

Town of Cheswold
1856



State of Delaware
1787

**PLANNING COMMISSION
MEETING MINUTES
THURSDAY, DECEMBER 14, 2023
691 Main Street
Cheswold, Delaware 19936**

ATTENDANCE VIA ZOOM WAS AVAILABLE

Planning Commissioners In Attendance:

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

Excused:

**Ms. Kara Naples - Commissioner
Mr. Tom Wilkes, PE – Town Engineer**

Also in Attendance:

Ms. Sam Callender, Town Land Use Administrator

MEETING OPENING:

The meeting was called to order at 5:07p.m., by Chairperson Steve Williams, followed by a Salute to the Flag and a Moment of Silence.

MEETING PROPERLY POSTED

Chairperson Steve Williams acknowledged that the meeting had been properly posted.

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ROLL CALL:

Chairperson Steve Williams 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 Steve Williams.

A motion was made by Commissioner Dave Naples to accept the agenda as presented, with a second from Commissioner Barbara Cooper. The agenda was accepted as presented after the motion passed by an unanimous roll call vote of the Commissioners.

MINUTES REVIEW:

Chairperson Steve Williams 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
November 9, 2023 Minutes

NEW BUSINESS –

a. Discussion of Warehouse use as an Accessory Use in a C-1 or C-2 Zoning Environment

NOTE: THIS WILL BE A CLOSED DISCUSSION, i.e., the COMMISSIONERS AND TOWN ENGINEER WILL DISCUSS THE ISSUE, BUT WILL NOT ENTERTAIN QUESTIONS OR COMMENTS FROM OTHER ATTENDEES DURING THE DISCUSSION.

ANY ATTENDEE THAT MAY HAVE QUESTIONS OR COMMENTS MAY MAKE THEM DURING THE COMMENT SECTION OF THE AGENDA, BUT THE COMMISSIONERS MAY DECLINE TO RESPOND.

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NEW BUSINESS – *“continued”*

Commissioners and the Land Use Administrator engaged in discussions concerning the use of a Warehouse as an Accessory Use in an C-1, (Neighborhood Commercial), Zone.

It was ultimately agreed by all attendees that the construction of a Warehouse in a C-1 zone is not permissible as specified in the Land Use Article 6. Zoning Districts and Map; Table 6-1 Zoning District Summary; Section 6.1 – Establishing of Zoning Districts which states: that the typical type of use in C-1 is for small scale commercial uses that can meet setback & off-street parking requirements. And in Section 6.2 District Purpose and Intent the C-1 Zone specifies that Neighborhood Businesses are designed to provide retail and personal services within the Town limits, but outside the Route 13 corridor area, which is C-2, (Highway Commercial); and C-1 is designed to provide a suburban character to the Town and businesses shall primarily serve the surrounding neighborhood.

The Land Use Ordinance additionally provides in Article 7. Use Regulations ; Table 7-2 Permitted Uses and Structures that Warehouses **ARE NOT** permitted in the C-1 Zone.

It was collectively agreed that it is not the responsibility of the Planning Commission to provide design options to applicants. Therefore this applicant needs to review the compliance requirements of the Land Use Ordinance and submit an application that meets those requirements.

It was decided that the Land Use Administrator would provide a written notice to the applicant of these findings, but after additional consideration, it was decided since the application was not on the December agenda, the agreed upon response will be submitted to the applicant at the January 11, 2024 meeting, followed by a written notice.

b. Review and Discussion of DRAFT Ordinance 12-05-23-073 Revision of Article 7. Use Regulations Section 7.2 of the Land Use Ordinance of the Town of Cheswold

Land Use Administrator Sam Callender presented a draft copy of Ordinance 12-05-23-073 which provides the details of a revision to Article 7. Use Regulations, Section 7.2 Specific Requirements by District and Zone to add the following statement to the R-1, (Old Town Residential); and R-2, (Single and Multi-Family Residential) Zones:

Homes used for philanthropic and charitable programs are permitted.

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b. Review and Discussion of DRAFT Ordinance 12-05-23-073 Revision of Article 7. Use Regulations Section 7.2 of the Land Use Ordinance of the Town of Cheswold

Ms. Callender explained that except for R-1; R-2; R-3 and R-4 there are specific requirements shown for the other Zones in this article which define what can and cannot be done in each Zone. And for some reason, the R-1 through R-4 Zones were shown as RESERVED without any specifications. She requested the Commissioners to assist her in investigating and determining what the specifications should be for those Zones.

It was suggested by Commissioner Dave Naples that the Commissioners use the Town of Harrington, Article 440, as an example as they have recently revised their entire Land Use Ordinance. It was explained however, that some of their Zone assignment names may not match those of Cheswold, so it will be necessary to carefully review the differences as well as the similarities.

Our finding will be reviewed at the January 2024 meeting.

OLD BUSINESS –

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

A motion was made by Commissioner Williams to table the discussion of Article 4. Commissioner Cooper made a second to the motion and with an affirmative roll call vote of the Commissioners, the motion passed.

ATTENDEE COMMENTS – NONE

COMMENTS:

Chairperson Williams then moved on to comments from the Commissioners and Staff:

- **TOWN ENGINEER' S COMMENTS:** Excused

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COMMENTS: "continued"

- LAND USE ADMINISTRATOR COMMENTS: Mrs. Callender stated she appreciated each and every Commissioner and they work and commitment they have. She also wished them a Merry Christmas and a Happy New Year.

- COMMISSIONER BARBARA COOPER:
Said she enjoys working with everyone and wishes a nice holiday to everyone.

- COMMISSIONER DAVE NAPLES:
Seconded everything that had been said.

- COMMISSIONER MIKE CALLENDER:
Informed everyone that he has received a request from NEXT GEN SOLAR FARMS concerning the business moving into the Central Delaware Business Park on two, (2), lots that they purchased. They are currently installing a fence and lighting. They expect to install an elevated solar farm.

Commissioner Dave Naples stated that the Town of Harrington just went through like a process and he will contact them and obtain information of their experience to share with us.

Chairperson Williams asked about the relationship between the solar farm and the airport. After Commissioner discussion it was agreed that issue will have to be determined by the DRBA, (Delaware River Bay Authority), prior to the Town issuing any type of licenses or permits.

- COMMISSIONER KARA NAPLES:
EXCUSED

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COMMENTS: "continued"

• CHAIRPERSON STEVE WILLIAMS:

Appreciated the insight he's obtaining from his time on the Board and acknowledged that he's learning a lot. He also wished everyone a Merry Christmas and Happy New Year.

NEXT MEETING DATE:

Thursday – January 11, 2024; 5:00 p.m.

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 6:08 p.m. A second to the motion was made by Commissioner Babara Cooper and a unanimous roll call vote passed the motion.

Minutes Submitted by: Land Use Administrator Sam Callender December 19, 2023