

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

**April 21, 2011**

The meeting began at 2:00 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Chief Ronald Spadafora, Fire Department's Representative; Chuck DeLaney, Tenants' Representative, Matthew Mayer, Owners' Representative, Leann Shelton, Public Member, and Chairperson Robert LiMandri.

**INTRODUCTION**

**Chairperson Robert LiMandri** introduced himself and welcomed those present to the April 21, 2011 public meeting of the New York City Loft Board.

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**VOTE ON MARCH 17, 2011 MINUTES**

**There were no comments or questions regarding the minutes.**

**Motion:** Mr. Delaney moved to accept the March 17, 2011 minutes. Ms. Bolden Rivera seconded the motion.

**Members concurring:** Barowitz, DeLaney, Chairperson LiMandri, Mayer, Chief Spadafora, Bolden-Rivera: (6)  
Members abstain: Shelton (1)

Adopted by the Loft Board on April 21, 2011.

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**REPORT OF EXECUTIVE DIRECTOR**

**Ms. Alexander** summarized the status of the interim multiple dwellings in the Loft Board's jurisdiction. She reported the following:

- There are 312 buildings in the Loft Board's jurisdiction, comprised of 31 "A" buildings, 216 "B" buildings, 43 "C" buildings and 22 "D" buildings.
- There are 96 pending coverage applications.
- 17 registration applications have been accepted to the Loft Board's jurisdiction.
- 5 registration applications have not been processed because they were incomplete.

**Ms. Alexander** reported that there are 2 rent adjustment applications; 6 cases that are post hearing post settlement; 2 pending extension applications; 2 cases are waiting for an answer (non-coverage); 5 cases are at OATH; and 3 cases linked with coverage applications.

**Ms. Alexander** presented a rule tracking chart that gave proposed target dates for the each stage of rule making for the remaining amendments to the rules. Ms. Alexander informed the Board that pursuant to a new CAPA requirement, each amended rule was subject to review by the Mayor's Office of Operations.

**Ms. Alexander** informed the Board that DOB and the Loft Board had begun an outreach program by conducting the first of a series of small informational meetings on April 12, 2011 in Brooklyn. In addition, DOB and the Loft Board will be attending a large meeting with Assemblyman Vito Lopez at the end of the month. **Ms. Alexander** also distributed to the Board a flyer that was prepared for public distribution.

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## DISCUSSION ON RULE § 1-06

**Ms. Cruz** summarized the recommended substantive changes made to § 1-06, which included the following:

- Reduction in the number of copies of each application filed with the Loft Board
- Applicant's requirement to serve affected parties directly;
- Previous tenant's estate is deemed an "affected party" in an abandonment case;
- Definition of "proof of service";
- Procedure for requesting an extension to file an answer;
- Clarification regarding the applicant's burden of proof and legal standard for each claim;
- Definition of the "administrative record"

**Motion:** Mr. Delaney moved to accept the rule. Mr. Barowitz seconded the motion.

**Members concurring:** Barowitz, DeLaney, Chairperson LiMandri, Mayer, Chief Spadafora, Shelton, Bolden-Rivera: (7)

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## DISCUSSION ON DRAFT RULE § 2-04

**Ms. Cruz** and **Ms. Alexander** summarized the two ideas regarding fines proposed by the staff: 1) A raise in per violation fines already in place in the rule; or 2) A per violation/per day fine similar to the fine method currently used by HPD.

The Board discussed the possibility of incentivizing owners to do repairs while at the same time creating meaningful fines for those owners who fail to make timely repairs or are prone to repeated offenses. Accordingly, the Board Members requested that the staff prepare a different fine schedule incorporating:

- A per violation fine amount more in keeping with the Loft Board's current per violation fines;
- Add a per day fine; and
- Have a 7-day cure period for a first offense and a 24-hour cure period for repeated offenses.

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## DISCUSSION ON DRAFT RULE § 2-01

**Ms. Cruz** summarized the proposed changes to the rule as follows:

- Adds the new code compliance deadlines for buildings covered under MDL §§ 281(1), (4) and MDL § 281(5) to conform to the new Loft Law expansion.
- Adds a second exception for owners applying for an extension of any passed code compliance deadlines within 90 days of a coverage order or issuance of an IMD registration number without a coverage order.
- Extends the exemption from the tenant review process for buildings covered under § 281(5) if the building has an alteration application and current alteration permit on the effective date of the rule and the owner keeps the permit active without the need of reinstatement or amendment.
- Adds an exemption from the narrative statement requirement for an owner who files a no-work application to convert an IMD building to residential use.
- Adds ECB as a possible enforcement strategy if the owner fails to take all necessary and reasonable action to cure DOB objections.

- Clarifies the procedure for amendments to the narrative statement and legalization plan after the Loft Board issues certification.

After a brief general discussion, the Board requested that the staff create a chart that would assist them in tracking the proposed changes to the rule. .

**VOTE ON PROPOSED SUMMARY CASES (TN-0213, TA-0186/TR-0786)**

**The following cases were voted on as a group:**

Case #1.	Allan M. Robertson, Mary Miss and George Peck	349 Greenwich Street	TN-0213	MC/MC
Case #2.	James Sherman	231 West 29 <sup>th</sup> Street	TR-0786 /TA-0186	MC/MC

**Motion:** Ms. Shelton moved to accept the Orders. Mr. Mayer seconded the motion.

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Chief Spadafora; Shelton (7)

Adopted by the Loft Board on April 21, 2011.

**VOTE ON PROPOSED MASTER CASE (LE-0582):**

Case #3.	151 Hudson Street	151 Hudson Street	LE-0582	MC/MC
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**Motion:** Mr. Delaney moved to accept the Order. Ms. Bolden-Rivera seconded the motion.

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Chief Spadafora, Shelton (7)

Adopted by the Loft Board on April 21, 2011.

Chairman LiMandri reminded the Board that Loft Board meetings were scheduled for May 5 and 19, 2011, June 2 and 16, 2011, and July 7 and 21, 2011.

**Chairperson LiMandri** concluded the April 21 2011 Loft Board public meeting at 4:45 p.m. and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, May 5, 2011 at 2:00 p.m.