

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

April 15, 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; Matthew Mayer, Owners' Representative and Chuck DeLaney, Tenants' Representative.

CHAIRPERSON'S INTRODUCTION

Chairperson LiMandri introduced himself and welcomed those present to the April 15, 2010 public meeting of the New York City Loft Board. **Chairperson LiMandri** requested that Ms. Alexander introduce Ms. Deborah Fremder, the new Assistant General Counsel, to the Loft Board.

Ms. Alexander introduced Ms. Fremder and requested that she say a few words to the Board.

Ms. Fremder stated that she had received her Bachelor of Science from Cornell University and her J.D. from University of Pennsylvania Law School. Prior to coming to the Loft Board, she was an associate at DLA Piper US LLP where she practiced commercial transaction and real estate law.

VOTE ON MARCH 18, 2010 MINUTES

There were no comments or corrections by the Board.

Motion: Mr. Mayer moved to accept the March 18, 2010 minutes. Mr. DeLaney seconded the motion.

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

Member absent: Bolden-Rivera (1)

Adopted by the Loft Board on April 15, 2010

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Alexander reported on the Legalization Status spreadsheet distributed to the Board and provided an explanation of the changes.

REPORT OF THE DEPUTY GENERAL COUNSEL

Ms. Cruz reported that there are 52 cases in the Hearings Unit including the cases on April's agenda. Of those, 21 are removal cases and 31 are non-removal cases. The breakdown of the non-removal cases is as follows: 7 are presently pending at OATH; 7 are post hearing or settlement; 2 applications are involved in an informal conference; 2 are rent adjustment applications; 1 application is on hold pending a revised settlement; 5 are in the answer period and 6 applications are on the April agenda.

Ms. Cruz stated that the status of the removal cases is as follows: 11 cases require additional information about the status of certain units; 1 case has other cases pending; 2 are pending corrections to the C of O; 5 are being reviewed for a future meeting and 2 are on the agenda.

Ms. Cruz reported that there are 5 "A" buildings with no LE pending.

VOTE ON PROPOSED RULES 29 RCNY §§ 1-01 AND 1-02 OF THE RULES

Motion: Mr. Mayer moved to accept the proposed rule. Ms. Shelton seconded the motion.

Members concurring: Barowitz, DeLaney, Chairperson LiMandri, Mayer, Shelton, Spadafora (6)

Member absent: Bolden-Rivera (1)

DISCUSSION ON PROPOSED RULE 29 RCNY § 2-01(d)(4) OF THE RULES

A draft of this proposed rule was presented to the Board for comment.

DISCUSSION AND VOTE ON CASES

RECONSIDERATION CALENDAR

Case #1.	Sherry and Michael Rader	1005 Grand Street	R-0332	LA/LA
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Motion: Ms. Shelton moved to accept the proposed order. Mr. Mayer seconded the motion.

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

Member dissenting: DeLaney (1)

SUMMARY CALENDAR

Case #2.	Bahia Mehmet Bin-Chambi	26 Bond Street	LS-0200	MC/MC
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Motion: Ms. Bolden-Rivera moved to accept the proposed order. Mr. Barowitz seconded the motion.

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

MASTER CALENDAR

Case #3.	VVV Partnership	125 Fifth Avenue	LB-0172	MC/MC
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Motion: Mr. Barowitz moved to accept the proposed order. Mr. DeLaney seconded the motion.

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

Case #4.	Tenants of 51-55 West 28 Street	51-55 West 28 Street	TA-0179 – TA-0181	MC/MC
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Motion: Ms. Shelton moved to accept the proposed order. Mr. Mayer seconded the motion.

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

The following cases were voted on as a group

Case #5.	315 Berry Street Corp.	315 Berry Street	LE-0557	MC/MC
Case #6.	55 Crosby Street Associates, Inc.	55 Crosby Street	LE-0570	MC/MC

Motion: Mr. DeLaney moved to accept the proposed orders. Mr. Barowitz seconded the motion.

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

PUBLIC HEARING ON PROPOSED RULE 29 RCNY § 2-01.1

Ms. Alexander welcomed those present to the Loft Board's public hearing on the proposed amendment to Loft Board rule § 2-01. The proposed amendment, Section 2-01.1, defines reasonable and necessary action to obtain a certificate of occupancy and augments the Loft Board's ability to enforce MDL § 284 and section 2-01 of the Rules.

Ms. Alexander stated that in accordance with the New York City Administrative Procedures Act, the text of these proposed rule change had been submitted to the New York City Department of Law for informal approval and circulated to the counsels of other mayoral agencies that may be affected by it.

The Loft Board approved the proposed amendment at its February 18, 2010 board meeting. The text of the proposed amendment and notice of this public hearing were published in the City Record and was posted on the Loft Board's web site.

Mr. Bill Hall of the Lower Manhattan Loft Tenants; Mr. Jens Rasmussen, tenant at 252 Greene Street; Ms. Fenster, tenant at 17 West 20th Street; expressed their support on the proposed rule at the public hearing¹.

Motion: Mr. DeLaney moved to amend the proposed rule to include a requirement that regular reports summarizing all actions taken and fines imposed by the Executive Director, be presented to Board members.

Members concurring: DeLaney, Spadafora (2)

Members dissenting: Barowitz, Bolden-Rivera, Alexander (by proxy), Mayer, Shelton (5)

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

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Alexander (by proxy), Mayer, Shelton, Spadafora (7)

Ms. Alexander, concluded the public hearing and the April 15, 2010 Loft Board public meeting and thanked everyone for attending. She announced that the next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, May 20, 2010 at 2:00 p.m.

The meeting ended at 3:15 p.m.

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.