

## Corson's Brook: All over but the shouting?

The War of Corson's Brook Woods isn't over yet, but a decisive battle in a state appeals court could render the whole dispute moot.

Last week, the Appellate Division of the state Supreme Court struck down a temporary injunction issued by a lower court. That injunction had halted construction of four group homes in the woods while a court challenge to the construction moved forward.

In effect, the restraining order maintained the status quo while the two opponents — environmentalists and advocates for the retarded — stated their case in court. It was, we thought, a wise decision.

Now, however, with the injunction reversed, the state is free to build the group homes while the case is pending. And it will almost certainly move to do that as quickly as possible.

In so doing, it will present the courts with a *fait accompli*, a circumstance that will render the entire court dispute academic. Once the homes are built, there will be no court case to

argue.

As a matter of law, the temporary injunction was only a sideshow to the main court case, aimed at stopping the construction. But as a matter of reality, the sideshow was really the main event. If construction could continue while the case was being heard, the environmentalists would lose even before they could step into the courtroom.

That, in fact, is what has happened. With the injunction removed, the state may now build the group homes and effectively ruin one of the most prized woodlands on Staten Island. Unless the injunction can be reinstated by a higher court, and quickly, there is nothing more to debate.

We still believe that would be a mistake. There are other locations on which those group homes could be built, right on the developmental center grounds. In any case, barring the unexpected, it now appears the latest battle and, by default, the entire war, is over.