

FARMLAND PRESERVATION, INC.
MINUTES – JULY 19, 2022

The regular meeting of the Lower Makefield Farmland Preservation, Inc. (Farmland) Board of Directors (Board) was held remotely on July 19, 2022. Mr. Blank called the meeting to order.

Those present:

Farmland Preservation, Inc.: Michael Blank, President
Dennis Steadman, Vice President
George Heinze, Secretary
Sean Carney, Member

Absent: Dan Bankoske, Farmland Preservation Inc. Treasurer
James McCartney, Supervisor Liaison

APPROVAL OF MINUTES: Mr. Heinze

Mr. Steadman moved, Mr. Blank seconded and it was unanimously carried to approve the Minutes of June 21, 2022 as updated.

TREASURER’S REPORT: Mr. Blank

Mr. Bankoske had provided Mr. Blank a brief update. There were no new expenditures other than what had already been committed to, to make regular payments to Corcoran Landscaping.

UPDATE ON WORTHINGTON EASEMENT REQUEST, 1491 HEATHER RIDGE DRIVE: Mr. Blank

There is no new update. Mr. Bankoske had asked Mr. Majewski and Mr. Truelove for their input but nothing has been heard back yet. Mr. Bankoske sent a reminder to Mr. Majewski asking whether there is any input.

UPDATE ON MAKEFIELD BROOK: MISSING I-295 FENCE: Mr. Steadman

There is no update on the missing fence along the new I-295 where they cut into the bank. The Township has reached out to the contractor for the Delaware River Joint Toll Bridge Commission, but there has been no response. Mr. Steadman will continue to pursue this.

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UPDATE ON OPEN UTILITY BOX ON CLEARVIEW: Mr. Steadman

The Township has contacted the owner of the utility box at Clearview, and they acknowledged that there was damage to the box; and they were going to reach out a month ago to get the right responsible party to repair it, but nothing has happened.

FARMVIEW I: TREES CUT: Mr. Blank

Farmview trees had been cut by a neighbor and Mr. Blank and Mr. Bankoske had visited that neighbor. There was brush that was still there at the time of the last Board meeting, but that has now been cleared by the neighbor.

HEATHER RIDGE: WILDFLOWERS: Mr. Blank

There was a request from the owner of the last house on Trowbridge that borders Farmland property to put in some wildflowers, and the Board did not have an objection to this. Mr. Bankoske had stated that he wanted to check with the farmer, Tom McGowan first; and Mr. McGowan was okay with this as long as the wildflowers do not extend beyond the trees that are there. Mr. Bankoske will advise the neighbor they can do this.

STACKHOUSE: KAPLAN SUBDIVISION CONTACT WITH BUILDER: Mr. Heinze

Mr. Heinze walked the grounds with Joe Marrasso, the builder, who provided an overview of the lay-out. They are putting in the road and cut out the brush. Flags have been put up to indicate the area they cannot disrupt so that they stay within the boundary. The Farmland property is to the right facing the property from Dolington Road looking into the property. Along that boundary, they will dig a trench that will go from the front of the property to the back for about 175'. It will be 5' wide by 5' deep. They will fill that in with rock, and it is a drainage area that should capture any run-off water coming from the property before it gets to the Farmland area.

Although there were flags on the property to show where they were taking some survey measurements and no disruption beyond that, it was not really well marked as far as the exact boundary of the property. Mr. Majewski was asked to send Mr. Heinze a lay-out so he can see where the surveyed property is. The existing fences will have to come down, and it is felt that the fences are partially on the Kaplan property and partially on the Farmland property. They want to make sure that the fences come down appropriately and paid for by the appropriate people so that they are no longer on the Farmland property.

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A big concern is around any water run-off onto the property. Mr. Majewski and Mr. Marrasso stated that the engineer who designed this and signed off on it thinks it is going to work.

It will take over a year for the house to be built. The next step is to build the foundation of the house. Building Permits have been approved for the initial phases. Mr. Majewski was asked to advise Mr. Heinze of anything he becomes aware of so that he can share it with the Board. Mr. Marrasso is supposed to introduce Mr. Heinze to the homeowners at some point so he can share some information with them about Farmland being their neighbor. Mr. Heinze will periodically walk the property. The buffer zone looks in good shape.

Mr. Carney stated Mr. Heinze had indicated the trench to collect water would be about 185', and he measured from Dolington Road to the back of the property, and it is 483'. He stated if they are only putting in drainage for the first 185' that would be of concern since he assumes they will have a macadam/asphalt driveway down that line. Mr. Heinze stated he understands the trench will be to the right of the driveway facing the property. They will cover it with dirt and then grass. Mr. Carney stated if it only runs the first 185', the next 300' will have nothing to keep water from coming toward the Farmland property. Mr. Heinze will follow up with Mr. Majewski on this once he gets the survey. The far back corner where the house will go has a lot of buffer, trees, and shrubs; and that makes up for some of the difference and distance of the property boundary.

Mr. Steadman stated with a new house on the edge of the Farmland field and behind the existing home, he assumes that it will be like the situation across the street with new homes, and they will need to put up a new fence along there because we would not want to go from an open grass yard into the farm field. He stated with the boundary lines having been recently surveyed and well-marked, we should order and install a fence after the construction is completed. Mr. Heinze stated there are going to be some trees along there so it will not be the same as Susan Circle as there are trees along the property line in addition to the buffer before it goes into the planted fields. Mr. Marrasso did not indicate that they were taking out any more of those trees and shrubs. Mr. Heinze will look into this once he gets the Plan from Mr. Majewski.

Mr. Steadman asked if the trees are on the Farmland side or the neighbors' side, and Mr. Heinze stated he believes it is a combination looking at where the existing fence is. Looking at where the buffer is clear between the wooded section and the cornfields, there are a lot of trees, shrubs, and underbrush that Mr. Heinze believes are on Farmland property.

Mr. Carney asked that the Board consider at some point if we need to install a fence for 483' which would potentially be a \$5,000 investment given that this is only one parcel and one neighbor.

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Mr. Blank asked Mr. Heinze if he has had a chance to look at the Stormwater Run-Off Plan for the property. Mr. Carney stated that he gave it to Mr. Kaplan in January, 2021; and he will provide something to Mr. Heinze. Mr. Blank stated Mr. Majewski could supply it as well.

Mr. Steadman stated the Stormwater Run-Off Plan during construction is also important because the Stewarts have a crop there now. He stated he assumes the builders will be sensitive to containing run-off with the necessary temporary barriers during construction so that nothing happens to the crop. Mr. Heinze stated they have appropriate barriers up for the whole length of the property.

BRIDLE ESTATES: DEAD/DYING TREE: Mr. Heinze

Mr. Doug Wright showed Mr. Heinze the dying tree which is on the property line. The fence is in good shape. The back side of the tree is dead, and the branches are leaning over the property line approaching the neighbor's pool and back yard. The other side of the tree, which leans into the Farmland property that is being planted, is okay. Mr. Wright indicated he could get an estimate for removal of the tree, and Mr. Heinze advised him that he could do that, and he would discuss it with the Board. The quote came in at \$1,400. The most extreme option would be to remove the whole tree to prevent damage from happening. The second option would be to have someone come in and take down all of the dead limbs on the dead side of the tree that could fall onto the neighbor's property, and that cost would be a little less than removal of the whole tree. Mr. Heinze stated Mr. Corcoran may have an idea of what he could do with his people and his equipment. The third option is to do nothing and hope that nothing comes down for a while.

Mr. Blank stated he would be in favor of Mr. Corcoran looking at it, and Mr. Carney agreed given that Mr. Corcoran is on retainer, and we have the two summer days that equal sixteen hours the Board has agreed to pay for. Mr. Corcoran could meet Mr. Heinze on the site; and if he feels it needs to come down, he could provide his cost to take it down. Mr. Steadman agreed that Mr. Corcoran should provide an opinion on it. He asked if the homeowner expressed an interest in trying to save the tree, and Mr. Heinze stated he is not sure that the homeowner initiated it versus Mr. Wright who was back there and could see dead branches falling down on the property.

Mr. Carney will contact Mr. Corcoran and advise him there is a tree that needs to be looked at and will provide Mr. Heinze's name. Mr. Carney will provide Mr. Heinze with Mr. Corcoran's contact information, and they can coordinate a meeting. Mr. Carney stated he would be in favor of doing this proactively rather than waiting and have it possibly fall as it would then be more expensive. Mr. Steadman stated he feels trying to save a half dead tree will cost a lot more money over the years trying to save it.

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Mr. Carney stated he feels they should let the neighbor know what is going on before anything is done because it sounds like it is a boundary tree. Mr. Steadman stated according to our Policies and Practices on boundary trees, the two parties have a say in what happens to the tree so we need to communicate with that neighbor.

LONGSHORE: VINES GROWING ON FARMLAND FENCE: Mr. Blank

There were two properties on Pownal, one owned by Mr. Frederico and one by Mrs. Patel. Mr. Blank had been in touch with Mrs. Patel and Mr. Carney contacted Mr. Corcoran to come out and he has been cutting the vines at their base so the vines on the fence are dying. Mrs. Patel was given permission to spray toward our property on the fence to kill the rest of it, although she has not done so yet. Mr. Frederico has done nothing yet, and the vines are still growing on his side; and if he wants to do something, he can.

There was no one from the public wishing to speak on anything that had been discussed to this point.

FARMVIEW II: SURVEY, FENCING, & BAMBOO: Mr. Blank

A presentation prepared by Mr. Blank which had been sent to the Board members prior to the meeting was shared this evening. Mr. Blank noted the location of Dolington and the new development along Susan Circle. He noted the first house which has a PVC fence and a driveway which abuts the Farmland line. There is also some grass and trees, and the property owner planted some trees on the Farmland parcel. He showed the location of additional trees down to the corner. He stated the new survey showed that the existing Farmland fence is not exactly on the corner, and we may want to reposition that. He showed the location of the rock garden along Sunnyside Lane, and there is then more existing fence. He noted a short gap and an area where there is bamboo. He stated then there is no fence but a lot of large trees. He stated they turn up to the corner house and the Farmland property line is in back of some trees that seem to be the demarcation of the property line, but the property line is actually further to one side. He noted the location of Mr. Pereira's home, and he has put up a wire fence and some large trees, and he has been mowing the property for years at a location Mr. Blank showed on the plan. He indicated that he had done that to prevent the corn husks from blowing into his yard. Mr. Blank stated the anchor properties he showed on the plan have nicely-manicured properties that include Farmland property.

An aerial photo was shown when there was only one home at the time the photo was taken, and now there are a number of houses in the area. Mr. Blank showed the locations of those homes on the plan.

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A photo was shown of the first house that borders Farmland property on Susan Circle. The PVC fence was shown, and he noted the property marker that runs right along the property line. The driveway continues past that, and looking back toward Dolington it can be seen that the fence runs right along the property line. Dashed lines were put in where the stakes are, and some newly-planted shrubs can be seen that were planted by the Patels on Farmland property. Mr. Blank stated he would want to ask them to move those.

Mr. Blank noted on the aerial view an area where there is a line of trees where there are no houses that border Farmland property except along a driveway he showed on the aerial. He stated it would be problematic to get a fence through there. Mr. Steadman asked if we are maintaining the 25' buffer between our property line and the crop area since it seems that there might be a full 25' buffer there. Mr. Blank stated Mr. Corcoran had cleared that area out, and he believes that it is close to 25'. Mr. Heinze stated he recalls that from the wooded area, it would be hard to clear a buffer although there is a buffer area from the edge of that to the crops, and it is clearly at least 15' and may be close to 20' that is cleared in the corner. Mr. Carney stated he feels it is an adequate buffer since they were able to walk in it and were not in the crops.

Mr. Blank noted the corner where the survey posts can be seen and the location of the fence which was put in the wrong place. He stated the Board needs to consider whether they want to move it back to the line or leave it. He stated there is then a very clean fence line up to the rock garden and beyond the rock garden the fence is on the stakes of the new survey. Pictures were shown of the area beyond that which is where the bamboo starts, and the area has not been kept clear on the neighbor's side of the fence. He showed the area where the fence ends, and there is now about a 15' to 20' open area where fencing could be added. Mr. Blank stated he has asked Mike Kirk to look at the bamboo that is encroaching very close to the Farmland fence in this area, and it would be difficult to put the fence further in.

Photos were shown of the survey post in the heavy treed area, and it appears that a majority of the trees do not belong to Farmland. He stated if they tried to put a fence in this area, some of the fencing would have to go in and around the trees.

Photos were shown of the corner, and Mr. Blank stated this is an area where the neighbor has been mowing and his deer stand is amongst the trees. He noted the Pereira's wire fence as well. Turning the corner and looking out toward Dolington, there is a stake that marks the corner of the Farmland property.

Mr. Blank again showed the photo of the Patel's property, and it was agreed that the Patels would be asked to remove the trees that they planted on the Farmland property.

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Mr. Heinze stated he would be in favor of getting the boundaries properly marked this year/ early next year so that there are not issues in the future.

Mr. Steadman stated he understands that the Patel fence and the edge of their driveway is on the boundary line, and Mr. Blank stated it is within inches. Mr. Steadman stated he agrees with Mr. Heinze that it is critical that we have boundary lines that are very clear and accurate which will avoid disputes.

There was discussion about letters to be sent out to the neighbors. Mr. Carney stated once the neighbors agree with our plan, the existing posts could be taken out, and they would re-mark the area with something that is in the ground. Mr. Carney stated he is also in support of squaring up the fences that we now know are off since there is no point in having fences 4' to 5' away from where they have surveyed. He stated he also feels we should run a fence from the corner of the anchor property down to the other corner as shown in the picture. He stated there is a camper that is right up against the Farmland property, a deer stand in Farmland property that is being freely accessed, and several things going on along that area.

Mr. Blank stated Mr. Bankoske has advised that he feels whatever is done, it should be equitable. He felt that if there was fencing in some areas and not in others, that would not be equitable. Mr. Steadman stated he feels Mr. Bankoske would be in agreement with Mr. Carney with regard to the fence that should be run in the span he noted because there are fences in most of the other spans. Mr. Blank stated if they extend that, they would have to put in a fence at the Patels and extend the fence where they can at the property where there is the bamboo. Mr. Blank stated this is our property, and it is the Board's decision to make, but we need to be able to defend the decision to ourselves and others.

Mr. Heinze stated he feels that wherever there is clear, open access, we need to clearly delineate where the boundary is by a fence. He stated where there are enough trees and underbrush to clearly show it is Farmland property and there are markers, he does not feel fence is necessary. He stated where there are areas where people can walk out their back yard onto the farmland, he feels there should be a fence line; and he feels that would be equitable as far as balancing the peoples' back yard and the boundary of the farmland. Mr. Steadman stated he agrees with Mr. Heinze as this is preserved agricultural land and "No Trespassing" land. He stated fences are what restrict access to the farmland which is not community property or common open space to be used by individuals.

Mr. Blank again showed the photograph of the area after the bamboo, and asked what should be done with that section. Mr. Carney stated he believes that it is a deer run and was purposely left that way. He stated it would be expensive to extend that. Mr. Steadman

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stated over the years they have opened up a couple areas of fencing between Farmland property and neighbors because they were deer runs, and they were having to fix the fence every couple of years which was costing money. He stated he feels having an opening for that purpose is justifiable.

PLANS FOR COMMUNITY DAY: Mr. Steadman

Dr. Strnad is happy to help the Board put together a honeybee display for Community Day. Mr. Steadman will be available to work at Community Day, and he will request a 10' space which is free for non-profits. He will coordinate with Dr. Strnad on what he would like to put together. He stated this would be a Farmland Preservation presence on Community Day, and we could also have a map of our farmlands. The Board was in favor of this. Mr. Blank agreed to help Mr. Steadman set up and will provide a Farmland Preservation sign. Mr. Blank stated Mr. Bankoske has indicated that Mr. Majewski had offered a 4' by 6' map that could show the different Farmland properties.

FENCE REPAIRS: Mr. Carney/Mr. Blank

There is one property on Longshore and three on Leedom's where fences will be repaired when other fencing is done.

OTHER BUSINESS: All

Mr. Carney stated Mr. Bankoske had reached out to a neighbor on Greenbriar who was throwing brush over the fence, and Mr. Corcoran had to spend almost a day and a half there removing truckloads of debris. He stated Mr. Corcoran sent him a picture about ten days ago showing that debris is again being thrown back over the fence at this same residence. Mr. Bankoske will be asked to contact Mike Kirk, the Enforcement Officer, as that would be the next step. Mr. Blank stated if that does not work or Mr. Bankoske does not feel that is appropriate, he feels they should go to the Police. Mr. Blank stated there are pictures, and there are repeat offences.

Mr. Steadman stated the Red Tag season started July 1. He should get a report at the end of the month.

Mr. Blank stated the Board usually does not meet in August, and this was acceptable to the Board.

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PUBLIC COMMENT: Mr. Blank

There was no one from the public wishing to speak at this time.

REVIEW OF ACTION ITEMS: Mr. Heinze

1. Mr. Heinze – Follow up with Joe Marrasso & Jim Majewski on the length of the drainage ditch that is being built adjacent to the Stackhouse land
2. Mr. Heinze – Contact Matt Corcoran and coordinate a visit to evaluate the dying tree on Bride Estates (completed)
3. Mr. Steadman – Continue following up on the utility box repair with the Township
4. Mr. Steadman – Follow up with Dan about the map of Farmland parcels to use at Community Day
5. Mr. Carney – Send George a copy of the stormwater run-off plan for the Kaplan building site
6. Mr. Carney – Connect with Dan regarding today's Board discussion on the neighbor on Greenbriar
7. Mr. Blank – Provide the extra sign he has to Dennis for Community Day
8. Mr. Blank – Draft letters to affected residents who border Farmview II about our fencing plans there
9. Mr. Blank – Communicate verbally with the Pereiras and Patels, after they receive our letters regarding the survey of Farmview II, of our plans to replace the survey posts with less visible posts and necessary modifications of their plantings on our land

There being no further business, Mr. Heinze moved, Mr. Carney seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

George Heinze, Secretary

