

# Drive to limit 4x4s

- Crowd jams public hearing on proposed cutback
- Homeowners want total ban of vehicles on beach

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A standing-room-only crowd of about 200 packed a Southampton Village Board of Trustees public hearing Thursday night to protest a controversial proposal to limit the number of four-wheel-drive vehicles allowed on the Road G beach during the summer.

"This goes back generations," Denyse McNamara said of the tradition of 4x4 vehicles parking on that beach, as she headed for the hearing at the Southampton Cultural Center. The venue was changed from the Southampton Village Hall to accommodate the antici-

pated crowd.

Before starting the public hearing, Southampton Village Mayor Mark Epley announced that there are two lawsuits filed by residents pending in New York State Supreme Court against the village relating to the 4x4 issue.

Nica Strunk, a Southampton attorney representing nine residents on Meadow Lane in one lawsuit, displayed photographs on easels to the trustees illustrating 250 vehicles crowding the beach on a Labor Day weekend.

No vehicles should be allowed on the beach, Strunk said, because they're not allowed anywhere else on beaches in Southampton. She said the pro-



Phil Gay counts the cars in a photo shown at the Southampton Village hearing on the beach plan.

posal to allow only 175 4x4s on the beach at a time was not acceptable.

Strunk said her clients want no vehicles to be allowed on the beach because they are living with an "all-day parking lot." Her remarks were met by groans from the audience.

She added there had been no studies done about the environmental and other impacts of driving on the beach, but Epley said a study was going to be done.

"These nine homeowners are providing the beach driving needs of the entire town of Southampton," Strunk said. She added the village is "in full con-

trol of the situation" when her clients are "paying taxes on a public parking lot," which she said is "extremely unfair."

Strunk added, "This situation on privately owned, privately taxed land does not work."

There is also drinking associated with the tradition of 4x4s being allowed on the beach, Strunk said. "The public intoxication levels are very high and the village has not done any sobriety checks as far as I know," she said.

But McNamara said the Road G beach had historically been the local gathering place for four-wheel-drive vehicles. "Slowly we're losing everything

we hold dear," McNamara said. "There are no other places where you can drive on the beach."

McNamara admitted, "There are a lot of trucks on Sunday but during the week there aren't that many at all."

She also said there are problems with people who drive on the beach using it as a bathroom and acknowledged that is "making it hard" for law-abiding residents.

Epley said the trustees want to try to come up with a solution that both sides can live with.

"Our purpose is to reach a balance," Epley said.

## LIRR FRAUDSTERS: SENTENCES WERE 'MISCARRIAGE'

BY JOHN RILEY  
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Lawyers for three men serving 8-year prison terms for their roles in the Long Island Rail Road disability fraud scandal told a federal judge yesterday that the sentences were a "miscarriage of justice" in light of new findings validating many disability claims.

"The judge must base findings on truthful facts and representations," lawyer Sean Maher, representing Dr. Peter Ajemian, told Manhattan U.S. District Judge Victor Marrero. "That has not happened here, and

that's a miscarriage of justice."

Marrero sentenced Ajemian, Dr. Peter Lesniewski and former LIRR union official Joseph Rutigliano based on claims that the LIRR fraud caused massive losses, but called the unusual hearing on whether to reconsider when a new federal review of hundreds of questioned claims found that 94 percent were valid.

After hearing arguments Marrero took the issue under advisement. He didn't say when he will decide on whether to hold new sentencing hearings, which could dramatically reduce the sentences

of the three from their current release dates of 2020 and 2021.

Ajemian, 67, and Lesniewski, 65, were accused in 2011 of giving fake diagnoses to support hundreds of phony claims, and Rutigliano was charged with submitting a fake claim himself and advising others.

Altogether, 33 defendants were charged and convicted in a conspiracy to collect on what the government said was as much as \$1 billion in phony claims from the federal Railroad Retirement Board. The 8-year sentences were the highest imposed in the case.

But an independent retire-

ment board review of disabilities approved by Ajemian and Lesniewski, completed after the sentencing, concluded that 498 of 530 passed muster under the board's lenient standard, requiring only inability to do any job task, not total disability.

Marrero said yesterday because federal sentencing guidelines were based in part on loss figures in fraud-related cases, the new findings could justify a lower sentence. "The circumstances might have some bearing on the amount of loss," he said. Prosecutor Nicole Friedlander said the new findings were unreliable, and argued that be-

cause Marrero sentenced well below the guidelines in the first place even a recalculation of the loss amount wouldn't make eight years out of line, and not meet the high legal standard for a resentencing.

"I can't help but imagine that had we had this evidence before you then we would have had a different result," responded Lesniewski's lawyer, Thomas Durkin. "This new evidence contradicts the entire theory of the government's case."

"I thought the judge was very receptive to our arguments," said Rutigliano's lawyer, Joseph Ryan.