

Should We or Shouldn't We
By Councilwoman Susan Siegel

Is there a problem with the current zoning code relating to sober living residents (SZLRs)? I say yes. Supervisor Grace says no.

Does the zoning code need to be updated? I say yes. Supervisor Grace says no.

I say there are ambiguities in the current zoning code that need to be cleared up, namely the definitions of "family" and "convalescent home" and also the need for and a new, separate special permit for SLRs and possibly other congregate living arrangements.

Supervisor Grace disagrees. He has no problem with the current definitions of "family" and "convalescent home" and thinks that zoning should concern itself with regulating physical standards such as the number of kitchens in a dwelling unit or front, rear and side yard setbacks, not definitions.

The current definition of "family" reads: One or more persons occupying a dwelling unit and living as a single housekeeping unit with kitchen facilities and other rooms used in common."

Do 12-14 unrelated persons living in a house, operated by a profit making business, for 30 to 90 days at a time, constitute a family?

Then there's the confusion over what is a convalescent home. That definition is even more problematical than the "family" definition because there are actually two conflicting definitions in the zoning code. One section uses the exact same definition for both a convalescent home and a nursing home, while another section has a very different definition for a nursing home but includes a reference to a convalescent home.

Then there's common sense-- as understood in 2015, not in 19XX when the current definition of convalescent home was adopted. Just as the definition of family has changed over time (no longer a mother, father and possibly some children), convalescent homes have changed over the past ### years. If you ask five people what they think a convalescent home is, you're likely to get five different answers. And, if you do a google search for "convalescent homes," what comes up are either nursing homes or facilities with the word convalescent in their title but which provide medical services.

Sober living residences do not provide medical services. That's one of their defining and distinguishing characteristics. There are no licensed health professionals on staff or on the premises of a sober living residence.

Then there's what some would call the "smell test." Does a convalescent home prohibit visitors? Does it have a curfew? Does it search its clients' belongings and subject them to routine drug and alcohol tests? Does it require clients to be employed or looking for a job and transport them to those jobs? Does it require clients to attend outside counseling sessions? Sober living residences do.

In 19xx, there were convalescent homes but no sober living residences. In 2015, we have sober living residences but no convalescent homes. The latter is an outdated term that should either be scrapped entirely or rewritten to conform to reflect 21st century realities in the world of health care.

Let's be clear – and honest. The issue isn't whether or not to permit sober living residences in Yorktown. Notwithstanding the fact that the law says we can't prohibit SLRs, as a councilwoman and as a human being, I believe we have a moral obligation to help others. We need to show compassion for persons committed to turning their lives around.

But that doesn't mean we can't and shouldn't regulate sober living residences, just like we regulate day care facilities, boarding houses, private schools, and other permitted business uses in residential neighborhoods.

Since the zoning code deals with land use issues, Supervisor Grace wants to know what the land use problem is. The problem is clear: We should be doing what we can to protect the residential character of our neighborhoods and provide for the health, safety and welfare of the inhabitants of the Town of Yorktown, including the inhabitants of sober living residences.

So please, let's stop the bickering and start working together.