

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, December 8, 2022  
691 Main Street  
Cheswold, Delaware 19936**

***ATTENDANCE VIA ZOOM WAS AVAILABLE***

**Planning Commissioners In Attendance:**

Mr. Carl Schultz, Chairperson  
Ms. Barbara Cooper Commissioner  
Mr. Stephen Williams – Commissioner

Excused: Mr. Dave Naples - Commissioner - via ZOOM

**Also in Attendance:**

Mr. Thomas Wilkes, P.E., Town Engineer  
Ms. Sam Callender, Town Land Use Administrator  
Mr. Cliff Mumford, P.E. – DB&F Engineering – McGinnis Green

**MEETING OPENING:**

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

**MEETING PROPERLY POSTED**

Chairperson Schultz asked if the meeting had been properly posted and Ms. Callender confirmed that it had.

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**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 Williams to accept the agenda as presented. Commissioner Cooper provided a second to the motion as presented and it passed with a unanimous roll call vote of the Commissioners.

**MINUTES REVIEW:**

The following minutes were reviewed and voted upon:

**November 10, 2022 – Monthly Commission Meeting**

A motion was called by Chairperson Schultz to approve the Monthly Planning Commission minutes. Commissioner Cooper made the motion as called and Commissioner Williams provided a second. The motion passed with a unanimous roll call vote.

**NEW BUSINESS –**

**a. Application 2022-11-15-115**

- Preliminary Plan Review
- Lot 6 – McGinnis Green
- Map ID – *PENDING*
- Current Zone = C-2 (*Highway Commercial*)
- Post Approval Zone = Not Requested
- Acres = 1.3
- Owner Representative = Arik Jakob
- Engineering Representative = Ring Lardner, P.E. – DB& F Engineering

Ms. Callender introduced this application to the Planning Commission and reminded them that it was associated with a previously approved sub-division application #2022-08-11-114, which resulted in the combination of Lots 3 and 4 being combined into Lot 6, for which a new Map ID is pending. She then asked Mr. Mumford to present the application details to the Commissioners.

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**NEW BUSINESS:**

a. Application 2022-11-15-115 *“continued”*:

Mr. Mumford acknowledged that the Map ID is pending and stated that it should be assigned by the next Town Council meeting in January 2023. He also stated that the Town Engineer’s comments are mostly construction plan comments and will be addressed on the construction plans. The following information was also provided:

- Preliminary Site Plan shown as existing is currently under construction
- Deeds associated with previous Lot Line Adjustment application 2021-10-03-104
- Future tenant has signed a letter of intent
- Building will be 2, 750 sq. feet
- Typical fast-food establishment
- Entrance off Jerome Drive and Rte. 13 being constructed by Christiana Excavation
- Typical pad site with stormwater to existing drainage pipes already designed
- Water, sewer and electrical services are near the site and are easily tied into

Land Use Administrator Callender confirmed with Mr. Mumford that the Zoning at the completion of the plan construction will be C-2, (Highway Commercial), as it is presently zoned.

Commissioner Cooper inquired as to the appropriate Lot number assignments for the plan and it was ultimately agreed that it is Lot #6.

Town Engineer reiterated Mr. Mumford’s presentation of the application and added that Lot #6 is shown as tying into existing infrastructure, but he does not think that the infrastructure currently exists.

Mr. Mumford explained that the water and sewer currently exists along Rte. 13 and Jerome Drive and the plans reflect the connection to that infrastructure.

Mr. Wilkes clarified that the connection to the infrastructure on Lot #6 does not currently exist and it appears that it is being phased, which he’s not against, not phasing the schedule against the things which have to happen with the first piece being the building of the infrastructure. Grading and construction cannot begin, even if plans are approved at this meeting. He additionally noted that pre-construction meetings must be conducted prior to building construction. The Conservation District and maybe DeIDOT representatives will be invited to the meeting.

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## **NEW BUSINESS:**

### **a. Application 2022-11-15-115 “continued”:**

Commissioner Williams asked if a Traffic Study had been completed. Mr. Mumford replied that it was done during the initial project for the Wal-mart and eventual McGinnis Green project.

Mr. Wilkes added that the McGinnis Green development was approved by the Town a few years ago. A sub-division of the property into commercial stores and pads was part of the approval and eventually led to the existing strip mall of stores and now the development of the pads previously known as Lots 2, 3 & 4. Lots 3 & 4 have now been combined to become Lot 6. So some of the infrastructure for Lot 6, such as the roads, utilities, grading, stormwater management facilities have not been done yet. The traffic study, permitting and environmental requirements for the Conservation District and the State and entrance plans for DeDOT are complete.

Commissioner Cooper asked if Mr. Wilkes comments should be satisfactorily addressed by the applicant’s engineer prior to the Planning Commission providing a recommendation. There was detailed conversation about the recommendation for approval to the Town Council process, but it was eventually agreed that the Planning Commission has the responsibility to make a recommendation for approval or denial of all plans submitted to them based on their considered review of the plans.

Commissioner Williams also asked if the Commissioners should recommend a plan that has not fully met the requirements of the plan as specified in the Land Use Ordinance. After some discussion, it was agreed that they should not.

As a consequence, Commissioner Cooper made a motion to table the recommendation and continued review of Application #2022-11-15-115, until such time as the comments of the Town Engineer are satisfied. Those comments will be specified in a written communication to Mr. Ring Lardner, P.E. of DB&F Engineering, identifying the items of concern to be satisfied.

***(NOTE: Said letter was written and emailed to Mr. Lardner on December 13, 2022. Copy filed in application folder)***

A second to the motion was made by Commissioner Williams and the motion passed with an unanimous roll call vote.

### **b. Vacant Planning Commissioner Position – Land Use Administrator Sam Callender**

Ms. Callender reminded the Commissioners that there is an open sit available and asked them to let her know if they had any potential candidates.

## **PLANNING COMMISSION MEETING MINUTES THURSDAY, DECEMBER 8, 2022**

## **OLD BUSINESS:**

- a. Review of Revisions to Article 4. Administrative Procedures
  - Pages 1 – 14

It was agreed that the Commissioners and Land Use Administrator will review these pages individually and discuss them via e-mail as determined necessary, until the January meeting.

## **COMMENTS:**

Chairperson Schultz then asked for comments from the following:

### **TOWN ENGINEER COMMENTS:**

Thomas Wilkes, P.E. – Provided a welcome back to Mr. Williams to the Planning Commission and expressed that Steve would provide “good coordination”.

### **LAND USE ADMINISTRATOR COMMENTS:**

**Sam Callender** – Explained that as a result of the approval of various Ordinances at the Monday, December 5, 2022 Town Council meeting, changes to the Land Use Ordinance are required. Specifically:

- Delete Section 16-6 in its entirety per Ord. 08-29-22-070
- Substitute Section 13 – Signs with Ord. 11-14-19-056

Ms. Callender also committed to send the following:

- Copy of Land Use Ordinance to Chairperson Carl Schultz – *12/15/2022*
- Copy of Ord. 11-14-19-056 to Commissioners & Town Engineer – *12/15/2022*

**COMMISSIONER BARBARA COOPER** – *No Comments*

**COMMISSIONER STEPHEN WILLIAMS** – *No Comments*

## **PLANNING COMMISSION MEETING MINUTES**

### **TOWN of CHESWOLD**

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

COMMISSIONER DAVE NAPLES - *Excused from Meeting*

CHAIRPERSON CARL SCHULTZ – *MERRY CHRISTMAS & HAPPY NEW YEAR*

Next Meeting Date: Thursday, January 12, 2022; 5:00 p.m.  
Regularly Scheduled Planning Commission Meeting

Meeting 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 Williams at 5:40 p.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 15, 2022*