

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

**October 21, 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, and Matthew Mayer, Owners' Representative.

**CHAIRPERSON'S INTRODUCTION**

**Chairperson LiMandri** introduced himself and welcomed those present to the October 21, 2010 public meeting of the New York City Loft Board.

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**VOTE ON SEPTEMBER 16, 2010 MINUTES**

**Motion:** Ms. Bolden-Rivera moved to accept the September 16, 2010 minutes. Ms. Shelton seconded the motion.

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

**Members Recused:** Mayer (1)

Adopted by the Loft Board on October 21, 2010

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**REPORT OF THE EXECUTIVE DIRECTOR**

**Martha Cruz** reported on the Executive Director's behalf, that there were currently 295 IMD buildings in the Loft Board's jurisdiction. There were 28 coverage applications filed with the Loft Board pursuant to MDL § 281(5). Of those applications, 15 involved new buildings seeking Article 7-C coverage under the recent amendment of the Loft Law. **Ms. Cruz** stated that there were 66 applications pending with the Loft Board and briefly mentioned the chart showing the legalization status for all of the covered buildings, copies of which were posted on the Sharepoint database for access by the Loft Board members.

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**PRESENTATION BY NEW YORK CITY PLANNING AND NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**David Karnovsky, General Counsel, New York City Planning, Barry Dinerstein, Deputy Director of the Housing Economic and Infrastructure Planning Division at City Planning, and Gerry Kelpin, Division Director, Air/Noise Permitting, Enforcement & Policy, Department of Environmental Protection,** provided the Board with information regarding Use Groups 15 through 18 as well as information regarding air quality requirements and the mixed use provisions found in the Zoning Resolution. The highlights of the discussion are as follows:

- The proposed rule sets forth three categories of commercial/manufacturing activities listed in Use Groups 15 through 18: (1) those that are deemed compatible with residential use; (2) those that are deemed inherently incompatible with residential use, without exception; and (3) those that are deemed inherently incompatible with residential use, except upon certification by an architect or engineer, as to the activities' NYC or NYS environmental rating.
- The proposed rule is based upon the New York City's Zoning Resolution's methodology for determining co-existing uses in "Mixed Use Districts". The lists of activities in the proposed rule, that are deemed compatible and incompatible with residential use, was developed by the Department of City Planning in 1997, in consultation with DEP, and through a land use review process that spanned 2 years.
- David Karnovsky suggested that a prior version of the proposed rule was more apposite to the Zoning Resolution and easier to administer by the Loft Board because there would not be any need to make classification of uses; rather, each activity would require a certification by an architect or engineer regarding its NYC or NYS environmental rating.
- The background of the proposed rule is grounded in a methodology promulgated on a land use policy that was reasoned by experts.

#### **Discussion on Enforcement Designation**

The Board Members were given handouts that summarized the types of Loft Board enforcement actions that the Loft Board might consider designating to ECB for enforcement. A brief discussion followed. These handouts were for information purposes only and no further action was taken. The subject will be fully discussed when the amended rule containing the proposed designations come before the Board.

#### **Discussion on Proposed Rules 2-05 and 2-08**

**Chairman LiMandri** tabled discussion of these rules.