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Neighbors Sue Over 'Monstrous' Condo They Think City Approved Improperly



By [Maya Rajamani](#) | March 1, 2017 4:33pm

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French Evangelical Church Lawsuit

CHELSEA — A neighborhood coalition is suing to stop a “monstrous” 11-story building from rising above a church on its block, saying the city may have improperly approved the developer's plan to nearly double the project's height despite its own concerns.

After the French Evangelical Church on West 16th Street, between Sixth and Seventh avenues, [sold its air rights and an adjacent church building](#) to [Einhorn Development Group](#) several years ago, the developer announced [plans to construct an 11-story condominium above the house of worship](#).

[A neighborhood group called the Save 16th Street Committee has been fighting Einhorn’s plans ever since, said member Paul Groncki, president of the 100 West 16th Street Block Association, who lives in the six-story co-op next to the site.](#)

On Friday, the committee filed a petition in [Manhattan Supreme Court](#) asking the city’s [Department of Buildings](#) to hand over documents they believe could prove Einhorn’s plans violate city statutes and codes, or show that the department improperly approved the project.

[“They’re building this monstrosity over the church,” Groncki said. “This is a really ugly building, and it’s not appropriate for the scale of the block.”](#)

[Groncki and many of his neighbors will lose all of the light in their apartments if the development rises to its planned 11 stories, he noted.](#)

Einhorn had originally filed plans to construct a six-story building at the site, but added five additional stories to its plans by filing a “post-approval amendment” with the DOB, the committee’s petition says. The DOB issued a

permit for the project this past October, records show, and construction started soon after.

In June 2015, the committee asked the DOB for copies of architectural plans, application forms and other documents related to the post-approval amendment, but wasn't able to get them, according to the group's filing.

The committee and its representatives have since submitted several Freedom of Information Law requests seeking those and other materials — none of which have yielded results, the petition says.

“Since the additional stories are... evidently being added to the building in disregard of and/or in violation of applicable statutes and codes, and DOB may have [approved] the additional stories improperly, or not at all, [the committee] urgently requires production of the documents sought, so as to review and protest DOB's improper approval (or lack thereof) through appropriate legal means,” the filing continues.

Attorney Stuart Klein — who [worked for the DOB years ago, first as its general counsel, then as its inspector general](#) — is representing the committee in its quest for the documents.

At one point, the DOB met with representatives for the committee and said the department had come up with “more than 80 objections as to why the plans should not have been approved in the first place,” after reviewing the committee's concerns about Einhorn's plans, Klein said on Tuesday.

He added that the committee wants to see the documents that explain how the DOB allowed construction to move forward despite its own objections.

He submitted a FOIL request for the documents via email this past November, and followed it with a FOIL appeal letter in December when the department

didn't respond, the petition says. The DOB didn't respond to the appeal within 10 days, which the petition claims "constitutes a denial of the appeal."

"The people in the neighborhood have every right to be enraged. It's just really incomprehensible why we can't get answers from them," Klein said.

"We're not asking for anything that they're not required to give us."

A DOB spokesman on Wednesday said that the department hasn't yet been served with the committee's petition. The agency is still reviewing Klein's FOIL request, he added.

"Building plans are often changed during construction due to the acquisition of additional development rights — and what's more, it's very common for the department to issue objections during the plan-review process that the applicant needs to address before the project can move forward," the spokesman said.

The DOB issued a partial stop-work order at the West 16th Street site in December for lack of roof protection, but construction resumed a week later after Einhorn installed protection, he noted. The department is currently auditing the project, and an inspection on Jan. 18 found no violations.

Representatives for Einhorn did not respond to requests for comment.

Groncki said he believes the developer is quickly moving forward — and has already poured concrete for the building's seventh floor and installed steel for what appears to be the eighth and ninth floors.

He and his neighbors hope the documents they're seeking will prove the developer shouldn't be allowed to construct a building as tall as the one it's planning.

“This is a quiet, residential block, with low buildings, and now we have an 11-story building in the middle of the block,” he said.

“We thought we were safe from development on the block, and then these guys snuck in.”