

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall 9/6/94 8:00 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko, Maloney, Mandia & Smith
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

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

Supervisor explained the purpose of the meeting which is the consideration by the Town Board of two resolutions. The first relates to a proposal to amend the Padavan Act wherein people up to 1500 feet would be notified of a proposed group home and the second is asking Letchworth Village to reconsider its decision for the location at hand on Freund Drive.

RESOLUTION NO. (618-1994)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, the present Padavan Act provides for notification of a municipality, but not neighboring landowners, of a proposal to locate a group home at a certain location, and

WHEREAS, it is important that such a decision be communicated to neighboring landowners who are the persons immediately affected by the establishment of a group home;

NOW, THEREFORE, be it

RESOLVED, that the Town Board requests that Senator Joseph Holland and Assemblyman Alexander Gromack introduce legislation to amend the Padavan Act to provide for notification to landowners, within 1,500 feet of the affected property, that a group home is proposed to be established on said property.

On roll call the vote was as follows:

Councilman Dusanenko.....Yes
Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (619-1994)

Co. Mandia offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown has received notification that the Letchworth facility proposes to establish a group home at 34 Freund Drive, Nanuet, New York (162 A 33.12), and

WHEREAS, the proposed group home would be located in a neighborhood which is presently overburdened with the effects of quasi-public and private facilities including the (a) Nanuet Mall Shopping Center; (b) Railroad lines; (c) Redeeming Love Christian Church Center; and (d) the traffic networks needed to support these facilities and others in the area, and

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RESOLUTION NO. (619-1994) Continued

WHEREAS, the addition of another quasi-public facility would have a severe detrimental effect on the surrounding neighborhood and the inhabitants,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown is opposed to the establishment of a group home at 34 Freund Drive, Nanuet, New York, and be it

FURTHER RESOLVED, that the Town Board calls upon Letchworth to reconsider its decision to locate a group home at such location, and reopen the selection process at another site.

On roll call the vote was as follows:

Councilman Dusanenko.....	Yes
Councilman Maloney.....	No
Councilman Mandia.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	No

Councilman Maloney said the reason he voted no was because he feels that these people have a right to live in a community. He said he knows of a lot of people at Letchworth Village waiting for placement who are residents of the Town of Clarkstown and residents of Rockland County. He said he knows of at least five families where the parents are in their late sixties and have a child who is in his/her forties. They wonder what is going to happen to that particular child when they pass on. Councilman Maloney stated that group homes work and they are not a problem. He thinks they have a right to move into a community. There have not been many problems in the twenty years that we have had group homes here. He said that we should begin to bring out the reasons about traffic and the fact that it is close to the Redeeming Church. He said that he knows first hand that in Nanuet alone there are three families that have a child with a developmental disability and they are residents of Rockland County. They have lived in Letchworth for thirty, forty, fifty years and Councilman Maloney thinks that they have some right to live out the rest of their lives in dignity in a community where they can learn to live with other people. There is not that many. It is not true that there are twelve group homes in Nanuet. There is one on Brookside Drive which is not for the mentally retarded. There is one in Pearl River and there are two on Alice Drive and people do not know they exist there. Councilman Maloney feels that we have spent thirty thousand dollars two years ago of taxpayers money to fight a group home because of saturation and we lost. The people have a right to live in a residence. They have a right to be good neighbors and that is why he was voting "no" on this particular site and this particular location.

Supervisor Holbrook stated that in recent years the Town of Clarkstown has permitted at least five group homes to go into neighborhoods under the same procedure. This year, one on Walton Drive in Congers. Last year there was one on Rhinelander in New City and on Ridge Road in New City. Supervisor Holbrook said that Councilman Maloney's comments are from the heart. When people begin to analyse the situation of group homes they do not affect property values and they do not present a hazard to the community. There is always the fear of the unknown, but the Town of Clarkstown in the past, and I had

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supported those resolutions in the past, has taken these issues to Commissioner's Hearings and have taken these issues all the way up through the courts. We hired special counsel two years ago. As Councilman Maloney reiterated, we spent over thirty thousand to fight some of the issues that people are concerned about here. Essentially, the Courts take the view that there is no public hearing necessary for people to move into a neighborhood and they consider people who live in group homes to constitute a family. Therefore, they are not contrary to zoning. We might not like those rules, but that is the rules of the deck that we have been dealt from. Supervisor said he thinks that we all have to give ourselves an opportunity to try to understand what is there. This particular home is scheduled for four retarded women. Other group homes have as many as eight or nine residents. While it is a difficult decision, I do support what Councilman Maloney said and in reality here while we might not be happy with the State's decision, there are going to be more group homes in Rockland County and there are more group homes slated for Clarkstown. Supervisor stated that he would be lying to you if he could stand up here or sit here and say to you, that I have the power to prevent them from going in. He does not. Basically, that is the situation and we feel that given time, people living in neighborhoods with group homes have found them to be good neighbors.

Councilman Mandia said that the members of the Board should be voting their conscience and that the Supervisor and Councilman Maloney especially feel very strongly on this issue. He actually works professionally in that field. Councilman Mandia commented on the first resolution. He stated that he has been to Albany and has seen Senator Padavan. The elements of that law are not suitable for communities such as this. I guess these group homes come into effect in places like Queens in some anonymity because unfortunately, unlike Clarkstown, they can grow up on streets and not know the people that live around the corner. The problem is we should never get to this point. If the State is required to notify the Town when they are going to embark on a situation such as this, the people in the area should be notified as well.

Councilman Mandia stated that there is much truth in what has been said tonight by my two colleagues. There is a group home in West Nyack not far from where I live. I visited that home. They asked me to join their Community Board. Many of them want to join the Volunteer Fire Department, but unfortunately the way law is proceeding right now it instantly creates concern, negativism, worry about your children, worry about real estate values and worry about being put upon by big brother. That law needs to be changed. It must be changed. The Town Board and the people in the community are pretty much in the same boat on this one. Mr. Mandia stated that we tried many, many ways to reverse their decisions. We took it to the most extreme legal ends that we possibly could and spent a heck of a lot of money about two years ago to satisfy ourselves and satisfy the community. We did everything we possibly could and we lost. The first resolution is a sincere one from the Town Board and probably speaking for all communities in our County and elsewhere. They must change the law and all of us will be talking about this among ourselves. During the week, all of us will be speaking to our State officials to try to get that moving.

Councilman Maloney stated that he agrees with Councilman Mandia that we should certainly have the law amended so that people in the community will know at the same time the elected officials know. They should have the forty days to talk and meet with people from Letchworth and to form their

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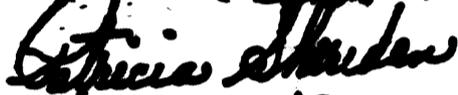
own opinions. He said that is why he voted for the first resolution.

Councilwoman Smith said earlier this month she had read in the August 21st issue of the New York Times, that there is a new policy that requires for the first time that city and state lawmakers notify within five days when a non-profit agency signs a contract for a home but more importantly it is the first time in history that it requires for public comment and that is the whole purpose of our first resolution - that both the town and the public be notified. She said she thinks we will go forward with this and work on having it amended to reflect that.

Councilman Dusanenko said Councilman Mandia bascially expressed his (Councilman Dusanenko's) thoughts but because he had expressed a wish to have this Special Town Board Meeting he wanted to thank the members of the Town Board for having this meeting tonight.

On motion of Councilman Maloney, seconded by Councilman Dusanenko, the Special Town Board Meeting was declared closed, time: 8:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC COMMENT AFTER SPECIAL TOWN BOARD MEETING

Town Hall

9/6/94

8:15 P.M.

Appearance: Mr. Bob Jackson, President
Nanuet Civic Association
Nanuet, New York

Mr. Jackson said he appreciated the first resolution. He said emotions are running high on Freund Drive. He noted that it is quiet right now but felt this group home would cause increased traffic due to staff movements, food deliveries, laundry, etc.

Appearance: Ms. Marylynn Hannon
Nanuet, New York

Mrs. Hannon stated she was opposed to the State run program and to the people who run it.

Appearance: Mr. Jim Rudolph
Nanuet, New York

Mr. Rudolph objected to the law as it exists now. He inquired as to who oversees people spending our money.

Appearance: Ms. Alice Williamson
Lexow Avenue
Nanuet, New York

Ms. Williamson asked why can't we stop this home going in? We don't want to loose money on our homes.

Appearance: Mr. Mel Mark
Nanuet, New York

Mr. Mark said this home was going in on Freund Drive because the Supervisor did not apprise the members of the Board about the proposal. The seller of the home is willing to withdraw the offer of sale.

Appearance: Ms. Mary Maher
Nanuet, New York

Ms. Maher said Freund Drive has been punished by this Town for twenty years. A group home is not a family. She disagrees with the State law. She questioned the training of the staff. Felt we should fight to reverse the law.

Appearance: Ms. Renee Kearnan
Nanuet, New York

Ms. Kearnan questioned why the Town would not spend \$30,000.00 to fight this.

Appearance: Mr. Ed Duffy
Nanuet, New York

Mr. Duffy said St. Agatha's Home is not the same now as it once was. He mentioned the history of the Nanuet Civic Association noting that in 1971 they started to stop the children of St. Agatha's from upsetting Nanuet School District. He asked Town Board Members when they found out about the proposed group home? He noted that no county or town had ever won a case against the Mental Health Commissioner.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff said the Town Board has no control over where group homes are located. He said we should bring our

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State representatives here and have them change the law. The Padavan Act was passed at the State level not at the Town level. He said the Padavan Act should be put into the Clarkstown Recreation Brochure.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein agreed that we are talking to the wrong people here and the State representatives should be approached not the Town. Nanuet should organize with other groups throughout the State to change the law.

Appearance: Mr. John Cawley
Nanuet, New York

Mr. Cawley said the Town Board is the first level of government and they should be on our side. He is concerned about the equity of their homes.

Appearance: Ms. Dorothy Tezzelino
Nanuet, New York

Ms. Tezzelino said the number of people calling Letchworth increased by 50%. The community did not know about the proposed group home therefore they could not act.

Appearance: Mr. Gerry Trautz
Nanuet, New York

Mr. Trautz said he works in his home and has lived in a group home. He was in favor of the home.

Appearance: Mr. Warren Marshall
Nanuet, New York

Mr. Marshall said there is no civilian control over State agencies.

Appearance: Mr. Jim McLaughlin
Nanuet, New York

Mr. McLaughlin said the real estate value is affected by the group home.

Appearance: Mr. Hugh Connolly
New City, New York

Mr. Connolly stated that there is a group home across the street from his home and it is a problem.

Public comment ended at 9:30 P.M.

Respectfully submitted,


PATRICIA SHEEHAN
Town Clerk