

EDITORIALS

## Semi-Public Oddity

Another oddball case was to have reached the East Hampton Town Zoning Board of Appeals this week, but was put off. (Ever notice how the most controversial ones tend to be scheduled for the depths of February?) The question put before the board is whether the Dunes, a high-priced, inpatient drug and alcohol rehabilitation center in a residential neighborhood in Northwest Woods, can continue to operate legally as a semi-public facility without a town permit. The town's top building inspector says it cannot; the Dunes's lawyers say the question is irrelevant. And in this controversy, we get a glimpse, once again, of just how dysfunctional the town's land-use oversight has become.

First, what the town code allows:

The Dunes, which opened in 2010, occupies residentially zoned land, on which only single-family houses are approved as a matter of course. More intensive uses of residential property are permissible only after exhaustive review, and they are subject to strict limits. As set out in the regulations, single-family houses are to be lived in by their owners or rented to others (although not groups) not more than two times in a calendar year. Home offices and limited "home occupations" are okay, too, as are the rentals of one or two guest rooms or an apartment — provided the property owner lives there too. Semi-public facilities can occupy residential sites as well, but only if they are approved by either the town zoning or planning boards or both and obtain a permit. Semi-public buildings are defined in the code as churches, old-age homes, museums, schools, clinics, and hospitals, among similar things.

Next, what the Dunes says it does, according to press reports and its own Web site and releases:

It is an upscale addiction-recovery center occupying some 7,300 square feet of space, providing meals prepared by an on-site chef, and sleeping accommodations for up to 16 patients at a time. It boasts a 3-to-1 "staff-to-client" ratio, and it offers psychiatry, spiritual counseling, art therapy, acupuncture, and legal advice, along with in-house housekeepers, laundry personnel, and drivers. Clients can be whisked from regional airports by private car to the center, where they are admitted and given a battery of physical and psychological exams, according to the Dunes's Web site. Stays can run from 30 days up to three months at a cost said to run about \$45,000 a month, according to a Bloomberg Business Week story in which the founder was quoted. A course of treatment of 90 days has been described as the preference of the center's directors. The property owners, as best we can tell, rent the site to the rehab's operators and live elsewhere.

Complicating things is a federal discrimination lawsuit, now temporarily on hold, brought by the Dunes against the town over the building inspector's reversal of an earlier determination, which gave it the green light. The building inspector has claimed that the facility's initial application for a building permit made false statements about its scope and nature of operations by stating that its clients would live there together as a family for no fewer than 11 months a year. Adding to the bizarre aspects of all this, the Dunes had written support early on, when gaining its state license to operate as a substance abuse clinic, from East Hampton Town Supervisor Bill Wilkinson, John Jilnicki, the town attorney, and East Hampton Town Police Chief Eddie Ecker.

Separately, a group of neighbors has organized against the Dunes, protesting the clinic's noise, traffic, landscaping, and even "loud outdoor therapy sessions." The opponents point out on their Web site that this kind of unauthorized business could appear anywhere in the Town of East Hampton without revitalized zoning enforcement. They are right, of course. The fact that the rehabilitation center has continued to operate undermines the credibility of the town's land-use rules.

It will be surprising if the zoning board does not uphold the building inspector's ruling that further review is needed. But in this town, these days, anything is possible.