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Co-op President Accused of Cutting Waitlist Fights for 4-Bedroom Apartment

By Heather Holland

KIPS BAY — The president of affordable housing co-op East Midtown Plaza is in danger of being evicted because he broke city rules to unfairly secure a four-bedroom apartment for himself and his family, according to court documents.

Mark Andermanis is fighting to keep his recently renovated home in the Kips Bay complex after one of his neighbors sued him for cutting the line of people waiting for the sought-after four-bedroom unit, one of the largest available in the 333 E. 23rd St. building.

New York's Supreme Court ruled last year that Andermanis, president of the 748-unit co-op, needed to return the four-bedroom apartment to the city's Department of Housing Preservation and Development so that the agency could give it to the person who was next in line.

Andermanis, who is still living in the apartment, appealed the decision and his case is set to be heard in state's Appellate Division on Wednesday.

"It's a slanderous suit that had no merit whatsoever," Andermanis said before declining to speak further about the details of his appeal.

His lawyer did not respond to requests for comment.

City rules require affordable Mitchell-Lama developments, like East Midtown Plaza, to compile a waiting list of residents who are eligible to transfer to larger apartments and then to award the apartments in chronological order as they become available.

The waitlist for four-bedroom apartments at East Midtown Plaza was only open to families with at least six members, but Andermanis was granted permission to move in in April 2012 even though he did not meet that requirement, according to court records.

He was a co-op board member at the

Adam Leitman Bailey, P.C. is an AV rated law firm and Adam Leitman Bailey was named a New York Super Lawyer in 2007 and can be reached at info@alblawfirm.com or 212-825-0365. **Dov Treiman** is the firm's landlord-tenant managing partner.



time, records show.

Three months later, longtime East Midtown Plaza resident Alicia Echevarria sued Andermanis and his wife, Sandra Andermanis, saying they should not have been allowed to move into the four-bedroom apartment because their family was too small.

Echevarria, 45, also argued that if officials were going to make an exception, she should have been offered the larger apartment first, since she was ahead of Andermanis on a separate waitlist for three-bedroom apartments.

"In their papers the Andermanises admit that they appear on the list after [Echevarria]," Supreme Court Justice Peter Moulton wrote in his April 22, 2013 decision.

Echevarria's suit also named the East Midtown Plaza Housing Company, which owns the complex, and Mathew Wambua, former commissioner of the Department of Housing Preservation and Development.

In court filings, East Midtown Plaza shot back that Andermanis was awarded the apartment because no one else had shown any interest in it, documents show.

"[The Department of Housing] states that it was never advised by East Midtown that anyone besides the Andermanises on the three-bedroom waiting list had expressed an interest in the apartment," Moulton wrote in his decision. "It states that it waived its eligibility requirements on that basis."

In addition, Andermanis argued in court documents that he had made "substantial and expensive improvements to the apartment in reliance on the HPD's and East

Midtown [Plaza's] award of the apartment to [him]," and therefore he should be allowed to keep the unit.

The same month that Andermanis was cleared to move into his new home, the Department of Buildings approved a work permit on April 24, 2012 to replace the sixth-floor apartment's two bathrooms, including two toilets and a bathtub, according to online records.

The estimated cost of the work was \$3,500, records show.

Andermanis, who was elected president of the co-op in 2013, works as chief operating officer at Lenox Hill Neighborhood House, an Upper East Side nonprofit that offers an array of social services for children and adults.

After Echevarria filed her lawsuit in 2012, the Department of Housing Preservation and Development appeared to realize its mistake in assigning the four-bedroom apartment to Andermanis, court records show. The Housing Department asked the court for permission to take the apartment back from Andermanis and reassign it according to the rules, documents show.

Justice Moulton granted the Housing Department's request in his decision last year.

"It is clear that the award of the apartment to the Andermanises violates [the Department of Housing's] own rules regarding transfers," Moulton wrote in his decision.

"As the agency charged with fairly allocating apartments according to those rules, it is not barred...in correcting an error."

East Midtown Plaza Housing Company was granted permission to appeal Moulton's decision in October 2013, and that appeal is set to be heard in Appellate Division on Wednesday.

Echevarria and her lawyer declined to comment.

The Department of Housing Preservation and Development referred questions to the city's Law Department, which did not respond to a request for comment.

East Midtown Plaza Housing Company did not respond to a request for comment.