

**READINGTON TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
July 20, 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	absent
Mrs. Goodwin	present
Ms. Hendry	present
Mr. Stettner	present
Mr. Shepherd	absent
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. June 15, 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. Whitehouse Management LLC
Block 36, lot 47
669 US Highway 22
Variance
Action date: July 28, 2006**

2. **Hunterdon County Housing Corp.**
Block 4, lot 94
27 Oldwick Road
Variance
Action date: August 10, 2006

Mr. Staats stated that both applications remained incomplete.

E. RESOLUTIONS:

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

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

Roll call:

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

F. VOUCHER APPROVAL

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

G. PUBLIC HEARINGS

1. **Paul Morris**
Block 98, lot 2.34
21 Goldfinch Lane
Site Plan & Variance
Action date: September 15, 2006

Mr. Moore swore in the witness.

Mr. Morris stated that the application is for his daughter and the property is located on 21 Goldfinch Lane. He will be the contractor for the construction. He stated that he is seeking a front yard variance in order to build a front porch on the house. He had a new survey prepared with the stream encroachment delineated.

He requested a waiver from the requirement for setting the monuments for the delineation.

Mr. Morris requested that a wavier be granted for the stream corridor easement monumentation. Mr. Sullivan felt that it might be better to achieve monumentation at the property line rather than placing them in the middle of the yard.

Exhibit A-1 Drawing January, 2006

PUBLIC COMMENTS:

There were no comments from the public

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

Roll call:

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

- 2. Omnipoint Communications, Inc.
Block 61, lot 5.02
Rt. 31 & Foothill Road
Preliminary Major Site Plan & Variance
Action date: July 20, 2006**

Warren Stilwell, Esq., stated that he is with the firm of Cooper Levinson and is appearing on behalf of the applicant. He stated that this is a continuation of a public hearing.

Frank Pazden of Dewberry & Goodkind and the board's professionals were sworn in by Attorney Moore.

Mr. Pazden stated that he has approximately 9 years experience in the telecommunication industry. He is licensed professional engineer.

Exhibit A-1 was an elevation map of the area, the proposed installation and the surrounding area covering several other Omnipoint locations which map includes roads and geographic conditions prepared by Scott Russell, dated June 5, 2006

**Exhibit A-2 is the overlay
Exhibit A-3 is an overlay
Exhibit A-4 was a drive test prepared 2002.**

Exhibit A-5 Site Plan Z-1 revised date May 12, 2006, prepared by Dewberry & Goodkind prepared by Anthony Suppa.

Exhibit A-6- Sheet Z-2 which is the zoning information, prepared by Dewberry & Goodkind signed on May 12, 2005, prepared by Anthony Suppa.

Exhibit A-7 Sheet Z-3 which is the partial site plan and tower elevation prepared by Dewberry & Goodkind signed on May 12, 2005, prepared by Anthony Suppa.

Mr. Pazden stated that the proposed site is located to the west side of Route 31. There is an existing GPU substation. There is currently a gravel access road that comes off of Route 31. Their proposed installation would utilize the existing access road. They are proposing a 50' x 50' chain link fence compound. There would be an evergreen buffer along the east and south side of the facility. There are 4 existing trees that are slightly over a 6" diameter in this area that would remain. The underground utility lines would be relocated in order to save a 14" tree. Mr. Pazden testified that in the center of the compound they would locate the proposed monopole. A concrete pad would be installed that would be approximately 10' x 20' and the equipment cabinets would be located on this area. The proposed monopole is 150' tall with an equipment platform that would hold the 12 proposed antennas. The monopole could be lowered to 125'. There are 3 sectors that would have 4 antennas on each side. The only utilities that are required for the site are electric and telephone. This is an unmanned facility. The facility is visited by a maintenance person every 4 to 6 weeks. The monopole is set back 180' from the roadway.

Mr. Pazden stated that the monopoles are designed based upon the Electric Industry Association and Telecommunications Industry Association 222-F. Since this pole would be designed at 150' it could be capable of having other carriers co-locating on the pole. It would be designed to accommodate other co-locaters. The construction of the pole is a galvanized pole. It does not require maintenance. The noise emanating from the equipment cabinets would be from a cooling unit fan within the cabinets. They would meet all State and Township noise emission regulations. He stated that the monopole could be camouflaged to resemble a tree, windmill or flag pole.

Mr. Pazden testified that in reference to John Hansen's report dated June 14, 2006, it was noted that in the northwestern area of the site there is a wetland delineation line based upon field studies. They have submitted a request to the NJDEP for a Letter of Interpretation. This should only be a 50' buffer and will not affect their project area. They will adjust the grade of the gravel access drive and

the avoidance of the 14" tree. They will realign the driveway so that there would be sufficient turning radius to allow vehicles to turn around.

The letter from Mr. Sullivan dated February 15, 2006 was addressed. Mr. Sullivan stated that it is important to plant additional plant material around the base of the facility. Mr. Stilwell stated that the applicant would be willing to work with Mr. Sullivan regarding the plantings.

PUBLIC COMMENTS:

There were no comments from the public.

Henry Parra, Radio Frequency Engineer for T-Mobile Omnipoint.

Exhibit A-8 – Overlays of old Exhibit A-1- Prepared by Scott Russell dated July 17, 2006 under Henry Parra's supervision.

Mr. Parra stated that the blue dot located on the plan indicates the subject location. The green dots located on the plan are the existing T-Mobile Omnipoint locations and the red dot is another location that they are pursuing but is located outside of Readington Township. The overlay shows the existing coverage. The "in-vehicle" coverage is depicted in green. The overlay of the proposed coverage is in yellow. He stated that an analysis was information and determined that the height of the monopole could be lowered to 125 feet and it could still achieve the handoff that they need to the north and south. Mr. Parra stated that sometimes co-locaters do not contract during that year because of budgeting.

A-8 Overlay prepared by Scott Russell prepared July 17, 2006 –

Mr. Parra stated that this exhibit is a propagation study. This is the GPU tower that is located on Route 31. As the board can see, on Route 31 they do not have the overlap of coverage and eventually the call would be dropped.

Ms. Goodwin wanted to know if the applicant had investigated alternative sites for the location of the monopole. Mr. Parra answered that they did not find something that was tall enough to cover the gap in coverage.

Mr. Stilwell wanted to know if they could reduce the height of the monopole to 125 feet, and provide the coverage that they have demonstrated. Mr. Parra answered yes. He stated that they could camouflage the facility by using the "tree monopole", "flag pole" or "clock towers". They could also reduce the spacing on the platform from 10 feet to 8 feet. There are other options and the applicant's planner could prepare visual simulation and would submit to the board.

Ms. Goodwin wanted to know if in the case of an emergency, do they have battery backups. Mr. Pazden answered that the battery backup that would last for approximately 2-4 hours of backup power. They can also bring in their generator.

Madam Chair announced that this matter would be carried to August 17, 2006. No further notice will be given.

The board took a break.

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

Mr. Clark, attorney for the applicant, stated that he would consent to carrying this matter to August 17, 2006. He stated that it might be a "D" variance application. They have some exhibits that the board needs to review. Mr. Clark will also submit a letter to the board.

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

Lloyd Tubman, Esq., stated that she is the attorney for the applicant. She stated that at the last meeting they had concluded direct testimony of Mr. Bhatt. He is here this evening to answer questions from the board and the public. Mr. Shah is present as well if there were any questions for him. Ms. Tubman stated that as a matter of housekeeping, the board at the meeting in March had requested that the elevations of the floor plan and capacity calculations be submitted. She stated that she did submit this information, but would like to include this information as an exhibit.

Exhibit A-14 – List of qualified interpreters and qualifications

Exhibit A-15 – Revised list of the membership for the Temple

Exhibit A-16 – Listing of towns of residents of the board of directors

A-17 – Letter from Lloyd Tubman, Esq., dated March 27, 2006 enclosed elevations prepared by an architect in India; floor plan layouts and the calculation of fire code occupancy rate.

A-18 – Letter from Lloyd Tubman, Esq., dated June 23, 2006 letter addressed to Linda Jacukowicz that included the corporations IRS forms for 2003, 2004, 2005; the application to IRS for Tax Exempt status

Mr. Moore wanted to know if the applicant was incorporated under Title 16. Ms. Tubman answered that she did not have that information, but would look into it. Mr. Moore stated that the reason for this request is that he wanted to make sure that this type of religion is recognized by the State of New Jersey.

Mr. Moore stated that at an earlier meeting, Mr. Bhatt had testified that the religion was limited to vegetarians and people who did not partake of any alcohol. This was not repeated in last month's testimony. Mr. Moore asked if this was still true. Mr. Bhatt answered through Mr. Desai, yes.

Mrs. Goodwin stated that one of the reasons that she requested the 990 forms is that it would give the board an idea as to what type of activities the organization would have as a non-profit organization. It shows in the documentation that there were religious ceremonies over the years where 750, 850 people attended, referred to as Exhibit A-18. Mrs. Goodwin wanted to know if Mr. Bhatt planned on continuing with these types of events with this amount of people. Mr. Bhatt answered through Mr. Desai that the tax return shows the expenses and against the expenses they have shown how many people have attended. During the entire year, understanding the religion, he considered that number represents the total number of people he met with. If he meets with you 15 times in a year, that is considered 15 people. Ms. Goodwin asked why the forms don't have the applicant listed as a church. Mr. Bhatt answered through Mr. Desai that the IRS form is correct; it has not been shown as a church.

Mr. Moore stated that the IRS form states that this was a singular ceremony where more than 855 people attended. It does not say over the course of 1 year. Mr. Bhatt answered through Mr. Desai that he did not believe that it was considered as a one time gathering.

Ms. Hendry stated that the IRS instructions say to state the number of clients served. In the response to that question it says ceremony more than 855 people attended. How does he put the question and the answer together if he is serving the same client week after week? Mr. Bhatt answered through Mr. Desai that he gives religious teachings to 855 people during the whole year.

Ms. Tubman stated that what is before this board is whether a church use is proposed. Not whether this group of believers is an independent church. As Mr. Bhatt has testified it is a Hindu church that has adherence to 4 particular Hindu gods.

Ms. Hendry wanted to know how many individual clients were served in 2003, 2004, and 2005. Mr. Bhatt answered through Mr. Desai that in 2003 there were 750 people served.

Ms. Fort wanted to know how many different distinct individual clients Mr. Bhatt dealt with during the course of that year. Not total people contacts, but how many different people. Mr. Bhatt answered through Mr. Desai that he would have to check his records.

Ms. Hendry wanted to know Mr. Bhatt's recollection of how many different people he met within the year 2005. Mr. Bhatt answered through Mr. Desai fewer than 100 people. Ms. Hendry wanted to know if all of those people were members of his potential congregation or was some of those people not part of his organization. Mr. Bhatt answered through Mr. Desai that he has 64 people as members. He stated that he does try to get in touch with more and more people. Ms. Hendry wanted to know within the last 6 months, how many people did he meet with that are not currently members but that he would like join the temple. Mr. Bhatt answered through Mr. Desai that there have been about 20 people that he has contacted that are not members of his congregation. Out of that number there are approximately 8 to 9 people who are willing to join.

Mr. Moore asked what the construction cost would be to construct the building. Ms. Tubman stated that cost estimates were prepared by the applicant's engineer and their architect. This information will be supplied at the time of their testimony.

Mr. Denning wanted to know if there would be pilgrimages to the temple. Mr. Bhatt answered through Mr. Desai, no. Mr. Denning wanted to know if Mr. Bhatt had attended pilgrimages in India to the 4 gods. Mr. Bhatt answered through Mr. Desai, yes. Mr. Denning asked how many times. Mr. Bhatt answered through Mr. Desai there is no fixed route. Mr. Denning asked if there are certain times in the Hindu religion when the pilgrimages would occur. Mr. Bhatt answered through Mr. Desai that there are not as a religion on the whole, but there are branches of religion that have times to visit.

Mr. Moore wanted to know if Mr. Bhatt feels that he has enough commitment from the 64 members to build the church. Mr. Bhatt answered through Mr. Desai that according to his experience and whatever contributions he has received so far, he believes that he will be able to complete the project.

Ms. Hendry asked what the sources of those contributions are. Mr. Bhatt answered through Mr. Desai that they are contributions from people that he has contacted. They have donated according to their capacity and their faith. Ms. Hendry wanted to know if those people were also members of the organization. Mr. Bhatt answered through Mr. Desai, yes.

Mr. Thompson wanted to know what would the maximum number of people that would be in the building. Mr. Bhatt answered through Mr. Desai that he would hope to have 150 people.

Ms. Hendry stated that it is Mr. Bhatt's plan that if the total number of devotees to his religion exceeds 150, that a new temple will be built. Mr. Bhatt answered through Mr. Desai that was correct.

Mr. Staats wanted to know if there was a specific religious reason why this site was chosen to build the temple. Mr. Bhatt answered through Mr. Desai that he was inspired by God to build a temple at this place.

Mr. Thompson wanted to know if other sites were explored. Mr. Bhatt answered through Mr. Desai no.

PUBLIC COMMENTS:

Charlotte Lacroix, 24 Coddington Road stated that he had a Certificate of Incorporation of Hindu Sanatan Dharma Seva Mandal filed on October 13, 1999. She asked if Mr. Bhatt was a trustee of the board. Mr. Bhatt answered through Mr. Desai yes. Ms. Lacroix wanted to know how many trustees as of this date are on the board. Mr. Bhatt answered through Mr. Desai nine. Ms. Lacroix stated that in 1999 the original number of trustees was four. Mr. Bhatt answered through Mr. Desai that was correct. The reason for the increase is due to the additional work. Ms. Lacroix asked Mr. Bhatt if he was an employee of the corporation. Mr. Bhatt answered through Mr. Desai yes.

The point Ms. Lacroix was trying to make was since this is a religion that is not practiced in any other place or recognized in any other place, she is trying to determine that if the priest is terminated or evicted from the board for any reason, what would happen. If the temple cannot be used in a more traditional Hindu manner and if Mr. Bhatt has not have 51% control of the board, it is a possibility.

Ms. Lacroix wanted to know if Mr. Bhatt could be terminated by the board or asked to leave as a member of the board of trustees. Mr. Bhatt answered through Mr. Desai that he was the founder of the four Dham religion. The people have gathered to propagate this religion and that is their intention. They have taken a religious oath in this matter. The people, who have initially joined him, have been trained that if anything happened to him, these people would be capable of taking the project forward.

Ms. Hendry wanted to know Mr. Bhatt's voting percentage within the corporation. Mr. Bhatt answered through Mr. Desai that he has more than 50%.

Mrs. Goodwin stated that before she had asked if Mr. Bhatt was an employee. Mr. Bhatt answered through Mr. Desai that he gets paid and pays tax on his income. Ms. Goodwin asked if this organization would control the temple and would it be considered a church. Mr. Bhatt answered through Mr. Desai yes.

Madam Chair announced that this would conclude tonight's hearing. The matter would be carried to August 17, 2006, meeting without further notice.

H. ADJOURNMENT:

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

Respectfully submitted,

Linda A. Jacukowicz