

Hindu temple is close to settling suit

Bridgewater denied an expansion plan

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A settlement has quietly been put on the table in a federal religious discrimination lawsuit brought by the Sri Venkateswara Hindu Temple against Bridgewater Township.

A plan to significantly expand the temple's complex, located off Route 206 at Old Farm Road, has been stalled before the township board of adjustment for nearly four years. The most controversial element of the plan, a bid to more than double the size of the temple's 9,800-square-foot cultural center, has been rejected by the board three times.

The temple has argued the cultural center is integral to the practice of Hinduism. In July 2007, the temple filed a federal case claiming violations of the First and 14th Amendments, as well as the Religious Land Use and Institutionalized Persons Act.

Under the terms of the proposed agreement, the temple would be allowed to build a 20,500-square-foot cultural center, but would have to agree to a 10-year moratorium on expansion.

The temple originally proposed a 38,000-square-foot cultural center to complement its 28,300-square-foot temple, but later dropped the size to 22,000 square feet. The board allowed a small expansion of the temple building, but the cultural center was still denied.

"It's not a surprise that this happens," said John Payne, a land use expert at Rutgers School of Law in Newark. "There's a lot of incentive to look very closely at these applications."

Houses of worship deviate greatly in size and use from residential surroundings, Payne said, generating "legitimate concerns about traffic and noise." Zoning boards "are being asked to make accommodations for religion that they wouldn't be required to make for a commercial use."

RLUIPA grants houses of worship more lenient treatment by zoning boards, but Payne stressed it's not a "free pass." The gray area of what is protected by the law pushes the matter into the courts.

The proposed settlement, hammered out between the temple and a board subcommittee, was nailed down at a settlement conference before U.S. Magistrate Judge John J. Hughes on Nov. 5, 2007, according to court papers. In a Nov. 26 order, Hughes stated both parties had "agreed on the terms upon which all matters in dispute would be amicably resolved."

A final draft settlement was submitted to the judge last month and is set to be reviewed by the board and temple trustees, court papers said. The settlement reduces the size of the cultural center an additional 1,500 square feet and approves four buildings with 11 units of priest housing. An existing home on the property would also be used for priest housing.