

**Township of Lumberton  
Land Development Board  
Regular Meeting  
October 16, 2008**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday, October 16, 2008 at 7:33 p.m.

Chairman Bennett read the following statement:

In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner:

On January 2, 2008 advance written notice of this meeting was posted on the bulletin board in the main lobby in the Town Hall; was mailed to the Burlington County Times and the Courier Post; was filed with the Clerk of Lumberton Township and was mailed to all persons who requested and paid for such notice.

Please note that unless otherwise modified by Resolution of the Land Development Board, all meetings shall begin at 7:30 p.m. and no new matter shall be initiated after 11:00 p.m., except where the Land Development Board, by majority vote of those present, shall specifically authorize the extension of the meeting beyond 11:00 p.m.

Those testifying before the Board on any application are required to be sworn in. The Board's Engineer and Planning Consultant have taken an oath upon their agreement and their testimony on an application is under oath on a continuing basis.

**Roll Call**

Citizen Member	Thomas Ammerman Robert Bennett, Chairman Thomas Bintliff	
	Sheldon Evans Robert Morton Bradley Regn John Pagenkopf	
Representatives of Governing Body	James Conway, Jr. Beverly Marinelli	(Absent)
Alternate #1	Nancy Bleznak	
Alternate #2	Craig Potter	
Alternate #3	Doug Alba	
Alternate #4	Mike Petty	(Absent)
Solicitor Consulting Engineer & Planner	Peter Emmons, Esq., Gibbs, Gregory & Emmons Gregory J. Sullivan, P.E., P.P., Remington, Vernick & Arango	
Board Secretary	Catherine Borstad	

## **Minutes**

### a. Regular Meeting Minutes for September 18, 2008

Ms. Bleznak stated regarding the Bank of America application, that the minutes should reflect that the turning radius was talked about at the meeting. She stated that the applicant's engineer stated that they would bring a plan to the Board. Mr. Morton stated that he brought up the issue regarding the turning radius and that it was his recollection that the applicant stated they would provide a plan.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approve the Regular Meeting Minutes of September 18, 2008 with corrections as stated. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba who abstained, and the motion carried.

## **Correspondence**

There was none.

## **Resolutions**

- a. 2008-42 Thomas, Alberto (T/A ATW), 1609 Route 38, Block 18, Lot 1.04. Site Plan Waiver. Continued to October 16, 2008 agenda.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-42. The vote was affirmative with the exception of Chairman Bennett and Mr. Pagenkopf, who abstained, and the motion carried.

- b. 2008-43 Radwell International, Blue Rock Construction, 111 Mount Holly Bypass, Block 15.04, Lot 2.05. Amended Final Major Site Plan. Application deemed incomplete.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-43. The vote was affirmative with the exception of Chairman Bennett and Mr. Pagenkopf, who abstained, and the motion carried.

- c. 2008-44 Bank of America, 1520 Route 38, Block 15.03, Lot 7. Final minor site plan. Application deem completed. Continued to October 16, 2008 agenda.

Motion was made by Mr. Ammerman, seconded by Ms. Marinelli to approve Resolution 2008-44. The vote was affirmative with the exception of Chairman Bennett and Mr. Pagenkopf, who abstained, and the motion carried.

- d. 2008-45 AAA Pharmaceutical, 681 Main Street, Block 16, Lot(s) 1.01 & 2. Change of use with minor Site Plan.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-45. The vote was affirmative with the exception of Chairman Bennett and Mr. Pagenkopf, who abstained, and the motion carried.

**Items for Action**

**Alberto, Thomas**  
**t/a ATW Associates**  
**1609 Route 38**  
**Block 18, Lot 1.04**  
**B-2 Zone**  
**Site Plan Waiver and Change of Use-Withdrawal**

Mr. Emmons stated that in order to withdrawal the application, the Board would make a motion to deny the application as per the applicant's request.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to deny the application per the applicant's request. The vote was unanimous and the motion carried.

**Bank of America**  
**1520 Route 38**  
**Block 15.03, Lot 7**  
**Minor Site Plan for placement of ATM Kiosk Building in Lowe's parking lot. Continued**

Motion was made by Mr. Morton, seconded by Ms. Bleznak, to continue the application until the November 20, 2008 meeting. The vote was unanimous and the motion carried.

**Stott, Victor**  
**1 Cameron Lane**  
**Block 33.04, Lot 11**  
**RA/S**  
**Bulk Variance for detached garage (7:40-8:07)**

Exhibits marked.

Mr. Emmons reminded Mr. Stott that he is still sworn under Oath from his previous hearing.

Mr. Stott stated that he was asked to get a Letter of Interpretation from DEP. He stated that he received a Letter of Interpretation from HAKS Engineers which he received October 8, 2008.

Mr. Stott stated that he hired HAKS Engineers to have the lot laid out properly for the wetlands delineation.

Mr. John Schweppenheiser, III, HAKS Engineers, Professional Engineer, sworn to provide testimony. The Board accepts Mr. Schweppenheiser as an expert witness.

Mr. Schweppenheiser stated that Mr. Stott has hired his firm to map the wetlands as requested by the Board. He stated that they are awaiting the approval from DEP. He stated that he has had a conversation with personnel from DEP and they indicate that the permit letter is in the mail.

Mr. Sullivan stated that he has not had the opportunity to review the plan from HAKS Engineers.

Chairman Bennett asked Mr. Schweppenheiser what was the time frame. Mr. Schweppenheiser stated 2-3 weeks.

Mr. Emmons asked if they would be ready by the next meeting. Mr. Stott stated yes. Mr. Emmons stated that it is on record that they are carrying the application to the November 20th meeting.

Mr. Pagenkopf suggested that the Board hear the application and possibly grant a conditional approval based on the paperwork is received from DEP indicating the wetland line and buffers and the Board Engineer is satisfied with the plan.

Mr. Schweppenheiser stated that there are no zoning issues associated with the application it is simply a matter of the Board Engineer comparing the plan indicating where the wetland buffer is.

Chairman Bennett asked Mr. Stott if he would be proceeding immediately with construction. Mr. Stott stated that it is his intentions to start as soon as possible.

Ms. Marinelli stated that there are some variances on this application.

Mr. Pagenkopf asked if they could deem the application complete and proceed with the hearing. Mr. Sullivan stated that they still do not have the wetlands stating where it is located. Mr. Sullivan stated that it is his opinion that the application can continue conditioned on the Letter of Interpretation from DEP. Mr. Schweppenheiser indicated to the Board that the applicant will not be able to get any permits until he submits the permit from DEP to the Township Construction Office.

Motion was made by Mr. Pagenkopf, seconded by Mr. Ammerman to deem the application complete. The vote was unanimous and the motion carried.

Mr. Stott stated that he wants to install a 1200 SF detached garage with a stone driveway leading to it.

Ms. Marinelli asked how many acres is the property. Mr. Stott stated six acres. Ms. Marinelli stated that the property is very large and doesn't appear to have any close neighbors. Mr. Stott stated that is correct.

Mr. Sullivan stated that the plan dated March 14, 2008 shows a proposed two-story addition. Mr. Sullivan asked Mr. Stott if he is also requesting approval for that. Mr. Stott stated not at this time. Mr. Sullivan asked how high the highest point of the proposed garage will be. Mr. Stott stated 17' at the highest point. Mr. Sullivan stated that there is an issue with the number of garages. Mr. Stott stated that he already has three garage doors and is requesting two more.

Mr. Emmons stated that a variance is needed for size. Mr. Stott stated that he is requesting the larger garage to store his camper and truck that is in his driveway. He stated that he has two teenagers that drive and have cars that are parked in his driveway as well. He stated that the garage would also be used for general storage.

Ms. Marinelli confirmed with Mr. Stott that there will be electric but no water to the proposed garage. Mr. Stott stated that was correct. Ms. Marinelli asked Mr. Stott if he plans to run a business out of the garage. Mr. Stott stated no.

Mr. Pagenkopf asked how big the trailer is that Mr. Stott plans to store. Mr. Stott stated that it is 7'x12'. Mr. Pagenkopf asked what size truck would be stored. Mr. Stott stated a 14' cargo van.

Ms. Marinelli asked what the dimension of the proposed garage would be. Mr. Stott stated 40' x 30'. Ms. Marinelli asked if the colors would match the house. Mr. Stott stated yes.

Chairman Bennett asked if the only pavement that would be expanded is the apron to the garage. Mr. Stott stated yes.

Mr. Sullivan recommended that the Board not make the driveway to the garage a condition of approval.

Chairman Bennett stated that the variances would be for size and number of garage doors.

At this time Chairman Bennett opened the meeting up for public comment.

*John Bozewicz - 6 Sterling Way, Block 33.04, Lot 3*

Mr. Bozewicz, sworn to provide testimony.

Mr. Bozewicz stated that the township has Ordinances to restrict certain things. He stated that the Board seems to be approving the restrictions. He stated that he also is in the process of putting a garage together. He stated that if the Board is approving this application, he feels he should be allowed to do what he wants also.

Ms. Marinelli asked Mr. Bozewicz if he has a six acre property. Mr. Bozewicz stated that he only has a little over two.

Chairman Bennett stated that each application is judged on its own merit.

Mr. Pagenkopf stated that with this application, the side of the property the garage is on has no neighbor.

Chairman Bennett asked how far the garage is from Mr. Bozewicz property line. Mr. Schweppenheiser stated that the garage appears to be approximately 250' off of the property line.

At this time Chairman Bennett closed the public comment portion of the meeting.

Mr. Evans stated that the applicant is not infringing on any side, rear, or front setbacks.

Ms. Marinelli made motion to conditionally approve this application based on the fact that this an exceptionally large lot, there are no houses on the side of the property where the garage is going to be located and that it was a place to put the trailer and truck under cover which would clean up the area. Ms. Marinelli stated that the addition will help clean up the area. She stated that the approval is for three variances; one for bulk, one for an extra garage and one for the doors, and conditioned on the engineer's approval, seconded by Mr. Regn. The vote was unanimous and the motion carried.

***The Diocese of Trenton  
Eayrestown & Landing Street  
Block 20.17, Lot 26.01 & 27  
RA/S***

***Use variance application for proposed Cemetery and Mausoleum (8:08-11:55)***

Ms. Bleznak stepped down and Mr. Potter took her seat.

Ms. Marinelli stepped down and Mr. Alba took her seat.

Mr. Dave Rosco, Esq., present representing applicant.

Mr. Ted Rosenberg, Esq., present representing objectors. He read a list of 17 clients that he represents to the Board.

Mr. Rosenberg stated that under the NJ Cemetery's Act the applicant must obtain the approval of the Governing Body. He stated that this is not something that can be enforced, but he feels that if it is applicable, that it may be a good idea to go through that first, since there will be hours of testimony at tonight's meeting. He stated that if the governing body does not approve the application, then tonight's testimony will not be necessary.

Mr. Rosenberg stated that he is not aware if the applicant has made that request to the township.

Mr. Rosco stated that this does not apply to this application because it is for a religious cemetery. Mr. Rosenberg stated that he does not agree.

Mr. Rosenberg stated that he and his clients have great respect for the free exercise of religion. He stated that nothing that is said tonight should be construed to be an attack toward the Roman Catholic Church or the Diocese. Mr. Rosenberg stated that his clients are concerned homeowners. He stated that under the Conflicts of Interest Law; if there are any members or the church or the Diocese on the Board, he would suggest that those individuals need to recuse themselves.

Mr. Emmons stated that Mr. Rosenberg has referred to a very specific case where there was an actual member of the actual church on the Board. He stated that this situation is more apt to be compared to the Hughes vs. Monmouth University, which said that an Alumni of the University need not recuse themselves since it was not an immediate relation. Mr. Rosenberg stated that he is placing his position on the record in the event this issue is raised on an appeal. He stated that this will give those members the opportunity to recuse themselves.

Mr. Rosenberg asked if the Board could be polled to see who is a member of the Catholic Church. Mr. Emmons asked the Board if anyone was a member of the Catholic Church and would feel uncomfortable sitting on the Board for this application. Mr. Alba, Mr. Ammerman & Mr. Evans are members of the Catholic Church. All three Board members have indicated that there is no impact on them being bias on this application.

Mr. Rosenberg asked how many members of the Board would vote on this application. Mr. Emmons stated that nine will vote. He stated that the two Committee members have stepped down and alternates have taken the empty seats. Mr. Rosenberg stated that just for the record he would argue that only seven need to vote. He stated that prior to the joint Board, use variance applications were decided by the Zoning Board and only five affirmative votes were needed. He stated that by expanding the Board to nine, the applicant would only need five affirmative votes out of nine. Mr. Emmons stated that it is this Board's practice that they require applicants for use variances to have seven affirmative votes.

Mr. Rosco stated that they have been trying to develop a cemetery in this part of Burlington County for ten years. He stated that due to high water tables, presents of wetlands, and builders, it has been difficult. He stated that this property is zoned rural agricultural. He stated that there is no current opportunity to sell the development rights for this property.

Monsignor James Dubell, Director of Cemeteries with the Diocese of Trenton, sworn to provide testimony.

Monsignor Dubell stated that there is a need for a cemetery in this area. He stated that it has been very difficult to find a place for a cemetery. He stated that in this area there are at least four large parishes, St. Mary of the Lakes in Medford, St. Isaac Jacques in Marlton, St. Joan of Arc in Marlton and Holy Eucharist in Tabernacle. He stated that these four parishes in this area consist of approximately 20,000 families. Monsignor Dubell stated that they have been looking in Medford, Marlton, Tabernacle, wetlands areas and in the Pinelands. He stated that it has been 15 years trying to find a piece of land. He stated that they have been to every vacant piece of land in these areas. He stated that the water tables on these properties have not been good. He stated that this piece of property has a good water table for a cemetery. Monsignor Dubell stated that cemeteries can be considered works of art in terms of landscaping. He stated that cemeteries today are competitive; where people go with respect. Monsignor Dubell stated that this cemetery will benefit the area.

Mr. Rosco asked Monsignor Dubell how many employees they anticipate to have at this site. Monsignor Dubell stated that starting out the number of employees would be approximately 5 - 6 with possible 1-2 burials per day, or less.

Mr. Ammerman asked how many plots would be at the site. Monsignor Dubell stated that the property measures approximately 22 acres. He stated that they usually get approximately 1,000 burials per acre. He stated that with the layout of the engineering plans of the property they expect to get a maximum of approximately 13,000.

Mr. Ammerman asked what type of equipment would be at the site and if there is a place to store it. Monsignor Dubell stated that they would have a garage to house backhoes, lawnmowers, etc. He stated that most of their cemeteries have the lawn cut by contractors. He stated that openings and closings are done by the staff of the cemetery.

Mr. Potter stated that Monsignor Dubell mentioned they would start off with 1-2 burials per day. Mr. Potter asked what would be the maximum number of burials per day. Monsignor Dubell stated that there could be 3-4 per day or possibly 5. He stated that it would take years to get up to this number.

Mr. Potter asked if the burials are seven days per week. Monsignor stated that it would be six days per week.

Mr. Ammerman asked if there is any data from this site or other cemeteries within the region regarding traffic studies or the amount of traffic that should be expected at this site for 1-2, or 3-5 burials per day. Monsignor Dubell stated that they do not have any numbers. He stated that cemetery processions vary.

Mr. Rosco stated that they are actually requesting 13,606 burials on this site.

Mr. Emmons stated for the record that this application is just for the use, not the site plan. He stated that if the application is approved for the use, the applicant would have to come back for site plan approval.

Mr. Alba asked how the cemetery would benefit the residents of Lumberton. Mr. Rosco stated that their Planner will answer that question.

Monsignor Dubell stated that the cemetery will serve people of the Catholic faith and relatives.

Mr. Morton asked what would be the expected life of the cemetery. Monsignor Dubell stated that it is difficult to say, but he would guess around 30 years.

Mr. Morton asked if any of the other cemeteries that they operate have had any problems with vandalism. Monsignor Dubell stated that they have had sporadic vandalism but never a continual situation.

Mr. Potter asked if there are problems with kids loitering at the other cemeteries. Monsignor Dubell stated no. He stated that the Police in the other areas have asked that they leave the gates open at night so that they can ride through. He stated that they have cemeteries in Trenton with no problems.

Mr. Rosco asked Monsignor Dubell if the Diocese is willing to work with the Board in terms of buffering the area. Monsignor Dubell stated yes and that they have done so in the other municipalities.

Mr. Sullivan asked if a cemetery located closer to the one of the churches would be more desirable. Monsignor Dubell stated that they cannot get suitable property near any of those churches. He stated that they had a 50 acre parcel next to Holy Eucharist Church in Tabernacle and were denied 3 times by the Pinelands Commission. Mr. Sullivan asked if there were any locations in Medford. Monsignor Dubell stated that the Odd Fellows Cemetery in Medford is full and that there is no place for them to go either. He stated that they looked into two properties, one on Church Road in Medford that was very wet and a property on Evesham Road near Lipinski Landscaping business which was wet also. He stated that they would love to have a cemetery right next to one of their churches.

Mr. Sullivan asked if groundwater is an issue for the Mausoleum. Monsignor Dubell stated that not all Mausoleums go underground. Mr. Sullivan stated that there are techniques that can be utilized. Monsignor Dubell stated that they have looked into putting drains on wet property, in particular a property on New Freedom Road. He stated that the drains limit the number of spaces for plots.

Mr. Sullivan stated that 1-2 burials per day are about 300 a year. He stated that 3-5 per day would come out to 1,000 per year, which means the cemetery at this site would not have a long life span.

Mr. Rosenberg cross examined Monsignor Dubell

Mr. Rosenberg asked Monsignor Dubell if the Diocese gave any consideration to the fact that cemeteries in close proximity to residential developments may have a negative effect on property values. Mr. Rosco stated that this is a question for the Planner. Monsignor Dubell stated that they do take that into consideration. Mr. Rosenberg asked if the presence of a nearby cemetery with 13,606 plots as well as a 1,000 Mausoleum would not help the property values of a nearby development. Chairman Bennett stated that Monsignor Dubell is not an expert, but will allow the question to be answered. Monsignor Dubell stated that he believes it would increase the property values. Mr. Rosenberg asked Monsignor Dubell had any studies to support that. Monsignor Dubell stated no.

Mr. Rosenberg asked Monsignor Dubell to name the brokers that the Diocese obtained in order to find locations. Monsignor stated Remax, Century 21, Pat McKenna of Marlton and some other local companies. Mr. Rosenberg asked if they consulted areas that have industrial uses rather than residential zone. Monsignor stated yes that they prefer industrial areas.

Mr. Rosenberg asked if Sacred Heart Church is part of the Diocese. Mr. Rosenberg asked why Monsignor Dubell did not mention that in the listing of other parishes. Monsignor Dubell stated that Sacred Heart is located in Mt. Holly and has its own cemetery that services the parishes on the other side of Lumberton. Mr. Rosenberg asked if there are still spaces available at the Sacred Heart cemetery. Monsignor Dubell stated that if all the people from the area that he is representing were buried at Sacred Heart, it would fill up in no time. Mr. Rosenberg asked if there are vacancies exist at the Sacred Heart cemetery. Monsignor Dubell stated that there are vacancies in Mt. Holly. Mr. Rosenberg asked if the Diocese would allow people on this side of the county to be buried in other cemeteries within the Diocese. Monsignor Dubell stated yes, that there are no restrictions where people could be buried. Mr. Rosenberg stated that people from these four parishes could be buried in cemeteries throughout South Jersey that is under control of the Diocese. Monsignor Dubell stated that it is possible but there is a need for a cemetery in this area. He stated that most of the people currently are being buried in the Camden Diocese cemetery which is twenty-five miles away. He stated that the Camden Diocese does not want them because they are running out of room also. Mr. Rosenberg stated that the two parishes in Evesham Township are probably within 6-7 miles of the Cherry Hill cemeteries. Monsignor Dubell stated that they are at least 20 miles away or more. Mr. Rosenberg asked where the Diocese cemeteries are located. Monsignor Dubell stated that one is located by Route 70, across from the Bishop's Eustace High School. Mr. Rosenberg asked Monsignor Dubell if this Diocese is in contact with the Camden Diocese to see what if any acquisitions they are making in areas of their Diocese for cemeteries. Monsignor Dubell stated yes, they are in constant communication. He stated that they just acquired a cemetery located in Berlin. Mr. Rosenberg asked if Berlin is 10 miles away from the Marlton parishes. Monsignor Dubell stated that he was not sure. Mr. Rosenberg asked how many plots are at the new Camden cemetery. Monsignor Dubell stated that he did not know. Mr. Rosenberg asked if there were 15,000 burial plots available at that location, would Monsignor Dubell agree that the need could be satisfied at that cemetery. Monsignor Dubell stated no because it is another Diocese and they already have an over population of people to bury. He stated that the Camden Diocese have no intention on accommodating us. Mr. Rosenberg stated that if a person within this Diocese passes, then the Camden Diocese would prevent them from being buried in the Camden cemetery. Mr. Rosco stated that Monsignor Dubell has already testified that they can be buried in the Camden Diocese and the problems associated with that. Mr. Rosenberg asked if the Diocese of Camden would charge members of this Diocese slightly more than what they charge their own. Monsignor Dubell stated that that is not the issue, he stated that the issue is distance and that this Diocese would prefer cemeteries to be closer to their own churches.

Mr. Rosenberg asked if there would be 1-2 or 3 funerals per day. Monsignor Dubell stated yes. Mr. Rosenberg asked what would prevent that number from increasing to 50 per day. Monsignor Dubell stated that just could not be done. He stated that 5 per day would be difficult to accommodate. Mr. Rosenberg stated assuming that they have 5 funerals per day, on average what is the number of cars associated with a funeral procession. Monsignor Dubell stated 10 cars. Mr. Rosenberg asked if that would include the Hearst. Monsignor Dubell stated yes. Mr. Rosenberg stated that based on 5 funerals per day that would be approximately 50 trips in and out of the cemetery. Mr. Rosenberg asked if the Diocese gave any consideration to the rural nature of this area and the impact upon traffic on existing roadways. Monsignor Dubell stated that yes they did. Mr. Rosenberg asked if a traffic study was done. Monsignor Dubell stated no. Mr. Rosenberg asked if the Diocese gave any consideration of the surrounding roads and how they are holding up with existing traffic. Monsignor Dubell stated no. Mr. Rosenberg asked if the Diocese gave any consideration to surrounding properties. Monsignor Dubell stated yes.

Mr. Rosenberg asked how they came up with 10 parking spaces for a Mausoleum that has 1,000 spaces. Mr. Rosco stated that this a question for their Engineer. Mr. Rosco asked if his experts could provide testimony and then cross examination take place. Mr. Emmons stated that they have found it works better if the objectors cross examine at the time of the witnesses testimony.

Mr. John Schweppenheiser, III, HAKS Engineers, Professional Engineer, sworn to provide testimony.

Mr. Regn left at 9:04  
Mr. Regn returned at 9:06

Mr. Emmons stated for the record that the testimony we are about to hear is for conceptual review. If the applicant is granted approved for the use variance, they will have to come back and do this again for the site plan.

Mr. Schweppenheiser stated that the property is located at the intersection of Landing Street and Eayrestown Road. He stated that they are proposing one entrance on Landing Street and one entrance on Eayrestown Road. Mr. Schweppenheiser stated that they are proposing 13,600 surface plots with an internal road through the site. He stated that the road would be an 18' wide asphalt road. Mr. Schweppenheiser stated that they would be keeping as much green space as possible. Mr. Schweppenheiser stated that the Ordinance does not have bulk requirements that mandate buffers for cemeteries. He stated that they have a 100' setback line around the perimeter of the property. He stated in the northeast corner of the site is farm preserved with no chance of future development. Mr. Schweppenheiser stated that they would plant a buffer which would be a mix of evergreens. He stated that they are proposing berms along both roadway frontages. He stated that the Mausoleum is 11,000 SF. He stated that it would most likely be a single story building. He stated that there would be 10 parking spaces associated with the Mausoleum. He stated that scattered trees would be planted throughout the cemetery.

Mr. Schweppenheiser stated that there is an existing overhead power line. Mr. Schweppenheiser stated that a bike path is proposed.

Mr. Ammerman asked if all the trees would be planted first. Mr. Schweppenheiser stated that the site would be phased and landscaping done first. He stated that they would start on one end.

Chairman Bennett asked if the entire property would be maintained during phasing. Mr. Schweppenheiser stated yes.

Mr. Sullivan stated that there are different options of trees that would be considered. Mr. Schweppenheiser stated that would be taken care of with a landscaping plan.

Mr. Rosco stated that Monsignor Dubell has stated that they would be willing to install the landscaping buffer along the residential area of the property up front to allow the buffer years to grow before that portion of the cemetery would be developed.

Mr. Sullivan asked how big each plot is. Mr. Schweppenheiser stated 3'4"x10. Mr. Sullivan asked if there are 13,606 surface plots. Mr. Schweppenheiser stated yes.

Mr. Sullivan asked if any boring were taken. Mr. Schweppenheiser stated no. He stated that they looked at a wetlands, floodplain and soil maps. Mr. Sullivan asked how many site plans Mr. Schweppenheiser has done. Mr. Schweppenheiser stated a couple hundred. Mr. Sullivan asked if he has seen any other property with groundwater that is equal to or greater than at this site. Mr. Schweppenheiser stated yes.

Mr. Rosenberg cross examined Mr. Scweppenheiser

Mr. Rosenberg asked if the Diocese told them how many burial plots they wanted. Mr. Shweppenheiser stated that it was based on the layout and setback lines shown.

Mr. Pagenkopf asked about the PSE&G easement. Mr. Rosco stated that they attempted to get the easement clarified but have no response from PSE&G. He stated that the at this point they would plan to put a bike path in it. Mr. Scweppenheiser stated that PSE&G stated that they would consider low impact development.

Mr. Ammerman asked if there would be hills or sight lines for the residents. Mr. Schweppenheiser stated that they would keep the property as natural as possible.

Mr. Thomas Scangerello, Professional Planner, sworn to provide testimony.

Exhibits marked A-1, Aerial dated 10/16/08

Mr. Scangerello described the plan to the Board.

Mr. Scangerello stated that the plan is to show the proximity of the residential houses to the site. He described the distance from each of the adjoining homes property lines to the proposed site.

Exhibits A-2 marked. Map of Burlington County

Mr. Scangerello stated that cemeteries are needed by everyone. He stated that they have satisfied the Master Plan.

Mr. Scangerello stated that the negative impact is not substantial. He stated that the average distance from the proposed cemetery to any of the residential homes is 300'. He stated that there will be security at the location at all times. He stated that the cemetery will be well maintained with a park like setting. He stated that there will be no lighting and no night time activity. He stated that there will be very limited public services. Mr. Scangerello stated that the Master Plan wants to create open space and this type of development is keeping with that. He stated that the positive things would be low impact type of use. He stated that the TDR Program is not going to work with this property. He stated that they have installed a buffer to keep from negatively impacting the surrounding homes. He stated that for the most part, the surrounding homes will not know what is going on. Mr. Scangerello stated that there is a need for a cemetery in this part of the County. He stated that the negative impact is minimal

Chairman Bennett called for a break from 10:00-10:10

Mr. Evans asked Mr. Scangerello if the sight line from the top of the hill how high would the buffer have to be not to see the cemetery from the homes. Mr. Scangerello stated that the buffer would start anywhere from 12'-14' and that the distance is so far away that you would only see the top of the trees. Mr. Scangerello stated that he does not believe that anyone would be able to see the headstones or the Mausoleum. Mr. Evans asked if any topography was done to see if this could be seen. Mr. Scangerello stated no.

Chairman Bennett asked Mr. Scangerello to explain how this would be a benefit to the property owners of Lumberton. Mr. Scangerello stated that he did not say it was going to be a benefit to the adjacent property owners, however it would be a benefit by providing a need for a cemetery.

Mr. Evans stated that he believed that most of the Catholics in Lumberton are serviced through Sacred Heart or Our Lady Queen of Peace in Hainesport.

Chairman Bennett asked if backhoes would be used. Mr. Scangerello stated yes. Chairman Bennett asked if the adjacent property owners would hear the equipment. Mr. Scangerello stated that he was not sure, but possibly they may hear something from time to time.

Chairman Bennett asked how Mr. Scangerello considers the cemetery to be open space. Mr. Scangerello stated that a cemetery is considered to be the closest use to open space.

Mr. Potter asked Mr. Scangerello if he has considered the traffic impact around the holidays when the site is at full build out. Mr. Scangerello stated that the traffic impact should not be substantial. He stated that it is his experience that people do not visit grave sites that often. Mr. Scangerello stated it is his experience that people visit graves at the anniversary of someone's death and on holidays.

Mr. Sullivan asked if they would be pursuing development of the western portion of the property. Mr. Scangerello stated that the owner would not let them concentrate on one area. He stated that they were obligated to buy the entire parcel.

Mr. Sullivan asked Mr. Scangerello to explain the visitation on grave yard sites. Mr. Scangerello stated that based on his experience grave yards are visited normally on the anniversary of ones death and on holidays.

Mr. Sullivan asked if the location of the cemetery was closer to the church if the decease would more apt be visited. Mr. Scangerello stated that he did not think that was the issue. He stated that he passes two cemeteries that are close to churches and he has never seen a vehicle visiting a grave site.

Mr. Sullivan asked if the cemetery would look like farmland. Mr. Scangerello stated from a distance.

Mr. Sullivan asked about traffic improvements at Landing Street and Eayrestown Road. Mr. Scangerello stated that he read that traffic improvements were previously planned for this intersection. He stated that if improvements to that intersection are called for in the Master Plan that the applicant will provide their share of costs for improvements to that intersection.

Mr. Sullivan stated that Mr. Scangerello indicated in his testimony that it would be impossible to see anything through the buffer. Mr. Scangerello stated that if he was in one of the houses, the only way he would be able to see if anything was going on in the cemetery is if he came to the property line and looked through the dense vegetation.

Mr. Sullivan asked if anything would be visible from the second story of the homes. Mr. Scangerello stated anything he would see would be open area.

Mr. Sullivan stated that in the testimony there would be nothing but a Mausoleum on this site. Mr. Scangerello stated that he stated that the only building on the site would be a Mausoleum. He stated that there possibly may be a maintenance building.

Mr. Sullivan asked if this particular cemetery is a Catholic cemetery. Mr. Scangerello stated yes.

Mr. Sullivan asked if the layer of marl is helpful or not for the placement of graves. Mr. Scangerello stated that you cannot put a grave in the ground if there is a layer of marl. He stated that you would have to dig out 6' of muck and place it someplace and have it dry out. He stated that the layer of marl does not exist on this site, it is south of this site. He stated that the reason he brought it up was because in looking for other areas to build the cemetery the marl exists at those other sites.

Mr. Sullivan asked if the marl is an advantage or disadvantage to a cemetery. Mr. Scangerello stated it is a disadvantage. Mr. Sullivan stated that marl is a clay layer, and you can dig into marl and not have water go into the hole.

Mr. Rosenberg cross examined Mr. Scangerello:

Mr. Rosenberg asked if a demographic study was done of the number of Catholics that exists in the region. Mr. Scangerello stated no. Mr. Rosenberg asked if a study was done of Catholics having problems finding plots. Mr. Scangerello stated no. Mr. Rosenberg asked if a study was done of Catholics in Lumberton having problems finding plots. Mr. Scangerello stated no.

Mr. Rosenberg asked if there is a study done on air pollution from vehicles. Mr. Scangerello stated no.

Mr. Rosenberg stated that Mr. Scangerello stated that 10% of plots are visited on holidays. Mr. Scangerello stated that it was his opinion.

Mr. Rosenberg stated that if 10% of the plots are visited on a holiday, it would be 1600 people visiting. Mr. Rosenberg stated that most of those people would use vehicles. Mr. Rosenberg stated that would generate more round trips than the use of four houses on that parcel. Mr. Scangerello stated that he was not sure. Mr. Scangerello stated that he has not compared this proposal to the current zone. Mr. Rosenberg stated that the reason Mr. Scangerello did not compare the current zone is because of the significant negative impact. Mr. Rosenberg asked how many cases in New Jersey that have a cemetery as a beneficial use. Mr. Scangerello stated that he has not found a case where a cemetery is not an apparent beneficial use. He stated that he has had cases such as churches, institutions, schools with similar uses to cemeteries with no difference in the use. Mr. Rosenberg stated that a cemetery houses dead people and all the other uses involve the living. Mr. Scangerello stated that he does not think that is relevant.

Mr. Rosenberg asked if the set standard with 16,000 burial plots is going to more esthetically pleasing than farm land. Mr. Scangerello stated that 16,000 burial plots will be just as esthetically pleasing if done well, as farmland. Mr. Rosenberg asked if four houses, each on five acre parcels would be less esthetically pleasing than 16,000 burial plots streamed across 22 acres. Mr. Scangerello stated that he was not sure.

Mr. Rosenberg asked with respect to the six property owners, there are several other property owners who are located within 200' of the property. Mr. Scangerello stated that he was concentrating on the property owners that were immediately adjacent to this property. Mr. Rosenberg asked if he checked the mailing to see how many people fit within the 200' of the proposed cemetery. Mr. Scangerello referred to Mr. Rosco.

Mr. Rosenberg asked if Mr. Scangerello was familiar with the elevations of the surrounding parcels. Mr. Scangerello stated that he visited the site and he did a rough calculation in his own mind if he could see anything from the second floor of those houses. He stated that all he could see is air. Mr. Rosenberg stated that he might be able to see the top of the Mausoleum that is 500'-600' away.

Mr. Rosenberg asked where the people would park who were visiting the grave site. Mr. Scweppenheiser stated that they would pull over off the road.

Mr. Rosenberg asked how many cemeteries that Mr. Scangerello has worked on. Mr. Scangerello stated none.

Mr. Rosenberg asked if Mr. Scangerello looked into problems that may arise with cemeteries. Mr. Scangerello stated yes that he has three files full of literature. Mr. Rosenberg asked if Mr. Scangerello came upon any environmental issues with cemeteries. Mr. Scangerello stated no. Mr. Scangerello stated that he found information that deal with excessive bacteria in areas that are wetlands. Mr. Rosenberg asked about formaldehyde. Mr. Scangerello stated that he did not find anything in his literature regarding formaldehyde.

Mr. Rosenberg asked about the buffer and street trees. Mr. Rosenberg asked if any of the neighboring home owners would be able to see through the buffer.

Mr. Rosenberg asked if there was a bike path proposed through the cemetery. Mr. Scangerello stated along the roads.

Mr. Rosco stated that this would conclude their testimony. He stated that cemeteries are viewed as being something that serves the public good. He stated that they are willing to work with the Board to buffer the property.

At this time Chairman Bennett opened the meeting up for public comment.

*John Funda - 8 Norway Drive*

Mr. Funda stated that he moved into his home in 2004. He stated that before he purchased his home he asked what the zoning was of the surrounding property and he was told it was zoned for single family homes or farm use. Mr. Funda stated that he loves his home. Mr. Funda expressed his concerns against the proposed cemetery. He stated that Lumberton is surrounded by cemeteries. He expressed his concerns as a tax payer and the fact that the cemetery will be an impact on Township Officials. He stated that Police Department will be needed for funeral escorts to cross Route 38. He stated that he used to be a Police Officer and is aware of funeral processions. Mr. Funda expressed his concerns for gang members, sex offenders, etc. to hide out in the cemetery and using up the Police Department personnel. He expressed his concerns for the traffic that a funeral will create. He expressed his concern about people relieving themselves in his backyard. Mr. Funda expressed his concern about debris blowing off of the plots and blowing into their yards. He stated that the Township Public Works Dept. does not need more work to do. He expressed his concern about environmental health that cemeteries bring. He read information that he produced off the internet to the Board regarding the environmental health concerns of cemeteries. He expressed his concerns about cemeteries and formaldehyde contaminating the drinking water in the area. Mr. Funda expressed his concern for property values going down. Mr. Funda stated that he recently lost his twenty year old son. He stated that having a cemetery in his back yard will be a constant reminder of the tragedy his family has experienced. He read a letter his ten year old son wrote to the Board.

*Christine Kiedash - 587 Eayrestown Road*

Ms. Kiedash expressed her concerns against the cemetery proposal. She stated that she has concerns regarding her well. She expressed her concerns regarding the traffic and the intersection of Landing and Eayrestown Road. She stated that people already use her driveway to turn around or to pull over to use their cell phones. She stated that she bought this home because she did not want neighbors. She stated that she has parties in her back yard with a live band and would not want to have a funeral going on while her party is playing Grateful Dead music.

*Robert Moser - 4 Norway Drive*

Mr. Moser expressed his concerns regarding the decreased property values that a cemetery would cause. He stated that he and his family are not Catholic, so there is no benefit for his family to have the cemetery. Mr. Moser had concerns regarding the traffic, security and environmental health concerns. He stated that his family have lived in Lumberton for twenty years, and have saved to buy this home in Lumberton. He stated that his master bedroom faces the proposed property, and he does not want to wake up every morning and look out his window to a cemetery. Mr. Moser stated that his children will not want to go out back to walk the dog at night. Mr. Moser stated that if this proposed cemetery will go through he will be forced to put his house up for sale and move out of town.

*Wendy Thomas - 587 Eayrestown Road*

Ms. Thomas expressed her concerns against the proposed cemetery. She expressed her concerns for bacteria that results from cemeteries. She stated that she has the same concerns as all of her other neighbors have expressed. She asked if the decision is made to grant this Use Variance, who will be interested in purchasing her home.

*Frank Leonetti - 6 Norway Drive*

Mr. Leonetti stated that the only good thing that has come out of this application is that all of the neighbors have gotten together. He stated that he is Italian and that Italian funerals can be 30-60 cars. He stated that he goes to the grave site to visit his father all the time, not just one or two times per year. Mr. Leonetti expressed his concerns for the traffic this cemetery will create. He stated that he and his neighbors do use his back yard.

*Debbie Vilari- 602 Eayrestown Road*

Ms. Vilari expressed her concerns about her neighbors looking out their windows and seeing headstones. She stated that this cemetery is not benefitting the residents of Lumberton. Ms. Vilari stated that there will only be debt from this cemetery, with the police department and public works department needing to do extra work. She expressed her concerns over the property values going down. She stated that she has lived in Lumberton her whole life. She stated that she loves her house and her property and does not want to see a cemetery out her window.

*Anthony Garistinna -*

Mr. Garistinna expressed his concerns regarding the statement the Planner and Engineer referred to the cemetery like a school or nursing home. He stated that those are buildings that can be removed. He stated that a cemetery is forever.

*Ernest Price - 25 Black Pine Lane*

Mr. Price stated that he moved into his home for the space and open area surrounding the property. He expressed his concerns against the proposed cemetery.

*Susan May - Ed Browns Meadow*

Ms. May expressed her concern about the scheduling of funerals around school bus pick ups since children would be out on Landing Street waiting to be picked up and dropped off from the school bus. She expressed her concern about water runoff.

*Lisa Jackson - 14 Douglas Lane*

Ms. Jackson stated that she has two young boys 10, & 13. She stated that there are 22 young children in this neighborhood. She expressed her concerns regarding teen violence and vandalism. She stated that the cemetery will be a breeding ground for teen violence and vandalism. She stated that she is aware that Lumberton had a problem in the past with vandalism.

*Al Fricano - 3 Norway Drive*

Mr. Fricano started off apologizing to the Board and everyone at the meeting and stated that they have no disrespect for the Diocese. He stated that everyone is hear tonight because they went door to door and asked them to come out. Mr. Fricano expressed his concerns against the proposed cemetery. He expressed to the Board to deny the use variance.

At this time the public portion of the meeting was closed.

Motion was made by Mr. Ammerman to deny the variance application based on the fact that it does not meet the public good with regard to protecting the rural character of this neighborhood, the character of the land, the amount of traffic that it would generate, the fact that this application would be a benefit for other townships and would not have a direct impact on Lumberton but would take up Lumberton's resources such as Police Department and Public Works Dept.,seconded by Chairman Bennett based on the concerns brought up by the objectors and the impact on the community as a whole. The vote was affirmative with the exception of Mr. Alba and Mr. Potter, who abstained, and the motion carried.

Mr. Evans stated that he is voting yes due to the fact that Mr. Scangarello did not answer his question regarding the homes to the knoll on this property and whether or not they could be buffered.

Mr. Emmons stated that Mr. Alba and Mr. Potter abstained by agreement of the applicant's attorney, Mr. Rosenberg and himself that only seven members would vote.

Ms. Marinelli returned to the Board.

Mr. Pagenkopf stepped down. Mr. Potter would be voting.

***Radwell International  
111 Mt. Holly Bypass  
Block 15.04, Lot 2.05  
I-2 Zone  
Final Major Site Plan for a 36,000 SF Addition (11;56-12:06)***

Mr. Thomas Eherhardt, Esq., representing applicant.

Mr. Daniel Love and Mr. Jack Buehler, Radwell Representatives, previously sworn to provide testimony.

Motion was made by Mr. Regn, seconded by Mr. Morton to deem the application complete. The vote was unanimous and the motion carried.

Mr. Emmons asked Mr. Sullivan if the applicant conformed to all of the concerns. Mr. Sullivan stated that he suggested the Board grant conditional approval based on his review letter dated October 16, 2008

Mr. Eherhardt stated that they have no objections to the conditions of the review letter.

Mr. Eherhardt stated that the applicant will comply with the COAH requirements.

Motion was made by Mr. Bintliff, seconded by Chairman Bennett to grant the application conditioned on the Board Engineer's letter of October 16, 2008. The vote was unanimous and the motion carried.

**Young's Landscaping**

**323 Main Street**

**Block 37, Loy 2.01**

**RA/S**

**Use Variance with Site Plan (Continued until November 20, 2008)**

Motion was made by Ms. Marinelli, seconded by Mr. Potter to continue the application until the November 20, 2008 meeting. The vote was unanimous and the motion carried.

**Old Business**

There were no changes.

**Ordinance**

- a. 130-36 Home Occupations

Chairman Bennett stated that this matter would be continued to next months meeting. All Board members were agreeable.

**Public Comment**

There were none.

**Comments from Professionals**

There were none.

**Comments from the Board**

Ms. Marinelli asked about the applicant on Main Street and the planting of evergreens behind the shed. Ms. Borstad stated that it was taken care of.

a. Bill List

**Adjournment**

Motion was made by Mr. Evans, seconded by Ms. Marinelli to adjourn at 12:10. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts, Recording Secretary  
Land Development Board