

## Judge rules against state on woodlands

By BARBARA MARTZ

State Supreme Court Justice Rose McBrien issued a preliminary injunction last week against the state's efforts to build group homes in the Corson's Brook Woods area in Willowbrook Developmental Center.

McBrien cited "irreparable damage to the environment and arbitrary and capricious action" on the part of James Walsh, director of the center, in planning to build the homes. Richard Buegler, president of Protectors of Pine Oak Woods had alleged in his suit that Walsh rushed into the plan "without full community participation or perhaps in avoidance of such participation."

McBrien said "The court sees no evidence as to how this particular site within the complex was chosen and why."

If the Office of Mental Retardation and Developmental Disabilities decides to appeal the decision, they will use a site analysis called an "Environmental Assessment and Negative Declaration" filed with

the Department of Environmental Conservation in Albany, according to OMRDD spokesman Lou Ganmon.

Joseph Fernandez, Director of Capital Development Services for OMRDD filed the papers with Henry D. Williams, DEC Commissioner on Nov. 21, three weeks after Buegler discovered the destruction of trees at the site.

The report states that the proposed Greenbelt "falls near the Corson's Brook Woods cite but "our design does not violate any of the proposed guidelines of the city's Staten Island Greenbelt Study."

However, the city's 1983 Greenbelt study states "The (proposed) Greenbelt includes public parks and environmentally significant areas including ... Corson's Brook Woods."

When questioned about

the discrepancy between the state's declaration and the Greenbelt report, Ganmon insisted, "We are comfortable with what that assessment says."

The state Environmental Quality Review Act requires that all state agencies complete an environmental assessment before building. If the area is environmentally significant, a full environmental impact statement must be filed.

The environmental impact statement begins with a draft to let other public agencies and the public know as soon as possible what the plans are and to ask for comments. A public hearing may be called and in any case the state agency must recommend alternatives to the proposed action.

According to a DEC spokesman, John Fergusson, The OMRDD report has not been filed

in the New York City regional office and once a negative declaration has been filed there is usually no further action.

Last March when Protectors of Pine Oak Woods first became alarmed about the proposal to build group homes in Corson's Brook Woods, they were assured by Assemblywoman Elizabeth Connelly, State Senator John Marchi and Walsh that their objections were premature and that community groups would be consulted before construction began. In a May 4 meeting of the Task Force on future use of the SIDC campus, this promise was repeated.

On July 6, Walsh met informally with some members of Community Board 2 to discuss the project. A presentation was made by Walsh to Community Board 2 on Sept. 18. Neither of the meetings were announced to the public.

Protectors complained to Edmond Murphy, chairman of Community Board 2, that they had not been informed of

Walsh's appearance. On Nov. 9, site clearance was begun for building the homes but Buegler obtained a temporary restraining order on Nov. 11 from Judge Royal Radin.