

orders, could have obtained such residency had he so intended."

In sum, a determination that the applicant is domiciled in New Jersey is a condition precedent to the granting of a veteran's exemption, but there is no requirement that the veteran shall have been domiciled here for a period of 12 months. The question of whether a domicile has been established is factual and depends upon a consideration of all the facts and circumstances in the particular case. *Cromwell v. Neeld*, 15 N.J. Super. 296, 301 (App. Div. 1951).

The sentence in N.J.S.A. 54:4-3.12i(f) which provides that "[a]bsence from this State for a period of twelve months shall be prima facie evidence of abandonment of domicile in this State" refers in our opinion to abandonment of domicile in this State after such New Jersey domicile had already existed, which is not the situation you present.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: THOMAS P. NOLAN  
*Deputy Attorney General*

TPN :lc

JANUARY 24, 1957

GEORGE C. SKILLMAN  
*Director of Local Government*  
*Department of the Treasury*  
Commonwealth Building  
Trenton 25, New Jersey

FORMAL OPINION, 1957—No. 1

DEAR DIRECTOR:

You have requested our opinion regarding the jurisdiction of a Planning Board to inquire into the estimated cost and proposed financing of a school construction project submitted to the Planning Board for recommendation under Section 13 of the Municipal Planning Act of 1953 (N.J.S.A. 40:55-1.13).

In our opinion, the Planning Board does have such jurisdiction. Section 40:55-1.13 reads in part as follows:

"Whenever the planning board after public hearing shall have adopted any portion of the master plan, the governing body or other public agency having jurisdiction over the subject matter, before taking action necessitating the expenditure of any public funds, incidental to the location, character or extent of one or more projects thereof, shall refer action involving such specific project or projects to the planning board for review and recommendation, and shall not act thereon without such recommendation or until forty-five days after such reference have elapsed without such recommendation.

\* \* \*

The planning board shall have full power and authority to make such

investigations, maps and reports and recommendations in connection therewith relating to the planning and physical development of the municipality as it deems desirable."

The foregoing section must be read in connection with other sections of the Planning Act of which it is a part (N.J.S.A. 40:55-1.1 et seq.) and particularly Section 40:55-1.12, which provides:

"In the preparation of the master plan the planning board shall give due consideration to the probable ability of the municipality to carry out, over a period of years, the various public or quasi-public projects embraced in the plan *without the imposition of unreasonable financial burdens.*

In such preparation, the planning board shall cause to be made careful and comprehensive surveys and studies of present conditions and the prospects for future growth of the municipality. The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development and the maintenance of property values previously established. To such end, the master plan shall also include adequate provision for traffic and recreation, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good civic design and arrangements, *the wise and efficient expenditure of public funds,* and adequate provision for public utilities and other public requirements." (Italics ours)

The underlined portions of Section 40:55-1.12 above quoted show that the reasonableness and wisdom of the financial burdens involved in any public project are essential matters for the Planning Board to consider in determining how the project fits into the master plan for the municipality, and what recommendations should be made thereon by the Planning Board to the public agency having jurisdiction over the matter.

For the foregoing reasons, we think the legislative intent was clear that in passing upon a proposed school construction program, the Planning Board should request, and the board of education has a duty to furnish, a sufficiently detailed statement of the anticipated cost of the project, together with such other information as may be appropriate in order that the Planning Board may make a well considered recommendation as to the reasonableness and wisdom of the financial burdens involved, as well as on the other planning aspects of the proposal.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: THOMAS P. COOK  
*Deputy Attorney General*