

M I N U T E S

Of The

ADVISORY PLANNING COMMISSION

February 25, 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. The Chairman, Mr. Fred G. Stickel, III, called the meeting to order at 2:15 p. m.

ATTENDANCE

The members present were:

Messrs.

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

Those absent were:

H. Thomas Carr, Secretary  
Louis Danzig  
Alexander Feinberg  
William Holster  
Denis W. Maloney  
Edward B. Wilkens

MEMBERSHIP  
REPLACEMENT

(State Federation of District Boards of Education in New Jersey)

The Chairman informed those present that he had received no word from the Governor's office with reference to naming a representative from the State Federation of District Boards of Education in New Jersey, but that he would get in touch with the Governor's office again in reference to this matter.

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(NJFOPB)

The Chairman inquired of the Vice-Chairman if he had anything to report by the way of membership replacement of Mr. William A. Sutherland. (The Vice-Chairman attended the Board of Directors' meeting of the Federation on February 17.) The Vice-Chairman informed the members present that Mr. Leo J. Carling, President of the Federation, has submitted three names to the Governor's office, which are as follows:

Harry L. Sears	-	Attorney from Boonton
Samuel Owen	-	Councilman from Metuchen and Professor at Rutgers
Russell Montney	-	Planning Director for Middlesex County

To date, no confirmation has been received from the Governor's office of the proposed appointee.

NJFOPB

(Legislative Committee)

The Vice-Chairman also informed the members present that the Federation has reorganized the Legislative Committee in which a change will be made to the effect that the Chairman of the Committee does not, necessarily, have to be designated to represent the Federation on this Commission, and that the representative named to serve is to work closely with the Legislative Committee. The Vice-Chairman also reported that the above-mentioned Legislative Committee will be charged with the job of studying Bills 212 through 219 and reporting thereon to the Federation's Board of Directors. The Chairman mentioned, at this time, that he would get in touch with the Governor's office with regard to action on these bills.

BILLS  
212-219

(APC's  
First  
Annual  
Report)

The Chairman inquired of the status of the Federation's Legislative Committee's Report on the Advisory Planning Commission's

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First Annual Report, to which the Vice-Chairman reported that it was his understanding the Legislative Committee's Report as submitted originally will remain in status quo.

(Public Hearings)

The Chairman reported that he had written to Assemblyman Vincent R. Panaro concerning the matter of public hearings on the aforementioned bills, and reported that Mr. Panaro informed him that he would take the matter up with his committee (State, County, and Municipal Government) to determine if public hearings are to be scheduled. To date, the Chairman has not heard from Assemblyman Panaro in this connection.

(State Planning Conference)

Mr. B. Budd Chavooshian reported on the results of the round-table meeting at the Annual State Planning Conference on Legislation (Bills 212-219), stating that each bill was analyzed thoroughly by Mr. Fred G. Stickel. It was suggested that "preliminary approval" is incorrect and that such action should be referred to as "approval of a preliminary plat." The Chairman was in agreement that the wording should be clarified, and that in the future every effort be made to draw the distinction.

(A.I.P.'s views on Bills)

It was pointed out by the Vice-Chairman that at a meeting of the American Institute of Planners, many objections were raised in reference to these bills; such as conflict of interest, tentative approval, membership classification, etc.

(Future Role of Advisory Planning Commission)

It was also pointed out that in some instances a representative(s) of an organization(s) represented on this Commission, may not be in full agreement with the organization's(s') thinking, and the question arose as to the procedure to be followed in this con-

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nection, which also brought up for consideration the future role of this Commission.

With reference to the above, the Vice-Chairman suggested that this problem be discussed with a representative from both houses of the legislature and, if possible, a representative of the Governor's office.

Mr. Alfred H. Fletcher, representative from the State Department of Health, serving on this Commission, inquired as to whether any agreement had been reached on any of the bills (212-219), pointing out that this Commission was set up to represent the thinking of municipal attorneys, planners, engineers, real estate groups, title associations, public utilities, housing, home owners, etc., and that it appeared to him that the main interest in these bills comes from the planners. Mr. Fletcher also mentioned that it was his belief that if this Commission is to continue to exist and to grow in stature it should have some hearings, stating that this Commission could ask for suggestions from the various groups represented here (APC), give a preamble to the legislature, indicating that the Advisory Planning Commission has gathered all the facts from which such recommendations are made, recognizing that there are many ideas from many sources, but that these recommendations seem to be the best for all concerned, and gradually try to assume the position where the legislature looks to this Commission for guidance rather than to many individuals with their different views.

The Chairman reminded those present that this Commission should receive all bills before they are acted upon; and that any or

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all bills in the nature of planning received for action by the legislators should be forwarded to this Commission first. In this connection the Chairman inquired of Mr. B. Budd Chavooshian if he could arrange to have a meeting with these legislators. Mr. Chavooshian brought to mind that it was mentioned in Joint Resolution #16, setting up this Commission, that from time to time this Commission is to report to the Commissioner of the Department of Conservation and Economic Development on activities, etc., of this Commission. After a brief discussion, it was suggested that the Chairman of this Commission should write a letter to Commissioner Salvatore A. Bontempo (copy of which will be forwarded to this Commission), informing him of the importance of meeting with the Executive Branch in reference to Bills 212 through 219 and the future role of this Commission. The Chairman stressed the importance of action on these bills, and requested that all members of this Commission, as individuals and as representatives of particular groups, should defend these bills.

Mr. Philip A. McLaughlin, representative from the New Jersey Utilities Association, remarked that it was his understanding that all bills of a planning nature should be brought before this Commission first, thrashing pros and cons. In this connection, Mr. Fletcher suggested that a meeting with Assemblyman Panaro to clarify this might be wise.

The Chairman reported that he had met with one of the lawyers of the Public Utilities group at which time he went over the rough

MEETING WITH  
NEW JERSEY  
PUBLIC UTILI-  
TIES ASSOC.

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draft of an amendment to the existing planning act, which amendment would permit the public utility to appeal an adverse decision of a planning board directly to the Public Utilities Commission rather than to the governing body (Section 19 of the Planning Act). Mr. Philip A. McLaughlin informed the members present that the draft had been submitted to the Public Utilities Association and a report thereon will be made at the March meeting.

COUNTY  
PLANNING

The Chairman read aloud a letter from Dr. Edward B. Wilkens in which Dr. Wilkens informed this Commission that he could not attend today's meeting inasmuch as the University (Rutgers) requested that he be sent to New York on business that day. Dr. Wilkens reported in his letter on the status of the County Planning Act, stating that a meeting is being arranged with the municipal engineers, et al, after which a report will be submitted to this Commission.

VESTED RIGHTS  
WITH A FINAL  
APPROVAL OF  
SUBDIVISION  
PLATS

The Chairman informed those present that he had received a copy of a letter which the Vice-Chairman of this Commission had sent to Mr. B. Budd Chavooshian, outlining the questions that have arisen in reference to vested rights, stating that Mr. Chavooshian, in turn, would write to the American Society of Planning Officials, seeking information as to what other states are doing in this matter. The Chairman read the letter aloud analyzing each question involved, from which such questions arose as to filing of maps under the authority of the Planning Act, and whether the map must conform to the Map Filing Act, and if no zoning ordinance exists whether compliance must be adhered to from a conveyance standpoint, and whether this

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Commission has the jurisdiction of going into the question of vested rights, as far as map filing is concerned, that does not relate to planning and subdivision, and the decisions of the Supreme Court on this subject.

A lengthy discussion ensued in which it was pointed out that there are some states that have given some degree of vested rights under the Map Filing Act, and it was suggested that a change in the present Map Filing Act should not necessarily be proposed, but that the clarification of vested rights should be inserted therein.

In summation of the various points raised in the aforementioned letter from the Vice-Chairman to Mr. Chavooshian, the Chairman, in concurrence with the members present, requested Mr. Chavooshian to forward the Vice-Chairman's letter, along with a copy of the Decision in the Lake Intervale Homes' case - since this Decision relates to the questions of vested interests - to the American Society of Planning Officials, requesting a survey of vested rights in connection with filed maps, including subdivision plats approved under a planning act. Mr. Chavooshian will have copies made of the Vice-Chairman's letter to ASPO and forwarded to each member of this Commission.

The Chairman reported that he had written a similar inquiry to the National Institute of Municipal Law Officers (NIMLO) and stated that it was his belief that between the two organizations - ASPO and NIMLO - this Commission would be supplied with as much material as

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could be obtained from anywhere.

It was suggested at this time that a chairman be designated to the subcommittee (Alexander Feinberg, William Holster, and Herbert H. Smith), mentioned in the Minutes of January 28, which subcommittee is to seek information from other states regarding their problems and experiences in this connection. Mr. Alexander Feinberg was made Chairman.

ADJOURNMENT

The meeting was concluded at 4:30, there being no further business.

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, March 25, 1959, at two o'clock.