

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, January 12, 2023  
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  
Mr. Stephen Williams – Commissioner - via ZOOM

**Also in Attendance:**

Mr. Thomas Wilkes, P.E., Town Engineer -via ZOOM  
Mr. Michael Callender – Code Enforcement Officer

**Excused:**

Ms. Sam Callender, Town Land Use Administrator

**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 Mr. 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 Naples 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:

**December 8, 2022 – Monthly Commission Meeting**

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

**NEW BUSINESS –**

Although there was NOTHING to REPORT, per the agenda, Chairperson Schultz chose to take the opportunity to discuss the need for the appointment or volunteering of a Commissioner to serve as a Vice-Chair.

He explained that he will not be available for the February meeting and that occasionally he may miss a meeting. Therefore, he feels that it is important either have a Vice-Chair or to have the Commissioners agree that one of them will step in and chair the meeting should he not be present.

He solicited volunteers and feedback. There were no volunteers, but Commissioner Naples agreed that a Vice-Chair is needed to sustain the structure of the meetings. He additionally explained that he cannot take the position due to the multitude of obligations that he already has.

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**OLD BUSINESS:**

**Review of Revisions to Article 4. Administrative Procedures - Pages 8 – 14**

Commissioner Schultz acknowledged that the review of these pages revised by Land Use Administrator Callender have been pending for some time. Commissioner Williams pointed out that there are several spelling errors requiring correction and Chairperson Schultz stated that he wants to be sure that the decisions made reflect the wants and needs of the community.

He suggested that the Commission try and review them. It was agreed that not everyone was sure what Mrs. Callender intended to have happen as part of the review, so Town Engineer Wilkes was asked if he provide any clarity.

He stated that he remembered reading it about a year ago, but that he feels Mrs. Callender's directive is just that the Commission read through it and provide any pertinent feedback they feel is necessary.

Commissioner Cooper agreed and added that everything that is shown in black was already reviewed and approved by the Commissioners; that what is written in red requires an in-depth review and what is written in blue requires discussion and decisions.

Code Enforcement Officer Mike Callender promised to take notes associated with the review and to share them with Mrs. Callender upon her return. The following is a synopsis of the notes taken:

- Page 9
  - C-2-5c Change requested to required
  - C-2-5c Change Article to Section
  - C-2-5e Language Change??
  
- Page 11
  - **Section 4A – Purpose**
    - Clarify goals, concerns for Infill Lots
    - Addressing outside of sub-divisions??
  - **Section 4B2 – When Required**
    - Include/Exclude Accessory Buildings??
  
- Page 12
  - **Section E-1c Single Family/Lots within a Previously Approved Sub-division**
    - Remove as complete from end of sentence

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**OLD BUSINESS:** *'continued'*

**Review of Revisions to Article 4. Administrative Procedures - Pages 8 – 14**  
***(Review to Mrs. Callender)***

- **Page 13 – Single Family/Lots Not on a Previously Approved Sub-division**
  - Section c – Remove/Questioning validity or need of PC??
  - Section e - Remove/Questioning validity or need of PC??
  - Section k – Review Process of Confirmation/By-Right Process
  - Overall process is lengthening the approval process time
  
- Page 14 – Additional Actions
  - Section 2 – Report
    - Report Information??

In essence the Commissioners, Town Engineer and Code Enforcement Officer completed the review of the draft changes to the 6<sup>th</sup> Edition as of June 23, 2022 from the Final Plan to Duration, Revocation and Extensions. It was recognized that the review is not complete as Ms. Callender also needs to provide some input to the revisions as submitted.

**COMMENTS:**

Chairperson Schultz then moved on to comments from the attendees:

**TOWN ENGINEER COMMENTS:**

**NOTHING to REPORT**

**LAND USE ADMINISTRATOR COMMENTS:**

Although Ms. Callender was excused, Code Enforcement Officer Mike Callender attended the meeting in her place. He informed everyone that he had attended a Managers/Planners meeting conducted by Kent County and the County made attendees aware that they are in the final stages of revising their Land Use Ordinance. The completed document will provide flexibility, a reduction in time lines and an ease in dealing with the County not previously available. Mr. Callender the team aware that the County is taking an aggressive position in attempting to win business back to them and is probably something we should consider as we progress with our Land Use Ordinance revisions.

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**COMMISSIONER BARBARA COOPER** –

Glad that a quorum was in attendance, so the meeting could be held.

**COMMISSIONER DAVE NAPLES**

NO COMMENTS

**COMMISSIONER STEPHEN WILLIAMS**

HAPPY NEW YEAR

**CHAIRPERSON CARL SCHULTZ** – Requested the Commissioners to seriously consider his request for someone to volunteer to be a Vice-Chair.

He also asked Mr. Callender why there are now so many cars parking south of the Town boundary sign on Commerce Street. He was interested in whether the Town caused the change or the railroad.

Mr. Callender related that over the years the Town has attempted to improve the environmental condition of Commerce Street along the railroad tracks but have been hampered due to the antics of one property owner. The railroad additionally recognized their liability issues of having unauthorized vehicles parked on their property. So with the agreement of the railroad, it was decided that the Town would pay for signs advising that anyone parking on railroad property would be towed at the owner's expense. Property owners on Commerce Street were advised of the impending changes before they occurred and the only complaint received has been the original offender.

**And now that the vehicles have been moved outside of Town limits all complaints about unauthorized vehicles are forwarded to Kent County.**

**Chairperson Schultz accepted Mr. Callender's explanation.**

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Next Meeting Date: Thursday, February 9, 2023; 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 Cooper at 6:05 p.m. A second to the motion was made by Commissioner Williams and a unanimous roll call vote passed the motion.

***Minutes Submitted by: Land Use Administrator Sam Callender – March 28, 2022  
(Based on notes taken from ZOOM video)***