

Sidewalks Trip Up Lakeshore Landing Residents

by Aneta Glover | Posted: Wednesday, January 23, 2013 8:30 am

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Lakeshore Landing residents brought their concerns about broken sidewalks in Romulus to the December Town of Romulus Board meeting.

Because of the public interest in the issue to be brought to the board by the Lakeshore Landing homeowners' association, regarding trees and sidewalks, a large crowd greeted the board. Town Supervisor David Kaiser opened the floor to the petitioners. The first speaker was a lady who had fallen as a result of a raised sidewalk..."

She continued to tell the board that she and her neighbors began looking into the problem of the sidewalks. They discovered that the problem was caused by the roots of the trees coming above the ground and raising the sidewalks. "The trees that are in the town right-of-way are popping up the sidewalks. We are hoping that the town board can come up with some sort of plan to resolve this issue."

Kaiser informed the group that ownership of the sidewalks isn't clear. "Nowhere else in the town is property measured (from the rear property line) to the sidewalk. Elsewhere it is measured to the center of the road. It poses an unusual situation. Property owners have never owned the sidewalks in the town. We researched our records. When the town took that road over, there was no mention of sidewalks. Then came the issue of the trees. They were put in because they were fast-growing trees. They are shallow root trees; some have raised the sidewalks. Some people like them; some people don't.

"We don't know how to move forward. It is a multiple issue problem. In the Town of Romulus there are a lot of sidewalks. In all areas the homeowners maintain their own sidewalks. The Town of Romulus does not have the resources to be in the sidewalk business. About five years ago we helped to put in sidewalks in the hamlet of Romulus in front of the school. We went door to door to get homeowners to sign off on the sidewalks saying that they would own them and maintain them. For the homeowners the cost was spread over a five-year period through their taxes. We are still in a sidewalk program; but, we have not decided where we are going to be working it next. It could be Lakeshore Landing, I don't know.

"What we have to do as a board is decide how you want to move forward with this, since it is a unique situation. There are options. (1) We can remove the sidewalks. (2) The residents can sign off and agree to own and maintain their own sidewalks. (3) We can pass a local law to codify the whole town - a practice which has always been in place - to have each homeowner own and be responsible for his own sidewalk. Or, (4) you could form a sidewalk district whereby all expenses of upkeep would be paid on the tax bill.

Town attorney Steven Getman addressed the ownership question. "At this point it is still being looked at. From the surveys, it appears that the sidewalks are in the town's right-of-way. That does not necessarily mean that the town is liable. NYS law and town law as well as various court cases have often shifted liability to the homeowner."

Kaiser wondered how that would impact the current issue. Getman responded, "If the issue is the trees, they are on town property; as such, the town can cut them down. If they are hanging over the sidewalk, the town can cut them down. If they are hanging over the street making it difficult for traffic to pass or making it impossible to plow snow, the town can cut them down. The town can trim the trees to allow easy passage of traffic. In the case of the sidewalks, if the town owns them free and clear, the town could tear them up, or they could choose to maintain them and impose that charge on the property owners."

He continued to explain the lengthy process of petitioning the Town Board to take care of the sidewalks through forming a sidewalk district: making everyone "it's a lengthy, involved, expensive and complicated legal process."

He suggested that the homeowners' association might want to poll their residents to see what they want done before venturing further.

Board member Kyle Collingsworth asked, "Who is the chairman of the Association? What is the consensus of the group?"

A spokesperson stated, "What we understand is that the town owns from the sidewalk to the road. I feel that the ownership of the trees and the sidewalks is yours and not the homeowners' association. I appreciate that you asked us to come and give some feed back. In fact, one of the people who contacted you with regard to this issue is not even here." He continued to say, in addition to the storm sewer and sidewalks being compromised by the trees, "we also would like you as a town to re-align that system at least one property is receiving the breakdown of some of the infrastructure of the sewer.."

Getman suggested, "A lot of research is needed. Perhaps I should draw up a local law which can be presented at the January meeting." Kaiser agreed.

Yet another resident continued, "We're finished with sidewalks, that still does not address the issue of drainage."

The resident explained, "What you have is drainage coming down the middle of Lake Hill Road and "y's" into the storm sewers down to the end of the road, to the storm sewers under the road and on into the lake. But the bottoms of all those pipes are gone. The pipes need to be (stabilized) to prevent (further) erosion. They go back to 1988 or 1989 when the houses were put in."

Kaiser offered, "I will talk to our highway superintendent about that."

- Steven Getman Attorney Franklin & Gabriel Law Office
- Steven Getman County Assigned Counsel, 2008-2011
- Steven Getman Seneca County Stop-DWI Coordinator, 2007
- Steven Getman Seneca County Attorney, 2002-2007
- Steven Getman Seneca County Social Services Attorney, 1995-2001
- Steven Getman Attorney Midey & Swinehart, 1995-2001
- Steven Getman Seneca County Public Defender, 1995
- Steven Getman Seneca County Law Guardian Panel, 1992-1995

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