

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

October 4, 2012

The meeting began at 2:09 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; Daniel Schachter, Public Member; Matthew Mayer, Owners' Representative; Mark Foggin, Manufacturing Representative and Chairperson LiMandri.

INTRODUCTION

Chairperson LiMandri introduced himself and welcomed those present to the October 4, 2012 public meeting of the New York City Loft Board.

VOTE ON SEPTEMBER 6, 2012 MINUTES

Motion: Mr. Delaney moved to accept the September 6, 2012 minutes. Ms. Bolden-Rivera seconded the motion.

Members concurring: Barowitz, Delaney, LiMandri, Schachter, Foggin, Bolden-Rivera, Spadafora (7)

Members Abstained: Mayer (1)

Members Absent: Shelton (1)

Adopted by the Loft Board on October 4, 2012.

REPORT OF EXECUTIVE DIRECTOR

Ms. Alexander reported that thus far for fiscal year 2013, 251 buildings have renewed their registrations for a total of \$918,280. Since the last meeting, the Loft Board has taken in \$53,225 in registration fees. The staff is now conducting preliminary enforcement actions upon those applicants that have not renewed their registration for this fiscal year.

Ms. Alexander reported that there are 337 buildings in Loft Board jurisdiction. Fifty-seven of the buildings entered Loft Board jurisdiction pursuant to MDL §281(5). Forty-two buildings have obtained a certificate of occupancy; 204 buildings have obtained a building permit; 33 buildings have obtained a TCO; 67 buildings are 7-B compliant; and six buildings have 100% of the work completed. Ninety-five buildings have permits and three buildings are back in the Narrative Statement process even though they have permits. There are 49 buildings in the Narrative Statement process. Of these, 18 buildings have Loft Board certification but have not pulled their permits; and 31 have open Narrative Statements. There are 42 buildings that have not yet entered the Narrative Statement process. Of these buildings, 13 that have filed Alteration Applications with the DOB and 29 that have not.

Ms. Alexander reported the case statistics as of October as follows: there are 293 pending cases: 198 coverage cases and 95 are non-coverage cases. There are 170 OATH cases: 147 cases are pending at OATH; 23 cases are ready to go to OATH; and 47 cases were returned from OATH. Of the 47 cases returned from OATH, 23 are Master cases and 24 are Summary cases. There are 56 cases are non-OATH cases. Of the 56 non-OATH cases, three are administrative appeals, three are rent adjustment cases, 34 are removal cases, 16 are extension applications, and 16 are miscellaneous cases.

Ms. Alexander gave an update on the progress that has been made since she reported on the backlog of cases in June 2012. In June, there was a backlog of 51 summary cases. Twenty-six of these summary cases were completed by the summer interns and brought to the Board for a vote. There were also 33 removal cases pending. Two of these were brought to the Board. At that time, the staff distributed 14 of the removal cases to the DOB/ECB Attorneys. Nine of these cases were returned with draft orders and are being edited. In June, there was a backlog of 92 OATH-ready applications. Eighty-two of these applications have now been transmitted to OATH. We have had 22 new applications filed since July 1, 2012. The determinations for the seven extension applications were issued and the one extension appeal is pending. The three rent adjustment applications still pending.

DISCUSSION AND VOTE OF RULE § 2-02 HARASSMENT

Motion: Mr. Foggin moved to adopt the rule. Mr. Mayer seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Delaney, Bolden-Rivera, Foggin, Schachter (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE OF RULE § 2-10 SALES OF RIGHTS

Motion: Ms. Bolden-Rivera moved to adopt the rule. Mr. Barowitz seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Delaney, Bolden-Rivera, Foggin, Schachter (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE OF RULE § 2-06.2 INTERIM RENT GUIDELINES AND RENT ADJUSTMENTS PURSUANT TO MDL § 286(2)(i)

Motion: Mr. Mayer moved to adopt the rule. Mr. Barowitz seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Bolden-Rivera, Foggin, Schachter (7)

Members Against: Delaney (1)

Members Absent: Shelton (1)

DISCUSSION AND VOTE OF RULE § 2-07 SALE OF IMPROVEMENTS

Motion: Mr. Foggin moved to adopt the rule. Mr. Mayer seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Bolden-Rivera, Foggin, Schachter, Delaney (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE OF RULE § 2-09 OCCUPANT QUALIFIED FOR ARTICLE 7-C PROTECTION, PRIVACY, SUBLETTING AND RECOVERY OF SUBDIVIDED UNIT

Motion: Mr. Foggin moved to adopt the rule. Mr. Mayer seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Bolden-Rivera, Foggin, Schachter, Delaney (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE OF RULE § 2-11 FINES

Motion: Mr. Schachter moved to adopt the rule. Mr. Barowitz seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Bolden-Rivera, Foggin, Schachter, Delaney (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE OF RULE § 1-07 RECONSIDERATION OF LOFT BOARD DETERMINATION

Motion: Mr. Delaney moved to adopt the rule. Mr. Mayer seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Bolden-Rivera, Foggin, Schachter, Delaney (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE OF RULE § 1-07.1 APPEALS OF ADMINISTRATIVE DETERMINATIONS

Motion: Mr. Foggin moved to adopt the rule. Mr. Delaney seconded the motion.

Members Concurring: Barowitz, Mayer, Spadafora, LiMandri, Bolden-Rivera, Foggin, Schachter, Delaney (8)

Members Absent: Shelton (1)

DISCUSSION AND VOTE ON SUMMARY CALENDAR CASES

1.	Raymond Gonzales and Flannery Foster	73 Calyer Street, Bklyn	TR-0817	MC/MC
2.	Mark Parrish	71 North 7 th Street, Bklyn	TR-0836	MC/MC

Motion: Mr. Barowitz moved to accept the proposed orders. Ms. Bolden-Rivera seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, Delaney, Pogoda, Schachter, Spadafora (6)

Members Against: Mayer, Foggin (2)

Members Absent: Shelton (1)

Adopted by the Loft Board on October 4, 2012.

DISCUSSION AND VOTE ON MASTER CALENDAR CASES

1.	ENKI Properties N.V. Ltd.	1026 6 th Avenue	LE-0579	MC/MC
2.	ENKI Properties N.V. Ltd.	1024 6 th Avenue	LE-0580	MC/MC

Motion: Mr. Mayer moved to accept the proposed orders. Mr. Delaney seconded the motion.

Members concurring: Barowitz, Foggin, Mayer, Bolden-Rivera, Delaney, Pogoda, Schachter, Spadafora (8)

Members Absent: Shelton (1)

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Chairperson Pogoda concluded the October 4, 2012 Loft Board public meeting at 3:31 pm and thanked everyone for attending. The next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, November 1, 2012 at 2:00 p.m.