

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
May 15, 2008**

A. 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.

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

Donald Moore, Esq., Kelleher & Moore
John Hansen, Ferriero Engineering
Brent Krasner, Clark*Caton*Hintz

B. APPROVAL OF MINUTES:

- 1. April 17, 2008 - Mr. Denning made a motion to approve the minutes. Mr. Thompson seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***
- 2. April 17, 2008 – Executive Minutes - Mr. Denning made a motion to approve the minutes. Mr. Shepherd 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:

None

E. VOUCHER APPROVAL:

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

F. PUBLIC HEARINGS

- 1. Wachovia Bank, N.A.
420 Route 22
Block 8, lots 4, 5, 6 & 7**

**Variance application
Action date: Carried to June 19, 2008**

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

Lloyd Tubman, Esq., stated that she is from the law firm of Archer & Greiner and counsel for the applicant. She stated that at the last meeting, she asked the board if the testimony of Dr. Barai would have any affect upon the board's feelings towards Mr. Bhatt's credibility and therefore should she call witnesses to rebut Dr. Barai's testimony. The board adjourned into executive session for a short period of time to discuss this matter. She stated that this evening she has 3 witnesses from the MSM Temple in Bensenville, Illinois. The reason being is that she is concerned about the credibility issue that has been raised. The witnesses are: K. C. Patel, who is the former chairman of the MSM Temple; Mr. Arvid Mohdi and Indra Patel all of whom are affiliated with the temple.

Mr. Moore swore in all of the witnesses.

K.C. Patel stated that he is the former chairman of the MSM Temple in 2006 and 2007. He stated that he read the transcript of March 20, 2008. He wrote a letter to the board dated April 14, 2008 regarding that meeting.

Exhibit A-53 Letter dated January 6, 2008 to Amit Bhatt from Bharat Barai

Exhibit A-54 – Transcript portion page 42, March 20, 2008, with attached registration of the MSM Temple.

Exhibit A-55 Letter created by K.C. Patel dated April 14, 2008 addressed to the Board of Adjustment

Mr. Patel read his letter into the record.

Ms. Tubman asked if Mr. Bhatt had spoken before 1,000 people. Mr. Patel answered no. Mr. Patel stated that when their priest retired, Mr. Bhatt filled the position temporarily.

Ms. Hendry asked if anyone helped Mr. Patel prepare the letter. Mr. Patel answered that his son helped him proof read the letter, but no one else helped him.

Ms. Hendry wanted to know if Mr. Patel felt that the letter was his sworn testimony. Mr. Patel answered yes, it was his testimony.

Ms. Hendry wanted to know when Mr. Bhatt came to the temple. Mr. Patel answered it was February 16 or 17, 2007.

Mrs. Fort wanted to know where Mr. Bhatt resided while he was at the temple. Mr. Patel answered that he lived temporarily in the Mr. Arvin Patel's home. Later he resided in the temple.

Ms. Hendry wanted to know if Mr. Bhatt had discussed the CharDham Temple with Mr. Patel in personal conversation. Mr. Patel answered yes recently.

Ms. Hendry stated that Dr. Barai's testimony was that their temple was a traditional Hindu temple. Mr. Patel answered that he agreed with that statement.

Ms. Tubman stated that a question was asked regarding the 3 priests. Exhibit A-53 consists of the letter created by the current chairman of the temple. This is a letter to the 3 priests from India. On page 51 of the transcript Dr. Barai stated that he received a notice via cell phone that they were leaving the temple. Mr. Patel read the highlighted portion of the transcript.

Mrs. Flynn asked if at Mr. Patel's temple, the amount of people attending is limited. Mr. Patel stated that if the parking lot is full, then they limit the amount of people. Security individuals or the local police informed them during the festivals if the parking lot is full. This does not occur during a normal service.

Mr. Patel read the letter into the record regarding the termination of the priests' employment. He stated that Mr. Bhatt never received a salary from MSM.

Mr. Thompson wanted to know how Mr. Patel communicated with Mr. Bhatt. Mr. Patel answered in Gujarati. Also, Mr. Thompson asked if Mr. Patel had ever witnessed Mr. Bhatt communicating with anyone in English. Mr. Patel answered no.

Mr. Moore wanted to know what happened to the \$20,000 check that was earmarked for Mr. Bhatt. Mr. Patel answered that the check was never cashed and is at the temple. Mr. Bhatt never received it.

Mr. Shepherd wanted to know if Mr. Patel knew why Dr. Barai got so many details incorrect. Mr. Patel answered that he did not know. The board should ask Dr. Barai that question.

PUBLIC QUESTIONS:

Fred Barden, 9 Tunis Cox Road – He wanted to know if Mr. Patel could refute Dr. Barai's testimony that Bhaveshbhai Bhatt is the nephew with Mr. Bhatt. Mr. Patel answered that he had no knowledge. Mr. Barden wanted to know if Mr. Patel was involved in the operation with the Hindu Sanatan Dharma Seva Mandal Incorporated? Mr. Patel answered no.

Savita Singh wanted to know if he was involved in the CharDham Temple. Mr. Patel answered no.

Ms. Hendry had a question about the anniversary festival. Mr. Patel answered that they have a festival on the anniversary that the idols were installed. This occurs in July. Ms. Hendry asked if Mr. Bhatt delivered any religious services during this celebration in July in 2007. Mr. Patel answered yes.

Andrew Kokinda – Wanted to know the seating capacity in the MSM Temple. Mr. Patel answered that there is a prayer hall and banquet hall. They can seat more than 300 people.

Amy Broderick 9 Tunis Cox Road – Wanted to know when Mr. Bhatt was brought to the MSM Temple as a priest, did he practice traditionally services. Mr. Patel answered that he performs Hindu services.

Ms. Broderick asked how many traditional Hindu festivals Mr. Bhatt were performed from February 2007 forward. Mr. Patel answered maybe 6 or 7. Ms. Broderick asked that at the traditional festivals at MSM, do they tend to draw over 300 worshipers at any given time, the same festivals in which Mr. Bhatt would perform as a traditional priest. Mr. Patel answered that during the one year he did not bring in more than 300 people.

Bill Begosh 10 Tunis Cox Road – He asked how much time did Mr. Bhatt spend at Mr. Patel's temple? Mr. Patel answered 6 months. Mr. Begosh wanted to know if Mr. Patel knew prior to his invitation that he would not take money for his services. Mr. Patel answered no.

Mrs. Flynn wanted to know the date when did Mr. Patel first meet Mr. Bhatt. Mr. Patel answered in 1994. Mrs. Flynn wanted to know when Mr. Patel invited Mr. Bhatt to come to his temple. Mr. Patel answered in 2006.

The board took a break at 8:45 p.m. and returned at 8:56 p.m.

Ms. Tubman stated that the next witness is Arvid Modhi.

Mr. Modhi stated that he is a member of the Board of Directors and Trustee of the temple. He stated that there are less than 100 parking spaces. When there is an event at the temple and parking lot is full, the volunteers notify the security at the temple and turn the cars away. Since there is a rotation of the devotees and their cars, the volunteers use their walkie-talkie equipment to assist the rotation.

Mr. Modhi stated that he read the transcript of Dr. Barai. Mr. Modhi answered that Dr. Barai is talking about this year's festivals. Ms. Tubman stated that she showed Mr. Modhi the exhibit that is marked Barai-1. Ms. Hendry asked where in the temple were those pictures were taken. Mr. Modhi answered that this is not just one picture, but instead an assembly of many pictures put together by the artist. He counted the heads in the picture, and he counted 150 people in that picture.

Mr. Modhi stated that there is a prayer hall, community hall and basement hall. The community hall has a capacity of 600 people. The prayer hall has a capacity of 300 people and the basement hall has a capacity of 400 people. However, they do

not allow the use of all the 3 halls at the same time. They make sure that only one hall is used at a time. When the community hall is rented, incidentally the prayer hall is never rented; they do not rent the basement hall. The community hall is only for invited guests.

Ms. Hendry asked Mr. Modhi if he ever saw Mr. Bhatt perform any religious service when the community hall was filled to capacity. Mr. Modhi said no.

Mr. Modhi said that he was vice chairman during 2006 and 2007, and during that time Mr. Bhatt never lectured in the community hall.

Chairwoman Fort asked where katars are held. Mr. Modhi responded that they are held strictly in the prayer hall.

Ms. Tubman asked Mr. Modhi to read a statement from Dr. Barai's contained in Exhibit A-54 which is a portion of page 46 of the March 20, 2008. Mr. Mohdi read the statement located at line 7, stating that Dr. Barai was the founding chairman of the board of trustees of the temple from 1988 to 1992. There was also a letter from the IRS regarding the formation of the temple. This is the tax exempt status that has been given to their not-for-profit organization. Mr. Mohdi stated that Dr. Barai is not listed as a founding member. It is baseless that Dr. Barai is a founder or founding chairman. Mr. Modhi had been involved with the organization since 1983 and Dr. Barai did not get involved until late 1988 or 1989.

PUBLIC COMMENTS:

Daniel Sargent, Whitehouse Station, wanted to know the hours of operation on a regular day of religious worship.

Mr. Mohdi answered that the temple hours are 7:00 a.m. to 12:00 p.m. and 3:00 p.m. to 9:00 p.m. Mr. Sargent stated that Mr. Mohdi stated earlier that as cars fill the parking lot and leave, new people come and fill those spaces, so there is a continuous turn around. Mr. Mohdi answered that was correct.

Savita Saini, 6 Tunis Cox, stated that his websites indicates that their facility accommodates katars, marriages, garbars and other social activities, is this correct. Mr. Mohdi answered that that information has been on the website for years. It is outdated. Ms. Saini also wanted to know if they hold the Festival of Janmashthami at 12:00 midnight. Mr. Mohdi answered that is the only festival conducted at 12:00 midnight.

Bill Begosh, 10 Tunis Cox Road – asked if their temple and community center were in one building. Mr. Mohdi answered that they are in one building.

Fred Barden – 9 Tunis Cox Road wanted to know if Mr. Mohdi knew a priest by the name of Bhavesbhai Bhatt? Mr. Mohdi answered no. Mr. Barden asked if Mr. Mohdi had ever been involved with the operation of Hindu Sanatan Dharma Seva Mandal Incorporated. Mr. Mohdi answered no.

Amy Broidrick – 9 Tunis Cox Road – wanted to know if Mr. Mohdi ever discussed the proposed CharDham Temple with Mr. Bhatt at any time. Mr. Mohdi answered no.

Indra Patel addressed the topic regarding the contentious election. He stated that he is a super donor, also the trustee for the Manav Seva Mandir, and is not involved in all of the day to day operations. Regarding the topic involving the elections, he stated that for the first time in history they had to have an election and they had to defeat all of their friends. Mr. Bhatt was present during that time, but did not want to participate. He said that he was a neutral person.

Fred Barden, 9 Tunis Cox – Did Mr. Patel know of a specific reason why Mr. Barai was asked to appear before this board. Mr. Patel answered no.

Amy Broidrick, 9 Tunis Cox Road – She wanted to know if he ever spoke to Mr. Bhatt about the CharDham Temple. Mr. Patel answered no.

Madam Chair announced that this matter is carried to June 19, 2008 without further notice.

G. ADJOURNMENT:

Ms. Hendry made a motion to adjourn at 10:31 p.m. Mrs. Flynn seconded the motion.

Respectfully submitted,

Linda A. Jacukowicz