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SCOTCH PLAINS-FANWOOD, N.J.

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## Injunctions "Dirt" Ordinance Enforcement

The "dirt" ordinance, long awaited by many residents of Scotch Plains, was to have become effective last week. As written, it set restrictions and restraints upon the operations of topsoil and dirt businesses within the Scotch Plains community, setting forth limits on where dirt piles could be in relation to sidewalks and private residential properties, hours of the day for operation, etc. However, the ordinance is not presently enforceable. A local operator of a topsoil business, Dominick Verdic, has obtained a temporary injunction against the enforcement of the ordinance. He obtained the injunction from Judge Irwin J. Kimmelman of the Chancery Division of the Superior Court. Judge Kimmelman will hold a preliminary hearing on May 11 on the subject of whether to continue the injunction or not. The injunction served upon the township just hours before the effective date of the ordinance, is effective only until the May 11 date.

Judge Kimmelman also conducted the preliminary hearing six months ago, when neighbors of the Verdic business combined with township officials in seeking shut down of the Verdic business on the basis of public and private nuisance. At that time, Kimmelman refused to shut down the Verdic operation entirely until the case is heard, but he did set restrictions on the height of the dirt piles, etc.

In addition to the suit regarding the legality of the "dirt" ordinance, Verdic has also filed a separate counter claim against neighbors and township officials, seeking compensation for a total of 42 alleged instances of "harassment." Verdic claims that the officials and neighbors have attempted to drive him out of business. Named in that suit are

four of the five members of the Township Council (Councilmen Alan Augustine, Albert Theurer, Lawrence Newcomb, and Walter Grote), Scotch Plains Police Chief Joseph Powers, Health Officer Joseph Mottley, Zoning Officer James McCann, and homeowners Fred Johnson, Philip Wusterfield, Firman Arrow-smith, Chester and Genevieve Pawellak, Rose Pellegrino.

The Verdic business was originally operated as a nursery, with small shrubs and bushes, from the corner of Flanders Avenue and Second Street, in the middle of the Second Street business area, just across the street from the Board of Education offices. The business switched to a dirt and topsoil operation some time ago, with an accompanying

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## Attorneys Charged In Subdivision Hassle

Fanwood Planning Board Attorney Robert H. Kraus, his law partner, and another local lawyer have been charged with representing two separate parties, expecting income from both. A suit has been filed in Superior Court in Union County by Leon J. Yarusi and his wife, Paula, operators of the Lemon Tree at 200 South Avenue, seeking damages from Kraus; his partner, Robert L. Shear; attorney Charles B. Thatcher, Jr. and Capital Savings and Loan Association.

According to the Yarusis, they bought their property on South Avenue in 1969. It had 180-foot frontage on Avenue. The beauty shop takes up only one-fifth of the tract.

The couple claim they were approached in October of 1971 to sell some of their property to Capital Savings for construction of a branch bank at the corner of South Avenue and Second Street. The branch is now under construction. Shear was retained to draw up the contract, and the Yarusis were to obtain a preliminary minor subdivision from the planning board. They would share Capital's parking lot.

The complaint alleges that Shear went to the Yarusis on Sunday, November 7, 1971 with a contract. The Yarusis reported that Shear said the contract was necessary so that Capital Savings officials could prove to state banking authorities that they had a reasonable prospect for land acquisition for the branch bank. The contract included an attached property survey with a penciled line showing the portion of the property to be sold to Capital. Yarusis said they signed the papers.

Two months later, Mr. Yarusi claims Shear's office asked him to meet to discuss parking. He was told Capital would only grant the Lemon Tree seven parking places. When Yarusi registered objections, he said Shear said there would be mutual parking by law once the subdivision was approved by the Planning Board.

The Yarusis said that, unknown to them, Charles Thatcher Jr. appeared before the Planning Board claiming to be acting in their behalf and presenting to the Planning Board a parking plan which was not that originally proposed by Shear. The Yarusis said they first learned of Thatcher's role when they met with

## Home Owners Tell Of Vandalism Problems

### Listening Post

The regular monthly Listening Post session conducted by Scotch Plains Committeemen Alan Augustine, Walter Grote and B. Lawrence Newcomb has been set for Saturday, from 10 to 12 noon. Building Inspector and Zoning Officer James McCann will be available for questions. The public is invited to the informal meeting, which is held on the first Saturday morning of each month in the Committee Chambers; Municipal Building, Park Avenue, Scotch Plains.

## Two Women On Ballot In Fanwood

Last Thursday was the final filing date for candidates in the June primary elections. The Fanwood ballot will carry the names of two females, each running from a different party for a seat on the Fanwood Borough Council. The Republican candidates include Mrs. Joan Geer and Fred Howlett. The Democrats will run incumbent John Swindlehurst and Democratic Club president Mrs. Carol Whittington. The two seats in contention are currently held by Democrats Swindlehurst and Stephen P. Ritter. However, Ritter will not seek re-election.

This is the first year in the 78-year history of Fanwood that no Republican incumbents are up for re-election.

Mrs. Whittington lives at 393 Midway Avenue. She is president of the Fanwood Democratic Club, a Democratic municipal committeewoman, and is active with Girl Scouts, PTA and other civic organizations.

Swindlehurst was elected in 1970, when he and Stephen Ritter upset the 76-year history of exclusively Republican representation on the Fanwood governing body. He was defeated in a bid for the mayoralty last year.

Kraus and Shear at their offices in February of 1972.

Furthermore, according to the Yarusis, they were shown a sketch of the subdivision which was not that originally shown them, but one which added seven feet to the land they were to convey to Capital. The subdivision sketch was dated November 8, 1971, they said, which is the day after they signed the contract. They claim it was revised 10 days later. The description of the property in the contract had been changed, they said. The new contract had a November 8, 1971 date and an undated, unsigned addendum never before seen by them, the Yarusis say, and that addendum changed

## Councilman Notes Police Department Limitations. Asks Parents Cooperation

Several residents of the Mohawk Lane, Fenimore Drive area attended Tuesday's meeting of the Scotch Plains Town Council to express their deep concern over continuing vandalism in their neighborhood. Arthur Neal of Mohawk Lane said in two years of residence here, he has lost four mailboxes and has deep ruts cut across his front lawn by automobiles at least every six months. "It's not fun, it's destruction of property," Neal said. He asked for a recommendation from the Council on appropriate action.

Robert Reinhardt, also of Mohawk Lane, pointed out that the street is a short dead end, which is away from any traffic patterns from neighboring communities. He is certain the vandals are local people. He has lost \$150 in shrubbery lamps, and mailboxes are ripped loose repeatedly causing cessation of delivery until a new box is installed. "We're not talking about litter. We can pick that up. This destruction to lawns is not repairable," he concluded.

Merle J. Smith of Fenimore Drive said he represented six homeowners in expressing similar concerns.

The Council will arrange a meeting with the homeowners, and with cooperation it is hoped that a surveillance team from the neighborhood might work with the police. Councilman Walter Grote pointed out that the vandalism occurs elsewhere in the community as well, particularly in the Scotchwood area. Mayor Kitsz cited complaints from many areas, but "there's just so much a 40-man police force can do," he said.

Kitsz said he welcomes suggestions. The problem is not unique to Scotch Plains, but it is here, and we "need more assistance from parents who should know where children are at night."

Councilman Albert Theurer has always been particularly interested in the subject. He feels the vandalism is becoming worse and worse, and urged that all homeowners in a neighborhood be very alert and attempt to get license numbers when such instances occur.

The Council passed five ordinances on Tuesday. One adds an additional \$20,000 from capital improvement for completion of the Lamberts Mill Road pumping station. Another appropriates \$30,000 from capital improvement. Under ordinance, \$35,000 is allotted from capital improvement for purchase of a street sweeper, a pickup truck, dump truck and leaf picker for the terms heretofore agreed upon.

Mr. and Mrs. Yarusi say they signed other documents before they discontinued relations with Shear last October. These included an application for a building permit for Capital, they state, and claim that they signed the building application because they

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the department of public properties. Two ordinances involve the police department (i.e. accident reports, records, etc), while the second establishes fees for police escort service. The escort service is primarily for the transportation of sums of money from local businesses to banks.

Thomas DeLuca questioned the escort service fees. He wondered whether a taxpayer who expects safety and protection isn't paying twice when he must pay for the escort service. However, it was pointed out that the escort service is a service to businesses and under the ordinance is beyond the normal scope of police duties.

In other actions, DeLuca expressed distress at a recommendation from the Board of Adjustment which would permit a two-family home. He feels the criteria for granting permission for two-family homes must include proof of hardship. The two-family homes draw more children, who must be educated. This education represents an increase in burden for the tax-paying public, he said.

The Council approved a Board of Adjustment recommendation which allows Harry P. Cordts of Berkeley Heights to erect a two-family home on two lots, one facing on 2510 Broadway, the other on 709 Jerusalem Road. Council Albert Theurer voted in the negative.

The recommendation from the Board of Adjustment pointed out problems in building a single-family home on either one of the lots because of sloping of lots.

## Board Of Education Will Listen

The Scotch Plains-Fanwood Board of Education will hold a "Listening Post" session on Saturday, May 5 in the Band Room of Scotch Plains-Fanwood High School. All residents are welcome to avail themselves of the opportunity for informal discussion of topics of concern during the session, which will be held from 10 a.m. to 12 noon.

It is expected that residents concerned with redistricting will avail themselves of the opportunity for discussion with board members.

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PAGES 29-30-31