

MINUTES OF MEETING

PLANNING ADVISORY COMMITTEE

October 17, 1958

A meeting of the Planning Advisory Committee of the New Jersey Utilities Association was held at the office of the Hackensack Water Company, in Weehawken, New Jersey, on October 17, 1958, at 11:00 A. M.

Those present were:

- S. W. Zerman, Chairman. . . . .Hackensack Water Company
- Frederic G. Stickel, III. . . . .Chairman of the State Advisory Planning Commission
- P. A. McLaughlin. . . . .Public Service Electric and Gas Company  
(Association Representative on the State Advisory Planning Commission)
- Raymond Schroeder . . . . .Public Service Electric and Gas Company
- Joseph Suter. . . . .Public Service Electric and Gas Company
- Jean H. Miller. . . . .Public Service Electric and Gas Company
- W. Grant Parry. . . . .Jersey Central Power & Light Company  
New Jersey Power & Light Company
- F. J. Hitchen . . . . .Atlantic City Electric Company
- F. E. Manley. . . . .Rockland Electric Company
- D. E. Minard, Jr. . . . .New Jersey Bell Telephone Company
- W. W. Smith . . . . .New Jersey Bell Telephone Company
- H. P. Megargee, Jr. . . . .Lloyd, Horn, Megargee & Steedle  
representing Atlantic City Electric Company

Through the efforts of our representative, Philip A. McLaughlin, and F. J. Hitchen, Mr. Stickel attended the meeting to give his views on a proposed amendment to the Planning Act, which would permit utilities to obtain an exemption where a utility structure is necessary for the service, convenience and welfare of the public. There is a similar provision in the Zoning Act, R.S. 40:55-50.

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A copy of Senate Bill No. 77, introduced in January 1957 by Senator Farley, was presented as an example of the type of bill which the Association desires.

Mr. Stickel stated that he did not think this language was appropriate in view of the fact that planning boards have no right to consider the use of property.

It was pointed out to him, however, that regardless of the powers granted under the statute, planning boards assume authority to regulate use. In such cases, the company has no alternative but to take an appeal to the courts which could involve a long, drawn-out proceeding.

Mr. Stickel indicated he would be sympathetic to the proposed legislation, but he did not feel that utilities should obtain a blanket exemption or by-pass the local planning boards. He stated that various other groups, such as churches and schools, might request similar exemptions and the purpose of the planning legislation could be defeated.

He said that he would support an amendment to the Planning Act which would permit an application to the Public Utility Commission in cases where the planning board denied subdivision approval or failed to act within 45 days.

A sub-committee consisting of Messrs. Schroeder, Minard and Megargee was named to prepare a draft of suitable legislation and submit it to Mr. Stickel and this committee for further discussion.

While the members of the committee considered it preferable to omit the requirement that utilities proceed first before the planning boards, this was not thought to be a serious obstacle, in

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view of the fact that as a practical matter, in most cases, from the standpoint of public policy, applications are presented to the local authorities first in zoning and planning matters. This has been a requirement of the Public Utility Commission in zoning cases.

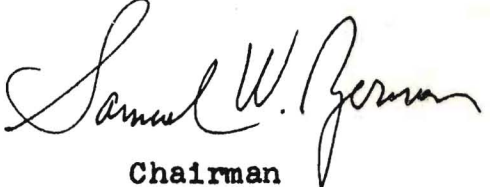
In the opinion of the members of the committee, the knowledge that the companies could appeal to the Public Utility Commission would result in the planning boards acting expeditiously and properly.

Another topic of discussion was a proposal by Mr. Parry to formulate uniform zoning ordinance provisions with respect to utility structures, which could be used as a guide to planning consultants and municipalities in the enactment of zoning ordinances, such as is done by the Detroit Edison Company in the State of Michigan.

Mr. Stickel said that this would be a valuable aid to the local authorities.

Mr. Parry agreed to prepare a draft of a model ordinance for the consideration of the committee.

On motion, adjourned.

  
Chairman