

M I N U T E S

Of The

ADVISORY PLANNING COMMISSION

March 26, 1958

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

Those present were:

Messrs.

Fred G. Stickel, III, Chairman  
Herbert H. Smith, Vice-Chairman  
H. Thomas Carr, Secretary

William A. Bloom  
B. Budd Chavooshian  
Alfred H. Fletcher  
Robert H. Fust  
William Holster  
Philip A. McLaughlin  
William A. Sutherland  
Edward B. Wilkens

Those absent:

Messrs.

Louis Danzig  
Alexander Feinberg  
Denis W. Maloney

The Chairman welcomed Mr. Robert H. Fust, Executive Director of the New Jersey State League of Municipalities, who was recently appointed by Governor Robert B. Meyner to replace Mr. Joseph M. Healey former representative of the New Jersey State League of Municipalities.

The Chairman reported that he had received a letter from Assemblyman Martin Kesselhaut, of Essex County, who informed Mr. Stickel that he had read the Advisory Planning Commission's Second Annual Report with which he was very favorably impressed, and requested a copy of the Commission's First

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Annual Report so that he might be able to review the recommendations made therein which recommendations, he commented, should be submitted to the Legislature this year by the way of legislative bills.

Mr. Kesselhaut also stated that he will get in touch with some of the members of the Advisory Planning Commission regarding this matter in the near future. (Copies of the First Annual Report of the Advisory Planning Commission have been forwarded to Assemblyman Kesselhaut.)

The Chairman announced that he had received two important letters since the Commission's last meeting and stressed the desire for action to be taken on both letters at this meeting. The first letter received was from one Frank H. Hankins, Jr. who serves on the Borough Council of Franklin Lakes - contents of which are as follows:-

"State Advisory Planning Commission  
Department of Conservation and Economic Development  
520 State Street  
Trenton, New Jersey

Gentlemen:

Several of us who are on the Borough Council of Franklin Lakes have become interested in the possibility of developing a capital fund for future use by the Borough in the development of parks, recreation areas and possibly other municipal needs consistent with the growth of the Borough.

As you are perhaps aware, Franklin Lakes is a community of approximately 800 homes located on about 6000 acres of the nicest land in Northern Jersey. It is close enough to metropolitan New York that we anticipate early and rapid growth within the immediate future. This growth will bring many new problems to our Borough in the least of which will be the requirement for public facilities.

It seems to us that the need for these facilities will be largely brought about by the housing developments which will be brought in by the large developers who own most of the land and who very rightfully make large profits on their developments. Accordingly, it seems logical that for the problems which they bring into our town these facilities should in part be paid for by the developers either in the form of outright gifts of land to the Borough or, in the case of the smaller developers, of a reasonable amount of cash to be held and accumulated by the Borough for purchase of suitably located



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plots of ground which would then be used by the Borough for its municipal needs. It would seem to us that this type of achievement for capital purposes would be similar in nature to the requirements that now exist in practically all Borough ordinances for roads, sidewalks, drainage, etc.

Your name has been given to me as a likely source for basic material from which we could draft a Borough Ordinance which would then apply on a standardized basis to all future developers for property within our Borough and I would very much appreciate such information as you may have available. I understand that Madison Township may have already instituted such an ordinance and any advice you may have on this may also be useful.

Very truly yours,

(signed) Frank H. Hankins, Jr.  
Frank H. Hankins, Jr."

The contents of the above letter were discussed by the members present at great length. Questions arose such as: the legality of assessing developers, or requiring them to convey lands to communities for public purposes; whether, in so doing, would this be cause for the developer to increase the cost of the project which would result in the property owner actually paying for such facilities by the way of head tax or poll tax; whether dedication of land for public purposes should be noted throughout the master plan; should the Attorney General be requested to give an opinion in this matter; could this problem be confined to zoning by the way of limiting lot sizes, i.e. permitting lot sizes to be reduced to three-quarters and the other quarter to be pooled for park purposes; who would be responsible for water and sewerage facilities; would the drainage of such areas create an engineering problem; does this problem lie within the purview of the Planning Enabling Act; has any other State resolved such a problem?

After discussing the above-mentioned questions in full, it was decided by the members present that a request be made to the Planning Advisory Service (of which the State Planning Bureau is a member) of the

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American Society of Planning Officials to make a research for this Commission in this connection with regard to standards and/or policies set forth in matters such as the problem posed in the Borough of Franklin Lakes, and inquire of ASPO's Planning Advisory Service as to any enabling legislation in other States dealing with the provision of funds, or the conveying of lands for municipal facilities. It was the collective thinking of the members present that Mr. Hankins' letter be given careful consideration from all angles before a definite answer is provided him. At this point it was moved, seconded and carried that Mr. Chavooshian write to the Planning Advisory Service of ASPO requesting information mentioned above, and also that the Chairman write to Mr. Hankins informing him that his letter is being given consideration and that this Commission is seeking information as to the practices in other States; also investigating enabling legislation to determine whether such legislation exists in other States, and that after findings have been submitted from the various sources he (Mr. Hankins) will be so advised.

The second letter to which the Chairman referred and read aloud to those present was a letter written to Governor Meyner from one John S. Wright, Executive Vice-President of the New Jersey State Home Builders Association, which letter was forwarded to the Chairman of this Commission from the Governor for prompt action. Copies of correspondence covering this matter are attached hereto to be considered as part of these minutes. The Chairman then asked for opinions in answer to Mr. Wright's letter to the Governor. After discussing the letter in detail the question arose as to why the problems posed in the New Jersey State Home Builders Association (through Mr. Wright) were not brought to the Commission's attention through its representative on this Commission, Mr. Alexander Feinberg. It was the consensus that this matter should be referred to the representative of the Home Builders Association,



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Mr. Feinberg, before any action is taken by this Commission. In this connection it was moved, seconded and carried that the Secretary of this Commission, Mr. H. Thomas Carr, write to Mr. Wright explaining to him that it is the policy of this Commission, when complaints are received from organizations represented on this Commission, to take up such matters with the respective representatives serving on this Commission, which representatives should be given all facts involved; also informing Mr. Wright that their representative, Mr. Alexander Feinberg, will be given all particulars for documentation, after which the Home Builders Association will be notified of further action. A copy of the Secretary's letter is to be sent to Governor Meyner. Concerning the above, it was moved, seconded and carried that the Governor's letter to this Commission with enclosures be referred to Mr. Feinberg for report and recommendation at the next meeting of this Commission.

The revision of the County Planning Act was mentioned for discussion. At this time the Commission was informed that the County Planners Association is in the process of studying the present Act for revision. In connection with county planning, the Chairman informed those present that the Joint Council of Planning Boards in Essex County is holding a meeting in Irvington on May 22nd where "County Planning" will be discussed and urged the members present, especially those who serve on the County Subcommittee of the Advisory Planning Commission, to attend. However, it was mentioned by one of the members that the date of the above meeting might be changed in that it conflicts with the date of the American Society of Planning Officials' conference which is to be held on May 18-22 in Washington, D.C. If the date of the meeting of the Joint Council of Planning Boards is changed, the Commission will be so informed.

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The Chairman informed the Commission members of an article written by Mr. Thomas Cook, Deputy Attorney General for the State of New Jersey, entitled: "The Planning Act and its Effect Upon School Planning." The Chairman expressed his opinion of this article as being excellent and recommended the Commission members to obtain copies. Mr. Fust informed those present that this article is to be printed in the April issue of the League of Municipalities' magazine and added that he would see to it that each member of this Commission will be furnished with a reprint of Mr. Cook's article. With regard to further circulation, Mr. William A. Sutherland stated that he would obtain a copy of the mailing list of the State Federation of District Boards of Education of New Jersey so that individuals and/or groups listed thereon will be furnished copies. Mr. Chavooshian mentioned the possibility of including this article in JERSEY PLANS, a quarterly publication published by the Bureau of Planning, in the near future.

There being no further business at this time, the meeting adjourned at 4:00 p.m. The next meeting of the Commission will be held on Wednesday, April 30, 1958, at 520 East State Street.



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STATE OF NEW JERSEY  
OFFICE OF THE GOVERNOR  
TRENTON

Robert B. Meyner  
Governor

Dear Mr. Stickel:

I am enclosing herewith a copy of a letter from Mr. John S. Wright, Executive Vice-President of the New Jersey Home Builders Association and a copy of my reply.

This appears to be a serious question and one that certainly should be considered by your Commission. Therefore, will you kindly bring this matter to the attention of the Advisory Planning Commission at your earliest convenience and hold public hearings and make all necessary surveys and studies in order to insure an adequate analysis of the problem. I would appreciate a report of the Commission's findings and recommendations as soon as possible.

Kindest personal regards.

Sincerely yours,

(signed) Robert B. Meyner  
Governor

Mr. Fred G. Stickel, III, Chairman  
Advisory Planning Commission  
Raymond Commerce Building  
Newark, New Jersey

March 17, 1958  
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NEW JERSEY (STATE) HOME BUILDERS ASSOCIATION  
16 Park Place, Newark 2, New Jersey - Market 4-2024-5

March 3, 1958

The Honorable Robert B. Meyner  
Governor of New Jersey  
Trenton, New Jersey

My dear Governor Meyner:

It becomes imperative at this time for you to take drastic action against the unreasonable, selfish, and snobbish action being taken by the planning boards and municipal governments of the majority of municipalities throughout the State of New Jersey.

Their action has contributed greatly to the unemployment of building trades' workers within our State.

Ordinances and regulations greatly increasing lot sizes; house minimums; exorbitant fees and charges which are being made in spite of the law and the Supreme Court's decision on the matter; and facility specifications in the past two years have virtually eliminated 40% of the market available in the sale of homes by advancing the average cost of a home to an unreasonably high figure throughout the State.

The action referred to, which has been in practice over the last several years, has gradually depleted activities in the home building industry, and has built up to our present unemployment position.

The unreasonable action taken by municipalities will tend to eliminate our possibility, or anyone else's, to house our aged, which population is growing by leaps and bounds; and we accept the housing of this group as our responsibility.

The Federal government at present is introducing legislation to assist our citizens in the purchase of homes through lesser down payments and mortgage terms. Even with this legislation, the industry cannot advance in order to do its part to reverse the present recession because these suggested aids will only be effectual in price brackets now below our New Jersey average.

The attempt by our municipalities to increase the house size has worked in reverse to their objectives, as larger houses are inviting larger families, and therefore, increasing their school prob-



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The Honorable Robert B. Meyner - Page 2 - March 3, 1958

lem, instead of decreasing it as they had thought.

The Officers and members of this Association recommend that you call a conference of the heads of municipalities and planning officials in order to make them conscious of the part they can play in reasonable and balanced planning and zoning in order to avoid discrimination against certain classes of our citizens, and the constant increase of our present home owners' tax burden.

Respectfully submitted,

John S. Wright,  
Executive Vice-President

JSW/jp

\*This is an open letter to the Press.

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Dear Mr. Wright:

Thank you for your letter of March 3 regarding municipal and planning board regulations that affect the home building industry.

I believe that this is a matter that merits some serious consideration by a group of interested individuals, as you suggest in your letter. Such a committee is in existence. The Advisory Planning Commission was established and appointed by me pursuant to passage of Joint Resolution No. 16 on October 20, 1955. The Commission consists of 15 members, representing an excellent cross-section of all organizations interested in or affected by the New Jersey County and Municipal Planning Act; e.g., Municipal Engineers, Home Builders Association, Realtors Association, League of Municipalities, Professional Engineers, Housing and Redevelopment Authorities, Federation of Planning Boards, etc. No doubt you are acquainted with this Commission since your Association is represented thereon by Mr. Alexander Feinberg.

The responsibility of this Commission is to engage in a continuous study of the County and Municipal Planning Acts and to determine how such laws may be simplified, modified and revised to insure greater understanding and uniformity of interpretation thereof. The Commission is also to serve in an advisory capacity to the Legislature and to the Department of Conservation and Economic Development in reference to said Acts.

The Advisory Planning Commission has been discharging its responsibility in the manner of meeting regularly each month and submitting an annual report. The Commission is well-versed in the matter of planning and development and is therefore the logical agency to consider the question at hand.

I shall instruct the Commission, therefore, to review your letter and hold public hearings and to conduct necessary surveys and studies regarding the problems to which you refer, and to report back to me its findings and recommendations.

Thank you for bringing this matter to my attention.

Sincerely yours,

Governor

Mr. John S. Wright, Executive Vice-President  
New Jersey Home Builders Association  
16 Park Place  
Newark, New Jersey  
March 17, 1958

cc: Mr. Fred G. Stickel, III, Chairman  
Advisory Planning Commission



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March 24, 1958

Honorable Robert B. Meyner,  
Governor of the State of New Jersey  
State House  
Trenton, N. J.

My dear Governor Meyner:

Your letter of March 17th, addressed to me as chairman of the Advisory Planning Commission and forwarding a copy of the letter received by you from John S. Wright, New Jersey Home Builders Association, and a copy of your reply, have been received.

I am in complete agreement with you that Mr. Wright presents a serious problem as far as home building in the State is concerned. The situation to which he refers has been the subject matter of considerable discussion by the Commission since it was created. To date, we have been unable, as a Commission, to recommend or suggest any changes in the Planning Act in itself that would alleviate alleged arbitrary action on the part of planning boards and governing bodies of municipalities of our State. As a matter of fact, my personal investigation of Mr. Wright's allegations indicate that he has perhaps overstated the situation. I doubt very much that out of the 567 municipalities of our State, it can be shown that over one-half of them are acting arbitrarily and unreasonable as far as zoning and planning are concerned. I think Mr. Wright will agree with me that by far, the greater part of the municipalities of our State are acting properly in the protection of their citizenry. Now and then we do have municipalities which over step the bounds of reasonableness and in many instances, this arises simply through a lack of thorough understanding and knowledge of the purposes of planning and zoning. In my experience, I have come in contact with a few municipalities which acted arbitrarily and in such instances, it is really a question for the Judicial branch of our State Government to handle.

As you know, I have personally been in touch with this planning and zoning problem for many years and it is my personal opinion that what we need more than anything else is some means of educating our municipalities in their rights and liabilities in this field.

I personally know of no way that by means of legislation we can arrest arbitrary action. Perhaps the answer to Mr. Wright's objections is to have some sort of conference as to this problem and perhaps the Advisory Planning Commission is the agency to which such conference can be conducted.

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Honorable Robert B. Meyner

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March 24, 1958

I shall certainly take up your suggestions and that of Mr. Wright with the Commission and advise you as to our suggestions for a solution to the problem.

Respectfully yours,

FRED G. STICKEL III

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CC John S. Wright  
16 Park Place  
Newark 2, N. J.