

MARCH 8, 2016 MINUTES  
OAKLAND BOARD OF ADJUSTMENT  
OAKLAND COUNCIL CHAMBERS - 8:00 P.M.  
PUBLIC HEARING

Pursuant to Chapter 231, Public Law 1975 Open Public Meetings Act) adequate notice of this meeting been provided by:

- \*Adoption of an annual schedule of meetings.
- \*Posting a copy of same at Borough Hall.
- \*Forwarding a copy of same to the Record.
- \*Mailing a copy to any person requesting same.

FLAG SALUTE, MEETING OPENED AT 8:10 P.M.

ROLL CALL: Present: Mrs. Steele, Messrs. Helfant, Ackerly, Bremer, Chadwick, Smid, Wegman, Schneeweiss and Chairman Lepre.  
Absent: None

Also in attendance were Mr. Matthew Cavaliere, Board Attorney, Steve Lydon, Burgis Associate and Rebecca Mejia, Boswell Engineering.

PUBLIC MEETING BEGINS AT 8:01 p.m.:

Chairman Lepre welcomed new member Matthew Helfant to the Board.

Chairman Lepre announced that Mr. Cavaliere was running late and that the Board would do the other Board business first.

MEMORIALIZATION OF RESOLUTION:

None

PAYMENT OF BILLS:

Motioned by Mr. Schneeweiss and seconded by Mr. Smid, to approve the payment of bills subject to the availability of funds was voted unanimously

APPROVAL OF MINUTES:

Motioned by Mr. Wegman and seconded by Mr. Smid, to approve the February 9, 2016 minutes was voted unanimously by the Board.

Motioned by Mr. Smid and seconded by Mr. Schneeweiss, to approve the February 9, 2016 minutes was voted unanimously by the Board.

NEW BUSINESS:

None

OLD BUSINESS:

None

Mr. Cavaliere entered the meeting at 8:15 p.m.

1. Guru Nanak Mission, Inc. – 138 Bauer Drive, Block 3603, Lot 2. Public hearing for a Use Variance.

Mr. Cavaliere informed the Board that he and Chairman Lepre had been going back and forth with emails concerning the “clock” of the application. According to Municipal Land Use Law (MLUL) the clock begins once an application is deemed complete and a hearing has been scheduled. The timeframe in which the Board needs to act on an application, in this case a use variance, would be 120 days from completeness. If the Board fails to move before the timeframe, the application is granted approval without conditions.

He did not believe the Board should be concerned with the timeframe since this application has some circumstances. Mr. Cascio did state for the record that he did agree to an extension of time. A discussion ensued concerning the circumstances and when the clock would officially begin again. Mr. Cascio responded that the clock would start January 12, 2016 and should be complete by May 10, 2016. Chairman Lepre verified if the opposing attorneys were in agreement with this. Mr. Porro and Ms. Rubright agreed.

Mr. Cascio questioned if the Board has made a decision concerning the request for a special meeting. Chairman Lepre responded that a date has been selected according to the availability of Council Chambers by the Board Secretary and it appears that March 22, 2016 is available. He questioned the availability of the professionals. Mr. Cavaliere, Ms. Mejia and Mr. Lydon responded that they were available on that date. He suggested that a roll call be taken to see what members are in favor or not in favor of the meeting. A vote was taken to hold a special meeting for March 22, 2016.

Roll Call Vote: Ayes: Mrs. Steele, Messrs. Helfant, Chadwick, Ackerly, Wegman and Chairman Lepre.

Nays: Messrs. Bremer, Smid and Schneeweiss.

Mr. Cavaliere explained that any member that will not make the March 22, 2016 meeting will be required to listen to the recording in order to be eligible to vote. Mr. Schneeweiss questioned if new members would be eligible vote after listened to prior recordings. A discussion ensued concerning this matter. This would be decided after Mr. Cavaliere researched case law sent by Ms. Gonchar. Mr. Porro and Ms. Rubright agreed. Mr. Cavaliere did inform Mr. Cascio that a cost would also be determined for the special meeting.

Mr. Cascio introduced his co-counsel Meryl Gonchar. Ms. Gonchar recapped for the Board that this application for a house of worship is not a permitted use in the IP-Industrial zone as well as the second portion to this application proposing a residence.

The site plan application is being presented as an inherently beneficial use for an existing building to be used as a house of worship. The 25,000 square foot building sits on a three acre lot which provides 105 parking spaces. There will be interior renovations to the building but the exterior will remain the same. Inside the building they are proposing a prayer room, dining room, office, library, kitchen, apartment and mechanical room. Part of the approval for the apartment is being presented as an accessory use to the property. The planner will testify that this is a standard D-1 variance sought as an inherently beneficial use. Sika case law will be provided backing this application. There will be testimony from her client's architect, engineer, traffic engineer and planner.

Mr. Guldeep Sethi from Franklin Lakes was sworn in. He testified that he is the trustee for the house of worship, Guru Nanak Mission. The Sikh faith is the 5<sup>th</sup> largest monolithic religions the 5th in the world with 30 million members. They believe in one god and do not discriminate gender or race and welcome all religions.

A big part of educating their members is accepting no charity, respecting others and sharing wealth. Members are reminded to remember God throughout the day and are forbidden to smoke or do drugs. There are no rituals such as fasting and a Sikh member is never to cut their hair hence the reason for wearing turbans. He offered information to the Board on prominent Sikhs in the state and county which was entered as an exhibit.

Exhibit A-1, Articles on prominent Sikhs in the state and country.

Mr. Sethi explained to the Board that they have been seeking property for a while to suit their needs. The subject property was ideal in size and the parking lot offers over 100 parking stalls. They were looking for a building that could accommodate the space needed on one level.

The congregation offers three services a week on Friday from 7:30 p.m. to 9:00 p.m. and Sunday from 7:00 a.m. to 9:00 a.m. and 11:00 a.m. to 1:00 p.m. Approximately 70 to 100 people will attend each service. There will be an occasional private program offered on Saturday for events of sorrow or joy. The house of worship will be open every day from 6:30 a.m. to 9:00 p.m. The service consists of a sermon, singing hymns and prayers for humanity. A meal in the dining area follows each service. Members sit on the floor and are served a meal that is completely

vegetarian. Approximately one wedding or a funeral can be expected a month. Chairman Lepre questioned if there would be any activities held outside the facility. Mr. Sethi responded there would be no activities outdoors.

An altar is located in the center of the large prayer hall which holds the Holy Book. The Holy Book is treated like a king and is stored in the main room when not in use. The Holy Book can never be left alone so a head priest or a master needs to be present at all times. Sometimes there is a request for a continuous reading of the Holy Book which lasts 48 hours. This reading is done in shifts. A discussion ensued concerning whether or not they could assign people to take turns staying with the Holy Book rather than having a residence. Mr. Sethi reminded the Board that there is a high reverence that goes with the Holy Book and a master or caretaker needs to be on the premises 24 hours a day to be available when there is a request for a continuous reading from the Holy Book or if someone needs counseling.

Mr. Schneeweiss questioned the parking numbers and the capacity of each room. Mr. Ackerly questioned how the applicant intends to balance the parking in the event they have 250 members attending a service. Mr. Sethi responded that the architect would testify to the parking calculations and informed the Board that he has made arrangements with the owners of 112 Bauer Drive who has agreed to handle any over flow of parking. He explained that when services start, people usually trickle in and the transition from the prayer hall to the dining hall goes smoothly.

Chairman Lepre questioned if selected masters' are able to marry and have families. Mr. Sethi responded that they can be married and have a family this is why the applicant is proposing the living quarters for the selected master. Chairman Lepre questioned how a priest or master is selected. Mr. Sethi responded that he is interviewed by the trustee. Chairman Lepre questioned two spaces called a resting room with beds and a large bathroom. Mr. Sethi responded that sometimes during the 48 hour reading of the Holy Book, the volunteer readers will need to rest. Also, some members wish to cleanse themselves before they pray so this bathroom is more like a locker room.

Chairman Lepre questioned the number of holidays during the year. Mr. Sethi responded that there are three Sikh holidays a year and services would be conducted the evening of the holiday. Chairman Lepre questioned if the applicant had plans of leasing or loaning the facility. Mr. Sethi responded that they would not be leasing or loaning the facility. Chairman Lepre questioned if there were any bells or chimes outside the building. Mr. Sethi responded there are no chimes or bells being proposed. Chairman Lepre questioned what they believe would be a realistic number of members attending the proposed house of worship. A discussion ensued concerning the size of Glen Rock's congregation and the possibility that members from there may end up in Oakland. Mr. Sethi responded that he believes there would no more than 200 to 250 members attending the congregation.

Mr. Cavaliere questioned the length of the services and if there was enough time in between the Sunday services and the meal afterwards. Mr. Sethi responded that there would be enough

time between the two services. Mr. Cavaliere questioned if the meals would be prepared on site. Mr. Sethi responded that meals would be cooked on and off site.

Cross examination.

Ms. Susan Rubright representing 128 Bauer Drive Associates cross examined Mr. Sethi. She clarified where the Holy Book was kept. Mr. Sethi responded that the Holy Book has its own room and usually carried out by the master or high priest in a ceremonial procession then it is returned in the same manner to its own room. Ms. Rubright verified that the temple is opened in the evening. Mr. Sethi responded that the temple closes when the Holy Book is returned to the room. Ms. Rubright questioned what the priest or master does during the day. Mr. Sethi responded that he does readings, prepares for services, counsels people and protects the Holy Book.

Ms. Rubright questioned the length and preparation of the meal following a service. Mr. Sethi responded that the meal lasts approximately 30 to 45 minutes with 10 servers serving of 70-100 members. Ms. Rubright questioned the procedure of the 48 hour reading. Mr. Sethi responded that the continuous reading is supervised by the high priest and done by members of the congregation taking two hour shifts. Ms. Rubright questioned how often members counseled by the priest. Mr. Sethi responded that this happens periodically. Ms. Rubright verified the holidays. Mr. Sethi responded three holidays plus New Years and the service for each holiday would be celebrated between 7:00 p.m. to 9:00 p.m. She questioned if there would be food served and Mr. Sethi responded that food would be served. Ms. Rubright requested more information concerning weddings and funerals held at the temple. Mr. Sethi responded that weddings would be held on a Saturday or Sunday. As needed, funerals services would be held at the temple and then the body is taken off-site to a crematorium. Ms. Rubright questioned what towns the temple would be drawing from. Mr. Sethi responded that Wayne, Oakland, Franklin Lakes, Mahwah and Wyckoff would be the likely towns drawn to the temple.

Ms. Rubright questioned the type of work being proposed to the building. Mr. Sethi responded that no changes will be made to the exterior but there will be changes to the inside. Ms. Rubright questioned why the applicant chose the subject location. Mr. Sethi responded because the size was bigger in comparison to the other locations. Ms. Rubright questioned if there would be multiple events held at the same time. Mr. Sethi responded that only one event at a time will be held at the temple. Ms. Rubright questioned if the applicant intends to lease out some of the space. Mr. Sethi responded that they would not be leasing out any space to any outside party.

At 10:25 p.m. it was determined that the device recording the meeting failed. It stopped recording at 8:20 p.m. which means key testimony from Mr. Sethi did not record. A discussion ensued and Mr. Sethi informed the Board that he had been recording the meeting on his phone. Mr. Cavaliere suggested that Mr. Sethi forward him and the Board Secretary the recording by email and they will determine whether the recording is sufficient. The recording started.

Mr. Kenneth Porro on behalf of 148 Bauer Drive, 143 Bauer Drive, and 103 Bauer Drive. Mr. Porro questioned if the applicant obtained a realtor when seeking a location and if other locations were considered. Mr. Sethi responded that they looked at property to build a temple and buildings to convert in Franklin Lakes and Oakland. Mr. Porro requested that a news article from NJ.com be entered as future evidence but not to be discussed now. Mr. Cascio objected.

Exhibit OM-2, NJ.com article.

Exhibit OM-3, 2013 article on a disturbance at local temple.

Mr. Porro verified the size of the prayer room, the food preparation area and the layout of the living quarters. He verified a space of 480 square feet that had a bathroom and shower. He questioned smaller space and if it could be possible for a priest to live in the town and stay in that smaller space as needed. He questioned if the applicant planned to lease the second story storage area with an office. Mr. Sethi responded that he this space would be used currently for storage and would not be leasing it.

Mr. Porro questioned if any events would be held in the parking lot and if children living at the facility would be able to play outside. He questioned if they would be leasing space to any type of schools and if the temple in Glen Rock leases space. Mr. Sethi responded that they would not be leasing any space and that he did not know what Glen Rock's arrangements were.

Mr. Porro questioned the celebration process of weddings and holidays. Mr. Sethi responded that a service with a meal to follow is the usual process. Mr. Porro questioned if there would be any smoking, drinking or drugs on site. Mr. Sethi responded that there will be no drinking or drugs on site since Sikhs are not supposed to drink or do drugs.

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to open the meeting to the public regarding matters concerning the Guru Nanak Mission was voted unanimously by the Board.

No comments.

Motioned by Mr. Wegman and seconded by Mr. Schneeweiss, to close the meeting to the public regarding matters concerning the Guru Nanak Mission was voted unanimously by the Board.

MEETING ADJOURNED:

Motioned by Mr. Schneeweiss and seconded by Mr. Wegman, to adjourn the meeting concluding at 10:50 p.m. was voted unanimously by the Board.

Respectfully submitted by,

Kathlyn Gurney, Board Secretary

\*Next meeting is April 12, 2016