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## FW: Anoka, Proposed Solutions

1 message

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**Di Saia, Steven** <Steven.DiSaia@sedgwicklaw.com>

Mon, Feb 3, 2014 at 11:56 AM

To: Hal Erdley <halerdley@gmail.com>, Francine Kirkpatrick <DrFKirk@verizon.net>, Larry Friedman <lpfriedman1@gmail.com>, Syd Vinnedge <syd.vinnedge@gmail.com>, Diana Ungerleider <dianaunger3@gmail.com>, Karen Olan <karenolan@beckarmed.com>, Patti Gallagher <p.gallagher2@verizon.net>, Vi Walquist <viwalquist@gmail.com>

All:

Here is the response by counsel for Mr. Del Colliano to my last note for clarification of their position, as well as my response to him.

Steve

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**From:** Di Saia, Steven

**Sent:** Monday, February 03, 2014 11:55 AM

**To:** 'Terrance Huber'

**Cc:** Jerry Del Colliano; Bobby Rees

**Subject:** RE: Anoka, Proposed Solutions

Thank you, Mr. Huber. I will forward this note to the Board as well.

While it does not appear that the line is drawn in concrete on Wednesday, I would propose that the offers made, and the request for a response from the Board by Wednesday, be made known to the affected homeowners, as the offers are really made to them. If you have some objection to that intention, please let me know.

There has always been momentum in this process, despite your commentary to the contrary. Simply because you are not present for all efforts made by the Board does not mean that they are not taking place.

I will comment as well that the idea which I discussed with Mr. Del Colliano was not limited to the concept of placing the master suite over the garage. Rather, I was proposing moving the erection of the second floor to that side of the structure and used the garage as a reference point. If this was the basis for the rejection of the concept, please do not take that as a requisite element.

Steve Di Saia

Chairman, Plans Committee

*Palisair Home Owners Association*

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**From:** Terrance Huber [mailto:[terrancehuber@gmail.com](mailto:terrancehuber@gmail.com)]

**Sent:** Monday, February 03, 2014 11:38 AM

**To:** Di Saia, Steven

**Cc:** Jerry Del Colliano; Bobby Rees

**Subject:** Re: Anoka, Proposed Solutions

Steve,

The following should address your concerns from your email earlier this morning:

1. We seem to be getting somewhere with this process and it is now going quickly. We will not be unreasonable about hard cut off dates. A resolution cannot be delayed for extended, undetermined periods of time like in the past as I am sure you understand.
2. You are correct that Mr. Del Colliano has rejected the idea of building their master suite over the garage for any number of reasons.
3. Your questions to Bobby Rees are good ones.
  - Most people are concerned with light during time of the year that the light is the least abundant; thus the focus on the 3 month period.
  - The method of measurement is a computer program which takes into consideration latitude and longitude as well as plot height (and other factors) and calculates the light for a property.
  - Please note that the house to the east of 16163 Anoka is far higher on the lot and casts more of a shadow on the Del Colliano's property than the Del Colliano's could possibly cast on Ms. Baumgartner's property. Also note: that the issue of shade in no way affected the \$121,000 over asking price for 16163, (\$781 per foot price) thus light has little effect on value. Ocean views, lot size, condition of a home all factor in more meaningful ways.
  - If light is a concern for Ms. Baumgartner, far and away the number one cause of her shade is her own over-grown landscaping. Ms. Baumgartner does little to maintain her property thus Mr. Del Colliano has generously offered what could be thousands of dollars of tree and landscape removal in his formal offer. According to Bobby Rees, who has obviously studied the matter, this is the number one factor causing light issues on her property.

I have tried to address each of your concerns, without being overly rigid. Since we seem to have developed some momentum, I am simply trying to take advantage of that to bring this to a final resolution.

Terry Huber

On Mon, Feb 3, 2014 at 10:02 AM, Di Saia, Steven <[Steven.DiSaia@sedgwicklaw.com](mailto:Steven.DiSaia@sedgwicklaw.com)> wrote:

Thank you.

I have had some chance to review your correspondence further and have forwarded it to all members of the Board for consideration. I expect to speak with the Board members in this regard in the course of the day, so I wanted to insure that I was clear on a few points which may be subjects of discussion:

- 1) It is my understanding that we have been given a deadline of this Wednesday, the day after tomorrow, to provide approval of the plans, as submitted, correct? If that deadline is not met, none of the measures which are offered in the correspondence will be done by Mr. Del Colliano, is that also correct? I need to make sure that I am clear on this, as, in that event, I will need to insure that the affected homeowners are also made immediately aware of the position that has been taken. I will also need to assume that the plans submitted are proposed to be altered to the extent that they would now conflict with your correspondence. For example, I believe they call for a new fence between 16163 Anoka and 1100 Las Lomas.
- 2) Is it my understanding that the compromise position that I presented by telephone to Mr. Del Colliano, involving the shifting of the second floor addition to the other side of the property, has been considered and rejected by your client? I do believe that it would result in a resolution of this matter, but do not see it referenced specifically in your correspondence.
- 3) I see the reference to Mr. Rees' position as to the effect of the new proposed structure on the light available at the rear of the property between November 7 and February 7. Please let me know, to the extent possible, the means by which he conducted this analysis and if there is an option expressed as to the other 9 months of the year. Especially if I am to address this issue with the affected homeowners, I can see these topics coming up.

Steve Di Saia

Chairman, Plans Committee

*Palisair Home Owners Association*

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**From:** Terrance Huber [mailto:[terrancehuber@gmail.com](mailto:terrancehuber@gmail.com)]  
**Sent:** Monday, February 03, 2014 8:05 AM  
**To:** Di Saia, Steven  
**Subject:** Re: Anoka, Proposed Solutions

Steve,

Thanks for forwarding the letter to Board members, and of course, thank you for the clarification of Mr Kirshner's efforts.

Not sure that changes anything, as Jerry and I firmly believe that the proposed solutions make this a win-win for everyone.

Thanks again,

Terry Huber

On Mon, Feb 3, 2014 at 8:01 AM, Di Saia, Steven <[Steven.DiSaia@sedgwicklaw.com](mailto:Steven.DiSaia@sedgwicklaw.com)> wrote:

Mr. Huber:

I will forward your correspondence to all Board members. I have only had the chance to review it briefly thus far, but note one misunderstanding. Mr. Kirshner did in fact visit both properties on Las Lomas in conducting his evaluation. He was not required to visit the property at issue, at 16163 Anoka, as the story poles were in place, which I believe do reflect the set back of the second story which you reference, and his assignment was exclusively to provide an evaluation of the affect, if any, on the affected neighbors. The perspectives from their properties, not vice versa, was thus the pertinent consideration.

Steve Di Saia

Chairman, Plans Committee

*Palisair Home Owners Association*

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**From:** Terrance Huber [mailto:[terrancehuber@gmail.com](mailto:terrancehuber@gmail.com)]  
**Sent:** Monday, February 03, 2014 7:53 AM  
**To:** Larry Friedman; Di Saia, Steven  
**Cc:** Jerry Del Colliano  
**Subject:** Anoka, Proposed Solutions

Gentlemen,

Please pass the attached along to Board members

Thank You

Terrance Huber

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