

# M I N U T E S

Of The

## ADVISORY PLANNING COMMISSION

March 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 2:20 p. m.

### ATTENDANCE

The members present were:

Messrs.

Fred G. Stickel, III, Chairman  
H. Thomas Carr, Secretary  
William A. Bloom  
B. Budd Chavooshian  
Alfred H. Fletcher  
Robert H. Fust  
William Holster  
Philip A. McLaughlin  
Edward B. Wilkens

Those absent were:

Messrs.

Herbert H. Smith, Vice-Chairman  
Louis Danzig  
Alexander Feinberg  
Denis W. Maloney

Honorable Salvatore A. Bontempo, Commissioner of the Department of Conservation and Economic Development, met with this Commission.

### FUTURE ROLE OF THE ADVI- SORY PLANNING COMMISSION

The Chairman reported that he had written a letter to Commissioner Salvatore A. Bontempo concerning the future of the Advisory Planning Commission, the present status and what he believed it should be. A copy of this letter was read aloud by the Chairman.

Commissioner Bontempo, in response thereto, stated that he had given the matter considerable thought, "particularly because we are a

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State that is recognized throughout the country as one of the leading states, if not the leading state, in the manner in which we are approaching planning, generally; that, with the progressive step which has been made in staffing this agency [Advisory Planning Commission], in accordance with Joint Resolution No. 16, with its wealth of knowledge and experience in many related fields, the State is most grateful for such talents and the time and effort that such important people are willing to give in this endeavor." The Commissioner further stated that he fully recognized the importance of this meeting in the matter of the future of this Commission, and that he was fully aware of its role and contribution to the State. Stating, too, that he would be glad to help in any way within his jurisdiction in assisting this Commission with its various problems, and that he would like Mr. B. Budd Chavooshian, who represents the Commissioner of the Department of Conservation and Economic Development on this Commission, to continue to give of his undivided attention to the work of this Commission and to report to him, especially whenever a problem arises, stating that he is at the service of this Commission at any time.

Mr. Bontempo also informed the members present that the Governor and the Legislature are fully aware of what has been done by this Commission and the necessity for enacting into law that which has been recommended by this Commission.

The Chairman discussed with Commissioner Bontempo the matter of the present legislation, which is now before the Legislature, with respect to its enactment. Mr. Bontempo suggested that the appropriate

BILLS  
212-219



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committees (Senate Standing Committee on State, County and Municipal Government, and Assembly Standing Reference Committee State, County and Municipal Government) be approached; that a letter should be written to the chairmen of the two committees; namely, Senator Albert McCay, and Assemblyman Vincent R. Panaro, inviting them to attend a meeting of this Commission in order to discuss what this group is doing and how the Commissioner of the Department of Conservation and Economic Development will assist in accomplishing the objectives of this Commission. (Commissioner Bontempo will set up such a meeting.)

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VIEW AND  
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MENDATION

At this time the Chairman pointed out to Mr. Bontempo the cooperation which the Public Utilities Association had extended to this Commission in working very closely with it in drafting some legislation that the Public Utilities Association desires and remarked that, on the other hand, proposed legislation which should be sent to this Commission for review is often handed directly to the legislators for action. In this connection, the Chairman emphatically stated that some arrangement should be made that, when a bill of a planning nature is presented it should come before this Commission before any action is taken.

Commissioner Bontempo suggested that Mr. Chavooshian prepare a digest of each bill submitted and to obtain views of the Advisory Planning Commission on these bills. These comments would then be submitted to the Commissioner who, in turn, would forward them to Governor Meyner, the Chairmen of the Senate and Assembly Committees on State, County and Municipal Government, Messrs. Albert McCay and Vincent R. Panaro, and to the sponsor of the bill. This will put the views of the Advisory Planning Commission on record with those primarily responsible

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for the passage of the bills in question.

PUBLICITY

Mr. Bontempo also suggested that there should be frequent news releases by the Advisory Planning Commission regarding its activities, monthly or otherwise. In this connection, Mr. Bontempo suggested that a public information officer of his Department should sit in during the last half hour of the meetings to get information for press releases.

Again expressing his desire to be of assistance at any and all times to aid this Commission in its endeavors, Commissioner Bontempo retired from this meeting.

PROPOSED  
LEGISLA-  
TION

(Assembly  
Bill 534)

The Chairman brought up for discussion Assembly Bill No. 534, introduced March 9, 1959, by Assemblyman William V. Musto. After reading the contents therein, which have to do with discrimination between public and private schools, the Chairman pointed out that this bill exempts private schools from all planning and zoning. The Chairman further stated that it was his belief that this Commission should go on record as opposing this bill and so inform the Governor. In reference thereto, Mr. Chavooshian is to prepare a letter in the name of this Commission and forward it to Commissioner Bontempo who, in turn, will forward it to the Governor, with copies to Senator McCay, and Assemblymen Panaro and Musto, in accordance with Mr. Bontempo's suggestion made earlier at this meeting.

(Assembly  
Bill 544)

Assembly Bill No. 544, introduced by Assemblyman J. Edward Crabel on March 16, 1959, concerning the approval and filing of maps, repealing Sections 1 to 6, both inclusive, of Chapter 358 of the Laws of 1953, was discussed at this meeting. Action was delayed on this bill. Messrs.



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H. Thomas Carr and William Holster are to review this bill and report thereon to this Commission at its next meeting.

(Assembly  
Bill 555)

The Chairman referred to Assembly Bill No. 555, introduced by Assemblyman J. Edward Crabel on March 16, 1959, Section 18 of the Planning Act in reference to approval of plats. After discussing this bill with the members present, it was agreed that this Commission approve this bill in principle with the suggestion that lines 15 and 16 be rephrased as follows:

Line 15 - "fore the final plat shall be approved by the planning board and/or governing body as the case may be."

It was moved, seconded and carried that the above-mentioned bill be approved with the aforementioned change in line 15. Comments in reference thereto shall be forwarded to the Governor, Senator Albert McCay and Assemblymen Vincent R. Panaro and J. Edward Crabel by Commissioner Salvatore A. Bontempo. Mr. Chavooshian was requested to prepare the necessary comments for the Advisory Planning Commission to be submitted to Commissioner Bontempo.

(Section 19  
of Planning  
Act - New  
Jersey  
Utilities  
Associa-  
tion's pro-  
posed  
amendment)

The Chairman discussed the proposed amendment to the Planning Act (RS 40:55-1.19) re: Appeals to Public Utilities Commission of decisions by planning board, or municipal governing body.

The Advisory Planning Commission approved this amendment. Mr. Philip A. McLaughlin, representative of the New Jersey Utilities Association, serving on this Commission, is to inform his agency of this Commission's action in this matter. Mr. McLaughlin suggested that when this bill is prepared it should include a paragraph to the effect that the Advisory Planning Commission approves the measure.

In this connection, it was moved, seconded and carried that

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the Advisory Planning Commission has authorized Mr. Philip A. McLaughlin to inform the New Jersey Utilities Association, particularly Mr. Raymond Schroeder, Chairman of the Subcommittee on Planning, that the proposed amendment to Section 19 of the Planning Act as submitted to the Advisory Planning Commission has been approved, and that this Commission has no objections to their having the amendment offered in bill form with an indication accompanying the bill that this Commission approves this particular amendment.

(Assembly  
Bill 219)

Assembly Bill No. 219 introduced by Assemblyman Martin Kesselhaut, January 19, 1959, was mentioned at this time. The Chairman informed those present that he had received a letter from Mr. Henry J. Sorenson, General Attorney for the Public Service Electric and Gas Company of Newark, New Jersey, who suggested the following amendments to this bill (Section 23 of the Municipal Planning Act):

1. Amend Section 1, line 4 by inserting after the word subdivision the following:

"with respect to"

2. Amend Section 1, line 8 by deleting the "." after the word violation and inserting in lieu thereof the following:

"; except that the making of an agreement by any person, as owner or agent, to sell any land which forms part of a subdivision, unqualifiedly conditioned upon the securing of the approval of the planning board or favorable referral by the planning board and approval of the governing body, as the case may be, shall not be deemed a violation of this section."

The Chairman informed the members present that he inserted the words "with respect to"-No. 1 of the above-mentioned amendments and added the insertion mentioned in No. 2 of the above-mentioned amendments and they are now committee amendments to the bill.



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VESTED RIGHTS

The Chairman reported that he had received a letter from Mr.

(N.J. Realty Title Insurance Company Newark, N.J., "Title Comments") Maurice A. Silver, of the New Jersey Realty Title Insurance Company in Newark, New Jersey, in reply to a letter that Chairman Stickel had written him in connection with the February, 1959, issue of the above-mentioned company's publication: "Title Comments," in which issue the court cases of Lake Intervale Homes, Inc. v. Parsippany-Troy Hills (28 N.J. 423, 147 A2 28) and Goldstein v. Lincoln Park Planning Board (52 N.J. Super. 44, 144 A2 724) re vested rights were mentioned, and particularly the workings of this Commission in connection with this topic. Correspondence between Mr. Silver and Chairman Stickel follows:

"March 5, 1959

Maurice Silver, Esq.  
c/o New Jersey Realty Title Insurance  
830 Broad Street  
Newark 1, New Jersey

Dear Maurice:

I enjoyed discussing with you yesterday the comments on the Lake Intervale and Goldstein cases which appeared in Title Comments for February of this year.

I am certainly appreciative of the fact that you so well appreciate the problems which are facing the Governor's Commission on this question of when a property owner obtains a vested interest to develop property as he has subdivided it. We on the Commission have been wrestling with these problems and unfortunately to date have not been able to come up with any answers.

Your reference in the article to the fact that the Commission should publish an ad interim report is not altogether fair in view of the fact that we have printed and published two reports, one in February of 1958 and one in February of 1957, both of which we thought had had pretty wide distribution. Each member of the Commission has also been given a substantial number of copies to distribute among the members of the group whom he represents on the Commission, and as you know the Title Associations are represented on the Commission and I would have assumed that the Title Associations would have had copies of these reports long before this.

I'm taking the liberty of sending you a copy of our Second Annual Report,

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and I'm making arrangements to send you a copy of the First Annual Report since I do not seem to have any copies available at the present time. If you or your groups have any desire for additional copies you can write to the Department of Conservation and Economic Development, attention of Mr. Chavooshian, and tell him how many you want, and I'm sure they will forward them to you.

As a matter of fact, Martin Kesselhaut, Assemblyman - Essex County, has introduced eight bills into the Legislature this year making amendments to the Planning Act to conform with the recommendations of the first report, so you can see that the Commission has been meeting once a month since its formation in April of '56, and we have labored long and hard over the problems presented, but as you can well appreciate we had difficulty in getting unanimity on what actual changes should be made.

We find most of the complaints about the legislation arise out of a lack of understanding of the Act itself, and like everything else, the biggest problem seems to be how we can educate planning boards to operate properly within the framework of the Act itself.

Sincerely,

S:h

Fred G. Stickel, III

Enc."

March 9, 1959

Fred G. Stickel III, Esq.  
571 Pompton Avenue  
Cedar Grove, New Jersey

Dear Fred:

There are two points in your letter with which I agree thoroughly - one, that my comment about the Governor's Commission and a possible ad interim report would not do the Commission full justice; and second, that the Title Association having representation on the Commission is not in too favorable a position to make comments.

Of course, I might plead that the Title Company is not the Title Association but that might be a quibble. The fact remains when I was President of the Title Association and before that, I had called upon Maloney for a report. The reports which he gave us were fragmentary and at no time was it brought to our attention that there was a Second Annual Report let alone a First Annual Report. To that extent my apologies are to you and the Commission.



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I shall read your report and bring it to the attention of the Title Association.

I do not know that I need to assure you that TITLE COMMENTS was not intended either as a criticism of the Committee or its chairman for I recognize the task that confronts you.

What I had in mind was to stir the members of the bar who are prone to criticize without lending a hand to formulate legislation.

Please accept my personal greetings.

Sincerely yours,

(signed) Maurice

Maurice A. Silver

S;l;j

P.S. May I ask you to be good enough to send me a few additional copies of your report."

(Excerpt from TITLE COMMENTS, February, 1959 issue  
re vested rights follows)

"At this point we may ask what has become of the Governor's Committee appointed a while back to study the Act and report its recommendation. The committee should publish an ad interim report for public study, giving the bar, builders, and realtors an opportunity to submit suggestions born out of experience. Something might be done to make the requirements definite; to modify the requirement for minor subdivision, and remove the unnecessary hardship of the penalty clause. The municipality is well equipped with weapons to enforce observance of its Planning Board dictates without involving the marketability of title. For in the final analysis can it matter much to the municipality whether a lot is owned by A or B so long as it controls its development or improvement by its zoning laws and its building codes?"

The Chairman again reminded those present that it behooves this Commission to get the matter of vested rights settled, stating that he had written to Mr. C. McKim Norton, of the Regional Plan Association, requesting a copy of the coordinated laws of New York in this connection.

The next item of business discussed was that of county planning. Dr. Edward B. Wilkens reported that the County Planners Association has the revisions to the County Planning Act in readiness which will, no

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doubt, be submitted to this Commission as its next meeting.

ADJOURNMENT

The meeting was concluded at 4:40 p. m.

NEXT MEET-  
ING

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, April 29, 1959, at two o'clock.