

NY downed in woods fight

By MARY ENGELS

Staten Island environmentalists won a partial victory in their war of the woods against the state-owned Staten Island Developmental Center (formerly Willowbrook).

A State Supreme Court judge issued a preliminary injunction prohibiting the state from clearing any more trees on that part of the state's property known as Corson's Brook Woods.

The Protectors of Pine Oak Woods, a local environmental group, had filed a suit against the state last month seeking a permanent court injunction to prevent the state from building four group homes for patients on the property.

JAMES WALSH, director of the Developmental Center, had maintained that the site chosen for the group homes "was the best suited for our clients purposes."

"We even redesigned the layout of the new buildings so that there would be a minimum of trees cut down."

In the decision by Supreme Court Judge Rose McBrien, signed late Monday, she cited the history of the state's need to cut back on the population at the Developmental Center through the Willowbrook consent de-



James Walsh, director of the Developmental Center, will try to appeal court decision preventing site clearance on old Willowbrook grounds.

ree issued earlier in the courts.

She further noted that the state had been notified last spring by the group that the land in question was mentioned in the Greenbelt Preservation Act as one of the most valuable natural areas

on Staten Island.

"The plaintiffs sudden action on Nov. 9 of going ahead and working on the project and the trees being cut down appears to be an arbitrary and capricious action on the part of the state," McBrien ruled.

IN ISSUING the injunction, McBrien also called for a full trial to be held on the issues.

Terence Benbow, counsel for the environmental group, said he was "extremely pleased with the judge's decision."

"I feel it is a very well reasoned decision and this was the key test in showing the state that we, the Protectors, as an organization, do have sanction of what is done to our environment."

Benbow added, "It seems to me that under the circumstances, I have every reason to believe that the state as a whole will try and reach a reasonable agreement with us that would protect the woodlands and permit them to meet their April 1985 building deadline."

"THAT injunction will remain in effect until they negotiate or the case proceeds to conclusion in what could be a long lawsuit," said Benbow.

Walsh said yesterday that Commissioner Arthur Webb, who heads the State Office of Mental Retardation and Developmentally Disabled, was "dismayed" over the court's decision.

Walsh said he expected an announcement on whether to appeal would be made today. He also said his own recommendation "would be to appeal the decision."