



New Jersey Fast-Tracks Permitting for New EV Charging Infrastructure at Existing Developments

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A recent amendment to New Jersey's Municipal Land Use Law will enable many more applicants seeking to install electric vehicle (EV) charging infrastructure at existing developments to obtain a non-discretionary permit, rather than having to undergo site plan review by a municipal land use board. This change promises to substantially reduce costs for applicants and will enable them to install EV charging infrastructure much more quickly.

Prior to the amendment, installation of EV supply equipment and "Make-Ready" parking spaces (those pre-wired with infrastructure to permit the speedy and cost-effective installation of chargers at a later date) was classified as a permitted accessory use and could be approved by obtaining a zoning permit. N.J.S.A. 40:55D-66.18; N.J.S.A. 40:55D-66.19. While this alleviated applicants from having to obtain a use variance, as was sometimes required, municipalities often determined that changes in site circulation, elimination of parking spaces or landscape areas, and installation of transformers required site plan approval. Dimensional variances were needed where the equipment encroached on a required setback or resulted in another zoning nonconformity.

The [statutory amendment](#), signed into law as P.L. 2026, c.94 on September 28, 2026, and effective immediately, seeks to address some of those situations in several ways. First, it recharacterizes applications for EV charging infrastructure so that they are no longer considered an "application for development," which is a statutory term that generally requires site plan approval. Next, rather than a zoning permit, applications to install EV charging infrastructure at existing gasoline service stations, existing retail establishments, and other existing buildings now require a "non-discretionary permit" issued by the administrative officer of the municipality. The administrative officer is typically the zoning officer or other local official tasked with development review; if the local ordinance does not designate an administrative officer, then that

responsibility falls to the municipal clerk.

The amendment to New Jersey's Municipal Land Use Law makes another significant change by expressly specifying that applications for EV charging infrastructure "shall be reviewed administratively and shall not be subject to site plan or other land use board review and approval." It also expressly allows EV charging infrastructure — without obtaining a variance — to encroach on setbacks which are otherwise required by the municipal zoning regulations, provided there is a minimum of six feet to any obstruction where necessary to permit property maintenance, and further provided that EV charging infrastructure does not obstruct required sight triangles, fire lanes, or emergency access.

As was the case previously, to be eligible for administrative approval, EV charging infrastructure cannot violate bulk requirements (other than the newly authorized setback encroachments), cannot violate conditions of existing or prior site plan approvals, and must comply with the State Uniform Construction Code. Finally, corporate logos, branding, and symbols integrated into the electric supply equipment can no longer be considered signage under municipal sign ordinances.

These amendments to New Jersey's EV laws further facilitate the administrative approval of EV charging infrastructure by ensuring that fewer applications will require a time-consuming and costly land use approval process. Applicants should become familiar with the parameters of these statutory changes and ensure that municipalities are not requiring zoning permits or site plan approval in circumstances where state law now mandates that such applications be reviewed administratively and not require land use board approval. For their part, municipalities should examine their existing EV ordinances to determine whether amendments are required to conform to state law.

For further guidance or help evaluating how New Jersey's revised permitting requirements apply to proposed installations, existing approvals, or local ordinances, please contact the author or any member of the firm's [Real Estate](#) and [Finance Industry](#) teams.

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