

Senate approves siting board for community facilities

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ALBANY — The state Senate yesterday approved legislation that would create a state siting board to rule on applications for health facilities, adult homes, youth centers and group homes for the mentally disabled.

Sen. John J. Marchi, the bill's sponsor, said the legislation would protect communities like Staten Island from "oversaturation" of community facilities. But opponents, including the New York State Bar Association, said it would result "in even greater barriers" to badly needed group homes for the retarded and mentally ill.

Assemblywoman Elizabeth A. Connelly, the bill's Assembly sponsor, predicted that the measure would win approval in the lower house. But the measure is almost certain to be vetoed by Gov. Carey.

Under the legislation, a 21-member

state Community Facilities Siting Board would be empowered to make final judgments on the establishment of community facilities. Seven members each would be appointed by the governor. Senate majority leader and Assembly speaker.

Marchi, a Republican-Conservative lawmaker from Ward Hill, said he introduced the bill after observing state agencies "dismiss as irrelevant" the potentially adverse impact of a proposal by a Brooklyn-based religious group to open the Danube Nursing Home in Concord for use by its members.

Marchi said two state Health Department panels approved the application by Beth Rivca Inc., to operate the nursing home "in a community with a very high nursing home population already" and in the face of almost "total community opposition."

"A system that produces that kind of decision is not working properly," Mar-

chi said. "It should be changed. My bill would change it in a positive way."

The measure would continue existing siting procedures for nursing homes, adult homes, hospitals, group homes and youth centers. But it would add another layer of review — the new siting board would have to approve any application for community facilities.

Current law provides a variety of methodologies for approving community facilities. Group homes for the retarded, for example, can be approved by the state mental retardation commissioner after consultation with community boards.

Sen. Franz Leichter, D-Manhattan, said he fears that additional review procedures would make it difficult for group homes to be approved. And the state Bar Association agrees.

"This additional level of administrative review will result in even greater undue delays and will undoubtedly add to greater confusion in processing applications for establishing such facilities," the association said in a memorandum distributed to lawmakers.

Sen. Linda Winikow, D-Rockland, meanwhile, said that she is afraid of giving a state agency the final power to approve group homes.

"I have always maintained that these decisions should be made on the local level," she said.

Marchi argued, however, that the local community would continue to have input. There would be no change, for example, in the requirement that a local community board consider a group home site before approval is granted, he said.

The Island lawmaker said one central agency is needed to consider these applications on a "coordinated" basis.

The problem now, he said, is that decisions to approve community facilities are often made in "isolation" to appli-

cations pending before other state agencies. As a result, some communities — including the Island — become oversaturated with community facilities, he said. The Island, according to a recent state report, has a higher ratio of group homes than any other borough.

Mrs. Connelly, a Democrat from West Brighton, said she believes the Assembly will overwhelmingly approve the proposal. But because of opposition by state agencies such as the Health Department and Office of Mental Retardation and Developmental Disabilities, it would undoubtedly be vetoed by Carey.

Veto overrides are extremely rare.