

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT  
MINUTES  
July 19, 2007**

Chairperson Fort called the meeting to order at 7:46 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. Hendrickson	present
Mr. Stettner	absent
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. June 21, 2007**

Mrs. Flynn made a motion to approve the minutes as amended. Mrs. Goodwin seconded the motion. Ms. Hendry abstained. *Motion was carried with a vote of ayes, nays none recorded.*

**C. CORRESPONDENCE:**

The board had no comments regarding the numerous correspondence received by the board from the Hunterdon County Soil Conservation District.

**D. TECHNICAL REVIEW COMMITTEE:**

**1. Wachovia Bank, N.A.  
420 Route 22  
Block 8, lots 4, 5, 6 & 7  
Variance application  
Action Date: August 10, 2007**

Mrs. Flynn stated that the Technical Review Committee determined that after their review the application remained incomplete.

**E. RESOLUTIONS:**

1. **Cellco Partnership d/b/a Verizon Wireless  
Block 17, Lot 9  
384 Route 22,  
Variance**

Mrs. Goodwin made a motion to approve the resolution. Ms. Hendry seconded the motion.

Mrs. Flynn	aye
Mrs. Goodwin	aye
Mr. Hendrickson	aye
Mr. Thompson	aye
Madam Chair	aye

**F. VOUCHER APPROVAL:**

Mrs. Flynn made a motion to approve the vouchers. Mr. Thompson seconded the motion.

**G. PUBLIC HEARINGS**

1. **CharDham Hindu Temple/Readington  
Use Variance & Preliminary Site Plan  
25A Coddington Road  
Action date: July 19, 2007**

Lloyd Tubman, Esq., from Archer & Greiner stated for the record that this is a continued hearing.

Madam Chair stated that before the hearing starts she wanted to point out that in the Star Ledger, Monday July 2, 2007, she read a quote from Ms. Tubman that she felt might have been inaccurately stated. She was quoted as saying that the board members asked this applicant if a demographic survey could be performed of the surrounding counties, but during recent church applications they were not asked to show how many evangelicals live in a three county area. When the Hunterdon Christian Church appeared, the board did ask this question because of the traffic issue.

Mrs. Flynn stated that it was her recollection when Calvary Bible appeared before the Planning Board that they were asked where their parishioners came from because of the large increase to their building size.

Ms. Tubman stated that at a prior meeting, Mr. Sullivan had requested color renderings of all of the floor elevations of the temple.

Yogesh Mistry, architect, had been sworn previously sworn and qualified. He stated that he had submitted preliminary elevations approximately one year ago. A point was raised that these elevations were not sufficiently detailed. They were re-submitted in November of last year showing the more detailed carvings. During Mr. Mistry's last

testimony he presented the re-submitted plan once again. Unfortunately at that time, he only had one of the faces rendered in color. Mr. Sullivan requested at that meeting that they should present all of the renderings in color. One of the board's concerns was that there were photographs of a few temples in India and those photographs indicated that they used vibrant colors.

**Exhibits:**

**A-45 Sheet A4.01-R colored renderings of front (west elevation) and the left side (north) elevation dated 6-14-07.**

**A-46 Sheet A4.02-R colored rendering right side and rear elevation dated 6-14-07**

Mr. Mistry stated that the black and white drawings were previously submitted. They are now in color for presentation purposes. The colors are carried out throughout the other elevations.

Madam Chair stated that she is concerned about the carvings on the outside of the temple. Mr. Mistry answered that carving detail has been added along the horizontal band running along the top of the building as well as additional detail around each entry way. He stated that what he is representing tonight is the final version.

**PUBLIC COMMENTS:**

**Andrew Kokinda – 5 Tunis Cox Road – He wanted to know if the scale was the same on all exhibits. Mr. Mistry answered yes it is drawn at 1/8 inch equals one foot. Mr. Kokinda wanted to know the dimensions of the building's footprint. Mr. Mistry answered that the main structure has a stair tower in the front and back of the building and this does not create a perfect square.**

**Catherine Petrakis – 8 Tunis Cox Road - She wanted to know if the exhibits shown this evening were the final design. Mr. Mistry answered yes. She also wanted to know if there would be a light over the main entrance. Mr. Mistry answered that they are proposing only emergency lights. Mrs. Petrakis wanted to know if there would be any lighting on the 4 spires. Mr. Mistry answered no. Mrs. Petrakis wanted to know if they proposed a lighted sign. Mr. Mistry answered that they are proposing landscape lights that will shine on the sign.**

**Ms. Hendry asked if there would be any exterior lights shining up on the building. Mr. Mistry answered that in the original plan they had proposed this, but since then they have taken the lights out of their design.**

**Fred Barden – 9 Tunis Cox Road – He questioned testimony that took place in March concerning the size of the building. He felt that the size is different now. Mr. Mistry answered that he did not recall the testimony in March.**

**Savita Saini – Tunis Cox Road – She wanted to know if the building size was due to religious reasons. Mr. Mistry answered yes. She felt that the size of the building had changed. Mr. Mistry answered that the building size has not changed.**

Mrs. Goodwin asked what the actual square footage of the building is. Mr. Mistry answered that it is 29,996 square feet.

Rakesh Saini – 6 Tunis Cox Road – He wanted to know how many people could fit in the building. Mr. Mistry answered he did not have that information with him this evening.

**END OF PUBLIC COMMENT**

Mr. Bipin Gunvantral Desai and Mr. Yogendra Bhatt who were both previously sworn and remained under oath.

Mrs. Fort stated that since all of the professional reports are based upon the premise of 150 or less people attending services at the temple, she had questions regarding that number. Her first question was where that number came from. Mr. Bhatt answered through Mr. Desai that the circumference of the prayer should be 108 feet. Mrs. Fort stated that was not her question. She wanted to know where the number 150 people worshiping in the temple came from. Mr. Bhatt answered through Mr. Desai that they arrived at the figure by the number of people who can sit down and pray at one time. There are 75 people each for 2 Dhams.

Mr. Moore asked if there are 4 quadrants, wouldn't that translate into 300 people. Mr. Bhatt answered through Mr. Desai at the time they are going to pray, there would only be 2 Dhams. Mr. Moore asked if there would be 2 services per day. Mr. Bhatt answered through Mr. Desai that there would be only one service per day.

Attorney Tubman asked if the answer was clear. The board indicated that it was not. Therefore, she went back to the transcript dated June 15, 2006 to ask Mr. Bhatt a few questions. The board agreed and allowed her to proceed. Attorney Tubman asked if he started with the premise of 108 by 108 feet for religious reasons. Mr. Bhatt answered through Mr. Desai, yes. What was that reason? Mr. Bhatt answered through Mr. Desai that they have to go around taking 108 steps for one Dham and another Dham an additional 108 steps. There are also 108 prayer beads for the prayer names. All the four Dhams are in the area of 108 acres or miles. Ms. Tubman asked when you start with 108 feet by 108 feet does that give you a seating limitation. Mr. Bhatt answered through Mr. Desai that it has to be accommodated within that figure. Ms. Tubman asked if he had testified in the past that only 2 of the Dhams could be used at one time. Mr. Bhatt answered through Mr. Desai that was correct for religious and acoustic reasons. Ms. Tubman asked if Mr. Bhatt was familiar with the seating chart that allowed 75 people in one Dham at any one given time given the aisle circulation. Mr. Bhatt answered through Mr. Desai yes.

Ms. Hendry informed the board that at this meeting she is hearing testimony from June that says that the number of parishioners is limited to the space. Ms. Tubman answered that both are correct. Ms. Hendry recommended to her fellow board members that prior to the decision; they should review the testimony on this issue.

Mr. Thompson wanted to know how they would enforce the 150 people occupancy maximum. Mr. Bhatt answered through Mr. Desai that right now they have 67 members. If the figure goes beyond that amount, they will have to build another temple.

Mrs. Fort wanted to know if they were going to limit it to 150 members or 150 worshipers. Mr. Bhatt answered through Mr. Desai that they are going to limit the total number of members and devotees to 150 only. Mrs. Fort wanted to know if they could identify another temple that limits their worshippers. Mr. Bhatt answered through Mr. Desai that he is not aware of any. Additionally, Mrs. Fort wanted to know why the temple in Bridgewater draws thousands of people, and this temple would be limited to 150 people. Mr. Bhatt answered through Mr. Desai that they will limit the amount of people. The followers of their faith are different from the followers of the Bridgewater Temple. Mrs. Fort wanted to know how they would count the number of people who would show up for worship. Mr. Bhatt answered through Mr. Desai that when they start their temple, they will ordain the devotees and give them beads, or special necklaces and they will be allowed to enter for prayer. Mrs. Fort asked if they propose to have someone at the door checking. Mr. Bhatt answered through Mr. Desai that when they welcome the devotees in general they will know who are permitted to enter for the prayers and those who are just visitors. Mrs. Fort asked if they are prepared to turn visitors away. Mr. Bhatt answered through Mr. Desai that they will not be able to participate in the prayers but they can be on the sidelines and watch.

Mr. Thompson stated that he understood that there are 67 members and that they plan to limit their members to 150, he is concerned by what Mr. Bhatt stated earlier that visitors can come and be there but not allowed to worship. His question is, on a given Sunday with what he just said, there could be 150 members present and any number of visitors. Is his interpretation correct?

Mr. Bhatt answered through Mr. Desai that during the service with 150 people if more people come, there will be a disturbance and they won't be allowed to come in. Mr. Thompson asked if now his testimony has changed that the visitors will not be allowed in the building. Mr. Bhatt answered through Mr. Desai that when there are more visitors then they can control, they won't be allowed. There are more visitors that we have in and our prayer, then we won't allow visitors in the temple.

Attorney Tubman stated that at an earlier meeting, Mr. Denning asked whether or not they needed a parking variance based upon having the 4 quadrants all occupied. As a result, Mr. Hill and Mr. Bosenberg have redesigned the parking to accommodate enough for 300 people. If the concern is parking, unless the applicant is allowed to bank parking, they have enough parking on site to accommodate number visitors equal to the number of those who are praying.

Mrs. Fort stated that all of the testimony from the professionals was based upon the number of 150 people. Mrs. Tubman stated that she will go back to the transcript.

Mr. Hansen stated that he recommends that if it looks like their proposal is going to turn into a parking lot of 100, then it should be demonstrated that the entire site works with that coverage.

Mrs. Fort asked if on a particular Sunday all of the 150 members show up to worship and two visitors show up, would you turn the two visitors away. Mr. Bhatt answered through Mr. Desai that if they are sure that 150 people are coming, then they will bar those two

visitors and any number of other visitors. Mr. Bhatt stated that they will have, under any circumstances, they will have only 150 people inside the temple.

Mr. Hendrickson stated that at any given time, there will be only a total of 150 people in the temple. Mr. Bhatt answered through Mr. Desai, yes.

Mrs. Flynn asked that the 150 people occupying the building at one time, includes every occupant of the building, correct? Mr. Bhatt answered through Mr. Desai yes.

Mrs. Fort wanted to know if it was customary for a Hindu temple to turn away worshippers. Mr. Bhatt answered through Mr. Desai that the Hindu religion is a wide range word. What they are talking about is their particular sect which is Char Dham. They turn people away.

Mrs. Fort stated that Mr. Bhatt has contradicted himself regarding the festivals. At one point he stated that there would be 4 festivals and now you say there will be none. Attorney Tubman placed a portion of the transcript from the June 15, 2006 meeting into the record that mentions 4 festivals. It was marked as A-47

Exhibit: A-47 portion of June 15, 2006 transcript.

Mr. Desai read this portion of the transcript into the record.

Mrs. Fort asked if he could describe a festival. Mr. Bhatt answered through Mr. Desai that the four gods of the four Dhams, the day they will be officially installed, they will celebrate the anniversary of installation every year. Those who believe in our faith of four Dham will participate and those who have been ordained. There will be Sanskrit verses and special clothes for the idols. The day of the festival, they will limit the amount of people to 150.

Ms. Hendry asked what happens on the day of the festival. How many people are there, what do those people do, how long does it last. Mr. Bhatt answered through Mr. Desai yes that the people who believe in our faith of CharDham, they will only participate and those who have been ordained will come. The Sanskrit versus will be recited. They will be recited every year on that particular day, on the anniversary and they will have special clothes for the idols. The prayer time will be the same, but the prayers will be different and the idols will have different clothing. Even during the festival, the people will be limited to 150.

Mrs. Fort asked that the following question be answered at the next meeting: Take the board day by day through a weeks worth of activities and estimate how many people would be in attendance and what times of the day. Mr. Bhatt answered through Mr. Desai that this information is already in the transcript. Mrs. Fort requested for the next meeting, she wanted to be walked through an entire week.

Mrs. Fort stated that Mr. Bhatt will return for the next meeting.

The applicant signed an extension to August 16, 2007.

**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 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. Potential litigation**

**It is anticipated at this time that the above matter will remain confidential because litigation remains either pending or potential. This Resolution shall take effect immediately.**

**Certified to be a true copy of a Resolution adopted on July 19, 2007.**

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**Linda Jacukowicz, Coordinator**

**Mrs. Flynn made a motion to approve this resolution and go into closed session at 9:25 p.m. Mrs. Goodwin seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

**Mrs. Flynn made a motion to return to the public meeting at 9:44 p.m. Mr. Denning seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.***

**I. PUBLIC HEARING (continued)**

- 2. Vines, LLC/Readington  
Block 39, lot 59  
3523 Route 22 East  
Site Plan and Variance  
Action date: August 17, 2007**

**Lloyd Tubman, Esq., stated that she is with the law firm of Archer & Greiner. She stated that she is the attorney for the applicant. In 2002, the Planning Board approved the use of the building on the property as a gift shop and a garden center. The gift shop and garden center on the property did not do well and they are proposing to use the existing former garden center and gift shop as a child care center. They are eliminating the**

proposed garden center whose architecture was not viewed favorably. They will retain two principal uses, the existing landscaping storage area and a daycare center. There is also a green house that is associated with the landscaping operation that is existing on the lot. The greenhouse will remain.

Attorney Moore swore in the witnesses.

Deborah D'Amico stated that she is a licensed professional engineer in the State of New Jersey since 1995. She has been working in land design for approximately 20 years.

**Exhibits:**

**A-1 Title Sheet Lot 59, Block 39, Township of Readington Hunterdon County, dated January 10, 2007, and last revised February 28, 2007 signed by John Cilo.**

**A-2 Topographic survey and removal plan for Lot 59, Block 39 Township of Readington Hunterdon County dated 10, 2007, and last revised February 28, 2007 signed by John Cilo.**

**A-3 Site plan Lot 59, Block 39, Township of Readington Hunterdon County, dated January 10, 2007, and last revised February 28, 2007 signed by John Cilo.**

**A-4 Construction details soil erosion and sediment control details Lot 59, Block 39 Readington Township, Hunterdon County dated January 10, 2007, and last revised February 28, 2007 signed by John Cilo.**

Ms. D'Amico referred to Exhibit A-1 which shows the eastbound side of Route 22. The lot is more than 5 acres and located in the Business Zone. Referring to A-2, it shows what is existing on the site today. The adjacent lot 60 is a different entity, and not part of this application. She described the existing conditions on the site. There are two greenhouses on the property. No buildings will be changed, they will all remain. No buildings will be added. The rear most portion of the front driveway at the east side of the property will be removed. It will be fenced in as a play yard. The parking spaces will remain.

Ms. Tubman stated that the applicant is abandoning the use of the retail garden center and gift center and in exchange they are proposing a child care center.

Mr. Hansen testified that if the subject property were sold, could they operate the day care use and the landscape storage.

Mrs. Goodwin asked if they could place the play area in a different location rather than in the set back. Mrs. Tubman answered that this question should be carried and asked answered by the operator.

Ms. Tubman asked if there were any changes to the stormwater management plan as a result the change in occupancy. Ms. D'Amico stated that there is a decrease in impervious pavement since part of the paved parking lot will be removed.

Brent Krasner asked if they are proposing any plantings to be installed in the play area or vicinity. Ms. D'Amico answered that Scarlet Doyle, the planner, will address that question.

Ms. D'Amico stated that regarding access to the rear of the property to make deliveries, currently all deliveries are accessed through the most westerly driveway located on Lot 60. This driveway is more truck friendly. The truck exits through Lot 60. The two gates in the fences are kept closed. This is intended for emergency use only.

Ms. Hendry asked who owns the material that is being stored in the back of the building. Ms. Tubman answered that it is the materials for Arvin's Nursery. This was approved in 2002 by resolution. The material that is stored is to be used in the operation of the adjacent property. They are not proposing to merge the two properties together.

Mr. Hansen asked if there was an access easement. If these two properties are sold, how would the loading of the landscaped materials get to lot 59? He stated that he is struggling with this layout. Potentially, the applicant is requesting a change of use where the two properties could be split, but they need each other.

Mr. Denning asked regarding the landscaping storage area behind the proposed daycare center, how is the material moved in and out of that area today. Mrs. D'Amico stated that the trucks go around the back and deliver on Lot 60 the way that they are performing their deliveries today. Mr. Denning stated that in the proposed sale of the westerly lot and if an agreement is not made to use that access, the only access would then be the road between the play yard and the daycare center. Ms. D'Amico answered yes. Mr. Denning stated that this site has to support what is on the site without relying on another lot.

Ms. Hendry asked if there was a contractual relationship between the two lots. Ms. Tubman answered no. They are family members. Ms. Hendry asked if the westerly lot is sold, what allows the new owners access to the easterly lot. Ms. Tubman stated that she would have no problem with providing an easement.

Mr. Hendrickson wanted to know if there was going to be a fence to keep traffic from the nursery lot going through the parking lot and vice versa. Ms. D'Amico stated they will agree that it will only be a one-way driveway. A "do not enter" sign will be placed at the east so it will be a west to east traffic flow.

Mr. Hansen stated that he requested that the applicant submit an application to the NJDOT for a letter of no interest basically for a change in use. He wants to make sure that there are no issues with the existing access.

Mr. Denning asked what is the status of the well and septic on this lot. Ms. D'Amico answered that they have public water and septic. Mr. Denning asked if there were any changes proposed for the septic. Ms. D'Amico answered no. They will go before the Board of Health for approval since this is a change of use.

Regarding John Hansen's letter dated July 17, 2007, Ms. D'Amico stated that for the garden storage area, the most frequent use of deliveries arriving is in April and May

and during that time there are approximately 8 trucks that deliver during the month. They would come through lot 60. During the fall there are 5 to 7 deliveries per month.

Mrs. Fort asked if there was anything that would prevent traffic from driving through the daycare center lot. Mrs. Tubman answered that right now they have installed gates that remain locked.

Mr. Hansen recommended that each lot be able to stand on their own and to have easements that enable the properties to work together if they are sold or the properties are tied together.

Ms. Hendry recommended that the board receive a copy of the resolution that was adopted by the Planning Board.

Mrs. Flynn asked if the pole barn was going to be included. Mrs. Tubman stated that she indicated that there is no pole barn associated with this application. No new plans were submitted showing the change.

Mrs. Fort wanted to know how many parking spaces will remain on lot 59. Ms. D'Amico answered 47 parking spaces.

Mr. Hansen stated that the question is, during times throughout the year do you need the other lot to have overflow parking for lot 60. You have 2 separate sites, but they overlap and they need each other. The applicant needs to demonstrate if both sites can operate separately.

This matter has been carried to August 16, 2007. No further notice will be given.

**J. ADJOURNMENT:**

A motion was made by Ms. Hendry on to adjourn the meeting at 10:43 p.m. Mr. Shepherd seconded the motion. *Motion was carried with a vote of ayes, nays none recorded.*

Respectfully submitted,

Linda Jacukowicz