



**KLAUSNER COOK, PLLC**

Nate Cook  
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February 13, 2025

Town of Lansing Board  
29 Auburn Road  
Lansing, NY 14882

**Re: Request for Amendment to Conditionally Approved Final Plat for Sun Path  
Subdivision**

Dear Members of the Board,

I am writing on behalf of Westview Partners, LLC, a client of our firm, regarding a proposed amendment to the conditionally approved final plat for the Sun Path Road subdivision. We wish to address concerns related to the construction of a roads as mandated by the Board's Resolution PB-16-07 dated April 25, 2016 (the "**Resolution**"). Specifically, we request the conditional approval be amended to remove the requirement that certain roads be constructed.

The conditionally approved final plat for the subdivision includes three references to 60-foot wide strips for possible future roads. The first proposed road bisects the property, heading south from Sun Path Road, and dead-ends at property reputedly owned by Mahool (Book and Page 530/275), TPN 42.-1-28.2 (the "**Mahool Dead-End**"). The second proposed road is along the western edge of the property, heading south from Sun Path Road, and dead-ends at property reputedly owned by Butler RP4, LLC (Instrument No. 2015-00910), TPN 42.-1-29 (the "**Butler Dead-End**"). The third proposed road also is along the western edge of the property, but heading north from Sun Path Road, and is adjacent to property reputedly owned by Petru & Oana Petria (Instrument No. 2014-06597), TPN 42.-1-2.1, and through or adjacent to properties reputedly owned by Mary Lee Banfield (Instrument No. 554711-001) and the Mary Lee Banfield Trust (Instrument No. 2017-05104, TPN 42.-1-2.3 and continuing through property reputedly of Melzar & Jane Richards (Book and Page 640/152), TPN 42.-1-54.19, and 99 Eastlake Management LLC (Instrument No. 2017-09487), TPN 42.-1-54.18 (collectively, the "**Eastlake Road Extension**"). Together, the Mahool Dead-End, Butler Dead-End, and Eastlake Extension are referred to in this letter as the "**Proposed Roads**." It is our understanding that at the time of the conditional approval, the Board of the Town of Lansing anticipated that the neighborhood residents would desire the creation of future roads to connect adjacent subdivisions to each other. To date, however, we believe neither the Town nor the owners of the properties adjacent to the Mahool Dead-End and the Butler Dead-End have any plans to develop the neighboring parcels or extend any future roads to connect to other subdivisions. Thus, the Mahool Dead-End and the Butler Dead-End will remain unconnected dead-

ends for the foreseeable future. With respect to the Eastlake Road Extension, our client, Westview Partners, LLC has neither a fee title interest nor any rights upon which to build roads over properties that it neither owns nor controls. We understand that the Town could use its eminent domain powers to acquire the property underlying the Eastlake Road Extension, but there are risks, and financial implications, with such an action and any theoretical benefits do not appear to outweigh significant detriments.

We request an amendment to the conditional approval to remove the requirement that the above reference Proposed Roads be constructed for the following reasons:

1. **Community Consensus:** Westview Partners, LLC has engaged with the neighboring property owners, who have expressed a preference against the construction of these roads. The consensus is that the subdivision, being relatively small, does not warrant additional road infrastructure that would disrupt the current landscape and tranquility of the area. More specifically, it is our understanding that Leo Mahool is deceased – but the parcel reputedly owned by Mahool could be accessed from other adjacent properties owned by Mahool and commonly known as the Lake Watch Inn. It is our understanding that one or more members of Butler RP4 LLC has conferred with the owner of Westview Partners LLC, Boris Simkin, and has confirmed that there are no plans to develop its property, now or in the future. It is also our understanding that the Petrinas, Ms. Banfield, the Richards, and 99 Eastlake Management LLC also do not want the Proposed Roads. As a result, the only ostensible reason for including connecting roads between subdivisions appears to be premised on a theoretical desire that in fact does not exist according to the members of the neighborhood our clients have spoken with.
2. **Lack of Connectivity; Absence of Property Ownership, Potential Litigation Over Eminent Domain Claims:** The Mahool Dead-End and the Butler Dead-End would not connect to any existing roadways or infrastructure, thereby rendering it practically unusable for the intended purposes of the subdivision. While the Eastlake Road Extension could theoretically connect to Eastlake Road, doing so would require significant changes to the existing property, including the installation of a road through the back yards of 99 Eastlake Management LLC and Melzar & Jane Richard's backyard – which currently has a swimming pool that is either in the same place or near where the proposed road would go. This would not only be an invasive and costly undertaking but also contrary to the wishes of the affected property owners and neighbors. Our client does not own the property underlying the Eastlake Road Extension and has not been granted any property rights from the underlying owners to develop a road over the Eastlake Road Extension. If the Town attempts to use its powers of eminent domain to acquire the property underlying the Eastlake Road Extension, it's possible that adversely affected neighbors could raise legal arguments around whether the future road sufficiently serves a public purpose and whether just compensation is being paid – which could lead to protracted and expensive litigation expenses for the Town to incur.
3. **Resource Waste:** Building roads that serve no functional purpose amount to unnecessary expenditures of resources, both in terms of financial investment and environmental impact.

In light of these points, we respectfully request that the Board re-evaluate this condition and approve an amendment to remove the requirement for the construction of the roads as described on the final plat. We believe that this adjustment aligns with the best interests of the community and the property owners involved. We have attached two diagrams that show the Proposed Roads to be removed. Map 1 is the map attached to the initial conditional approval. The roads we are seeking not to build are crossed out in red. Map 2 is the updated subdivision plan for which we have duly filed an application. The removed roads are crossed out in red on this map as well.

In addition, we have enclosed a letter addressed to the neighbors to solicit their feedback on this issue. The owners of fourteen properties countersigned the letter to evidence their collective desire to also see the Town refrain from requiring Westview Partners to build the Proposed Roads

We appreciate your attention to this matter and are eager to work collaboratively to reach an agreeable solution. Please feel free to contact me at 607-272-0800 or [nate@klausnercook.com](mailto:nate@klausnercook.com) if you have any questions or require further information.

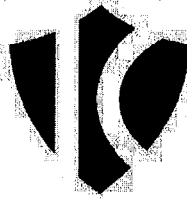
Thank you for considering this request. We look forward to your response and to continuing our productive relationship with the Town of Lansing Board.

Sincerely,

Klausner Cook, PLLC

By 

Nate Cook, Esq., Attorney for Westview Partners, LLC



**KLAUSNER COOK, PLLC**

Nate Cook

[nate@klausnercook.com](mailto:nate@klausnercook.com)

November 19, 2024

Re: Request To Eliminate Unwanted Roads

Dear Residents of the Eastlake Subdivision,

We hope this letter finds you well. We are writing on behalf of our clients, Boris Simkin and Westview Partners, LLC, the developer of the Sun Path Subdivision, to discuss a matter that directly impacts your neighborhood.

As you may know, the conditionally approved final plat for the Sun Path subdivision, approved on April 25, 2016, includes provisions for three 60-foot wide strips reserved for roads. Two of these roads, as currently contemplated, do not connect to any existing roadways and terminate at other properties, effectively creating dead-end streets off of Sun Path Road. The third proposed road heads north from Sun Path Road, adjacent to property reputedly owned by Petru & Oana Petria (Instrument No. 2014-06597), TPN 42.-1-2.1, and through or adjacent to properties reputedly owned by Mary Lee Banfield (Instrument No. 554711-001) and the Mary Lee Banfield Trust (Instrument No. 2017-05104, TPN 42.-1-2.3 and continuing through property reputedly of Melzar & Jane Richards (Book and Page 640/152), TPN 42.-1-54.19, and 99 Eastlake Management LLC (Instrument No. 2017-09487), TPN 42.-1-54.18 (collectively, the "Eastlake Road Extension"). It is our understanding that at the time of the conditional approval, the Board of the Town of Lansing anticipated that the neighborhood residents would desire the creation of future roads to connect adjacent subdivisions (e.g., Sun Path and Eastlake) to each other.

The purpose of this letter is to seek your support in requesting the Town of Lansing to refrain from requiring the construction of these roads, which we believe will not benefit your neighborhood.

**Key Points for Consideration:**

- 1. Community Consensus:** Our clients have engaged in conversations with Eastlake property owners, who have expressed a preference against the construction of these roads. The consensus is that the Sun Path subdivision, being relatively small, does not warrant additional road infrastructure that would disrupt the current landscape and tranquility of the area.
- 2. Lack of Connectivity; Absence of Property Ownership, Potential Litigation Over Eminent Domain Claims:** As noted previously, two of the three planned roads would not connect to any existing infrastructure and would dead-end at adjacent properties. This design does not provide practical benefits and imposes unnecessary construction and maintenance costs. While the contemplated road from Sun Path to Eastlake could

theoretically connect the two subdivisions, doing so would require significant changes to the existing property, including the installation of a road through the back yard of 99 Eastlake Management LLC and Melzar & Jane Richard's backyard – which currently has a swimming pool that is either in the same place or near where the proposed road would go. This would not only be an invasive and costly undertaking but also contrary to the wishes of the affected property owners and neighbors. Our client does not own the property underlying the Eastlake road extension and has not been granted any property rights from the underlying owners to develop a road to connect Sun Path Road to Eastlake Road. The Town could attempt to use its powers of eminent domain to acquire the property underlying the Eastlake road extension, but adversely affected neighbors would likely raise legal arguments around whether the future road sufficiently serves a public purpose and whether just compensation is being paid – which could lead to protracted and expensive litigation expenses for everyone involved.

3. **Resource Waste:** Building roads that serve no functional purpose amount to unnecessary expenditures of resources, both in terms of financial investment and environmental impact.

We believe that it is in the best interest of our community to avoid the construction of these roads. Therefore, we kindly request your support in requesting the Town of Lansing to amend the site plan and remove the requirement for the construction of these dead-end roads.

**Requested Statement:**

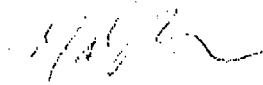
*We, the undersigned residents of the Eastlake subdivision, hereby request the Town of Lansing to refrain from requiring Westview Partners, LLC to construct the three dead-end roads as depicted on the enclosed survey. We believe that these roads do not provide any practical benefit and would negatively impact our community.*

By signing below, you are supporting our request to maintain the current landscape and avoid unnecessary disruptions to our neighborhood.

Thank you for your attention and support. If you have any questions or would like further information, please do not hesitate to contact us.

Very truly yours,

KLAUSNER COOK, PLLC



By: \_\_\_\_\_  
Nate Cook, Esq.

EASTLAKE NEIGHBORS

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|---|---|
| <p>Melzar and Jane and Richards<br/>89 Eastlake Road, Ithaca, NY 14850</p> <p>Name: <u>Melzar T. Richards</u></p> <p>Signature: <u>Melzar T. Richards</u></p> | <p>99 Eastlake Management LLC<br/>99 Eastlake Road, Ithaca, NY 14850</p> <p>Name: <u>DAVID JOHNSON</u></p> <p>Signature: <u>David Johnson</u></p> |
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| <p>Name: <u>Jane M Richards</u></p> <p>Signature: <u>Jane M Richards</u></p> <p>Address: <u>89 Eastlake Rd</u></p> | <p>Name: <u>SCOTT M. EVERTS</u></p> <p>Signature: <u>Scott M. Everts</u></p> <p>Address: <u>99 Eastlake Rd.</u></p> |
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| <p>Name: <u>Mary Johnson</u></p> <p>Signature: <u>Mary E Johnson</u></p> <p>Address: <u>18 Eastlake Road</u></p> | <p>Name: _____</p> <p>Signature: _____</p> <p>Address: _____</p> |
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EASTLAKE NEIGHBORS

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| Melzar and Jane and Richards<br>89 Eastlake Road, Ithaca, NY 14850 | 99 Eastlake Management LLC<br>99 Eastlake Road, Ithaca, NY 14850 |
| Name: _____  | Name: _____  |
| Signature: _____   | Signature: _____   |

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| Name: <u>JAMES JOHNSTON</u>     | Name: <u>Linda Mack</u>         |
| Signature: <u>[Signature]</u>   | Signature: <u>[Signature]</u>   |
| Address: <u>109 EASTLAKE Rd</u> | Address: <u>109 EASTLAKE Rd</u> |

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| Name: _____      | Name: _____      |
| Signature: _____ | Signature: _____ |
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EASTLAKE NEIGHBORS

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| <p>Melzar and Jane and Richards<br/>89 Eastlake Road, Ithaca, NY 14850</p> <p>Name: _____</p> <p>Signature: _____</p> | <p>99 Eastlake Management LLC<br/>99 Eastlake Road, Ithaca, NY 14850</p> <p>Name: _____</p> <p>Signature: _____</p> |
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| <p>Name: <u>Amanda Smith-Socarris</u></p> <p>Signature: <u>Amanda Smith-Socarris</u></p> <p>Address: <u>139 Eastlake Rd</u></p> | <p>Name: <u>Joseph Scordelaro</u></p> <p>Signature: <u>J. Scordelaro</u></p> <p>Address: <u>139 Eastlake Rd</u></p> |
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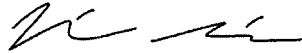
EASTLAKE NEIGHBORS

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| Melzar and Jane and Richards<br>59 Eastlake Road, Ithaca, NY 14850 | 99 Eastlake Management LLC<br>99 Eastlake Road, Ithaca, NY 14850 |
| Name: _____  | Name: _____  |
| Signature: _____   | Signature: _____   |

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| Name: <u>Suzanne H Murphy</u>                            | Name: <u>Suzanne H Murphy</u>                            |
| Signature: <u>[Handwritten Signature]</u>                | Signature: <u>[Handwritten Signature]</u>                |
| Address: <u>49 EASTLAKE RD</u><br><u>ITHACA NY 14850</u> | Address: <u>59 EASTLAKE RD</u><br><u>ITHACA NY 14850</u> |
| Name: _____  | Name: _____  |
| Signature: _____   | Signature: _____   |
| Address: _____   | Address: _____   |
| Name: _____  | Name: _____  |
| Signature: _____   | Signature: _____   |
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EASTLAKE NEIGHBORS

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| <p>Name: <u>William Sinko</u></p> <p>Signature: </p> <p>Address: <u>23 Eastlake Rd Ithaca NY 14850</u></p> | <p>Name: _____</p> <p>Signature: _____</p> <p>Address: _____</p> |
| <p>Name: _____</p> <p>Signature: _____</p> <p>Address: _____</p>  | <p>Name: _____</p> <p>Signature: _____</p> <p>Address: _____</p> |
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EASTLAKE NEIGHBORS

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| Melzar and Jane and Richards<br>89 Eastlake Road, Ithaca, NY 14850<br>Name: _____<br>Signature: _____ | 99 Eastlake Management LLC<br>99 Eastlake Road, Ithaca, NY 14850<br>Name: _____<br>Signature: _____ |
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| Name: <u>Sean Nicholson</u><br>Signature: <u><i>Sean Nicholson</i></u><br>Address: <u>114 Eastlake Road, Ithaca, NY 14850</u> | Name: _____<br>Signature: _____<br>Address: _____ |
| Name: _____<br>Signature: _____<br>Address: _____   | Name: _____<br>Signature: _____<br>Address: _____ |
| Name: _____<br>Signature: _____<br>Address: _____   | Name: _____<br>Signature: _____<br>Address: _____ |

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| <p>Melzar and Jane and Richards<br/>89 Eastlake Road, Ithaca, NY 14850</p> <p>Name: _____</p> <p>___ Signature:<br/>_____</p> | <p>99 Eastlake Management LLC<br/>99 Eastlake Road, Ithaca, NY 14850</p> <p>Name: _____</p> <p>___ Signature:<br/>_____</p> |
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| <p>Name: _____ Ayda and Osman Yurekli</p> <p>Signature: Ayda Yurekli, Osman Yurekli</p> <p>Address: 34 Eastlake Rd Ithaca, NY<br/>14850</p> <p><i>A. Yurekli</i><br/><i>Osman Yurekli</i></p> | <p>Name: _____</p> <p>___ Signature:<br/>_____</p> <p>Address:<br/>_____</p> |
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