

ASSEMBLY TRANSPORTATION AND INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO **SENATE, No. 938**

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2020

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Senate Bill No. 938.

As amended and reported, this bill provides that an electric vehicle charging station is a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and does not require use variances. The bill requires the Department of Community Affairs to promulgate a model land use ordinance for the siting of electric vehicle charging stations and to post the model land use ordinance on its Internet website. By default, the model ordinance is effective in each municipality, however, the bill authorizes a municipality, by ordinance, to deviate from the model ordinance and adopt its own reasonable standards for the siting of an electric vehicle charging station. The standards may address sightline and setback requirements and other health- and safety-related specifications for the siting of an electric vehicle charging stations. Under the bill, an application for development submitted solely for the installation of an electric vehicle charging station is to be approved by issuance of a zoning permit by the administrative officer and without site plan approval.

The model land use ordinance to be promulgated under the bill would impose, as a condition of receiving site plan approval, a requirement that a certain number of electric vehicle charging stations be provided. The number of electric vehicle charging stations required, and whether Level One or higher or Level Two or higher alternating current electrical powered charging stations are required, under the bill varies for a multifamily building with five or more dwelling units and a parking lot or garage. The bill provides that retailers that provide 25 or fewer parking spaces are to be exempt from providing electric vehicle charging stations under the model ordinance.

Additionally, in lieu of installing Level 2 Charging Stations as required by the bill, a parking lot or garage with 150 or fewer off-street parking spaces may install a direct fast charger or chargers

with a total combined power output capacity of at least 50 kilowatts; and a parking lot or garage with more than 150 off-street parking spaces may install a direct current fast charger or chargers with a total combined power output capacity of at least 150 kilowatts.

The bill requires the Statewide site improvement standards for residential development to include parking spaces with electric vehicle charging stations in the calculation of minimum required off-street parking spaces. An electric vehicle charging station permitted as an accessory use would be excluded from any parking requirement otherwise applicable to the number of units or amount of floor space of the primary use, as appropriate, under State or local laws or regulations adopted thereunder.

The bill also exempts the installation of an electric vehicle charging station at a gasoline service station or existing retail establishment from site plan or other land use board review and variance relief requirements under the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.) or any other law, rule, or regulation, and requires the appropriate administrative officer to approve the application for the proposed installation if certain requirements are met. The requirements to be met are as follows:

- 1) the proposed installation does not violate bulk requirements applicable to the property and requires no changes to the conditions of the original final approval of the site plan or subsequent approvals for the gasoline service station;
- 2) all other conditions of prior approvals for the gasoline service station continue to be met; and
- 3) the proposed installation complies with the construction codes adopted in the State Uniform Construction Code, any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

The bill provides when an application is to be deemed complete and provides for permitting fees to be refunded if a jurisdiction fails to properly act on an application within the 20-day permit process schedule specified in the State Uniform Construction Code.

The bill specifies that an electric vehicle charging station installed at a gasoline service station or existing retail establishment shall be subject to local and Department of Community Affairs inspection requirements.

As amended, Senate Bill No. 938 is identical to the Assembly Committee Substitute bill for Assembly Nos. 2108 and 5032, which was also reported by the committee on this same date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- Add a new section that requires the Department of Community Affairs to promulgate a model ordinance for the siting of

electric vehicle charging stations, establishes minimum standards for the model ordinance, and requires Site Improvement Advisory Board to include parking spaces with electric vehicle charging stations in the calculation of minimum required parking spaces;

- Add a new section that provides that electric vehicle charging stations are a permitted accessory use and permitted accessory structure, provides that the model ordinance adopted by the Department of Community Affairs is the default site standards for electric vehicle charging stations, and authorizes municipalities to deviate from the model ordinance;
- Include existing retail establishments in the entities exempted from certain requirements;
- Establish standards for when a permitting application is to be deemed complete;
- Require a partial refund of permitting fees if a jurisdiction fails to act on an application within 20 days; and
- Remove the definition of “electric vehicle charging station” from the bill.