

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
May 18, 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
Mrs. Goodwin	present
Ms. Hendry	absent
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**

B. APPROVAL OF MINUTES:

- 1. April 20, 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***
- 2. April 20, 2006 Executive Minutes - Mr. Denning made a motion to approve the minutes. Mr. Staats 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. Hunterdon County Housing Corp.
Block 4, lot 94
27 Oldwick Road**

Variance

Action date: May 19, 2006

Mr. Staats stated that the Technical Review Committee determined that this application remains incomplete.

- 2. Paul Morris
Block 98, lot 2.34
58 Holland Brook Road
Site Plan & Variance
Action date: May 20, 2006**

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

- 3. Nicholas Villa
Use Variance & Preliminary Major Site Plan
135 Main St.
Block 23, lot 5
Action date: June 2, 2006**

Mrs. Flynn made a motion to deem the application complete. Mrs. Goodwin seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

- 4. Robert & Lisa Pupa
Use Variance and Minor Site Plan
100 Distillery Rd.
Block 53, lot 7.05
Action date: June 15, 2006**

Mrs. Flynn made a motion to deem the application complete. Mrs. Goodwin seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

E. RESOLUTIONS:

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

Mr. Thompson wanted to know if there were any comments from the neighbors regarding the facility's interior lights. Mr. Moore stated that he would contact the applicant's attorney and ask him to look into this matter.

Mrs. Goodwin made a motion to approve the resolution. Mr. Denning seconded the motion.

Roll Call:

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

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

Mr. Thompson made a motion to approve the resolution of denial. Mrs. Goodwin seconded the motion.

Roll Call:

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

F. PUBLIC HEARINGS

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

This matter is carried to the June 15 2006.

- 2. Our Lady Of Lourdes Church
Block 28, lot 10
Preliminary Major Site Plan
Action date: Signed extension and carried to June 15, 2006**

This matter is carried to June 15, 2006.

- 3. CharDham Hindu Temple/Readington
Use Variance & Preliminary Site Plan
25A Coddington Road
Action date: May 18, 2006**

Lloyd Tubman, Esq., of Archer & Greiner stated that she is the attorney for the applicant. She indicated to the board that she would be presenting two witnesses, Mr. Bharat Shah and Mr. Yogendra Bhatt who were previously sworn and remain under oath. Ms. Tubman stated that they were at the point at the last hearing to start taking questions from the board members. However, in view of the transcript, Ms. Tubman wanted to fully qualify Mr. Bhatt and ask him to explain Exhibit 11.

Madam Chair informed everyone that the procedure has to change because of the language problem. First of all, she wanted to know what language Mr. Bhatt speaks when he testifies. Mr. Shah answered Gujarati.

Madam Chair requested that if Mr. Bhatt is able to respond to the questions in English, even broken English, that would be the preferable course, however, if that is not the case, could he at least speak into the microphone so that we have a taped record of his answer. Ms. Tubman answered that they will attempt to comply with the board's request.

Ms. Tubman asked Mr. Bhatt if he could speak some English. Mr. Bhatt answered through Mr. Shah that he cannot speak one complete sentence in English. He can understand, but certain words he would have to ask Mr. Shah for an explanation.

Ms. Tubman asked Mr. Bhatt if he was a priest. He answered yes.

Regarding Exhibit 13, Mr. Bhatt was asked to describe what it was. Mr. Bhatt answered that these are all the religious certificates that he has obtained.

William Aitken stated that he is an attorney and represents one of the adjacent property owners. He stated that he has a problem with the interpreter. He objects because he is hearing conversations, not the exact interpretation.

Mr. Moore informed the board that he is having some difficulty with this procedure too.

Mr. Shepherd stated that he also was having difficulty determining who was testifying to what.

The board took a five minute break in order for the Ms. Tubman could explain this to her clients.

Ms. Tubman informed the board that she would like to proceed again and felt that the testifying problem was corrected. However, she wanted to place on the record that at the last meeting, Mr. Bhatt and Mr. Shah were both testifying. Mr. Shah was instructed that if he knew the answer to the question, he could answer it. Ms. Tubman stated that his evening will be strictly translating, unless a question is asked directly of him.

Mrs. Goodwin asked if this type of testimony was given in a court of law, would it be allowed. Mrs. Flynn felt that this was a conflict since Mr. Shah is a member of the church.

Ms. Tubman requested that the board adjourn this hearing and return in June.

Mr. Thompson had a question regarding the membership. He wanted to know if there were any demographic studies performed to show how many people of this faith reside in adjacent counties. If not, can that study be collected? He stated that he would feel more comfortable with the answer to this question.

Madam Chair also suggested that the board be provided with information regarding a temple that is similar to this temple. Ms. Tubman answered that she would look into this matter and try to get the information.

Ms. Goodwin requested that the board be provided with the temple's 501 c. She stated that she wants to know if they are filing as a church.

Madam Chair stated that this matter is carried to June 15, 2006 with no further notice. Ms. Tubman signed an extension of time to June 15, 2006.

**4. Wilmark Building Contractors, Inc.
Block 55, Lot 21.01**

Mr. Thompson stated on the record that he recused himself from this application due to the fact that he has retained relatives of the applicant to perform work at his home.

Mr. Clark, of Laddey and Clark stated that he is the attorney for the applicant. He stated that this was an application that came before the board almost 2 years ago. After the board made their decision and denied the

application, the matter was reviewed by the court. The court has now remanded this matter back to the board.

Mr. Clark stated that the first issue relates to the farm. Back in 1965 there was a variance given for groom(s) apartments. He stated that the question is how many apartments were allowed or implied. The court has sent the matter back to the board in order to have the board address this as the first issue. The court ruled that this matter is an ag division. This will not be addressed at this point. The court has decided that it is an agricultural use. The real issue is the apartments.

Mr. Clark referred to the plan indicating where the barn and apartments are located. The report from the zoning officer indicates that there are 2 apartments and they are for farm hands. On the smaller tract, the owner proposes to build a stud barn. The owner did get approval from the Board of Health for a well and septic system. The testimony before was that horses are kept on the farm and riding lessons are given at this site. There is not another use on the entire tract.

Mr. Clark stated that there are a series of exhibits. He paraphrased the history, from 1980 forward consisting of all of the township records. Mr. Moore requested that Mr. Clark go through the exhibits for the board's consideration.

Mr. Clark stated that Exhibit 5 (a) through (u) consisted of the following:

5 (a) application for variance July 16, 1965

5(b) resolution for Knocke dated July 16, 1965

Mr. Clark informed the board that Knockes' owned the farm at the beginning. They owned the property when this variance was granted. Through subdivision they kept the property next door. Mr. Clark stated that the board should focus on the language in the resolution dated 1965 to interpret what the board meant at the time of the approval. Mr. Moore added that the subsequent developments shed additional light on what the applicant would be entitled to.

5 (c) Knocke plans dated 1974

Mr. Moore suggested marking in all of the exhibits. Let the board members review the documentation. For the purpose of this evening, Mr. Clark should stress to the board what is important to this application.

5 (d) letter from the building and zoning officer –

5 (e) appeal

5 (f) Board of Adjustment minutes May 17, 1979

Mr. Clark stated that he will take the list of exhibits and forward copies to the board for their review.

Mr. Moore suggested that Mr. Clark should take the exhibits that he feels are pertinent and supplement with a letter to the board and this will be distributed to the board members for the next meeting.

Mr. Clark informed the board that most of the exhibits are dated after 1965 and 1979 and they relate to the fact that the town recognized the 2 apartments.

Mr. Moore swore in the witness Mark Hartman.

Mr. Hartman testified that he purchased the property in 1989. The purpose of the division of the property for the smaller lot is for agriculture use. It would be used for a stallion and pony barn. He installed a septic system and a well. The building inspector informed Mr. Hartman at the time he wanted to construct the barn and wash stall that he needed to install a septic system. A well was also installed. The well and septic have been inspected by the Hunterdon County Board of Health. The larger tract is used as a riding facility. He plans on continuing with that use. He testified that when he purchased the property in 1989 there were 2 apartments that were occupied. The apartments are for grooms and managers for the horse facility. Prior to purchasing the property, Mr. Hartman testified that he spoke with Gary Hazuka, the prior Zoning Officer, who indicated to him that he could also build a residence on the property.

Mr. Moore asked if the applicant was still going to construct the barn on the smaller lot. Mr. Hartman answered that he was not sure at this point.

Mr. Clark referred to a letter from Gary Hazuka, Chief Code Enforcement Officer, to Mr. Hartman dated June 5, 1990 indicating that the accessory apartments were to be occupied by farm personnel for the operation of the horse farm.

Mrs. Flynn wanted to know if the business for Wilmark Construction is ever conducted in the office area at this site. Mr. Hartman answered every once in a while.

Mrs. Flynn stated that if he does not have a construction project running, does he work out of this office. Mr. Hartman answered that since 1979 has always had a project running and they work out of the construction trailer. He does not do day to day business at the farm. As far as a permanent

mailing address, he used his parents' address while they were still alive, but now he uses his address.

A (7) sketch of the structure.

A (10) Certificate of Occupancy dated 1990

Mr. Clark stated that the additional exhibits relate to the tax records which show 2 apartments.

Mr. Moore requested clarification. He stated that at during the prior hearing, Mr. Hartman testified that there was a possibility that he would add a house to each of those lots. He wanted to know if the applicant is seeking the same relief for this hearing. Mr. Hartman answered that the houses would be limited to the owner of the property to live at the site. This would not be used for extra farm help. The property would also be restricted to agricultural use.

Mr. Staats wanted to know if the 2 agricultural units would be viable farm operations. Mr. Hartman answered yes.

PUBLIC COMMENTS:

There were no comments from the public.

At the request of counsel for the applicant, this matter was carried to July 20, 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