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**Fourth Annual Report Of The Advisory Planning Commission  
To The Legislature And The Governor Of The  
State Of New Jersey**

*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 respect-  
fully submits its fourth annual report.

**Meetings of the Commission**

This Commission has held six regular meetings  
the issuance of its Third Annual Report.

The meetings were well attended, at which time numer-  
ous phases of planning legislation -- in and out of the State  
-- were analyzed and discussed with a view to resolving  
many complex problems now presented under the present  
legislation.

**Public Relations**

In addition to the meetings mentioned above, the mem-  
bers of this Commission attended and participated in the  
Annual Conference of the New Jersey State League of Mu-  
nicipalities.

Time is provided at these annual conferences for dis-  
cussions on planning legislation. Members of this Commis-  
sion acted as moderators at the various round tables where  
planning laws were comprehensively reviewed.

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This Commission's Third Annual Report was submitted to Governor Robert B. Meyner, the Senate, Assembly, State Library, all groups represented on this Commission, and such agencies as:

American Society of Planning Officials  
American Institute of Planners  
National Institute of Municipal Law Officers  
Council of State Governments

#### Scope of Activities

As mentioned in previous reports, in order to enable this Commission to accomplish its objectives, all bills of a Planning nature presented should come before this Commission before any action is taken. The following bills were referred to this Commission for its views and recommendations:

- A-595 - J. EDWARD CRABIEL (1960) - Eliminates the requirement of the Municipal Planning Act (1953) that the county clerks determine whether further official approval of a plot, map or land is required before filing: effective January 1, 1961.
- A-597 - J. EDWARD CRABIEL: WILLIAM H. EVERETT (1960)-Designated "The Map Filing Law," prescribes the requirements to be met by a map requiring approval by law or that is to be approved for filing with a county recording officer: effective January 1, 1961.
- A-3 - ALBERT S. SMITH (1961)-Amends the "Municipal Planning Act" (1953) to provide for variances on official maps and plats which have been filed or approved heretofor
- A-617- ROBERT E. FREDERICK: G. EDWARD KOENIG: RAYMOND E. BOWKLEY: NELSON F. STAMLER: ANTHONY J. VOLPE: JOSEPH M. KEEGAN (1961)-authorizes the

State, through the Division of Water Policy and Supply, and the Council therein to study, map out, and mark areas subject to flooding; authorizes a similar study of the Delaware River flood plains; appropriates \$25,000 to the purposes of the act.

The Subcommittee on County Planning has worked with the County Planners Association in an effort to obtain material to be incorporated into the existing planning legislation. Both county freeholders and engineers have been requested by this Commission to submit such material And until such time as material is received from all agencies concerned, this Commission will not be in a position to make any specific recommendations.

From time to time at the various meetings, problems have been presented by the members. Such problems have been discussed and recommendations made; however, those problems were not of such an important nature as to lead to formal recommendations of this Commission.

#### Topics And/Or Problems Discussed

Numerous topics as well as problems were discussed during the six regular meetings; such as:

1. "A Guide for the Preparation of Municipal Land Subdivision Ordinances" -- a publication prepared by the State and Regional Planning Division, of the Department of Conservation and Economic Development. This publication is issued throughout the State as a guide in subdivision control ordinances. A recommendation has been made to eliminate the "Guide"; make a study of subdivision regulations and put in report form the various items to be considered in making up regulations instead of ordinance form (matter still pending).

2. Developers required to give money or land to municipalities for recreational areas -- decision of Supreme Court of New York, setting aside New York State law adopted in 1959, which permitted municipalities to require developers to either put up money or land for recreational areas without payment of any compensation by the municipality.

It was the consensus of the Commission that all boards be notified of this practice which is contrary to the basic theories of the constitutionality of the law.

3. The case of Hilton Acres vs. John N. Klein, Mayor, et al Township of Roxbury -- case dealing with tentative approval, three-year time limit, lot sizes and dimensions.
4. Presentation of legislation of a planning nature to this Commission for review and recommendation.
5. Status of County Planning Act.
6. County and/or Regional Planning -- Division of State and Regional Planning in process of completing the regional delineation to be published and submitted.

In addition to the topics specifically mentioned above, numerous questions and problems of a planning nature were discussed at the last six meetings, but were not of so urgent a nature as to require formal presentation.

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

As mentioned in previous reports of this Commission, the work of the Title 40 Revision Commission, which covers the revision of the zoning and planning laws of the State of New Jersey, and that of the Advisory Planning Commission are of the same interest. However, inasmuch as

the Chairman of this Commission is a member of the Title 40 Revision Commission, this Commission has been well informed of the progress made by the Title 40 Revision. Two public hearings were held on the Title 40 Revision Commission's First and Second Drafts of that commission's proposals; namely:

- 1) Municipal Planning and Zoning Law as submitted to the County and Municipal Law Revision Commission; and
- 2) Title 40A. Municipalities and Counties. Chapter 7. Local Land Use Law, as submitted to the County and Municipal Law Revision Commission.

Members of this Commission attended the hearings, reviewed and discussed the proposals mentioned in the First and Second Drafts of the Title 40 Revision Commission and submitted their views covering such phase as:

1. Amortization of non-conforming uses.
2. Municipal Design Plan.
3. Tentative Approval.
4. Final Approval.
5. Brevity of Local Land-Use Law -- changes suggested in paragraphs headed:
  - Power to Zone.
  - Municipal Design Plan.
  - Planning Department; Planning Board; or both.
  - Planning Directors' qualifications and standards.
  - County Planning.

### **Future Action of this Commission**

This Commission plans to continue working with the Title 40 Revision Commission and its Subcommittee on Zoning and Planning, relying upon the Chairman of this Commission to act as liaison between the Advisory Planning Commission and the Title 40 Revision Commission.

This Commission will continue its study of the proposed revision of the entire County Planning Act, working in cooperation with county agencies and the Subcommittee of the Title 40 Law Revision Commission.

This Commission will continue its policy of requesting all proposed legislation, sponsored by any organization presented on this Commission, to be submitted to this Commission for review and recommendation before presenting it to the Legislature.

This Commission will continue to review and make recommendations to all proposed legislation presented relating to planning and zoning.

This Commission will continue to pursue the topic of "vested rights" with a view to resolving this matter.

This Commission will continue to review all inquiries and/or problems presented to it up to and including August 31 of each year, and if it is necessary to hold public hearings on recommendations made by this Commission, these will be scheduled for the months of September and October. Based upon discussions at the public hearings, final recommendations of this Commission will be submitted to the Annual Report of this Commission. It is hoped, by this method, to bring about better public relations between this Commission and the citizens of this State.

### **Personnel of this Commission**

This Commission is awaiting the replacement for the late Dr. C. Rexford Davis by the State Federation of District Boards of Education of New Jersey.

In order to operate to the best advantage and perform its duties to the benefit of all concerned, this Commission feels that it is absolutely necessary that all agencies named to serve on this Commission (in accordance with Jt. Resolution 16, approved October 20, 1955) should be represented.

## Acknowledgement

We would 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,

**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