



**PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, December 9, 2021  
691 Main Street  
Cheswold, Delaware 19936**

***ATTENDANCE VIA ZOOM AVAILABLE WAS AVAILABLE***

**Planning Commissioners In Attendance:**

Mr. Barry Jones, Chairperson  
Mr. Carl Schultz, Commissioner  
Ms. Colleen Ostafy, Commissioner  
Ms. Barbara Cooper, Commissioner – via ZOOM

**Absent:** Mr. Reginald Valentine, Commissioner

**Also in Attendance:**

Mr. Thomas Wilkes, P.E., Town Engineer – via ZOOM  
Mr. Ring Lardner, P.E., Davis, Bowen & Friedel – via ZOOM  
Mr. Scott Lobden, P.E. for Liborio LP, III  
Mr. Lou Ramunno for Liborio LP, III  
Ms. Sam Callender, Town Land Use Administrator

**MEETING OPENING:**

The meeting was called to order at 5:05 p.m., by Acting Chairperson Schultz and a Salute to the Flag and a Moment of Silence immediately followed.

After the moment of silence, he confirmed with Ms. Callender that the meeting had been properly posted and conducted a roll call, after which it was acknowledged that a quorum was in attendance, and the meeting proceeded.

**AGENDA REVIEW:**

A call for a review of the agenda was made and a motion to revise the agenda to add the review of an Annexation Application was made by Commissioner Cooper. A second to the motion was made by Commissioner Ostafy and an unanimous roll call vote, passed the motion.

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**MINUTES REVIEW:**

The following minutes were reviewed and voted upon:

**October 28, 2021 – Monthly Commission Meeting**

**November 11, 2021- Meeting Cancelled due to Lack of Quroum**

A motion was made by Commissioner Cooper to approve the minutes as presented. Commissioner Ostafy made a second to the motion and it passed with a unanimous roll call vote.

**NEW BUSINESS –**

**A.**

- **Application #:** 2021-10-02-105
- **Application Type:** Lot Line Adjustment
- **Applicant:** DeIDOT on behalf of Mr.. Peter, Thomas & George Diakos
- **Map ID:** 3-03-04611-01-0301-000
- **Acres:** 20.7
- **Zoned:** C-2 (Highway Commercial)
- **Represented by:** Ms. Michelle Glackin, DeIDOT

There were no representatives present on behalf of this application. Ms. Callender, with the assistance of the Town Engineer Thomas Wilkes, P.E., that the property associated with this application should have submitted this sub-division request for a lot line adjustment prior to the property being sold by the Diakos brothers to the DeIDOT as Mr. Peter Diakos was advised. Since it was not, the sub-division cannot be officially recorded by Kent County without a letter of approval from the Town of Cheswold.

In reviewing the application, Mr. Wilkes determined that a setback violation of approximately 5-1/2 feet exists and requires the approval of a Variance prior to the recording of the sub-division. Ms. Glackin of DeIDOT and her engineering representative have been made aware of the requirement for a Variance, in an email letter dated November 17, 2021. To-date the Variance has not been requested.

It is recommended that the Council approve the sub-division application with a codicil that the recommendation not be forwarded to the Town Council until such time as the Variance has been approved by the Board of Adjustment.

A motion to the above effect was made by Councilperson Schultz. Councilperson Ostafy made a second to the motion as presented and with no further discussion or questions, the motion passed with an unanimous roll call vote.

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**NEW BUSINESS** – “continued”

Chairperson Barry Jones arrived and Acting Chair Carl Schultz turned the meeting over to him to complete the review of the agenda.

**B.**

- Request to Revise Recorded Stonington Landscape Plan – L101
- Subsequently assigned: Application #2021-12-03-107
- Represented by: Ring Lardner, P.E. – DBF Engineering
- Received via E-Mail: November 5, 2021
- Requests:

1. Not to plant the buffer by the railroad track until they develop that phase as it will be difficult to get back there and then maintain it.

2. To plant the landscaping along Lynbury Woods Road after the road improvements are complete. Otherwise, they, (owners & contractors), may need to rip out a bunch of it, when the road improvements are completed and then re-plant.

3. Plant the open space landscaping in the phases that have been paved.

Mr. Lardner explained in detail the reasons for the requests as specified in the attached letter, dated December 3, 2021. (*Attached: Copy of landscape plan L-101*). After Mr. Lardner answered questions and concerns that and assured the Commissioners that DelDOT comments and concerns are all met in association with the landscape and road paving changes and requests, he also stated the will additionally inform DelDOT of the Town’s approval of the requests in writing.

A motion was made by Councilperson Ostafy to recommend that the Town Council approve the landscape requests as submitted by Mr. Ring Lardner, P.E., representing the developer for Stonington as evidenced by the terms set forth in the letter to the Town of Cheswold, dated, December 3, 2021. (*Copy attached*). With no further questions or concerns, a second was made by Commissioner Schultz and the motion passed with an unanimous roll call vote.

**C.**

- **Annexation Application 2021-10-18-106**
- **Applicant:** Liborio III, L.P.
- **Contact:** Mr. Lou Ramunno

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**NEW BUSINESS** – *“continued”*

C.

**Annexation Application 2021-10-18-106** - *“continued”*

- **Location:** East Side-North Dupont Highway, Cheswold, DE 19936
- **Map ID:** 4-00-03700-01-1300-000
- **Acreage:** 54.26 (47.0 per Kent County Mapping)
- **Zoning:** Requesting R-3 (Multi-Family/Town House Residential)
- **Represented by:** Mr. Scott Lobdell, P.E.

Mr. Lobdell presented the application to the Commissioners with a description of the location of the property and the request that it be zoned R-3, (Multi-Family and Town House Residential).

There was little to no discussion as the application had been previously reviewed by the Commissioners prior to the meeting. And Ms. Callender had also previously informed them that the property qualified to be annexed into Town.

Town Engineer asked Mr. Lobdell if consideration had been given to a mixed-use assignment of the property. Mr. Lobdell ceded the response to Mr. Ramunno, who indicated that he was not sure if the Town possessed a mixed-use zoning code or if the property would apply. He also indicated that he had given thought to the idea, as it may be an encouragement to commercial businesses. He agreed to think about it some more and Ms. Callender agreed to look into the possible options.

After some discussion a motion was made by Commissioner Schultz to recommend to the Town Council that the application to Annex the property of Liborio III L.P., located at the above address into the corporate limits of the Town of Cheswold should be accepted, as the property annexation conforms to the Five Year Growth and Proposed Land Use Plan, (Map 7), for the property, as certified and approved by the current 2020 Comprehensive Plan by the Office of State Planning and Coordination and the current Governor of Delaware.

A second to the motion, as submitted was made by Commissioner Ostafy and with no further questions, comments or concerns, a roll call vote resulted in the unanimous approval of the motion.

**OLD BUSINESS:**

- **Review of Section 4-4, Total Revision** – *(Suspended until the New Year)*

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**TOWN ENGINEER COMMENTS:**

Mr. Wilkes wished everyone a Merry Christmas and Happy New Year

**LAND USE ADMINISTRATOR COMMENTS:**

Ms. Callender expressed her thanks and appreciation to Chairperson Jones for the time and service that he has given to the Planning Commission. She also stated that she would miss having him be a part of the future development of the Town. She too wished everyone a Merry Christmas and Happy New Year.

**COMMISSIONER COMMENTS:**

**Commissioner Ostafy** – *Expressed her thanks to Chairperson Barry Jones and how much she has enjoyed working him. Along with that she expressed her holiday wishes to everyone and asked if a replacement had been found for the vacant position.*

**Commissioner Schutlz** – *Stated his thanks to Chairperson Jones for his years of leadership and support to the Commission. He also shared the same appreciation to Tom for his instruction and guidance.*

**Commissioner Cooper** – *Thanked Chairperson Jones too, for the time he spent as the head of the Commission and for the accomplishments that they have made. She too wished a Happy Holidays to everyone.*

**Chairperson Valentine** – *ABSENT.*

**Chairperson Jones** – *Informed everyone that he has really enjoyed being a part of the Planning Commission. And he considers that what has been accomplished was a great group effort. However, at this time, when he is trying to wind down to retirement it seems that he's taking on more and more responsibility, including the presidency of his union at work, which takes so much more of his time. And that he considers the time on the Commission as a great experience, and he will be stopping in at meetings to visit from time to time.*

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Next Meeting Date: Thursday, January 13, 2022; 5:00 p.m.,  
@ Cheswold Town Hall - Commissioners and Applicants only

- **ZOOM** will be available for all others

**MOTION to ADJOURN:**

A motion to adjourn was made by Commissioner Schultz at 5:58p.m. A second to the motion was made by Commissioner Cooper and a unanimous roll call vote passed the motion.

***Minutes Submitted by: Land Use Administrator Sam Callender December 20, 2021***