



# Strathmore

# OBSERVER

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BER, 1964

OCCUPANT  
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MATAWAN NJ

## Charter Change Approved

Matawan Township voters went to the polls on November 3 and gave the Civic Association a rousing vote of confidence. They approved by a vote of 2755 to 1948 the scrapping of the present committee form and its replacement by a seven-member council-manager form under Plan E of the Falkner Act.

In mid 1963 the Civic Association began a study of municipal government problems with the appointment of a Charter Study Committee. The committee urged the Association to support charter study in its report to the membership. The Association was instrumental in placing the charter study question before the voters and while the Township Charter Study Commission conducted its probe, the charter study

committee of the Association conducted its independent analysis. When the Charter Study Commission delivered its report, the Association's group urged the membership to support the change at the polls by voting "yes".

As a result, the members of the Township Committee, Mayor Henry E. Traphagen, Daniel H. Downey, Gilbert H. Hickman, Jay Krivitzky and Charles W. Dryden will serve until December 31, 1965, when the present five member committee form of government will cease to exist. Party primaries will be held in April, 1965, a general election on November 2, 1965, and the new government will go into effect on January 1, 1966.

### ASSOCIATION MEETING

to be held on

**Wednesday, Dec. 9**

at

**8:30 P.M. sharp**

in

**Regional High School**

## School Assistant Needed

The Education Committee of the Civic Association has made recommendations to the Regional Board of Education for incorporation into this year's school budget. The recommendations are a result of prolonged study by the committee. The committee believes that the expanding school system of Matawan Township and Matawan Borough demands the creation of the office Assistant Superintendent of Schools. The raising school population and its resultant problems point out the need for such an individual in our school system. The Superintendent of Schools would be relieved of the extra burdens created by this expansion and this could only result in an even more efficient school operation.

In addition to these duties delegated to the Assistant by the Superintendent, the new office would be responsible for coordinating the curriculum for the entire school system from elementary to high school. It would also head an in-service training program under which one teacher in each grade would be working

with the others in his grade to improve and coordinate the teaching efforts of each year. This is an effort that would be taking place in each grade of the school system.

The education committee believes this office could do a great deal to ease problems of expansion. The committee recommends that a team consisting of a school psychologist and social worker be appointed to serve the entire school system. This team would be assisted by a guidance counselor in each school and together they would devise a program for the entire school system - a coordinated program. Their work might entail, for example, grouping, individual needs, and helping each of the schools with its particular problems. Remedial reading teachers for each school would also be appointed to assist the team in implementing its plans. The guidance counselor would function within each school, helping the child to adjust to school and home situations and aiding the psychologist-social worker team in establishing a school-wide testing system. The creation of this team is considered essential in improving the school system as it continues to grow and expand. The team would help to formulate the types of programs that would be appropriate to our school

system for all learning levels and abilities.

The education committee recommends that the appropriation for library books be increased to \$4.00 per pupil in order to build an adequate library. The American Library Association recommends the figure as minimum per pupil expenditure. Currently the library is being staffed partially by volunteers. In order to ensure full-time use of the library, the education committee recommends a full-time librarian for each school, or a minimum of one librarian for the entire regional school district and a full-time assistant in each school.

Textbooks should be denied to any grade because of lack of funds. Additional supplementary textbooks should be ordered during the school year when necessary. The education committee recommends that funds be provided for active teacher recruitment to staff the new schools.

The committee pointed to these recommendations or incorporation into this year's budget as essential elements along with the building program and the improved teacher salary guide. The education committee's study concluded with the assurance that these recommendations continue our educational expansion in the proper direction.

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# Hospital Crisis Discussed

Harry Willey, president of the Board of Directors of the proposed Bayshore Community Hospital, discussed the hospital's financial crisis at the Civic Association's regular November meeting. President Herbert J. Parker said the discussion had special interest for Strathmore residents who have pledged money towards the hospital's building fund drive. Matawan Township accounted for over \$150,000 of the \$863,000 raised from area residents. This was the largest amount pledged in the Bayshore area. The hospital, to be built on a 17 acre site on Beers Street off Bethany Road in Holmdel Township, failed to qualify for a federal grant of funds under the Hill-Burton Act.

Disbursement of funds under the act is administered by the State of New Jersey which determines priority in accordance with federal regulations. The Hospital's Board of Directors is studying other possible financing methods. The Board will apply for federal funds under the Accelerated Public Works Program. The hospital is expected to cost \$2.5 million. Parker said the association believes the growth of the area necessitates the immediate construction of the Bayshore Community Hospital.

The Civic Association followed the idea of a hospital serving the bayshore area with the appointment of a hospital study committee early in 1964. The hospital study committee made its presentation to the membership in the spring of 1964 recommending support for the Bayshore Community Hospital.

# President's Corner

How small is your front yard "Levitt" shade tree? Your tree should have a seven and three-quarter inch circumference measured about one foot above the ground. The diameter is approximately one third of the circumference; that is, two and one half inches. The issue was raised after the Township Committee accepted the streets and all public improvements including shade trees in the last eleven sections of Strathmore at its meeting on November 16.

Arnold Rudley, Civic Associations's Zoning & Planning Committee chairman, tried to speak before the Township Committee voted to accept Levitt's work, but was not recognized. When finally permitted to speak, Mr. Rudley quoted Township ordinance requiring trees be at least two and one half inches in diameter. Measurements of trees in Fordham Park shown an average diameter of one and one half inches.

Picayune as it may sound the difference is significant, the diameter indicates how much foliage the tree has and its age; a tree one inch larger would be several years older and might even provide a little shade. Karl Heuser, the Township engineer, who recommended township acceptance of the Levitt work, said that he knew that the trees were less than required size before he made his recommendation, but did not consider it sufficient reason to withhold approval.

Some Strathmore residents, with their desert-like shadeless lots might well dispute this. We regret that the committee voted on the acceptance of Levitt's streets and other public improvements before giving the public a chance to express any objections. The committee action was legal because state law does not require a public hearing, however, it does not prohibit the Township Committee from hearing the public before taking such an irrevocable action. The Township government with its perpetually crowded schedule would be hamstrung if every vote action were preceded by public debate but the rule must be flexible enough to permit the public improvements.

## Bath Club to Meet

The Trustees of the Bath & Tennis Club mailed notices to members this month announcing their annual meeting to be held on December 8 at the Regional High School. The agenda for the meeting includes a resolution submitted to the members that would bar dances and alcoholic beverages on the club premises because of federal excise taxes.

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# New Zoning Proposed

The Planning Board is preparing a new industrial zoning code. The existing regulations which permit a wide range of industrial uses are much to lax considering the proximity of residential areas to all industrial zones in the Township. E. Eugene Oross Associates, the Township Master Plan consultant, has prepared a preliminary ordinance which was presented at the Planning Board's November meeting. Various improvements and changes were suggested and further discussion will be held at a special meeting of the Board on Wednesday, December 9.

The text as presented is in general a vast improvement over the existing law. The significant changes lie primarily in the establishment of exact measurable scientific standards for the control of smoke, dust, noise, and odor, the very things likely to inconvenience neighboring residential areas. Other major features of the proposal are; five acre minimum site, industrial park standards, buffer zones when adjacent to residential use, landscape requirements, and review by the Planning Board before granting a building permit.

# Township Sets Parking Hearing

A public hearing on a proposed ordinance on parking regulations will be held on November 30.

The new ordinance would would permit the Township to tow away stalled cars and prohibits street parking in special emergency zones when emergencies, weather conditions, celebrations or fires occur. The chief of police, or the senior police officer on duty, is empowered to declare the emergency. Persons with cars parked in the street would be notified to move their car or truck. The Township could tow away any vehicle at the owners expense and a fine or jail term or both could be imposed if the ordinance is violated.

## LOCAL LOG

For an interesting afternoon we recommend the Guild of Creative Art, Broad Street, Shrewsbury.

Currently, Jane Oliver, whose work is familiar to readers of "This Week" in their series entitled "American Scenes" is exhibiting her water colors. Her work has received many national awards as well as critical acclaim.

The Guild is open daily, noon to 5 p.m., except Mondays.



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## Deed Survey

At the time you closed title to your house you received a copy of certain Deed Restrictions applying to Strathmore. The purpose of these restrictions, as stated by Ernest Hurwitz of Levitt and Sons, is to insure the property values and high residential character of our community. These restrictions were put into our deeds for our benefit.

At present the only way to enforce these restrictions is through court action. However, many of the restrictions are proper subjects for a zoning ordinance. We do not have an ordinance of this type now in force applying to the Planned Community Zone. Therefore it seems advisable that we recommend to the Planning Board and the Township Committee that they adopt such a zoning ordinance for the Planned Community.

We wish to solicit the opinion of as many residents of Strathmore as possible on this subject. After all, the purpose of the Civic Association is to promote the desires of the residents. You will therefore receive in the near future a questionnaire on these restrictions. The answers to the questionnaires will be used as a guide in recommending to the Township a zoning ordinance for their consideration.

ASSOCIATION MEETING  
SECOND WEDNESDAY  
EVERY MONTH 8:30 P.M.  
REGIONAL HIGH SCHOOL

## Winter Protection For Your Home

Last year many of us had the unfortunate experience of getting snow in our attic during a particularly bad storm. Mr. Hurwitz of Levitt and Sons had advised me that the louvers in the attic may be blocked off during the bad snow winter months. This can be accomplished by nailing plywood on the inside of the louvers in the attic. The louvers in the wall can be similarly blocked. Be sure to unblock the louvers in the spring.

A garden hose should never be left connected to the hose faucet during the freezing weather.

If you are going to be away from home for an extended period in the winter, consult your homeowner's guide for the proper precautions to take.

### WE GET LETTERS

It is the policy of the OBSERVER to print letters to the editor when they are received. We welcome letters of interest to our readers. If you have something on your mind a suggestion, a criticism on local affairs write to:

Editor  
Strathmore Observer  
Post Office Box 100  
Matawan, New Jersey.

## Notes From The Education Committee

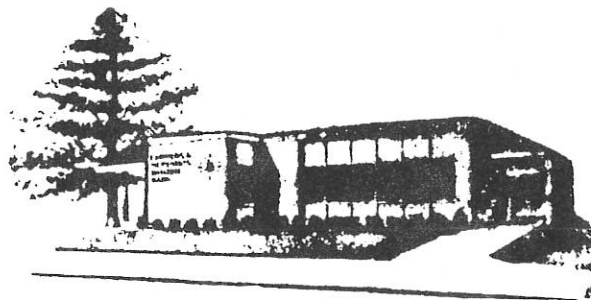
The Education Committee of the Civic Association meets the second Tuesday of each month at 8:30 P.M. in the Strathmore School. At each meeting, the committee discusses current educational trends, problems and possible solutions as well as related topics of interest to Strathmore parents and students. Guests are invited to speak on their specialities with a question and answer period following. So far this year, the guest line-up has included Mr. Nuncio, principal of the Cliffwood School, Mr. Rosenauer, president of the Matawan Professional Association. Mr. Rosenauer heads this teacher group and is an English teacher at the Regional High School.

In addition the committee has heard Messrs. Stachura and Sweeney, tow recently appointed vice-principals in our elementary schools. If you have suggestions, gripes or just like to listen and be well informed, visit the next meeting of the committee on December 8 at the Strathmore School at 8:30 P.M. when Edward Ledford, a member of the Board of Education, and Mr. Edward Scullion, Secretary to the Board, will talk on "The Making of a Budget" and "The Future of Matawan Education."

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# Levitt Moves For Summary Judgement

Levitt & Sons, Inc., moved for summary judgment in the action on the grounds that:

1. Plaintiffs were barred from commencing the action because it was not prosecuted within 45 days of tentative approval of Section 28 by the Planning Board on May 15, 1963;

2. Plaintiffs as citizens and taxpayers have insufficient standing to prosecute the action;

3. The Court is powerless to grant affirmative relief by way of mandamus in an appeal from municipal action in the nature of certiorari; and

4. That the sewerage system and plant, storm drainage system, water system, school site and commercial center may be included in the 15% calculation of land areas allocated to recreational, municipal, community service and general open uses.

We prepared and filed a memorandum of law, copy of which has heretofore been supplied to you, in opposition to the above arguments, and the case was argued before the Superior Court, Law Division on August 27, 1964 for approximately two hours. During this argument all phases of the case were fully discussed.

The Court has now prepared an opinion, dated November 4, 1964, in which the motion of Levitt & Sons for summary judgment was granted. Parenthetically, it should be noted that the Township of Matawan, through its attorney, joined with Levitt in the motion for summary judgment against the plaintiffs.

The opinion of the Court decides only one of the foregoing issues, namely, that plaintiffs did not commence the action within the time required. Therefore, this letter will consider that point alone.

Levitt relied upon the statute that provides that tentative approval of a plat shall confer upon the developer the right for a three-year period that the general terms and conditions upon which the tentative approval was granted will not be changed. Tentative approval of Section 28 was granted on May 15, 1963, and no appeal was taken therefrom. Final approval was granted on July 17 from which appeal within ten days was taken to the governing body.

Levitt argued that the citizens were obliged to appeal from the May 15 tentative approval, either to the governing body within 10 days or to the Courts within 45 days as required by the Rules of the Court, or be forever barred.

In our brief we raised the following points in opposition to this argument:

1. That the statute only provides that the municipality may not change testa-

tive approval of a plat for three years—it interposes no bar to private citizens or the Court.

2. No change is being made in tentative approval, because it is final approval from which this appeal was taken. The statute only protects tentative approval for three years, not final.

3. The matter must be placed in its proper perspective. We are not discussing a change in the general terms and conditions of the entire development. Section 28 involves only 12 homes and 8 acres out of 1905 homes and 770 acres which means that the appeal involves less than 1% of the number of homes and that 99.37% of the development has been completed as tentatively proposed. We then cite the case of *Hilton Acres v. Klein* which held that the purpose of the three-year immunity was to prevent major or substantial disturbance to the plans of developers by the local authorities for a period of three years. It could scarcely be asserted that changing Section 28 from residential to recreation was "major or substantial" and further it was not being done by the local authorities, but by citizens. A similar interpretation has been placed on this statute by other New Jersey cases.

4. Finally, the very Court Rule (4:88-15) which requires appeal within 45 days from a determination of the Planning Board, then goes on to say, "Where it is manifest that the interests of justice may enlarge the period of time . . ."

Notwithstanding these arguments, the Court held that by failing to appeal within 45 days from tentative approval (May 15, 1963) the plaintiffs are barred from bringing the action and summary judgment was granted.

Two events of importance occurred between the time this action was commenced and the decision of the Court:

1. Section 28, which had been vacant land and would have been available for recreation, was built upon by Levitt, and presumably the houses have been sold to individual citizens by this time. A judgment in favor of the plaintiffs could have been implemented only by razing these houses unless some type of settlement were reached between the parties.

2. The case of *Nelson v. South Brunswick Planning Board* was decided on June 23, 1964 and published in the advance reports in July. This case squarely held, for the first time in New Jersey, that an appeal must be taken within 45 days from tentative approval of a subdivision plat by a Planning Board.

It is very probable that these events tipped the scales of justice in favor of Levitt even though, in the final analysis, the Court may, under the Rules, enlarge the time to appeal "where it is manifest that the interests of justice

require." It is clear that the Court decided that the interests of justice did not require such treatment in this case.

Because the decision of the trial court is usually final in determining what constitutes "the interests of justice" and because of the recent holding in *Nelson v. South Brunswick Planning Board*, I do not believe that an appeal would be likely to be successful. This, even though I feel, as I am sure you do, that our arguments are forceful and that the interests of justice do require a determination on the merits, which has now been denied by this procedural bar.

Very truly yours,

ROBERT M. WOOD

## Green Acres Aid

Green Acres money may be available to the Township for land acquisition of recreation sites and a community center. Howard Wolfe, director of the Green Acres program, will meet with the Township Recreation Commission, November 23, to discuss the program.

The state has between 2 and 3 million dollars left in the program. Herbert J. Parker, association president, pointed out that, in addition, the township is eligible for federal assistance under the Community Facilities Act administered by the Housing and Home Finance Agency. The agency, under its public works program, provides the funds for plans and specifications and construction of public buildings located in municipalities under 50,000 in population.

A civic association study committee is presently investigating the relative merits of the community center proposals as well as financing and the entire question of recreation land.

## THE POET STRIKES BACK

I think that we may never see  
Some shade from Strathmore's "shady"  
trees;

The trunks appear to be so small  
There hardly is a tree at all;  
"Though only God can make a tree,  
We'd like ours big enough to see!"

## NEIGHBOR THANKS

Mrs. Norma Londner of 33 Icemeadow Lane acknowledged with thanks the kind deeds and expressions of sympathy of all her friends and neighbors on the recent death of her father, Anker Solberg of Derby, New York.

## SEE HOW MATAWAN TICKS

ATTEND A TOWNSHIP COMMITTEE  
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## EDITORIAL

## What's on First?

*In the scramble for public improvements in Matawan Township much has been said about roads, schools, sewers, sidewalks, and water. With so much needed, we feel like Thursday's Child having so far to go. Recently library sites have been proposed. But generally there has been a lack of public interest in the local library. Now the Borough and Township Master Planners, as well as a special consultant to the Joint Library Board are studying locations for a new library building.*

*What is needed is a comprehensive library program in relation to both Master Plans and the Regional School District educational needs.*

*The time has come for the Joint Library to get the needed support and interest from all segments of the community; Marc Woods Cliffwood and Strathmore.*

## Toastmasters Elect New Officers

The Matawan Toastmasters at a recent meeting elected the following officers: William Pyle, President; Edward Libutti, Vice-President-Education; Gerald McCoy, Vice-President-Administration; John Belenda, Secretary; John Driscoll, Treasurer; Harold Shoop, Sergeant at arms. During the last regular meeting of the club a program of talks was given by Edward Richie, Dave Young, and Gerald McCoy. Edward Richie was chosen as the outstanding speaker of the evening by the members present. The Matawan Toastmasters Club still has several openings for membership. Any men interested in improving their public speaking are invited to attend a meeting. For further information call Harold Shoop, 566-3489.

## STANDING COMMITTEES

Taxation—John Skvarla	7224
Zoning—Dan Millman	8279
Education—Frank Gilbert	5720
Recreation—Carmine Caffera	8283
Streets & Safety—Sheldon Pivnick	8319
Membership—John Driscoll	8770
Property & Utilities— Steve Levine	7523
Public Information— Norman Brenner (Act. Chmn.)	1963
<b>TEMPORARY COMMITTEES</b>	
Scholarship Program— James Snyder	7284
United Fund Study—Jon White	7697

## Residents Now Eligible For Board Membership

For the first time a Strathmore resident is eligible to run for a seat on the Regional Board of Education. The Regional Board of Education is composed of nine members, five elected from the Township and four from the Borough. This February, the term of one member from the Township will expire.

The State of New Jersey set few legal qualifications for Board Membership. It requires that a Board member be able to read and write, that he shall have been a resident of the School District for at least two years immediately preceding his becoming a member, and that he shall not be interested directly or indirectly with any contract with or claim against the Board.

## Martinis, Yes

Housewives should be warned not to mix different cleaners in the hope of removing more dirt, because such mixtures can release toxic gases.

Some commercial cleaners are themselves mixtures of otherwise safe ingredients, until a homemade additive changes them into a toxic gas. Mixing cleaners is a common practice among housewives. Most commonly combined are sodium hypochloride and ammonia or vinegar. Sodium hypochloride is contained in many bleaches and when vinegar is added, chlorine, a highly corrosive gas, is released.

Chlorine produces coughing, choking, headache and dizziness. When sodium hypochlorite is added to ammonia, large volumes of ammonia gas are given off. Breathing ammonia irritates sensitive membranes and can cause pneumonia.

Our thanks to Steve Cocheo of 36 Ivanhoe Lane for sending us this warning.

## BATH-TENNIS CLUB PLANS FIRST DANCE

The Trustees of the Strathmore Bath and Tennis Club are in the process of planning their first annual winter dinner-dance. The Club will hold the affair on February 21. Details will be announced at the annual meeting of the membership on December 8 at the Regional High School.

## SCHOOL GETS BIDS

A low bid of \$71,500 for site preparation of the 39.3-acre tract on Lloyd Road was received recently by the Regional Board of Education. The bids were referred to architect Henry Finne.

The work includes removing 100,000 cubic feet from a bog and refilling the area. Under plans of the board, a kindergarten to eighth grade building will be located on the tract under a \$2,625,000 bond issue authorized by the voters. A kindergarten to sixth grade school would be built in a later phase.

## Case Dismissed

Superior Court Judge Elvin R. Simmill has dismissed the suit by Strathmore residents over land allocation within Strathmore. He has upheld a motion by Levitt and Sons, Inc., and the Matawan Township Committee. Simmill ruled that appeals of preliminary approval must be made within 45 days to be considered by the courts. Preliminary approval was granted to Levitt and Sons in May 1963.

& Judge Simmill held that the home owners had not started their law action within time limits spelled out in the law and therefore were now barred from obtaining a review on the merits.

He said the developer must be allowed to minimize the risk of his investment by having the plans jeopardized by court review beyond the time limit. Robert M. Wood, attorney who tried the case, said that once a final judgment is signed an appeal may be filed within 45 days.

The contention was that Levitt and Sons had failed to meet a requirement in the planned community ordinance or allocating 15 per cent if the land or non-residential use, recreation land first step Levitt and Sons contended the 15 per cent included some land uses or purposes specified in the ordinance, such as drainage areas, schools, and church sites, among others. Fred G. Steckel, attorney for Levitt, had argued that the suit should be dismissed since once preliminary approval is granted, Levitt could not be compelled by the township to meet the demands. The ruling was only on the legality of hearing the case and not the legality of the contention. The case has yet to be tried in chancery court. In May 1963 less than half of the homes in Strathmore were occupied. Details of the court decision may be found in Robert M. Wood's letter to the Civic Association elsewhere in this issue of the Observer.

## For Weather, Call...

With winter approaching and the bad weather not far behind, one frequently vexing problem can be at least partially solved. Bayshore area weather is not accurately forecasted by either New York or Newark weather reports.

New York radio and television stations receive their weather information from the weather bureau located atop 30 Rockefeller Plaza. Temperature readings are taken at Central Park. The Northern New Jersey stations receive information from the weather bureau at Newark Airport.

The best weather forecast for the Bayshore area can be had by calling 229-0199. This is the telephone number of the United States Weather Bureau observer in Long Branch. He maintains a tape recorded weather advisory service. Local Radio stations are another excellent source. They include local weather forecasts during their news broadcasts on the half-hour. They are: WJLK, 1310 AM, 94.3 FM; WHTG, 1410 AM, 105.5 FM.

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**Wedding Invitations — Announcements**

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Name .....

Address .....

Phone Number .....

I am interested in joining the following committee:

- |                          |                        |                          |                    |
|--------------------------|------------------------|--------------------------|--------------------|
| <input type="checkbox"/> | Education              | <input type="checkbox"/> | Public Information |
| <input type="checkbox"/> | Property and Utilities | <input type="checkbox"/> | (The Observer)     |
| <input type="checkbox"/> | Taxation               | <input type="checkbox"/> | Streets and Safety |
| <input type="checkbox"/> | Zoning and Planning    | <input type="checkbox"/> | Recreation         |
|                          |                        | <input type="checkbox"/> | Membership         |

We would appreciate your comments on the Association, its past and suggested future activities.

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