

# CO-OP Showdown

Ours is the city that never sleeps—and we can blame some of those restless nights on annoying neighbors. Kate Torgovnick checks in with New Yorkers who are taking their turf wars to court.

**G**iulia Bianchi's next-door neighbor is making it hard for her to sleep. "She watches Univision all night long," says Giulia, a 26-year-old ad agency manager who lives in Kensington, Brooklyn. "I swear, I know all the telenovela theme songs by heart and I'm learning Spanish in my sleep. Some nights, I'll start screaming in frustration. I've contemplated going out on the fire escape and crawling into her apartment to turn the TV off. I have a feeling she falls asleep with it on."

In New York City, it's almost impossible to find an apartment that doesn't have a neighbor who plays music too loud, or who smokes, or whose pet barks for 18 hours a day. But increasingly, New Yorkers are settling neighbor disputes like Giulia's using the court system. And two recent cases have taken it to the extreme. In February, Jonathan and Jenny Selbin, a couple living in the chichi Ansonia building on the Upper West Side, sued their chain-smoking neighbor because of concern over their 4-year-old son's health. By the time the case was filed, an all-out war had begun. The Selbins even

accused their neighbor of encouraging her pet Chihuahua to pee outside their door. The neighbor, in turn, accused the Selbins of overreacting, but agreed to take steps to minimize the spread of her smoke.

Then, in March, the co-op board at

**“Neighbor battles are on the rise in NYC,” says one lawyer. Even Bono has raised hell over smoke in his building.**

32 Gramercy Park South sued tenant Richard Belza, 45, because of what the board claims were his over-the-top holiday hall decorations. "No one on my floor has ever complained, and I've been doing it for eight years," Richard told the

*New York Post*. But they're complaining now, and they're not alone.

"Without question, neighbors battling neighbors is a trend on the rise in New York City," says Lucas A. Ferrara, a partner at law firm Finkelstein Newman Ferrara and a blogger who writes *nyrealstatelawblog.com*. "It's a function of the close proximity we live in. Thin walls and flooring don't help. When a property owner or co-op board doesn't take action, sometimes people are left with little choice but to take the dispute to court."

Jamie\*, a 27-year-old lawyer, was excited when she and her husband bought a co-op on the Upper East Side. But on moving day, they discovered one not-so-stellar feature—their downstairs neighbor. "It was a Saturday afternoon and the locksmith was working on our door, so it was open. All of a sudden, this woman comes barging in, screaming about the building's 80 percent carpet rule," Jamie explains. "We eventually talked her down, explaining that we just hadn't had a chance to buy carpets yet."

A few hours later, they heard pounding from below—their new neighbor was beating on the ceiling with a broom. "She does it all the time. I mean, we can be



The neighbors would like a word...

sitting on our couch watching TV and all of a sudden, *bang, bang, bang*," says Jamie. "You'd think we were partying all the time, but we're really kind of boring."

The dispute has been brewing for years, and since week two Jamie has been trying to resolve it through her co-op board. "I've thought about taking legal action," she says. "We have a real estate practice in my firm, but I've been told that it would be really freaking hard to get rid of her since she's a rent-stabilized tenant."

Real estate lawyer Lucas Ferrara stresses that any neighbor dispute—whether it involves a rent-stabilized tenant or not—is hard to resolve in court. "I represented a client in Riverdale who could hear everything in his neighbors' apartment: sex acts, expelling gas, them wishing each other goodnight. It became

so disturbing that he filed a lawsuit to compel the owner to address it," Lucas explains. "It was settled, but only after two years of litigation with the fees exceeding \$100,000."

And in a co-op, litigation can especially create bad blood. "You're essentially suing your fellow owners," says Lucas. "They'll get hit with a special assessment fee, so they end up paying for it."

In other words, legal action should be a last resort. "I find that people who are in these situations often aren't thinking rationally," he adds. "A lawyer's job is to tell clients the strengths and weaknesses of their case and talk to them about the ugly realities of litigation. Most cases are time-consuming and expensive. Are you willing to go through that anguish?"

Many celebrities living in NYC seem

willing. In 2005 Sean Connery got into a legal battle with a neighbor in his East Side townhouse over the cost of roof and façade repair. And just last year, Bono—who lives in the San Remo, overlooking Central Park West—raised hell over fireplace smoke from other units that was wafting toward his family's penthouse.

So what do you do if you're a normal person like Jim\*, a 29-year-old blogger who lives on the Lower East Side? "My neighbor gets drunk on a nightly basis and comes home around 2:30 a.m.," he says. "It takes him 10 minutes to make it up the stairs—in the meantime, he yells drunken slurs. When he eventually makes it home, he cranks up the stereo. He's a surprisingly big fan of *Grease*."

According to writer Bob Borzotta, 42, who is working on a book called *Neighbors From Hell*, step one should be talking to the offender face-to-face. "You have to talk to people in a nonthreatening way. If you confront them aggressively, they respond in kind," he explains. If talking doesn't work, bring the complaint to your landlord or co-op board. You can also try calling the police—just know that it rarely accomplishes much besides providing a documented case of your dispute. Beyond that, Bob warns, "You can pretty much assume it's not going to change. You have to fast-forward to accepting that you have a neighbor from hell."

And if you do decide to take legal action, you will need to prove that your neighbor violates the city's noise code, or that his smoke is a true health concern, or that his pet is a nuisance—in other words, threatening the safety and comfort of others (namely, you). "You have to show that you gave your neighbor and landlord notice," says Lucas. "If the court gets the sense you are being unreasonable, that will impinge the success of your claim."

Even if you do all of the above, a judge (or in rare cases, a jury) still may not side with you. "There are cases in New York that say this is an urban environment and a certain amount of noise and discomfort is to be expected," Lucas adds. "I hear my neighbor vacuuming every day. Is it annoying? No question. Is it actionable? No. It's just the ugly reality of living in a great city." \*These tenants asked that their names be changed.