

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
March 16, 2006**

Chairperson Fort called the meeting to order at 7:40 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

A.

Mrs. Fort	present	
Mrs. Flynn	present	left at 9:45 p.m.
Mrs. Goodwin	present	
Ms. Hendry	present	
Mr. Stettner	present	
Mr. Shepherd	present	left at 10:00 p.m.
Mr. Staats	present	
Mr. Thompson	present	
Mr. Denning	present	

**Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Andrea Malcolm, Clarke, Caton & Hintz
Scott Parker, Edwards & Kelsey**

B. APPROVAL OF MINUTES:

1. February 16, 2006

Mr. Staats made a motion to approve the minutes. Mr. Denning seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

C. CORRESPONDENCE:

The secretary read the correspondence into the record.

D. TECHNICAL REVIEW COMMITTEE:

- 1. Paul Morris
Block 98, lot 2.34
58 Holland Brook Road
Site Plan & Variance
Action date: April 1, 2006**

Mr. Staats stated that the Technical Review Committee reviewed the application and it remains incomplete.

2. **Omnipoint Communications, LLC**
Block 96, lot 2
806 Route 202 N.
Site Plan & Variance
Action date: April 3, 2006

Mr. Staats stated that the Technical Review Committee reviewed the application and it remains incomplete.

3. **Verizon Wireless – Readington 4**
1100 Barley Sheaf Road
Block 64, lot 31.03
Preliminary/Final Major Site Plan & Variance
Action date: April 14, 2006

Mr. Staats stated that the Technical Review Committee reviewed the application and it remains incomplete.

E. RESOLUTIONS:

1. **Resolution Authorizing Professional Services Contract**

Mrs. Flynn made a motion to approve the resolution. Mrs. Goodwin seconded the motion.

Roll call:

Mr. Denning	aye
Mrs. Flynn	aye
Mrs. Goodwin	aye
Ms. Hendry	aye
Mr. Shepherd	aye
Mr. Staats	aye
Mr. Stettner	aye
Mr. Thompson	aye
Madam Chair	aye

F. PUBLIC HEARINGS

1. **Thomas A. Foreman**
Appeal

Block 58, lot 7

This matter is carried to April 20, 2006.

- 2. Our Lady Of Lourdes Church
Block 28, lot 10
Preliminary Major Site Plan
Action date: Signed extension and carried to April 20, 2006**

This matter is carried to April 20, 2006.

- 3. CharDham Hindu Temple/Readington
Use Variance & Preliminary Site Plan
25A Coddington Road
Action date: March 17, 2006**

Mrs. Fort reviewed the hearing process procedures to the public. She stated that the Zoning Board of Adjustment hears all applications in accordance with the provisions of the Municipal Land Use Law and the Readington Township Land Development Ordinance. What this board does, as opposed to the Planning Board, is hear applications from applicants who want to be allowed to do something that is not inherently permitted in a zone. This board grants variances from zoning ordinances. The members are all volunteers, except for the professionals. There are 7 regular members and 2 alternate members. The members also have to take courses which are now required by the State of New Jersey. There is a strict procedure that the board will follow. The applicant is typically represented by an attorney. They will introduce the site plans and variance requests through the testimony of their expert witnesses. It is common for an applicant to have several expert witnesses. The board will hear one witness at a time. Following the presentation of each witness, the board and its professional staff will ask questions and seek clarification of that expert's testimony. The board chair will then invite the public to ask questions of the witness. General comments from the public will be permitted upon conclusion of all expert testimony. When the public is called upon to ask their questions, they must come forward and state their name and address and spell the last name. All hearings are recorded and this information must be part of the minutes. When the applicant's case is completed and prior to a vote by the board, the public will be invited to offer relevant comments and factual information. Petitions or statements on behalf of an absent party will not be accepted. Upon conclusion of public comments, the applicant has an opportunity to present a closing statement or summary of the proposal. The board will vote on the application and incorporate its findings of facts and decision in a written resolution. That document is typically adopted at a subsequent public meeting. The board will vote and deliberate in public. This is not done behind closed doors. The board does not take any new witnesses or take any new testimony after 10:30 p.m.

Mr. Moore stated that in the past when there were large groups such as this, the groups will hire their own attorney and that person will ask all of the questions which greatly simplify the procedure.

Lloyd Tubman, Esq., stated that she is the attorney for the applicant. She stated that this is the second public hearing. The property is located in the ROM-2 zone in which a house of worship is not a permitted use. She stated that she planned to present 4 witnesses this evening. At the last hearing, the board gave the applicant's professionals' permission to meet with the township's professionals for clarification of review letters and to discuss the technical aspects of the application. James Hill, Engineer and Brian Bosenberg the Landscape Architect met recently with the board's professionals. The witnesses this evening are as follows: Yogesh Mistry, Architect – He will describe the building that he designed, not its function. He will be followed by Bharat Shah who is a member of the board of directors of the corporation which is the temple. He will describe the functioning within the building. The nature of the congregation and the numbers of members expected. He will be followed by Doug Polyniuk, the Traffic Engineer and then if time permits Brian Bosenberg will address site issues.

Mr. Moore swore in the following witnesses: Scott Parker, Andrea Malcolm, John Hansen, Bharat Shah and Mr. Doug Polyniuk.

Yogesh Mistry was sworn at the last meeting. He stated that he is a licensed architect in the State of New Jersey, New York and Pennsylvania. He was licensed in New Jersey in 2000.

Mr. Mistry testified that he was engaged to design the temple by the board of directors and an architect that was retained in India to start the design.

Exhibit: A-3 Aerial photograph – Matrix Environment Group dated 2005

Mr. Mistry testified that this exhibit was created to help give everyone the orientation and the relationship of the building to the adjacent areas and to Coddington Road. The site is heavily wooded. The majority of the improvements would be at the front of the property.

The record indicates that a model was placed on the table.

Exhibit A-4 – Model of the temple prepared by Yogesh Mistry. The age is approximately 2 months.

The model is a representation of the site area. The scale of the model is accurate which 1 inch equals 32 feet.

Exhibit A-5 – Drawing labeled A2.01. This is the same drawing that was submitted to the board, prepared by Yogesh Mistry dated 7/25/05 revised 9/28/05.

This exhibit represents the floor plans of the building as well as the exterior elevations. The applicant wanted a different type of temple which incorporated 4 entryways or 4 gateways representing 4 specific temples in India. Each gateway represents a cardinal point north, south, east and west. Another requirement was that the building be 108' by 108' which has a religious significance. This was the basis for the start. The building is a square shaped building with 4 entryways. They are not meant to be the entryways; there is one main entryway which is on the west side of the building.

Mr. Mistry testified that the building is approximately 15,000 square feet on each floor. The lower level can be accessed by ramps and the upper level through a set of stairs. The lower floor plan houses the services meaning toilets, coat rooms, storage areas, and an offering room. There will be a small warming kitchen. There is a room for the priest to change clothes, utility closets and administrative and meeting rooms. In the middle of the plan there is a circular access. This is for the priest to reach the upper level alters. This is a private entrance only accessed by the priest. The upper level is the prayer area. There is a procession hall that goes around the main praying area. It is a 10 foot wide procession area. The remaining area would be devoted to the prayer area which is approximately 75' by 75'. This area is subdivided into 4 quadrants. They represent 4 separate prayer areas and they all direct towards 4 separate alters, which has the religious meaning of having 4 temples for 4 separate gods. In front of each alter within each quadrant is a sitting area. There isn't fixed sitting. The floor space is designed for sitting with some aisle ways and areas for maneuvering. This is the footprint of the upper level.

Mr. Moore wanted to know the size of the small conference/meeting room on the first floor. Mr. Mistry answered 15' x 20'.

Mrs. Fort asked if there were seats. Mr. Mistry answered that there are no physical seats. They would be sitting on the floor. They dedicated approximately 15 square feet per person within each quadrant and based on that ratio they came up with about 72 to 75 people. At a maximum, they can only use 2 quadrants at one time. The main prayer area is approximately 7,200 square feet, which includes the alter and the room behind the alter designated for the priests.

Mr. Mistry stated that there are 2 main stairs in the entry and an exit stair in the back to access the upper level.

Ms. Hendry asked if the building could hold more than 150 people. He answered that the fire code would allow all 4 quadrants occupied at once.

Mr. Mistry stated that the building will be constructed out a combination of steel, concrete and masonry. The height of the building will be approximately 34'4" which is the main square portion of the building. There are 4 entry spires on each side and they vary in height. The tallest one would be 49'1".

Mrs. Goodwin wanted to know how many people the fire code would allow in the building. Mr. Mistry answered that he would have to get back to the board with that answer.

Exhibit A-6 Rendering produced by his office shows the exterior appearance dated January 2006.

Mr. Mistry stated that the building color would be earth tone. There is a lower band of limestone and the upper band would be stucco in an orange red color. The foyer entry spires would be in a beige color. The roof would be a flat roof and would be eternally pitched for drainage. The building would have a sprinkler system in order to comply with the fire code. Windows would be placed on the exterior walls in the upper level.

Mr. Denning asked if water for the sprinkler system would be serviced by public water or a holding tank. Mr. Mistry answered that they have well service. There will be a holding tank for the sprinkler system within the building.

Exhibit A- 7 Identified as sheet known as A3.01. It represents a cross section of the site from Coddington Road. This sheet was not distributed to the board.

Ms. Hendry asked if he had a cross section of what it would look like from Coddington Road. Mr. Mistry answered no. Ms. Tubman stated that they will address this matter.

Mr. Denning asked if the building was lower than the street. Mr. Mistry answered that was correct.

Mr. Mistry testified that there would be a limestone finished entry gateway. There would be signage as part of the design. The sign would not be internally lit. They would have landscaping lights pointing up towards the sign.

Exhibit A-8 – Identified as sheet known as A3.02. This was produced in March 2006. This sheet was not distributed to the board.

Mr. Mistry stated that this exhibit is a north/south cross section.

Ms. Tubman wanted to make a correction to the record. The easement that runs on the property is to the New Jersey Water Supply Authority. They have the right to clear trees within the right-of-way and in years to come, there are plans to install a water line. The applicant cannot erect structures within the easement. They can plant within the easement if it does not interfere with the pipeline. Ms. Tubman will have an update at a subsequent meeting.

Mr. Mistry stated that originally, they had proposed to install 4 roof top air conditioning units. However, the township's acoustical engineer had concerns with the noise to the north property line. Now, they have designed a "split-system" where just the air-handlers would be installed on the roof and the condensers would be installed on the ground and screened. This will be located at the southern portion of the building.

Ms. Tubman stated that the applicant retained Goodfriend and Associates to perform a noise analysis. Dr. Erdreich, the township's expert, responded. That prompted the applicant to re-design the system to address Dr. Erdreich concerns. We now have a letter from Dr. Erdreich stating that he is satisfied with the revision.

Exhibit A-9 – Letter to the Readington Township Planning Board and Board of Adjustment from John Barczyk dated 2/14/06

Mr. Mistry testified that Mr. Barczyk had 3 concerns. Two involved the driving areas which relates to other professionals. The remaining involved the fire sprinkler system for this building. Based upon the size and use of the building by New Jersey Building Code, they were required to install a sprinkler system. Since there is no existing water line on Coddington Road, they are providing a well system to provide water for the building. There would also be an 8,000 gallon storage tank required for the sprinkler system. There will be a generator located on the north side of the building that would be activated only in the event of a fire.

Regarding the lighting, Mr. Sullivan had concerns with their plan which proposed upward lighting. They agreed to revise their plan to meet Mr. Sullivan's comments. Security and safety lighting will remain.

Mr. Hansen asked if the downspouts that collect the roof runoff were located internally. Mr. Mistry answered yes.

Ms. Goodwin wanted to know if accommodations were made for handicapped people. Mr. Mistry answered that since it is a new structure, they are had to comply with the ADA requirements.

Mr. Denning wanted to know if there were any living quarters proposed within the building. Mr. Mistry answered no.

Ms. Hendry wanted to know if all of the spires were going to have metal roofs. Mr. Mistry answered that each one is different.

Mrs. Flynn wanted to know if there were any kitchen facilities proposed. Mr. Mistry answered yes, a warming kitchen. No food will be prepared on site. It would consist of ovens, and stoves for food warming. Mrs. Flynn asked if there is an area for eating. He answered yes, there is an offering room.

Mrs. Flynn asked if there were any shower facilities proposed. Mr. Mistry answered that there is a small bathroom for the priests. They are required to change and shower before the services.

Mr. Thompson wanted to know if there were accommodations for children. Mr. Mistry answered that there is a small playroom for the children.

Mrs. Flynn asked how many toilets are proposed. Mr. Mistry answered that there are 2 main toilet rooms. One for men and the other for woman. There are 5 stalls in the woman's bathroom and 3 stalls, plus 2 urinals for the men's room. These numbers are based upon the occupancy of the building.

PUBLIC COMMENTS:

Harry Nijenhuis, 24 Coddington Road – He wanted to know what the building would look like from the direction of south to north. Mr. Mistry stated that they did look at that, but there is a long distance from the south face of the structure to the residents on Tunis Cox Road. There are existing trees that would remain.

Mr. Shepherd asked if the aerial photograph had those houses on it. Mr. Mistry demonstrated the distance between the proposed building and the residences.

Paddy Sellino 29 Coddington Road – She wanted the actual distance from the residents to the temple. Mr. Mistry answered it would be over 600 feet.

Ms. Hendry suggested that this cross section be provided at the next meeting.

George H. Folk - 35 42nd. Street – He wanted to keep his opportunity open so that he could hear all of the testimony.

Mr. Moore answered that this is not the procedure that is followed. The opportunity is available at this time for him to ask his questions.

Ms. Hendry informed everyone, that this is very common during the process that the applicant will not have all of the answers to every question. But everyone is taking notes and they won't lose the unanswered questions.

Michele Jaunaraajs, 101 Pulaski Road – wanted to know if they had a question after the meeting could they ask a question of the board members. Mrs. Fort informed her that that would difficult since the questions also has to be given to their attorney.

Joan Pieros, 32 Coddington Rd. – Is the first floor designed to hold 150 people? Mr. Mistry answered no, the entire building is designed to hold that amount.

Andrew Kokinda 5 Tunis Cox Road – Wanted to know if there were any restrictions on developing this property. Mr. Mistry answered that there are wetlands in the rear portion of the property.

Catherine Petrakis 8 Tunis Cox Road – She wanted to know if the doors at the north – south and east side were exit doors only, or could you enter through the doors too. Mr. Mistry answered that they could potentially be used for entering and exiting. However, there no paths to these doorways.

Ms. Hendry asked if there were going to have lights on all 4 sides of the building. Mr. Mistry stated that he would find that information out from the applicant.

Lori Potter 3 Tunis Cox Road - She wanted to know in his experience, how many times was a building built that was 30,000 square feet to accommodate 150 people. Mr. Mistry answered that he was not sure if he ever designed another building of this size.

John Petrakis 8 Tunis Cox Road – He wanted to know if the building was designed for outside activities. Mr. Mistry answered that the client did not ask him to design the building for outside activities. All activities are internally. Mr. Petrakis also wanted to know if the building was designed so that it could be expanded in the future. Mr. Mistry answered that the design would make it difficult to expand.

Mr. Shepherd asked if there are buildings designed so that they could not be added on to. Mr. Mistry answered any building could be added on to.

Ms. Hendry stated that he testified earlier that external lighting was originally planned and now that plan had been changed so that there would no external lighting other than the safety lighting according to code. Mr. Mistry answered that that was correct. Based on that testimony wouldn't that preclude lighting for the porch areas? He considers the porch area as part of the building and not external lighting.

Dick Harris 20 Coddington Road was concerned about the sprinkler system. He wanted to know if there was a public water line. He wanted to know how many wells were going to accommodate the tank.

Bill Begosh 10 Tunis Cox Road – Would there be any living quarters in the temple. Mr. Mistry answered that no there would be no living quarters in the temple. Also, he wanted to know if the tank for the sprinkler system would have an impact to the water table. Mr. Mistry answered that no. Mr. Begosh was also concerned about the location of the compressors and the emergency generator. He wanted to know what side of the building they would be located. Mr. Mistry answered on the south side of the building. They would be screened with 8 foot high screening walls. If a backup generator is required, it would be located on the northeastern side.

Mrs. Fort stated that since most residents are on the south side is there any reason the compressors cannot be placed on the north side. Mr. Mistry answered that this was discussed with the township's acoustical engineer, and the best situation was to place the condensers on the south side because the north side property line is a residential property line along the railroad tracks. That was the closest residential property line. The noise emanated to the residential property on the south side was a lot lower than anything on the north side.

The board took a break.

The board reconvened at 9:51 p.m. For the record Marygrace Flynn had to leave due to an emergency.

Bill Begosh 10 Tunis Cox Road wanted to know if the structure could handle an additional story. Mr. Mistry was not designed for that detail.

Sanita Saini 6 Tunis Cox Road – wanted to know how far the property line on Tunis Cox Road is from the building. Mr. Mistry answered over 600 feet. How far is the development from the property line on Tunis Cox Road? Mr. Mistry answered two properties abut this property and the other ones progressively go out further.

Mr. Shepherd left the meeting at 10:00 p.m.

Amy Broidrick 9 Tunis Cox Road – wanted to know if there were architectural provisions for controlling the population of the congregation. Mr. Mistry was not sure he could answer this question.

Fred Barden 9 Tunis Cox Road – wanted to know the size of the footprint. Mr. Mistry answered that it is 15,000 square feet. He also wanted to know when the ornamentation would be available to review. Mr. Mistry answered that Exhibit A-6 shows additional ornamentation on the elevation.

Ms. Tubman stated that before the application is completed, the board will have the final plans of the building.

Ms. Goodwin asked if the applicant could provide the names of the 4 temples. Mr. Mistry answered that he would provide that information.

Rakash Saini 6 Tunis Cox Rd. – if the statutes were taken away, how much additional floor space would be created. Mr. Mistry answered that the main prayer area is approximately 7,200 square feet. If the middle portion is taken out, it could be approximately 1,000 leaving 6,200 square feet.

Nicole McInerney 38 Coddington Rd. wanted to know if there would be restrictions on the 4 facades and would they be structurally sound to be used for a something other than what they were proposed to be used for originally. Mr. Mistry answered

the porch is approximately 5 feet wide by 25 feet long. It wasn't intended to be used as porch. It became an element based upon the design of the exterior. It was not intended for gatherings.

Virginia Jones 33 Oakland Dr. wanted to know how long it would take to build this building. Mr. Mistry answered 12-18 months.

Charlotte Nijenhuis 24 Coddington Road – wanted to know if the electrical and plumbing plans would be available. Mr. Mistry answered no. She wanted to know if the building at the highest point is 49 feet. Mr. Mistry answered 49'1”.

Ms. Nijenhuis wanted to know the square footage of the kitchen. Mr. Mistry answered it is 32' x 35'.

Ms. Hendry wanted to know the basis for the kitchen design. Mr. Mistry answered that the intent of the client was not to have a kitchen where they prepared the food. It would be made off site and warmed in this kitchen.

Ms. Nijenhuis asked how much it would cost to build this building. Mr. Mistry answered the shell would cost between \$100- \$150 a square foot. Also, were you asked to design the building for 150 occupants? Mr. Mistry answered yes.

Bob McInerney 38 Coddington Road wanted to know where the members would eat. Mr. Mistry answered that there is an offering room which is 24'x 60'.

Mrs. Goodwin requested that the board be provided schematics of the 4 temples in India that this building is designed to replicate.

Dora Fletcher, 26 Coddington Road wanted to know what type of equipment would be in the kitchen. Mr. Mistry answered that he has only designed the room size.

Carol Hamblin 22 Coddington Road – Can the building handle the 46 festivals that will be handled each year. Mr. Mistry answered that he was never informed of that information.

Joan Pieros, 32 Coddington Rd. referred to Exhibit A-5. She wanted to know if it was the bottom or the top floor. Mr. Mistry stated that it was the lower level. Mr. Mistry identified all of the rooms in the temple for Ms. Pieros.

Laurie Potter can the applicant deviate from the plan before they would have to come back to the board. Mr. Mistry stated that they would have to ask the board.

Mr. Moore stated that the attorney indicated that preliminary and final plans would be given to the board before this application is completed.

Fred Barden 9 Tunis Cox Road wanted to know how long would the 8,000 gallon tank run. Mr. Mistry answered that it was designed to meet the building fire code.

Amy Broidrick 9 Tunis Cox Road wanted to know if health code was taken into consideration when the building was designed. Mr. Mistry answered yes.

Paddy Sellino 29 Coddington, wanted to know if the building is designed to have a chimney or fireplace. Mr. Mistry answered no.

Bill Begosh Tunis Cox Road – wanted to know if there are any provisions in the building for external audio, chimes, bells or speakers. Mr. Mistry answered no.

Charlotte Nijenhuis, 24 Coddington Road – stated that it was her understanding from Mr. Mistry’s testimony that the intent of his client is that the temple will not exceed 150 individuals; that it is a warming kitchen, not a preparing kitchen; there will not no expansion in any which way or form; that the porch will not be used for any outside activity and that the intent is that there will be no one sleeping at the temple, there will be no residence there. Mr. Mistry answered that was correct.

Ms. Nijenhuis wanted to know if there is anything in the architectural plan that will control any of those intentions from changing. Mr. Mistry answered no.

(Unidentified person) wanted to know what type of heating system would the building have. Mr. Mistry answered a gas fired heating system. She also wanted to know why the building was going to be located in this section of the property as opposed to further in the back. Mr. Mistry answered that there is a large portion in the back of the site that is wetlands.

Madam Chair announced that this matter will be carried to April 20, 2006.

G. ADJOURNMENT:

Ms. Hendry made a motion to adjourn. Mr. Denning seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

Respectfully submitted,

Linda A. Jacukowicz