

# Setback for Greenbelt forces

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An environmental group was dealt a setback yesterday in its efforts to keep intact Corson's Brook Woods, a portion of which the state has selected as the site to build four group homes for mentally retarded residents of the Staten Island Developmental Center, Willowbrook.

In a unanimous decision, the Appellate Division of the state Supreme Court reversed Judge Rose McBrien who, in a Supreme Court interim order in January, granted the environmentalists a preliminary injunction, enjoining the state from removing additional trees and foliage from the site until a trial can be held for a permanent injunction.

The Appellate Division case was decided by Justices Vito J. Titone, Leon D. Lazer, James F. Niehoff and Isaac Rubin.

Terence H. Benbow, a lawyer for the environmental group, said he has not yet read the decision. However, he said the group will study whether to appeal to the Court of Appeals, the state's highest. Since the Appellate Division ruling was unanimous, the group would have to first seek permission from a Court of Appeals judge to present the case.

The Appellate Division said that the earlier order for a preliminary injunction had to be reversed because the environmentalists "failed to demonstrate a likelihood of ultimate success on the merits. . . ."

The appeals court also said the environmentalists' "conclusory allegations" were insufficient to support its motion.

The environmentalists claimed that the state had breached rules and regulations, as well as a contract between the city and the people of the state, in proceeding with construction.

However, the Appellate Division said the environmentalists failed to cite a specific rule or regulation, and were not clear on what contract had been created.

The Protectors of Pine Oak Woods initiated the court action in November after members noted that 40 trees had been removed, as well as underbrush, in connection with site preparation work for two of the group homes.

The homes will be built on four of the 40 acres that make up Corson's Brook Woods. The woods, on the grounds of the center, once known as Willowbrook State School, are located off Forest Hill Road, south of the Institute for Basic Research in Mental Retardation.

In 1983, the City Planning Department, following a study, recommended that the state transfer the wooded area to the Greenbelt, an area that runs through the heart of Staten Island and has as its goal the creation of a natural open space preserve from which development would be prohibited.

The Island's local community boards approved the transfer.

In early 1984, the state, through the Office of Mental Retardation and Developmental Disabilities (OMRDD), announced its intention to close the center by 1987, and took steps to transfer the center's remaining residents, about 750.

Under a 1975 federal court consent decree for the breakup of the center, which at one time had 6,000 residents, state authorities are required to place residents in group homes so that they can be reintegrated into the mainstream of society.

However, the center encountered community opposition to locating group homes.

OMRDD concluded that the best way to facilitate the placement of some of the remaining 750 residents was to build two 12-bed and two 24-bed facilities on the site in the woods.

The site was chosen because of its proximity to a residential neighborhood, to conform with the federal consent decree.

The Protectors of Pine Oak Woods have emphasized that they are not opposed to the group homes, only to the site that was chosen. The center has more than 380 acres.

In her decision, Mrs. McBrien noted that the federal plan to assimilate residents into the community has been in progress for nine years, and she saw no necessity for rushing into the housing project at this time at the expense of the environment.

She said that the state had failed to adequately explain why it had chosen the Corson's Brook site over other areas in the sprawling complex.