

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
April 17, 2008**

A. Chairperson Fort called the meeting to order at 7:41 p.m. announcing that all laws governing the Open Public Meetings Act had been met and that the meeting had been duly advertised.

Mrs. Fort	present
Mrs. Flynn	absent
Ms. Hendry	present
Mr. Hendrickson	absent
Mr. Simon	present
Mr. Stettner	present
Mr. Shepherd	present
Mr. Thompson	present
Mr. Denning	present

**Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Michael Sullivan, Clark*Catton*Hintz**

B. APPROVAL OF MINUTES:

- 1. March 20, 2008 - Mr. Denning made a motion to approve the minutes. Mr. Stettner seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

C. CORRESPONDENCE:

There were no comments with regard to correspondence.

D. TECHNICAL REVIEW COMMITTEE:

- 1. Cellco Partnership d/b/a Verizon Wireless
State Highway 31 & Foothill Road
Block 61, lot 5.02
Variance
Action date: March 1, 2008**

**The TRC determined that the application be deemed complete.
Mr. Denning made a motion to deem the Cellco Partnership d/b/a/ Verizon Wireless application complete. Ms. Hendry seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

E. RESOLUTIONS:

- 1. Authorizing Professional Services Contract**

Mr. Thompson made a motion to memorialize the Professional Services Contract resolution. Mr. Denning seconded the motion.

Roll Call:

Mr. Denning	aye
Ms. Hendry	aye
Mr. Shepherd	aye
Mr. Simon	aye
Mr. Stettner	aye
Mr. Thompson	aye
Madam Chair	aye

F. VOUCHER APPROVAL:

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

G. PUBLIC HEARINGS

- 1. CharDham Hindu Temple/Readington
Use Variance & Preliminary Site Plan
25A Coddington Road**

Lloyd Tubman, Esq., counsel for the applicant stated for the record that at the last hearing the audience produced a witness, Dr. Barai, from Chicago. Dr. Barai informed the board about of Mr. Bhatt's involvement in the Church in Chicago. Dr. Barai alleged that Mr. Bhatt attempted to seize control by seducing or converting the Chair and the Secretary of the Chicago Temple, forcing the equivalent of a palace revolution. Dr. Barai persuaded the former Chair, a friend of twenty years, Mr. Patel, to heal the division in the Temple and eliminate Mr. Bhatt. Eventually, there was a truce. Ms. Tubman stated she received a letter from Mr. Patel, addressed to the Board of Adjustment, refuting the testimony of Dr. Barai. Since this letter is considered hear-say, Ms. Tubman said Mr. Patel is willing to come to the next meeting to testify as to what in his opinion actually happened in Chicago. Ms. Tubman said she declined to bring Mr. Patel to the meeting, as the application has been going on since February 2006. If the Board wishes to hear refuting testimony, Mr. Patel is willing to fly from Chicago and appear at a meeting. Ms. Tubman said that in her opinion, whether the tale is true or not is irrelevant to the proceedings. The Board is to make its decisions and deliberate on testimony relevant to the Char Dham Temple. Ms. Tubman said she would ask Mr. Moore's concurrence, but she truly finds that Mr. Patel testimony would not add to the record unless the Board has a difference of opinion.

Mr. Moore stated that from his perspective, as an attorney, he does not believe any of the testimony from last month's meeting was relevant to this particular case. However Board members have their own decision to make and if they feel they were influenced at all by what happened at the last meeting, they should vote to overrule him and request Mr. Patel's presence.

Ms. Tubman said if the board members feel they were in any way influenced by last month's testimony, she will bring the rebuttal. Ms. Hendry asked if Ms. Tubman expected any more testimony, or if Mr. Bhatt would be available for any more testimony. Ms. Tubman replied she did not expect to. Mr. Bhatt has testified at great length.

Ms. Hendry requested five minutes to think about the issue.

Mr. Moore asked for a motion and a second and a vote as follows:

H. EXECUTIVE SESSION:

RESOLUTION
(Open Public Meetings Act – Executive Session)

WHEREAS, N.J.S.A. 2:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment in the Township of Readington, County of Hunterdon, State of New Jersey, as follows:

The public shall be excluded from discussion of the hereinafter specified subject matters. The general nature of the subject matter to be discussed is as follows:

- 1. Pending and potential litigation.**

It is anticipated at this time that the contents of the above discussions will remain confidential.

This Resolution shall take effect immediately.

Ms. Hendry made a motion to adjourn the open session and go into closed session at 7:52. Mr. Simon seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

Ms. Hendry made a motion to open public session at 8:04 p.m. Mr. Denning seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

Mr. Moore stated that since the application has been going on for so long, certain members of the Board are reviewing the transcripts, and trying to search their own notes as to what they think is relevant or not relevant. They are not in a position this evening to make a judgment call as to any portion of the prior testimony that was introduced at the last meeting. Some Board members may feel that some of that testimony is relevant and some feel the entire testimony must be excluded. Based on that, Mr. Moore said he could not give

Ms. Tubman an answer and the decision would have to be left to Ms. Tubman whether or not she would call a rebuttal witness.

Ms. Tubman said she would reserve the right to call a rebuttal witness and she would advise the Board in advance if that is what they are doing. That would be at the next meeting.

Ms. Fort started the Public Question portion of the meeting.

PUBLIC QUESTIONS:

Carol Hamlin, - 22 Coddington Road –

Ms. Hamlin stated she was in agreement with everything that has been said against the variances and she supports the Township Master Plan, which provides land for places of worship that do not require variances.

Catherine Petrakis – 8 Tunis Cox Road –

Ms. Petrakis stated 25A Coddington Road is zoned as ROM-2 with the intent that it be developed by a commercial enterprise to bring new business to the Township. Any of the planned ROM uses would contribute new tax revenues to the Township. A business operation has employees who can make a real economic impact by frequenting small businesses in the community. Ms. Petrakis urged the Board not to grant the variance. However, if the Board does grant the variance, they could require the temple building be redesigned to reduce the size of the structure, thus preventing excessive occupancy.

Charlotte Nijenhuis – 24 Coddington Road

Ms. Nijenhuis stated the evidence presented does not support the number of devotees will be limited to 150. The building is large enough to house 3,000 individuals, the kitchen is large enough to feed an army and busses could fit into the parking lot. What would happen if Mr. Bhatt was replaced by another Hindu priest that would not limit the number of attendees to 150? How could the applicant get the presumption of “inherently beneficial use” if, at the same time, access to the public is being denied? Ms. Nijenhuis urged the Board to closely examine the evidence.

Savita Saini – 5 Tunis Cox Road

Ms. Saini wanted to present, to the Board, a newspaper article regarding a similar type temple in Mahwah, New Jersey. Mr. Moore said he could not admit it. It is hearsay.

Fred Barden – 9 Tunis Cox Road

Mr. Barden stated that the reason Dr. Barai was brought to testify was to refute two specific statements Mr. Bhatt made under oath. Under oath, Mr. Bhatt said he did not know who the priest at the Quincy temple, in Quincy Florida, was and he was not related to him. Dr. Barai testified that Bhaveshbhai Bhatt was Mr. Bhatt’s nephew. Secondly, Mr. Bhatt testified he had no connection with the Quincy temple in any way. Dr. Barai offered to present phone records of hundreds of phone calls from his temple to the Quincy temple.

Lori Potter – 3 Tunis Cox Road

Ms. Potter stated she is opposed to approving the variance, and hopes the Board denies the application.

Lisa Savino – 43 Ebersohl Circle

Ms. Savino stated she feels the Board should deny the application.

Joan Pieros – 32 Coddington Road

Ms. Pieros asked the Board to deny the application. Ms. Pieros feels the positive criteria have not been met.

Michelle Jaunarjs – 101 Pulaski Road

Ms. Jaunarjs said she would like to see the building size reduced to 1/20th of its present size. Also, she inquired about what would constitute admissible evidence.

Mr. Moore stated that one would have to bring in a member of the church itself or someone that has personal knowledge as to how that church was run and constructed. That is the only way you can introduce evidence, so they will be subject to cross-examination. Also, the Board is not in a position to tell the applicant to reduce the size of its building. The applicant presents whatever it wants, and the Board decides yes or no.

Amy Broidrick – 9 Tunis Cox Road

Ms. Broidrick stated there are a lot of facts, and there are inconsistencies in the data. Ms. Broidrick said she felt the traffic study was flawed, and RT 22 at Coddington Road can't support the traffic pattern.

Chairwoman Fort asked Ms. Tubman if she was planning to summarize tonight or going to carry to the next meeting.

Ms. Tubman stated she would carry the summary to the next meeting and she spoke to Mr. Moore about the necessity of having enough people able to vote at the next hearing. Ms. Tubman said they would make a decision whether to bring in Mr. Patel.

Ms. Fort stated she would confer with her Board, but after this hearing is closed, the Board will need a month to put everything together.

After much discussion the Board members tentatively chose the June meeting date to vote on the application. The summation will be at the May meeting.

Harry Nijenhuis – 24 Coddington Road

Mr. Nijenhuis wanted to express his concern about the application. He doesn't feel a temple fits in with the character of the rural community of Readington Township. If it is approved, it will increase traffic on Coddington Road, and it will also be a loss of tax revenue. Mr. Nijenhuis questioned the applicant's trustworthiness.

I. ADJOURNMENT:

Vice Chairman Denning motioned to adjourn, seconded by Ms. Hendry. *Motion was carried with a vote of ayes, nays none recorded.*

The hearing will be carried to May 15, 2008.

Respectfully submitted,

Linda Jacukowicz