



**PLANNING COMMISSION
MEETING MINUTES
THURSDAY, MARCH 10, 2022
691 Main Street
Cheswold, Delaware 19936**

ATTENDANCE VIA ZOOM WAS AVAILABLE

Planning Commissioners In Attendance:

**Mr. Carl Schultz, Commissioner
Mr. Reginald Valentine, Commissioner
Ms., Barbara Cooper Commissioner via ZOOM
Mr. Dave Naples - Commissioner – via ZOOM**

Excused: Ms., Colleen Ostafy, Commissioner

**Also in Attendance: Mr. Thomas Wilkes, P.E., Town Engineer
Ms. Sam Callender, Town Land Use Administrator**

Visitor: Ms. Yesenia Bahena

MEETING OPENING:

The meeting was called to order at 5:04 p.m., by Land Use Administrator Callender and a Salute to the Flag and a Moment of Silence immediately followed.

NOTE: The meeting was chaired by Ms. Callender until such time as the Commissioners held their election of Officers.

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

AGENDA REVIEW:

A call for a review of the agenda was made and a motion to accept it as presented was made by Commissioner Cooper. A second to the motion was made by Commissioner Schultz and an unanimous roll call vote, passed the motion.

PLANNING COMMISSION

TOWN of CHESWOLD

P.O. Box 220 – Cheswold, Delaware 19936
Phone: (302) 734-6991 – Fax: (302) 734-1355

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MINUTES REVIEW:

The following minutes were reviewed and voted upon:

February 10, 2022 – Monthly Commission Meeting

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. Applicant Review Request:

- Location: 440 Twin Oaks Dr. (*Central Delaware Business Park*)
- 3 tax parcels totaling 16 acres
- Owner: 440 Twin Oaks Drive, LP
- Previous tenant / use:
 - Allan Myers, Inc. asphalt plant
- **Current use:** Vacant / truck parking
- **Proposed use:**
 - Secure/fenced-in lots to facilitate small scale industrial / commercial operations, such as construction, trucking and related industries.
- Contact: Seth Myers (610) 564-3726
seth.myers@allanmyers.com

Ms. Callender informed the Commissioners that she expected Mr. Seth Meyers to attend the meeting via ZOOM to present his proposed project to them, but unfortunately, he did not.

As a result it was decided that a discussion of a Zoning assignment was not feasible as there are questions and or concerns the Commissioner have and may have that cannot be addressed without responses from Mr. Meyers.

1. Election of Planning Commission Officials

Ms. Callender informed the Commissioners that because of the resignation of former Chairperson Barry Jones, Sr., that they needed to elect a new Chairperson, Vice-Chairperson and Secretary and asked if there were any volunteers. After no one volunteered she asked if anyone would like to make a motion to elect a Chairperson.

Commissioner Cooper then made a motion to elect Commissioner Carl Schultz as

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2. Election of Planning Commission Officials

Chairperson and Commissioner Valentine immediately made a second to the motion. When Ms. Callender asked for comments or questions, Mr. Schultz asked if he was permitted to make a challenge to the motion. With an affirmative from Ms. Callender, Mr. Schultz explained that he didn't feel qualified to accept the position of Chairperson as he does not possess the background knowledge and information that he thinks is required to hold the position. He additionally expressed that he felt that either Ms. Cooper or Mr. Naples were better qualified.

Ms. Callender responded that Mr. Jones had similar feelings when he accepted the position as Chairperson and that background knowledge or information is not a pre-requisite, but commitment and dedication are, and Mr. Schultz has already shown fine examples of both. And the support of Mr. Wilkes – Town Engineer; Mr. Naples – Town Building Official and Ms. Cooper – a Building Official will serve to make sure that he and the Commission follow the rules and guidelines of the ICC and Land Use Ordinance as required.

Mr. Schultz, then acquiesced and agreed to accept the position if the Commissioners agreed to support in him in it, which they did. Ms. Cooper then re-submitted her motion to elect Mr. Schultz as Planning Commissioner Chairperson and Mr. Valentine seconded the motion. An unanimous roll call vote of the Commissioners present passed the motion.

Ms. Callender then relinquished the meeting to Mr. Schultz and continued by asking Mr. Valentine to serve as Vice-Chairperson and Ms. Callender to continue to serve as Secretary. Both agreed to the requests.

OLD BUSINESS:

1. Review of Article 4. Administrative Procedures Section 4-4, Total Revision

Chairperson Schultz requested Ms. Callender to review the status of the review of Article 4. Administrative Procedures – Section 2-Preliminary Plan. She informed the Commissioners that prior to the meeting, she and Commissioner Cooper had reviewed the latest printing of the revisions to the Article dated February 24, 2022 – 5th Edition. She noted that the following corrections were agreed to:

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OLD BUSINESS: *"continued"*

1. Review of Article 4. Administrative Procedures Section 4-4, Total Revision

- Item D-6. Remove in its entirety. It's a duplicate of Item D-5.
- Item E. Replace all references to "Building Inspector" with "Building Official"
- Item E-a substitute "slash(/)" with "and"
- Item E-b substitute "slash(/)" with "and"
- Item E-c substitute "slash(/)" with "and/or"
- Item E-d substitute "slash(/)" with "or"
- Item F-a Change "by" to "from"
- Item F-a Replace "Building Inspector" with "Building Official"
- Item F-l Replace "codicil" with "addendum"
- Item F-j Replace "codicil" with "addendum"
- Final Plan. Item C. Indent Required Information

There was also discussion of the meaning and intent of the term "Single-Family Detached Dwelling", in Section 4A. Purpose of Item 4. Single Family/Lot Development Plan. It was thought that perhaps the term involved only the R-1, (Old Town), Zone. It was eventually agreed and decided that the term should remain in the text, as it may have meant to only be assigned in Old Town in the desire to return the area to its original design of single detached family dwellings which over time and due to the lack of zoning enforcement the area devolved into multi-use type dwellings.

Town Engineer Wilkes asked for clarification as to why Section E. Building Official and Code Enforcement Officer review was included in the revision. It was eventually explained and agreed that it was included to provide both the Building Official and the Code Enforcement Officer to review newly submitted plans for review from an ICC, (International Code Council), perspective at the same time that the Town Engineer, Land Use Administrator and Planning Commissioners receive the plans. This provides a cohesive review that includes the Public Works Department as part of the initial process and has proven to be beneficial to all involved.

2. Review of Article 7. Use Regulations

Ms. Callender requested the Commissioner to also consider reviewing Article 7. Use Regulations and expressed her concerns that the Table no longer adequately or accurately reflects the current conditions for which applicants requests decisions on the

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OLD BUSINESS: *"continued"*

2. Review of Article 7. Use Regulations

potential uses permitted in a Zone. She specifically addressed what she views as the discrepancies between I-1, (Light Industrial), and I-2, (Heavy Industrial), initially identified by questions presented to her by an applicant for the Central Delaware Business Park.

Town Engineer Wilkes and Commissioner Naples stressed that Commission actions should not be taken based on potential applicant requests, however, they both agreed that a review and revision of Article 7 and its associated Use Table is in order. After additional discussion, it was agreed that Land Use Administrator Callender would forward a copy of the current Use Table to Mr. Wilkes and the Commissioners and that they will review it for possible revisions by uses and associated Zoning Code assignment.

TOWN ENGINEER COMMENTS: *NOTHING TO REPORT*

LAND USE ADMINISTRATOR COMMENTS:

Ms. Callender reported that the Town is planning a TOWN SPRING CLEAN-UP DAY, to be held on Saturday, April 30, 2022, from 9 am to 12 pm. Residents may dump their excess debris in a Town provided dumpster to be located at the Town Hall, 691 Main Street, for free. Pick-ups can also be scheduled for \$75.00 per pick-up by calling Town Hall.

COMMISSIONER COMMENTS:

Vice -Chairperson Valentine – Congratulations to Carl and Welcome to Dave.

Commissioner Ostafy - Excused

Commissioner Cooper – Welcome to the new Chairperson.

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Commissioner Naples - *No Comment*

CHAIRPERSON SCHULTZ – *Will do his best to learn everything he can and appreciates the vote of confidence and support.*

Next Meeting Date: Thursday, April 14, 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 Vice-Chairperson Valentine at 6:15p.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 March 16, 2022