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SUFFOLK IS SUED IN ECOLOGY TEST

Citizens' Group Sees Harm
in County Zoning Practices

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HAUPPAUGE, L. I., Dec. 26—

A citizens' group has brought suit against Suffolk County, its 10 towns and 29 incorporated villages to block "the further development of their natural resources . . . until ecologically sophisticated, environmentally responsible criteria for such development have been established."

If successful, the suit would virtually halt all residential, commercial and industrial property development in the county, which has been one of the fastest-growing areas in the country.

"Present zoning regulations," said Victor J. Yannacone Jr., the lawyer for the group, Suffolk County Defenders of the Environment, "are ecologically unsophisticated, environmentally irresponsible, socially irrelevant and politically naive."

The case, which represents a major challenge to zoning practices, will be heard in Federal Court in Brooklyn on Monday.

Chief Judge Joseph C. Zabatt is expected to rule on a motion by Mr. Yannacone's group for an immediate trial by a three-judge panel and on a motion by Suffolk County that seeks a postponement and the release of county officials from having to testify. The county seeks also

Outgrowth of Earlier Suit

The suit is a larger sequel to an earlier action, still pending, brought against the county last August by the Yaphank-Middle Island Defenders of the Environment. That suit sought to block the construction by the county of a widened Rocky Point-Yaphank Road. The proposed road runs from Jericho Turnpike to Great South Bay and, according to the group, would contaminate and endanger two wildlife preserves and kill fish and marsh birds.

Both suits contend that, in a class action, the Ninth and Fourteenth Amendments of the Constitution are being violated.

Citing the phrase that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens . . . without due process by law," Mr. Yannacone, who lives in Patchogue and is active in environmental law, contends that these privileges include that of a "livable environment."

The Suffolk County Legislature has postponed consideration of the controversial road until later next month and is expected not to approve it.

The new suit declares that existing zoning laws "permit the development of the natural resources of the County of Suffolk . . . as merely a substrate for speculation, failing to determine the highest best use of each area of real property . . . in accordance with modern principles of real property utilization."

It goes on to say that such zoning laws "fail to establish effective criteria for real property development based on the physiographic, hydrologic, geologic, meteorologic and ecologi-

Sewage Problem Cited

The suit comes at a time when the county is much involved with environmental issues. The suit specifically comments on the area's sewage problem. Because the county is dependent on its ground water for its fresh water supply and because it has practically no sewers at present, the County Legislature this fall banned the sale of virtually all laundry detergents after March 1 because they were found to be contaminating the water supply.

Two countywide referendums were passed in November by a 2-to-1 margin amending the County Charter to include an environmental bill of rights and a revised planning and zoning article.

A comprehensive development plan for 1985, issued this summer by the Nassau-Suffolk Regional Planning Board, placed strong emphasis on the preservation of open space and advocated cluster, or planned unit development zoning, as a possible solution.

Leading ecologists, including Ian McHarg, the land-use planner, and Orie Loucks, director of the Environmental Sciences Institute at the University of Wisconsin, are expected to testify in this case. The group has scheduled public meetings to discuss it—in Mastic Jan. 5 and in Islip Jan. 12.

The purpose of the suit, Mr. Yannacone said, "is not to save birds, fish or ducks, but because people can't live if ecological atrocities continue to be perpetuated."

"This is the showdown confrontation," he said.