



Breast Feeding Condo Battles

By Denise Lash on March 16, 2011

Former police officer, Felina Rakowski-Gallagher, decided to open a breast feeding establishment in Manhattan eleven years ago, so that women would have a place to go for practical advice on breast feeding. After her business grew from her initial cramped space, Felina decided to purchase a \$825,000 condominium unit in a fancy condominium building known as the Pythian. It took her over a year to renovate the Upper Breast Side and has now become an essential destination for lactating women in Manhattan.



Problem is that Felina and the board of directors have not seen eye to eye on certain issues. One issue that has been the focus of recent media attention is Felina's refusal to keep her brass door on the ground floor completely closed. The board of directors of the Pythian fined her \$250 for her breach of that rule.

As a result of the fine, Felina filed a discrimination complaint with the New York State Division of Human Rights. Felina continues to refuse to keep the door closed because it is too heavy for pregnant women and stroller-pushing mothers to open safely.

The state found that there was sufficient evidence to support her complaint and has recommended a public hearing. The settlement conference is scheduled for March 23.

The board, however, is also taking the position that the Upper Breast Side is a retail store and is not a consultancy or resource center as required under the current zoning for the building.

But Felina maintains that she is running a "community facility," which residential zoning allows and she is therefore in compliance.

And so the conflict begins, with a number of pro-breast feeding supporters coming to the aid of Felina.

The board's position in the Human Rights complaint is that leaving the door ajar is a breach of their "doors closed" rule except when in actual use. This rule has been a long standing one and it appears that the former occupant, a chiropractor, had also kept the door open. The board did not raise the zoning issue and "illegal operation of a retail/commercial business" in dealing with the Human Rights complaint.



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The definition as to what is deemed a “community facility” will be an ongoing issue. The Upper West Side's position is that the facility promotes educational, recreational, religious, health or other essential services for the women in their community despite it selling products which look more like Lady Gaga's outfits than your typical unattractive breast feeding gear.

What will be interesting to see is how the Human Rights complaint turns out and what position the board will continue to take with respect to the zoning issue. It appears that the board is using the zoning issue as a means to get the Upper Breast Side out of their building. The board no-doubt views Felina as a trouble-maker based on their experience with her to date. Her daughter's drawing on the sidewalk with chalk, then the placement of a plant in the front of the store, then the door issue, followed by the Human Rights complaint, probably gives the board good reason to believe that it would be best to have the Upper Breast Side move to another location.

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