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Serving the communities of the Cross Island area

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Letter to the editor

Dear Editor,

In light of the recent announcements of plans to site group homes and other similar facilities in northeastern Queens, I wish to share my proposal to improve the opportunity for input and review and to provide accountability in the siting of state-licensed groups homes, also known as community residences.

I developed this proposal out of my concern to avoid the needless tensions fostered by the provisions of Section 41.34 of the New York State Mental Hygiene Law+. I have attended numerous public hearings and meetings over the placement of groups homes and, as a result of a hearing I attended two years ago in Little Neck, I remain convinced that the present law, although well-intended, actually exacerbates community tensions rather than mitigate community concerns.

As a neighborhood activist and as an attorney with extensive experience in government at both the state and city levels, I propose:

Require the state agency that licenses the proposed facility in a community, rather than a New York City Community Board, to:

1) notify affected community members;

2) hold a public hearing in the community near the proposed facility;

3) provide a 60 day comment period following the public hearing; and

4) provide residents the opportunity, presently afforded community boards under existing law, to propose alternate sites and/or present arguments of oversaturation.

My proposal would stop the present practice that pits neighbor against neighbor. The present procedure has the unintended affect of putting neighborhood residents who serve on a community board in the position of approving a group home near many of their neighbors.

The current law gives local community boards very little ability to say yes or no. A community board can either approve the site recommended by the agency sponsoring, for example, a group home, suggest one or more alternate sites, or object 1) based on the oversaturation of the community board with community residences or facilities or 2) based on the oversaturation of the same kind of group homes in the area in proximity to the proposed facility.

As a result, most people come away from the public hearings with the sense that the decision was really made before the hearing started. My more preferable approach stops that sham hearing and substitutes a real hearing that solves problems, not makes them worse.

My more sensible approach affords a facility's sponsoring agency ample time to schedule meetings and informal gatherings with community leaders, concerned residents and local officials. In this manner, community concerns can be addressed, perhaps in a series of smaller groupings. Agencies could reach out to communities in an atmosphere less threatening to the community.

This contrasts with the large turnouts and accompanying outcry against facilities, such as group homes, at community board hearings. Too often, this engenders so much distrust that the community and the sponsoring agency start even farther apart once a facility is established.

Unlike the lengthy reviews mandated under the City's Uniformed Land Use Review Procedure (ULURP), Section 41.34 provides only 40 days for a community board to 1) schedule a hearing with adequate mail and newspaper notices, 2) look at any alternate sites and 3) make its decision. The City review process affords a community board 60 days to hold a hearing and pass its decision on to the City Planning Commission and the City Council. In addition, a community board can receive notice that an application under the City review process is being made and, thus, it is able to take an early look at the proposal.

A fair opportunity for community review should facilitate a dialogue among the parties. Under the current state law, heated hearings remain the rule rather than the exception.

Residents complain that the sponsoring agency overpaying for the property, that the site proposed is unsuitable and that they are concerned about the characteristics of some of the possible residents of the proposed facility.

Under my proposal, the licensing state agency commissioner's designee would review the site based on the testimony presented, including presentations on saturation and alternate sites, and make a recommendation to the commissioner.

My proposal also gives residents an opportunity to just say yes or no.

In addition, I recommend a prohibition on the acquisition of any proposed site at a cost greater than the market values of any property based upon its zoned or intended use.

Any process where tensions become so great and at which unruly proceedings remain the rule, rather than the exception, is a great sham and merits another look. My proposal brings a needed new look and, more importantly, substitutes a more meaningful process for considering state-licensed facilities proposed for our neighborhoods in residential areas.

Sincerely,
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