



PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 11, 2022  
691 Main Street  
Cheswold, Delaware 19936

***ATTENDANCE VIA ZOOM WAS AVAILABLE***

Planning Commissioners In Attendance:

Mr. Carl Schultz, Chairperson  
Mr. Reginald Valentine, Vice Chairperson  
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 – via ZOOM  
Ms. Sam Callender, Town Land Use Administrator

Applicants in Attendance: via ZOOM

Mr. Jonathan Richard, PE – Becker Morgan Group (*representing Eastern State Development*)  
Mr. Rich Julian – Eastern State Development – (*representing Central Delaware Business Park*)  
Mr. Ring Lardner, P.E. – DB & F Engineering - (*representing McGinnis Green*)

**MEETING OPENING:**

The meeting was called to order at 5:00 p.m., by Chairperson Carl Schultz and a Salute to the Flag and a Moment of Silence immediately followed.

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

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**AGENDA REVIEW:**

A call for a review of the agenda was made and a motion was made by Vice Chair Valentine to accept the agenda as presented. Commissioner Cooper provided a second to the motion and it passed with a unanimous roll call vote of the Commissioners.

**MINUTES REVIEW:**

The following minutes were reviewed and voted upon:

**July 7, 2022 – Monthly Commission Meeting**

A motion to approve the July 7, 2022 minutes as presented was made by Vice-Chair Valentine. Commissioner Cooper made a second to the motion and it passed with a unanimous roll call vote.

The meeting continued with a review of the items posted under New Business.

**NEW BUSINESS –**

**• Pre-Preliminary Plan Application Review 2022-06-06-112**

- Lot Development Request
- Central Delaware Business Park
- **Map ID:** 4-03-04600-01-0717-000
- 4-03-04600-01-0729-000
- *Lots are being combined into one, (1) parcel. Pending new Map ID assignment*
- **Acres** = 4.01
- **Currently Zoned** = M-1 (Manufacturing)
- **Requested Post Application Zoning** = I-1 (Light Industrial)
- **Utilities** = Well; Delmarva Power; Kent County Sewer
- **Represented by:** Mr. Rich Julian (302-999-9700)

Ms. Callender introduced the application with the specifics as shown above. She additionally explained that this was pre-review and not an “actual” review as the application is associated with a pending Office of State Planning Coordination PLUS review, which is scheduled for August 24, 2022, at 1 p.m. Upon approval from PLUS, the application will be returned to the Planning Commission agenda for review and recommendation for approval to the Town Council, if the Commissioners so deem.

The review concluded with the reading of the July 6, 2022 comments of the Town Engineer, Thomas Wilkes, P.E., which were as follows:

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**NEW BUSINESS** – “continued”

1. The proposed industrial , (I-1) zoning is appropriate for the intended use.
2. Provide a signature block for the signature of the Mayor or Land Use Administrator
3. Portions of the site include groundwater recharge areas as delineated by the Delaware Geologic Survey. Kent County on-line GIS Map, (Parcel Viewer) Map, also depicts this zone.
4. This office, (Carroll Engineering/Town Engineer Thomas Wilkes, P.E.), has no objection to the proposed lot line adjustments as presented.

- **Final Plan Application Review**

- (Application # 2022-08-11-114)
- Application Type: Final Plan (Sub-division)
- **Applicant:** McGinnis Green
- **Map ID:** 4-03-04700-01-0100-000; Lot 3
- **NOTE: Lot is being sub-divided into two, (2) parcels. Pending new Map ID assignment and assignment as Lot 6**
- **Acres:** 3.3
- **Currently Zoned:** C-2 (Highway Commercial)
- **Post Application Approval Zone:** : C-2 (Highway Commercial)
- **Utilities** = Pending Confirmation (DelDOT Entrance Permit Required)
- **Represented by:** Mr. Ring Lardner, P.E.; DB&F Engineering

Ms. Callender introduced this application as presented on the Agenda, as lots to be considered for a lot line adjustment resulting in the combination of lots into a single lot. After much discussion, and explanation by Mr. Ring Lardner, P.E., representing McGinnis Green and Mr. Thomas Wilkes, P.E. representing the Town of Cheswold it was made clear that this application is the sub-division of Lot 3, Map ID 4-03-04700-01-0100-000 and upon approval and recording in Kent County an additional lot to be known as Lot 6, with a new Map ID will be created.

This application is associated with Lot Line Application 2021-10-01-103 which proposed the adjustment of lot lines resulting in an increase of approximately 2/3 acres to Lot 4, (Map ID 4-03-04700-01-0200-000 and a shift of approximately 2 to 3 feet each to Lots 2, (Map ID 4-03-04700-01-0300-000) and Lot 3, (Map ID 4-03-04700-01-0100-000).

The Lot Line Application was approved for recording by the Town Council on May 2, 2022 and the Preliminary Plan was approved by the Town Council on August 8, 2022. However, Mr. Lardner has informed the Land Use Administrator that the Lot Line Adjustment will not be recorded until the associated Final Plan which as subsequently been received, assigned Application #2022-08-11-114, and is in the review process, has been approved by Town Council.

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**NEW BUSINESS** – *“continued”*

Vice Chairperson Valentine made a motion to recommend to the Town Council that the Final Plan for Application #2022-08-11-114, which is a sub-division application for Map ID 4-03-04700-01-0100-000, Lot #3, to be sub-divided and assigned as Lot #6 with a new Map ID, be approved, contingent upon the applicant satisfying all the comments submitted from the Town Engineer, which are as follows:

1. The Final Plan will require signature and seal by a registered Delaware Land surveyor or Engineer.
2. Provide a property owner maintenance agreement for the operation and maintenance of common areas, open space, roads, recreation facilities, surface and sub-surface drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer facilities, forested buffer strips, lighting and other improvements deemed necessary by the Town Council. The agreement should include a summary of deed restrictions for the State.
3. Provide the required regulatory approvals or permits including KCD, (Kent Conservation District (Stormwater NPDES), Kent County Public Works, (Sewer), Fire Marshall, Tidewater, DelDOT.
4. A detailed Lighting and Landscape Buffer Plan is required.
5. The Applicant will be required to post the necessary Bonds and Guaranties in accordance with Article 9, Section 9-7 Bonds & Guaranties of the Town of Cheswold Land Use Ordinance, prior to commencing any construction activities.

A second to the motion as submitted above was made by Commissioner Naples and an unanimous roll call vote passed the motion. Land Use Administrator Callender will prepare a PC Memo to recommend the Final Plan Application motion to the Town Council for approval as specified in the motion, at their September Town Council meeting.

**OLD BUSINESS:**

**Review of Article 7. Use Regulation Table**

Due to the depth of review association with the review of the Final Plan, a motion was made by Commissioner Naples to table the Review of Article 7 until the September Planning Commission meeting. Agreeing with the motion, Vice Chair Valentine made a second, and a roll call vote passed the motion.

**COMMENTS:**

Chairperson Schultz then asked for comments from the following:

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TOWN ENGINEER COMMENTS:

Thomas Wilkes, P.E. - *NO COMMENTS*

LAND USE ADMINISTRATOR COMMENTS:

Sam Callender - *NO COMMENTS*

COMMISSIONER COMMENTS:

Vice -Chairperson Reg Valentine – *NO COMMENTS*

Commissioner Colleen Ostafy - *Excused*

Commissioner Barbara Cooper – *NO COMMENTS*

Commissioner Dave Naples - *NO COMMENTS*

CHAIRPERSON SCHULTZ – *NO COMMENTS*

Next Meeting Date: Thursday, September 15, 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 Cooper at 6:01 p.m. A second to the motion was made by Vice Chairperson Valentine and a unanimous roll call vote passed the motion.

***Minutes Submitted by: Land Use Administrator Sam Callender – August 18, 2022***