

Thursday, April 7, 2011

Delay for Beach Suit

Trustees 'will not compromise' on Napeague access

BY LEIGH GOODSTEIN

Lawyers representing a group of landowners on Napeague who are seeking to assert control of a four-mile stretch of sand in front of their properties and the East Hampton Town Trustees, who claim ownership of the stretch, will have to wait two more weeks for a judge to intervene in their argument. In the meantime, some residents have mobilized in an effort to keep the beach open to the public, taking to cyberspace to decry the privatization effort.

According to Stephen Angel, who represents the White Sands Motel, and in a separate suit Seaview at Amagansett, State Supreme Court Melvyn Tanenbaum granted an adjournment during an injunction proceeding in Riverhead on Friday. The ruling gives both Mr. Angel and Anthony Tohill, who is representing the trustees, until Friday, April 15, to streamline their arguments for and against the so-called privatization.

April 15 is opening day of the eight-month striped bass season.

Mr. Angel asked for Friday's court intervention in order to impose a restraining order to keep the public from "trespassing" on the land in question.

Pushing back, some residents formed the Citizens for Access Rights group last summer, which has been meeting at Ashawagh Hall. Over 150 people have been following the group on Facebook, with some on the site

calling for a boycott of the True Value Hardware Store in East Hampton Village, which is owned by Bernard Kiembock, who also owns the White Sands Motel.

The trustees also sprang into further action this week, calling a special meeting on Tuesday night to discuss elements of the lawsuit in an executive session. Before the meeting, John Courtney, the trustee's regular lawyer, deferred comment to Mr. Tohill. Mr. Tohill declined to comment yesterday morning.

In a release issued yesterday, the trustees assured the public that they would "not compromise on public access to the beaches" and that they will continue the legal battle over the 4,000 feet of beach. The release asked residents to forward comments about the ongoing case to the East Hampton Town Board.

In an article published last week, Mr. Angel alleged that the trustees sold their rights to the beach in 1882 to Arthur Benson, who also bought the peninsula of Montauk. Those who own deeded land abutting the beach, he said, retain those ownership rights.

The East Hampton Town Trustees said that they are the owners of the land on behalf of the residents of the town and have been since the 17th century when they were given their charter

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known as the Dongan Patent.

Should a judge decide that a chain of title that Mr. Angel said points to private ownership is valid, the beach could become privatized, and access to the beach as well as beach driving could be eliminated there. That portion of the ocean beach is a popular weekend spot for beachgoers and their vehicles.