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FIFTH ANNUAL REPORT  
OF THE ADVISORY PLANNING COMMISSION  
TO THE GOVERNOR  
OF THE STATE OF NEW JERSEY AND  
PROPER LEGISLATURE  
RECEIVED

February 1, 1963

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To His Excellency, Richard J. Hughes, Governor of  
the State of New Jersey and to the Senate and the  
General Assembly of the State of New Jersey

Pursuant to Joint Resolution No. 16 approved October  
20, 1955, and particularly to Section 3 thereof, the Ad-  
visory Planning Commission, created thereunder, hereby  
respectfully submits its fifth annual report.

### MEETINGS OF THE COMMISSION

This Commission held five regular meetings during  
the year, and the members actively participated in the  
various discussions at these meetings.

### PUBLIC RELATIONS - PUBLIC HEARING

The members of this Commission attended and par-  
ticipated in the Annual Conference of the State League of  
Municipalities. Planning legislation, particularly the Fourth  
Legislative Report by the County and Municipal Law Re-  
vision Commission's Subcommittee on Zoning and Plan-  
ning, Chapter 7, Local Land Use Law, was discussed.

A public hearing was held by the Assembly Com-  
mittee on State, County and Municipal Government (April  
11, 1962) on Chapter 7 - Local Land Use Law, which re-  
sulted in minor changes to this law.

Members of this Commission also attended (in which some participated) the Annual Conference of the American Society of Planning Officials, at which meeting planning, zoning, subdivisions, new legislation relating to planning, and a Department of Urban Affairs were among topics discussed. Governor Richard J. Hughes delivered the welcoming address.

This Commission continues to seek the expressions and ideas of as many persons and agencies as possible regarding planning matters through the medium of the respective groups represented on this Commission who solicit such opinions and communicate the results to the Advisory Planning Commission.

### SCOPE OF ACTIVITIES

The following bills were referred to this Commission for its views and recommendations: (As stated in previous reports, all bills of a planning nature should come before this Commission before any action is taken.)

A-2 Assemblymen Crabel, Savino, Krueger, Davis, Matthews, and McGowan. Introduced on January 16, 1962 -

Regulates the practice of professional planners; requires their registration and licensing; prescribes penalties for violation; license required after May 1, 1963.

A-166 Assemblymen Beadleston, Sears, and Hiering, Introduced January 29, 1962 -

Establishes a Board of Professional Planners in the Division of Professional Boards to regulate the practice of professional planning; requires the licensing of professional planners and the certification of planners-in-training; provides penalties for violations.

A-599 Assemblymen Crabel, Beadleston, Savino, Sears, Hiering, and Kordja. Introduced March 26, 1962 -

Establishes a Board of Professional Planners in the Division of Professional Boards to regulate the practice of professional planning; requires the licensing of professional planners and the certification of planners-in-training; provides penalties for violations.

(A-599 superseded A-2 and A-166.)

This Commission took no action on A-599)

A-487 Assemblymen Mandelbaum and Stamler. Introduced March 19, 1962 -

Permits an owner of any land or premises located in an area zoned for other than single family residences, over \$1,000 valuation, to execute and record a claim and file a copy with the municipal clerk to protect his intended use of the land and premises against possible changes in applicable zoning ordinance or amendment.

(It was resolved by this Commission that it vigorously express its opposition to A-487 as a threat to effective zoning in New Jersey.)

A-555 Assemblymen Panaro, Matthews, Savino, Randall, Musto, and Gross. Introduced March 19, 1962 -

Designated the "Local Land Use Law," enables a municipality to guide the development of the municipality; to secure safety from dangers; to prevent overcrowding of land or buildings; to provide adequate light and air; to avoid undue concentration of population.

(This Commission approved the Bill in principle and requested the Committee on Municipal and State Government to report on the Bill with such recommendations as they felt the public hearings indicated were necessary.)

A-642 Assemblymen Frederick and Barbour. Introduced April 16, 1962 -

Permits an owner of a land capable of subdivision to build a new house on part of his lands and to live in the existing structure until the new home is completed, then to remove the existing structure.

(This Commission resolved to oppose A-642 as unnecessary legislation which, because of its confusing language and ill-considered provisions, would only pose new problems.)

S-260 Senator Harper. Introduced April 16, 1962 -

Provides that a municipal ordinance regulating subdivisions shall be inoperative until a certified copy thereof is filed with the county clerk.

(This is, in substance, already provided by The Municipal Planning Enabling Act of 1953 (40:55-1.15))

### TOPICS AND/OR PROBLEMS DISCUSSED

Numerous topics and problems were discussed at the regular meetings held this year; the following subject was of primary importance:

The County and Municipal Law Revision Commission's preliminary drafts and final draft of the Legislative Report (Chapter 7, Local Land Use Law), by the County and Municipal Law Revision Commission's Subcommittee on Zoning and Planning. This Chapter is a revision of the Municipal Planning Act (1953) - 40:55-1.1 et seq., the Official Map and Building Permit Act (1953) - 40:55-1.31 et

seq., and the Zoning Act - 40:55-30 et seq., as amended. Several revisions to the Local Land Use Law were lengthily discussed, and in some instances changes made in the various paragraphs of the preliminary drafts before the final draft: The Fourth Legislative Report was submitted to the public; a public hearing was held and as a result the following items are under consideration for amendment:

### FINAL APPROVAL

necessary steps to be spelled out in greater detail for final approval of a subdivision plat, and definite standards to be set up for Final Approval:

### TERMS AND CONDITIONS

too vague; substituted therefor: street pattern and layout, lot sizes, off-site specifications, etc.

### SELLING BEFORE APPROVAL

prohibition against agreeing to sell should be deleted and the word "conditional" to precede the word "approval."

### IMPROVEMENTS INSTALLATION VS. BOND (PERFORMANCE GUARANTEES)

developer should be permitted to install such improvements; municipality would be protected by its right of non-acceptance if improvements did not come up to standards.

### PROTECTIVE PERIOD FOR VESTED RIGHTS

90 days instead of 45 days for planning board to take action.

### MEMBERSHIP OF PLANNING BOARD

#### Class II

when board consists of less than 7 members Class II shall be omitted; and

**Class III**  
in instances where the governing body consists of no more than 3 members, Class III, likewise, should be omitted;

**Class IV**  
prohibition against holding of other offices by Class IV members should be restricted to municipal offices;

**Salaries**  
suggested clause allowing the governing body to provide salaries for members of the planning board.

### RELATIONSHIP WITH COUNTY AND MUNICIPAL LAW REVISION COMMISSION

This Commission will continue to work with the Title 40 Revision Commission's Subcommittee on Zoning and Planning in making whatever changes are necessary to improve the zoning legislation and correct any defects in the Municipal Planning Act, in that both groups hold the same interest in such legislation. This Commission, as mentioned in previous reports, has close liaison with the Title 40 Revision Commission since its Chairman, Mr. Fred G. Stickel, III, is also Chairman of the Zoning and Planning Subcommittee of the Title 40 Revision Commission.

### FUTURE ACTION OF THIS COMMISSION

This Commission will continue its policy of requesting that any proposed legislation sponsored by any organization represented on this Commission of a planning or zoning nature be submitted to this Commission for its review and recommendation prior to submission of same to the Legislature.

This Commission will continue to review and make recommendations to all proposed legislation relating to County and Municipal Planning which may be offered to the Legislature and make its recommendations thereon, independently or on request.

This Commission intends to continue its pursuit of resolving the question of vested rights.

This Commission will continue its deliberations on inquiries and/or problems presented up to and including August 31 of each year, after which, whatever recommendations are to be made will be tentatively passed in written form. Such will be released to the public and public hearings, if deemed feasible, will be scheduled during the month of September and/or October. Based upon discussion at these public hearings, final recommendations will be submitted to the Legislature through the medium of this Commission's Annual Report.

This Commission will continue to participate at the Annual Conferences of the State League of Municipalities where inquiries and/or problems of a planning nature are discussed (at the Day and One-Half of Planning) with public officials and those of the citizenry who are interested in planning matters.

### PERSONNEL OF THIS COMMISSION

The Chairman of this Commission reported to Governor Richard J. Hughes, requesting that a replacement for the late Dr. C. Rexford Davis, who represented the Federation of District Boards of Education on this Commission, be made and that the Housing and Redevelopment Authorities be fully represented on this Commission.

### ACKNOWLEDGEMENTS

This Commission wishes to express its appreciation to the New Jersey Federation of Planning Officials and to the American Institute of Planners for their achievement in having the American Society of Planning Officials (ASPO) hold its conference in New Jersey, which was the first time this national agency held such a meeting in the State of New Jersey.

This Commission also wishes to express its appreciation to the State League of Municipalities in affording a Day and One-Half of Planning at its annual meeting which time is devoted to discussions on planning legislation and inquiries and/or problems relating to planning matters.

This Commission wishes to express its appreciation to Roger Scattergood, of the Division of State and Regional Planning, for sitting in on the regular meetings and providing the necessary staff services during the past months. Also to Gladys E. Pettit, of the Division of State and Regional Planning, who has faithfully and efficiently served this Commission as its recording secretary during these meetings.

Respectfully submitted,

FRED G. STICKEL, III, *Chairman*,  
Representing New Jersey Institute  
of Municipal Attorneys

HERBERT H. SMITH, *Vice-Chairman*,  
Representing American Institute of  
Planners

H. THOMAS CARR, *Secretary*,  
Representing New Jersey State  
Society of Professional Engineers  
and Land Surveyors

MR. DENIS W. MALONEY,  
Representing New Jersey Title  
Associations

MR. PHILIP A. McLAUGHLIN,  
Representing New Jersey Utilities  
Association

MR. LOUIS DANZIG,  
Representing New Jersey Association  
of Housing and Redevelopment  
Authorities

MR. ALEXANDER FEINBERG,  
Representing New Jersey Home-  
builders Association

MR. WILLIAM A. BLOOM,  
Representing New Jersey Real  
Estate Association

MR. ALFRED H. FLETCHER,  
Representing State Department of  
Health

MR. WILLIAM HOLSTER,  
Representing New Jersey Municipal  
Engineers Association

MR. SAMUEL P. OWEN,  
Representing New Jersey Federation  
of Official Planning Boards

MR. ROBERT H. FUST,  
Representing New Jersey State  
League of Municipalities

DR. EDWARD B. WILKENS,  
Representing Rutgers, the State  
University

MR. B. BUDD CHAVOOSHIAN  
Representing Department of  
Conservation and Economic  
Development, Division of State  
and Regional Planning