

M I N U T E S

Of The

Advisory Planning Commission

December 5, 1956

The members of the Advisory Planning Commission met in the conference room at 520 East State Street, Trenton, New Jersey. The meeting was called to order by the Chairman, Fred G. Stickel, III, at 1:55 p.m.

Those present were:

Fred G. Stickel, III, Chairman
Herbert H. Smith, Vice Chairman

William A. Bloom
B. Budd Chavooshian
C. Rexford Davis
Alfred H. Fletcher
Dennis W. Maloney
Philip A. McLaughlin
Edward B. Wilkens

Those absent were:

H. Thomas Carr, Secretary
Louis Danzig
Alexander Feinberg
Joseph M. Healey
William Holster
William A. Sutherland

The Chairman announced that this meeting would be devoted to the five topics which have been discussed at previous meetings and which are to be voted on at this meeting, in order that the Commission might be able to prepare a report to the Legislature next month.

In this connection, the Chairman asked Dr. Wilkens to review his report, "Multiple Membership on Planning Boards." Dr. Wilkens pointed out that there is a conflict between the Planning Statute and the Redevelopment Agencies' Statute and expressed his belief that the statute should be amended by an expansion of the provisions governing duplicate membership to permit members of a planning board to hold other appointive offices or serve as members of the School Board

provided that they be limited to holding a chairmanship on not more than one Board.

At this point, the Vice Chairman, Herbert H. Smith, referred to "Planning Board Members" (40:55-1.4) and suggested that the wording be changed so that the members of Class IV could be members of other appointive bodies within the municipality, provided that no more than one from each of any other Board or agency were represented on the planning board, and that the chairman of the planning board did not hold chairmanship on any other appointive body. The Vice Chairman suggested that this be accomplished by adding, after the wording "All members of the board shall serve without compensation....." (refer to heading TERMS), "and the members of Class IV shall hold no elective office other than one may be a member of the Board of Education. Class IV members may be members of other appointive administrative boards or agencies; however, not more than one member of any particular appointive administrative body shall serve as a member of the planning board."

The Vice Chairman also referred to the following paragraph in the Planning Act (40:55-1.5) and suggested that a sentence be added stating that a chairman or presiding officer of any other appointive or elective body shall not be permitted to serve as a chairman of the planning board. The Vice Chairman stated that a great many questions have come up about Class IV membership and remarked that when Class IV membership is limited to a zoning board of adjustment of board of education, this excludes redevelopment agencies, urban renewal agencies, parking authorities, traffic authorities, sewerage authorities, which bodies would, undoubtedly, be an addition to the Board and he recommended that the provisions for Class IV be amended. The Chairman asked for a motion on the Vice Chairman's recommendation. A motion was made, seconded and carried. Dr. Wilkens is to submit a draft of the revision.

The next topic on the agenda was that of the "interest" question.

Much discussion followed as to just where the line should be drawn as to "direct" or "indirect" financial or personal interest, after which the Vice Chairman suggested that this section of the statute should be rewritten to read: "No member of the planning board shall be permitted to act on a matter in which he has:

- a) a direct financial interest
- b) interest by relationship which arises out of marriage or blood
- c) a private interest which would result in direct and immediate personal or economic benefit."

The Chairman entertained a motion that the Commission make this recommendation to the Legislature for the change in the wording of Section 40:55-1.4 of the Planning Act in its relation to "interest of planning board members." The motion was seconded and carried unanimously.

The third topic discussed was a report submitted by Mr. B. Budd Chavooshian who suggested that the following paragraphs should be inserted in Section 40:55-1.13 -

"Whenever application is made by a department or agency of a municipality or any authority created thereby to any State or Federal agency for aid or assistance in the furtherance of any capital improvement, major construction project, or the development of plans therefor which may affect an existing or proposed master plan of the municipality or any part thereof or is an improvement or project specifically contained therein, or which, under the terms of any agreement with the State or Federal agency, requires the eventual approval by the Municipal Planning Board, the Planning Board shall be informed of the submittal of such application by the transmittal of a duplicate copy thereof at the time every such application is made.

"Where an (official) master plan or any part thereof affecting or likely to be affected by the planning and construction of such improvements or project is in existence, the Planning Board shall report within (30) days to the applying municipal agency, or authority, stating the extent of its interest therein, the relationship of the project to any master plan proposals, and if appropriate may render tentative approval of the project along with such other recommendations as it may consider worthy of the attention of the applying municipal agency or authority."

After some discussion on this report, it was suggested that the word

"official" (third word in first line of second paragraph above) be stricken from the first line of this paragraph and that the 30 day limit granted to planning boards (mentioned in the same paragraph, third line, 11th word) to report to the applying municipal agency or authority, be changed to 45 days. A motion was seconded and carried to recommend to the Legislature the insertion of the above paragraphs (with the corrections) in Section 40:55-1.13. The Chairman made a motion to recommend to the Legislature that the Housing Authorities Law (Chapter 300), the Redevelopment Agencies Law (Chapter 306), and the Blighted Areas Act (Chapter 187) be amended to provide for a 45 day limit in each law for the submission of reports by the planning board. At this time the Vice Chairman recommended that the Association of Redevelopment Agencies be urged to support this legislation.

The fourth item "Tentative Approval" was brought up for discussion by the Chairman, at which time he remarked that there are serious problems arising from interpretation of this section of the Act, and stated that the Chairman of the Subcommittee formed to report on this section, Mr. Alexander Feinberg, was doing a great deal of legal research on this matter and that he would have his report ready in about a week. The Vice Chairman suggested that this matter be held in abeyance pending the submission of a report from Mr. Feinberg, and that the Chairman be authorized to call a special meeting to discuss this entire matter. The Chairman inquired of the members present if they would be agreeable to meeting again this month to discuss this item; all were in accord.

The last of the five items on the agenda, "completion" bonds vs "performance" bonds, was brought up for discussion. The Chairman brought to the attention of the members present the close relationship of this item to "tentative approval." He also pointed out an error in Section 23 of Chapter 433, Laws of 1953 (Municipal Planning Act), wherein reference is made to....."Section 3 of the Official Map and Building Permit Act (1953)....." .

The reference should have been to Section ten. The error was corrected in the reprints of the Act prepared by the Planning Bureau. It was moved and carried that the Legislature be advised of this error and that the appropriate correction be made.

Section 40:55-1.23, "Selling Before Approval," was mentioned. The Chairman announced that he has received a letter from a municipality in regard to the penalty of selling lands without subdivision approval by the planning board. After a brief discussion on this section it was agreed to suggest the deletion of the following shown in brackets:-

[If the streets in the subdivision are not such that a structure on said land in the subdivision would meet the requirements for a building permit under section three of the Official Map and Building Permit Act (1953)]

Mr. Philip McLaughlin discussed with the Chairman, et al, the matter of land usage in connection with installations on publicly-owned lands; whether or not it was a zoning or planning problem. The Chairman informed Mr. McLaughlin that installations on land was purely a zoning question and not a planning matter insofar as no subdivision is concerned. At this point, the Chairman remarked that recommendations should be made to the Legislature that power should be given to change the Zoning Enabling Act when necessary as it affects planning.

A short discussion followed on the subject of mortgage or long-term lease and private streets in connection with subdivisions which Mr. Maloney mentioned. In this connection, Section 40 of the Statute was referred to.

The meeting was concluded at 4:45 p.m. and it was suggested that a special meeting be held on Thursday, December 27, 1956, at 1:30 p.m. at which meeting the topic of "Tentative Approval" will be covered.

SEASON'S GREETINGS !!