

2018 CfAR Candidate Answers from David Lys

Dear Candidate,

Citizens for Access Rights, CfAR, is following this year's election closely. Our members and supporters are very interested in your position on topics related to access, use, ownership and the many other issues facing our shorelines and beaches. If you would kindly respond to these questions by Friday, Nov 2nd, it would be greatly appreciated. We will be sharing your answers with our 1,000+ members and supporters as well as posting them to our website. Thank you in advance for taking the time to share your answers with our group.

1. Do you support the laws and regulations as currently written pertaining to the use of and access to the beaches of East Hampton? If No, what would you change and why? If elected what actions would you take to support, protect, or expand public beach access?

Yes I do support chapter 92 of the east Hampton town code. I also support the eh town trustees stance on maintained ownership rights of their beaches as granted to them in the dongan patent.

If elected I will continue to review applications that pertain to shore front properties to make sure that any discrepancies in title and ownership that been know to happen over time is notice, and corrected if needed.

2. Do you support beach driving as a use of, and means of access to, East Hampton beaches? If No, how would you change the current laws and uses related to beach driving and why?

I completely support beach driving as a use of, and means of access to, East Hampton Beaches!

3. Do you support the LWRP as currently written? If no, how would you change it, and why? What information would form the basis for your proposed changes? (i.e. personal experience, professional consultation, or education.)

I do support the majority of the LWRP as written but do realize that it is nearly 20 years old and is in need of an update to address access issue and sea level rise. There are sections of the LWRP that pertain to vehicular access points that in my opinion could be reworded because the language is too strong in the suggestion that all beach driving depletes the beaches and berms of sand and

vegetation. I believe that safe and lawful beach driving does not reflect some of the language that is mention in the current LWRP. I am aware of this because I have read the entire LWRP and have studied it at length.

4. Do you support a hard approach (revetments, groins) or a soft approach (sand replenishment, natural dunes) as a means of erosion control along the shoreline? Please explain briefly. Would you support another beach replenishment project along East Hampton's ocean or bay beaches similar to the one recently completed by the Army Corps of Engineers in Montauk?

I support the hard approach and soft approach as a means of erosion control where allowable in reaches presented by the LWRP. I do believe that hard approached are not wise and have negative effects on the width and elevations of east hamptons beaches and in turn the publics access to those beaches.

I do support all sand replenishments along our coast as a means to protection of east hamptons infrastructure and homes.

As I required while I was a zoning board of appeals members, I would require a "Passing way Easement" on any hard or sort structure to maintain the public's right to traverse the beach or said structure no matter the size or ownership of the beach or structure.

5. Do you support the use of condemnation as a means of protecting public beach access and ownership in Napeague should the town lose the current appeal? Should the Town win the appeal, and considering the recent court ruling stating the plaintiffs in the Seaview and White Sands lawsuits do not own the beach in contention and that the public's use of said beaches are not a nuisance, would you consider condemnation of these beaches as a means of protecting public access and ownership against any future lawsuits and / or attempts at privatization?

YES!

6. The public has the right to access the foreshore of New York beaches under the Public Trust Doctrine. The issue of ownership and access to Cartwright Island has recently been in the news. If Cartwright Island is found not to be private, would you support responsible public access to its beaches that would not interfere with nesting birds in the area, or access when nesting season is over? If the island is found to be private would you support responsible public access to the foreshore based on the principles set forth in the Public Trust Doctrine?

Once the issue of ownership to the foreshore of Cartwright shoal/island is determined by a court of law I as a town official would abide by any court ruling of any colonial or state law that would be

determined. If found to be private I would support the continue enforcement of private property rights to this shoal/island and its foreshore. If found to be public I would continue to designate and enforce a wildlife sanctuary of the lands above MHW and allow for the public use below the MHW mark as allowed by the public trust doctrine.

7. Signs have recently appeared on the Napeague Harbor side of Goff Point, a quarter mile northeast of the old filled in cut that marked the eastern end of Hick's Island. Those signs declare that land, until now part of Hither Hills State Park, to be "Hick's Island." CfAR believes these signs may be misplaced and inaccurate, and despite the language on the signage, that the public at the very least has the right to access the foreshore in the area based on the principles set forth in New York State's Public Trust Doctrine. Would you support responsible public access to the foreshore in this area that would not interfere with nesting birds in the area or, access when nesting season is over? Would you work to verify the language on the signage is correct and if the signs are incorrect work to correct the language on the signs and to move the signage to a correct location, or to remove the signs if called for, so to allow responsible public access?

Since this land is owned by the state and county and hence the public I do support the responsible use of the beaches and foreshore in this area. But I would enforce the protection of the wildlife sanctuary in this area from encroachment.

I also believe that any signs that are placed on the shore lines of east Hampton, no matter who owns the signs or shoreline, need proper permitting prior to their placement.

8. Citizens for Access Rights believes shore birds can and should be protected on all Long Island beaches using procedures that respect public access rights. CfAR completely supports the Town in protecting the nesting of Piping Plovers. The Town has had a successful history in implementing a federally approved Plover protection program that allows for the minimum amount of fencing that aggressively protects a relatively small area of beach around the nesting site with fencing that keeps all foot traffic as well as most, not all, predators from disturbing the nests while allowing for the maximum amount of beach to be open and accessible to the public. Recently Town policy has moved away from that program and has taken to closing off large areas of beach to specific user groups using "symbolic string fencing" while allowing foot traffic into the protected areas potentially harassing the nesting birds. Which policy/plan do you support in protecting the piping plovers? What if anything would you change regarding the use

of “symbolic fencing” if anything?

I commend the success of the town trustees and the towns natural resource departments in the resurgence of the piping plovers on our shores. I support the town trustees approach to piping plovers and allowing for all users groups to use as much of the beach as possible during the birds nesting season. I would want to see greater monitoring of the nest during the season by both above mentioned entities. I would also like to see greater public outreach to train residents to to be bird monitors to help in this effort.

9. The town has taken to use “symbolic string fencing” to protect potential nesting sites prior to the Plover’s arrival contrary to Town Code Section 91-4(F), which states, in part “As soon as the protected birds establish their annual nesting sites, the Trustees or the Town Board ...will cause each nesting site to be fenced, roped or flagged in a manner designed to alert the public that entry is prohibited”, not prior to. Do you support continuing closing beaches prior to the bird’s arrival? If so, would you move to change the town code to do so?

Yes I do support the string fencing prior to the perennial date of the birds arrival but not at a size and intensity or area as such as when a nest is found. I would want to specifically state the size of that pre arrival string fencing in the code.

10. Which East Hampton beaches do you enjoy? How do you use those beaches? (i.e. swim, fish, surf, sit and relax). **All but mostly Napeague**

CfAR 2018 Candidate Questionnaire and answers of Manny Vilar

Dear Candidate,

Citizens for Access Rights, CfAR, is following this year's election closely. Our members and supporters are very interested in your position on topics related to access, use, ownership and the many other issues facing our shorelines and beaches. If you would kindly respond to these questions by Friday, Nov 2nd, it would be greatly appreciated. We will be sharing your answers with our 1,000+ members and supporters as well as posting them to our website. Thank you in advance for taking the time to share your answers with our group.

1. Do you support the laws and regulations as currently written pertaining to the use of and access to the beaches of East Hampton? **NO**

1A. If No, what would you change and why?

In short, I would like to expand Beach access to areas that are not heavily used by pedestrian access between the major beaches with clearly identified pass through lanes on the heavily pedestrian access areas

1B. If elected what actions would you take to support, protect, or expand public beach access?

I am a huge supporter of the existing access right and would be in favor of expanding access rights.

2. Do you support beach driving as a use of, and means of access to, East Hampton beaches? **YES**

~~If No, how would you change the current laws and uses related to beach driving and why?~~

3. Do you support the LWRP as currently written? **YES**

~~If no, how would you change it, and why? What information would form the basis for your proposed changes? (i.e. personal experience, professional consultation, or education.)~~

4. Do you support a hard approach (revetments, groins) or a soft approach (sand replenishment, natural dunes) as a means of erosion control along the shoreline? Please explain briefly. **NO – under no uncertain terms- my logic is simple NYS owns the most valuable oceanfront real estate (Jones Beach, Robert Moses, Gilgo State Parks, and Ocean State Parkway) and has adopted a policy of no revetments and sand pump and replenishment. Why would East Hampton Town adopt a different Policy????**

4A. Would you support another beach replenishment project along East Hampton's ocean or bay beaches similar to the one recently completed by the Army Corps of Engineers in Montauk? **NO**

5. Do you support the use of condemnation as a means of protecting public beach access and ownership in Napeague should the town lose the current appeal? **YES**

5A. Should the Town win the appeal, and considering the recent court ruling stating the plaintiffs in the Seaview and White Sands lawsuits do not own the beach in contention and that the public's use of said beaches are not a nuisance, would you consider condemnation of these beaches as a means of protecting public access and ownership against any future lawsuits and / or attempts at privatization? **YES**

6. The public has the right to access the foreshore of New York beaches under the Public Trust Doctrine. The issue of ownership and access to Cartwright Island has recently been in the news. If Cartwright Island is found not to be private, would you support responsible public access to its beaches that would not interfere with nesting birds in the area, or access when nesting season is over? **YES**

6A. If the island is found to be private would you support responsible public access to the foreshore based on the principles set forth in the Public Trust Doctrine? **YES**

- **Cartwright Island IS NOT PRIVATE and IS NOT part of the Gardiners Island landholding.**
- **Cartwright Island is a tidal island that is clearly in the public domain outlined in the Public Trust Doctrine**
- **The Sanctuary agreement put in place during EHT Democratic Party complete control of the EH Town Board is in my belief improper, illegal and perpetuated by the Goelet Family (owners) of Gardiners Island and their legal representation EHT Democratic Party Boss Chris Kelley of Tomey, Kelley, Latham Shea for the sole purpose of which was to abolish the pre-existing public right to access and the public ownership status of Cartwright Island, and attempt to establish a Goelet ownership claim.**
- **As a 34-year career Police Administrator professionally and with certainty Mr. Richardson arrest was improper and that the current East Hampton Board should immediately motion that the charges against Mr. Richardson be dropped.**
- **The East Hampton Town Board should immediately seek to invalidate the improper agreement.**
- **Until such time that the issue of ownership is resolved all complaints of trespass should be deferred. East Hampton Town Board has an obligation to protect and promote citizens access rights not diminish them.**

7. Signs have recently appeared on the Napeague Harbor side of Goff Point, a quarter mile northeast of the old filled in cut that marked the eastern end of Hick's Island. Those signs declare that land, until now part of Hither Hills State Park, to be "Hick's Island." CfAR believes these signs may be misplaced and inaccurate, and despite the language on the signage, that the public at the very least has the right to access the foreshore in the area based on the principles set forth in New York State's Public Trust Doctrine. Would you support responsible public access to the foreshore in this area that would not interfere with nesting birds in the area or, access when nesting season is over? **YES**

7A. Would you work to verify the language on the signage is correct and if the signs are incorrect work to correct the language on the signs and to move the signage to a correct location, or to remove the signs if called for, so to allow responsible public access? **YES**

8. Citizens for Access Rights believes shore birds can and should be protected on all Long Island beaches using procedures that respect public access rights. CfAR completely supports the Town in protecting the nesting of Piping Plovers. The Town has had a successful history in implementing a federally approved Plover protection program that allows for the minimum amount of fencing that aggressively protects a relatively small area of beach around the nesting site with fencing that keeps all foot traffic as well as most, not all, predators from disturbing the nests while allowing for the maximum amount of beach to be open and accessible to the public. Recently Town policy has moved away from that program and has taken to closing off large areas of beach to specific user groups using “symbolic string fencing” while allowing foot traffic into the protected areas potentially harassing the nesting birds. Which policy/plan do you support in protecting the piping plovers? **I support a policy that is consistent with federally approved guidelines. East Hampton Town should not be deviating from federally approved guidelines**

8A. What if anything would you change regarding the use of “symbolic fencing” if anything? **I would recommend that EHT follow and be consistent with federally approved policies. I am adamantly opposed to “symbolic Fencing” of any kind.**

9. The town has taken to use “symbolic string fencing” to protect potential nesting sites prior to the Plover’s arrival contrary to Town Code Section 91-4(F), which states, in part “As soon as the protected birds establish their annual nesting sites, the Trustees or the Town Board ...will cause each nesting site to be fenced, roped or flagged in a manner designed to alert the public that entry is prohibited”, not prior to. Do you support continuing closing beaches prior to the bird’s arrival? **NO**

~~9A. If so, would you move to change the town code to do so?~~

10. Which East Hampton beaches do you enjoy? **On the Ocean side Napeague**

10A. How do you use those beaches? (i.e. swim, fish, surf, sit and relax). **Drive on to fish, bath, and BBQ and have done so since childhood in the 1960’s. I have grown up on our oceanfront beaches. All 6 of my children have been raised on our oceanfront beaches. To this day we still as a family and individually recreate on our oceanfront beaches. I firmly believe we have a historical right of as established in the Dongan Patent which created the town’s borders and authorized the trustees to preserve the rights of East Hampton freeholders to use the town’s natural resources, “tracts and necks of lands, [. . .] gardens, orchards, fields, pastures, woods, trees, pasture, marshes, swamps, waters, lakes, brooks, streams, beaches, quarries, mines” and to maintain their right to “fish, hawk, hunt, and fowl.”**

In the early 1980’s I one of East Hamptons Towns last elected Bay Constables then in 1986 I took a permanent appointment with the NYS Park Police assigned to the Montauk Post. Throughout my career, I helped to promote access rights. When shorefront residents would attempt to impede haul

seining, I interceded on behalf of our commercial fisherman. Mike Havens still to this day talks about how I would help his dads crew and the other haul seiners.

In the late 1980's there was little to no beach vehicle driving enforcement. The towns marine patrol was fledging, and the Town PD did not have regular patrols. FWD's were at that time becoming popular with non-residents and after multiple incidents of reckless operation became out of control with my input Town Clerk Fred Yardley designed the first East Hampton Town Beach Vehicle Permit.

I have a long history of ensuring conservation and beach access rights co-exist. I will bring my 34 years of legal and legislative expertise and personal real-life experience to the EH Town Board to ensure Beach access rights remain intact for generations to come.

Manny Vilar
Candidate for East Hampton Town Board
631 324-0528