

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. Such equipment was and remains affirmatively required as part of any new multiple dwelling with five or greater units, with at least fifteen percent of all parking spaces "Make-Ready" and phasing in the EV supply equipment over the first six years of occupancy of the multiple dwelling. N.J.S.A. 40:55D-20. 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, adding time and cost for the installation of the EV supply equipment, and ultimately discouraging their installation in some instances.

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,

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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. Under the New Jersey Municipal Land Use Law, the administrative officer is a term defined by the municipal code, typically the zoning officer or other local official tasked with development review; if the local code 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 and applicable safety standards adopted by State law, rule or regulation. Finally, corporate logos, branding, and symbols integrated into the electric supply equipment now cannot be considered signage under municipal sign ordinances.

These amendments to New Jersey's EV laws further facilitate the administrative approval of EV charging infrastructure for existing multifamily developments by ensuring that fewer applications will require a time-consuming and costly land use approval process. It may also be of benefit to new and existing residential developments that are not characterized as a "multiple dwelling," i.e., single family homes, townhome developments with fewer than five units in a

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block, or other configurations where the installation of EV supply equipment is appropriate. 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 authors or any member of the firm's Finance Industry and Multifamily Housing teams.

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