

Hunterdon County Agriculture Development Board Meeting
Rt 12 County Complex Building 1 Assembly Room
September 9, 2021 @ 8:00 pm

Members in Attendance:

Dave Bond-Chair
Bob Hoffman-Vice Chair
Christian Bench
Susan Blew
Dave Kyle
Forest Locandro
John Perehynys
Marc Phillips
Liz Schmid (*via Phone*)

CADB Staff Present:

Shana Taylor, Esq. County Counsel
Aaron Culton, Esq., Asst County Counsel
Bob Hornby, CADB Administrator
Carrie Fellows, Director, Planning
Katherine Fullerton, Supervising Planner
Kevin Milz (HCSCD)

This meeting was held in person with respect to Public Health guidelines.

Open Public Meeting Act:

Chairman Bond opened the meeting at 8:00 p.m. and read the Open Public Meeting Act:

"This meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided by prominently posting and maintaining so posted throughout the year on the first floor of the County Administration Building, Main St., Flemington, New Jersey a public place reserved for such announcements, and by mailing on or before January 15, 2021, to The Hunterdon Democrat, Star Ledger, The Trenton Times, The Courier News and The Express Times newspapers, and TAP Into it newspaper and designated by the Hunterdon County Agriculture Development Board to receive such notices, and by filing with the Hunterdon County Clerk a schedule of the times and dates of such meetings."

Pledge of Allegiance:

Roll Call: Not Present: Ted Harwick, Gerry Lyness & Megan Muehlbauer. Christian Bench arrived 8:07 pm, Forest Locandro arrived 8:05 pm.

Approval of Minutes:

- **Minutes of the July 8th CADB Meeting** – John Perehynys made a MOTION to approve, Susan Blew SECONDED. All in favor by Voice Vote. Marc Phillips & Liz Schmid ABSTAINED.

Communications and Administrative Business:

CADB Staff Update –

- **Beam Farm** (Bethlehem Twp.) – CMV back from SADC, offer is with the Landowner.
- **Koller Farm** (Kingwood Twp.) – Closed September 8th, ~23 acres, 9th farm of the year.
- **DeSapio Farm** (Kingwood Twp.) – Scheduled to close September 16th.
- **Onuschak Farm** (Franklin Twp.) – Closing review at SADC.

State Agriculture Development Committee (SADC) Updates:

Bob spoke on behalf of SADC

- Soil Protection Standards received comments and will respond at a future SADC meeting.

- **Monitoring Update**

- Kevin gave Bob a list tonight of 20 farms completed. Some flooding issues because of Tropical Storm Ida.

Chair Comments:

- Chairman Bond stated we have a hearing for Beneduce, it will be finished tonight. Chairman Bond turned the meeting over to County Counsel Shana Taylor and Aaron Culton.

Right To Farm Matters:

SSAMP Hearing- Beneduce Vineyards (Alexandria Block 21 Lot 41.31)

- Counsel called for a motion to open the Public Hearing on Beneduce Vineyard, Bob Hoffman made a MOTION to Open, Susan Blew SECONDED. Counsel asked for a Roll Call Vote.

	<i>MOVE</i>	<i>SECOND</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
David Bond, Chair			<i>X</i>			
Robert Hoffman, Jr., Vice Chair	<i>X</i>		<i>X</i>			
Susan Blew		<i>X</i>	<i>X</i>			
Marc Phillips			<i>X</i>			
John Perehinys			<i>X</i>			
Dave Kyle			<i>X</i>			
Liz Schmid			<i>X</i>			
Ted Harwick						<i>X</i>
Gerry Lyness						<i>X</i>
Christian Bench			<i>X</i>			
Forest Locandro			<i>X</i>			

9 IN FAVOR – 2 ABSENT

- County Counsel Aaron Culton stated that this is the 3rd time that the Board has opened this hearing. It has been noticed and carried appropriately. The first hearing focused primarily on engineering and traffic issues; the second hearing focused primarily on the Planning aspect. There has been agreement on many of the engineering site plan issues, based on correspondence we have received between the applicant and the municipality, which will hopefully allow them to forgo a lot of the testimony they would have otherwise needed to rehash this evening. They are going to mainly focus on the planning issues that are still in dispute. The goal here tonight is to hopefully conclude this hearing. Participating Board members have either attended previous hearings or listened to transcript or watched the Zoom hearing from March. Aaron turned the hearing over to the Applicants attorney, Nicole Voigt.
- Ms. Voigt stated she also is submitting a new Commercial Farm Certification because the last one was done more than a year ago. They would like that to be recertified. Aaron stated that the Board had already certified Beneduce as a Commercial Farm. Ms. Voigt has submitted information that more than satisfies the requirements and he doesn't feel the need to recertify. They will include the information on the resolution on this matter.
- Ms. Voigt stated as set forth in the first hearing, Beneduce is not requesting permission to be a Wedding Venue. That is off the table, what they are seeking approval for is On Farm Marketing Activities & Events which are 100% in compliance with the State Agriculture Development Committee (SADC) regulations, as previously laid out in detail by Beneduce' Planner, to protect these requested activities and events on farms. Specifically, this is all subset of the original application, has been submitted and

noticed, she is going to submit to the Board what is being requested in terms of the use. They request approval for indoor and outdoor public events, it requests approval for private Wine Tastings, it requests approval for its right to have live and recorded amplified background music to draw customers to the farm which is permitted by the SADC regulation. They also request the right to offer food which is a usual custom when offering wine. Food is offered by food truck at public events, or patrons may bring their own. At private wine tastings they can bring a picnic or arrange to have a third party provide food for their private wine tasting. For private events Beneduce offers the wine tasting in a private setting it is not a venue and is not offering services related to a venue. These are the marketing uses for which Beneduce seeks for your approval.

- Ms. Voigt introduces Tara Kenyon who has already been certified by the Board as an expert Professional NJ Planner. At this point Ms. Voigt refers to a presentation that she provided prior the meeting.
- ***Application Exhibit Q – Hearing Exhibit B32.*** Tara Kenyon, AICP/PP, Planning Comment notes in rebuttal to Alexandria Township. Ms. Voigt asked Ms. Kenyon if she prepared this exhibit? Yes. You prepared these in response to citations that were previously provided to you by Municipal Planner, Dave Banish? Yes.
- ***Application Exhibit N – Hearing Exhibit B33 – Summary Standard for Protection Events and Entertainment as per the Agricultural Management Practice for On Farm Direct Marketing Activities, Events and Facilities.*** Ms. Voigt stated Exhibit B33 extracts from Exhibit B32, it contains just those portions of SADC regulations that sets forth the standards for permissible entertainment and events. Ms. Voigt asked Ms. Kenyon if she has reviewed Exhibit B33? Yes. In your opinion as a Professional Planner, you agree with my legal work that this one exhibit completely contains those relevant portions of the SADC regulations for permissible entertainment and events? Yes. If a member of the Board or Public wants to cross reference this excerpt, they may compare it to the previously provided in Exhibit B32. Ms. Voigt stated that at the March 2021 hearing Ms. Kenyon gave detailed testimony, Ms. Voigt asked her to revisit a few of the rebuttal points. During the March 2021 hearing, the Township Planners submitted materials and language from the Special Occasion Event pilot program. In your opinion as a Professional Planner with Right to Farm practices and farm planning experience, do you agree with my legal work that the Planners testimony included inaccurate standards based upon irrelevant businesses? Yes. The Board may approve the Marketing Practice of live and recorded background music if the standard indicated on the top half of this Exhibit is met. Is this correct? Yes. Based on testimony provided in the hearings thus far, is it your professional opinion that Beneduce live and recorded background music meets this standard? Yes. Ms. Voigt asked Ms. Kenyon to explain. The standard for ancillary based entertainment on farm, such as live background music, is that it is designed to attract customers to the farm to increase the sale of the primary agricultural product. There must be a relationship between the primary agricultural product and the event that's happening. It should enhance the experience of the purchasing of that product, it makes it a more comfortable atmosphere to buy the product they are trying to sell, as an accessory to the product, it's not the focus, it's an accessory to the growing and selling of the agricultural product, serves to increase direct sales of the product through the event, activities, and all of the entertainment-based activities. As per SADC regulations for On Farm Direct Marketing, that covers entertainment, correct? Yes. In your opinion based upon Mr. Beneduce' previous testimony, you consider this a marketing event? Yes. That is based upon the income which a vast majority is the sale of wine? Yes. Looking at the bottom half of this Exhibit, may this Board approve the marketing practice of public and private events with food offerings if the Standard on the bottom half of this page is met? Yes. Based upon the testimony that has been provided in the hearings thus far, is it your professional opinion that Beneduce Vineyards events meet this standard? Yes. Ms. Voigt asked Ms. Kenyon to explain. Events that happen on a farm under the direct on farm marketing AMP must be an accessory to the direct sale of the primary agricultural

product. It must serve to increase direct sales of that product, through the hosting of events bringing customers to the farm to buy the product. Again, there must be a clear relationship between the product that is being sold and type of event you have.

- ***Application Exhibit K – Hearing Exhibit B34 – August 25, 2021 email from Hunterdon County Economic Development to Michael Beneduce regarding the promotional advertisement of the Hunterdon 579 Trail.*** Ms. Voigt asked to have Mr. Beneduce authenticate the email. This is an email from the Hunterdon County Economic Development, is that correct? Yes, it is promotional advertisements of the Hunterdon County 579 Trail. Ms. Voigt ask the Board to briefly review this Exhibit which advertises Vineyard Events on the Trail, four vineyards advertised offer music as entertainment. Ms. Kenyon in your professional opinion, reviewing the marketing standard we were just reviewing, is this the kind of accessory live background music which is designed to attract customers to the farm by enhancing the experience? Yes.
- ***Application Exhibit L – Hearing Exhibit B35 – Hunterdon County Economic Development, Hunterdon County 579 Trail, website showing a September 7, 2021 search of events based upon the search term “music”.*** The search resulted in 21 events which are featuring music events to promote vineyards. Ms. Kenyon, do you agree with my characterization of this website. Yes. In your professional opinion is this the kind of accessory live background music which is designed to attract customers to the farm by enhancing the experience? Yes.
- ***Application Exhibit M – Hearing Exhibit B36 – Beneduce Vineyards’ Group Therapy + Sunday Picnics current, updated web page, printed September 3, 2021 in response to Alexandria Township’s planner submission of a partial excerpt from this single web page.*** The municipal planner submitted an exhibit which was an excerpt from the Beneduce website, Ms. Voigt introduced the entire page. Ms. Voigt asked Mr. Beneduce to confirm that this exhibit is from his website? Yes. And it’s your website as it exists today? Yes. Ms. Kenyon did you have an opportunity, before this hearing, to review this Exhibit? Yes. This promotes the upcoming events and food truck schedule? Yes. In your professional opinion is this the kind of accessory live background music which is designed to attract customers to the farm by enhancing the experience in purchasing wine? Yes. In your professional opinion are food trucks also permitted under the Agricultural Management Practice? Yes. Is this also very similar in nature to advertising by Hunterdon County? Yes. Beneduce Vineyards is requesting the approval of indoor and outdoor public events, private wine tastings, live and recorded background music to draw customers to the winery and offer food pairings by food truck or allow patrons to arrange their own picnic or caterer. In your opinion, does Beneduce Vineyards practice deviate at all from the SADC standards? No. Ms. Voigt then went on to the 3 issues with the facility.
- ***Application Exhibit P – Hearing Exhibit B37 – Beneduce Vineyards response the August 3, 2021 review letter by Alexandria Township Engineer Thomas Decker.*** As the Board previously advised, Beneduce Vineyards has gone back and forth with the Township in discussion to resolve any issues with existing facilities. As promised by the Township at the July meeting, the Township advised that the engineer respond to Beneduce’ letter dated December 2020 which offered many concessions applied to the SADC standards to a short list of site elements. The Township Engineer responded by letter. Ms. Voigt stated that she is not going to go into detail about the letter, if they have any questions or comments that would be addressed. She provided the Board with the marked-up letter as Exhibit B37. The letter contains Beneduce notations agreeing to those concessions, they are asking for relief from 3 issues noted.
- ***Application Exhibit O – Hearing Exhibit B38 – List of Unreasonably Burdensome Municipal Requirements from which Beneduce Vineyards Requests Relief.*** This exhibit summarizes the 3 disputed issues which they are asking for relief from. SADC has expressly set forth CADB jurisdiction to grant relief. The Supreme Court has charged Agricultural Development Boards to engage in a balance of interest to resolve such disputes. Next is comprehensive professional input. We summarize the

comprehensive review that occurred over time. There has been a lot of professional input on this site. Moving on, most importantly is the disputed site elements, there are only 3 that remain. The dispute arises because the municipality refuse to apply SADC site element standards.

- 1. Overflow Parking of Cars and Food Trucks on Sod:** Beneduce Vineyard's seeks approval of its existing facilities, which include use of both permanent gravel parking, as well as overflow, sod parking for cars and food trucks. The dispute is Alexandria Township wants to apply Ordinance 115-37C requiring internal drives and parking aisles to be paved and provided with curbs and drainage. Alexandria Township wants the area under food truck paved. Ms. Kenyon as a Professional Planner working with a team of experts and the SADC standards, do you think it's necessary that only gravel parking and not sod parking be utilized? No, Section H of the On Farm Direct Marketing AMP talks about parking, Parking on farms using this standard allows for parking on grass, allows for the minimum improvements necessary for safety. Sod parking works out well for farms as well because it reduces impervious coverage, which is great for run off, it allows that area to be turned back to tillable acreage. It's never been an issue before on this property, without stabilization issues. It allows for the agricultural aesthetic instead of paving areas that can never be used for agriculture in the future. Ms. Voigt asked if this is expressly allowed by the SADC and used on other farms? Yes. It has existed in this matter for quite some time with no problems? Yes.
- 2. Width of Gravel Farm Lane:** In previous testimony a traffic plan was prepared, there is a primary driveway which is paved with 2-way access that is used during the week and it can also be used during small events. As part of the traffic management plan, Beneduce Vineyards proposed through the recommendation of their traffic engineer, a plan for the flow of traffic during their larger attended events, this involved one-way traffic coming in that was then circulated at the end of the event over farm lanes with the main driveway remaining accessible for emergency access. The 2nd disputed element is the width of the lanes of the one-way traffic. Beneduce Vineyard's disputes that Alexandria Township has raised a public health and safety concern regarding the 13 feet width of a gravel driveway used for one-way traffic. No further measures are required for this existing facility. Alexandria Township wants to widen the farm lane (which is not the main access drive) to accommodate 2-way traffic. But only one-way traffic is posted and otherwise is used as a farm lane. Ms. Kenyon as a Professional Planner who has reviewed the work of the experts and heard the extensive testimony of Beneduce' traffic engineer in the first hearing, do you feel that the one-way lane used for traffic need to be widened? No.
- 3. Number of ADA Parking Spaces:** Beneduce Vineyard's requests approval of 3 ADA parking spaces which are being relocated in accordance with Township comments. The dispute is Alexandria Township has requested Beneduce Vineyards dedicate another 5 parking spaces to ADA parking for a total number of 8 permanent parking spaces. Ms. Kenyon as a Professional Planner who has reviewed the work of the experts and heard the extensive testimony, do you believe it is necessary to add the 5 additional ADA parking spaces or is 3 enough? I don't think it's necessary, 3 spaces have worked fine and has never been an issue. If it is was ever discovered that ADA accessible parking needed to be increased would they be able to update this traffic management plan? Yes, that is submitted annually, it would be updated on the Event Management Plan. Ms. Kenyon has just referenced an Event Management Plan, this is part of a condition that Beneduce Vineyard's is willing to agree with, as a condition of this approval.
 - Ms. Voigt asked Ms. Kenyon to explain what an Event Management Plan is. An Event Management Plan is something that can be submitted annually to the Township; it details traffic management, safety protocols, noise, garbage disposal, training of staff, it's all detailed in Section N of the On Farm Direct Marketing AMP, it is typically submitted to explain what the scope of the events are for the year and to explain how traffic circulation is going to work and if there are any changes to it, it can be addressed at that point. Ms. Voigt asked if it was submitted just for those events with large attendance? Yes. At

the first Hearing, Mr. Beneduce testified that for his Music Nights, with larger than normal attendance than during the week, he would utilize that Traffic Management Plan incorporated into the Event Management Plan which would be submitted on an annual basis to the Municipality as is required in the SADC regulations, correct? Yes. Ms. Voigt would like to note under the Event Management Plan Exhibit provided to the Board, Beneduce Vineyards on condition of approval will submit its Event Management Plan but will further update its Traffic Management Plan with all of the comments from the Engineering letter, in your position that with this response, all the comments that have been raised by the Municipality, do you agree Ms. Kenyon? Yes. With that we have narrowed the application to approving the existing facilities including granting relief from municipal requirements with respect to the 3 disputed site elements. Ms. Kenyon at the prior hearings you spent considerable time walking through all the SADC site elements in detail, at that time you had not been able to review the scope of events, does it remain your professional opinion that Beneduce Vineyards has applied SADC standards? Yes.

- Alexandria Twp. attorney Sharon Dragan asked Ms. Kenyon if her degree was in Professional Planning? Yes. Who prepared the Traffic Management Plan? Gary Dean. He is a Licensed Professional Engineer. Ms. Dragan stated they have responses from their Engineer to the disputed elements. There was some discussion about Ms. Kenyon's credentials. Ms. Dragan stated with respect to the Exhibits that pointed out the 579 Trail, she referred to other vineyards and asked if they know how they got approval to do what they are doing? Ms. Kenyon replied that she was not sure. Ms. Dragan stated that it must apply to Exhibit B34 that had the list of events at the Vineyards.
- As a rebuttal Ms. Voigt stated that Alexandria Twp. Planner Dave Banisch instead of explaining the standards and uses got into Webster's Dictionary to try and explain that this wasn't background music etc. The purpose of the Hunterdon 579 Trail Exhibits is to demonstrate the common customary accessory practice for wineries is to use music to draw customers to the farm, not for concert events.
- Ms. Kenyon and Ms. Voigt entertained questions from the Board. Christian Bench asked how long the driveways were, Mr. Beneduce answered about 200 ft. Mr. Beneduce referred to a slide of an aerial view of the vineyard and showed him the layout of the vineyard. Mr. Beneduce was asked about the ADA parking spots. He has 3 ADA spots, which are going to be paved, out of 49 spots, which is more than sufficient. The Township wants him to add another 5 spots for a total of 8 ADA parking spots that are going to go unused. He would be happy to make temporary ADA parking spots available for larger events. At this point the Board was satisfied with Ms. Kenyon's testimony.
- Alexandria Twp. Counsel Sharon Dragan introduced herself and stated the reason they are asking for the 3 site elements is for Public Safety. Ms. Dragan wants Township Engineer Tom Decker to go over the 3 issues, the first being the Parking Aisles, Mr. Decker stated with regards to the paving, what he pointed out in his letter was that per Township Ordinance, it states the parking area be paved and a waiver would be needed from the Township. What he has provided in previous testimony was that not to pave the parking lot but to stabilize the access drives in the parking area that the cars would be driving on all the time, not the whole parking lot or the overflow parking spaces. Mr. Decker referred to a slide of an aerial view of the vineyard to show the Board where the access drives and parking area are. Regarding the food trucks, he wasn't requesting that additional pavement be installed. What he suggested is for the food trucks to be moved to a spot that is not currently in use for access or parking and is gravel, because in the event of rain the truck could get stuck in mud and cause damage to the grass. Parking somewhere more stable would be better. Mr. Decker is again referring to the aerial view of the vineyard to describe where he suggests the food truck be located. Ms. Dragan then stated next there is a comment regarding the 2-way traffic lanes. Mr. Decker referring to same slide described the traffic flow and requests of where they wanted to widen the traffic lanes to accommodate 2-way traffic during larger events. Next Ms. Dragan stated the issue with more ADA parking spaces. Mr. Decker stated the federal regulations require a certain number of ADA parking spaces. Based on their everyday

activity, they have 49 parking spaces, 3 ADA spaces, which conforms with the federal regulations, once there is a larger event and there are an estimated 300 parking spaces, the requirements are that there be 8 ADA parking spaces. What he proposes is during a large event, that there be temporary ADA parking in the permanent 49 lot parking lot using temporary signage, when back to everyday use can be easily removed. Mr. Beneduce stated that they agree with the temporary ADA parking and the relocation of the Food Trucks. Mr. Decker stated regarding 2-way between greenhouses, one option is instead of widening the lane is there an option to put in another access between another greenhouse? Mr. Beneduce said there is no other opportunity to put in another lane. The only one wide enough has propane tanks in the ground. The only other option would be going around all the greenhouses. It would require them to build an additional road, but they have the space to do that. Mr. Decker mentioned Bus traffic, if buses are accessing the vineyard is there enough turning room to get around the greenhouses? They would have the buses use the 2-way road. Mr. Decker stated the 10 ft. buffer along the property line and parking will affect the number of parking spaces. Mr. Decker asked about the capacity of the Winery because there are a couple factors such as number of people and fire code, number of parking spaces and on-site septic. The septic is the factor on the number of people on the site. Ms. Dragan asked the Board, who would be reviewing this after the site plans are revised and how will they make sure Beneduce Winery stays in compliance. Ms. Taylor, County Counsel, answered that the Township Zoning Officer should work with the applicant to ensure compliance or they could come before the Board again if there is an issue.

- Ms. Voigt went back over the disputed issues under event management plan and the list of everything that Mr. Beneduce is willing to do.
 - Will have the ability to have 5 ADA Parking Spaces using temporary signage.
 - The food truck will be moved to the gravel area indicated on the plan.

What remains is stabilizing the access drives, parking area as well as 2-way traffic.

- Ms. Voigt called Jack Zybura, Project Manager at Lewis S. Goodfriend & Associates, Acoustical Engineer, Licensed Professional in New Jersey, appointed by NJ. Governor to the Noise Control Council to give testimony. Mr. Culton swore Mr. Zybura in.
- Ms. Voigt asked if he had completed an Acoustical course at Rutgers? Yes. Does the Board accept Mr. Zybura as an expert in Acoustical Engineering? Yes. Ms. Voigt asked Mr. Zybura to explain his findings. Mr. Zybura stated in 2019 Mr. Beneduce hired him to come and take noise measurements during live music events at several different locations on the property to see if he was in State Noise compliance. Daytime standard which is 7:00 am to 10:00 pm is 65 decibels, Nighttime runs from 10:00 pm – 7:00 am they didn't evaluate that since the music if over by 9:00 pm. He is well within the daytime standard. He went to two events, October 5th and October 26th. Ms. Voigt asked if he had advised Mr. Beneduce that he would be there? The first one he did, so he could get a feel for how the operation went, how close to the stage and to see how things were oriented. At the first site visit he took measurements from along the property line. On October 26th he showed up unannounced and stayed outside the property, he didn't go onto Mr. Beneduce' property until after the event. In both cases every place he took measurements at it was below 65 decibels. The loudest he recorded was 60 decibels. Ms. Voigt asked if Mr. Beneduce used any procedures to monitor noise levels? Yes. He has a sound engineer on site during live events, they monitor the sound output of the speakers. He also gave Mr. Beneduce a reference point for the Sound Engineer to stand in front of the stage to measure the sound. Ms. Voigt asked if he recommended any monitors for Mr. Beneduce to get. Mr. Zybura stated that he recommended a couple different low-cost sound monitors. Ms. Voigt stated that despite being in compliance he responded to the Township Planners comments and directed the speakers downward? Yes. Instead of pointing vertically they are pointed down toward the grass. Ms. Voigt stated that Mr. Beneduce has made every effort to comply with state noise standards, do you agree? Yes.

- Ms. Dragan asked for the record what day of the week did you visit the vineyard? Mr. Zybura stated that both dates were Saturdays. Does he know what type of music was played. Both were Classic Rock Bands.
- Chairman Bond asked if there were any questions from the Board? No.
- Ms. Voigt next asked Audrey Cross-Gambino to give testimony. Mr. Culton swore Ms. Gambino in. Ms. Voigt asked Ms. Gambino to state her credentials as an industry expert in Wine, especially farm and vineyards and on farm retail. Ms. Gambino stated that she owns Alba Vineyards in Pohatcong Township, it's a small vineyard they make about 1,800 cases of wine per year. Have been there since 2001, we have events to attract people to our wine. She is familiar with Beneduce' operation and what they do there. She is the Attorney for Garden State Wine Growers Association and Chair their legal committee. We are involved with the 61 Wineries in New Jersey, 43 of those are not on Preserved Farmland, 18 are. All the wineries, preserved or not, use music and food to attract customers. It's a major way we retail our product. It's also common for other farms, Bobolink Dairy in Milford, NJ has music events, and Milford Farmers Market open every Saturday has live music. The reason they use music and food to draw customers is it's easier for people to go to the supermarket and buy cheese and fruit and a liquor store to buy wine. They must do something to attract customers to visit the farms, dairies, and wineries. It is cheaper to go to a liquor store and buy wine then it is to go to a winery because it is mass produced and has advantages that smaller vineyards don't have. It is important for them to compete, to attract people to their farms. A large majority of vineyards do not sell their wine to the wholesale market. Most sell just at the vineyard. Most of the vineyards sell between 2,000 and 5,000 cases a year. When you're that small you can't afford to sell it to retail markets. New Jersey Alcoholic Beverage Control (ABC) Board encourages these ancillary activities, they want them to offer food, it reinforces wine and food as a daily meal. It also distinguishes wine as not a purely alcoholic beverage, you're not drinking it to get drunk, you're drinking it as part of a meal. The festivals that the ABC sponsors and issues permits for throughout the state include food trucks and music. ABC is endorsing this to market our product. SADC standards expressly permits them to use amplified live & recorded music and is an acceptable marketing practice. The fees that are charged offset the cost of paying musicians & paying employees. If they are selling more wine than services, that is an acceptable On Farm Marketing Practice. People come because they want to be entertained, the ambiance and gathering with other people. Ms. Gambino also mentioned how proud everyone in the NJ wine industry is of Mr. Beneduce because he won the 2022 New Jersey Outstanding Young Farmer Award. The wine industry is the fastest growing agricultural industry in the state. It's the first time someone in the wine industry has won that award. Ms. Voigt asked that the award letter from SADC be entered as an exhibit.
- ***Application Exhibit J – Hearing Exhibit B39 – July 29, 2021 letter from New Jersey State Board of Agriculture to Michael Beneduce of the 2022 New Jersey Outstanding Young Farmer (OYF) Award.***
- Ms. Voigt asked if the practice of marketing wine that Ms. Gambino has described is allowed on both preserved and non-preserved farms? Yes.
- Mr. Beneduce thanked the Board for being there tonight. He wants to talk about the 2 site plan issues. The reason they are requesting relief from stabilizing the access lanes to the sod parking, is the sod parking is on the highest and driest place on the 50-acre farm. Have been operating for 10 years, have never had any vehicle get stuck, also they are close to the impervious coverage maximum in that section of the farm because that is in the Agricultural Business Zone. There is a 20% impervious limit, stabilizing the lane would put them over the limit. They don't use the area when it's wet and don't have the events outdoors in inclement weather. The next issue is the barricade, we have a 2-way lane we use 90% of the time, when not having these events it is wide enough to accommodate 2- way traffic including buses and emergency exits, if someone were to leave early, they would open it up and allow them to exit that way. Never had an issue. They have parking staff on premises at all time. Ms. Taylor asked, referring to the aerial view, that if someone wished to leave someone would remove the

barricades to have them exit in the correct direction? Yes, they are just plastic barricades and are easily moved.

- Mr. Beneduce has rebuttal testimony to the comments made by the Township. In 2019 there was a DUI in the neighborhood on a Sunday afternoon, the driver was found to be leaving the vineyard. Despite this being the only time this has occurred since they opened in 2012, there was an investigation by the State ABC, they found it was not their fault and all safety procedures met or exceeded ABC standards. He immediately met with the neighborhood Homeowners Association and addressed every concern they had from staff training to signage to traffic flow, regardless the Township used this incident as justification to issue a cease & desist order for most of the business activities. They gave them 2 options, go to the Municipal Planning Board for a variance or go to the CADB for Site Specific AMP. We chose the CADB because we felt we'd be more protected. The Township seems to be politically motivated while the community it serves has been very supportive of the vineyard. The Mayor who issued the cease & desist lives right next to the vineyard and told him a meeting once that she didn't like hearing the music from our property in her backyard, after that comment he didn't feel comfortable going to the Township for a variance that's the reason he came before this Board. He has studied Right to Farm and its Agricultural Management Practice regulations. He knows what it does and does not permit farmers to do. He knows that some farms have crossed the line and tried to hide behind the Right to Farm Act as is the case with a lot of the wineries that the Township has repeatedly cited as an argument against them. Weddings never accounted for more than 5% of the total income and we've discontinued them entirely. I'm a fourth-generation farmer, I want to grow grapes, make wine, and sell that to the people that visit my farm. To draw people to the farm we host outdoor events on weekends during the growing season that include live background music and a single food truck. We also allow people to book space inside the winery for private wine tastings, whether they are celebrating a milestone or life event is no concern to them. Those are two activities he is seeking protection for under the Right to Farm Act. Public and private events with live background music in our existing facilities are clearly stated as protected activities. The Township has scrutinized our website, the regulation lets us draw customers to the farm by advertising live background music. The Township claim we went too far, if we did cross the line it was how aggressive we were in marketing these events even though we were using the same language that every other vineyard in the state is using. Hunterdon County 579 Trail is sending out promotional emails with the heading "Music on the Farm" listing all the Wineries in the County, some of which have music 3 times a week. We hire local musicians most of who are Hunterdon County residents. Seating is at circular tables or picnic tables so that guests are facing each other the entire evening not the band. The Right to Farm Act AMP offers no written guidelines for permitted marketing language, the only objective standards we must go by is the proportionality test which we exceed in every one of our business activities since we opened to the public in 2012. As stated in previous testimony, 80% of our income is directly from the sale of wine, which is our agricultural product. This year in 2021 we will be using 100% of our own grapes, I am not buying grapes from anyone else. He is growing every grape that they use to make wine. His license allows him to purchase grapes elsewhere, he prefers to grow and use his own to control the quality. In response to the Townships comments last year, they voluntarily re-worded the entire website to mirror the language of the Right to Farm Act more clearly and we have seen no reduction in attendance. There are many challenges facing a farmer. They have been in business for 10 years and have turned a profit for only 2 of those years. One of those was \$11,000.00 in profit. The Right to Farm Act levels the playing field for farmers so they can compete in today's business environment. He could have lost his entire crop last week in the Hurricane, other businesses do not have to deal with that kind of risk. If farms can't operate with a clear set of rules and regulations, who are not protected from municipal, political attempts, and overreach their jurisdiction, they would never survive long term. The farm they are operating on existed long before my parents bought it in 2000 and long before the surrounding

neighborhood was built, it's been hacked up and sold to developers so that only 50 acres remain, which isn't enough to support a family on a crop of corn or soy. His generation of farmers must get creative and keep smaller plots of family land to remain in agriculture. Wine grapes are the fastest growing sector of agriculture in New Jersey today because it is a high value crop that can be economically sustainable on smaller plots of land and because New Jersey has turned out to be well suited for growing. He read in a book given to him that Pittstown was one of the most important centers of fruit production in the state. He feels great pride that he is one of the few remaining farms in Hunterdon County trying to make a go of fruit production. Alexandria Township Right to Farm Act states, "The retention of agricultural land is essential to providing the citizens of Alexandria Township and the State of New Jersey as a whole with food and fiber and also ensuring the protection of aesthetic values through the preservation of open space; Agriculture is a dominant, existing industry within Alexandria Township and is also the original and primary use of land within Alexandria Township; The extension of nonagricultural land uses, particularly residential uses, into agricultural areas often results in agricultural operations becoming the subject of nuisance complaints and actions; Commercial farms are thereby discouraged and sometimes forced to cease operation, encouraging agricultural lands to become converted to nonagricultural uses; It is the policy of the Township Committee to conserve and protect and encourage the development and improvement of agricultural lands within the Township for the production of food and other agricultural products and the preservation of open space and to protect and encourage the viability of the agricultural industry by establishing a positive agricultural business climate in order to promote agricultural production to serve the interests of all citizens of Alexandria Township and the State of New Jersey." How do we get from that statement, which is pro ag and pro-business, to 2 years of the Township trying to limit, reduce, and impede our agricultural business? This includes 3 rounds of negotiations where we continually have made concessions only to come back with another list and ask for new things. Discussions had been going well for over 8 months, only to be provided with a list of comments just last week made all our professionals hurry and respond. We haven't had a single public comment against our winery. He has only had 2 formal complaints in the last 10 years, both of which were anonymous, and both were about the same DUI in 2019 that he spoke of before. On the other hand, you heard from a long list of neighbors, fellow farmers, business owners, and county residents that support our business. The Township sent out a survey to 300 nearby residents then didn't submit them to the Board, there was an overwhelming majority in favor of Beneduce Vineyards. Many of the responses question the use of Township tax dollars to fight a business that has such a positive effect on local economy and landscape. The Township is overreaching, Committee members have told him they are making an example out of him to limit the other agritourism businesses that exist and that are new in Alexandria Twp. The average winery in the U.S. makes over 30,000 cases of wine in a year, we make less than 5,000. They can't survive as a business by selling their wine anyway except directly to the consumer. We are using land next to a noisy commercial airport to create an environmentally and economically sustainable destination farm that hopefully lasts for generations. Neighbors include pictures of the vineyard in property listings because they know it increases the value of their property. In Mr. Beneduce' opinion the Right to Farm Act was created for cases just like his where overreaching by municipal Committees need to be checked. We are at a critical moment in our county and our state that will decide the future for generations of would-be farmers. Mr. Beneduce again thanked the Board for their time.

- Mr. Beneduce entertained questions from the Board. Board member asked Mr. Beneduce if someone leaves early, how do the parking attendants direct them? Mr. Beneduce referred to the aerial slide of the farm and pointed out the direction of traffic.
- Ms. Voigt stated this should have been a simple matter, the proportionality test is met. Beneduce Vineyards has designed its public events, private wine tastings, entertainment food pairings, and facilities in compliance with SADC regulations, that it expressly protects these practices. SADC

regulations permit Marketing as an Agricultural Practice. It is agritourism. It is being implemented throughout the state, county, and Township. Marketing only works if it draws people to the farm. On wineries this means public events, private tastings, entertainment, and food pairings. We have been here for 2 years to fix something that wasn't broken. The Township is overreaching and looking to limit the jurisdiction of this agricultural Board. Mr. Beneduce has been making good faith concessions, only to have the Township discontinue those discussions for 8 months. The Township Committee says it does not have the expertise to rely on experts. That is what they do under their own ordinances, it is what any member of a Land Use Board does. We have ample expert input. We could have gotten through our 3 site elements prior to the first hearing, but the Township did not move discussions to allow that. The Township did not want to settle the issues. They believed if they made this complicated, you would turn this back to the Planning Board. At the meeting in July, the Township agreed to respond to engineering comments. This Board has the responsibility to protect farms such as Beneduce. The Township has set forth information in these hearings. The Township has never provided testimony challenging the relevant standards. On proposed uses it overreached calling on irrelevant sources. On site elements it refused to apply the SADC regulation. They have not provided testimony challenging sales figures, have not provided evidence challenging proportionality test. They have not provided evidence that disputes SADC standard that entertainment increases direct market sales of wine on his farm. Beneduce Vineyards has provided evidence that entertainment increases the direct market sales. Mr. Beneduce has provided financial records in his original application and his testimony. The Township has not provided evidence that disputes SADC standard that the event is de minimis compared to the income generated from the sale of wine. They have not provided credible evidence to challenge background music. Beneduce has provided credible evidence they have and intend to continue to comply with state noise standards despite being exempt. Photos, testimony, financials have demonstrated music draws patrons and keeps them there. Evidence has demonstrated that during public events those patrons gather in circles with picnics. Premiere seating for these events on the patio furthest from the source of music, couldn't be more background. Beneduce Vineyards has submitted credible evidence that during private tastings its fee covers the cost of wine on a per head basis with no other services provided other than wine education, wine tasting, and a little service of wine by trained staff. What's more, in a search for credible evidence before the first, the Township sent hundreds of surveys to area property owners. What resulted was overwhelming support for Beneduce Vineyards, we have already accepted public comment on planning testimony, no one person objected. The Township has not set forth credible threat to public health and safety with respect to the disputed site elements. Mr. Beneduce has explained the barricade as well as the traffic flow and need to not add more impervious coverage in the soft parking area. There is nothing for the Municipal Planning Board to decide and such approval is not required as per the procedures of the SADC, but they have Planning Board approval. Beneduce Vineyards has designed its vineyard under SADC regulation. It has submitted this application in good faith, and nothing further should be required.

- Ms. Dragan stated the Township objects to music nights and private special occasion events that are not really wine tasting. The Township also wants to make sure that the site is designed and used safely in view of the intensity and type of music that takes place on the property. Mr. Beneduce has stressed that he cannot sell his wine without conducting musical events or band nights, these are conducted outside in the summer and inside in the winter. The Township was willing to settle on this issue with one quiet weekend a month in the summer, that was rejected because of the events and the way he operates them. If musical entertainment must be part and parcel to selling wine at all times of the year, then it's not ancillary or incidental as required by SADC regulations. The entertainment and the sale of wine are both principal uses because one is just as important as the other as indicated on their website. The concerts are marketed to 18-year old's, they can't buy and drink wine, to them the primary reason to come to Beneduce Vineyards is to see the bands. If the way the entertainment and operations

are conducted here doesn't fit the definition of ancillary or incidental activities which are incidental to the sales of the agricultural product, then the uses require Zoning approval from the Township because it's not permitted under Right to Farm. Some of the Exhibits that were presented as far as what other wineries do in the county, she can't speculate on how they got their approvals. Also, with respect the proportionality test, I can't disprove Mr. Beneduce' numbers without hiring an accounting expert, we don't want to do that. Other use and activities the Township believes are not permitted under Right to Farm are the private special occasion events. The Township is aware the website advertising these events has been changed since 2015 when it was first reviewed because of a noise complaint on the farm; at that time Beneduce was advertising weddings, catering, and other events in the buildings on the property including the Greenhouse on a year-round basis. As stated in the Hopewell Valley Vineyards case, private events, or special events that are life celebratory events where the attendees are present for the event itself not the wine, are not permitted by Right to Farm. The Township did recognize that and sought grant funding from the county and created a Special Events Ordinance that farms and wineries in the Township could conduct these events at these locations. The Township has also granted a variance to a local farm so that they can hold weddings on a permanent basis. I'm telling you this because the Township is not opposed to helping local farm business, but it is also interested in protecting the integrity of the zoning process and what it legitimately involves under the definition of Right to Farm. In defense of the Township, you have seen from all materials presented that this matter has been going on since 2015, we already talked about what Beneduce did, but things came to a head when the Mayor found a complaint in her mailbox about band music and shouting coming from inside the Oasis Building. Then a couple months later was the drunk driving incident in Shy Creek, so there were zoning violations issued after that, that resulted in the application before you. What the Township is looking for in the end whether determined by this Board or not some kind of balance between was has become a contested use and rights of the surrounding property owners to use their properties in peace. Some of the neighbors seem to be disturbed by this and continue to be and the Township, as a government representative of the people, has a duty to be responsive, when we get complaints we can't ignore them we have to deal with them, especially when they are occurring over a long period of time, most recently the Township received an email from a resident which showed a picture of two men leaving on a party bus, using their private property, on July 10th, as a bathroom. She is hoping that some of these things can be protected against so the rights of the property owner can be preserved. When you have a facility that serves and sells alcohol there is a greater opportunity for people to become impaired, uninhibited, loud, and irresponsible, here it happens on a year-round basis. You must look at traffic, safety, security, and nuisances and protect the surrounding neighborhood even if it's just a few people who are complaining. Perhaps there could be some sort of accommodation with respect the hours of operation or frequency of events so the vineyards rights to commercial success do not infringe on the rights and freedoms of others to live in and enjoy their homes.

- Ms. Voight stated closing statements are based on facts in the record and that facts stated there were never in the record. Ms. Taylor said understood. Ms. Dragan stated she had a picture of the July incident. Again Ms. Taylor said understood.
- Ms. Taylor stated in the interest in concluding the hearing this evening, she opened the hearing up to public comment only on the Beneduce matter.

Public Comment:

- P.T. Springwell, Stanton, Readington Twp. stated she is an expert in commonsense principals and the truth, she has no personal agenda except preserving county farmland in accordance with the original intention of goading taxpayers to approve the New Jersey Farmland Preservation Program. She has the objective guidelines that you find missing in the SADC Regulation. She hopes to cut through all this like a knife to the basic issue here. This is preserved farmland, paid for by the taxpayers. Ms. Taylor

interrupted her as this must be specific to the Beneduce hearing. Beneduce Vineyard's is not a preserved farm. Ms. Springwell continued by saying this project is not what she voted for, she wants to know why this commercial operation is not put on non-preserved farmland, again she was informed this is not a preserved farm. She asked what kind of impact this farm has on neighboring farm property with the noise, like neighboring farmland that has animals on it. She is also concerned about food truck generators and the acoustical engineer might be able to address that. Chairman Bond said they already addressed that, and this does not pertain to what she is talking about. She said she doesn't understand how this is different than a concert venue. She is also concerned about the refuse generated from this and is concerned about what it is doing to the neighboring residential properties. She is concerned about the clear headedness of the people exiting the property. She is tired of the legal "mumbo jumbo" taking place to circumvent the true intention of keeping our farmland viable. What is allowed and what is right is the issue here. I have farmland blood in this game, if I have to protect the farmland I will, I may come across as idealistic, but I feel truth is the ideal we should all strive for. When I got these papers passed out, I saw this thing Group Therapy I thought it was an oxymoron. It sounded like a therapeutic remedy for alcoholics. This is like the Twilight Zone. The municipality is here to protect the community, I'm here to protect the land which the CADB was appointed to do. It is in the best interest of the farmland do your sacred duty to protect the paradise in Hunterdon County. This seems over the top, she supports the community, now you have your first public comment against them.

- Chris Kroese – Lives across the street from the Vineyard. Has lived here for 30 years. It used to be a vacant field. When Mike moved in, he fixed it up and made this a much better place for all of us. He has the cow pasture across the street from the vineyard. Says his cows like the music, it's not too loud, it's no different than people sitting in their back yards playing music by the pool. Mr. Beneduce is a great neighbor and does not want to see him go. It's a very nice experience. The traffic is well controlled. He is a great benefit to the neighborhood.
- At this point Ms. Taylor concluded the hearing. Asked the Board for a MOTION to Close the hearing and give their decision at the next CADB meeting October 14th. The Board members wanted to stay and make their decision tonight.
- Ms. Taylor stated first they have to decide if this falls under the Right to Farm Act and the On Farm Direct Marketing AMP. John Perehinys says it does. Ms. Taylor stated there is a MOTION on the table that says it falls under the On Farm Direct Marketing AMP, which includes Indoor and Outdoor Public Events, Private Wine Tastings. Amplified Background Music between 6:00 pm – 9:00 pm on Saturdays and 2:00 pm – 5:00 pm on Sundays between the months of April through October. This is also to allow Food Truck and Food Pairings. John Perehinys confirmed the MOTION, Marc Phillips SECONDED for Beneduce Vineyard's right to conduct Music events and hours of operation. Ms. Taylor asked for a Roll Call Vote. Before Roll Call vote Some discussion ensued.

	<i>MOVE</i>	<i>SECOND</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
David Bond, Chair			<i>X</i>			
Robert Hoffman, Jr., Vice Chair			<i>X</i>			
Susan Blew			<i>X</i>			
Marc Phillips		<i>X</i>	<i>X</i>			
John Perehinys	<i>X</i>		<i>X</i>			
Dave Kyle			<i>X</i>			
Liz Schmid			<i>X</i>			
Ted Harwick						<i>X</i>
Gerry Lyness						<i>X</i>
Christian Bench			<i>X</i>			
Forest Locandro			<i>X</i>			

9 IN FAVOR – 2 ABSENT

- Ms. Taylor then cited Exhibit B37 Engineering letter from VanCleeef Engineering on items that have been agreed upon by Mr. Beneduce & the Township. They will incorporate those items as well as what Mr. Beneduce has represented this even regarding a few of the items in dispute. They will move the Food Truck Parking according to Mr. Decker's request to the gravel area. He will conform to the Temporary ADA parking requirement. The items left is the stabilization of the parking area, the width of the gravel lane. Mr. Beneduce testified specifically to the width of the gravel lane, he has parking attendants and barriers. The parking attendants will remove the barriers should someone wish to leave early so there is no cross flow of people entering and exiting early from the event. Ms. Voigt stated the Event Management Plan be submitted accurately and referring to Exhibit B38 the two indented blue paragraphs are the Engineers comments. She thinks that would be more helpful for long term clarity to the resolution then the marked up scanned letter and add that the Food truck would be moved as well using temporary signage. For larger events 5 additional ADA spaces would be put in stabilized gravel area. Ms. Voigt suggested the 2 remaining items would be that Beneduce facility be approved with relief from the 2 Municipal requests that the sod parking be gravel, and relief from the traffic lanes being widened. As a condition Beneduce Vineyards would annually submit an Event Management Plan per regulation which will include the Traffic Management Plan and it will include these updates that were just outlined. John Perehinys made a MOTION to approve Site Plan including lane stabilization and lane width. Marc Phillips SECONDED. Ms. Taylor asked for a Roll Call Vote.

	<i>MOVE</i>	<i>SECOND</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
David Bond, Chair			<i>X</i>			
Robert Hoffman, Jr., Vice Chair			<i>X</i>			
Susan Blew			<i>X</i>			
Marc Phillips		<i>X</i>	<i>X</i>			
John Perehinys	<i>X</i>		<i>X</i>			
Dave Kyle			<i>X</i>			
Liz Schmid			<i>X</i>			
Ted Harwick						<i>X</i>
Gerry Lyness						<i>X</i>
Christian Bench			<i>X</i>			
Forest Locandro			<i>X</i>			

9 IN FAVOR – 2 ABSENT

Old Business:

None at this time

New Business:

None at this time

Adjournment: MOTION to Adjourn made by John Perehinys, Dave Kyle SECONDED. All in favor,
Meeting Adjourned at 10:30PM.

Respectfully submitted,

Bob Hornby, CADB Administrator

Prepared with the assistance of Colleen Runge, Planning Department Clerk

ITEMS REMAINING	BENEDUCE VINEYARDS EXISTING PRACTICE	STANDARD ALLOWS FOR...
Live, background music at events and activities hosted at Beneduce Vineyards (also known as “Group Therapy”) 	- Live, background music is offered as part of the consumer experience and ambiance at eligible on-farm direct marketing activities and events. - The bandshell and all speakers are pointed away from the residential neighborhood, and does not exceed the State’s Noise Standard (as evidenced by Sound Pressure Measurements included in application) - Entrance fee charged for “Group Therapy” events (less than 13% of gross annual income is derived from entrance fees, while over 83% of gross annual income is derived from the sale of the primary agricultural product, wine) - Wine produced onsite is sold during these events and activities directly to consumers by the glass and bottle for on premise consumption and to take home	NJAC 2:76-2A.13 - Definitions <u>Ancillary entertainment-based activities</u>: non-agricultural offerings, commonly used as incidental components of on-farm direct marketing activities, that are accessory to, and serve to increase, the direct-market sales of the agricultural output of a commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products. Examples of ancillary entertainment-based activities include but are not limited to: background live or recorded music.... Such activities may have a fee associated with them, but such fees shall be de minimis compared to the income generated from the sale of the agricultural output of the commercial farm.
Hours of eligible on-farm direct marketing activities and events 	Live, background music occurs outdoors between 6-9PM on Saturdays and 2-5pm on Sundays during the months of April-October.	NJAC 2:76-2A.13(c) – Hours of Operation 1. On-farm direct marketing facilities and activities may be open or offered on weekdays, weekends, holidays, seasonally, for part of the year, or year-round. 2. On-farm direct marketing events may be offered on weekdays, weekends, holidays, seasonally, or for part of the year. 3. Hours of operation may be between 6:00 A.M. and 10:00 P.M. These hours may be temporarily extended to 11:00 P.M. in conjunction with seasonal on-farm direct marketing sales, activities, or events.
Allegation that Beneduce Vineyards is offering private event planning and services 	- Beneduce Vineyards allow for the Oasis space and Tasting Room to be reserved for private wine tastings - Only wine purchased from Beneduce Vineyards may be served – other wines, beer and/or hard alcohol of any kind cannot be brought in for events - Beneduce Vineyards does not provide any decorations, catering, or other services often used for private events	NJAC 2:76-2A.13 – Definitions <u>On-farm direct marketing activity</u>: an agriculture-related happening made available by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include, but are not limited to: agriculture-related educational activities; farm-based recreational activities; and ancillary entertainment-based activities. <u>On-farm direct marketing event</u>: an agriculture-related function offered by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such events are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products; may include on-farm direct marketing activities as components; are either product-based or farm-based; and occur seasonally or periodically. Product-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: an apple, peach, strawberry, pumpkin, wine, or other agricultural or horticultural product festival held at a commercial farm that produces that particular product. Farm-based events provided they demonstrate the required relationship to marketing the output of the commercial farm, may include, but are not limited to: seasonal harvest festivals held at a commercial farm that produces such seasonal farm products, farm open house events, CSA membership meetings, and farm-to-table events that showcase the agricultural output of the commercial farm.

Permitted Uses in the Airport Business Zone (AB) 	▪ Agriculture and agricultural sales are Principal Permitted Uses in AB Zone ▪ Buildings associated with sale of wine and on-farm direct marketing activities and events are held in the AB Zone	NJAC 2:76-2A.13 – Definitions On-farm direct marketing facility: a type of farm market including the permanent, temporary, and/or moveable structures, improvements, equipment, vehicles, and apparatuses necessary to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income. Such facilities include various types and sizes of direct marketing operations, including, but not limited to: farm stands; farm stores; CSA market and distribution areas; and pick-your-own (PYO) market areas. A facility may include one or more structures or a portion of a structure, and a facility may utilize new or existing structures. A facility’s structures may also be used for the commercial farm’s other farm purposes, for instance: equipment storage, equipment maintenance, and the production, processing, packaging, storage, or wholesale marketing of the agricultural output of the commercial farm. NJAC 2:76-2A.13(k) – Use of OFDM Facilities The use of structures or improvements in conjunction with on-farm direct marketing activities and events shall be as follows: 1. Existing agricultural structures or improvements may be used in conjunction with the offering of on-farm direct marketing activities and events, provided this use does not adversely affect the continued use of the structures or improvements for agricultural production purposes. 2. New structures or improvements may be constructed and used in conjunction with the offering of on-farm direct marketing activities and events, provided this construction and use has a negligible impact on the farm’s continued use of the land for agricultural production purposes. i. If such structures or improvements are temporary and used in conjunction with a temporary or seasonal activity, the structures or improvements shall be removed within 30 days of cessation of the activity or event. 3. The use and construction of structures or improvements shall comply with relevant Federal and State laws, rules, and regulations.
▪ Stabilization of Parking Areas ▪ Number of Parking Spaces ▪ Surface of Parking Areas 	Beneduce Vineyards uses grass surfaces for parking and overflow parking (except for Parking Area #1 – gravel and pavement)	NJAC 2:76-2A.13(h) – Parking In the absence of municipal standards for the construction of parking areas applicable to on-farm direct marketing facilities, the standards in this subsection shall apply to facilities’ parking areas. 1. A commercial farm’s parking areas for on-farm direct marketing facilities, activities, and events may include areas permanently devoted to parking, areas temporarily devoted to parking, or a combination of such areas. Areas permanently devoted to parking means areas utilized by the facility on a daily basis when the facility is open. Areas temporarily devoted to parking means areas utilized by the facility when additional parking capacity is needed on a short-term, temporary basis, such as in conjunction with seasonal on-farm direct marketing sales, activities, or events. 2. The following standards shall apply to all parking areas: i. Safe, off-road parking shall be provided. Parking shall not be located in a road right of way, and the number of spaces provided shall be sufficient to accommodate the normal or anticipated traffic volume for the commercial farm’s on-farm direct marketing facilities, activities, and events; ii. Ingress and egress points, driveway areas, and parking areas shall be arranged, so as to provide for safe traffic circulation. This arrangement shall allow customers to safely pull off of and onto adjacent roadways, and to safely maneuver to and from parking areas and into and out of parking spaces. On-farm direct marketing facilities need adequate driveway access to enable customers to reach the facility from the adjacent roadway; and iii. Where applicable, on farms that allow buses, parking areas shall accommodate bus traffic and allow for the safe unloading and loading of bus passengers. 3. The types of surfaces and any physical improvements associated with areas permanently devoted to

		parking, such as curbing or landscaping, need not involve greater than the minimum level of improvements necessary to protect public health and safety. 4. The following standards shall apply to areas temporarily devoted to parking: i. Areas temporarily devoted to parking shall require few or no improvements, so that they can easily be converted back to productive agricultural use once a farm’s need for short-term additional parking ceases; ii. Areas temporarily devoted to parking may include, but are not limited to, hay fields, grass fields, pastures, and other crop fields, provided they have vegetative or organic mulch cover, such that bare ground is not parked on; iii. The slope of the land shall be considered to address issues related to drainage, puddles and pockets of standing water, and safety; iv. During dry conditions, areas temporarily devoted to parking shall be mowed, so as to minimize fire hazards related to vegetation coming in contact with the underside of customer vehicles; v. During wet conditions, areas temporarily devoted to parking shall be managed to provide vehicles and pedestrians with safe and sufficient traction; and vi. A commercial farm shall mark, sign, or indicate through staff direction or other means where vehicles should be parked.
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KEY TAKEAWAYS WHEN REVIEWING BENEDUCE VINEYARDS SSAMP APPLICATION IN RELATION TO THE ON-FARM DIRECT MARKETING AGRICULTURE MANAGEMENT PRACTICE

- The OFDM-AMP, adopted in 2013, specifically allows for commercial farms to host on-farm direct marketing activities and events for the purposes of increasing sales of the primary agricultural product
 - Beneduce Vineyards’ primary agricultural product is wine, grown, produced and processed onsite
 - The facilities, activities and events used for on-farm direct marketing are for the purposes of increasing sales of wine, evidenced by financial statements disclosed by Mr. Beneduce
 - 83% of the total gross revenue is derived from the direct sale of wine to consumers, with less than 13% of the total gross revenue provided by fees associated with on-farm direct marketing activities and events
 - Live, background music and public and private wine tastings are a few of the many common marketing tools allowable for use by commercial farms – in order for the marketing to be successful, it must be widely publicized
- The OFDM-AMP provides detailed guidance for CADBs in approving on-farm direct marketing activities and events, as well as the use of new and existing facilities for these activities and events
- The OFDM-AMP and New Jersey Right-to-Farm Act (NJSA 4:1C-9) allow for the preemption of municipal standards that are unduly burdensome for agricultural operations, providing that the preemption does not cause a threat to public health and/or safety
 - The CADB has jurisdiction in deciding Right-to-Farm matters, recently upheld in **Township of Franklin v David den Hollander**
 - As an example, traditional parking standards are not appropriate for use on farms. The land should be able to be easily returned to agriculture (primary use) when not being used for activities and events
- Mr. Beneduce has exceeded the minimal requirements at his own cost in an effort to be a good neighbor and work with Alexandria Township
 - Mr. Beneduce hires traffic flaggers, security personnel and noise consultants and measurement equipment for Group Therapy and other public activities and events
 - Mr. Beneduce has agreed to making additional parking improvements as it relates to ADA parking standards



**Standard for Protecting Events and Entertainment Marketing under the Right to Farm Act as per the
Agricultural Management Practice for On Farm Direct Marketing Activities, Events, & Facilities, NJAC 2:76-2A.13**
(All quotes are from NJAC 2:76-2A.13)

Entertainment

Permitted and protected **entertainment-based** farm marketing activities expressly include:

*“Live and recorded background music” which is
“designed to attract customers” to the vineyard by
“enhancing the experience of purchasing [wine]...”*

Entertainment-based activities, including **background live or recorded music**, are protected under the Right to Farm Act provided they meets the following standard:

1. The entertainment is “accessory to the direct-market **sales** of the [wine]”; and
2. The entertainment “serves to increase the direct-market **sales** of the [wine]”.

A farm may charge a **fee** for the entertainment, provided:

The Fee is “*de minimus* compared to the income generated from the sale of the [wine].”

Events

Permitted and protected **events** include:

**“Product [wine] based events” or “Farm based events” which
“are designed to attract customers to the [winery]”
“by enhancing the experience of purchasing [wine]”
“which occur periodically [i.e. at intervals] or seasonally.”**

Permitted events include “periodic events” which “include on-farm direct marketing activities [i.e. background live or recorded music] as components...”

Events, including public and private events, are protected under the Right to Farm Act provided they meet the following standards:

1. The event is accessory to the direct-market **sales** of the wine; and
2. The event serves to increase the direct-market **sales** of the wine.
3. They demonstrate the required relationship to marketing the output of the commercial farm.

From: 🍎👤🚗 Hunterdon 579 Trail <msaluk@co.hunterdon.nj.us>
Date: Fri, Sep 3, 2021 at 2:25 PM
Subject: September Events
To: <mike@beneducevineyards.com>

Beneduce Exhibit B-34
Page 1 of 3



Events on the Trail!**

***Special note in the wake of Hurricane Ida**
Please check with individual venues to see if flooding has
affected hours, location or schedule*

Please continue to check our calendar

Vineyard Events on the Trail!*

**Please check each website for specific details and policy information.*



Beneduce Vineyards

Saturday: Music & Food Truck from 5pm - 9pm

Sunday: Music & Food Truck from 12pm - 5pm

[Make your reservations HERE!](#)

Federal Twist Vineyards

Saturday and Sunday
Music from 12pm - 5pm
[More information HERE!](#)



Ironbound Farm

Friday: Music from 5pm - 8pm

[Make your reservations HERE!](#)

Old York Cellars

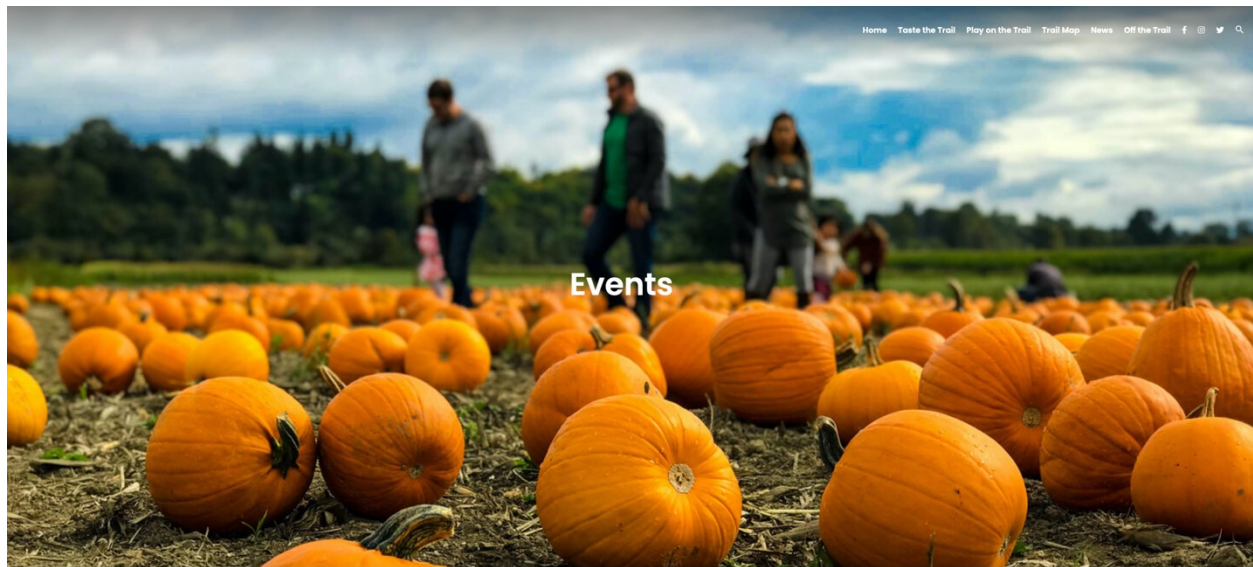
Friday, Saturday, Sunday

Music starting at 12pm

[Make your reservations HERE!](#)



Exhibit L: Hunterdon County Economic Development “Hunterdon 579 Trail” Events with Music
<file:///Volumes/svlaw/Shared/NLV/FARMING/Beneduce/Exhibits%20Beneduce/L%20Upcoming%20Events%20with%20music%20579%20trail.webarchive>



< > Today Now - September 26 ▾

IMAGE	TITLE	DATE & TIME	LOCATION
	Old York Cellars- Wine & Music Series	September 10 @ 12:00 pm - 9:00 pm ↻	Old York Cellars 80 Old York Rd, Ringoes
	Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click HERE		
	Federal Twist – Music in the Vines!	September 11 @ 12:00 pm - 5:00 pm ↻	Federal Twist Vineyard 8 Federal Twist Rd, Stockton
	Every weekend from 12-5 music and food!! Check schedule here!		
	Old York Cellars- Wine & Music Series	September 11 @ 12:00 pm - 6:30 pm ↻	Old York Cellars 80 Old York Rd, Ringoes
	Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click HERE		

Exhibit L: Hunterdon County Economic Development “Hunterdon 579 Trail” Events with Music
<file:///Volumes/svlaw/Shared/NLV/FARMING/Beneduce/Exhibits%20Beneduce/L%20Upcoming%20Events%20with%20music%20579%20trail.webarchive>



Beneduce Live Music & Food Truck

September 11 @ 5:00 pm - 9:00 pm

Beneduce Vineyards 1 Jeremiah Ln, Pittstown

These weekly events offer a unique opportunity to enjoy our wines by the glass or bottle on the farm where they were grown and made. They feature live background music, [...]



Beneduce Live Music & Food Truck

September 12 @ 12:00 pm - 5:00 pm

Beneduce Vineyards 1 Jeremiah Ln, Pittstown

These weekly events offer a unique opportunity to enjoy our wines by the glass or bottle on the farm where they were grown and made. They feature live background music, [...]



Federal Twist – Music in the Vines!

September 12 @ 12:00 pm - 5:00 pm

Federal Twist Vineyard 8 Federal Twist Rd, Stockton

Every weekend from 12-5 music and food!! Check schedule [here!](#)



Old York Cellars– Wine & Music Series

September 12 @ 12:00 pm - 6:30 pm

Old York Cellars 80 Old York Rd, Ringoes

Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click [HERE](#)



Old York Cellars– Wine & Music Series

September 17 @ 12:00 pm - 9:00 pm

Old York Cellars 80 Old York Rd, Ringoes

Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click [HERE](#)



Rainbow Fresh LIVE @ Ironbound Farm

September 17 @ 5:00 pm - 8:00 pm

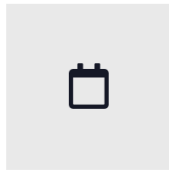
Ironbound Farms 360 country road 579, Asbury

Join us for a night of music as Rainbow Fresh takes the Courtyard Stage from 5-8pm. Reservations are HIGHLY recommended. Book a table to guarantee you a seat close to [...]

Exhibit L: Hunterdon County Economic Development “Hunterdon 579 Trail” Events with Music
<file:///Volumes/svlaw/Shared/NLV/FARMING/Beneduce/Exhibits%20Beneduce/L%20Upcoming%20Events%20with%20music%20579%20trail.webarchive>

	Federal Twist – Music in the Vines!	September 18 @ 12:00 pm - 5:00 pm ↻	Federal Twist Vineyard 8 Federal Twist Rd, Stockton
	Every weekend from 12-5 music and food!! Check schedule here!		
	Old York Cellars– Wine & Music Series	September 18 @ 12:00 pm - 6:30 pm ↻	Old York Cellars 80 Old York Rd, Ringoes
	Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click HERE		
	Beneduce Live Music & Food Truck	September 18 @ 5:00 pm - 9:00 pm ↻	Beneduce Vineyards 1 Jeremiah Ln, Pittstown
	These weekly events offer a unique opportunity to enjoy our wines by the glass or bottle on the farm where they were grown and made. They feature live background music, [...]		
	Beneduce Live Music & Food Truck	September 19 @ 12:00 pm - 5:00 pm ↻	Beneduce Vineyards 1 Jeremiah Ln, Pittstown
	These weekly events offer a unique opportunity to enjoy our wines by the glass or bottle on the farm where they were grown and made. They feature live background music, [...]		
	Federal Twist – Music in the Vines!	September 19 @ 12:00 pm - 5:00 pm ↻	Federal Twist Vineyard 8 Federal Twist Rd, Stockton
	Every weekend from 12-5 music and food!! Check schedule here!		
	Old York Cellars– Wine & Music Series	September 19 @ 12:00 pm - 6:30 pm ↻	Old York Cellars 80 Old York Rd, Ringoes
	Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click HERE		

Exhibit L: Hunterdon County Economic Development “Hunterdon 579 Trail” Events with Music
<file:///Volumes/svlaw/Shared/NLV/FARMING/Beneduce/Exhibits%20Beneduce/L%20Upcoming%20Events%20with%20music%20579%20trail.webarchive>

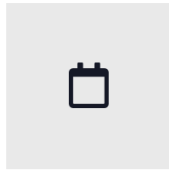


Old York Cellars– Wine & Music Series

September 19 @ 12:00 pm - 6:30 pm ↻

Old York Cellars 80 Old York Rd, Ringoes

Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click [HERE](#)



Old York Cellars– Wine & Music Series

September 24 @ 12:00 pm - 9:00 pm ↻

Old York Cellars 80 Old York Rd, Ringoes

Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click [HERE](#)



Federal Twist – Music in the Vines!

September 25 @ 12:00 pm - 5:00 pm ↻

Federal Twist Vineyard 8 Federal Twist Rd, Stockton

Every weekend from 12–5 music and food!! Check schedule [here!](#)



Old York Cellars– Wine & Music Series

September 25 @ 12:00 pm - 6:30 pm ↻

Old York Cellars 80 Old York Rd, Ringoes

Live Music from 12 PM at the Winery in Ringoes, NJ. Make your Reservation to visit Old York Cellars Winery, Ringoes, New Jersey. For more information click [HERE](#)



Beneduce Live Music & Food Truck

September 25 @ 5:00 pm - 9:00 pm ↻

Beneduce Vineyards 1 Jeremiah Ln, Pittstown

These weekly events offer a unique opportunity to enjoy our wines by the glass or bottle on the farm where they were grown and made. They feature live background music, [...]



Michael Patrick and Michael Carr LIVE @ Ironbound Farm

September 26 @ 12:00 pm - 3:00 pm

Ironbound Farms 360 country road 579, Asbury

Join us for a Sunday afternoon of music as Michael Patrick and Michael Carr take the Courtyard Stage from 12–3pm. Reservations are HIGHLY recommended. Book a table to through our [...]

< Previous Events

Next Events >



GROUP THERAPY + SUNDAY PICNICS

- These weekly events offer a unique opportunity to enjoy our wines by the glass or bottle on the farm where they were grown and made. They feature live background music, lawn games, and local food trucks. Due to high demand, seating is available by reservation only.
- Saturday evening “Group Therapy” reservations are from 5-9pm and are now limited to guests 18 and older, with an exception for infants under 2.
- Sunday Picnics offer a more family-friendly atmosphere and are open to guests of all ages, though children must be accompanied by an adult at all times. Reservations are from 12-5pm, with live background music starting at 2pm.

Upcoming Local Musician + Food Truck Schedule:

SEPTEMBER

9/4: Bassboards // El Molcajete

Beneduce Exhibit B-36

Page 2 of 3

9/5: Rob Viola // Marley's Wings and Things

9/11: Rob Trout and the Flounders // Harry's Lil Kitchen

9/12: James Gedeon // El Molcajete

9/18: Mac Paige Band // El Molcajete

9/19: Briz Shakey (Neil Young Tribute) // The Angry Chourico

9/25: Crabdaddy // El Molcajete

9/26: I287 Classic Rock Duo // Harry's Lil Kitchen

OCTOBER

10/2: Brother John Brown // El Molcajete

10/3: Gary Reed and Arturo Baguer // Jersey Johnny's

10/9: CC Coletti // TBD

10/10: Anthony Fuscaldo // TBD

10/16: Chris Turner and Clearstream // El Molcajete

10/17: John Cain // The Angry Chourico

10/23: Zaire // Harry's Lil Kitchen

10/24: Kate and Paul Duo // Marley's Wings and Things

10/30: Bassboards // Jersey Johnny's

Beneduce Exhibit B-36

Page 3 of 3

10/31: October Rose // Who Let the Dawgs Out



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Jeffrey W. Munzing, P.E.
Stanley J. Schrek, P.E., A.I., P.P., CME, LEED AP
Herbert J. Seeburger, Jr., P.E., CME, CPWM

Memorandum

To: Sharon Dragan, Esq – Alexandria Township Attorney

Cc: David Banisch, PP, AICP – Alexandria Township Planner

From: Thomas R. Decker, PE, PP, CME
Township Engineer

Date: August 3, 2021

Reference: Beneduce Vineyard Review

As requested we have reviewed our March 10, 2020 memorandum and the following additional documents as provided by Beneduce Vineyard's attorney.

1. Plan titled "Traffic Management Plan, Beneduce Vineyards" as prepared by Dolan & Dean Consulting Engineers' LLC dated ~~December 20, 2020~~. *December 2, 2020*
2. Letter from Nicole Voigt, Esq. on dated December 2, 2020.

The following are updates to the March 2020 memorandum. Original comment text has been eliminated for brevity purposes.

Traffic Report Review

- No comment required.*
1. The December 20, 2020 Traffic Management Plan (TMP) has been revised to delineate 308 parking spaces including 3 ADA spaces and traffic patterns. A plan specific review of the revised TMP is provided below.
 2. At the October 29, 2020 CADB meeting and as indicated in the December 2, 2020 Voigt letter, Mr. Beneduce has agreed to paving the ADA parking spaces. Pavement details of the ADA spaces should be added to the TMP.
 3. Seasonal parking areas have been identified on the TMP. A plan specific review of the revised TMP is provided below.
 4. Sequencing has been revised and location of Parking Area 4 has been added to the TWP. A plan specific review of the revised TMP is provided below.
- OK*
- No comment required.*

VanCleeEngineering.com

M-6427.001 Beneduce Review -210803.doc

Please Reply To:
CENTRAL NJ OFFICE
32 Brower Lane, P.O. Box 5877 • Hillsborough NJ 08844
908.359.8291 • Fax: 908.359.1580

With Other Offices In:
Lebanon NJ • Mt. Arlington NJ • Freehold NJ • Phillipsburg NJ
Toms River NJ • Hamilton NJ • Doylestown PA • Bethlehem PA
Mechanicsburg PA • Leesport PA • Newark DE



Re: Beneduce Vineyard Review
August 3, 2021
VCEA File No: 6427.001

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OK 5. Travel ways and parking layout have been added to the revised TMP however dimensions are still missing. *Dimensions will be added*

Disputed 6. Applicant proposes to maintain the seasonal parking areas as grass and stabilize with vegetation and hay as needed. Proposed methods of stabilization should be added to the plans. Alexandria Township Ordinance §115-37C requires that all internal drives and parking aisles shall be paved and provided with curbs and drainage. Typically, a design waiver would be required from the Alexandria Township Land Use Board.

No comment required 7. Bus parking has been added to the revised TMP. A plan specific review of the revised TMP is provided below.

" 8. As discussed at the October 29, 2020 CADB meeting, installation of the crosswalk is not required, however is recommended for pedestrian safety.

OK 9. Applicant agreed at the October 29, 2020 CADB meeting to pave the first 25 feet of the driveway entering from Jeremiah Lane. *A pavement detail should be added to the TMP.*

No comment required 10. Applicant's traffic engineer satisfactorily addressed the two way capacity of entrance drive at the October 29, 2020 CADB meeting. A plan specific review of the revised TMP is provided below regarding other on-site accessways.

Disputed 11. Food vendor parking has been added to the TMP as requested and is located in the Seasonal Parking Area #2. Due to the weight of food trucks, the location should be moved to the gravel area at the southeast corner of Parking Lot #1 for stability.

OK 12. The revised TMP proposes 308 permanent and seasonal parking spaces which is adequate for the indoor occupancy.

13. To our knowledge information regarding the historic attendance numbers for the outside music events has not been provided. *Testimony was provided at hearing.*

Disputed 14. A copy of the May 4, 2018 application has been provided confirming a design flow of 1,347 gallons per day (GPD). The TMP proposes parking for 20 employees. Per NJAC 7:9A-7.4 the daily required volume per employee is 15 GPD for a total of 300 GPD. The remaining 1,047 GPD capacity would accommodate 349 guests at a required volume of 3 GPD each per NJAC 7:9A-7.4. *Testimony was 10 employees. Extra spaces not used during maximum guest occupancy. Plan will*

Septic Disposal Capacity - Section deleted. Addressed in comment # 14 above.

be updated to reflect 10 spaces.



Re: Beneduce Vineyard Review
August 3, 2021
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Estimated Site Occupancy

Parking

- A total of 308 parking spaces is shown on the revised TMP.
- Anticipated traffic volume for the site remains unresolved.
- Maximum capacity based on available parking remains unknown.

Septic Capacity

- The original estimate of 399 guests anticipated a staff of 10 employees. Based on the revised TMP, 20 employees are now anticipated reducing the guest capacity to 349.

Venue Capacity

- To our knowledge a total maximum occupancy of the various venues has not been provided.

L will be canceled. Only 10 spaces needed for employees in TMP.

Testimony was provided at hearing.

December 2, 2020 Traffic Management Plan (TMP) Review

Beneduce has provided a plan titled "Traffic Management Plan, Beneduce Vineyards" as prepared by Gary W. Dean, PE dated December 2, 2020. Preliminary comments were provided via my December 12, 2020 email. The following is a detailed review.

1. The TMP proposes a total of 308 parking spaces distributed among five (5) parking areas numbered 1 through 4 and Employee Parking on the plan. Comments on each parking area are as follows:

a. Parking Area #1

- i. Forty-nine (49) permanent parking spaces are proposed on an existing gravel surface.
- ii. Three (3) ADA parking spaces are proposed to be relocated from the southeast corner of the Barn and Greenhouse # 1 to the eastern portion of the parking area adjacent to the paver patio. **We recommend shifting the new location to align a striped are with the walkway to the patio.**
- iii. An area for limo and bus parking is located along the north face of the Barn. **The number of buses that can be accommodated should be indicated on the plan.** *will indicate number of buses.*
- iv. **Bus parking is proposed adjacent to a fuel tank. Plans should address if the tank is above or below ground and if bollards exist or are proposed.**

No comment necessary.

Proposal is in response to Township comments and is acceptable.

OK

OK



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Traffic engineer
may confirm.

- v. Plan should demonstrate adequate maneuverability of a bus through the proposed traffic route for event parking through and around the greenhouses after barriers 1 & 5 are placed. *Plan was professionally prepared.*

b. Parking Area #2

No comment
required.

Disputed.
Same as

11, above.

No comment
required

OK. Will adjust
to comply with
buffer.

OK. Will adjust
to comply with
buffer.

OK

- i. Parking Area #2 is located in the southeast portion of the property and proposes twenty-five (25) seasonal parking spaces on a grass surface.
- ii. Food truck parking is proposed in the northeast corner of the parking lot. We recommend moving the location to the gravel area at the southeast corner of Area #1. The gravel surface and access drive will provide better pedestrian access and stability for the food truck.

c. Parking Area #3

- i. Parking Area #3 is located in the southwest and western portions of the property proposing 210 seasonal parking spaces on a grass surface.
- ii. The parking row containing 35 spaces appears to be on the southern property line. **Township Ordinance §115-39D(1) requires a minimum 10 foot buffer between off-street parking areas and the property line. Parking area should be adjusted accordingly.** Typically, a waiver would be required from the Alexandria Land Use Board (LUB) to permit the parking in the currently proposed location.
- iii. **Parking row containing 40 spaces appears to be less than 10 feet from the adjacent property line as required in Ordinance §115-39D(1) and should be adjusted to comply.** Typically, a waiver would be required from the Alexandria LUB to permit the parking in the currently proposed location.
- iv. **Directional arrows shown in parking area do not coincide with the access drive layout and need to be corrected.**

d. Parking Area #4

No comment
required.

Fencing OK
Septic is not
being crossed.
No cars will be
on septic

- i. Parking Area #4 is located to the north of the green houses and west of the vineyard. Twenty-nine (29) overflow spaces are proposed on a grass surface.
- ii. The access drive to Area #4 travels over the existing residential septic disposal field. NJAC7:9A-4.8 prohibits the location of a septic disposal field under driveways or parking lots (paved or otherwise). Field delineation by fencing or other methods is required to prohibit vehicular traffic over the disposal field.
- iii. Snow fencing is proposed around the barn septic disposal field and through the residential disposal field. **Fencing should be realigned as noted above.**



Re: Beneduce Vineyard Review
August 3, 2021
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OK
Has been
provided in
plan.

No comment
required.

OK - engineer
to adjust
layout.

No comment
required

OK

No issue -
one way traffic
not two.

- iv. Pedestrian access from Area #4 to the site facilities will require crossing the main event travel way. Provisions for a safe pedestrian access should be provided.

e. Employee Parking Lot

- i. Employee parking is proposed adjacent to the stone drive accessing the residential dwelling. Twenty (20) spaces are proposed in a tandem fashion on a grass surface.
- ii. Ordinance §115-37(5) requires that drives and parking aisles shall be designed so that each motor vehicle may proceed to and from a parking stall without requiring the moving of any other motor vehicle. The proposed tandem configuration does not conform to the ordinance requirement. Typically, a waiver would be required from the Alexandria LUB.

f. Additional Limo & Bus Parking Lot

- i. An approximate 30ft x 75ft area located between Lot #1 and the Employee Parking Lot has been designated for limo and bus parking.
- ii. Plans should indicate the number of buses that can be accommodated within this area.
- iii. Plan should demonstrate adequate maneuverability of a bus through the proposed traffic route for event parking and around the greenhouses after barriers 1 & 5 are placed as well as the ability to back out/in to the spaces.
- iv. Bus parking is proposed on a grassed surface. Due to the weight of the buses, the parking area and access drives should be stabilized with a gravel surface.

2. Following are comments relative to the Parking Management Sequence as shown on the TMP.

- a. Prior to the start of an event, portable barriers are to be set at location 1, 2 & 5. This closes the main access drive and diverts event traffic between Green Houses #5 & #6 to the gravel drive along the northern ends of the green houses.
- i. The gravel portions of these access drives scale as little as 13 feet between the greenhouses and cannot accommodate 2-way traffic. Since all event parking, including buses, will be accessed via this route, widening of the gravel area would be appropriate similar to the existing main access drive.

- ii. Details of the proposed type of portable barriers should be added to the TMP.

- b. Once the permanent parking Area #1 is filled, the barrier and directional signs are to be set at Location #4 blocking access to Lot #1 and diverting traffic to behind the Barn to Parking Area #2.



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- No issue - Testimony was provided that parking attendants may address visitors requiring special assistance.*
- c. Once Parking Area #2 is filled, traffic barriers will be placed at Location #4 closing off all access to the permanent parking Area #1.
 - i. All ADA parking spaces are located within Parking Area #1. Access to the ADA parking spaces after the closing of Area #1 needs to be addressed.
 - ii. Ability for vehicles to exit Parking Area # 1 during the event needs to be addressed.
 - iii. Limo and bus access to the dedicated space in Parking Area #1 needs to be addressed once the lot is closed.
 - d. Patron parking is to proceed in a clockwise direction for Parking Areas 3 & 4 until filled.
 - i. Parking Area #4 is for overflow parking. Vehicles arriving at the site after all spaces are occupied needs to be addressed.
 - e. Once Parking Areas #3 & 4 are filled, the barriers at Locations 3 & 4 are removed.
 - i. Since Parking Areas #3 & 4 are not contiguous and Area #4 is for overflow parking, barriers should be removed upon filling of Parking Area #3.
 - f. Parked vehicles shall exit in the reverse directional order from arrivals.
 - i. As designed the sequence appears to assume that all patrons stay for the duration of the event, leaving the site at one time. Provisions should be implemented to accommodate late arrivals and early departures during the event.

3. Additional TMP comments

- Testimony was provided at hearing and will be in Event Management Plan. Disputed*
- a. The TMP references the term "Event". According to the website <https://beneducevineyards.com/events/>, Events include "Group Therapy", "Private Wine Tastings" and "Current Events".
 - i. Clarification is required as to whether the TMP applies to all events provided by on site operations.
 - b. Dimensions for all parking areas should be added to the TMP.
 - c. Methods of field delineating the seasonal, overflow and employee parking spaces and access drives needs to be addressed and details provided.
 - d. According to Chapter 5 of the Americans with Disabilities Act (ADA) a facility providing 301 to 400 parking spaces shall include a minimum of six (6) standard and two (2) van accessible spaces. A total of 308 parking spaces is proposed of which three (3) are ADA accessible. An additional five (5) ADA spaces are required to accommodate event parking.



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August 3, 2021
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- e. All buildings and venues should be labeled consistent with the uses as represented. For example Green House #1 as shown on the TMP has been referred to as the "Oasis" in the past. *Updated labels will be added.*
- f. Maximum permitted occupancy for each building or venue should be added to the plans.
- g. Paving details should be added to the TMP for the ADA parking spaces and minimum 25-foot driveway entrance from Jeremiah Lane.
- h. The TMP should be submitted to the Alexandria Township Fire Marshall for review and comment.

OK

OK

OK

OK

L This is already offered pursuant to SADC's Event Management Planning annual submission

TRAFFIC MANAGEMENT PLAN FOR SELECT OUTDOOR EVENTS

1. SIGNS TO BE UPGRADED TO MUTCD COMPLIANT SIGNS FOR 5' MINIMUM HEIGHT WITH RETRO REFLECTIVE SURFACES
2. PORTABLE BARRIERS TO BE USED FOR TRAFFIC CONTROL. TYPE MAY INCLUDE HAY BALES, TRAFFIC CONES, DRUMS AND/OR HIGH VISIBILITY CONSTRUCTION/SNOW FENCE
3. 

PARKING MANAGEMENT SEQUENCE

1. PRIOR TO START OF EVENT, INSTALL PORTABLE BARRIERS AT LOCATIONS 1, 2, & 5
2. TRAFFIC CONTROL SIGNS/BARRIERS TO BE PLACED AT LOCATION 3 ONCE PERMANENT PARKING AREA 1 IS FILLED
3. TRAFFIC TO BE DIRECTED BEHIND THE BARN TO PARKING AREA 2. ONCE FILLED, TRAFFIC BARRIERS TO BE PLACED AT LOCATION 4.
4. PATRON PARKING TO PROCEED IN A CLOCKWISE DIRECTION FOR PARKING AREAS 3 & 4 UNTIL FILLED.
5. BARRIERS AT LOCATIONS 3 & 4 TO BE REMOVED
6. PARKED VEHICLES SHALL EXIT IN THE REVERSE DIRECTIONAL ORDER FROM ARRIVALS

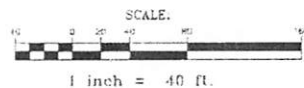
PARKING SUMMARY

Permanent Spaces = 49 [3 ADA compliant]
 Seasonal Spaces = 210
 Parking Area 4 (Overflow) Spaces = 29
 Employee Spaces = 20
 Total Spaces = 308

NOTES:

THIS PLAN REFERENCES

1. SITE PLAN PREPARED BY "PARKER ENGINEERING AND LAND SURVEYING P.C." DATED 2018-01-12.
2. AERIAL PHOTOGRAPHY MAPPING PROVIDED BY GOOGLE MAPS DOWNLOADED ON 2020-11-25.
3. FIELD TAPE MEASUREMENTS BY "DOLAN & DEAN CONSULTING ENGINEERS, LLC" CONDUCTED ON 2020-03-04.



181 WEST HIGH STREET SOMERVILLE, NJ 08876 908.527.0100 908.527.0181 Fax/Email			
10th EDITION CERTIFICATE OF AUTHORIZATION NO. 1-45431 UNED			
Traffic Management Plan			
Beneduce Vineyards 1 Jeremiah Lane Alexandria Township Hudson County, New Jersey			
GARY M. DEAN NJ Professional Engineer No. 12172	Scale: 1"=40'	Drawn by: GMD	Check by: GMD
11/11/20	12/22/20	12/22/20	12/22/20
No.	Revised	Checked	Date

**Right to Farm Protection of Facilities From Unreasonable, Burdensome Municipal Requirements
in Accordance with the Site Element Standards set forth in the
Agricultural Management Practice for On Farm Direct Marketing Activities, Events, & Facilities, NJAC 2:76-2A.13
(All quotes are from NJAC 2:76-2A.13)**

Beneduce Exhibit B-38
Page 1 of 2

Authority

“A commercial farm seeking approval of site plan elements to establish a new, or expand an existing, on-farm direct marketing facility may apply to the municipality and/or the county agriculture development board for such approval.” NJAC 2:76-2A.13(p). “A commercial farm applying to a county agriculture development board or the Committee for approval of site plan elements shall request a site-specific agricultural management practice determination pursuant to N.J.A.C. 2:76-2.3 and 2.4.”

“...a fact-sensitive inquiry will be essential in virtually every case. Agricultural boards will have to deal with an array of matters that are within the traditional jurisdiction of local authorities such as ... traffic flow, and parking, to name just a few. In those circumstances boards must take into account the interests of farmers, while simultaneously "consider[ing] the extent of [the] use [of agricultural management practices] and consider the limitations imposed on such uses by a municipality. We recognize that the task before the agricultural boards is complex. Agricultural activity is not always pastoral. The potential for conflict between farming interests and public health and safety exists. Nevertheless, we repose trust and discretion in the agricultural boards to decide carefully future disputes on a case-by-case basis and to balance competing interests." *Twp. of Franklin v. den Hollander*, 172 N.J. 147, 153 (N.J. 2002)(internal references omitted).

Comprehensive, Professional Input

After review of Beneduce's existing and time-tested facilities used for on-farm direct marketing, including review of Beneduce's professional reports and engineering (civil engineering, traffic engineering, acoustic engineering, professional planning, wine industry marketing expertise, and already existing outside agency approvals such as septic, soil conservation, building, fire, and alcohol beverage control); as well as ample opportunity for municipal input (engineering, traffic, surveys sent to hundreds of nearby residents), the following site elements remain disputed and are submitted to the county agricultural development board for approval as per the site-specific agricultural management practice determination.

Disputed Site Elements

1. Overflow Parking of Cars and Food Truck on Sod: Beneduce Vineyard's seeks approval of its existing facilities, which include use of both permanent gravel parking, as well as overflow, sod parking for cars and a food truck. The cars and food trucks have parked on sod without stabilization issues. Parking on sod minimizes impervious cover, maintains an agricultural aesthetic, allows the land to be converted back to tillable acreage, and keeps the food truck pedestrian traffic out of a traffic way. The SADC agricultural management practice for marketing events permits both. (NJAC 2:76-2A.13(h)(1). Overflow parking may be used for the parking that is not daily. (NJAC 2:76-2A.13(h)(1). Temporary parking applies to parking which has no permanent improvements which may be converted back to tillable land. (NJAC 2:76-2A.13(h)(4). “The types of surfaces and any physical improvements associated with areas permanently devoted to parking, such as curbing or landscaping, need not involve greater than the minimum level of improvements necessary to protect public health and safety.” (NJAC 2:76-2A.13(h)(4)(i). “Areas temporarily devoted to parking may include, but are not limited to, hay fields, grass fields, pastures, and other crop fields, provided they have vegetative or organic mulch cover, such that bare ground is not parked on.” (NJAC 2:76-2A.13(h)(4)(ii). The SADC agricultural management practice requires that the farmer address drainage, puddles, and pockets of water, mow the parking areas during dry conditions, manage wet conditions, and use staff, signs, or marking to direct vehicles. (NJAC 2:76-2A.13(h)(4)(iii through vi). Beneduce Vineyards has and will continue to comply with these requirements. **DISPUTE:** 1) Alexandria Township wants to apply Ord. 115-37C requiring internal drives and parking aisles be paved and provided with curbs and drainage. 2) Alexandria Township wants the area under the food truck paved.

2. Width of Gravel Farm Lane: Beneduce Vineyard's disputes that Alexandria Township has raised a public health and safety concern regarding the 13 feet, more or less, width of a gravel laneway used for one-way traffic. No further measures are required for this existing facility. Beneduce Vineyard's provided testimony and a traffic management plan whereby, during "Group Therapy" background live music events, it will utilize an alternative traffic pattern over farm lanes involving one way traffic. At other times, Beneduce Vineyard's only relies upon its main access drive, which is gravel and accommodate two-way traffic. The one-way traffic pattern during "Group Therapy" background live music events has worked for years, and no changes are required to protect public health and safety. The main drive remains available for emergency access. The plan is designed by a professional traffic engineer and may be updated, *if needed*, as part of the annual submission of Beneduce Farm's event management plan pursuant to NJAC 2:76-2A.13(n). **DISPUTE:** 1) Alexandria Township wants to widen the farm lane (which is not the main access drive) to accommodate 2-way traffic.

3. Number of ADA Parking Spaces: Beneduce Vineyard's requests approval of 3 ADA parking spaces which are being relocated in accordance with Township comments. During the time-tested history of this site, 3 ADA parking spaces have been adequate. If ADA parking spaces were ever inadequate, Beneduce Vineyard's would be able to update its plan, which would be reflected in the annual update to Beneduce Farm's event management plan pursuant to NJAC 2:76-2A.13(n). **DISPUTE:** 1) Alexandria Township wants Beneduce Vineyards to dedicate another five (5) parking spaces to ADA parking for a total of 8 permanent ADA spaces and amongst the 49 permanent parking spaces.

Event Management Plan – May be Condition of Approval

The SADC's On Farm Direct Marketing Activities, Events, & Facilities Agricultural Management Practice addresses public health and safety concerns during larger than typical (i.e. daily operations) attendance by directing a farmer to prepare an **Event Management Plan** pursuant to NJAC 2:76-2A.13(n).. Traffic Engineer, Gary W Dean, P.E., P.P., Dolan & Dean Consulting Engineers, LLC, and NJ Professional Planner, Tara Kenyon, AICP/PP, who is an expert in farmland planning, will submit on an annual basis the Event Management Plan as per the SADC regulation, inclusive of the current traffic management evaluation and plan as reviewed by the Township engineer. **The traffic management plan will be updated to include the Township engineering requested comments and revisions as per the August 3, 2021 memorandum of Thomas R. Decker, PE, PP, CME, Township Engineer, as follows:**

Implementing Traffic Report Review comments 5 regarding adding dimensions, 9 show apron pavement details; 14 to reflect typo- only 10 spaces needed, not 20.

Implementing Traffic Management Plan comments 1(a)(ii) to align ADA spaces with walkway; 1(a)(iii) to note number of buses accommodated on plan; (1)(a)(iv) plan will be updated to bollards; (1)(c)(ii and iii) to adjust plan to 10 foot municipal buffer; 1(c)(iv) to update directional arrows on plan; 1(d)(ii) to update parking snow-fencing barrier on plan near septic; 1(e)(ii) to adjust configuration of employee parking; and 1(f)(iv) to stabilize parking area for buses, which was required by the Township, with gravel; 3(e) update building labels; 3(f) update building occupancy on plan; 3(g) show apron pavement; and 3(h) obtain review and comment by Fire Marshall.

Relevant SADC Regulatory Reference for Event Management Plans: NJAC 2:76-2A.13 (n) - The event management plan for on-farm direct marketing events shall include the following:

1. If the expected volume of traffic and visitors for an event is significantly greater than the volume regularly accommodated by a commercial farm's on-farm direct marketing facility, such that the increased volume of traffic is likely to interfere with the movement of normal traffic or emergency vehicles on- and off-site, the farm shall create and implement a written event management plan to address public health and safety issues including, but not limited to, emergency vehicle access, traffic management, and public health management. i. A complete copy of the plan shall be provided to the clerk of the municipality in which the commercial farm is located at least 30 days in advance of the event as an advisory notice and to enable coordination between the commercial farm and municipality that may be necessary regarding emergency vehicle access, traffic, and public health management.

NEW JERSEY STATE BOARD OF AGRICULTURE
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July 29, 2021

Mr. Michael Beneduce
1 Jeremiah Lane
Pittstown, NJ 08867

Dear Mr. Beneduce:

The scores from the Outstanding Young Farmer judges have been tabulated and you have been chosen to receive the 2022 New Jersey Outstanding Young Farmer (OYF) Award. Congratulations! In 2022, the State Board of Agriculture will formally honor you for your achievements at the 2022 State Agricultural Convention.

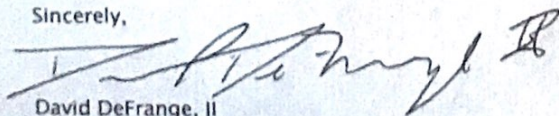
The OYF program began in 1954 as a national priority program for the U.S. Junior Chamber of Commerce and is now administered by the Outstanding Farmers of America, an OYF Fraternity. The purpose of the OYF program is to foster better urban-rural relations through the understanding of farmers' challenges, as well as the appreciation of their contributions and achievements; to bring about a greater interest in farmers/ranchers; and to help build an urban awareness of the farmers' importance and impact on America's economy. Among the notable former state and national winners of the OYF award are John R. Block (IL), former U.S. Secretary of Agriculture; James R. Moseley (IN) and Alan T. Tracy (WI) former U.S. Undersecretaries of Agriculture; Milt Hertz (ND) and Keith Bjerke (ND), former directors of the Agricultural Stabilization and Conservation Service (now the NRCS); William Richards (OH), former chief of the Soil Conservation Service; Dean R. Kleckner (IA), former president of the American Farm Bureau; and Peter C. Myers (MO), former president of the Farm Credit Council.

Your New Jersey OYF application will be submitted to the Outstanding Farmers of America (OFA) for the national preliminary competition for the National OYF Award. From the national preliminary competition, the top ten candidates will then be chosen and this select group will be invited to participate in a face-to-face interview with the National OYF judges during the National OYF Congress. If you are selected as one of the nation's top 10 candidates, you and a guest will receive an all-inclusive trip to attend the National OYF Awards Congress to be held in February 2022 in Hilton Head, SC. All state nominees, including OFA members, are invited to attend the Congress at their own expense.

Joe Atchison, New Jersey's OYF State Program Manager, will assist you in completing the paperwork and preparing for the preliminary national competition. Joe will be in touch with you to discuss the logistics of competing at the national level. If you have any questions about the OYF program in the interim, contact Joe at (609) 913-6520 or e-mail at joe.atchison@ag.nj.gov.

Nine New Jersey farmers (Abbott Lee '85, Jim Giamarese '89, Robert C. VonThun, Jr. '01, Jeffrey VanderGroef '05, H. William Sytsema '09, Richard Norz '10, John Mellick '11, Paul "Duce" Tallamy '12 and Jessica Niederer '16) have received the National OYF Award. We hope we can add your name to the National OYF winners from the Garden State. Best of luck in your efforts to be selected for one of the top ten slots so you can move forward toward the 2022 National OYF Awards Congress competition.

Sincerely,



David DeFrange, II