

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

February 17, 2011

The meeting began at 2:05 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; LeAnn Shelton, Public Member; Chief Ronald Spadafora, Fire Department's Representative; Chuck DeLaney, Tenants' Representative, and Matthew Mayer, Owners' Representative and Chairperson Robert LiMandri.

INTRODUCTION and EXECUTIVE DIRECTOR'S REPORT

Chairperson Robert LiMandri introduced himself and welcomed those present to the February 17, 2011 public meeting of the New York City Loft Board.

VOTE ON JANUARY 20, 2011 MINUTES

Mr. DeLaney requested that the January 20, 2011 minutes reflect:

- his request to extend the 3 minute cap for each speaker's testimony at the public hearing;
- that the public may find copies of the written testimony to the proposed Loft Board's rules on the Loft Board's website; and
- that the Minutes reflect that there were additions made to the December Minutes.

Motion: Ms. Shelton moved to accept the January 20, 2011 minutes with those additions. Chief Spadafora seconded the motion.

Members concurring: Bolden-Rivera, DeLaney, Chairperson LiMandri, Shelton, Chief Spadafora (5)

Members abstained: Barowitz, Mayer (2)

Adopted by the Loft Board on February 17, 2011.

PRESENTATION BY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Representatives of New York City Department of Environmental Protection ("DEP"), **Gerry Kelpin, Director** of the Division of Air/Noise Permitting Enforcement & Policy, and **Harry Mayer**, Acting Deputy Director of the Hazmat Unit (DRTA) spoke to the Loft Board to give an overview on emission standards in the context of the proposed "Use Group" rule.

Ms. Kelpin discussed the air codes that are designed to regulate air pollution in New York City and more specifically, the permits that deal with industrial processes. She stated that:

- Every industrial process gets issued an air permit from DEP that is based primarily on the toxicity of the processes. An "A" rating is high toxicity, B is moderate, C is nuisance or aesthetic, and D is "water". While the rating is initially based on the type of chemical process, it also is based on factors that are described in its rules.
- The quantity of toxicity does not affect the initial environmental rating.
- While DEP standards are concerned with controlling the amount of toxicity that is released into the outside air, it is also concerned with controlling vertically between floors,

or from the outside back inside the building. The environmental rating is a flag for DEP that the materials being used have a certain toxicity level assigned to them.

Mr. Mayer spoke about the Right-to-Know program at DEP. Mr. Mayer stated that:

- The Community Right-to-Know program deals with facilities that store chemicals in New York City. Facilities that DEP determines stores a certain quantity of toxic chemicals are required to file a Risk Management Plan ("RMP"), which evaluates the specific substance, its use and its exposure. Essentially, only large facilities with very dangerous substances would be required to file an RMP.

Ms. Shelton questioned whether DEP mapped the sites that have filed RMP's to determine whether any are loft buildings.

DISCUSSION ON PROPOSED AMENDMENT TO "USE GROUP" PORTION OF § 2-08

Ms. Alexander confirmed that the written comments to the Use Group rule were posted on the Loft Board's website and summarized a few of the comments. **Ms. Alexander** stated the changes made to the proposed Use Group rule were as follows:

- Subparagraph (j) exempts those buildings already within the Loft Board's jurisdiction from the Use Group rule.
- The appendices were merged to provide that no building is rejected outright, but rather, if an activity falls within a use listed in the rule's appendix, it triggers the environmental rating, Community Right-to- Know, and High Hazard Group H occupancy restrictions.
- The environmental rating of "C" was eliminated because it deals solely with nuisance and aesthetics.
- Subparagraph (q) was amended to remove the sentence that gave the Executive Director the ability to determine if a building is eligible. In each case, the Loft Board determines coverage, not the Executive Director.

It was suggested that representatives from DOH and DOB come to the next Loft Board meeting to answer questions regarding the proposed Use Group rule in the context of health, High Hazard Group H occupancy, and mixed use districts.

Chairperson LiMandri concluded the February 17, 2011 Loft Board public meeting at 4:25 p.m. and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, March 10, 2011 at 3:00 p.m.