

opening of the group home.

Shannon, a partner in a Park Avenue law firm, was joined by more than 50 of his neighbors in a class action lawsuit against the state. The home initially opened with three residents, without any notices being circulated to the community.

The state argued that the OMRDD could operate group homes at any time, without any reference to the number of occupants. Shannon maintained that the state was bound by another section of the same law that covers group homes of four to 14 residents. Specific provisions were made for site selection, and the procedure included a meeting with the community board affected by such a move.

The courts ultimately ruled that the site could remain open because there were not four to 14 people moving. Afterward, Shannon announced that the neighborhood would welcome the new residents "with open arms."

Indeed, the neighborhood lived up to its word, something Ms. Rocco's sister, Virginia Montesano of Bulls Head, realized as she went to Buel Avenue area homes two weeks ago in an effort to stop her sister's proposed move. After only a couple of hours, Mrs. Montesano received 33 signatures on a petition, including those of the entire Shannon family.

"I don't feel it's right," said Marie Fargiano of Dorran Hills, one of the neighbors who also signed. "Gladys should not be uprooted."

Mrs. Montesano agreed. "My sister is happy here and she is accepted by the community."

For Mrs. Montesano, the scenario points to an even greater irony. The state created community homes with the hope that the residents would be accepted by the community. Now that it has happened on Buel Avenue, the state is trying to move Ms. Rocco somewhere else.

"I told them (state officials) that I didn't want to move," Ms. Rocco said. "I don't know why they have to move me. It isn't fair."

Letters by Mrs. Montesano to the state played a factor in changing their outlook, said Louis Ganim, a spokesman for OMRDD.

"We're not going to make any moves at this point," he said in a phone interview earlier this week.

But, one final irony.

The state recently moved two new residents into the home, apparently circumventing the point made by Shannon, because there now are five people in the house.

Ganim said the move is legal because the community board approved increasing the number of residents. Robert Erland, chairman of the health services committee for Community Board 2, said an OMRDD request for extra residents at several sites was granted in the spring. Erland said a survey by the area committee chairman showed that Buel Avenue area residents were having no problems with the community home, so the measure passed without much public comment.

Ms. Rocco is not happy about the move, because she shares her room now with a new resident. But, at least, she remains home. "The people are so very nice to me here," she said.

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