

SENATE, No. 4704

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 1, 2026

Sponsored by:
Senator LATHAM TIVER
District 8 (Atlantic and Burlington)

SYNOPSIS

Authorizes procedures under MLUL for identification and preservation of abandoned cemeteries.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the identification and preservation of certain
2 abandoned cemeteries, amending P.L.1975, c.291, and
3 supplementing chapter 60 of Title 40 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 3 of P.L.1975, c.291 (C.40:55D-3) is amended to
9 read as follows:

10 3. For the purposes of **【this act】** P.L.1975, c.291 (C.40:55D-1
11 et seq.), unless the context clearly indicates a different meaning:

12 The term "shall" indicates a mandatory requirement, and the term
13 "may" indicates a permissive action.

14 "Abandoned cemetery" means any place found to contain human
15 burials, whether or not the burial site has been determined to have
16 historical significance, not owned by a public agency or religious
17 corporation, society, or association and in which not more than 10
18 percent of the interments have been made later than 1971. This
19 definition shall include, but not be limited to, graveyards, burial
20 grounds, and cemeteries that do not exceed 10 acres and are used or
21 intended to be used for the interment of bodies of the dead or the
22 ashes thereof.

23 "Administrative officer" means the clerk of the municipality,
24 unless a different municipal official or officials are designated by
25 ordinance or statute.

26 "Agricultural restriction" means an "agricultural deed restriction
27 for farmland preservation purposes" as defined in section 3 of
28 P.L.1983, c.32 (C.4:1C-13).

29 "Agricultural land" means "farmland" as defined pursuant to
30 section 3 of P.L.1999, c.152 (C.13:8C-3).

31 "Applicant" means a developer submitting an application for
32 development.

33 "Application for development" means the application form and
34 all accompanying documents required by ordinance for approval of
35 a subdivision plat, site plan, planned development, cluster
36 development, conditional use, zoning variance or direction of the
37 issuance of a permit pursuant to section 25 or section 27 of
38 P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

39 "Approving authority" means the planning board of the
40 municipality, unless a different agency is designated by ordinance
41 when acting pursuant to the authority of P.L.1975, c.291
42 (C.40:55D-1 et seq.).

43 "Board of adjustment" means the board established pursuant to
44 section 56 of P.L.1975, c.291 (C.40:55D-69).

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Building" means a combination of materials to form a
2 construction adapted to permanent, temporary, or continuous
3 occupancy and having a roof.

4 "Cable television company" means a cable television company as
5 defined pursuant to section 3 of P.L.1972, c.186 (C.48:5A-3).

6 "Capital improvement" means a governmental acquisition of real
7 property or major construction project.

8 "Circulation" means systems, structures and physical
9 improvements for the movement of people, goods, water, air,
10 sewage or power by such means as streets, highways, railways,
11 waterways, towers, airways, pipes and conduits, and the handling of
12 people and goods by such means as terminals, stations, warehouses,
13 and other storage buildings or transshipment points.

14 "Cluster development" means a contiguous cluster or
15 noncontiguous cluster that is not a planned development.

16 "Common open space" means an open space area within or
17 related to a site designated as a development, and designed and
18 intended for the use or enjoyment of residents and owners of the
19 development. Common open space may contain such
20 complementary structures and improvements as are necessary and
21 appropriate for the use or enjoyment of residents and owners of the
22 development.

23 "Conditional use" means a use permitted in a particular zoning
24 district only upon a showing that such use in a specified location
25 will comply with the conditions and standards for the location or
26 operation of such use as contained in the zoning ordinance, and
27 upon the issuance of an authorization therefor by the planning
28 board.

29 "Conservation restriction" means a "conservation restriction" as
30 defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

31 "Contiguous cluster" means a contiguous area to be developed as
32 a single entity according to a plan containing a section or sections
33 to be developed for residential purposes, nonresidential purposes, or
34 a combination thereof, at a greater concentration of density or
35 intensity of land use than authorized within the section or sections
36 under conventional development, in exchange for the permanent
37 preservation of another section or other sections of the area as
38 common or public open space, or for historic or agricultural
39 purposes, or a combination thereof.

40 "Conventional" means development other than cluster
41 development or planned development.

42 "County agriculture development board" or "CADB" means a
43 county agriculture development board established by a county
44 pursuant to the provisions of section 7 of P.L.1983, c.32 (C.4:1C-
45 14).

46 "County master plan" means a composite of the master plan for
47 the physical development of the county in which the municipality is
48 located, with the accompanying maps, plats, charts and descriptive

1 and explanatory matter adopted by the county planning board
2 pursuant to R.S.40:27-2 and R.S.40:27-4.

3 "County planning board" means the county planning board, as
4 defined in section 1 of P.L.1968, c.285 (C.40:27-6.1), of the county
5 in which the land or development is located.
6 (cf: P.L.2013, c.106, s.2)

7
8 2. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
9 read as follows:

10 19. Preparation; contents; modification.

11 a. The planning board may prepare and, after public hearing,
12 adopt or amend a master plan or component parts thereof, to guide
13 the use of lands within the municipality in a manner which protects
14 public health and safety and promotes the general welfare.

15 b. The master plan shall generally comprise a report or
16 statement and land use and development proposals, with maps,
17 diagrams, and text, presenting, at least the following elements (1)
18 and (2) and, where appropriate, the following elements (3) through
19 (17):

20 (1) A statement of objectives, principles, assumptions, policies,
21 and standards upon which the constituent proposals for the physical,
22 economic, and social development of the municipality are based;

23 (2) A land use plan element;

24 (a) taking into account and stating its relationship to the
25 statement provided for in paragraph (1) hereof, and other master
26 plan elements provided for in paragraphs (3) through (17) hereof
27 and natural conditions, including, but not necessarily limited to,
28 topography, soil conditions, water supply, drainage, flood plain
29 areas, marshes, and woodlands;

30 (b) showing the existing and proposed location of abandoned
31 cemeteries and the existing and proposed location, extent, and
32 intensity of development of land to be used in the future for varying
33 types of residential, commercial, industrial, agricultural,
34 recreational, open space, educational and other public and private
35 purposes or combination of purposes including any provisions for
36 cluster development; and stating the relationship thereof to the
37 existing and any proposed zone plan and zoning ordinance;

38 (c) showing the existing and proposed location of any airports
39 and the boundaries of any airport safety zones delineated pursuant
40 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
41 80 et al.);

42 (d) including a statement of the standards of population density
43 and development intensity recommended for the municipality;

44 (e) showing the existing and proposed location of military
45 facilities and incorporating strategies to minimize undue
46 encroachment upon, and conflicts with, military facilities, including
47 but not limited to: limiting heights of buildings and structures
48 nearby flight paths or sight lines of aircraft; buffering residential

- 1 areas from noise associated with a military facility; and allowing for
2 the potential expansion of military facilities;
- 3 (f) including, for any land use plan element adopted after the
4 effective date of P.L.2017, c.275, a statement of strategy
5 concerning:
- 6 (i) smart growth which, in part, shall consider potential
7 locations for the installation of electric vehicle charging stations,
- 8 (ii) storm resiliency with respect to energy supply, flood-prone
9 areas, and environmental infrastructure, and
- 10 (iii) environmental sustainability;
- 11 (g) showing the existing and proposed location of public electric
12 vehicle charging infrastructure; and
- 13 (h) including, for any land use plan element adopted after the
14 effective date of P.L.2021, c.6, a climate change-related hazard
15 vulnerability assessment which shall: (i) analyze current and future
16 threats to, and vulnerabilities of, the municipality associated with
17 climate change-related natural hazards, including, but not limited to
18 increased temperatures, drought, flooding, hurricanes, and sea-level
19 rise; (ii) include a build-out analysis of future residential,
20 commercial, industrial, and other development in the municipality,
21 and an assessment of the threats and vulnerabilities identified in
22 subparagraph (i) of this subparagraph related to that
23 development; (iii) identify critical facilities, utilities, roadways, and
24 other infrastructure that is necessary for evacuation purposes and
25 for sustaining quality of life during a natural disaster, to be
26 maintained at all times in an operational state; (iv) analyze the
27 potential impact of natural hazards on relevant components and
28 elements of the master plan; (v) provide strategies and design
29 standards that may be implemented to reduce or avoid risks
30 associated with natural hazards; (vi) include a specific policy
31 statement on the consistency, coordination, and integration of the
32 climate-change related hazard vulnerability assessment with any
33 existing or proposed natural hazard mitigation plan, floodplain
34 management plan, comprehensive emergency management plan,
35 emergency response plan, post-disaster recovery plan, or capital
36 improvement plan; and (vii) rely on the most recent natural hazard
37 projections and best available science provided by the New Jersey
38 Department of Environmental Protection;
- 39 (3) A housing plan element pursuant to section 10 of P.L.1985,
40 c.222 (C.52:27D-310), including, but not limited to, residential
41 standards and proposals for the construction and improvement of
42 housing;
- 43 (4) A circulation plan element showing the location and types of
44 facilities for all modes of transportation required for the efficient
45 movement of people and goods into, about, and through the
46 municipality, taking into account the functional highway
47 classification system of the Federal Highway Administration, the
48 types, locations, conditions, and availability of existing and
49 proposed transportation facilities, including air, water, road, and

1 rail, and identifying existing and proposed locations for public
2 electric vehicle charging infrastructure;

3 (5) A utility service plan element analyzing the need for and
4 showing the future general location of water supply and distribution
5 facilities, drainage and flood control facilities, sewerage and waste
6 treatment, solid waste disposal, and provision for other related
7 utilities, and including any storm water management plan required
8 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
9 a municipality prepares a utility service plan element as a condition
10 for adopting a development transfer ordinance pursuant to
11 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
12 element shall address the provision of utilities in the receiving zone
13 as provided thereunder;

14 (6) A community facilities plan element showing the existing
15 and proposed location and type of educational or cultural facilities,
16 historic sites, libraries, hospitals, firehouses, police stations, and
17 other related facilities, including their relation to the surrounding
18 areas;

19 (7) A recreation plan element showing a comprehensive system
20 of areas and public sites for recreation;

21 (8) A conservation plan element providing for the preservation,
22 conservation, and utilization of natural resources, including, to the
23 extent appropriate, energy, open space, water supply, forests, soil,
24 marshes, wetlands, harbors, rivers and other waters, fisheries,
25 endangered or threatened species wildlife, and other resources, and
26 which systemically analyzes the impact of each other component
27 and element of the master plan on the present and future
28 preservation, conservation and utilization of those resources;

29 (9) An economic plan element considering all aspects of
30 economic development and sustained economic vitality, including
31 (a) a comparison of the types of employment expected to be
32 provided by the economic development to be promoted with the
33 characteristics of the labor pool resident in the municipality and
34 nearby areas and (b) an analysis of the stability and diversity of the
35 economic development to be promoted;

36 (10) An historic preservation plan element: (a) indicating the
37 location and significance of historic sites and historic districts; (b)
38 identifying the standards used to assess worthiness for historic site
39 or district identification; and (c) analyzing the impact of each
40 component and element of the master plan on the preservation of
41 historic sites and districts;

42 (11) Appendices or separate reports containing the technical
43 foundation for the master plan and its constituent elements;

44 (12) A recycling plan element which incorporates the State
45 Recycling Plan goals, including provisions for the collection,
46 disposition, and recycling of recyclable materials designated in the
47 municipal recycling ordinance, and for the collection, disposition,
48 and recycling of recyclable materials within any development
49 proposal for the construction of 50 or more units of single-family

1 residential housing or 25 or more units of multi-family residential
2 housing and any commercial or industrial development proposal for
3 the utilization of 1,000 square feet or more of land;

4 (13) A farmland preservation plan element, which shall include:
5 an inventory of farm properties and a map illustrating significant
6 areas of agricultural land; a statement showing that municipal
7 ordinances support and promote agriculture as a business; and a
8 plan for preserving as much farmland as possible in the short term
9 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
10 1 et al.) through a variety of mechanisms including, but not limited
11 to, utilizing option agreements, installment purchases, and
12 encouraging donations of permanent development easements;

13 (14) A development transfer plan element which sets forth the
14 public purposes, the locations of sending and receiving zones and
15 the technical details of a development transfer program based on the
16 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

17 (15) An educational facilities plan element which incorporates
18 the purposes and goals of the "long-range facilities plan" required to
19 be submitted to the Commissioner of Education by a school district
20 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

21 (16) A green buildings and environmental sustainability plan
22 element, which shall provide for, encourage, and promote the
23 efficient use of natural resources and the installation and usage of
24 renewable energy systems; consider, encourage and promote the
25 development of public electric vehicle charging infrastructure in
26 locations appropriate for their development, including but not
27 limited to, commercial districts, areas proximate to public
28 transportation and transit facilities and transportation corridors, and
29 public rest stops; consider the impact of buildings on the local,
30 regional and global environment; allow ecosystems to function
31 naturally; conserve and reuse water; treat storm water on-site; and
32 optimize climatic conditions through site orientation and design;
33 and

34 (17) A public access plan element that provides for, encourages,
35 and promotes permanently protected public access to all tidal waters
36 and adjacent shorelines consistent with the public trust doctrine, and
37 which shall include a map and inventory of public access points,
38 public facilities that support access, parking, boat ramps, and
39 marinas; an assessment of the need for additional public access; a
40 statement of goals and administrative mechanisms to ensure that
41 access will be permanently protected; and a strategy that describes
42 the forms of access to satisfy the need for such access with an
43 implementation schedule and tools for implementation.

44 c. The master plan and its plan elements may be divided into
45 subplans and subplan elements projected according to periods of
46 time or staging sequences.

47 d. The master plan shall include a specific policy statement
48 indicating the relationship of the proposed development of the
49 municipality, as developed in the master plan to (1) the master plans

1 of contiguous municipalities, (2) the master plan of the county in
2 which the municipality is located, (3) the State Development and
3 Redevelopment Plan adopted pursuant to the "State Planning Act,"
4 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
5 and (4) the district solid waste management plan required pursuant
6 to the provisions of the "Solid Waste Management Act," P.L.1970,
7 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
8 located.

9 In the case of a municipality situated within the Highlands
10 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
11 master plan shall include a specific policy statement indicating the
12 relationship of the proposed development of the municipality, as
13 developed in the master plan, to the Highlands regional master plan
14 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
15 (cf: P.L.2021, c.6, s.1)

16
17 3. Section 23 of P.L.1975, c.291 (C.40:55D-32) is amended to
18 read as follows:

19 23. Establish an official map. The governing body may by
20 ordinance adopt or amend an official map of the municipality,
21 which shall reflect the appropriate provisions of any municipal
22 master plan[;] , provided that the governing body may adopt an
23 official map or an amendment or revision thereto which, in whole or
24 in part, is inconsistent with the appropriate designations in the
25 subplan elements of the master plan, but only by the affirmative
26 vote of a majority of its full authorized membership with the
27 reasons for so acting recorded in the minutes when adopting the
28 official map. Prior to the hearing on the adoption of any official
29 map or any amendment thereto, the governing body shall refer the
30 proposed official map or amendment to the planning board pursuant
31 to subsection [17a. of this act] a. of section 17 of P.L.1975, c.291
32 (C.40:55D-26).

33 The official map shall be deemed conclusive with respect to the
34 location and width of streets and public drainage ways and the
35 location and extent of flood control basins and public areas,
36 whether or not such streets, ways, basins or areas are improved or
37 unimproved or are in actual physical existence. The official map
38 also shall be deemed conclusive with respect to the location of
39 abandoned cemeteries, including cemeteries that no longer display
40 the physical indicia of a cemetery, including but not limited to,
41 headstones, tombstones, mausoleums, and crypts. Upon receiving
42 an application for development, the municipality may reserve for
43 future public use, the aforesaid streets, ways, basins, and areas in
44 the manner provided in section 32 of P.L.1975, c.291 (C.40:55D-
45 44).

46 (cf: P.L.1975, c.291, s.23)

47
48 4. Section 29.1 of P.L.1975, c.291 (C.40:55D-39) is amended
49 to read as follows:

- 1 29.1. Discretionary contents of ordinance. An ordinance
2 requiring approval by the planning board of either subdivisions or
3 site plans or both may include the following:
- 4 a. Provisions for off-tract water, sewer, drainage, and street
5 improvements which are necessitated by a subdivision or land
6 development, subject to the provisions of section 30 of P.L.1975,
7 c.291 (C.40:55D-42);
- 8 b. Provisions for standards encouraging and promoting
9 flexibility, and economy in layout and design through the use of
10 planned development, cluster development or both; provided that
11 such standards shall be appropriate to the type of development
12 permitted; and provided further that the ordinance shall set forth the
13 limits and extent of any special provisions applicable to planned
14 developments and to cluster developments, considering the
15 availability of existing and proposed infrastructure and the
16 environmental characteristics of any area proposed for development
17 and any area proposed for protection as open space, agricultural
18 land, or historic site, so that the manner in which such special
19 provisions differ from the standards otherwise applicable to
20 subdivisions or site plans can be determined;
- 21 c. Provisions for planned development:
- 22 (1) Authorizing the planning board to grant general
23 development plan approval to provide the increased flexibility
24 desirable to promote mutual agreement between the applicant and
25 the planning board on the basic scheme of a planned development
26 and setting forth any variations from the ordinary standards for
27 preliminary and final approval;
- 28 (2) Requiring that any common open space resulting from the
29 application of standards for density, or intensity of land use, be set
30 aside for the use and benefit of the owners or residents in such
31 development subject to section 31 of P.L.1975, c.291 (C.40:55D-
32 43);
- 33 (3) Setting forth how the amount and location of any common
34 open space shall be determined and how its improvement and
35 maintenance for common open space use shall be secured subject to
36 section 31 of P.L.1975, c.291 (C.40:55D-43);
- 37 (4) Authorizing the planning board to allow for a greater
38 concentration of density, or intensity of land use, within a section or
39 sections of development, whether it be earlier, later or simultaneous
40 in the development, than in others, in order to realize the
41 preservation of agricultural lands, open space, and historic sites, or
42 otherwise advance the purposes of P.L.1975, c.291 (C.40:55D-1 et
43 seq.);
- 44 (5) Setting forth any requirement that the approval by the
45 planning board of a greater concentration of density or intensity of
46 land use for any section to be developed be offset by a smaller
47 concentration in any completed prior stage or by an appropriate
48 reservation of public open space or common open space on the
49 remaining land, or preservation of land for historic or agricultural

1 purposes, by grant of development restriction, easement, or by
2 covenant in favor of the municipality; provided that such
3 reservation shall, as far as practicable, defer the precise location of
4 common open space until an application for final approval is filed,
5 so that flexibility of development can be maintained;

6 (6) Setting forth any requirements for timing of development
7 among the various types of uses and subgroups thereunder and, in
8 the case of planned unit development and planned unit residential
9 development, whether some nonresidential uses are required to be
10 built before, after or at the same time as the residential uses.

11 d. Provisions ensuring in the case of a development which
12 proposes construction over a period of years, the protection of the
13 interests of the public and of the residents, occupants and owners of
14 the proposed development in the total completion of the
15 development.

16 e. Provisions that require as a condition for local municipal
17 approval the submission of proof that no taxes or assessments for
18 local improvements are due or delinquent on the property for which
19 any subdivision, site plan, or planned development application is
20 made.

21 f. Provisions for the creation of a Site Plan Review Advisory
22 Board for the purpose of reviewing all site plan applications and
23 making recommendations to the planning board in regard thereto.

24 g. Provisions for standards governing outdoor advertising signs
25 required to be permitted pursuant to P.L.1991, c.413 (C.27:5-5 et
26 seq.) including, but not limited to, the location, placement, size and
27 design thereof.

28 h. Provisions for cluster development:

29 (1) Authorizing the planning board flexibility to approve a
30 subdivision or site plan or both through mutual agreement with an
31 applicant to allow for the clustering of development within a section
32 or sections of development at a greater concentration of density or
33 intensity of land use than established for the zoning district, in order
34 to achieve the goal of permanently protecting land as public open
35 space or common open space, or for historic or agricultural
36 purposes.

37 (2) Requiring the placement of a development restriction on any
38 land identified for preservation in accordance with section 9 of
39 P.L.2013, c.106 (C.40:55D-39.1).

40 i. Provisions requiring a successor developer to furnish a
41 performance guarantee as a replacement for a performance
42 guarantee that was previously accepted in accordance with
43 standards adopted by ordinance and regulations adopted pursuant to
44 section 1 of P.L.1999, c.68 (C.40:55D-53a) and section 41 of
45 P.L.1975, c.291 (C.40:55D-53), or this subsection, for the purpose
46 of assuring the installation and maintenance of on-tract
47 improvements, and releasing
48 the predecessor obligor and surety, if any, from liability pursuant to
49 its performance guarantee.

1 j. Provisions for the preservation and protection of identified
2 abandoned cemeteries.

3 (cf: P.L.2013, c.123, s.2)

5 5. Section 29.3 of P.L.1975, c.291 (C.40:55D-41) is amended
6 to read as follows:

7 29.3. Contents of site plan ordinance. An ordinance requiring
8 site plan review and approval pursuant to this article shall include
9 and shall be limited to, except as provided in sections 29 and 29.1
10 of **【this act】** P.L.1975, c.291 (C.40:55D-38 and C.40:55D-39),
11 standards and requirements relating to:

12 a. Preservation of existing natural resources on the site;

13 b. Safe and efficient vehicular and pedestrian circulation,
14 parking and loading;

15 c. Screening, landscaping and location of structures;

16 d. Exterior lighting needed for safety reasons in addition to any
17 requirements for street lighting;

18 e. Conservation of energy and use of renewable energy
19 sources; **【and】**

20 f. Recycling of designated recyclable materials; and

21 g. Identification of abandoned cemeteries.

22 (cf: P.L.1987, c.102, s.28)

24 6. Section 32 of P.L.1975, c.291 (C.40:55D-44) is amended to
25 read as follows:

26 32. Reservation of public areas. If the master plan or the official
27 map provides for the reservation of designated streets, public
28 drainageways, flood control basins, abandoned cemeteries, or public
29 areas within the proposed development, before approving a
30 subdivision or site plan, the planning board may further require that
31 such streets, ways, basins, abandoned cemeteries, or areas be shown
32 on the plat in locations and sizes suitable to their intended uses.
33 The planning board may reserve the location and extent of such
34 streets, ways, basins or areas shown on the plat for a period of **【1】**
35 one year after the approval of the final plat or within such further
36 time as may be agreed to by the developer. Unless during such
37 period or extension thereof the municipality shall have entered into
38 a contract to purchase or institute condemnation proceedings
39 according to law for the fee or a lesser interest in the land
40 comprising such streets, ways, basins, or areas, the developer shall
41 not be bound by such reservations shown on the plat and may
42 proceed to use such land for private use in accordance with
43 applicable development regulations. The provisions of this section
44 shall not apply to the streets and roads, flood control basins, or
45 public drainageways necessitated by the subdivision or land
46 development and required for final approval.

47 The developer shall be entitled to just compensation for actual
48 loss found to be caused by such temporary reservation and
49 deprivation of use. In such instance, unless a lesser amount has

1 previously been mutually agreed upon, just compensation shall be
2 deemed to be the fair market value of an option to purchase the land
3 reserved for the period of reservation; provided that determination
4 of such fair market value shall include, but not be limited to,
5 consideration of the real property taxes apportioned to the land
6 reserved and prorated for the period of reservation. The developer
7 shall be compensated for the reasonable increased cost of legal,
8 engineering, or other professional services incurred in connection
9 with obtaining subdivision approval or site plan approval, as the
10 case may be, caused by the reservation. The municipality shall
11 provide by ordinance for a procedure for the payment of all
12 compensation payable under this section.

13 (cf: P.L.1975, c.291, s.32)

14
15 7. (New section) a. Whenever a municipality has identified in
16 the land use plan element of its master plan, pursuant to section 19
17 of P.L.1975, c.291 (C.40:55D-28), the location of an abandoned
18 cemetery, as defined in section 3 of P.L.1975, c.291 (C.40:55D-3),
19 the municipality shall be responsible for the protection and
20 perpetual care of the abandoned cemetery.

21 b. Pursuant to subsection a. of this section, a governing body of
22 a municipality:

23 (1) may use monies from its "Municipal Open Space,
24 Recreation, Floodplain Protection, and Farmland and Historic
25 Preservation Trust Fund" created pursuant to subsection c. of
26 section 7 of P.L.1997, c.24 (C.40:12-15.7), for the protection and
27 perpetual care of the abandoned cemetery;

28 (2) may, for a municipality that does not maintain a "Municipal
29 Open Space, Recreation, Floodplain Protection, and Farmland and
30 Historic Preservation Trust Fund" or that elects not to use monies
31 pursuant to paragraph (1) of this subsection, utilize any other lawful
32 source of funding available to the municipality, including monies
33 appropriated through a municipal, county, or State open space,
34 recreation, farmland, historic preservation, or related trust fund
35 program, as authorized by law, to pay the costs of compliance with
36 P.L. , c. (C.) (pending before the Legislature as this bill);
37 and

38 (3) shall be prohibited from charging any additional surcharges
39 or fees for the protection and perpetual care of the abandoned
40 cemetery.

41
42 8. This act shall take effect immediately.
43
44

45 STATEMENT

46
47 This bill establishes procedures within the "Municipal Land Use
48 Law," P.L.1975, c.291 (C.40:55D-1 et seq.), for the identification
49 and preservation of abandoned cemeteries.

1 The bill provides that the existence and proposed locations of
2 abandoned cemeteries are to be included in the land use plan
3 element of municipal master plans and on their official maps. The
4 bill requires municipalities to include in their site plan ordinances
5 standards and requirements relating to the identification of
6 abandoned cemeteries. The bill encourages municipalities to
7 include provisions for the preservation and protection of abandoned
8 cemeteries in their site plan and subdivision ordinances.

9 The bill provides that a municipality is responsible for the
10 protection and perpetual care of an abandoned cemetery that has
11 been identified in the land use plan element of the municipality's
12 master plan. Under the bill, a governing body of a municipality:

- 13 • may use monies from its "Municipal Open Space,
14 Recreation, Floodplain Protection, and Farmland and
15 Historic Preservation Trust Fund" for the protection and
16 perpetual care of the abandoned cemetery;
- 17 • may, for a municipality that does not maintain a "Municipal
18 Open Space, Recreation, Floodplain Protection, and
19 Farmland and Historic Preservation Trust Fund" or that
20 elects not to use such monies, utilize any other lawful source
21 of funding available to the municipality, including monies
22 appropriated through a municipal, county, or State open
23 space, recreation, farmland, historic preservation, or related
24 trust fund program, as authorized by law; and
- 25 • be prohibited from charging any additional surcharges or
26 fees for the protection and perpetual care of the abandoned
27 cemetery.

28 There exist numerous abandoned cemeteries within the State of
29 New Jersey. These cemeteries were once part of larger homesteads
30 or former religious congregations and provide a vast resource for
31 family, church, and community history. Many of these cemeteries
32 are no longer cared for as descendants have died or moved away.

33 Additionally, on July 4, 2026, the United States celebrated its
34 250th anniversary (semiquincentennial) of the signing of the
35 Declaration of Independence. New Jersey played a critical role
36 during the American Revolutionary War, hosting over 600 military
37 engagements -- more than any other colony. Situated between
38 British-held New York and rebel Philadelphia, New Jersey held
39 pivotal battles in Trenton, Princeton, and Monmouth, and key
40 encampments, including Morristown, lead to the victories of the
41 Continental Army. During this time, General George Washington
42 spent more time in New Jersey than anywhere else. Many members
43 of the Continental Army died and were buried in New Jersey. For
44 the acknowledgement of the pivotal role New Jersey played in the
45 nation's independence, it is imperative that, whenever a
46 municipality has identified the location of an abandoned cemetery,
47 the municipality preserve and provide perpetual care to the
48 abandoned cemetery.