and ceilings of sprinkler heads and other related matters regarding the sprinkler system comply with the standards set forth by NFPA and other state and local codes.
2. Replace existing apartment entrance door. The door shall be 36" wide with FPSC label, 1.5-hour fire rated door.
3. Provide a peephole, a security chain guard, a doorbell, an apt. identification sign, a heavy-duty latch set, a heavy-duty dead bolt operable by a key from the outside and a thumb-turn from the inside and a self-closing mechanism.

¹ This work is a summary and is prepared to the best of my knowledge. This is not meant to replace the full description of work listed under the approved narrative statement or the legalization plan.

4. Provide hardwired smoke / carbon monoxide detectors inside each sleeping space and outside not more than 15'-0" away from the sleeping space opening. Primary power shall be from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, and shall be equipped with a battery backup.
5. Seal all holes, if any, where pipe penetrations exist on walls, floors and ceilings with an approved penetration firestop system.
6. Provide one (1) outlet every 12 feet of linear wall.
7. Install 220 volts A.C. outlet at living areas.
8. All electrical outlets within 6'-0" distance from the kitchen sink shall be GFI outlet. If no outlet is present in kitchen/kitchenette, provide new GFI outlet.
9. In the bathroom, provide 6" waterproof wall base.
10. Provide a mechanical means of ventilation to the bathroom. Install metal duct (20 gauge) with a minimum cross section area of one square foot. The exhaust system shall be arranged to expel air directly to the outdoors. Provide a 1" undercut at the bathroom door for air egress.
11. Install a new ceiling mounted gas furnace by York.
12. Change the direction of swing on Unit entrance door towards inside the Unit, (if required) so as not to obstruct means of egress along the public hallway as required.
13. Remove existing illegal mezzanine floors, including structural frames and stairs as required to provide an 8'-0" minimum ceiling height.
14. The wall between the Unit and the adjoining residential unit shall have a 1-hr. fire rating. Verify in field and upgrade as needed by installing additional layer of type "X" sheetrock on each side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.
15. The wall between this Unit and the public hallway shall have a 2-hr. fire rating. Verify in field and upgrade as needed by installing additional layer of type "X" sheetrock on each hallway side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock on apartment side and three (3) layers of 5/8" type "X" sheetrock on hallway side. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.
16. Verify in field where exposed BX electrical cables exist in this Unit. These cables have to be covered within fire-retarded enclosures or replace the BX encasement with a proper metal pipe conduit.
17. To comply with light and air requirements, provide openings of at least 8'-0" on existing walls on alcoves as shown on attached plan.
18. Convert existing Kitchen into a kitchenette. Install 12" drop arch above the perimeter of the kitchen as shown on plan and provide a minimum of 150 cfm mechanical ventilation that will exhaust air to the outside through the existing kitchen duct through the roof.
19. Install new walls as shown on attached plan to create new closet at proposed sleeping alcove.
20. Install additional windows at Green Street as shown on attached plan. Windows shall be double hung and match the adjacent windows in material and color. Replace to existing double hung windows with casement to meet minimum natural ventilation requirements.
21. New 2-hr. fire rated mechanical shaft shall be built within this Unit as shown on attached plan.
22. Remove some of the existing walls within the Unit as shown on plan. The existing windows on Green Street may only provide natural light and air for a habitable room whose depth does not exceed 30 feet. Create new closet at area past 30' depth from windows. Refer to attached plan.

The work is expected to require more than five (5) consecutive business days to complete. The work is expected to take four to five months to complete. Access is requested for the work to begin on November 29, 30, December 1, 2, or 3 2021. You are requested to provide access between 8:00 a.m. and 5:00 p.m. for the work to begin on one of these dates. If you do not confirm access for the work to begin on one of these dates by notifying the undersigned, we will confirm the exact date by November 22, 2021 by written notice, which will list the name of the tradesperson and the time access needs to be given.

JDP Design Construction, Inc. will be performing the work.

Belkin · Burden · Goldman, LLP

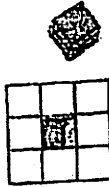
Please be advised that pursuant to the Loft Board's regulations, upon appropriate notice, building occupants are required to provide the owner of the building with reasonable access to their units so that all requisite legalization or repair work, inspections and surveys as may be required for the purpose of legalization may be performed.

If you have any questions regarding this notice, please contact me. Thank you for your anticipated cooperation in this matter.

Sincerely,

Christina M. Browne

Christina M. Browne



**MELTZER / COSTA & Associates,
ARCHITECTURE & ENGINEERING, LLP**

Harry A. Meltzer, R.A., AIA
Angelo R. Costa, A., AIA
Paul. M. Antonio, PE

August 2, 2018
10192 Nar. Page 1

**NARRATIVE STATEMENT
FOR
226 Franklin Street
BROOKLYN, NEW YORK**

BUILDING INFORMATION DATA

BLOCK	3178
LOT	2521
ZONE	M 1-2 / R6A
CONSTRUCTION CLASS	2B
NUMBER OF STORIES	2
DOB APPL. NO.'s	Alt1 320914347
	Alt2 321680828 (Fire Alarm)
IMD NUMBER	30077
HEIGHT	2 STORIES / VARIES

**PREPARED BY:
MELTZER-COSTA / ARCHITECTS
175 GREAT NECK ROAD
GREAT NECK, NEW YORK 11021**

**Revised: December 8, 2015
Revised: May 16, 2016
Revised July 11, 2017
Revised August 2, 2018**

**NOTE: THIS NARRATIVE STATEMENT MAY BE AMENDED PRIOR TO THE ISSUANCE OF A
BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY**

Narrative Statement
226 Franklin Street, Brooklyn, N.Y.

August 2, 2018
Job No. 10192

Abbreviations

ANSI	American National Standards Institute
BC	Building Code
BEC	Bureau of Electrical Control
Comm.	Commercial
CO	Certificate of Occupancy
DOB.	Department of Buildings
NYC	New York City
FPSC.	Fireproof Self-Closing
HMC.	Housing Maintenance Code
IMD.	Interim Multiple Dwelling
MDL	Multiple Dwelling Law
LL	Local Law
ELEG.	Electric
CFM	Cubic Feet Per Minute
TBVIF	To Be Verified In Field
HM	Hollow Metal
VCT	Vinyl Composition Tile
CT	Ceramic Tile
ZR	Zoning Resolution

General Notes


- 1- The following Narrative Statement is a written description of the scope of work that is required to be performed as per Article 7B and 7C of the Multiple Dwelling Law and Housing Maintenance Code in order to legalize the existing use and occupancy of the Residential IMD units within the building. This building will be subject to the applicable rules and regulations of the 1968 Building Code and the Housing Maintenance Code.
2. This Narrative Statement should be reviewed in conjunction with the architectural plans dated on 8/2/2018 and Fire alarm plans dated 10/30/2017. To review the plans you may call the NYC Loft Board at 212 788-7610. To purchase the plans, please send a written request along with a check for \$10.00 per sheet to this office. If you have questions, contact Angelo Costa (Architect of Record) at 212 688-6194. This Narrative Statement is based on our inspections of the building on November 23, 2010 to January 8, 2010 to June 6, 2011 as well as 10/22/2015 & 10/29/2015.
3. The subject building is classified as a non-fireproof construction, Class II-B II-C, as per NYC 1968 Building Code. It is two (2) stories high, located at the east side of Franklin Street bounded by Green Street, Franklin Street and Freeman Street, in Brooklyn, New York. The exterior walls are of masonry construction supporting wood floor joists. The means of egress from the second floor consist of seven separate enclosed public hallways and enclosed public stairs with one (1) hour fire rated walls. Existing egress stairs are of metal pan with concrete tread construction and are fully wet-sprinklered.
4. All existing electrical work (wiring, circuit panels, junction boxes, etc.) for the Residential Units to be inspected by a licensed electrician, in order to determine if the existing conditions meet the minimum requirements of the NYC Electric Code. The same licensed electrician should make an application with the NYC Bureau of Electrical Control (BEC.) in order to legalize any electric work that has been performed at these Residential Units. A sign-off, from the DOB should be obtained prior to issuance of the Certificate of Occupancy, by said electrician.
5. All existing plumbing work (stacks, vents, traps, shut-off valves, etc.) for the Residential Units to be inspected by a licensed plumber, in order to determine if the existing conditions meet the minimum requirements of the NYC Plumbing Code. The same licensed plumber should obtain a permit in order to legalize the existing plumbing fixtures and any other new work to be performed. A sign-off, from the N.Y.C. Department of Buildings should be obtained, prior to the issuance of the Certificate of Occupancy, by said plumber.
6. A standpipe and fire alarm system shall be provided in this building and an existing wet-pipe sprinkler system shall be modified to accommodate changes in partition layouts.
7. No work described under this Narrative Statement shall be performed by the tenants and/or their contractors, without prior approval from the owner.

Narrative Statement
226 Franklin Street, Brooklyn, N.Y.


August 2, 2018
Job No. 10192

CERTIFICATION

I certify, under penalties provided by law, including fine or imprisonment, or both, that the attached is a complete and accurate statement of the work proposed in the filed alteration application and plans for the units and common areas described.


Angelo R. Costa, R.A.
for Meltzer Costa Architects

REGISTERED ARCHITECT
STATE OF NEW YORK
Date: 8/20/18



Time:	1 week
Code:	MDL 57, MDL 37.4
C10.G25.11 Work:	Verify in field where pipe penetrations exist on walls, floor and ceiling that separate this unit from other adjoining spaces and properly seal with an approved penetration firestop system.
Material:	Approved firestopping sealant.
Time:	2 weeks
Code:	NYC BC 27-346.g

SCOPE OF WORK COMMON TO IMD RESIDENTIAL SPACES

CR.1 Work: A mechanical engineer shall inspect in field if the existing spacing, distances from walls and ceilings of sprinkler heads and other related matters regarding the sprinkler system on these units comply with the standards set forth by NFPA and other state and local codes. The engineer shall determine if relocations of existing sprinkler heads and/or additions of new sprinkler heads is necessary. A modified sprinkler plan shall be filed at the DOB as required.

Material: As required
Time: 8 weeks
Code: NFPA

CR.2 Work: Replace all existing apartment entrance doors at units as indicated on plans. Each door shall be 36" wide with FPSC label, 1.5-hour fire rated door. Provide each with a peep hole, a security chain guard, a door bell, an apt. identification sign, a heavy-duty latch set, a heavy-duty dead bolt operable by a key from the outside and a thumb-turn from the inside and a self-closing mechanism. If existing Fire Proof door is to remain, verify that said door has all aforementioned hardware and that such hardware is in good working condition. Provide new as required.

Material: 1.5-hour fire rated FPSC door, peep hole, security chain guard, doorbell, apartment identification sign, heavy-duty latch set, heavy-duty dead bolt lock and self-closing mechanism.
Time: 1 week /unit
Code: 277.8 MDL & 27-371 NYC BC, NYC BC 27-371.(j)(2).a

CR.3 Work: Provide hardwired smoke / carbon monoxide detectors inside each sleeping space and outside not more than 15'-0" away from the sleeping space opening. Primary power shall be from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, and shall be equipped with a battery backup. They shall be interconnected in such a manner that the activation of one alarm or detector will activate all the alarms or detectors in the individual unit.

Material: Hardwired smoke/carbon monoxide detectors and related electric wiring (conduit).
Time: 1 week /unit

- Code: 277.7(g) MDL, NYC DOB 907.2.10.1.1/2/3
- CR.4 Work: Verify in field where pipe penetrations exist on walls, floors and ceilings that separate units from other adjoining spaces and properly seal with an approved penetration firestop system.
Material: Approved firestopping sealant.
Time: 2 weeks/unit
Code: NYC BC 27-345.g
- CR.5 Work: Provide one (1) outlet every 12 feet of linear wall on all units.
Material: Electric outlets, wiring and related material. (a licensed electrician to verify existing condition in field:
Time: 2 weeks/unit
Code: NEC 210.52
- CR.6 Work: Install 220 volts A.C. outlet at living areas on all units.
Material: 220 volts electrical outlet.
Time: 1 week / unit
Code: NYC Electrical Code
- CR.7 Work: All electrical outlets within 6'-0" distance from the kitchen sink shall be GFI outlet. If no outlet is present in kitchen/kitchenette, provide new GFI outlet. Verify condition in field and comply if required.
Material: GFI electrical outlet.
Time: 1 week / unit
Code: NYC Electrical Code
- CR.9 Work: On all units, except for Unit F-105; provide 6" waterproof wall base on bathrooms where required.
Material: Waterproof wall base as required.
Time: 1 week / unit
Code: MDL 76 (e)
- CR.10 Work: Provide a mechanical means of ventilation to each bathroom. Install metal duct (20 gauge) with a minimum cross section area of one square foot and the exhaust system shall be capable of exhausting at least fifty cubic feet per minute of air. The exhaust system shall be arranged to expel air directly to the outdoors. Provide a 1" undercut at the bathroom door for air egress.
Material: Metal ducts and exhaust fan.
Time: 2 weeks / unit
Code: 277.7(f) MDL, NYC BC 27-759
- CR.11 Work: Remove each illegal gas space heater at all residential units. Install a new ceiling mounted gas furnace by York. New gas furnace shall be installed at locations as shown on Mechanical plan. See mechanical plans for venting.
Material: New Gas furnace, concentric vent, and related materials.

Narrative Statement
226 Franklin Street, Brooklyn, N.Y.

- Time: 2 weeks / unit
Code: HMC 27-2028, 27-2032
- CR.12 Work: All existing gas and electric hot water heaters shall be removed from residential units. The building shall supply hot water to all residential tenants through an existing "shared hot water system" already in place.
Material: As required.
Time: 2 weeks / unit
Code: MDL 64.3
- CR.13 Work: Provide 1 inch undercut at all bedroom doors for mechanical air return.
Material: As required.
Time: 1 week / unit
Code: Mechanical Design Requirement

Added 8-2-2018

- CR.14 Work: Each open kitchen shall have a source for natural light and air within the kitchen itself. If no such source exists, convert the open kitchen into a kitchenette. Install 12" dropped arch above the perimeter of the kitchenette as shown on plan and provide a min. of 150 cfm mechanical ventilation that will exhaust air to the outside through the existing kitchen duct through the roof.
Material: As required.
Time: 2 weeks/unit
Code: BC 27-758

RESIDENTIAL AREAS:

1st Floor: (IMD) Unit-G5 (Nathan Wood)

- G5.1 Work: Provide an address identification together with the apartment unit number that shall be plainly visible from the sidewalk.
Material: Address numbers.
Time: 1 week
Code: HMC 27-2049
- G5.2 Work: Provide exterior lighting outside the apartment unit entrance.
Material: One light fixture & related electric wiring connected to tenant's meter.
Time: 1 week
Code: 35 MDL
- G5.3 Work: Provide a mail slot through the unit's entrance door.
Material: As required
Time: 1 week
Code: MDL 57, MDL 37.4
- G5.4 Work: Provide a wider opening of at least 8'-0" on existing wall as shown on plan to comply with light and air requirement for this sleeping alcove.

Time: 1 week
Code: IMDL 27-73

G13.15 Work: Install new walls as shown on plan to create new closet at existing bedroom.
Material: metal studs, GWB, tape, spackle and paint; Closet doors and related hardware.
Time: 1 week
Code: Design requirement

G13.16 Work: A new 2-hr. fire rated mechanical shaft shall be built within this unit as shown on plan.
Material: 5/8" type "x" sheetrock.
Time: 2 weeks
Code: BC Table 3-4

G13.17 Work: Relocate existing Apt. entry door to comply with max. 40' travel distance within Unit. Seal wall at location of existing door with new one (1) hour rated fire construction.
Material: As required
Time: 1 weeks
Code: BC 27-360(b)

G13.18 Work: Relocate existing skylight above bedroom to be entirely within the bedroom.
Material: As required
Time: 1 weeks
Code: Requirement as per CCD1 No. 49089

RESIDENTIAL AREAS:

2nd Floor: (IMD) Unit G-12 (Theodore C. Lockhart)

G12.1 Work: Change the direction of swing on apartment entrance door towards inside the apartment so as not to obstruct means of egress along the public hallway as required.
Material: As required.
Time: 1 week
Code: NYC BC 27-371 (g)

G12.2 Work: Remove existing illegal mezzanine floors, including structural frames and stairs as required to provide an 8'-0" minimum ceiling height for a habitable space.
Material: As required.
Time: 2 weeks
Code: NYC BC 27-751

G12.3 Work: The wall between this residential space and the adjoining residential space shall

have 1-hr. fire rating. Verify in field and upgrade by installing additional layer of type "X" sheetrock on each side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.

Material: 5/8" type "x" sheetrock.
Time: 3 weeks
Code: MDL 277.5

Revised 8-2-2018

G12.4 Work: The wall between this residential space and the public hallway shall have a 2-hr. fire rating. Verify in field and upgrade by installing additional layer of type "X" sheetrock on each hallway side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock on apartment side and three (3) layers of 5/8" type "X" sheetrock on hallway side. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.

Material: 5/8" type "x" sheetrock.
Time: 3 weeks
Code: MDL 277.5, Requirement as per CCD1 No. 49093

G12.5 Work: Install and maintain window guards on apartment windows where a child ten years of age or under resides.

Material: Child guard
Time: 1 week
Code: NYC Local Law No. 57

G12.8 Work: Verify in field where exposed BX electrical cables exist in this unit. These cables have to be covered within fire retarded enclosures or replace the BX encasement with a proper metal pipe conduit.

Material: As required
Time: 1 week
Code: NYC Electrical Code

Revised 8-2-2018

G12.9 Work: To comply with light and air requirement, provide openings of at least 8'-0" on existing wall on sleeping alcoves as shown on plan.

Material: As required
Time: 1 week
Code: TPPN 9/93.7 (MDL 277.7.b.ii)

G12.10 Work: Convert existing kitchen into a kitchenette. Install 12" dropped arch above the perimeter of the kitchenette as shown on plan and provide a min. of 150 cfm mechanical ventilation that will exhaust air to the outside through the existing kitchen duct through the roof.

Material: As required
Time: 2 weeks

August 2, 2018
Job No. 10192

Narrative Statement
226 Franklin Street, Brooklyn, N.Y.

Code: MDL 277.7.e.ii

G12.11 Work: Install new walls as shown on plan to create new closet at proposed sleeping alcove.
Material: metal studs, GWB, tape, spackle and paint; Closet doors and related hardware.
Time: 1 week
Code: Design requirement

Revised 8-2-2018

G12.12 Work: Existing windows do not supply the code's full requirement on natural light and air needed for habitable spaces. Install additional windows at Green Street as shown on plan. Windows shall be double hung and match the adjacent windows in material and color. Replace two existing double hung windows with casement to meet minimum natural ventilation requirements.
Material: As required
Time: 3 weeks
Code: NYC BC 27-733

G12.13 Work: A new 2-hr. fire rated mechanical shaft shall be built within this unit as shown on plan.
Material: 5/8" type "x" sheetrock.
Time: 2 weeks
Code: BC Table 3-4

Revised 8-2-2018

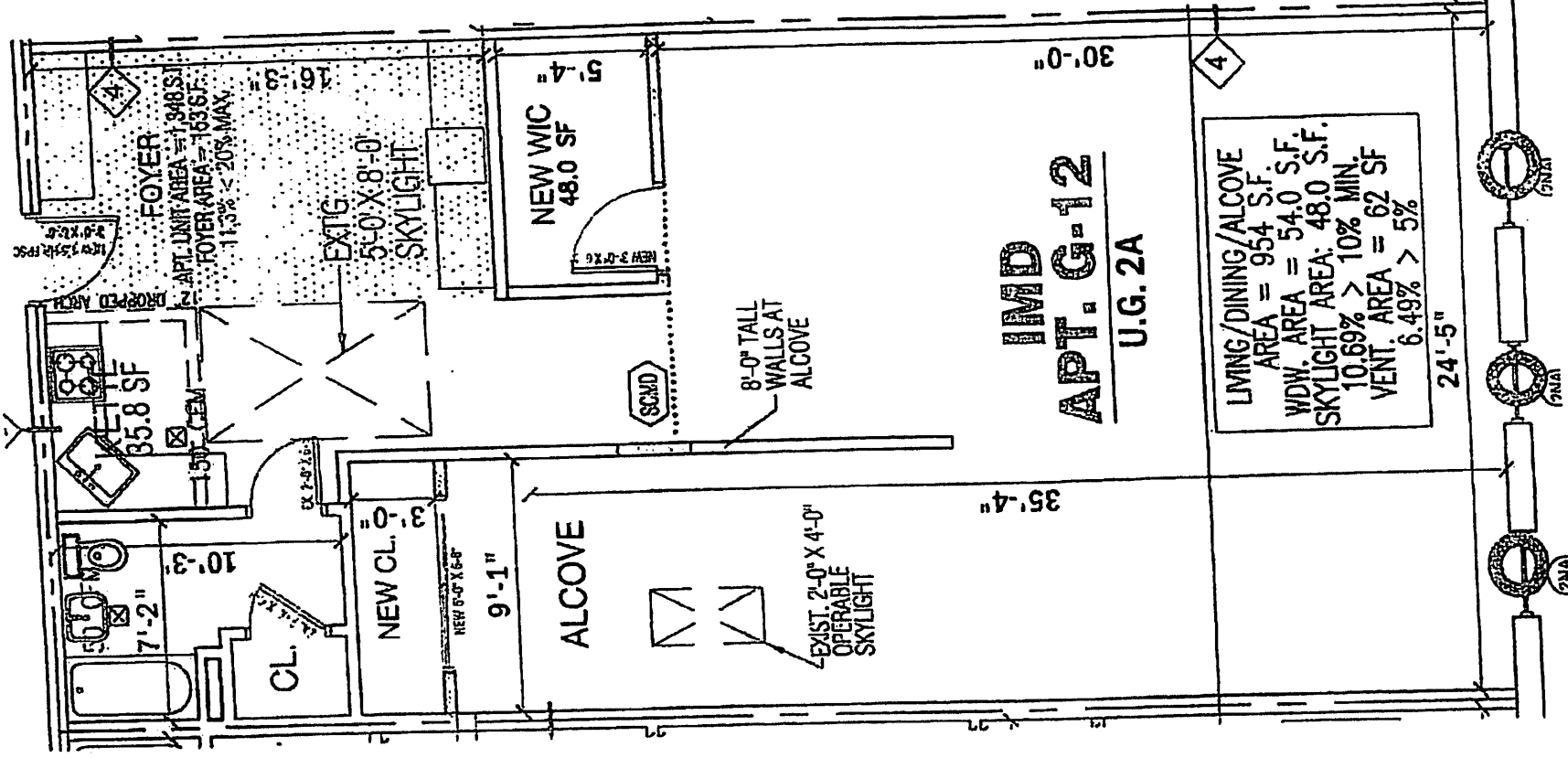
G12.14 Work: Remove some of the existing walls within the unit as shown on plan. The existing windows on Green St. may only provide natural light and air for a habitable room whose depth does not exceed thirty feet. Create new closet at area past 30' depth from windows. Refer to plans.
Material: As required.
Time: 2 weeks
Code: Requirement as per CCD1 No. 48608, BC 27-733(a)

RESIDENTIAL AREAS:

2nd Floor: (Non-IMD) Unit G-11 (Kyra Rogowski)

Revised 8-2-2018

G11.1 Work: ~~No means of egress from any apartment shall open into any stair. There are three existing doors with access to egress from this unit. Designate one to be the main entrance door, and provide it with all accessories as listed on the main entrance door requirements. The other two door shall be removed. Seal wall with 2-hour fire rated construction using 5/8" type "X" sheetrock as required. approved 36" wide E-1 RSC label, 1.5 hour fire-rated door.~~
Material: As required
Time: 1 week
Code: NYC BC 27-371 (g); 103.5 MDL: 277.8 MDL. NYC BC 27-371.(1)(2).a



FOYER
 2. APT. UNIT AREA = 1,348 S.F.
 Foyer Area = 163 S.F.
 11.3% < 20% MAX.

NEW 3'-0" X 6'-0"

DROR PL. AREA

35.8 SF

130' CEM

7'-2"

10'-3"

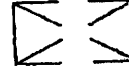
CL.

NEW CL. 9'-0"

NEW 6'-0" X 6'-4"

9'-1"

ALCOVE



EXIST. 2'-0" X 4'-0"
 OPERABLE
 SKYLIGHT

8'-0" TALL
 WALLS AT
 ALCOVE

SCMD

NEW WIC
 48.0 SF

EXTIG.

5'-0" X 8'-0"
 SKYLIGHT

35'-4"

IMD
APT. G-12

U.G. 2A

30'-0"

LIVING/DINING/ALCOVE
 AREA = 954 S.F.
 WDW. AREA = 54.0 S.F.
 SKYLIGHT AREA: 48.0 S.F.
 10.69% > 10% MIN.
 VENT. AREA = 62 SF
 6.49% > 5%

24'-5"



4

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

7017 0190 0000 9224 5144

Brooklyn NY 11222
OFFICIAL USE

Certified Mail Fee	\$43.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.56
Total Postage and Fees	\$45.31

Postmark Here
 OCT 28 2021
 10/28/2021

Sent To Philip Hubbard
 Street and Apt. No., or PO Box No. 97 Green Street # B2
 City, State, ZIP+4® Brooklyn NY 11222

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions



Certificate Of Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: AMERICAN PACKAGE COMPANY INC.
226 FRANKLIN STREET
BROOKLYN, NY 11222-1382

To: Philip Hubbard
97 Green Street # B2
Brooklyn NY 11222

STAGE PAID
 NY, NY
 1.65
 JUN 21
 JSE123354-19

Postmark Here
 OCT 28 2021

PS Form 3817, April 2007 PSN 7530-02-000-9065

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

1515 4226 0000 0910 2107

OFFICIAL USE

Certified Mail Fee	\$ 12.75
Extra Services & Fees (check box, add fees as appropriate)	\$ 47.05
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 21.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 00.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 00.00
<input type="checkbox"/> Adult Signature Required	\$ 00.00
<input checked="" type="checkbox"/> Adult Signature Restricted Delivery	\$ 00.00

Postage	\$ 1.56
Total Postage and Fees	\$ 40.26

OCT 2 2021
 Postmark Here
 10/28/2021

Sent to Theodore C Chockhart
 Street and Apt. No., or PO Box No. 97 Green Street #B12
 City, State, ZIP+4® Brooklyn NY 11222

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



Certificate Of Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS® for m...
 This form may be used for domestic and international mail.

From: AMERICAN PACKAGE COMPANY INC.
 225 FRANKLIN STREET
 BROOKLYN, NY 11222-1382

To: Theodore Chockhart
 97 Green Street #B12
 Brooklyn NY 11222

POSTAGE PAID
 11222
 JUN 21
 1.65
 105E123354-19

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065

EXHIBIT E



Belkin · Burden · Goldman, LLP
A T T O R N E Y S A T L A W

1 Grand Central Place
60 E 42nd Street,
16th Floor
New York, N.Y. 10165
Tel: 212.867.4466
Fax: 212.297.1859
www.bbglp.com

direct email:cbrowne@bbglp.com

November 16, 2021

VIA PERSONAL SERVICE

Theodore C. Lockhart
97 Green Street, G12
Brooklyn NY 11222

Phillip Hubbard
97 Green Street, G12
Brooklyn NY 11222

RE: 226 Franklin/aka 97 Green Street, Unit G12
Second Request for Access

Dear Mr. Lockhart and Mr. Hubbard:

American Package Company Inc. (the “Owner”) is the owner of the above referenced building (the “Building”). Your unit, G12 (the “Unit”) is an Interim Multiple Dwelling (“IMD”) subject to Article 7-C of the Multiple Dwelling Law (the “Loft Law”). Pursuant to the Loft Law, the Unit must be legalized for residential use.

As set forth in Owner’s first request for access dated October 28, 2021 (the “First Access Letter”), pursuant to the Loft Board’s regulations, Title 29 of the Rules of the City of New York § 2-01(g), access to the Unit is required for the Owner to perform and complete the following legalization work, with such work to be read in conjunction with the attached pages of the August 2, 2018 narrative statement and the attached legalization plan¹:

1. A mechanical engineer shall inspect in the field if the existing spacing, distances from walls and ceilings of sprinkler heads and other related matters regarding the sprinkler system comply with the standards set forth by NFPA and other state and local codes.

¹ This work is a summary and is prepared to the best of my knowledge. This is not meant to replace the full description of work listed under the approved narrative statement or the legalization plan.

2. Replace existing apartment entrance door. The door shall be 36" wide with FPSC label, 1.5-hour fire rated door.
3. Provide a peephole, a security chain guard, a doorbell, an apt. identification sign, a heavy-duty latch set, a heavy-duty dead bolt operable by a key from the outside and a thumb-turn from the inside and a self-closing mechanism.
4. Provide hardwired smoke / carbon monoxide detectors inside each sleeping space and outside not more than 15'-0" away from the sleeping space opening. Primary power shall be from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, and shall be equipped with a battery backup.
5. Seal all holes, if any, where pipe penetrations exist on walls, floors and ceilings with an approved penetration firestop system.
6. Provide one (1) outlet every 12 feet of linear wall.
7. Install 220 volts A.C. outlet at living areas.
8. All electrical outlets within 6'-0" distance from the kitchen sink shall be GFI outlet. If no outlet is present in kitchen/kitchenette, provide new GFI outlet.
9. In the bathroom, provide 6" waterproof wall base.
10. Provide a mechanical means of ventilation to the bathroom. Install metal duct (20 gauge) with a minimum cross section area of one square foot. The exhaust system shall be arranged to expel air directly to the outdoors. Provide a 1" undercut at the bathroom door for air egress.
11. Install a new ceiling mounted gas furnace by York.
12. Change the direction of swing on Unit entrance door towards inside the Unit, (if required) so as not to obstruct means of egress along the public hallway as required.
13. Remove existing illegal mezzanine floors, including structural frames and stairs as required to provide an 8'-0" minimum ceiling height.
14. The wall between the Unit and the adjoining residential unit shall have a 1-hr. fire rating. Verify in field and upgrade as needed by installing additional layer of type "X" sheetrock on each side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.
15. The wall between this Unit and the public hallway shall have a 2-hr. fire rating. Verify in field and upgrade as needed by installing additional layer of type "X" sheetrock on each hallway side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock on apartment side and three (3) layers of 5/8" type "X" sheetrock on hallway side. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.
16. Verify in field where exposed BX electrical cables exist in this Unit. These cables have to be covered within fire-retarded enclosures or replace the BX encasement with a proper metal pipe conduit.
17. To comply with light and air requirements, provide openings of at least 8'-0" on existing walls on alcoves as shown on attached plan.
18. Convert existing Kitchen into a kitchenette. Install 12" drop arch above the perimeter of the kitchen as shown on plan and provide a minimum of 150 cfm mechanical ventilation that will exhaust air to the outside through the existing kitchen duct through the roof.
19. Install new walls as shown on attached plan to create new closet at proposed sleeping alcove.
20. Install additional windows at Green Street as shown on attached plan. Windows shall be double hung and match the adjacent windows in material and color. Replace to existing double hung windows with casement to meet minimum natural ventilation requirements.
21. New 2-hr. fire rated mechanical shaft shall be built within this Unit as shown on attached plan.

22. Remove some of the existing walls within the Unit as shown on plan. The existing windows on Green Street may only provide natural light and air for a habitable room whose depth does not exceed 30 feet. Create new closet at area past 30' depth from windows. Refer to attached plan.

You were requested to select one of the five (5) dates provided, November 29, 30, December 1, 2, or 3 2021. As of the date of this letter, we have not heard from you. Therefore, this letter is to confirm that access to your Unit will be required starting on November 29, 2021 at 10AM. As mentioned in the First Access Letter, the work is expected to take four to five months to complete.

JDP Design Construction, Inc. will be performing the work.

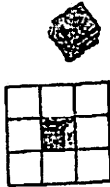
Again, please be advised that pursuant to the Loft Board's regulations, upon appropriate notice, building occupants are required to provide the owner of the building with reasonable access to their units so that all requisite legalization or repair work, inspections and surveys as may be required for the purpose of legalization may be performed.

If you have any questions regarding this notice, please contact me. Thank you for your anticipated cooperation in this matter.

Sincerely,

Christina M. Browne

Christina M. Browne



**MELTZER / COSTA & Associates,
ARCHITECTURE & ENGINEERING, LLP**

Harry A. Meltzer, R.A., AIA
Angelo R. Costa, A., AIA
Paul. M. Antonio, PE

August 2, 2018
10192 Nar. Page 1

**NARRATIVE STATEMENT
FOR
226 Franklin Street
BROOKLYN, NEW YORK**

BUILDING INFORMATION DATA

BLOCK	3178
LOT	2521
ZONE	M 1-2 / R6A
CONSTRUCTION CLASS	2B
NUMBER OF STORIES	2
DOB APPL. NO.'s	Alt1 320914347 Alt2 321680828 (Fire Alarm)
IMD NUMBER	30077
HEIGHT	2 STORIES / VARIES

**PREPARED BY:
MELTZER-COSTA / ARCHITECTS
175 GREAT NECK ROAD
GREAT NECK, NEW YORK 11021**

**Revised: December 8, 2015
Revised: May 16, 2016
Revised July 11, 2017
Revised August 2, 2018**

**NOTE: THIS NARRATIVE STATEMENT MAY BE AMENDED PRIOR TO THE ISSUANCE OF A
BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY**

**Narrative Statement
226 Franklin Street, Brooklyn, N.Y.**

**August 2, 2018
Job No. 10192**

Abbreviations

ANSI	American National Standards Institute
BC	Building Code
BEC	Bureau of Electrical Control
Comm.	Commercial
CO	Certificate of Occupancy
DOB.	Department of Buildings
NYC	New York City
FPSC.	Fireproof Self-Closing
HMC.	Housing Maintenance Code.
IMD.	Interim Multiple Dwelling
MDL	Multiple Dwelling Law
LL	Local Law
ELEC.	Electric
CFM	Cubic Feet Per Minute
TB/VIF	To Be Verified In Field
HM	Hollow Metal
VCT	Vinyl Composition Tile
CT	Ceramic Tile
ZR	Zoning Resolution

General Notes


- 1- The following Narrative Statement is a written description of the scope of work that is required to be performed as per Article 7B and 7C of the Multiple Dwelling Law and Housing Maintenance Code in order to legalize the existing use and occupancy of the Residential IMD units within the building. This building will be subject to the applicable rules and regulations of the 1968 Building Code and the Housing Maintenance Code.
2. This Narrative Statement should be reviewed in conjunction with the architectural plans dated on 8/2/2018 and Fire alarm plans dated 10/30/2017. To review the plans you may call the NYC Loft Board at 212 788-7610. To purchase the plans, please send a written request along with a check for \$10.00 per sheet to this office. If you have questions, contact Angelo Costa (Architect of Record) at 212 688-6194. This Narrative Statement is based on our inspections of the building on November 23, 2010 to January 8, 2010 to June 6, 2011 as well as 10/22/2015 & 10/29/2015.
3. The subject building is classified as a non-fireproof construction, Class #B II-C, as per NYC 1968 Building Code. It is two (2) stories high, located at the east side of Franklin Street bounded by Green Street, Franklin Street and Freeman Street, in Brooklyn, New York. The exterior walls are of masonry construction supporting wood floor joists. The means of egress from the second floor consist of seven separate enclosed public hallways and enclosed public stairs with one (1) hour fire rated walls. Existing egress stairs are of metal pan with concrete tread construction and are fully wet-sprinklered.
4. All existing electrical work (wiring, circuit panels, junction boxes, etc.) for the Residential Units to be inspected by a licensed electrician, in order to determine if the existing conditions meet the minimum requirements of the NYC Electric Code. The same licensed electrician should make an application with the NYC Bureau of Electrical Control (BEC.) in order to legalize any electric work that has been performed at these Residential Units. A sign-off, from the DOB should be obtained prior to issuance of the Certificate of Occupancy, by said electrician.
5. All existing plumbing work (stacks, vents, traps, shut-off valves, etc.) for the Residential Units to be inspected by a licensed plumber, in order to determine if the existing conditions meet the minimum requirements of the NYC Plumbing Code. The same licensed plumber should obtain a permit in order to legalize the existing plumbing fixtures and any other new work to be performed. A sign-off, from the N.Y.C. Department of Buildings should be obtained, prior to the issuance of the Certificate of Occupancy, by said plumber.
6. A standpipe and fire alarm system shall be provided in this building and an existing wet-pipe sprinkler system shall be modified to accommodate changes in partition layouts.
7. No work described under this Narrative Statement shall be performed by the tenants and/or their contractors, without prior approval from the owner.

Narrative Statement
226 Franklin Street, Brooklyn, N.Y.

August 2, 2018
Job No. 10192

CERTIFICATION

I certify, under penalties provided by law, including fine or imprisonment, or both, that the attached is a complete and accurate statement of the work proposed in the filed alteration application and plans for the units and common areas described.


Angelo R. Costa, R.A.
for Meltzer Costa Architects

REGISTERED ARCHITECT
No. 10511
Date: 8/20/18
STATE OF NEW YORK

Time:	1 week
Code:	MDL 57, MDL 37.4
C10.G25.11 Work:	Verify in field where pipe penetrations exist on walls, floor and ceiling that separate this unit from other adjoining spaces and properly seal with an approved penetration firestop system.
Material:	Approved firestopping sealant.
Time:	2 weeks
Code:	NYC BC 27-345.g

SCOPE OF WORK COMMON TO IMD RESIDENTIAL SPACES

CR.1 Work: A mechanical engineer shall inspect in field if the existing spacing, distances from walls and ceilings of sprinkler heads and other related matters regarding the sprinkler system on these units comply with the standards set forth by NFPA and other state and local codes. The engineer shall determine if relocations of existing sprinkler heads and/or additions of new sprinkler heads is necessary. A modified sprinkler plan shall be filed at the DOB as required.

Material: As required
Time: 8 weeks
Code: NFPA

CR.2 Work: Replace all existing apartment entrance doors at units as indicated on plans. Each door shall be 36" wide with FPSC label, 1.5-hour fire rated door. Provide each with a peep hole, a security chain guard, a door bell, an apt. identification sign, a heavy-duty latch set, a heavy-duty dead bolt operable by a key from the outside and a thumb-turn from the inside and a self-closing mechanism. If existing Fire Proof door is to remain, verify that said door has all aforementioned hardware and that such hardware is in good working condition. Provide new as required.

Material: 1.5-hour fire rated FPSC door, peep hole, security chain guard, doorbell, apartment identification sign, heavy-duty latch set, heavy-duty dead bolt lock and self-closing mechanism.

Time: 1 week /unit
Code: 277.8 MDL & 27-371 NYC BC, NYC BC27-371.(j)(2).a

CR.3 Work: Provide hardwired smoke / carbon monoxide detectors inside each sleeping space and outside not more than 15'-0" away from the sleeping space opening. Primary power shall be from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, and shall be equipped with a battery backup. They shall be interconnected in such a manner that the activation of one alarm or detector will activate all the alarms or detectors in the individual unit.

Material: Hardwired smoke/carbon monoxide detectors and related electric wiring (conduit).
Time: 1 week /unit

-
- Code: 277.7(g) MDL, NYC DOB 907.2.10.1.1/2/&3
- CR.4 Work: Verify in field where pipe penetrations exist on walls, floors and ceilings that separate units from other adjoining spaces and properly seal with an approved penetration firestop system.
Material: Approved firestopping sealant.
Time: 2 weeks/unit
Code: NYC BC 27-345.g
- CR.5 Work: Provide one (1) outlet every 12 feet of linear wal on all units.
Material: Electric outlets, wiring and related material. (a licensed electrician to verify existing condition in field:
Time: 2 weeks/unit
Code: NEC 210.52
- CR.6 Work: Install 220 volts A.C. outlet at living areas on all units.
Material: 220 volts electrical outlet.
Time: 1 week / unit
Code: NYC Electrical Code
- CR.7 Work: All electrical outlets within 6'-0" distance from the kitchen sink shall be GFI outlet. If no outlet is present in kitchen/kitchenette, provide new GFI outlet. Verify condition in field and comply if required.
Material: GFI electrical outlet.
Time: 1 week / unit
Code: NYC Electrical Code
- CR.9 Work: On all units, except for Unit F-105; provide 6" waterproof wall base on bathrooms where required.
Material: Waterproof wall base as required.
Time: 1 week / unit
Code: MDL 76 (e)
- CR.10 Work: Provide a mechanical means of ventilation to each bathroom. Install metal duct (20 gauge) with a minimum cross section area of one square foot and the exhaust system shall be capable of exhausting at least fifty cubic feet per minute of air. The exhaust system shall be arranged to expel air directly to the outdoors. Provide a 1" undercut at the bathroom door for air egress.
Material: Metal ducts and exhaust fan.
Time: 2 weeks / unit
Code: 277.7(f) MDL, NYC BC 27-759
- CR.11 Work: Remove each illegal gas space heater at all residential units. Install a new ceiling mounted gas furnace by York. New gas furnace shall be installed at locations as shown on Mechanical plan. See mechanical plans for venting.
Material: New Gas furnace, concentric vent, and related materials.

Narrative Statement
226 Franklin Street, Brooklyn, N.Y.

August 2, 2018
Job No. 10192

- Time: 2 weeks / unit
Code: HMC 27-2028, 27-2032
- CR.12 Work: All existing gas and electric hot water heaters shall be removed from residential units. The building shall supply hot water to all residential tenants through an existing "shared hot water system" already in place.
Material: As required.
Time: 2 weeks / unit
Code: MDL 64.3
- CR.13 Work: Provide 1 inch undercut at all bedroom doors for mechanical air return.
Material: As required.
Time: 1 week / unit
Code: Mechanical Design Requirement

Added 8-2-2018

- CR.14 Work: Each open kitchen shall have a source for natural light and air within the kitchen itself. If no such source exists, convert the open kitchen into a kitchenette. Install 12" dropped arch above the perimeter of the kitchenette as shown on plan and provide a min. of 150 cfm mechanical ventilation that will exhaust air to the outside through the existing kitchen duct through the roof.
Material: As required.
Time: 2 weeks/unit
Code: BC 27-758

RESIDENTIAL AREAS:

1st Floor: (IMD) Unit-G5 (Nathan Wood)

- G5.1 Work: Provide an address identification together with the apartment unit number that shall be plainly visible from the sidewalk.
Material: Address numbers.
Time: 1 week
Code: HMC 27-2049
- G5.2 Work: Provide exterior lighting outside the apartment unit entrance.
Material: One light fixture & related electric wiring connected to tenant's meter.
Time: 1 week
Code: 35 MDL
- G5.3 Work: Provide a mail slot through the unit's entrance door.
Material: As required
Time: 1 week
Code: MDL 57, MDL 37.4
- G5.4 Work: Provide a wider opening of at least 8'-0" on existing wall as shown on plan to comply with light and air requirement for this sleeping alcove.

Time: 1 week
Code: MPL-277.9

G13.15 Work: Install new walls as shown on plan to create new closet at existing bedroom.
Material: metal studs, GWB, tape, spackle and paint; Closet doors and related hardware.
Time: 1 week
Code: Design requirement

G13.16 Work: A new 2-hr. fire rated mechanical shaft shall be built within this unit as shown on plan.
Material: 5/8" type "x" sheetrock.
Time: 2 weeks
Code: BC Table 3-4

G13.17 Work: Relocate existing Apt. entry door to comply with max. 40' travel distance within Unit. Seal wall at location of existing door with new one (1) hour rated fire construction.
Material: As required
Time: 1 weeks
Code: BC 27-360(b)

G13.18 Work: Relocate existing skylight above bedroom to be entirely within the bedroom.
Refer to plans.
Material: As required
Time: 1 weeks
Code: Requirement as per CCD1 No. 49089

RESIDENTIAL AREAS:

2nd Floor: (IMD) Unit G-12 (Theodore C. Lockhart)

G12.1 Work: Change the direction of swing on apartment entrance door towards inside the apartment so as not to obstruct means of egress along the public hallway as required.

Material: As required.
Time: 1 week
Code: NYC BC 27-371 (g)

G12.2 Work: Remove existing illegal mezzanine floors, including structural frames and stairs as required to provide an 8'-0" minimum ceiling height for a habitable space..

Material: As required.
Time: 2 weeks
Code: NYC BC 27-751

G12.3 Work: The wall between this residential space and the adjoining residential space shall

have 1-hr. fire rating. Verify in field and upgrade by installing additional layer of type "X" sheetrock on each side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.

Material: 5/8" type "x" sheetrock.
Time: 3 weeks
Code: MDL 277.5

Revised 8-2-2018

G12.4 Work: The wall between this residential space and the public hallway shall have a 2-hr. fire rating. Verify in field and upgrade by installing additional layer of type "X" sheetrock on each hallway side of existing wall finish so that the thickness will be equal with or more than that of one (1) layer of 5/8" type "X" sheetrock on apartment side and three (3) layers of 5/8" type "X" sheetrock on hallway side. Apply tape, spackle and paint as necessary. This fire rated wall shall extend to the underside of the subflooring above.

Material: 5/8" type "x" sheetrock.
Time: 3 weeks
Code: MDL-277.5, Requirement as per CCD1 No. 49093

G12.5 Work: Install and maintain window guards on apartment windows where a child ten years of age or under resides.

Material: Child guard
Time: 1 week
Code: NYC Local Law No. 57

G12.8 Work: Verify in field where exposed BX electrical cables exist in this unit. These cables have to be covered within fire retarded enclosures or replace the BX encasement with a proper metal pipe conduit.

Material: As required
Time: 1 week
Code: NYC Electrical Code

Revised 8-2-2018

G12.9 Work: To comply with light and air requirement, provide openings of at least 8'-0" on existing wall on sleeping alcoves as shown on plan.

Material: As required
Time: 1 week
Code: TPPN 9/93.7 (MDL 277.7.b.ii)

G12.10 Work: Convert existing kitchen into a kitchenette. Install 12" dropped arch above the perimeter of the kitchenette as shown on plan and provide a min. of 150 cfm mechanical ventilation that will exhaust air to the outside through the existing kitchen duct through the roof.

Material: As required
Time: 2 weeks

Narrative Statement
226 Franklin Street, Brooklyn, N.Y.

August 2, 2018
Job No. 10192

Code: MDL 277.7.e.ii

G12.11 Work: Install new walls as shown on plan to create new closet at proposed sleeping alcove.
Material: metal studs, GWB, tape, spackle and paint; Closet doors and related hardware.
Time: 1 week
Code: Design requirement

Revised 8-2-2018

G12.12 Work: Existing windows do not supply the code's full requirement on natural light and air needed for habitable spaces. Install additional windows at Green Street as shown on plan. Windows shall be double hung and match the adjacent windows in material and color. Replace two existing double hung windows with casement to meet minimum natural ventilation requirements.
Material: As required
Time: 3 weeks
Code: NYC BC 27-733

G12.13 Work: A new 2-hr. fire rated mechanical shaft shall be built within this unit as shown on plan.
Material: 5/8" type "x" sheetrock.
Time: 2 weeks
Code: BC Table 3-4

Revised 8-2-2018

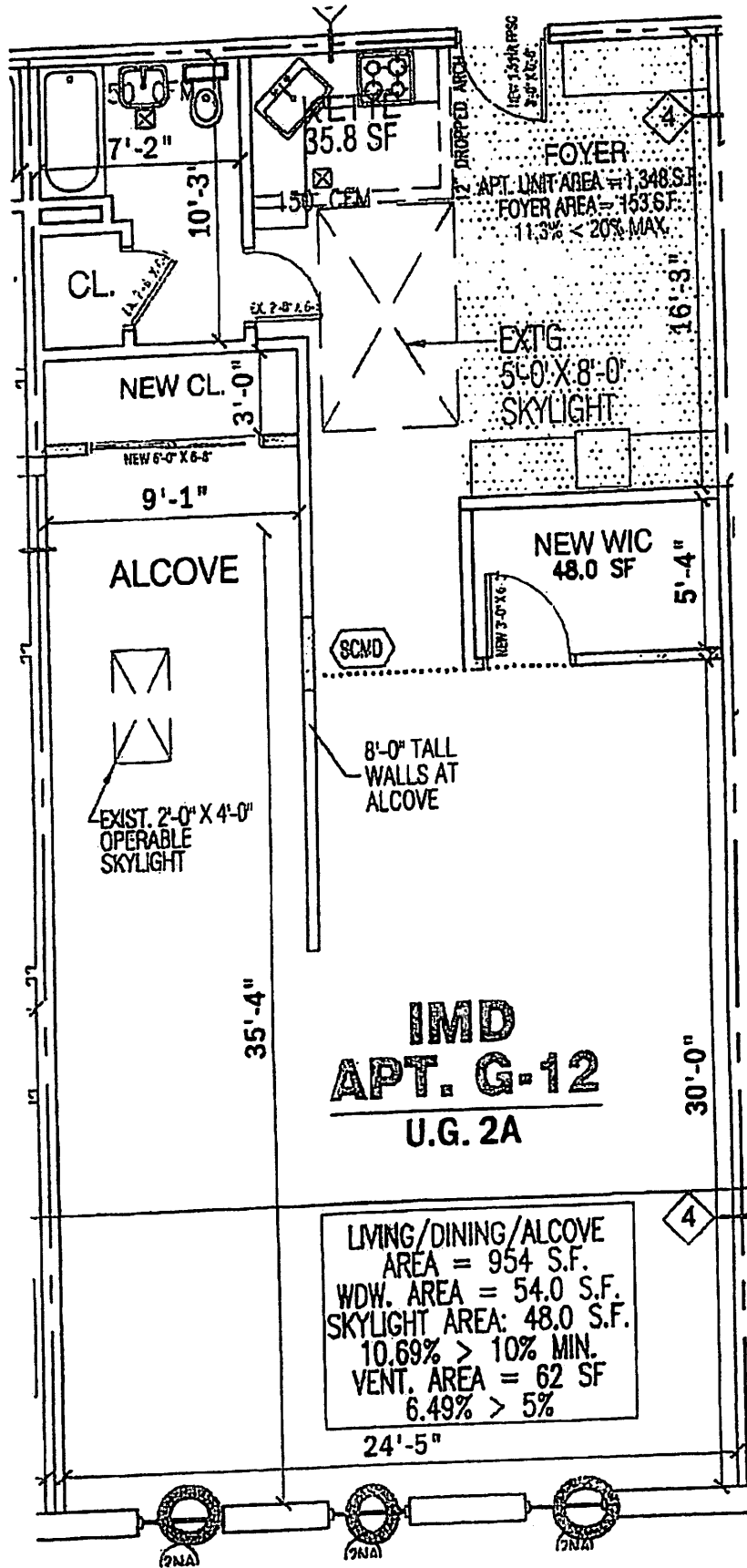
G12.14 Work: Remove some of the existing walls within the unit as shown on plan. The existing windows on Green St. may only provide natural light and air for a habitable room whose depth does not exceed thirty feet. Create new closet at area past 30' depth from windows. Refer to plans.
Material: As required.
Time: 2 weeks
Code: Requirement as per CCD1 No. 48608, BC 27-733(a)

RESIDENTIAL AREAS:

2nd Floor: (Non-IMD) Unit G-11 (Kyra Rogowski)

Revised 8-2-2018

G11.1 Work: ~~No means of egress from any apartment shall open into any stair. There are three existing doors with access to egress from this unit. Designate one to be the main entrance door, and provide it with all accessories as listed on the main entrance door requirements. The other two door shall be removed. Seal wall with 2-hour fire rated construction using 5/8" type "X" sheetrock as required. approved 36" wide FPSC label, 1.5 hour fire-rated door.~~
Material: As required.
Time: 1 week
Code: NYC BC 27-371 (g); 103.5 MDL; 277.8 MDL. NYC BC 27-371.(1)(2).a



THEODORE C. LOCKHART
97 GREEN STREET G12
BROOKLYN NY 11222

POSTAGE
PAID
BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED IN THE
UNITED STATES

PHILLIP HUBBARD
97 GREEN STREET G12
BROOKLYN NY 11222





AMERICAN PACKAGE COMPANY INC

226 FRANKLIN STREET, BROOKLYN, NY 11222-1382 • (718) 389-4444 • EMAIL: AMPACO@GMAIL.COM

Date: 11-16-2021

hoft # G12 - 97 Green Street

Name: Theodore C. Lockhart

Recevie "Second Request for
Access letter date 11/16/2021

Name (print) Theodore Lockhart

Signature Theodore C. Lockhart

Date: 11/16/2021



AMERICAN PACKAGE COMPANY INC

226 FRANKLIN STREET, BROOKLYN, NY 11222-1382 • (718) 389-4444 • EMAIL: AMPACO@GMAIL.COM

Date: 11-16-2021

hoft # G12 - 97 Green Street

Name: Philip Hubbard.

Recevie "Second Request for
Access letter date 11/16/2021

Name (print) PHILIP HUBBARD

Signature Phil Hubbard

Date: 11/16/2021



Answer to Application

FOR OFFICE USE ONLY

DOCKET #: _____

Respondent Information	
NAME: _____	RESPONDENT IS: <input type="checkbox"/> Owner <input type="checkbox"/> Net Lessee <input type="checkbox"/> Managing Agent <input type="checkbox"/> Residential Tenant <input type="checkbox"/> Commercial/Manufacturing Tenant <input type="checkbox"/> Other (specify) _____ _____ _____
MAILING ADDRESS: _____	
CITY, STATE: _____	
ZIP CODE: _____	
IMD ADDRESS: _____	
_____ IMD NO. _____	
DAYTIME PHONE: () _____	
BUSINESS PHONE: () _____	
FAX NUMBER: () _____	
EMAIL ADDRESS: _____	

If the answering party is an Owner, Managing Agent or a Net Lessee, please complete the following certification.

I certify that, as of the date of this answer, all records related to a sale of improvements pursuant to § 286(6) and sales of rights pursuant to § 286(12) of the Multiple Dwelling Law for any Interim Multiple Dwelling unit in the subject building have been filed with the New York City Loft Board.

Name (print)

Relationship to Respondent (if same, write 'Same')

Signature

Date

Answer

Title 29 of the Rules of the City of New York (29 RCNY) §1-06(c) requires that an answer to an application contain facts and arguments relevant to the application. Use the space below to state all facts relevant to the application and your answer. Extra sheets of paper may be attached as necessary. If required (see (c) above), all supporting documents must be attached to this Answer Form, or an explanation must be provided for not attaching the supporting documents.

Verification or Affirmation

I verify or affirm that all statements made in this answer and in the attached rider, if applicable, are true and correct except for those statements that I have stated to be based on information and belief, and as to those matters, I believe them to be true and correct.

Name (print)

Relationship to Applicant (if same, write 'Same')

Signature

Date

PLEASE NOTE:

- One original and four copies of this Answer and attachments must be filed with the Loft Board.
- Failure to sign the Verification/Affirmation may result in rejection of the Answer.
- False statements may subject you to the penalties provided by law, including fines and/or imprisonment.



Certification of Service
*Failure to complete this section may result
in rejection of the ANSWER*

On _____, I served a true copy of the ANSWER *(check all that apply)*
(date of service)

- By mailing to applicant(s) in a stamped, sealed envelope, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the applicant(s) as indicated below.
- By facsimile transmission to applicant(s) at last known fax/address as indicated below.

Name of person served with the ANSWER

Address of person served with the ANSWER (including floor or unit number)

City, State and Zip Code

Fax Number

Name (print)

Signature

Date

NOTE: *False statements may subject you to the penalties provided by law, including fines and/or imprisonment.*



INSTRUCTIONS: Answer to Application

Use the **Answer to Application** to file an Answer to an application.

You have been served with a Loft Board application. You are receiving this application because you have been identified as an affected party on the application. This means that your interests in the building may be affected by the claim raised in the application. If you want to respond to the claim raised in the application, you must complete the answer form below. After you complete the answer form, you must serve a copy on the applicant. Then you must file the original and four copies of the application and proof of service with the Loft Board.

DEADLINE FOR FILING AN ANSWER

The deadline for filing an Answer with the Loft Board depends on the type of application filed by the applicant. The type of application should be clearly stated in the upper right-hand corner of the application form. If the application is a General Application, the type of application is checked off on page 1 of the application form. If you do not file an Answer by the deadline listed in the table below, you may be barred from filing an Answer or offering any evidence in defense of the claim made in the application.

TYPE OF APPLICATION AND DOCKET PREFIX	ANSWER PERIOD
Appeal of Administrative Determination (AD)	25 calendar days after the application's mailing date
Access (LS)	20 calendar days after the application's mailing date or 15 calendar days after personal delivery
Challenge to Sale of Improvements (LF)	7 calendar days after the application's mailing date
Extension of Code Compliance Deadline (EX)	25 calendar days after the application's mailing date
Harassment Applications (TH)	20 calendar days after the application's mailing date
Reconsideration (R)	25 calendar days after the application's mailing date
Rent Adjustment (LE)	45 calendar days after the application's mailing date
RGB Notice	45 calendar days after the application's mailing date
Tenant Compensation Dispute (TC)	25 calendar days after the application's mailing date
All Other Types of Applications	35 calendar days after the application's mailing date

COMPLETING THE APPLICATION

- Clearly print the respondent's contact information. You must include a mailing address, phone number and email address. Unless otherwise indicated, if two (2) or more people are answering, the Loft Board will use the first phone number or mailing address listed on the answer to contact the applicants or to return the answer if it is defective.
- Indicate the type of relationship the respondent has to the building. You must indicate on page 1 of the Answer if you are an owner, residential tenant, residential subtenant, or manufacturing/commercial tenant.
- State why you oppose the claim raised in the application. Your Answer must contain facts and arguments relevant to the claims raised in the application. If the application requires the applicant to submit documents, you may submit documents in support of your Answer.
- Sign the application. The applicant(s) or the applicant's attorney must sign the application form.



SERVING THE ANSWER

You must serve a copy of your Answer upon the applicant before filing the Answer with the Loft Board. You may serve your Answer as follows:

1. By mail, at the address of the applicant specified on the application; *or*
2. By facsimile, at the fax number specified in the application, provided that a 2nd copy must be sent by mail, within three (3) calendar days of the fax, to the applicant's address specified on the application.

FILING THE ANSWER

You must file one (1) original and four (4) copies of the Answer, any accompanying documents if the application requires the filing of supporting documents, and proof of service made upon the applicant, with the Loft Board by 4:00 pm on the last day of the Answer Period Deadline stated above. Proof of service of an Answer must be in the form of an affidavit of service on the Loft Board's approved form, if served by mail, or a facsimile receipt, if served by fax.

The Answer must be filed with the Loft Board as follows:

1. By hand delivery to the Loft Board's offices between 9:00 am – 4:00 pm on Mondays through Fridays, except holidays.
2. By mail; *or*
3. By facsimile transmission. If the Answer is submitted by fax, the original Answer, accompanying documents, if any, and proof of service, must also be submitted:
 - a. by hand delivery within three (3) calendar days of the fax, *or*
 - b. by mail, postmarked within three (3) calendar days of the fax.

FINES AND PENALTIES

The Loft Board has the right to impose a civil penalty as indicated in 29 RCNY §2-11.1 for every violation of the Loft Board rules whether or not the applicant requests the imposition of fines or penalties.

If you have any questions regarding this form, review 29 RCNY §1-06, visit the Loft Board's website at www.nyc.gov/loftboard, or call the Loft Board at (212) 393-2616.

EXHIBIT B

LOFT BOARD
FEB 23 2022
RECEIVED

Answer to Application

FOR OFFICE USE ONLY

DOCKET #: LS-0283

This is the answer to an access application dated 2/3/22

Respondent Information

NAME: Theodore Lockhart & Phillip Hubbard

MAILING ADDRESS: 90 Goodfark & Sandorcock, LLP

CITY, STATE: 110 E. 59th St., 22nd Fl.

ZIP CODE: NY, NY 10022

IMD ADDRESS: mbs @ goodfarklaw.com

IMD NO. 3007

DAYTIME PHONE: (212) 509 0440

BUSINESS PHONE: () same

FAX NUMBER: (212) 509 0464

EMAIL ADDRESS: mbs @ goodfarklaw.com

- RESPONDENT IS:
- Owner
 - Net Lessee
 - Managing Agent
 - Residential Tenant
 - Commercial/Manufacturing Tenant
 - Other (specify)

If the answering party is an Owner, Managing Agent or a Net Lessee, please complete the following certification.

I certify that, as of the date of this answer, all records related to a sale of improvements pursuant to § 286(6) and sales of rights pursuant to § 286(12) of the Multiple Dwelling Law for any Interim Multiple Dwelling unit in the subject building have been filed with the New York City Loft Board.

Name (print)

Relationship to Respondent (if same, write 'Same')

Signature

Date

Answer

Title 29 of the Rules of the City of New York (29 RCNY) §1-06(c) requires that an answer to an application contain facts and arguments relevant to the application. Use the space below to state all facts relevant to the application and your answer. Extra sheets of paper may be attached as necessary. If required (see (c) above), all supporting documents **must** be attached to this Answer Form, or an explanation **must** be provided for not attaching the supporting documents.

Please see attached rider.

Verification or Affirmation

I verify or affirm that all statements made in this answer and in the attached rider, if applicable, are true and correct except for those statements that I have stated to be based on information and belief, and as to those matters, I believe them to be true and correct.

Margaret B. Sandercock

Name (print)

attorney

Relationship to Applicant (if same, write 'Same')

Margaret B. Sandercock

Signature

2/16/22

Date

PLEASE NOTE:

- One original and four copies of this Answer and attachments must be filed with the Loft Board.
- Failure to sign the Verification/Affirmation may result in rejection of the Answer.
- False statements may subject you to the penalties provided by law, including fines and/or imprisonment.

RIDER TO ANSWER TO ACCESS APPLICATION
226 FRANKLIN STREET, BROOKLYN, NEW YORK

Goodfarb & Sandercock, LLP represents the following units at the building 226 Franklin Street, Brooklyn, New York: G12, G21, G22, G51, F2, F102 and F120. We were retained in Summer 2020. Units F2 and F120 are in process of applying for protected occupancy. The tenants of the other units we represent are the protected occupant(s) of their respective unit.

This rider is submitted to answer a legalization access application served on Theodore Lockhart, unit G12, dated February 3, 2022.

Statement of Facts:

The facts offered by applicant's counsel are not complete nor fully forthright. This is the third access application served on this unit. The first was pending for most of 2020 and was ultimately dismissed in or about September 2020 by ALJ Ingrid Addison of OATH, as it was legally insufficient. The second access application went to hearing before ALJ Noel Garcia on May 21, 2021, but was dismissed on technical grounds by the Loft Board in Order No. 5098 (10/21/21).

Unit G12 is occupied, and has been occupied at all relevant times, by two adults. The unit contains, and has always contained, two bedrooms. The owner's legalization plans call for its legalization without any bedrooms. It is possible to provide legal bedrooms. See Exhibit A, accompanying report of Alexandr Neratoff, RA, Respondent's architect, and two alternative layouts which provide two bedrooms¹. The owner's legalization plans have not changed since the date of the Neratoff report so there was no perceived need to update same.

This kind of choice by the landlord must be understood as part of its agenda for the building. At one time, there were many IMD units at this very large building. There was a certain amount of attrition because the building was not well-maintained and disputes with the landlord about its responsibility for maintenance and repairs were common. Then, at one point, the owner offered the IMD tenants \$200,000 per unit to vacate. Some tenants took advantage of this, further reducing the number of IMD tenants. Obnoxious legalization plans such as requiring two adult roommates to live without bedrooms, is just another way of encouraging tenants to leave so that the landlord can have a vacant building for whatever he wants to do next, not a building filled with rent regulated tenants.

There is now pending a harassment application docketed TH-0221 raising issues such as obnoxious legalization plans and the repeated defective access notices served on G12. The harassment case and this access application should be consolidated.

Respondent has never participated in a Narrative Statement conference. Respondent was covered under the Loft Law pursuant to Loft Board Order 4815, mailed on October 24, 2018. The 45 day clock for this building began to run on October 25, 2018. Respondent was first

¹ The first of the two layouts, A, calls for a new skylight. The owner proposed a skylight in that location in its 2015 plans.

represented by counsel with respect to his loft in August 2020. Loft Board regulations do not make clear that persons applying for coverage who are not yet covered must simultaneously with applying for coverage, be involved in the narrative statement process if it is going on, or they will lose all control over the configuration of their unit. The whole idea of dealing with legalization before coverage is determined is so counter-intuitive that there is no chance a tenant without counsel would know they may be expected to proceed in that way.

From the beginning of the legalization process through the owner's last changes to the plans in 2018, due in part to policy changes at the Department of Buildings, the plans were changed a lot and deteriorated from the tenant perspective. Tenants started to lose rooms, alcoves and mezzanines. The plans were significantly changed in 2018, after the last narrative conference in 2017. The tenants do not appear to have known that they had to review every generation of plans with their architect nor that the plans had been significantly changed. Additionally, tenants were lulled into a false sense of security as the landlord had stated the legalization plans were "just what we're filing for now" and would do post approval amendments (PAA's) for those tenants requesting them. See email from Amy Lee dated December 8, 2020, annexed as Exhibit B.

Respondent objected to the legalization plans for his unit by corresponding with the principal of the landlord, Martin Kofman, in fall 2019. Mr. Kofman's architect responded. See annexed Exhibit C. Respondent also objected to the legalization plans in his answer to the first access application, filed in early 2020, and in his answers to the second access application, dated December 15, 2020 and March 1, 2021. In other words, the owner and its counsel have known that respondent objects to the plans for his unit for more than two years, but has yet to modify the plans, despite its agreement to do PAA's.

Respondent's Objections to Providing Access:

1. Respondent has never attended a narrative conference. Stephan Clarke of the Loft Board agreed to open "any" issues in connection with building legalization at the above mentioned conference because he apparently received complaints about the PAA issue, Exhibit D, but this did not occur.
2. It is harassment to require two adult roommates to live without bedrooms when two legal bedrooms can be constructed. The owner should be required to live up to its agreement to do PAA's for tenants who need them, including Respondent.
3. Respondent entered into a coverage stipulation at OATH on or about June 7, 2017 which provided for legalization access at mutually convenient times. The landlord has never approached him concerning mutual convenience, but has twice attempted to impose access on specific dates of its choice. It is not even clear that the contractor who showed up at the building on the proposed access dates is actually ready to do work.
4. In prior discussions with tenants about legalization, the landlord offered replacement housing and that three units at a time will be legalized to completion, then the next three,

and so on. At present, no replacement housing is being offered and no other units have received access notices.

5. The tenants' architect, Alexandr Neratoff, says that the work in G12 should take two months, not four to five months, as the landlord projects.
6. As set forth in the accompanying affidavit of Phillip Hubbard, once again service appears to be improper. The landlord's assistant brought postmarked envelopes to the door of unit G12; they were not delivered by the postal service. They were addressed to Lockhart and Hubbard at 226 Franklin Street when there is no arrangement for them to receive mail at 226 Franklin Street, only at 97 Green Street. To the extent personal delivery is permitted, there is no verified statement of personal delivery as required by Loft Board regulations. The Loft Board should not have accepted this application.
7. Landlord is suing Lockhart for ejectment on primary residence grounds. American Package Co. v. Lockhart, Index No. 509302/2021, Kings County). Lockhart should not be required to provide access pending the outcome of that case, particularly where no other units have started legalization work.
8. Were work to take place in Respondent's unit, he requires proof that the workers are inoculated and boosted for Covid-19.

Conclusion:

Respondent has never attended a narrative conference.

Landlord has not met its burden of establishing proper service of this application.

It is harassment to require two adult roommates to share an individual space when they have bedrooms now, and legal bedrooms can be provided. On these facts, if the landlord does not consent to change the plans for unit G12, it should be required to do so.

There is a pending harassment case with which this case must be consolidated.

Lockhart should not be required to provide access pending the outcome of the eviction proceeding, particularly where no other units have started legalization work. The landlord must provide alternate housing and must work expeditiously.

Tenants should not be obliged to let any workers who choose not be vaccinated into their homes; all workers must be fully inoculated and boosted.

NEW YORK CITY LOFT BOARD

-----x
*In the Matter of the Access Application filed on or about
February 3, 2022 by*

AMERICAN PACKAGE CO., INC.,

Applicant.

Premises: 226 Franklin Street
a/k/a 97 Green Street
Brooklyn, NY

-----x
STATE OF NEW YORK }
 SS:
COUNTY OF KINGS }

Phillip Hubbard, being duly sworn, deposes and says that the following is true:

1. I am the roommate of Theodore Lockhart, the protected occupant of unit G12 at 226 Franklin Street, Brooklyn, NY.
2. I submit this affidavit because I am the person who received the above captioned access application papers.
3. Violet Lautin, the landlord's assistant, brought three copies of the applications to the unit and I happened to be the person who opened the door. The copies she brought were postmarked as if they had been sent in the mail. They were not addressed to the correct mailing address; we receive mail only at 97 Green Street (an a/k/a for 226 Franklin); we have no mailbox at 226 Franklin, but the application was addressed to 226 Franklin. There were two copies addressed to my roommate, and only one addressed to me.
4. These circumstances may suggest that building management is interfering with our mail.
5. Though I accepted Violet's hand delivery for my roommate, there was no follow up mailing, despite the fact that the papers were given to me, not Theodore.
6. It also appears to me that this may be improper service in light of the above mentioned odd circumstances and the fact that the wrong mailing address was used.

7. My attorney advises me that proper service of all legalization notices can be made either by personal delivery followed by a verified statement from the person who made the delivery, or by certified mail, return receipt requested and regular mail. There is no verified statement of personal delivery of this application, and the regular and certified mail did not come to us through the Postal Service and has the wrong address on it.

x Philip Hubbard
Philip Hubbard

Sworn to before me this
16 day of February 2022

Bert Levine
Notary Public

BERT LEVINE
Notary Public, State of New York
No. 24-127400
Qualified in Kings County
Commission Expires October 31, 2025

Commission Expires

EXHIBIT A

December 13, 2020

COMMENTS ON ACCESS APPLICATION FOR PROPOSED LEGALIZATION WORK

Re: 226 Franklin St., Brooklyn, NY 11222 – B 2512 L 1 BIN 3336829 – Alt. 1 #320914347 – IMD 30077

At the Loft Board Conference regarding Emergency Structural and Waterproofing repair work at 226 Franklin Street, held on October 20, 2020, questions were asked by the tenants (present in person as well as virtually) regarding the appropriateness of the Loft Board Certification issued on January 08, 2019 after the expiration of a 45-day clock that started on October 25, 2018. The Loft Board notice referenced the Alt. 1 Plans and Narrative both dated August 2, 2018.

Neither Counsel Margaret Sandercock or I were involved with the building at that time. I was only retained in September, in connection with the structural problems at the Franklin Street side of the building. However, a quick review of the approved plans and the existing configurations revealed rather surprising configurations that appear to needlessly disrupt the protected tenants living and sleeping spaces. The additional problem of the two units that are being affected by the structural and waterproofing work also having been affected to different degrees by a flood from the 2nd floor, and the coverage of one additional unit just as the 45-day clock was starting, added a further degree of confusion to the process and the communications around it.

The normal process tenants go through in the review of Narrative Statements and plans includes a submission of a legalization scheme presented by the owner's team by written and graphic means, that is then reviewed by the tenants' team of professionals, usually a lawyer and an architect. It is assumed that the owner's proposal is submitted once, reviewed and negotiated once, and either agreed to or if not, becomes the subject of comments or an alternate plan. This presupposes that the most disruptive configuration is submitted at the outset so if any comments or alternate plans are warranted, that is determined at the first review when the tenants have the benefit of a team of professionals the tenants share the cost of and that is performed efficiently as it is done at one time for the entire group.

What I found to be startling in reviewing this process is that while the first two Loft Board conferences ran conventionally, the process after the last conference appears to have broken down. Instead of differences converging resulting in an acceptable scheme being approved and built, in this case, the proposed configuration started to drift away from the one agreed at the last conference as tenants started to lose rooms, alcoves, mezzanines, and instead, their units started to fill up with useless closets they did not ask for. What is worse, this process was slow, varied from unit to unit, and most tenants did not understand the process or that they had to re-engage an architect to assess if the newly proposed modified configuration still represented something they could live with.

I do understand why some of the major changes had to be made to achieve Department of Buildings approval and that these conditions were unexpected by the architect at the outset: the DOB's recent inventions (some are listed in the "Project Guidelines") include the following affecting this building:

- light only travels 30 feet in from a window thus one has to fill the rest of the space with closets or separate size-limited foyers;
- an additional misreading of this rule is that ventilation is similarly restricted: it is not!
- only one alcove is permitted per apartment;
- new skylights are not permitted as sources of light and air for residential purposes;

While I completely disagree with the misguided recent decisions and interpretations promulgated by the Department's leadership, a failure to obtain an approval as a result of these decisions has to be explained to the tenant and the tenant has to be given a chance to rethink their earlier response. The solution might have to be completely new if the previous response is made inapplicable by the new DOB interpretations. The tenant has to be given an opportunity to assess and suggest improvements to the owner's new proposal, or be given a new opportunity to file comments or alternate plans if necessary. Otherwise, you end up with a situation where a tenant and a roommate who had two separate and private bedrooms will unbeknownst to them end up sitting on suitcases in a big open space without a single private bedroom. Now what? Not a result to be proud of.

After considerable research, here is how I would subdivide and summarize the past four years of this process for the four units I represent as architect: G-21, G-22, G-12 & G-51 (F-2 awaits status update).

1. Initial Plan Set dated 12/08/15 (no equivalent Narrative) is the earliest documentation I have;
2. Loft Board Conference 05/09/16 resulted in plans dated 05/18/16, Narrative dated 05/16/16;
3. Loft Board Conference 09/06/17 was based on revised Plans dated 05/04/17 and further revised Plans and Narrative dated 07/11/17; I understand that not all the IMD units were even discussed because of time or other limitations. However, a so-called "PAA Agreement" was discussed to allow the resolution of remaining open issues directly and to memorialize them by filing PAAs at the Department of Buildings and the Loft Board (Ex. X1).
4. Revised Plans and Narrative both dated 08/02/18 introduced substantial changes to some unit configurations (see below) but for some reason I cannot understand, did not result in any Loft Board Conference.
 - The 08/23/18 cover letter (Ex. X2) to the tenants from landlord stated "we are providing these plans by email for ease of your review";
 - It is clear from other evidence that some tenants did not see the plans until a year later (Ex. X3 09/24/19 and X4, landlord response a day later).
 - However, a 45-day clock started on 10/25/18 just a little over two months hence; and
 - Loft Board Certification was issued on 01/08/19.
 - No "PAA agreement" was entered into; I am not aware of any negotiations to resolve open issues and no actual PAA for such changes was filed at the Department of Buildings.

A revised Narrative Statement dated 03/14/19 sent to tenants on 04/16/19 clearly captions on its 1st page the main Alt. 1 application #320914347 and covers residential IMD unit interior work (as well as other work covered by other applications listed).

This is written in response to Amy Lee's letter dated 12/09/20 stating that the Loft Board conference scheduled for 03/24/20 was for the auxiliary applications only, not for the Alt. 1 application, stating:

"I have reviewed the Loft Board's records, and it appears that the narrative statement conference, which was scheduled for March 24, 2020 and which was subsequently cancelled, was for Job Nos. 321785154, 340670465, and 340670456. It was not for the Alt. 1 application (Job No. 320914347)".

- a. Stephan Clarke acknowledged on 11/13/19 (in the first Loft Board to the 03/14/19 Narrative) that the 03/14/19 Narrative Statement had changed the original Narrative Statement and asked if the tenants had any comments and if they would request a new conference (Ex. X5);
- b. On 12/13/19, Stephan Clarke restated that a conference will be scheduled if tenants have any issues or concerns with the 03/14/19 Narrative Statement (Ex. X6);
- c. On 12/31/19, David May sent Stephan Clarke a letter expressing concerns with the entire process and the plans configuration (Ex. X7);
- d. Having received expressions of concern from the tenants, Stephan Clarke stated on 12/31/19 that a new Conference will be scheduled to discuss all outstanding issues (Ex. X8).
- e. As a direct consequence of these exchanges regarding the 03/14/19 Narrative Statement, thus incorporating the Alt. 1 application into this process, Stephan Clarke scheduled a new Narrative Statement Conference for 03/24/20, incorporating (as the 03/14/19 Narrative had stated as well) the related applications.
- f. This conference was then cancelled by Stephan Clarke on 03/17/20, due to Covid.

So it does appear the Loft Board was willing to re-open this conference process to resolve remaining open issues it acknowledged exist. This appears to refer to the so-called "PAA Agreement" that was never drafted or signed, which was something that should have happened after the last conference.

Unit G-12 – Here is how Unit G-12 was affected by these four phases of development:

This second-floor unit has a living space facing Green Street, two bedrooms flanking a central hallway in the middle portion of the unit (the larger west Bedroom #1 equipped with an operable skylight), a kitchen and dining space doubling as a foyer with a large skylight and a large 3-fixture bathroom with a closet. Bedrooms have storage-only mezzanines, as does the bathroom entrance and closet area.

1. The 12/08/15 plan shows two 4'-0" x 4'-0" operable skylights being installed in the bedrooms, the mezzanines and stairs being removed, and the kitchen skylight being made operable. One double-hung window is added to the street façade's two existing double-hung windows.
2. The 5/18/16 plan deletes the new skylights from the bedrooms, turning both into sleeping alcoves without privacy; deletes the operable modification for the kitchen skylight, making the kitchen into a mechanically-exhausted kitchenette with a 12" drop arch, and the rest of the space into a foyer. The mezzanines and stairs are still shown as being removed. The new window is shown enlarged to be a double window (both of its parts double-hung).
3. The 5/04/17 plan seals the existing doors into the former bedrooms, calls the east alcove a "dining" space. Neither this or the previous plan recognize the west bedroom's skylight. The 7/11/17 amended plan removes the entire west wall of the east "alcove" so it ceases to be a defined space; the dining function is now merged with the living. The new window continues to be a double window.

4. The 8/02/18 plan now responds to the 30'-0" claimed depth of living space rule by adding a 48 SF walk-in closet where the east bedroom used to be, but keeps the west alcove by recognizing that the west 2'-0" x 4'-0" skylight over what used to be the west bedroom is existing and operable. A note is added that the walls at the alcove are 8'-0" tall (which they are not according to the photographs I saw). The 8/02/18 Narrative states that two double-hung windows facing Green Street would be replaced with casement windows to increase the ventilating area, while the new window ceases to be a double window, going back to the 2015 plan. It remains unclear how the shortage of glazing is dealt with, to address natural lighting requirements (as the kitchen skylight is separated from the living area by a hall less than 8'-0" wide). Adding skylights as the 2015 plan did, would solve this. However, replacing double-hung windows with casement ones to increase the ventilation area will be undermined by some of the windows having to be sealed shut in response to the toilet/kitchen exhaust (see M-101) termination location that requires adjacent windows to be sealed shut.

This unit's plans started well with a perfectly acceptable plan in 12/08/15, and it then underwent a totally unnecessary downward spiral since then. Two bedrooms exist here and two bedrooms are required to exist. Two options exist to preserve a two bedroom configuration:

- A. The general outlines of the 2015 plan are kept: the existing configuration is preserved, two bedrooms remain in place, #1's existing operable skylight is enlarged, #2 gets a new operable skylight, the kitchen skylight (described in Angelo Costa's 12/17/19 letter as being replaced) will be modified to be partially-operable to maintain the open kitchen configuration. The bedroom mezzanines can remain if the clearance below them is 7'-0" and the rest of the bedroom is at least 80 SF and 8'-0" high, or be rebuilt to meet those standards. The skylights must not be blocked and must be in the full-height part of the room. Bedroom size can be reduced to keep the skylight enlargement to a doubling in size by adding a closet to each room.

This configuration really should be approvable, as the claim made by the Department of Buildings that only existing, enlarged or modified skylights are allowed as legal sources of light and air, is simply not included in any NYC or State law. This interpretation would make Bedroom #2 not approvable. However, since battle may take months to win, I propose another configuration option to deal with this problem:

- B. Any failure to get Bedroom #2 approved does not mean that this unit is not entitled to two bedrooms: that function is a requirement, and the owner is obligated to explore other options to accomplish this. Option B shows one such viable option: the replacement Bedroom #2 is simply relocated to the west wall so it uses the proposed new street-facing window; the living space now incorporates the space from the removed bedroom #2 and the kitchen skylight, modified to be operable, serves the living space from the north side eliminating the 30 foot rule restriction simultaneously eliminating the need to change the open kitchen into a kitchenette. A closet is added to the new Bedroom #2 so it would be properly served by the new window that would be of the same size as the two existing street-facing windows, as proposed by the owner's plans.

This unit was granted Loft Law coverage by a document mailed on 10/24/18 (received no doubt two or three days later), just one day before the 45-day notice was issued on 10/25/18 (and it too received a few days later). The two documents must have been received on or about the same time.

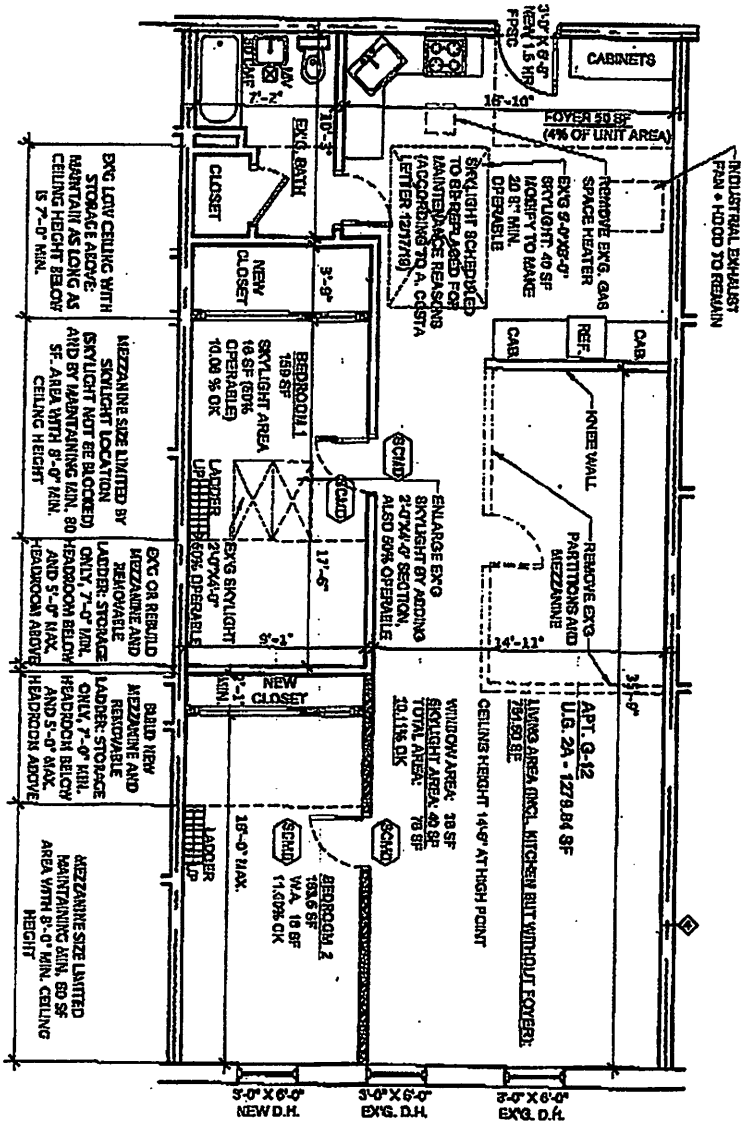
There was clearly not enough time for this occupant to have understood his rights under coverage, the issues and the applicable procedures, in time to be able to properly respond. If coverage is only a possibility, one's focus on a process is not the same as when it becomes real. The tenant would have then hired an architect to assist the review. It also does not appear likely that the tenant even saw the 2018 plans: he had likely seen the initial 2015 set, that was circulated according to what I heard from others, and had he examined those plans, he would have concluded that everything was fine and the proposed configuration was acceptable. In the ensuing three years, the landlord's new configuration proposed to remove all of the unit's improvements making it into a one-person studio apartment, which contradicts the existing use of a two-person dwelling unit.

That is what has to be corrected in this process. The unit has other issues, such as roof leaks and wild temperature swings from extreme cold to heat, as there is no insulation under the roof. I have not studied the new heating and cooling system but some amount of insulation at the roof underside would help make that new system more efficient, and would address new energy code efficiency standards that may be triggered as of the effective certification date.

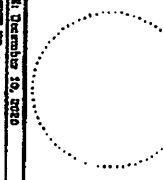
Respectfully submitted,



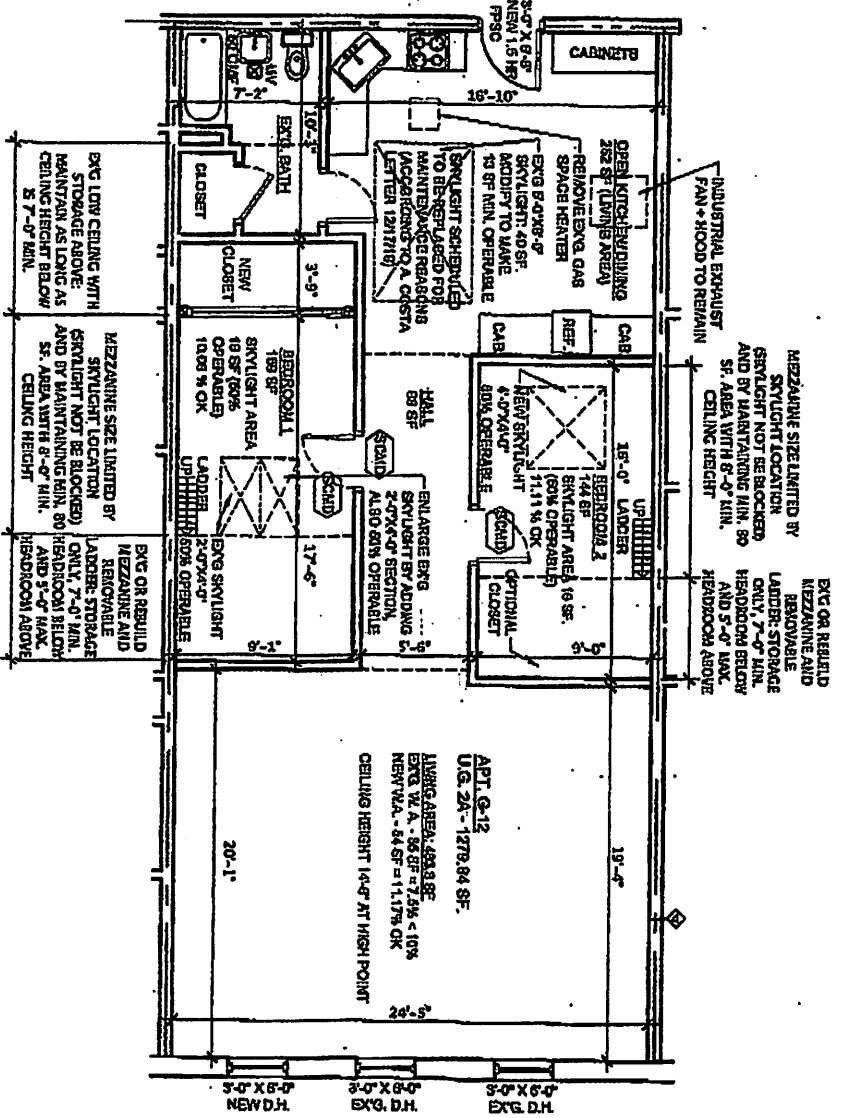
Alexandr Neratoff
Architect



NAME: ALEXANDR NERATOFF
 ARCHITECT
 97 HURON SQUARE
 NEW YORK, NY 10012
 TEL: 212 691 0011
 FAX: 212 691 0011
 216 FRANKLIN STREET
 BROOKLYN, NY 11222
 TEL: 718 624 1800
 FAX: 718 624 1800
 216 FRANKLIN STREET
 BROOKLYN, NY 11222
 TEL: 718 624 1800
 FAX: 718 624 1800



DATE: December 16, 2020
 PROJECT NO.:
 DRAWING NO.:
 SHEET NO.:
 2nd FL UNIT G-12
 Option B
 A-003B.00



DATE: 02/07/2020
 DESIGNED BY: ALEXANDR NERATOFF
 ARCHITECT
 97 PRINCE STREET
 NEW YORK, NY 10014
 212 431 0411
 212 431 0412
 212 431 0413
 212 431 0414
 212 431 0415
 212 431 0416
 212 431 0417
 212 431 0418
 212 431 0419
 212 431 0420
 212 431 0421
 212 431 0422
 212 431 0423
 212 431 0424
 212 431 0425
 212 431 0426
 212 431 0427
 212 431 0428
 212 431 0429
 212 431 0430
 212 431 0431
 212 431 0432
 212 431 0433
 212 431 0434
 212 431 0435
 212 431 0436
 212 431 0437
 212 431 0438
 212 431 0439
 212 431 0440
 212 431 0441
 212 431 0442
 212 431 0443
 212 431 0444
 212 431 0445
 212 431 0446
 212 431 0447
 212 431 0448
 212 431 0449
 212 431 0450
 212 431 0451
 212 431 0452
 212 431 0453
 212 431 0454
 212 431 0455
 212 431 0456
 212 431 0457
 212 431 0458
 212 431 0459
 212 431 0460
 212 431 0461
 212 431 0462
 212 431 0463
 212 431 0464
 212 431 0465
 212 431 0466
 212 431 0467
 212 431 0468
 212 431 0469
 212 431 0470
 212 431 0471
 212 431 0472
 212 431 0473
 212 431 0474
 212 431 0475
 212 431 0476
 212 431 0477
 212 431 0478
 212 431 0479
 212 431 0480
 212 431 0481
 212 431 0482
 212 431 0483
 212 431 0484
 212 431 0485
 212 431 0486
 212 431 0487
 212 431 0488
 212 431 0489
 212 431 0490
 212 431 0491
 212 431 0492
 212 431 0493
 212 431 0494
 212 431 0495
 212 431 0496
 212 431 0497
 212 431 0498
 212 431 0499
 212 431 0500

DATE: 02/07/2020
 DESIGNED BY: ALEXANDR NERATOFF
 ARCHITECT
 97 PRINCE STREET
 NEW YORK, NY 10014
 212 431 0411
 212 431 0412
 212 431 0413
 212 431 0414
 212 431 0415
 212 431 0416
 212 431 0417
 212 431 0418
 212 431 0419
 212 431 0420
 212 431 0421
 212 431 0422
 212 431 0423
 212 431 0424
 212 431 0425
 212 431 0426
 212 431 0427
 212 431 0428
 212 431 0429
 212 431 0430
 212 431 0431
 212 431 0432
 212 431 0433
 212 431 0434
 212 431 0435
 212 431 0436
 212 431 0437
 212 431 0438
 212 431 0439
 212 431 0440
 212 431 0441
 212 431 0442
 212 431 0443
 212 431 0444
 212 431 0445
 212 431 0446
 212 431 0447
 212 431 0448
 212 431 0449
 212 431 0450
 212 431 0451
 212 431 0452
 212 431 0453
 212 431 0454
 212 431 0455
 212 431 0456
 212 431 0457
 212 431 0458
 212 431 0459
 212 431 0460
 212 431 0461
 212 431 0462
 212 431 0463
 212 431 0464
 212 431 0465
 212 431 0466
 212 431 0467
 212 431 0468
 212 431 0469
 212 431 0470
 212 431 0471
 212 431 0472
 212 431 0473
 212 431 0474
 212 431 0475
 212 431 0476
 212 431 0477
 212 431 0478
 212 431 0479
 212 431 0480
 212 431 0481
 212 431 0482
 212 431 0483
 212 431 0484
 212 431 0485
 212 431 0486
 212 431 0487
 212 431 0488
 212 431 0489
 212 431 0490
 212 431 0491
 212 431 0492
 212 431 0493
 212 431 0494
 212 431 0495
 212 431 0496
 212 431 0497
 212 431 0498
 212 431 0499
 212 431 0500

A-003A.00

EXHIBIT B

Monday, December 14, 2020 at 10:20:47 AM Eastern Standard Time

Subject: RE: 226 Franklin St., Brooklyn
Date: Tuesday, December 8, 2020 at 11:11:13 AM Eastern Standard Time
From: Amy Lee (Buildings)
To: Margaret Sandercock
CC: Joseph Burden, Christina Browne, Hanchun Lin (Buildings), NYC Loftboard (Buildings)

Good Morning Ms. Sandercock,

I have reviewed the Loft Board's records, and it appears that the narrative statement conference, which was scheduled for March 24, 2020 and which was subsequently cancelled, was for Job Nos. 321785154, 340670465, and 340670456. It was not for the Alt. 1 application (Job No. 320914347).

Job No. 320914347 and related plans, dated August 2, 2018, have already received Loft Board approval.

According to the Loft Board's records, on September 6, 2017, a narrative statement conference was held for Job No. 320914347. Then, on September 17, 2018, the owner filed an amended narrative statement, dated August 2, 2018, for Job No. 320914347. Subsequently, on October 23, 2018, the Loft Board staff held a conference call with Robert Petrucci and Lisa Gallaudet, during which the parties agreed that the Loft Board staff could begin a 45-day clock.

On October 25, 2018, the Loft Board staff started the 45-day clock for Job No. 320914347. The tenants had until December 9, 2018 to submit comments or an alternate plan in response to the owner's legalization plans and narrative statement dated August 2, 2018. However, no comments or alternate plans were filed with the Loft Board during the 45-day period.

Ultimately, on January 8, 2019, the Loft Board staff issued a Loft Board certification for Job No. 320914347.

Regarding any additional concerns that the tenants may have had with respect to the Alt. 1 application, it appears that the owner was willing to hear them and address them as a PAA to the Alt. 1 application. However, I do not know whether the parties had reached any agreement on that.

Amy Lee
Assistant General Counsel
New York City Loft Board
280 Broadway, 5th Floor
New York, NY 10007
(212) 393-6678

From: Margaret Sandercock <mbs@goodfarblaw.com>
Sent: Monday, December 07, 2020 4:48 PM
To: Amy Lee (Buildings) <AMLee@buildings.nyc.gov>
Cc: Joseph Burden <JBurden@BBGLLP.COM>; Christina Browne <cbrowne@BBGLLP.COM>
Subject: Re: 226 Franklin St., Brooklyn

Ms. Lee, I have to correct myself. The conference I am asking about was held in 2017. Not 2018. Sorry if I have inconvenienced anyone.

From: Margaret Sandercock <mbs@goodfarblaw.com>

Page 1 of 2

EXHIBIT C



Angelo R. Costa, RA, AIA
Paul M. Antonio, PE
George Felder, RA, AIA
Michael Cosenino, RA, AIA

December 17, 2019

Marty Kofman
c/o American Package Company Inc.
226 Franklin Street
Brooklyn, NY 11222

Re: 226 Franklin Street
Brooklyn, NY - Unit G12

Dear Mr. Kofman,

This is to address your questions concerning particular legalization issues for Unit G12 in your building. These concern the heating system, the requirement for installing a sheetrock (aka gypsum wallboard) ceiling, skylight requirement in the kitchen and required electrical work in the unit.

First, with regards to the existing commercial heater in the unit. This is proposed to be removed as indicated on the on the Department of Buildings (DOB), DOB approved drawing DM-200.00 of the architectural set (dated 8-2-2018). The new heating system is outlined on the DOB approved drawing M-101.00 of the mechanical set (dated approved 1-11-2019).

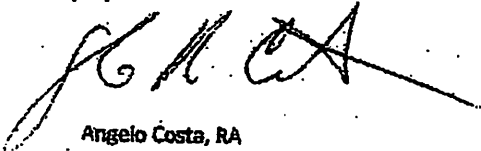
Second, as indicated on the DOB approved set dated 8-2-2018, there is no need to install sheetrock on the ceilings of this building except for certain areas indicated. Unit G12 is not required to have its ceiling covered with sheetrock.

Third, the skylight in the kitchen does need to be replaced. The Narrative Statement and approved plans do not indicate this skylight requires replacement.

Finally, Item 4 of the General Notes section of the Narrative Statement states that all existing electrical work for the Residential Units shall be inspected by a licensed electrician in order to determine if the existing conditions meet the minimum requirements of the NYC Electric Code. The same licensed electrician should make an application with the NYC Bureau of Electrical Control (BEC) in order to legalize any electric work that has been, or needs to be performed at these Residential Units. As such this unit will be inspected as required.

I trust that you find this information helpful. Please let me know if you have any further questions.

Thank you,



Angelo Costa, RA

175 Great Neck Road, Great Neck, NY 11021 Tel: 516.829.0278 212.688.6194 Fax: 516.829.1270 CbstaAE.com

EXHIBIT D

Stephen Clarke (Buildings) <sc@nycbuildingsagency.gov>
to me ~

Good Morning Mr. May,

Dec 31, 2019, 10:44 AM



Thank you for expressing your concern. The narrative statement conference will be an opportunity for the Owner and the Tenants to discuss the narrative statement and any outstanding issues with the building. As soon as I review the latest submitted narrative statement, I will reach out to the parties and schedule a conference. As soon as a date for the conference is selected, I will mail out notices to all parties.

Stephan Clarke
Assistant General Counsel, LRR Board
180 Broadway, 5th Floor
New York, NY 10007
212) 393-2029

G&S NEW YORK

PAGE 19/20

12/14/2020 14:43 2125090464

David May <davidmorfineymay@gmail.com>
to sclarke@buildingrights.org

Dear Mr. Clarke,

Dec 31, 2013, 1:30 AM ☆ ↩ ::

I am writing you to convey the interests of the tenants association at 226 Franklin Street Bk as well as update you on the current status of our group.

Any indication from Mr. Kofman that all remaining tenants are satisfied with the recent amended/desired narrative statement is disingenuous. Many of us feel that we were not properly informed by Mr. Kofman about the narrative statement and that this current version does not properly address concerns discussed throughout the many meetings held over the last several years. While a portion of units are currently in the process of selling their rights to Mr. Kofman, 5 of the units involved in the development of the narrative statement remain. We are very interested in an opportunity to hold another conference to discuss issues related to this narrative statement for the building and our individual units. We have maintained an active role in this process since applying for coverage and would like to see a narrative statement secured that reflects a mutual consideration for the needs of both the landlord and tenants.

Thank you,

David May
Unit G22

David Mortner May
87 Green Street, #G22

12/14/2020 14:43 2125090464

G&S NEW YORK

PAGE 20/20

EXHIBIT C

copy

LOFT BOARD
FEB 1 - 2022
RECEIVED

FOR OFFICE USE ONLY
 DOCKET #: _____

DO NOT USE THIS FORM TO FILE OR AMEND:

- Access Application
- Appeal of an Administrative Determination
- Code Compliance Rent Adjustment
- Extension Application
- Reconsideration Application
- Rent Guidelines Board Increase Request
- Timely Alternate Plans

Location Information

House No.(s) 226 Street Name Franklin St.
 Borough Brooklyn IMD No. 30077

Applicant Information

NAME: <u>Christian Gray, Kate Downie, Erez Horovitz, David Mayk Theodore Lockhart</u> MAILING ADDRESS: <u>40 Goodfark & Sandercock, LLP</u> UNIT: <u>110 E. 59th St., 22nd Fl.</u> CITY, STATE: <u>NY, NY</u> ZIP CODE: <u>10022</u> DAYTIME PHONE: (212) <u>509 0440</u> BUSINESS PHONE: () <u>same</u> FAX NUMBER: (212) <u>509 0464</u>	APPLICANT IS: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Residential Tenant <input type="checkbox"/> Commercial/Manufacturing Tenant <input type="checkbox"/> Other (specify) _____ _____ _____
--	---

Nature of Applicant (check one only)

<input type="checkbox"/> Abandonment (LB)	<input type="checkbox"/> Legalization Timetable Violation (TN)
<input type="checkbox"/> Coverage Contest- Tenant (CC)	<input type="checkbox"/> Permission to File LATE Alternate Plan (TP)
COVERAGE: <input type="checkbox"/> Tenant Initiated (TR) <input type="checkbox"/> Landlord Initiated (LR)	RENT DISPUTE: <input type="checkbox"/> Tenant Initiated (TA) <input type="checkbox"/> Landlord Initiated (LA)
<input type="checkbox"/> Decoverage of Building (LN) <input type="checkbox"/> Decoverage of Unit (LC)	SALES OF IMPROVEMENTS: <input type="checkbox"/> Landlord Challenge (LF) <input type="checkbox"/> Tenant Challenge (TF) <input type="checkbox"/> Prime/Sub Lessee Challenge (TC)
<input type="checkbox"/> Final Rent Order/Removal from Loft Board (LE)	<input type="checkbox"/> Unreasonable Interference With Use (LI)
<input checked="" type="checkbox"/> Harassment (TH)	<input type="checkbox"/> Protected Occupancy Status (PO)
<input type="checkbox"/> HARASSMENT - Termination of Finding (LT)	<input type="checkbox"/> OTHER (Specify): _____
<input type="checkbox"/> DIMINISHED SERVICES (TM)	_____

Affected Parties

Depending on the type of application, affected parties may include: owners; tenants of record, including residential, commercial and manufacturing tenants; and all occupants of building in question if different from tenants of record. List all affected parties. If one party has multiple addresses, list each address separately and indicate type of affected party (e.g. owner, residential tenant, etc.).

See, Title 29 of the Rules of the City of New York §1-06 for more information.

	NAME	MAILING ADDRESS	TYPE OF AFFECTED PARTY
1	American Package Co., Inc.	226 Franklin St. Brooklyn, NY 11222	owner
2	Harry Shapiro, Esq.	Smith & Shapiro 116 E. 27 th St., NY, NY 10016	owner's lawyer
3	Sally Schmidt	226 Franklin St, #G4 Brooklyn, NY 11222	residential tenant
4			
5			
6			
7			
8			
9			
10			

If there are more than ten (10) affected parties, attach a separate sheet listing each affected party's name, mailing address and type.

Basis for Application

Use the space provided below to state why you are amending your application. Include all relevant facts and arguments. Extra sheets of paper may be attached as necessary. All supporting documents should be attached to this form.

see attached rider

I verify or affirm that all statements made in this application are true and correct except for those statements which I have stated to be based on information and belief, and as to those matters, I believe them to be true and correct.

Margaret B. Sandrock
Name (print)

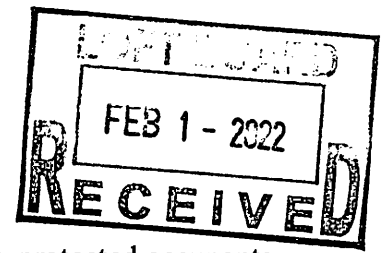
Margaret B. Sandrock
Signature

attorney
Relationship to Applicant (if same, write 'Same')

1/31/22
Date

NOTE: One original and four copies of this application must be filed with the Loft Board. False statements may subject you to the penalties provided by law, including fines and/or imprisonment.

RIDER TO AMENDED APPLICATION



On information and belief, the applicants are most of the remaining protected occupants at the building 226 Franklin Street, Brooklyn, NY. The owner of the building, American Package Company, Inc., and its principal, Martin Kofman, offered buyouts of \$200,000.00 to any units occupied by protected occupants who would leave the building. Many accepted that offer, among other things, because the legalization plans for the building eliminated significant numbers of bedrooms, in many cases unnecessarily, thus making it impractical or financially unaffordable for many residents to remain in the building. As the landlord's future plan for the building seems to be to empty it of tenants for purposes that we do not know, the owner of the building and its principal is harassing the remaining tenants with an intention to make life in the building so unpalatable that they will surrender their rent regulated rights and leave the building.

Theodore Lockhart, unit G12, has been harassed by the owner and its principal as follows. First, the legalization plans for his unit are per se harassment as it is presently occupied by Lockhart and an unrelated male roommate and presently has two bedrooms, which can legally be retained, but which will not be retained under the owner's legalization plans. No legalization work has begun. Lockhart proposed legalization plans almost a year ago under which two bedrooms are retained but the landlord refuses to adopt these plans. Second, though the landlord retained the firm Belkin Burden Goldman to file access applications against this unit, two access applications have been dismissed for legal insufficiency. Regardless of the dismissal of these applications, the tenant had significant legal expense defending the applications. A third access notice has been served. This notice posits that the legalization of this unit will take four to five months, when tenant's architect states the work can be done in two months. In addition to serving a new access notice, the landlord has also sought reconsideration of the dismissal of the second access notice, requiring the duplication of effort and legal fees. The reconsideration was not served on tenant counsel¹. Tenant experiences this as harassing as long drawn out construction is undesirable and interferes with the use of the unit.

Erez Horovitz, unit F107, has been harassed by the owner and its principal as follows. First, repairs and other occupancy issues for which the landlord is responsible are impossible to arrange, forcing the tenant to make and pay for his own repairs. A clogged toilet could not be fixed for a week; when the heat breaks, a space heater is provided and the main heater is not fixed for a week; windows were leaking for an extensive period before the owner arranged repairs; when asked to fix a running toilet, landlord asked tenant unrelated questions about another appliance; replacement keys are impossible to obtain. Second, tenant was told his unit was about to be legalized. He asked his roommates to leave and packed up all his belongings. The unit still has not been legalized.

Christian Gray, unit G21, has been harassed by the owner and its principal as follows. First, tenant suffered a burst pipe on Columbus Day weekend 2019 which was completely the fault of the owner, and has not been able to live in his unit since that time due to a mold condition. Kofman was away and would not allow cleanup to begin for six weeks after the flood,

¹ On January 26, 2022, counsel to the owner requested to withdraw the reconsideration "without prejudice." This was after legal fees were expended to answer it. Requesting the dismissal be "without prejudice" when the time to file for reconsideration is over caused the need to expend further legal fees to object.

when he returned to NY. Kofman took no steps to remedy the mold condition until after tenant retained counsel and brought an HP case in summer 2020. Eventually in that context, a scope of work was agreed to but the landlord's remediator did not perform the entire agreed scope of work, yet claimed the condition was remediated. Tenant's mold expert conducted an inspection confirming the agreed scope of work had not been performed and also did testing which confirmed the condition was not sufficiently remediated. Owner has yet to arrange the return of the remediator to complete the scope of work agreed to by the parties.

Second, at the Loft Board Narrative conferences for the building, Kofman promised the tenants he would allow them to file post approval amendments (PAA's) to the legalization plans for their units and to allow them to do their own legalization work provided a licensed contractor was used, if the tenants would refrain from filing PAA's until after he got his building permit. Now that he has his building permit, he has refused to allow the tenants to file PAA's, even though the tenants had a licensed architect draw their preferred configurations more than a year ago at tenant expense, and even though no legalization work was done. This same situation pertains to units G12, G51 and G22.

Third, Gray has been harassed by chronic water infiltration due to water coming in through the exhaust vent of the gas heater located in unit G31 which has been reported to the landlord, but not corrected. The exhaust vent is too low relative to the roof surface, and when water pools on the roof due to the accumulation of water and improperly maintained drains, it breaches the opening of the vent and runs into G31 and then through the ceiling of G21. This problem is separate and apart from the burst pipe in 2019 and has caused two floods in G21 since the flood in 2019. Due to this water infiltration, there is water damage to the acoustically treated ceiling of the living area of G21, as well as to the kitchen installations in G21. There is also mold in G21 specifically caused by this problem. The problem could be resolved by raising the exhaust vent of the gas heater to a suitable height. The mold resulting from this leak cannot be eradicated until the source of the leak is fixed.

Fourth, Gray requires mold remediation and the rebuilding of his unit in a fashion such that it is legal to live in and no other legalization work will be needed. He was also required by the landlord to allow temporary shoring to be placed in his unit for the benefit of structural repairs of units above him. Gray and his counsel requested that all this be done at one time to avoid repeated remediation and construction incursions into the unit. Landlord would not agree to do so.

David May, unit G22, has been harassed by the owner and its principal as follows. His situation regarding the desire to file a PAA is the same as Christian Gray's situation. His situation concerning the need for structural supports to benefit another unit and legalization work is similar to Christian Gray's situation. May and his counsel requested that the structural support work and legalization take place at the same time. Landlord would not agree to do so.

Furthermore, David May was rented his unit in 2011 with an unfinished ceiling. There is constant leakage of liquids, dirt and noise from the unit above. The liquids that have leaked in include dog urine, wine, bleach, water and the like. Pots are constantly placed around the

apartment to catch the liquids, which fall on the tenant and his furniture. The fallout of dust requires constant use of a HEPA filter.

Kate Downie, unit G51, has been harassed by the owner and its principal as follows. Her situation regarding the desire to file a PAA is the same as Christian Gray's situation. Additionally, Ms. Downie's unit has a chronically leaking roof; the landlord sometimes sends people to fix it but the repairs are never scheduled.

All the applicants have additionally been harassed by the owner and its principal as follows. On information and belief, they will need to vacate their units so that legalization work can be performed. The owner agreed to minimize the time each tenant would be out of possession by legalizing three units at a time, then going on to another three, and so forth. The owner also agreed to offer alternative spaces in the building where tenants could stay while their work is ongoing. However, the only unit that has received access applications is the Lockhart unit and no alternative accommodation is being made available.

CERTIFICATION OF SERVICE

On January 31, 2022, I served a true copy of the Loft Board Application, together with the Instructions on Answering and Answer form, by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee below. Certificates of mailing are provided herewith.

Harry Shapiro, Esq. Smith & Shapiro 116 East 27 th Street, 3 rd floor New York, NY 10016	Attorney for Owner
---	--------------------

American Package Company, Inc. 226 Franklin Street Brooklyn, NY 11222	Owner
---	-------

Sally Schmidt 226 Franklin Street, Apt. #G4 Brooklyn, NY 11222	Residential Tenant
--	--------------------

Dated: January 31, 2022

Alexandra Christopher
Alexandra Christopher

The following units are represented by Goodfarb & Sandercock, LLP and were not served:

Aaron Smulktis – F2
Erez Horovitz – F102
Alexandru Postelnicu & Sophia Hanover – F120
David Kocielinski – G1
Sebastian Rogowski & Kyra Rogowski – G11
Theodore Lockhart & Phil Hubbard – G12
Christian Gray – G21
David May – G22
Matthew Canale & Brooke Gillespie – G24
Kathryn Downie – G51

Use the **Answer to Application** to file an Answer to an application.

You have been served with a Loft Board application. You are receiving this application because you have been identified as an affected party on the application. This means that your interests in the building may be affected by the claim raised in the application. If you want to respond to the claim raised in the application, you **must** complete the answer form below. After you **complete** the answer form, you must **serve** a copy on the applicant. Then you must **file** the original and four copies of the application and proof of service with the Loft Board.

DEADLINE FOR FILING AN ANSWER

The deadline for filing an Answer with the Loft Board depends on the type of application filed by the applicant. The type of application should be clearly stated in the upper right-hand corner of the application form. If the application is a General Application, the type of application is checked off on *page 1* of the application form. If you do not file an Answer by the deadline listed in the table below, you may be barred from filing an Answer or offering any evidence in defense of the claim made in the application.

TYPE OF APPLICATION AND DOCKET PREFIX	ANSWER PERIOD
Appeal of Administrative Determination (AD)	25 calendar days after the application's mailing date
Access (LS)	20 calendar days after the application's mailing date or 15 calendar days after personal delivery
Challenge to Sale of Improvements (LF)	7 calendar days after the application's mailing date
Extension of Code Compliance Deadline (EX)	25 calendar days after the application's mailing date
Harassment Applications (TH)	20 calendar days after the application's mailing date
Reconsideration (R)	25 calendar days after the application's mailing date
Rent Adjustment (LE)	45 calendar days after the application's mailing date
RGB Notice	45 calendar days after the application's mailing date
Tenant Compensation Dispute (TC)	25 calendar days after the application's mailing date
All Other Types of Applications	35 calendar days after the application's mailing date

COMPLETING THE APPLICATION

- Clearly print the respondent's contact information.** You must include a mailing address, phone number and email address. Unless otherwise indicated, if two (2) or more people are answering, the Loft Board will use the first phone number or mailing address listed on the answer to contact the applicants or to return the answer if it is defective.
- Indicate the type of relationship the respondent has to the building.** You must indicate on *page 1* of the Answer if you are an owner, residential tenant, residential subtenant, or manufacturing/commercial tenant.
- State why you oppose the claim raised in the application.** Your Answer **must** contain facts and arguments relevant to the claims raised in the application. If the application requires the applicant to submit documents, you may submit documents in support of your Answer.
- Sign the application.** The applicant(s) or the applicant's attorney must sign the application form.

SERVING THE ANSWER

You must serve a copy of your Answer upon the applicant before filing the Answer with the Loft Board. You may serve your Answer as follows:

1. By mail, at the address of the applicant specified on the application; *or*
2. By facsimile, at the fax number specified in the application, provided that a 2nd copy must be sent by mail, within three (3) calendar days of the fax, to the applicant's address specified on the application.

FILING THE ANSWER

You must file one (1) original and four (4) copies of the Answer, any accompanying documents **if the application requires the filing of supporting documents**, and proof of service made upon the applicant, with the Loft Board by 4:00 pm on the last day of the Answer Period Deadline stated above. Proof of service of an Answer must be in the form of an affidavit of service on the Loft Board's approved form, if served by mail, or a facsimile receipt, if served by fax.

The Answer must be filed with the Loft Board as follows:

1. By hand delivery to the Loft Board's offices between 9:00 am – 4:00 pm on Mondays through Fridays, except holidays.
2. By mail; *or*
3. By facsimile transmission. If the Answer is submitted by fax, the original Answer, accompanying documents, if any, and proof of service, must also be submitted:
 - a. by hand delivery within three (3) calendar days of the fax, *or*
 - b. by mail, postmarked within three (3) calendar days of the fax.

FINES AND PENALTIES

The Loft Board has the right to impose a civil penalty as indicated in 29 RCNY §2-11.1 for every violation of the Loft Board rules whether or not the applicant requests the imposition of fines or penalties.

If you have any questions regarding this form, review 29 RCNY §1-06, visit the Loft Board's website at www.nyc.gov/loftboard, or call the Loft Board at (212) 393-2616.

FOR OFFICE USE ONLY

DOCKET #: _____

Respondent Information	
NAME: _____	RESPONDENT IS:
MAILING ADDRESS: _____	<input type="checkbox"/> Owner
CITY, STATE: _____	<input type="checkbox"/> Net Lessee
ZIP CODE: _____	<input type="checkbox"/> Managing Agent
IMD ADDRESS: _____	<input type="checkbox"/> Residential Tenant
_____ IMD NO. _____	<input type="checkbox"/> Commercial/Manufacturing Tenant
DAYTIME PHONE: () _____	<input type="checkbox"/> Other (<i>specify</i>)
BUSINESS PHONE: () _____	_____
FAX NUMBER: () _____	_____
EMAIL ADDRESS: _____	_____

If the answering party is an Owner, Managing Agent or a Net Lessee, please complete the following certification.

I certify that, as of the date of this answer, all records related to a sale of improvements pursuant to § 286(6) and sales of rights pursuant to § 286(12) of the Multiple Dwelling Law for any Interim Multiple Dwelling unit in the subject building have been filed with the New York City Loft Board.

Name (print)

Relationship to Respondent (if same, write 'Same')

Signature

Date

Answer

Title 29 of the Rules of the City of New York (29 RCNY) §1-06(c) requires that an answer to an application contain facts and arguments relevant to the application. Use the space below to state all facts relevant to the application and your answer. Extra sheets of paper may be attached as necessary. If required (see (c) above), all supporting documents **must** be attached to this Answer Form, or an explanation **must** be provided for not attaching the supporting documents.

Verification or Affirmation

I verify or affirm that all statements made in this answer and in the attached rider, if applicable, are true and correct except for those statements that I have stated to be based on information and belief, and as to those matters, I believe them to be true and correct.

Name (print)

Relationship to Applicant (if same, write 'Same')

Signature

Date

PLEASE NOTE:

- One original and four copies of this Answer and attachments must be filed with the Loft Board.
- Failure to sign the Verification/Affirmation may result in rejection of the Answer.
- False statements may subject you to the penalties provided by law, including fines and/or imprisonment.

On _____, I served a true copy of the ANSWER (check all that apply)
(date of service)

- By mailing to applicant(s) in a stamped, sealed envelope, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the applicant(s) as indicated below.
- By facsimile transmission to applicant(s) at last known fax/address as indicated below.

Name of person served with the ANSWER

Address of person served with the ANSWER (including floor or unit number)

City, State and Zip Code

Fax Number

Name (print)

Signature

Date

NOTE: False statements may subject you to the penalties provided by law, including fines and/or imprisonment.

EXHIBIT D

FOR OFFICE USE ONLY

DOCKET #: _____

Respondent Information

NAME: American Package Company Inc.
 MAILING ADDRESS: Cló Smith & Shapiro
116 East 27th Street, 3rd Floor
 CITY, STATE: New York, NY 10016
 ZIP CODE: 10016
 IMD ADDRESS: 226 Franklin Street
Brooklyn, New York IMD NO. 30077
 DAYTIME PHONE: (212) 685-6400
 BUSINESS PHONE: (212) 685-6400
 FAX NUMBER: (212) 779-7881
 EMAIL ADDRESS: hshapiro@smithandshapiro.com

RESPONDENT IS:

- Owner
- Net Lessee
- Managing Agent
- Residential Tenant
- Commercial/Manufacturing Tenant
- Other (specify)

If the answering party is an Owner, Managing Agent or a Net Lessee, please complete the following certification.

I certify that, as of the date of this answer, all records related to a sale of improvements pursuant to § 286(6) and sales of rights pursuant to § 286(12) of the Multiple Dwelling Law for any Interim Multiple Dwelling unit in the subject building have been filed with the New York City Loft Board.

Smith & Shapiro
 BY: HARRY SHAPIRO
 Name (print)

X [Signature]
 Signature

Attorney
 Relationship to Respondent (if same, write 'Same')

February 14, 2022
 Date

Answer

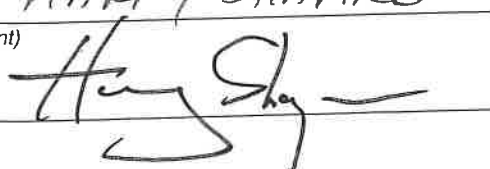
Title 29 of the Rules of the City of New York (29 RCNY) §1-06(c) requires that an answer to an application contain facts and arguments relevant to the application. Use the space below to state all facts relevant to the application and your answer. Extra sheets of paper may be attached as necessary. If required (see (c) above), all supporting documents **must** be attached to this Answer Form, or an explanation **must** be provided for not attaching the supporting documents.

See Exhibit "A" to Answer.

Verification or Affirmation

I verify or affirm that all statements made in this answer and in the attached rider, if applicable, are true and correct except for those statements that I have stated to be based on information and belief, and as to those matters, I believe them to be true and correct.

SMITH & SHAPIRO
BY: HARRY SHAPIRO

Name (print)


Signature

attorney

Relationship to Applicant (if same, write 'Same')
February 14, 2022

Date

PLEASE NOTE:

- One original and four copies of this Answer and attachments must be filed with the Loft Board.
- Failure to sign the Verification/Affirmation may result in rejection of the Answer.
- False statements may subject you to the penalties provided by law, including fines and/or imprisonment.

EXHIBIT "A" TO ANSWER

Premises: 226 Franklin Street, Brooklyn, New York 11222

Applicant Names: Theodore Lockhart – Unit G12
Erez Horovitz – Unit F107
Christian Gray – Unit G21
David May – Unit G22
Kate Downie – Unit G51
(collectively "Applicants")

Re: Harassment Application dated 11/15/2021
("Harassment Application")

1. The Owner denies each and every allegation made in the Applicants' Amended Harassment Application.

2. Each of the allegations made in the Amended Harassment Application, do not reach the level of harassment and have not occurred within the six (6) month period prior to filing of the Amended Harassment Application by the residential Applicants.

3. The Loft Board has specific regulations dealing with proposed legalization plans by an owner of an IMD building and gives an opportunity to an IMD tenant who disagrees with the owner's plans to file his or her set of plans with the Department of Buildings and the Loft Board. The Narrative Statement process in the building at bar has been completed. The forty-five (45) day clock was triggered by the Loft Board. The Loft Board issued a certification with respect to the Owner's plans and a building permit has been issued by the Department of Buildings with respect to the Owner's legalization plans. Any complaint by the Applicants that the Owner's legalization plans are unreasonable or will interfere with the Applicants' use and occupancy have been waived and are now foreclosed and cannot be the basis for an harassment charge where the Applicants never participated in the legalization narrative

process and had an opportunity to do so before the Loft Board and building permit has been issued for the Owner's legalization plans or the Applicants simply waived their rights to the Narrative Statement process. The Loft Board also denied Applicants' request to file post legalization plans. Owner's offer to quickly legalize units in the building occupied by one or more of the Applicants' was rejected. Any complaints with respect to the desire by any of the Applicants to file a post-approval amendment ("PAA") to the Owner's legalization plans must be rejected since the Applicants are all precluded from filing any post-approval amendments to the Owner's legalization plans after the Narrative Conference procedure has been completed, the Loft Board issued a certification of the Owner's legalization plans and a Department of Buildings permit was issued. The Owner denies ever promising to allow the Applicants to do so.

4. The Loft Board regulations and Article 7-C of the Multiple Dwelling Law of the State of New York, state that failure to provide access by an IMD tenant for legalization purposes is subject to eviction. The Owner's good faith attempt to obtain access to an IMD Unit for legalization purposes cannot be deemed to be an act constituting harassment.

5. An owner's reliance on the opinion of its experts that the legalization of a given unit or the building may take four (4) months as opposed to a given tenant's opinion that it should only take two (2) months cannot be deemed an act of harassment.

6. The Owner responds to complaints made by Applicants for necessary

repairs and the owner makes and made repairs as swiftly as possible when required. The Owner makes repairs and maintains the Units occupied by the Applicants as required.

7. The acts complained of by Erez Horovitz with respect to Unit F-107:

(a) Occurred more than six (6) months prior to the filing of the Amended Harassment Application and as a result do not constitute harassment.

(b) The allegation that Unit F-107 has not been legalized to date is not an act of harassment.

(c) The Owner installed a special lock security system in the building and issued keys to all tenants. Where necessary, tenants may obtain replacement keys and the allegation that "replacement keys are impossible to obtain" is denied.

(d) The act by Erez Horovitz in Unit F-107 where he alleges that he asked his roommates to vacate the Unit is not an act of harassment by the Owner.

8. Christian Gray's Unit G-21 had a pipe burst in 2019. The acts alleged occurred more than six (6) months prior to the filing of the Harassment Application. With respect to the allegation that there is a mold condition in Unit G-21, the Applicant Christian Gray, commenced an HP proceeding against the Owner under HP Index Number: 6086/2020 in Civil Court, New York County where Christian Gray complained about the mold situation in his unit and sought to compel remediation work to be performed by the Owner. In that connection, Christian Gray and the Owner entered into

a Stipulation of Settlement (the "Stipulation") "So Ordered" by the Hon. Jack Stoller dated June 29, 2021, containing a scope of work for the remediation work. Containing details and procedures to be followed during the remediation process for Unit G-21. The Owner performed the Remediation Work as agreed. Paragraph 9 of the Stipulation set forth that the HP proceeding may be restored to compel compliance of the "Remediation Work". However, to date, no action was ever taken by Christian Gray to restore the HP proceeding to enforce the Stipulation or to do any Remediation Work. The remedy for the Remediation Work and the issues of compliance therewith are exclusively governed by the Stipulation. Owner has twice hired experts and has remediated any mold condition pursuant to the terms of the Stipulation and the Owner was advised by its experts that the mold condition has been remediated as per the "scope of work" required by the Stipulation in the HP proceeding. The Owner therefore took reasonable and necessary steps to remediate any mold condition and has fully complied with the Stipulation. The foregoing also occurred more than six (6) months prior to the filing of the Harassment Application.

9. Paragraph 10 of the Stipulation contains a mutual release between Christian Gray and the Owner. That provision states:

10. For the valuable consideration set forth above and with the exception of the rights and obligations arising pursuant to this Stipulation, this Stipulation shall constitute the parties' accord and satisfaction and mutual release of any and all demands, rights, claims, remedies, actions, causes of actions or liabilities (collectively referred to herein as "claims") that any party hereto may have against any other party hereto or against representatives, heirs, successors, assigns, officers, directors, partners, agents, or employees of the other contained in Petition from the

beginning of the world through the date of this Stipulation.

10. As a result of the General Release set forth in the Stipulation, all claims by Christian Gray in this Harassment Proceeding must be dismissed.

11. More than six (6) months prior to the filing of the Amended Harassment Application, the Owner was issued a violation by the Department of Buildings with respect to an exterior wall of the building which required that wall to be rebuilt. This was an emergency and required Applicants to provide access for temporary shoring in order for the wall to be rebuilt. After a conference before the Loft Board, the exterior wall was rebuilt by the Owner. All of the foregoing took place more than six (6) months prior to the filing of the Amended Harassment Application and at any rate, the work undertaken to repair the building in an emergency after a Loft Board Conference cannot be deemed an act of harassment.

12. Because the Owner's legalization plans have been approved after the Narrative Statement process and the Loft Board issued its certification to the Owner's plans, the proposed work pursuant to the approved plans cannot be deemed to be a "per se" harassment of the Applicant, especially with respect to the allegations made pertaining to Unit G-12 occupied by Theodore Lockhart.

13. With respect to Unit G-12, the fact that the Applicant incurred legal fees and expenses when he refused to provide access required and obtained dismissals of any access applications for legalization work filed by the Owner is not an act of harassment.

14. With respect to Unit G-12, the fact that it is the opinion of the Owner and its experts that the legalization work will take 4 to 5 months as opposed to 2 months in the opinion of the Applicant's architect is not an act of harassment.

15. With respect to Unit G-12, Owner's as of right under the Loft Board Rules and regulations to request reconsideration of Owner's second access attempt dismissal is not an act of harassment.

15. As to Erez Horovitz, Unit 107:

- (a) Repairs are made swiftly as soon as the Owner receives complaints, if necessary, after an inspection.
- (b) A clogged toilet referred to did not occur within 6 months of the filing of the Amended Harassment Application, but was nevertheless repaired as soon as reasonable under the circumstances.
- (c) The allegation of the "heat break" did not occur within 6 months of the filing of the Amended Harassment Application, but as admitted, Owner supplied the Applicant with a space heater until the repair was made.
- (d) Window leaks—did not occur within 6 months of filing of the Amended Harassment Application and was the issue was repaired.
- (e) Owner's asking a tenant questions about other appliances in the unit is not harassment and did not occur in the 6 months prior to the filing of the Amended Harassment Application.

(f) All tenants were furnished with new security keys and a procedure was set up to get replacement keys for the protection of all tenants.

(g) Applicant's act of asking his own roommates to leave is not an act of harassment by the Owner and did not occur within 6 months prior to the filing of the Amended Harassment Application.

16. As to David May, Unit G-22:

(a) The desire to file a PAA is barred for the same reasons set forth above.

(b) The need for the required access in the emergency requiring structural support in order to repair the wall and the work required to safeguard the building, tenants and the public, is not an act of harassment for all of the reasons set forth above.

(c) There was no complaint made re "leakage of liquids, dirt and noise from the above unit" in the 6 month period prior to the filing of the Amended Harassment Application, and any complaints made were attended to by Owner.

17. As to Kate Downie, Unit G-51:

(a) The desire to file a PAA is barred for the same reasons set forth above.

(b) The Owner has not received any complaints regarding a leaking roof in the 6 month period before filing the Amended Harassment Application, and the roof leak that was reported to the Owner was quickly repaired.

(c) Owner's alleged failure to schedule roof repair work is not an act of harassment and this has not occurred in the 6 month period prior to the filing of the Amended Harassment Application.

18. The allegations made "upon information and belief" that the Applicants may need to leave their Units for part or for the entire time during the legalization process is premature, conjecture and speculative and has not occurred yet and cannot be the basis for harassment of the Applicants.

Dated: February 14, 2022

SMITH & SHAPIRO

Attorneys for Respondent-Owner,
American Package Company, Inc.



By: Harry Shapiro, Esq.
116 East 27th Street, 3rd Floor
New York, New York 10016
(212) 685-6400