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**Third Annual Report Of The Advisory Planning  
Commission To The Legislature and the Governor  
Of The State Of New Jersey**

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*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 third annual report.

**Meetings of the Commission.**

Since the issuance of the Second Annual Report of the Advisory Planning Commission (2/1/58) this Commission has held sixteen regular meetings. In addition thereto, numerous meetings were held by various subcommittees assigned to review and discuss specific topics in connection with planning legislation, after which reports were submitted to the full Commission.

Special meetings were held with Commissioner Salvatore A. Bontempo, of the Department of Conservation and Economic Development, and Assemblyman Vincent R. Panaro, Chairman of the Standing Reference Committee on State, County and Municipal Government, to discuss the future role of this Commission and to effect better liaison between the legislative committees and this Commission.

Meetings were also held with county officials and the County Planners Association by members of the County Subcommittee of this Commission.

A special meeting was held with the Chairman of a subcommittee of this Commission and the legislative representatives to discuss the future role of this Commission.

A meeting was also held with Assemblyman Martin Kesselhaut to discuss recommendations made in the First Annual Report of this Commission.

### **Public Relations.**

In further recognition of the importance of the citizens' viewpoint on local planning, this Commission has sought the ideas and opinions of the various agencies and/or individuals interested in planning as to their thoughts on the present planning legislation as it affects them.

In this connection, this Commission discussed with the Secretary-Director of the State Board of Professional Engineers and Land Surveyors a conflict in the "Guide"—a publication entitled: "A Guide for the Preparation of Municipal Land Subdivision Control Ordinances"—and the Land Surveyors Act. A review and study of the wording of the Guide was made which resulted in the change of wording for better clarification.

After several meetings were held with the Public Utilities Association, this Commission gave its approval of the amendment to the Planning Act (Section 19) in relation to planning board control, through the medium of subdivision control, over the use of land. As a result, a bill was introduced by Senator Frank S. Farley (S-265), Chapter 192, P.L. 1959, and signed by Governor Robert B. Meyner.

The Chairman, Vice Chairman and other members of this Commission participated at the Annual State Planning Conferences where round-table discussions were held to discuss the new planning bills—recommendations mentioned in the First Annual Report of this Commission —

Assembly Bills 212 through 219, 1959 and the various phases of planning with professional planners and the general public.

Members of this Commission also participated in the Annual Conferences of the New Jersey State League of Municipalities, at which conferences a "Day in Planning" is set aside to enable the citizenry to become more enlightened on the planning legislation which is discussed at the various round tables.

Discussions were held with the New Jersey (State) Homebuilders Association and members of this Commission concerned therewith at which time zoning requirements were analyzed as they affect home-builders; a report was submitted to the full Commission for its review and recommendations.

As a result of a letter received from the Borough of Franklin Lakes with regard to subdivisions in the Borough in relation to dedication of lands or fees in lieu thereof for community facilities, a meeting was held with Mr. George Skillman, Director of the Division of Local Government, State Department of the Treasury, and this Commission to discuss the practice by some municipalities of acquiring dedication of land by subdividers and the problems posed by such procedures.

Assemblyman Martin Kesselhaut noted and supported the recommendations listed in the First Annual Report of this Commission and introduced these recommendations as Assembly Bills 212 through 219 (1959).

### **Scope of Activities.**

As stated in previous reports, the function of this Commission is a continuing one, especially created to keep current and workable the planning legislation and to serve

as an advisory agency to the Governor and the Legislature when problems of a planning nature arise.

To this extent, a subcommittee of this Commission was formed to act as liaison to meet with heads of both houses (Legislature) to review all planning legislation and submit recommendation thereon.

In order to acquaint the Legislature with the various planning problems encountered by this Commission, meetings with Commissioner Salvatore A. Bontempo, of the Department of Conservation and Economic Development, and Assemblyman Vincent R. Panaro, Chairman of the Standing Reference Committee on State, County and Municipal Government, were held, at which time activities of the Advisory Commission were discussed as well as its duties and responsibilities.

To enable this Commission to accomplish its objectives, it was proposed that when a bill or bills of a planning nature are presented they should come before this Commission before any action is taken.

A digest of each bill is to be submitted with the views of the Advisory Planning Commission thereon, after which these comments are to be forwarded to the Governor and the Chairmen of the Standing Reference Committees on State, County and Municipal Government and to the sponsor(s) of the bill, which will place the views of the Advisory Planning Commission on record with those primarily responsible for the passage of the bills in question.

The following bills introduced in 1959 were referred to this Commission for its views and recommendation:

A-534—William V. Musto (3/25/59 p.4)

A-544—J. Edward Crabiel (3/25/59 p.4)

A-555—J. Edward Crabiel (3/25/59 p.5)

formerly A-555..A-595—J. Edward Crabiel (4/27/60  
pp. 2, 3)

A-596—William T. Hiering (4/27/60 p.2)  
formerly A-544..A-597—(J. Edward Crabiel  
(William H. Everett) (4/27/60  
pp. 2, 3)

S-265—Frank S. Farley (1/29/60, P.7)

Upon consultation with the Chairman of the Standing Reference Committee on State, County and Municipal Government in the matter of planning legislation (Assembly Bills 212-219/1959—formerly 567 through 574/1958, it was felt that public hearings on this new legislation (recommendations listed in the First Annual Report) were not necessary—there being no substantial amount of objections.

The American Institute of Planners, which is represented on this Commission, was instrumental in the formulation of a New Jersey Chapter of the American Institute of Planners.

The American Institute of Planners introduced a bill (A-206) 1958 calling for the registration of Planners.

The Subcommittee on Municipal Planning held numerous meeting to discuss various phases of the Municipal Planning Enabling Act, especially subdivision control and the revision of the publication: "A Guide for the Preparation of Municipal Land Subdivision Control Ordinances," which publication is issued by the New Jersey State Planning Bureau. It is felt that the "Guide" is an essential and needy guide for all municipalities in the subdivision of land.

The Subcommittee on County Planning held meetings with county officials, the County Planners Association, and the Municipal Engineers to discuss revisions to the present County and Regional Planning Enabling Act inasmuch as

committees of the County Engineers and the County Planning Directors have been actively engaged in preparing recommended revisions of the County Planning Act. The Advisory Planning Commission's subcommittee has withheld action on its part until such recommendations may be received. Informal contacts have indicated that it will probably be the task of the Advisory Planning Commission to reconcile differences in the details of these recommendations and this will be undertaken in the immediate future.

#### **Topics and/or Problems Discussed.**

Many topics and problems were discussed at the regular and special meetings held by this Commission during the past months. The following topics were discussed at length, some of which are still being held in abeyance, awaiting further consideration by this Commission:

1. Land Subdivisions: dedication of land or fees in lieu thereof for public purposes.
2. Procedure of minor subdivisions and separate tax units in relation thereto.
3. Land Subdivision Guide (a publication issued to all municipalities for use as a guide in subdivision control ordinances); certain phases of "Guide" questioned and revisions made thereto.
4. Legislation: Drafting of legislation on recommendations mentioned in this Commission's First Annual Report—Assembly Bills 567 through 574 (1958); later introduced as Assembly Bills 212 through 219 (1959).
5. Public Hearings on Assembly Bills 567 through 574 (1958).

6. Review of County and Regional Planning Enabling Legislation.

7. Title 40 Revision Commission's Subcommittee on Zoning and Planning dealing with Jt. Resolution No. 16 which established the Advisory Planning Commission, and the workings of the two groups.

8. Presentation of legislation of a planning nature to this Commission for review and recommendation.

9. Liaison between the Executive Branch and this Commission.

10. Amendment to Planning Act (RS 40:55-1.19)—appeals to Public Utilities Commission of decisions by planning board or municipal governing body.

11. Planning Board membership: classification—elimination of Class III from a board of less than seven members.

12. Appointments Board—class IV appointments made in middle of year held illegal.

13. Combining planning boards with zoning boards of adjustment.

14. Membership replacements.

15. Publicity to enlighten the citizenry on matters of planning. (Thomas Cook's article on Master Plans and School Boards. Commissioner Bontempo's suggestion of news releases on this Commission's activities).

16. Future role of this Commission.

In addition to the above-mentioned topics, inquiries

were received from several individuals and organizations stating their questions and/or problems and replies made thereto.

### Specific Subjects Acted Upon.

Considerable time was given by this Commission to the subject of "vested rights" in connection with the approval of plats as affects subdividers and private property owners. Much time has been expended by the members of this Commission in their efforts to obtain information and material for use in setting up legislative standards for vested rights.

The following lists, in part, the various phases of this topic discussed within the past year:

1. Change of zoning regulations and the effect therefrom upon the subdivider and the private property owner.
2. Zoning variances and decisions of various court cases reviewed.
3. Research made as to what other states are doing in matters of this kind. Subcommittee formed to seek information regarding problems and experiences in this connection.
4. Letter from this Commission, along with the Lake Intervale Homes' case, forwarded to the American Society of Planning Officials (ASPO) requesting a survey of vested rights in connection with filed maps—similar letter of inquiry written to the National

Institute of Municipal Law Officers (NIMLO).

5. Special Research Report, submitted by Research Associate of ASPO on the New York State law in reference to subdivisions and vested rights.
6. Subcommittee's report from other states: Connecticut, New York, Michigan and Pennsylvania discussed with regard to time limit, performance of work by subdivider within a period of time, proposal of county and state zoning courts, and standards for legislation.
7. A statement of the New Jersey Chapter of the American Institute of Planners (AIP) in connection with public and private interests in connection with the development of land reported on by subcommittee.
8. Assembly Bill No. 214 (1959)—tentative approval—in connection with the statement of the AIP reviewed and examined for "rights" and "restrictions" affecting the subdivider and the individual property owner.
9. Problem of contract zoning in relation to tentative approval. Regional Plan Bulletin No. 94, dealing with this problem, analyzed.
10. Clarification of "tentative" and "final" approval.
11. Performance bond time limit—minimum and maximum period.
12. Statement concerning the problems involved in reference to vested rights prepared, from which conclusions might be drawn submitted to the Attorney General for an opinion.

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

Since the creation of the Planning Advisory Commission, the Governor and Legislature have created a Legislative Commission to revise all of Title 40 relating to municipal and county law. The work of this latter commission will cover the revision of the zoning and planning law of the State, with which this Commission is also interested. To the extent that the Title 40 Revision Commission revises the planning legislation of the State, its work will be somewhat duplicated by the Planning Commission. Nevertheless, the chairman of this Commission is a member of the Title 40 Revision Commission and has kept this Commission advised on the progress of the Title 40 revision. This Commission has agreed that it will review whatever revision is made in the zoning and planning legislation by the Title 40 Commission and report its recommendations to the Title 40 Commission. This Commission has also indicated that it would rely upon the chairman to act as liaison between the Advisory Planning Commission and the Title 40 Revision Commission.

### **Future Action of the Commission.**

The Commission plans to explore further the proposed revision of the entire County Planning Act with the hope of submitting recommendations. This work will be done in close cooperation with county agencies interested in the proposed revision and also with the Zoning and Planning Subcommittee of the Title 40 Law Revision Commission.

The Commission also plans to work closely with the Title 40 Law Revision Commission and its Subcommittee on Zoning and Planning to review the reports of the subcommittee and make recommendations and suggestions.

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, and will continue to seek the cooperation of the Legislature in fulfilling this task.

The Commission will continue its policy of requesting any proposed legislation sponsored or considered 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 will continue to pursue the topic of "vested rights" in an effort to resolve this question, if possible. The Commission will work closely with the Title 40 Law Revision Commission in this matter.

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. Where possible and feasible, 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/or 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.

### **Personnel of the Commission.**

Mr. Robert H. Fust, Executive Director of the New Jersey State League of Municipalities, has replaced Mr. Joseph M. Healey, Mayor of the City of Kearny, and former

representative of the New Jersey State League of Municipalities.

Mr. Samuel P. Owen, Professor at Rutgers, the State University, has replaced Mr. William A. Sutherland, as representative of the New Jersey Federation of Official Planning Boards.

The Commission notes that the replacement for the late Dr. C. Rexford Davis, by the State Federation of District Boards of Education of New Jersey, has not been made to date.

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

### Acknowledgements.

This Commission wishes to express its appreciation to the Governor; the Legislature; and particularly to Commissioner Salvatore A. Bontempo, of the Department of Conservation and Economic Development; the Bureau of Planning of that Department; Senator Richard R. Stout; Assemblyman Vincent R. Panaro; former Assemblyman Martin Kesselhaut; New Jersey Utilities Association especially to the Counsel to the Association, Raymond Schroeder, and a member thereon, Samuel Zerman; the American Institute of Planners; County Planners Association; the New Jersey Federation of Official Planning Boards; and to Alvin E. Gershen, of the State Planning Bureau, who provided staff services for the Commission, for their sincere and earnest cooperation and assistance during the past months. We would particularly like to express our appreciation to Gladys E. Pettit who has faithfully and efficiently served the Commission as to its recording secretary during our meetings.

Respectfully submitted,

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Representing New Jersey Institute  
of Municipal Attorneys

HERBERT H. SMITH, *Vice-Chairman*,  
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H. THOMAS CARR, *Secretary*,  
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