

Judge postpones arguments for week on group homes

A procedural question yesterday led a judge to put off to Friday arguments on six motions in connection with actions of two civic organizations to block the opening of group homes for the mentally retarded in their areas.

The Grasmere Homeowners Association and the Dongan Hills United Civic Association are seeking to have a judge review and set aside the September ruling of James E. Introne, commissioner of the state Office of Mental Retardation and Developmental Disabilities.

Introne found that sites at 630 Hylan Blvd., Grasmere, and 158 Cromwell Ave., Dongan Hills, were suitable for group homes, even though Community Board 2, following public hearings, rejected the sites on the grounds that the board's area already is "oversaturated" with community-based care facilities.

The board also unsuccessfully sought to have Introne declare a moratorium on group homes in its area.

Lawyers for the two organizations and the state appeared yesterday before Supreme Court Justice Charles R. Rubin to argue motions to consolidate the two cases, as well as for a hearing on the petitions to set aside Introne's ruling. The state is asking for dismissal of the petitions.

In papers filed in connection with the dismissal motions, Deputy Assistant Attorney General Robert L. Schonfeld

maintained that the organizations lack the legal right to bring the proceedings.

Under the Mental Health Law, Schonfeld said that provisions were made to give municipalities a role in the site selection process. This was done to prevent community residences from becoming entangled in prolonged and extensive litigation.

As Schonfeld interpreted the law, only "duly elected representatives of the community" are entitled to have such a voice, and "not just any one." He said that neither the Grasmere Homeowners Association nor the Dongan Hills United Units are recognized either as a municipality or a sponsoring agency.

Even if the judge should rule that the

organizations are proper parties to bring the proceedings, Schonfeld said the law excludes blanket moratoriums and that any challenges must be directed to specific sites in the Community Board 2 area.

The Grasmere organization, in its petition, pointed out that Board 2 rejected both sites following two public hearings, and passed a resolution saying it would seek a judicial review if the commissioner failed to uphold its objections.

The petition noted that Community Board 2 did not become a party to either of the actions before Rubin because the city's corporation counsel turned down its request for legal assistance in the case.