Town of Cheswold
1856

State of Delaware
1787

PLANNING COMMISSION
MEETING MINUTES
THURSDAY, SEPTEMBER 15, 2022
691 Main Street
Cheswold, Delaware 19936

ATTENDANCE VIA ZOOM WAS AVAILABLE

Planning Commissioners In Attendance:
Mr. Carl Schultz, Chairperson
Ms. Barbara Cooper Commissioner - via ZOOM
Mr. Dave Naples - Commissioner - via ZOOM

Absent: Mr. Reginald Valentine, Vice Chairperson

Excused: Ms. Colleen Ostafy, Commissioner

Also in Attendance: Mr. Thomas Wilkes, P.E., Town Engineer – via ZOOM
Mr. Michael Callender, Public Works Director

Excused: Ms. Sam Callender, Town Land Use Administrator

MEETING OPENING:
The meeting was called to order at 4:48 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 asked if the meeting had been properly posted and Mr. Callender confirmed that it had.

ROLL CALL:
Chairperson Schultz conducted a roll call, and 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 by Chairperson Schultz and a motion was made by Commissioner Naples 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:

August 11, 2022 – Monthly Commission Meeting

A motion was called by Chairperson Schultz to approve the August 11, 2022 minutes as presented and it was made by Commissioner Cooper. With a second from Commissioner Naples the motion passed with a unanimous roll call vote.

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

NEW BUSINESS –

- Preliminary Plan Application Review 2022-06-06-112
  - Lot Development Request
  - Rye Oak Court
    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 *(Combined)*
  - Currently Zoned = M-1 (Manufacturing)
    (Passed PLUS Review 8-24-2022)
  - Requested Post Application Zoning = I-1 (Light Industrial)
  - Utilities = Well; Delmarva Power; Kent County Sewer
  - Represented by: Mr. Rich Julian (302-999-9700)

- **Preliminary Plan Application Review 2022-06-06-112** ***"continued"***

Chairperson Schultz stated that he needed help with the review of the Central Business Park application, as he felt that the application had already been addressed in last month's Planning Commission meeting.

Mr. Callender explained that the previous application was for a Lot Line Adjustment at the same location, and it had been processed and signed.

Mr. Wilkes added that there were two, (2), separate applications – one, (1), for the Lot Line Adjustment and the other for the Preliminary Plan.

Mr. Jonathan Richard, P.E., was given the opportunity to provide information about the Application and he provided the following:

- The plan consists of the following:
  - Eight, (8), mainly construction buildings
  - Each building to be equipped with:
    - ❖ Small office
    - ❖ Garage
    - ❖ Construction area
  - Four, (4), acres
  - 48,000 square feet
  - 50% building coverage at minimum green space requirements
- Parking space plans may have to be revised
- Zoning will be I-1, (*Light Industrial*)
- Building height will be single story
- There will be deed restrictions
- Variances should not be required
- Kent County and Fire Marshall approvals will be supplied after this meeting
- Agreement with the remainder of the Town Engineer's comments that have not yet been addressed

Mr. Wilkes additionally stated that he is okay with the proposed zoning, but his final agreement is contingent upon receipt and review of the grading plan; and the requirements for building in the water resource protection area. Mr. Richard responded that the recharge area will be shown on the plans and any issues will be worked out with the Town to provide the safeguards as required by the Land Use Ordinance, as the existing ponds appear to be "wet ponds". (*Wet ponds = always have a pool of water vs. Dry ponds = only have water have a rain event*)

- Preliminary Plan Application Review 2022-06-06-112 *"continued"*

Mr. Wilkes provided a caution to flush out with the State/DNREC their requirements for building in recharge areas. Mr. Richard responded that in his experience the municipality has the final authority as to the building requirements as it applies to recharge areas.

Chairperson Schultz asked if a motion was ready to be made and Town Engineer Wilkes recommended that the Planning Commission acting on the application until:

1 – the Planning Commission had more time to review the plans; two members claimed they had not rec'd plans.

2 – the work needed to meet the Preliminary Plan requirements per the Land Use Ordinance are met.

3 – The water resource protection area on the site which may restrict some types of construction is checked with the Conservation District to explore restrictions on land development in these areas.

Mr. Wilkes concluded by stating that these are my recommendations, but the Planning Commission can act as they see fit.

Chairperson Schultz asked for a motion and Commissioner Naples made a motion to recommend the Preliminary Plan Application 2022-06-06-112 for approval by the Town Council contingent upon the applicant addressing and meeting all comments made at this meeting. Commissioner Cooper made a second to the motion and a roll call resulted in the passage of the motion as stated.

Mr. Callender made a statement that there is a PLUS comment from the State Historical Society that indicates the applicant should engage in an archaeological survey prior to any ground disturbance.

With no further comments, the meeting moved on to Old Business.

OLD BUSINESS:

Review of Article 7. Use Regulation Table

There was extensive discussion on the status of the previous review of the Use Regulation Table.

It was ultimately decided by a motion from Commissioner Cooper to table the discussion until the October meeting. And with a second from Chairperson Schultz, the motion passed with a unanimous roll call vote..

COMMENTS:

Chairperson Schultz then asked for comments from the following:

TOWN ENGINEER COMMENTS:

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

LAND USE ADMINISTRATOR COMMENTS:

Sam Callender – *On Vacation*

COMMISSIONER COMMENTS:

Vice -Chairperson Reg Valentine – *ABSENT*

Commissioner Colleen Ostafy - *Excused*

Commissioner Barbara Cooper – *Requested that the recommendation to Council for the Preliminary Plan discussed at this meeting include a statement that makes it a requirement for the applicant to satisfy the comments of the Town Engineer's July 19, 2022 letter.*

Commissioner Dave Naples - *NO COMMENTS*

TOWN of CHESWOLD
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CHAIRPERSON SCHULTZ – *NO COMMENTS*

Next Meeting Date: Thursday, October 13, 2022; 5:00 p.m.,
PUBLIC HEARING
Thursday, October 13, 2022; 5:30 p.m.,
Regularly Scheduled Planning Commission Meeting

Both Meetings to be Held at:
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 Naples at 6:10 p.m. A second to the motion was made by Vice Commissioner Cooper and a unanimous roll call vote passed the motion.

Minutes Submitted by: Land Use Administrator Sam Callender – October 5, 2022