

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 10, 2023  
691 Main Street  
Cheswold, Delaware 19936**

***ATTENDANCE VIA ZOOM WAS AVAILABLE***

**Planning Commissioners In Attendance:**

**Mr. Carl Schultz, Chairperson  
Mr. Stephen Williams – Vice Chairperson  
Ms. Barbara Cooper Commissioner - via ZOOM  
Mr. Dave Naples - Commissioner - via ZOOM  
Mr. Michael Callender – Commissioner**

**Also in Attendance:**

**Ms. Sam Callender, Town Land Use Administrator  
Ms. Kara Naples, Town of Cheswold Resident – via ZOOM**

**MEETING OPENING:**

The meeting was called to order at 5:03 p.m., by Chairperson Schultz, followed by a Salute to the Flag and a Moment of Silence.

**MEETING PROPERLY POSTED**

Chairperson Schultz acknowledged that the meeting had been properly posted.



**PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 10, 2023**

**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.

A motion was made by Commissioner Dave Naples with a second from Vice-Chair Williams to approve the agenda as presented. The motion passed with a unanimous roll call vote of the Commissioners.

**MINUTES REVIEW:**

Chairperson Schultz requested the Commissioners to review the minutes of the meeting of the previous month and to make a motion to accept as presented or provide notice of items requiring revisions.

A motion was made Commissioner Barbara Cooper to accept the minutes as presented and Commissioner Dave Naples provided a second to the motion. The following minutes passed with a unanimous roll call vote of the Commissioners:

Planning Commission Meeting  
July 13, 2023 Minutes

**NEW BUSINESS –**

**1. NEW BUSINESS –**

**a. Review of Land Use Ordinance**

- Article 8. Dimensional and Density Standards
  - Table 8-4. Dimensional and Density Standards for Accessory Buildings and Structures



- Table 8-5. Permitted Projections into Required Yards

**PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 10, 2023**

**NEW BUSINESS** – “*continued*”

Mrs. Callender informed the Commissioners that she had failed to include feedback from Town Engineer Tom Wilkes concerning Article 8 and Tables 8-4 and 8-5. Specifically in Table 8-4:

1. Detached Garage – Side Interior
2. Other Detached Accessory Buildings – Rear
3. Attached Accessory Buildings – Minimum Lot Coverage

After discussion it was determined by a motion of Commissioner Mike Callender and a second from Vice Chairperson Williams with a unanimous roll call vote to make the following changes to Item 1 & 2:

1. Detached Garage – Side Interior  
**Revise 2' setback to 5' to 10'**
2. Other Detached Accessory Buildings – Rear  
**Revise 2' setback to 5' to 10'**

Additionally, a motion to revise Item 3 was made by Commissioner Dave Naples with a second from Commissioner Mike Callender, followed by an unanimous roll call vote as follows:

3. Attached Accessory Buildings – Minimum Lot Coverage  
**Add “and no more than” to the “Must be included in coverage for principal Building”..... statement under Attached Accessory Buildings**

It was also decided to leave the revisions for Table 8-5 as those specified in the previous month's meeting,, (*see July 13, 2023*).

**b. POOLS**

Chairperson Schultz thanked Commissioner Cooper for the time and work she exerted on researching and sharing on pools.

Ms. Callender re-introduced the discussion on pools and the Land Use Ordinance. Commissioner Dave Naples asked if we were discussing the inclusion of the Building Permit Application for pools being added to the Land Use Ordinance.



PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 10, 2023

**NEW BUSINESS** – “continued”

Ms. Callender clarified that she was asking if a section concerning the installation requirements for pools should be added to the Land Use Ordinance.

After discussion on the merits and feasibility of adding the Pool Policy and the Permit process to the Land Use Ordinance, it was eventually recommended that a statement should be made in the Land Use Ordinance, under Article 7-4, Section C-5, referencing the Pool Policy. In addition, it was agreed that all references to dates, codes and/or phone numbers should be removed from the policy. Doing so, will limit the need for revisions should dates, codes or phone numbers be changed in the future.

Ms. Callender received permission to table this subject until she can further review how the exact changes should be made.

There was also a decision made to add definitions to Article 2 of the Land Use Ordinance. The motion was made by Commissioner Cooper and seconded by Commissioner Naples. A roll call vote resulted in the passage of the motion and the following definitions are to be added:

**Swimming Pool, Private** - *means any above ground, in ground or inflatable structure that contains water and includes hot tubs and spas, ponds and any other water features capable of holding 24” or more of water. All Pool Barrier requirements contained in the most recent ICC International Swimming Pool and Spa Code adopted by the Town of Cheswold shall apply.*

**Property Line** - *is the boundary of the outer limits of the property, separating one piece of land from another.*

Prior to a decision on whether to add Setbacks or Building Setback Line, a discussion as to which should be added was had. It was ultimately agreed that most professional may use the term Building Setback Line, but others generally use the term Setback. Therefore a reference to Setbacks will be made in Article 2 – Definitions for Building Setback Line that refers the reader to Setbacks for the definition.



PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 10, 2023

**NEW BUSINESS** – “continued”

**Building Setback Line – see Setbacks**

*Setbacks - is the minimum distance which a building or other structure must be set back from a street or road, a river or other stream, a shore or flood plain, or any other place which is deemed to need protection. The Setback Line dictates how far a building or structure must be set back from the Property Line, and is not permitted to have construction between it and the Property Line, as established in Table 8-4, but certain projections and accessory structures may encroach into the setback lines as listed in Table 8-5.*

**c. Selection of a Planning Commission Chairperson**

Ms. Callender reminded the Commissioners that Chairperson Schultz had for all intentions rendered his resignation and as a result they needed to select a new Chairperson.

Commissioner Dave Naples refused the opportunity due to his workload, which also applied to Commissioner Callender and Commissioner Cooper stated that she feels the Chairperson should be a Cheswold resident. Commissioner Williams ultimately and graciously accepted the position of Planning Commissioner Chairperson.

**OLD BUSINESS:**

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

Land Use Administrator Callender asked that discussion and review of this section be tabled until the next meeting.

It was unanimously agreed to do so.

**COMMENTS:**

Chairperson Schultz then moved on to comments from the attendees:



PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 10, 2023

- **TOWN ENGINEER' S COMMENTS:** NO COMMENTS
  
- **LAND USE ADMINISTRATOR COMMENTS:** Thanked Carl for the service to the Town that he provided as a member and the Chairperson of the Commission. She appreciated the awesome job that he did regardless of the fact that he personally did not feel that he was good at it.  
  
She also told newly appointed Chairperson Williams that she had no doubt the the would do the job that needed to be done.  
  
An invitation to join the Planning Commission was extended to Ms. Kara Naples, as a result of the opening presented by Chairperson Schultz resigning and she accepted. Ms. Callender explained that she would attempt to obtain approval from the Council on the position at the Council's September meeting.
  
- **VICE-CHAIR STEPHEN WILLIAMS:** - Hopes to do as a good a job as Commissioner Schultz. Asked question about homes being placed on Main Street, Commissioner Mike Callender explained that there a 2 new manufactured homes being built, but they will be on wells because Tidewater will not be available before they are completed.
  
- **COMMISSIONER BARBARA COOPER:** – Expressed her thanks to Carl for his service in spite of him thinking he didn't know enough about planning, he showed that he has an ability to lead by the example of leading this team. She also expressed her welcome to Kara.
  
- **COMMISSIONER DAVE NAPLES:** - Appreciated the service given by Commissioner Schultz to the Planning Commission and his desire to now spend time with his family. He welcomed Kara Naples to the Commission and encouraged her to support the Town which is now her home.



PLANNING COMMISSION  
MEETING MINUTES  
THURSDAY, AUGUST 10, 2023

- **COMMISSIONER MIKE CALLENDER:** - Also thanked Carl for his service and congratulated him on his new endeavors. Commissioner Callender additionally stated that he would like to revisit Table 8-5 as it applies to backyard projections and enclosed porches in the Stonington community. Currently they are not permitted.
  
- **CHAIRPERSON CARL SCHULTZ:** – Offered his congratulations to newly appointed Chairperson Steve Williams. He expressed his appreciation for having had the opportunity to work this team and he recognizes that others may not see or understand the work being done by the Commission, but he does.

**NEXT MEETING DATE:**

Thursday – September 14, 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 Mike Callender at 6:10 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 – August 29, 2023***