



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE SPECIAL MEETING OF OCTOBER 4, 2004

TIME: 11:30 AM – 11:50 AM

DATE: Monday, October 4, 2004

PLACE: Canal Commission Office, Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Albert, Jessen, Loos, Sedor and Weingart; Ms. Armstrong

STAFF: Mr. Amon and Ms. Holms, Ms. Helene Chudznik, Deputy Attorney General

Mr. Weingart announced that this was a regular meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met. Mr. Amon added that the applicant and attorney for the application known as "Wendy's Restaurant" were both notified.

Mr. Weingart presented the following "A" Zone application for waiver from the Commission's setback guideline and approval:

04-1570C – Wendy's Restaurant – Franklin Township

Mr. Weingart said the Commission moved waiver and approval of the application at the meeting of September 15, 2004, but the motion did not carry. He also said the Commission did not move denial of the project, and in accordance with the Commission's Regulations, the application is thus automatically approved on October 18, 2004. He therefore recommended that the Commission move denial of the application, because this was the intention of the majority in September. Mr. Loos moved denial of the application, and Mr. Albert seconded the motion.

Mr. Loos said he was troubled by the incursion of the development into the Commission's setback; however, he said if the applicant were to propose greater mitigation for the incursion, he would be open to reconsideration. Mr. Jessen said the Commission should not change the decision it reached in 1999 when it approved virtually the same application. Mr. Albert felt the discussion should be postponed until the Commission's regular public meeting in October.

Ms. Armstrong joined the meeting at 11:45 AM at which time Chairman Weingart reviewed the discussion and called for a vote. Messrs. Albert, Loos, Sedor, Weingart, and Ms. Armstrong voted in favor of the motion to deny; Mr. Jessen voted against. The motion passed.

Respectfully submitted,

James C. Amon

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
James E. McGreevey, Governor Bradley M. Campbell, Commissioner