

**The Town of Bowers**3357 Main St.
Frederica, DE 19946
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bowersbeach.delaware.gov

**MEETING MINUTES FOR PUBLIC HEARING**

The meeting was called to order at 6:00 pm on December 18, 2019 by Mayor Ada Puzzo.

Council members in attendance: Shirley Pennington, Bob McDevitt, and Marty Manning.

Vice-Mayor, Ryan Locke was unable to attend.

The Pledge of Allegiance was recited in unison.

Mayor Ada Puzzo stated that at the end of this public hearing council will vote on the issue at hand and state why they are voting for or against.

Mayor Ada Puzzo said that residents will be given an opportunity to speak and when they do please state their name and address for the record.

Bob McDevitt of the Town of Bowers Council who is the Zoning Officer stated that he posted notices of this public hearing on the lots that are adjacent to the property in question as well as two places in town. Those places were 3357 Main Street and 3231 Main Street in the Town of Bowers.

The notice of this public hearing was also published in the paper and there were notices mail to the property owners adjacent to the property in question and return receipts were received

Bob McDevitt attests that the above is truthful and will be entered as Exhibit A.

There was a question as to the time limit on the notice that was given and it was stated the 15 days prior to the hearing is when the notices had to be out.

**Applicant:** Jeff Liberto is the applicant and was supposed to be present but is not at the time the hearing began but did arrive later. Richard Abbott, who is the applicant's legal representation, will speak on his behalf.

Mr. Abbott presented his case for the client and distributed packets of information for council and residents that may be interested.

Mr. Liberto wishes to rezone his property from Conservation Agricultural to R-1 Residential.

**Residents in Favor of Rezoning:**

**Raymond R. Shore - 108 Carter Way, Glenn Mills PA**

Mr. Shore was attending the meeting on his father's behalf who owns Lot # 26 which he kept in hopes to build on it. There was a home on this property in the late 50's to 70's which was a 3 bedroom. The fire company eventually burnt it down as a training exercise.

He believes that the sewer lines run through the property and would just need laterals. He is in favor of rezoning the property of Mr. Liberto.

**Residents Against Rezoning:**

**Jay Baker - 224 N. Bayshore Drive**

Mr. Baker stated that Mr. Liberto was aware of the zoning when he acquired the property and he can't expect it to be rezoned for his financial gain. This property has substantial flooding and insufficient drainage. He states that the owner has put chemicals on the property and removed the vegetation that was there. He has photos of the property.

He is strongly against rezoning the property of Mr. Liberto.

**Carol Baker - 224 N. Bayshore Drive**

Mrs. Baker stated that half of their property is Wetlands. There have been trees that have died due to the water and this is something new. She has a video of sand coming in and the property in question being graded to look flat. Due to the breach there were a large amount of horseshoe crabs that perished. She read the purpose of Conservation/Agricultural zoned areas. She has witnessed wildlife in the area and feels that it needs to be protected.

She is strongly against rezoning the property of Mr. Liberto.

**Kyle Miller - 184 N. Bayshore Drive**

Mr. Miller stated that the rules have changed for different sides of the road. There was a ditch that was filled in. Drainage in that area is key and it has to support the infrastructure. He is not opposed to building but the infrastructure must support it and in this case it doesn't. Mr. Miller provided pictures of the property in question from previous years.

He is against rezoning the property of Mr. Liberto.

**Norm Summerall - 228 North Flack**

Mr. Summerall is concerned about the environmental impact if the property were to be rezoned. He strongly agrees with Jay and Carol Baker and the comments that they made. The property in question is frequently covered in water. He has had more snakes, frogs, and turtles on his property since Mr. Liberto removed the vegetation that was previously there. When he purchased the property on North Flack he asked if anyone was going to build on the property in question and he was told no because it was classified as Conservation/Wetlands.

He is against rezoning the property of Mr. Liberto.

**Jim Martin - 156 N. Bayshore**

Mr. Martin said that he spent the summer dealing with knee deep water and was told that the property owner would sue anyone that stepped on his property. Those in his area spent weeks with no mail and some had damage to their vehicles.

He is against rezoning the property of Mr. Liberto.

**Doug Shuck - 159 N. Bayshore**

Mr. Shuck says that a lot of the flooding problems in his area have been caused by the property in question. There is a pipe under N. Flack that allows water to flood. He agrees with the comments made by Jim Martin. He feels that if the lot is rezoned and is made buildable that the flooding issues will only get worse. The drainage issues that exist in his area need to be addressed. There used to be a flood every 10 years but now there seems to be a flood every year. If there is a Nor'easter his area is homebound for at least 3 days. He has witnessed water coming from the property in question and flood into the adjacent areas. He brought photos to show this.

He is against rezoning the property of Mr. Liberto.

**Judy Martin - 156 N. Bayshore**

Mrs. Martin is concerned about the environmental impact if this property were to be rezoned and believes that building would make it worse.

She is against rezoning the property of Mr. Liberto.

**Harold Snaith - 48 S. Flack Street**

Mr. Snaith has been a property owner in the Town of Bowers since 1986. He has served on the drainage committee as well as others. No engineer has been able to come up with a way to control the flooding. He is concerned that in the event of an emergency and they needed to get fire apparatus in there that there is no entrance for them. The previous Mayor had mentioned that the safety of the people in that area would become a problem if there were to be additional houses built. He feels that Mr. Liberto was well aware of what he was purchasing when he bought the property. He witnessed Mr. Liberto putting chemicals on the property with no permit. If houses were built on that property it would pose a problem in the event of a fire and the houses being too close together. Furthermore until the drainage issues are resolved it is a bad idea to build on the property.

He is against rezoning the property of Mr. Liberto.

**Raymond Shore (spoke previously)**

Mr. Shore whose father owns lot # 26 adjacent to the property in question says that he respects everyone's comments that have been made. He has no information on the pipe that is supposedly under the property. He also wanted to state that he was not notified when the property was changed to non-residential.

**Leigh Shuck - 159 N. Bayshore**

Mrs. Shuck would like to state that she doesn't think that any of the area should have been developed.

She is against rezoning of the property of Mr. Liberto.

**Rebuttal by the applicant**

As far as the flooding and drainage the property owner would have to comply with the rules and regulations that are in place.

The applicant has the right to seek rezoning as the existing zoning makes his property less than worthless.

The applicant also wants to make sure that the Lot # 26 that has been discussed is not taken into account with this rezoning request.

There are legal rights in place to build a road.

There are 6 legally separate lots grandfathered in.

This cannot be changed to R2 because of the dimensions.

**The comment section of this public hearing was closed at 7:48 pm.**

**As of this public hearing we have not received the DNREC findings concerning Mr. Liberto's property.**

**Councils Vote on the Matter:**

Marty Manning, Treasurer, stated that he would like to table the matter until further information is received by council.

Bob McDevitt, Zoning Officer, stated that he would like to table the matter until further information is received by council.

Shirley Pennington, Secretary, stated that she would like to table the matter until further information is received by council.

Ada Puzzo, Mayor, stated that she would like to table the matter until further information is received by council.

A motion was made by Marty Manning, seconded by Bob McDevitt to table the matter of rezoning the property owned by Mr. Liberto until further information is received by council. Motion carried.

**This public hearing will be left open and another date will be scheduled when additional information is received.**

With no further business to discuss a motion was made by Bob McDevitt, seconded by Shirley Pennington to adjourn the Public Hearing at 7:51 pm. Motion carried.

Respectfully submitted,

**Shirley A. Pennington**

Secretary