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1989

PUBLIC HEARING

before

SENATE TRANSPORTATION AND COMMUNICATIONS COMMITTEE

To receive testimony concerning public use airports  
in the State, including testimony on

SENATE BILL NOS. 2757, 3038 and SENATE RESOLUTION NO. 93

April 4, 1989  
Room 368  
State House Annex  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

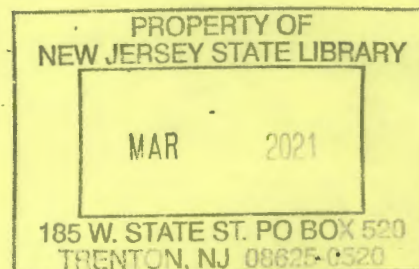
Senator Walter Rand, Chairman  
Senator S. Thomas Gagliano  
Senator James R. Hurley

New Jersey State Library

ALSO PRESENT:

Senator Richard A. Zimmer  
District 23

Peter R. Manoogian  
Office of Legislative Services  
Aide, Senate Transportation and  
Communications Committee



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Hearing Recorded and Transcribed by  
Office of Legislative Services  
Public Information Office  
Hearing Unit  
State House Annex  
CN 068  
Trenton, New Jersey 08625



WALTER RAND  
*Chairman*  
THOMAS F. COWAN  
*Vice-Chairman*  
FRANCIS J. McMANIMON  
S. THOMAS GAGLIANO  
JAMES R. HURLEY

**New Jersey State Legislature**  
**SENATE TRANSPORTATION**  
**AND COMMUNICATIONS COMMITTEE**  
STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
TELEPHONE: (609) 984-7381

March 22, 1989

## NOTICE OF PUBLIC HEARING

The Senate Transportation and Communications Committee will hold a public hearing on April 4, 1989 at 10:00 A.M. in Room 368 of the State House Annex, Trenton, New Jersey.

The purpose of the hearing is to receive testimony concerning public use airports in the State. In the past few years the number of public use airports offering general aviation and other services has declined. At the same time there has been considerable controversy over the implementation of the "Air Safety and Hazardous Zoning Act of 1983" and the zoning and regulatory powers over airports of municipalities in the State. In addition, the State Department of Transportation has issued a Draft Interim Report on Aviation dealing in part with these public use airports.

The committee will consider testimony concerning these topics and related subjects as well as on the following bills which have been referred to the committee on this matter:

S-2757 - Zimmer - Entitled "Airport Safety Area Act of 1988," empowers Commissioner of Transportation to designate airport safety areas and standards therein.

S-3038 - Laskin - Prohibits DOT from licensing airports in violation of municipal zoning ordinance.

SR-93 - Bassano - Establishes the General Aviation Facility Study Commission to determine the reasons for the recent closings of general aviation facilities in the State.

Anyone wishing to testify should contact Peter R. Manoogian, Committee Aide, at (609) 984-7381.



SENATE, No. 2757

STATE OF NEW JERSEY

INTRODUCED AUGUST 4, 1988

By Senator ZIMMER

1    **AN ACT** concerning airport safety, amending P.L.1975, c.291,  
      supplementing P.L.1938, c.48 (C.6:1-20 et seq.), and repealing  
3       sections 1 through 9 inclusive of P.L.1983, c.260.

5       **BE IT ENACTED** by the Senate and General Assembly of the  
      *State of New Jersey:*

7       1. (New section). It is found and declared by the Legislature  
      that, to protect the lives and property of the users of airports and  
9       of occupants of land in the vicinity thereof, adequate  
      unobstructed air space for the safe operation, landing and  
11       take-off of aircraft must be provided. Accordingly, it is declared:

      a. That any manmade or natural object or use inimical to safe  
13       operation of aircraft is a public nuisance and, within  
      constitutional limitations, should be prevented; and

15       b. To enhance the safe operation of airports, municipalities  
      should zone airport properties as conditional uses.

17       2. (New section). Sections 1 through 9 and section 14 of this  
      act shall be known and may be cited as the "Airport Safety Area  
19       Act of 1988."

      3. (New section) As used in this act:

21       "Airport or airport property" means any area of land or water  
      or both, designed and set aside for the landing and taking-off of  
23       fixed wing aircraft, utilized or to be utilized by the public for  
      such purposes, publicly or privately owned, and licensed by the  
25       commissioner as a public use airport or landing strip. "Airport"  
      shall not mean any facility which is owned and operated by a  
27       federal or military authority, or which is owned and operated by  
      the Port Authority of New York and New Jersey or which is  
29       located within the Port of New York District as defined in  
      R.S.32:1-3.

31       "Airport safety area" means any area of land or water, or both,  
      upon which a use might create a dangerous condition for persons

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.



1 or property in or about an aircraft or airport during landing or  
taking-off at an airport or any structure or tree which may  
3 obstruct the airspace necessarily required for the flight of  
aircraft in landing or taking-off at an airport.

5 "Commissioner" means the Commissioner of Transportation.

"Department" means the Department of Transportation.

7 "Structure" means any object constructed or installed by man,  
including, but not limited to, buildings, towers, smokestacks,  
9 chimneys, and overhead transmission lines.

"Tree" means any object of natural vegetative growth.

11 4. (New section) After public hearing upon notice, including  
notice to each affected municipality, and pursuant to the  
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
seq.), the commissioner shall adopt rules and regulations which  
15 delineate airport safety areas for all airports subject to this  
amendatory and supplementary act. The regulations shall  
17 describe the methodology used to make the delineation and may  
delineate subzones.

19 5. (New section) The commissioner shall adopt rules and  
regulations, pursuant to the "Administration Procedure Act,"  
21 P.L.1968, c.410 (C.52:14B-1 et seq.), promulgating standards  
which specify the height to which structures may be erected and  
23 trees allowed to grow within airport safety areas, which  
standards shall be those minimally necessary for the safe  
25 operation, landing and take-off of aircraft. These standards shall  
be uniform for all airport safety areas, except that where the  
27 commissioner determines that local conditions require it, he may  
adopt an amended or special standard. No standard adopted  
29 under this amendatory and supplementary act shall be construed  
to require the removal, lowering or other change or alteration of  
31 any structure or tree in existence at the time of such adoption, or  
otherwise interfere with the continuation of any existing use,  
33 except as provided in section 8 of this amendatory and  
supplementary act.

35 6. (New section) Each municipality which contains within its  
boundaries any part of a delineated airport safety area or of an  
37 airport property shall enact an ordinance or ordinances:

a. Incorporating the standards promulgated by the  
39 commissioner pursuant to section 5 of this act and providing for

1 their enforcement within these delineated areas:

3 b. Providing that the airport property shall be designated as a  
5 conditional use in the zone in which it is situated. The airport  
7 and its operations may be subject to reasonable conditions  
9 imposed by the ordinance or appropriate municipal authority. No  
such designation, however, shall prohibit the routine maintenance  
and repair of the airport premises, nor shall it prohibit any  
improvement to the airport necessitated in order to enhance the  
safety of air operations.

11 The provisions of subsection b. of this section shall not apply to  
13 any lands adjacent to an airport property acquired by airport  
owners after July 1, 1988. Any such adjacent properties so  
acquired shall be subject to municipal determination as to  
whether those properties shall be zoned as a conditional use.

15 A valid copy of any ordinance or ordinances enacted pursuant  
17 to this section, including any amendments that may be made from  
time to time, shall be transmitted to the commissioner by each  
municipality.

19 7. (New section) The commissioner may institute, in any court  
of competent jurisdiction, an action in the name of the State to  
21 prevent, restrain, correct, or abate any violation of any provision  
of this act, and the court shall adjudge to the State such relief,  
23 by way of injunction or otherwise, as may be proper under all the  
facts and circumstances of the case, to effectuate the purposes  
25 of this act.

27 8. (New section). In any case in which it is desired to remove  
or lower a use or condition; or in which the necessary protection  
to achieve airport safety cannot, because of constitutional  
29 limitations, be provided by regulations; or if it appears advisable  
that the necessary protection to achieve airport safety be  
provided by acquisition of property rights rather than by  
31 regulations, the commissioner may acquire by purchase, grant,  
condemnation, or otherwise in the manner provided by law, such  
33 air right, easement, or other estate or interest in the property or  
structure or use in question as may be necessary to effectuate  
35 the purposes of this act, including acquisition of a fee simple  
estate.  
37

39 9. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
read as follows:

1 19. Preparation; contents; modification.

3 a. The planning board may prepare and, after public hearing,  
5 adopt or amend a master plan or component parts thereof, to  
7 guide the use of lands within the municipality in a manner which  
9 protects public health and safety and promotes the general  
11 welfare.

13 b. The master plan shall generally comprise a report or  
15 statement and land use and development proposals, with maps,  
17 diagrams and text, presenting, at least the following elements (1)  
19 and (2) and, where appropriate, the following elements (3) through  
21 (12):

23 (1) A statement of objectives, principles, assumptions, policies  
25 and standards upon which the constituent proposals for the  
27 physical, economic and social development of the municipality  
29 are based;

31 (2) A land use plan element (a) taking into account and stating  
33 its relationship to the statement provided for in paragraph (1)  
35 hereof, and other master plan elements provided for in  
paragraphs (3) through (12) hereof and natural conditions,  
including, but not necessarily limited to, topography, soil  
conditions, water supply, drainage, flood plain areas, marshes,  
and woodlands; (b) showing the existing and proposed location,  
extent and intensity of development of land to be used in the  
future for varying types of residential, commercial, industrial,  
agricultural, recreational, educational and other public and  
private purposes or combination of purposes; and stating the  
relationship thereof to the existing and any proposed zone plan  
and zoning ordinance; and (c) showing the existing and proposed  
location of any airports and the boundaries of any airport [hazard]  
safety areas delineated pursuant to the ["Air Safety and  
Hazardous Zoning Act of 1983," P.L.1983, c.260 (C. 6:1-80 et  
seq.)] "Airport Safety Area Act of 1988." P.L. c.. (C. )  
(now pending before the Legislature as this bill); and (d) including  
a statement of the standards of population density and  
development intensity recommended for the municipality;

37 (3) A housing plan element pursuant to section 10 of P.L.1985,  
39 c.222 (C. 52:27D-310), including, but not limited to, residential  
standards and proposals for the construction and improvement of  
housing;

1       (4) A circulation plan element showing the location and types  
3 of facilities for all modes of transportation required for the  
the municipality, taking into account the functional highway  
5 classification system of the Federal Highway Administration and  
the types, locations, conditions and availability of existing and  
7 proposed transportation facilities, including air, water, road and  
rail;

9       (5) A utility service plan element analyzing the need for and  
showing the future general location of water supply and  
11 distribution facilities, drainage and flood control facilities,  
sewerage and waste treatment, solid waste disposal and provision  
13 for other related utilities, and including any storm water  
management plan required pursuant to the provisions of P.L.1981,  
15 c.32 (C. 40:55D-93 et seq.);

17       (6) A community facilities plan element showing the existing  
and proposed location and type of educational or cultural  
facilities, historic sites, libraries, hospitals, firehouses, police  
19 stations and other related facilities, including their relation to  
the surrounding areas;

21       (7) A recreation plan element showing a comprehensive system  
of areas and public sites for recreation;

23       (8) A conservation plan element providing for the preservation,  
conservation, and utilization of natural resources, including, to  
25 the extent appropriate, energy, open space, water supply, forests,  
soil, marshes, wetlands, harbors, rivers and other waters,  
27 fisheries, endangered or threatened species wildlife and other  
resources, and which systematically analyzes the impact of each  
29 other component and element of the master plan on the present  
and future preservation, conservation and utilization of those  
31 resources;

33       (9) An economic plan element considering all aspects of  
economic development and sustained economic vitality, including  
(a) a comparison of the types of employment expected to be  
35 provided by the economic development to be promoted with the  
characteristics of the labor pool resident in the municipality and  
nearby areas and (b) an analysis of the stability and diversity of  
37 the economic development to be promoted;

39       (10) A historic preservation plan element (a) indicating the

1 location, significance, proposed utilization and means for  
preservation of historic sites and historic districts, and (b)  
3 identifying the standards used to assess worthiness for historic  
site or district designation;

5 (11) Appendices or separate reports containing the technical  
foundation for the master plan and its constituent elements; and

7 (12) A recycling plan element which incorporates the State  
Recycling Plan goals, including provisions for the collection,  
9 disposition and recycling of recyclable materials designated in  
the municipal recycling ordinance, and for the collection,  
11 disposition and recycling of recyclable materials within any  
development proposal for the construction of 50 or more units of  
13 single-family residential housing or 25 or more units of  
multi-family residential housing and any commercial or industrial  
15 development proposal for the utilization of 1,000 square feet or  
more of land.

17 c. The master plan and its plan elements may be divided into  
subplans and subplan elements projected according to periods of  
19 time or staging sequences.

d. The master plan shall include a specific policy statement  
21 indicating the relationship of the proposed development of the  
municipality, as developed in the master plan to (1) the master  
23 plans of contiguous municipalities, (2) the master plan of the  
county in which the municipality is located, (3) the State  
25 Development and Redevelopment Plan adopted pursuant to the  
"State Planning Act," sections 1 through 12 of P.L.1985, c.398  
27 (C. 52:18A-196 et seq.) and (4) the district solid waste  
management plan required pursuant to the provisions of the  
29 "Solid Waste Management Act," P.L.1970, c.39 (C. 13:1E-1 et  
seq.) of the county in which the municipality is located.

31 (cf: P.L.1987, c.102, s.26)

10. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to  
33 read as follows:

29. Contents of ordinance

35 Contents of ordinance. An ordinance requiring approval by the  
planning board of either subdivisions or site plans, or both, shall  
37 include the following:

a. Provisions, not inconsistent with other provisions of this  
39 act, for submission and processing of applications for

1 development, including standards for preliminary and final  
approval and provisions for processing of final approval by stages  
3 or sections of development;

b. Provisions ensuring:

5 (1) Consistency of the layout or arrangement of the subdivision  
or land development with the requirements of the zoning  
7 ordinance;

(2) Streets in the subdivision or land development of sufficient  
9 width and suitable grade and suitably located to accommodate  
prospective traffic and to provide access for firefighting and  
11 emergency equipment to buildings and coordinated so as to  
compose a convenient system consistent with the official map, if  
13 any, and the circulation element of the master plan, if any, and  
so oriented as to permit, consistent with the reasonable  
15 utilization of land, the buildings constructed thereon to maximize  
solar gain; provided that no street of a width greater than 50 feet  
17 within the right-of-way lines shall be required unless said street  
constitutes an extension of an existing street of the greater  
19 width, or already has been shown on the master plan at the  
greater width, or already has been shown in greater width on the  
21 official map;

(3) Adequate water supply, drainage, shade trees, sewerage  
23 facilities and other utilities necessary for essential services to  
residents and occupants;

25 (4) Suitable size, shape and location for any area reserved for  
public use pursuant to section 32 of this act;

27 (5) Reservation pursuant to section 31 of this act of any open  
space to be set aside for use and benefit of the residents of  
29 planned development, resulting from the application of standards  
of density or intensity of land use, contained in the zoning  
31 ordinance, pursuant to subsection 52 c. of this act;

(6) Regulation of land designated as subject to flooding,  
33 pursuant to subsection 52 e., to avoid danger to life or property;

(7) Protection and conservation of soils from erosion by wind  
35 or water or from excavation or grading;

(8) Conformity with standards promulgated by the  
37 Commissioner of Transportation, pursuant to the "Air Safety and  
Hazardous Zoning Act of 1983," P.L. 1983, c. 260 (C. 6:1-80 et  
39 seq.)] "Airport Safety Area Act of 1988," P.L. .c. (C. \_\_\_\_\_)

1 (now pending before the Legislature as this bill), for any airport  
[hazard] safety areas delineated under that act; and

3 (9) Conformity with a municipal recycling ordinance required  
pursuant to section 6 of P.L.1987, c.102 (C. 13:1E-99.16);

5 c. Provisions governing the standards for grading,  
improvement and construction of streets or drives and for any  
7 required walkways, curbs, gutters, streetlights, shade trees, fire  
hydrants and water, and drainage and sewerage facilities and  
9 other improvements as shall be found necessary, and provisions  
ensuring that such facilities shall be completed either prior to or  
11 subsequent to final approval of the subdivision or site plan by  
allowing the posting of performance bonds by the developer;

13 d. Provisions ensuring that when a municipal zoning ordinance  
is in effect, a subdivision or site plan shall conform to the  
15 applicable provisions of the zoning ordinance, and where there is  
no zoning ordinance, appropriate standards shall be specified in  
17 an ordinance, pursuant to this article; and

e. Provisions ensuring performance in substantial accordance  
19 with the final development plan; provided that the planning board  
may permit a deviation from the final plan, if caused by change  
21 of conditions beyond the control of the developer since the date  
of final approval, and the deviation would not substantially alter  
23 the character of the development or substantially impair the  
intent and purpose of the master plan and zoning ordinance.

25 (cf: P.L.1987, c.102, s.27)

11. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to  
27 read as follows:

49. Power to zone

29 a. The governing body may adopt or amend a zoning ordinance  
relating to the nature and extent of the uses of land and of  
31 buildings and structures thereon. Such ordinance shall be adopted  
after the planning board has adopted the land use plan element  
33 and the housing plan element of a master plan, and all of the  
provisions of such zoning ordinance or any amendment or revision  
35 thereto shall either be substantially consistent with the land use  
plan element and the housing plan element of the master plan or  
37 designed to effectuate such plan elements; provided that the  
governing body may adopt a zoning ordinance or amendment or  
39 revision thereto which in whole or part is inconsistent with or not

1 designed to effectuate the land use plan element and the housing  
plan element, but only by affirmative vote of a majority of the  
3 full authorized membership of the governing body, with the  
reasons of the governing body for so acting set forth in a  
5 resolution and recorded in its minutes when adopting such a  
zoning ordinance; and provided further that, notwithstanding  
7 anything aforesaid, the governing body may adopt an interim  
zoning ordinance pursuant to subsection b. of section 64 of  
9 P.L.1975, c.291 (C. 40:55D-77).

The zoning ordinance shall be drawn with reasonable  
11 consideration to the character of each district and its peculiar  
suitability for particular uses and to encourage the most  
13 appropriate use of land. The regulations in the zoning ordinance  
shall be uniform throughout each district for each class or kind of  
15 buildings or other structures or uses of land, including planned  
unit development, planned unit residential development and  
17 residential cluster, but the regulations in one district may differ  
from those in other districts.

19 b. No zoning ordinance and no amendment or revision to any  
zoning ordinance shall be submitted to or adopted by initiative or  
21 referendum.

c. The zoning ordinance shall provide for the regulation of any  
23 airport [hazard] safety areas delineated under the ["Air Safety  
and Hazardous Zoning Act of 1983," P.L.1983, c.260 (C. 6:1-80 et  
25 seq.)] "Airport Safety Area Act of 1988," P.L. , c. (C. )  
(now pending before the Legislature as this bill), in conformity  
27 with standards promulgated by the Commissioner of  
Transportation.  
29 (cf: P.L.1985, c.516, s.13)

12. Section 57 of P.L.1975, c.291 (C.40:55D-70) is amended to  
31 read as follows:

57. Powers. The board of adjustment shall have the power to:

33 a. Hear and decide appeals where it is alleged by the appellant  
that there is error in any order, requirement, decision or refusal  
35 made by an administrative officer based on or made in the  
enforcement of the zoning ordinance;

37 b. Hear and decide requests for interpretation of the zoning  
map or ordinance or for decisions upon other special questions  
39 upon which such board is authorized to pass by any zoning or



1 official map ordinance, in accordance with this act:

3 c. (1) Where: (a) by reason of exceptional narrowness,  
shallowness or shape of a specific piece of property, or (b) by  
5 reason of exceptional topographic conditions or physical features  
uniquely affecting a specific piece of property, or (c) by reason of  
7 an extraordinary and exceptional situation uniquely affecting a  
specific piece of property or the structures lawfully existing  
thereon, the strict application of any regulation pursuant to  
9 article 8 of this act would result in peculiar and exceptional  
practical difficulties to, or exceptional and undue hardship upon,  
11 the developer of such property, grant, upon an application or an  
appeal relating to such property, a variance from such strict  
13 application of such regulation so as to relieve such difficulties or  
hardship; (2) where in an application or appeal relating to a  
15 specific piece of property the purposes of this act would be  
advanced by a deviation from the zoning ordinance requirements  
17 and the benefits of the deviation would substantially outweigh  
any detriment, grant a variance to allow departure from  
19 regulations pursuant to article 8 of this act; provided, however,  
that no variance from those departures enumerated in subsection  
21 d. of this section shall be granted under this subsection; and  
provided further that the proposed development does not require  
23 approval by the planning board of a subdivision, site plan or  
conditional use, in conjunction with which the planning board has  
25 power to review a request for a variance pursuant to subsection  
47a. of this act; and

27 d. In particular cases and for special reasons, grant a variance  
to allow departure from regulations pursuant to article 8 of this  
29 act to permit: (1) a use or principal structure in a district  
restricted against such use or principal structure, (2) an expansion  
31 of a nonconforming use, (3) deviation from a specification or  
standard pursuant to section 54 of P.L.1975, c.291 (C. 40:55D-67)  
33 pertaining solely to a conditional use, (4) an increase in the  
permitted floor area ratio as defined in section 3.1 of P.L.1975,  
35 c. 291 (C. 40:55D-4), (5) an increase in the permitted density as  
defined in section 3.1 of P.L.1975, c.291 (C. 40:55D-4), except as  
37 applied to the required lot area for a lot or lots for detached one  
or two dwelling unit buildings, which lot or lots are either an  
39 isolated undersized lot or lots resulting from a minor subdivision.

1 A variance under this subsection shall be granted only by  
affirmative vote of at least five members, in the case of a  
3 municipal board, or 2/3 of the full authorized membership, in the  
case of a regional board, pursuant to article 10 of this act.

5 No variance or other relief may be granted under the terms of  
this section unless such variance or other relief can be granted  
7 without substantial detriment to the public good and will not  
substantially impair the intent and the purpose of the zone plan  
9 and zoning ordinance. [In respect of any airport hazard areas  
delineated under the "Air Safety and Hazardous Zoning Act of  
11 1983," P.L.1983, c.260 (C. 6:1-80 et seq.), no variance or other  
relief may be granted under the terms of this section, permitting  
13 the creation or establishment of a nonconforming use which  
would be prohibited under the standards promulgated pursuant to  
15 that act, except upon issuance of a permit by the Commissioner  
of Transportation.] An application under this section may be  
17 referred to any appropriate person or agency for its report;  
provided that such reference shall not extend the period of time  
19 within which the zoning board of adjustment shall act.

(cf: P.L.1984, c.20, s.12)

21 13. (New section) Regulations adopted by the Commissioner  
of Transportation pursuant to the provisions of the "Air Safety  
23 and Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et  
seq.) shall remain in effect for a period of 120 days from the  
25 effective date of this act or until regulations covering the same  
or similar subject-matter are adopted pursuant to the provisions  
27 of this amendatory and supplementary act, whichever is earlier.

14. Sections 1 through 9 inclusive of P.L.1983, c.260 (C.6:1-80  
29 et seq.) are repealed.

15. This act shall take effect immediately.

31

### 33 STATEMENT

35 This bill, entitled the "Airport Safety Area Act of 1988,"  
empowers the Commissioner of Transportation to delineate  
37 airport safety areas in or around various airports in the State and  
to adopt standards which specify the height to which structures  
39 may be erected and trees allowed to grow within these areas.

1 These standards shall be those minimally necessary for the safe  
operation, landing and take-off of aircraft.

3 Each municipality shall incorporate these standards in its  
ordinances and shall also provide by ordinance that airport  
5 property is to be designated as a conditional use in the zone in  
which it is situated. Land adjacent to airports acquired after  
7 July 1, 1988, shall, however, be subject to municipal  
determination as to whether those properties shall be zoned as  
9 conditional uses. The bill also provides that in certain cases the  
commissioner may acquire property, or various rights in it, to  
11 effectuate the purposes of the bill.

P.L.1983, c.260, the "Air Safety and Hazardous Zoning Act of  
13 1983," which has been the basis for the adoption of overly broad  
regulations setting zoning standards in aircraft hazard areas  
15 contrary to the interests of the communities in which they are  
located and violating long-standing traditions of municipal home  
17 rule, is repealed. The regulations adopted thereunder are  
continued for a period of time in order to enable the department  
19 to adopt new regulations to supersede them.

21

## TRANSPORTATION

23

### Air Transportation

25 Entitled "Airport Safety Area Act of 1988," empowers  
Commissioner of Transportation to designate airport safety areas  
27 and standards therein.

SENATE, No. 3038  
STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1988

By Senator LASKIN

1    **AN ACT** concerning licensing of aviation facilities and  
supplementing chapter 1 of Title 6 of the Revised Statutes.

3

5    **BE IT ENACTED** by the Senate and General Assembly of the  
*State of New Jersey:*

7       1. Notwithstanding any law, rule or regulation to the contrary,  
the Commissioner of Transportation shall not issue, renew or  
alter the license for an airport, landing strip or other aviation  
9    facility and temporary landing areas, nor shall it approve  
accessory or support facilities therefor, where this use is in  
11   contravention of the zoning ordinance of the municipality in  
which the facility is located or is to be located.

13       2. This act shall take effect immediately.

15

STATEMENT

17

19       This bill would prevent the Commissioner of Transportation  
from issuing, renewing or altering the license for any airport,  
landing strip or other aviation facility and temporary landing  
21   areas where that use would be a violation of the zoning ordinance  
of the municipality in which the facility is located or is to be  
23   located.

25

LAND USE AND PLANNING

27

Air Transportation

29    Prohibits DOT from licensing airports in violation of municipal  
zoning ordinance.



# SENATE RESOLUTION No. 93

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1989

By Senator BASSANO

1    **A SENATE RESOLUTION** creating a General Aviation Facility  
2       Study Commission to study and make recommendations  
3       concerning the necessity and feasibility of State actions to  
4       acquire regional aviation facilities or develop public-private  
5       partnerships therefor.

7    **WHEREAS,** The general aviation facilities of this State are  
8       responsible for attracting upwards of \$1.5 billion into the  
9       State, employing over 8,000 people, and serving as a magnet to  
10      businesses which are attracted to the convenience of shuttling  
11      business personnel and providing business services reliant on air  
12      transportation; and

13   **WHEREAS,** Within the recent past, nine aviation facilities of  
14      regional significance within the State have been closed,  
15      accelerating a trend that will ultimately result in an economic  
16      slowdown having far-reaching effects on the total economy of  
17      the State and the region, a result made all the more  
18      remarkable by the relative lack of awareness of the many  
19      benefits which accrue to the economy of the State through the  
20      operation of general aviation airports; and

21   **WHEREAS,** The Department of Transportation, pursuant to the  
22      "Air Safety and Hazardous Zoning Act of 1983, P.L.1983, c.260  
23      (C.6:1-80 et seq.), has adopted, but not enforced, standards  
24      restricting residential development in airport hazard zones,  
25      which standards have been widely ignored by many  
26      municipalities, and which standards the department is currently  
27      proposing to further weaken by allowing certain residential  
28      development in these zones; and

29   **WHEREAS,** This retreat from maintaining and ~~enforcing~~ strict  
30      standards has permitted further encroachment of  
31      noncompatible land uses proximate to general aviation  
32      facilities, a result intended to be forestalled by the enactment  
33      of the "Air Safety and Hazardous Zoning Act of 1983," which  
34      has prompted increasing conflict between these uses, resulting  
35      in, for unfortunate but avoidable public safety

1 reasons, the increasing curtailment of activities at general  
aviation facilities, and, ultimately, their loss to the residents  
3 and businesses of this State; and

WHEREAS, It is altogether fitting and proper for this House, in  
5 an effort to stem this loss, to establish a commission to study  
the reasons for the loss of general aviation facilities, the  
7 feasibility of direct State intervention through outright  
~~purchase~~ of these facilities, a "public-private" partnership for  
9 this purchase, or any other arrangement which may prevent  
further closings of general aviation facilities, now therefore

11

BE IT RESOLVED *by the Senate of the State of New Jersey:*

13 1. There is established the General Aviation Facility Study  
Commission. The commission shall comprise seven members  
15 appointed by the President of the Senate as follows: Four  
members of the Senate, no more than two of whom shall be of the  
17 same political party; and three members who shall be appointed  
from the general public, no more than two of whom shall be of  
19 the same political party, but each of whom shall be an owner or  
operator of a general aviation facility. Members shall serve  
21 during the legislative session in which they were appointed.

2. a. Vacancies in the membership of the commission shall be  
23 filled in the same manner as the original appointments were  
made. Members shall serve without compensation, but may,  
25 within the limits of funds appropriated or otherwise made  
available for these purposes, reimburse its members for expenses  
27 necessarily incurred in the discharge of their official duties.

b. The commission shall organize as soon as practicable after  
29 the appointment of its members, and shall select a chairman from  
among its members and a secretary who need not be a member of  
31 the commission. A majority of the membership shall constitute a  
quorum for the transaction of commission business. Action may  
33 be taken and motions and resolutions adopted by the commission  
at any meeting thereof by the affirmative vote of a majority of  
35 the full membership of the commission. The commission shall  
meet regularly as it may determine, and shall also meet at the  
37 call of the chairman of the commission.

c. Any public member of the commission may be removed by  
39 the appointing authority, for cause, after a hearing.

1       3. The commission shall be entitled to call to its assistance  
and avail itself of the services and assistance of officials and  
3 employees of the State and its political subdivisions and their  
departments, boards, bureaus, commissions and agencies as it  
5 may require and as may be available to it for these purposes, and  
may expend funds as may be appropriated or otherwise made  
7 available to it for the purposes of its study.

4. It shall be the responsibility of the commission to:

9       a. Study the circumstances surrounding the recent closings of  
general aviation facilities and the economic impacts that may  
11 result therefrom;

13       b. Determine the extent to which these closings are the result  
of the encroachment of land uses incompatible with the operation  
of general aviation facilities and, concomitantly, the extent to  
15 which this encroachment is the result of inadequate enforcement  
of the provisions of the "Air Safety and Hazardous Zoning Act of  
17 1983;"

19       c. Study the feasibility and practicability of direct State  
intervention through outright purchase of general aviation  
facilities, a "public-private" partnership for this purchase, or any  
21 other arrangement which may prevent further closings of general  
aviation facilities including the purchase of "aviation  
23 easements" or the "clear zones" surrounding these facilities.

25       5. The commission shall report its findings, conclusions and  
recommendations to the New Jersey Senate as soon as  
practicable upon completion of its work, accompanying the report  
27 with any recommendations for appropriate legislation.

#### 29                               STATEMENT

31       This resolution would establish the General Aviation Facility  
Study Commission to determine the reasons for the recent  
33 closings of general aviation facilities in the State and to study  
the feasibility and practicability of direct State intervention  
35 through outright purchase of general aviation facilities, a  
"public-private" partnership for this purchase, or any other  
37 arrangement which may prevent further closings of general  
aviation facilities.

39       The commission would comprise seven members appointed by



1 the President of the Senate as follows: Four members of the  
 3 Senate, no more than two of whom shall be of the same political  
 5 party; and three members appointed from the general public, no  
 more than two of whom shall be of the same political party, but  
 each of whom shall be an owner or operator of a general aviation  
 facility.

7

## TRANSPORTATION

9

### Air Transportation

11 Establishes the General Aviation Facility Study Commission to  
 determine the reasons for the recent closings of general aviation  
 13 facilities in the State.

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SENATOR WALTER RAND (Chairman): Good morning, ladies and gentlemen. This is rather a large room normally. I will project a little bit louder. Those of you in the back, can you hear me? (affirmative response) Okay. We never anticipated as large a crowd as we have here today. Evidently, this particular subject of general aviation has caused a lot of interest, and certainly a great concern. That is evidenced by the amount of people who wish to testify, and we are going to give everybody an opportunity.

We apologize, but we could not get a bigger room than this because, very frankly, they are being used for Appropriations and other committee meetings. There are only two or three rooms that are bigger than this in this particular building. So, I apologize to you. I did have a choice of postponing this for some two months to get a larger room. I didn't think you would want that, so if you are a little bit uncomfortable, please bear with us. I thought the subject was so important, that we should hold it as quickly as possible, and today was the first date. I didn't want to postpone it.

I welcome you here this morning. I am very happy to have you. We will get started in a moment. My name is Walter Rand, and I am Chairman of the Senate Transportation and Communications Committee. At this time, I would like to introduce those persons present at the Committee table: On my left is Madelyn Rumowicz, a Staff Aide, and my Aide, Pat Jones; and John Strachan, the Aide to the Senate, on the other side.

If you wish to speak today and have not notified the Committee, please give your name to Peter Manoogian, our Committee Aide, after the opening remarks are concluded.

I call this public hearing to order for the purpose of receiving testimony concerning public use airports in the State. In the past few years, the number of public use airports offering general aviation and other services has declined. At the same time, there has been considerable

controversy over the implementation of the Air Safety and Hazardous Zoning Act of 1983, particularly in regard to the regulations issued by the New Jersey Department of Transportation, and their impact on the zoning and regulatory power of municipalities in relation to these airports and adjacent areas. I have sent a letter to the Commissioner of Transportation asking that the Department delay issuing any new regulations in this area until this Committee has time to consider this matter.

This, then, is the fundamental reason for this hearing -- to hear testimony from the various groups and individuals who may have differing opinions on public use airports. It should be noted that DOT has issued a draft interim report on aviation, dealing, in part, with public use airports. Also, various bills have been referred to this Committee which those testifying may also wish to comment on, but the hearing is in no way restricted only to these bills. There are, then, a variety of issues of importance in this area. I look forward to the testimony to be presented by those of you appearing here today.

Let me reiterate that there will be no bills -- no specific bills -- reported out of this Committee today. From what we get in testimony, hopefully this Committee will be able to develop a package, along with the Division of Aviation in the Department of Transportation, to formulate some type of an objective, and some type of a plan which will allay fears and address fears. Hopefully, we can come to a conclusion that will do something good for the State of New Jersey, as well as for general aviation.

Is Mr. Crawford here, Assistant Commissioner of the Department of Transportation? (no response) All right. The next gentleman will be Edward Trawinski, Assistant Commissioner, New Jersey Department of Commerce, Energy and Economic Development.

SENATOR GAGLIANO: Good morning, Mr. Chairman. How are you?

SENATOR RAND: We have been joined by Senator Gagliano.

SENATOR GAGLIANO: Sorry I'm late.

SENATOR RAND: That's all right. We missed our resident legal scholar.

SENATOR GAGLIANO: Not for long.

SENATOR RAND: Good morning, Mr. Trawinski.

A S S T. C O M M. E D W A R D T R A W I N S K I: Good morning, Senator; Senator Gagliano. I have a short statement on behalf of the Department of Commerce. I don't know if copies have been distributed to your Committee or not. I have additional copies.

Members of the Committee: My name is Ed Trawinski. I am the Assistant Commissioner of the State Department of Commerce, Energy and Economic Development. I am here to speak to you today about what I call, and the Department of Commerce calls, "airport economics."

As all of you are well-aware, the State Commerce Department's primary concern is jobs, and the air transportation services industry in New Jersey employs more than 20,000 workers.

But beyond jobs, we are also concerned with maintaining a healthy business climate in the State, so we can attract new businesses, and help them grow and prosper. Part of a healthy business climate is a good transportation system. Airport services are becoming more and more essential elements of commercial transportation networks. Increasingly, this is an era where both people and products, executives and executive cargo, have to move rapidly to survive in today's competitive marketplace. As ground transportation networks become increasingly congested here in the most densely populated northeastern United States, more and more businesses must depend on air services.



To underscore this, I direct you to a recent survey of small businesses in southern New Jersey. It showed that the single most important factor to their business is access to transportation networks. The State of New Jersey must continue to provide access to air facilities, as well as rail and highway systems, if businesses in this State are to continue to prosper.

How many airports are required? Where are they needed? How should they be regulated? These are questions that the Department of Commerce is not in a position to answer. I am simply here to tell you that this is an important subject, that most certainly requires our attention. It should not be set aside or ignored.

I commend you for scheduling this hearing; I thank you for the opportunity to provide input; and I urge you to do all you can to help us build a better climate for economic growth and airport development here in the State of New Jersey.

Thank you very much.

SENATOR GAGLIANO: Thank you very much, Ed. (Senator Rand absent from room at this point.)

Ladies and gentlemen, I came in late, and I saw that there were lots of people still out in the hallway. I don't think the Chairman would have any problem if a few of you could squeeze in over here along the wall, so that more people could get in. I think it would probably be very difficult to change rooms now, since this room has been set up for hearing purposes.

ASSISTANT COMMISSIONER TRAWINSKI: Senator, that's all we have from the Department of Commerce.

SENATOR GAGLIANO: All right. We have just been joined by Senator Zimmer of Hunterdon County, who is very interested in the viability of our general aviation. Senator Zimmer, do you have any questions of this witness?

SENATOR ZIMMER: No, Senator.

SENATOR GAGLIANO: I got here a little late, so I don't know--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Speak louder.  
Are the microphones working?

SENATOR GAGLIANO: No, these are not for sound, sir; they are for recording. We will do the best we can.

How many general services airports do we have, other than the obvious -- Newark--

ASSISTANT COMMISSIONER TRAWINSKI: I do not know. I do know that since the Department of Transportation, Division of Aeronautics, printed this map in 1987-- We have 10 less than we had when this map was printed. But I think that question needs to be addressed to Transportation -- to the Assistant Commissioner, who I understand will be here.

SENATOR GAGLIANO: Okay, fine. I think he is here. Thank you very much. Any questions? (no response)

Commissioner James A Crawford, New Jersey Department of Transportation. Commissioner, as you can see, we have a tremendous crowd here today, and it is very difficult to be heard in this room. These microphones are only for recording, not for sound. So, I would appreciate it if-- Maybe if you sat there (indicating chair to the right of witness chair), your voice might carry a little better toward the rear of the room. Go right ahead, Jim.

A S S T. C O M M. J A M E S A. C R A W F O R D:  
Senator Gagliano, good morning -- Senator Zimmer. I congratulate Senator Rand on calling this meeting to focus attention on the aviation elements of the State of New Jersey's transportation network. It is important to think of this subject in just those terms. Aviation is not a system unto itself. Today, more than ever, it is one element in an overall network that must function successfully if New Jersey is to maintain the economic prosperity that we have enjoyed.

I would like to take a few minutes just to explain the various components that make up the aviation system. In thinking of the aviation system, the general public -- and that

probably doesn't apply to most of the people here today -- tends to focus on major commercial air centers such as Newark International Airport, but this, in reality, is an independent subsystem.

Newark functions primarily as a commercial center. Its operations under the Port Authority of New York-New Jersey impact the remaining system, and from time to time it generates its own problems, but its future is established through its public ownership.

Atlantic City International Airport is similar to Newark in many ways, but has one major difference. Today, ACI is, in effect, a tenant of the Federal Aviation Administration's Technical Center, where the Federal agency maintains engineering, testing, and development activities that promote national and international air safety and capacity.

In the long term, the Department of Transportation envisions a modification of roles so that both the Technical Center and the airport share that valuable resource as prime users. It is critical that the Technical Center remain, but it is just as important that the airport develop as a major commercial center, where scheduled air service predominates and is supplemented by the charter service we now have.

Perhaps the most important elements of our aviation system, however, are the 54 public use general aviation facilities around the State that accept aircraft without regard for ownership. Of these, 13 are publicly owned -- in most cases by a county, although in some cases by a municipality -- while the privately owned facilities vary from small, family-run companies to larger corporate entities. Whether publicly or privately owned, these general use aviation airports are the mainstay of corporate New Jersey. Corporate aircraft, small parts carriers, and charter helicopter services all use these facilities to serve the businesses in our State.

It is in recognition of the unique role that these facilities play that the Legislature has enacted two programs directed specifically at these general use airports: the Airport Hazardous Zoning Act, and the Airport Safety Improvement Fund. I shall address each later in this presentation.

Over the last decade, these airports have become the focus of major attention because of the closing of 10 in the last 10 years, seven in the last five years alone. Airports are valuable; they are cleared land, generally flat, open spaces served by utilities. It is not hard to see why developers eye some of these properties as ripe for housing projects. The private ownership factor assists in the conversion from airport to carport.

Just as farmers are often tempted by a lucrative offer for their fields, so, too, airport owners can be expected to accept the best offer for their runways, an offer which is usually from someone other than a prospective airport operator. This is particularly true as many of the airport owners reach retirement age, and see a retirement income that would not otherwise be available.

Realistically, however, we cannot, and should not, preserve every airport, but we must preserve many. Airports must be evaluated in terms of their contribution to the transportation network. When two or three exist in a small geographical radius, it is essential that at least the one with the greatest opportunity for long-term success be preserved.

However, the State should not simply ignore the closing of the other airports in that radius, without the assurance that sufficient infrastructure exists to handle their operations, and to ensure the economic vitality of the remaining facility. We have not done enough of that in the past.

Today we are engaged in the development of the State Airport Systems Plan, which will allow the Department to identify those airports essential for preservation, those desirable for preservation, and those that should be maintained to the maximum extent possible. Our current policy is to preserve those classified as essential through public ownership if necessary, and to assist those classified as desirable through capital improvement grants. As we develop that Plan, we are simultaneously evaluating any facility in imminent danger of closing.

This policy is directed at maintaining an overall system that meets our aviation needs, both for today and for the next 20 years. The policy does not guarantee an ideal aviation condition, nor will New Jersey be exempt from those pressures to close airports faced throughout the country. In addition to the 54 public use airports, New Jersey has three public use seaplane bases. While less visible, these, too, are essential elements in our network.

As I indicated, other airports also exist. Today, the Office of Aviation licenses four publicly owned restricted use airports intended primarily for fire fighting and police work. We have an additional 24 privately owned restricted use airports, where owners may permit people to use their facility, but the facility is not cited as available to the general public. Further, there are 52 private use airports all in private ownership. These are generally strips intended for use by a single aircraft owned or leased by the licensee. Six restricted use seaplane bases and three private use seaplane bases are also licensed.

Today, an increasing element of our aviation system are heliports and helistops. While the two terms -- heliports and helistops -- are sometimes used interchangeably, we use the former to identify facilities to base helicopters, while the latter identify landing facilities. There are 412 heliports or

helistops licensed today, over three-quarters falling into the category of helistops. Two are publicly owned, public use facilities, six are privately owned, public use, two of which are temporarily closed, and 12 are publicly owned, restricted use facilities maintained by the State Police.

Before I go on, Senator, there are several other airports which we have not included in this discussion. The military airports maintained at McGuire Air Force Base and the Lakehurst Naval Air Station, I guess, are the two principal ones.

Questions have been raised regarding our administration of the Airport Hazardous Zoning Act. That law requires the Department to develop zones to protect the public from the hazards associated with aircraft operations at public use airports. At the same time, the law envisions protection of the airports from the encroachment of development which could limit, or even close, the transportation facility.

Initially, the Department took a very restrictive position relative to permitted uses in those lands identified by the FAA as the critical safety zone. This resulted in several cases where buildings were cited as violating the code. In administering these regulations, we discovered considerable opposition by local municipalities. While most were unjustified, several raised points of merit, most notably those concerning low density residential zoning and the conversion of existing neighborhoods to non-conforming uses. Legislators -- including Senator Zimmer -- picked up on these issues and prepared bills which would eliminate the priority the law now gives to the transportation facilities.

After meeting with various interests -- including Senator Zimmer and other members of the Legislature -- and evaluating the locations of airport accidents, the Department proposed new regulations. We initially asked for public input on our assumptions, and then published draft regulations. We

have evaluated all comments and are ready to adopt the final regulations. In fact, Mr. Chairman, we have held off adopting those regulations until after today's hearing at your request. I have a copy of the regulations for each of the Committee members, and will be happy to discuss them in detail if you desire.

Our intent is to administer these new regulations strictly. We have already provided municipalities seeking adjustments with our proposals. Once adopted, we will give reasonable time for municipalities to adopt these regulations or make a good-faith effort at resolving any issues in anticipation of adoption. However, if municipalities continue to resist the law, we will intervene on behalf of the airport. I believe that proper regulations, adequately enforced, will assist both municipalities and airport owners by establishing parameters for both.

There has also been discussion about the Airport Safety Improvement Fund. That program, which takes the fuel tax paid by noncommercial aircraft and earmarks it to safety programs for airports, has just begun to accomplish its original purposes.

In Fiscal Year 1984, the program generated \$792,575. The following year, another \$1,102,293 was added, and \$320,175 was spent. The totals for the years 1984-1988 are \$5,076,958 appropriated, and \$2,635,865 spent. This year, another \$1 million was appropriated. However, by the end of this year, we expect less than \$750,000 to remain in the Fund, and the remaining moneys will be allocated for various safety projects. I should point out, Senator, that over time, we have adjusted the levels of the grant funds as we have deemed it important both to meet the costs the airport owners face and, at the same time, with the realistic ability to use the funds in an expeditious fashion. Doing that, we now have a program that allows for a \$50,000 grant. It permits an owner to apply

for two successive grants for a single project that would total up to \$100,000. We also have a program where if the owner puts up 10% of the cost, he can apply for a larger grant, but we would expect the owner to actually contribute 10% of the project cost in those cases.

During Fiscal Years 1988 and 1989, the Department was directed to use funds from that program to cover costs associated with administering the program. In each year, approximately \$300,000 was encumbered for administrative costs. Less than \$140,000 was spent for administrative costs last year, and the remainder was rolled back into the Fund for this year. I anticipate similar statistics for 1989.

While the Department would prefer full funding of all program administrative costs from general fund nonspecific sources, we realize that there are legitimate costs associated with administering these programs. While there may be some disagreement with the actual charges made against the program, there is no question in my mind that they represent a level of effort necessary to make the program successful.

Of greater concern, Senator, is the annual appropriation level. Formerly, this program directed actual receipts into the Fund. Today, a specific allocation is made. As a result, there is a question as to whether all fees and interest earnings are made available. As our program develops, I hope to show the Legislature and the Governor real needs in our airport network that should be addressed with this program.

In closing, Mr. Chairman and Senators, I believe that our airport system has suffered from the development pressures which have hurt our overall transportation network. Just as we need to address our transit and highway capacity needs not only for today but to ensure their availability in the future, we must also address our general aviation system. We look forward to your support in addressing this challenge.



SENATOR RAND: Mr. Crawford, thank you very, very much. Don't go away; just sit there.

ASSISTANT COMMISSIONER CRAWFORD: I am just getting other materials, Senator.

SENATOR RAND: We didn't intend to ask too many questions, but--

ASSISTANT COMMISSIONER CRAWFORD: I have some copies of the proposed regulations.

SENATOR RAND: I would appreciate it if each member of the Committee would get one of those. We will go over them. We are not going to go over them today, Mr. Crawford, but we will go over them in the very near future.

We have been joined by Senator Zimmer. Senator Zimmer, we are not addressing any particular bill here today. I want you to know that this Committee is not going to release any bill today. What we are addressing are the general concerns of general aviation throughout the State. Mr. Crawford is our second speaker. We are going to ask him some questions, and you certainly are invited to ask him some questions also.

SENATOR ZIMMER: Thank you.

SENATOR RAND: We would hope that they would be as brief as possible, because we have -- how many people?

DR. MANOOGIAN: In excess of 35.

SENATOR RAND: We have in excess of 35 people to speak.

Mr. Crawford, let me just ask you a question -- a couple of questions, if I might. You have given us the regulations that you have promulgated.

ASSISTANT COMMISSIONER CRAWFORD: We have not yet promulgated them, Senator, but they are ready to be promulgated.

SENATOR RAND: Fine. Do you intend to prepare an agenda, or a scope of legislation to address some of these overall concerns? As an example: We have a piece of legislation, along with Senator Zimmer's legislation, Senator

Laskin's, Senator Bassano's, and others, which says that people who buy homes in an airport safety zone are entitled to be made aware of the fact that that is the demarcation line, and if they buy a home, they buy it with the understanding-- In other words, a consumer protective device, where they know when they purchase the home that it is in that particular buffer zone.

We would hope that you would give us some type of legislation on that order. Can we expect a package from the Department?

ASSISTANT COMMISSIONER CRAWFORD: Senator, the Department has no problem with the requirement to notify all owners and, in fact, believes that such a law would make good sense. What we would hope, is that people would not assume, though, that that, in and of itself, would make a whole lot of difference. I can offer a good example: In Atlantic City, where residents purchased homes in proximity to the Atlantic City International Airport, they all signed an affidavit saying that they realized that the airport was there. But I have had numerous calls from those owners, saying, "Well, we were told by the seller, 'Yeah, it's there, but it is going to close.'"

Now, why they would assume that the major Tech Center was going to close, I don't know, but apparently that was something that at least the salesperson was telling them, when they asked them to sign those affidavits.

SENATOR RAND: That's called, "Truth in advertising."

ASSISTANT COMMISSIONER CRAWFORD: I think I would support the concept of people knowing, but I think it is important that they realize that that, in and of itself, is just one element of the overall package.

SENATOR RAND: Is there a plan being prepared by DOT -- by the Division of Aviation in the DOT -- to study what airports are important to the State's economy and to the State's overall transportation system? Are we developing a general plan for the State of New Jersey?

ASSISTANT COMMISSIONER CRAWFORD: Yes, Senator, we are. That is the State Aviation Systems Plan that I addressed earlier. That will be done this fall. We hope to have some preliminary results from it later this summer, which we will be able to share with this Committee.

SENATOR RAND: Okay. We have received many letters to DOT challenging the data in the preliminary report.

ASSISTANT COMMISSIONER CRAWFORD: Senator, I think there was some misconception there. There was a data collection effort. That was circulated to the airport owners, with the intention of trying to verify that material. One of the problems we have had in the past was a lack of comparable statistics from airport to airport. Each owner keeps the information in a separate form. While we made an attempt to put that together, we understood and, in fact, believed that there were going to be errors in it. That is why we circulated the draft to the airport owners to allow them to offer us their information, in an effort to have as accurate information as possible before we develop the final recommendations.

SENATOR RAND: Is that going to be updated?

ASSISTANT COMMISSIONER CRAWFORD: It is being updated as we get the data back.

SENATOR RAND: We have been joined by Senator Hurley, who is a member of this Committee.

Let me open it up for questions. Senator Gagliano?

SENATOR GAGLIANO: I just have one question, Jim: In freight rail service situations, as you know, if there is a possibility that the freight service carrier -- or the line will close, there is a provision for the State to step in and acquire that railroad, so that the persons relying upon it for freight purposes will be able to continue to have a railroad serving their particular industry. Is there anything like that on a Federal or State level for airports?

ASSISTANT COMMISSIONER CRAWFORD: Senator, in the Airport Hazard Zoning Act, the Commissioner of Transportation is given the authority to acquire airports when it is deemed to be in the public interest. It is based upon that particular statute that we have now begun looking, and have said that we want this plan to specifically identify those which we ought to keep.

Our goal, just as it is in the freight program, is to maintain those as private use airports wherever possible -- I'm sorry, not private use, privately owned public use airports wherever possible. We think that the private entrepreneurs can operate them more efficiently than the State and, indeed, if the State took one over, we would not operate it. We would put it out on a lease basis, just as we do with the rail freight program, to allow private ownership -- or private operations.

However, given the cost considerations today, I think it is evitable that the State of New Jersey will have to purchase one or more of those privately owned airports. I should point out that over the years, there have been several efforts by the State, in cooperation with the FAA, to have counties take over some of the privately owned airports. Some have been more successful than others. That program continues to exist. There is FAA assistance, if we were to buy an airport. If we buy an airport, we have to pay highest and best use, fair market value for it.

SENATOR GAGLIANO: With respect to the FAA-- For example, let's say an airport that the Department, in its plan, found to be very important was on the market and was either going to be a shopping center or a housing development or whatever. What test does the Commissioner have to make -- just make a determination that it is in the public interest that this continue to be an airport?

ASSISTANT COMMISSIONER CRAWFORD: We would have to make a finding that it was essential, Senator. Quite frankly,

given what we would anticipate to be the cost of an airport, we would probably also have to go back to the Appropriations Committees of the two houses and ask for authorizations to spend funds to acquire them.

SENATOR GAGLIANO: And the FAA, then, could be involved, too, with their funding? I understand--

ASSISTANT COMMISSIONER CRAWFORD: Yes, the FAA normally makes available up to 90% of the cost of public ownership for an airport facility.

SENATOR GAGLIANO: Are they reasonably well-funded now?

ASSISTANT COMMISSIONER CRAWFORD: The FAA is well-funded. However, Senator, as the Commissioner pointed out at a hearing before Senator Lautenberg recently, we do have a dilemma there, just as we have in many of the other transportation systems, that the FAA budget is a totality. As a matter of fact, it is a subtotal. It is a part of the Department of Transportation budget. Therefore, the increases that are necessary for them to handle the air safety aspects -- the air traffic controllers and other services provided by the FAA -- have caused Congress to reduce the amount that they are allowed to expend out of the capital program -- or at least have caused the President to suggest reductions in the capital program.

SENATOR GAGLIANO: One last question, Jim: How long do you think it is going to take the Department to complete its study, so we can have this plan and know which airports are the most essential to retain?

ASSISTANT COMMISSIONER CRAWFORD: Senator, this study will be done by the end of this fall. In the meantime, we already have some locations we are watching very closely because of their unique character.

SENATOR GAGLIANO: Thank you, Jim. Thank you, Mr. Chairman.

SENATOR RAND: You're welcome. Mr. Crawford -- Commissioner Crawford -- can you speed up that report? We believe, very frankly, that we have had so many letters, and as is evidenced here by the interest in this particular subject, that we ought to begin certainly, not only to have the plan, but in order to implement that plan, you may need some legislation. You just said that you may have to come to the Appropriations Committees for some money. If we are going to back that up, we ought to have the plan as quickly as possible. We ought to have recommendations by the Department, and probably we ought to sit down with the Division of Aviation in your Department to at least get an indication of where we're going.

I think the overall planning of this is important. Let me just ask you a couple of questions: What is the budget for this year -- the amount for the particular areas?

ASSISTANT COMMISSIONER CRAWFORD: In Fiscal Year 1989 or Fiscal Year 1990?

SENATOR RAND: In '89-'90 -- both.

ASSISTANT COMMISSIONER CRAWFORD: Okay. Let's cover Fiscal Year 1989 first: In Fiscal Year 1989, the Legislature appropriated \$1 million toward the Airport Safety Improvement Program. In addition-- Let's see if I have the exact numbers.

SENATOR RAND: Is there more money from the tax that comes in?

ASSISTANT COMMISSIONER CRAWFORD: Senator, I don't have the exact number from the tax, but I know that in 1987 the tax generated \$905,923; licensees generated \$11,650; and interest income generated \$133,630, for a total of \$1,051,000. That was in Fiscal Year 1987. I suspect, based upon reasonable estimates, that the income is in excess of a million dollars today. I don't know that I would say it is substantially in excess this year, but it is growing over time.

SENATOR RAND: A ball park figure.

ASSISTANT COMMISSIONER CRAWFORD: What has happened is, the Legislature has now made that -- OMB and the Legislature have made that a direct appropriation, rather than an allocation of the resource.

SENATOR RAND: So that there is a guaranteed fund?

SENATOR GAGLIANO: Yeah, but it could disappear, I think.

SENATOR RAND: I understand.

ASSISTANT COMMISSIONER CRAWFORD: One thing that everybody needs to understand, Senator, is that this is an earmarking. It is not a dedication.

SENATOR GAGLIANO: It is not a dedicated fund, right.

SENATOR RAND: Let me just go back: You said that if we did get a million in-- We will separate that for a minute.

SENATOR RAND: You spent \$300,000 in the administration of a one million dollar Fund?

ASSISTANT COMMISSIONER CRAWFORD: No, Senator. We spent \$140,000. They earmark it at the beginning of the year, and encumber the money. It doesn't mean that that is what's spent.

SENATOR GAGLIANO: In your testimony, you said the same thing would happen this year.

ASSISTANT COMMISSIONER CRAWFORD: Yes, we expect the same level this year. In addition, the Fund is not \$1 million. The Fund, this year, is approximately \$4 million, because there are funds that remain from previous years that roll over. This year, for the first time, we will end the year having spent all the previous years' balances, or at least committed all the previous years' balances to projects under contract.

SENATOR RAND: Well, the reason I asked you that question is because in your testimony, on page 12, you said: "In each year, approximately \$300,000 was encumbered for administrative costs."

ASSISTANT COMMISSIONER CRAWFORD: And?

SENATOR RAND: "Less than \$140,000 was spent for administrative costs last year." But the previous year, evidently--

ASSISTANT COMMISSIONER CRAWFORD: No, no. Last year was the first year that it started; '88 was the first year. We are in '89 right now.

SENATOR RAND: Okay, fine. Senator Hurley?

SENATOR HURLEY: No questions.

SENATOR RAND: Senator Zimmer?

SENATOR ZIMMER: I have a few questions. You're in '89 and you can convert how much?

ASSISTANT COMMISSIONER CRAWFORD: Well, \$300,000 is encumbered at the beginning of the year by the fiscal staff.

SENATOR ZIMMER: Right, and how much will you spend in this fiscal year?

ASSISTANT COMMISSIONER CRAWFORD: We expect to spend between \$140,000 and \$150,000.

SENATOR ZIMMER: And how much next year? How much in Fiscal Year 1990?

ASSISTANT COMMISSIONER CRAWFORD: Senator, I can't answer that. If I had my way, the budget next year, given the fact that the Fund will be substantially reduced, would provide for all administrative costs out of the direct budget. Whether that actually happens, we will know two months from now.

SENATOR ZIMMER: Is it true that you use these funds for membership fees in the National Association of State Aviation Officials?

ASSISTANT COMMISSIONER CRAWFORD: Yes, Senator, it is. The funds were used in lieu of putting them towards a direct payment of a salary account for the person who was doing other work. Those funds were paid out of the direct salary account.



SENATOR ZIMMER: And you also covered travel expenses? What kind of travel expenses?

ASSISTANT COMMISSIONER CRAWFORD: Travel expenses on a day-to-day basis by the airport inspectors and by the inspection staff as they go about doing their business. It is not general travel.

SENATOR ZIMMER: Are these people inspecting strictly the improvements that are funded by the Safety Fund, or all sorts of airport safety?

ASSISTANT COMMISSIONER CRAWFORD: Senator, we are paying a portion of the costs of inspectors who do the combined task of inspecting new facilities, inspecting facilities on an annual basis, and working with the airport owners in terms of what improvements they might recommend that the airport owners apply for.

SENATOR ZIMMER: How about computer equipment?

ASSISTANT COMMISSIONER CRAWFORD: Computer equipment was purchased so that we would be able to track these, and we would be able to file reports with the FAA for those portions of the grants that were FAA assist grants, and other--

SENATOR ZIMMER: Are these computers dedicated to the safety program?

ASSISTANT COMMISSIONER CRAWFORD: Yes.

SENATOR ZIMMER: They are not used for any other purpose?

ASSISTANT COMMISSIONER CRAWFORD: Senator, I am not going to sit here and say that no one gets on them when they are not being used for that program, and uses them for something else. They are primarily intended for the safety program.

SENATOR ZIMMER: Well, this is a pretty familiar theme, and I know that the Chairman is familiar with it dealing in much bigger numbers with the Transportation Trust Fund, where you rightly insisted, Mr. Chairman, that administrative costs not be--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Can you speak up, please.

SENATOR ZIMMER: The Chairman of this Committee, Walter Rand, in connection with the Transportation Trust Fund, which funds our highway improvements, rightly insisted that administrative costs not come out of the gasoline tax. Am I correct in that?

SENATOR RAND: That is correct.

SENATOR ZIMMER: I believe the same principle applies here and, in fact, I intend to introduce legislation making it clear that the Department of Transportation will not be allowed to skim what is a small amount from what is a very small Fund, for a very great need. Every cent that is paid in the aviation fuel tax should go to the actual physical safety improvements. I would hope you would consider co-signing--

ASSISTANT COMMISSIONER CRAWFORD: Senator, I will support that bill.

SENATOR RAND: Let me say this to you, Senator Zimmer: You are absolutely correct, but both you and I are blessed with sitting on the Appropriations Committee. This year, you are not so blessed, but anyhow-- Number one, I think the Assistant Commissioner would certainly welcome that, as long as you put that money in the budget for the Division of Aviation, which you will. There is a Division in there that shouldn't be dependent on this Airport Safety Fund. The Division shouldn't be dependent on this Fund to run its business. It runs its business by a matter of general appropriation. Otherwise, we ought to abolish that Division.

So, you're absolutely right. Now, to get to the opposite side of the coin, when we do -- certainly it is not dedicated-- But when we earmark a fund, we do allow, in most cases, in the budgetary process-- As you know, we allow the Department to take out a percentage of that. That is why I was asking, "What is the percentage of it?" Most times -- and I

think you are aware of this -- the Chairman of that Committee will allow them to take out 10%, or an amount equal to that. That is why I was trying to get the amount of money that was spent on administration, as compared-- Yes, you are right. If you want that total Airport Safety Fund to go for airport safety without any administrative levels, then you introduce a bill in which in the general appropriation you allocate money to let that Division work, so that they don't have to take money out of it; so you can have a situation where you can correct it, if that is what you want to do.

I am willing to do that, but before I am willing to do that, very frankly, to support you, I want to know who the -- if we are going to have an acting director, if we are going to have a director. It would be an acting director, is that correct?

ASSISTANT COMMISSIONER CRAWFORD: Today, we have an acting director.

SENATOR RAND: How long has that acting director been there?

ASSISTANT COMMISSIONER CRAWFORD: The acting director has been in place, I believe, since early November.

SENATOR RAND: Just a few months ago -- six months ago?

ASSISTANT COMMISSIONER CRAWFORD: It's six months ago now.

SENATOR RAND: Six months ago, all right. If we begin to activate that Division, which has not been that active, very frankly-- This is the first indication of some real activity. I guess the Assistant Commissioner might disagree with me, but from my perspective, this is the first time that I have seen any real activity in the past year or year-and-a-half. I certainly will support you in that endeavor. I think that is the right way to go, but I do want to see that Division-- I happen to think that aeronautics -- general aviation -- is a major economic factor in this State. We have to come to some

conclusions as to how far we can erode what we have; how far we can interfere with the rights of municipalities, which you are interested in, not to the detriment of either side, but to the benefit of everybody in this State. That is why we are holding this hearing. Hopefully we will get some information that we can utilize to develop a package, if necessary, and to come to some decent conclusions, rather than being all over the lot, as we have been for the past year-and-a-half.

We are trying to get microphones, ladies and gentlemen. This is the 1989 Legislature that operates in a 1950 atmosphere. (laughter)

Mr. Crawford, let me thank you very much.

SENATOR ZIMMER: Mr. Chairman, may I ask a couple more questions?

SENATOR RAND: Yes, you certainly may. I'm sorry.

SENATOR GAGLIANO: Senator Zimmer might think that's a positive. (laughter)

SENATOR ZIMMER: If we could operate on a 1950 budget, I would be very happy.

SENATOR RAND: You can do that. You have the right to vote on an individual budget.

SENATOR GAGLIANO: He will.

SENATOR ZIMMER: Let me first say that I agree with your approach in looking at the aviation picture as a whole, and looking at my bill and all the others, along with the financial issues, as one unit. It is appropriate that you do so, because aviation is really an essential part of our economy and our transportation system.

I would like to ask Mr. Crawford-- You said you had deferred formally issuing the regulations until this hearing. Will you consider amending your regulations based on what you hear today?

ASSISTANT COMMISSIONER CRAWFORD: Senator, if we hear something that is substantial that indicates a need to adjust

the regulations, we would be prepared to do that, within the context of the administrative code procedures. In other words, we will do it as long as it is not a total redirection of the proposal. If that were the case, we would then have to draft -- or, we would then have to adopt -- propose new regulations, before we could adopt final regulations.

SENATOR ZIMMER: You referred, both in the preliminary material to the current regulations, and in the pre-proposal, to requiring purchasers of land in the vicinity of an airport to be notified as to the proximity of an airport. There is no such provision in the proposed regulation. Why is that?

ASSISTANT COMMISSIONER CRAWFORD: There is nothing in the statute that specifically gives us the authority to require that as a part of normal zoning activities that a municipality would do.

SENATOR ZIMMER: Well, some of us feel that you have gone--

SENATOR RAND: That is why we are moving that legislation.

ASSISTANT COMMISSIONER CRAWFORD: You know, whether or not it ought to be in legislation, is a separate question. I would agree that it ought to be.

SENATOR ZIMMER: Some of us feel you have gone beyond the statute in what you have done already, but I don't think there is any disagreement among anyone here--

SENATOR RAND: Senator Zimmer, we are going to give you a couple more minutes.

SENATOR ZIMMER: --as to the wisdom of that. Secondly, I received a letter from the Commissioner of Transportation, stating that it is her interpretation of the existing statute and regulations that municipalities are free to designate airports as a conditional use. Now, the League of Municipalities and individual municipalities have been under the impression that that was not permitted. Would you have any

objection to putting that position of the Department into your regulations?

ASSISTANT COMMISSIONER CRAWFORD: Senator, I have no problem with them putting them in as a conditional use. I do have a problem if they are put in as a non-conforming use.

SENATOR ZIMMER: I am not asking for that. All I am suggesting-- And I don't think any of the municipalities are. I would suggest that you consider that amendment to your regulations.

SENATOR RAND: A conditional use subject to the approval of a municipal authority? Now wait a minute, let me just get that straight, because that is what we are here for.

SENATOR GAGLIANO: That would be a conditional use.

SENATOR RAND: A conditional use by the municipal authority? Senator Zimmer, we are trying not to favor one side or the other side. What we are trying to develop here, is a package that is conducive to the development, or the sustaining of general aviation in this State.

SENATOR ZIMMER: So am I.

SENATOR RAND: I am not going to penalize the aviation people for the benefit of the municipal people, nor am I going to penalize the municipal people for the benefit of the aviation people. I am trying to steer a middle course here.

SENATOR ZIMMER: And that, I believe, Mr. Chairman, is what a conditional use is. Now, Senator Gagliano knows more about this than I.

SENATOR RAND: Let me say this to you: Don't push it. We will find out if that is what it is, but don't ask the Commissioner to tell you he is going to do it, when he doesn't know if he is going to do it.

SENATOR GAGLIANO: May I make a comment, Mr. Chairman? If you are talking about a conditional use which would have its roots in the zoning ordinance, then it would be subject, in my opinion, to the local authorities, because in

order for that conditional use to be approved, and a site plan approved for either the expansion or construction of an airport, it would have to be approved, basically, by the local planning board. So, if that is what you are talking about--

ASSISTANT COMMISSIONER CRAWFORD: Senator, may I just clarify one thing?

SENATOR RAND: Yes, and let's bring this to a close because, Commissioner, you've been on, and rightfully so-- I let you go. You've been on for, like, 45 minutes. I have no problem, but we are going to hear 30-some other people, so I want to bring this to a close.

I will let you respond, but I will say this to the members of this Committee, as they rightfully know -- Senator Gagliano and Senator Hurley: We will review-- This Committee will review the regulations you have promulgated. Each one of them has a right to put some -- whatever they want-- If we agree or disagree, we certainly will be in touch with you. In fact, we will probably have another hearing where you will come before us. We will be in touch with you very quickly.

Now you may respond, sir.

ASSISTANT COMMISSIONER CRAWFORD: Senator, the Commissioner of Transportation wholeheartedly supports the concept and the precept established by statute and confirmed in a Garden State farms case, that stipulates that aviation facility approvals made by the Commissioner of Transportation are not subject to local zoning ordinances. The question of whether or not it would be a conditional use would only apply to auxiliary facilities on the airport. We have not-- Certainly all of our regulations assume that the local zoning -- or, the local planning board reviews of airport facilities, heliports, and helistops are for informational purposes only. They are to provide the Commissioner with public sentiment as to local concerns. They are not intended to be final actions. It is only the Commissioner of Transportation, as established

by statute today, who has the authority to either authorize or deny an aviation facility to be built.

SENATOR RAND: Commissioner, we thank you very much.

We are now going to start with the public portion. Is Senator Lee Laskin here?

SENATOR LEE B. LASKIN: Yes, he is.

SENATOR RAND: After Senator Laskin, we are going to limit the remarks to five minutes, with no questions. We have approximately 35 people who wish to speak, and we are going to get through here sometime today.

Senator Laskin, we will wait until you take your coat off. Would you sit over there, please? You can take your coat off, Lee. If you want to open the windows in the back, you are certainly welcome to do so.

Ladies and gentlemen, we are trying to find-- It is not fair to the people in the hall, and it is not fair for people trying to hear what is being said. (referring to crowded conditions in the room) We are trying to get the Museum; we'll see if we can move over there. But in the meantime, we will continue at as rapid a pace as we can. We are now going to hear from Senator Laskin. Senator?

SENATOR LASKIN: Mr. Chairman, there is not much we are going to be able to do about this, so we'll have to do the best we can.

I assume you have several bills on your agenda, one of which is mine, which may or may not be--

UNIDENTIFIED SPEAKER FROM AUDIENCE: We can't hear you. Please speak louder.

SENATOR LASKIN: I don't know that we are going to be able to do anything with this.

SENATOR RAND: Well, we are going to find out if we can get the Museum. (consultation among members of Committee and aides about moving the hearing to the Museum)

**New Jersey State Library**



SENATOR LASKIN: Most of this crowd is not for my bill anyway. (laughter)

SENATOR GAGLIANO: You don't want to hear what he has to say?

SENATOR LASKIN: No, no, not that they are against it. They are here on other bills. See, I am only one small part of this.

SENATOR RAND: Let me just make one announcement: The State Museum will be ready for us at 12 o'clock. We will continue here until 12 o'clock. We will adjourn until 12:30. Then we will go over there and start at 12:30. That will give people a chance to get over there and so forth.

All right, if we can have a little quiet here, we will start. Senator Laskin, forgive the interruption.

SENATOR LASKIN: Let me make all of you feel comfortable. I have one bill on the agenda, which is probably not of interest to the vast majority of you. Most of you are here to discuss the general problems of the lack of facilities in New Jersey. My bill has nothing to do with that, so for those of you who think I am talking about why you are here, it is likely that I am not. There are other bills on the agenda which deal with the subject matter of your particular interest. So, I just wanted to allay your suspicions in advance.

I only have one little piece of today's pie. The majority of the pie will be heard in the Museum, or wherever you will be going in a few minutes. I am here on one specific issue dealing with a helicopter facility in Voorhees Township. Probably there are six of you who are interested in that, so the rest of you can relax.

SENATOR RAND: Seven, Lee.

SENATOR LASKIN: Seven, okay.

Mr. Chairman, there is a bill I have in which would probably clear up the ambiguity which I think exists in the

statute. There is a Supreme Court decision which has caused a lot of difficulty with regard to the reason I am here, not on the main overall subject of aviation facilities.

The Supreme Court decision in 1978 ruled that local municipalities do not have the complete right and jurisdiction to regulate airport facilities in their municipalities. This is an area that you would be most familiar with, coming from Camden County. In Voorhees Township, there is a hospital, one branch of several -- West Jersey Eastern, West Jersey Southern, and then there is another West Jersey-- I don't know what they call that. But in Voorhees, there is a hospital facility. That is what brought this whole incident up. There is a helicopter facility in Voorhees, right on or around the grounds of the hospital, which by coincidence is located in a residential zone. Not only is it zoned residential, but it is, in fact, residential. There are hundreds and hundreds of homes in the area. You are most familiar with it, because you don't live too far from there. There are schools in the area, and it is a growing and developing community.

This is not a bill only for Voorhees, but it is what precipitated the legislation. The municipality -- the municipality, not only the people, but the official body -- contested the right of this helicopter facility to be located in a residential zone. The hospital told the municipal officials that they really didn't care about having it there; they had another hospital further down, in the Berlin area, and as far as they were concerned they would just as soon have the helicopter facility there.

But unfortunately, the State Police insisted that the facility be in Voorhees. That is just the background. What happened which really bothered me personally, and which would bother most elected officials, was that the township went to court and brought an action in Camden County alleging that the zone did not allow for a helicopter facility in a residential

area; that they could put it in an industrial area, or some other area zoned for that purpose.

The court upheld the municipality. The Superior Court judge ruled that the municipality was correct, and that they had a right to zone the town that way. The matter was then appealed, and was upheld again. But, during the pendency of the appeal process through the court system, a hearing was ordered by the Administrative Office -- what do we call it? -- the Office of Administrative Law, at the direction of the Commissioner of Transportation, who said, "It really doesn't matter what the courts do, because I" -- the Commissioner of Transportation -- "have preemption on my side." The law says, in his opinion, that if it is a decision dealing with the placement of an airport, or an aviation or avigation facility, that the State Commissioner of Transportation overrules local municipal zoning.

So, there is now probably a pending hearing, though I haven't followed that, because that is really not my concern. There is probably a hearing going up through the system to the Commissioner, as to whether or not a facility should be there. This bill does not go into those legal technicalities. It merely says that local jurisdiction would govern. If your town, for example, adopts a zoning ordinance that says that in a residential area you can't have a steel mill, no question but that that would be upheld in court. But in this instance, the Supreme Court said, "Well, the statutes are a little ambiguous, so we are not sure that the municipality may zone out that helicopter facility."

The statute has to be clarified. The purpose of the bill is to clarify the statute. It is not a case of Voorhees versus West Jersey, or Voorhees versus the Commissioner of Transportation. It has nothing to do with that. It merely clarifies that a municipality has the right to zone in those areas.

SENATOR RAND: The only thing we will say to you, Senator Laskin, is that we will be considering that bill. We are not going to report any bills out today. Let me just state two things to you: Number one, as I replied to Senator Zimmer, we have to be careful that we don't give that particular locality the right to zone out existing facilities, which there is an attempt to do. What we are trying to do -- at the risk of repetition -- is be fair to everybody.

I understand your problem. Your problem was caused because somebody wanted it there; not because it was a great place, but because somebody wanted it there.

SENATOR LASKIN: But remember one thing you just said: The ordinance was not designed to zone out. The zoning ordinance was there long before the facility was put there.

SENATOR RAND: That may be, but we have to be careful that in the context of what you want to exclude from that particular area -- and you are very specific on that -- that we don't open up a host of-- You didn't hear Assistant Commissioner Crawford respond, or myself respond to Senator Zimmer. We've got to be most careful that we don't allow those airports in general aviation that are existing today, and have existed, to be thrown out of the picture.

SENATOR LASKIN: I agree with you, Mr. Chairman. I am going to leave in a couple of seconds, because you have a big agenda, but I think there are some misconceptions. This is not a zoning out situation. This is not a "Protect my back yard" situation. This was a legitimately zoned town with a residential area, a commercial area, and an industrial area. This situation with the airport came up years and years and years later. It was not a case of "Let's zone this area to make sure something doesn't go in there." I want you to understand that, because I would not introduce such a bill. I don't think that is proper.

This zoning existed for years. It is not directed to Voorhees, by the way. My bill is not a specific bill. It merely says that the zoning laws of the municipalities all over the State will govern -- period.

SENATOR RAND: Your point is well taken, and we certainly will look into that. We thank you for coming before us.

SENATOR LASKIN: Thank you very much.

SENATOR RAND: The Honorable Jack O'Keefe, Freeholder of Morris County.

M I C H A E L S T O D D A R D: Mr. Chairman, my name is Mike Stoddard. I am the Director of Media Relations in Morris County.

SENATOR LASKIN: You better speak louder, before you are stoned by the-- (laughter)

SENATOR RAND: Thank you, Senator Laskin.

SENATOR LASKIN: You better tell him.

SENATOR RAND: Mr. Stoddard, you are going to have to speak clearly, because they can't hear you. We've got to stay here for at least 55 minutes.

MR. STODDARD: Freeholder O'Keefe was caught up in a pressing matter of siting an incinerator this morning, and he asked me to deliver his statement.

SENATOR RAND: All right. If you will sort of face the audience a little bit, maybe they will be able to hear you. We will read along with you.

MR. STODDARD: Thank you. Do you have enough copies?

SENATOR RAND: Yes, we are all right.

MR. STODDARD: Mr. Chairman, members of the Committee, ladies and gentlemen: I am speaking on behalf of Jack O'Keefe, who is a member of the Morris County Board of Chosen Freeholders, and serves as Chairman of the Freeholders' Committee on Planning and Development.

As liaison to the Planning Board, he also functions as an ex officio representative to the county's Aviation Commission, and it is in that capacity that he would have been here today, and has asked me to speak on his behalf.

Initially, the Board wishes to compliment this Committee for holding this hearing and focusing the State's attention on a problem we had all put on the back burner.

You may not have realized it, but your calling this hearing has raised the level of attention beyond what was anticipated, for it was directly responsible for Morris County's taking a closer look at the state of airports in our county, and discovering, to our dismay, that we are also part of the official problem.

Politely put, we, as a county government, through our inattention to their plight, present another bureaucratic roadblock that serves to discourage airports and airport development.

I would like to quickly review the potential losses to Morris County if we, the State, and the county continue on our present path. Where not too long ago Morris County had several general aviation, public use airports, we now have two left: Morristown, owned by the Town of Morristown, and Lincoln Park, owned by a private corporation, but open to the public. Within the last few years, we lost the airports at Flanders and East Hanover, both slated for development. Morristown Airport serves as the home base for the corporate air fleets of six of the Fortune 500 companies in the Morris area, and records well over 260,000 aircraft movements a year. It also houses a new customs station serving as a gateway for corporate aircraft doing international business. At Lincoln Park, we are faced with the possibility of losing more than a million dollars in Federal air safety grants because of the overlapping jurisdictions dictating the fate of airports, and have begun a dialogue to see where we can help.

Add these few facts to the hundreds of people working at the two airports in various capacities, plus the millions of dollars worth of aircraft based at these fields, and you can quickly see the economic impact they have on the county and the State.

My Board is presently grappling with ways to restructure our moribund Aviation Commission to make it more responsive to the needs of the county. But even after it is given more responsibility for helping to solve the problems of Lincoln Park and Morristown Airports, we will still need assistance from the State. To that end, the Board wishes to go on record as supporting Senate Resolution No. 93, with one suggestion for a modification to the legislation. I refer to paragraph 1 that sets the criteria for membership, and ask that a representative of county government, such as a Freeholder, be included, since the county planning boards and economic development agencies also play a part in airport regulation.

In closing, let me thank you for allowing me to be heard. We offer any help I, my Board, or the County of Morris can give to this Committee and this valuable legislation, and urge its immediate passage.

SENATOR RAND: Thank you very much, sir.

MR. STODDARD: You're welcome, Senator.

SENATOR RAND: Mr. Arthur Storm, representing several northern New Jersey Chapters of the Experimental Aircraft Association. Mr. Arthur Storm?

A R T H U R   R .   S T O R M: I'm coming, sir.

SENATOR RAND: Okay, sir, we will wait. I know you can't fly in. If you will sit over there, sir, and sort of face the audience, they might hear you.

MR. STORM: I will indeed. I have copies of my paper for you folks.

SENATOR RAND: Thank you.

MR. STORM: If you will allow me, I will stand up, so that the folks in back can hear better.

SENATOR RAND: That's fine.

MR. STORM: Mr. Chairman, members of the Committee, ladies and gentlemen: As historian and past president of Chapter 238 of the Experimental Aircraft Association of Morris County, I am here representing several of our North Jersey EAA Chapters. Initially, I want to thank you, gentlemen and ladies of the Committee, for allowing me to talk to you, and for giving us all the opportunity to express our views on what we think is a very critical time for aviation in the State of New Jersey.

Our organization is composed primarily of pilots who view general aviation through the personal experience of living some of the old pioneering spirit that first gave man the ability to transcend the earth.

Many of us fly for a livelihood, while others of us use personal aircraft as a primary means of transportation. All of us are very aware of the crowded skies over the State of New Jersey. However, we fly rather than risking our lives on highways which have become so crowded. We all know that too well.

SENATOR RAND: Hear that, Senator Gagliano?

MR. STORM: But primarily, the reason for the Experimental Aircraft Association is to share our knowledge of flight and flying machines; to know the satisfaction of lifting into the air in an airplane which we have built ourselves, airplanes to which we have given life. We appreciate and value so much the time we have invested in making these airplanes. As consumers of specialized materials, we spend millions of dollars within the State. We have watched with growing apprehension as the small airports we use have disappeared from this State, forcing us to more distant places if we wish to fly, and sending our hard-earned money out of the State of New



Jersey. All this I realize is a long introduction to really a short thing that we want to say.

We in the EAA want to go on record as endorsing Senator Bassano's resolution -- Senate Resolution No. 93 -- which will set up a commission to look into all aspects of aviation in New Jersey. It is a move which we in the EAA feel is long overdue. From the testimony I heard before, I would like to say that if Senator Bassano were happy with any of the other studies that were proposed this morning, we certainly would not object to that.

We in the EAA have watched our air space shrink, as scheduled airlines have taken over more and more of the air space. While we have been affected by the loss of air space, we have agreed to many of the reasons for this loss, knowing that it was inevitable as the public lost other means of transportation and had to take to the airways.

We in the EAA have become increasingly dismayed as the number of airports in the State have decreased at a faster and faster rate. We can foresee only a very few large airports surviving, with no room for those of us who feel that the smaller and quieter airplanes are not a bad way to go. It is a sad fact of life that in New Jersey once an airport closes, it will probably never reopen. The urbanization in our State is occurring so quickly, that when an airport closes, there are houses on it usually within six months. You can't remove houses to put airports in, unfortunately.

The airport owners and operators have pointed out that airports in New Jersey could close forever in a matter of minutes, and they would never be reopened again. The airports, mostly built on low-lying wetlands, are also precious reservoirs for our ecology. They have unrecognized environmental benefits, such as serving as recharge areas for our underground aquifers; habitats for some of our wildlife; and buffers to unwanted development. They also serve as breaks

in the onrushing wall of buildings. Open meadows and open spaces left as a heritage of happier, slower times are a worthwhile heritage that we would like to leave to our children.

Let me conclude on this positive note, if you will: You and the Committee have our gratitude for taking your valuable time to look into a problem which we thought none wanted to spent the time doing. We are confident that you have the vision to see the future needs of our State's inhabitants and ecology; to consider the vital role of small airports in the State's future economy and our quality of life, particularly as short takeoff and landing aircraft -- such as the EAA and other commercial aviation industry members are designing -- as these aircraft become more prevalent and quietly grow to serve our communities better and better.

If you have any questions, gentlemen, I would be happy to answer them. If I don't know the answer, I will certainly get it for you. Thank you very much for your time.

SENATOR RAND: Mr. Storm, thank you very much. Senator Hurley has a very quick question.

MR. STORM: Yes, sir?

SENATOR HURLEY: Just tell us quickly, what is an experimental aircraft?

MR. STORM: An experimental aircraft is an aircraft that covers the gambit from what North American might put up as the first space shuttle, to an aircraft that is built in my garage at home. Most of the members of the Experimental Aircraft Association are builders of small, one- to four-place airplanes, which are built under the auspices of the Federal Aviation regulation according to their rules. They are licensed in the experimental category. They are not to be used for hire, but they may be used for education and pleasure purposes.

SENATOR HURLEY: Thank you.

MR. STORM: You're welcome, sir.

SENATOR RAND: Mr. Storm, thank you very much. We appreciate your coming down. This Committee will pay attention to some of your recommendations.

MR. STORM: Thank you, sir. (applause)

SENATOR RAND: We have received a letter from Senator Bassano, who expresses his sorrow that he can't be with us today. He is very happy that we are paying attention to small airports, and he certainly hopes that we will support his bill.

The next speaker will be Carleton Rehr, Hawk Valley Soaring, Inc.

C A R L E T O N R E H R: I think I will stand, too, although I am uncomfortable doing that.

SENATOR RAND: Fine.

MS. REHR: I would like to mail you copies of my statement, since I have made some revisions in this since last evening.

SENATOR RAND: Fine. We will be glad to put the copy in the record.

MS. REHR: Okay. My name is Carleton Rehr. I am the owner and operator of Hawk Valley Soaring, Inc., located at Somerset Airport in Bedminster, New Jersey. I am a flight instructor in gliders and a FAA-designated examiner. My husband, Louis Rehr, is employed full-time at the same airport as an air transport pilot, flight instructor, and FAA examiner.

Like thousands of others around the State, our livelihood depends upon the survival of a public use airport. Because so much of my life revolves around my local airport -- and I am also a resident of Bedminster -- I have followed with great interest and concern the conflict surrounding the Air Safety and Hazardous Zoning Act.

I am here today for two reasons: First, to urge you to reject any legislation that would repeal this Act, and to ask you to use your influence to pressure DOT into enforcing the amended regulations under this Act, when they are finally

published. If we distill the arguments on both sides of the issue, the conflict comes down to this: The airports want to exist as viable businesses, without harassment and unreasonable zoning restrictions from their communities, and the municipalities want home rule on matters concerning land use within their boundaries. The resolution of the conflict depends largely upon your recognition of the valuable role New Jersey's public use airports play in the State and national transportation systems.

If you see these airports as vital -- that is, providing transportation services to businesses and private citizens that our large hub airports and our increasingly congested highways cannot fulfill -- then you must also see them as valuable resources that must be preserved and protected. The regulations of the Air Safety and Hazardous Zoning Act, if enforced, will be a significant step toward ensuring the survival of those public use airports that still remain.

Unfortunately, DOT has not yet published the amended regulations, and I now understand why. But I am going to refer to the proposed changes in my comments. Let's take the regulation -- I assume it is still there -- that will require a clear zone at both ends of active runways. Within this trapezoid area, which is 1000 feet in length, all new construction would be prohibited. I hope DOT does nothing about the existing structures that are presently in these areas. The amended regulation should remove that non-conforming land status from those buildings. However, no more building can be allowed in these clear zones.

Although accidents are infrequent, they do occur in these critical flight paths. Landings and takeoffs are critical for pilots. For safety reasons, further development within this clear zone must be stopped. When municipalities have exercised the right of home rule, they have permitted

construction right to the ends of runways, and the former Flanders Airport is a perfect example of this. Subsequently, airport owners have had to contend with the complaints of their new neighbors, people who certainly must have been aware of the proximity of an airport.

Senate Bill No. 2757, which seeks to repeal the 1983 Act, would remove all land-use standards except for height in this clear zone, and the larger hazard zone that surrounds the clear zone. Municipal control of the zoning around airports has helped to generate this crisis, specifically the loss of the State's public use airports. If municipalities retain this control -- complete control -- many more of these airports will be forced out of existence.

Are you aware that since 1985, when the regulations under the Act were effected, several communities have permitted residential zoning and development in the delineated hazard zones, despite the fact that these regulations excluded residential development and required DOT approval for large additions to existing homes? Examples of affected airports include: Soleburg, Somerset, Allaire, and Lincoln Park.

This development represents not only an arrogant and blatant disregard for the law, but a complete ignorance of the importance of general aviation. Do you really want to return complete control of zoning around airports to the municipalities?

You know, the amended regulations, under DOT, reflect considerable compromises with the affected communities. For example, large-lot residential building will be permitted in the hazard zones, a concession that many airport owners oppose. There is another zoning problem: Municipalities have stifled the growth of airports by keeping them zoned "non-conforming land uses." The regulations under this Act would require that airports be granted conforming land use status. This element in the regulations is central to the

continued health of airport businesses. Residential and commercial growth in New Jersey has placed more and more demands on public use airports -- more corporate flights, more private charters, more emergency medical flights, more pleasure and sport flying. These airports must be permitted, if their owners have the resources, to grow along with the surrounding communities they serve. Municipalities, again ignorant of the role general aviation plays in the State's transportation needs, have zoned their airports non-conforming. Under this land use status, applications for improvements can be arbitrarily rejected or held up indefinitely.

Senate Bill No. 2757 would rezone airports conditional; a designation that still leaves complete control of airport development in the hands of the municipal officials, who know little of airport operations or air safety. This conditional land use status would not, however, apply to lands acquired after July 1, 1988. They would be up to the option of the municipality, which is an obvious attempt to stifle the legitimate growth of airports. The anti-aviation intentions of this bill should be obvious.

You know, it is very difficult for the average citizen to understand the confusion surrounding the Air Safety and Hazardous Zoning Act; a confusion that has been created by DOT's ineptitude. The facts about the regulations, amendments to the regulations, conforming and non-conforming land use are so complicated, that it is much easier for community officials to appeal to the emotions of their citizens, many of whom have lived in harmony with their airports for many years.

In my own community, for example -- Bedminster -- public officials declare that accepting the regulations means that property values will plummet; that commercial development is the only permitted land use around the airport; and that the local airport will be transformed into this great hub of traffic. Not one of these statements can be substantiated, if

we examine the recent sales of homes in the vicinity of the airport, the proposed amended regulations, and the property limitations of the airports.

Once again, I ask you to reject efforts to repeal the Air Safety and Hazardous Zoning Act. Those who seek to overturn these regulations are hostile to the presence of airports in their communities, although it is hard to believe that they would want these open spaces to convert into more housing developments and more office complexes. Those who seek to repeal the legislation of 1983 have a very limited view of what happens at a local airport.

As members of this Committee, you must adopt a much broader perspective, one that includes a vision of the future. Most airport owners are dedicated to keeping their airports as businesses. They must be, because their properties are worth millions, if sold for residential or commercial use. These airport owners need all the support the State can give them, if they are to continue as viable and successful businesses. Retaining and enforcing the Air Safety and Hazardous Zoning Act is a major step in that direction.

I thank you very much, Senator Rand. (applause)

SENATOR RAND: Thank you very much. Please, please, no applause.

SENATOR ZIMMER: Mr. Chairman--

SENATOR RAND: We are not going to question.

SENATOR ZIMMER: My motives and my legislation were attacked, and I would like to respond, if I may.

SENATOR RAND: I am going to let you speak on your legislation, if you would like, for a couple of minutes, but we are not going to question everyone who challenges it.

SENATOR ZIMMER: I don't intend to question; I intend to respond.

SENATOR RAND: You may have two minutes to respond, sir.

SENATOR ZIMMER: Okay. The legislation I am sponsoring has been characterized as anti-aviation and, I believe, so have I. That is not true. My concern all along has been to put in a paramount position, the interests of airport safety. I do believe that we need to preserve and maintain our public use airports. In addition, I would like to point out that this legislation would not give entire, total control to municipalities over airports. A conditional use designation does not permit the municipalities to be unreasonable or capricious in the standards they set for developments within an airport.

I agree with Mr. Crawford that a conditional use designation would not give the municipalities the right to determine whether airport use should or should not be in a particular location where it currently exists. I strongly support the idea of a clear zone, because that is mandated by safety. I believe we have one area of disagreement, and that is what is called the "hazard zone" currently. That is an area in the vicinity of an airport where you feel that residential and other incompatible uses are undesirable, for reasons other than safety.

Try as I might, as I read the Airport Safety and Hazardous Zoning Act -- which I voted for, and which I still support -- I cannot find anything in there that is aimed at anything but safety considerations. If you are interested in having legislation which would prohibit low-density, residential use in the vicinity of airports, then I would suggest you get a sponsor to introduce it. The current law does not have that power given to DOT, and I believe to the extent that the current regulations use that power beyond what is required for safety considerations, that DOT is acting beyond its legislative authority.

SENATOR RAND: Senator Zimmer, thank you very much. We appreciate your remarks.



Ladies and gentlemen, we will not be able to get into the Museum until 12:30. For those of you who cannot stay, if you have to leave, I will ask you to give your names to Peter Manoogian as you leave, or before you leave. I promise you that if there are enough -- if there are only two or three-- If there are 12 or 15 people who cannot stay, I promise you that we will have one more hearing, and that you will certainly have a chance to voice your views. So, those of you who cannot stay this afternoon, we will give you another opportunity. I will not have a hearing for two more people, but if there are a number of people, we will try to accommodate you.

The Museum will not be open until 12:30. We will adjourn here at 12 o'clock sharp, so that we can then move to the Museum.

The next speaker will be Paul Werkmeister, the Mayor of Linden. Good morning, sir.

**MAYOR PAUL WERKMEISTER:** Good morning Senator; good morning, gentlemen. I appreciate the opportunity to speak before you.

**SENATOR RAND:** If you will speak a little that way (indicating direction), they will hear you. Just a little bit, that's it. Not too much, that's it. Thanks, Mayor.

**MAYOR WERKMEISTER:** Thank you, Senator. I am speaking, I think, for a minority, and that is the 38,000 people who live in the City of Linden. This is where this legislation was initiated -- the reason for it -- by Senator Bassano, who felt that the Linden Airport was going to be closed. The Pilots Association sought him out, and asked him to support this legislation.

I have no objection to a commission to study aviation, but I do say that it shouldn't be directed at the City of Linden, which has, for over 40 years, accommodated and put up with an airport that never should have been there to begin with. It was placed there by-- (negative reaction from

members of the audience) Many of you are not old enough to know, but during World War II and the War Emergency Act of 1942, the Federal government took that property, and said: "This is an airport where you will test the planes that are assembled across the street in the General Motors plant," which became Eastern Aircraft. Linden had nothing to say about it.

Linden didn't want to say anything about it. We knew it was necessary. When the war was over and the airport was no longer usable, they said to us: "You take the airport, but you must operate it as a public airport, simple because we have a problem yet with Russia. We could have a national emergency once again, and we want to be able to recover this airport for the same purposes." That went on for 40 years. In the interim, we attempted to get operators for that airport.

We agreed to grants from the FAA and the City of Linden paid 10%, but we never got all of our money back. The City of Linden put a million dollars of its own money into that airport. If anyone should go there now, they will see the blight that exists. I tell you this: The City of Linden, and the people there, need that airport. They need the development. We have lost our ratables; we have lost businesses. We need this to turn the community around.

I think people should be looked at first. I don't doubt that other areas could support airports, but Linden Airport-- Take a good, hard look at it, and please don't direct the legislation at it. Make sure that this commission, if it is formed-- The City should at least be given an opportunity to speak to them and present their side of the problem.

I thank you very much for this opportunity, Senator, and the rest of the Committee.

SENATOR RAND: Mayor, thank you very much. Thank you for coming down.

Naomi Nierenberg, President of Raritan Valley Flying School, and Co-chairman of the Action Committee of the New Jersey Association of Airport Owners and Operators. My goodness, that was a long introduction. Good morning.

SENATOR GAGLIANO: A longer title than the time you are giving the speakers.

SENATOR RAND: Just a minute, your five minutes are up. (laughter)

N A O M I N I E R E N B E R G: They told me 10 minutes on the phone. That's not fair. (laughter)

SENATOR RAND: That's a long title, Ms. Nierenberg.

MS. NIERENBERG: You forgot, I am also an owner of the Princeton Airport.

SENATOR RAND: Who's from Princeton here? (no response) If you will turn your profile toward the audience, they may--

MS. NIERENBERG: They know what I want to say.

SENATOR RAND: --hear you.

MS. NIERENBERG: I am Naomi Nierenberg, President of Raritan Valley Flying School, an FAA-certified flight school which has approximately 200 students enrolled for careers and/or pleasure.

I am also an owner of Princeton Airport, and Co-chairman with Jack Taylor of the Action Committee of the New Jersey Association of Airport Owners and Operators.

I want to thank you, Senator Rand, and your Committee, for holding this hearing today on general aviation. We in the industry appreciate this opportunity.

As background for your colleagues, our Airport Association held its regular meeting on October 6, 1988. This fledgling organization was formed about a year ago to help owners and operators promote aviation and solve the multitude of problems confronting them.

At this particular meeting, the air was permeated with absolute frustration. One by one, an owner was relating the problems he or she faced, each one worse than the other -- similar to the program, "Can You Top This?" but we weren't telling jokes. Many of the problems related to difficulties with the local boards, which were stopping their improvements. But it is worse when the airports have Federal and State funds for safety projects, and the local boards prohibit construction. Then the municipalities are deliberately acting against the airport.

We had politely written letters to the appropriate people in Trenton, but we were ignored. Meanwhile, we had lost seven airports in 18 months, and the only favorable legislation passed in recent years had bills for repeal or were being weakened to be totally ineffective.

When one of our number put forth the idea of marching "en masse" to the State Capitol, the membership overwhelmingly supported the idea. Almost all of the privately owned, public use airports closed their facilities for the day for repairs. We, along with 200 people from the aviation community, marched in front of this building in hopes of being heard. Perhaps you saw us, as we carried signs that were facsimiles of tombstones with "RIP" for each of the 45-plus airports that we have lost since 1960, when we were more than twice our number.

We took the appropriate actions when closing our facilities to inform the proper authorities of our plan. Off the record, both the State and Federal officials wished us well, as they were well-aware of our plight.

Our purpose on the 24th was to get a listening ear. Finally, Senator Rand heard us and called this session today. For this we are grateful -- and hopeful. That's why we have traded our "tombstones" for "rainbow ribbons." For those of you who couldn't get a rainbow ribbon, I apologize. I didn't expect this turnout. We are all wearing the rainbow ribbons

today. We don't expect the pot of gold, but this is the first time in years that we see some hope.

Additionally, other enlightened legislators have also introduced legislation supportive of our plight. Perhaps something will finally happen. We can't afford prolonged studies, as we lost three more airports since our demonstration, and many are literally walking a tightrope.

Our points, then and now, are not out of the realm of reality:

- 1) Preserve the Air Safety and Hazardous Zoning Act of 1985 and work to strengthen it.

- 2) New Jersey's Department of Transportation must be more responsive to the needs of New Jersey's air transportation system, and enforce the laws to protect the airports, primarily zoning. The Office of Aviation must be able to be a strong advocate for aviation and airports.

- 3) The jurisdiction for airports should be placed solely within the Office of Aviation for licensing, zoning, construction, etc. This Office has the expertise to make intelligent decisions.

- 4) Buyers of properties within a three-mile radius must be made aware of our existence.

- 5) As a minimum, there should be tax relief for the public use, non-revenue-producing lands at privately owned, public use fields.

It was not long ago that Ms. Arlene Feldman was appointed Director of the Division of Aeronautics. This appointment was a milestone, as her predecessors were caretakers. She was a lawyer, a pilot, and had a working relationship with the Legislature. The aviation community was delighted, because she immediately restructured the office and introduced legislation -- the Air Safety and Hazardous Zoning Act. Please allow me to read the general provisions from the Act:

A) "Municipalities affected by the provisions of this chapter shall adopt ordinances implementing the standards of this chapter within 12 months of the adoption of the chapter.

B) "Upon the adoption of this chapter, no municipal body may grant variances or subdivisions in an airport hazard area under their existing ordinances whose purpose would be contrary to the standards of this chapter."

The second piece of legislation was also hailed by the aviation community. We supported her plan to tax aviation fuel an additional two cents per gallon to fund non-revenue-producing improvements to local airports. This allowed privately owned, public use airports to make long needed improvements such as runway and taxiway overlays, runway lights, etc. All of these improvements were to improve safety. Operators previously postponed these improvements in favor of using their limited resources for revenue-producing projects like hangars.

The Hazardous Zoning Act has been virtually ignored by most municipalities. The first few years the grant program was successful. The grants were distributed after the appropriate applications and procedures were followed. Now we have found out that the fund has been limited to one million dollars per year, and it has been raided for copying machines, computers, and other administrative costs of the Office of Aviation.

What has happened? Ms. Feldman worked with, and received support from you, Senator Rand, Senator Russo -- who introduced the legislation -- and Governor Kean. For the most part, the cast of characters is the same -- except at DOT.

New Jersey owners of the 36 privately owned, public use airports come in a great variety, with the common thread of a firm commitment to general aviation. Our airports range from small grass strips to the hundreds of acres at Allaire Airport. For the most part, the owners are not dressed in suits and ties, but more often they wear work clothes, prepared

to fix or do anything to make the operations run more smoothly. It's not uncommon to call the owner off a tractor for a possible aircraft sale. Each of our problems might be slightly different, and the publicly owned airports' problems might be different from the airports that are privately owned, but the five points stated earlier will definitely be progress for all of us.

Ladies and gentlemen, we need your help now. We are ready to assist you in expediting solutions to the complex problems you are hearing today. If our 36 privately owned, public use airports were dinosaurs, imagine the rallying cries, the massive efforts, and the moneys that would be spent to save the species. The irony is that these airports are endangered. However, they contribute to the economy, provide open space, pay taxes, provide services, and are part of the air transportation system. Don't you think we are worth preserving?

Thank you. (applause)

SENATOR RAND: Ms. Nierenberg, thank you very much.

MS. NIERENBERG: Senator Rand, one of the issues that comes up often is, who uses these airports? I have for you a computer readout of all the corporately owned airplanes in New Jersey. Now, you will also find in here people who own planes-- Maybe a group of people will incorporate. Also, planes that are registered in the State of Delaware will be on this list. Of course, you all know that Delaware has very favorable corporate laws. So, here is a list of the airplanes that are registered corporately. You will see who the users of our system are.

SENATOR RAND: Thank you very much. Senator Zimmer has a question.

SENATOR ZIMMER: Ms. Nierenberg, does your organization have a position on the proposed regulations of the DOT?

MS. NIERENBERG: The ones we had the hearing on, on December 22?

SENATOR ZIMMER: Yes.

MS. NIERENBERG: Yes. We were against the residential being allowed, because we felt that by putting minimum -- What was it?

SENATOR GAGLIANO: Low density.

MS. NIERENBERG: --low density, particularly in areas where the value of land is increasing so rapidly-- Those houses are going to be extremely expensive. Those are the people who have more influence, for instance, than people who live in trailer parks. So, we were very concerned with that. You talk about directing attention fully to safety. We are also concerned about noise, and we feel that is good environmental quality. We don't think that houses should be in there.

SENATOR ZIMMER: Is that your only objection to the proposed regulations?

MS. NIERENBERG: No, we have several.

SENATOR ZIMMER: I don't want to put you on the spot. Is that your major objection?

MS. NIERENBERG: That is one of the major ones, yes.

SENATOR ZIMMER: Thank you.

SENATOR RAND: Thank you very much, Ms. Nierenberg.

John Langsdorf, Church & Dwight Co., Inc. Good morning, sir.

**J O H N   L A N G S D O R F:** Good morning.

SENATOR RAND: If you will sort of address the audience -- a little bit to your left -- we will see your profile.

MR. LANGSDORF: All right.

SENATOR RAND: Good, thank you.

MR. LANGSDORF: I have some copies here for you. I am John Langsdorf, Manager of Community Relations at Church &



Dwight Co., Inc. in Princeton. I have a letter here from our Chairman, Dwight C. Minton, which I am going to read. It is addressed to you, sir, Senator Rand:

"Dear Senator Rand: I wish to commend you for providing an opportunity for aircraft owners and users to voice our concerns about the future of aviation in New Jersey, and I regret that I cannot be in Trenton in person on April 4 to deliver this message.

"The maintenance of a good climate for general aviation is essential for Church & Dwight Co., Inc., manufacturers of Arm & Hammer products, and for its 308 employees at our corporate headquarters in Princeton. Indeed, regular use of the company's helicopter and small fixed wing aircraft is an integral part of our business operations and a necessity for key executives to travel rapidly to and from New York City, Philadelphia, regional airports, and hard-to-reach, out-of-state manufacturing plants.

"When Church & Dwight moved to New Jersey from New York City in the 1970s, the climate for general aviation was good. But today I am becoming increasingly concerned and even alarmed by reports of airport closings and of municipalities permitting residential construction in runway approach areas in violation of the State's Hazardous Zoning Act of 1983. This happened only recently at the Princeton Airport, the essential hub of Church & Dwight's air operations.

"Assurance of quality aviation facilities at Princeton Airport and other regional airports is vital for Church & Dwight and for other companies in the area. I hope both the executive and legislative branches will understand the importance of this and recognize that in order to maintain continued economic progress in New Jersey, a commitment to superior aviation services is essential."

Thank you very much.

SENATOR RAND: Sir, may I just ask you one question?

MR. LANGSDORF: Yes.

SENATOR RAND: Was that one of the ingredients that attracted you to New Jersey from New York?

MR. LANGSDORF: Very definitely.

SENATOR RAND: Thank you very much, sir. (applause) Please, please, no applause. We have to give equal rights and equal time to the other side.

We will be meeting at 12:30 in the Museum Auditorium. If anyone cannot appear there, please leave your name with Peter Manoogian, and we will attempt to have another meeting as quickly as possible.

Thank you very much. We are adjourned until 12:30.

(RECESS)

AFTER RECESS:

SENATOR RAND: If everyone would please take a seat, we will get started. Hopefully, we will be able to get through.

Nicholas J. Rucci, Vice President of the Mid-Atlantic Aviation Coalition?

For the people who have to leave, we will try to get to you as quickly as possible.

K E V I N R E D D E N: Mr. Chairman, my name is Kevin Redden. I am President of Mid-Atlantic Aviation Coalition. With me is Nicholas Rucci, Vice President of the Coalition. We have our testimony divided into two parts. I will give the first part, and Mr. Rucci will then be talking about the issue of the Airport Safety Fund.

Thank you very much for the opportunity to testify before the Committee today. As you requested earlier, I will try to keep my remarks brief. Therefore, I won't be going into what general aviation is, because I think that has been very well covered, along with the real need for general aviation in

this State and the economic impact it has on the State's economy.

But, in order to use the aviation system for transportation, we obviously need airports. Without the airports, our businesses can't use their corporate air fleets -- their helicopter fleets. The other benefits of general aviation -- the air freight, the commuter airlines-- All of them would be useless without airports.

Public use airports are what we are going to be talking about today, not the private use airports. The public use airports, whether they are publicly or privately owned, are vital to the State's economy. If there are no public use airports, what is going to happen to the corporations in this State that require general aviation? I would point out that already, in recent times, ITT and Exxon have moved their corporate flight facilities out of the State of New Jersey, and have relocated across the Delaware in Allentown, where there was plenty of room for expansion. They could put up their own hangars, and do things that they could not do in the State of New Jersey.

These are just two corporations that have moved out-of-state with their flight departments. As you heard earlier, Church & Dwight located into the State of New Jersey back in the '70s -- back when the environment for corporate aviation in the State was a lot different than it is now. Now we are seeing bills in front of your Committee that would seek to repeal the Hazardous Zoning Act; that would seek to declare airports to be non-conforming land use; and bills that would seek to allow municipalities to zone housing right up to the edge of the runways. If you ever got a look at Hackettstown Airport, right off the edge of the runway are two-story houses. The same thing happened to the Flanders Airport a while back. That airport is now closed.

Indeed, I would like to call the Committee's attention to the plight of the airports and to how many of them are closing. What I have with me is a map that was published by the Office of Aviation, Department of Transportation, in 1979. It shows all the airports in the State as of 1979. If we take that map, and then illustrate the airports which have closed since 1979, it is a pretty alarming picture. All these airports have just disappeared in the last 10 years alone. I think this is very important to keep in mind, because once they close, they are not going to open again. We have such land use pressure in the State, that we've got to preserve the airports we have.

What is it we need for these airports? I mean, we have heard a lot of the problems, but I think we need solutions, too. One of the things we need is conforming land use status for our airports. The reason we need the conforming land use status, is because these airports have to grow along with the business climate. The hangars at some of these airports are extremely old. Indeed, the FAA, I understand, sent a notification to some of the -- what are called, "Part 135 Operators" -- this is a commercial air taxi operator -- up at Essex County Airport. The hangars up there are so old, and so dilapidated, that the FAA has sent them a letter, saying that if the facilities are not improved, the FAA would consider them substandard, and would consider pulling the FAA license for operating an air taxi service.

We need the ability to expand, to modernize these facilities. If an airport is zoned "non-conforming use," then the airport owner has to go to the planning board and get his plans approved there. He has to go for a zoning variance. If we take a look at what is going on with some of these municipalities which have turned very hostile to aviation, they just want to get rid of the airports. They are looking at the airports as nuisances to them, whereas when you look at it from

a statewide perspective, the airport is not a municipal resource. Even though it is hosted in one municipality, it is a regional resource. The existence of an airport affects, and has an economic impact on the entire region, not just the county, because counties follow political boundaries. An airport might be right on the edge of one county, but really it affects an area maybe 50 miles around it. Exactly what the mileage is would be up for debate, but it is certainly a resource for the surrounding community, and as such, it needs protection. It is not something that the local municipality has a real interest in.

The Senate has faced some difficult choices recently, and the siting of public facilities -- or, I should say, facilities to benefit the public, facilities that the host municipality was very much opposed to, but the greater good of the surrounding area dictated the need that, in that case, home rule had to be overridden-- Home rule is a great principle. In most cases, I think it is important to be upheld. In the case, however, of transportation systems, whether they be airports or whether they be roads, it is important that home rule not get in the way of providing the transportation system that is important to the State, and important to the entire region.

Let's take a look at-- We talked about a transportation resource. Highways are just the same as airports. They provide a means of transportation within the State, yet if every municipality had its way with some of the highways, we would have a rat's nest of regulations. The system wouldn't get built, or wouldn't survive.

Here is a case where the State has recognized a need for State oversight, and has provided for it. In aviation, pilots look on airports just the same way as the trucking industry looks on highways. It's a resource that is absolutely needed.

Another thing the Coalition wants to address today-- By the way, I should state who the Coalition is. The Mid-Atlantic Aviation Coalition is a Coalition of aviation businesses, FBOs, airport operators, and flying clubs, and we represent over 2100 people. The Coalition has been looking at what has been going on in New Jersey with the Department of Transportation, and how they have been regulating, or non-regulating aviation. The Department of Transportation is specifically charged by the Airport Safety Act of 1983-- Let me read one sentence out of that Act: They are charged to, "develop and promote a program to ensure the safety and continued operation of aviation facilities in the State of New Jersey." This is right in the charter of the duties of the Commissioner. Yet, despite this mandate, the Department seems to be bent on just the opposite.

We have seen over the past dozen years or so, what appears to be the systematic dismantling of the aviation infrastructure in the State. I would like to take a look at some of the things that the Department of Transportation has been doing.

The Airport Safety Fund: As you heard earlier, the Department of Transportation has been spending moneys from the Fund for administrative uses, and Mr. Rucci, Vice President of the Coalition, will be addressing that in a minute.

In the area of the Air Safety and Hazardous Zoning Act, we find one of the more serious aspects of what I would consider the Department's -- I use the word "neglect" -- of aviation, in that the Air Safety and Hazardous Zoning Act we consider to be a very good law, with very good provisions in it. It requires the Department to come up with the regulations to implement those provisions. Well, when the Department came out with the provisions -- with the regulations back in 1985, one of the things that those regulations did was require municipalities to zone all preexisting houses in the hazard area as non-conforming land uses.

I don't know about you, gentlemen, but if somebody declared my house non-conforming, I would be a little upset, and the homeowners and the municipalities were rightfully upset. The municipalities have been screaming over that one provision. That is the most heinous provision in their rules. The aviation community has supported the municipalities in this case, and has asked the Department of Transportation to change the rules to make those preexisting structures conforming use.

Obviously, the best thing for the aviation community would be if there were no structures around the airports. There is no question about that. However, given the fact that they do exist, we are not going to bulldoze them, so why put the burden of non-conforming status on the owner? Provided they don't build up in a vertical plane that would cause a safety hazard, let them be conforming use; let them add a garage if they need to; let them sell their homes without the stigma of a non-conforming use. We didn't have a problem with that.

The Department on the other hand, has still not come out with the new regulations, even though the pre-proposal for the regulations was in July. Now, on the pre-proposal, for change in the regulations, the Department acknowledged the importance of notification of homeowners before land is sold around an airport. You heard some testimony about that earlier today on why that is important.

I would like to add a little bit to that. One of the things that has been going on is, there are a number of Realtors around the State who tell people, "Come on, buy this house. The airport is closing. The airport has already been sold." Documentation on that came in this front-page article from The Courier-News at the end of last year, where the reporter did a lot of research and listed town after town, airport after airport, all the different instances where this has occurred, and names a Realtor over in Hunterdon County who

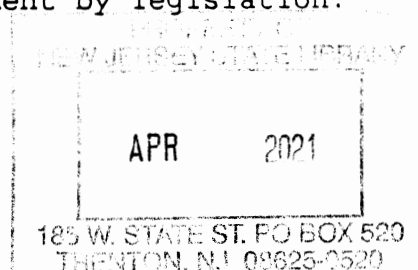
is actually going around and doing this. The article documented a complaint to the State Board that governs Realtors, in order to try to put a stop to this.

Well, it is a continuing problem, where Realtors, in order to sell a house, are telling people that the airport is closing; the airport has been sold. I think it is important that we put through a regulation, or legislation, that would provide for prior notification.

Getting back to DOT's proposal on this, DOT recognized why it was important, and said they believe it should be in there. This was in the pre-proposal. Yet, when the notice of proposed rule making came out at the end of the year, it not only was missing, but they completely ignored the fact that it was there in the first place. Now, the Mid-Atlantic Aviation Coalition has been in to the DOT and researched the public file, to look at what the public comments on this issue were. Of all the letters that were received in response to the DOT pre-proposal, those letters that addressed the prior notification issue were unanimous in support of it. And yet this thing disappeared from the regulations. My understanding of the Administrative Practices Act says that an agency, when it comes up with new regulations, must take into account public input. Yet, here was a case where the public input was ignored. It wasn't even mentioned in the "State Register," where they publish the rules. It's as if it never existed and nobody ever commented on it.

We're wondering what is going on at DOT, where they do things like this, and they don't even follow the Administrative Practices Act. If we listen to what Commissioner Crawford said earlier today, it sounds like a great story. We're hearing all the right words. Unfortunately, we are not seeing the actions we need. We are not seeing the implementation of those words.

SENATOR RAND: We are going to put legislation in that will have notification in it. So, whatever they miss, if we think it is proper, we will implement by legislation.





MR. REDDEN: I am glad to hear that. Thank you, Senator.

Another point I wanted to bring up is, at the DOT hearing on December 22 of last year, the hearing on the Hazardous Zoning Act, the Town of Bedminster was in there pushing very strongly to get DOT out of the hazard zoning area, and we will probably hear testimony here today as to that fact. The attorneys for the Town of Bedminster were saying that only the municipalities understand aviation enough -- excuse me, understand the local conditions, and only the municipalities can do the zoning because of that. In addition, they said the municipalities understand aviation enough to regulate it.

The Coalition rejects that outright, because at the same hearing, one of those attorneys got up and defined general aviation. If you look back in the record for the December 22 hearing, you will see that he defined general aviation as nothing but rinky-dink -- excuse me, the rural airports catering to rinky-dink Piper Cubs. That is the view of some of the municipalities in this State on what general aviation is.

Now, I am a little puzzled on that, because I look around at general aviation airports, such as Mercer County, Allaire, Morristown, and not only do I not see any Piper Cubs, but I see multi-engine corporate jet aircraft that serve our Fortune 500 companies.

Another case--

SENATOR RAND: I am going to ask you to summarize, because you have spoken now for about 20 minutes.

MR. REDDEN: Senator, I've got some very important points. (loud reaction from members of audience)

SENATOR RAND: Wait a minute. Let me just ask you a question. Just one moment. His time will be taking up some of your time. Now, if--

J E A N N I E   H A M M: (speaking from audience) Senator Rand, my name is Jeannie Hamm. Mr. Redden may have my time. I am on the list to speak.

SENATOR RAND: What is the name?

MS. HAMM: Hamm -- H-A-M-M.

SENATOR RAND: H-A-M-M?

DR. MANOOGIAN: It's on the second page.

SENATOR RAND: It has been scratched off already. Does anyone else want to surrender their time? (no response)

MR. REDDEN: Okay. I will try to keep my remarks brief, Senator.

SENATOR RAND: Yes, you are going to have to, because I want to give everyone an opportunity. We have your written testimony, and we will read it very thoroughly. But I can't give 40 minutes to speak, to just your organization.

MS. HAMM: Senator Rand--

SENATOR RAND: Please, please. Continue, sir.

MR. REDDEN: Okay. Let me continue as quickly as I can. DOT has the job to safeguard aviation and to regulate aviation. They have an acting director of the Office of Aviation running around saying, "The job of this Office is not to advocate aviation." We wonder whose job it is. The State Master Plan that DOT was represented on, did not have anything in for aviation, except to assign the planning for airports to counties and municipalities. Counties and municipalities do not understand the issue. DOT did not represent us properly with the State Master Plan.

The State has the job to ensure the continued operation of general aviation airports. You heard Mr. Crawford here refer to the State plan that I show you here -- the State Aviation Systems Plan. Well, this is the document that is taking care of that. I would point up that the Airport Safety Act specifically added to the jobs of the Commissioner, the job to come up with a plan to promote airports. It recognized that

this document existed prior to that, and required DOT to come up with a new plan to ensure the continued existence. They have not done that. This document is so inadequate, so inaccurate, that it actually lists for Newark International Airport-- It said that there were zero general aviation instrument landings at that airport in all of 1987. That is obviously hogwash.

Another case -- and this was a rather shocking thing that only came up recently -- is Burlington County Airport.

SENATOR RAND: You've got exactly two minutes, sir.

MR. REDDEN: Okay. Burlington County Airport went into default of their mortgage a while back. The mortgage was held by the State of Pennsylvania, after the mortgage company in Pennsylvania had gone bankrupt. The State of Pennsylvania was going to close a major New Jersey general aviation airport, and DOT took no action, even when it was requested to by its Office of Aviation. The Commissioner was asked to intercede, and refused to take any action.

To sum up, let's just take a look at the bills that are out there. Well, you have our testimony; you have our position on the bills. We ask you to please provide for the land use status for the airports, conforming land use, and to take action on the bills appropriately.

SENATOR RAND: Thank you very much.

MR. REDDEN: Thank you. (applause)

SENATOR RAND: I am going to ask you, as a matter of courtesy to every speaker, please refrain from either being for something, or against something. We try to conduct these meetings in an atmosphere of cordiality, whether you agree with the speaker or you don't agree with the speaker.

Let me remind the previous speaker from just a moment ago, if we had been satisfied with the Department of Transportation, Division of Aeronautics, we would not have had this hearing. (applause) No, no, I don't want to elicit-- Thank you, but this is not an attempt to--

What we are trying to do is get all the views as quickly as we can. I would ask you to hold your comments to five minutes. I am going to hold you to five minutes from here on in. So, Mr. Rucci--

N I C H O L A S J. R U C C I: I am a little upset that you cut off the applause before I spoke, but I will have to deal with it. (laughter)

SENATOR RAND: We will let them applaud for you outside, and for me outside. Good afternoon, sir.

MR. RUCCI: I will be brief and to the point, which is what you would like. I have some copies of my particular testimony here. I don't know how many the Committee would like. Here are a half dozen, and we have some more.

As a member of the Board of Directors of the Mid-Atlantic Aviation Coalition, I became the point man, so to speak, for research into the Airport Safety Fund, which came to our attention as we were addressing and preparing our comments on the proposed regulations. I obtained a report which was prepared by the Department of Transportation. I have summarized some of the data in that report, and you can read it later on. We are not going to go through a bunch of numbers here. That would be inappropriate. But, let's get right to the point.

In the report, there were certain expenditures. The history of the Fund, as I say, is in the testimony -- in the written testimony. During the history of the Fund-- This includes 1989. Although we have not seen any interim reports for 1989-- They have not yet been made available, but I am sure they will be. There has been about \$2.4 million expended out of some \$5 million that went into the Fund. The Fund was originally designed-- I am going to excerpt a couple of things out of here, because they are taken from the bill directly, and I don't want to misquote them. But essentially, the bill was characterized by the legislative bodies which passed it back

then, as addressing the need of general aviation transportation facilities that were deteriorating and should be improved as to safety to realize their full public benefit.

As you all know -- everyone in the room knows -- the primary revenue for this particular Fund is from the two cents per gallon of fuel sold at general aviation airports. There are other fees that go into it, but they are minor with respect to the gasoline tax. When that concept -- the extra tax -- was sold to the public, it was sold on the basis of airport improvement. There are citations in the Act which talk about the nature of the expenditures. Again, I won't describe them; they are in the written testimony.

Let's get right to the point: Since the inception of the Fund, through the present fiscal year -- Fiscal Year 1989 -- perhaps half a million dollars has been expended from that Fund, which MAAC and I personally believe is questionable. The bulk of those funds, according to discussion that Mr. Redden and I and another Director, Carleton Rehr, who testified earlier, had at a meeting -- a very cordial meeting, by the way -- with Commissioner Crawford-- The legislation that enacted the budget was the authority for these major expenditures. I will characterize some of those as: National Association of State Aviation Officials membership fees, copy machine charges, miscellaneous travel, administrative expenses, and there are others.

I took the opportunity -- and you were there, Senator -- when the budget hearings were held just a little while ago, to go to that event, and not ask for money, but to inquire as to where the authorization for these charges came from. No one at that meeting responded, and I still haven't been able to find out who authorized the charges to the Fund. But actually, it is immaterial. What I said then, and what I will say now, is this:

If the Legislature is responsible for overhead -- my word -- being charged to the Airport Safety Fund, and Xerox charges and the like being the point of the expenditures, rather than renewing runways and lighting systems and all, I am asking you to stop it -- if it is the Legislature's activities. There is no reason, given the difficult budget balancing responsibilities you have, to try to do it off the back of this little Fund. Half a million dollars is not a whole lot to you in the budget consideration, but it is an awful lot with respect to airport safety.

So, whoever authorized it, however it was authorized, I would ask you, on behalf of our constituency, not to do it. Those are my remarks.

Thank you very much for your attention. (applause)

SENATOR RAND: Thank you very much, sir. Philip Engle? Good afternoon, sir.

P H I L I P W. E N G L E: Good afternoon, Senator. It is really a pleasure to come before you today. I am the Airport Manager at Teterboro Airport. I am also the President of the New Jersey Airport Owners and Operators Association, and the Chairman of the National Business Aircraft Association's Airports Committee.

In that light, I would like to say that for too many years, general aviation has been looked upon, really, as either only a collection of barnstormers or, in many cases, a toy for the very rich. However, in today's day and age, general aviation is truly nothing more than a tool taking people from one place to another faster and at their own schedule, more times than not, to airports that are not served by the major airlines.

There are 5723 public use airports in this country. Using simple mathematics, that averages out to 114 per state. New Jersey has 53 public use airports, and three of those are served by air carriers -- Newark, Trenton, and Atlantic City.

We are losing airports practically at the rate of three airports per year. The unpleasant fact is that once an airport is lost, it is like the dinosaur and the dodo bird -- gone forever. The businessman who went to Flanders because he could build his plant near, and service his client at the Flanders Airport, must now relocate his facility, because the airport has become a housing development, or use ground transportation to another less convenient airport, thus losing the time advantage gained by having his own airplane.

Often, it is the case that these businesses can move across the border to Pennsylvania near an airport, and retain the flexibility that is desired. In such an instance, both the local community and New Jersey have lost a valuable economic asset.

Why can't our remaining airports pick up the void? First of all, many airports outside of New Jersey, such as Newburgh, New York, are making very attractive economic packages for these businesses to locate there. Secondly, most of New Jersey's airports do not have the land available for development. Or, if they have the land, they may not develop it because municipalities are sensitive to, "the problems of airport noise." Any development is looked upon as the next jetport, or the airports are faced with a situation more prevalent today than ever before. When the airports were first built, it was decided that they should be built on the swamp outside of town. Today, residential housing encroaches upon those airports. They were once out-of-town. The swamps have now become valuable wetlands, which cannot be developed. Hence, we find that the aircraft operators are being compressed into fewer and fewer airports, while New Jersey is losing many economic assets.

In the 1960s, the Federal Aviation Administration created a new designation for some airports. That designation was as a reliever airport. An airport was designated a

reliever if it relieved an air carrier commercial service airport of its general aviation traffic, thus making more room at the commercial airport for the air carriers. One need only look at Newark International and Teterboro to see how well the system can work, if there is cooperation between the parties.

Teterboro has truly become a business airport. However, by having the system work well, Teterboro is also in need of relief. This is provided by airports such as Essex County, Lincoln Park, and Greenwood Lake. These airports have become the focal point for small business development in their respective communities. The system works, if it is allowed to work.

If part of the system breaks down and the smaller airports are lost, those aircraft then return to Teterboro, and the aircraft using Teterboro return to Newark, causing delays and capacity problems which could be disastrous in terms of the economy and any growth in the State of New Jersey.

Why are we losing these airports, and how can the current trend be stabilized? First and foremost, as we have heard throughout today, aviation must be afforded the same rights and respect as any other transportation system in the State. It is as much of a system as the highways and railways, and should be treated as such.

Secondly, there must be communication and understanding between the airports and their neighbors in the communities to allow for orderly and planned development. One of the proudest accomplishments that I can relate is the formation of the Teterboro Aircraft Noise Abatement Advisory Committee. With the largest population of corporate jets in the State of New Jersey, Teterboro has -- notice I did not say "had" -- a noise problem.

Working with the elected Federal, State, and local officials, the airport owner -- the Port Authority of New York and New Jersey -- the airport operator, the aircraft operators,



and the Federal Aviation Administration, strides are being taken to, as much as possible, address and mitigate the problems associated with aircraft noise. The problem will never go away for those individuals in close proximity to the airport, but the problem is being addressed on a daily basis. This committee has also opened up lines of communication which never existed previously and, in turn, each party's positions are better understood.

Thirdly, in treating air transportation as a system, the State must accept some of the responsibilities for the planning and development of airports. As with any system, it goes beyond the borders of individual municipalities and local governments. The decisions that are made regarding one airport have statewide and national repercussions.

Fourth, residential encroachment and the zoning that permits residential housing areas under landing and takeoff patterns must be stopped and there must be compatible land use planning around airports. Airports should be recognized as a permitted land use and residential property transfers should recognize the existence of an airport in the community.

Fifth, many of the State's public use airports are privately owned. These individual property owners pay taxes, normally at a commercial rate for every square foot of land on that airport. Recognition must be given to those non-revenue-producing properties which must be maintained for the safety of aircraft in the air and on the ground.

There are many other steps which could be taken in addition to those cited previously. However, those which I have stated are the main areas to be addressed if the State of New Jersey is to retain one of its most valuable economic resources -- its airports.

For those of you who doubt the economic importance of airports, let me just cite Teterboro Airport in Bergen County. In 1988, Teterboro Airport had 170,000 aircraft operations.

There were 368 aircraft based on the airport, and the airport was home to 68 aviation-related companies, with over 1900 employees, and an estimated annual payroll in excess of \$60 million. These figures do not include the local hotels and restaurants, and other businesses which depend on the airport for their existence. As I stated, these numbers are for Teterboro alone. When taken in perspective of the State, with all the people employed at Newark Airport and other airports from Sussex County to Cape May County, it should be easy to see that airports are a valuable economic resource. They are also the hub for future economic growth in New Jersey, so long as they continue to exist and are permitted to develop.

Gentlemen, in the interest of time, I have enclosed with my testimony a fact sheet on Teterboro Airport, which outlines many of the economic facts about the airport. I will leave this with you as part of the record. Thank you very much.

SENATOR RAND: Mr. Engle, thank you very much. Thank you for coming down. (applause)

I am going to have to ask you again-- If there are any more outbursts, I will close the meeting. Please let every speaker, pro or con, speak. We're on your side, you know.

Mr. Thomas Chapman, Aircraft Owners and Pilots Association, you're next.

**T H O M A S   B.   C H A P M A N,   E S Q.:** Good afternoon, Mr. Chairman. I appreciate the opportunity to be here. My name is Tom Chapman. I am Vice President and Legislative Counsel for the Aircraft Owners and Pilots Association. I apologize for the fact that John Baker, our President, couldn't be here today. He is testifying before Congress. Frankly, we are having a heck of a lot more fun here. I hope you will understand that the enthusiasm -- we are having a little trouble containing ourselves -- is primarily directed at you. We very much appreciate your interest today, as well as that of your colleagues on the Committee, and we thank you very sincerely for taking the time to listen to our views today.

AOPA is a not-for-profit membership association consisting of 285,000 members nationwide. Nearly 8000 AOPA members are residents of the State of New Jersey. A few of them couldn't be here today. We represent the interests of general aviation aircraft owners and pilots, both in the nation and throughout New Jersey.

I want to move quickly to our priorities. I will summarize my testimony. I do encourage you, obviously, to review our complete statement. I have left copies here on the stage which we brought with us from Washington, and I encourage anyone here who is interested to take a copy, if you don't mind me leaving them there, Senator.

AOPA, first of all, is very supportive of the Airport Hazardous Zoning Act of 1983. Airport zoning is our primary priority here in the State of New Jersey at the moment. We oppose any efforts to weaken the Hazardous Zoning Act. We are aggressive advocates of State laws which limit the establishment of obstructions to the navigable air space and also which limit the conduct of incompatible activities in the vicinity of airports. State laws regulating the establishment of tall structures and ensuring compatible land use are vital to ensure adequate safety, and also to protect the public interest and investment in our nation's airports.

AOPA testified last December at a hearing before the New Jersey Department of Transportation regarding the Department's proposed regulatory changes, and a copy of our testimony has been provided to your staff today. You will see that the issue is very thoroughly discussed in our December testimony, and we have outlined some of our positions there on specific aspects of the changes.

At that time, we acknowledged that many of the concerns raised by the municipalities and property owners affected by the Act merit consideration. We want to be good neighbors, and we are confident that a workable solution can be

achieved. But diluting the effectiveness of New Jersey's innovative airport zoning law is certainly not the answer.

Next, AOPA is concerned about an issue which has not been discussed a great deal here today, and that is the direction of efforts to address aircraft noise. We clearly recognize that noise is a serious and legitimate concern. We are homeowners, too, and we realize that this is an issue that has to be effectively dealt with, not only here in New Jersey, but throughout the nation. However, general aviation, especially here in New Jersey, has been the unwitting victim of actions by the FAA that we didn't have anything to do with. What I am referring to is the Expanded East Coast Plan, which you may be familiar with. As you know, the FAA implemented the Expanded East Coast Plan with all the finesse of a bull in a china shop. This has caused enormous concern among affected communities in the State, and it should.

Noise is mostly an airline and big airport issue. General aviation, by and large, generates little noise, yet we have suffered from the fallout here in New Jersey. Despite the fact that we are not a significant cause of increased noise, the misunderstanding and frustration caused by the Expanded East Coast Plan have further contributed to the negative view of general aviation among many communities in the State.

Last August, we testified in the Assembly before Mrs. Ogden's Committee, and we are providing a copy of that testimony today to you as well. We encourage you and your staff to review our previous testimony to learn more about our views on the noise issue. The problem of aircraft noise is not limited to the aviation community, and we believe that a solution must be obtained through a coordinated and cooperative effort involving Federal and State governments, the industry, and the communities affected.

Just a few other issues I would like to touch on quickly: First, the AOPA is very much opposed to local efforts

to close Linden Airport. We commend your colleague, Senator Bassano, for his efforts here in the Legislature on behalf of Linden Airport. We worked long and hard on this issue, and we would appreciate your help to ensure the continued viability of Linden as an important transportation resource in the State of New Jersey.

Also, we are troubled by recent reports of misallocation of dedicated moneys in the Airport Safety and Improvement Fund. You have heard a lot about that today. We urge the Committee to take whatever steps are necessary to ensure that these moneys are used for their intended purpose. The AOPA supported the establishment of the Fund, and we have an obligation to see that the State fuel tax dollars contributed by our members are properly spent.

Now let me turn quickly to some ways to address these issues, as we see it: First, the Air Safety and Hazardous Zoning Act should be firmly and fairly enforced. As we have indicated here today, and also in previous testimony, several reasonable modifications can, and should be made to address the legitimate concerns of municipalities and property owners. But the essential intent of the Act must be preserved.

Second, the New Jersey Office of Aviation -- which was recently downgraded from division status, by the way -- should take a more active and prominent role in fostering general aviation in the State of New Jersey. The Office of Aviation should be provided with the resources necessary to perform this function and to provide technical guidance and support to communities served by airports in the State.

Third, we endorse the homeowner notification requirement proposed by the New Jersey Association of Airport Owners and Operators, and others including members of the Committee here today. That is that property buyers, of course within a certain radius of a public use airport, be specifically advised of the existence of an airport, to ensure

that they can make an informed decision about whether to purchase.

Finally, the New Jersey Association of Airport Owners and Operators has also proposed that the State provide tax relief for the non-revenue-producing portions of privately owned, public use airports. We wholeheartedly endorse this proposal. In fact, tax relief for airports is a nationwide legislative priority for the AOPA. Some 15 states provide some form of tax relief for airports, and this is a means of reducing severe financial pressures on these vital, privately owned transportation facilities. They comprise roughly 40% of the airports available for public use nationwide.

Mr. Chairman, I thank you again for the opportunity to be here to express our views on this issue. We again thank you for taking the time to show your interest.

SENATOR RAND: Mr. Chapman, thank you very much for your testimony. It was to the point. Senator Zimmer would like to ask you a question. He's got two minutes.

SENATOR ZIMMER: I will be as brief as I can, so that I don't impinge on the two minutes.

You say you have indicated several reasonable modifications that can be made in the Air Safety and Hazardous Zoning Act. Could you specify some of those?

MR. CHAPMAN: Yes, Senator. Primarily -- and I don't have my previous testimony here, so please forgive me if I miss some-- I direct you to our previous testimony. Primarily, we endorse the comments that have been made here earlier today, and we have advocated that the requirement that existing residences be made non-conforming uses -- that that should be dropped. That buys us nothing, frankly, but very poor relations with the community. As I have indicated, we seek to be good neighbors here, and telling folks who own existing homes that their homes are now non-conforming uses, does nothing for us. It buys us nothing in terms of safety,

certainly. We would certainly endorse changing the regulations to ensure that those existing residences are designated as conforming uses.

Also, we have looked at the possibility of low density residential zoning. We are not enthusiastic about that. I think that is something that is worth discussing. We, frankly, have opposed that, but it is certainly something we think is worth keeping on the table. It is something, obviously, where we need to work closely with our own members here in the State, and the airport folks as well, obviously.

SENATOR ZIMMER: I appreciate your open-mindedness. I am willing, and I believe the people whom I have been in touch with from the surrounding communities are willing, to negotiate in good faith. I think there is more common ground here than we might imagine. I appreciate your willingness to consider some reasonable compromises. Thank you.

MR. CHAPMAN: Thank you, Senator.

SENATOR GAGLIANO: May I ask one question?

SENATOR RAND: Yes, Senator.

SENATOR GAGLIANO: If I may ask one question, Mr. Chapman, where you have indicated you are opposed to having low density residential zoning in the immediate vicinity of the airport, I take it that that does not mean that you are opposed to industrial type development -- warehousing, and that sort of thing? Or, are you opposed to any development?

MR. CHAPMAN: No, we are not. As others have mentioned here today, you simply cannot-- I mean, ideally, you isolate an airport in a zone with no development. But obviously, in a society such as ours, that is not possible. We think that carefully planned, compatible industrial and commercial type uses are the best types of uses to have in the vicinity of an airport. I want to stress also, that it is very important that the so-called clear zone on either end of the runway be protected from any kind of development, to the extent that that can be done.

SENATOR GAGLIANO: Let me know, what is the clear zone? I'm not sure. Is it 1000 feet each way?

MR. CHAPMAN: I can't tell you. Others may be able to tell you the precise dimensions. But it is, in effect, an expanding area off the end of the runway, with certain dimensions, that is to be kept clear. It is the area of critical importance to--

SENATOR GAGLIANO: Has that been defined by the FAA, or by the DOT?

MR. CHAPMAN: I believe that is defined in the proposed regulatory changes. The FAA also has some very specific standards concerning obstructions and runway clear zones.

SENATOR GAGLIANO: Thank you, Mr. Chapman, and thank you, Mr. Chairman.

SENATOR RAND: Thank you very much, Mr. Chapman. Thank you, Senator Gagliano.

William G. Dressel, Jr., Assistant Executive Director of the New Jersey State League of Municipalities.

W I L L I A M G. D R E S S E L, J R.: Thank you, Mr. Chairman. My name is Bill Dressel. I am Assistant Executive Director of the State League of Municipalities. We compliment you for calling today's hearing. This is a pressing issue which deserves further discussion from all parties concerned, and dialogue like this is obviously very constructive for all.

The League, as a statewide municipal association, through its Airport Safety Committee, has studied this issue. We studied the enabling legislation -- the 1983 Act -- and the proposed regulations. And through our Airport Safety Committee, we have worked with Senator Zimmer and Assemblyman Kamin in putting together S-2757, and the Assembly companion, which is the subject of my formal presentation. You have a copy of my formal testimony. I will read from it into the record, Mr. Chairman.



Senate Bill No. 2757 would delineate airport safety areas in or around various airports in the State, and would adopt standards which specify the height to which structures may be erected and trees allowed to grow within these areas. These standards shall be those minimally necessary for the safe operation, landing, and takeoff of aircraft.

Each municipality shall incorporate these standards in their ordinances and shall also provide by ordinance that airport property is to be designated as a conditional use in the zone in which it is situated. This will give municipalities reasonable promise of control through zoning powers, with some limitation in that the standards and criteria applicable to conditional uses as airports will, to a limited extent, be set by the Department of Transportation. This combination of municipal zoning power and DOT regulations should be a workable solution.

Land adjacent to airports acquired after July 1, 1988 -- there is a typo there; I have '89, it should be '88 -- shall, however, be subject to municipal determination as to whether those properties shall be zoned as conditional uses. The Commissioner of the State Department of Transportation, under certain circumstances, may acquire property, or various rights in it, to effectuate the purposes of this bill.

Senator Zimmer's bill also repeals Chapter 260 of the Public Laws of 1983 -- the Air Safety and Hazardous Zoning Act of 1983 -- which has been the basis for the adoption of overly broad regulations setting zoning standards in communities in which they are located and violating longstanding traditions of municipal home rule.

As was referenced by a number of speakers before me, Mr. Chairman, the League also presented testimony on the proposed regulations back on December 22 of last year. We are very much opposed to those proposed regulations. What concerns us about those regulations and about the administrative

regulations, is that they authorize the Department of Transportation to zone airports and surrounding land uses without regard to local concerns as expressed in the municipality's master plan.

The proposed regulations are based upon the fallacious presumption that zoning decisions should be made by the Commissioner of Transportation, and not by local authorities. I have a copy of all of my testimony on that, and it is attached to my testimony of today, Mr. Chairman.

I would like to recognize, with your permission, two members of the League's Airport Safety Committee, who helped to coalesce the municipal position on this, Mr. Chairman. They are Sandy Chernin and Mary Ann Norgaard, who are here today, who I believe would be able to give you more of a municipal perspective on this. With your permission, I would like them to present testimony.

Thank you.

SENATOR RAND: Thank you, Bill. Yes, sir, Mr. Chernin, come right up.

As an aside, Bill, we are going to have to compromise the same as we did on Transplan.

MR. DRESSEL: That's right.

SENATOR RAND: There is a place for these people to live, and there is a place for municipalities to have their place. So, we are going to have to sit down and pound out some compromise that is acceptable to all parties.

MR. DRESSEL: We appreciate that, Mr. Chairman. The League looks forward to participating in that dialogue. Thank you.

SENATOR RAND: Sir?

SANFORD CHERNIN, ESQ.: Thank you. Senator, my name is Sanford Chernin. I am the special counsel for the New Jersey State League of Municipalities. I am also general counsel to the Tax Collectors and Treasurers Association of the

State of New Jersey, and special counsel appointed by Bridgewater Township in Somerset County.

For the sake of brevity, Senator, on not less than three occasions I have prepared my positions in writing. I have forwarded them to Aeronautics in DOT. I hope you have them, but if you don't have them, I would be happy to forward a complete duplicate.

SENATOR RAND: We would appreciate that, sir.

MR. CHERNIN: It will save an awful lot of time and the strain on my voice.

SENATOR RAND: Thank you very much.

MR. CHERNIN: As a piece of legislation designed toward the improvement of airport facilities and for safety-related factors, I don't know of anyone whom I have come in contact with who is in opposition to that. The opposition surrounds the utilization of the zoning power as a mechanism for safety. We think, at least in the way it is drafted and presented in the present law, it is infirm, both constitutionally and statutorily, and as a matter of fact, probably on a practical plane.

But in order to shorten this down, Senator, I would like to just narrow the discussion here in my presentation to just two conflicting areas: One is the requirement of conforming versus prohibited uses in the zone, and the other is a nasty word called "condemnation."

Insofar as the present legislation is drafted, it requires two essential elements: One is that the airport and its extensions, meaning the clear zone and the hazard zone, be placed as conforming uses in a zone. The second is that residential uses in the same zone be prohibited. Those are the two which I believe are in dramatic conflict.

If we can, on a practical plane, Senator, envision this set of circumstances: You have an airport which is properly designated as a conforming use, together with its

clear zone and its trapezoidal hazard zone, and there is an extension of the facility -- the main facility -- of the airport. Let's say a runway goes an additional 200 or 300 feet, or 100 feet, whatever it may be. There is an automatic projection outward of the clear zone, which I believe to be a 1000-foot requirement, and also the trapezoidal hazard zone, which quite readily, and in the case of Bridgewater Township, in reality, comes over not only into a new zone, but into a new and different municipality. By the existing legislation, there is an automatic mandate that upon such extension of the clear zone and the trapezoidal zone into a new zoning area, they must now convert the new zoning area to make these areas conforming. And by the same token, if they are obliged to become conforming, the statute also requires that the residences which exist, and before the extension properly exists, become non-conforming.

Our Supreme Court indicated, not too long ago, that there is an inverse condemnation and a right of a property owner adversely affected by such a zoning, or an impact of zoning, to seek redress monetarily, because of the diminution in property values.

But, there is a worse scenario than that, Senator, and that is by simply mandating the two conflicting items, mainly that the airport and its extensions be conforming uses, and the corollary, meaning that the residences be non-conforming, you have effectively placed the power to zone, and worse yet the power to compel zoning, in the hands of private property owners, which is grossly unlawful.

I would suggest that there be some accommodation along the lines which we have proposed, and which are contained in my prior letters, to cause a couple of things to change. One I have heard, and I was pleased to hear -- I think I just heard it for the first time today -- is that there is a consent, or some sort of an agreement by the proponents of airports and

their supporters, that those people who reside, and properly reside in an area now affected by the zone, not be converted to non-conforming uses, but be retained in status as a conforming use, because if anybody knows what happens to property values-- When you are converted from conforming to non-conforming, there is not less than a third loss in value, and maybe more, with the potentiality of a total loss in value should you not be able to rebuild upon destruction of the property itself in that zone. That is the impact of the non-conforming use.

The other is, there cannot be this unfettered, uncontrolled expansion of the airport and its facilities, without regard to its impact upon the adjoining property, and whether or not there is, in fact, compunction by virtue of their expansion to mandate a new zone, a new zoning change, and a correlated non-conforming use structure as I have outlined.

Mr. Chairman, the rest is contained in the various letters I have forwarded. I will be pleased to duplicate them and send them through.

SENATOR RAND: Is that testimony in some of your correspondence that you referred to?

MR. CHERNIN: That, plus others.

SENATOR RAND: We will get copies of those?

MR. CHERNIN: I will send them to you personally, sir.

SENATOR RAND: Send them to Peter Manoogian -- he will give you the address -- so that he can distribute them to all the other members of the Committee.

MR. CHERNIN: I would be pleased to do that.

SENATOR RAND: Senator Gagliano?

SENATOR GAGLIANO: Just one question, sir.

MR. CHERNIN: Yes, Senator?

SENATOR GAGLIANO: With respect to your testimony, you did not indicate how you felt about the airport being designated as a conditional use under the local zoning

ordinance. I have a problem with that. I have done a lot of zoning in my time, as an attorney representing people -- representing municipalities. The problem I have is that where you designate a conditional use, those conditions must be met, or there is no possibility of having the facility. So if it is a conditional use pursuant to the Municipal Land Use Law, and in effect by the municipal zoning ordinance, and it has restrictions in it, or conditions in it, which the airport can't meet, then the airport cannot continue to exist, or certainly it could not be expanded if they came in even with the proper application and all other respects.

Let me give you an example: Suppose a town said, "You can have an airport, but you have to have 500 acres. You can have an airport, but the airport has to be -- no part of the airport can be within 500 feet of an existing residence." Or, "You can have an airport, but it has to have parking for at least two automobiles for every plane that lands on that property." You know what I'm saying. Having been in this all my professional career, I can come up with more if I have time, which would, in effect, say that based -- that, "Even though we give you a conditional right to exist, you will never meet the conditions." That is what I am concerned about, if those conditions are written by the local municipality.

I would like you to comment on that.

MR. CHERNIN: Senator, I, too, have been involved in zoning for more years than I care to disclose here today. But what you are touching upon is no different in its application, whether it relates to a conditional use providing for airports or any other style conditional use at all. What you are talking about is having a fair set of adoptable standards with which everyone can live. Those challenges to conditional use standards are replete in our cases. They have always been challenged for one reason or another, and none of us here -- surely not me, and I doubt anyone else here -- can write those

standards here today with indelible ink, making certain that they are going to be fair, unchallengable, and totally sustainable. But, you do have those standards; you do have the capacity of making fair standards. Those standards cannot, and should not be unilaterally made by a municipality. I am not urging that at all.

I am, however, urging that the standards be there, so that everyone can live with those standards. In that regard -- and I hadn't intended to touch upon it -- I believe that you may be -- I'm sure you are -- aware of the proposed Assembly Bill No. 3203, which talks, just in section 1, about its purpose, where they indicate that they understand that the citizens of this State are exposed to noise and to fuel exhaust which infringe upon the quality of life. "It is in the public interest that both the economic and environmental effects of the aviation industry be considered in planning airport development, to ensure that this development does not diminish the quality of life of the citizens of this State." That is the end of the quote. That is a capable standard. Those standards related to noise and air pollution are commonplace, and I think they have to be considered whether we like it or not, one way or another.

SENATOR GAGLIANO: Well, all right. I think that's true. Again, I am trying to find out-- The comment was made that an airport can be a conditional use. I am trying to determine who sets the standards for the conditions. If it is a statewide determination which would be superimposed upon each local zoning ordinance, that is one issue. If it is each town setting up its own, well then we will be flying in the face of legislation we passed several years ago, which may or may not be the right thing to do. I am just saying, I think that when this is considered, with Bill Dressel and others, Mr. Chairman, that this is a very important aspect that has to be changed.

MR. CHERNIN: I totally agree, Senator, but the distinction here -- and I think also with the distinction is the potential solution -- is that we are not dealing with a particularly use -- a special exception use, such as a slaughterhouse, where it may be peculiar in the given area. We are dealing with an aviation industry which has a statewide, an almost uniform impact. So I think a combination of effort between State level and municipal level can maintain and develop a set of rules and regulations to become part and parcel--

SENATOR RAND: Senator Gagliano, will you please summarize? We have 35 more people.

SENATOR GAGLIANO: I have no other questions.

SENATOR RAND: Okay. Thank you very much, sir. We do appreciate it.

SENATOR ZIMMER: Mr. Chairman, I have just one question, to follow-up.

SENATOR RAND: Senator Zimmer, I am going to give you one minute, and then I am going to end it because we have more people from the League of Municipalities. And we are taking up other people's time.

SENATOR ZIMMER: This is a question which can elicit a yes or a no. Would you be adverse to having, within a statute, a laundry list of conditions which would be considered by the Legislature to be reasonable, and those which would be unreasonable, so that the municipalities wouldn't have carte blanche, but would have some guidance?

MR. CHERNIN: Senator, I personally would support such an item.

SENATOR ZIMMER: So would I. Thank you.

SENATOR RAND: Thank you very much. Mary Ann L. Norgaard? Good afternoon.

M A R Y A N N L. N O R G A A R D, E S Q.: Good afternoon. Let me say initially that I have come with a



prepared statement. I will supply copies of that statement to the Committee subsequent to this hearing today.

I am an attorney, and I represent Bedminster Township, and also Branchburg Township, in Somerset County. My firm also represents a number of planning boards in Somerset and Hunterdon Counties.

I think that preliminarily I would like to correct some misconceptions stated with regard to Bedminster Township specifically and its position with regard to the existing 1983 Act, and also to Senator Zimmer's bill. But I would like to respond to the last question posed by Senator Gagliano, if I may.

That question concerned the uniformity of standards by State legislative act for conditions to be placed upon airports. I think you will find that a lot of the dissension among communities throughout New Jersey with regard to this legislation has to do with the uniformity of the legislation. I would not say that our clients would be opposed at all to the delineation of categorizations of conditions to be placed within a statute. What does concern me, however, is that the conditions upon which an airport functions within each municipality is very different. I think some of the discussions that you will hear from me and from other members of township interests today will indicate the diversity of community interests that are surrounding these private use airports. Part of the difficulty is that Bedminster Township's airport -- the Somerset Airport -- is in a very different set of circumstances than those airports might be in Monmouth or Ocean or Burlington Counties, or Sussex County, for that matter.

The airport in Bedminster Township falls across three municipal boundaries: the boundaries of Branchburg and Bridgewater Townships, as well as Bedminster. What the 1983 Act would say, is that Bedminster Township, by zoning its airport in one fashion or another -- conditional,

non-conforming, or conforming use -- is therefore mandating to Branchburg, and to Bridgewater also, the zoning within their townships. I suggest to you gentlemen that that is an inherent fundamental legal problem with the 1983 Act.

I also suggest to you that the delineation of zones and of uses within those zones as being conforming and non-conforming, may also present a fundamental legal problem. That legal problem is that you are spot-zoning. I am looking at a house within a residential district in Bedminster Township that happens to fall within an area designated as a clear zone, or a hazard zone, or whatever this Committee may determine to call it. The house is directly across the street within the same use zone. R-3 rural residential in Bedminster Township is a conforming use. If that house happens to fall 50 feet on the side of the line within the same zone, it is a non-conforming use.

I suggest to you, gentlemen, that that is not legally defensible under the present Municipal Land Use Law. That, I believe, is a fundamental problem with the existing regulations.

Let me say that my clients support Senate Bill No. 2757, as introduced by Senator Zimmer. The Airport Safety Act of 1988 would delineate minimum standards for areas adjacent to airports that are subject to its provisions. This legislation provides certain standards specifying permitted height of structures and trees within the safety areas. I believe those parameters in the legislation are clearly able to be reviewed by the Committee.

The legislation is an attempt to correct some inherent flaws existing within the Air Safety and Hazardous Zoning Act of 1983. The 1983 Act, as it was originally introduced, would probably not be opposed by our clients. That Act provided -- was a legislative response to genuine concerns of safety. The Commissioner of the Department of Transportation and various airport interests have interpreted that Act, we would suggest,

far beyond the original legislative purpose, by mandating the rezoning of all airports subject to its provisions as conforming uses under the guise of safety. There may well be many communities within New Jersey that would select to zone their airports as conforming uses. Our clients' concern is the impact upon the remainder of the master plan and the remainder of the land uses within the township of such action. The Department of Transportation has imposed a rezoning requirement, regardless of the nature of the lands and uses adjacent to those airports. This rezoning presents an inherent conflict to the longstanding zoning authority of the municipality.

The Municipal Land Use Law and other State enactments require municipalities and planning boards to engage in a very extensive scrutiny of the lands and uses within their boundaries. That examination is conducted with the advice of planning and zoning experts, and is subject to substantial public discussion at the municipal level. Additionally, municipalities are now being asked to review their master plans, with a guide to the State Development and Redevelopment Plan and county master plans. All of those discussions are ultimately placed within the master plan adopted by a municipality, and that master plan reflects the municipality's own intentions concerning its growth and development.

A consideration of appropriate safety concerns related to private use airports located within municipalities should be included, and we would support such inclusion within the master planning review process. However, a mandated zoning characterization for all uses and all airports throughout the State, we suggest to you, is indefensible, as those airports differ substantially from municipality to municipality.

The regulations currently in force, and the proposed revisions exceed the original legislative intent of the 1983 Air Safety and Hazardous Zoning Act. Any legitimate safety

concerns do not require mandatory rezoning of privately owned airport property as conforming uses. The 1983 Act has been interpreted by many today in a manner which was never intended by its original supporters. That original intent was one of safe approaches to, and takeoffs from airports.

SENATOR RAND: Would you please summarize?

MS. NORGAARD: I would like, if I may, to state that our clients do not-- They are well-aware of the many purposes for which airports are used for general aviation. We do not object to those purposes and, indeed, we support them. We did not characterize such airports as "rinky-dink." The Township of Bedminster was not the township which referred to the airports or those uses as rinky-dink airports. Our clients do not seek to close Somerset Airport. What they do seek is the right to control their own destiny, as that destiny is expressed within the master plan.

The mandatory rezoning of Somerset Airport as conforming use will place additional pressures on adjacent residential uses in Bedminster to rezone those uses for commercial purposes, just as Route 78 and Route 87 have done. We have been asked, as a township, to consider the fact that a public use airport and interstate highways are located within our boundaries, as to determine our entire zoning characteristic of adjacent lands. We object to that requirement imposed by the State.

The proponents of the airports, just as the owners of lands along interstate highways, are saying to our clients that they may not control the zoning of lands within their borders, because of the presence of such transportation facilities. Therefore, Bedminster and Branchburg would be required to develop far in excess of their own desires, and to develop their open lands, because of the presence of airports and interstate highways. We suggest that our clients are unwilling to accept that mandate. We also suggest that the 1983 Act does not require that.

If the airport interests desire to provide for adequate development and adequate support of privately owned airports, we suggest that they find a sponsor to support such legislation. They should not piggyback onto an Act which was originally adopted for purposes of safety.

In summary, I would like to state that my clients do not oppose safe approaches or safe egress from public use, general aviation airports. They do not oppose general aviation uses or its contribution to the overall community or to the economy. They do not oppose regulation by appropriate Federal and State authorities of the technical operations of airports. They do oppose, however, the mandated rezoning and the control that that rezoning would take upon the uses of all the lands located within the township.

SENATOR RAND: Thank you very much.

MS. NORGAARD: I believe there may be a representative of Readington Township here, who may wish to address the Committee.

SENATOR RAND: Suzanne Nagle, please.

S U Z A N N E S O L B E R G N A G L E: Thank you for having this hearing. My name is Suzanne Solberg Nagle. My husband, Edward R. Nagle, and I have some thoughts we would like to share with you today.

Air transportation is a prime mover of people and commerce. Much of the growth and welfare of our neighborhoods and nation are dependent on air transportation. Demand for more efficient use of time is a key reason for the growth and value of air transport. This trend and demand can only be expected to escalate in the future. For example, consider the following air passenger travel facts: 1978, 278 million; 1987, 450 million; and an estimate for the year 2000 of 660 million to one billion.

Airports represent the foundation, framework, and conduit for all forms of air transport. While some might feel

airports and aircraft represent a tremendous burden and sizable investment in land use, they do, in fact, provide the best or minimum ratio land use to transport capacity available or known to man at this time. Consider how much land is dedicated to State and interstate highways and railroads. Dedication, development, and maintenance of land resources between origin and destination are not necessary with air transportation. People can travel in a plane from Cape May to Caldwell using only two miles of asphalt. Considering New Jersey is the most densely populated State in the Union, this fact bears special consideration and attention.

Consider also some of the many warnings and publicity surrounding the state of our nation's aviation system: In "Business Week," of March 25, 1987, "Only new airports can break the airborne gridlock." "Journal of Commerce," June 1, 1987, "In the long run, everyone agrees, the nation needs more and bigger airports." "Time," September 12, 1988, "Not enough places to land. Gridlock has gripped America, threatening to transform its highways and flyways into snarled barriers to progress."

While most everyone agrees we need more and better airports, the agreement or consensus is lost once the additional or better airport is anywhere near residential areas or anything other than commercial or industrial zoned land uses. The logic is quite simple and understandable: A person's home and/or property value near an airport is much less than it would be without the airport. A person thinks it is okay to add or improve the much needed airport, as long as it is nowhere near him and his home and property value.

Since most of the existing airports in New Jersey were built on farmland many years ago, it is not too surprising to find that today they are surrounded by homes. Homes represent the single largest emotional and economic investment one usually has. While I feel it is not government's function or

role to guarantee real estate appreciation, I do believe a program similar to the Department of Transportation's Highways Program should be undertaken to purchase clear zones as a way and means to minimize this problem.

While the Air Safety and Hazardous Zoning Act of 1983 was a necessary and first step towards preserving our all too scarce aviation resources, a more comprehensive review and commitment to act is necessary if we are to remedy New Jersey's aviation crisis. Senator Bassano's General Aviation Facility Study Commission is a welcome and much needed step in the right direction.

Aviation and airport needs, interests, functions, and values are quite complex and broad based. Piecemeal local approaches and treatment of airport needs and interests are primary causes of today's capacity and service shortfalls. The public interest will be best served once the needs, functions, and values of our airport resources are recognized, organized, and protected by the State and Federal governments, much the same way our State and interstate highways are. Can you imagine what our highway system would look like if our State and interstate highways were controlled by "local" or "home" rule?

Aviation is a unique, vital, and rapidly expanding part of our nation's lifeblood or transportation network. Airports are important, desirable, and very much in the public interest.

Thank you.

SENATOR RAND: Thank you very much. That was less than five minutes. We appreciate that.

Mr. Bianconi, from Plainfield? There are some folks who have to leave by bus, and I will try to get a speaker among them as quickly as I can. If we can keep it down to five minutes, maybe we can get to everybody. Sir?

A R T B I A N C O N I: Thank you. Ladies and gentlemen, one of the things that I hope to accomplish by being here, is to provide a graphic example of how aviation has influenced the way we conduct business in the State of New Jersey. Next Tuesday, I will be conducting--

Let me tell you what I do, first of all. I train architects, engineers, and other design professionals in the use of computers for designing buildings, factories, and related equipment. I fly around the United States in this occupation. Next Tuesday, I will be flying to Danbury, Connecticut, from Linden Airport, for the purpose of conducting just such a training. Two months ago, I flew down to Newark, Delaware, to support the Medical Products Division of DuPont, in the same capacity.

Now, recently, Union Carbide, one of my clients, chose to move the location of the trainings I conduct for their engineers here to New Jersey to my facilities in Maplewood. The determining factor in that choice was the proximity to Newark Airport. For Union Carbide, I have been traveling around the country, and one of the problems we have had is that with the existing hub structure of the major airlines, you can no longer get from here to there in one shot. One must invariably change aircraft at some hub location, and the inability to do that to get into Cleveland was the factor that determined their moving the training to our locations here in Jersey.

I mention this because, while this is an example of a national hub system, what I am suggesting here is that we have the same situation here in New Jersey, on a smaller intrastate level, and that we are able to service our clients more quickly by aircraft within the State of New Jersey. This situation did not evolve overnight. It has taken over 20 years for this to develop for us.



Recently, I wrote to Senator John Lynch on this matter -- and I have given a copy of that letter to the Committee -- in which I said to Senator Lynch that while a resident of New York for many years, I have played in this State for a long time. And when the opportunity presented itself to move here, it was virtually an automatic response: "Yes, let's go to New Jersey." I admitted to him that it was an emotional decision, and then I proceeded to defend it with logic, which is what most people do.

This love affair with New Jersey started back in 1968, as a direct result of my wanting to learn how to fly an airplane. I was a resident of New York City. I traveled to Long Island; I traveled to northern Westchester; I traveled to Bridgeport, Connecticut. I was not able to find an environment or facilities that would support this interest, and I did not find those until I came to New Jersey.

The point I am making, is that it is my love of aviation that has influenced every decision I have made regarding where I live, where I work, and where I do my business. While the decision to move my family here was virtually automatic, the decision to move my business here was a lot more deliberate. I chose to contact our clients, many of whom had left New York and had moved to Connecticut, Pennsylvania, and Delaware, as well as New Jersey. We questioned them at length as to what were the factors that influenced their choice of domiciles. We immediately eliminated Connecticut. The reason for that was the pronounced lack of general aviation airports in the State of Connecticut.

Now, I want to make particular note of this: Once we heard that there weren't sufficient airports in Connecticut, Connecticut was no longer a candidate as a place for us to move our business to.

We then inquired of our clients regarding Delaware and Pennsylvania. Pennsylvania looked promising. However, after

careful deliberation, I moved my business and my family to New Jersey. The rest is history. Unfortunately, however, the airports that first attracted me to this State, and which ultimately tipped the balance in favor of moving my business here, are also history.

Last year, I managed to acquire a copy of the first draft of the new master plan for the future development of New Jersey. Hazel Gluck and New Jersey DOT were listed as co-authors. However, nowhere in that expanse of writing was there anything regarding the development of a statewide plan for air transportation. It is interesting to observe that when I spoke to Cathy Nicolaisen on this matter, she said she had spoken for more than five hours with the people who put this document together, and not one of her comments made it into this initial document.

Now, that betrays a lack of aviation consciousness somewhere in the Capital, and I don't know where to go to find out. What is equally disturbing, is the resignation of Cathy Nicolaisen. She was the former head of New Jersey's Aviation Division, but quit many months ago out of an acknowledged frustration with the bureaucracy that stifled her efforts as the State's lone aviation advocate. The position she occupied, for all practical purposes, has been completely eliminated at this point.

The recent resignation of Bob Arrons, Director of Aviation for the Port of New York and New Jersey, has created an opportunity to place a powerful manager in that position, one who could influence aviation in this State. A licensed pilot and attorney, Arlene Feldman, was Cathy Nicolaisen's immediate predecessor as head of the New Jersey Aviation Division. When she resigned from New Jersey DOT in 1985, she accepted a position as assistant head of the FAA's Technical Research Facility in Atlantic City. From there, the FAA promoted her to Assistant Director of the Pacific Region. Now

Ms. Feldman is no less than Director of the New England Region of the FAA. Clearly, there is no one in the government community as qualified or as experienced to manage the aviation interests of the Port Authority as Ms. Feldman. Her stands on behalf of New Jersey transportation interests are well-documented.

Recently, I was advised that Ms. Feldman is interested in assuming the vacant position at the Port Authority. I was told, furthermore, that she has clearly communicated that interest to Hazel Gluck.

SENATOR RAND: Do you have proof positive of that, sir?

MR. BIANCONI: No, sir, but I can get it, though.

SENATOR RAND: I would appreciate it very much if you could forward any documentation to this Committee. We have the habit of training our best and sending them out-of-state.

MR. BIANCONI: Okay.

SENATOR RAND: That is the usual run for our transportation system in this State. We train them very well, and out they go. If you could get that to me, I would appreciate it.

MR. BIANCONI: Okay.

SENATOR GAGLIANO: This is a tough training ground.

SENATOR RAND: Yes, it is. It's tougher to stay around here, though.

MR. BIANCONI: Her interest, by the way, in assuming that position has, according to the reports I have received, been ignored by Hazel Gluck, and she has appointed someone else.

SENATOR RAND: That is not Hazel's appointment, sir.

SENATOR GAGLIANO: No. I just want to clear the record here. To the best of my knowledge, that is not her appointment. That appointment would be by the Port Authority of New York and New Jersey, which is made up--

MR. BIANCONI: Isn't she on that now, though?

SENATOR GAGLIANO: Pardon?

MR. BIANCONI: Isn't she a member of that Board?

SENATOR GAGLIANO: She is a member. She is one member. I forget how many members there are.

SENATOR RAND: There are enough members, but I--

SENATOR GAGLIANO: There are at least a dozen or so.

SENATOR RAND: But, Senator Gagliano, I would also tell you that if the Governor didn't like the choice, he could veto the minutes.

SENATOR GAGLIANO: That's correct.

SENATOR RAND: So, we do have--

SENATOR GAGLIANO: I just wanted to correct the fact that it is not Hazel who has that appointment.

SENATOR RAND: No, no, you are right there. She just has one vote.

SENATOR GAGLIANO: Okay.

SENATOR RAND: But if you could document that in actuality, rather than hearsay, we certainly would have grounds, because, very frankly, we were very disturbed when we lost Arlene Feldman as head of the Division of Aeronautics.

MR. BIANCONI: I'm glad to hear that sentiment.

SENATOR GAGLIANO: She's excellent.

MR. BIANCONI: Linden Airport was once one of the best facilities in the State. Forty-five years ago, when it was given to the City of Linden, it had everything an airport could want. For four decades, it has been exploited by the personal interests of incompetent airport managers, while being neglected by a disinterested city. It is now at the point where it threatens to fall into hopeless decay.

Just as an aside, Mayor Werkmeister pointed to the deplorable condition of the city. Frankly, I am embarrassed that the people responsible for the decay should point to it as evidence that it should be killed. Where I come from, if a dog has fleas, you don't shoot the dog, you get rid of the fleas.

SENATOR RAND: We do it differently here. (laughter)

MR. BIANCONI: I feel rather strange proposing new taxes. If anybody had told me I was going to say such a thing, I would have said they were crazy.

SENATOR RAND: Read my lips.

MR. BIANCONI: Read my lips? Yeah. (laughter)

Looking at the expenses associated with aviation, I find that fuel, or fuel-related taxes are probably lowest on the list.

There has been a lot of dialogue this morning regarding the airport safety zone. Please note that I call it, "the airport safety zone," not "the airport hazard zone." What I would like to propose is that the State-- I am assuming that there is a Ways and Means Committee responsible for financing--

SENATOR RAND: We have lots of them.

MR. BIANCONI: Good. I am going to request that the Ways and Means Committee consider a gasoline tax, whose sole purpose would be to purchase those lands, and remove forever this entire source of rhetoric. If these properties were owned by the State, or by the airport, or by the municipalities, they might not be subject to this tremendous amount of emotional conflict regarding what their values are, and whether or not they fall into these zones.

SENATOR RAND: You want an airplane trust fund under the Transportation Trust Fund?

MR. BIANCONI: Well, I'm not sure I would put it quite that way.

SENATOR RAND: That is what I would assume. Okay.

MR. BIANCONI: I want to make it clear that I could probably run my business without aviation. I am at the point where I could probably run my business without aviation. The truth is, I don't want to. I moved to this State initially out of a love of aviation, and I have to state, without any fear of contradiction, that if aviation leaves this State, I will have to, as well.

SENATOR RAND: Mr. Bianconi, thank you very much.

MR. BIANCONI: Thank you.

SENATOR RAND: We are very appreciative of your testimony. We would like two things: Senator Gagliano would like to know how much you suggest we should raise that gasoline tax, and how much it would raise for capital to make those purchases? I guess he might want to sponsor that bill. And number two -- and just as important as that particular item is -- if you could document the very serious allegation you made, I would be appreciative on behalf of this Committee, and would certainly review the facts, and would certainly question our side of the river, so to speak -- or our side of the State -- as to what did go on, why, and so forth.

MR. BIANCONI: Senator Rand, I have heard comments from the audience during the course of these proceedings regarding the way you are conducting them. The universal comment has been, "He's tough, but he's fair." (applause)

SENATOR RAND: I try to be, but please, please. I have to say again, "No, no, no." You will have to applaud Senator Gagliano and Senator Zimmer.

SENATOR GAGLIANO: No, no, I try to keep them in line.

The reason I asked about that, sir, was because you talked about acquiring the properties for the State. It is not really facetious. The issue is, when you are talking about buying properties, they could have values of \$50,000 to \$75,000 to \$100,000 an acre. We all know that airport properties comprise dozens and dozens and dozens, and sometimes hundreds of acres. The issue is, how could we ever generate that much money from the fairly small group of taxpayers?

MR. BIANCONI: I didn't-- In anticipation of this--

SENATOR GAGLIANO: I did say as an aside, to Senator Rand, how much money could we raise?

MR. BIANCONI: I didn't want to take time from the proceedings to discuss that issue, but I anticipated the question.

SENATOR RAND: A gasoline tax? I can tell you, for every penny--

SENATOR GAGLIANO: No, no, no, I'm talking about from aircraft uses.

SENATOR RAND: Oh, okay.

MR. BIANCONI: If you look at the way the Essex County Airport has been developed, you will find that real estate in immediate proximity to that airport is highly prized by businessmen. I have already -- in the letter I gave to the Committee -- indicated that I would be more than happy to move to any kind of real estate commercial development on Linden property, if such an effort were undertaken. There is no reason why the airport property that is not given over directly to taxiways and runways could not be developed commercially to help to offset the acquisition costs you are bringing up.

SENATOR GAGLIANO: Well, that is another issue. Okay. I raised the question, also, for a second point. I am not really interested in sponsoring tax measures. Some have said of Senator Rand that he never saw a gas tax that he didn't like.

SENATOR RAND: I love gasoline taxes. (laughter).

MR. BIANCONI: I shouldn't be speaking on behalf of the aviation community, but I think expensive aviation is better than no aviation at all. I think the aviation community would be more than happy to absorb a three-cent-per-gallon increase in tax, if they thought that was going to purchase certainty about an airport's future.

I want to mention one more thing.

SENATOR RAND: We are going to have to move along. I have given you 15 minutes, sir. We appreciate it. You have given your testimony. May we go to the next group? They have to leave by bus, and we want to ask them to testify. We do thank you very much.

MR. BIANCONI: Thank you.

SENATOR RAND: Thank you for coming down.

SENATOR GAGLIANO: Mr. Chairman, I have to make one comment -- no with respect to you, sir. I have to apologize for this. I must leave. I had made other appointments back in Monmouth County for this afternoon, not realizing the extent of the crowd that would be here today. Usually, we finish hearings about 2, 2:30, maybe 1:30. So I have to leave. Mr. Chairman, if you schedule another hearing, I will be happy to be here and, of course, we will be discussing this in our Committee.

SENATOR RAND: If you finish your appointments, maybe you will want to come back. (laughter)

SENATOR GAGLIANO: Well, if you promise to be here for another three hours, I'll be back.

SENATOR RAND: I'll be here -- well, not quite three. Thank you very much, Senator Gagliano.

There are people from Bedminster, who have to leave by bus. If you will give me one spokesman, I will recognize that person now. I can't take the six of you, but if you can give me one person as a spokesman, I will call him or her out of order.

P R I C H M A T T H E W S: (speaking from audience) I'm in order. I am the next one.

SENATOR RAND: What is your name? Are you giving me one person?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Wrong bus.

SENATOR RAND: Wrong bus? Who has to leave by bus? From what group are you?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Bedminster.

SENATOR RAND: Bedminster?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I'm from Allaire Airport on a bus. I put my name on the list also.

SENATOR RAND: I will take one person from that Bedminster group, and one from Allaire. Who is the spokeswoman for Bedminster?



MS. MATTHEWS: My name is Prich Matthews. I live at Elm Hill Farm on Meadow Road in Bedminster.

Mr. Chairman, I, and my neighbors from Bedminster, urge the distinguished Senate Transportation Committee to support Senate Bill No. 2757. We know, and appreciate, that New Jersey is the most densely populated State in the nation. We look to you to assure that local municipalities continue to have jurisdiction to zone and protect our precious residential areas against commercial interests that would usurp property rights from vast numbers of families.

Please don't allow our homes to be threatened. Let our local communities zone in the best interests of their residents and, therefore, the best interests of New Jersey.

Thank you very much. Since my message was so short, couldn't you recognize one more Bedminster resident?

SENATOR RAND: Let me take the person from Allaire next. I thank you very much for your testimony.

Allaire is next. Will you give me one representative? Who is from Allaire? If you will give me one person, I will take you out of order. I can't do any better than that, unless you wish to stay until four o'clock.

C A R L M A S O N: My name is Carl Mason. Jack Taylor is from Allaire also, but he will speak later because he can stay without the bus.

I would just like to relate a bit of grass-roots experience. I am speaking from the point of view of a commercial pilot, flight instructor, and licensed aircraft mechanic.

Now, I got most of my pilot license ratings at Hadley Airport long ago, including my flight instructor's certificate. That airport is gone. I worked at Hanover for some time, and that airport is gone. I had a full-time job for four years at Colts Neck Airport, until shortly before that airport closed last year. I also got my aircraft mechanic

license while working at Colts Neck Airport. I think the trend, from relating just those three things, is obvious, as time is going on.

Now, the second subject: Many years ago, in the late '60s, I bought my first airplane. At the time, I was based at Somerset. When I brought that plane into Somerset Airport, I discovered, on final approach to Runway 30, that the people who had the plane before me had set the idle on the engine much too low, and the engine stopped. I was at an altitude of about 200 feet above the ground just before I reached Runway 30 at Somerset, and as a result, I was forced to land short of the runway. The engine stopped, and the plane wouldn't make it to the runway.

At that time, there was a farm field directly at the end of Runway 30, at Somerset. There was no harm done; the incident was never recorded anywhere, because all that happened was that I landed in this farm field. I was forced to. I adjusted the engine a little bit, started it up again, took off, and went over to the airport, with absolutely no harm done.

This area was what was called the "clear zone." At this time, there is now a development off the end of that runway -- directly at the end of that runway -- and it is really incredible to look at that development from the air. The entire area around the Somerset Airport is mostly farm fields, looking at it from the air. And yet here you have a small development, tightly compacted, and built right at the end of the runway, aligned exactly -- rows of houses aligned right with the end of the runway. I think it is extremely obvious that the builder, the zoning people who granted the permits, and the buyers of those houses -- every one of them individually -- knew they were building and buying a house in a dangerous position.

If I had the same incident with that plane today, it would be an unavoidable forced accident, possibly into a

house. From that altitude, there is nothing you can do about it, except land on the spot. From a higher altitude, if an engine fails, you can look around and find an empty spot somewhere to land. But this is why there are clear zones off the end of a runway. The same situation as previously mentioned by someone else, exists at Hackettstown. It is absolutely crazy to fly over the northern part of New Jersey, look down at Hackettstown Airport as you pass by, see it in the middle of the countryside, with a development smack on the end of the runway. It is hard to believe, looking down at it.

Now, let's go to another subject: I own a twin engine airplane, which I maintain myself. I am in severe need of a hangar to put that airplane in, both to keep it out of the weather and also to provide a place where I can do maintenance work on it. I cannot get a hangar anywhere within any rational driving distance of where I live, in Eatontown. I am told by the airport where I am presently based, that I am number 30 on the waiting list for a hangar. The airport operators do not see any hope of getting a building permit from the municipality, which has openly stated, in written statements, that they want to cut down the size of the airport to probably an airport which would just be big enough for the Mayor's airplane to get into.

Now, let's try one more subject: I think the most important thing that this Committee should take notice of is that the individual municipalities and, although I would not want to emphasize it, the individual homeowners who are speaking of their desire to control airports, are not, by nature, going to show any concern for the regional, statewide, or national use for an air transportation system. This is common with all transportation systems. It would be a disaster, obviously, to give each town control of the section of interstate highway that goes through their town. You have the same situation here, although it is not quite so obvious.

The airports we have in this State constitute part of a system which runs continuously, nationwide. That system is being broken down by a section being taken out of it. I have carried people over the years, on charter flights, in and out of numerous airports in this State, and two other states, back and forth, and the number of destinations is just progressively becoming less and less. It's got to be recognized that businesspeople, and even people traveling for resort travel, or anything else, are going to gradually abandon New Jersey as a place to go to, or from.

I think that is about it. Thank you.

SENATOR RAND: Thank you very much, sir.

SENATOR ZIMMER: Mr. Chairman, I want to thank you for allowing me to sit in on this meeting, even though I am not a member. I have to leave, myself. I found the proceedings very informative. I look forward to reading the transcript of the testimony that will follow. I am very hopeful that there will be enough common ground so we can reach an accommodation that recognizes the legitimate needs of the aviation industry, which is essential to this State, and also recognizes the legitimate concerns of homeowners and municipalities.

Thank you very much.

SENATOR RAND: Thank you very much, Senator Zimmer.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Senator, will you be hearing a second person from Bedminster this afternoon? We brought a bus load down.

SENATOR RAND: I am going to be hearing Mr. Robert Stahl, Chairman, Airport Subcommittee of Bedminster Township, in about 10 minutes.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Thank you.

SENATOR RAND: Robert Hand, from Perth Amboy?

EDWIN GOLUBIEWSKI: (speaking from audience)  
Excuse me, sir, are you going out of order?

SENATOR RAND: No, I am not going out of order. I am back in order, sir.

MR. GOLUBIEWSKI: My name is Edwin Golubiewski, and I am listed on your schedule after Sanford Chernin.

DR. MANOOGIAN: He is next.

SENATOR RAND: All right. You've got five minutes, sir. I thought you were with a group, because I had someone from Bridgewater before you. (Mr. Golubiewski's comment here indiscernible to transcriber; he responds before he reaches the microphone) We are going to adhere to the five-minute schedule, so I am going to cut you off at the end of the five minutes. I don't want to be arbitrary, but it is necessary if we want to get the rest of the people in. Mr. Golubiewski, please.

MR. GOLUBIEWSKI: Well, in that five minutes, I hope you will give me your undivided attention.

SENATOR RAND: I certainly will.

MR. GOLUBIEWSKI: My name is Edwin Golubiewski. I am a private pilot. I live in Bridgewater Township. I would just like to say that if I had to spend a couple of extra dollars for each flying hour, in order to ensure that I could keep flying throughout the rest of my life, I would gladly pay that. Even though I am against taxes, I would gladly pay it.

Senators, I believe that in the final analysis, whether or not you support pro general aviation legislation depends upon how greatly you feel general aviation contributes to the general welfare of the people of New Jersey. I believe that when you examine the facts, you will find that general aviation benefits not only such people as pilots and airport owners, but also the community at large.

We are probably all in agreement that aviation is a vital facet of the transportation system of this country. General aviation, and the small private, public use airports that are part of it, are an important part of American aviation

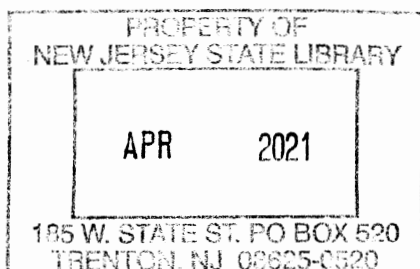
as a whole. If you consider the commercial airline industry and the air defense of this county as the major leagues, then general aviation acts as the minor leagues. General aviation is the place where new aviation talent is discovered, encouraged, trained, and where it gets its experience. It is the major source of commercial and military pilots of the future.

I believe you will find that many of today's professional pilots got interested or were encouraged to fly by their exposure to flying at relatively small, nearby airports. Over the years that I have been flying out of Somerset Airport, I have noticed that a number of their flight instructors have gone out into the larger corporate world, and are now flying many important people around in jet aircraft. Considering this, I thought, "Gee, what kind of jet pilots could they be?" and I thought about my old flight instructor, who last I heard was flying corporate jets for Chubb Insurance Company. I thought of the difficult, and sometimes scary situations that I, as a student at that point, put her in.

I came to the conclusion that when flying a passenger commercial jet, if I had my choice as to who would be the captain of that jet, I would choose a former flight instructor. I feel that if they could deal with student pilots like I was, a thunderstorm would be a piece of cake.

Besides their contribution to the aviation industry, private, public use airports also add other things to the community. The airport provides open space that reduces congestion and resultant pollution. In a State where we are seriously concerned with solid waste disposal, I think you will find that one airport would generate probably less than 1% of the solid waste of a condominium complex occupying the same amount of land.

Private, public use airports many times double as pseudo-parks. I know that at Somerset Airport, it is very



common for parents to bring their children to the airport to watch the planes take off and land. When I see these little kids get happy, I get happy, too. I remember back to the days when my parents would bring me to the airport, and I could see these planes take off and land. We would enjoy ourselves, and it would bring the family a little bit closer together. Sometimes I start to think, would a few selfish people succeed in closing down Somerset or another airport to deprive children of this happiness?

Many times, as I take off and land at Somerset, I fly over, or near a small herd of deer, who many times graze on the airport property. These gentle, shy creatures don't seem to mind the noise of the airplanes. Sometimes it is difficult to imagine why some people do.

There is one more item I want to bring up, that probably has not crossed the minds of many people. When you first hear it, you might think it is a little crazy, but if you listen carefully and consider what I am about to say, I think the idea does have a little bit of merit. I expect to get a little laughter here, perhaps, but-- I believe that general aviation can make a very positive contribution in the war against drugs and substance abuse. I believe it is well-documented that a portion of the people who turn to substance abuse are living lives that lack fun and excitement, and they feel like they have nothing to live for. I think you will find that for many people who get hooked on flying, flying becomes an important and fun part of their lives. It is a type of recreation that mandates that you be physically fit, and it is a sport that mandates that you keep your wits about you, and that you keep your reflexes in good working order, lest you and your airplane break upon landing. I know from my own experience that the longer I have been involved in flying, the easier it has been to decline drug use or excessive drinking.

I believe that if aviation were encouraged in schools, it could be another weapon in the war against drugs. I think most parents would rather have their children hanging around an airport learning aviation, than hanging out on a street corner doing drugs.

I know that as this hearing goes on, supporters of aviation will probably concentrate on the economic aspects of flying, which are extremely important. But for those of you who are not swayed by the economic benefits of aviation, remember some of the more human sides of general aviation. By supporting general aviation, you will be supporting an environment conducive to increasing the experience level of our commercial and military pilots. By supporting general aviation, you will be supporting a lot better ecological environment. By supporting general aviation, you may make a child a little happier or give a teen-ager something to shoot for. By supporting general aviation, I believe that in the final analysis, you will be supporting the American spirit.

Thank you.

SENATOR RAND: Mr. Golubiewski, thank you very much. I am very appreciative. (applause)

Mr. Robert Hand, from Perth Amboy.

R E U B E N R E D F I E L D: (speaking from audience) Mr. Hand left, but he asked me to take his place.

SENATOR RAND: What is your name, sir, and who do you represent?

MR. REDFIELD: My name is Reuben Redfield. I represent SOAR -- Save Our Aviation Resources. I am on the list there also.

SENATOR RAND: Okay. Just come right up, sir. We are going to time you -- five minutes.

MR. REDFIELD: How's four-and-a-half?

SENATOR RAND: That would be even better yet, sir.



MR. REDFIELD: Senator, my name is Reuben Redfield. I am President of SOAR -- Save Our Aviation Resources. I, too, want to thank you for this forum we are having here today.

It is amusing that-- I have been flying for many years, and I know in the very early '50s, at Westfield Airport, a house was built right on the approach of the runway. Within three months, the owner and the occupant of that house complained about the airport. This is very true, when you compare this to the hazardous zone areas. People knew there was an airport there when they moved in, in most cases. This is like a child 10 or 12 years old who pushes his mother out an eighth floor window, and then begs the court for mercy because he is an orphan. (laughter)

Earlier today -- this morning -- someone spoke to us about Senator Bassano's bill -- S-3240 -- and stated that it was instigated by a group of pilots. I spoke to Senator Bassano after he suggested S-3240, and nobody asked him to do this. It was his own doing. No pilot group was responsible.

Now, Linden Airport was never taken from the City. Linden Airport was bought in 1940 from Exxon -- Standard Oil of New Jersey at the time -- by the War Assets Administration. In 1947, the War Assets Administration turned the airport over to the City of Linden, on the condition that it operate the airport in perpetuity. The City lived with this agreement -- not happy about it -- and in October of '86 -- the last day of session -- one small amendment -- Amendment 110, of two sentences, one amendment out of 130 amendments -- was passed by a voice vote in Washington at 2:37 in the morning, and only a handful of people were there to hear it. That is how the City got the airport. They were never ripped off, but we were ripped off.

He stated also this morning, that the City spent a million dollars, and that represented 10%. The City had \$2,500,000 aid money for improvements, and this was only

\$250,000, not a million dollars. He talked about Linden Airport as being a blighted area. Well, if Linden Airport wasn't there, then he would have the fuel tanks there, which were right next to the airport, and maybe that would be more attractive and more appreciated by the City.

The present owner is on a month-to-month lease, so naturally, when the Mayor complains about the airport being blighted, no man who will have any kind of an investment in an airport with a month-to-month lease, is going to spend a lot of money painting the hangars and making other improvements. That is why you have the airport looking the way it does.

In the past 40 years, we have seen a very serious decline in public use airports in New Jersey. Because land has become a very expensive commodity in New Jersey, the airports are being sold to developers. If the airport operators could have made a reasonable profit on their investment, they, in many instances, would not have sold. Consequently, relief should be sought for these airport operators, such as a real estate tax concession similar to that given to the farmers.

In addition, many of the airport operators are being harassed by the municipalities. There should be regulations that would be binding both on a municipality and on the operator of the airport. Let us preserve what is left. Let us keep Linden Airport, the only airport in Union County.

Over 40 years ago, our State legislators had the foresight to see the need for more highways in New Jersey, because they had accurate projections. Where would we be today without the Garden State Parkway, the Turnpike, and the other intrastate highways? If those legislators had not made those improvements, what would have happened to our economy?

Airports serve the present and future needs of our State and our economy. Hopefully, our present legislators will have the same foresight as their predecessors did 40 years ago. Once an airport is gone, it is gone forever. Linden

Airport is located six miles south of Newark Airport. A private airport consulting firm hired by the City of Linden -- hired by the City of Linden -- just completed their study of Linden Airport. Their findings were very interesting. In 1987, their report showed, Linden Airport had 177,500 operations, and 77,500 of these operations were transits. Of these 77,500 transits, 78% were business related. This means that 60,450 operations were on business at Linden Airport in 1987, based on this report that was made by the consultants hired by the City of Linden.

The survey also showed that of these 60,450, 16% would go to Newark Airport if Linden were to close. Another 39% said they would go to another airport -- that other airport also could have been Linden -- but they did not indicate that in their survey. If only the 16% went to Newark, that would be 9672 operations a year, if the same quantity of operations existed today as in 1987.

Now, if an additional 16% of the 39% who said they would go to another airport -- which could be Newark-- If they went to Newark, then we would have 19,344 operations going to Newark. It's frightening. The report shows that in 20 years, it would increase by over 60%. About a year ago, I read that Newark had the most delays of any airport in the country. Bader Field in Atlantic City has a 3000-foot runway. Four-engine commuter aircraft land at that airport. At Linden, we have a 4100-foot runway, which means that we could accommodate four-engine commuter flights.

Newark Airport projects that by the year 2000, they will be doubling their capacity. Will there be room for business aircraft? Hardly. That is why Linden Airport is so important. Without Linden Airport, the economy of the area, and the State, will suffer. Let's not let this happen. Are we going to tear down 30 square blocks of houses 20 or 30 years from now to make room for an airport? We would like to see New

Jersey acquire Linden Airport. Other states have state-owned airports, why not New Jersey?

In closing, Senator, we hope that you will give serious consideration to our comments. We want you to know that we will always be available to be of help to you. Thank you.

SENATOR RAND: Thank you very much, sir. Dan Walker, owner and manager of Somerset Airport?

G. D A N I E L W A L K E R: Senator Rand, members of the Committee, ladies and gentlemen: I sincerely appreciate this opportunity to bring forth my concerns for the state of our general aviation airports in New Jersey.

I am the owner/operator of Somerset Airport, located in Bedminster Township, Somerset County. My father built the airport over 43 years ago on what was then the Beekman Farm.

Somerset Airport services the counties of Somerset, Hunterdon, Middlesex, and Morris. It encompasses more than 200 acres of open space, something all municipalities are striving to preserve. We have a normal payroll of 15 employees, and funnel into the community in excess of \$1.3 million annually. We have 171 aircraft based on our facility, of which 32% are corporately owned. Those corporations which maintain their aircraft with us provide approximately 28,000 jobs to New Jersey's labor force. Furthermore, Somerset provides convenient landing facilities for executives of such large corporations as: Horst-Celanese, AT&T, Merck, and Johnson & Johnson, just to name a few.

Senator Rand, members of the Committee, today New Jersey faces a crisis, and that crisis is the continuing loss of public use airports in the State. Privately owned, public use airports are closing at a rate that will ensure their extinction within the next 10 years. Can you remember, gentlemen, Hadley Airport, Totowa-Wayne Airport, Basking Ridge Airport -- airports that played a prominent role in aviation

history? All you will be able to do is remember them now, because they are among the dozens of airports that no longer exist. Can you imagine no more grass-roots airports in New Jersey to stimulate and cultivate the imaginations of our youth into becoming our next generation's astronauts, airline pilots, or military pilots?

Even more potentially devastating to the aviation communities of the nation is the back-door politics that allowed the City of Linden to be released of its obligation to maintain Linden Airport as an airport. This is significant because formerly, airports deeded to municipalities in the same way Linden was, were somewhat protected from the whims of local governments, which do not understand aviation nor the future ramifications of their actions in that respect. A bill introduced by Senator Bassano addresses this issue, and it should be supported by your Committee. I believe it is S-3240.

How did we allow ourselves to get into this situation? As I see it, the immediate cause is the lack of any management or developmental plan by the State, county, or local governments. No concern at all -- until today -- to protect and promote general aviation, a valuable State resource we are so fortunate to have. Every business, in order to survive and prosper, needs to develop and follow a business plan. As far as airports are concerned, no such plan exists in the State of New Jersey.

There does exist a State Master Plan, however. That Plan is now in what is known as its cross-acceptance stage, where the State has handed down to the local municipalities, through the county governments, its plan as to how New Jersey should handle future development. All major forms of mass transportation are discussed in-depth, with one exception: New Jersey's system of general aviation airports. A whole mode of transportation was ignored, in spite of the fact that the Commissioner of Transportation was on the committee that formulated the Master Plan.

I urge all airport owners/operators to take immediate steps to make sure that during this cross-acceptance procedure at the county level, they make certain that their facilities are addressed as the vital and valuable State resources they are. I urge, at the same time, our legislators to follow up and investigate this serious omission. If this omission is not remedied, it should be our legislators who take the necessary steps to see that our general aviation facilities take their rightful place in the State Master Plan, and in New Jersey's future.

We know what the problems are. Now this is what I, personally, feel needs to be done to reverse this trend of airport closures:

1) Our legislators must mandate that the State Department of Transportation, through its Office of Aviation, do the job it was chartered to do: promote, develop, and expand aviation within our State. The Legislature needs to pass the necessary laws that will allow this to occur. Laws with stiff enough penalties to ensure compliance by local governments. The Air Safety and Hazardous Zoning Law is a good example of meaningful legislation with no teeth. Passed in 1983, this law, which mandates that special zoning be applied for those areas on or around public use airports, has yet to be enacted by most municipalities. Maybe those local governments are above the law. It certainly seems that way. The Department of Transportation has yet to indicate a deadline date for those towns not yet in compliance.

Senator, this is something that could, and should be done right now. Make the Department of Transportation enforce the Air Safety and Hazardous Zoning Act.

2) Legislation needs to be written to relieve privately owned, public use airports from property tax burdens above and beyond those of normal business enterprises. I would ask that legislative tax relief be passed for those areas of

the airports that are necessary for public access, i.e., runways, taxiways, ramps, parking lots, etc., but are not revenue-producing. Examples of such tax relief can be found in neighboring states.

3) Legislation needs to be written to exempt airports from State wetlands restrictions. Many projects necessary to promote safety and for the public good, are currently at risk because of current wetlands restrictions. Bear in mind, Senators, two facts: Airports maintain open space with little effect on the environment around them, and historically where have our airports been built? Airports, long ago when you could build them, were built primarily on land that was the least desirable for other development. An example is Newark, built on a garbage dump; Morristown, built in a swamp; Teterboro, built on a marsh; and I could go on and on. Relief from wetlands requirements is a must for airport expansion.

4) Noise has, and always will be, a concern for airports and airport neighbors. For that reason, legislation should be adopted to require notification on real estate transfers for properties within an airport traffic pattern or airport approach zone, of the airport's existence. This is already required in New Jersey for flood plains and hazardous waste areas. Airport notification was successfully implemented in other states many years ago.

Senators, I will not take up much more of your time, but I must ask that when you debate S-2757, you keep in mind all the airports New Jersey has lost. Passage of this bill will doom every privately owned public use airport in the State, and they will go the way of Hadley, Basking Ridge, and Red Bank -- to the developer. Please vote, "No," on S-2757.

Senator Rand, members of the Committee, may I again thank you for this opportunity, and may I offer you my services to help formulate any legislation, answer any questions, and do whatever is necessary to allow Somerset Airport to survive, so

that my children can be the third generation to serve New Jersey's and the nation's aviation public.

Thank you.

SENATOR RAND: Mr. Walter, thank you very much.

Mr. Robert Stahl, Chairman, Airport Subcommittee of Bedminster Township.

R O B E R T S T A H L: Mr. Chairman, my name is Robert Stahl. I live in Bedminster, New Jersey.

Somerset Airport in Bedminster, New Jersey, has existed since 1946 under our present zoning laws. We believe it has been mutually satisfactory to both airport owners and local residents. Now, however, with the Airport Safety and Hazardous Zoning Act, local control, which New Jersey prides itself on, will be lost in favor of the Commissioner of Transportation. The Airport Safety and Hazardous Zoning Act was inconspicuously passed by lobbyists, using taxpayers' money to benefit operators and owners of airports. This directly opposes the residents' interests.

Bedminster has spent thousands of dollars, as have other towns, hiring experts on zoning to maintain home rule, which New Jersey prides itself on. Why, then, should this be pushed aside for a very special interest group?

The State requires that with any change of use or a variance on land, that the owners within 200 feet be notified. The surrounding property owners of the Somerset Airport were never notified. Does the State place itself above its existing laws? Why were the airport's maps not placed in the town municipal building for public review, instead of being only in the airport owner's possession? Ninety-five percent of the planning and engineering costs were paid for by the taxpayers. I think we have a right to see these.

We have heard words almost all morning from the aviation people and their supporters. Some were aircraft owners; some were aircraft builders; some were corporation



executives. All seem to be interested in only one thing -- financial gain. What about the people who live here? What about their rights? How about their quality of life? Can you imagine no control over an airport? The State has a Master Plan proposed, with the emphasis on home rule. Is this to be pushed aside by special interests again?

About 28 years ago, we fought aviation interests to stop the great swamp from becoming an airport. It is now a national park. Thank God! If you were to ask the people of New Jersey who was right then, I'm sure they would agree with us. Can we go any further than this? I think this should be left up to -- again, back to home rule.

I urge you to support S-2757. Thank you.

SENATOR RAND: Thank you very much. John J. McNamara, State Chairman of the LPBA.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Senator, I'm next.

SENATOR RAND: Nobody is next. I am the one who calls the speakers, sir. That doesn't mean a thing. That is just the way the names are listed. John J. McNamara?

J O H N J. M c N A M A R A, E S Q.: Mr. Chairman, I am John J. McNamara. I am here on behalf of myself, and on behalf of the Lawyer Pilots Bar Association, which is an Association of over 2000 attorneys from across the country who meet semiannually to consider legal matters affecting aviation. I am, and have been for 40 years, a resident of the State of New Jersey. I am a pilot, and am proud to say that two of my nine children are pilots.

As I have been sitting here today listening to the comments being made, and knowing the Chairman's concern for expeditious comment, I have been striking out various paragraphs in my talk, because these matters have already been touched upon, and it wouldn't serve any purpose to repeat them. So, if you will bear with me, I will put together somewhat of a disjointed talk, and will try to do it quickly.

The topic of discussion today, in part, has been the New Jersey airport system. The airport system in New Jersey is a misnomer. New Jersey really doesn't have an airport system. There are, in the United States, 4984 publicly owned airports. That is roughly an average of 100 airports per state. New Jersey has approximately 10 publicly owned airports. Airports that are going to serve industry in any state must have sufficient precision instrument landing systems. I would point out to you that just two airports serving the City of New York -- LaGuardia and Kennedy -- have more instrument landing systems than the entire State of New Jersey.

The airport system in New Jersey rests on very fragile ground. Unlike any other state, more airports in New Jersey are privately owned than publicly owned -- approximately 80% of them. The question is presented to us: How long are those privately owned airports going to remain airports, or assets of the State of New Jersey? In my practice as a lawyer representing airports, I frequently have occasion to speak to airport owners. One of them gave me a very pointed example of the dilemma: He said he owns land that is worth \$80 million. He could sell that land, and put into the bank about \$50 million, and realize tax-free income of about \$3.5 million a year. His airport operation generates \$100,000. How long do you think he will continue to operate that airport?

Why does New Jersey want to retain its airports? First, and most obviously, many New Jerseyans travel by air, for both business and pleasure. If New Jersey's airports are not protected, its citizens, ultimately, will have to go to New York or Pennsylvania to catch their flights. Even the most ardent anti-airportist would not want this. It may seem that this justifies only the major air carrier airports, but this is not so. Presently, approximately 66% of all business travel is done by general aviation aircraft. These are the ones which operate predominantly from the very airports which are in jeopardy in New Jersey.

Secondly, there is the thrill, the serenity, and the peacefulness of flight. For many citizens in New Jersey, it is a diversion, and doing it well is also a constant challenge, much like golf or any other sport. It is important that New Jerseyans who want to fly, like those who want to play golf, can do so conveniently and safely.

Third, no one would deny that it is in the best interests of New Jersey that tourists, businessmen, and businesses come to the State. Airports are portals through which all of them arrive. There are several economic models to measure the impact of economic activity by an airport. I was going to explain the nature of these models to you, but instead, to abbreviate, I will simply point out that the impacts are termed "direct impacts," meaning that the expenditures are made by the operators of the airports, "indirect impacts," meaning the expenditures made by the users of the airports, and three, induced impacts.

In April of 1987, the New Jersey DOT conducted a seminar, and invited the firm of Ecgross Green (phonetic spelling) to address the airport operators of the State. Ecgross Green, at that time, gave us a rule of thumb for establishing these impact factors for airports. After determining direct impacts -- that would be airport expenditures again -- indirect impacts would equal half the direct impacts, and induced impacts would equal indirect impacts plus twice the direct ones. I don't mean to complicate it, but it comes out to be-- Figure out what the airport operator is spending, and multiply it times four, and that will be the total economic impact of the airport to its community.

Danny Walker stood up before and mentioned that his airport spends about \$1,300,000 a year. You could say that the total impact of his airport on the community of Bedminster in Somerset County would be about \$5,200,000. In addition, according to the Ecgross Green rules of thumb, \$45,000 would be

paid by that airport in real estate taxes, and about \$95,000 would be paid into the State coffers.

The function of these models is to demonstrate that local airports contribute an enormous amount to their communities' economy. They are a door through which new dollars come into the community, to the benefit of the entire community, and yet this is something that is recognized very little by those communities.

Fourth, I served as the Chairman of my local Planning Board for a period of six years.

SENATOR RAND: Mr. McNamara, we are going to ask you to summarize, please.

MR. McNAMARA: All right.

SENATOR RAND: I would appreciate it.

MR. McNAMARA: I would point out to you that airports, but for one complaint -- the complaint of noise -- actually make good neighbors. They are the spot where carnivals and air shows are held. They are the locations where the Boy Scouts, the Civil Air Patrol, and the programs for inner-city youth are conducted. They are the places where the National Burn Victim Foundation and Angel Flight and other organizations of aviators who help the ill originate their missions. They preserve open space. In fact, FAA regulations require that for every ILS runway in the country, there be 7,500,000 square feet of open space preserved. That is about 170 acres. Their wetlands help to clean the water. Their stands of trees help to clean the air.

Suppose, for the sake of argument, that a network of local airports is of vital importance to our State. Suppose that some day that need becomes shockingly apparent to us. Then imagine the expense at which airports will have to be built. Imagine having to condemn and raze a development to establish an airport. With this in mind, I would suggest to you that your Committee consider an airport bill that has not

yet been presented to you. It would create a new type of zoning, and add it to the Municipal Land Use Law -- the airport zone. In addition to building airport facilities and conducting airport operations, this zone would allow airports to house the commercial activity common to airports. It would do little good to provide that an airport is a conforming use, if the municipality can then deny it the right to build hangars for rental where corporate tenants can employ their own employees, or deny the operator the right to repair aircraft or sell fuel or operate a restaurant or rent a car, or any of the other activities we commonly associate with airports.

Two -- the second provision of the bill: Airports should be given a reprieve from real estate taxes. Often, the airport's operations do not generate enough revenue to pay these taxes, which are increasing with each reevaluation.

Three, by statute, the county should have privately owned airport runway and taxi maintenance as its first priority for road repair and snow removal.

Four, the Grants in Aid Program should be increased, and should have a separate budget for planning, engineering, and legal expenses. All too often, an airport operator, when making his application, is told that the funds are exhausted. He cannot even begin his planning, because even the relatively minor funds needed for it are unavailable.

Five, the airport zone should be as large as the larger of the airport noise zone or the airport safety zone. The FAA has developed noise models to determine this noise zone. The State has already defined the airport hazard zone, which should be retermed the "airport safety zone," or simply "the airport zone." This zone should not be reduced from its current levels.

Six, municipalities and counties should be precluded from regulating airports or aviation. This is an area of national importance to interstate commerce and national

defense. It should be, and substantially is, preempted by the Federal government.

Seventh, and last, the Office of Aviation, whose purpose is to promote and protect aviation in the State of New Jersey, should undertake to receive aviation users' taxes and apply those revenues exclusively as Grants in Aid, as the statute mandates.

It is unfortunate that we should have to have another statute to get the Office to obey the present statute, but that might be what is required.

I entreat you, therefore, to vote, "No," on S-2527; vote, "No," on S-201; vote, "No," on S-2339; and vote, "Yes," on S-3240.

Mr. Chairman and Senators, thank you for your time and your concern. I offer my services, and the services of the Legislative Committee of the Lawyer Pilots Bar Association, to assist in drafting any legislation. Thank you.

SENATOR RAND: Thank you very much.

There are three women from, I believe, Voorhees. One of you may speak right at this moment. Which one do you wish? I will get back to you, but I will give you this opportunity now.

UNIDENTIFIED MEMBER OF THIS THREESOME: (speaking from audience) Actually, Senator, all three of us would like to speak right now.

SENATOR RAND: You've got five minutes.

SECOND UNIDENTIFIED SPEAKER FROM AUDIENCE: Senator Rand, I have been asked by some residents of Bedminster -- Bridgewater and Bedminster -- who came to speak today, to give you their names, so that they may be informed of any future hearings--

SENATOR RAND: Fine.

SECOND UNIDENTIFIED SPEAKER FROM AUDIENCE: --at which time they would like to testify. (submits list of names to Committee Aide)

THIRD UNIDENTIFIED SPEAKER FROM AUDIENCE: The bus from Monmouth County is going to leave at three o'clock. If you came on the bus, go back on the bus. If you came from Mercer County Airport-- (remainder of this comment indiscernible to transcriber; no microphone) (five or six people speaking at once at this point)

SENATOR RAND: Sir, would you please be seated? Thank you. If we can have a little quiet, we will try to get finished. There are a lot of people who would like to speak. We have one more hour; that's all. I have an appointment in the Executive Office at 4:15. Ladies?

C A R O L H O E R S T: We appreciate the opportunity to address the Committee today. As part of our testimony, we would like to submit an opposition petition which contains 314 signatures from people in the local area who are very opposed to the placement of the State-funded Southstar Program at West Jersey Hospital, Voorhees.

For more than 15 months, we have been actively involved in opposing Southstar's illegal operation on land zoned rural/residential, in direct violation of rulings by the Voorhees Township Zoning Board, and Judge Lowengrub of the Superior Court. From day one, when the Department of Health selected West Jersey Hospital, Voorhees, as a home base for the eight-county Southstar Program, our rights, as outlined in the FAA's Community Involvement Manual -- Report FAA EE 7906 -- have been ignored. The "Big Brother" attitude and the "shove it down their throats" tactics being employed by involved State agencies and West Jersey Health Systems are deeply resented, and are fully contested by those who are forced to live with this dangerous, noisy, unwelcome intrusion.

In closing, we would like to express our appreciation to Senator Laskin for introducing S-3038. If this bill becomes law, as we hope it will, then other townships and residents will not be forced to invest substantial time, energy, and

money to protect their master plan and home rule rights, as has been our exasperating experience with respect to this particular issue.

M A R I E S C H A F F: I don't know whether everyone is familiar with our particular circumstance, but I think that if everyone here could see the backside of the coin-- What I have been hearing today, is that the townships are coming in and zoning out -- "zoning out" is the term you used-- Well, here we have a State agency coming along and zoning in a heliport. We were there long before this heliport. Because State agencies want it, it has been transformed into a State issue, rather than a local issue, between State agencies.

We have found lots of violations and, in fact, the latest was that the FAA has never even been notified that they are using the air space. When we notified the FAA that they were using the air space, they said, "Oh, it's nice to know that. We'll send them an application." So we feel as though we are doing their groundwork for them -- their legwork -- so that they can comply with the laws, by going out and searching to see what they haven't done.

In closing, I would like to kind of summarize: Our problems began when we learned that the State Department of Health named the West Jersey Health Systems as administrators of a State-funded helicopter medical evacuation program. West Jersey Health Systems decided to place the home base for their helicopter -- excuse me, for the State's helicopter, piloted by the State Police -- at the hospital in Voorhees. The only catch in all of this was that neither West Jersey Hospital nor the Department of Health first checked to see if they could get local approval. They decided on their own, unilaterally.

When the Voorhees Zoning Board turned the hospital's application down, we felt the program would go to a more appropriate place, i.e., one that is not in such a congested area of homes, schools, playgrounds, and offices. We have



since also learned that the Voorhees site requires the helicopter to fly at the low altitude of 1000 feet to remain under all the other air traffic in the area, because we are in an approach to the Philadelphia International Airport. So you can imagine the noise involved in the helicopter going that low over your home.

Our belief that they were going to find another site for it was short-lived, however, as the hospital, the Department of Health, and the State Police turned to another State agency -- the State Department of Transportation -- for intervention on their behalf. We have just witnessed a State hearing that was conducted by a State-appointed Administrative Law Judge, that had a State-appointed Deputy District Attorney representing the State Department of Health and the State Police. Who will make the decision? The State Department of Transportation. That leads us to ask, "What kind of a State do we live in?"

We, as citizens of the State of New Jersey and the United States of America, feel we have certain rights that are given to us by our Constitution. One of these rights is to own and have control over property. Property rights entail more than just a deed to the land. They also entail peace of mind and a right to gather, as a community, to form plans to protect our property.

The only time these rights can be taken from us is in the interest of public good, i.e., eminent domain. In order to do this, due process of the law must be followed, and remunerations to the affected property owners must be made. When this is not followed, a citizen, or citizens, may sue the offending government body for damages as a result of this inverse condemnation.

If the Legislature allows the Department of Transportation to continue to act as judge and jury and override people's property rights, as is the case in our

situation, this question will ultimately be decided in such a civil suit.

Thank you.

SENATOR RAND: Did you want to ask the names of the people who were here? Do you have the names?

DR. MANOOGIAN: Could you please give your names for the record?

MS. SCHAFF: I am Marie Schaff, from Voorhees Township.

DR. MANOOGIAN: May I have the first speaker's name?

MS. HOERST: I am Carol Hoerst.

DR. MANOOGIAN: Carol Hoerst?

MS. HOERST: H-O-E-R-S-T.

DR. MANOOGIAN: Thank you.

SENATOR RAND: Ladies, let me just say one thing. I normally do not depart from the objective of a meeting, but let me say this to you, knowing your situation very well: The heliport did not belong in Voorhees. It should never have been placed there.

MS. SCHAFF: It's there.

SENATOR RAND: It was the wrong place for it to be. The right place happens to be 20 miles from there.

MS. SCHAFF: Well, put it there.

MS. HOERST: That would help us.

SENATOR RAND: We are trying to correct that; we're trying to correct that. I can't speak any more about it, but from day one, that was the wrong place, put there by the wrong agency, at the wrong time.

MS. SCHAFF: Thank you. Is that on the record, too?

SENATOR RAND: That's on the record. Anything I say is on the record.

MS. SCHAFF: Thank you very much.

SENATOR RAND: You're welcome. Is Mayor Curran here? (affirmative response from audience) Mayor Curran, good afternoon, sir.

M A Y O R   J A M E S   L.   C U R R A N: Good afternoon. I am the Mayor of Voorhees Township, so you can imagine what I am going to speak to. I am here to testify--

SENATOR RAND: You want an airfield?

MAYOR CURRAN: Excuse me?

SENATOR RAND: You want an airport? (laughter)

MAYOR CURRAN: No, I think you are mistaken.

SENATOR RAND: Okay. Please continue, Mayor.

MAYOR CURRAN: I am here to testify on Senate Bill No. 3038. As the Mayor of Voorhees Township, in Camden County, I have been asked by the Township Committee to urge this Committee to pass favorably on that bill -- S-3038.

Voorhees Township has been engaged in litigation for over a year, over the siting of the heliport in the township. The application for a zoning variance was turned down in January of 1988, and the decision was upheld in Superior Court in June of 1988 by Judge Lowengrub. Since that time, a hospital system and three State agencies have persisted in implementing their heliport and helicopter operations, despite the public, the municipality, and the courts.

They have proceeded without proper permits. The most disturbing part is that the top law enforcement agency in the State -- the New Jersey State Police -- is one of the agencies driving the project, and have done so outside the law and in defiance of the courts. The impetus for the State agencies acting as they did, is the ambiguity in the law that allows State agencies and authorities to thumb their noses at local municipalities, and even the courts, when they don't get their way.

Senate Bill No. 3038 will make it very clear, once and for all, that municipalities have a say in what is done within their limits. It will protect home rule, at least with regard to aviation and aviation facilities. The ironic part of the Voorhees situation, is that there is another division of West

Jersey Hospital in Berlin Borough, less than five miles from the Voorhees site. Berlin Borough wants the facility. West Jersey health officials, as early as August of last year, were making plans to move the project to Berlin. It was the State agencies that insisted that it stay in Voorhees. It is the State agencies today that are wasting the taxpayers' money fighting an unpopular and unwise decision, just to prove they have the authority. It is the State agencies that have forced the Township of Voorhees to spend taxpayers' money to defend its rights and the will of its people.

Senator Rand, I'm sure you are familiar with the area. Across the street from the hospital is the Township of Cherry Hill. I have received numerous letters from Cherry Hill residents in that area, stating that they don't want the heliport either. When you realize the development that is being planned for that part of Cherry Hill along Evesham Road, you can see that this area will only become more heavily residential in the future, and more heavily congested in travel.

It is obvious that the State agencies have not taken into consideration the future development of the area in either community, and they did not take into consideration the quality of life of the residents already living in the area. Local planning and zoning boards, at least in Voorhees Township, do take that into consideration. Voorhees Township has a very comprehensive master plan, and we stick to it. In fact, hopefully our zoning officer will be able to address some of the issues there.

Voorhees Township leads in local planning and control. Senator Laskin's bill -- Senate Bill No. 3038 -- will help to preserve municipal rights and responsibilities granted under the Municipal Land Use Law. I urge this Committee to report out favorably Senate Bill No. 3038, and urge its passage in the Legislature.

Thank you.

SENATOR RAND: I will just say one thing to you, Mayor: Bills move very slowly. But I can tell you, it was a bureaucratic blunder, and it ought to be a bureaucratic correction very quickly. That would be the way to handle it. I tell you that honestly and sincerely. I think you know me, and I know you, but that is the way it should be done. It should never have been there in the first place, and it should be corrected. We are making all efforts to do that within the bureaucratic process, if possible.

MAYOR CURRAN: I appreciate whatever you can do for us. I hope that whatever corrective action is taken, is taken very quickly. Thank you.

SENATOR RAND: Thank you very much. Edward I. Brown, owner of Allaire Airport?

EDWARD I. BROWN: Mr. Taylor was going to make the presentation for the airport. I think he went out for a moment, but he is ready.

I would just like to say a couple of words: I happen to own the Allaire Airport, which is the largest privately owned airport in New Jersey. Fifty-one years ago we started. We're still there, and we are going to try to keep going. However, hearing the Mayor of Voorhees, I just can't understand if the State Department of Transportation has all the guts and power to keep that heliport going, why can't they use that to keep our airports going?

I'll turn the rest over to John.

SENATOR RAND: Mr. Tharp, Advanced Digital Data, Inc. will be next. I will come back to you, sir. I am just trying to get everybody here to have a chance to say just a few words.

BILL THARP: Good afternoon.

SENATOR RAND: Good afternoon, sir.

MR. THARP: My name is Bill Tharp. I am a pilot for Advanced Digital Data, a computer software company located in north central New Jersey.

When I was asked to present my point of view as to the state of New Jersey's public use airports and their effect on corporate aviation, many thoughts came to mind: My first thought was of Flanders Airport. That's where I received my flight training and had spent several years teaching and learning about aviation. I remembered the many students who came through the door of the flight school that was operating there at the time, and the enthusiasm each of them exhibited as they came in for their flight lesson. I remembered talking to some of the transient pilots who flew in, bringing with them men and women who brought business into the local community. When talking to these pilots, I recall them saying how convenient Flanders Airport was for them to use.

Then, when Mount Olive Township was chosen as the site for the Foreign Trade Zone, I thought for sure the airport could now get the needed support from the community to expand from its humble beginnings and improve its facilities. Surely now, we would be able to show the community just what an asset an airport can be.

About this same time, one of my flight students, who owned a growing computer software company, told me of the trouble he was having reaching new customers, as well as supporting his existing clients. A big problem for him was that many of his clients were not conveniently located to an airport served by commercial airlines. In fact, this was a problem many people were facing since the government had allowed deregulation of the airlines.

The solution to his dilemma was a general aviation aircraft. The airport in Flanders was only a mile from his office, and he found many of his clients and sales calls were to areas also served by small, either privately or municipally owned, public use airports. Many of these airports were within minutes of his final destination. He could schedule a morning meeting at a client's office in Vermont and be back in his

office by mid-afternoon. With a four-place general aviation aircraft at his disposal, not only could he save time, but he could save money. The cost was the same whether one or four people flew.

At first, this local businessman rented both plane and pilot, but eventually this mode of transportation proved so effective, he purchased a plane and asked me to fly for him. With our own aircraft, we could schedule business dealings to meet our schedule, not somebody else's. If a meeting ran late, the plane was still there waiting to take its occupants back home, when they were ready. Since the airport was only a mile from the office, little time was wasted on ground transportation. The use of a corporate aircraft proved invaluable.

Well, that was then, and this is now. Flanders Airport is gone. Like so many other public use airports in this State, it fell victim to the almighty dollar. The property was deemed more valuable for houses, than for the potential income and locale convenience it could have brought to the business community. I wonder, would it not have made more sense to sell the surrounding airport property for light industrial/office use, and then create an industrial airpark with valued ratables for the town, rather than go the short-sighted, take-the-money-and-run approach that happens all too frequently in this State?

Now, everyone needs a home, but with houses come increased community problems, such as school overcrowding, additions to water supply and wastewater treatment facilities, as well as police and fire protection. An office/industrial park combined with an airport offers many benefits to a community, such as more local employment opportunities, high ratables for the town, no additional burden on the existing school system, and minimal increases in water and sewer treatment facilities, as well as police and fire departments.

More importantly, a local airport brings in many businesses that otherwise would not as easily be able to access the area. This could all add up to more jobs and a healthier economy for the community.

Speaking from my experience, when our local airport closed, it had a negative effect on the use of our aircraft. Some employees who had a 50-minute trip to the office previously, now have a 90-minute commute to our present airport. This took a lot of the "bang" out of the company aircraft. Some trips that were a little too far to drive before, would now take just as long to fly when you consider the increase in ground travel time.

This is not the only disadvantage we have faced. Because our present airport is located on the fringe of New York's Air Traffic Control facility, every time our destination lies to the Northeast, we must first travel westbound, before turning northbound, before finally being able to turn northeastbound and on towards our destination. Maybe I should let you know that ADD Systems, my company, develops and markets software for the oil heating industry, so a fair share of our market lies in the Northeast. With ATC routing such as I just mentioned, we waste a lot of time and fuel going in the wrong direction. This means added cost to production, and with the "trickle down" effect, means added cost to the consumer.

I will give you another example, and it relates to our Customer Service Department. Often, one of our customer service representatives would be helping a client with a problem and the conversation might sound something like: "You know, I could fix that for you in no time, if I was there. Wait a minute, hold on a second." Then I would get a phone call, and we'd be on our way. Now that Flanders Airport is gone, we cannot offer the same spontaneous support, because it takes so much more time to travel to the airport and get into the ATC system.



By allowing the reduction of the public use airports in New Jersey to dwindle to its present number, our State and local officials have, in part, created a "traffic jam in the sky" over the few remaining airports. One need not be a rocket scientist to realize the effect of the "less airports/same number of aircraft syndrome." I truly believe New Jersey should be actively looking for space to build new reliever airports, as well as accelerating and expanding current efforts to support existing airports.

Let me just clarify what I mean when I use the phrase, "reliever airports." I mean airports sized to fit the community; airports which are designed for a growing community and would be an asset to that community, not a nuisance. I do not mean airports the size of Newark International.

Obviously, all our problems are not in the air. Aircraft owners in this State are faced with a severe shortage of ground facilities, and some airport owners are taking full advantage of the present situation. These "businessmen" are giving less and less services for more and more dollars, and we aircraft owners are reluctantly paying the price. After all, they have a captive audience and we have no alternatives. At least these airports are still open.

When deregulation hit the airlines, prices plummeted. There was fierce competition and the consumer had a choice. Anyone who owns or operates an aircraft in the State of New Jersey no longer has a choice. There are very few airports left, and fewer still that offer the facilities necessary for the safe and efficient operation of a corporate use aircraft.

In conclusion, the condition of general aviation in the State of New Jersey is very poor and rapidly deteriorating. All of us here today must take an active part in reversing this trend. The congestion and delays we face today at any of the few remaining New Jersey airports are only the tip of the iceberg. Without more general aviation reliever airports, the future of New Jersey's skies looks very grim.

We must do something, and we must start now. Thank you.

DR. MANOOGIAN: (Senator Rand temporarily absent from room) Thank you very much. Our next speaker will be Frederick Fitchett, Esq., from Voorhees.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Peter, may I make an announcement? The buses for the Trenton Mercer County Airport -- the last one -- will be leaving in about five minutes.

F R E D E R I C K F I T C H E T T, E S Q.: Thank you for the opportunity to speak today. I will only take a couple of minutes. You have already heard from Marie Schaff, Carol Hoerst, and Mayor Curran, with respect to the problem in Voorhees, and I will address, in general terms, the more general issue which has led, I believe, to the introduction and our support of Senate Bill No. 3038.

This is an emotional issue for many people, i.e., airports in their neighborhoods, and it is an emotional issue because it has an effect on property values, it has an effect on the quality of life, and it has an effect on the business and aviation activities within the State. But it is an issue that one board or one commission-- One department is charged with mediating, and we believe that is the Department of Transportation. Unfortunately, we have found, in the Township of Voorhees, that the Department of Transportation has not been sensitive to either local needs or the need to reconcile local needs with the operation of aviation facilities. The fact of the matter is, the Department of Transportation, in this case -- and probably in many others -- has turned its head from many issues of usability and safety, and issues of wide concern.

The Department of Transportation, in the case of Voorhees, has allowed an operation to continue to increase in size, so that there are now helicopters based at the facility, and flights performed, or done, in violation of outstanding

regulations of both the Department of Transportation, Division of Aviation, as well as the FAA standards. The bottom line is that DOT has not been sensitive to the fact that this facility is being operated where there are presently about 370 to 400 homes immediately adjacent to the facility, and directly across from the facility a planned 1100-home development. Likewise, there is an adjoining recreation complex and a school. None of these things have seemed to turn the head of DOT, and it has led to a situation where feelings have hardened within the Township against the operation of that facility.

Again I reiterate that we support Senate Bill No. 3038 because of the lack of response from DOT to the concerns of the community, as well as the needs of the facility itself. We believe that S-3038 has become necessary. It is not something which is particularly loved, but it has become necessary because of the lack of concern on the part of DOT about the interests of both the Township -- those residents -- as well as the operation of the facility.

Finally, we ask this Committee to please support that bill, and report it out to the Senate. We urge this body to support that as a reaction to DOT and a directive to them that the local towns will be heard, and should be heard in this context.

I thank you.

SENATOR RAND: Thank you very much.

Did Mr. Henderson leave? (no response) I guess he left, okay. Jack Taylor, Manager of Allaire Airport.

J O H N N. T A Y L O R: (Mr. Taylor uses map and chart to demonstrate) Good afternoon. My name is Jack Taylor, and I manage Allaire Airport. Allaire Airport is the largest privately owned airport in New Jersey, consisting of 850 acres, 70 buildings, 80 businesses, 965 employees, an annual payroll exceeding \$21 million, plus the aircraft of major corporations that come to our area to do business.

As manager of Allaire Airport, I am familiar with paving techniques, excavation, soil characteristics, building design and construction, business administration, education, mechanics, and engineering.

Some airports are like small towns, consisting of runways, taxiways, roads, water lines, sewerage systems, street lights, schools, maintenance facilities, maintenance shops, restaurants, office buildings, warehouse space, emergency planning, and security. Some airports are smaller, and may only have a few based aircraft, but they are equally as important as the larger airports in the long-term development of the State. At one time, there were only a few aircraft based at Teterboro Airport.

Each operator has the expertise to successfully operate his airport at a profit, pay taxes, and perform a service equally as important as a railroad or highway. Allaire Airport pays over \$1100 a day in real estate taxes. Forty-nine of the State's 50 airports are general aviation airports. There is confusion as to how many airports there are in this State. There are 50. Some people will say, and the Department of Transportation will say, that there are 53. They count an airport as open until the certificate expires. I say it is closed when you can't land an airplane there, and you can land an airplane on 50 airports in New Jersey -- public use airports.

General aviation is all that aviation that is not military or scheduled airlines. Of our 50 airports, at least 32 will not be able to accommodate significant general aviation growth or are threatened with closing. I have prepared this display here, which shows the airports that are in the State. Each pin represents an airport. The red pins represent the airports that will not be able to significantly grow with aviation in the future. There is a myth that if a municipality or a county buys an airport, it is safe. Linden is the best example of that.

The airports that are safe are Newark-- Newark is not interested in cultivating general aviation. Another safe airport is Teterboro. Teterboro Airport cannot expand in the future because of the wetlands. The Lincoln Park Airport is threatened. They have a million dollars in Federal funds, State approval, Federal approval, and the town will not allow them to improve the airport. Mercer County Airport is a very fine facility. They only have 25 acres of expandable aviation-related land available to develop that airport.

Allaire Airport: We need the zoning to give us the conforming use status that we will -- that is required to properly develop that airport. I have heard references made to the status of a conditional use. Now, I personally believe that I am an American, and I have as much right as anyone else to operate my business, and operate it in a free society. I spent one year behind a machine gun in the door of a helicopter fighting for that right, and I think I should be a conforming use. I operate a good facility. It is a fine facility, and it is often referred to as "one of the best in the Northeast."

On the other side of this, I have a map of our county -- the white area. The green areas are county parks. This large yellow area is a military installation; this yellow area is a military installation; and Sandy Hook is a national park.

We have two airports left in Monmouth County. This little yellow dot here -- that's Allaire. The little yellow dot right there is Marlboro. That is what we are interested in -- just those two little yellow dots. All the rest of the transportation in the county-- You can see all the roads, and the railroads that are designated on the map, which are very important methods of transportation, as is aviation.

SENATOR RAND: Jack, let me ask you a question: Since all I do is buy a ticket when I go by plane-- I mean, that is about all I know.

MR. TAYLOR: Right?

SENATOR RAND: Is the important part -- and, of course, this is where I sort of zeroed in on the job that this Committee has to do-- Is the important job to save what we have, or is it the ability to let those who wish to expand, expand if they want to? Before you answer that, I think there is a way that we can save what we have. I don't think we can open up a door for expansion too much, unless there is a plan which says, for the benefit of the State, this area might, that area might, or that area might. I don't see the door opening up to where every airport owner in the State is going to be allowed to expand. There are just--

Well, you are a rational individual, and you are a businessman.

MR. TAYLOR: The question is, what is expansion? We have been accused of expanding the airport, when in 1978, we had a 7000 foot runway. In 1986, we were accused of expanding the airport because we put a new terminal up. The new terminal was the same size as the old terminal, but it was a nice terminal. It was good presentation. We are often referred to as "the front door of Monmouth County." Every one of these airports is the front door to the community they serve.

SENATOR RAND: Let me then ask you this question: What is more important, the protection of what we have, or to look elsewhere for expansion?

MR. TAYLOR: You can't keep it if it can't expand. They will all go out of business. They have to be able to expand with the area that they operate in.

SENATOR RAND: Well, there you've got a problem, from my viewpoint.

MR. TAYLOR: You are going to lose a certain amount of airports, no matter what you do. But what you are going to have to do is pass the legislation, and enact it, to allow the ones that are still left to survive and continue.

SENATOR RAND: That presents a rational alternative.

MR. TAYLOR: Right.

SENATOR RAND: And I am trying to zero in on what we can do. It's nice to hear all kinds of testimony from all sides.

MR. TAYLOR: I personally think that one of the best things you could do to preserve them, is to strengthen the Department of Transportation's Office of Aviation. Right now, it is basically useless. Okay? And it starts at the top.

SENATOR RAND: That serves as a very good point to start from.

MR. TAYLOR: Now, we have to strengthen the Department of Transportation's Office of Aviation. The authority for airports should be taken away from the municipalities. It should be given to the Office of Aviation. If I want to put a hangar up, I should be able to go to the Office of Aviation, and ask them for the building permit. They could consult the municipality, and do this on a professional level. They understand--

SENATOR RAND: You want a cross reference going from the top to the bottom?

MR. TAYLOR: That's right. They understand the FAA regulations. They understand runways, taxiways, traffic patterns, hopefully because they are qualified--

SENATOR RAND: Would you object to the process going both together at the same time, sort of what we have in mind to do--

MR. TAYLOR: Right now, you could spend two years before a planning board or board of adjustment to get a hangar installed. It is just too cumbersome.

SENATOR RAND: I understand that. What I am trying to do is speed up the process by having the local people talk to the Department people, and vice versa, at the exact same time.

MR. TAYLOR: I think that would be workable.

SENATOR RAND: Like Transplan. That is exactly right. What we are doing on roads and highways is what I would like to do with the problem of general aviation.

MR. TAYLOR: Right now, out of Wall Township-- I am taxed and controlled by one town. I serve four counties, and there is a town controlling the air service in and out of those four counties. It is a "tail-wagging-the-dog" situation that just isn't acceptable.

SENATOR RAND: Okay. You have given me some ideas.

MR. TAYLOR: I think we just discussed what I was going to say next.

SENATOR RAND: I'll tell you, what you just suggested is even better than your testimony. At least we have gotten a handle on how, or in what direction we should move legislatively, because if we don't move legislatively, we are not solving any problems, very frankly.

MR. TAYLOR: That's right. Of the 50 airports that are there, I think all but one predates zoning. Oddly enough, the one that doesn't predate zoning has an act, the Hazardous Zoning Act -- Oldmans Airport in Oldmans Township.

The main thing is, we need a strong and effective Office of Aviation. It has to be knowledgeable and it has to be prepared to act on our behalf and be an aviation advocate. We have to have an aviation advocate. If we go downtown to the Town Council and try to improve the airport, do anything to it-- We aren't experts. We should be able to call on the Office of Aviation to come in, mediate, talk to the Town Council, and plead our case. They won't do that.

SENATOR RAND: Well, the process ought to at least start at the same time in both the municipality and in the Department of Transportation--

MR. TAYLOR: That's right; that's right.

SENATOR RAND: --which would be a quicker and a better way to do things. I copy that from the Transplan package we



have, which we are going to do very shortly. Maybe we can translate it into those terms.

MR. TAYLOR: In October of last year, we took out a full-page ad in The Newark Star-Ledger, The Trenton Times, and The Herald newspapers, asking the State for help. Hazel Gluck was appointed to mediate between Wall Township and Allaire Airport.

SENATOR RAND: We in the South don't read North Jersey papers. (laughter) We're lucky we even get papers.

MR. TAYLOR: Wall Township refused to meet with her, and she backed right off, and we still don't have an airport zone.

SENATOR RAND: Okay. Thank you very much.

MR. TAYLOR: Thank you. This is a fine example of democracy at work, and I thank you.

SENATOR RAND: Mr. David Messner, from Eatontown?

D A V I D M E S S N E R: Good afternoon, sir. My name is David Messner. I am from Eatontown. Unlike most of the people who have given testimony, my only title is, "general aviation pilot." I am a user of the system. I represent no financial interest one way or the other.

I use aviation like I use computers, word processors, FAX machines, telecommunications; to be more productive and to be more efficient. I am finding, with all due respect, that the State is making it more difficult for me to be productive and efficient. I prefer to spend my time making money, not commuting.

When I expressed my concerns to Senator Gagliano last October, he called me into the office and patiently listened, and then suggested that I make an independent assessment, on my own, of the situation here in the State of New Jersey, which I did, and I gave it to him. My testimony to you is essentially an executive summary of that analysis that I made to Senator Gagliano.

SENATOR RAND: Can we get a copy of that?

MR. MESSNER: I see no reason for that, but, yes, the Senator has it, and I could run off other copies. I did not bring any with me.

Essentially what you have, from what I have found out -- and you have heard a lot of this today-- There are essentially two basic problems: One is what I call technical issues, and one is what I call systemic issues. The reason we are here-- Well, first of all, the technical issues are the ones you've heard: zoning, taxes, things of this nature. They are very real issues. They have a technical basis, and they have technical solutions. There is not an issue that has been presented that cannot find some sort of legislative technical solution to the problem. Those issues, in my assessment, are not the reason we are here today.

In my analysis, they are only incidentally contributing factors towards the reasons why, in the last 24 months, 10 airports have closed. You have essentially, by my assessment, three systemic problems that cut to the core of why we are here today. The first one is-- I have to ask you a question -- a rhetorical question: What do you want? Someone with the State of New Jersey, in Trenton, has to tell me -- general aviation -- what you want. What do you need? What role does general aviation play in the development of the economic interests of the State? What role do we play in technology? How do we contribute?

Look, in 11 years, we are going to be into the next century. In 50 years -- the year 2038 -- where do you want to be relative to our neighbors -- competitively speaking, economically speaking -- relative to our neighbors? Competitively speaking, economically speaking, can we, as a State, survive with three airports -- Teterboro, Mercer County, and Cape May in the South? Is that all we need? Do we need more airports?

Nobody, according to my analysis, has asked the questions: What are the State's requirements? What does the State need in order to be competitive? What does the State need in order to establish an efficient, effective system of transportation, integrated with our rail and our highway systems? Sir, until you ask those questions, everything else is moot. You are being asked to pass legislation which will affect the future of airports. How many do you want? What do you need? What is the State requirement? Maybe we could live with three, and all these problems would just go away. Just let the airports dwindle down until the three toughest survive.

Until someone at the State level asks these questions, it is inconceivable to me how you can act on legislation affecting the answers. It is called, "management by blinders." I don't know where you are going, and I don't think you'll know when you get there.

Those, sir, are the first questions that must be addressed. Now, I have read the draft report from the Office of Aviation on the Aviation Master Plan. Quite honestly, that doesn't even come close to addressing these questions. I don't know if they don't want to answer the questions. I don't know what the problem is. But the first step that must be taken, and one of the reasons we are here, is that I don't know where the State wants to go with general aviation and with airports.

Now, there is a cautionary note: You don't want to ask these questions, unless you are ready to execute the answers. Specifically, if you say the State has a valid requirement for why a number of airports, or a certain capability, distributed around the State, the State had better be prepared to assume the responsibility of executing that charter. There is no way under God's green earth that the State can have a valid requirement for an aviation system, and then say to the local municipalities, "You guys get me there." That is like saying, "I want an interstate system, and I am

leaving it up to the local municipalities to design, develop, maintain, and upgrade that system." It is a guaranteed blueprint for disaster.

On the other hand, I am one of the strongest endorsers of home rule. I believe one of the greatneses of our State is the fact that we have this individual identity within the communities. My recommendation, based upon my analysis, is simply this: Treat aviation, intrastate commerce, intrastate transportation the exact same way you treat the railroads, the intercoastal waterways, and the highways.

SENATOR RAND: Oh, God, you don't want that. We in South Jersey know about rail. Don't treat it the same as rail. You'll have absolutely nothing. (laughter)

MR. MESSNER: Reasonable people, working together, can accomplish a specific objective, if you let the local communities-- My argument is, the local communities should be the copilots sitting next to the pilot, working together. But somebody at the State level has to assume the responsibility, or you will never get there.

So, don't ask, "What do we need?" unless you are ready to say, "I will get you there." Working with the local communities, you can address their concerns. They have valid concerns; they're real. They have interests. We can address them. You can work with them. It is called, "negotiation." It is called, "compromise." But you can get to an acceptable solution.

That is part of the reason we are here today. But the third reason we are here today -- and I think it goes to the very core of all of these problems, and we would not be here otherwise -- is that in the last two years, aviation has not had an activist -- aggressive activity here in Trenton to go to bat for it; to get involved with local municipalities to work out local problems; to work with the Legislature on reasonable legislation.

I knew of some of the people in the Office of Aviation -- at least in the past -- highly motivated, extremely talented, some of the best staff anybody could hope to get. They technically know the business. They know the business of aviation; they know the problems of the communities; they know the problems of airports; they know the problems of the owners; they know the legislative process. That organization, had they been allowed to execute their charter, would have solved these problems before today.

My recommendation to you is to find out why, in the last two years, they have been constrained -- artificially or what -- from getting involved, from doing their job. Just as they have been, in my opinion, the fire at the heart of this issue, the cause of why we are here today, sir, they are your solution for tomorrow, because they know the answers before we can even figure out the questions. But they haven't been permitted, allowed, motivated to do their job. All of the systemic issues will go away if you have an active organization that is allowed to execute their charter. They have the answers for the technical solutions -- and that is all they are, technical solutions -- straightforward. They can do the negotiating. They know the trade-offs. They know what can be done.

That, sir, to me, is the answer to why we have lost 10 airports in 24 months; seven airports in 18 months. And we are going to continue to lose them, because there is nobody who can stand up here before you, without calling a massive hearing, to address these issues. Get them involved. Make them active; make them aggressive, and you will have solved-- If you do nothing else today but get that operation active, you will probably solve over 90% of your concerns, because they can come up with the answers for you. They will show you all sides of the coins and the trade-offs. To me, that is the reason we have lost the airports, and will continue to lose the airports, if you don't correct that situation.

SENATOR RAND: Thank you very much, sir.

MR. MESSNER: Thank you.

SENATOR RAND: Mr. Dick Endres, President, AIRCORP, South Jersey Regional Airport? (no response) James Strait, American Eagles Parachute Team? (no response) Joe DuPont, pilot? (affirmative response from audience)

J O S E P H D u P O N T: I would like to thank the Chairman for this hearing and for the opportunity to speak. I am wearing two hats today: One as a private pilot, and also one as the President of the Experimental Aircraft Association, Chapter 73. On their behalf, I would like to voice the concerns of people who have taken it upon themselves to design and build home-built aircraft for various reasons -- for economy, performance, and just self-satisfaction -- and dedicating, let's say, 10 or 12 years of their lives to build aircraft, only to find out that once they build it, there is no place to fly it from. These are people of a rare breed. I am sorry to say that I am not one of them. I happen to be an officer. But from their point of view, I can understand some of the frustrations and the feelings they have about the disappearance of airports across the State.

From my own point of view, I have been a pilot for 20 years. As I see it, as these airports close, the utility of the remaining airports declines rapidly. It has gotten almost to the point where there is a joke going around, that at this rate, we are going to have one airport in Wichita somewhere, where all the flights will be coming in from overseas and landing in Wichita, and they will be spreading out across the country. That is the ultimate trend we are talking about.

The problem is, as these airports close, the usage of the remaining airports, or the survivors, increases, and so does the neighborhood discontent. So, basically what I am very concerned about is how, for instance, these houses were allowed to be built at the end of the airports? As far as I am

concerned, allowing construction of housing right off the end of the airports, is criminal. And yet, those who would lobby for that, would be the first to try to close down an airport, if such a self-induced tragedy were to occur as a result of these airports. This is really the crux of part of the problem here.

The other aspect, which I have learned from my investigations and from talking to people, is, as the distance between these airports increases, the chance of finding a safe landing spot in the event of an in-flight emergency goes down. Perhaps this is a good time to address something which is a perception. I think many pilots -- and maybe we are wrong on this-- The fact of the matter is, many pilots, those flying in New Jersey at least, fear that if they have to put down in some sort of precautionary landing -- an off-airport landing -- that immediately they are going to be strapped with fines and a mandatory dismantlement of the aircraft. You could be talking about thousands of dollars. I think it is as a result of this preception -- whether it is true or false, and I think it is something that should be cleared up one way or the other -- that people have this image that they have to get back to the airport, no matter what, rather than settle down and pick a safe place where they can put the plane down. I think that has been the cause of several deaths and serious injuries, because just this fear -- whether it is perceived, or whether it is justified or not -- of the legal ramifications of an off-airport landing will go over the logic of survival.

As a matter of fact, a few years ago, a 767 ran out of fuel over Canada. You may recall it from the news. It was full of passengers. They ran out of fuel, and they tried to glide to their alternate airport, only to find out that on the projections, they would be 10 miles too short. It turned out that there was an abandoned military field. The pilot happened to be a 60-year-old pilot, ready to retire. He had glider

experience, and he slipped the plane in, and they made it. He saved basically the whole plane, and everybody got out alive. However, had that airport been converted into some sort of condos, I'm sure it would have been a totally different story.

I guess the question is, are the small airports of value? I think the obvious answer is, "Yes." I think Senator Bassano has already quoted some impressive figures -- financial figures -- as to the incomes that are derived. Senator Russo and Assemblyman Penn are both pilots. Senator Russo is currently an airplane owner, and Penn is a previous owner. I think they could also tell about the utility of flight.

Some of the things that you are probably aware of, as far as the air survey work that is done every year, are: crop spraying; mosquito spraying; gypsy moth spraying; airdrops for fire fighting; the FBI, the State Police for various types -- for sundry reasons; the corporate pilots; air ambulances; the corporate angel network, which transfers free of charge out of these smaller fields, cancer patients going for treatment. You have the pipe line and the power line survey flights. You have the banner towing; you have the National Guard; you have the traffic reporting, just to name a few. When you start looking at who you might want to call in here today, if you could-- If you were to ask Jimmy Stewart or George Bush or Frank Borman or Neil Armstrong or Senator Glenn or Barry Goldwater, Johnny Carson, Robert Conrad, George Kennedy-- You know, you could ask them what aviation means to them, and how important the influence of small airports is.

I think recently, in a presidential address, President Bush expressed his concern at the lack of fundamentals of today's youth; that they fail to comprehend many basic things. Even our beloved Dr. Saul Cooperman has called for instilling new values in today's youth. One has to remember that each airport is a treasure of knowledge. One must know meteorology, geography, math, physics, a little dabbling of chemistry, if



you want to talk about that, communication skills, a little bit of Morse code, respect for the man-made laws, and also an understanding of the natural laws of physics. I think these are definitely values that our youth can learn. I think that every airport is a mini university, and one of the few positive influences for today's troubled youth.

So, what do we do? We have to admit that small airports are of value. It is my observation that many of the airports in New Jersey-- It is the love of aviation that keeps the few airports that remain in existence going. It is not the financial rewards. A lot of people here could sell out, take the money, and run, but they're not doing it for that motivation. It is something that is a tradition in this country that is very important. Unless legislation is enacted, much in the same way as you did for farmers-- If airports are not given some recognition as to their importance, if schools do not at least have some basic lessons in New Jersey's proud aviation heritage, then the treasure of these small airports will be doomed to extinction, along with the hope and aspirations of our youth.

Thank you.

SENATOR RAND: Thank you very much. Mr. Amon, from Haddonfield? Good afternoon, sir.

F R A N K A M O N: Good afternoon, Senator Rand. I am a private pilot -- a private licensed pilot. Unlike many of the people who have spoken here, I am a fair weather pilot; not instrument rated. I don't own an airplane; I rent airplanes by the hour. My budget for aircraft activities runs to something like \$75 a month, not an enormous sum. You have been talking about millions and hundreds of thousands here. Most of my flying is within the State of New Jersey, but I recently enjoyed a trip up to the State of New Hampshire.

I have three things I would like to say very quickly: First, I support this hazardous approach. I think that

legislation should be continued and strengthened. Second, the previous speaker talked about our goals in aviation. I would like to suggest that a good, appropriate goal for the State of New Jersey, is to have airports within 25 miles of each other, over the whole State. That would mean that there would be an airport within 12 miles of any point in the State. I think that is a reasonable goal, and I suggest something like that could be adopted as part of the State plan.

The other point I would like to suggest is, we have talked today entirely about aviation. It seems to me that it is essential that you think of aviation as part of a transportation plan, and that it be integrated with the bus plan and the rail plan. In my experience, almost no general airports have contact with any other kind of transportation. If you get to a general aviation airport, you generally cannot get from there to anyplace else. It is not a bus stop; it is not a rail stop. It is a dead end. I think you have to integrate general aviation airports into the bus system and, if possible, into the rail system.

Thank you very much.

SENATOR RAND: Mr. Amon, thank you very much.

Mr. Joseph Rendeiro, Lincoln Park Airport? (no response) Is there anyone I called previously who-- Well, we will continue. Susan Stranahan, Herold and Haines. Good afternoon.

S U S A N D. S T R A N A H A N, E S Q.: Good afternoon, Senator.

SENATOR RAND: You've got a lot of patience.

MS. STRANAHAN: My statement says, "Good morning." You will have to disregard that.

SENATOR RAND: I must apologize to you. We never anticipated this many people testifying. In the future, I will limit it to 25, and follow-up on another day. But, bear with us, and we will hear everyone out.

MS. STRANAHAN: Thank you. My name is Susan Stranahan. I am an attorney with the law firm of Herold and Haines, and I represent Mrs. Mary Eccles, the owner of a home and substantial properties adjacent to the Somerset Airport in Bedminster Township. Mrs. Eccles is potentially affected by the legislation under consideration here today, and I thank you for the opportunity to comment on her behalf.

As the owner of property bordering on an airport, Mrs. Eccles is concerned with the issue of airport safety and the question of how best to ensure airport safety without unduly restraining individual property rights and local municipal control. Senate Bill No. 2757, the proposed Airport Safety Area Act, accomplishes all of these objectives. Senate Bill No. 2757 would delineate airport safety areas in and around airports, and set the standards minimally necessary for the safe operation, landing, and take-off of aircraft within these zones. Senate Bill No. 2757 would further repeal the existing Air Safety and Hazardous Zoning Act of 1983, which has been the basis for overly broad regulations adopted by the Department of Transportation.

Under the proposed Airport Safety Area Act, municipalities would be required to adopt an ordinance, or ordinances, making existing airport property a conforming use and incorporating the safety standards promulgated pursuant to the Act by the Commissioner of Transportation. However, unlike the Air Safety and Hazardous Zoning Act, which gave the Commissioner of Transportation unbridled authority to determine expanded airport boundaries, properties acquired by airport owners adjacent to airports after July 1, 1988 would be subject to municipal determination as to whether they should be zoned as a permitted conditional airport use. The proposed Act further provides that an airport must be included in a municipality's master plan and sets standards for the preparation, contents, and modification of such a master plan.

This focus on each municipality's participation in the planning process is an essential element of the proposed Act. The goals of airport safety and municipal planning are not mutually exclusive, as the earlier Air Safety and Hazardous Zoning Act, and the regulations implementing it, would seem to presume. The municipalities are the governing bodies most familiar with local conditions and concerns, including safety concerns. With appropriate guidelines from the Department of Transportation, municipalities can adopt ordinances providing airport safety standards, and incorporate these ordinances in their master plans. The combined efforts of the local municipalities and the Department of Transportation can assure that the standards adopted are those best suited to local needs.

Again, I thank you for the opportunity to testify on behalf of Mrs. Eccles here today, and I would be happy to address any questions you might have.

SENATOR RAND: Thank you very much for your testimony

MS. STRANAHAN: Thank you.

SENATOR RAND: Mr. John Van Osdol, Coastal Air? Mr. Van Osdol?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He left.

SENATOR RAND: Okay, thank you. Mr. Frank Reick? How do you do, sir?

F R A N K L I N G. R E I C K: I am here as a pilot, and as the President of a small, very rapidly growing company in upper New Jersey. I have some propaganda here that we gave you on the company. You will notice that there was an article in Design News this month featuring both myself and another New Jersey inventor on one page. You have to realize that creative people fly airplanes. I personally have over 50 patents in the United States. My company employs 11 people in upper New Jersey. It is growing very, very rapidly. We see \$100 million in sales within the foreseeable future, and an airplane is essential for our operations.

Just as an example, four years ago, I put down on this map of the United States (holds up map) -- I stopped putting these "x's" on four years ago -- the areas to which I made flights in the company airplane. As you can see, the East Coast of the United States is pretty well covered.

Now, I am an instrument-rated pilot. I take flying, as far as I am concerned, as one of life's greatest privileges and, as far as I am concerned, it is not one to be abused. I don't treat it lightly. It is very important to me; it is important to my company. I think it is important to the future of creative activity in New Jersey, because you must know, companies like my own, we make superconductors. We recently filed for a patent on a superconductor. We manufacture one of the lowest friction lubricants in history, according to the National Bureau of Standards. Our patents can become very important historically, along with that other inventor who is mentioned on that same page up there.

Now, the important thing here is, these airports are essential. I could not function within my business, doing what I'm doing, without them. I need that type of transportation. Would you believe, I can be in my plane early in the morning in Roanoke for an 11 o'clock meeting, and home later in the afternoon in my office. Now, try that any other way. Try that on a commercial airline someday, and see what happens. It would take you two days to make the round-trip, if you're lucky.

The fact is, we have enormous flexibility. I can go from my home office to Meigs Field in Chicago, and from Meigs Field, I am 15 minutes from the Trade Center where I frequently go. If you go into O'Hare Airport, you are an hour-and-a-half, maybe two hours from the Trade Center, if you are lucky, depending on the traffic. The fact is, that type of flexibility is something that we view as priceless to our operation. We must have it. If New Jersey wants us, then it must have airports. It's as simple as that.

Thank you.

SENATOR RAND: Thank you very much.

George Tyler, Giordano, Halloran & Ciesla? (no response) Robert F. Holtaway? (no response) Hilly Burton? (no response) Doug Angel? (no response) Edward Brady, former Mayor of North Plainfield? (affirmative response from audience)

**E D W A R D B R A D Y:** Senator Rand, thank you for giving me the opportunity to speak. I want to make it clear at the beginning that I am in favor of a strong aviation position for the State of New Jersey. I think my position as a former Mayor has some bearing on some of this. I listened to the arguments basically back and forth from the local governing bodies and those people who want to contain the zoning privileges for airports. I think that argument can be dismissed in one area.

In North Plainfield, in 1973, when I was a Councilman there, we had a very disastrous flash flood. One of the big reasons we had that big flash flood, was the fact that the local zoning people, throughout the years, had continued to allow development along the Green Brook indiscriminately. You cannot assume that the local zoning authorities will always take the long-term position of what is best for their community. I don't think they do it deliberately, but I think the pressures in New Jersey for property taxes and ratables cause people to make crazy decisions sometimes.

It is ironic to me-- (laughter)

**SENATOR RAND:** An enlightened Mayor, how about that? A former Mayor.

**MR. BRADY:** Yeah, former Mayor. That's why.

**SENATOR RAND:** Is that the reason why?

**MR. BRADY:** That is one of them. Being a Democrat in Somerset County was probably another one.

But, one of the things that I really believe, is that the aviation problem is not an aviation problem. It's a transportation problem. A lot of people have alluded to that. This whole situation is one large system, whether you go by bus

-- which is nonexistent practically in our part of the world, and probably in yours, too-- You alluded to the fact that you can't get a train in South Jersey. Well, the same thing. These were all viable transportation systems. They have gone the way of the dodo. We have canals in New Jersey that you can enjoy as parks now, and yet in Europe they still use canals to transport produce and products.

I think the State of New Jersey has to be the one that is responsible, perhaps along with the Federal government even, in that sense, to design the system so that it is the most efficient way to get from here to there. You have heard people like the gentleman who just preceded me tell you that without his airplane, he is not going to have his business in New Jersey. I think that is the kind of thing we don't want to do. New Jersey is in a dog fight with other states to maintain our leadership in high technology.

I had an airplane until my daughter started going to a very expensive college. (laughter) I hope someday to have another one, and I hope there will be an airport around that I can use.

I think it is imperative that the Transportation Committee take cognizance of the fact that local zoning boards can be more of a problem than they are a solution for a regional type of problem. When you have something that goes over the boundaries of towns, counties, and even states, as the aviation system does, you are not going to get a solution from somebody whose main interest in life is to make it big in the third ward. (laughter) And that is what happens.

So, you have to put the situation to rest, so that people don't decide it on the basis of strictly whether or not they are going to hear the sound of a helicopter going by 45 miles away, at 1000 feet, which makes me sort of laugh, because 1000 feet is not really too low, as far as I am concerned.

I hope that you people will take a good look at Senator Bassano's bill. I am in favor of that. I think what the Mayor of Linden is doing right now verges on malfeasance. I don't think he is doing good for his community. That airport is a vital community service. Instead of moaning and groaning about it-- I happened to have lived in the Linden/Woodbridge area for many, many years when I was a child. What the City of Linden needs least now, is more commercial ratables, instead of an airport.

Thank you.

SENATOR RAND: Thank you very much, Mayor. It was nice of you to come down.

Mr. Dick Nierenberg, President, Princeton Aero Corp. You only get 50% of Social Security, because your wife testified. (laughter) No, I'm just kidding you.

D I C K N I E R E N B E R G: I have a short 120-page statement I would like to-- I'm kidding you, too.

SENATOR RAND: If you have a 120-page statement, Mr. Nierenberg, you will have to wait for the next meeting.

MR. NIERENBERG: Just one or two quick points before I get to the statement. Before, Mr. Chairman, you talked to Mr. Brown about airports. The question you put before him was, "save what we've got, or expand?" I am not quite sure what I heard as an answer. My view is, we better save what we've got. As far as expansion is concerned, I don't think necessarily expansion in a land sense, but let the airports expand within their current bounds.

SENATOR RAND: I think you have given us a pretty good summation of at least an intent of what we are trying to do.

MR. NIERENBERG: Let me introduce myself. My name is Dick Nierenberg. I am President of Princeton Aero Corp., and owner of Princeton Airport. I want to thank you for this rare opportunity to speak with you today about the plight of general aviation in New Jersey.



As background, I have been flying since 1952. In 1967, I became a fixed based operator at Kupper Airport, where I remained for 20 years. As a FBO, I oversaw the many services offered at a general aviation facility.

Facing the end of my lease, four years ago last week, my wife, son, and I purchased the Princeton Airport. This was unique, as it is rare that an airport is sold as an airport in today's economy, particularly in New Jersey. Princeton Airport was up for sale for four years. However, the only interested buyers were developers. Many thought us to be foolhardy, but it was our decision. We are committed to general aviation.

I have given you a fact sheet about Princeton Airport, but briefly, the airport was established in approximately 1917. It is one of the oldest in the nation. Currently, it is slightly over 50 acres and lies in Montgomery Township, Somerset County, along Route 206.

From the day we arrived, an extraordinary amount of time has been spent defending our right to exist. As a quasi-public entity, the airport is a privately owned, public use facility. I cannot restrict who uses the airport.

The airport had light traffic at the time of acquisition, as the uncertainty of its future scared aircraft owners elsewhere, and there was little in the way of services such as a flight school, etc. Of course, the transient traffic continued.

While still at Kupper, the three of us ran full operations at both facilities -- both at Kupper and Princeton -- sales, service, storage, flight school, charter, fuel services, etc. At Princeton, it was vital to establish a positive cash flow as soon as possible, because of the extremely high operating costs. The airport was off and running.

During the period that the airport was for sale, a study was funded by the FAA and Montgomery Township through the

Department of Transportation, Division of Aeronautics. The purpose was to evaluate the viability of the airport. The public officials were relieved that they did not have to go into the "airport business" when our purchase was concluded.

By the way, I never received a final copy of that report, which was paid for. I believe it was over \$50,000.

Why then do I have to fight for our very existence -- one battle after another? It all began when the windows opened in the spring. The noise complaints commenced. Most had recently purchased their homes out in the country and they wanted quiet. They were told by unscrupulous Realtors that the airport was closing. When we began to increase traffic, the complaints grew. Their frustrations were taken out on us.

We had noise meters brought in by the Division of Aeronautics to measure the decibel levels. Both the traffic on Route 206 and lawnmowers far exceeded the noise from the overhead airplanes. This proof was insufficient for them, and they accused the State of rigging the measurements. But we maintained a positive approach. Only a Nierenberg was to take complaints, as we tried to reason with these people, offer them rides, explain why we flew where we did, and ultimately attempted to educate them.

By summer, a very vocal group organized in Rocky Hill. They contacted the appropriate authorities -- the FAA, their Congressmen and legislators. Unfortunately for this little borough, it lies directly under the final approach to the airport, and there is no alternative when landing. After a meeting with all the leaders where we tried to appease them, they continued the attack. A resolution was passed by the Borough Committee stating we operated wrecklessly and dangerously and had numerous accidents, and finally, that we should be closed down, permanently. In the Borough Hall, the walls were plastered with aircraft accident pictures from all over the country; none from Princeton or other local airports.

The fact that Princeton Airport, since 1917, has had less than a half a dozen accidents, with no fatalities, had fallen upon deaf ears. Only after we accused them of libelous statements and if not retracted, we would sue, did they rescind this false resolution.

In the middle of this battle, I happened to read a local paper one evening and saw a map of how DOT was planning to put a road through our runway for the Route 518 spur, in conjunction with the widening of 206 and S-92's construction. There were several alternatives; however, each one adversely affected the airport's operation. We trekked to a hearing in mid-August after a day's work, in a 90 degree temperature, to mount our protest. To this day, we are uncertain of the airport's future when these roads do come through. Within this enormous Department of Transportation, it seems one hand doesn't know what the other hand is doing.

Locally, it was imperative that we make some revenue-producing improvements, so we applied to Montgomery Township for permission to construct a set of hangars. After a year-and-a-half of shuffling between the Board of Adjustment and the Planning Board, we finally took the path of least resistance to save time and money. We gave them anything they wanted. After receiving permission to construct, we were faced with outrageous interpretations of the BOCA Code. They made requirements which far exceeded both our cost projections and the intent of the National Code. We chose a company that had years of experience constructing hangars. Their only difficulties during construction have been in New Jersey towns, not because we want to be better, but rather because our municipalities do their best to obstruct and restrict airport growth. Yes, we could have fought through legal channels and probably won. However, this would have cost us time and money, of which neither were available, as there were many more battles yet to be fought.

With all this going on at the local and State levels, don't think the Federal level of government was quiet. The FAA, with the prodding of Congress, proposed expanding controlled air space, particularly over New Jersey. You, as novices, might feel secure to hear this, but we in the industry know that the FAA neither has the manpower nor the technology to handle this expansion. The result of this plan will be restriction of general aviation movements and an unnecessary increase in equipment costs to the users.

Our most devastating problem came at the end of 1987. As background, in 1963, when Princeton Airport took its current configuration, the then owner, Webster Todd, Jr., spent many hours with the municipality to zone the adjacent lands compatible with the airport to assure the future of this important facility. The transcript of that hearing said the land adjacent to the airport was to be zoned REO.

One day I received a call from one of my customers who lives in Montgomery, advising me to attend a Township Committee meeting that evening. Much to my chagrin, the Committee introduced an ordinance to change the zoning adjacent to the airport on the north, west, and south sides. Route 206 borders us on the east. Although the land next to the airport was zoned REO, it was still farmland. That evening, they changed the zoning to residential. About one year prior to this meeting, the Township Committee had appointed a "blue-ribbon committee" to study the land around the airport. After 1000 hours of study -- that's what they said, 1000 hours of study -- they concluded that residential was the best utilization of this land. Never once during that study did they talk to anyone at the airport to find out if there were any problems concerning compatibility. These residential units will be directly within the flight pattern of Princeton Airport. Additionally, they proposed a town center to be directly under the path of the helicopter traffic when they depart the pattern and the downwind leg of one of my runways.

The interesting fact is that Montgomery Township did not, and has not, adopted the Air Safety and Hazardous Zoning Act, which was mandated by you several years ago, but they proceeded to adopt this change in the zoning ordinance in less than six weeks. Our efforts to educate and communicate with them as to the detrimental effect this amendment would have to both the airport and the neighbors, fell upon deaf ears. Their minds were pre-set, and despite letters and testimony from experts like the FAA, the Aircraft Owners and Pilots Association, etc., they unanimously adopted the change. Testimony was to be given by the then Director of the Division of Aeronautics, advising the town of the potential problems. However, a phone call from her at four p.m. the day of the hearing stated that she was prohibited by her superiors to attend or to testify on our behalf. Who better knows these problems than that office?

As soon as these homes are built, the battle will be lost and the future of the airport will be precarious at best. These same people will rise up against airport noise, try to restrict our operations, become members of local boards, and then use their power to put us out of business. They can also harass us to death with inspectors, as often happens at airports.

Trying to cope with your State Master Plan, which totally ignored aviation in its first portion, only to include it in a short paragraph in Part II, now we have to become planners to understand the procedures of "cross-acceptance." How are lay people to understand this, when many of your professionals don't? Do we again have to hire professionals to protect and defend our existence?

More recently, we received a certified letter with a form to be completed in 30 days from the Department of Environmental Protection, regarding a pollution problem not at our airport. A voluminous technical form had to be completed

and returned regarding any and all chemicals we use and sell. We know we are free of the contaminants at the airport, because there have been several years of testing done on the airport. Nevertheless, these forms were so technical that I was advised to seek professional help, as one slip in the information we would give them could lead to years of problems. This becomes extremely costly.

Another example arose about two months ago, when we received notification from the FAA that an antenna tower was proposed near the airport that would "adversely affect our traffic pattern" in inclement weather. Simple responses to any of these problems are never sufficient. Bona fide campaigns are required to be heard with meetings, letter writing campaigns, petitions, and hours again defending ourselves -- we who have been here since 1917, in continuous operation.

In between these efforts, we are trying to make and keep Princeton Airport a viable business by providing services and upgrading the operations. I could sell the land today and retire, because we all know what 50 acres with a Princeton zip code is worth. But I enjoy what I do, for the most part. Then again, if I chose the latter, where, ladies and gentlemen, do you think the executives from Squibb, Merck, Unisys, Dow Jones, Aetna, Church & Dwight, and AT&T would go? I sound like I am name dropping. However, on a daily basis, these corporations and many more use our facility for business.

As stated before, this is a \$1.5 billion industry, providing over 8000 jobs in New Jersey. Can New Jersey afford to lose general aviation?

It is time to take the bull by the horns and take control of this abused agency and industry. It can wait no longer. You need an Office of Aviation that is not just a stepchild of the Department of Transportation. You need a Commissioner in this Department who has the foresight to recognize the role of general aviation and the airports that

serve it. We need a Director of the Office of Aviation who has knowledge of the aviation world and the Legislature, and has the power to act intelligently and decisively.

This Office must be an advocate, not a watchdog and paper-shuffler, because we are all losing the battle. Home rule is a sacred cow in New Jersey, but sacred cows must go for the benefit of the public good. Home rule has been set aside in many cases in this State. It should no longer be an excuse for this issue. You and I can no longer allow the parochial view of local municipal boards to act arbitrarily and undermine our air transportation system. They have neither the knowledge, the training, nor the will.

Thank you.

SENATOR RAND: Thank you very much, Mr. Nierenberg. T. J. Peters?

T. J. PETERS: Thank you. I don't know whether I have the stamina left, but I will try.

SENATOR RAND: To tell you the truth, I don't know whether I do either.

MR. PETERS: I don't blame you.

SENATOR RAND: We have 15 minutes, and I am going to try to hear everybody.

MR. PETERS: I am going to cut mine short, because to be honest with you, a lot of it has been said before. The redundancy goes on and on and on, and I don't think you want to hear that any more. You have had enough of it.

SENATOR RAND: No, we appreciate that. If you have something fresh to offer, we'll take it, at this stage of the game.

MR. PETERS: I ought to establish my credibility. My name is T. J. Peters. I am speaking as a concerned citizen, and a member of the Aviation Advisory Committee appointed by the Township of Readington and authorized to speak here today. I am a pilot and a member of the AOPA. In fact, my number is

only five digits, which means that I am a charter member of the AOPA, back when they were initiated in Hamlet, Pennsylvania. If he is still here, he can verify that. (referring to former speaker, Thomas B. Chapman) I have a commercial and an instrument license. I have my own strip, which is the answer to a lot of these people who gripe about not having a place to go when they want to land their planes. I had that problem, but I had some foresight. I got my own strip, which is in danger of being shut down because somebody else's strip might get more active. Okay? I want that to sink in a little bit. I am also Chairman of our Planning Board -- I was. I was also Chairman of our Adjustment Board -- was. I was also President of our Board of Education -- was. I have had some 45 or 50 years experience in government. I am not talking off the top of my head.

Basically, I think this situation is a battle between those who have and those who have not. If I had a business other than an airport business, and I wanted to expand it, and the house next to me was in my way -- I needed it as a parking lot -- I would love you to condemn that house to allow me to put my cars there. There is an issue like that right in North Branch, New Jersey, on the old 28 highway. I think it is Bridgewater Body Shop. He was being harassed for parking cars on the road, creating a dangerous situation maybe, but they condemned the house next-door -- or, they did not condemn the house next-door on the lot. They bought it.

I submit that that is the way to get the property needed for hazardous and clear zones. If you want it, buy it. That is the American way, not to condemn it and use it for someone else's profit as a private business.

But, let me get on. Those are a couple of points I heard, that I pass on to you off the top of my head. I am speaking today in all of those above capacities on behalf of the Township, with whom we met last night. That didn't give me much time to prepare any lengthy address. I will, however, use



the opportunity presented to file a written report before the record closes.

They unanimously, in Readington Township -- and we have the Solberg Airport that we are contending with now, which is very much involved with the Linden replacement thing-- I am familiar with the Transplan situation; I am familiar with Reuben; I am familiar with SOAR. I am pretty much up on what is going on, with both the Linden and with the expansion of the Solberg Airport. No one wants to shut down any airports. I don't want to shut down any airports. I support stabilization of what we have. I support a dialogue between the functions of our Division of Aviation and what they are supposed to do. I don't want them to have the authority to condemn. I don't want them to have the authority to overrule and dispose of our home rule aspect. That has been sacrosanct in New Jersey, and it is still going to be.

I believe sincerely that any legislative body which tries to remove the authority of home rule from municipalities, better look for another job. I just believe that sincerely. Everyone I speak with will almost do anything, but they want to control their own destiny, and you've got to remember that. I think it is important as a politician. Remember, we are talking about 2000, 3000, 4000 people, and if all of their families were involved, we would have maybe 6000 people, out of the whole State. We are dealing with the State's treatment of those people's privileges.

I have been flying, and I have had 50 years experience in aviation this year. I started flying at the Westfield Airport, long since gone. I flew out of Floyd Bennett; I flew out of Newark. I have over 10,000 hours in the air. I know the value. I have my own company. I am the President of T.J.P. Consulting Associates. Like that gentleman in the back of me, I know the value of it, but I don't wish to superimpose my advantages on the rest of the public.

At my particular strip, I deviate to control noise, if I have any. I haven't had one complaint yet from a neighbor, and I have been operating that airport of mine since 1942. It was in existence long before licensing. We have a situation here where those who can get more for nothing-- I'm sorry if I am kind of stiff with that, but that is exactly what it is. If we can get that land on the end of my runway -- and I don't have to buy it-- That's what I want. If I were in that business, I think I would be inclined to do the same thing. If you want a clear zone, and you want a hazard zone, buy it.

Let's see what I missed.

SENATOR RAND: You've got two minutes.

MR. PETERS: If you like the people you are listening to, you let them go on.

SENATOR RAND: I have to leave here at 4:30, sir.

MR. PETERS: Okay. Senate Bill No. 3240, I think, as it stands, is just too objectionable to go into the details. I don't want condemnation by any commissioner. We just don't want that. I think to do anything and everything necessary to implement that thing is a catchall. That is the last line on Senate Bill No. 3240.

I think that kind of an approach is not consistent with our government. I don't think it would be tolerated in the long run. I think you would have more suits based on constitutionality than you could shake a stick at, the way it exists. I am not saying it can't be done. I think it can be done. If we all assume the responsibilities we have as municipal and State authorities, and get together and talk about them, we can segregate those duties assigned to the State by Constitution and by charter, and those assigned to the municipalities by the same route, and we can work up some kind of a system that will leave our airports there.

SENATOR RAND: Thank you very much, sir. We are very appreciative.

The last person I have is Mr. Misti, EAA Chapter 176.  
(affirmative response from audience) Is there anyone else we have missed?

UNIDENTIFIED SPEAKER FROM AUDIENCE: I didn't sign up, but if there is time I would like to say something.

SENATOR RAND: If I can get this gentleman through in a couple of minutes-- I've got to leave here at 4:30. I said four o'clock, but I stretched it to accommodate everybody. If I get the opportunity, I certainly will listen to you. Sir?

J A M E S M I S T I: I will be refreshingly brief. I stand here as a private citizen and as a private pilot. I want to thank you for the opportunity to address the Committee. I congratulate you on your courage to take on these issues, and wish you all the wisdom in the world in trying to solve them.

SENATOR RAND: I'm getting a little tired, I have to tell you.

MR. MISTI: I can't solve the problems for you. I can tell you a little bit about why I love to fly, and that is what I will do here.

My earliest memory of wanting to fly goes back to when I was eight years old. I used to sit in my father's lap in his rocking chair. We would watch television, sometimes late at night. Once in a while, we were late enough to watch the sign-off. There would be the Blue Angels soaring around and flying over and around and through the clouds. Sometime shortly after that, my father took me for my first airplane ride. It was just a 10-minute ride around the pattern. I remember that very clearly. It was a small grass runway, and very exciting for a young lad. I knew then that flying was one of the most exhilarating experiences a person could have, and I knew I would fly again.

When I finally got my pilot's license, one of the first things I wanted to do was go back to that airport where it all began, and take my father for a ride. Well, I couldn't

do it. Even though my father is alive and he is quite well, the airport isn't there any more. It's gone, like some of the other airports we have talked about today, and without the help of New Jersey's lawmakers, many more are likely to go in the near future.

Without all the small airports in New Jersey, there are a lot of things that I have done that I wouldn't have been able to. I will go through some of those real quickly: I have flown to Atlantic City for a Friday night; I have flown to Cape May for a Saturday afternoon; I have gone to Flying W on a Sunday morning for breakfast; I have gone to Hammonton for steak and eggs. I have picked up friends at Lakewood and taken them up to Niagara Falls. I have picked up friends at Robbinsville and taken them up to Maine. I have taken neighbors and their children from Princeton Airport up to see the lights of New York City at night. And I have done a lot of flying by myself, for myself. On the Fourth of July, I have gone up in the air in the evening and seen a hundred fireworks displays all at once; or on a crisp October morning to see the fall foliage; or a sunny January day to see New Jersey's winter wonderland; and on cold spring days just to be in the cold sparkling air.

Now, flying means a lot to me. I have spent over \$1000 in the last year building one of these small experimental aircraft, which you have heard some of the other folks talk about today. It will probably be another year or so, and another \$1000 before I am ready to fly. When I am ready to fly, there will no doubt still be airports in New Jersey from which I can fly, but if we go forward a few years, if I have a young lad of my own, will there still be airports then for me to take him for a ride? And to go a little further even beyond that, someday when such a lad might want to take me for a ride, will there be an airport for him to do that from?

The answers to those questions are in your hands. That completes my comments. I will just make one more offer to you: If any members of the Legislature would like to get a firsthand view of New Jersey's general aviation from the air, you are welcome in the right seat of an airplane with me. Dr. Manoogian has my phone number there, I believe.

SENATOR RAND: I will advertise that to every member of this Committee.

MR. MISTI: And I will take on any one who wants to. Thank you very much.

SENATOR RAND: I may take you up on that.

MR. MISTI: I hope so; I hope so. Thank you.

SENATOR RAND: Thank you very much. The lady-- We wouldn't forget you.

WANDA VERMEULEN: My name is Wanda Vermeulen. I own a wholesale nursery in Neshanic Station, which you would classify, according to the government now, as the agricultural sector. So basically I am a farmer.

What I basically have to say is that we have gone through this whole business already with Grassroots, Green Acres, Right to Farm, when people would come out from the city, build right next to the farm, and say, "Your cows stink" -- this and that. "Get rid of your cows," "You can't plow at night," etc., etc. So we formed committees with the State. We cooperated with-- It wasn't Brown at the time; it was -- I forget who. But we did get a Right to Farm Act. That is something that someone else here -- I don't know who -- brought out, you know, that perhaps some kind of a committee should be set up to get to these basic issues.

The other point I wanted to make is, I am all for flying. I just moved six months ago to a house across from Solberg's -- or next to Solberg's, and across from Nagle's. I am not in the hazard zone. I don't see the point of a hazard zone, because the planes do not follow flight patterns anyway.

They do 90 degree turns over my deck, and I can see them in their cockpits. So, you know, I have said something to them. I have more or less gone to them, I thought, on a reasonable basis. I waited and waited. I think with the safety and hazard zone, there has to be some kind of a follow-up on making sure that it is being followed, basically. As flight patterns go, I don't know how that can be done.

I don't know if there is anything relevant that I can-- Home rule-- Really, I think home rule is something that we should try to respect and try to keep as long as we can, because we are one of a dwindling amount of states that have it, at this point.

The other thing is the Master Plan. Several people brought up the State Master Plan, about air transportation not being in there at all. That is not true. I have access to all the documents, and I am involved in it. There are things in there pertinent to the industry. Now, it might not be excessive, but it is in there. I think there maybe they have to go to the cross-acceptance. It is at Stage II right now -- Phase II. That is where they have to go out and be heard. They have been told that through various committees and whatnot. Phase II is where the public goes down to their township committee, and says, "Hey, come on, how come we're not more involved in this Master Plan?" Okay?

That is basically all I have to say. Thank you.

SENATOR RAND: Thank you very much. Is there anyone I have forgotten, or that I didn't call on? (no response) That being the case, thank you all for taking the time to come to Trenton to show the State how important this issue is to New Jersey.

I am sorry we couldn't give all of the participants an opportunity to speak. This hearing has demonstrated that small airports play an important role in the future of New Jersey's economy. Today, we have looked at pending legislation. We

have noted DOT's diminished interest in aviation. I will ask that a summary of this hearing be prepared, along with legislative options that address the issues that were raised here today.

I thank each and every one of you for being here, and I thank all those who testified.

**(HEARING CONCLUDED)**

**APPENDIX**





DEPARTMENT OF TRANSPORTATION

THE COMMISSIONER

AVIATION

Regulation of Land Use Adjacent to Public Use Airports

Adopted Amendments: N.J.A.C. 16:62-1.1, 1.2, 3.2, 5.1, 9.1 and 10.1

Adopted New Rule: N.J.A.C. 16:62-3.5

Proposed: December 5, 1988 at 20 N.J.R. 3007(a)

Adopted: February 24, 1989, Robert A. Innocenzi, Deputy Commissioner

Filed: \_\_\_\_\_ as R. \_\_\_\_ 198\_\_ d. \_\_\_\_\_ with substantial  
and technical changes not requiring additional public notice and  
comment. (See N.J.A.C. 1:30-4.3)

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29, 6:1-32 and P.L. 1983  
c. 260, as amended by P.L. 1985 c. 122

Effective Date:

Expiration Date:

(Summary of Public Comments and Agency Responses:)

Under the provisions of N.J.S.A. 6:1-83 and 6:1-84, the Department of Transportation(Department) published its intent to propose amendments to N.J.A.C. 16:62-.1, 1.2, 3.2, 5.1, 9.1 and 10.1 and propose new rule N.J.A.C. 16:62-3.5. The Department's Notice of Proposal Number: PRN 1988-618, was published in the December 5, 1988 issue of New Jersey Register.

The objectives of the Proposal were to seek public comment to the proposed regulatory changes:

1. Limit all structure development in the proposed clear zone.
2. Allow low density residential zoning.
3. Permit municipalities to zone preexisting residential structures as a conforming land use.

In response to the Notice of Proposed Rule Making, the Department received 58 written comments and heard 18 oral presentations during the public hearing concerning this proposal held on December 22, 1988.

The bulk of the comments received from the responding municipalities were based on the perception that the current rules and regulations require that municipalities zone public use airports as a "conforming" land use within their respective ordinances. It is their claim that the "Act" is unconstitutional and that the Department is usurping the municipalities right to zone.

N.J.A.C. 16:62-2.1(e) states:

"Municipalities which contain within their boundaries airports regulated by the provisions of this chapter, may not hereafter classify those

airports as nonconforming land uses within the context of their ordinances or master plans of development. Those municipalities which may currently classify an airport as nonconforming land use within the context of their ordinances or master plans of development, shall amend those ordinances or plans to eliminate that nonconforming status."

Several of the comments received addressed the constitutionality of the regulations, particularly that section of the regulations concerning the zoning of the airport as other than nonconforming. The Department will not address these comments in depth since it is the Department's position that such comments are not appropriately raised in the context of the proposed regulatory changes. However, it should be noted that the regulations do not require airports to be zoned as conforming uses, but rather require that municipalities refrain from zoning the airports as nonconforming.

Of the 58 written comments received, 41 form letters were received from Readington Township residents. This form letter was also received from one Bedminster Township resident. These form letters were based on the misconception that the proposed modifications would make the airport a

"conforming" use and the surrounding land, "nonconforming". The proposed amendments do not attempt to change or alter the airport zoning requirements as referenced above. Additionally, the purpose of one of the proposed amendments would be to permit preexisting residential structures to be zoned as "conforming" in local land use ordinances.

The changes and comments relating to the specific regulation changes are discussed in the following paragraphs:

13 comments were received regarding the establishment of a clear zone in which structural development would be prohibited.

- \* 3 comments received were in support of change.
- \* 5 comments opposed reduction in the size of the proposed clear zone or would prefer a 3000' length clear zone.
- \* 2 commenters felt that the size of the clear zone should be based on the length of runway, number of operations, and types of aircraft and uses.
- \* 2 support the clear zone concept but felt the preexisting structures should be zoned as a "conforming" use.
- \* One comment was received which objected to a clear zone which would prohibit construction of industrial uses.

DEPARTMENT RESPONSE:

The current land use standards prohibit all residential development but permit commercial and industrial development in the delineated hazard

area. Based on an analysis of the 1983 - 1987 aircraft accidents, the Department proposed to establish a clear zone, along the takeoff and departure path of runway, in which structural development would be prohibited. After analyzing the comments received in response to the Notice Pre-Proposal, Number PPR 1988-4, published July 5, 1988 in the New Jersey Register, the Department reduced the length of the proposed clear zone from 3,000 to 1000 foot. The Department emphasizes that its proposal creates a new clear zone and does not reduce the length of an existing clear zone. Additionally, the Department reminds the reader that the regulations are minimum statewide standards and that municipalities are free to lengthen or enlarge their respective clear zones.

It is also emphasized that this is a planning act and that a minimum statewide standard is necessary for proper and efficient land use compatibility planning based on future airport growth.

9 comments were received regarding the amendment to permit single family residential dwellings on large lot parcels (3 acre minimum lot size).

- \* 4 comments supported this proposal.
- \* One commentor suggested, "consider carefully."
- \* 4 comments opposed this change.

DEPARTMENT RESPONSE:

In the absence of any significant comments to this change, the Department proposes to proceed with the three acre minimum lot size.

8 comments supported the proposal to permit municipalities to zone preexisting residential structures as a conforming land use.

DEPARTMENT RESPONSE:

Since all comments supported this change, the Department proposes to proceed with this proposal to permit municipalities to zone preexisting residential structures as a conforming land use.

Based on the analysis of the comments, as referenced above, the Department proposes to proceed with the proposed amendments as published in Proposal Number: PRN 1988, of the December 5, 1988 edition of the New Jersey Register. The following amendments will be implemented.

1. Limit all structure development in the CLEAR ZONE. The CLEAR ZONE would consist of trapezoids located within the RUNWAY END SUBZONES along the flight approach and departure path; the base of the CLEAR ZONE would be co-located with the end of the RUNWAY SUBZONE and would have a width of 250'; the length of the CLEAR ZONE would be 1000'; and the width of the clear zone would increase as the distance from the end of the RUNWAY SUBZONE increases. Its outer width would be 450'.

All structural development would be prohibited and strictly enforced. The waiver provisions currently contained in the regulations would apply. All preexisting structures would be classified by the municipality as either "non-conforming" or "conditional."

2. The Department proposes to permit single family residential dwellings on large lot parcels in all areas of the hazard zone, except in the proposed CLEAR ZONE. The Department will proceed with the three acre minimum lot size.
3. The regulations currently state that preexisting land uses not in conformance with the rules may, at the discretion of a municipality, be zoned by the municipality as either "non-conforming" or "conditional." The Department proposes to allow those preexisting residential dwellings to be zoned as "conforming." The Department proposes that this change be implemented as proposed for all structures located outside the suggested CLEAR ZONE area.



Upon adoption the Department has added a sentence to clarify airports involved and added Appendix A, licensed PUBLIC USE AIRPORTS.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks \*thus\*).

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Robert A. Innocenzi, Deputy Commissioner

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Date

## AIR SAFETY AND HAZARDOUS ZONING

### SUBCHAPTER 1. Airport Hazards

16:62-1.1 (No change from proposal.)

#### 16:62-1.2 General requirements and provisions

(a) - (e) (No change.)

(f) Airport hazard areas adjacent to airports not licensed by the State of New Jersey or airports which are located within the Port of New York District as defined in R.S. 32:1-3 are not subject to the specific provisions of this chapter. [Airports not licensed by the State of New Jersey include Newark International Airport, Teterboro Airport, Atlantic City Airport near Pomona, New Jersey, and military airports.] Although the specific provisions of this chapter may not apply to areas surrounding non-State licensed airports open to the public, this in no way limits the power of municipalities to enact substantially similar ordinances governing the areas in accordance with the purposes of the Municipal Land Use Law. \*To clarify the airports involved, please refer to Appendix A which lists the licensed public use airports to the rules, and incorporated by reference.\*

(g) - (n) (No change from proposal.)

SUBCHAPTER 2. through SUBCHAPTER 10. (No change from proposal.)

Figure 1. through Figure 7. (No change from proposal.)

\*APPENDIX A

LICENSED PUBLIC USE AIRPORTS

<u>Aeroflex-Andover</u>	<u>Lakewood</u>	<u>Red Lion</u>
<u>Alexandria</u>	<u>Licalzi</u>	<u>Red Wing</u>
<u>Allaire</u>	<u>Lincoln</u>	<u>R.J. Miller</u>
<u>Bader Field</u>	<u>Manahawkin</u>	<u>Rudys</u>
<u>Blairstown</u>	<u>Marlboro</u>	<u>Sky Manor</u>
<u>Bucks</u>	<u>Mercer County</u>	<u>Solberg-Hunterdon</u>
<u>Camden County</u>	<u>Millville</u>	<u>Somerset</u>
<u>Cape May County</u>	<u>Morristown</u>	<u>Southern Cross</u>
<u>Colts Neck</u>	<u>Newton</u>	<u>South Jersey Reg.</u>
<u>Cross Keys</u>	<u>Nordheim Fly. "K"</u>	<u>Sussex</u>
<u>Eagles Nesk</u>	<u>Oakland Farms</u>	<u>Trenton-Robbinsville</u>
<u>Flying W</u>	<u>Ocean City</u>	<u>Trinca</u>
<u>Greenwood</u>	<u>Old Bridge</u>	<u>Twin Pine</u>
<u>Hackettstown</u>	<u>Oldmans</u>	<u>Vineland-Downstown</u>
<u>Hammonton</u>	<u>Pemberton</u>	<u>Woodbine*</u>
<u>Kroelinger</u>	<u>Piney Hollow</u>	
<u>Kupper</u>	<u>Princeton</u>	

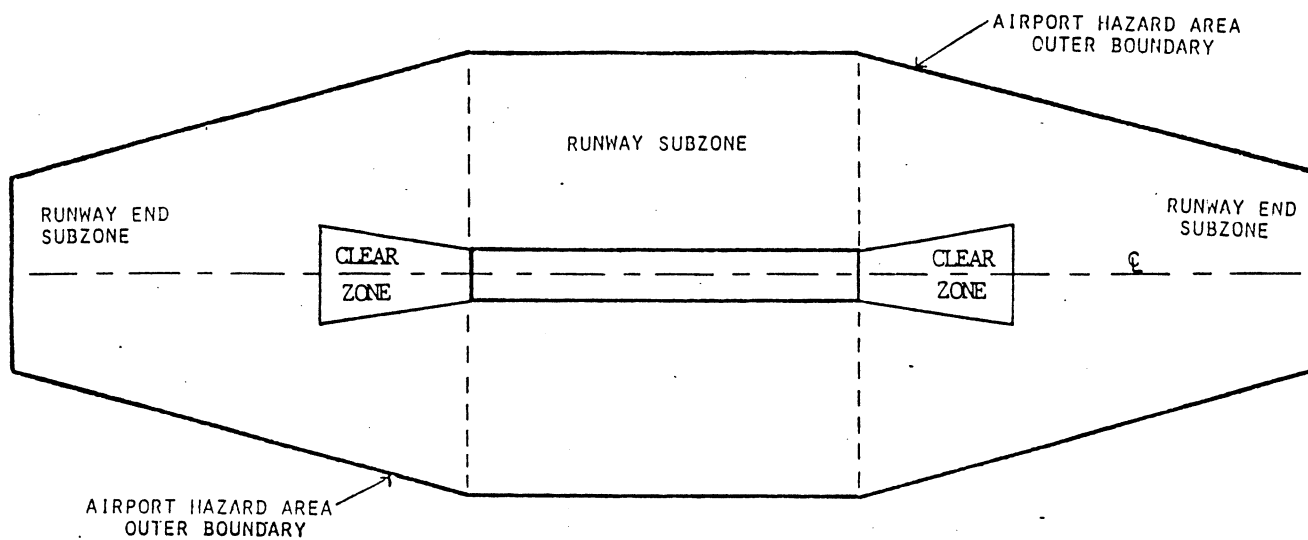
PROPOSALS

Interested Persons see Inside Front Cover

OTHER AGENCIES

FIGURE 7.

FOR PURPOSES OF GRAPHIC  
CLARITY, NOT ALL PORTIONS  
OF THIS DRAWING ARE NECES-  
SARILY TO THE SAME SCALE



GRAPHIC DEPICTION OF THE CLEAR ZONE  
DIMENSION: INNER WIDTH 250 FEET  
OUTER WIDTH 450 FEET  
LENGTH 1000 FEET

**SENATE TRANSPORTATION AND COMMUNICATIONS COMMITTEE**

Remarks of Arthur R. Storm, Ref: SR-93:

Mr. Chairman, Members of the Committee:

As Historian and past president of Experimental Aircraft Association Chapter 238 of Morris County, I am here to represent several Northern New Jersey EAA Chapters.

Initially, I wish to thank you for giving me the opportunity to address this committee on what we believe is a critical time for aviation's future in our beloved state.

Our organization is composed primarily of pilots who view general aviation through the personal experience of living some of the old pioneering spirit that first gave man the ability to transcend the earth.

Many of us fly for a livelihood while others use personal aircraft as a primary means of transportation. All of us are very aware of the crowded skies over New Jersey, however, fly rather than risking our lives on the jammed highways we all know too well. But the primary reason for the Experimental Aircraft Association is to share our knowledge of flight and flying machines; To know the satisfaction of lifting into the air in aircraft which we have built, in aircraft to which we have given life... kept aloft by the honest workmanship and the effort we have invested in them. As consumers of specialized materials we spend millions of dollars here to follow both our vocations and avocation and, we have watched with growing apprehension as the small airports we use have disappeared from this state, forcing us to more distant places if we wish to fly and sending our hard earned dollars away from New Jersey.

All this, I realize is a long introduction to my being here today. But we of the EAA want to go on record as endorsing Senate Resolution 93 sponsored by Senator Louis Bassano, which will set up a study commission to look at all aspects of aviation in New Jersey, a move we in the EAA believe is long overdue.

We in the EAA have watched our airspace shrink as scheduled airline traffic has taken over the skies of our metropolitan areas. And even while we have been affected by the loss of airspace, we have agreed to many of the reasons, knowing it was inevitable as the public lost other means of transportation and took to the airways.

We in the EAA have become increasingly dismayed as the number of airports in the state has been decreasing at a faster and faster rate and we can foresee only a very few large airports surviving with no room for those of us who feel that smaller and quieter is not a bad way to go. It is a sad fact of life in New Jersey that once any of our existing airports close, they will never be reopened or replaced. The airport

owners and operators have pointed out that the airports of New Jersey could close forever in a matter of minutes, and they would never be reopened given the urbanization of our state. The airports, most built on low-lying wetlands, are precious reservoirs of open space that have unrecognized environmental benefits such as serving as recharge areas for our underground aquifers, habitats for wildlife, and as buffers to unwanted development. They also serve as breaks in the onrushing wall of buildings. Open meadows and open spaces left as a heritage of happier, slower times are a worthwhile heritage we want to leave to our children.

So let me conclude on this positive note: You have our gratitude for taking your valuable time to study problems we thought none would care to look at. We are confident that you have the vision to see the future needs of our State's inhabitants and ecology, to consider the vital role small airports can play in our State's future economy and our quality of life as Short TakeOff and Landing aircraft, such as the EAA and commercial aircraft industry are designing become more prevalent and quietly grow in their service to local communities.

If you have any questions I will be glad to answer them or get you the answers. If not, thank you again, and be assured you have our support in this worthwhile endeavor.

end

\*Arthur R. Storm  
EAA Chapter 238

61 Greenwood Avenue  
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or

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Murray Hill, NJ 07974  
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NEW JERSEY SENATE

C. LOUIS BASSANO

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SENATOR, 21ST DISTRICT (UNION)

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April 4, 1989

The Hon. Walter Rand  
Senator - District 5  
514 Cooper Street  
Camden, NJ 08102

Re: SR-93 - General Aviation Facility  
Study Commission

Dear Walter:

I am sorry that I cannot be with you at the public hearing this morning on my bill to create a study commission in an effort to preserve small airports throughout the state of New Jersey.

I hope that during testimony today your committee will realize that small airports provide a very important service to the people of our state. Just during the last year six or seven airports were closed and the prospects of new aviation facilities being built in our state are rather remote.


Small municipal airports provide a very important integral part of our transportation network in New Jersey. They benefit businesses within a region and if utilized properly, can provide tremendous economic benefits to the county where such a facility is located.

A Study Commission can and should look into the reasons why these facilities are closing and make recommendations to the legislature as to what can be done to stop the dwindling loss of these valuable assets to our state.

I certainly hope that your committee will give every consideration to the measure that is going to be discussed this morning.

I thank you for your consideration.

Sincerely,

  
C. LOUIS BASSANO  
State Senator

CLB:sms

cc: Peter Managian

16X



TESTIMONY OF KEVIN REDDEN

PRESIDENT

THE MID-ATLANTIC AVIATION COALITION

NEW JERSEY SENATE TRANSPORTATION AND COMMUNICATIONS COMMITTEE

APRIL 4, 1989



Senator Rand and members of the Committee, I am President of the Mid-Atlantic Aviation Coalition, a not-for-profit coalition of general aviation oriented businesses, privately owned public use airport owners, fixed base operators, pilots, and flying clubs, and represents more than 2,100 members. The Coalition was formed to promote aviation and aviation safety and to represent member interests in aviation matters to government officials and agencies. MAAC serves as a means of communication between its membership and governmental bodies. MAAC is largely composed of pilots and aviation professionals, and as such, I believe that we are uniquely qualified to act as an information resource to this Committee.

On behalf of the members of MAAC, I thank you for giving my associates and me the opportunity to appear before this committee. We would like to share our viewpoints on a wide range of issues that concern the continued viability of general aviation in New Jersey. The majority of the MAAC membership are pilots and citizens of New Jersey. We have a keen interest in the control and administration of New Jersey's aviation resources. We feel that these hearings are the first good thing that has happened for general aviation in this state in a very long time.

The Coalition testimony will be covered in two parts, I will be speaking on a number of issues, and the Coalition's Vice-President, Nicholas Rucci, will address the committee about the problems MAAC has uncovered in the DOT's handling of the Airport Safety Fund.

#### WHAT IS GENERAL AVIATION?

In a recent Star Ledger column, reporter Jack Elliott chronicled the economic importance of general aviation to the state. Aviation makes possible the life saving technologies of medevac ambulance service and donor organ transport. General aviation is police and Federal agency aviation. I note that the FBI bases some of its aviation operations in this state. General aviation is the commuter airlines that link our smaller cities into the national airline hubs at Newark and Philadelphia. General aviation is the air freight and overnight package delivery operations collecting shipments at the smaller airports each evening for delivery to the hub at Newark International where they are delivered in the national system. This is repeated in the early hours of the morning when the large overnight shipments delivered by DC-10s to Newark are then flown by smaller aircraft to the general aviation airports all over the state for morning delivery by truck.

General Aviation is the corporate flight departments of our Fortune 1000 companies, both fixed wing and helicopter, that help these companies remain competitive in today's business

environment. General Aviation is the fast and efficient transport of critical components, and materiel to keep New Jersey's manufacturing plants operating when things go wrong. It is Shadow Traffic aircraft giving daily commuter reports. It is air taxi and charter operations that serve the state's businesses, both small and large. It is the overnight transportation of billions of dollars of canceled checks and documents. General Aviation is a most important component where time is of the essence in the transportation of people, goods and services that New Jersey needs. And General Aviation is fast becoming an endangered activity in New Jersey.

#### THE NEED FOR PUBLIC USE AIRPORT

Public use airports, whether publicly or privately owned, fulfill transportation needs that cannot be met otherwise. Airports permit the time-critical activity of aviation to occur. Public use airports are a capital resources like bridges or rail rights-of-way. Without public use airports, New Jersey could not provide the efficiency of General Aviation which our neighbor states employ as an incentive for business location. Without public use airports, multi-national firms based in New Jersey could not compete economically with companies based in states which support general aviation facilities.

Business travelers are increasingly fed up with the delay and inconvenience of airline based air travel. Many New Jersey based businesses maintain corporate aircraft for the use of their personnel. Time is money in business, and general aviation is often the only travel mode capable of meeting critical time demands. General Aviation is a corporate tool. If there is no convenient place to operate in New Jersey, corporate aviation and the corporate administration it serves will find sites in other states to do business. I note that this has already started, in that both ITT and Exxon have recently moved their aviation operations out of New Jersey, and have relocated across the Delaware River in Allentown, Pa. As Newark, La Guardia, Morristown, and Teterboro fill to capacity, corporate flight operations will have to be routed to other public use airports. If these airports are allowed to disappear, what options do the corporations have but to relocate?

As all of the growing corporate and business aviation interests compete for space at ever decreasing facilities, the price of flying will skyrocket beyond the means of the average citizen. We are taxpayers and US citizens. New Jersey pilots have helped to fund the nation's air transportation system. We have a right to fly, and we have a right to access these federally funded facilities. This is a basic premise of MAAC.

#### THE PROBLEM OF PRIVATE AIRPORT OWNERS

We have witnessed during the past few years what appears to be

the systematic dismantling of New Jersey's airport infrastructure. Since 1970, more than half of the privately owned public use facilities in this state have closed. I refer you to the 1979 New Jersey Division of Aeronautic's Report on General Aviation which lists public airports in use at that time. An alarming number of these airports are no longer in existence. Today, many of the remaining public use airports are threatened with closure.

Each individual airport owner and fixed base operator is a independent business person. That business employs pilots, instructors, mechanics, line workers and clerical personnel. Owners who run these businesses have a considerable investment in property and facilities, all used to support public use of the facility. However, airport owners have increasingly come under the threat of municipal sanction and tax dis-incentives against their operations. Few businesses in the state could tolerate the regulatory burden of non-conforming zoning status. Yet this is exactly what the municipal officers of some communities wish to do to the airports in their town. Couple these threats with the temptation of substantial economic reward from selling out to real estate developers and there is little incentive for an owner to maintain an airport business.

#### WHAT DO THE AIRPORT OWNERS WANT?

The New Jersey airport owners, along with the rest of the aviation community, want to be allowed to operate their businesses like any other business without unreasonable restrictions and interference from municipal authorities. They want their airports to have conforming land use status and they want that status protected by the authority of the state. In nearly all cases, airports preceded the residential growth that surrounds them. The airports were there first, ladies and gentlemen.

Suburbanites who move into beautiful new homes have a choice about whether or not they want to live near an airport. Property developers and home buyers do not have a guaranteed right to speculative profits based on possible airport closings. Residents who live near airports do have a right to be concerned with noise and safety. But airport owners have a right to remain in business. Owners have a right to prosper when they add to the state's economic well being.

Senate Bill S-2757 which is presently before this Committee would withdraw conforming land use status for airports and would require municipalities to zone airports as conditional or non-conforming uses. This would also allow municipalities to allow home construction under runway approaches and departure paths, a course of actions that is not only potentially unsafe, but also a clear invitation to future problems between two incompatible land uses. This is being proposed under the umbrella cry of "Home

Rule". Those advocates of total home rule ignore the fact that airports are not just a resource of the host community, but also serve citizens of the surrounding region. They must be managed and protected as a regional resource, and local municipalities do not have the knowledge, experience or the incentive to accomplish this. In the case of public use airports, the greater need of the citizens of the region transcends the home rule rights of the municipality.

Closing airports is like closing the freeways. Where would we be without the roads? How could there be interstate and intrastate commerce without a highway system? What would happen to the quality of our lives without the state's roadways? Airports are the same thing as roads to pilots and the citizens that rely on general aviation. In order to conduct our business and enhance the quality of our lives, General Aviation operators need facilities provided by privately owned public use airports.

Aviation requires the continued availability of places to take off and land. Throughout the United States, the vast benefits of General Aviation are recognized and supported by our neighboring states' governments. Those benefits far outweigh the difficulties imposed on those people who have voluntarily chosen to live near an airport.

#### AVIATION AND THE DEPARTMENT OF TRANSPORTATION

Regulation of aviation and airports in the state comes under the jurisdiction of the Department of Transportation. The Airport Safety Act of 1983 specifically requires to Commissioner of the department to :

"develop and promote a program to ensure the safety and continued operation of aviation facilities in New Jersey."

Yet despite this mandate, the Department seems bent on just the opposite. Let me give you some examples of how the DOT and its Office of Aviation do not represent the best interests of the aviation community.

A. The Airport Safety Fund. The DOT has been taking money from the Airport Safety Fund, and instead of using them for the safety improvements as specified in the enabling legislation, has instead been spending the funds on administrative uses. This subject will be covered in more depth in a few minutes by Mr. Rucci.

B. Air Safety And Hazardous Zoning Regulations. The legislature enacted a good law in creating the Air Safety and Hazardous Zoning Act of 1983. However, using the authority granted under this Act, the Office of Aviation wrote regulations which have driven a wedge between public use airport operators and their host communities. Rules which the Office wrote zoned as "non-conforming" pre-existing residences located near airports. These

regulations imposed an unfair burden on affected property owners, many of whom had lived peacefully with their airport neighbors. In recognition of the unfairness of these regulations, many New Jersey communities ignored all the rules of the Air Safety and Hazardous Zoning Act. Some of these regulations prohibited residences and schools at the end of airport runways, and were common sense rules enacted in the interest of aviation safety. Subsequently, some municipalities permitted new construction which did threaten the safety of pilots and homeowners.

The Office of Aviation did nothing to enforce its own rules, a move that made a bad situation worse. In fact in October of 1988, the Office of Aviation notified communities by letter that they did not have to comply with these regulations implemented under this law. I am curious as to where the DOT thinks they get the authority to decide what laws they must obey and which ones they can ignore. I always thought this was the province of the legislature and not of the executive branch of government!

The polarization of interests that was caused by the DOT's rules could have been avoided in the first place if the Office had issued appropriate rules which respected the rights of municipalities, property owners and airport owners, operators, and users.

In July of last year, the Office of Aviation finally admitted to the problems generated by the old rules and started the rule making process to address these issues. This activity resulted in a notice of pre-proposal in July, followed in November by a notice of proposed rule making with a comment period which ended on January 4<sup>th</sup> of this year. New rules were scheduled to issue in February. At this writing, and after months of missed promises, the Office of Aviation has still not released the rules which are intended to rectify the situation. In the meantime, citizens of some affected communities have pressured their representatives to introduce legislation which would zone airports as non-conforming uses.

The pre-proposal for new rules also included a provision which would require notification to prospective buyers of property that there was an airport nearby. This type of notification is needed due to the practices of some real estate salesmen who sell property near airports and tell the prospective purchasers that the airport is soon to be closed. This type of prior notification is already required in New Jersey for conditions such as flood plains, and has been successfully implemented in other states for home sales in the vicinity of airports.

Every public comment submitted on the proposed rules which addressed this point of prior notification, supported inclusion of this provision. These letters are on file at the Department of Transportation. Despite that unanimous support for adjacent property notification, the Office of Aviation deleted this provision from the proposed rules, without even acknowledging the comments received, or even acknowledging the fact that the rule

was deleted. My understand of the Administrative Practices Act requires that an agency must specifically consider, in writing, comments from the public. But here again is the DOT ignoring the rules that they are supposed to play by.

As of today, the DOT has still not released the final revised rules, rules which might end much of this acrimony.

C. Duties of The Office Of Aviation. The Acting Director of the Office of Aviation, Mr. Paul Baker, has personally told MAAC officers, and has elsewhere publicly stated that the job of his Office is not to be an advocate for aviation. If this is not his job, who's job is it?

D. Aviation and the State Master Plan. We also note that there is no viable aviation component in the proposed State Master Plan. The Commissioner of the Department of Transportation was on the Board which wrote the new proposed State Master Plan. Presumably, she requested some input from her own Office of Aviation. That proposed plan assigns to the counties and municipalities the responsibility for developing the aviation component of their individual master plans. This fragments the authority for what we believe is a state wide resource. Further, municipalities have neither the expertise nor the interest to plan for aviation resources which have an impact on regions far beyond their borders.

E. Saving The States Airports. The Air Safety Act of 1983 requires the Commissioner to develop a plan to ensure the continued operation of the states airports. This law has been in force for some six years, but the DOT has done no work to implement this provision. When we asked Commissioner Crawford about this point, he referred to the DOT's New Jersey State Airport System Plan as the document that satisfied this requirement. The Coalition rejects this contention as a pure fabrication! Not only did the System Plan document exist prior to the Act calling for an airport preservation program, but the Act specifically acknowledged the existence of the the System Plan, and still called for the DOT to develop a new program.

The System Plan is a document that is required in order to qualify for Federal funding for aviation in New Jersey. Not only does it not provide a plan to save the state's airports, it contains downright incorrect information (e.g. it claims that the total number of G.A. instrument landings at Newark International Airport was zero for the entire year of 1987!).

F. The Burlington County Airport Affair. The most blatant example of the DOT's refusal to support aviation was in the case of Burlington County Airport (now known as South Jersey Airport). In 1987, the Pennsylvania company that held the mortgage on the airport had gone bankrupt, and the State of Pennsylvania had become the holder of the mortgage on the airport. Subsequently, the owner of the airport defaulted on this mortgage, and the State of Pennsylvania decided to force the sale of the airport to

the highest bidder - a move that would have resulted in conversion of one of South Jersey's important general aviation airports into a non-aviation use.

The DOT's Office of Aviation requested the aid of the Commissioner's office in determining how the State of New Jersey could insure that the State of Pennsylvania did not force the closing of one of our important airports. The Commissioner's office refused to allow the Department to take any action in this matter! Despite the legislative mandate contained in the Airport Safety Act, the DOT not only has never developed a plan to insure the continued operation of the state's airports, but was actually willing to sit idly by and allow another state to close one of our airports.

Through no help from the DOT, the airport was finally saved when a private investors group managed to buy the mortgage note from the State of Pennsylvania.

If the DOT's Office of Aviation will not promote aviation, if it is not allowed to insure airports survival, if it mis-allocates funds collected to improve aviation safety, and if its policies incur the wrath of the airport neighbors, why does this Office exist? MAAC believes that it is the role of the Office of Aviation to actively develop and support New Jersey's state aviation transportation system.

Privately owned public use airports exist only because their owners want them too. There is less and less reason for an owner to want to keep his airport business. Unless real and substantive steps are taken to preserve the rights of those owners to earn their livelihood from aviation, there will be no privately owned public use airports in the state. That tragedy would be measured in a real economic loss to the state and a loss of the efficiency and personal freedom that flight permits. If New Jersey loses general aviation, it loses an ability to attract and retain major corporate business. The hundreds of millions of dollars of direct and indirect contribution to the state's economy and the thousands of aviation related jobs in this state are at risk.

#### HOW CAN THE MEMBERS OF THIS COMMITTEE HELP US?

The time to create study commissions is past - what we need now is action and active support for what remains of our state's once proud aviation system. What we need includes:

1. Enactment of legislation that would mandate conforming use status of the state's remaining public use airports. The airports we have now are all we probably ever will have.



There is a crying need for legislation which would protect the continued existence of public use airports.

2. Vote a resounding NO on S-2757. Passage of this bill would be an absolute disaster for the states' remaining public use, general aviation airports.

3. Initiate legislation which would provide property tax relief to airport owners for the non-revenue producing portions of their land such as runways, taxiways, and ramps. This is common practice for land dedicated for uses that are in the public interest, and property tax relief is granted to owners of agricultural land. A lower tax rate is even given to the fairways of private golf courses, and these are not public use facilities the way our airports are. If the state had to take over these facilities in order to keep them as part of the transportation system, there would be no tax revenue, only a far larger expense. A reduced tax rate for non-revenue producing public use airport land is just good business for the state and its citizens.

4. Develop legislation which would require notification to prospective home buyers that an airport was located nearby, along with a provision to enforce it with the state's realtors.

5. Vote NO on S-201. This bill is aimed at the one remaining skydiving operation in New Jersey, again under the crusading banner of "Home Rule". This business brings in a considerable amount of revenue into the local Hunterdon economy from people who live outside the state, money that not only goes to the skydiving operation, but to motels and restaurants in the surrounding area. Once again, this is a case of an aviation business having an economic impact on its surrounding region and not just on the municipality it is located in.

Of special note in the case of this bill is the fact that the State of New Jersey thought that this commercial business, Skydive East of Pittstown, was so special to the state, that Skydive East was showcased on the "NJ & You - Perfect Together" television ad campaign. I find Senate Bill S-201, a bill that would lead to the banning of the last sport parachute operation in the state to be in direct contradiction with the State's public statements on television that Skydive East and New Jersey are indeed "Perfect Together"!

6. Vote YES on S-3240 which would provide for the purchase of Linden airport by the State of New Jersey, and save this important part of the transportation system from being destroyed for the sake of municipal greed. Other states own and operate airports. Why not New Jersey? Linden airport is threatened with closure by municipal officials who see it as a way to bring a fast buck into the municipal treasury, and



who do not understand its critical importance to general aviation and the surrounding region's economy. The mayor of Linden's own study shows that more than 75% of the air traffic into Linden is business related, contrary to what this gentleman has told the press. Linden is a designated reliever airport for Newark International, and if Linden closes, where does its traffic go?

7. Vote NO on A-2339. This bill would divert money from the Airport Safety Fund for use in vocational education programs. When this Fund was created by the Airport Safety Act in 1983, the aviation community agreed to a tax on aviation fuel with the money generated by the tax to be dedicated by law for safety related capital improvements at the states airports. There is little enough money in the fund as it is. In fiscal 1989 there were grant applications totaling \$4 Million for use of the fund, yet there is not that much money in the fund. If the fund does not have the money to satisfy all requests for its intended purpose, it certainly does not have the money to support vocational education. Education funds should be found within the educational budget, not by raiding the Airport Safety Fund. Passage of this bill would set an unfortunate precedent for future abuses of the Fund, and this Coalition is strongly against it.

8. Develop legislation which would require the Commissioner of the Department of Transportation to push for provisions for general aviation airports in the state's proposed master plan. Place the responsibility for the administration of the state's aviation resources where the proper authority lies. Counties and municipalities are not the proper bodies to plan for airports, the state's DOT is where that responsibility should lie.

9. As individuals with influence, you can encourage the Commissioner of the Department of Transportation to appoint a Director of the Office of Aviation who will take his job seriously and protect the state's remaining privately owned public use airports.

What we want from these hearings is your understanding that airports belong as an integral component of New Jersey's transportation matrix. We need your support of legislation that would protect the airports, and support to prevent ill-advised bills from further damaging what is left of the airport system. We want a commitment to General Aviation by the Department of Transportation. We want the Office of Aviation to do its job as specified by previously enacted legislation - legislation they have been ignoring! And we want a permanent Director of the Office of Aviation who will be the number one advocate for the interests of general aviation both within and without the state government.

Thank you.



TESTIMONY OF NICHOLAS RUCCI

VICE-PRESIDENT

THE MID-ATLANTIC AVIATION COALITION

NEW JERSEY SENATE TRANSPORTATION AND COMMUNICATIONS COMMITTEE

APRIL 4, 1989

27X

Senator, thank you for this opportunity to express my specific concerns with the handling of the Airport Safety Fund and my recommendations for dealing with this issue.

I am Nicholas J. Rucci, Vice-President and a member of the Board of Directors of The Mid-Atlantic Aviation Coalition.

#### BACKGROUND

The Mid-Atlantic Aviation Coalition (MAAC), a not-for-profit coalition of general aviation-oriented businesses, privately-owned public use airport owners and operators, pilots and flying clubs represents a rapidly growing membership which presently includes over 2,100 New Jersey residents.

The Coalition was formed to promote aviation and aviation safety, to represent the interests of its membership in aviation matters to local, state and federal officials and serve as communications medium between regulatory agencies and our membership.

General aviation in New Jersey includes nearly 50 airports, 15,000 pilots and approximately 5,000 aircraft and is an important component of our State's transportation system. Encompassing all non-airline or non-military activities, general aviation includes commuter services, air taxis, corporate airplane and helicopter fleets, air freight operations, flight schools as well as recreational flying. General aviation is an important element in the State's transportation system, provides thousands of statewide jobs and has a direct economic impact of billions of dollars on the New Jersey economy.

#### GENESIS OF THE FUND

The New Jersey Airport Safety Act of 1983, P.L.1983, c.264 (Act) was enacted to:

- \* Provide for the financing of a program to ensure the safety of general aviation airports in New Jersey. A tax of \$.02 per gallon of fuel sold at general aviation airports was created as the primary revenue source;
- \* Enable publicly owned airports to obtain federal funds for airport development; and
- \* Revise parts of statutory law.

In its initial sections, the 1983 Act stated that general aviation transportation facilities were deteriorating and must be improved as to safety to realize their full public benefit.

The Act recites many responsibilities of the Commissioner, as

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head of the Department of Transportation, including the duty to develop and promote a program to ensure the safety and continued operation of the State's aviation facilities.

The Commissioner is authorized in the Act to provide assistance to general aviation airports from the Airport Safety Fund by:

- \* Providing grants (up to 50% of the required local match-100% in emergency situations) to publicly and privately owned unrestricted public use airports to obtain federal funds for airport assistance;
- \* To provide grants and loans to publicly owned and private unrestricted public use airports for safety projects, including engineering, planning, construction and rehabilitation of lighting, runways, aprons, airport approach aids and obstruction removal; and
- \* Other grants and loans to acquire airports or lands, easements or rights in property necessary for airport or air safety purposes.

USES OF THE AIRPORT SAFETY FUND

According to a report (A) dated October 18, 1988 prepared by the Department of Transportation for the five fiscal years 84-88, over \$5 million was credited to the Fund and funds used exceeded \$2.4 million.

In 1983 when the Department of Transportation officials appealed to the aviation community to support the new tax on aviation fuel, assurances were given that the revenue collected would be solely for airport safety-related capital improvements. Guidance for fund usage was expressed in the enabling legislation.

No funds were used (my terminology: "expended") in fiscal 1984. \$320,175 was expended in fiscal year 1985.

\$371,513 was expended per the report in fiscal year 1986.

\$638,889 were the reported fiscal year 1987 expenditures including:

\$ 6,500\* - airport development/safety seminar.

\$1,111,286 was expended in fiscal year 1988 including:

\$ 576\* - Radiofone services

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\$ 3,066\* - Aircraft rental

\$ 18,208\* - Computer rental (\* items = \$36,000)

\$122,382 - Office of Aviation operating expenses  
described as NASAO (National Association of  
State Aviation Officials) membership fees,  
copy machine charges and miscellaneous  
travel and administrative expenses.

\$144,232 Total - 1988

(A) Airport Safety Fund Statement of Source and Application of  
Funds Account No. 6070-100-050040-50 & 6070-474-050040  
As Of 6/30/88. The balance in the Fund as at 6/30/88 was  
reported as \$2,635,093 before a revenue adjustment of + \$196,674.

Although no interim data on fiscal year 1989 is available,  
reportedly \$305,000 of the operating expenses of the Office of  
Aviation, perhaps including salaries, will be charged against the  
Airport Safety Fund. This \$305,000 represents more than 25% of  
an estimated \$1.2 million in total fiscal 1989 expenditures.

It appears that over \$427,000 (\$122,382 + \$305,000) of Department  
operating expenses have been charged against the Fund in fiscal  
years 1988 and 1989.

Other questionable expenses cited above are approximately \$36,000  
and the total questionable uses of all types through end of  
fiscal 1989 could easily approach the half million dollar mark.

More disturbing than the aggregate of \$500,000 is the  
accelerating trend of such charges in the past two fiscal years.

In a recent meeting with Department of Transportation Assistant  
Commissioner Crawford, Mr Crawford stated that the questionable  
items were appropriate charges to the Fund. With respect to the  
amounts charged to the Fund representing Office of Aviation  
operating expenses, Mr. Crawford stated that recent budget  
legislation authorized such uses of the Fund.

In my search for the budget authorization cited by Mr. Crawford,  
I recently appeared before the Joint Senate and Assembly  
Appropriations Committee to ascertain how the budget process  
resulted in these substantial charges to the Airport Safety Fund.  
No one present during my brief discussion provided the answer and  
my quest for appropriate documentation continues.

The monies from the fuel tax and other aviation fees - borne by

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those who use public use airports - were dedicated to safety improvements. Those who drafted the original bill characterized those expenditures as capital in nature and the members of the Senate and the Assembly voted overwhelmingly to enact the legislation.

The Mid-Atlantic Aviation Coalition wants the Department of Transportation to follow through with their promises to the aviation community and comply with the intent and the letter of the Airport Safety Act.

RECOMMENDATIONS

The Mid-Atlantic Aviation Coalition recognizes the opportunity that membership on the Transportation and Appropriations Committees brings to your office. We respectfully request that you, Senator Rand, ascertain how the budget process resulted in the policy decision to charge Office of Aviation operating expenses to the Airport Safety Fund. More importantly, the aviation community calls on you to reason with your colleagues and convince them that continuation of such a policy is counterproductive to the funding of necessary safety projects.

Further, the Coalition urges you to request that the Office of the State Auditor review the activity of the Airport Safety Fund for compliance with Legislature's original intent and the resulting law and regulations. If the State Auditor's inquiries result in findings of non-compliance, we request that any inappropriate expenditures be rectified by credits to the Fund. With respect to non-financial matters, MAAC urges you to work with the Administration to create the PROACTIVE ADVOCACY within State government that is necessary for aviation to continue its direct contribution to the State's economic growth.

An ADVOCACY that does NOT ALLOW a land use master plan to go forward without the consideration of aviation's role - especially the role of privately-owned public use airports - and aviation's responsibilities.

An ADVOCACY that promulgates TIMELY and APPROPRIATE land use rules which level the playing field as legitimate, but often conflicting, points of view focus on airport safety issues.

An ADVOCACY which has the courage of its convictions and vigorously ENFORCES its safety rules once adopted.

An ADVOCACY which attracts the best QUALIFIED people, with strong aviation and managerial talents to key aviation responsibilities.

On behalf of the Mid-Atlantic Aviation Coalition's board of directors and its more than 2,100 members, I look forward to working with you on matters affecting aviation safety and the continued contribution of aviation to the economy of the State.

APRIL 4, 1989

TESTIMONY.....by: PHILIP ENGLE

(GREETING) -

Thank you, for the opportunity of coming before you this morning and speaking about one of my favorite topics - Airports and Aviation. To truly understand the plight facing Airports in the State of New Jersey, the first thing that I would like to talk about is aviation in general.

When Wilbur and Orville first brought man into the Air Age in 1903, little did they realize that they were founding an industry. An industry that would literally shrink the globe as we know it, and would ultimately found hundreds of new businesses, employ thousands of people and touch the lives of practically everyone on the face of the earth. That industry is Aviation.

Aviation is a very broad term. However, to us in the industry, it is looked on as three distinct parts, Commercial Aviation, Military Aviation, and General Aviation.

Commercial and Military Aviation are well known and do not require a long explanation. Commercial Aviation is the regularly scheduled airlines and cargo carriers we see everyday at Newark



International and the other 402 airports designated as Commercial Service Airports in this country. Military Aviation is self explanatory, it is those aircraft operated by our armed forces.

The third and by far the largest segment of Aviation is General Aviation and it comprises all other aspects of the Aviation industry. It is the "Lear Jet" which arrives at Teterboro with a human heart taken from a donor in Pittsburgh, one hour ago, rushing to save a person on the operating table in New York City. It is the businessman who leaves Princeton Airport at 8:00 a.m. to visit a client at a 10:00 a.m. meeting in Binghamton, New York and who can return for a 1:00 p.m. meeting in Trenton. It is the student pilot at Old Man's Airport in Pedrickstown, N.J. learning how to fly, it is the air taxi operator from Essex County Airport who every night carries cancelled checks for the Federal Reserve to Hartford, Connecticut. It is the crop duster protecting a farmers produce quickly and thoroughly. It is the private owner with his airplane at Somerset who visits a daughter in college in Washington, D.C. on the weekend. General

Aviation is all these and more, fish spotting, pipeline and railway patrol, traffic reporting, the list goes on.

For too many years General Aviation has been looked upon as either barnstormers or a toy for the very rich. However, in today's day and age general aviation is truly nothing more than a business tool taking people from one place to another, faster and at their own schedule. More times than not to airports that are not served by the major air carriers and there are 5,723 public use airports in the U.S.

Using simple mathematics that averages out to 114 airports per state. New Jersey has 53 public use airports and that number is declining at the rate of three airports per year. [In New Jersey, there are three air carrier airports Newark, Trenton, and Atlantic City, the remaining 50 airports serve strictly General Aviation.]

One unpleasant fact is that once an airport is lost it is like the dinosaur and the DoDo Bird, gone forever. The businessman that went to Flanders, NJ because he could build his plant

near and service his clients out of Flanders Airport, must now relocate his facility because the airport has become a housing development or use ground transportation to another less convenient airport, thus losing the time advantage gained by having his own airplane. Often, it is the case that the business can move across the border to Pennsylvania, near an airport and retain the flexibility that is desired, in such an instance the community and New Jersey have both lost a valuable economic asset.

Why can't the remaining airports pick up the void. First of all, many areas outside of New Jersey such as Newburgh, N.Y. are making very attractive economic packages for these businesses. Secondly, most of New Jersey's Airports do not have the land available for development or if they have the land, they may not develop it because municipalities are sensitive to the "problems of aircraft noise" and any development is looked upon as the "next jet port". Or, the airports are faced with a situation more prevalent today, than ever before. When the airports were first built it was decided they should be built on "the swamp outside of town." Today, residential housing encroached upon the

airports that were once out of town and the swamps have become valuable wetlands which can not be developed. Hence, we find that the aircraft operators are being compressed into fewer and fewer airports or New Jersey is losing valuable economic assets.

In the 1960's the Federal Aviation Administration created a new designation for some airports. That designation was a "reliever airport." An airport was designated a reliever if it relieved an air carrier, commercial service airport of its general aviation traffic, thus making more room at the commercial airport for the air carriers. One need only look at Newark International and Teterboro to see how well that system can work if there is cooperation between all the parties. Teterboro has truly become a business airport. However, by having the system work well, Teterboro is also in need of relief, this is provided by airports such as Essex County, Lincoln Park and Greenwood Lake. These airports have become the focal point for small business development in their respective communities. The system works, if it is allowed to work.

If part of the system breaks down and the smaller airports are lost, those aircraft then return to Teterboro, and the aircraft using Teterboro return to Newark causing delays and capacity problems which could be disastrous in terms of the economy and any growth in New Jersey.

Why are we losing Airports in New Jersey and how can the current trend be stabilized if not reversed?

First and foremost, Aviation must be afforded the same rights and respect as any other transportation system in the state. It is as much of a system as the highways and railways and should be treated as such.

Second, there must be communication and understanding between the Airports and their neighbors in the communities to allow for orderly, and planned development. One of the proudest accomplishments that I can relate is the formation of the Teterboro Aircraft Noise Abatement Advisory Committee. With the largest population of corporate jets in the State of New Jersey, Teterboro has, notice I did not say had, has a noise problem.

Working with the elected Federal, State and local officials, the airport owner, the airport operator, the aircraft operators and the Federal Aviation Administration, strides are being taken to, as much as possible, address and mitigate the problems associated with aircraft noise. The problem will never completely go away for those individuals in close proximity to the airport, but the problem is being addressed on a daily basis. This committee has also opened up lines of communication which never existed previously and, in turn, each party's positions are better understood.

Thirdly, in treating air transportation as a system the State must accept some of the responsibilities for the planning and development of airports. As with any system, it goes beyond the borders of individual municipalities and local governments. The decisions that are made regarding one airport have statewide and national repercussions.

Fourth, residential encroachment and the zoning that permits residential housing areas under landing and takeoff patterns must be stopped and there must be compatible land use planning around airports. Airports should be recognized as a permitted land use

and residential property transfers should recognize the existence of an Airport in the community.

Fifth, many of the State's public use Airports are privately owned. These individual property owners pay taxes, normally at a commercial rate for every square foot of land on the airport. Recognition should be given to those non-revenue producing properties which must be maintained for the safety of aircraft in the air and on the ground.

There are many other steps which could be taken in addition to those cited previously, however, those which I have stated are the main areas to be addressed if the State of New Jersey is to retain one of its most valuable natural resources, its airports.

For those of you who doubt the economic importance of Airports, I will return to Teterboro Airport in Bergen County. In 1988, Teterboro Airport had 170,000 aircraft operations, there were 368 aircraft based on the airport. The airport is home to 68 aviation related companies, with over 1,900 employees, and an estimated annual payroll in excess of \$60 million. These

figures do not include the local hotels and restaurants, and other businesses which depend on the airport, for their existence. As I stated, these numbers are for Teterboro alone when taken in perspective of the State, with all the people employed at Newark Airport and other airports from Sussex County to Cape May County, it should be easy to see that Airports are a valuable economic resource. They are also the hub for future economic growth in New Jersey, so long as they continue to exist and are permitted to develop.





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# AIRCRAFT OWNERS & PILOTS ASSOCIATION

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Statement of

THOMAS B. CHAPMAN

Vice President and Legislative Counsel

Office of Legislative Affairs

Aircraft Owners and Pilots Association

Before the

New Jersey State Senate

Committee on Transportation and Communications

Honorable Walter Rand, Chairman

April 4, 1989

Concerning

The Problems Facing General Aviation in New Jersey

43X

I am Vice-President and Legislative Counsel for the Aircraft Owners and Pilots Association. AOPA is a not-for-profit membership association consisting of 285,000 members nationwide. Nearly 8,000 AOPA members are residents of the State of New Jersey.

We represent the interests of general aviation aircraft owners and pilots. General aviation is commonly described as consisting of everything other than the scheduled air carriers and the military. General aviation is a true cross-section of the aviation community.

To give you an idea of the magnitude of the general aviation community, consider that general aviation pilots operate ninety-eight percent of all registered aircraft in the United States. There are 15,000 licensed pilots in New Jersey and approximately 5,000 registered aircraft. The economic impact of general aviation in the State is enormous.

We appreciate having the opportunity to appear before you today to discuss some of the serious issues facing general aviation in New Jersey. But before I do, I would first like to commend you, Chairman Rand, and your colleagues on the Senate Transportation and Communications Committee for convening this hearing. It's no secret that general aviation continues to face it's share of problems in New Jersey, and it's good to know that policymakers in such important positions are willing to take the lead in trying to solve these problems.

AOPA has been concerned for quite some time about the anti-aviation climate that seems to be pervasive in New Jersey. Therefore, your interest, Senator Rand, and that of your colleagues is most refreshing.

Mr. Chairman, the topic of today's hearing is as broad as the number of problems facing aviation in New Jersey. It is a near impossible task to discuss every issue in detail, but I am confident that given the amount of representation we have here today, you will get a pretty good view of what's going on. I have identified some of the priority concerns of AOPA and would like to discuss each of them briefly.

The New Jersey Air Transportation System is truly in a crisis. At least seven airports have closed in the last two years. This leaves only 38 privately owned, public-use airports. These airports, many of which are in jeopardy themselves, primarily serve general aviation. Because of the needs and the size of the general aviation community in your State, the loss of airports in a state like New Jersey spells big trouble. While the reasons for closure vary, one common reason is development encroaching too close to airports. That brings me to our first and perhaps our most important priority in your State--airport zoning.

AOPA is very supportive of the Airport Hazardous Zoning Act of 1983, and we oppose any efforts to weaken it. We are aggressive advocates of state laws which limit the establishment of obstructions to the navigable airspace and which control the

conduct of incompatible activities in the vicinity of airports. State laws regulating the establishment of tall structures and ensuring compatible land use are vital to ensure adequate safety--and also to protect the public interest and investment in our nation's airports.

AOPA testified last December at a hearing before the New Jersey Department of Transportation regarding the Department's proposed regulatory changes under the Hazardous Zoning Act. A copy of our testimony has been provided to your staff today, and you will see that the issue is very thoroughly discussed in our December testimony.

At that time, we acknowledged that many of the concerns raised by the municipalities and property owners affected by the Act merit consideration. We want to be good neighbors and are confident that a workable solution can be achieved. But diluting the effectiveness of New Jersey's innovative airport zoning Law is certainly not the answer.

Next, AOPA is concerned about the direction efforts to address aircraft noise seem to be heading in New Jersey. We clearly recognize that noise is a serious and legitimate concern, and it should be effectively addressed. However, general aviation has been the unwitting victim of actions by the FAA that we didn't have anything to do with. What I am referring to is the Expanded East Coast Plan, which the FAA implemented with all the finesse of a bull in a china shop. As you know, this has caused enormous concern among affected communities in the State.

Noise is mostly an airline and big airport issue. General aviation aircraft generate little noise, yet we have suffered from the fallout. Despite the fact that we are not a significant cause of increased noise, the misunderstanding and frustration caused by the Expanded East Coast Plan have further contributed to the negative view of general aviation in New Jersey.

Last August, we testified in the Assembly before Mrs. Ogden's Committee. We are providing a copy of that testimony to you, as well. We encourage you and your staff to review our previous testimony to learn more about our views on the noise issue. The problem of aircraft noise is not limited to the aviation community, and AOPA believes the solution lies in a coordinated and cooperative effort involving federal and state government, the industry, and the communities affected.

There are a few other issues I would like to touch on today. First, AOPA is opposed to local efforts to close Linden Airport, and we commend your colleague, Senator Bassano, for his efforts here in the legislature on behalf of Linden Airport. We understand that Senator Bassano has proposed that the State consider purchasing the airport. We have worked long and hard on this issue and we would appreciate your help to ensure the continued viability of Linden. It is an important transportation resource.

Also, we are troubled by recent reports of misallocation of dedicated monies in the Airport Safety Fund. We urge the Committee to take whatever steps are necessary to ensure that

these monies are used for their intended purpose. AOPA supported the establishment of the fund, and we have an obligation to see that the state fuel tax dollars contributed by our members are properly spent.

Finally, we are concerned by legislative attempts to severely restrict several specialized segments of the general aviation community. Specifically, proposed legislation to impose penalties of up to \$1,500 on pilots of hot air balloons who land on agricultural property is unfair and unwise. Also, legislation to place unreasonable limitations on the locations which could be licensed as heliports is unjustified. And we are troubled by efforts to ban sport parachuting in New Jersey.

Each of these measures is draconian and further perpetuates the anti-aviation attitude I mentioned earlier.

Now that the easy part is over, complaining about problems, I'd like to turn the focus to ways of addressing some of these issues. We at AOPA don't have a magic wand, and we all know problems are easier to come by than solutions. However, we think some things can be done to improve the current situation.

First, the Air Safety and Hazardous Zoning Act should be firmly and fairly enforced. As we have indicated here today and in previous testimony, several reasonable modifications can and should be made to address the legitimate concerns of municipalities and property owners. But the essential intent of the Act must be preserved.

Second, the New Jersey Office of Aviation -- recently downgraded from Division status, by the way -- should take a more active and prominent role in fostering general aviation in New Jersey. The Office of Aviation should be provided with the resources necessary to perform this function and to provide technical guidance and support to communities served by airports in the State.

Third, we endorse the homeowner notification requirement proposed by the New Jersey Association of Airport Owners and Operators. That is, that property buyers within a three mile radius of a public-use airport be specifically advised of the existence of the airport to better assure an informed decision about whether to purchase.

Fourth, the New Jersey Association of Airport Owners and Operators has also proposed that the State provide tax relief for the non-revenue producing portions of privately owned, public-use airports. We wholeheartedly endorse this proposal. In fact, tax relief for airports is a nationwide legislative priority for AOPA. Approximately fifteen states provide some form of tax relief to airports as a means of reducing the severe financial pressures on these vital privately owned transportation facilities -- which comprise roughly 40% of the airports available for public-use nationwide.

Finally, today's hearing sets a wise precedent. There is a need for more forums such as this where an open exchange can take place between people who can really influence aviation

policy and those who work in the industry every day. We hope this hearing is the first of more to come.

There are certainly other possibilities, and perhaps the members of the Committee already have some ideas. No matter what steps are taken, however, it is clear that more is needed. Today's hearing should be the beginning, not the end.

In closing, Mr. Chairman, I would like to thank you again for allowing AOPA to express our views. We appreciate your holding this important and very timely hearing. I will be happy to answer any questions.





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# AIRCRAFT OWNERS & PILOTS ASSOCIATION

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TESTIMONY BY THOMAS B. CHAPMAN  
VICE PRESIDENT AND LEGISLATIVE COUNSEL  
OFFICE OF LEGISLATIVE AFFAIRS  
AIRCRAFT OWNERS AND PILOTS ASSOCIATION  
BEFORE THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

DECEMBER 22, 1988

Good morning:

I am Vice President and Legislative Counsel for the Aircraft Owners and Pilots Association. AOPA is a not-for-profit membership association consisting of 275,000 members nationwide. Nearly 8,000 AOPA members are residents of the State of New Jersey.

We represent the interests of general aviation aircraft owners and pilots. General aviation is a true cross-section of the aviation community, operating ninety-eight percent of all registered civil aircraft in the United States.

I appreciate having the chance to appear before you today and express AOPA's views on the proposed amendments to the administrative rules under the "Air Safety and Hazardous Zoning Act of 1983." This is a matter of great importance to AOPA and its members.

But before launching into our specific comments, I would like to emphasize AOPA's deep commitment to working with all the parties involved in this issue and our hope that a fair consensus can be reached. Our members are homeowners, too, and they can appreciate both sides of the issue. The bottom line is: let's all work together to see that everyone is treated fairly and equitably in the process. Now for our comments.

AOPA is an aggressive advocate of state laws which limit the establishment of obstructions to the navigable airspace and which control the conduct of incompatible activities in the vicinity of airports. State laws regulating the establishment of tall structures and ensuring compatible land use are vital to ensure adequate safety-- and also to protect the public interest and investment in our nation's airports.

We are keenly aware of the controversy generated by the application of New Jersey's Air Safety and Hazardous Zoning Act of 1983. While we think that the law is a good one, we also believe that many of the concerns raised by municipalities and property owners affected by the Act merit consideration. It is essential that ways to address those concerns be explored. Obviously, that is one of the reasons amendments have been proposed to the administrative rules which implement the Act.

After reviewing the regulatory changes proposed by the Department of Transportation, there are four key elements on which our comments will focus. First, limitation of structures within the clear zone. Second, allowance of low density residential zoning for affected areas adjacent to the airport-- other than within the clear zone. Third, permitting municipalities to zone preexisting residential structures as a conforming land use. And, fourth, public disclosure of properties within airport zones.

First, limitation of structures within the clear zone. Ideally, the best means of assuring safety and protecting the public interest and investment in an airport is to isolate the airport within an essentially undeveloped buffer zone. We recognize, however, that this is not always practical or possible in a thriving community.

Therefore, we wholeheartedly endorse the proposal to limit all structure development within the so-called "runway clear zone." By maintaining an adequate clear zone, the likelihood is significantly increased that an aircraft which has encountered difficulty during the critical takeoff or landing phase of flight can be landed without damage or injury.

Second, low density residential zoning. The proposed rule would permit single family residential dwellings on large lot parcels in all areas within the zoned "Airport Hazard Area"-- other than within the clear zone, of course. The minimum lot size suggested in the proposal is no less than three acres.

It will come as no surprise that we would prefer that residential zoning be strictly limited or even prohibited within the vicinity of an airport. Residential development is usually an invitation for trouble, both for the airport and for the local residents. Residential zoning should certainly be discouraged. To the extent that it is to be permitted, however, only very low density development should be allowed. And certainly, no residential development should be permitted in the clear zone.

Third, conforming use. We believe it is reasonable to zone preexisting residential dwellings as "conforming uses" within zoned "Airport Hazard Areas." We understand that this change would apply only to residences which are outside the clear zone. Those within the clear zone would continue to be categorized as "nonconforming."

One of the most serious concerns raised by municipalities and homeowners is the impact which has apparently resulted from zoning existing residences as "nonconforming." It is easy to see how this approach would result in a real or perceived loss of property value to the affected owners.

New residential development near airports should certainly be discouraged. But we can see little harm in zoning other existing homes adjacent to an airport as conforming uses.

Fourth, public disclosure of properties within airport zones. We were disappointed to see that this part of the pre-proposal was not incorporated into the proposed final rule. AOPA supports notifying potential property buyers of the proximity of an active public use airport before a purchase is made. While this is clearly not a complete solution to the problems which are often encountered by airports, it is nevertheless a step in the right direction.

Prior notification should at least enable a property buyer to make an informed decision. It may also help airports avoid some of the frustrating deterioration in community relations which can follow the gradual encroachment of residential development on the area adjacent to an airport. Of course, that is one of the fundamental concepts underlying the passage of the 1983 Act in the first place. We encourage you to incorporate this provision into the final rule.

As a final matter, AOPA feels that there are some basic refinements which could be made to address the controversy without diluting the essential and important purpose of the Act. For example, common sense dictates that the term "Airport Hazard Area" should be abandoned. We would also support changing the name of the Act by eliminating the word "Hazardous" within the title of the Air Safety and Hazardous Zoning Act of 1983. Other similar refinements can probably be identified.

Sometimes we in the aviation community are our own worst enemy. We work so hard to convince our neighbors that airports are not a threat to safety, and that they are in fact a valuable asset to the economic well-being of our towns and cities. Then we help perpetuate the misconception that aviation is a dangerous activity by permitting the area in the vicinity of an airport to be labeled an "Airport Hazard Zone." No wonder homeowners fear that their property values will suffer.

Let's help ourselves by shifting the focus towards what we really care about, which is land use compatibility. Let's send the correct message. We want to be good neighbors.

In closing, I would like to go back to what I said at the beginning of my statement. We all need to work together to come up with a solution that is fair to everyone involved. AOPA wants to be part of the solution. I hope these comments have been helpful and that you will feel free to call on us if we can be of further assistance.

-7-

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# AIRCRAFT OWNERS & PILOTS ASSOCIATION

421 Aviation Way, Frederick Airport, Frederick, MD 21701, Telephone (301) 695-2000/Telex 89-3445

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Statement of

THOMAS B. CHAPMAN

Acting Vice President

Office of State Affairs

Aircraft Owners and Pilots Association

Before the

NEW JERSEY STATE LEGISLATURE

ASSEMBLY COMMITTEE ON CONSERVATION,  
NATURAL RESOURCES AND ENERGY

HONORABLE MAUREEN B. OGDEN, CHAIRWOMAN

August 9, 1988

Regarding

ASSEMBLY BILL NO. 3203

A PROPOSAL TO ESTABLISH AN INDEPENDENT  
STATE AVIATION COMMISSION



Madam Chairwoman,

I am Acting Vice President of State Affairs for the Aircraft Owners and Pilots Association. AOPA is a not-for-profit membership association consisting of 273,000 members nationwide. Nearly 8,000 AOPA members are residents of the State of New Jersey.

We represent the interests of general aviation aircraft owners and pilots. General aviation is a true cross-section of the aviation community, operating ninety-eight percent of all registered civil aircraft in the United States.

I am here today before the Assembly Committee on Conservation, Natural Resources and Energy to express our views concerning Assembly Bill No. 3203. While we have some concerns about A-3203 itself, we agree with the underlying principal on which the bill is based--the need to confront the issue of aircraft noise. This is an issue in which we all have a common interest. It is only with respect to the means for addressing aircraft noise where we may differ.

As you know, A-3203 would establish an independent aviation commission in New Jersey. The commission would consist of thirteen members, including the heads of the Department of Environmental Protection, the Department of Transportation, the Department of Health, and the State Planning Commission--all as ex officio members.

The duties of the commission would include the establishment of a state airport development plan and the preparation of a noise contour map, along with statewide noise

standards. The commission would also be responsible for longterm efforts to monitor aircraft noise at airports in New Jersey and to review the effects of aircraft noise.

As we understand the proposal, the new state aviation commission would not be associated organizationally with the existing New Jersey Division of Aeronautics or to the New Jersey Department of Transportation. The new commission would be entirely independent of any other existing state agency.

Establishment of an independent aviation commission was one of the primary recommendations of the Assembly Airport Noise Abatement Study Committee, which issued its report last March. We were privileged to have an opportunity to review the report, and, of course, we know that you chaired the Study Committee, Madam Chairwoman.

Again, we do not agree with all of the Committee's recommendations. But we were impressed by the thoroughness and fairness which characterized both the final report and the hard work of the Study Committee. We were pleased, for example, to read in the Committee's report that it is opposed to current legislation intended to amend the Airport Hazardous Zoning Act of 1983 by permitting additional residential development within airport hazard zones. We, too, are opposing that ill-considered legislation.

It is also important to note that the Study Committee included a detailed discussion of federal preemption in its report. That is an essential consideration--with respect to noise abatement and any issue related to aviation. Federal

regulation of aviation is pervasive, and state efforts to address issues such as aircraft noise must be tailored carefully to fit within the frankly limited scope of permissible state action.

With respect to the proposal to create a new state aviation commission, our primary concern is basic. We wonder whether there is a need for a new aviation commission--or, more precisely, whether that need cannot be more adequately served by existing agencies, such as the Division of Aeronautics and the Department of Transportation. In our view, the independence of the proposed aviation commission will prove to be the greatest impediment to the commission's ability to actually impact the noise issue.

Aviation is a complex and technical subject. Without direct access to the expertise necessary to evaluate pertinent questions, the commission is likely to find itself frustrated by the lack of vital resources.

Our fear is that the frustration will result in attempts by the commission to impose limitations on the aviation community which are developed without adequate background and do not account for technical constraints on aircraft operations and airport facilities. Major issues of federal preemption may be triggered, of course. And, ultimately, we fear that limitations of this nature could backfire and compromise aviation safety.

And how will the commission implement proposals which, in fact, are worthy of consideration? The commission would be

independent, true. But it appears to us that it would also lack the kind of structure and authority which would permit the commission to put its ideas and proposals into practice.

Finally, inherent in the concept of a state aviation commission is an obvious invitation for duplication of effort and conflict with other agencies with overlapping jurisdiction--most notably, of course, the Division of Aeronautics. For example, one of the principal duties of the new commission would be to establish a state airport development plan. That is also a principal duty of the Division of Aeronautics.

The two plans are almost certain to differ in many respects, and assuming they do, how are they to be reconciled? Will the preparation of the two airport plans be coordinated? Will the focus be the same? Is one to be controlling over the other? How are differences to be resolved? Most important, why are two plans necessary in the first place?

We are not convinced that an aviation commission is necessary. But if the legislature should deem that it is, we recommend that the commission be assigned an advisory role to the existing Division of Aeronautics. Please understand, we are not suggesting that input from representatives of the general public and from environmental, health, and planning agencies in New Jersey would not be worthwhile. The problem of aircraft noise is not limited to the aviation community alone, and we believe the solution lies in a coordinated and cooperative effort.

Nevertheless, the New Jersey Division of Aeronautics already has the expertise and experience on the state level to deal effectively with aviation matters. We believe that any enhanced state effort to address the issue of aircraft noise should be focused through the Division of Aeronautics.

We appreciate the opportunity to testify on this matter, Madam Chairwoman. I hope our comments have been useful and that the Committee will feel free to ask any questions.

STATEMENT ON THE STATE DEPARTMENT  
OF TRANSPORTATION'S REGULATIONS ON THE  
"AIR SAFETY AND HAZARDOUS ZONING ACT OF 1983,"

PRESENTED BY WILLIAM G. DRESSEL, JR.

ASSISTANT EXECUTIVE DIRECTOR

THURSDAY, DECEMBER 22, 1988

10:00 A.M.

MULTIPURPOSE ROOM ENGINEERING AND OPERATIONS BUILDING

1035 PARKWAY AVE.

TRENTON, NJ.

THANK YOU FOR THE OPPORTUNITY TO PRESENT OUR CONCERNS ON THE PROPOSED  
AMENDMENTS TO THE "AIR SAFETY AND HAZARDOUS ZONING ACT FOR 1983"  
(N.J.S.A. 6:1-83 AND 6:1-84), WHICH APPEARED IN THE DECEMBER 5, 1988  
ISSUE OF THE NEW JERSEY REGISTER.

OVER THE PAST SEVERAL MONTHS, THE LEAGUE THROUGH ITS AIRPORT SAFETY  
COMMITTEE HAS MET WITH OFFICIALS FROM THE STATE DEPARTMENT OF  
TRANSPORTATION (DOT) AND VARIOUS LEGISLATORS OVER A NUMBER OF  
CONCERNS WE HAVE ON THE EXISTING REGULATIONS AND VARIOUS DRAFT  
PROPOSALS WHICH PRECEDED THE VERSION BEFORE YOU TODAY.

THE DEPARTMENT'S MOST RECENT REVISION (AS PUBLISHED IN THE DECEMBER 5, 1988 NEW JERSEY REGISTER) EMBODIES TWO MINOR CHANGES WHICH WE SUPPORT IN THAT SINGLE FAMILY RESIDENTIAL DWELLINGS ON THREE ACRE LOTS ARE INCLUDED AS A PERMITTED USE IN ALL ZONES EXCEPT THE CLEAR ZONE, AND PRE-EXISTING RESIDENTIAL STRUCTURES OUTSIDE THE CLEAR ZONE ARE PERMITTED TO BE ZONED AS CONFORMING.

OUR MAJOR AREA OF CONCERN TO MUNICIPALITIES ARE THE MANDATORY REZONING OF AIRPORTS AS CONFORMING USES, AND THE ABILITY OF THE COMMISSIONER OF TRANSPORTATION TO EXPAND AIRPORTS AT WILL. THESE ARE SIMPLY NOT ADDRESSED BY THE LATEST DEPARTMENT OF TRANSPORTATION PROPOSAL.

WHAT REALLY CONCERNS US IS THAT THE AIR SAFETY AND HAZARDOUS ZONING ACT AND ADMINISTRATIVE REGULATIONS ATTACHED THERETO AUTHORIZE THE DOT TO ZONE AIRPORTS AND SURROUNDING LAND USES WITHOUT REGARD TO LOCAL CONCERNS AS EXPRESSED IN THE MUNICIPALITY'S MASTER PLAN.

THE PROPOSED REGULATIONS ARE BASED UPON THE FALLACIOUS PRESUMPTION THAT ZONING DECISIONS SHOULD BE MADE BY THE COMMISSIONER OF TRANSPORTATION, AND NOT BY LOCAL AUTHORITIES. ADDITIONALLY THE STATE CONSTITUTION IS CLEAR IN THAT PLANNING AND ZONING POWERS REST WITH MUNICIPALITIES AND NOT WITH THE STATE OR COUNTY GOVERNMENT. IT SHOULD ALSO BE KEPT IN MIND IF THESE REGULATIONS AS PRESENTLY DRAFTED, ARE APPROVED, THEY MAY RESULT IN A "TAKING" FOR WHICH COMPENSATION MAY HAVE TO BE PAID BY THE STATE.

WE DO BELIEVE THAT THERE IS A NEED FOR SAFETY STANDARDS. WE SUPPORT S-2757 BY SENATOR RICHARD ZIMMER, ENTITLED THE "AIRPORT SAFETY ACT OF 1988" WHICH EMPOWERS THE COMMISSIONER OF DOT TO ADOPT STANDARDS WHICH SPECIFY THE HEIGHT TO WHICH STRUCTURES MAY BE ERECTED AND TREES ALLOWED TO GROW WITHIN THESE AREAS. THESE STANDARDS SHALL BE THOSE MINIMALLY NECESSARY FOR THE SAFE OPERATION, LANDING AND TAKE-OFF OF AIRCRAFT.

EACH MUNICIPALITY SHALL INCORPORATE THESE STANDARDS IN THEIR ORDINANCES AND SHALL ALSO PROVIDE BY ORDINANCE THAT AIRPORT PROPERTY IS TO BE DESIGNATED AS A CONDITIONAL USE IN THE ZONE IN WHICH IT IS SITUATED. THIS WILL GIVE MUNICIPALITIES REASONABLE PROMISE OF CONTROL THROUGH ZONING POWERS WITH SOME LIMITATION IN THAT THE STANDARDS AND CRITERIA APPLICABLE TO CONDITIONAL USES AS AIRPORTS WILL, TO A LIMITED EXTENT BE SET UP BY DOT. THIS COMBINATION OF MUNICIPAL ZONING POWER AND DOT REGULATIONS SHOULD BE A WORKABLE SOLUTION.

LAND ADJACENT TO AIRPORTS ACQUIRED AFTER JULY 1, 1988, SHALL, HOWEVER, BE SUBJECT TO MUNICIPAL DETERMINATION AS TO WHETHER THOSE PROPERTIES SHALL BE ZONED AS CONDITIONAL USES. THE COMMISSIONER OF DOT, UNDER CERTAIN CIRCUMSTANCES MAY ACQUIRE PROPERTY, OR VARIOUS RIGHTS IN IT, TO EFFECTUATE THE PURPOSES OF THE BILL.



SENATOR ZIMMER'S BILL ALSO REPEALS P.L. 1983, C.260, THE "AIR SAFETY AND HAZARDOUS ZONING ACT OF 1983," WHICH HAS BEEN THE BASIS FOR THE ADOPTION OF OVERLY BROAD REGULATIONS SETTING ZONING STANDARDS IN COMMUNITIES IN WHICH THEY ARE LOCATED AND VIOLATING LONG-STANDING TRADITIONS OF MUNICIPAL HOME RULE.

AGAIN, I THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO TESTIFY HERE TODAY AND I WOULD BE HAPPY TO ADDRESS ANY QUESTIONS THAT YOU MAY HAVE.

# COMPUTER / CERTAINTY !NC.

WHERE THE COMMITMENT IS TO PEOPLE, NOT MACHINES

March 24, 1989

State Senator John A. Lynch  
100 Bayard Street  
New Brunswick, NJ  
08901

Subject: New Jersey airports.

Dear Senator Lynch,

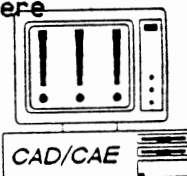
I'd been a resident of New York state for many years. When at long last I had the opportunity to move my family, my immediate response was: "Lets move to New Jersey!". This was not a logical decision made after deliberate investigation. To be perfectly candid, Senator, I did what most people do but which few rarely admit to: I made a choice predicated on purely emotional sentiments and then went through the motions of defending it with logic! The real factor in choosing New Jersey was pure and simple: for as long as I can remember I've liked this state.

This love affair with New Jersey first started back in the early Sixties as a direct result of wanting to learn how to fly. In looking for airports giving flight instructions, I traveled from New York City to Long Island, Northern Westchester and as far away as Bridgeport, Connecticut. It wasn't until I got to New Jersey, however, that I found what I was looking for: plenty of friendly, family run private airports of the traditional grass roots variety. In the process, I discovered a lovely, picturesque state that was even more lovely when viewed from the air.

The choice to move myself and my family was easy. The choice to move my business, however, was more deliberate. Out of consideration for my wife and my accountants, I researched the business climates and quality of life-style in other states: Delaware, Pennsylvania and Connecticut. Since many of the architects, manufacturers and engineers who are our clients are in these states as well as New Jersey, I simply called them and asked for their opinions.

A distinct shortage of accessible and convenient small airports eliminated Connecticut immediately. As far as that state was concerned, I didn't even bother going any further into our list of criteria. Please take particular notice of this!

We then inquired of our clients regarding their experiences in Delaware and Pennsylvania. Pennsylvania looked promising. However, after careful deliberation, I moved my business and my family to New Jersey. The rest is history. Unfortunately, however, the airports that first attracted me to this state and which ultimately tipped the balance in favor of moving here are now also history!



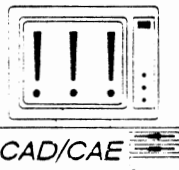
Last year I managed to acquire a copy of the first draft of the new master plan for future development of New Jersey. Hazel Gluck and New Jersey DOT were listed as co-authors. However, nowhere in that expanse of writing was there anything regarding the development of a statewide plan for air transportation! I was, frankly, quite upset. Here was a document representing what was purported to be the cumulative efforts of experts yet the word "airplane" and "airport" was nowhere to be found. After about 5 days of looking through it, I "recycled" the book (ie: I tossed it into the garbage!). That "Master Plan" is significant prima facie evidence of a lack of an aviation consciousness at the State level, Senator.

What is equally disturbing is the resignation of Cathy Nicolaisen. The former head of New Jersey's aviation division, she quit many months ago out of an acknowledged frustration with a bureaucracy that stifled her efforts as the State's lone aviation advocate. The position she occupied was completely eliminated! Why Senator?!

The recent resignation of Bob Arrons, Director of Aviation for the Port of New York & New Jersey has created an opportunity to place a powerful manager in that position, one with many years of experience: none other than Arlene Feldman. A licensed pilot and attorney, Ms. Feldman was Cathy Nicolaisen's immediate predecessor as head of the New Jersey aviation division. She resigned from NJ DOT in 1985 when she accepted the position of Assistant head of the FAA's technical Research facility in Atlantic City. From there the FAA promoted her to assistant Director of the Pacific Region. Now, Ms Feldman is no less than Director of the New England Region of the FAA. Clearly, there is no one in the government community as experienced or as qualified to manage the aviation interests of the Port Authority as Ms Feldman. Her stands on behalf of New Jersey's transportation interests are well documented.

Recently I was advised that Ms. Feldman is interested in assuming the vacant aviation position at the Port of Authority. I was told, furthermore, that she has clearly communicated that interest to Hazel Gluck. Recently, Ms. Gluck nominated a different person to Mr. Arrons old post and in so doing has clearly, if not deliberately, ignored Arlene Feldman as well as her long and impressive list of managerial achievements. This sort of behavior validates assertions regarding intra department conflicts and bureaucratic interference and furthers suspicions as to Ms. Gluck's competence and motives. Why Senator?! What is going on at NJ DOT!

While all this political infighting is taking place, municipalities are ignoring state legislation on airport zoning, unfair taxing methods are severely eroding the small margins of profit for airport operators, insurance costs are escalating. It's no wonder then that airports owners are selling out!



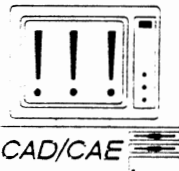
Linden airport was once one of the best facilities in the state. Forty five years ago when it was given to the City, it had everything an airport could want. For four decades, it has been exploited by the personal interests of incompetent airport managers while being neglected by a disinterested city to the point where it now threatens to fall into hopeless decay. Senator Bassano is on the right track with his plan to purchase the airport. If a way can be found to fund that purchase and give the airport a secure future, aircraft owners, many of them businessmen like myself, will return. If an experienced operator, supervised by a competent, responsible State or County agency is brought in to manage that airport and it is developed the way Essex County has developed the airport in Caldwell, I promise you a profitable venture that will not only pay back the investment but lure back the Corporate ratables and the jobs Linden wants and the taxable revenues the State needs. I for one, would be happy to transfer my business facilities and offices onto such a developed airport property.

In looking at my list of friends and associates with aviation interests, I observed that over fifty percent moved here to New Jersey for exactly the same reasons as I. Of the remaining fifty percent, more than half are in the process of considering it! You would do well to conduct a census of aircraft registrations at airports like Linden. You will quickly see that a significant percentage belong to companies or individuals who live in New York! Like them, it was the love of aviation that first brought me to this state as a visitor, Senator. And, it was that same involvement in aviation that influenced me to move my home, my family and my business here. If aviation leaves New Jersey, I will leave with it and, so will others!

I urge you to support Senator Bassano's proposal to buy Linden Airport and to assist him in creating a rational state wide plan for saving other New Jersey airports. The time for thinking about this has long passed. It's now time for action. I want to know what I can count on you for regarding this issue.

Sincerely,

Art Bianconi  
President



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SENATOR RAND -

REUBEN REDFIELD, PRESIDENT OF  
SOAR (SAVE OUR AVIATION RESOURCES)  
WHICH REPRESENTS OVER 400  
CONCERNED PILOTS AS WELL AS  
NON-PILOTS.

IN THE PAST 40 YEARS WE  
HAVE SEEN A MOST SERIOUS DECLINE  
IN PUBLIC USE AIRPORTS IN N.J.  
BECAUSE LAND HAS BEEN A VERY  
EXPENSIVE COMMODITY IN N.J.  
THE AIRPORTS HAVE BEEN SOLD  
TO DEVELOPERS. IF THE AIRPORT  
OPERATORS COULD HAVE MADE A  
REASONABLE PROFIT ON THEIR  
INVESTMENT THEY, IN MANY  
INSTANCES WOULD NOT HAVE  
SOLD. CONSEQUENTLY RELIEF  
SHOULD BE CONSIDERED BY  
THE STATE TO THE AIRPORT  
OPERATORS SUCH AS A REAL ESTATE  
TAX CONCESSION SIMILAR TO  
THAT GIVEN TO THE FARMERS.  
IN ADDITION, IN MANY INSTANCES,  
OPERATORS ARE BEING HARASSED  
BY THE MUNICIPALITIES  
WHERE THEY ARE LOCATED.  
THE STATE SHOULD ADOPT REGULAT-  
IONS BINDING ON BOTH THE

②

MUNICIPALITY & THE OPERATOR,

LET US PRESERVE WHAT IS LEFT.

LET US KEEP LINDEN AIRPORT -

THE ONLY AIRPORT IN UNION  
COUNTY.

OVER 40 YRS AGO OUR STATE

LEGISLATORS HAD THE FORESIGHT,

TO SEE THE NEED FOR

MORE HIGHWAYS BECAUSE OF

ACCURATE PROJECTIONS.

WHERE WOULD WE BE TODAY

WITHOUT THE GS, TAKE A

OTHER INTRA-STATE HIGHWAYS.

IF THOSE LEGISLATORS HAD NOT

MADE THESE IMPROVEMENTS

WHAT WOULD HAVE HAPPENED

TO OUR ECONOMY?

AIRPORTS SERVE THE PRESENT AND

FUTURE NEEDS OF OUR STATE

AND OUR ECONOMY. HOPEFULLY

OUR PRESENT LEGISLATORS WILL

HAVE THE SAME FORESIGHT AS

THEIR PREDECESSORS OVER 40 YRS

AGO. ONCE AN AIRPORT IS

GONE IT IS GONE FOREVER.

LINDEN AIRPORT IS LOCATED 6 MILES

SOUTH OF NEWARK AIRPORT.

②  
③

A PRIVATE AIRPORT CONSULTING FIRM HIRED BY THE CITY OF LINDEN JUST COMPLETED THEIR STUDY OF LINDEN AIRPORT. THEIR FINDINGS WERE VERY INTERESTING.

IN 1987, THEIR REPORT SHOWED, LINDEN AIRPORT HAD 177,500 OPERATIONS. OF THE 177,500 OPERATIONS 77,500 WERE TRANSIENTS. OF THE 77,500 TRANSIENTS 78% WERE ON BUSINESS. THIS MEANS THAT 60,450 OPERATIONS WERE ON BUSINESS.

THE SURVEY ALSO SHOWED THAT OF THESE 60,450 16% WOULD GO TO NEWARK AIRPORT IF LINDEN WAS TO CLOSE. ANOTHER 39% SAID THEY WOULD GO TO ANOTHER AIRPORT THAT OTHER AIRPORT COULD BE NEWARK. IF ONLY THE 16% WENT TO NEWARK THAT WOULD BE 9672 OPERATIONS ANNUALLY. IF ANOTHER 16% OF THE 39% WHO HAVE NOT DECIDED WENT TO NEWARK THIS WOULD MEAN 19344 OPERATIONS TO

(4)

NEWARK, FRIGHTENING?

NOW THIS REPORT SHOWS THAT  
IN 20 YRS IT WOULD INCREASE  
BY OVER 60%.

ABOUT A YEAR AGO I READ THAT  
NEWARK HAD THE MOST DELAYS  
OF ANY AIRPORT IN THE COUNTRY.  
BADER FIELD IN ATLANTIC CITY  
HAS A 3000 FOOT RUNWAY.  
FOUR ENGINE COMMUTER AIRCRAFT  
LAND AT THIS AIRPORT.

NEWARK AIRPORT PROJECTS

DOUBLING BY THE YEAR 2000.  
WOULD THERE BE ROOM FOR  
THE BUSINESS AIRCRAFT?

HARDLY! THAT IS WHY LINDEN  
AIRPORT IS SO IMPORTANT.

WITHOUT LINDEN AIRPORT THE  
ECONOMY OF THE AREA AND  
THE STATE WILL SUFFER.

LET'S NOT LET THIS HAPPEN.

ARE WE GOING TO TEAR DOWN  
30 SQUARE BLOCKS OF HOUSES  
20 OR 30 YEARS FROM NOW  
TO BUILD AN AIRPORT?

WE WOULD LIKE TO SEE



(5)

NEW JERSEY ACQUIRE LINDEN,  
OTHER STATES HAVE STATE OWNED  
AIRPORTS. WHY NOT NEW JERSEY.

IN CLOSING SENATOR WE HOPE  
THAT YOU WILL GIVE SERIOUS  
CONSIDERATION TO THE COMMENTS  
AND WANT YOU TO KNOW WE  
WILL ALWAYS BE AVAILABLE TO  
ASSIST YOU IN ANY WAY.

THANK YOU.

①

4/4/89

JOANNE MITCHELL  
11 FIR LANE  
VOORHEES N.J. 08043

Testimony for public hearing  
by Senate TRANSPORTATION Committee  
concerning Bill Number S-3038  
introduced by Senator from the  
6<sup>TH</sup> DISTRICT, Lee<sup>B</sup> LASKIN.

CONTENTS of this bill would preclude  
the COMMISSIONER of TRANSPORTATION  
from authorizing an airport  
facility in any municipality, in  
contravention of the local zoning  
ordinance.

I AM A resident of Acorn  
Hill development in Voorhees Township  
N.J. located close to West Jersey  
Hospital Voorhees division. My son  
attends the Voorhees Middle School  
directly across the street at around  
900 feet from SAID hospital's helipad

ON JANUARY 21, 1988 I ATTENDED  
a zoning board meeting dealing  
with a proposal by West Jersey Hosp.  
Voorhees to upgrade a <sup>existing</sup> helipad to a  
76x

② heliport plus hanger at their location to ready themselves for a program called South Star ~~an~~ ~~medical~~ emergency helicopter evacuation unit.

THE ZONING BOARD of Uppr Heels turned the application down due to the facts such as.

1. ORIGINAL helipad constructed in 1976 to be used ~~for an~~ <sup>for the hospital use</sup> IN emergency's only was in a ~~an~~ unpopulated area, and has since been in an extensive expansion such as this hospital is surrounded by developments of homes, offices, school which also was expanded to a partial two story building which has ~~a population of~~ over 760 students.

2. Hospital officials also confessed that executives from Bell Telephone, which is also located across the street from Hospital had been using this helipad for their private use, which was in violation of the original use proposal.

3. THIS program is too massive to be placed in such an area. This space is zoned rural residential, and is not in the townships MASTER PLAN.

(2)

West Jersey Hospital then appealed to The Superior Court. Judge Lowengr. heard the case and upheld the zoning board of Voorhees.

In direct violation of the court, the program has continued and at a much more extensive rate. We as neighbors feel as though we live in the midst of an airport.

The State police who pilot these aircraft have been quoted in the New Papers saying "We don't care what ~~any~~ says, we will fly anyway."

The impression is now we are living in a police state.

The township of Voorhees has tried to get a cease & desist order, and been given a royal run around.

I AM A TAX PAYING resident in the State of New Jersey in fear of -

1. The State
2. The State Police
- 3 THIS SAID Hospital

with the tactics that have been used.

4. My constitutional right being eroded. 18X

5

5. My child and my neighbors children's ~~being~~ lives being put at risk with as many as 1000 take offs followed by 1000 landings of these helicopters in close proximity of our school ANNUALLY

Where are the officials who are to be upholding the laws AND the courts in a situation such as this?

I want to thank Senator Lee Caskin for bill number S-3038 to perhaps make sure this type of thing does not happen to any other township and cause all the <sup>consternation</sup> ~~upsetment~~ ~~that~~ & danger that I now live with.



This is a copy of our log of flights<sup>①</sup> that we have observed while home at 17 Fir Lane, approximately 1000 yards from the helipad. This log is not complete as many flights occurred when we were not at home.

### Log

A. H. = Acorn Hill

R.U.C. = Ridgview Ct.

I randomly started to jot down observed flights in February.

### February Log

A. Fri. 10<sup>th</sup> - Jot down the no. of the State Police helicopter on the pad N623B

1. 11:00 a.m. out over R.U.C.
2. 11:30 a.m. in over A.H.
3. 11:15 p.m. in over A.H.

B. Sat. 11<sup>th</sup> 6:15 p.m. out over R.U.C.

C. Sun 12<sup>th</sup> 1. 11:00 a.m. out over R.U.C.  
2. 12:00 noon in over R.U.C.

Mon 13<sup>th</sup> 1. 11:20 a.m. out over A.H.

Tues. 14<sup>th</sup> 1. 1:45 p.m. out over R.U.C.  
2. 2:15 p.m. in over R.U.C.

Thurs 16<sup>th</sup> 10:08 p.m. in over A.H.

Sat. 18<sup>th</sup> 9:00 a.m. out over R.U.C.

Mon. 20<sup>th</sup> 5:07 p.m. in over A.H.

Tues 28<sup>th</sup> 9:30 a.m. out over R.U.C.

## March Log

Wed. 1<sup>st</sup> 9:00 a.m. out over the school

Thurs. 2<sup>nd</sup> 1. 10:45 a.m. in over R.U.C.

2. 12:15 p.m. circled A.H., L.T., school & landed -

Sat. 4<sup>th</sup> 1. 2:00 p.m. out over R.U.C.

2. 2:05 p.m. in same way

Sun. 5<sup>th</sup>  
Mon. 6<sup>th</sup> } no helicopter

Tues. 7<sup>th</sup> 5:50 p.m. circled over both developments,  
school - landed near hospital parking  
lot. Learned it was Pennstar & we  
feel this is the purpose of the program.  
A patient was flown out.

Wed. 8<sup>th</sup> 1. 3:20 p.m. helicopter out over Evesham to Cherry Hill  
2. 6:25 p.m. in over R.U.C.

Thurs. 9<sup>th</sup> 1. 10:30 a.m. out over R.U.C.

2. 5:30 p.m. circled A.H., L.T. & school, landed



3. 9:40 p.m. ~~out~~<sup>out</sup> over R.U.C.

(3)

4. 9:45 p.m. in over A.H.

5. 9:50 p.m. cycled A.H., L.T., school landed

Fri. 10<sup>th</sup> 1. 6:50 p.m. out Cresham Ave.

2. 7:00 p.m. in over R.U.C.

Sat. 11<sup>th</sup> 1. 2:20 p.m. in over R.U.C.

2. 5:45 p.m. out - cycled over school went down Cresham.

Sun. 12<sup>th</sup> 1. 9:20 a.m. out over R.U.C.

2. 9:30 a.m. in over R.U.C., cycled over the school & went back out over R.U.C.

3. 12:30 p.m. in over R.U.C.

Wed. 15<sup>th</sup> 1. 11:00 p.m. out over Cresham Ave. in front of hospital to Cherry Hill

Thurs. 16<sup>th</sup> 1. 6:20 p.m. in over R.U.C.

2. 9:45 out over R.U.C.

Fri. 17<sup>th</sup> 1. 8:15 a.m. in over R.U.C.

2. 1:15 out over A.H.

3. 3:15 in over A.H.

4. 8:10 p.m. out over school

5. 9:52 p.m. in over R.U.C.

Sat. 18<sup>th</sup> 1. 9:48 a.m. out over A.H.

2. 12:17 p.m. in over A.H.

Sun. 19<sup>th</sup> 1. 1:52 out over R.U.C.

2. 1:55 in over R.U.C.

3. 2:30 out over school

4. 7:20 p.m. out over A.H., circled A.H., L.T. + school + landed.

Mon. 20<sup>th</sup>

8:00 a.m. out over R.U.C.

Tues. 21<sup>st</sup> 1. 3:30 p.m. out over the school + then down Cresham

2. 7:45 p.m. circled A.H., L.T. + school then landed

Wed. 22<sup>nd</sup>

1. 4:50 p.m. in over R.U.C.

Thurs. 23<sup>rd</sup> 1. 12:00 p.m. out over R.U.C.

2. 12:15 p.m. in from Cresham (Main St way)

3. 1:30 p.m. out over R.U.C. turned then over A.H. + landed over A.H., crossed A.H.'s lake + out-

4. 3:50 p.m. out over R.U.C.

5. 11:07 p.m. in from Cherry Hill

Fri. 24<sup>th</sup> no helicopter

Sat. 25<sup>th</sup> 1. 11:06 out over R.U.C.

2. 1:07 p.m. in over Cresham (Main St)

Sun. 26<sup>th</sup> 5:30 p.m. directly over our house, down Pine Cone Dr. Back over R.U.C. to front of Hospital.

\* back over R.U.C. to front of hospital down Cresham, back again over A.H., again down Pine Cone Dr., circled. back over R.U.C. down Cresham + back over <sup>86x</sup> R.U.C. + landed. \* Allen 10.  
minutes

Mon. Mar. 27<sup>th</sup> 12:54 p.m. out over R.U.C.  
2. 6:01 p.m. in over R.U.C.

(5)

Tues. Mar. 28<sup>th</sup> 11:15 a.m. out over R.U.C.

Wed. Mar. 29<sup>th</sup> 1. 12:45 p.m. out over Cresham to Cherry Hill  
2. 2:56 in over Cresham  
3. 9:05 p.m. out over R.U.C.

Thurs. Mar. 30<sup>th</sup>

Fri. Mar. 31<sup>st</sup> — rained

Sat. April 1<sup>st</sup> 9:12 a.m. in over R.U.C.

Sun. April 2<sup>nd</sup> 1. 11:00 out over A.H., circled A.H., L.T. + school landed (4 minutes)

2. 2:00 p.m. out over R.U.C.

3. 7:55 p.m. in over R.U.C.

4. 10:25 p.m. out over R.U.C.

Mon. April 3<sup>rd</sup> 12:55<sup>(55 minutes)</sup>  
(a.m.) <sup>past</sup> (midnight) in from Cresham

Tues. April 4<sup>th</sup>

1. 1:30 p.m. out directly over our house, circled back + went out over Cresham toward Cherry Hill.

2. 2:00 p.m. circled A.H., L.T. + school twice

Diana R. Calender 17 Fir Lane Voorhees, N.J. 08043  
Diana R. Calender 4/3/89 87X 609-424-6713

TESTIMONY OF  
JOHN N. TAYLOR  
MANAGER OF ALLAIRE AIRPORT  
NEW JERSEY STATE SENATE HEARING  
ON GENERAL AVIATION  
APRIL 4, 1989  
P.O. BOX 2400  
FARMINGDALE, NEW JERSEY 07727  
(201) 938-4800

Allaire Airport is the largest privately owned airport in New Jersey, consisting of 850 acres, 70 buildings, 80 businesses, 965 employees with an annual payroll exceeding 21 million dollars, plus the aircraft of major corporations that come to our area to do business. (Attachment A Fact Sheet)

As manager of Allaire Airport, I am familiar with paving techniques, excavation, soil characteristics, building design and construction, business administration, education, mechanics and engineering.

Some airports are like small towns consisting of runways, taxiways, roads, water lines, sewerage systems, street lights, schools, maintenance facilities, machine shops, restaurants, office buildings, warehouse space, emergency planning and security.

Some airports are smaller and may only have a few based aircraft, but are equally as important as the larger airports in the long term development of the state. At one time, there were only a few aircraft based at Teterboro Airport.

Each operator has the expertise to successfully operate his airport at a profit, pay taxes and perform a service equally as important as a railroad or highway. Allaire Airport pays over \$1,100 a day in real estate taxes. Forty-nine (49) of the state's 50 airports are general aviation airports. General aviation is all that aviation that is NOT military or scheduled airlines. Of our

50 airports, at least 32 will not be able to accommodate significant general aviation growth or are threatened with closing. (Attachments B1, B2, B3, B4)

Aviation in New Jersey is being threatened by residential development, hostile municipalities and a licensing agency, the Department of Transportation's Office of Aviation, that refuses to enforce the law, The Air Safety and Hazardous Zoning Act, enacted by our elected officials.

The Air Safety and Hazardous Zoning Act was adopted to give airports and municipalities the guidelines to co-exist and allow the airport to grow with its neighbors. However the municipalities, for the most part, have refused to adopt the hazard zone and some are trying to close the airports in their towns.

Allaire Airport serves four (4) counties which benefit by the general aviation uses as follows: military movements, government contractors, medical flights for transporting burn victims and organ transplants, law enforcement, parts delivery for production, corporate movement, education, and acts as a hub for industrial development.

Airports serve areas greater than the municipalities in which they are located. However the airport and the region's air service quality is, in most cases, subject to local municipal political pressures (a tail wagging the dog situation) which is not acceptable when dealing with the state's highways, railroads, and utilities. This affects both intrastate and interstate commerce and is, in most cases, influenced by only a few residents

living near the airport pressuring the municipal governing body.

If New Jersey is going to attain its growth goals, attract the type of business it desires, and maintain a high quality of life in the process, it must have a sound, efficient transportation system. Allaire Airport is frequently called the front door to Monmouth County---likewise every airport in the state is the front door of the area they serve.

New Jersey's airports have to be allowed to grow with the areas they serve. The Air Safety and Hazardous Zoning Act must be enforced and our Office of Aviation must be given the power to be a strong aviation advocate by the Department of Transportation. The Office of Aviation must be strengthened enough to perform in the best interest of aviation, to make the knowledgeable decisions necessary to supply New Jersey with the aviation system this state needs, and to look forward to the future with wisdom and strength. To date, the Department of Transportation has restricted the activity of the Office of Aviation---making it ineffective.

The jurisdiction for airports should be placed solely within a strengthened Office of Aviation, having an aviation advocate responsible for aviation development, consulting the affected municipality, BUT having the final word. The Office of Aviation is familiar with airports, taxiways, runways, setbacks, traffic patterns and F.A.A. regulations. On the local level, there is little or no aviation knowledge on the planning board or board of adjustment.

Of the 50 airports in New Jersey, all but one predate zoning laws. However the number of airports that enjoy the status of conforming use can be counted on one hand.

The planning boards, boards of adjustment, and town councils bounce us back and forth. They can delay projects for as much as two (2) years...and then, still say NO.

We all have been harrassed by our town's building inspectors, zoning officers, and fire inspectors to different degrees. They use the zoning laws and codes to stop our growth and try to put us out of business---all in the name of the law. BUT, they themselves violate the law by not complying with the Air Safety and Hazardous Zoning Act. A law that would give airports the ability to operate as a conforming use. The towns violate this law and the Department of Transportation does nothing. The Department of Transportation has said the law is weak, BUT each time it went to court the Air Safety and Hazardous Zoning Act was upheld. (Attachment C)

A vital part of the improvement process for New Jersey's airports is the grant money available for safety related projects. This grant money is presently being used for purposes other than those for which it was intended---and, in greater sums each year. This money is a tax on the flying public, with their consent, and was supposed to be dedicated to flying safety. Each year an increased amount is used for administrative expenses not relating to aviation safety. THIS MUST BE STOPPED. This year airports were told to apply for grant funds. They spent valuable time and

money on engineering fees preparing applications for the state safety fund aid. Only to be told, there were no more funds available---when, in fact, all the funds had not been disbursed, and most were withheld. (Attachment D)

We need action by the Department of Transportation NOW. It is too late for some airports, but we must save as many of the remaining airports as possible. With your help, we will be able to improve and save a vital part of New Jersey's transportation system.

I appreciate your time and am willing to work with you in any way I can be of service. I have been told by people who travel nationally that New Jersey's Department of Transportation, Office of Aviation, ranks near the bottom of the ladder when compared to other states and how they regard and promote their airports. We have an excellent opportunity to bring New Jersey to the forefront. The airport operators are very eager and willing to work with the legislature to make these strides together.

Thank you for this opportunity. It is a fine example of a democracy at work. I eagerly look forward to the resulting progress we will make.

###

92X



ALLAIRE AIRPORT FACT SHEET

PHONE: (201) 938-4800 RUNWAY: 32/14 - 7000 FEET LONG  
OWNER: EDWARD I. BROWN IV 03/21 - 3700 FEET LONG  
MANAGER: JACK TAYLOR  
ELEVATION: 159 FEET 32/14 - 100 FEET WIDE  
BELMAR/FARMINGDALE 03/21 - 50 FEET WIDE

LAT: 40° 11' 45"  
LONG: 74° 7' 20"

SDF: 109.15 (SERVICES RUNWAY 14)

UNICOM: 123.0

VOR: 113.8 (ROBBINSVILLE)

CAR RENTAL  
(201) 938-2776

OPEN: SUMMER 0700 to 2100  
WINTER 0700 to 1800

100LL - 1.89 or 1.82 CASH  
JET A - 1.75 or 1.69 CASH

ALLAIRE AIRPORT IS WITHIN 1 MILE OF THE GARDEN STATE PARKWAY, RTE. 18, RTE. 34, RTE. 35 AND RTE. 195.

ALLAIRE AIRPORT IS 12 MINUTES FROM MANHATTAN BY HELICOPTER; 15 MINUTES FROM PHILADELPHIA BY HELICOPTER.

THERE ARE 80 BUSINESSES LOCATED IN THE AIRPORT INDUSTRIAL PARK. OF THE 80 BUSINESSES LOCATED ON THE AIRPORT 16 ARE AVIATION ORIENTED.

THERE ARE 965 PEOPLE EMPLOYED IN THE 80 BUSINESSES ON THE AIRPORT. THE ANNUAL PAYROLL FOR THE 965 PEOPLE IN THE AIRPORT INDUSTRIAL PARK IS \$21,242,000. THERE ARE 59 BUSINESSES WITH AIRCRAFT ON THE FIELD.

AIRCRAFT ON THE FIELD - 235  
TOTAL BUILDINGS - 70  
FLIGHT SCHOOLS - 4  
(2) FIXED WING, (1) HELICOPTER, (1) AEROBATIC  
COMMERCIAL AIRCRAFT  
MAINTENANCE FACILITY - 3  
GOVERNMENT AIRCRAFT  
MAINTENANCE FACILITY - 2

FOUR FLYING CLUBS: MONMOUTH AREA FLYING CLUB, JERSEY AERO CLUB, NEPTUNE FLYING CLUB AND 1573H CLUB.

SOME OF OUR TENANTS INCLUDE:

UNITED PARCEL SERVICE  
NEW JERSEY BELL  
NATIONAL COMMUNITY BANK  
AMERICAN ELECTRONIC LABS  
7 UP  
HARVARD INDUSTRIES  
VITRONICS INC.

ALLAIRE AIRPORT FACT SHEET (CONTINUED)

There are over 2000 business type multi-engine, turbine and jet aircraft using the airport yearly. Some of the companies are as follows:

AIRFLEET INTERNATIONAL	K. HOVNANIAN
ASHLAND OIL	LIBERTY MUTUAL INSURANCE COMPANY
THE BEACH BOYS	MARTIN MARRIETTA
BON JOVI	MOUNTAIN BELL
BRUCE SPRINGSTEEN	NASCAR
BOB HOPE	NATIONWIDE INSURANCE
CHRYSLER CORPORATION	PAGE AIRWAYS
COCA-COLA	PRATT & WHITNEY
CONCURRENT COMPUTER	RATHEON COMPANY
DAMIN AVIATION	RESORTS INTERNATIONAL
DIAMOND SHAMROCK	ROBERT SHAW CONTROLS
EMERSON ELECTRIC	ROBERT DOLE
EXECUTIVE AIR FLEET	ROGER PENSKE
F.B.I.	SEARS ROEBUCK
FIRST JERSEY SECURITIES	SEA-RAY YACHTS
FORD MOTOR COMPANY	STAMOS CONSTRUCTION
GARRETT CORPORATION	STAVOLA CONTRACTING
GENERAL MOTORS	T D K LEASING
GENERAL DYNAMICS	TIE COMMUNICATIONS
GOLDEN NUGGET	U.S. ARMY
HANSEN INDUSTRIES	U.S. COAST GUARD
HANOVER LEASING	U.S. NAVY
HOFFMAN LAROCHE	WAYFARER KETCH
HUSSMAN COMPANY	WESTINGHOUSE
INGERSOLL PUBLICATIONS	WILMORITE

Aircraft using the airport: All aircraft up to the Boeing 727-100 and Convair 580 on a regular basis. Aircraft larger than G-II or Convair must notify the airport manager 24 hours in advance.

NEW JERSEY AIRPORT PROBLEMS

<u>AIRPORT</u>	<u>REMARKS</u>
Allaire	The town has not adopted the hazardous zoning act and has issued permits illegally to developers. The town wants to restrict the growth of the airport. The town has harrassed the airport and some of its tenants. Proposed sale to Monmouth County was not achieved. The airport was reassessed at the price it was contracted for and not sold for. Need tax relief and an airport zone. Potential buyers of property should be notified of the airport's existence.
Andover	Building 500 homes on a hill 1,000 feet from the end of a runway. Taxes too high, need prior notification of property buyers.
Bader (Atlantic City)	Problems with public opinion, a growing number of people want the airport closed, no room for expansion.
Bucks	Residential permits are being issued, pole lines are being installed close to airport.
Burlington	No airport zone, 800 acres surrounding airport purchased by a developer whose planning improvements are not yet public. Needs tax relief.
Camden County	Town makes it difficult to get building permits, drags out the review process, had to buy portable hangars. State approval and grant to repave a taxiway, town refused, and the airport lost the grant.
Essex County	Town wants no improvements and will oppose acquisition of a 5 acre tract needed, 70 acres lost to the wetlands.
Flying W	Town is hostile, Board of Adjustment would not approve hangar construction, airport had to go to court to have the Board's refusal overturned. Court said the airport was a conforming use.
Greenwood Lake	State does not have enough grant money, needs tax relief (\$37,000)
Kupper	Town will not issue building permits and will not approve any improvements, can't improve line of sight on runway, no above ground fuel farm.

<u>AIRPORT</u>	<u>REMARKS</u>
Linden	The town is presently trying to close the airport to sell and develop the land as an industrial use. This airport in all probability has been lost.
Lakewood	Operators lease expired and has not yet been renewed. Surveyors on the property, people have come on the property saying they have purchased the land for development.
Lincoln Park	A lot of land lost to the wetlands, town will not issue building permits or allow airport improvements or maintenance to runways, taxiways, etc. Can't farm wetlands. One million dollars in federal funds, state and federal approval to pave and town has stopped the job three (3) times.
Mercer County	Only 25 acres left to develop for airport use, this could be consumed by one F.B.O. or 2 corporate flight departments.
Marlboro	Need grant money to improve runway and taxiway, shopping center planned 800 feet from runway, very little land available to expand, obstructed approach, and hostile neighbors.
Morristown	Airport is owned by Morristown and located in Hanover. Both towns frequently at odds. New fuel farm took 4 years to get approvals. Temporary customs office, which is a pre-manufactured office type, took 1 year for approval and 1½ months to get certificate of occupancy. Can't develop the remaining vacant land as it is lost to the wetlands.
Newark	Not interested in the general aviation aircraft. Cultivating scheduled airline service.
Newton	Town thinks the airport is toally unnecessary and that it does not fit in town plans. Will not permit improvements.
Oakland Farms	Needs tax relief.
Ocean City	Affected by wetlands and close residential development.
Pemberton	House 700 feet from end of runway, town is going to do everything it can to close airport, and advised potential buyers of its position.

Princeton	The town has not created the required airport zone. Land adjacent to the airport was re-zoned from research/office to residential and town center. Required to apply to the Board of Adjustment rather than Planning Board. The state grant program needs more money. The town makes improvements difficult.
Red Wing	Taxes went from \$1,700/year to \$6,000/year. Needs tax relief as it is a small airport.
R. J. Miller	In Pinelands and wetlands, can't develop airport.
Robbinsville	Very little land left for airport development.
Sky Manor	Need property buyer notification. Hard to get building permits and when they are received unreasonable performance bonds are required. The review process is abused and unreasonably dragged out for long periods of time.
Solberg	Needs tax relief. Should not be taxed for improvements made with federal funds. Residents are against airport improvements.
Somerset	1100% tax increase upon initial reassessment, reduced to a 300% increase thru appeals. Permit for above ground fuel farm refused, town wants tanks below ground, town refused to issue building permits for hangars, the town refuses to conform to the Airport Hazardous Zoning Act. Town wants to crowd airport out and has harrassed the airport with government agencies, i.e., E.P.A. Fire inspection \$1,000.
Sussex	Powerlines should be buried, need more support from the stae.
Teterboro	The land left to develop, in excess of 100 acres, is lost to the wetlands.
Trinca	Need more state support, have permission and grant money from the state to extend runway, but the town won't allow it.
Twin Pine	Town has violated the Airport Hazardous Zone on both sides of the airport by issuing variances.
Woodbine	The town does not promote the airport and has resisted making repairs, part of the airport has been used as an automobile driving school.

October 5, 1988

Honorable Thomas Kean  
Governor, State of New Jersey  
Trenton, NJ

RE: Closing Allaire Airport

Dear Governor Kean,

The citizens of New Jersey and the aviation community of the United States of America need your help.

The Township of Wall, Monmouth County, refuses to adopt the NJ Law establishing an Airport Zone in our community. This has been the law since August 1985.

We, through our counsel applied to the Superior Court and the court ordered Wall Township to comply. As of today they still have not complied.

Allaire Airport, covering 800 acres, is one the finest and largest free enterprise airport in the United States, recognized by the FAA as a "Reliever Airport" for metropolitan New Jersey and New York, 50 years in the building and an asset to New Jersey that is irreplaceable.

We cannot continue to invest millions of dollars to improve Allaire Airport and pay \$370,000 in real estate tax annually without proper zoning (airport zone) and supportive local and state government.

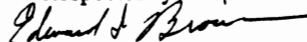
Therefore, having explored all other possible remedies, we have no choice other than to appeal to your office for help.

We have given public notice that we will be forced to close the airport on October 31, 1988, if local and state support is not forthcoming.

Unless your office can intervene on behalf of our citizens and the aviation community, American free enterprise will suffer a major setback, and the trend of closing airports will continue.

Governor, please help us keep "New Jersey Perfect" — with our airport!

Respectfully,



Edward I. Brown  
Owner, Allaire Airport

*Citizens of New Jersey — Members of the Aviation Community —  
please write and ask for help for our airport and our free enterprise system.*

*Your help is needed now! Please write your governor.*

***Your Letters Will Make The Difference!***

*Honorable Thomas Kean, Governor*

*State House*

*Trenton, New Jersey*

## ISSUES OF IMPORTANCE TO AIRPORTS IN NEW JERSEY

In researching the status of the methods that other states use to support their air transportation system, we find New Jersey ranks near the bottom. The following are issues of immediate concern:

- Issue #1: Preserve the "AIR SAFETY AND HAZARDOUS ZONING ACT" as adopted by the state legislature in 1985 and work to strengthen it.  
Explanation: Various efforts by legislators in Trenton have been introduced to repeal or weaken the Act.
- Issue #2: The New Jersey Department of Transportation must be more responsive to the needs of New Jersey's air transportation system, and enforce the laws that are currently in effect to protect the airports, primarily zoning. The Division of Aeronautics under the DOT must be able to act as a strong advocate for aviation and airports.  
Explanation: Within the vast organization of the Department of Transportation, the Division of Aeronautics does not enjoy as high a priority as roads, rails, etc., and the cause of aviation is lost. The office of Aviation has been ordered to take a less active role in controversial airport issues which is when they are needed most.
- Issue #3: The Jurisdiction for airports should be placed solely within the Division of Aeronautics for licensing, zoning, construction, etc. This office has the professional staff to make intelligent decisions.  
Explanation: Currently each municipality is responsible for its own zoning in and around the airport. Most lack the expertise to deal with the complexities involved with airports, i.e., traffic patterns runways, taxiways, etc.
- Issue #4: Buyers of properties within a three mile radius must be made aware of the existence of the airport.  
Explanation: Some unscrupulous realtors will do anything to make a sale, often stating "the airport is about to close." After the fact new residents find the noise disturbing and try to limit operations of the airport or become members of municipal boards where they can become obstacles to any airport improvement. Ultimately, the airport becomes economically unviable.
- Issue #5: Provide tax relief for public use, non-revenue producing lands.  
Explanation: Land utilized by runways and taxiways consume many acres by state and federal regulations, but are taxed at prevailing local tax rates, even though the land is non-revenue producing. The state should provide a method to assist privately-owned public-use airports in this area, as the unusable land can sometimes be one-half the airport.

# ALLAIRE AIRPORT AUTHORITY

BOX 2400 HWY 34

FARMINGDALE, NJ 07727

(201) 938-4800

April 10, 1989

Mr. Peter Manoogian  
Senator Walter Rand  
Senate Transportation and Communications Committee  
State House Annex CN-068  
Trenton, New Jersey 08625

Dear Mr. Manoogian:

I would like to make the following comments regarding some items discussed during the April 4th senate hearing on Aviation. Please add this letter to:

THE TESTIMONY OF  
JOHN N. TAYLOR  
MANAGER OF ALLAIRE AIRPORT  
NEW JERSEY STATE SENATE HEARING  
ON GENERAL AVIATION  
APRIL 4, 1989  
BOX 2400  
FARMINGDALE, N.J. 07727

1.) Conditional use- The conditional use zone will potentially give municipalities and possibly others the power to put restrictive regulations on their airports.

An airport is a service to the public as is a highway, railroad or utility.

I believe that to properly protect airports there must be an airport zone, giving the airport the right to exist and improve with the region it serves and enjoying the right of conforming use. This is America and I, as a citizen of this great country should have the same right as the store owner in a commercial zone or a machine shop in an industrial zone.

2.) Air Safety and Hazardous Zoning Act- This act (pages 621 & 622 attached) recognizes that an airport hazard not only affects the occupants of land in the vicinity of the airport but may endanger the lives and property of the users of the airport and may impair the utility of the airport.

The proposed change to the act only addresses the safety to the occupants of the land and does not properly address the nuisance that these hazards create to the airport.



# ALLAIRE AIRPORT AUTHORITY

BOX 2400 HWY 34

FARMINGDALE, NJ 07727

(201) 938-4800

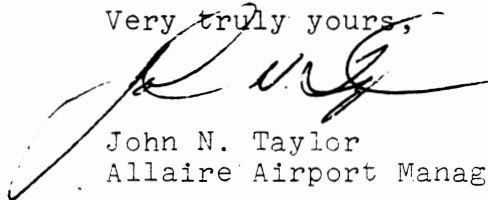
3.) Airport Preservation- An Airport Preservation Act may be worth consideration. This could be enacted much the same as the Farm Land Preservation Act whereby the state would acquire the development rights to an airport, placing a restriction on the deed that the airport must continue as an airport, and can not be used for uses inconsistent with aviation.

4.) Municipal opposition- The existing 50 airports open to service directly affect about 100 municipalities, more or less. Of the testimony offered there were only 2 or 3 municipalities represented and they were represented by only a few residents living within close proximity to the airport. These few residents don't necessarily represent the opinions and desires of the thousands of residents contained within the municipalities.

If you have any questions at all I can be reached at my office phone 201-938-4800 or my home phone 201-280-1209. I am willing to assist you in any way you deem necessary.

Thank you.

Very truly yours,



John N. Taylor  
Allaire Airport Manager

JT/dl

*New Jersey Association*

*of Airport Owners & Operators*

Philip W. Engle  
*President*

Irene Monge  
*Vice President*

Ben Jones  
*Secretary-Treasurer*

Ed Eget  
*Chairman, Public  
Relations Committee*

Thomas Kurtz  
*Chairman, Membership  
Committee*

Ben Jones  
*Chairman, Legislative  
Committee*

William Barkhauer  
*Chairman, Program  
Committee*

Cathy Nickolaisen  
*Ex-Officio Member*

Testimony by Benjamin C. Jones  
Chairman, Legislative Committee

609-882-1600

Before the New Jersey Department of Transportation

December 22, 1988

107X

Good Morning

I am Benjamin Jones, chairman of the Legislative committee of the New Jersey Association of Airport Owners and Operators. My organization represents 36 Airports in the State of New Jersey.

I am responding to the invitaiton in James Snyder's letter of November 18, 1988 concerning proposed changes to the regulations governed by the "Air Safety and Hazardous Zoning Act of 1983." I will discuss each item as it is listed in the Agency Proposal Summary:

1. Limit all Structure Development in the Clear Zone.

We strongly support this. Any structure, including roads which are sunken or have ditches constitute a Safety Hazard. (FAA strongly limits such structures within their jurisdiction also).

2. Allow Low Density Residential Zoning.

While we are strongly sympathetic to the needs of property owners, we think this proposal is hazardous and also creates additional noise problems. We will comment further on this point later.

3. Permit Municipalities to Zone Pre-existing Residential Structures as a Conforming Land Use.

We think this will not create additional problems, and will help property owners.

4. Require Public Disclosure of Properties in Hazard Area.

This is an excellent idea. and should be a requirement in allowing conforming use.

5. Continue to Provide Municipalities with Relief from Land Use Standards.

We Agree.

6. Clarification of Application.

We agree.

Our major problem with the Act as passed is that it ignores noise; yet noise is the major environmental problem at most Airports.

The proposed changes which would permit limited residential development in hazard zones continue to ignore the issue of noise. We also believe that at many Airports, particularly those Airports having jet traffic, this would encourage residential development in areas subject to noise levels in excess of those recommended by FAA and OSHA. We respectfully refer the Agency to Federal Air Regulations, Part 150, which lists recommended land use in areas surrounding Airports according to noise contour outlines.

As you may be aware, A 3448 puts noise back into the act, and we are on record with Assemblywoman Ogden to support this point.

In addition, we feel that decreasing the size of clear zones, which is not included in the Agency Summary, can only decrease safety as well as increasing exposure of residents to aircraft noise.

In summary, while we agree on most points, we recommend that the agency restudy the permitting of noise sensitive development in high noise exposure areas, and that existing clear zones be maintained.





March 31, 1989

The Honorable Richard A. Zimmer  
119 Main Street  
Flemington, New Jersey 08822

Dear Senator Zimmer:

As you know, on April 4, 1989, the Senate Transportation and Communications Committee will hold a public hearing on Senate Bill 2757 which is entitled the "Airport Safety Area Act of 1988". We commend you for sponsoring this very important legislation and we will support your efforts to secure successful passage of the bill. We feel that the safety standards set forth in the bill are absolutely essential to protect the lives and property of the citizens of our state.

On behalf of Atlantic Electric, we would like to make one general comment, and request several amendments. Our general comment is that we feel all airports, public and private, should be under the jurisdiction of the Federal Aviation Administration. If all airports were compelled to comply with one set of rules and regulations, i.e. FAA rules and regulations, there could be no question, overlapping of rules or confusion regarding standards in airport safety areas. Our suggested amendments to the bill are as follows:

1. Section 3, line 26, page 1 - We suggest adding the words "or regulated" after the words "owned and operated". This would clarify the meaning of the paragraph to ensure that airports under the jurisdiction of the Federal Aviation Administration are excluded.
2. Section 4, line 14, page 2, we suggest adding the words ",identical to those promulgated by the Federal Aviation Administration," after the words "the Commission shall adopt rules and regulations". Our concern is that if they are not identical, affected parties will have two sets of rules and regulations to comply with. Surely, this will cause confusion and possibly noncompliance.
3. Section 5, line 21, page 2 we suggest adding the words ",identical to those of the Federal Aviation Administration," after the words "promulgating standards".
4. Section 8, line 37, page 3 - Our concern is, what would occur if utility company facilities such as transmission lines traverse the property in question. If we are required to move or rebuild the facilities, who will bear the cost of moving or rebuilding? We suggest the words:

"Whenever it shall be determined that it is necessary that any public utility facilities such as tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public utility, as

Atlantic City Electric Company  
1199 Black Horse Pike  
Pleasantville, N.J. 08232  
609-645-4463

Capitol View Office Building  
150 W. State Street  
Trenton, N.J. 08618  
609-393-4044, 393-0243

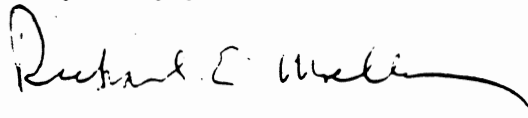
110X

defined in R.S. 48:2-13, which are now, or hereafter may be located in, on, along, over or under any airport safety area acquired by the Commissioner should be removed from such area, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the direction of the Commissioner; except that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights of the public utility paid to the public utility in connection with the relocation or removal of such property, shall be ascertained and paid by the commissioner as a part of the cost of the acquisition. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location" be added after the word "estate".

5. Section 9, line 12, page 5, we suggest the words ",electric utility facilities," be added after the words "solid waste disposal".

Thank you for considering these amendments. I would be pleased to discuss our concerns regarding the bill or to answer any questions you may have.

Very truly yours,



Richard E. Moeller  
Senior Legislative Representative

rms:jw

cc: Senator Walter Rand  
514 Cooper Street  
Camden, N. J. 08102

cc: Peter Manoogian ✓

Robert F. Holtaway, 122 Mali Dr., North Plainfield, N.J.

April 4, 1989

Page 1 of 4

I'm a Professional Engineer Licensed in N.J., have served on our boros Board of Adjustment for 13 years, 9 of them as Chairman. I serve on the boros cross acceptance committee for the proposed State Master Plan. I took my first flying lesson at Hadley Airport at the age of 16. I have been a pilot and aircraft owner since 1969. I'm instrument and multi-engine rated and currently fly an average of 100 hours a year.

In the early days of the automobile, these new devices were not well thought of, laws were passed against them, their use was restricted, there were complaints of noise and smell, complaints of livestock being scared to death by these machines. Automobiles were looked at as the domain of the "idle rich" and their use was considered a frivolous privilege and not a necessity.

Most likely, each and every one of us in this room rode in an automobile today, so it would probably be safe to say that automobiles are now a necessity for our society.

Today, aviation is looked at by some people as something that laws should be passed against, it's use restricted, they complain of noise, and that aircraft are the domain of the idle rich. Just as the automobile has improved over the years, aviation will also improve, and some day will be as important as the automobile is today.

In 1937, over 50,000 people died in automobile accidents in the United States, an all time record. Today, we have almost 3 times the population, 6 times the automobiles, we each drive more miles than the average in 1937 and the total number of people killed is less than 1937. This reflects the increase in safety due to the improvements in technology of the automobile and its environment.



General aviation has recently had its equivalent of 1937. The accident rate has dropped steadily for the past several years. There has been a lot of research by the National Aeronautics & Space Administration, the National Transportation Safety Board, the Federal Aviation Administration, the Flight Safety Institute of the Aircraft Owners and Pilots Association and many others.

This has resulted in improvements in the general safety of aviation. It is not unreasonable to assume that the safety of general aviation will approach that of travel by automobile in the near future.

Noise is probably the most common complaint against aviation, as it was against the automobile in the earlier days. Technology has provided automobiles that are now socially acceptable and our technology will solve the aviation noise problems as well. The need for these advancements is well recognized by the aviation manufacturers, by the Federal Aviation Administration, and by all those in the aviation industry. Noise abatement procedures are in use in virtually all airports, and the engine manufacturers, air frame manufacturers, propeller manufacturers and others are directing much of their research toward noise abatement. In the not too far future, airports will become good neighbors.

The proposed state master plan, which is presently in the cross acceptance process, indicates an expected growth in population in most of the areas of the state. The plan also addresses the transportation crisis which does presently exist in the state. As the ground transportation becomes more difficult, time consuming, and expensive aviation will be able to fill our needs with short haul transportation. The airlines have realized that the hub and spoke system is the most efficient way to serve the nations transportation needs, and regional airlines elsewhere throughout the country are operating intercity to these hubs. New Jersey requires a regional airport system to remain competitive with the other growth areas of the country.

In N.J. everytime a new major road or rail line is announced, there are tremendous hurdles presented to limit the construction. Objections by land owners along the route, the land is unobtainable without substantial social upheaval, the cost of construction is very high, the towns along the right of ways lose tax rateables, there are enviromental problems, and the list goes on.

Implementation of an airway system through the use of feeder airports would resolve the major part of the property acquisition problem, reduce the loss of the rateables, minimize the social upheavels, and substantially reduce the cost of construction. The average airport is one mile of paved road for a runway, compared to many many miles of right-of way required for a highway.

One of the things that has always amazed me is the ability of municipalities to zone against airports. I find this the same as zoning against an interchange on an interstate highway, or against a railroad, or against a county road. I have never seen a zoning ordinance that did not permit ground transportation facilities. However, the State of N.J. does allow them to zone against access to the federal airway system. The Federal Goverment, through taxes imposed on the aviation industry, supports a comprehensive safe transportation system. However in N.J. any municipality can deny the public access to the federal airway system.

The time for everyday flying by everybody is not quite here yet, however we must preserve the facilities that exist so that they are available permit aviation to develop in N.J. Every time an airport dies, the long term economic health of the state is injured for a short term gain. Some day, we will be buying back the land, condeming peoples homes, and tearing down commercial buildings in order to build airports. This is as inevitable as the sun rising tomorrow morning. Our society is moving forward, we are planning for more population, we cannot move them on the ground any longer. Closing airports is economic suicide.

Robert F. Holtaway, 122 Mali Dr., North Plainfield, N.J.

April 4, 1989

Page 4 of 4

Preserving existing airports and encouraging new airport development is no less a duty than adequately taking care of our waste problem. Hopefully we will learn from the lesson taught to us by the solid waste disposal dilemma. Now is the time to at least stop the deterioration of the aviation system in N.J. so that there will be a foundation to build upon.

One of the reasons for the advancement of automobile technology was the steady growth in quality roads that created a demand for automobiles, which in turn created larger production volumes, which in turn provided the economies to scale to bring down the cost of the automobile so the average person could afford it.

Today, the airplane is much like the automobile was prior to Henry Ford. They are more expensive than automobiles, and not in common use. However, bringing them into common use requires the facilities in order to accommodate them. We do have a chicken and the egg problem where the number of airplanes produces demand for airfields, and a lack of airfields reduces the demand for airplanes. In the 1920's and 1930's the state took it upon itself to develop a comprehensive state highway system that provided safe paved roads between the major cities in N.J. This fueled the economic expansion of the state, and is probably one of the major reasons that the state has the economic health it does.

However now these roads are choked, some other solution must be found. I feel that the next transportation frontier is aviation. The state of N.J. must embark upon a program to preserve the existing facilities, and to construct new facilities to help with the future expansion of the state.

Every county in the State of N.J. should be required to have a reliever airport that is either funded entirely by the county, or operated by private enterprise with the necessary tax relief required to make it economically viable. Existing airports must be granted tax and zoning relief to ensure their survival as aviation grows. Access to the highways of the air is as important as access to the county roads and state highways, and every bit as much a birthright of free Americans.

Thank You for the opportunity to present my opinion.

115X

JOHN P. BOLL

5 Harold Johnson Place  
Cranford, New Jersey 07016

March 22, 1989

Senator Walter Rand  
Senate Transportation and  
Communications Committee  
State House Annex, CN-068  
Trenton, New Jersey 08625

Re: Bill S3240  
Linden Airport

Dear Senator Rand:

It is my understanding that a public hearing addressing the problems of General Aviation will take place on April 4, 1989.

Unfortunately, I will be unable to attend but would like to express my opinion and concern over this serious problem in New Jersey. I would also like to express my support for Bill S3240, introduced by Senator Bassano.

Airports have been closing at an alarming rate in New Jersey and once an airport is closed, it is gone for good. This appears to be a foolish attitude by the people of this State. Closing airports simply makes it more difficult to gain access to the State, thus making the State unattractive for existing businesses and any businesses from out of State which might be thinking about re-locating. If businesses begin to also disappear, any favorable tax ratable that were once believed to be the result of closing airports and developing the land for other purposes will quickly turn into tax burdens.

One simply needs to drive past Morristown Airport or Princeton Airport to see the vast array of businesses, offices and office buildings and secondary businesses such as restaurants, etc., which are currently thriving near these airports. The airports were there first and all of the businesses developed around the airport due to easy access, convenience and cost considerations.

Senator Walter Rand  
March 22, 1989  
Page Two

This is the position the Mayor of Linden should be taking if he were genuinely concerned about the future of the City and tax ratable, rather than his current position of attempting to close Linden Airport. It seems to me that if he were concerned with the long term welfare of the city, rather than just a quick sale and profit, he would be attempting to copy Morristown and Princeton in order to attract new business and easier access. I believe that the loss of Linden Airport would not only hurt the people of Linden, but residents throughout the State.

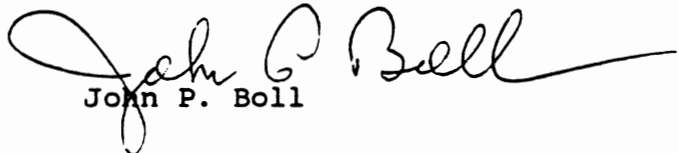
Approximately 20 years ago there were many citizens concerned about future problems regarding disposal of solid waste. Many politicians paid little attention to this problem figuring that the problem was too far in the future to worry about. However, the problem is now here and 20 years from now it will be small consolation for me to be able to say "I told you so" concerning the Airport crisis.

That is why this thrend of closing airports must stop now and I fully support Bill S3240, for the State to purchase and operate Linden Airport. The Bill clearly has the best interests and welfare of all residents of New Jersey in mind and not simply a handful of rich developers.

In addition to the reasons stated above, keeping Linden Airport open would also have the effect of making the sky safer since it can remain as a major reliever airport for Newark. Otherwise, Newark Airport will simply be more congested which could result in longer delays for passengers than already exist.

I therefore respectfully urge that this Bill be given your full attention and support.

Very truly yours,

  
John P. Boll

JPB/fim

MAR 30 1989



IN REPLY PLEASE REFER TO

State of New Jersey  
DEPARTMENT OF TRANSPORTATION

HAZEL FRANK GLUCK  
COMMISSIONER

1035 PARKWAY AVENUE  
CN 600  
TRENTON, NEW JERSEY 08625

Aviation

March 28, 1989

Honorable Walter Rand  
Senator, District 5  
514 Cooper St.  
Camden, NJ 08102

Dear Senator Rand:

Mr. John P. Boll wrote to the Department of Transportation concerning the Hearing you scheduled for April 4, 1989. I am forwarding his letter to you and conveying his request that his comments be entered into the record.

Sincerely,

A handwritten signature in cursive script, reading "Paul H. Baker".

Paul H. Baker  
Acting Director

PHB:ec

cc: James A. Crawford, Assistant Commissioner, DOT  
Carolyn S. McCallum, Legislative Liaison, DOT



IN REPLY PLEASE REFER TO

State of New Jersey  
DEPARTMENT OF TRANSPORTATION

HAZEL FRANK GLUCK  
COMMISSIONER

1035 PARKWAY AVENUE  
CN 600  
TRENTON, NEW JERSEY 08625

Aviation

March 28, 1989

MAR 30 1989

John P. Boll  
5 Harold Johnson Place  
Cranford, NJ 07016

Dear Mr. Boll:

I received your letter, dated March 22, 1989, concerning the hearing on general aviation which is to take place on April 4.

The hearing was called by Senator Rand and not by the Office of Aviation. I am, therefore, forwarding your letter to Senator Rand and conveying to him your request that it be entered into the record.

Sincerely,

Paul H. Baker  
Acting Director

PHB:ec

cc: Senator Walter Rand ✓

James A. Crawford, Assistant Commissioner, DOT

RECEIVED  
OFFICE OF AVIATION

MAR 22 1989

JOHN P. BOLL

5 Harold Johnson Place  
Cranford, New Jersey 07016

N.J. DEPT. OF TRANSPORTATION

March 22, 1989

New Jersey Department of Transportation  
1035 Parkway Avenue, CN-600  
Trenton, New Jersey 08625

Re: Bill S3240  
Linden Airport

Dear Sir:

It is my understanding that a public hearing addressing the problems of General Aviation will take place on April 4, 1989.

Unfortunately, I will be unable to attend but would like to express my opinion and concern over this serious problem in New Jersey. I would also like to express my support for Bill S3240, introduced by Senator Bassano.

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120X



March 22, 1989  
Page Two

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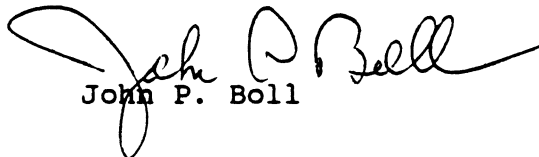
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In addition to the reasons stated above, keeping Linden Airport open would also have the effect of making the sky safer since it can remain as a major reliever airport for Newark. Otherwise, Newark Airport will simply be more congested which could result in longer delays for passengers than already exist.

I therefore respectfully urge that this Bill be given your full attention and support.

Very truly yours,

  
John P. Boll

JPB/fim

ALBERT MASETTI

April 3, 1989

Senator Walter Rand  
Senate Transportation and  
Communications Committee  
State House Annex CN-068  
Trenton, NJ 08625

Attention: Mr. Peter Manoogian  
Room 359

Re: General Aviation Public Hearing

Dear Senator Rand:

I wanted to be there on April 4, 1989 to offer my testimony into the record at the General Aviation Public Hearing. But I had two surgeries four weeks ago and I have been learning the hard way that driving down to Trenton and spending the day alternately standing around or pumping adrenalin isn't compatible with recovery.

As we both know, a letter lacks the impact of a personal appearance. But I would appreciate it if you would add my remarks and the attachments to this letter to the official record and transcript of the hearing.

1) The name or title "General Aviation" is a misnomer because it gives the wrong impression of what it represents. In fact, "general aviation" covers all aviation except the certificated airlines (the big ones) and the military.

So, it covers: research and development flights  
mosquito spraying  
medical emergency flights  
aerial photography for planners and  
developers  
state police helicopters  
sales or service trips by business people  
inspecting sites for capital investment  
carrying parts needed for industrial plants  
...and everything and anything else outside the large  
commercial airlines or the Air Force, Army and Navy.

There is now a great deal of emphasis on helicopters. And while they can pick up passengers at small pads, generally they require full service airports when they need maintenance, repairs and overnight parking.

As general aviation airports close, the airplanes displaced are forced to crowd onto the fewer remaining airports, thereby increasing pressure on the overall community in terms of unnecessary additional noise, traffic congestion and crowding on the ground.

2) There is only one regular aviation newspaper writer in the entire state of New Jersey. His name is Jack Elliott. He writes an aviation column that has appeared every Sunday in the Newark Star Ledger for over 30 years.

His columns give an outstanding picture of both the legislative/state planning angles as well as the human interest aspects...the people who use the airplanes and helicopters or who provide the services.

Enclosed for the record are six of his recent columns:

March 12, 1989, featuring Senator Walter Rand  
February 19, 1989, featuring Senator C. Louis Bassano  
July 3, 1988, on uses of general aviation  
March 19, 1989, on fuel tax diversions  
March 27, 1988 on airport safety zoning  
December 25, 1988 on possible state ownership of  
airports

3) The Wall Street Journal has had two editorials on how to "Free the Gridlocked Skies" (August 17, 1987) and on "How to Help Airports" (May 6, 1987).

The essence of both of these editorials is that the deregulation phenomenon only freed one of the three elements of the air-travel industry. Deregulation freed the airlines. It did nothing for the airports or the airways.

Another Wall Street Journal column, Letters to the Editor, of April 28, 1987 featured a letter from the President of the National Business Aircraft Association in which he states airlines are increasingly using airports intended for general aviation. This suggests that the general aviation airports are even acknowledged by the airlines as having some useful function.

Copies of these Wall Street Journal items are also attached to this letter.

4) Finally, owing to the phenomenal growth in the number of

airline passengers, there has also been a huge increase in the demand for pilots. There aren't enough pilots to go around and large numbers of pilots must be trained.

QUESTION: Where do airline pilots get trained?

ANSWER: Large numbers of pilots get trained at general aviation airports. The military is no longer the large source of pilots that it used to be and large numbers of former military pilots are reaching the mandatory retirement age.

Attached hereto are two graphs that show the dramatic increase in pilot hiring by the airlines and the projected increase in pilot retirements. (Flying Magazine, March 1989).

Senator Rand, I appreciate having the opportunity to communicate with you. Again, I am sorry that it couldn't be in person. But I hope you will add my words to those of the other people present at the General Aviation Hearing on April 4, 1989.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Albert Masetti". The signature is fluid and cursive, with a small dot at the end.

Albert Masetti, P.E.

(H) 201/652-5997  
(W) 201/587-9040

April 5, 1989

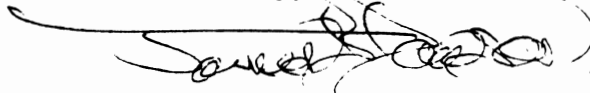
Senate Transportation Committee Aide  
Peter Manoogian  
State House Annex 3rd floor  
State Street  
Trenton, N J 08625

Dear Mr. Manoogian:

I read in the Trenton Times of a meeting of airport owners--Sorry I did not know about this meeting because your Committee should also be exposed to "the other side of the story."

1. Enclosed is a copy of a letter I sent to the FAA today. Please make it a part of the record.
2. Enclosed is a clipping from the Princeton Packet about a plane at Princeton Airport--too big for the taxi strip. This plane and others like it should be using Mercer Airport, only a few miles away.
3. Why should privately owned-public use- airports be given money to improve their facility? Money should go only to public owned airports so that the owner of the private airport does not end up with more money to stuff in their own pockets when they sell. I too would like to receive a sum of money to improve my house so that I would benefit when I sell my house.
4. Land in central Jersey is too valuable and the airport has no business telling neighbors "how to" and "how not to" use their land. Small airports are not compatible with surroundings of any kind with the possible exception of a cemetery. While they do serve some needs, they are primarily an uncontrolled recreational facility which is noisy and poses a safety hazard.

Sincerely,



James B. Dawson

687 Route 518  
Skillman, New Jersey 08553

April 5, 1989

Mr. Donald Perry, FAA  
Noise Complaints  
Federal Building  
JFK Airport  
Jamaica, New York 11430

Dear Mr. Perry:

Some time ago, I was given a copy of the flight pattern for Runway 28 at Princeton Airport which is located just North of Princeton, New Jersey.

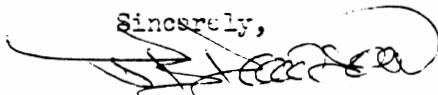
A fair number of pilots in fixed-wing aircraft are not adhering to the flight pattern by going much more than the 10 degree right and as a result intrude into what the FAA has designated as noise sensitive areas. In addition, Princeton Helicopter (Mid-Jersey Helicopter) which operates out of Princeton Airport, very frequently intrudes into and over noise sensitive areas going around and around to the point that I am, at times, unable to hear a radio in my own house let alone carry on any conversation in my own backyard.

I live within this noise sensitive area and I am being denied the right of peaceful use of my home and property because of failure of pilots of planes and helicopters who do not adhere to the flight pattern.

I request that the FAA investigate my complaint by identifying and citing all violators of the flight pattern and further notify all operators of aircraft, especially helicopters at Princeton Airport, that noise sensitive areas are to be avoided.

A warm, sunny Saturday or Sunday would be an ideal time to make observations in that air traffic is much heavier and violations are more numerous, although the helicopters are apt to be bothersome any day of the week.

Sincerely,



James B. Dawson

607 Route 518  
Skillman, New Jersey 08558

609-921-8065

126x

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1-005334A093 04/03/89

ICS IPMRYNW RNO

ZCZC 00141 RENO NV 04-03 0817A PDT RYNV

ICS IPM23NJ

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ICS IPMNTZZ CSP

2015742277 POM TDMT WOODBRIDGE NJ 40 04-03 1010A EST

PMS STATE SENATOR RAND

TRENTON NJ 08625

AIRPORTS NEED PROTECTION AS MUCH AS FARMS, WETLANDS AND OTHER  
RESOURCES THAT ARE FAST DISAPPEARING FROM THE W URBAN C N  
BUSINESS NEEDS PLAINS AND AIRPORTS AS WELL AS ENTERPRISE ZON  
US NOW - NEXT YEAR WILL BE TOO LATE.

CRESTVIEW MANAGEMENT CORP

10 HARROW DR

COLONIA NJ 07067

1014 EST

NNNN

1024 EST

IPM23NJ