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KEEPING the

PEACE

How to mend fences with neighbors
amid common squabbles **C6**



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MUTTONTOWN

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JOHN MUGGENBORG

NEWSDAY / HOWARD SCHNAPP

SHUTTERSTOCK

AVOIDING COURT CASES AND

Experts say permits, surveys could save owners thousands

BY LIZA N. BURBY
Special to Newsday

Disputes with neighbors have long been the premise of TV shows and movies, ranging from slapstick, comedic battles to intense psychological thrillers.

In fact, three shows released within the past few months take on the issue. The Peacock

series “The Burbs” is a dark comedy based on the 1989 Tom Hanks movie. And in real-life scenarios, a Netflix documentary, “The Perfect Neighbor,” highlights a dispute that ended in a fatal shooting, while the HBO docuseries, “Neighbors,” follows ongoing conflicts.

But for anyone who has ever had to contend with a neighbor in an apartment or house who either unintentionally or purposefully disturbs their peace, the experience is much closer to home and is anything but entertaining.

If neighborly disputes end up in court, it could add up to hundreds of thousands of dollars and years of court battles, all while you’re still living amid the contention. In some cases, it

could even hold up the closing on a home sale.

Judy Axelrod is senior director of EAC Network’s Long Island Dispute Resolution Center in Hempstead and Central Islip, which offers free conflict-resolution interventions. According to Axelrod, since 2019, LIDRC has helped neighbors address 560 disputes, with all but three reaching closures.

“The common complaints we handle include parking issues, like ‘you’re blocking my driveway’ or ‘you took my spot;’ noise issues like excessive dog barking, loud music or yelling; home security cameras pointed toward a home in such a way the owner feels it’s an invasion of privacy; and landscaping issues like trees across property lines — and variations on all of that,” Axelrod said.

If any of these issues lead to legal battles, Robert Doud, a retired attorney and senior adjunct professor of accounting and business law at Adelphi University in Garden City, said that hourly fees can range from \$250 to \$750 per hour. Most lawyers will require a retainer up front.

And the legal option isn’t

swift, he said.

“In most cases, you’re going to get sent to small claims court or district court in Long Island. It takes six months to a year for the case to come up on the calendar to get towards a decisive resolution — time while you’re still living next door to the person you have a problem with and then the animosity is going to build,” Doud said.

For some of the more contentious issues, like boundary issues and who is responsible for the tree that fell on your fence, there are preventive measures you can take that experts suggest can ultimately save thousands of dollars in legal fees and years of fighting.

SETTING BOUNDARIES — OFFICIALLY

Amadeo Serrano, owner of Serrano Fence & Son in Island Park, said he regularly encounters neighbor disputes when he’s on-site at jobs because homeowners

don’t always know where their property line is.

“We’ve had the police called on us in the middle of a job to try to stop it,” he said. “So, my first question when someone calls to hire us is: How is your relationship with your neighbors?”

Neighbor conflicts often revolve around boundary disputes, such as disagreements over fences, driveways, trees or encroachments where one property extends onto another, said Frank Ferrantello, president of Ferrantello Group, a land surveyor company in Plainview.

According to Ferrantello, getting a land survey can pro-



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DISPUTES WITH NEIGHBORS



Land surveys can range from **\$350 to \$1,500** or higher and vary based on lot size.

vide an accurate, professional determination of property lines based on legal deeds, historical records and on-site measurements, which can resolve disputes amicably or serve as evidence in court. “Without a survey, assumptions based on old markers or verbal agreements can escalate conflicts, leading to costly legal battles.”

He said the cost of land surveys can range from \$350 to \$1,500 or higher and vary based on lot size.

If there’s any contention — or uncertainty — Serrano recommends that homeowners get a permit with their town or

village before starting the work. The survey will be required for the permit, which itself is around \$100.

“If you get along with your neighbors, you’re in better shape and probably you don’t need the permit. If you have a permit, nobody can stop the project and we can keep going no matter what they’re doing,” he said.

CLOSING DELAYS

Even if you never thought you needed a land survey, if you sell your home, that is often the final requirement during a real estate closing for the buyer to get title insurance,

Ferrantello said. “Lenders and title companies often require a survey to ensure clear title, revealing encroachments, easements or overlaps that could affect ownership. This protects buyers from future claims, including adverse possession risks,” he said.

According to Ferrantello, adverse possession is a legal doctrine allowing someone to claim ownership of another’s land if they occupy it continuously, openly, notoriously, hostilely (without permission) and exclusively for a statutory period, often under a “claim of right” (believing they own it). In New York (including Long Island), the standard period is 10 years, though it requires proving specific elements like improvements or cultivation of the land.

That can mean that your neighbor may have put a shed over your property line and you never considered it was your property, but your buyer’s title insurance company is now pointing it out. And as you’re going to the closing, the survey could indicate it actually has been on your property the whole time.

This always happens last minute, Ferrantello said. That’s when your real estate agent will try to get a boundary line agreement or an affidavit from the neighboring property that they’re not going to try to claim it. There can also be encumbrances, things like

easements, a parcel of land overlapping your lot or your land that either eases a burden to one party, maybe a neighbor giving a driveway access or driveway easement or the public utility. Ferrantello said that about 40% of the time it can hold up a closing.

According to Kim Schultze, associate real estate broker with Coldwell Banker American Homes in Huntington, the affidavit always gets signed. “But it’s stressful because no one wants to do it quickly.

The neighbor is under no timeline, even though they know the seller is, but they don’t care. They think your emergency is not their problem. It’s really hard to get them to move quickly, especially if there was bad blood between the neighbors. Then it’s even harder, and they have to speak to an attorney first and get legal advice on whether they should sign it.”

Schultze said she’s had extreme cases where the neighbors hated each other, and “the seller had to offer the neighbor money to pay him to sign it.”

WHOSE DEAD TREE IS IT ANYWAY?

Another common scenario among neighbors is who is responsible when a tree falls on the other’s property, said John Flynn, owner of Flynn Insurance Agency in Kings

Park. He explained that if a healthy tree from your property falls onto a neighbor’s, their insurance covers the damage. “It doesn’t matter where the tree originated from; it’s wherever the damage occurs that the insurance company is going to respond to,” said Flynn.

An exception is if a party can prove negligence wherever the tree came from. That happens if your neighbor has put you on official notice through certified mail that your tree looks like it’s dying or it’s a hazard to their property and they’re asking you to take it down, Flynn said. “If you fail to act on that notice, then you could be negligent and then it becomes your liability through your insurance company.”

If you’re concerned about a neighbor’s tree — maybe an arborist told you it looks like it’s dead and needs to be cut down — he advises starting with a friendly conversation.

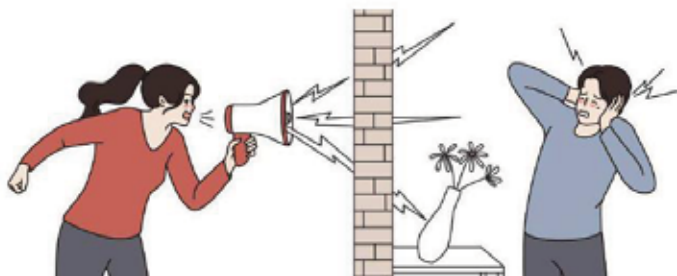
“Maybe they’ll respond that you’re right and they’ll take care of it right away. But they may tell you the tree is perfectly healthy and they’re not going to do anything,” Flynn said. “Then take it to the next level, which would be sending certified mail stating ‘Please accept this letter as being put on official notice that your tree

See **DISPUTES** on C8

“The common complaints we handle include parking issues, like ‘you’re blocking my driveway’ or ‘you took my spot’; noise issues like excessive dog barking, loud music or yelling.”

— Network’s Lo

— Senior director of EAC
— a Resolution Center



“They said they’d go with the organic spray and even showed me the receipts. They were really cool about it.”

— Frank Piccininni, an attorney, biologist and co-founder of the Long Island Conservancy



\$11M Amagansett home has rooftop bocce court

BY RACHEL WEISS

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A modern Amagansett house with an indoor squash court and rooftop bocce court is on the market for \$10.995 million. The taxes are \$38,588.

The seller bought the property as a five-bedroom, 5,000-square-foot home before expanding it, said Adam Hofer, of Douglas Elliman Real Estate. He is co-listing the property with Michael Lorber.

“He did this big addition years ago, where he added more bedrooms that are set up hotel-style,” Hofer said. “They’re all identical; they just have different wall covering themes.”

These bedrooms are in a separate wing of the home, he added. The property now has nine bedrooms and 11 bathrooms, spanning 10,000 square feet on Cranberry Hole Road.

The expansion took place in 2018. The home underwent



The home was renovated in 2022 to add floor-to-ceiling windows.

another renovation in 2022, which included the addition of soaring windows on the second floor and a kitchen revamp, Hofer said.

“Any part of the house looking toward the ocean now has floor-to-ceiling windows,” he said.

The ocean views can be taken in from the first and second

levels and from the backyard pool, the agent said.

“You can see as far as Hither Hills in Montauk,” Hofer said. “The views stretch really far. They’re totally unobstructed, and just beautiful.”

The property totals 5 acres. Notable features include a fire pit, hot tub, full gym and the



The house's ocean views stretch as far as Hither Hills in Montauk.

athletic courts located inside and on the roof.

The bocce court has also been used for yoga sessions, or just another vantage point for ocean views, Hofer said.

Indoor squash courts are a “rare” find in Long Island homes, Hofer said, but there are other possibilities for the space

if the buyer isn’t much of a player.

“Somebody could convert that for a different use, if they wanted to,” he said. “If there’s a different sport they wanted to play indoors, or make it a huge movie theater, or an enormous wine room. But it’s pretty cool to have.”

KEYS TO AVOIDING DISPUTES WITH YOUR NEIGHBORS

DISPUTES from C7

is threatening my property. Please take care of it.’”

Another sticky but common issue is if a shared fence is damaged by a tree, Flynn said. It comes down to who owns the fence. “This type of damage happens all the time, and with my neighbors we just split the cost,” he said. “But a piece of advice for someone buying a new house: Ask the listing agent who owns the fences and make sure that’s answered through the surveys.”

LANDSCAPING BATTLES

If your neighbor’s tree branches are hanging over your yard, check your town laws about whether you need the neighbor’s permission to trim them, Flynn said.

“In most cases a friendly conversation with the neighbor, asking their permission, will probably be enough — but you probably have to pay for it,” he said.

Frank Piccininni, an attorney, biologist and co-founder of the Long Island Conservancy, said that as more Long Islanders replace their front lawns with native plants that tend to “flop over on a sidewalk and grow over a foot” they’ve been receiving requests for help from residents who have gotten citations for “unsightly lawns” from villages like Mineola.

Piccininni said that so far when the situation has been explained to the village personnel, the matter has been resolved. “And usually when people tell their neighbors what they’re doing and why, that also resolves any issues,” he said.

He had a related experience last summer at his Huntington home, said Piccininni who also owns Spadefoot Design and Construction through which he does native plant designs. “I have a 3-year-old and a 7-year-old and when I saw my neighbor in back had one of those yellow signs that tells you the lawn has been sprayed for pesticides I talked to them because my vegetable garden was right there,” Piccininni said.

“I said I didn’t want the spray on my garden and asked if there was any middle ground. We made an agreement on the spot. They said they’d go with the organic spray and even showed me the receipts. They were really cool about it. It started with an honest conversation.”

That’s ultimately the best approach, according to Doud. “When it comes to conflict, be proactive, not reactive. When you feel there is an issue, address it with your neighbor in a civil, respectful way and seek to come to a mutual agreement on how to resolve your issues,” he said.

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— Frank Ferrantello, president of Ferrantello Group, a land surveyor company in Plainview

