

LEGISLATIVE HISTORY OF R.S. 40:55 1.19  
(Planning - Appeals)

COPY NO. 2

1959 Amendment.

No similar bills introduced in 1958.

L. 1959 - Ch. 192 - S265.  
Introduced May 21, 1959 by Senator Farley  
Not amended during passage.  
Bill had statement.

We are sending the following:  
974.901 New Jersey Advisory Planning Commission.  
P53 Annual Reports, 1st Sess 1956-1963.

We searched the following without success:  
New Jersey Law Journal Index  
Clipping file: New Jersey Public utilities.

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CHAPTER 192 LAWS OF N. J. 1959

APPROVED 12-23-59  
SENATE, No. 265

# STATE OF NEW JERSEY

INTRODUCED MAY 21, 1959

By Senator FARLEY

(Without Reference)

AN ACT to amend and supplement the "Municipal Planning Act (1953)," approved September 18, 1953 (P. L. 1953, c. 433).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 19 of the act of which this act is amendatory and supple-  
2 mentary is amended and supplemented to read as follows:

3 19. If any person, *except as hereinafter set forth*, shall be aggrieved by  
4 the action of the planning board, appeal in writing to the governing body  
5 may be taken within 10 days after the date of the action of the planning  
6 board. A hearing thereon shall be had on notice to all parties in interest,  
7 who shall be afforded an opportunity to be heard. After such hearing the  
8 governing body may affirm or reverse the action of the planning board by a  
9 recorded vote of a majority of the total members thereof. The findings and  
10 reasons for the disposition of the appeal shall be stated on the records of  
11 the governing body, and the applying party shall be given a copy.

12 *If any such person be a public utility, as defined in section 48:2-13 of*  
13 *the Revised Statutes, and as such shall be aggrieved by the action of a plan-*  
14 *ning board or a governing body, with respect to any action in which the*  
15 *public utility has an interest, an appeal to the Board of Public Utility Com-*  
16 *missioners of the State of New Jersey may be taken within 30 days after such*  
17 *action. A hearing thereon shall be had on notice to all parties in interest, who*

18 *shall be afforded an opportunity to be heard. If, after such hearing, the Board*  
19 *of Public Utility Commissioners shall decide that the present or proposed use*  
20 *by the public utility of the land described in the petition is reasonably neces-*  
21 *sary for the service, convenience or welfare of the public, the public utility*  
22 *may proceed in accordance with such decision of the Board of Public Utility*  
23 *Commissioners, any ordinance or regulation made under the authority of this*  
24 *article notwithstanding.*

25     Nothing in this act shall be construed to restrict the right of any party  
26 to obtain a review by any court of competent jurisdiction according to law.

1     2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to permit a public utility, as defined in N. J. S. 48:2-13, if it shall be aggrieved by the action of a planning board or governing body on a matter in which such public utility has an interest, to appeal to the Board of Public Utility Commissioners.

This bill has been officially considered and approved by the Advisory Planning Commission of the State of New Jersey.