

2 civic groups bring state to court to halt group homes

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Two Staten Island civic associations have filed court suits to prevent the opening of group homes for the mentally retarded in their neighborhoods.

In separate papers served upon James E. Introne, commissioner of the state Office of Mental Retardation and Developmental Disabilities, the Grasmere Homeowners Association and the Dongan Hills United Civic Association are appealing Introne's ruling last month in which he found sites at 630 Hylan Blvd., Grasmere, and 158 Cromwell Ave., Dongan Hills, suitable for use as community residences for the retarded.

The suits name Introne's decision as "arbitrary, capricious and an abuse of discretion."

Introne's ruling, made Sept. 14, goes against a resolution by Community Board 2 to reject the sites on the basis the area is already "oversaturated" with community-based care facilities. In state hearings during July and August, Board 2 sought to prove the area was "oversaturated" and appealed to Introne to order a moratorium on group homes in the area.

Board 2 dropped possible plans to con-

sider a similar court suit to appeal Introne's decision when the city's corporation counsel rejected the board's request for legal assistance.

Both civic associations are asking the court to review testimony submitted during the summer hearings between the state and Board 2 and either uphold the board's resolution to reject the sites, or order a new hearing.

Papers filed by the Dongan Hills United Civic Association, in the name of its president, Bernard Kosinski, and 13 other homeowners, claim the building at 158 Cromwell Ave. "is totally inadequate for the purposes intended." The papers cite the house as "being in a totally dilapidated condition" with no back yard and located on a block adjacent to two elementary schools and a church.

Papers filed by both groups contain maps and statistics showing a heavy concentration of community-based facilities in the area.

The suit filed by the Grasmere Homeowners Association, in the name of its president, Ceil Brennan, and three residents, Donald Joergens, Frances Giddings and Linda D'Onofrio, cites state statistics from the "Statewide Registry of Residential Facilities" compiled by

the state Department of Social Services, to support its contention the area is oversaturated.

According to statistics cited in the suit:

¶ Staten Island has 7.59 community facility beds per 1,000 persons and 21.80 institutional facility beds per 1,000 persons.

¶ The rate for both types of facility beds is more than twice that of any other county in the state, and almost twice that of any other county in the southern portion of the state by comparison with other county statistics listed.

¶ The Island has the fourth highest
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proportion of community facility beds per 1,000 persons in the state's 62 counties, and ranks 12th in the state in the number of institutional facility beds.

¶ Within Community Board 2, which covers the mid-Island area, there are .033 community facility beds, making board 2 the fourth highest of the 59 community board planning areas in the city in a comparison with other board statistics listed in the state report.

¶ Board 2 also has 4,361 institutional facility beds, ranking second among the city's community boards.

¶ The rate for both institutional and community facility beds is 53.47 beds per 1,000 persons, making Community Board 2 the highest-ranked board in the city.

The suit claims the statistics cited "overwhelmingly prove" that Staten Island and the Board 2 area are oversaturated with community-based health care facilities.

Further, the Grasmere suit claims its neighborhood in particular is oversaturated, and lists six-community-based facilities in the neighborhoods and three similar facilities "nearby."

Spokesmen for both civic groups expressed confidence yesterday the court would rule in their favor. "I'm hoping that we'll be successful," said Ray Pignato, a spokesman for the Grasmere association. "I don't think the state has a right to arbitrarily shove this thing at us. I think we have a legitimate case and evidence."

The suits are being brought under a section of the state mental hygiene law known as the Padavan Law, after Queens State Sen. Frank Padavan. The law lists specific steps to be followed in the selection of sites for group homes for the mentally retarded.

A section of the law on which the suits are based reads, in part, that group homes should not be placed "in communities which already have an excessive number of community residential facilities for the mentally disturbed or similar facilities licensed by other state agencies."

Both cases will come up in Staten Island Supreme Court, St. George, Nov.

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