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ZONING

Is Drug Treatment Facility Private?

Northwest Woods rehab center makes a pitch it functions as a family

By T.E. McMORROW

Whether the Dunes East Hampton, a drug treatment facility on Bull Run in Northwest, must undergo a lengthy site-plan review is soon to be determined by the East Hampton Zoning Board of Appeals.

A March 12 hearing, well attended by both supporters and opponents of the facility despite a steady rain outside, produced thunderbolts from both sides. At the heart of the matter, as Alex Walter, the board's chairman, remarked during the three-hour session, is whether the Dunes is a semi-public facility. If so, it will require a special permit and a full review by the town planning board.

Joseph Campolo, an attorney, appeared on behalf of the owner, Safe Harbor Retreat, a company headed by Joe McKinsey. Mr. Campolo told the Z.B.A. that the facility is private; that residents must go through a screening process, and that "you couldn't just walk in." Jeffrey Bragman, representing

Citizens for the Preservation of the Northwest Woods, which he said was a group of about 40 neighbors, countered among other things that if you had \$42,500 for a month's residency you would get in; i.e., that the facility is open to the public, as long as the public has the money.

On the face of it, the Z.B.A. was considering a challenge by the Dunes to a September 2011 determination by the town's head building inspector, Tom Preiato, that the facility is not a family unit.

Mr. McKinsey contends that the residents of the 3.9-acre property function as a single family, despite some of their stays being short-term. Mr. Preiato agreed with that view at first, in letters dated March 2010, and April 2011. Once the building inspector gave his blessing to the project, Mr. McKinsey signed a lease, with an option to buy, with the site's owner, David Yoder.

And not only did Mr. Preiato approve, says Mr. McKinsey; so did East Hampton Town Supervisor Bill Wilkinson,

Town Police Chief Edward Ecker, and the head town attorney, John Jilnicki, all of whom, on July 9, 2011, signed a letter indicating their support.

But two months later, in his September letter, Mr. Preiato stated that "it is now clear that such an operation is not permitted in a residential zone without site plan approval." That letter goes on to suggest that the Dunes "could possibly be classified as a semi-public facility," and it encourages the corporation to apply for the necessary special permit.

"My decision with regard to Safe Harbor Retreat in March 2010 was based on misleading facts as to what they proposed, and what actually ended up happening," Mr. Preiato told the zoning board last week. He said he'd been told the house would operate something along the lines of a boarding school, but in fact, he said, "Rather than 11-month stays, the operation became transient in nature."

Mr. Campolo told the board 11
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months was the suggested optimal stay for a recovering addict. Mr. McKinsey reiterated that point in an interview on Monday.

Mr. Bragman, however, said at the hearing that the Dunes's Web site advertises 90-day stays, at \$42,500 a month. The price alone, he suggested, mitigates against long-term stays.

"Do you have any statistics on the actual length of stays?" Mr. Walter asked Mr. Campolo.

"Three to five months," was the response.

Mr. McKinsey said Monday that if asked, he would be happy to present the board with the statistics on the length of stays, with identifying information removed to preserve client anonymity. He speculated that the average stay was about 70 days. Residents do in fact behave as a family, he maintained, rising together in the morning, breakfasting, and doing group counseling, during which they plan their day's activities, and end the day in group prayer and meditation.

Mr. McKinsey himself is a recovering alcoholic. "I've been in recovery for 29 years," he said. "At least 5,000 times I've heard 'This is my family'" said of drug treatment centers such as the Dunes. "It's a chance to start all over, to live in a family unit," he said.

Mr. Bragman scoffed at the idea that

the Dunes was a "family unit." "The Dunes set itself up as a very major business in a very quiet neighborhood in Northwest," he told the zoning board.

The facilities listed in the town code as semi-public, according to Mr. Bragman, include a geriatric home, a hospital, a clinic, and a medical arts building.

Don Cirillo, a board member, challenged Mr. Bragman's contention that the Dunes is in fact a clinic, saying he believed the board's verdict could hinge on that question.

"Does a house have a clinical director?" Mr. Bragman asked. "No. A clinic has a clinical director," he said, adding that the Dunes's Web site identifies a clinical director of the program. "Their clinical director is supposed to be working there."

"It has a full clinical staff," the lawyer said. "Did anybody tell that to the building inspector? No."

Mr. Bragman also criticized, by implication anyway, a former town attorney, Madeline Narvilas ("I don't mean to hammer Maddie Narvilas, but," he said), saying that she left the town's employ only to land, shortly after, at the Dunes, as its executive director.

Mr. McKinsey countered that Ms. Narvilas had a keen interest in social work, having studied the subject in college, and as a friend of several years by the time he launched the Dunes, she was a natural for the organization.

Mr. McKinsey said on Monday that no matter what, he and the Dunes were not going anywhere. "I'm not leaving. Let me make that that clear," he said. He plans to exercise his option to buy within the next few months.

In January 2012, the Dunes East Hampton launched a federal lawsuit against the town, charging it was a victim of discrimination, a violation of the federal Fair Housing and Americans with Disabilities Acts. The suit was later withdrawn to allow the two sides time to negotiate a settlement. It was withdrawn "without prejudice," however, meaning that if no settlement is reached it can be reopened.

At the end of last week's hearing the zoning board agreed to close it to public comment, but allowed each side two more weeks to respond to each other's documents.