

M I N U T E S

Of The

ADVISORY PLANNING COMMISSION

October 22, 1958

PLACE AND
TIME OF
MEETING

The members of the Advisory Planning Commission met in the conference room at 520 East State Street, Trenton, New Jersey. The Chairman, Mr. Fred G. Stickel, III, called the meeting to order at 2:20 p. m.

The members present were:

Messrs.

Fred G. Stickel, III, Chairman
Herbert H. Smith, Vice-Chairman
H. Thomas Carr, Secretary
William A. Bloom
B. Budd Chavooshian
Alfred H. Fletcher
Robert H. Fust
William Holster
Philip A. McLaughlin
Edward B. Wilkens

ATTENDANCE

Those absent were:

Messrs.

Louis Danzig
Alexander Feinberg
Denis W. Maloney

The Chairman announced that he had several items of business to discuss among which were:

MEMBERSHIP
REPLACEMENT

(1) that he had been in touch with the Governor's office with regard to a replacement for the late Dr. C. Rexford Davis, who represented the State Federation of District Boards of Education in New Jersey, and was informed that someone has been appointed to represent the school boards. The Chairman requested Mr. Chavooshian to get in touch with Mr. David Thompson, of the Governor's office, for

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further information and to send the new appointee minutes and annual reports of this Commission and also notices of future meetings.

RESIGNATION
OF WILLIAM

A. SUTHERLAND

(2) The Chairman was informed by the Governor's office that Mr. William A. Sutherland, who represented the New Jersey Federation of Official Planning Boards, has not informed the Governor's office of his resignation to date. The Chairman informed the members present that he has written to the Federation informing them that a formal resignation of Mr. Sutherland should be forwarded to the Governor in order that a replacement can be made.

BILLS
567-574

(3) The Chairman inquired of Mr. Fust about the reprinting of Bills 567 through 574 (introduced by Assemblyman Martin Kesselhaut) for distribution. Mr. Fust informed the Chairman that he had been in touch with Miss McGrath in reference to the reprinting of the bills and was informed that 750 reprints will be made available in the future. Mr. Fust is to follow up this matter in an effort to learn just when they will be ready for distribution. The Chairman remarked that it was his understanding that the bills would be printed in batches and that the 750 referred to would be the first batch. In connection with the above, Mr. Fust informed the Chairman that he had talked with Mr. Henry Williams, of the New Jersey Federation of Official Planning Boards, who remarked that the above-mentioned bills would be acted upon at the same time the Planners Registration Bill (A-206) would be presented in November. The Vice-Chairman, Mr. Herbert H. Smith, informed those present that he would speak with Mr. Williams

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to inform him that there is no tie-in between these bills (567 through 574 and A-206) and that the bills in reference to amendments of the planning act (567-574) will not be acted upon this year.

PUBLIC
HEARINGS

(4) The Chairman stated that he had checked with Assemblyman Kesselhaut about holding a hearing. Mr. Kesselhaut informed the Chairman that he doubted that there will be any hearings; however, he informed the Chairman that it would be all right for this Commission to hold a hearing. After a brief discussion, it was decided that the Chairman should write Assemblyman Vincent R. Panaro to find out if his committee (State, County and Municipal Government) is contemplating holding a hearing. After the Chairman has written Assemblyman Panaro, the Vice-Chairman is to talk to Mr. Panaro if Mr. Panaro has any question on the letter.

MEETING WITH
NEW JERSEY
UTILITIES
ASSOCIATION

(5) The Chairman reported that he attended a meeting of the New Jersey Utilities Association (which Association is represented on this Commission by Mr. Philip A. McLaughlin) to which he and the Vice-Chairman were invited, along with Mr. McLaughlin. At this meeting the problem was discussed as to whether a planning board through the medium of subdivision had any control over the use of land. The Chairman reminded those present that he, as well as the Vice-Chairman, had met with the Utilities Association a year ago, at which time a complete agreement was reached that subdivision regulations were not designed to control the use of land. The Chairman also referred to the First Annual Report of this Commission in which a recommendation was made to the legislature that "...no provision of such subdivision ordinance shall regulate or

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attempt to regulate or control the use of land...". The Chairman also reminded the members that S-77 was introduced by Senator Frank S. Farley, to which bill this Commission was opposed. The Chairman informed the members present that a committee of the New Jersey Utilities Association has been meeting for the past year discussing this problem, and it was at the direction of the Utilities' committee that he and the Vice-Chairman were invited to attend this meeting to discuss Senate Bill No. 77. The Chairman informed the members that he was asked why this Commission was opposed to S-77. He pointed out to the committee that the Commission was not in favor of it since that bill (S-77) simply restored to the Planning Act old Section 21 which had been removed in drafting the new Act in 1952 since there was no need for same. The language indicated that planning did control the use of land which it does not. There was no necessity for exempting public utilities from the provisions of the Planning Act. The Chairman said there was quite a discussion with the lawyers, et al, representing the Utilities Association, after which it was suggested by the Utilities Association that they should have some relief as a public utility in the event they were not given what they consider a fair "shake" so far as the planning board is concerned, and the use to which they wanted to put this property was of public necessity. The Chairman agreed, at the committee meeting, that he would submit to the Advisory Planning Commission, with his recommendations, a suggestion that that section of the Act which permits an appeal from the planning board to the governing body within ten days be amended, in the event that an application were involved in the use of land by public utilities, to the

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effect that the appeal should be made within ten days to the Public Utilities Commission rather than the governing body. The Chairman reported that this suggestion was acceptable to the Utilities' committee. The suggested amendment is to be prepared by the Counsel of the New Jersey Utilities Association which will be submitted to the Advisory Planning Commission for review. (Section 40:55-1.19 is the section of the Act under consideration.) Mr. McLaughlin, New Jersey Utilities Association's representative, stated that copies of the suggested amendment will be forwarded to each member of this Commission.

IMPOSITION
OF FEES BY
PLANNING
BOARDS RE
DEDICATION
OF LAND

The question was raised as to whether or not Mr. George Skillman, Director of the Division of Local Government, had reported his findings in connection with the form letters of inquiry sent to all of the municipalities by Mr. Skillman in the matter of imposition of fees by planning boards in lieu of dedication of land. Mr. Chavooshian reported at this time that the survey being undertaken by his staff, in this matter, of all subdivision ordinances in the files of the Planning Bureau is not quite finished, but stated that work will continue and a report will follow. The Chairman is to get in touch with Mr. Skillman to follow up this matter.

FILING OF
PLATS

The Chairman requested that a correction be made to the Minutes of September 24th under the heading "Filing of Plats - Major; Minor." Page 5, fifth line from the bottom should end after the first word "filed." The following words on that line - and that a resubdivision is considered a major subdivision - should be deleted. As so ordered, page 5 has been revised and submitted with these minutes to supersede page 5 of the Minutes of 9/24/58.

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"A GUIDE FOR
THE PREPARA-
TION OF MUNIC-
IPAL LAND SUB-
DIVISION CON-
TROL ORDINANCES"

In connection with the subject of the filing of plats a lengthy discussion followed at which time the publication of "A Guide for the Preparation of Municipal Land Subdivision Control Ordinances" was discussed in part. The Chairman retired from this meeting at 3:45 at which time the Vice Chairman, Mr. Herbert H. Smith, chaired. At this time it was suggested that it be stated in these minutes that at the next meeting of the Advisory Planning Commission the question of the Subdivision Guide and the problems involved pertaining to the Planning Act should be discussed. In this connection it was moved, seconded and carried that this item is to be discussed at the next meeting. Mr. Chavooshian suggested that a small group get together to discuss the Guide in its various aspects and make a report at the next meeting of this Commission. In compliance therewith, the Vice-Chairman appointed the following members to serve on this subcommittee:

Messrs.

H. Thomas Carr
B. Budd Chavooshian
William Holster
Denis W. Maloney
Herbert H. Smith

MEETING
OF SUBCOM-
MITTEE TO
DISCUSS
"GUIDE"

The above subcommittee is to meet in the offices of the Vice-Chairman (Community Planning Associates, Inc., 1241 Parkway Avenue, West Trenton 8, New Jersey) at 10:00 a. m. on November 10, 1958.

COUNTY
PLANNING

Dr. Wilkens suggested that the subcommittee on County Planning (William A. Bloom, B. Budd Chavooshian, Alfred H. Fletcher, Philip A. McLaughlin and Dr. Edward B. Wilkens) should meet before the next regular meeting of this Commission to come up with a

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COUNTY SUB-
COMMITTEE
MEETING

recommendation of the County Planners Act. Letters are to be written to the members of the subcommittee on County Planning suggesting a meeting date to be held during the week of November 17.

NEXT MEETING
OF THE APC

Inasmuch as the two subcommittees will be meeting during the month of November, it was decided by this Commission to cancel the regular monthly meeting of November; taking into consideration the Christmas holidays, the members of this Commission agreed to hold the December meeting of the Advisory Planning Commission in advance - December 17, 1958.

ADJOURNMENT

The meeting was concluded at 4:00 p. m.