



COMMUNITY PLANNING BOARD #11, THE BRONX
2280 WALLACE AVENUE - ROOM 2
BRONX, NEW YORK 10467
(212) 653-0936

Solomon J. Lirtzman,
Chairman

Thomas J. Brown,
District Manager

MINUTES OF MEETING HELD NOVEMBER 20, 1980 AT THE
ACADEMY FOR GERONTOLOGICAL EDUCATION AND DEVELOPMENT

The meeting was called to order at 7:53 P.M. by Sol Lirtzman, Chairman.

I. GALLERY SESSION SPEAKERS

The speakers at the gallery session preceding the meeting of Community Planning Board #11 all spoke either for or against the proposed site for a group home at 2213 Wallace Avenue. Due to the number of persons desiring to speak, the gallery session time was extended.

II. COMMITTEE REPORTS

A. Health and Social Services

Due to the large number of the public in the audience who were basically at the meeting to hear the Board's decision on the community residence at 2213 Wallace Avenue, the Agenda was adjusted so as to take the Health and Social Services report first.

Myra Rose reported that the Health and Social Services Committee had met tonight at 7:15 P.M. to discuss the motion regarding 2213 Wallace Avenue. Myra said that because the committee was split down the middle they have no recommendation as to what should happen with this site for a proposed group home. She said that anyone from the Board could make a motion as to what the Board's position should be on 2213 Wallace Avenue.

Motion by Frank Muccioli - Second by Charlie Re - That Community Planning Board #11 go on record as not accepting this site at 2213 Wallace Avenue.

Sol said that according to the State rules, a motion to disapprove has to contain as part of it an alternative site or location. Otherwise the State has the prerogative to not listen to our motion to disapprove, and can go ahead on its own with the site. Sol asked if there was an alternative site available at this time.

Frank Muccioli suggested 2930 Holland Avenue, corner of Williamsbridge road two blocks north of Allerton Avenue. Frank said that it is a 2 family house having two 6½ room apartments and that it is semi attached. He said that it has two private entrances and that it is brick. Frank said that the owner George Rothman is standing ready to negotiate with the State.

Bill Liblick said that the people are scared of the unknown. He said that he accepted that, but what he could not accept was a lot of what happened at the Public Hearing on Thursday. Bill said that he could not accept people calling mentally retarded people "insane and drug addicts". He said that he objected strongly when

the community says that a group home of 10 people who are locked up in institutions are going to "rape a community". Bill said that the community should be ashamed of themselves. He stated that he strongly objected to a Rabbi coming to a Public Hearing and reciting Jewish law. Bill said that the Rabbi said that according to Jewish law you should come to the community before selling a house, as the community has the right to know who a property owner is selling to. He stated that this was his interpretation. Bill said that under his interpretation of what the Rabbi said, he himself would be denied housing and the Rabbi would be denied housing if the decision was made where they should live. He said that he felt no one should decide who their neighbors should be.

Bill told the Board that on 60 Minutes this past week they showed a community in Rockland County with a somewhat similar situation to the one this community faces. He stated that these people were against the group home, and that they said they had a right to decide who their neighbors would be. Their Board decided not to hold a Public Hearing on the basis that no one should decide who their neighbors should be. Bill said that he felt this was wrong and that the community does have a right to decide who their neighbors are. He stated that even though these people were against this group home the State bought it, and now 6 months later they are saying that they are glad they are there, and that the mentally retarded are not what they thought they were.

Ruth Bernstein said that she would like to discuss the proposed group home from a totally different view point. She said that this would not be the last Public Hearing that the Board holds on group homes. Ruth said that she was disturbed at the tone and tenure that prevailed at the Public Hearing. She said that she was very upset with the State. Ruth said that the Board had previously approved 2 sites for group homes, and that nothing has been done at these 2 sites. She said that if the State thinks that it is in the business of assembling real estate parcels at the expense of this Board, then they have to be told differently. Ruth said that when the Board sees a well functioning efficiently run community residence, then there will be nothing to fear. She said that at that point the community can say with pride that we have it and it is working; no one is running and no one's property values are jeopardized. Ruth stated that the State is not going to do this to the Planning Board again, and that they should do something with the 2 sites that have already been approved. She said that until that time she would not entertain any other sites.

Tony Funigiello said that the purpose of the Community Board is to represent the interests and needs of its members within its geographical area. He said that not all of the residents in this home will be from the Planning Board #11 area. Tony said that the present tenant has been living there for some time, and is going to be evicted without any compensation or anywhere to go. He stated that this proposed community residence has caused disharmony in the community between people who have mentally retarded children and those who do not. Tony spoke about the study the State had done on the effects of group homes on property values. Tony said that he had three points to make.

1. That it is detrimental to the community because not only community residence will be housed there.
2. That it will lower the property values in the surrounding areas.
3. That the money spent on this is wasteful and part of the Community Board's concern is to speak out against waste by government.

Bill Liblick apologized if what he said might have upset some of the people. He said that this was his own interpretation and that he in no way meant to upset anyone. Bill said that he felt that the Board should disapprove this site and discuss the new site on Holland Avenue.

Ernie Odierna said that he was insulted by some of the arguments made by the people at the Public Hearing. He said that he felt that what the Board should be doing is finding alternate sites and working with the State agencies on the most acceptable sites for something like this group home. Ernie said that at first he was totally in favor of this site, but because of the community's feeling he is in favor of an alternate site.

Dom Castore said that what he had seen at the last two meeting disgusted him. He said that he saw fear in the community. Dom said that since only 5 of the 10 residents will be from our area he wondered which of the 30 or more mentally retarded would be placed in this home. He also said that he wondered if this meant that the State would want more homes for them until the area is saturated. Dom said that it is for that reason and that reason alone that he would vote against it.

Councilman Kaufman commended Sol Lirtzman on the excellent meeting he conducts. He also commended the Planning Board members for the very hard job they have in dealing with very controversial discussions. He stated that he is here tonight because many people had called him and expressed their concern. Councilman Kaufman said that he is also speaking for Councilmember Josph Savino. He stated that he is not here to speak against half way houses for retarded adults, but rather to speak in favor of a community. He said that he views his job as a councilman primarily to save the middle income people of Pelham Parkway and Co-op City. He said that he feels the community is being oppressed by a Federal and State government who are overriding the feelings of the community as expressed by the people in this room and the people on the Board by doing what they please. Councilman Kaufman said that he feels that it is wrong, and that in order to maintain the area he feels we should stop half way houses, stop federalization of the Pelham Parkway Projects and fight against its encroachment. He said he was not against mentally retarded children or adults, but because Pelham Parkway is a tenuous community it cannot afford to have this kind of a home. Councilman Kaufman said that this area is saturated with all sorts of facilities and he felt that it could not afford any more of them. He said that his goal was to fight for Pelham Parkway and not to fight against retarded children or adults because they must be taken care of. Councilman Kaufman said that the community should send a message to the State, the Department of Social Services, the State Mental Hygiene Department and the Federal government telling them that we have had enough and we do not want to be pushed around, and that it was time that they learned that this community has had enough.

Sol stated that he would be the last speaker before the question is called. He said that he thought Ruth Bernstein was very much to the point when she brought up the question of the State's insensitivity to the community and the State's approach on how to handle this situation. Sol said that this was not the first time the community had been confronted with this particular issue. He stated that several months ago the Board had on its agenda 2 group homes on Van Nest Avenue and that one of the criteria of these was the fact that there were tenants living in the building. He said that the Board disapproved that site based on that fact, but that even though the Board disapproved this site the State proceeded on it. Sol said that at the Public Hearing on 2213 Wallace Avenue the State was represented but that they did not pay much attention to what was going on. He stated that after the Hearing he had an informal meeting with the State's representative and that he did not answer the questions asked him. Sol said that he had asked that the State representative and an attorney be present tonight to answer any questions the Board might have. He then introduced Dennis Novick from the State.

Dennis Novick told the Board that this afternoon he had talked to senior officials within the Office of Mental Retardation and Developmental Disabilities and the Facilities Development Corporation. He read the following statement.

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"If the Office of Mental Retardation were to withdraw a site for consideration as a community residence for the retarded, because of pressure placed upon a particular property owner, to request such a withdrawal, they would risk signaling to the sources of such pressure that these kinds of irresponsible and illegal acts will accomplish the ultimate goal of denying the constitutional rights of the retarded to return to the communities from where they originated. The Office of Mental Retardation and Developmental Disabilities thus is committed to seeing that these kinds of illegal acts cease altogether.

Therefore, the site at 2213 Wallace Avenue, will remain an active site and unavailable for purchase by any other interested party during the duration of the site review process that this community board is currently engaged in. A process that is mandated by Law under Section 41.34 of the Mental Hygiene Law. The process is completed when either this site is approved or another equally suitable site is both referred to O.M.R.D.D. by Community Board #11, and then subsequently secured by the Facilities Development Corporation. If neither of the above occur, the process is completed after a formal fact finding hearing. The Commissioner of the Office of Mental Retardation and Developmental Disabilities renders the decision based on the evidence presented and compiled at this hearing.

In closing, I would like to thank Community Board #11 for the integrity they have shown during these recent weeks."

Sol recommended that the Board disapprove this site and recommend the site at 2930 Holland Avenue, corner of Williamsbridge Road.

Myra Rose asked what time frame the Board would have to work with if it disapproved this site and gives an alternate site.

Dennis told her that the time frame is as long as it takes the State to evaluate a site. He stated that at this point the Board would be notified.

Myra asked if the Board would then have time to hold a Public Hearing.

Dennis said that the law does not provide for additional Public Hearings.

Ruth Bernstein stated that she would like all the Board members and the audience to hear that point and that it be duly reflected in the Minutes carefully.

Sol told the Board and the audience that the Board had asked for and received an extension on 2213 Wallace Avenue until November 24th. He said that if the motion is to disapprove this site and to recommend a new site then at that point the State will look at the property and come back to the Board and advise them of the suitability. Sol said that Mr. Novick indicated that the Board does not have further time, nor does the State give the Board time to hold a Public Hearing concerning an alternate site.

Dennis said that at the point where the State finds that none of the sites are suitable the Board is then notified and has 15 days to refer another site to be reviewed. He said that after that site is reviewed for however long it takes, the Board is then again notified. Dennis said that if in the second listing of sites none is found to be suitable alternates, the matter is then resolved at a formal fact finding hearing. He said that all the parties are advised of the hearing.

Tom Brown told the Board that in recommending an alternate site the Board is saying they approve it and therefore there is no need for a Public Hearing. He stated that when Dennis said all parties would be at the fact finding hearing he was referring to the Community Board, the sponsoring agency and Sue Neal's office and not the community at large.

Myra Rose read part of the letter that her committee had approved be sent to Commissioner Introne, and said that she hoped that the Board would approve it. The letter dealt with the fact that the process of site selection must be changed; that it was unfair to the Board and that until it is changed Community Board #11 would refuse to continue with the charade and sponsor Public Hearings and meeting.

On the motion to disapprove the site at 2213 Wallace Avenue and name 2930 Holland Avenue as an alternate site the vote was:

For 20 Abstentions 11

Motion passed

Shirley Rubman asked that the Board send a letter to the State telling them that the Board must hold a Public Hearing.

Dennis told her that the law does not provide or state that a Public Hearing must be held. He stated that this does not mean that the Board cannot ask for and receive an extension to hold a Public Hearing.

Sol told the Board that the State does not require a Public Hearing on an alternate site, but that this does not preclude the Board's requesting time in which to hold a Public Hearing.

Ruth Bernstein explained that her abstention was consistent with her belief that the whole procedure does the community a disservice. She stated that until and unless it is changed she would not entertain any proposals.

Motion by Shirley Rubman - Second by Tony Funigiello - That Community Planning Board #11 go on record as asking the State Department of Mental Hygiene that we hold a Public Hearing on the alternate site for a group home at 2930 Holland Avenue.

Ernie Odierna asked why the Board should hold a Public Hearing when it has just approved the site.

Lee Mager ammended Shirley's motion to include that the Board ask for an extension of time to hold a Public Hearing.

Carried with 1 abstention

Motion by Myra Rose - Second by Bill Liblick - That Community Planning Board #11 send a letter to Commissioner Introne and others(city officals, state officals and the media) stating the Board's disapproval of the entire site selection procedure and asking for a meeting with Commissioner Introne and a group of interested Planning Board representatives.

Lee Mager objected to portions of the letter stating that the Board would not hold any Public Hearings. Amended that part of the letter.

Carried with 1 abstention

III. MINUTES

Corrections

Henry Yuspeh stated that his name did not appear on the attendance list as present or absent. He stated that he was present at the October meeting.

Bill Liblick stated that on page 6 it stated that he had abstained on the vote on the Pelham Parkway Houses. He said that he had in fact voted for.

Shirley Rubman stated that on page 2 of the Minutes where Kathy Zamenchansky discusses the Task Force it says Pelham Parkway Houses when it should read Pelham Parkway community.

Sol said that this was verbatim of what was on the tapes , but it would be corrected.

Ruth Bernstein stated that the Board members were given a paper called Addendum to the Discussion. She stated that this referred to page 6 and the discussion on Housing. She requested that it be called Corrections to Discussion on Housing, and she asked that this page be incorporated as part of the Minutes and become part of the record of that evening's Minutes.

Ernie Odierna stated that on page 5 it says 2213 Lodovick Avenue and that it should be changed to 2213 Wallace Avenue.

Elizabeth Brown said that it was she who had abstained on the Pelham Parkway Houses vote.

Motion by Blanche Rifkin - Second by Rhoda Gogatz:- That the Minutes be accepted as corrected.

Unanimously accepted.

IV. GUEST SPEAKER - Mr. Bernard Franklin of the New York City Industrial and Commercial Board

Mr. Franklin talked about the Industrial and Commercial Incentive Board from its inception. He told the Board that the function of the Board was to bring new business into the city and thus create new jobs. He also explained the Industrial and Commercial Incentive Board's tax abatement program and the Industrial and Commercial Incentive Board's desire to have Community Board input on its decisions.

A great deal of discussion took place on this topic.

Bob Nolan stated that he has been designated by Borough President Simon to vote on projects that affect the Bronx with respect to the Industrial and Commercial Incentive Board. He also noted that Community Board #11 can make its recommendations known through his office.

V. CHAIRMAN'S REPORT

Sol apologized to the Board for allowing the Gallery Session to become another Public Hearing. He stated that in the future the Gallery Session will be limited to 15 minutes and that no one would be allowed to speak on issues already discussed at a Public Hearing or meeting and are to be voted on that night.

Sol told the Board that on Wednesday he and Tom attended the first meeting of the Mayor's Task Force for the Pelham Parkway area. Sol said that there were 20-30 agency people there including commissioners and assistant commissioners. He stated that there were no elected officials there outside of Borough President Simon. Sol further stated that a great deal of territory was covered and that some initial commitments were made on specific items. However, Sol added, as this was only a first meeting, he would reserve judgement for awhile. Sol announced that on Tuesday,

December 9th at Bronx House the Mayor will hold a Town Hall meeting between the hours of 7:30 - 9:30 P.M.

Ruth Bernstein asked that Sol inform the community that the Board members do not receive \$60,000, they are volunteers.

VI. DISTRICT MANAGER'S REPORT

Tom stated that the District Cabinet Minutes have been given out tonight. He stated that he has been working on the Board's budget priorities and the Needs Statement. Tom said that he hoped that the city officials would read it. Tom told the Board that on November 26th the Board has to return its preliminary budget requests for its own budget. He said that there is not enough time to come back to the Board with this. He told the Board that on Friday he and perhaps Tom Daly would be meeting with the Borough President's office on fixing up the computer runs. Tom recommended that the Board work with the same budget that is now in place. He stated that there is ample time until the final budget is adopted in April, or May, or whenever it is done to make modifications, amendments and updates.

Motion by Elizabeth Brown - Second by Dom Castore - That Community Planning Board #11 go with the same budget as Fiscal Year 1981 to the extent possible.

Carried with 1 abstention

VII. COMMITTEE REPORTS

A. Land Use

Steve Lovitch stated that last month the Board had voted over the recommendation of the Land Use Committee to hold a Public Hearing concerning the sale of city owned property on Kingsland Avenue. Steve stated that no one spoke either for or against this sale at the Hearing, and the vote his committee took for the sale was 16 for, 6 against and 1 abstention.

B. Parks and Recreation

Elizabeth Brown told the Board that the Pelham Parkway Little League had applied to the Board of Education to use the property at P.S. 96 for a Little League field. She stated that School Board #11 has approved this, but that the Community Board had not heard from them as yet. She said that there might be a need to hold a Public Hearing or a Public Meeting.

Sol asked Ruth Weiss if there was going to be a transfer of property between the Board of Education and some private party or will the Board of Education maintain control and just let these groups use it. He asked her who would be responsible for it. Sol stated that if there was a transfer of property from one agency to another there would be a need to hold a Public Hearing, if not there was no need for a Public Hearing.

Elizabeth said that even if it were not a U.L.U.R.P. matter that potential impact on the community might necessitate a Meeting.

Elizabeth told the Board that there has been a curtailment of tree planting for the Fall 1980-1981. She stated that someone had told her that they had received a summons because of the pit that had been dug.

Tom asked Elizabeth to find out what agency had issued the ticket so that he could check it out. He stated that trees would be planted where there is a pit but that no new requests were being taken.

C. Sanitation

Ernie Odierna told the Board that his committee is asking for the Board's approval on changes in street sweeping and alternate side parking.

Tom said that he had spoken to the Acting Superintendent of Sanitation, and was told that they are in the process of revising their schedules. Tom said that the Acting Superintendent suggested that the Board hold a Public Meeting on this so that the community can come up with some recommendations for them.

Motion by Ernie Odierna - Second by Rhoda Gogatz - That Community Planning Board #11 hold a Public Meeting on the subject of alternate side parking for the purpose of street cleaning.

Carried with 2 against and 1 abstention

Motion by Ernie Odierna - Second by Roy Israel - That Community Planning Board #11 authorize the granting of awards to merchants for clean storefronts.

Carried with 2 abstentions

Ernie told the Board that Lew Goldstein has joined his committee as a non Board member.

D. Highways

Silvio Mazzella told the Board that he had attended a meeting of Planning Board #10 on the rehabilitation and closing of the Pelham Bay Bridge. He said that the engineers said that the bridge will be closed for two years while they rebuild it. Silvio said that all the traffic will be rerouted up the Hutchinson River Parkway and across the New Haven tracks and down towards City Island. He said that this is 1/10 of a mile longer than the old route. Silvio then said that there is no way to delay this because if it is not done the bridge will collapse.

Tom told the Board that one bridge was left out in the request for demolition. He stated that this bridge is on Hone Avenue. He asked if the Board wanted this bridge included with the others to be demolished.

Sol told Tom to include it with the others.

E. Public Safety

Lee Mager told the Board that he is the new Chairman of the Public Safety Committee. He stated that he is currently reading over ongoing business of the Committee, and if any Board members have particular concerns in this area they should bring it to his attention.

VIII. Old Business

Sol asked Roy Israel what the status on the court case for the Pelham Parkway Houses is.

Roy stated that the matter is presently before a judge and they are awaiting for a decision

Motion by Frank Muccioli - Second by Dom Castore - That the Board go into Executive Session.

Carried

The Board did not reconvene for Adjournment.

Respectfully submitted.

Rhoda Gogatz (173)
Rhoda Gogatz
Secretary

ATTENDANCE AT NOVEMBER 20, 1980 MEETING

PRESENT

Ira Alexander	Annette Marchitello
Ruth Bernstein	Silvio Mazzella
Elizabeth Brown	Joseph Milone
Ruth Burko	Frank Muccioli
Dominic Castore	Ernest Odierna
John Cifichiello	Abraham Pereira
Ann Danisi	Charles Re
Gloria DiGianni	William Ricevuto
Barbara Fried	Branche Comras Rifkin
Anthony Funigiello	Myra Rose
Rhoda Gogatz	Shirley Rubman
Simeon Goldstein	Madeline Saltaformaggio
Roy Israel	Clara Reyes de Velezquez
Simon Konovitch	Belle Vogel
William Liblick	Ruth Weiss
Solomon Lirtzman	Henry Yuspeh
Steven Lovitch	
Lee Mager	

ABSENT

Robert Black	Leslie McHenry
Edith Canato	Salvatore Napolitano
Ben D'Agostino	Joseph Reda
Eileen D'Allessio	Jerry Santarpia
Thomas Daly	Stephen Vento
Sylvia Firshein	Steve Zarkin

STAFF, BOROUGH PRESIDENT AND AGENCY OFFICIALS

Bob Nolan- Bronx Borough President Simon
Eileen Weinrib- Rep. Senator Bernstein
Harriet Lasky- C.P.B. #11
Thomas J. Brown - District Manager, C.P.B. #11
Sgt. Ed Moran - 43rd Precinct

OTHER ELECTED OFFICIALS

Councilman Stephen B. Kaufman
Mr. Bernard Franklin - Industrial and Commercial Incentive Board

GUESTS

Lew Goldstein