

TOWN OF CLARKSTOWN
TOWN BOARD INFORMATIONAL MEETING:
GROUP COMMUNITY RESIDENTIAL FACILITY
40 LAKEWOOD DRIVE, CONGERS, NEW YORK

Town Hall 4/10/86 8:00 P.M.

Present Supervisor Holbrook
Councilman Carey, Lettre, Maloney (absent) Nowicki
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared Town Board Informational Meeting open. Assemblage saluted the Flag.

Town Clerk read notice calling for a Public Informational Meeting on a Group Community Residential Facility located at 40 Lakewood Drive, Congers, New York to house 14 emotionally handicapped adults.

Supervisor read the following letter that was sent by Saint Dominic's Home to his office:

March 17, 1986

Charles E. Holbrook, Supervisor
Members of the Town Board
Town of Clarkstown
10 Maple Avenue
New City, New York 10956

RE: Community Residence Apartment Program
Sponsored by Saint Dominic's Home Site
Selection

Dear Supervisor Holbrook and
Members of the Town Board:

Saint Dominic's Home is sponsoring a Community Residence for fourteen adults, ages 18 to 35, who are emotionally handicapped and who have now achieved a level of more independent living status.

This program is to be funded by the Office of Mental Health. The residents in this facility will come from Rockland County with priority given to residents from the Town of Clarkstown. They will have schedules during the normal work hours that will take them to a variety of programs within the county, including employment, according to their individual needs.

This letter is our notification to you, as Chief Executive Officer and Members of the Town Board, of our intention to rent eight family living units at 40 Lakewood Drive, Congers. Saint Dominic's will rent this facility, which will mean that the house will remain on the tax rolls.

This notification is required by the provisions of the New York State Site Selection Law, Section 41.34 of the Mental Hygiene Law. The site selection legislation requires the municipality to respond within forty days.

Enclosed is the public data pursuant to Section 463 of the Social Services Law.

We are grateful for your sharing this information with other members of the Town Board. We hope to have your approval in the very near future.

Sincerely

/s/Sister Joseph Mary, O.P.
Sister Joseph Mary, O.P.
Executive Director

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Saint Dominic's Home Letter (Continued)

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encl

cc: Commissioner Steven E. Katz
 Senator Eugene Levy
 Assemblyman Sam Colman
 Assemblyman Robert J. Connor
 Msgr. James F. Cox
 County Executive John Grant
 Dr. Bert Pepper
 Chairman of Legislature Kenneth P. Zebrowski
 Legislator Harriet Cornell
 Legislator Alexander Gromack
 Legislator Jean Grogan
 Legislator Thomas Morahan
 Charles Davis, Community Services Board"

Supervisor Holbrook asked the Town Attorney if he had anything to add in terms of the Padavan Law and the options of the Town Board at this particular time?

The Town Attorney explained this is a Public Informational Meeting not a Public Hearing and further explained that the Padavan Act provides for the establishment of group homes. He mentioned the options which the Town Board has.

Supervisor read the following letter from Ed Lawrence:

"April 9, 1986

Mr. Charles Holbrook, Supervisor
 Town of Clarkstown
 10 Maple Avenue
 New City, New York 10956

Dear Mr. Holbrook:

Both you and Sister John Terrance of St. Dominics have requested that I give additional time to tenants of 40 Lakewood Drive, Congers, to find alternate housing.

As I told you yesterday, I will meet with each tenant individually to ascertain their needs, and make every effort to accommodate them.

Sincerely yours,

/s/ Ed Lawrence
 Ed Lawrence"

Sister Joseph Mary the executive Director of Saint Dominic's Home explained the proposed program. She stated that living in an apartment was the next level up from a group home. She further stated that the residents would generally be out of the house either attending school or at work. There are eight apartments. Seven apartments will house fourteen residents - two in an apartment and the eighth apartment will house staff. Saint Dominic's was concerned for the tenants presently living there. However, we were told that whether we took the facility or not that Mr. Lawrence had other options regarding the building.

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She further stated that the residents that would be residing there will have proved their ability to live in the community. They will not be dangerous nor will they be alcoholics or drug abusers. The residents will have to comply with the rules and regulations and there will be a case manager to oversee.

She said that Saint Dominic's has a facility in Stony Point and the staff there will be glad to share information on how well this program is working. She said those interested in paying a visit can call 359-3500.

Supervisor inquired as to the length of stay of the residents.

Sister Mary Joseph said residents would be reviewed every year and they must prove a need to remain in the facility and the average stay would be eighteen months to two or three years depending on the individual.

Supervisor then inquired what the next step would be for these residents - would it be into the community?

Sister said yes they would continue to perform supervision contact with the residents after they moved out.

Councilman Carey inquired as to what the age would be and Sister Joseph said between the ages of eighteen and thirty-five.

Councilman Lettre asked where the residents presently reside?

Sister said that they didn't know at this time.

Co. Lettre inquired as to where the residents that will be living in this facility live now.

Sister said they live in their own homes or in community residences such as we have in Stony Point.

Councilman Lettre asked if there was twenty-four hour supervision on site.

Sister said there would be two people on duty during critical times to provide counseling, assistance, budgeting, homekeeping, etc.

Councilman Nowicki said you mean to help them with the problems of daily living.?

Sister said, "Yes" - budgeting, buying food, maintenance of their living quarters, cooking, preparation of meals, cleaning, maintaining their surroundings, being good neighbors, and functioning in the community.

The Supervisor then opened the meeting to anyone wishing to speak.

Appearance: Linda Baker
66 Lakewood Drive
Congers, NY

Presented a petition to the Town Board and said there were approximately 318 signatures, which are on file in the Town Clerk's Office, and read the following:

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ABE209

"We the undersigned wish to register our objections to the proposed location selection; apartment complex at 40 Lakewood Drive; by St. Dominic's to house 14 emotionally disabled adults, on the grounds of [A] saturation and [B] the non conforming effects it will have on our neighborhood.

[A] Saturation due to the existing concentration of similar such facilities in the area in the proximity to the site selection:

1] A.R. C., 70 N. Harrison Ave., Congers: Community residence sponsored by the Association For Retarded Children.

2] Childrens Home, 343 N. Rte. 9-W, Congers: a subsidiary of St. Agatha's to house emotionally, physically and sexually abused children between the ages 6 and 13.

With the issuance of a permit to open another facility on Lakewood Drive, the small hamlet of Congers would then have 3 such facilities within a 1.5 mile radius.

[B] Nature and character of neighborhood: We are an all residential neighborhood consisting of retired senior citizens and new home owners with many small children. The apartment complex does not conform to the neighborhood as it presently exists. To establish a Community Residential Facility at said site would only make it more unconforming. Unlike the facilities on 9-W and N. Harrison, we feel the proximity of the proposed site is insufficiently isolated from surrounding properties where small children are always at play."

Appearance: Sidney Paul, Executive Director
Rockland County Mental Health Assoc.

He said he had brought literature for distribution to the Town Board and anybody present that would be interested. He said that there would be no negative impact on the neighborhood from this facility and that the residents would make good neighbors.

Appearance: Florence Gross
President of Famila

She said she represented 150 families with children in Saint Dominics and that there was much misinformation about these children and young adults. She said that one out of every five American families is affected by mental illness. In fact all of us are candidates for mental illness. She urged the Town Board and the people to welcome these bright children into their community.

Councilman Nowicki asked for an explanation of mental illness.

Mrs. Gross said mental illness can be defined in a number of ways. Mentally ill people are no different from other people - just a little more or less so. There is no higher incidence of violence in the mentally ill because they are usually the victim not the perpetrator.

Sister Joseph said many mentally ill are depressed. What do they do with that depression? We encourage them to get up and function and go outside and help them when they feel anxious. They generally have poor self-images and don't believe in themselves. They cannot cope. They are withdrawn. They need counseling and assistance to function and the staff is there to help them and is their link with their therapist.

Appearance: Charles Murphy
105 Lakeside Road
Congers

He inquired as to whether the staff would live in.

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Sister said, "No." There would be three shifts with two staff members present per day at critical times.

Appearance: George Malcolm
43 Lakeland Ave.
Congers

He asked if the people proposing this home were concerned about the proximity of the home to Swartwout Lake.

Appearance Carmel Feo
34 Beechwood Drive
Congers

Inquired as to how many of the residents would have jobs.

Sister Joseph said we will not know that information until we screen the applicants that will be residing there.

Appearance: Edith Wolf
23 Beechwood Drive
Congers

She said that if these patients have suicidal tendencies being near the lake would be dangerous.

Appearance: Richard Biviano
40 Lakewood Drive
Congers

He said he is one of the tenants being evicted. He was concerned not only for himself but also for the elderly gentlemen, Mr. Bush, who lives in his complex. Where will he go? He said he worked with people who had behavioral problems and asked whether the residents that will be living in the homes have behavioral problems?

Sister said that Marilyn Troy had been in touch with Mr. Bush and is working to relocate him.

Appearance: Marilyn Troy
Community Mental Health Center

She said that she and Mr. Bush had met once and she spoke with Mr. Bush today and that Mr. Bush told her that he would like to live near Saint Anthony's Parish and she has been making inquiries regarding relocating him into the Senior Citizen Housing. She said as far as the other residents are concerned, she has found some one bedroom apartments and she would be happy to meet with the residents that need apartments. She said that Saint Dominic's was very concerned about all the residents and that Saint Dominic's had asked for additional time for all the tenants to find apartments.

Appearance: Barbara Baker
40 Lakewood Drive
Congers

She said that she too was a tenant in an apartment and was being evicted and she said she is having trouble finding an apartment and that some of those people that were being evicted would have to move out of Rockland County.

Sister Joseph said that she knew that people had been served the thirty day eviction notice. However, she had requested that the tenants be allowed additional time.

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Appearance: Susan Riello
21 Lakewood Drive
Congers

She said that she was worried about the turnover effect on her children since there would be a change of residents in about one to three years.

Appearance: Marge McLoughlin
New York State Social Worker

She said that the residents that would be living in this facility would be adults and have lives to lead and have their own friends. They will have jobs and programs they will be going to and they are not people that will be getting involved with children playing in the street. She said that the present turnover with the tenants is usually within the one to three year time frame. The longest resident living in this complex is Mr. Bush. She said that the residents of the home are already living in the community and when they are living here they will not stand out from the rest of the community in Congers.

Appearance: Glenn Homberg
100 Lakewood Drive
Congers

He said that he believed that the mentally ill have a right to live. However, he wanted to know the zoning laws that would allow him to do what he chose to do with his property.

The Town Attorney explained that zoning is locally controlled. However under article 4134 of the Mental Hygiene Law State Statute has the authority to override local zoning. The local zoning is not a relevant criteria to the establishment of the type of facility that's being discussed tonight.

Councilman Lettre said that under the Padavan Law the State has the final determination.

Appearance: Ann McGauley
75 Lakewood Drive
Congers

Inquired as to whether the residents that will be living in this community residence had secondary drug or alcohol problems? Would they be people with behavioral problems?

Marge McLoughlin said that the residents would know how to behave in the community and that they would be screened before being admitted and that they were not accepting anyone that would have a substance abuse or alcohol problem.

Appearance: Richard Hora
74 Lakewood Drive
Congers

He said why impose fourteen people into one building where the community is opposed to this action. Why not segregate them into small groups.

Sister said that would be the ideal in having scattered sites. However, by having all the residents in one facility they have the benefit of on-site counseling and support. She said she has never known these homes to always be welcome. However, the fears and concerns are always unfounded and wherever we have been located the community has accepted us and welcomed us.

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Appearance: Esta Baitler
Venture East Community Residence

She read the following letter:

"Hi. My name is Ms. Esta Baitler and I live at the Venture East Community Residence as a developmentally disabled adult. I think that there is nothing more beautiful than living with fourteen developmentally disabled brothers and sisters. I sincerely hope that you will allow Saint Dominics to open a Community Residence in your neighborhood and I hope that you will welcome Saint Dominics in with open arms."

Appearance: Vincent Reda
7 Scarlet Court
New City

He said he is a former resident of Congers and that since this was the third or fourth group home in Congers, he thought that this was a possible overload of such a facility in Congers.

Marilyn Troy explained the concept of saturation. She said that the residents at the railroad track under the rule of saturation must be under a half a mile. The group home on 9W is licensed by the Department of Social Services and has absolutely nothing to do with this program. The intensive care facility has been open for one year with no problems and it is the most expensive building in the area. It is well kept and has very fine landscaping and we have not had a problem there. When you talk about saturation, we are now talking about a completely different neighborhood.

Appearance: Susan Homberg
100 Lakeview Drive
Congers

Inquired as to whether it is a one mile radius by the street.

Marilyn Troy said there is nothing in the law regarding saturation. It is generally a gentleman's agreement with natural boundaries separating the area.

The Town Attorney said there is no measurable standard case law that exists as to what would constitute saturation or not. The case laws, as I understand it, do not indicate such a standard that's empirical by distance. It's a flexible matter. The statute is silent under point.

Supervisor Holbrook asked the Town Attorney if the Town determines that there is saturation in this particular area what option would that leave the Town?

The Town Attorney said that the Town's determination is not the conclusive determination. If the Town Board felt that there was a possibility of saturation it would have to ask the Commissioner of Mental Hygiene to convene a hearing on the issue and the Commissioner's determination after a hearing would then be the determination subject only to a possible challenge in court that could deal with it.

Appearance Robert Azarenok
19 Fisher Ave.
Congers

He said that while the Group Home on Svahn Drive is in Valley Cottage the residents of that Home also come to Congers to shop.

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Appearance: Jack Cuff
West Nyack

He asked the Board if they are familiar with the Birchwood School at West Nyack where there are 65 children 15-18. Is this the same age category and he believed that Town residents should have first priority in this facility.

Sister said that they primarily would serve the Town if appropriate residents can be found. She said in regard to Birchwood and Saint Dominic's the residents there are not able to be mainstreamed.

Appearance: Frances Caponagro
40 Lakewood Avenue
Congers

She said she apologized if her questions sounded intrusive but she wanted to know if after the residents leave the facility, will the people that will be there always be between the ages of 18 and 35.

Sister said if you mean will this always be an adult program? Yes, we will not have children living there.

Ms. Caponagro asked what are the qualifications of the supervisory people at the home.

Sister gave a detailed explanation of the qualifications of the staff and those that will be supervising the residents and the staff.

Appearance: Joan Lerner
Clarkstown

She said she supports the program.

Appearance: Pat Palmetier
11 Alpine Court
Congers

Inquired as to why these people cannot remain home with their families?

Marge McLoughlin said ideally people do grow to independence from their own families. However, these people cannot be independent while living at home. They must grow and become independent.

Appearance: Carol Kaplan
Clarkstown
Executive Director
For Association of Retarded Children

She said that when they came before the community people had some fears. Now they have accepted us as good neighbors.

Appearance: Andrew Macko
116 Lakewood Drive
Congers

What happens if problems arise after this home is open?

Sister said that we have an advisory staff that reviews the program and meets with the staff and residents to assure that the home does not become a problem.

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Appearance Patricia Howell
69 Lakewood Drive
Congers

She asked about their medical problems. Was it depression, anxiety or schizophrenia?

Marge McLoughlin explained the various illnesses and said that the candidates must perform independently in the community. They would not accept anyone that was a problem. All applicants would be screened.

Appearance: Richard McGauley
75 Lakewood Drive
Congers

Asked about behavioral problems with residents.

Ms. McLoughlin said that all applicants would be screened. We cannot tell you what their problems are or their various fears. At this point we do not know who will reside there.

Appearance: Mani Maname
40 Lakewood Drive
Congers

He said 99% of the people in Congers don't want this. He asked the Board what was their chance of keeping them out.

Supervisor asked the Town Attorney to explain it again.

The Town Attorney said the municipality shall have forty days after the receipt of notice to:

- a) approve the site recommended;
- b) suggest one or more suitable sites within its jurisdiction which could accommodate such a facility;
- c) object to the establishment of the facility of the kind described by the sponsoring agency because to do so would result in such a concentration of community residential facilities for the mentally disabled in the municipality or in the area in proximity to the site selected or a combination of such facilities in other community residents, a similar facility established by the agency of the State Government that would alter the nature and the character of the area in a substantial manner so that the only effective remedy that the Town has is to petition the Commissioner of Mental Hygiene upon the grounds that the establishment of such facility would alter the nature of the neighborhood in a substantial manner and that would be on the issue of saturation.

Appearance Mary Kay Humenn
40 Lakewood Drive
Congers

She said she was a tenent in the apartment house and had lived there for two and a half years and was given thirty-four days notice. She said it would cost her about \$1500 to \$1700 to move and was told she could not get help unless she was on welfare.

Supervisor Holbrook said that this lady had written him and he had responded to her letter.. The Supervisor had asked Mr. Lawrence to allow them more time to accommodate the present tenents to relocate and had asked Mr. Lawrence to reply in writing. Supervisor further stated that the Town Board feels a moral obligation if not legal to assist in this unique circumstance.

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Appearance: John Baker
40 Lakewood Drive
Congers

He asked if there were similar type facilities in Rockland County or the State of New York. At the informational meeting, it was called a 3/4 house. Are there any presently in Rockland County or the State of New York?

Sister said not in Rockland County but it is not a unique idea.

Marilyn Troy said there is a similar facility in Garnerville where there are individual apartments and the residents are older women.

Councilman Lettre inquired as to why the State could not be asked to assist in the construction of a site so that residents would not be displaced.

Marilyn Troy said it is very difficult to find a setting where you have eight apartments all in one building. If you find it, they are generally for sale. This is a lease arrangement. The Office of Mental Health will not build but only rent. They had looked at a motel but they wanted \$2,000,000. for it. If they could have found a house, they would have gone for it, but there was nothing. We have found that if we have one of our facilities on your street, the real estate value of your house does not go down. They maintain the momentum as the entire market goes.

Appearance: Mary Ellen Murphy
105 Lakewood Drive
Congers

She inquired as to how long the lease would be?

Marilyn Troy said the lease would be for five years with a five year renewable option.

Appearance: Susan Hale
7 Amanda Lane
Congers

She asked if the home did have a negative effect on the neighborhood could we petition the Town Board to rescind the permit for the home?.

The Town Attorney said the petition would not be addressed to the Town Board it would have to go to the Commissioner of Mental Hygiene.

Sister said if we are not able to provide an appropriate setting, we would lose our license to operate the community residence within a year if not shorter.

Supervisor Holbrook asked if there was anyone else who wanted to speak. No one appeared. Supervisor thanked everyone for coming and said the Town Board would take all the comments under advisement before making their decision.

The Informational Meeting was declared closed: time, 9:55 P.M.

Respectfully submitted,

PATRICIA SHERIDAN
Town Clerk