

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

September 16, 2010

The meeting began at 2:10 p.m. The attendees were Chairperson Robert LiMandri; Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; LeAnn Shelton, Public Member; Chief Ronald Spadafora, Fire Department's Representative; and Chuck DeLaney, Tenants' Representative. Matthew Mayer, Owners' Representative, was not in attendance.

CHAIRPERSON'S INTRODUCTION

Chairperson LiMandri introduced himself and welcomed those present to the September 16, 2010 public meeting of the New York City Loft Board.

VOTE ON JULY 15, 2010 MINUTES

Ms. Shelton suggested that the first sentence of the second paragraph of the Report of the Executive Director be amended to read: "hire" rather than "hiring."

Motion: Mr. DeLaney moved to accept the July 15, 2010 minutes. Ms. Shelton seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Shelton, Chief Spadafora (6)

Members absent: Mayer (1)

Adopted by the Loft Board on July 15, 2010

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Alexander informed the Board that the Office Manager, Edith Nicolas, had accepted a position at another city agency and would be missed. She stated that she had requested, and would be receiving temporary help, and that the job postings for Ms. Nicolas' position as well as the Senior Project Manager position had been posted.

Ms. Alexander advised the Board that she had looked into the possibility of holding public hearings and had confirmed with the New York City Corporation Counsel that public hearings could be conducted by members of the Loft Board staff and make the public comments available to the Board Members prior to a final vote on a particular rule.

Mr. Delaney noted that there was a new website for public comment and inquired as to the possibility of the public having input on the rule making process prior to the time of the public hearing.

Ms. Alexander responded that at this point the public did not have that opportunity as per the CAPA process.

Ms. Alexander suggested that the Board might wish to meet more often in the coming months. After a brief discussion it was decided that the Board would meet on the third Thursday in December, which it does not usually do, and perhaps hold more meetings, if necessary, in the coming year.

Ms. Alexander distributed a chart for the Board's future consideration of what, if any, enforcement actions they will designate to the Environmental Control Board.

Ms. Alexander stated that in the future, the Deputy General Counsel's report would be posted on Sharepoint and no longer be presented at the meeting. She stated that currently there were a total of 57 cases: 17 LE's and 40 Non-LE's. The staff has received 19 coverage applications under the new Loft Law Expansion (for 14 new buildings and 5 old buildings) and one (1) registration application.

PUBLIC HEARING ON PROPOSED RULES 29 RCNY §§ 1-01 and 1-02

Chairperson LiMandri welcomed those present to the Loft Board's public hearing on the proposed amendment to Loft Board rule § 2-01. The proposed amendment adds a new paragraph (4) to subdivision (d) of 29 RCNY § 2-01, setting forth a procedure by which the Loft Board may prevent the proposed work from being performed in the non-IMD space of an IMD building when an IMD owner is not in compliance with the Loft Board's rules, and/or when the Loft Board finds that the legalization work in the IMD space is not progressing.

Chairperson LiMandri stated that in accordance with the New York City Administrative Procedures Act, the text of these proposed rules change had been submitted to the New York City Corporation Counsel for preliminary approval and circulated to the counsels of other mayoral agencies that may be affected by it.

The Loft Board approved the proposed amendments at its June 17, 2010 board meeting. The text of the proposed amendments and notice of this public hearing were published in the City Record.

Mr. Bill Hall of the Lower Manhattan Loft Tenants expressed his support on the proposed rules at the public hearing¹. Mr. Hall proposed that the paragraph (4)(D) should read: "In granting a LONO request, the Loft Board staff SHALL consider the effect the proposed work may have on the IMD spaces and the protected occupants of the building." He also proposed that paragraph (4)(E) permit tenants to appeal a LONO denial.

Mr. Delaney proposed the following changes: (4)(A) delete the parenthesis and (4)(D) replace the word "may" with the word "shall" in the first and second sentences.

Motion: Mr. Barowitz moved to accept the proposed rules as currently presented to the Board. Ms. Shelton seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Shelton, Chief Spadafora (6)

Members absent: Mayer

¹ Electronic copy of the public hearing is available under the Freedom of Information Law Request to the public. Copy may be requested from the Public Information Officer at 212-566-5663.