

Halfway House Goes To Court

Sues town after reversal nixes bid

BY ROHMA ABBAS

The owners of a substance abuse treatment home in East Hampton are suing the town in federal court claiming the municipality reversed its approval of their operation after the owner of a Westhampton Beach rehabilitation center complained about the business.

Safe Harbor Retreat, LLC, the owner of The Dunes East Hampton, which runs a home for clients



The Dunes East Hampton, a home for adults being treated for drug and alcohol addiction, is hidden at the end of a long driveway on Bull Run in Northwest Woods.

KYRIL BROMLEY

recovering from substance and alcohol abuse, filed the lawsuit in U.S. District Court Eastern District of New York on January 25. The suit claims the town violated its constitutional rights and both the Fair Housing Act and American with Disabilities Act by re-

versing an earlier determination that the business, which opened in November 2010, complied with the town's zoning code.

The town reversed its position last September, Safe Harbor Re-

See **LAWSUIT**, Page A4

B4

Puzzles B3

Recent Sales R4

Sports A13

Tide Table A12

LAWSUIT: *Safe Harbor Retreat On The Offensive*

FROM PAGE A1

treat LLC alleges, after George Benedict, the owner of the Seafield Center, an inpatient and outpatient substance rehabilitation facility in Westhampton Beach, complained to Pat Gunn, the town's director of public safety, about the operation. The complaint arose from an article that appeared in the New York Post, the lawsuit states.

Mark Epley, the executive director of the Seafield Center and the mayor of Southampton Village, said the complaint wasn't made in an attempt to thwart competition.

"The Dunes is not a competitor," he said. "We welcome the opportunity for anybody to come in and provide treatment to any individual who was suffering with any kind of alcohol or substance abuse diagnosis.

Our focus has always been on providing treatment."

The town's senior building inspector, Tom Preiato, had originally determined that The Dunes East Hampton met the criteria of "functioning as a family unit" and was permitted to house clients in a residentially zoned community at 26 Bull Run in Northwest Woods.

The suit charges that after Mr. Benedict's complaint, Mr. Preiato sent a letter to Joseph McKinsey, the owner of the facility, stating that his business needed a special permit. "... Upon further review of operational aspects of your facility, namely the providing of on-site addiction treatments and services, as well as the transient nature of your client's varied residencies at the facility, it is now clear that such an operation is not permitted in a residential zone without a site plan approval," Mr. Preiato

is quoted as saying in the lawsuit.

It was a stark contrast from an earlier memo in which Mr. Preiato stated the home complied with the town code and that he wished it "the very best in this important endeavor," according to the suit.

Mr. McKinsey, East Hampton Town Attorney John Jilnicki, Supervisor Bill Wilkinson and Mr. Preiato did not return calls seeking comment on Monday. Councilwoman Sylvia Overby said she did not know the details of the matter.

East Hampton Town Councilwoman Theresa Quigley declined to comment specifically about the case.

"There is threatened litigation, so I'm not at liberty to discuss anything that would impact that litigation, just because that's something that's a big no-no," she said.