

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
June 15, 2006**

Chairperson Fort called the meeting to order at 7:35 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	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**

B. APPROVAL OF MINUTES:

- 1. May 18, 2006 -Mr. Staats made a motion to approve the minutes as amended. Mrs. Goodwin 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. Benjamin Smith & Christina Albrecht
Block 66, lot 51
141 Pine Bank Road
Use Variance
Action date: June 19, 2006**

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

2. Hunterdon County Housing Corp.
Block 4, lot 94
27 Oldwick Road
Variance
Action date: July 7, 2006

Mrs. Flynn stated that the Technical Review Committee determined that this matter remained incomplete.

3. Verizon Wireless – Readington 4
1100 Barley Sheaf Road
Block 64, lot 31.03
Preliminary/Final Major Site Plan & Variance
Action date: July 8, 2006

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

4. Kenneth & Geraldine Kern
25 John Reading Rd.,
Variance
Action date: July 15, 2006

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

E. VOUCHER APPROVAL:

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

F. PUBLIC HEARINGS

1. John & Kathleen Fry
Block 46, lot 5.04
Appeal Zoning Officer's decision

Lloyd Tubman stated that she is the attorney for the applicant.

Mr. Moore swore in the following witnesses: John Fry, Kathleen Fry, John Hansen and Michael Sullivan.

John (Pete) Fry stated that he is the owner of the property known as 618 Route 523. He purchased the property on March 17, 2005. He stated that the property had been marketed as a home/office.

Kathleen Fry testified that her occupation is a certified massage therapist. It was her intent when her and her husband purchased the property to use the office space. Following their purchase, they met with the zoning officer. He informed them that since it had been 1 year from the time the previous owner passed away, the use reverted back to residential use.

Exhibits:

- A-1 Accessory flyer**
- A-2 Letter addressed to Richard Fleischer, Esq., attorney for the prior owner.**
- A-3 October 4, 2006 letter to Richard Fleischer, Esq.**

The prior owner refused to sign a certification to indicate that the use had not been abandoned. Therefore the Frys' retained counsel. There was a lapse in time to file the appeal since the applicants' had to come up with a significant amount of money to file the application.

Ms. Tubman stated that she included the zoning officer's denial in the appeal application. She acknowledged that he was correct under the township's ordinance. The ordinance states that if a use is not conducted over a period of 1 year that any pre-existing non-conforming protection expires. So according to the ordinance, Mr. Barczyk acted correctly. However, also included in the package is the New Jersey Appellant Division case which is S & S Auto Sales, Inc. v. Zoning Board of Adjustment for the Borough of Stratford. It states that in New Jersey there has to be not just an objective abandonment, but a subjective abandonment. This package demonstrates that the property was marketed as a home and office. Mr. and Mrs. Fry came before the zoning officer because they intended to use the premises as a home/office. Included in the packet is the ordinance that was in effect when the prior owners purchased the property and built their home. That was adopted in 1976. It states that a home occupation is a permitted use. The definition of a home/office is: limited to members of the household and to one outside person. Mrs. Fry testified that she understood that limitation.

PUBLIC COMMENTS:

There were no comments from the public.

BOARD COMMENTS:

There were no comments from the board.

Mr. Denning made the motion to accept the testimony that there was no abandonment of this use and override the decision of the zoning officer. Mrs. Goodwin seconded the motion.

Roll call:

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

- 2. Joazee, L.L.C.
Block 21.13, Lot 6
Appeal Zoning Officer's decision**

Lloyd Tubman stated that she is the attorney for the applicant. With her this evening is Joe Sadano is the manager of the property for Joazee, LLC. The allegation raised by the zoning officer was that the use of the property intensified when Waste Management took occupancy under a lease. Since 1980 the property has been a truck dispatch yard. An engineer and planner were retained by the applicant. They order aerial photography. She stated that they cannot state that the area of use even independent to the nature of the operation has not intensified over the years. The applicant cannot state that this is a continuation of pre-existing non-conforming use. Therefore the application will be withdrawn.

Ms. Fort stated that this was before the municipal court because of the violation. The fine was suspended by the judge with the understanding that there would be an application. That application was never deemed complete. It has been a year of violation use that is imposing hardships to people living adjacent to this property.

Mrs. Tubman stated that she is not the attorney for Waste Management. She is only exerting that it will take time to submit the application.

Mr. Denning suggested that the zoning officer should be notified that the appeal application has been withdrawn. Mr. Shepherd stated that the operation should be closed down immediately.

Mrs. Flynn made a motion to withdraw the application. Mr. Thompson seconded the application.

Roll call:

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

Mrs. Flynn made the motion to notify the zoning officer that there is no pending application for Waste Management before this board, therefore, appropriate action should be taken. Mrs. Goodwin seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

- 3. Omnipoint Communications, Inc.
Block 61, lot 5.02
Rt. 31 & Foothill Road
Preliminary Major Site Plan & Variance
Action date: June 16, 2006**

Warren Stilwell, Esq., stated that he is with the firm of Cooper Levinson and is appearing on behalf of the applicant. This matter was advertised pursuant to the municipal land use law. This application is to construct a 150' tower monopole and equipment cabinets. This is the GPU Stanton Substation property.

Henry Parra, Radio Frequency Engineer

Joseph Chiarabala Health and Safety Expert

Chris Neville, Engineer and Planner

Mr. Moore swore in all of the witnesses.

Mr. Parra stated that he has a Bachelor's of Science and Electrical Engineering Degree from New Jersey Institute of Technology. He has Master's Degree in Business Administration from Rutgers University. He has been in the field of Radio Frequency Engineering for 10 years. He works for service provider such as T-Mobile, Verizon, and Sprint and also for equipment providers. He participated in the design and implementation of wireless communication sites for Omnipoint Communications. He has testified as a wireless frequency engineer before 40 boards in the State of New Jersey.

Omnipoint Communications is licensed by the Federal Communication Commission to transmit and receive radio frequency energy in this area. They are using the 1850 to 1870 megahertz and 1930 to 1950 megahertz.

Exhibit A-1 Consists of base map with 2 acetate overlays. Prepared by Scott Russell approximately 1 week ago

Exhibit A-2 First Overlay

Mr. Parra stated that the first overlay models the prediction of the site transmission and levels. ASSETT is the computer program that is used to create the model exhibit. It is owned by Air Com that is located in England. They provide engineering services and they also provide tools for the wireless industry. Mr. Parra stated that with this tool, they are also able to tune the models with actual drive data that they collect out in the field. The way that it is performed is that they take a phone that monitors their network and it is connected to a laptop computer. This collects all of the data that the phone is receiving. They drive around and make calls and then they are able to take that data and put it on to a map form so they are able to look into a specific location. This way they can observe the signal strength and other data that is needed to evaluate that certain location. The drive test substantiates the information that it is on the map. This test helped to formulate the information that is on this map. This is a combination of not just the software tool, but also real world data.

Mr. Parra described that the yellow area on the exhibit depicts where they have “in vehicle” coverage. The green area depicts the “in building” and “in vehicle” coverage. The gap in coverage area is along Route 31 beginning at Hibbler Road to the intersection of River Road and Route 31. The proposed site will alleviate part of the problem and that is why they have another site further south. The additional site will make their coverage contiguous from their existing sites.

Exhibit A-3 – Second Overlay

Mr. Parra stated that if this site is approved at the 150 feet as proposed it will provide coverage from Hibbler Road to the north and to the south to the intersection of Route 31 and Deerpath Road. From east to west it will cover from the intersection of Deer Run to Route 629 and to the west Laurelton Road. It will cover approximately 1.2 to 1.3 miles along Route 31.

A crane test was performed at this site a couple years ago. This information was also logged into the computer. This was also put into a map form.

Exhibit A-4 – Map depicts the data that was derived from the drive test

Mr. Parra described the exhibit. The red depicts anything greater than 76 or in building coverage would be 76. The orange depicts their “in vehicle” coverage,

which would be anything greater than minus 84. The yellow depicts the on street coverage, minus 89 to 84. Mr. Parra stated that they did perform other tests at 100 feet, 125 feet and 150 feet.

Mr. Denning wanted to know what the power output was for the other antennas north of the proposed tower. Mr. Parra answered that they transmit at 20 watts which is the maximum amount.

Mrs. Goodwin asked if they could get the same amount of coverage at a lower size tower. Mr. Parra answered that they looked at the drive test and they cannot get adequate coverage.

Ms. Hendry asked if the proposed tower was at a height of 120 feet and someone was driving up Route 31, would the call be lost. Mr. Parra answered that it would probably be lost.

Mr. Denning wanted to know if the frequency that Omnipoint operates at would be compatible to other carrier's frequency. Mr. Parra answered no, they operate at a lower frequency.

Mrs. Flynn asked if the applicant would ever locate on a transmission tower. Mr. Parra answered yes.

Ms. Hendry asked if Mr. Parra ever investigated possible other locations to erect the tower. Mr. Parra answered that they looked at alternate locations. They did look at the GPU towers and raw land.

Mr. Stilwell stated that it is clear that they need to present more evidence as to why they are not using the power towers. Rather than belabor this matter, he requested that this matter be carried to the next meeting.

Madam Chair announced that this matter would be carried to July 20, 2006.

The board took a break.

4. CharDham Hindu Temple/Readington
Use Variance & Preliminary Site Plan
25A Coddington Road
Action date: June 15, 2006

Lloyd Tubman, Esq., stated that she is the attorney for the applicant. At the last meeting the board requested that the applicant provide a qualified interpreter. Ms. Tubman stated that Mr. Bhatt and Mr. Shah should be sworn again so that they understand the oath. At the last hearing, it was stated that she intended to re-do the testimony from prior hearings so that there is no question of comprehension and they will do that through the interpreter.

The following witnesses were sworn: Mr. Bhatt; Mr. Shah and Mr. Bipin Desai.

Mr. Desai stated that he is New Jersey Judiciary approved interpreter. Mr. Desai stated that that he has been performing interpretations and depositions for New Jersey Judiciary and attorneys for approximately 10 years. He has lived in this country for 30 years. He is a law graduate from Bombay University in India, now known as Mumbai University.

Mr. Moore asked Mr. Desai if he is familiar with the dialect that he will be translating this evening. Mr. Desai answered yes, that it is his own language.

Ms. Hendry asked if Mr. Desai had ever met Mr. Bhatt before he was retained for this service. Mr. Desai answered once in the attorney's office.

Mrs. Flynn asked if Mr. Desai was a member of the same religion as Mr. Bhatt. Mr. Desai answered in a sense yes. He is a member of the same religion, but he does not practice the way Mr. Bhatt practices.

Mr. Thompson asked if Mr. Desai had any previous affiliation with any members of this congregation. Mr. Desai answered no, never.

Ms. Tubman asked through Mr. Desai if Mr. Bhatt was the founder of this foundation. Mr. Bhatt replied through Mr. Desai yes.

Ms. Tubman asked what the name of the foundation was. Mr. Bhatt answered through Mr. Desai, Hindu Sanatan Dharma Seva Mandal. The name of the temple that they are going to build is CharDham Hindu Temple.

Ms. Tubman asked when the foundation was established. Mr. Bhatt answered through Mr. Desai, 1999. The purpose of the foundation was for the religion. To pray the CharDham in one place. They represent 4 different gods enshrined in one temple.

Ms. Tubman asked if Mr. Bhatt could describe Exhibit A-11. Mr. Bhatt answered through Mr. Desai that it is the plan of the CharDham temple idols that will be installed. This is a sample.

Ms. Tubman asked if the applicant employed a realtor to find the suitable site for the temple to be built. Mr. Bhatt answered through Mr. Desai, yes.

Ms. Tubman asked why this particular location was found appropriate. Mr. Bhatt answered through Mr. Desai that there are 3 reasons. One is that it should be near the highway. At least 2 highways should be nearby. Second, the followers of

the CharDham should be living as near as possible to the temple. Third, they were looking for a property where they would have enough room to build the temple.

Exhibit A-15 – Revised list of property owners (identical to Exhibit A-10)

Ms. Tubman asked Mr. Bhatt if he prepared this list. Mr. Bhatt answered through Mr. Desai that this is the list of the CharDham from where the people will be initiated into the temple. He stated that approximately 20 people from Whitehouse Station; 9 from Flemington; 2 from Lebanon; 2 from Clinton; 6 from Bedminster; 4 from Hillsborough; 8 from Bloomfield; 6 from Lyndhurst; 5 from Piscataway and 2 from Freehold. The numbers reflected are not numbers of families. They are numbers of individuals. Children are not included in this amount.

Ms. Goodwin asked if this group was currently meeting. Mr. Bhatt answered through Mr. Desai right now they do not have a place to congregate. They meet individually in small groups.

Ms. Fort wanted to know if Mr. Bhatt could describe some of the religious activities. Mr. Bhatt answered through Mr. Desai that he approaches individuals to give them religious knowledge about their religion.

Ms. Hendry stated that when tax forms are filled out, part of the form includes the purpose of the organization and the justification for them being tax exempt, what is the purpose of this organization. Mr. Bhatt answered through Mr. Desai that the purpose of the organization is to spread the religion and to prevent people from falling into bad habits and to spread the message of peace.

Mr. Moore requested that a copy of the form should be provided.

Mr. Bhatt answered through Mr. Desai that he applied for the tax exempt number 7 years ago.

Ms. Tubman stated that she will have the applicant produce the last 3 years tax exempt organizations for the IRS, 9-90 forms.

Ms. Tubman asked Mr. Bhatt if he was the founder of the organization. Mr. Bhatt answered through Mr. Desai that it was founded by his inspiration for the purpose of religion. He states that he is a priest in this organization. He was educated to become a priest. He has developed a particular faith in the 4 CharDham gods and seeks followers for those gods. There are approximately 64 believers. At this point he stated that he feels he has enough members to construct the temple.

Ms. Fort wanted to know what the commitment of the 64 members was. Mr. Bhatt answered through Mr. Desai that they have agreed to pray to the 4 gods on equal status. They have agreed to follow his concept of this religion.

Mr. Moore wanted to know if they had the financial resources to start the construction. Mr. Bhatt answered through Mr. Desai yes. Mr. Moore also wanted to know if this was a Chapter 16 religious corporation. Mr. Bhatt answered through Mr. Desai that he was not aware of this chapter, but he will find out and let Mr. Moore know about it.

Ms. Goodwin asked if Mr. Bhatt was an employee of the organization. Mr. Bhatt answered through Mr. Desai, yes. He is not working or affiliated with any other church at this time. He is also not aware of any other CharDham Temples. This temple differs from other branches of Hindu faith in that it is devoted to these 4 gods. This is a totally new concept started by him. He will also produce at a future meeting the estimated cost of construction.

Mr. Denning asked if any of the members are currently members of other temples. Mr. Bhatt answered through Mr. Desai that members of CharDham do not go to any other temples. Out of respect, they might visit other temples, but their main faith is devoted to this temple. Other members of other temples are free to visit.

Mr. Moore asked what type of activities Mr. Bhatt would undertake to make sure that the congregation does not grow beyond 150 people. Mr. Bhatt answered through Mr. Desai that in his experience for all these years that it is not so easy to find members believing in this kind of praying, beyond the figure of 150. It took 7 years to obtain 64 members.

Ms. Tubman asked if Mr. Bhatt directed the size of the temple to be 108' by 108'. Mr. Bhatt answered through Mr. Desai yes. In the Hindu rosary there are 108 beads. The Shankracharya a few thousand years ago he traveled 108 yojan which is a distance measured and he established in the 4 corners of India places of worship.

Ms. Tubman stated that regarding Exhibit A-12 there are 2 colored portions. She asked what the colored portion on the right represented. Mr. Bhatt answered through Mr. Desai that it was first floor layout. The members enter the building through this level prior to the service. The members will take off their shoes and those members who are sponsors for that particular day's prayers will change their clothes and put on ceremonial clothes. When all of the preparations are prepared for one Dham, then they are invited upstairs. When that prayer is done, they will move over to the second Dham. After that they will go to the third Dham, and eventually go to the fourth Dham. Each Dham will have approximately 15 minutes of prayer. At least one Dham and the maximum 2 Dhams can be used at the same time. These gods belong to the elements, for example, fire and air. Certain

combinations are not considered right. The congregants will sit on the floor during the prayer. Approximately 75 people can sit in the Dham. He is willing to limit membership to this temple to 150 members.

Ms. Hendry stated that it could be limited to 150 members, but they could have more occupants. Mr. Bhatt answered through Mr. Desai that only the members who will be praying will be 150.

Ms. Tubman asked when the persons are on the lower level, do all of the members go upstairs. Mr. Bhatt answered through Mr. Desai that those who are going to participate in the prayer will go upstairs. Children will not be participating with the prayers.

Ms. Goodwin wanted to know how they would accommodate visitors from other churches. Mr. Bhatt answered through Mr. Desai that those who visit will not participate in the prayers and they will be located on the sidelines which is approximately 10 feet deep.

Ms. Goodwin wanted to know how they would account for people who come for a pilgrimage. Mr. Bhatt answered through Mr. Desai that he did not expect the congregation to grow. He also did not expect that many people to visit either since this is a new religion.

Ms. Tubman asked what happens during the ceremonies. Mr. Bhatt answered through Mr. Desai that in front of the Dham areas, they will chant mantras and the idols will be displayed. The priest will make the offering of the food to the gods. After that they will light candles in front of the idols. Then they will go downstairs. At that time they will share the offerings that were offered to the idols upstairs. Then the congregants will go home.

Ms. Tubman asked if meals were cooked and served on the lower level. Mr. Bhatt answered through Mr. Desai that because they bring food offerings from their homes they are warmed up downstairs and after that they are offered to the idols and eventually brought down and served.

Ms. Tubman asked if there were holy days associated with the gods. Mr. Bhatt answered through Mr. Desai that every Dham has a one special day. Ms. Tubman asked on those festival days, how are the services different. Mr. Bhatt answered though Mr. Desai that the mantras would be different that day and the clothing's for the idols would be different. Ms. Tubman asked if there were any other festivals other than these 4 holy days. Mr. Bhatt answered through Mr. Desai no. Ms. Tubman asked if the building would be used to hold weddings. Mr. Bhatt answered through Mr. Desai no. Ms. Tubman asked if the building would be used for lectures and parties. Mr. Bhatt answered through Mr. Desai no. The building will only be used for religious purposes and for no social activities.

Mrs. Flynn wanted to know how and where the members' education in this religion would occur. Mr. Bhatt answered through Mr. Desai that they will be educated they should get in touch with him and he would make arrangements to meet with them where it is convenient with them. There is no education in the temple.

Mrs. Flynn asked where the marriage ceremonies are held. Mr. Bhatt answered through Mr. Desai that the religious ceremonies for the marriage are conducted at a place that is designated by the people who want to have it performed. The priest is invited there. He then performs the marriage ceremony.

Ms. Hendry asked what if someone wanted to get married at the CharDham Temple. Mr. Bhatt answered through Mr. Desai that the marriage ceremony cannot be performed in front of the CharDham because of the clothing and food restrictions.

Mr. Staats wanted to know if there would be any religious activities that would be held outdoors of the temple. Mr. Bhatt answered through Mr. Desai that there would be no religious activities outside this 180 foot square. Mr. Staats asked whether there would any non-religious activities held outside the temple. Mr. Bhatt answered through Mr. Desai no.

Ms. Tubman asked if there would be processions held outside of the building. Mr. Bhatt answered through Mr. Desai all these activities are limited to the temple only.

Mr. Staats wanted to know how high the second floor ceiling had to be. Mr. Bhatt answered through Mr. Desai that this height was decided by the architect and engineers.

Ms. Tubman asked how many priests will be available to serve the idols. Mr. Bhatt answered through Mr. Desai four, one priest for each Dham. Each priest is especially trained for that god. The priests and their families will come from India.

Ms. Tubman asked if any priest would live within the temple. Mr. Bhatt answered through Mr. Desai that except for the gods, no one will be living in the temple.

Ms. Tubman asked why there is a shower in the priest's room on the lower level. Mr. Bhatt answered through Mr. Desai that because the priest will be coming from outside and they will have to take a shower and change their clothes in order to touch the idols.

Ms. Tubman asked what the hours of operation for the temple are. Mr. Bhatt answered through Mr. Desai that during the week day, the priests will be in the temple at 8:00 a.m. to pray to the idols. At 12:00 p.m. after offering lunch to the

idols, they will close the temple. At 4:00 p.m. they will re-open the temple. After the evening prayer and offering dinner to the gods, they will close the temple and go home at 8:00 p.m. There are no services during that time, but visitors could visit.

Ms. Tubman asked why they had these set hours. Mr. Bhatt answered through Mr. Desai that they believe that the idols are living. They wake them up and offer food and then put them to sleep.

Ms. Tubman signed an extension to July 20, 2006.

G. ADJOURNMENT:

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

Respectfully submitted,

Linda A. Jacukowicz