

May 5, 2006

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LISA ARBEITER

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To Whom this may concern D.N.R.E.C., State of Delaware and New Castle County Agencies: My name is Lisa Arbeiter and I own a little under 25 acres in the New Castle County vicinity of Beck's Pond, address 810 Salem Church Road, tax parcel number 1101900023. The Arbeiter Family has owned this property for more than 53 years, we were enrolled in the Agricultural Farm program as long ago as the early 1960's, I have the receipts signed by my father. In the early 1990's my Mother and I lost our Farmland zoning but entered into the Commercial Forest Plantation Act, this CFPA allowed us not to have to pay highest and best use taxes, which is the category we fell into after losing the Farmland Status. I have the New Castle County letter's as proof of what has occurred before, during and after the changes. This property appears to be EXEMPT from Chapter 75. Delaware's Land Protection act for this land is producing an agricultural commodity, which consists of Commercial Forestry Product. In the DE ST TITLE 7 Section 7508 Letter B indicates this exemption; a copy of this code is provided with this letter respectfully asking to have most of my property removed from the both CNA/NAI overlay maps. The forestry program presented to and adopted by Jeanne Arbeiter had been quite accidental it was signed into affect late 1997, she and I would have preferred to have remained in agricultural farm program. By know means has the Silviculture harvesting taking place currently on the property been for spite and we'll adapt to the significant changes that have occurred to the forest as time goes by. There is quite a high level of criminal activity and my woods is being used to burglarize neighboring residents properties, as well putting especially myself at risk. I'm alone defending, working and trying not to become a victim, as we age we become more and more vulnerable to criminals. After my Mother died, I quite my job as a tool and die setter for the du Pont Co., I could not believe the number of people using our property. The people are not just using it for legal recreation purposes but damaging trees, setting fires, drugs/alcohol usage, timber harvesting to feed woodstoves on their trailer lots in Glasgow Trailer Court. Unfortunately my husband and I feel we could serve our needs as well as our hobby group of animals needs better, if we move to a rural area which was what my parents had wanted for themselves when they moved here. In 2003 the decision was made to sell the property, we entered into a contract with Deaton McCue, kept our property in better than top notch shape and watched as only a few handfuls of prospective developers came to look at the property. There was definately a problem, CNA/NAI designation had been applied during the UDC adoption by NCC. A developer presented us with your aerial photo's of my entire property, a preliminary wetlands and Rob Line's letter to the engineering firm that conducted Phase 1. Personally we feel we misrepresented our property and it's development potential. New Castle County tried to DOWNZONE us from ST zoning to S, keep in mind S Zoning certainly does not represent any other surrounding properties touching my property borders and certainly an inappropriate Zoning but not surprising because NCC was suppressing my development rights as long as possible. While sitting and waiting to speak with Mr. Charles Baker the UDC policy books were present in the waiting room. Low and behold there are local area maps depicting both public and private lands with proposed trailways, these trailway maps depicted a trailway down the complete length of my streamway bordering the Belltown Run. When I presented the maps heads were held low, eyes stopped meeting mine and they denied that what was depicted was actually going to occur. That my folks was blatant lying and I've presented myself and my property with nothing to hide. Lands need to be fairly appraised and taxed correctly I've worked hard and tended to a piece of land that has become unsellable. My physical health has taken a beating, would you like to sell your property and then find out how much the value of your land was erased by an aerial fly over picture? Would you like a game warden to live in my house, he or she will never have to drive off the property, just go sit out in the woods and catch people ruining land? I would have been thrilled to sell it to a GOV. entity but for fair market value not some greatly reduced price. How about listing lands like mine to be some of the first looked at for schools? Do you realize the NCC's UDC keeps properties like mine from being able to commercially find a way to produce something from this property, if you sell hay or straw fifty percent would come from your farms lands. Selling firewood is at this time our only way to continuously produce income, except for our current silvaculture cut? I'll tell you a secret I would love to own a Wildbirds Unlimited Retail store and the location of the store, right here on this property, people would have the best of both worlds and then I might have been able to afford a good property line fence greatly reducing the problems associated with this property. One last comment I would like to state for the record my Grandparents owned and 85 acre dairy farm on RT 40, it was removed from my grandmom ownership in 1970 by EMINENT DOMAIN for the RT 301 cloverleaf ramp access point. This wonderful farm that was complete with a great supply of Native Indian Arrowheads, just till the fields, fill your pocket, close to the historic Frenchtown Railroad system, sat unused until the late 1990's, is now what everyone recognizes as the Delaware State Police Troop #2, The Keene elementary School, a future YMCA and Canal Baseball Field complex, yes, fairmarket was paid. It was very hard on my Grandmother's siblings the loss of the Farm, the animals they cherished the way of life gone. Then the land was not used for the purpose it was stripped from the original owners for, just the same no guarantee for my property either, I can't promise these trees will be here forever and you can't assume that you'll never change how this property exists today, tomorrow or next year. Salem Church Road will expand and the road will have to move towards my property to expand at the Beck's Pond Dam Breast, it's in the future and I can see it for I have watched and been affected by everything around me. Please, we respectfully request the total elimination of the new overlays cna/naI except for some protection for Belltown Run streamway corridor. I felt

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extremely bad about my Grandmother's property she was paid about 250,000 but that wasn't capable of supporting the nine people that lived on that farm. It also reduced our family unity, she was 70 when she left the farmstead, there's no way that should have happened to her farm and it almost directly reflects what has happened to our 25 acres here at Salem Church Road it's near eminent domain but you get around it by allowing some light development. It's wrong and possibly very challengeable, hardly any other landowners are aware and why aren't they aware because you've withheld it. If you cherish our natural lands that private property owners still possess then pay for them. PA has pay for open spaces and taxpayers set aside money for that purpose. Tax people who build more than a modest house, the huge houses are natural resource consumers, then after they are built consume too much energy resources. Natural land owners that have kept their lands nature often care greatly about their properties and proud of them. If I could have sold my property without the silvaculture cut occurring I would have been thrilled, my heart aches to have lost many of my mental giants and certainly not happy about how much equipment can mess up your soilbase. One last thing until last week my land with the exception of the powerline and sewerline and one original logging Road did not have any paths no raw land exposed, no bike paths and no land was ever hogged up by people, your own parks and forestlands are not as lucky. Middlerun Valley and Iron Hill look terrible but that's what people like to do on lands that I personally believe should'nt be occurring. Well, to make a very long letter finish up if the Natural Land owners of this State knew this was occurring to many of their privately owned what do you think they'll do? How many will try selling for years and not know what happen? Think what would you do if it was happening to your lands or someone you care about? What happens if illness, tragedy, or job transfer occurs, my property has a very limited buyers pool. Sure it would be great if it could be something besides development but knowone would purchase this as a residence. Our hands have been tied and we're committed to our Commercial Forestry Plantation Act silvaculture it's a State Forestry program and the only one that existed at the time. When you decide you want to sell that's it, so please take into account this statement, as people learn about their Natural land, they to will have to make difficult choices, your going to lose many beautiful places, bulldozers will be rented and people will choose to change their landscape it's their choice, it's their land and theirs to do what they want. Believe me they will do it out of sheer disbelief that the landvalues are gone. We do not have contracts binding us not to change our lands, if I want horsepastures, gardens or to grow exotic plant species such as bamboo it's my land and I had every right to understand and contribute to this process that occurred. One more thing I'd like to add, when the land that you removed from CNA/NAI proved not to be buildable which I greatly suspect it's not suitable, how would you have adjusted it? Engineering lands from the sky and interesting concept, not cool. By the way you've know I've had issues with this land designation since DEC. of 2004, and nearly a year and six months has passed, according to your laws it appears as though we should have never been included in the first place. So three years have went bye bye and it looks as if the designation could be incorrect. Our lives have been on standbye it's quite a shame this has occured. Please inform my lawyer Richard L. Abbott and I in writing as to the outcome of this investigation and its outcome. This was my land and I vowed to it that I would not let what happen to my Grandmom's farm happen to my land, it has happened and now we use conversion, with very little development compensation, to go around the eminent domain issue to commadeer private properties and the land owners rights. This is why we left Britian to colonize the United States, now we've come full circle to the same place again, while were killing are planet with pollution. Every day I wake up look out the window to look at a bank of seven rowhomes overlooking the property they are 15 years old, same time our porperty was being looked over and entered to become a future park system and yet it was okay to put towering townhouses next to me, then adding insult to the injury all the stormwater runs from their property onto mine thru a unfettered pipe with no trash collection system except my woods and Belltown Run it's a sin. It's placing my good soils in Belltown Run and trees are falling down from the rushing waters. It's also interesting to note on Villiage of Tahoe its considered stormwater runoff, however once it crosses to my property it Wetlands, what a joke and where were you to help limit this lousy development. Give this letter a great deal of thought and try to understand your impact, these are private lands. There are 8 registered sex offenders in Glasgow Trailer Court and 1 in the townhouse complex, kids use my woods much too often, we're concerned about this. Thank you, this letter is in addition to Mr. Abbott's letter submitted on my properties behalf. Think about it, put yourself in my position, my property has many issues, besides it's naturalness.

Received

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Division of Parks & Recreation
Directors Office

Beck's Mill Run Farm
810 Salem Church Road
Newark, DE 19702

Lisa C. Arbetter
3:30 PM
Drop DNREC

Received

Westlaw

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7 Del.C. § 7508

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DELAWARE CODE ANNOTATED
 TITLE 7. CONSERVATION
 PART VII. NATURAL RESOURCES
 CHAPTER 75. DELAWARE LAND PROTECTION ACT
 § 7508 Land use requirements.

(a) In order to maintain the protection of the unique ecological functions of state resource areas in a manner consistent with the purposes of this chapter, each county government shall adopt and incorporate overlay zoning ordinances, guidelines and specific technically based environmental performance standards, design criteria and mitigation requirements, where appropriate, that shall apply to significant ecological functions and identified historic and archeological sites on these lands. The guidelines shall designate the boundaries to which they apply and provide a procedure for the appeal of such boundary designations. The zones created hereunder shall overlie and not replace the existing zoning or preclude or prejudice any change thereto. The standards specified in the guidelines shall include, but not be limited to:

(1) The establishment of frontage, building height, setback and site design requirements that shall apply in state resource areas and which may apply to lands immediately adjacent thereto, which will result in residential, commercial and industrial or other uses which minimize the loss of open space and associated values of state resource area lands.

(2) The establishment of technically based specific environmental performance standards and design criteria that shall apply in and may apply adjacent to state resource areas in order to protect the values of said lands.

(b) The powers granted counties under Title 9 as they pertain to the protection of any natural feature or resource governed by this title, shall be exercised through the adoption of ordinances and land use requirements duly enacted or approved by the county government of each county. Such natural resource protection requirements shall restrict land use activity by means of enactment and enforcement of specific technically based environmental performance standards, design criteria and mitigation requirements consistent with state law and regulations. Minimum lot sizes, density limitations, and prescribed percentages of impervious surface and use limitations and prohibitions shall not constitute performance standards as required herein, however, such limitations and restrictions shall be adopted where appropriate, to establish an alternative means of complying with the purpose and requirements of the overlay zones. It shall be the option of the owner of land to satisfy either (1) the county environmental performance standards, design criteria and mitigation requirement, or (2) the overlay zoning ordinances where such options are made available. The guidelines, performance standards, design criteria of this subsection shall not apply to lands producing agricultural commodities as defined in Chapter 7 of Title 3 or lands

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under state agency ownership.

(c) In order to encourage landowners and developers to promote the objectives of this chapter, each county government shall evaluate density bonuses, credits or other incentives and allowances to land owners and developers for lands or resource protection rights thereto, to encourage the permanent protection of open space and/or any natural resource as governed by this title and elect such measures as they deem appropriate. The counties shall evaluate and consider enactment of measures to allow such bonuses, allowances, incentives and credits to have the ability to be sold, transferred or applied, as a matter of right, to other lands to the maximum density permitted by the applicable zoning classification, so long as such action is consistent with the comprehensive plan of the county.

(d) Counties shall adopt zoning ordinances that enact these guidelines and standards within 18 months after receipt of state resource area maps from the Department. If a county government does not comply with this 18-month enactment requirement, said county shall be ineligible for any funds negotiated for but unexpended under subsection (e) of this section and return to the State an amount equal to Funds expended under an agreement negotiated under subsection (e) of this section.

(e) The Secretary shall negotiate an agreement and grant a one time amount of up to \$100,000 to each county to assist with compliance of the requirements in this section.

(67 Del. Laws, c. 352, § 1.)

<General Materials (GM) - References, Annotations, or Tables>

7 Del.C. § 7508, DE ST TI 7 § 7508

Current through 75 Del. Laws, Ch. 227

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