

**Town of Cheswold**  
**Planning Commission Meeting Minutes**  
**July 14, 2016**  
**Cheswold Town Hall**  
**691 Main Street**

**I. Acting Chairperson Barry Jones called the meeting to order at 6:04 pm**

**II. Pledge to the Flag; followed by observation of a Moment of Silence**

**III. Confirmed Proper Meeting Notice Posted**

**IV. Roll Call of Commissioners to ensure a quorum**

**Present**

Barry Jones  
Martha Scott  
Colleen Ostafy  
Alan Roth

**Excused**

Albert Lambertson

**Absent**

**V. Others in Attendance:**

Land Use Administrator Sam Callender  
Mr. Olusola Shodiya, Resident – Parkers Run  
Mr. Barry Jones Jr. – Senior Class President Dover High School

**VI. Review of Agenda; Motion to Accept as Presented or Amended**

Acting Chairperson Jones requested that the agenda be reviewed for acceptance or amendment and Commissioner Ostafy made a motion to approve the agenda as presented. Commissioner Scott made a second to the motion to approve. The motion passed with a unanimous vote.

one amendment of Section 9, Paragraph 5 from “7 to 9” to “6 to 8’. Commissioner Scott provided a second to the motion and it passed by a unanimous vote of Commissioners in attendance.

**VII. Review of Previous Meeting Minutes; Motion to Approve as Presented or as Amended**

A review of the minutes from the last meeting held by the Commission, was requested by Acting Chairperson Jones. The minutes reviewed were:

June 9, 2016 – Monthly Planning Commission Meeting

Commissioner Ostafy made a motion to approve the minutes with one amendment of Section 9, Paragraph 5 from “7 to 9” to “6 to 8’. Commissioner Roth provided a second to the motion and it passed by a unanimous vote of Commissioners in attendance.

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**NEW BUSINESS:**

**VIII. a. Land Use Administrator's Report**

Mrs. Callender informed the Commissioners of the following:

- **33 New Street** – Demolition complete. All concrete removed and grass area cleaned.
- **41 New Street** – The demolition contractor has obtained their business license. The demolition permit is pending issuance of the remittance of taxes due and an asbestos report.
- **MS4 Program** – is an EPA program for the **Municipal Separate Storm Sewer System**. It requires designated municipalities to monitor the discharges from their storm sewers and maintain and provide copious records on the associated outfalls, (discharges). It also requires the municipality to maintain an outfall map and to notify and educate the public on the importance of clean storm sewer systems and to determine the degree of education being received by the public. Included in the program is a requirement of an Annual Report and the administration of a Storm-water Ordinance.

**b. Final Plan Review – Cheswold Village Properties**

Associated **Application # 2015-06-01-034** is being sent to the Town Council for review and approval at the August Council meeting. The application displays land development activities associated with a single story retail building.

**c. Conditional Use Application 2016-07-01-044 Review (Home Based Business)**

Land Use Administrator Callender provided the following information about the application. The application has been submitted by Mr. Olusola Shodiya, of 74 Wellington Way, Parkers Run Development and the residence is a R2 Zone, specified as Single Family. The request is to operate a virtual auto sales business operated through the internet.

In order to obtain a license from the State of Delaware, a Certificate of Zoning Compliance is required from the Town of Cheswold. In order to obtain a Certificate of Zoning Compliance, the Land Use Ordinance requires Conditional Use approval from the Town Council, after receiving a recommendation for review from the Planning Commission.

The Commissioners reviewed the application and asked Mr. Shodiya if cars would be stored on the property and he answered to the negative. Acting Chairperson Jones asked if the HOA had any restrictions against operating a home business in the development. Mr. Shodiya did not know, but repeated that there would be no disturbances to the neighbors. Mrs. Callender obtained the Town copy of the Covenants for the Parkers Run HOA and confirmed that there were no restrictions associated with home businesses in it.

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**NEW BUSINESS:**

**c. Conditional Use Application 2016-07-01-044 Review (Home Based Business)**

- "continued"

After confirming that there was no further discussion or questions, Acting Chairperson Jones called for a motion and Commissioner Ostafy made a motion to recommend that the Town Council approved the Conditional Use Application and authorize the issuance of a Certificate of Zoning Compliance. Commissioner Roth made a second to the motion and the votes were as follows:

Acting Chairperson Barry Jones - YES  
Commissioner Martha Scott \_ NO  
Commissioner Alan Roth – YES  
Commissioner Colleen Ostafy - YES

Subsequent to the recommending approval to the Town Council, Mrs. Scott changed her NO vote to YES, after it was explained that the HOA of Parkers Run does not prohibit home based businesses. Therefore the motion passed with a unanimous vote.

Ms. Callender explained to the applicant, that a Public Hearing would be scheduled to receive public comment prior to the Town Council voting on the approval of the application and that notifications would be sent to his immediate neighbors.

**OLD BUSINESS:**

**IX a. Land Use Article 13 – Sign Revision Review**

The Commissioners with the prodding of Acting Chairperson Jones agreed to absolutely continue the Review of the Sign Revision at their next meeting.

**X, COMMISSIONERS' COMMENTS**

**Acting Chairperson Barry Jones** – *Nothing to Report*

**Commissioner Colleen Ostafy** – *Nothing to Report*

**Commissioner Al Roth** – informed the Commissioners that he was not planning on remaining on the Commission for too much longer due to health reasons. He committed to remaining for approximately two months, but strongly suggested that the Town Council begin looking for a replacement for him.

**Commissioner Martha Scott** – *Nothing to Report*

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**VISITOR COMMENTS:** Acting Chairperson Jones provided an opportunity for visitor Mr. Barry Jones, Jr. to provide comments. Mr. Jones Jr., commented that he was pleased that the Commission made the decision to approve this type of business, as he sees it as the wave of the future and that it is important for the Town and the HOA to be cognizant of the technological changes occurring and to respond correctly to them.

**XI. Motion to Adjourn**

Commissioner Ostafy made a motion to adjourn at 6:59 pm; Commissioner Roth seconded. The votes to approve the motion was unanimous by the Commissioners in attendance.

Respectfully submitted,  
*Theon E. Callender*  
Land Use Administrator