

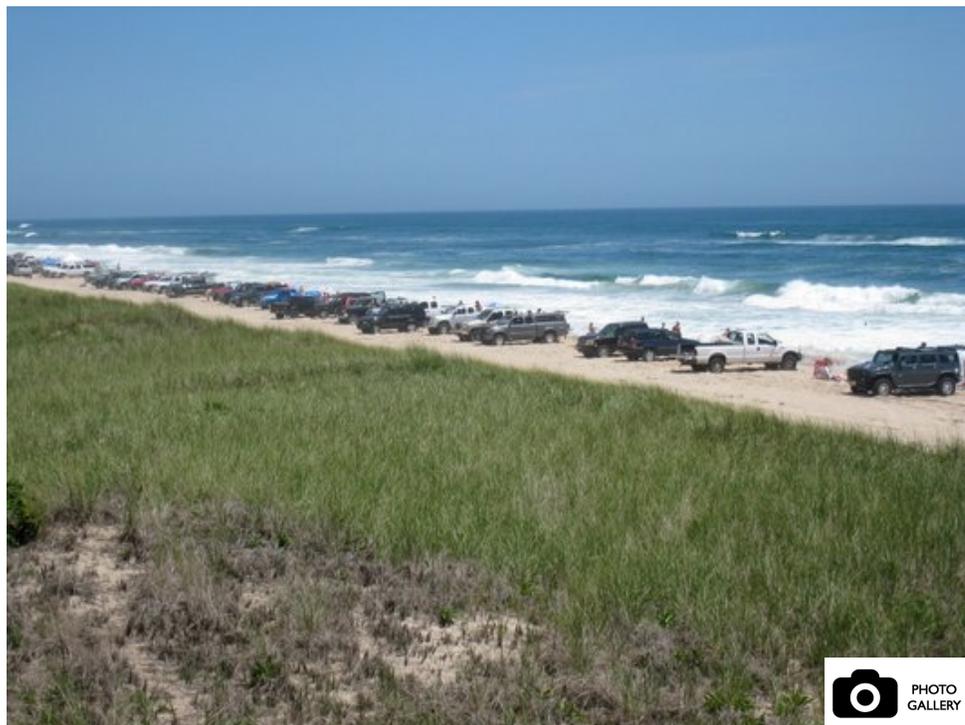


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Truck Beach Opponents Take Fight Out Of Courtroom Too



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By Michael Wright

Homeowners locked in a legal battle with East Hampton Town over the use of "Truck Beach," a popular stretch of ocean beach in Amagansett that is accessible by vehicles, have formed a citizens outreach group, painting the vehicles-versus-residents clash as a safety issue.

The group, calling itself SAFE, for Safe Access For Everyone, is hoping to counter the community support rallied by the Citizens for Access Rights in support of preserving the use of Truck Beach by four-wheel-drive vehicles.

SAFE has launched a public campaign to fight a town plan to condemn nearly a mile of beachfront, a move town officials hope to use to sidestep the courtroom fight over control of the beach, which the homeowners who make up SAFE claim they own. The group's founder says that town residents should be seeking a negotiated solution themselves, rather than allowing the town to take the financially risky step of condemning the beach.

"We'd like to see SAFE as facilitators to bringing this thing to resolution," said SAFE founder Cindi

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Crain, an Amagansett resident who is a party to one of the lawsuits over the use of Truck Beach. "We believe that all user groups can find a way to use this same stretch of beach without conflict."

The group's supporters say that the explosion in popularity of Truck Beach in the last decade has made the ocean beach essentially unusable for the 140 homeowners who live in the neighborhoods on the other side of its dunes. The SAFE supporters are advocating for a compromise with the town and to convince Truck Beach users to relocate to a stretch of beach either just to the east into the Napeague State Park or along town beaches near the town-owned South Flora Nature Preserve, about three miles east of Truck Beach.

The town also allows vehicles on the beach during the day in summertime in the vicinity of the beach access paths at Beach Plum Court and Dolphin Drive, which is adjacent the South Flora preserve. All other town beaches are off limits to vehicles between 9 a.m. and 6 p.m. from mid-June through mid-September.

The lawsuit filed by a group of property owners associations from the Amagansett neighborhood known as Beach Hampton in 2009 sparked the creation of CfAR and a wave of support for preserving the use of the beach by vehicles, claiming that the homeowners are just looking to privatize the beach and are discriminating against a certain use of the beach that is very popular with parts of the community.

"They should be allowed to go somewhere, but it shouldn't be where there are properties and homeowners who want to be able to walk to the beach near their house," said Dyan Lyons, a Springs resident who says she frequents the Beach Hampton beaches with friends and has been appalled by the wall of trucks that lines the beach on weekends. "It's a very scary place to go with kids, it's not a safe environment. The whole conflict seems silly because the state park is right next door, so they could move there. It's a free solution."

Ms. Crain noted that the state park boundary, which the Truck Beach vehicles sometimes spill over onto, has no houses landward of its dunes.

New York State allows four-wheel-drive access to Napeague State Park's beaches during the day in the summertime but requires a state-issued permit. The permits cost \$65 per year and are issued only for the specific purposes of fishing or surfing, according to the state parks website.

"It may appear to be a simple solution from their perspective, to move the place where people have gathered but I don't know that it will be welcomed by the people who go there," said East Hampton Town Supervisor Larry Cantwell. "If they are serious about trying to find a resolution, if they want a dialogue, they should speak directly to some of the folks affiliated with CfAR. They should sit down and talk."

On Tuesday, CfAR supporters told the Town Board that they do not see the proposals brought to light by SAFE as a compromise at all, but just another late-game ploy to color the conflict in a light that makes their stance seem favorable.

"No matter what the plaintiffs may claim, they are suing for a fully private beach," said Brian Buckhout, a member of CfAR's executive committee. "CfAR encourages these boards to continue to ... take all actions necessary, including condemnation, to ensure traditional uses of the beach and the public's access in perpetuity."

The SAFE website says that the homeowners are not seeking to end public access to the Truck Beach area and would welcome pedestrian access, though there is no public parking lot at the eastern end of Marine Boulevard, where vehicles access the beachfront. The nearest parking lot is at the end of Napeague Lane, where there are 30 parking spots.

The SAFE website, safebeaches.org, highlights perceived dangers and the unseemly nature of some of the current uses of Truck Beach with photos of the long line of vehicles parked door to door, and of people urinating and defecating.

The offense taken by homeowners to the Truck Beach users aside, Ms. Crain says that a compromise to relocate the vehicles would avoid a potentially costly venture by the town.

The town's proposal to condemn the beach has been cast by the Beach Hampton homeowners as a looming boondoggle that could cost the town millions, possibly tens of millions, for little if any gain.

The condemnation process requires that the town commit to the condemnation, and pledge to pay the fair market value of the property being taken before that value has been set by a judge.

Additionally, the condemnation would not entirely dispense with the lawsuit. In addition to the claim



of ownership, the homeowners have also sued over the use of Truck Beach as a public nuisance, claiming that the town's designation of that one small stretch of beach as the only place where vehicles can access town beaches during the day is an unfair foisting of burden on their neighborhood.

"Where is the money going to come from at the end of the day—there are serious questions that need to be asked and it involves every taxpayer," Ms. Crain said. "It's a very complicated issue that is hard for people to get their heads around completely. We need to have a conversation and explain things with a little greater dimension than CfAR has been able to do."

Mr. Buckhout on Tuesday challenged the claims that the condemnation costs of the beach will soar into the many millions. He noted that the town paid just \$9 million for the 23 acres of otherwise developable land that makes up South Flora. The stretch of beach, which would have no value for development, is often eroded to barely a sliver by winter storms and is being condemned to continue a use that has been in place for years, and would not be too costly for the town, he said.

"The homeowners can still use it," Mr. Buckhout said, "if they learn to share."

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