

Received

Vickers Charles R. (DNREC)

From: Rich Abbott [Rich@richabbottlawfirm.com]
Sent: Friday, May 05, 2006 1:57 PM
To: Vickers Charles R. (DNREC)
Subject: Proposed Natural Area AND State Resource Area Maps

MAY 05 2006

Division of Parks & Recreation
Directors Office

Dear Ron,

I am writing on behalf of my client, Frank Acierno, regarding the above referenced matter.

Please accept this correspondence as a formal objection to the proposed designations of 7 parcels of land that he owns:

1. and 2. 0 Salem Church Road, Parcel #1101900001 AND #1101900011 3. and 4. 601 Old Capitol Trail, Parcel #0805920001 AND #1801000001 5. 601 1/2 Old Capitol Trail, Parcel #0805920002 6. 0 Patterson Lane, Parcel #0903000082 7. 1780 Dixie Line Road, Parcel #1101200003

Part or all of each parcel is proposed for designation as an NA and/or and SRA. The objections are based on the following:

1. Procedural Deficiencies outlined in my letter to you of yesterday regarding general objections to the maps in their entirety, the contents of which in herein incorporated by reference.
2. 1. and 2. above are zoned NC-DPUD (Diversified Planned Unit Development) which is a gh density and intensity zoning category, reflecting the opinion of New Castle County planners that these parcels should be developed in that fashion, contrary to the low density and intensity the maps would cause.
3. 3. through 5. are designated as future City of Newark expansion area for Commercial use pursuant to its approved Comprehensive Development Plan, reflecting the opinion of the City planners that the parcels are appropriate for high density and intensity uses, and contrary to the low intensity that could be caused by the maps.
4. Number 6. is zoned CR-Commercial Regional by the County, reflecting that the planners have determined that the parcel is appropriate for high density and intensity uses, and contrary to the low density that may be caused by the maps.
5. Number 7. appears to be a new proposed designation for SRA only - it is ideally situated for residential development and is zoned S-Suburban, not SR-Suburban Reserve, reflecting the opinion of the County planners that the property should be applied to a low density residential use not virtually no use.
6. Numbers 1. and 2. are the subject of a final Record Major Subdivision And Land Development Plan known as "French Park", for 292 apartments and 396 townhouses known as "Fench Park", so it will be fully developed.
7. Number 6. is the subject of a final Record Major Subdivision And Land Development Plan known as "Christiana Fashion Center", for 915,000 square feet of shopping mall, so it will be fully developed.

As I have indicated previously, Matt Chesser's inaccurate information about having until today to comment caused me to miss the opportunity to comment before one Council issued its recommendation on one of the map sets on Tuesday May 2. I also note that because of the Procedural Deficiencies I have not had time to further analyze the maps and develop additional reasons as to why these parcels should not be designated as proposed.

I hope that the above parcels will be removed from the maps or that the process will be started anew so that either my client's objections will be mooted, or in the alternative my client will receive adequate notice and an opportunity to be heard at a meaningful time

and in a meaningful manner.

Thank you for making sure that these comments are put into the record and submitted to the appropriate recommending authorities and to DNREC Secretary John Hughes.

Richard L. Abbott

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