

M I N U T E S

Of The

ADVISORY PLANNING COMMISSION

January 28, 1959

PLACE AND  
TIME OF  
MEETING

The members of the Advisory Planning Commission met in the conference room of the offices of Commissioner Salvatore A. Bontempo at 205 West State Street, Trenton, New Jersey. Mr. Bontempo greeted the members present and expressed a warm welcome to each member. (The Commission heretofore met regularly at the conference room at 520 East State Street, Trenton, New Jersey.)

ATTENDANCE

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  
Alexander Feinberg  
Alfred H. Fletcher  
Robert H. Fust  
William Holster  
Philip A. McLaughlin  
Edward B. Wilkens

Those absent were:

Louis Danzig  
Denis W. Maloney

MEMBERSHIP  
REPLACEMENT

(Mr. Thomas  
W. Zito)

The Chairman informed the members present that Mr. Thomas W. Zito, from the Bayonne Board of Education (not the Passaic Board of Education, as previously reported) who was to replace the late Dr. C. Rexford Davis as a representative of the State Federation of District Boards of Education in New Jersey, had written a letter to Governor Robert B. Meyner stating that he regretted not being able to serve as a

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representative of that body inasmuch as his term expires January 31, 1959. Mr. Zito's letter to the Governor was read aloud by the Chairman.

(Mr. William A. Sutherland) Along these lines, the Chairman reported that he had written to Mr. Leo A. Carling, President of the New Jersey Federation of Official Planning Boards, concerning the resignation of Mr. William A. Sutherland and covered, too, in his letter to Mr. Carling, the matter of the letter which Mr. Robert H. Fust had received, as Executive Director of the New Jersey State League of Municipalities, from Mr. Henry Williams, of the New Jersey Federation of Official Planning Boards, in which letter Mr. Williams set forth his objection to Bills 567 and 573. The Chairman read aloud the copy of his letter to Mr. Carling.

At this time the Vice-Chairman, Mr. Herbert H. Smith, informed the members present that he also had been in touch with Mr. Carling concerning the resignation of Mr. Sutherland and was informed by him that Mr. Sutherland has written a letter of resignation to the Governor to which the Governor replied accepting the resignation with regret. The Vice-Chairman also reported that the Federation has not, at this time, submitted any names to the Governor for the replacement of Mr. Sutherland. The Vice-Chairman informed the members that a meeting of the Board of Directors of the New Jersey Federation will be held on February 17, at which time it will be determined which names are to be submitted to the Governor for appointment to the Advisory Planning Commission. The Chairman of this Commission is to be informed as soon as the names have been forwarded.

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BILLS 567  
THROUGH  
574

(APC's First Annual Rpt.)

The Chairman inquired if any action had been taken on the Advisory Planning Commission's First Annual Report in connection with the New Jersey Federation of Official Planning Boards' Legislative Committee's Annual Report, at which time the letter to Mr. Fust from Mr. Henry Williams concerning the Federation's opposition to Bills 567 and 573 was again discussed.

In answer thereto, the Vice-Chairman stated that no action has been taken inasmuch as the representative of the Federation who served on this Commission has resigned, stating further that, technically, there can be no committee appointed at this time. The Vice-Chairman also stated that he had talked with Mr. Leo Carling and Mr. Evan Spalt, of the Federation, who served on the original committee. The Vice-Chairman also mentioned that Mr. Spalt was very much upset about this matter and was concerned that anything should be done to attempt to give the impression that the Federation was trying to criticize the Advisory Planning Commission. It was the opinion of the Chairman and the Vice-Chairman that the letter received by Mr. Fust from Mr. Williams, mentioned above, does not represent the opinion of the Federation and should be referred to as having been received from Mr. Williams and filed.

(reintroduced and renumbered as 212 thru 219)

The Chairman announced that Bills 567 through 574 have been re-introduced by Assemblyman Martin Kesselhaut and are now known as Bills 212 through 219. The Chairman told those present that it was the advice of Assemblyman Kesselhaut to get these bills moving as soon as possible stating that Mr. Kesselhaut would like the backing of the League

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of Municipalities and this Commission in this connection.

(Public  
Hearings)

This brought up the question of public hearings. After a lengthy discussion on the subject of public hearings, it was the consensus of the members present that, since it is not the proper function of the Advisory Planning Commission to conduct public hearings, Assemblyman Vincent R. Panaro's committee (State, County and Municipal Government) should be requested to hold a public hearing or hearings. It was then moved, seconded and carried that the Chairman, Mr. Fred G. Stickel, III, should write to Mr. Panaro making such a request.

(212-219 dis-  
cussed at  
Round Table-  
State Plan-  
ning Conf.)

It was suggested that a round table be designated to discuss the new bills - 212 through 219 - at the February 5th State Planning Conference. The Chairman, Vice-Chairman and others present were in accord with this suggestion, and it was decided that the current legislation be discussed at the round table, which is to be chaired by Mr. Fred G. Stickel, III, Chairman, and Mr. B. Budd Chavooshian, representing Commissioner Bontempo on this Commission.

MEETING  
WITH N.J.  
UTILITIES  
ASSOC.

Mr. Philip A. McLaughlin informed the Chairman that a report on the proposal of the New Jersey Utilities Association will be ready shortly and a copy will be forwarded to each member of this Commission.

COUNTY  
PLANNING

The Chairman inquired of Dr. Edward B. Wilkens if he had anything to report concerning the County Planning Act. Dr. Wilkens reported that he had attended a meeting of the County Planners Association in Monmouth County, at which time the revision of the act was discussed as to phraseology, etc. The Chairman informed Dr. Wilkens that he was particularly anxious to get the county legislation moving in that the

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County and Municipal Law Revision Commission [of which he is Secretary] in revising Title 40 will shortly discuss planning and zoning and that he would like to have this legislation in readiness for such discussion. The Chairman asked Dr. Wilkens to get in touch with the County Planners Association and arrange for a meeting with the County Subcommittee before the next regular meeting of this Commission so that a report on the revision of the county planning legislation can be presented at that time.

VESTED  
RIGHTS  
WITH A  
FINAL AP-  
PROVAL OF  
SUBDIVI-  
SION PLATS

The Vice-Chairman introduced for comment the subject of vested rights in connection with approval of plats as affects a subdivider and a private property owner, pointing out that the subdivider's plat is not, in most cases, affected by a zoning change, but that private property owners invariably are subject to a change in zoning. A very lengthy discussion ensued wherein the question of zoning changes and variances was discussed and decisions of various court cases were cited, in which it appeared that the subdivider is given more consideration than a property owner. The question arose as to whether standards should be made with regard to zoning and the changes involved. In this connection, the Chairman pointed out that zoning can only be maintained if it is "reasonable" and that if a person has obtained a building permit a subsequent change in the law should not affect him so that he cannot proceed with his work. The Vice-Chairman remarked that he believed "reasonableness" should be defined by a judicial system. It was also expressed at this meeting that people should have a vested right in the land around them. After several points of interest were raised, it was suggested that research should be made as to what other states

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are doing in matters of this kind. It was the belief of the Chairman that a legislative standard should be set up, suggesting that Messrs. Alexander Feinberg, William Holster and Herbert H. Smith should work to this end by the way of inquiries made to other states with regard to their problems and experiences in this connection. The Chairman remarked that he believed all members, along with those mentioned above, should look into this matter.

IMPOSITION  
OF FEES BY  
PLANNING  
BOARDS RE:  
DEDICATION  
OF LAND

At the close of the meeting, Mr. Chavooshian informed the Chairman that Mr. Robert F. Edwards, Town Planner for Montclair, is to head a round table on "Subdivision Regulation, Standards and Procedures" at the State Planning Conference on February 5th, and asked permission to use some of the material and minutes of the Advisory Planning Commission meetings which reported discussions on the question of dedication of land or fees in lieu thereof, which material has been gathered and reported on by some of the members of this Commission and made a part of past minutes. Permission was granted. Mr. Chavooshian also reported that the Planning Bureau had completed its report on this matter -- mostly tables and brief narratives -- and that each member of this Commission will be sent a copy. Mr. Chavooshian also stated that if this report is approved by this Commission he will have it printed and give it wide distribution.

ADJOURNMENT

Business was concluded at 4:35 p. m.

NEXT MEETING

The next meeting of the Advisory Planning Commission will be held in the conference room of the offices of Commissioner Salvatore A. Bontempo, 205 West State Street, Trenton, New Jersey, on Wednesday, February 25, 1959, at two o'clock.