

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
April 20, 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	absent
Mrs. Goodwin	present
Ms. Hendry	present
Mr. Stettner	present
Mr. Shepherd	present
Mr. Staats	present
Mr. Thompson	present
Mr. Denning	present

**Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Michael Sullivan, Clarke, Caton & Hintz
Beth McManis, Clarke, Caton & Hintz**

B. APPROVAL OF MINUTES:

1. March 16, 2006

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

C. CORRESPONDENCE:

No correspondence was read into the record.

D. 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 of 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. Wilmark Building Contractors, Inc. v. Readington Township Board of Adjustment.**

It is anticipated at this time that the above matter will remain confidential because litigation remains pending.

This Resolution shall take effect immediately.

Certified to be a true copy of a Resolution adopted on April 20, 2006.

Linda Jacukowicz, Coordinator

Mr. Denning made a motion to close the public session and enter Executive Session. Mr. Shepherd seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

Mrs. Fort made a motion to close the Open the public session.

Mr. Shepherd made a motion not to appeal the judge's order and to proceed to hear the case of Wilmark Building Contractors, Inc. v. Readington Township Board of Adjustment and also to authorize the Chairman to seek any outside expertise. Mrs. Goodwin seconded the motion.

Roll call:

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

Madam Chair aye

E. OTHER BUSINESS:

1. Hearing procedures

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 with each application. The applicant is typically represented by an attorney. The applicant or the attorney 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 questions, the individual must come forward and state your name and address and spell your last name for the record. 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. We ask, please be respectful throughout this process.

Mr. Moore swore in the following professionals: Michael Sullivan and John Hansen.

F. PUBLIC HEARINGS

- 1. Commerce Bank
 Amended Final
 Block 19.01, lot 8
 Action date: April 20, 2006**

Donald Moore, Esq., stated that he would have to recuse himself from this application. Katherine Lyons from the law firm of Purcell, Ries, Shannon, Mulcahy & O'Neill was substitute counsel for the board on this application.

William Robertson, Esq., stated that he is the attorney for the applicant. He informed the board that this is an application for an amendment to their final site plan approval. There was a resolution of approval for preliminary site plan and variance approval dated September of 2004. The final site plan approval was granted April 2005. At the time of the public hearings, there was a resident who had appeared and was concerned about extending the sidewalk on the Old Route 28 portion of the highway down along the existing cemetery that belongs to the United Methodist Church. The applicant was willing to accommodate that request. The board also agreed to accommodate the request. Everyone was under the impression that the resident was speaking for and on behalf of the Whitehouse United Methodist Church. The reality is that he was not a member of the board of trustees. The request was never authorized or requested by the church. Within the last several months, the applicant has been attempting to complete the site and over the late fall early winter had installed a base foundation for the sidewalk along the church. When the church became aware, they went immediately to the construction manager for the applicant and indicated a concern about the installation of the sidewalk.

Mr. Dean Sulpy is present this evening and he is a member of the board of trustees for the Whitehouse United Methodist Church. He attended various meetings and he has expressed concern regarding the location and even the existence of the sidewalk. The applicant is here this evening and their intention is to accommodate the concerns of the church. The applicant is seeking an amendment to the final site plan approval to remove the condition that required the extension of the sidewalk along the church's property.

Attorney Lyons swore in the following witnesses: Dean Sulpy and Brett Skapinetz.

Mr. Sulpy stated that he is a member of the Whitehouse United Methodist Church and is also a member of the board of trustees and cemetery administrator.

Mr. Sulpy stated that he was never made aware of the fact that a sidewalk was going to be installed along the cemetery. This issue was never raised before the board of trustees. When he became aware of the situation, he visited the site and spoke to a workman who called the engineer for the applicant. He spoke to the township's engineer only over the telephone. Mr. Sulpy stated that there are no sidewalks anywhere else in the vicinity. Regarding the elevation of the sidewalk, it looked as if the top of the sidewalk was going to be a lot higher than the bottom of the iron fence that already exists. Another concern was that there might not be enough area to properly grade next to the sidewalk and they might have to go into the cemetery. Also, there was a risk of water pooling and laying in this area. There

would not be suitable parking area for visitors to pull off of Old Highway 28 into the graveled area. In keeping with the historic look of the cemetery, they did not feel that a sidewalk would be appropriate. It was his and the applicant's request that the condition for the sidewalk extension be removed from the site plan approval.

Mrs. Fort wanted to know if people could walk through that gravel area to the bank. Mr. Skapinetz answered that it is feasible to walk on this area.

Mr. Denning wanted to know if the sidewalk would have been on the church's property. Mr. Robertson answered that they are not sure if it extends into the right-of-way. However, the sidewalk would have blocked the access of the cars that have traditionally parked in that area.

Mr. Skapinetz answered that the township engineer helped with the layout of the sidewalk. They had to pull the walk as close as possible to the right-of-way. This would have had an impact on the drainage and grading. It was on the right-of-way.

Mr. Denning wanted to know if there was an engineering reason why the sidewalk was going to rest so high against the fence. Mr. Skapinetz answered that off of the road there is a big depression. They would have to have pull dirt away from the cemetery to grade towards the sidewalk.

Mr. Hansen agreed with Mr. Skapinetz. He stated that it is difficult to construct a sidewalk and get the proper drainage.

Mrs. Goodwin wanted to make sure that the area would be restored. Mr. Skapinetz stated that it will be restored back to the original state.

Ms. Hendry wanted a time limit placed on the restoration of the site.

PUBLIC COMMENTS:

There were no comments from the public.

Mr. Denning made a motion to amend the site plan to remove the sidewalk in front of the cemetery and restore the area to its natural state within 30 days. Mr. Shepherd seconded the motion.

Roll call:

Mr. Denning	aye
Mrs. Goodwin	aye
Ms. Hendry	aye
Mr. Shepherd	aye
Mr. Staats	aye

Mr. Thompson **aye**
Madam Chair **aye**

- 2. Paul & Joya Riner
 Use Variance
 14A Kline Boulevard
 Block 28, lot 33.02
 Action date: June 16, 2006**

Lloyd Tubman, Esq., stated that she is the attorney for the applicant. The property is located in the Village Residential zone. Mr. and Mrs. Riner's home is located on this property. They have constructed an addition to their house for Mr. and Mrs. Riner's parents to reside. The Riners' were told by the township in October 2005 that they could not install a kitchen in the addition. That would make the house into a two family house. They elected to go ahead to build the addition. The applicant's are aware that it is in the board's discretion as to whether or not they are allowed to install the kitchen.

Mr. Moore swore in Mr. Paul Riner.

Exhibit A-1 Floor plan prepared by Keith T. Chambers of O'Sullivan Architects dated December 10, 2004.

Mr. Riner testified that his in-laws are important to his family. They wanted the in-laws to live with them. He built an addition that they would feel comfortable in. His sister-in-law has twins, so he wanted this addition to be able to accommodate this family when they came to stay with his in-laws. He wanted to have a bathroom and bedroom downstairs because his father-in-law had a hip replacement. They wanted them to have their own laundry area. The reason for the kitchen is so that they could have a self-sufficient life style.

Ms. Tubman asked that when the Code Enforcement office denied the kitchen, did he re-assess as to whether or not he should build the addition. Mr. Riner answered no. They still want the in-laws to live with them. If they can't have a kitchen, they would have to alter the house in order to make it easier for them to get into their home. They would close in the breezeway area if allowed by the township. The addition is close to 90% completion. Mr. Riner is constructing the addition. He testified that in the future, he and his wife would live in the addition. If he sells the property, he would be willing to remove the kitchen. He would deed restrict the property so that the house could not be sold with a second kitchen. He is capable of removing the kitchen.

Mrs. Fort wanted to know if he checked into this before the addition was started. Mr. Riner answered yes.

Mrs. Fort wanted to know what the square footage of the house is without the addition. Mr. Riner answered between 3,500 to 4,000 square feet. The addition is approximately 2,200 square feet.

Mrs. Goodwin wanted to know why the applicant needed this size addition. Mr. Riner answered that he wanted to build them an adequate home that they were accustomed to.

Mr. Thompson wanted to know what his plan was if this was not granted. Mr. Riner answered he would check to see if he can close in the breezeway. He also stated they would like to install something small, not a full kitchen if it is allowed.

Mr. Staats requested that a restriction be placed in the deed indicating that this is a single family house. Mr. Riner agreed with that condition.

Mr. Hansen stated that a letter was received from H. Clay McEldowney signifying that they would not need additional sewer capacity for this addition.

PUBLIC COMMENTS:

Mary O'Malley, 13 Kline Boulevard. She stated that regarding the stipulation that if the house is sold to a non-family member the kitchen would be removed, what if it was sold to a family member with children? It then becomes two separate houses on one lot.

Ms. Tubman asked the applicant if he would be willing to restrict the house to a family with children and no more than in-laws living permanently in the addition to the house. Mr. Riner answered yes.

Diane Redling 16 Kline Boulevard. She was concerned because it would be very easy if something happens to this family and they don't want to live there, someone could buy the property, build a garage on the other end of the other house, get rid the breezeway and you have 2 completely intact homes. How can that be prevented if you grant the variance for the kitchen.

Mr. Staats stated that the size of the house did not concern him. He just wanted to make sure that conditions were imposed that the property will not house more than 1 single family on the property.

Mr. Thompson was concerned that the applicant is a builder and it should have been approached differently. He is not in favor of granting approval of this application.

Ms. Goodwin stated that she was not in favor of the granting this approval.

Mrs. Goodwin	aye
Ms. Hendry	nay
Mr. Shepherd	nay
Mr. Staats	nay
Mr. Thompson	aye
Madam Chair	aye

Ms. Hendry moved to vacate the last motion and vote again. Mrs. Fort seconded the motion.

Roll call:

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

Mr. Staats made a motion to approve the application with the condition that it be deed restricted as a single family residence and it be considered as a single family house and that the kitchen be removed at the time when the in-laws no longer reside in the house. Mr. Shepherd seconded the motion.

Roll call:

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

The board took a five minute break.

- 3. Thomas A. Foreman
Appeal
Block 58, lot 7**

Madam Chair stated that his matter would be carried to May 18, 2006.

- 4. Our Lady Of Lourdes Church
Block 28, lot 10
Preliminary Major Site Plan
Action date: Signed extension and carried to May 18, 2006**

Madam Chair stated that his matter would be carried to May 18, 2006.

- 5. CharDham Hindu Temple/Readington
Use Variance & Preliminary Site Plan
25A Coddington Road
Action date: April 20, 2006**

Mrs. Fort stated that this is a continuance of the public hearing.

Lloyd Tubman, Esq., stated that she is with the law firm of Archer and Greiner and represents the applicant. This is the 3rd. public hearing. She stated that she has two witnesses, Bharat Shah who has been sworn and, potentially, through a translator, Mr. Yogendra Bhatt. The sole purpose of this evening's testimony is to explain the inter-workings of the temple and the occupancy of the temple.

Attorney Moore swore in the witness Yogendra Bhatt.

Mr. Shah testified that he is a member of the board of directors for the temple. He is one of nine members. He stated that he does not attend other temples on a regular basis. The foundation was established in 1999 for the purpose of bringing in his religious knowledge for the members. The board of directors employed a realtor to find the site. The site had to be near at least two highways so it would be easier for people to travel from different places. The regional devotee population was also a consideration in the selection of the site.

Exhibit A-10 List of membership dated 4/20/

Mr. Shah testified that the exhibit demonstrates the list of members that are associated with CharDham. There are 20 Whitehouse Station, 9 Flemington, 2 Lebanon, 2 Clinton, 6 Bedminster, 4 Hillsborough, 8 Bloomfield, 6 Lyndhurst, 5 Piscataway and 2 Freehold New Jersey. Mr. Bhatt testified that the list was correct.

Ms. Hendry asked if the list represented individuals or families. Mr. Shah answered individuals.

Mr. Shah asked Mr. Bhatt what was his position relative to the membership. Mr. Bhatt answered through Mr. Shah that he is what that call Dharmachrya or the chief priest for the organization.

Ms. Tubman asked what assumptions support the maximum that they project of 150 persons within the temple. Mr. Bhatt answered through Mr. Shah once the god has been established as a live god, then they bring family members in and they anticipate 150 members.

Exhibit A-11 Pictures of 4 gods prepared by Mr. Bhatt, entitled “CharDham Temple”.

Ms. Hendry wanted to know how the regional devotee population was determined.

Mr. Bhatt answered translated through Mr. Shah that these are already the members. Once people found out about what Mr. Bhatt was doing by word of mouth, they contacted him. Mr. Bhatt felt that this was the amount that would join the group, but this would occur over time.

Ms. Hendry asked if a study had been done to establish how many people in the area would be interested in practicing this type of religion. Mr. Bhatt answered through Mr. Shah that based upon his experience in the past back in India, he is expecting that the family members and friends of people who are already involved would come up to that level. This is an estimate number.

Mrs. Goodwin asked if the congregants are already meeting. Mr. Shah answered that they do not have a place to meet so they are not meeting on a regular basis.

Mr. Thompson asked the time frame that Mr. Bhatt feels that the congregation would get to 150. Mr. Bhatt answered through Mr. Shah approximately 5 to 10 years.

Mrs. Fort asked where does the board of directors live. Mr. Shah answered that they are scattered. He stated that some of the members who live in Whitehouse Station are on the board of directors for the temple.

Ms. Tubman stated that page one of Exhibit A-10 lists the addresses and names of the board of directors. She did not feel that it was appropriate to make the information known.

Mr. Shepherd asked if this was a particular sect of the Hindu religion and would one expect there to be a lot of that sect in New Jersey or is this a very small sect of the Hindu population where you wouldn't expect a lot of members.

Mr. Shah answered that this is a specialized group of people. Since there are 4 different gods, they have to have a broad view that they will be praying to all 4. This would place them in a small special group. The members must abstain from

alcohol and the consumption of red meat. Mr. Shepherd asked if there is another temple that they could presently visit. Mr. Shah answered that there is no other temple that would hold the 4 gods.

Ms. Hendry asked if they were expecting to draw members who are currently attending other temples in New Jersey. Mr. Shah stated that there are certain criteria that they would have to meet. The consumption of alcohol is not allowed. This requires religious discipline. The people who attend the temple would have a particular adherence to all 4 of the gods. These gods are associated with the 4 temples in India on which this building was modeled.

Mr. Thompson asked would they allow someone to come to their temple who is currently worshipping at a different temple. Mr. Bhatt answered through Mr. Shah that if that person would accept the philosophy of praying to the 4 different gods and imposing that discipline, then they would be allowed to attend.

Mr. Moore asked if Mr. Bhatt is the only priest right now. Mr. Shah answered that at this time Mr. Bhatt is the only priest. When the temple is established, there will be 4 priests; each one will perform the ceremony for each god.

Mr. Denning asked if it was common in New Jersey where members of other temples would visit this temple, just like they would do in India. Mr. Shah answered that they may visit once in a while, but it would not be part of the membership. To be a member they would have to go through the process of being trained by the priest in the philosophy of this religion and after the process that person would be accepted. Mr. Denning asked if it is a common practice in New Jersey to visit other temples. Mr. Shah answered no, that it is not a common practice on a regular basis.

Mr. Thompson asked how many times a week do the worshipers visit the temple. Mr. Shah answered they would visit once on a Sunday morning. The 4 priests would be attending to a god on a daily basis.

Exhibit A-12 Architectural sheet A 2.01 – rendered floor plan and 4 elevations of the building. It is prepared by Mistry Design dated 9/25/05.

Mr. Shah demonstrated to the board that upon arrival, they take off their coats and shoes, and then go upstairs to the prayer room. There would be ceremonies in front of one of the deities. Following that ceremony, they would go to the second deity. After that ceremony is finished they would proceed to the third, then the fourth deity. In front of one of the deities, approximately 75 people can sit. They sit on the bare floor. At maximum capacity, they would use only one quadrant on either side. They cannot use adjoining areas. This goes back to fire, water, earth and air. At any given time 2 of the 75 quadrants could be occupied. The ceremonies are approximately 15 to 20 minutes in each quadrant. After the

ceremony there are offerings presented to the gods, this is called Prasad which the devotees consume afterwards. The consumption takes place in the offering room. No one will reside in the lower level. The priests cannot touch the god unless they have showered and are dressed in special attire.

Mr. Shah testified that in their religion, God is viewed as human being. Food is offered to the god. The food is prepared at home; it is re-heated in the warming kitchen. The food is then consumed by the devotees after the ceremony. Meals for the congregation are never offered dependent of the offering. The ceremony that is performed on Sunday will be performed on a daily basis. After the god has been brought to life, they cannot be left unattended. So every day, they are bathed and clothed. The hours during the week that the priests are in the temple are usually 8:00 a.m. to 12:00 p.m. Then they begin again in the evening between 4:00 p.m. to 8:00 p.m. When the prayers are going on, hardly anyone would be downstairs. There would not be a school downstairs. The child's room is used for little children during the services. Occasionally people would visit the temple during the week, but it would only be for special events, such as a birthday. There are no outdoor activities scheduled for the temple. All outside activities will take place on Sunday, but they would not large.

Ms. Tubman asked if there were special days devoted to the gods that would attract more people. Mr. Shah answered there are none.

Mr. Staats wanted to know if the size of the building had some significant religious meaning. Mr. Shah stated that 3,000 years ago, a religious leader walked 108 gojan which is larger than miles to find the 4 temples in 4 different places in India. This signifies the number of 108. There are other things in India which 108 a very important religious number. Their rosary has 108 beads. This is why the temple was made 108' x 108'. The ceiling height is not required to be a certain number.

Mr. Thompson wanted to know if there would be any noise emanating from the temple, for example ringing of bells to call people to worship. Mr. Shah answered no.

Mrs. Goodwin asked if there were any similar temples located in the United States. Mr. Shah answered no.

Mrs. Goodwin asked if people would make pilgrimages to this temple. Mr. Shah answered that only the people who live in this area.

Ms. Hendry wanted to know how they know that people who would visit the temple reside locally. This would be easier to visit than for example if they lived in India. Mr. Shah answered that Diksha means accepting a group does not happen that fast. The applicant is willing to live with the number of 150 members.

Mr. Moore wanted to know the number of the special events that would be held at the temple. Mr. Bhatt answered through Mr. Shah maybe 4 days. Mr. Moore asked if 150 congregants could afford to build such a building. Mr. Shah answered with god's help it would be done.

Mr. Shepherd had a question regarding the 150 number, he wanted to know if there was a religious prohibition from those people being next to each other in adjacent quadrants rather than opposite quadrants. Mr. Bhatt answered through Mr. Shah, yes there is a reason. Fire and water cannot be together.

Mrs. Goodwin asked if there was a temple in the United States that has only 150 members. Mr. Bhatt answered through Mr. Shah that there is no other CharDham Temple in the United States. Mr. Shah stated that in India they do have temples with small memberships.

Mrs. Goodwin asked if this priest is currently attending the Bridgewater Temple. Mr. Bhatt answered through Mr. Shah no.

Ms. Tubman asked if the priests would be coming from India. Mr. Shah answered yes.

Ms. Hendry asked if there were temples in India where they worshipped all 4 gods. Mr. Bhatt answered through Mr. Shah, to the best of his knowledge, no.

Mrs. Fort stated that the meeting would be carried to May 18, 2006.

G. ADJOURNMENT:

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

Respectfully submitted,

Linda A. Jacukowicz