

Staten Island

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Rule on center appeal soon

By MARY ENGELS

The State Office of Mental Retardation and Developmentally Disabled expects to learn this week whether its appeal of a recent decision by a State Supreme Court judge prohibiting the state from clearing any more trees on part of the Willowbrook property will be upheld.

The Protectors of Pine Oak Woods, a local environmental group, had filed suit in November against the state-owned Staten Island Developmental Center, formerly Willowbrook, seeking a permanent court injunction to prevent the state from building four group homes for patients on the property.

State Supreme Court Judge Rose McBrien issued a preliminary injunction last December in favor of the Protectors to stop the building, while calling for a full trial to be held on the issues.

McBrien noted in her decision that the state had been notified last spring by the environmentalists that the land in question near Corson's Brook Woods 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," she ruled.

Lou Ganim, a spokesman for the state Office of Mental Retardation and Developmentally Disabled, said, "The state filed their notice of appeal on Jan. 2 in the Brooklyn Appellate Division.

"We are appealing on the basis that the record does not support the decision to issue the preliminary injunction. We are disagreeing with the interpretation of the facts."

Ganim also said the state has also moved for an expedited hearing so that the case will be heard as quickly as possible.

He said, "It is essential that we have it as soon as possible for there is a certain urgency to the matter since we have got the public stated policy to deinstitutionalize use of our grounds. Since we have a planned pace of opening of the community beds, this injunction is holding up the project."

TERENCE BENBOW, counsel for the Protectors, said he hoped it was "merely a technical legal step the state is taking to protect their position.

"The real focus ought to be on the governor's Task Force and a negotiated



Judge Rose McBrien

agreement among the various agencies that have a stake in the process of deciding the future of Willowbrook property."

Benbow said, "There is clearly room for Corson's Brook Woods as an environment center and for group homes at a different location, plus accommodating other important needs like the College of Staten Island and other pieces that will fit into the developmental center's 380 acres."