



To Condemn? That's the Question

Sag Harbor hopes to acquire five parcels of waterfront just inside the bridge to North Haven

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Two major municipal condemnation initiatives, which are moving slowly ahead in Sag Harbor and on a long strip of beach on Napeague, warrant more public consideration.

Sag Harbor hopes to acquire five parcels of waterfront just inside the bridge to North Haven, which it would restore and open as a park named in honor of the novelist John Steinbeck, who lived in the village at one time. A Manhattan real estate development firm is seeking approval for condominiums there, and has said outright that it does not want to sell. Condemnation seems appropriate if the developer won't agree to a community preservation fund deal. The park would serve a clear and overwhelmingly positive public purpose.

On Napeague, however, the outcome would be less certain. Here, East Hampton Town is exploring condemnation of access to the beach as well as a to-be-determined number of slivers of sand between the high-tide line and the toe of the dune or beach-grass line in an attempt to head off a lawsuit from property owners upset about four-wheel-drive traffic and a crowd of beachgoers in front of their houses.

Two issues raised by the Napeague proposal merit frank and dispassionate discussion. The first is cost: Some have warned that a court-set price tag as the result of condemnation could be more than average taxpayers would be happy to bear. Condemnation proponents counter that the land is almost without value and the hit to the town tax rate would be negligible. So far, no one really seems to know which opinion is correct. Even if you like the plan, it's a rather huge unknown.

The other concern is that condemnation would not necessarily end the court battle. The litigating property owners' claim could well prevail: that what is known as Truck Beach is an unregulated nuisance. Were the courts to agree, the traditional right to drive on the town's beaches could be jeopardized. From where we sit, that is a very big and very serious risk.

One other point: Most of the beach-driving crowd and the group seeking legal resolution of their grievances are East Hampton Town taxpayers. Every effort must be made to remember that we really should behave as a single community. Compromise and conversation with the outcomes clearly understood in advance appears the safer course with regard to Napeague.

As for Sag Harbor, we say, full speed ahead.

About the Author

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