



Brick Township Council  
Caucus/Public Meeting  
November 9, 2022  
7:00 PM  
Agenda No. 1

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 7, 2022. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).
3.
  - a. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
  - b. Roll Call.
  - c. Approve Minutes of October 25, 2022 Plan Endorsement Hearing and October 25, 2022 Meeting.

**Consent Agenda**

***"All matters listed under item "Consent Agenda" will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately."***

4. Resolutions:
  - \_\_\_\_\_ 1. Authorize Renewal of Membership – O.C. Municipal Joint Insurance Fund.
  - \_\_\_\_\_ 2. Authorize Shared Services Agreement – Joint Board of Fire Commissioners.
  - \_\_\_\_\_ 3. Authorize Award of Contract – O.C. Cooperative Pricing System.
  - \_\_\_\_\_ 4. Authorize Placement of Lien – Block 306, Lot 20.
  - \_\_\_\_\_ 5. Bond Releases/Reductions:
    - a. Performance Bond Release – Artis Holdings, LLC. — Block 1169, Lot 7.

\*\*\*\*\*End of Consent Agenda\*\*\*\*\*

- \_\_\_\_\_ 6. Bill Resolution – Computer 2022.
- \_\_\_\_\_ 7. Bill Resolution – Manual 2022.
5. Ordinances on Second Reading:
  - \_\_\_\_\_ 1. Amend Chapter 245 – Authorize and Encourage Electric Vehicle Supply, Equipment & Parking Spaces.
6. Public Comments.  
**Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.**
7. Council Comments.
8. Motion to Adjourn.

**And any other matters which may come before Council.  
Formal Action may be taken at all meetings.**

**\*\*\*Next scheduled Caucus/Public Meeting will be held on Tuesday, November 22, 2022 at 7:00 p.m.\*\*\***

**RESOLUTION**

**RESOLUTION FOR RENEWAL OF  
MEMBERSHIP IN THE OCEAN COUNTY  
MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, Brick Township is a member of the Ocean County Municipal Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of December 31, 2022, unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership.

**NOW THEREFORE**, be it resolved as follows:

1. The Brick Township agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on November 9, 2022.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of November, 2022.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, the Township is obligated to provide for the administration and enforcement of fire protection subcode provisions, including fire inspections and other duties as set forth in N.J.A.C. 5:23-1.1 et seq.; and

**WHEREAS**, the Township has negotiated a Shared Services Agreement with the Joint Board of Fire Commissioners, composed of Fire Districts 1, 2 and 3, whereby the duties of the Fire Protection Subcode Official will be performed by the Joint Board of Fire Commissioners and an employee of the Joint Board; and

**WHEREAS**, the terms of the proposed Shared Services Agreement provide that all fees generated from the administration and enforcement of the fire protection subcode provisions shall be divided seventy-five percent (75%) to the Joint Board and twenty-five percent (25%) to the Township for services rendered; and

**WHEREAS**, the term of the Shared Services Agreement shall be four (4) years, terminating on October 20, 2026; and

**WHEREAS**, the Township Council desires to authorize the Mayor and Township Clerk to execute the proposed Shared Services Agreement on file in the Township Clerk's Office;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed Shared Services Agreement between the Township and the Joint Board of Fire Commissioners based on the terms and conditions contained therein.
2. That the Township Clerk shall forward a certified copy of this resolution to the Joint Board of Fire Commissioners, the Purchasing Agent, the Business Administrator and the Chief Financial Officer.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on November 9, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of November, 2022.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT THROUGH  
THE OCEAN COUNTY COOPERATIVE PRICING SYSTEM**

**WHEREAS**, N.J.S.A. 40A:11-4 requires that every contract for the provision of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

**WHEREAS**, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids; and

**WHEREAS**, the Township of Brick is a party to a cooperative purchasing agreement with the Ocean County Cooperative Purchasing System, organized pursuant to N.J.S.A. 40A:11-10; and

**WHEREAS**, the Township of Brick desires to purchase 2023 Model Year Micro Bird G5 Bus with Wheelchair Lift through the Ocean County Cooperative Contract #B2022-131 as per the attached quote; and

**WHEREAS**, the Chief Financial Officer has certified to the Township Clerk that funds are available.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY, as follows:**

1. That the contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-10 of the Local Public Contracts Law.
2. That the Purchasing Agent is hereby authorized to execute a purchase order to Robert H. Hoover and Sons, Inc., 149 Gold Mine Road, Flanders, NJ 07836 in an amount of \$117,082.00 for the purchase and delivery of 2023 Model Year Micro Bird G5 Bus with Wheelchair Lift through contract #B2022-131.
3. That pursuant to N.J.A.C. 5:30-5.1 et seq., the certification of available funds has been issued by the Chief Financial Officer and is attached hereto. The following is the line item appropriation and ordinance which constitutes the availability of funds for these contracts:  
    Ordinance #15-20 – account C-04-55-872-501 – \$62,302.04  
    Ordinance #15-20 – account C-04-55-872-601 – \$54,779.96
4. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Chief Financial Officer, Senior Outreach Services Program Director, Superintendent of Public Works and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on November 9, 2022.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of November, 2022.

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\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE CERTIFICATION OF THE DIRECTOR OF PUBLIC WORKS CONCERNING ADDITIONAL COSTS INCURRED IN THE REMOVAL OF DEBRIS AND CLEANING UP OF THE PROPERTY LOCATED AT MULTIPLE BLOCKS/LOTS AND AUTHORIZING THE PLACEMENT OF A LIEN AGAINST SAID PROPERTIES FOR SAID COSTS.

WHEREAS, in accordance with the provisions of N.J.S.A. 40:65-12 and Chapter 331, specifically Section 331-5 through 331-9, of the Township Code of the Township of Brick, the Township of Brick removed debris and cleaned up the properties located at:

41 Bay Laurel Dr.– Block 306/Lot 20 - \$77.29

after duly-giving notice to the property owner of said property pursuant to Chapter 56; and

WHEREAS, the Director of Public Works has certified the costs incurred by the Township in removing the debris and cleaning up the aforementioned properties; and

WHEREAS, the total additional costs incurred by the Township for the removal of the debris and cleaning up the properties as certified by the Director of Public Works, are:

41 Bay Laurel Dr.– Block 306/Lot 20 - \$77.29

WHEREAS, Chapter 331 of the Township Code, in accordance with N.J.S.A. 40:65-12, et seq. authorizes the governing body to have a lien placed against the subject property for the costs incurred by the Township in the removal of the debris from the subject premises and cleaning up the property, together with interest at the same rate as other taxes as set forth in N.J.S.A. 40:48-2.14.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

- 1. That the Mayor and Township Council do hereby formally accept and approve the certification submitted by the Director of Public Works for the removal of debris and cleaning up the properties located at:

41 Bay Laurel Dr.– Block 306/Lot 20 - \$77.29

- 2. That the Mayor and Township Council do hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution.
- 3. That a copy of the certified costs incurred by the Township in removing the debris and cleaning up the property, together with a copy of the resolution, shall be forwarded to the owner of the property by certified mail.
- 4. That a certified copy of this resolution be forwarded to the Tax Collector and to the Code Enforcement Officer.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 9th day of November, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Table with 2 columns: Agenda #, Date. Handwritten entries: 4-4, 11/9/22.

**RESOLUTION**

**WHEREAS**, Artis Holdings LLC, 8171 Maple Lawn Boulevard, Suite 375, Fulton, MD 20759 had posted Atlantic Specialty Insurance Company Bond No. 800018464 in the amount of \$365,612.39 and a cash bond in the amount of \$40,623.60 to guarantee site improvements to Block 1169 Lot 7 (Artis Senior Living, LLC, Jack Marin Boulevard, PB-2789) in the Township of Brick; and

**WHEREAS**, the Assistant Township Engineer by letter dated October 20, 2022 has advised that the required improvements have been completed and are acceptable; and

**WHEREAS**, the Assistant Township Engineer recommends that the Atlantic Specialty Insurance Company Bond No. 800018464 in the amount of \$365,612.39 and a cash bond in the amount of \$40,623.60 (plus interest if applicable) be returned to the applicant; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, as follows:

1. That the Atlantic Specialty Insurance Company Bond No. 800018464 in the amount of \$365,612.39 and a cash bond in the amount of \$40,623.60 (plus interest if applicable) be returned to the applicant; and
2. That the Township Clerk forward certified copies of this resolution to the following:
  - a. Chief Financial Officer
  - b. Assistant Township Engineer
  - c. Applicant/Developer

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on November 9, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of November 9, 2022.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-5a	11/9/22
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**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 245 TO AUTHORIZE AND ENCOURAGE ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**

**WHEREAS**, the Mayor and Council have strived to provide leadership in supporting the transition to electric vehicles contributes to Township of Brick's commitment to sustainability and is in the best interest of public welfare; and

**WHEREAS** installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

**WHEREAS** the Township of Brick encourages increased installation of EVSE and Make Ready parking spaces; and

**WHEREAS**, creating an EVSE and make ready parking spaces can improve the quality of life in the Township, attract businesses to the Township, and encourage the purchase of electric vehicles; and

**WHEREAS**, creating and EVSE and make ready parking spaces addresses potential zoning conflicts and offers consistent standards; and

**WHEREAS** adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

**WHEREAS** P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

**WHEREAS** adoption of this ordinance will support the Master Plan of Township of Brick adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals and objectives as outlined in the last Reexamination report dated August 22, 2018; specifically, on page 9 under #3. Environment – (4) To encourage energy and water conservation policies through techniques as applied in Site Plan and Subdivision Review and other governmental action. Additionally, adoption of this ordinance will (1) Implement the Green Building and Sustainability Element adopted on March30, 2016 to guide local policies to increase sustainability within the Township of Brick by encouraging efforts to increase coastal resiliency, promote energy efficiency and the use of renewable energy, and create a sustainable, healthy community with high quality of life for residents and visitors through Energy Conservation and Renewable Energy Production; Land Use, Green Building Design and more; and

**WHEREAS**, the Township of Brick encourages greater ownership and use of electric vehicles, thus the Township of Brick is amending the Land Use Development Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of Township of Brick, County of Ocean, State of New Jersey that Chapter 245 is hereby amended to establish regulations applicable to Electric Vehicle Supply/Service Equipment.

**SECTION 1.** The Township Council of the Township of Brick does hereby amend Chapter 245-3 captioned "Definitions" to adopt definitions which shall read as follows:

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

*Revised*

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1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric Vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make- Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).An electric vehicle charging station that is (1) privately owned and restricted access (e.g single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g, fleet parking with no access to the general public).An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).An electric vehicle charging station that is (1) publicly owned and publicly available (e.g.,park & ride parking , public library parking lot , on-street parking) or (2) privately owned and available to visitors of the use (e., commercial parking).An EV charging station that is accessible to and available for use by the public.

**SECTION 2.** The Township Council of the Township of Brick does hereby amend Chapter 245-250 to adopt an EV checklist applicable to Electric Vehicle Supply/ Service Equipment. The checklist shall read as follows:

ELECTRIC VEHICLE CHARGING STATION CHECKLIST  
COMMERCIAL/ MULTI – FAMILY DRAFT  
REVISED 9/15/22



1. Must meet all Uniform Construction Code - N.J.A.C. 5:23 requirements	Yes ___	No ___
2. Signage for EVSE and Make Ready spaces must be shown on the plan in detail including dimensions.	Yes ___	No ___
3. Wayfinding signs should also be shown on the plan in detail	Yes ___	No ___
4. Four true size Surveys/Site Plans to scale showing all dimensions of proposed structures, conduits, and electrical power source (s) (adequate site lighting and landscaping shall be provided).	Yes ___	No ___
5. Plans must show EVSE & Make Ready spaces, dimensions of spaces and equipment locations on the plan clearly with details.	Yes ___	No ___
6. Impact protection (concrete-filled steel bollards) need to be installed for accessible EVSE. Non-mountable curbing may be used if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE	Yes ___	No ___
7. Site lighting and landscaping must be shown on the plans, if applicable.	Yes ___	No ___
8. Handicapped parking spaces for EV must be shown on the plans in detail in accordance with the NJ regulation.	Yes ___	No ___
9. Two (2) copies of brochure OR Manufacture specifications for Charging Station	Yes ___	No ___
10. Pavement, Curbing and Sidewalk restoration details; as applicable	Yes ___	No ___
11. EV Charging Station shall not be located within any existing sight triangle	Yes ___	No ___
12. EV Charging Station shall not be located within any ADA Pathway	Yes ___	No ___

**PLEASE NOTE: THIS IS A GUIDE ONLY. IT IS NOT A SUBSTITUTE FOR A KNOWLEDGE OF THE STATE AND LOCAL REGULATIONS. THE UNIQUE NATURE OF SOME CONSTRUCTION PROJECTS CAN REQUIRE ADDITIONAL INFORMATION OR APPROVALS.**

**SECTION 3.** The Township Council of the Township of Brick does hereby amend Chapter 245 Article XXXV captioned "Parking, Loading and Vehicular Access." The amendments to Chapter 245 Article XXXV shall read as follows:

**245-311.1. ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT**

**Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants.

The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public;
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence;
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees;
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

#### **245-311.2. APPROVALS AND PERMITS.**

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The administrative official/zoning officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Township of Brick's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
  - a. the application, including the permit fee and all necessary documentation, is determined to be complete;

- b. a notice of incompleteness is not provided within 20 days after the filing of the application; or
  - c. a one-time written correction notice is not issued by the administrative official/zoning officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
  8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

**245-311.3. REQUIREMENTS FOR NEW INSTALLATION OF EVSE AND MAKE-READY PARKING SPACES.**

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces.
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
  - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces;
  - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces;
  - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces;
  - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces;
  - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces;
  - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection;

- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above;
- h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

**245-311.4 MINIMUM PARKING REQUIREMENTS**

- 1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to section number for Parking Requirements § 306-2 and parking space standards and requirements. [Amended 3-24- 1981 by Ord. No. 398-A-81 and Land Development Ordinance Section 245-310-311
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged but shall not be required in development projects.

**245-311.5. REASONABLE STANDARDS FOR ALL NEW EVSE AND MAKE-READY PARKING SPACES**

- 1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
- 2. Maintenance.: Charging station equipment shall be maintained in all respects. Contact information, such as a phone number, shall be provided on the charging station equipment for reporting purposes when the equipment is not functioning correctly, or other equipment problems are encountered.
- 3. Lighting: Where charging station equipment is installed, adequate site lighting be provided in accordance with Township code. Chapter Adopted by the Township Council of the Township of Brick 6-20-1972 by Ord. No. 136-72 (Ch. 213 of the 1989 Code).
- 4. Installation:
  - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
  - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 10 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
  - c. All new development and redevelopment parking stall must meet dimensions of 10' x 18'to provide adequate space for equipment.
  - d. If development exceeds ten (10) or more required EVSE and Make Ready Parking Spaces drive island areas may be utilized and/or encroached upon for installation of equipment.
  - e. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with

the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- f. High and Low limit of EVSE and Make Ready equipment shall be no more than 6ft in height and no less than 5ft height.
- g. Coloration of handicap accessible parking spaces for people with disabilities shall be represented by combined Green & Blue Striping, in order to designate handicap assessable EVSE and Make Ready parking.
- h. EVSE and Make Ready Parking equipment must not be installed or impede into the designated 10'x18 parking area.
- i. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

#### 5. EVSE Parking:

- a. Publicly accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. The use of time limits is optional and shall be determined by the owner.
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

#### 6. Public Parking. Public Parking. Pursuant to NJSA 40:48-2, publicly accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non- electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space, or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or Section § 306-3 Violations and penalties.

- a. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

#### 7. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

#### 8. Safety

- a. Each publicly accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Township of Brick's ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand- alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other

- devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
  - f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  - g. Publicly accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Township of Brick shall require the owners/designee of publicly accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

#### **245-311.6 SIGNS.**

1. Publicly accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
2. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
3. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
4. Directional signage must be limited to no more than two (2) signs per location of installation.
5. Sign requirements shall be as per Article XXXVI, § 245-312 et seq., of this chapter. Rolling and/or illuminated signage is not permitted.
6. Each individual parking must adhere to the sign requirements of one (1) 18"x 12" sign per parking stall. Each parking stall sign must be incorporated on existing/installed equipment.
7. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - a. Hours of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - b. Usage fees and parking fees, if applicable; and
  - c. Contact information (telephone number) for reporting when the equipment is not operating or other problems.

**245-311.7. USAGE FEES.** Private EVSE: Nothing in this Ordinance shall be deemed to preclude a private owner /designee of an EVSE from collecting a fee for the use of the

EVSE , in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

**SECTION 4.** All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

**SECTION 5.** In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

**SECTION 6.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Brick held on the 11<sup>th</sup> day of October 2022, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 9<sup>th</sup> day of November 2022, at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY  
MAYOR