

# SUFFOLK IS FACING ZONE CHALLENGE

## A Mixed-Income Community on 400 Acres Planned

By DAVID A. ANDELMAN  
Special to The New York Times

CENTERPORT, L. I., Feb. 27—The Suburban Action Institute, a nonprofit urban planning and civil rights organization, said last night that it planned to build a mixed-income community in western Suffolk County and at the same time challenge "restrictive zoning throughout Long Island."

The institute is prepared to spend \$50-million to \$150-million on the project, according to Paul Davidoff, the institute's director. The project would include 4,000 to 6,000 units of rental and condominium-type housing of one and two stories in attached town house type of blocks and commercial and shopping centers, schools and recreational facilities.

Mr. Davidoff said these would probably be spread out over more than 400 acres of land, although he declined to be more specific on the size of the tract until a precise location is selected.

### Patterned After Ramapo

Mr. Davidoff announced his plans at a meeting of the housing coalitions of the Towns of Brookhaven and Huntington at the First Congregational Church here, saying that the development would be patterned on a \$150-million planned community at Ramapo Mountain near Mahwah, N. J. That development included in its 720 acres shopping areas, transportation centers, schools and recreational facilities as well as housing for low, moderate and middle-income families.

No site has been chosen for the Long Island development, but Mr. Davidoff, executive director of the Brookhaven housing coalition, said that the township of Brookhaven in west-central Suffolk County was the most likely location.

The institute already has money for such a project, Mr. Davidoff said, although efforts to attract additional funds and donations would be made on Long Island over the next several months. He said that he expected a plan and a site to be chosen by the early summer at the latest.

Charles W. Barraud Jr., Brookhaven Town supervisor, said that he thought the Suburban Action Institute would have "an uphill fight all the way."

"When they dream, they dream big," he declared. "As far as I'm concerned, they are going to have to abide by zoning ordinances, but of course I cannot prejudge an application. We'll have to find out just where they are proposing any such plans."

### Tests in Jersey

The challenges to the zoning laws and their implementation, Mr. Davidoff said, would be patterned on similar court tests in New Jersey that were in part an outgrowth of the Ramapo Mountain project. Two of these suits will be heard on appeal Monday by the New Jersey Supreme Court.

Mr. Davidoff said he was concerned about the use of one acre and larger zoning in a number of communities in Nassau and Suffolk Counties as a "method of excluding minorities who cannot afford housing built on such excessively large plots."

"When we finally select the specific site, we'll make a proposal for a community for all income groups," Mr. Davidoff said, adding that there might be serious opposition to the project. "Then we'll see if it will be accepted."

# CONVICTION OF BLACK OVERTURNED BY NAVY

SAN DIEGO, Feb. 27 (AP)—The Navy said today that it was overturning the riot and assault conviction of a black crewman from the aircraft carrier Kitty Hawk in whose case a civil suit was filed alleging perjury by a Navy witness.

Capt. Charles Merryman, commander of the Fleet Air Command, dismissed the conviction of Seaman Cleveland Mallory, 19 years old, of Pittsburgh in what a spokesman called a routine review.

The action, Captain Merryman said, was based solely on records of the special court-martial at which Seaman Mallory was convicted of assault and riot during racial clashes aboard the aircraft carrier at sea last Oct. 12-13. Captain Merryman said that he did not have copies of the suit filed in United States District Court last Friday by the National Association for the Advancement of Colored People.

In its suit, the N.A.A.C.P. cited excerpts from a transcript of taped conversations in which a white Navy witness allegedly admitted that he had lied in the Mallory trial.

Seaman Mallory was given a bad conduct discharge and reduced in rank to seaman recruit but now will be returned to the rank of seaman, a Navy spokesman said. His personnel records will be purged of any information dealing with the trial.

# Art Smith, Stage Actor, Dead; Won Acclaim in Play by Odets

Art Smith, a retired Broadway and Hollywood actor and member of the now defunct Group Theater, died Saturday of a heart attack at a nursing home in West Babylon, L. I. He was 73 years old.

Arthur Gordon Smith made his acting debut in Chicago in 1924. He first appeared on Broadway in "Broken Dishes," which ran a year.

Later, he won a New York Critics Award for his performance in "Rocket to the Moon," a Clifford Odets play staged by Harold Clurman and produced by the Group Theater, of which both Mr. Odets and Mr. Clurman were founding members.

Brooks Atkinson, drama critic of The New York Times, wrote that Mr. Smith's award-winning performance "reaches into the soul" of the character and showed "tremendous insight and force of emotion."

Mr. Smith also won favorable notices for his appearances in Odets's "Golden Boy," in which he acted both in the original 1938 Group Theater production with Luther Adler and in the 1952 revival with John Garfield.

Among other performances were his roles in Eugene O'Neill's "Anna Christie" with Celeste Holm and Kevin McCarthy in 1952 and Ibsen's "An Enemy of the People," adapted by Arthur Miller in 1950, with Fredric March and Morris Carnovsky.

The Group Theater was a politically committed acting company whose productions focused on the economic conditions of the nineteen-thirties. In that vein, Mr. Smith played a part in the movie "Native Land," an impassioned documentary film on American civil liberties narrated by Paul Robeson.

Mr. Smith also played in such Hollywood productions as "South Sea Sinner," "Red, Hot and Blue" and "Brute Force."

Mr. Smith's last appearance in the television play "Do Not Go Gentle Into That Good Night" by Loring Mandel in October, 1967.

He is survived by a son, Craig Gordon Smith of Myrtle Beach, S. C., and two granddaughters.

# City Council Unit Clears Way For Environment Control Panel

A 15-week bottleneck that delayed enforcement of the city's air and noise pollution laws was broken yesterday when a City Council committee approved Mayor Lindsay's four civilian nominees for the Environmental Control Board for a candidate opposed by the Councilmen withdrew his name from consideration.

The City Council's Committee on Rules, Privileges and Elections had opposed the disputed nominee because some of its members felt he was unqualified.

In a letter to the committee dated yesterday, Dr. Vincent L. LaBruna, a Park Avenue dentist who committee members had felt had not shown "sufficient concern" on environmental matters to warrant designation, withdrew his name.

Dr. LaBruna, who had been questioned by the committee some time ago, said he was withdrawing because of numerous professional obligations, including his duties as chief of orthodontics at Columbia Hospital.

The Mayor's office immediately proposed as a fourth nominee Dr. John F. Osteritter, a physician and health services consultant. Dr. Osteritter said he had received a call yesterday from Environmental Protection Administrator Herbert Elish, whom he had never met, asking that he serve on the board.

Mr. Elish is chairman of the JOHN P. MURPHY Special to The New York Times

ALLENDALE, N. Y., Feb. 27—John P. Murphy, a dog handler and judge, died yesterday of a heart attack in Valley Hospital, Ridgewood. He was 67 years old and lived on Forest Road.

Mr. Murphy rose to the top of the profession in 1967 at the Westminster Kennel Club show in Madison Square Garden, when the Scottish terrier he was handling, Ch. Carmichael's Fanfare, owned by Mr. and Mrs. Charles C. Stalter, took top honors.

Later he became a dog-show judge, one of the comparatively few licensed to judge every breed, at contests here, in Canada and Europe.

Surviving are his widow, the former Kathleen Lynch; two brothers and two sisters.

JOSEPH A. SOLOVEI  
Joseph A. Solovei, of 10 Plaza Street, Brooklyn, a lawyer, died yesterday at Brooklyn Jewish Hospital. He was 83 years old and had his office at 16 Court Street, Brooklyn.

Mr. Solovei served briefly in 1957 as a justice of the Municipal Court on an interim appointment. He was a graduate of the New York University Law School in 1910.

Between 1932 and 1962, Mr. Solovei served several terms as president of the Kings County Criminal Bar Association. He was also a trustee of Brookdale Hospital Medical Center in Brooklyn.

Two sisters, Sarah and Anna, survive.

# Doc Hayes, S.M.U. Coach, Dies With Wife in Crash

TERRELL, Tex., Feb. 27 (AP)—E. O. (Doc) Hayes, former basketball coach at Southern Methodist University, and his wife, Kathleen, died in a one-car crash yesterday. He was 67 years old.

Mr. Hayes's Mustangs won eight Southwest Conference titles for him in his 20 seasons at S.M.U. From 1947 to 1967, he set a record for most career victories by an S.M.U. coach, 299. His teams lost 192 games in that period.

Under his coaching in 1956, the Mustangs, led by all-American Jim Krebs, finished fourth nationally.

After retiring as head coach at S.M.U. in 1967, Mr. Hayes served as a special associate there for two years before joining the Dallas Chaparrals basketball team as director of player personnel for two years.

The Hayeses leave two sons, Richard and John.

# George W. Harris Dies; Founder of Steel Company

George W. Harris, a founder in 1915 of the Harris Structural Steel Company, died yesterday in Lenox Hill Hospital. He was 87 years old and lived at 975 Park Avenue.

The Harris company fabricated and put up the steel work for the Castleton, Rip Van Winkle and Kingston bridges across the Hudson River and the Brooklyn tower of the Verazano Bridge across the Narrows. It also did steelwork for many public and private buildings here, including the Port Authority Bus Terminal on West 40th Street.

Surviving are a daughter, Mrs. Marjorie Raabe; two sisters, Mrs. Nancy Schaefer and Mrs. Ethel Snyder; four brothers, Arthur, Edward, Thomas and Walter, and two grandchildren.

# CHARLES A. BIGELOW

Special to The New York Times  
WILMINGTON, Del., Feb. 27—Charles A. Bigelow, a retired vice president and director of Hercules, Inc., manufacturers of explosives, died at a retirement home here Friday. His age was 95 and he maintained homes here and in Essex, N. Y.

He leaves his wife, the former Ethel Van De Water Rapelye; a daughter, Mrs. Fredrick A. C. Wardenburg; four grandchildren, and five great-grandchildren.

# JAMES E. MERRILL

James Edward Merrill, who was a partner of Merrill Lynch, Pierce, Fenner & Smith, until he retired as vice president in 1964, died Monday at New York Hospital. He was 73 years old and lived at 1140 Fifth Avenue.

He leaves his wife, the former Claire Leness; two sons, James S. and George V., and a sister, Kathryn Merrill.

# Deaths

CAGAN—Raymond A. suddenly Feb. 26th, 1973, of 127-10 35th Ave., Bayside, N.Y. Grandchildren: Susan, daughter of Joseph Cagan, and Steven Cagan, son of Joseph Cagan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

CALLOW—Grace M., of 185 Haviland Rd., on Tuesday, wife of the late William K. Callow. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

CARTO—Norman R., suddenly, February 26, 1973, of 127-10 35th Ave., Bayside, N.Y. Grandchildren: Susan, daughter of Joseph Cagan, and Steven Cagan, son of Joseph Cagan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

CASTRO—Amalia, Teachers' parents and children of P.S. 4, Manhattan deeply mourn the loss of beloved and devoted mother, Amalia Castro, who died of cancer on Tuesday, Feb. 27, 1973, at her home, 112 E. 12th St., Manhattan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

CHAMIN—Henry I., The Officers of the United Jewish Appeal of Greater New York deeply mourn the passing of Henry I. Chamin, a devoted and beloved brother of the late Mrs. Chamin, who died of cancer on Tuesday, Feb. 27, 1973, at her home, 112 E. 12th St., Manhattan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

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# Deaths

FITCH—Florence Lee, of 1515 10th Ave., N.Y. on Feb. 26, 1973, of 1515 10th Ave., N.Y. Grandchildren: Susan, daughter of Joseph Cagan, and Steven Cagan, son of Joseph Cagan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

FRANK—Rose (nee Shriver), wife of Irving Frank, died of cancer on Tuesday, Feb. 27, 1973, at her home, 112 E. 12th St., Manhattan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

FREEMAN—Lena, Beloved mother of Raymond, Dear sister of Pearl Sherman and sister of the late Mrs. Freeman, died of cancer on Tuesday, Feb. 27, 1973, at her home, 112 E. 12th St., Manhattan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

GALSTON—Ester K., Beloved wife of the late Samuel H. Galston, died of cancer on Tuesday, Feb. 27, 1973, at her home, 112 E. 12th St., Manhattan. Funeral services: 10:30 A.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

GIBSON—John Patrick, of N.Y.C. on Feb. 26, 1973, of 100 Amsterdam Ave., N.Y.C. on Thursday, Feb. 28, 10:30 A.M. Burial: 1:30 P.M. at the Hebrew Home, 140 E. 86th St., Manhattan, on Thursday, Feb. 28, 1:30 P.M.

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