

**MONMOUTH COUNTY**  
**AGRICULTURE DEVELOPMENT BOARD**

Joseph McCarthy  
Chairman



Hall of Records Annex  
2nd Floor  
One East Main Street  
Freehold, New Jersey 07728  
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Minutes for a Regular Meeting of the  
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD

**Tuesday, February 11, 2014, 7:30 PM**

Planning Board Conference Room, Hall of Records Annex, 2<sup>nd</sup> Floor  
One East Main Street, Freehold, New Jersey

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**ATTENDANCE:**

Present: Bullock, Buscaglia, Butch, Clayton, DeFelice, Foster, Giambrone, Grbelja, Holmes, McCarthy, Potter, Sciarappa  
Staff: Beekman, Brockwell, Honigfeld  
Representatives: Jack McNaboe  
Public: Hope Gruzlovic, John Burton, Al Natali, Joe Clark, Rick DeBlasi, Elaine DeBlasi, Erik Anderson, Patrick Accisano

**MINUTES:**

November 2013 Executive Session – Ms. Butch made a motion to approve the minutes. Mr. DeFelice seconded the motion. The minutes were approved.

January 2014 Regular Session – Mr. Bullock made a motion to approve the minutes. Mr. Clayton seconded the motion. The minutes were approved.

January 2014 Executive Session – Mr. Giambrone made a motion to approve the minutes. Ms. Butch seconded the motion. The minutes were approved.

**CORRESPONDENCE AND OTHER DOCUMENTS**

The SADC unanimously approved a final decision on the LaRue SSAMP appeal at the January 23<sup>rd</sup> meeting. The decision supported the MCADB's handling of the case and upheld the MCADB and OAL decision.

**REGULAR REPORTS:**

- A. Chairman: No Report.
- B. State: Ms. Gruzlovic announced that the SADC approved the On-site Direct Marketing AMP on January 31<sup>st</sup> during a special meeting. It will next be posted on the NJ Register. She also noted that the NJ State Agriculture Convention took place last week and that farmland preservation and Right to Farm were voted the top issues.
- C. Staff: Ms. Honigfeld stated that the closing for the Cicalese property in Colts Neck is slated for February.



- D. Rutgers Cooperative Extension: Dr. Sciarappa updated the board on the extensive training that Rutgers provided to farmers during the recent State Agriculture Convention. He also announced that he will be meeting with Lieutenant Governor Kim Guadagno to discuss careers in agriculture for the next generation of NJ farmers.
- E. Municipal Representatives: No reports.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**RIGHT TO FARM ISSUES:**

- **Status Reports:** Ms. Brockwell provided the board with an update regarding the Casola/Triple C Nurseries RTF complaint that was heard in December, but remains unresolved. She also informed the board that there will be a need for a RTF Subcommittee meeting to work on resolutions for several RTF matters that remain outstanding.
- **Seven Bridges Winery, LLC – SSAMP Application Hearing, Continued from October 2013 – Regarding Jurisdiction:**  
Mr. Beekman began the hearing by entering Exhibits A-14 through A-17c into the record. He also reminded the board and audience that the focus of the hearing was if the application qualified as a commercial farm as of 1998. The conclusion would determine if the board had jurisdiction to decide on the matter.

Patrick Accisano, Esq., counsel for the applicant, addressed the board regarding income criteria and the additional income information that was provided to substantiate the farming operation going back to 1998. He pointed the board’s attention to the fact that the Schedule F statements that were submitted show that the farm income dipped below the \$2,500 commercial farm income threshold during 2002-2007. He went on to provide a detailed explanation as to the agricultural reasons why the income was less during those years, which included a transition from growing hay to wine grapes and various hurdles related to finding grape varieties that suited the soil, water table and other unique site conditions. He also noted that a 3-5 year period is necessary to establish fruit for wine production, which is considered an industry standard as evidenced by an academic publication he provided.

Mr. Accisano went on to further argue that the intent of RTF law is not to require \$2,500 every year when it takes certain crops more than a year to establish and mature before being ready for sale. He gave the example of Christmas trees being a similar crop that takes multiple years to grow before they are ready for sale. He concluded by noting the Tavalario decision from 2004 and the Arno decision made by the MCADB. He made specific distinctions between those cases and the application currently before the board. Lastly, he asked for the opportunity to respond to opposing counsels’ comments, which was granted by Mr. Beekman.

Erik Anderson, Esq., counsel for the Chimento’s (neighboring property owners), addressed the board. He began by asking the board to consider the facts as well as jurisdiction. He presented

an interpretation of various facts stated on different Schedule F's that were provided by the application. He also cited the document provided by the applicant from Texas A&M regarding the time it takes to establish a vineyard and went on to point out that the applicant's infrastructure costs as stated on the Schedule F don't seem to match those stated in the document. He concluded in stating that it is not proper for the board to grant relief to the application.

Joseph Clark, Esq., counsel for the Borough of Little Silver, addressed the board. He began by adopting what Mr. Anderson had said, but also argued that the law requires \$2,500 in income every year. He pointed to the Arno case to show that contracts were required to demonstrate future sales and stated that contracts should have been provided in this case. He contended that the applicant has not demonstrated sufficient income for every year since 1998 and that the application should be denied for that reason.

Mr. Accisano requested to address the opposing counsels' arguments. He began by addressing the request for contracts for future sales, as referenced in the Arno case. He explained that contracts for future sales are inapplicable in this situation since it is not the industry standard for wine grapes. He explained that although it may be customary to require contracts for sale of horses or timber, the sale of wine grapes or Christmas trees does not operate in that way.

Next he addressed the questions regarding the 2002-2004 Schedule F's that are below the \$2,500 income threshold and reference hay and flowers grown on the property. He explained that the returns show income from hay and flowers since those were the saleable crops during those years during the time that the wines were being established.

He went on to address the concern posed by Mr. Anderson regarding the infrastructure costs and overhead expenses of establishing a vineyard that he questioned on the Schedule F. He responded by explaining that the RTF law does not address expenses and that income is taken as gross, not net under the law.

Mr. Beekman opened up the floor for the board to comment.

Ms. Butch referenced the RTF definitions provided in N.J.S.A. 4:1 C-1 to highlight the importance of the phrase "engages in agriculture production". She went on to discuss the meaning of the word "engage" as it relates to this application and requested testimony from the applicant regarding the years in which income dipped below the commercial farm threshold. She requested that Dr. DeBlasi provide testimony to explain how the operation has been engaged in agriculture from 1998 to the present.

Mr. Beekman swore in Dr. Richard DeBlasi. Dr. DeBlasi gave a detailed history of how he has engaged in agriculture on the property since he purchased it in 1979. He gave the following synopsis:

1979-1998 : Grew hay

1998-2001 : Grew hay and sold it in bulk, provided hay to his father's equine operation in Locust

2001 : His father passed away and the Locust horse farm was no longer in operation, thereby making the need for hay obsolete.

2002: Planted first grapes and started phasing out the hay. Required clearing and liming fields. First grapes were grown organically.

2003: Yielded some grapes grown organically under the direction of Rutgers Cooperative Extension agent. Created a nematode problem from manure brought in from Locust property.

2005: Put up deer fencing. Started growing Pinot Noir and experimented with different varieties.

2011: Damage from Hurricane Irene.

Ms. Butch asked if the SSAMP application was being requested as a way to expand the operation into a more profitable venture. Dr. DeBlasi explained his goals to expand the vineyard and help build a strong reputation for NJ wines.

Mr. Anderson cross-examined Dr. DeBlasi. He asked multiple questions based on year and referenced the numbers put in the Schedule Fs for the corresponding year.

Mr. Clark cross-examined Dr. DeBlasi. He also asked questions about specific years and the numbers listed on the Schedule F from 2002.

Mr. Accisano addressed his client's activities during the years 2002-2007 and the agricultural challenges Dr. DeBlasi faced in transitioning the property from hay to grape production. Counsel also asked about his client's analysis of his expenses and income, in which Dr. DeBlasi responded with his awareness of the RTF Act income threshold and his intent to keep good records concerning income.

Ms. Butch asked Dr. Sciarappa, the Rutgers Cooperative Extension Agent, if he was consulted regarding the establishment of the vineyard. \*Note: The Rutgers Cooperative Extension Agent is a non-voting member of the MCADB that acts in an advisory capacity to the board and farmers throughout the state and county.

Dr. Sciarappa explained that he is not a wine expert, which is why he recommended that Dr. DeBlasi consult with Dr. Gary Pavlis, Rutgers Cooperative Extension Agent in Cape May County. Dr. Sciarappa provided additional information regarding the duration of time it takes to establish a vineyard. He also explained that the property has unique conditions and challenges given its location such as brackish water, a high water table, and soils rendering it a difficult situation to establish a vineyard. A lot of trial and error was necessary to determine the best management practices for the property.

Ms. Butch asked Dr. Sciarappa if he considered the operation capable of producing \$2,500 worth of annual income from the site. Dr. Sciarappa responded that it could be easily achieved from the raw fruit taken from the property.

Mr. Anderson asked Dr. Sciarappa how many times he had been at the site. Dr. Sciarappa responded that he had been on the property in 2000 regarding the hay operation and in 2002 when Dr. DeBlasi was trying to establish the grape wines. Mr. Anderson asked if Dr. DeBlasi

was always present on the site. Dr. Sciarappa explained that sometimes Dr. DeBlasi was present and sometimes his foreman was present.

Ms. Butch made the following statement:

The board in its review of the Tavalario Decision, dated 2004, understands the requirement that the applicant produce proof they have engaged in agricultural production worth a minimum of \$2,500 annually from 1998 to 2013 due to the fact that the farm was not located in a zone in which agriculture is a permitted use under the municipal zoning ordinances and is consistent with the master plan. If the commercial farm was in operation on the effective date, July 2, 1998, however, this zoning ordinance/master plan requirement does not need to be met. In 2004, six years seemed appropriate. Today in 2013 the proof of the minimum of \$2,500 from 1998-2013, sixteen years later seems onerous, financial records are typically retained for seven years. The board is concerned that as the years pass this task will become increasingly difficult if not impossible for existing, legitimate farms to meet. The board feels this procedure works counter to the intent of the Right to Farm Legislation.

Having said that, this board feels the Seven Bridges Winery application has met this test.

Ms. Butch made the following motion to amend the resolution from the October 2<sup>nd</sup>, 2013 hearing regarding jurisdiction of the board:

I move that the MCADB has jurisdiction in the Seven Bridges Winery SSAMP based on the board's satisfaction that the farm has operated as a commercial farm in that 1) is larger than 5 acres, 2) is eligible for differential property taxation under Farmland Assessment, and 3) that the farm, now a winery, has operated as a commercial farm and has annually engaged in agricultural production worth at least \$2,500 for the years 1998-2013, following a thorough review of financial records and testimony provided, including Schedule F forms, receipts, signed statements from purchasers and other oral testimony found to be credible.

Mr. DeFelice seconded the motion.

Chairman McCarthy made a call for comments and any discussion before a vote was taken. A roll call vote was taken and the motion was approved. Ms. Grbelja abstained from the vote since she was not a board member at the time of the August and October hearings.

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

The meeting adjourned at 8:48 PM.