

Mrs. McBrien said she found the environmentalists had established all the necessary legal elements for granting a preliminary injunction, including the fact that they would suffer "irreparable harm." She said, "Once the trees are destroyed, the battle is lost."

Mrs. McBrien said granting the preliminary injunction "does not mean handicapped housing will never be constructed in Corson's Brook Woods." However, she said the denial of the motion would mean "permanent and irreparable damage to the environment."

The Protectors demonstrated to her satisfaction that there was a "likelihood" it would prevail in its action for a permanent injunction, she said.

The environmentalists alleged that the state acted arbitrarily and capriciously "by rushing this plan through without full community participation, or perhaps in avoidance of such participation," the judge said.

In responding to these allegations, Mrs. McBrien said the state attached to its court papers "a ream of paper from (Brooklyn Federal Court) as if to suggest that this particular plan was envisioned or promoted by that court.

"This court sees no evidence of such intent. In fact, this court sees no evidence as to how this particular site within the Staten Island Developmental Center complex was chosen and why, other than some cursory rationale found in Mr. Walsh's affidavit."

She apparently referred to Walsh's assertion that it was necessary to build the group homes in an area on the grounds that adjoins a residential neighborhood.