

## Real Estate

### No Pets, No Parties No Smoking?

#### A co-op votes to declare itself smoke-free, and potential buyers fume

- By [S.Jhoanna Robledo](#)
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(Photo: Jeremy Liebman)

Barbara Langdon and her boyfriend saw a loft for sale on West 15th Street right before Christmas and knew they'd found a winner. It was in great shape and sprawled over 2,300 square feet, just what they wanted, so they made an offer for \$1.75 million that was quickly accepted.

We were excited because we'd only been looking three weeks,  Langdon remembers. Soon after, though, their broker called to convey a fussy bit of news: The co-op was entirely nonsmoking, not just in common areas but also in the apartments.  That was the deal-breaker,  says Langdon  never mind that she doesn't smoke.  How dare they tell me what to do in my own apartment.

Apparently, they can.  It's absolutely enforceable,  confirms co-op attorney Adam Leitman Bailey.  By signing on to a co-op, you're giving up some of your personal rights, and in this case, that would be smoking.  Co-ops, after all, have long dictated  house rules,  requiring owners to carpet floors, turn off music late at night, and forgo pets.  [They're] small democracies, and if the appropriate majority of shareholders agree on a policy, as long as it doesn't discriminate

against protected categories  and smokers are not  then they can institute and enforce it,  says Mary Ann Rothman, from the Council of New York Cooperatives and Condominiums. Sotheby's International Realty's Elizabeth LaGrua, who represents the seller at the West 15th building, says the board put the rule in place because people griped about wafting fumes.  They know from past residents that smoke does travel through the building,  she explains.

It's not the first time a co-op has tried to go smoke-free. In 2002, the Upper West Side's Lincoln Towers at 180 West End Avenue instituted a ban on incoming smokers, igniting a flare of controversy; the rule was later rescinded because of the uproar, says lawyer Stuart Saft, the building's counsel back then. (He says he hadn't heard of any other buildings trying it.) Civil-liberties types complained, but an increasingly nonsmoking city may find such buildings more acceptable. Quite a few California buildings already have bans. A recent survey by the New York Coalition for a Smoke-Free City found that more than 69 percent of New Yorkers want to live in a smoke-free building, and that nearly 50 percent would pay more for the privilege. Langdon and her boyfriend, however, are bailing on their deal.  If you can

smell what's in other people's apartments, I don't want [it] anyway," says Langdon.

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## Movers

### The Right Kind of Person

**Charles Grodin** takes a few pokes at co-op boards in his play *The Right Kind of People*, which opened last week at Primary Stages, but its content apparently didn't affect his own pending application at a tony building on the Upper West Side. "We were officially accepted!" confirms the writer-actor-commentator, who sat for a board interview just days before his show premiered. "All the stories come from Fifth Avenue and Park Avenue," he says. "Going in front of a West Side board is much easier." Grodin and his wife, Elissa, have been living at their house in Connecticut, which they'll keep ("I never leave the house in Connecticut," he recently told the Times. "I often don't even leave the upstairs area"). He adds that they'd spent a year looking for a New York place with their longtime broker, Michele Kleier; they'd even placed an offer on another West Side apartment but had been outbid and withdrew. "We like this one better anyway," he says.

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(Photo: Donald Bowers)

### The Open-House Log

#### 258 Broadway, Apartment 6E

**The facts:** Two-bedroom, one-bath, 1,400-square-foot co-op loft.

**Asking price:** \$1.298 million.

**Maintenance:** \$1,837 per month.

**Broker:** Barbara Godson, Halstead.

**Who:** Chip Cooper, director of the Hong Kong Tourism Board, and Ben Feldman, lawyer (pictured).

**What are you shopping for?**

**CHIP:** We've been looking for a year. We started [with] townhouses, but we were priced out. Ben: I hate knowing that [the seller] bought it for nothing. It makes me sick.

**What do you think?**

**BEN:** I love the high ceilings.

**CHIP:** One bedroom is too small □ we need two of the same size, because he has a bad snoring problem.



(Photo: Donald Bowers)

**Who:** Monika Dralle, IT specialist; Michael Padovano, computer scientist; and their daughter, Amilia, age 2.

**What are you shopping for?**

**MONIKA:** We can't agree.

**MICHAEL:** We've been looking on and off for a year. We rent a two-bedroom in Battery Park City.

**MONIKA:** Some two-bedrooms [there] have \$4,000 maintenance, and it just doesn't make sense!

**What do you think?**

**MONIKA:** This is close to BPC, so we can keep in touch with friends. And this is a great school district.

**MICHAEL:** It only has one bathroom.

**Who:** Rob DeFlorio, ad executive.

**What are you shopping for?**

My wife sent me □ she was here last week. We don't want amenities [or] a doorman □ I'm not particularly friendly [*laughs*].

**What do you think?**

It's great. It's so hot in here, though. Are you going to spread sand around and have a luau?

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