

January 16, 2005

BIG DEAL

Brick Walls, and Bad Blood

By WILLIAM NEUMAN

A LEGENDARY penthouse designed by the modernist-architecture icon Paul Rudolph is at the center of a hot and increasingly bizarre feud between neighbors in the well-heeled enclave of Beekman Place. On this second millionaires' row, one homeowner has put up a brick wall that covers his neighbor's windows, and the neighbor is charging that the wall not only blocks his view but is keeping him from carrying out the renovation of Rudolph's apartment.

The imbroglio landed in State Supreme Court in Manhattan last month, when Steven Campus, the new owner of Rudolph's former home at 23 Beekman Place, asked a judge to force William R. Rupp, who lives next door at No. 21, to take down the wall.

The city Department of Buildings has also weighed in, sending Mr. Rupp a letter on Jan. 3 saying it is considering revoking the building permit that allowed him to put up the brick wall. "The plans call for a veneer on the existing wall," said Ilyse Fink, a department spokeswoman, referring to Mr. Rupp's brickwork. "Our concern is they're going beyond the scope of that work and they could actually be building an unbraced wall."

The building at No. 23 became famous among architecture buffs after Rudolph bought it and, in the late 1970's, added a fourth floor, a four-story modernist fantasy on top of what had been an unremarkable five-story town house. The added floor made No. 23 into a nine-story building, jutting out in front and back with a jungle gym of steel balconies. Inside, the architect created a space that was intentionally disorienting, splitting the penthouse into multiple levels and experimenting with glass floors, see-through bathrooms, vertiginous staircases and unexpected voids. Rudolph famously joked that one woman was once so undone by the apartment's unconventional interior she had to be carried out on a stretcher.

After Rudolph died in 1997, there was concern that the building might be gutted or torn down, until Michael and Gabrielle Boyd stepped in and bought it in May 2000, for \$5.5 million. The Boyds, who have made a career of preserving endangered treasures of modernist architecture, left their home in California and moved into No. 23 with their two children, their vast library of architecture books and their collection of haute design furniture.

Then, in June 2001, the five-story brick town house next door, at the corner of East 50th Street, was sold for \$8.5 million to Mr. Rupp, 71, who owns a restaurant called Billie's in Key West, Fla.

A short time later, Mr. Boyd said, he was contacted by an architect working for Mr. Rupp. The architect informed that their neighbor was planning some construction and wanted him to remove an air-conditioner that was in the backyard. Mr. Boyd replied that he would need to speak to a lawyer first, and that, he said, was the beginning of the bad blood.

Mr. Boyd said that without further notice, in August 2001, Mr. Rupp erected a brick wall at the property line, covering an adjoining portion of the third, fourth and fifth stories of the Rudolph house. The bricks blocked some of the windows and they complained to the city.

"It's called a spite wall," Mr. Boyd said. "There's no reason for the wall to go up except for spite."

Public records show that a violation was issued against Mr. Rupp for doing work that deviated from a construction application he filed with the city, but, to the Boyds' chagrin, the wall remained.

The situation quickly deteriorated. Mr. Boyd said that his wife used a hose to spray water from above on Mr. Rupp's bricklayers. Mr. Rupp responded by calling the police and charging that Mrs. Boyd had thrown bricks at his workers, the couple said. Mr. Boyd said the police showed up and threatened to arrest his wife.

At other times, Mr. Boyd said, Mr. Rupp threw dog feces onto their property from his roof, where he often sat with his dog, a large German shepherd. Jan Hashey, an executive vice president at Douglas Elliman, who brokered the sale of the Rudolph house for the Boyds, said she once saw Mr. Rupp throwing the feces into the Boyds' yard. Ms. Hashey said she had previously noticed droppings in the yard, even though the Boyds had no dog. "Knowing there was no dog in residence, I was very curious as to where it had come from in the first place," Ms. Hashey said.

"He is a neighbor from hell," Mr. Boyd said.

Finally, partly shaken by the Sept. 11, 2001, terror attacks and partly fed up with their feud with Mr. Rupp, the Boyds put the Rudolph house up for sale and fled back to California, where they now live in Santa Monica in a house built by the architect Oscar Niemeyer.

Mr. Rupp did not respond to several requests for an interview. But Mr. Rupp's lawyer, Harry Issler, said his client denied the Boyds' account and said they were the bad neighbors. "My client tells me their going-away present to him when they left was to dump bags of animal excrement from their building onto his terraces and drop five-gallon drums of tar, open, onto his balconies," Mr. Issler said. "This was not a friendly relationship." Asked about Mr. Rupp's accusations, Ms. Boyd said, "he fabricates things."

In January 2003, the Boyds sold the Rudolph house to Mr. Campus for \$6.3 million. Mr. Campus, 62, who is president of a company that provides videoconferencing services, said he had never heard of Rudolph before, but he quickly became fascinated by the uniqueness of his new acquisition. He hired architects and contractors and began planning renovations that would remake the famous penthouse into a functional home, while preserving some of its distinctive characteristics. But that involved doing extensive structural work to fix water damage and replace rusted steel framing inside the stucco exterior walls of the penthouse, which rise four stories above Mr. Rupp's building. And that meant his workers needed access to the roof of No. 21.

Court papers filed by Mr. Campus's lawyer, Barry B. LePatner, say that Mr. Rupp repeatedly refused to allow the workers onto his property, until finally, on Nov. 19, he signed an agreement to let the work proceed.

But on Nov. 30, according to the court papers, when workers for Mr. Campus were putting down plywood to protect Mr. Rupp's roof from construction debris, Mr. Rupp unleashed his German shepherd onto the roof and chased the workers away.

Then, on Dec. 2, a crew hired by Mr. Rupp showed up and began erecting a brick wall covering the same facade Mr. Campus's contractor was about to start work on. The next day, Mr. Campus's lawyers were in court, seeking a restraining order to stop the bricks from going up. Even though a judge ordered the brickwork halted, the wall continued to rise, and eventually it reached the roof of the Rudolph penthouse, covering several windows in the process. Mr. Campus said the wall seemed to have one main purpose. "That's something he put up there to block my view," he said.

A hearing is now scheduled for Feb. 4, in which Mr. Campus's lawyers will argue that the wall has to come down. Mr. Rupp's lawyer said he had just been hired and was not yet able to discuss the lawsuit. But he denied that there were structural problems with the brickwork.

During a visit to the property this month, Angel Gonzalez, the project supervisor for Mr. Campus's contractor,

the Yates Restoration Group, pointed to two locations at the front and back of the building where large sections of brickwork jut several feet above the base of the upper balconies on the Rudolph penthouse. Mr. Gonzalez also said the brickwork appears to have been anchored with metal ties into the stucco on Mr. Campus's side, which may not be strong enough to hold it.

From inside the penthouse, a visitor can look through windows at sections of brickwork with nothing but mortar to hold them in place.

"It's dangerous," Mr. Gonzalez said. "It's bad in every sense of the word."

While the city had enough concerns about the wall's structural integrity to threaten to revoke Mr. Rupp's permit, Ms. Fink of the Buildings Department said that in many cases a homeowner has the right to build up to the property line, even if the work covers his neighbor's windows.

"The aspect of the windows is not one that is particularly relevant for us," she said. "Granted, it may be impolite and it may not be neighborly but it may not be illegal."

Mr. Campus said that while his neighbor may have the right to build what he wants on his side of the property line, he does not have the right to anchor his brickwork into the wall of No. 23.

"To put this whole wall thing in perspective, there is an agreement to allow us to go onto his property and repair the wall that is my wall, which he has not allowed us to do," Mr. Campus said. "And then he goes and builds this impediment, where we have a really dangerous situation."

Another Duplex for GrassoLorraine Grasso, the wife of Richard A. Grasso, the former chairman of the New York Stock Exchange, paid \$2.3 million in cash last October for a duplex condominium in a converted warehouse building in TriBeCa, according to a deed filed with the city. The Grassos already owned a duplex on the building's third and fourth floors, which they bought for \$1.86 million in November 2001. The deed for that apartment was registered in Mr. Grasso's name, while the more recent deed bears Mrs. Grasso's name. The new unit occupies part of the building's cellar and ground floor and the two units are not contiguous.

Eric Starkman, a spokesman for Mr. Grasso, declined to talk about the apartment purchase, other than to say that the couple did not plan to buy any more units at 61 N. Moore Street. He would not discuss the Grassos' reason for putting the new unit in Mrs. Grasso's name.

Mr. Grasso was forced to resign from the stock exchange in September 2003, following disclosures about a controversial \$139.5 million pay package he received. Last May, Eliot Spitzer, the New York attorney general, filed a civil lawsuit against Mr. Grasso, demanding that he return more than \$100 million to his former employer.

In a written statement, Mr. Starkman said, "Mr. Grasso believes in New York and the revitalization of Lower Manhattan and his recent purchase underscores that belief."