

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
WITHDRAWING A SITE-SPECIFIC AGRICULTURAL MANAGEMENT
PRACTICE FOR SEVEN BRIDGES WINERY**

Ms. Grbelja offered the following resolution and moved its adoption:

WHEREAS, on February 9, 2013, Seven Bridges Winery, LLC (the "Applicant") applied for a Site Specific Agricultural Management Practice ("SSAMP") recommendation for Block 66, Lots 16 and 16.2 in the Borough of Little Silver; and

WHEREAS, the SSAMP request asked the Monmouth County Agriculture Development Board ("MCADB" or "Board") to evaluate its grape products and prior hay and flower production; and

WHEREAS, the Applicant requested the Board affirm that the sale of wine is an accepted farm management practice and that the Applicant be permitted to package the agricultural output and establish a farm market facility for tasting the products produced; and

WHEREAS, Block 66, Lots 16 and 16.2 in Little Silver are located in a Residential zone and agriculture is not a permitted use; and

WHEREAS, the proposed expansion in its operations would create an extension in a non-conforming use; and

WHEREAS, the Applicant approached the Borough of Little Silver to request a zoning change or variance that would enable the proposed expansion, but the parties could not reach an agreement and the matter never proceeded to a formal hearing before the municipal zoning board; and

WHEREAS, the Applicant requested an approval for an SSAMP from the Board; and

WHEREAS, pursuant to N.J.A.C. 2: 76-2.3(b), upon receipt of a request for an SSAMP, the Board must determine whether the Applicant's agricultural operation is a commercial farm as defined by N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3, and whether the Board has jurisdiction to hear the matter pursuant to N.J.S.A. 4:1C-9; and

WHEREAS, hearings were held before the MCADB on August 7, 2013, October 2, 2013 and February 11, 2014 in relation to the Applicant's request for an approval for an SSAMP; and

WHEREAS, during those hearings objections to the Applicant's request were lodged by members of the general public; and

WHEREAS, during those hearings objections to the Applicant's request were lodged by John Chimento, Gail Chimento, Michael Chimento and John Thomas Chimento and the Borough of Little Silver ("hereinafter Objectors"); and

WHEREAS, the MCADB found pursuant to Resolution No. 2013-10-2, that the Applicant met the requirements of N.J.S.A. 4:1C-9 and had jurisdiction to determine whether the sale of wine is an accepted farm management practice and that the Applicant be permitted to package the agricultural output and establish a farm market facility for tasting the products produced; and

WHEREAS, the MCADB further found, pursuant to Resolution No. 2013-10-3, that the Applicant's operation is a "commercial farm" as defined by the Right to Farm Act, set forth in N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and

WHEREAS, the MCADB further found, pursuant to Resolution No. 2013-10-4, that the packaging and sale of wine and the establishment of a farm market facility for tasting the products produced on the subject property is a generally accepted farm management practice and is a permissible activity for a Commercial Farm, under the New Jersey Right to Farm Act; and

WHEREAS, the Resolutions were memorialized on April 1, 2014; and

WHEREAS, the Objectors to said application appealed to the Office of Administrative Law seeking to overturn the Board's determinations in the above referenced Resolutions; and

WHEREAS, the Applicant has now decided to withdraw his challenge to the Objectors appeal and no longer desires to seek Right to Farm Protection from the MCADB for the subject SSAMP application and associated approval;

WHEREAS, since the Applicant is no longer pursuing the use of the land as a winery pursuant to the above referenced resolutions, the decision to grant Right to Farm protection to the Applicant is no longer applicable; and

WHEREAS, the MCADB now seeks to withdraw Right to Farm protection from the Applicant based solely on the Applicant's desire to no longer pursue challenging the appeal by objectors; and

WHEREAS, the MCADB in no way reconsidered and amended its original decisions in Resolution Nos. 2013-10-2, Resolution No. 2013-10-3, Resolution No. 2013-

10-4 as the MCADB feels there was sufficient evidence presented to support the aforesaid Resolutions; and

WHEREAS, nothing in this Resolution bars the owner of the subject property from reapplying to the Board to seek approval to engage in allowed activities under the Right to Farm Act; and

WHEREAS, nothing in this Resolutions bars the Objectors from objecting to any such Application should it be made.

NOW, THEREFORE, BE IT RESOLVED that, based on the aforesaid statements regarding the Applicant's actions in not challenging the Appeal filed by the Objectors through counsel, the Monmouth County Agriculture Development Board determines that the Resolutions granting Right to Farm protection to the Applicant are withdrawn and are no longer valid due to the withdrawal of Applicant from Objector's appeal;

BE IT FURTHER RESOLVED, the application is dismissed, without prejudice, as the Applicant no longer plans to implement a winery and tasting room on the subject property;

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the State Agriculture Development Committee, Borough of Little Silver, Erik Anderson, Esq. and the Applicant; and

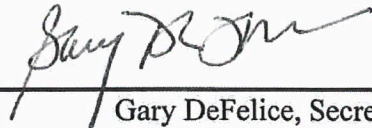
BE IT FURTHER RESOLVED that any person aggrieved by this resolution may appeal to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, within 45 days from the receipt of this resolution. The decision of the SADC shall be considered a final administrative agency decision. If this resolution is not appealed within 45 days, this resolution is binding.

Seconded by Mr. Giambrone and approved on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Bullock				×
Mr. Buscaglia	×			
Ms. Butch	×			
*Mr. Clayton	×			
Mr. DeFelice	×			
*Mr. Dill	×			
Mr. Foster	×			
Mr. Giambrone	×			
Ms. Grbelja	×			
Mr. Holmes				×
Mr. Potter	×			

* alternate member

I do hereby certify that the foregoing is a true copy of a resolution adopted on July 7, 2015, and memorialized by the Monmouth County Agriculture Development Board at a meeting on the July 7, 2015.



Gary DeFelice, Secretary