

Hindu temple is close to settling suit

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The settlement limits the number of events the temple can hold with offsite parking to five per year and notes the township can limit parking on surrounding streets.

More significantly, however, the agreement calls on the temple not to apply for any further expansions for 10 years. The limitation would not apply if the temple acquired enough property that the expansion would not require a variance.

Payne, the land use expert, said the restriction may be a "reasonable condition," but warned, "I don't know how enforceable that is."

"Courts are uneasy when public bodies contract away the right to do the public's business," Payne said. If the temple came back to the board in the 10-year timeframe, Payne said, reviewing courts would be "uncomfortable" with the board not even considering the proposal.

Attorneys for the temple and the board of adjustment did not return calls for comment yesterday.

If the settlement goes before the board of adjustment, there is no guarantee it would be approved. Following a civil lawsuit filed by the temple in 2005, a Superior Court judge closed the case and remanded it back to the board when it appeared a settlement had been reached in March 2006. The board denied the plan again.

In a Dec. 21 letter to the judge, temple attorney Frank Petrino said the agreement would be reviewed by the board at its regularly scheduled meeting tonight, but the meeting has been canceled due to the lack of a quorum.

A settlement status conference is scheduled before Judge Hughes on Feb. 1 in Trenton at 10 a.m.

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