

**Second Annual Report of the Advisory Planning  
Commission to the Legislature and Governor  
of the State of New Jersey**

February 1, 1958

*To His Excellency, Robert B. Meyner, Governor of  
The State of New Jersey, and To The Senate and  
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 Advisory Planning Commission, created thereunder, hereby respectfully submits its second annual report.

**Meetings of the Commission.**

During the past year, following the First Annual Report of this Commission to the Legislature, the Commission has held ten regular meetings, meeting once a month except during the months of May and July. The meetings have been well attended and members of the Commission have participated in the discussions at said meetings. During the past year, in order to facilitate the work of the Commission, two main subcommittees were formed—one to cover County Planning and the other Municipal Planning. All members of the Commission were assigned to either one or the other of said subcommittees and the subcommittees met and discussed the various problems assigned to them on several occasions and reported back to the full Commission the results of their meetings.

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Two special meetings were held during the year. One with the County Officials, at which time the problems relating to County Planning and the possible revision of the County Planning Act were fully discussed. The other special meeting was a joint meeting with the legislative committee of the New Jersey Federation of Official Planning Boards.

A special meeting of several members of the Commission was also held during the year with representatives of the New Jersey Utilities Association.

#### **Public Relations.**

The Commission has continued to recognize the problem of ascertaining the feelings of the general public as to its activities and as to problems arising in Municipal and County Planning. No easy solution of this problem has been discovered during the past year. In spite of the efforts of the Commission by means of new releases, public hearings, etc., to keep its doors open, contacts with the general public have been limited. In view of such experience, the Commission has been reluctant to schedule general public hearings throughout the state unless there were a specific agenda formulated in advance of such hearings.

The Commission plans to hold public hearings during the next year with a specific agenda directed primarily to the tentative recommendations proposed for its third annual report.

After permission was obtained from the Legislature and the Governor, printed copies of the First Annual

Report of the Commission were made available, on request, through the Department of Conservation and Economic Development to the public at large. Approximately two-hundred copies of said report have been distributed by said Department and each member of the Commission was given sufficient copies of the Report to distribute them to representatives of the organization which such Commission member represented on the Commission.

While five specific recommendations were made for amendments to the Municipal Planning Act in said Report, little reaction to such recommendations has come to the attention of the Commission, with the exception of that of the New Jersey Federation of Official Planning Boards. The Commission, therefore, still wrestles with the unsolved problem of ascertaining the general feelings of the Public on the problems being experienced with the Municipal and County Planning Acts.

During the past year no member of the Legislature or group of members of the Legislature has sought the services of the Commission on any bill or proposed legislation.

#### **Scope of Activities.**

During the past year the Commission has not experienced any pressing problems relating to the Municipal or County Planning Acts other than those discussed in its first report and those discussed with the County Officials at the joint meeting referred to above. From time to time in the course of the meetings, individual problems presented by Commission members have been discussed, but

none of such problems were of such a pressing nature as to lead to formal recommendations thereon. As indicated in the Joint Resolution creating this Commission and in the First Report of this Commission the function of the Commission is a continuing one; namely, to keep current and workable the Municipal and County Planning Acts and to serve as an advisory agency to the Legislature and Governor on problems arising in relation to either of said Acts. The Commission feels that it has performed its functions in that regard during the past year to the extent that it has been called upon to do so.

As far as the Municipal Planning Act is concerned the Subcommittee has discussed the recommendations of the New Jersey members of the American Institute of Planners with its representatives and has tentatively agreed to certain of the suggestions made by this group. However, any final action on said recommendations has been deferred until the recommendations of the First Annual Report have been more fully discussed with this group.

A very successful meeting of representatives of the New Jersey Federation of Official Planning Boards and the Commission as a whole was held and a program worked out which would help to avoid, or at least minimize, conflicts in the future between these two organizations. A similar working arrangement was established with the New Jersey Utilities Association through the fine efforts of Philip A. McLaughlin, the representative of that Association serving on the Commission.

The Subcommittee on County Planning has worked closely with the County Planners Association, looking

toward immediate recommendations or amendments to strengthen the County Planning Act as well as an over-all revision of the County and Regional Planning Enabling Legislation. After having met with both the Commission and the Subcommittee it was mutually agreed that rather than submit piecemeal amendments to the County Planning Act at this time, the County Planners Association and the Commission would work toward an over-all revision of the entire Act which it is hoped will be ready for recommendation by the next annual report of the Commission.

While much has been discussed during the past year and the ground work has been laid for future action and recommendations, the Commission is not in a position at the present time to make any specific recommendations.

#### **Topics or Problems Discussed.**

In the course of the past year ten meetings were held by the Commission. The following topics have been discussed at some length, and are still under consideration.

1. Suggested revisions of the Map Filing Act. PL1953, Chapter 358.
2. Revision of the Zoning Enabling Legislation.
3. General revisions of the County Planning Act and separation of same from Regional Planning.
4. Separate Regional Planning Act.  
What area would constitute a region?

5. Conflict of interest of Planning Board members.
6. Nature of performance guaranty.  
(completion or performance bond).
7. Public hearings on County and Municipal Planning Acts.
8. Term of members of Class 4 co-terminus with membership on other Boards.
9. Tentative approval and the effect thereof.
10. Time limit within which Planning Board action should be taken.
11. Publication and mailing of notice of hearings on subdivision application to adjoining Municipality.
12. Broadening of right of reservation by Municipality to include parks or any land held for a public purpose.
13. Problems of the applicability of Planning Act to Public Utilities.

**Relationship with County and Municipal  
Law Revision Commission.**

During the past year the Legislature and Governor Meyner have appointed, pursuant to a joint resolution of the Legislature, a County and Municipal Law Revision Commission to study and make recommendations for the general revision of all of Title 40 of the Revised Statutes.

Said Commission has been formed and is proceeding with its duties. The Chairman of the Advisory Planning Commission has been appointed by Governor Meyner to serve on the Title 40 Commission and is serving as secretary thereof. The Chairman brought to the attention of the Commission this matter of his having two assignments and discussed frankly with the Commission the question of whether there was any possible conflict of interest in serving on both Commissions. The Commission decided that there was no conflict and on the contrary, felt that the work of the two Commissions could be dovetailed as far as Planning was concerned. Since both the County and Municipal Planning Acts are within the Title 40 of the Revised Statutes, and will be the subject-matter of revision, the Commission believes it can cooperate with the County and Municipal Law Revision Commission and make its task easier as far as the planning aspects of the legislation are concerned.

In the First Annual Report, the Commission pointed out the need for a study of the zoning enabling legislation of the State, and now that the County and Municipal Law Revision Commission has been formed, it is believed that such a study can be done by that Commission with the assistance of this Planning Advisory Commission.

**Future Action of the Commission.**

The Commission plans in the near future to make specific recommendations as to the revision of the entire County Planning Act, separating said Act from the Regional Planning Act and at the same time to make recommendations

for a separate regional planning act. This work will be done in close cooperation with the County Planners Association and such subcommittee of the County and Municipal Law Revision Commission.

The Commission also plans to work closely with the County and Municipal Law Revision Commission subcommittee on zoning and planning in making whatever changes are necessary to modernize the zoning enabling legislation and correct any defects in the Municipal Planning Act.

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

The Commission will continue its policy of requesting any proposed legislation sponsored by any organization represented on the Commission to be submitted to the Commission for its review and recommendation prior to submission of same to Legislature.

The Commission members are disappointed at the apparent failure of the Legislature, or any member, to acknowledge and consider the recommendations made in its First Annual Report. Each member of the Commission individually and the Commission as a whole are devoted to the task for which they were appointed. They have regularly attended monthly meetings of the Commission with the idea in mind of assisting the Legislature and Governor.

The Commission feels under such circumstances that the recommendations should not simply be made and laid aside

to gather dust. Under such circumstances the Commission and its individual members will lose interest and heart in the task to which they were appointed.

The Commission suggests that the Legislature give consideration to appointing an official representative of the Senate and a representative of the Assembly who can meet with the Commission and consider the recommendations of the Commission, as a permanent arrangement. Such representative to act as a liaison between the Commission and the Legislature.

The Commission plans to continue its deliberation on any problems presented up to and including August 31 of each year at which time whatever recommendations are to be made will be tentatively passed in written form. Such will be released to the public and public hearings scheduled during the months of September and October. Following the completion of said public hearings and deliberations, and based upon discussions heard at said public hearings, final recommendations will be drafted and submitted to the Legislature through the medium of the Annual Report of the Commission. By this means it is hoped to have greater participation and better public relations between the Commission and the citizens of the State.

The Commission plans to request an Attorney General's opinion on the conflict in the use of the terms "performance" and "completion," in that part of the Act relating to performance guarantees, Section 21 thereof.

### Personnel of the Commission.

The Commission has experienced a serious loss in its membership through the untimely death of Dr. C. Rexford Davis, initial appointee to the Commission representing the State Federation of District Boards of Education of New Jersey. Appropriate action of the Commission has been taken by means of a Resolution presented to Mrs. Davis. Dr. Davis served regularly as a member of the Commission up to the time of his death. It is hoped that the Governor will appoint a suitable replacement in the near future.

The Commission also notes the resignation of the Honorable Joseph M. Healey, Mayor of the Town of Kearney, serving on the Commission as representative of the New Jersey State League of Municipalities. Mayor Healey has served as a regular member of the Commission and we trust that his replacement will be appointed shortly by the Governor.

A full Commission representing the various agencies, provided for in the creating resolution, is absolutely necessary to do the smooth work of the Commission.

### Acknowledgments.

Your Commission wishes to express its appreciation to the Governor and Legislature, and particularly to the Bureau of Planning of the Department of Conservation and Economic Development and its Commissioner as well as to the New Jersey Federation of Official Planning Boards, the County Planners Association, the County Officials Association, the New Jersey representatives of the American Institute of Planners and the New Jersey Utilities Association for their wholehearted cooperation and assistance during the past year. We would particularly like to express our appreciation to Gladys Pettit who has faithfully and efficiently served the Commission as its recording secretary during our meetings.

Respectfully submitted,

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of Municipal Attorneys

HERBERT H. SMITH, *Vice-Chairman*,  
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H. THOMAS CARR, *Secretary*,  
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Mr. DENNIS W. MALONEY,  
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Mr. PHILIP A. MCCLAUGHLIN,  
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Mr. LOUIS DANZIG,  
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