Pilot Program for Winery Special Occasion Events

Final Report of the SADC

March 2020

New Jersey State Agriculture Development Committee

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Executive Summary

P.L. 2014, Ch. 16, "the Winery Special Occasion Events Law," was enacted in July 2014 to allow wineries to conduct "special occasion events" (SOEs) on preserved farmland under certain conditions as part of a 44-month pilot program. The law characterizes a special occasion event as a "wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board." Following the pilot program's expiration, on March 1, 2018 the Legislature authorized extending the pilot program for two additional years, expiring on May 30, 2020, and directed the State Agriculture Development Committee (SADC) to provide an interim and final report containing a "*review of the implementation and operation of the pilot program, a summary of the findings and recommendations submitted by the county agriculture development boards (CADBs) involved in the program, and the Committee's recommendations to amend, extend, or make permanent the program*". This report contains the final recommendations of the SADC.

The SADC has preserved over 2,600 farms comprising over 236,00 acres of farmland since the inception of the State's Farmland Preservation Program (FPP). Eighteen (18) farms are associated with one of NJ's fifty (50) licensed plenary or farm winery operations.[1] These preserved farms contain some portion of each winery's vineyard acreage, and in some cases, winery production and marketing facilities. Of those eighteen, six (6) wineries were subject of the pilot program because they conduct special occasion events on the preserved portion of the farm, known as the "premises". The remaining twelve (12) wineries either do not conduct special occasion events or conduct them in "exception areas" – portions of the preserved farm not subject to the FPP deed of easement.[2] In addition to the standard winery-based marketing activities which are allowable on any preserved farm and/or winery today (winery tours, wine tastings, on-site retail sales and occasional winery-based festivals) all six of the wineries subject of the pilot conduct SOEs, including wedding receptions, private parties, corporate events, various recreational uses and festivals.

SOEs can be viewed as a subset of a much larger array of activities that occur on farms across the country, often defined as "agritourism" activities– designed to make farms travel destinations for educational and recreational purposes.[3] Agritourism is generally understood to include activities that attract the public to working farms for enjoyment or education of visitors and generating supplementary income for the farmer. And while there is no universally accepted definition of

[1] According to data supplied by the NJ Bureau of Alcohol Beverage Control, 2019.
[2] The SADC estimates that approximately 800 farms of the total 2,600+ preserved do not have exception areas, and therefore, all potential agritourism uses are subject to the provisions of the recorded deed of easement.
[3] *The Opportunity for Agritourism Development In New Jersey*, Rutgers University, Food Policy Institute; 2006.

agritourism, there is an increasing recognition across many parts of the country that there is a distinction between hosting events as a way to supplement farm income and enabling what can become primarily nonagricultural enterprises on farms. The tension between these potential uses is heightened when related to the use of publicly preserved farmland for hosting SOEs.

The New Jersey Winery pilot program has been helpful in identifying certain issues that the SADC recommends be addressed if the Legislature and Governor decide to continue allowing SOEs on some, or all, preserved farms to ensure the program works well for preserved farm owners, counties, and communities alike. The SADC cautions that because the pilot program data and results were derived from the experience of only six affected wineries, a very small statistical sampling, scaling up the program to affect many more farms could substantially increase Farmland Preservation Program administrative burden on county, land trust and state agencies alike, as well as impact communities in which preserved farms are located. Therefore, the SADC recommends that necessary protections be incorporated into future legislation to ensure increased agritourism opportunities associated with SOEs do not displace agricultural production as the first priority use of preserved farmland[4] or disrupt neighborhoods that surround preserved farms.

The two most significant questions raised as a result of the winery pilot program are: first, to what extent and under what conditions is the hosting of commercial private and public events appropriate on publicly

[4] Applicable farmland Preservation Program enabling laws define the farmland preservation program as *"the permanent preservation of farmland to support agricultural or horticultural production as the first priority use of that land"*. Agriculture Retention and Development Act (N.J.S.A. 4:1C-13) and Garden State Preservation Trust Act (N.J.S.A. 13:8C-3).

preserved farmland; and second, if preserved-farm wineries are permitted to enjoy such flexibility of use, should all preserved farms, not just wineries, be treated equally?

The SADC recommends the legislature allow such farm based "events", that are not currently permitted on preserved farmland, to be conducted by owners of all preserved commercial farms, and that reasonable standards be applied to their size, frequency and impact to the farm's resources. Such provisions acknowledge the need to protect the public's $1.8 billion investment in the preservation of farmland and ensure that preserved farmland remains primarily dedicated to agricultural production activities and not become a mere "backdrop" for nonagricultural events. Further, the SADC recommends the legislature consider whether such agritourism related allowances should be extended to all New Jersey farms, not just preserved farms. **A chart summarizing the SADC's full set of recommendations is attached to this report as Exhibit A (*Special Occasion Events (SOEs) on Preserved farmland – Summary of SADC Legislative Recommendations*).**

Part I - Review of Pilot Program Implementation

Background

Wineries are subject to the pilot program only if they conduct special occasion events on the preserved portion of the preserved farm known as the "premises". They are not subject to the pilot program if they do not conduct special occasion events or conduct them only within exception areas – areas that were excluded from the Farmland Preservation Program (FPP) deed of easement at the time of preservation. The law characterizes a special occasion event as a "wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board."

The SADC currently identifies 18 preserved farms with winery licenses that were potentially affected by the pilot program. Since 2017, one winery ceased production and was deleted from the list. Another winery is currently in application for Farmland

Preservation and will be added to the list upon preservation. While not all the wineries on this list conduct special occasion events, they have been the subject of the SADC's outreach efforts on the pilot program since its inception.

The SADC has collected three complete years (2016-2018, as 2019 data has not yet been reported) of pilot program information (registrations/certifications/surveys), which is the basis of the data contained in this report.

SADC Pilot Program Procedures

The SADC established the pilot program framework in October 2014, identifying the roles that the law set forth for the agency, CADBs, affected wineries and municipalities. The SADC met with CADB staff and the six wineries subject to the pilot program to review their responsibilities and conducted outreach to potentially affected host municipalities.

The SADC established pilot program procedures in August 2015, including requiring that participating wineries provide certain documentation. Specifically, wineries were required to annually submit to the SADC a completed registration form and a signed certification form acknowledging understanding of, and compliance with, the pilot program's requirements as set forth in the law. The registration form asks for a short description of the farm operation and requires wineries to list the various types of special occasion events they anticipate conducting in the upcoming year, the dates to

the extent known, the expected number of attendees and the location (e.g., the winery building or another farm structure).

Wineries were also required to provide to the CADBs by March 31st of each year a signed form certifying that they meet the law's income requirement, i.e., that the winery's gross income from special occasion events accounted for less than 50 percent of the annual gross income of the winery during the prior calendar year and specifying the percentage of winery income that special occasion events constituted for the prior calendar year.

In October 2017 the SADC adopted rules to formalize its existing winery pilot program procedures and to implement the provision of the law allowing for the SADC or CADBs to request audits, if necessary, to ensure compliance with the law's gross income requirement. The law specifies that audits of wineries be conducted by an independent certified public accountant approved by either a CADB or the SADC, with the costs paid by the owner or operator of the winery. The regulations were developed to ensure equitable treatment of wineries statewide by establishing uniform audit procedures for the State agency's audits of wineries, and also to serve as a resource to assist CADBs that may choose to follow these procedures. In developing the rules, the SADC consulted with a certified public accounting firm with extensive experience with winery accounting. The rules take a phased approach to income verification in order to minimize documentation that wineries must provide to demonstrate compliance with the law's income limit and to avoid, to the maximum extent possible, requiring winery owners to conduct audits at their own expense. No audits have been requested to date.

All 18 wineries associated with preserved farmland (including the six in the pilot program) were mailed annual questionnaires inquiring about their operations in an attempt to obtain a larger sample size from which information could be collected and analyzed for purposes of this report. Wineries were asked the acreage and origin of grapes and other fruit used to make wine; the volume of wine produced; how they market wine; what food, other beverages or services are offered and which individual

or entity receives payment; fees they charge; their position on whether events are an essential marketing tool for New Jersey wineries; their best-guess estimate of the number of new visitors to the winery as a result of events; the percentage of the winery's total income derived from events; any conflicts with neighbors or municipalities; suggestions for improving the pilot program, and any other feedback they wanted to provide. Participation in the survey was voluntary and results were scant in 2016-2017, but 2018 yielded a response from all six pilot program wineries. The data reflected in this report is derived from the registration forms, certification of income forms and questionnaire responses from the six pilot program wineries.

Post Interim Reporting

The SADC submitted an Interim Report to the Governor and Legislature as required by the pilot program law in June 2018, which is incorporated herein and attached as **Exhibit D**. The Interim Report included a summary of data reported by the wineries through 2017, documented incidents of conflict associated with the pilot program wineries, reported feedback from wineries regarding the pilot program, detailed actions of the County Agriculture Development Boards (CADBs) and their feedback (including the Ocean CADB's 50+ page report on its experience with the pilot program), listed feedback received from municipalities and set forth the SADC's observations on how the pilot program was working to that point, and described the next steps the SADC intended to take. This Final Report will not reiterate all of the data and information contained in the Interim Report but will highlight any pertinent changes that have occurred since the Interim Report was issued.

CADB Feedback on the Pilot Program

The SADC annually mailed questionnaires to the CADBs that hold easements on preserved farmland associated with wineries. For calendar year 2018 they were asked whether they had issued approvals of events on a day other than a Friday-Sunday or State/federal holiday pursuant to the SADC's conditional delegation of its authority to review such events pursuant to N.J.S.A. 4:1C-32.8.2.a.(3); whether they were aware of

any conflicts with municipalities or neighbors; their impression of winery and municipal understanding of the winery special occasion events law, and winery compliance with the law. They also were asked for any additional feedback they would like to provide. Five CADBs (Burlington, Cape May, Hunterdon, Warren, and Ocean) returned completed questionnaires. In lieu of completing the questionnaires, Salem, Monmouth, Gloucester, and Warren reported that information has not changed since 2015 and that their comments remain the same as previous years. Sussex indicated the winery in their County had ceased operations and had no further comments on the program.

Ocean indicated they issued several approvals for events in accordance with the SADC's conditional delegation of that authority for certain mid-week events. None of the CADBs were aware of any municipal conflicts. All felt that wineries and municipalities understood the pilot program and the law. The CADBs did not report any issues with winery compliance in 2018; however, the Hunterdon CADB noted that there was an issue in early 2019 with a winery that submitted a request for the approval of an event held on a weekday without enough time for the CADB to adequately review and respond in a timely matter. In response, Hunterdon CADB delegated approval authority to its CADB administrator for emergent event requests by wineries. The CADB is hopeful that this will serve as a solution to accommodate future such short-notice requests.

The Ocean CADB's feedback indicates that the Board is committed to ensuring the viability of farms into the future and specifically the economic prosperity of the County's preserved farmland. As such, the CADB recommended continuation of the special occasion events law with several suggested conditions, including affording all preserved farms the same ability to hold special occasion events; limiting the frequency, size and scope of special occasion events; requiring CADB prior approval of all special occasion events; seeking a new and separate revenue source from the Legislature to fund the increased CADB oversight and administrative costs, and establishing a

uniform procedure for all preserved farms limiting the number of third-party vendors and accurately capturing the amount of all sales related to nonagricultural products sold by the third-party vendors during a special occasion event. The CADB expressed the need for strong support from the SADC for enforcement on this issue.

The law passed in March of 2018 to extend the pilot program for two years required each CADB to prepare and submit to the Governor and to the Legislature an annual report on the pilot program, including a summary of the activities of wineries within the board's jurisdiction and recommendations for the future of the pilot program. Aside from the extremely comprehensive report submitted by the Ocean CADB dated March 1, 2018, which was included as Attachment D to the SADC's Interim Report, and the Ocean CADB comments summarized above, to the best of the SADC's knowledge, no other CADB submitted any annual reports to the Legislature or Governor.

SADC Working Group

In 2017 the SADC convened a working group consisting of representatives of several CADBs (farmer members, public members and administrators), the New Jersey Farm Bureau, SADC, Rutgers University and the New Jersey League of Municipalities to assist in developing ideas for inclusion in the SADC's Final Report to the Legislature and the Governor. That group has met regularly over a two-year period, during which time it engaged the Garden State Wine Growers Association (GSWGA) for input and discussion. The group issued a list of recommendations for consideration by the SADC, which was circulated in the second half of 2019 to a broad group of stakeholders including all eighteen CADBs, County Boards of Agriculture, land-trust organizations, the GSWGA and interested citizens.

Feedback on the draft proposal was received from ten CADBs, NJ Farm Bureau, several land trusts, the GSWGA, several County Boards of Agriculture, municipal officials and individual wine growers. A summary of the comments received is included in this report as **Exhibit B**. Much of the feedback and recommendations received from the

public outreach and education process are incorporated within the **Recommendations for Future Legislation Action** section of this Final Report.

The most frequent or substantial issues of concern raised are:

- Ten (10) CADBs commented that the SADC's original draft proposal to allow a greater number of SOEs to wineries than to other sectors of agriculture is inequitable (the draft proposal would have allowed 8-15 SOEs on farms that are not wineries, and 26-52 SOEs for wineries, depending on the extent of agricultural production on the commercial, preserved farm).

- Seven (7) CADBs commented that ALL preserved farms should be given equal opportunity to conduct SOEs, not just wineries.

- Nine (9) CADBs and two (2) nonprofit land trusts are *extremely* concerned about the additional administrative burden associated with the need for approval, monitoring and enforcement of SOE standards and recommended the SOE approval process be streamlined to the extent possible.

- Six (6) CADBs requested greater clarity in the definition of an SOE, including distinctions needed between SOEs, activities already allowed under the Farmland Preservation Program to promote the farm's agricultural output, and activities eligible for Right to Farm (RTF) protection.

- Two (2) NJ land trusts raised serious concerns over the impacts of allowing SOEs on farms where the land trusts hold the FPP easements on their national land trust accreditation status. Both land trusts recommended that the Grantee be required to issue approvals for all SOEs proposed.

- NJ Farm Bureau noted it believes that many SOE-type events should be viewed as on-farm direct marketing of a farm's agricultural output and be regulated through the RTF program in an Agricultural Management Practice (AMP) created for wineries and other alcohol-based agricultural operations. For SOEs that are not related to marketing a farm's output, **Farm Bureau recommended one set of standards for all preserved farms – 15 SOEs for farms producing $10,000 in agricultural products annually, and 26 events for farms producing $100,000 in agricultural products.**

- The New Jersey Wine Growers Association voiced concern about the need to reduce the administrative/paperwork burden for program participants and the need to ensure that SOEs are considered separate and distinct from activities eligible for RTF protection. The Association believes that most SOE-type events held at wineries should be eligible for RTF protection and encouraged the development of RTF standards to reflect the same. In that light, the Association supported the Farm Bureau's recommendations.

Part II – Winery Reporting

Registered Wineries

In 2018 and 2019, the following 6 wineries (listed alphabetically) that conduct special occasion events on the preserved premises registered under the pilot program:

- Cape May Winery and Vineyard, Lower Township, Cape May County
- Iron Plow Vineyards, Mansfield Township, Burlington County
- Laurita Winery, Plumsted Township, Ocean County
- Old York Cellars, East Amwell Township, Hunterdon County
- Unionville Vineyards, East Amwell Township, Hunterdon County
- Willow Creek Winery, West Cape May Borough, Cape May County

In 2018 Southwind Vineyard and Winery ceased operations and was removed from the program. Also, while a couple of additional wineries submitted registration forms to be helpful or err on the side of caution, they indicated they do not conduct special occasion events on the premises and, therefore, the SADC does not consider them subject to the pilot program at this time.

For five of the wineries, the registration forms generally provided adequate detail to understand the various types of special occasion events that the wineries intended to conduct. One of the six wineries did not provide complete descriptions of events. While the winery whose reporting indicates it holds the most frequent and largest events did not list all types of events that it hosts on its registration form, the SADC was able to obtain additional information from a follow-up survey. **Exhibit C** provides a composite of the data and information submitted by the six participating wineries for the most recent reporting year.

Timeliness of submissions among all wineries improved since 2015 as they became more familiar with the registration process and were able to access the forms online. Online accessibility enabled the wineries to return information to the SADC via email in a timely fashion and all participating wineries have submitted the most recent registration and certification forms that were required by March 31, 2019.

It is important to note that the data reported by the wineries is not able to be verified from any independent source, as much of the data is either not already reported to the State of NJ in connection with winery licensing or taxation, or is considered confidential and not available through the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). Further, some of the data reported by the wineries conflicted from one submission to another and in such cases the SADC reviewed the totality of each winery's submissions (registration, certification of compliance, and survey) to extract data believed to be as accurate and reflective of actual conditions as is possible.

Characterizing Type of Events Held

As discussed in further detail below, the winery pilot program placed no limits on the number or size of SOEs that could be held and created a very broad definition of a "special occasion event" to mean *"a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board"*[5] and directed CADBs to adopt a definition of what constitutes a special occasion event in each individual county. Most CADBs adopted definitions that included very broad language describing public or private gatherings organized or held to recognize, celebrate, commemorate or discuss a specific person, purpose, event or cause[6].

The six wineries participating in the pilot program reported hosting a variety of events –weddings, wedding rehearsal dinners, other sit-down wine-paired dinners and food events, birthday parties, bridal and baby showers, funeral memorial gatherings, corporate events, fundraisers, open mic events, wine and art events, outdoor recreation events and wine and other themed festivals. Some reported holding few events, while one of the more active wineries regularly hosts a variety of events, including various types of weekend festivals that can attract several thousand visitors per day. While wineries generally can identify the type of events they anticipate hosting in the upcoming year, it has been more difficult to quantify the actual number of events as wineries schedule them on an ongoing basis throughout the year.

[5] P.L. 2014, c.15 (N.J.S.A 4:1C-32.7 et seq).
[6] See full discussion of CADB definition of SOEs in Interim Report, Exhibit D, page 9-10.

Events are broken down into the four following general categories for purposes of analysis:

PRIVATE events with a MEAL served – includes private events such as wedding receptions, celebrations, parties/anniversaries/showers, etc., private fundraisers, corporate meetings, private farm-to-table dinners, etc. where food constituting a meal is served.

PUBLIC events with a MEAL served – includes themed festivals (wine festivals, holiday festivals, seasonal festivals), outdoor dance events, public breakfast/lunch/dinner events and public fundraiser events, etc. where food constituting a meal is available or served. Food at these events is typically available at various booths, tables or food trucks.

PUBLIC events with NO meal served – includes events such as "farmers market" type events (where the public is invited to purchase other farm or vendor products), "tournament" events (e.g. Corn Hole tournament), instructional classes (arts, crafts, etc.), dances, movie night, singing competitions etc.

PUBLIC Recreational events – a subset of public events with no meal served where recreational use is the focus of the event (indoor and outdoor). Outdoor events often utilize winery grounds - such as a community walk, run or race.

Table 1 provides a summary of reported events planned for 2018-19. Each winery is identified by a random number of 1-6, rather than alphabetically by winery name, to protect the identity of the wineries. An "NR" listed on the table indicates the winery did 'not report' data that could be included in the analysis. Based on the wineries' description of events, only those that were likely to be considered SOEs, and not already permitted under the FPP deed of easement, are reflected.

Table 1 – Type, Size and Frequency of SOEs

Winery	Private Events with Meal Served	Size (persons)	Public Events with Meal Served	Size (persons)	Public Events with No Meal Served	Size (persons)	Recrea-tional Events	Size (persons)	Total Events Reported
1	72-108	30-80	6	NR	0		0		**78-114**
2	28-54	40-120+	12-13	100-500	4	NR	1	NR	**45-72**
3	48-105	100-200+	54-60	50-10,000	44-85	75-600	2	75-900	**148-252**
4	NR	NR	NR	NR	NR	NR	NR	NR	**NR**
5	19	NR	13-21	NR	1	NR	2	NR	**35-43**
6	4-12	20-50	0		5	NR	0		**9-17**
TOTAL	**171-298**		**84-100**		**54-92**		**6**		**315-498**

Table 1 reflects that private events with meals is by far the most frequent type of SOE collectively held by the five reporting wineries, accounting for between 54% and 60% of all SOEs reported. Public events with meals served are the second most frequent type of event, accounting for 20-27% of total events, although we **note that ~60% of all public events with meals reported occur at a single winery** - #3. Public events with NO meal served are the third most frequent type of event, but again, winery #3 alone accounts for 80%-90% of all such events reported. The extremely high number of public events reported at winery #3 suggests that winery #3 is an outlier when compared to other wineries in this sample.

All five wineries reporting indicated their maximum number of SOEs for 2018 is equal or greater than the number reported in the SADC's Interim Report, with total events

increasing from 401 events in the Interim Report to 498 in this Final Report, an increase of almost 25%.

We also note that some portion of the SOEs reported by wineries may occur on the same day, as in a private brunch in the morning and a wine festival the same afternoon; therefore, each SOE reported does not necessarily translate into a separate, individual day when events are held. The wineries' reported data does not detail to what extent such "overlapping" SOEs occur, although most such overlapping events appear to occur on weekends.

SOE-Derived Income

The winery pilot program did not place specific limitations on the number or frequency of authorized events, but instead placed an income limit on wineries subject to the pilot such that "*the gross income generated by the winery from all special occasion events conducted for the calendar year together account for less than 50% of the annual gross income of the winery*" and further defined income from any special occasion event to "*include, but not be limited to, admission fees; rental fees; setup, breakdown, and cleaning fees; and all other revenue that is not directly related to the agricultural output of the winery but is received by the winery in conjunction with conducting a special occasion event*". SOE income does not include income from wine sales or from the sale of complementary and supplementary products related to the winery's wine, such as wine glasses, winery-branded T-shirts, bottle openers, etc. It is believed that the biggest source of SOE income is associated with facility fees received to hold an event in the winery space – such as rental fees for a wedding reception or a private party.

Only five of the six wineries reported the percentage of income derived from special occasion events in calendar year 2017 or 2018 (the most recent year-end reporting) and of those five, results ranged from 1% to ~29% of winery gross income.

Table 2 – Income Received from SOEs as a Percentage of Winery Gross Income

Winery	Interim Report	2017 SOE Income	2018 SOE Income
1	10%	Not reported	12%
2	9.7%	10.8%	9.7%
3	28.8%	28.15%	28.86%
4	10%	<15%	<10%
5	<2%	Not reported	3%
6	2%	<1%	<1%

As detailed in Table 2, wineries reported SOE income ranging from less than 1% to over 28% for 2018, with winery #3 showing the highest percentage (28%) and the remaining wineries all reporting less than 15% of gross income being derived from SOE revenues. Winery #3, which reports the highest percentage of income from SOEs, is the same winery that conducted the vast majority of SOEs as outlined in Table 1 above. All six wineries reported SOE income that remained very consistent over the life of the pilot program varying up to a few percentage points from year to year.

Fruit and Wine Production

The wineries reported growing grapes (vineyard) and other fruit used in the production of wine on the preserved farm subject to the winery pilot and growing grapes/fruit on other farm properties that they own or lease. All New Jersey lands that are owned or leased by the winery are considered part of the winery's "farm management unit" (FMU) as defined in the RTF Act as "*a parcel or parcels of land, whether contiguous or noncontiguous…producing agricultural of horticultural products, and operated as a single enterprise*" (N.J.S.A. 4:1C-3).

Table 3 – Grape Production and Use in Wine Produced

Winery	Grape acreage located on preserved farm	Grape acreage located on other farms within the FMU	Total grape acres in FMU[7]	Percentage of wine produced from grapes within the FMU	Percentage of wine produced from grapes from outside the FMU	Number of gallons of wine produced in 2018	Number of gallons of wine produced (reported in Interim Report)
1	10	40	50	75%	25%	12,000	4,000
2	19	18.5	37.5	95%	5%	8,962	14,000
3	43	0	43	100%	0	8,000	19,000
4	35	67	102	100%	0	NR	NR
5	21	0	21	55%	45%	18,272	NR
6	8	0	8	80%	20%	2,450	NR

The reported combined vineyard acreage located on the preserved farm premises subject to the pilot program range from 8 acres to 43 acres; three wineries report additional vineyard acreage on other NJ land owned or leased by the winery of 18.5, 40 and 67 acres for a total reported grape bearing acreage included in each FMU of 8 to 102 acres. Three wineries used grapes from other New Jersey farms and one winery used grapes from out-of-state. **Grapes grown on land included in the farm management unit accounted for 55 to 100 percent of the wine produced by the wineries**. As discussed later in this report, the proportion of grapes grown within the farm management unit of the winery operation is a critically important factor for both the Farmland Preservation and Right to Farm programs, and to what extent these and other winery operations will qualify to operate on preserved farmland and be eligible for RTF protections in the future.

[7] Four wineries also reported acreage of fruit other than grapes used in the production of wine, in relatively small quantities, and a majority of which was grown on the FMU. Because the winery responses related to how the acreage associated with this other fruit was reflected in the total production numbers reported, the figures are not included in Table 3 data.

The six wineries reported producing between 2,450 to 18,272 gallons of wine in 2018. Winery #1 showed substantial increases in gallons of wine produced (from 4,000 to 12,000 gallons) due to what appears to be increased planted vineyard acreage and purchase of grapes from farms outside of the farm management unit. Conversely, wineries #2 and #3 show substantial decreases in production (from 14,000 to 8,962 gallons and 19,000 to 8,000 gallons, respectively). Winery #2 reported a decrease in vineyard acreage from 57 to 37.5 acres, while winery #3 showed an increase in vineyard acreage from 40 to 43 acres. No other data collected as part of the pilot program is available to shed light on why winery #3, in particular, shows such a substantial decrease in wine production.

Attempts were made to obtain gallonage production figures from the NJ Division of Taxation to confirm reported production figures, but such information is considered confidential and disclosure barred by applicable law (N.J.S.A. 54:50-8).

Wine Sales and Marketing

All six wineries reported marketing their wine in a variety of ways, including:

- Tasting room and other on-site retail sales
- Sales occurring at on-farm events (both public and private events)
- Off-site retail sales (authorized outlets, farm markets, wine club)
- Wholesale

Table 4 reflects the percentage of total wine sales that each winery achieved through the four primary marketing categories.

Table 4 – Wine Sales

Winery #	On Site Retail	Special Occasion Events	Off-site Retail	Wholesale
1	60%	10%	25%	5%
2	48%	6%	43%	3%
3	62%	37%	1%	0%
4	85%	15%	0%	0%
5	85%	5%	10%	0%
6	90%	Not Reported[8]	10%	0%

[8] Winery #6 did not report any percentage of sales specifically attributable to SOEs.

This data clearly shows that on-site sale of wine, whether it be through daily retail activities (wine tasting and other retail sales) and on-farm events, accounts for an overwhelming majority of wine sales (54% - 100%) and while one farm indicates that just over half (54%) of sales occur on-site, the remaining wineries indicate a range of 70% or higher**. NJ winery laws limit wineries to not more than fifteen salesrooms apart from the winery premises, reinforcing the importance of on-farm wine marketing and sales[9].**

Wine sales occurring at on-farm events counted for between 5 and 37 percent of total wine sales, but while all six wineries indicated marketing wine through private and public events, it is important to note that only one winery, that which the most SOEs, reported event sales that accounted for in excess of 15 percent of total wine sales.

Four wineries required a minimum wine purchase for weddings and other life milestone events, e.g., one case per 12 adult guests. One winery stated minimum wine purchase is required for weddings and other life milestone events, but not for public events out of concern for potential abuse. Responses varied regarding whether minimum wine purchases were required at other types of events. For example, one winery stated that a minimum wine purchase was required at all events, pointing to the inclusion of wine tastings as part of the ticket price. Another winery also indicated that wine tastings are included with admission for its wine festivals.

Other reported means of marketing included authorized outlets such as restaurants or liquor stores, farmers' markets and online sales. Four wineries that market through these outlets report that they account for 1 to 43 percent of winery income from wine sales.

[9] N.J.S.A. 33:1-10 et seq.

Food/Other Beverages/Services

Where food was provided during events, all wineries reported it was provided by an outside caterer with no revenue-sharing to the winery. Most wineries allow caterers to provide non-alcoholic beverages during events, consistent with the recommendation of the New Jersey Bureau of Alcohol Beverage Control. Two wineries stated that they sometimes permitted other alcoholic beverages to be provided (by an outside caterer or by party hosts) at certain events.

Most wineries listed a number of ancillary services associated with conducting events and indicated that all fees went to a third-party provider. These services include flowers, music, linens, tables, tent, music/entertainment, photographs and officiants. Three wineries reported receiving rental fees for events (e.g., facility/room, tent, equipment, supplies), with two indicating that they received rental and setup, breakdown, and cleaning fees, and one winery indicated charging an hourly fee and tasting-staff time during corporate events.

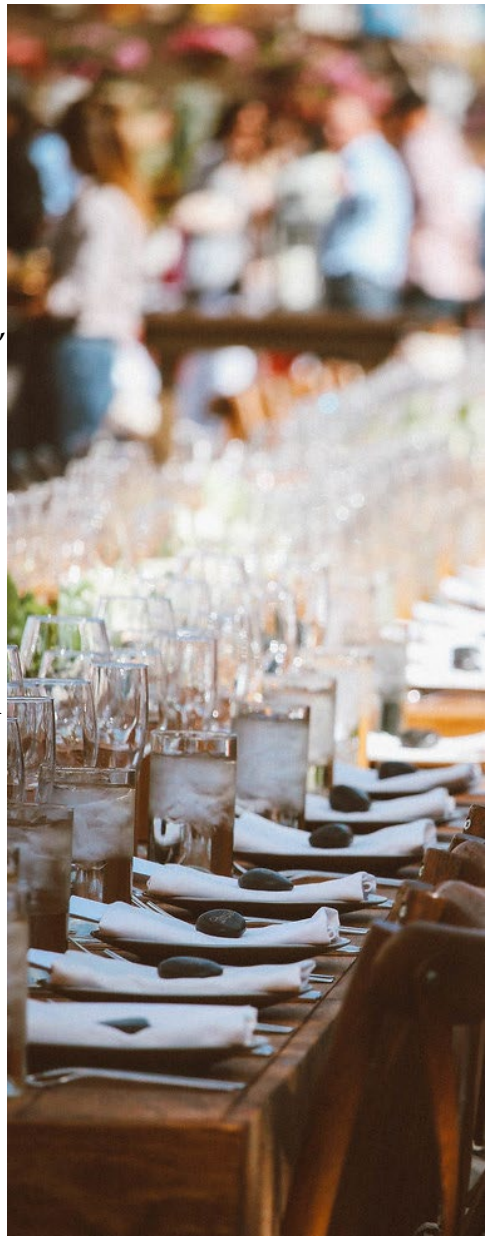
Location of Events

In The winery law requires that special occasion events be conducted ***in*** *(a) temporary structure, such as an enclosed or open canopy or tent or other portable structure or facility; (b) an existing permanent agricultural building; (c) a farm or open-air pavilion; or (d) another structure used in the normal course of winery operations and activities*.

In 2018, the wineries reported holding special occasion events outside such structures including outdoor wedding ceremonies, a movie and wine night event, open mic nights, and other outdoor events (e.g., food truck and other festivals) that can attract thousands of visitors per day and cover a sizable portion of the winery's grounds (one winery reported a large event encompassing an estimated area of about 5 acres).

Part III – Recommendations for Future Legislative Action

The Role of Special Occasion Events on Preserved Farmland



Special Occasion Events can be viewed as additional events over and above the large array of activities that already can and do occur on preserved farms today, all falling under the umbrella of "agritourism" – designed to make farms travel destinations. As stated earlier, agritourism is generally understood to include activities that attract the public to working farms for enjoyment or education of visitors and generating supplementary income for the farm operator. And while there is no universally accepted definition of agritourism, there is an increasing recognition across many parts of the country that there is a distinction between hosting events as a way to supplement farm income and enabling what can become primarily nonagricultural enterprises on farms. The tension between these potential uses is heightened when related to the use of publicly preserved farmland.

The SADC was created in 1983 to administer the State's Farmland Preservation Program (FPP) and to administer the New Jersey Right to Farm (RTF) Act. In addition to these and other duties enumerated in its enabling legislation, the SADC was charged to: "*Generally act as an advocate for and promote the interests of productive agriculture and farmland retention within the administrative processes of State government*" (N.J.S.A. 4:1C-7.f.). As stated on its website, the SADC seeks to "*lead in the preservation of New Jersey's farmland and promote innovative approaches to maintaining the viability of agriculture,*" and it is at the crossroads of these two ideas, the preservation of farmland and promoting agricultural viability, that the issue of SOEs resides.

New Jersey's Farmland Preservation Program has preserved over 2,600 farms comprising over 236,000 acres, approximately one out of every three acres of farmland in the state since its inception, and reflects a public investment of over $1.8 Billion, more than any state in the country. When farms are preserved, the right to use and develop the land for nonagricultural purposes is permanently extinguished.

Approximately 70% of New Jersey's preserved farms elected to exclude a portion of their farmland from enrollment in the FPP by creating an "exception area" associated with the preserved farm. Exception areas are akin to a 'carve-out' – usually a contiguous area roughly two to four acres in size – and typically located around an existing farmhouse or outbuildings (barns, sheds, garages, etc.). The Farmland Preservation Program does not compensate the landowner for the exception area acreage at the time the farm is preserved because the deed of easement does not apply to the exception area acreage. Exception areas are limited in the number of residential units permitted in the future, but otherwise offer the opportunity for preserved farm owners to conduct non-agricultural uses that would not otherwise be permitted under the deed of easement. Examples of nonagricultural uses currently conducted in exception areas include vehicle repair shops, retail establishments, sawmills and *buildings that are used to host events* (weddings, birthday parties, etc.).

The idea of allowing SOEs to occur on preserved farmland (that are not otherwise already permitted) raises an issue of fairness vocalized by some program participants who, at the time of preservation, elected to take an exception area to reserve the right to hold SOEs. The argument is that they, or their predecessors, were not compensated for exception areas, and therefore they received a lower level of compensation from the Farmland Preservation Program in order to retain the flexibility of conducting a future nonagricultural uses on the farm; allowing farms that did not similarly choose to have an exception area to now gain a similar benefit is inherently unfair. Others on the opposite side of the issue argue that some people that entered the FPP were not allowed, or were not aware of, the opportunity to have an exception area so that new legislation should be passed to enable them to conduct SOEs and other nonagricultural uses[10].

As noted above, to what extent the full range of potential agritourism activities constitute "agriculture", "tourism", or simply commercial nonagricultural enterprise is the subject of much deliberation and debate, and New Jersey is not alone in grappling with this issue. Across the country, there has been growing concern over the scope and scale of special occasion events that have intensified to the point to where they are no longer considered typical "agritourism" which historically has been fairly benign and consisted of corn mazes, wagon rides, background music, etc. – activities that enhance a direct marketing experience at farms. While wineries provide some of the earliest examples of frequent and sizable "special occasion events," this trend has since expanded to farm operations that grow other commodities. Over increasing concerns over public health and safety given the noise and traffic generated by such events along with maintaining the public purpose of agriculture[11], states and localities have enacted

[10] P.L.2015, Chapter 275, New Jersey Rural Microenterprise Act (N.J.S.A. 4:1C-32.1 et seq.); created the ability for the SADC to issue permits to owners of qualifying preserved farms to conduct rural microenterprise uses on preserved farmland for a period of up to 20 years.

[11] In Long Island Pine Barrens Society, Inc. v. Suffolk County Legislature (39 N.Y.S.3d 710, N.Y. Sup. Ct. 2016), the Supreme Court Judge found that the public trust doctrine (for agricultural production) was violated when the Suffolk County Farmland Preservation program enacted amendments to that program's enabling legislation that greatly expanded "…amusements, special events, the sale of souvenir items and other things…".

statutes and promulgated regulations to limit the predominance of such activities over agriculture.

One such locale is Oregon, which is among the top five wine-producing states in the country and has a well-developed agritourism industry. In 2009, one of Oregon's leading wine-producing areas, Marion County, issued an order for a prominent winery to stop hosting weddings and close its kitchen. Ultimately, the order prompted Oregon legislators to clarify Oregon's statute governing activities that promote the marketing and sale of wine. This led to a revised statute that specifies that the gross income of the winery from the sale of incidental items or services (including restaurants) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. This is a statewide law that local zoning cannot preempt, as evidenced in the leading wine-producing counties in Oregon having verbatim language in their ordinances.

This 25% threshold is not limited to wineries; however, as a separate Oregon statute requires the same test for income generated for "promotional activities" at farm stands. Such activities include small-scale gatherings (birthdays and picnics), hayrides, farm to table dinners, school tours, etc.

In California, whose wine-producing heritage is of international repute, at least eleven counties require special use permits for "special events." Unlike Oregon, restrictions on the number, size, and type of events vary by county. Napa County, for instance, does not allow weddings. Drilling down further into their ordinance, marketing of wine "may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery."

Moving East, a number of other states have likewise seen concern over special occasion events beginning to supplant agricultural production, as evidenced by various court

cases. In *Nixon v. Webster Township (Unpublished Decision),* the Court of Appeals of Michigan held that "the (Webster Township) Zoning Board of Appeal's decision to exclude wedding barns from the term "seasonal agri-tourism" was authorized by law and supported by competent, material, and substantial evidence on the whole record and was a reasonable exercise of its discretion." The Zoning Board of Appeals had earlier concluded that "event barns" had previously been rejected by the Township as a special use within the Agriculture District. The ordinance language describes accepted "Seasonal Agri-tourism" to include such events as hay-rides, sleigh rides, corn mazes, pumpkin patches, u-pick operations and Christmas tree farms but does not include event barns, wedding barns or other facilities that host parties, receptions or special events; restaurants or cafes; lodges, bed and breakfasts; campgrounds or other facilities hosting overnight guests; concert, fairs or festivals: game/hunting preserves; any use or activity that would constitute a Special Use…"

In *Forster v. Town of Henniker* (No. 2013-893, N.H. Sup. Ct. 2015), a Christmas tree farmer began to hold weddings, celebrations, and business and educational events on the property, which prompted an enforcement action by the Town. Eventually, the Zoning Board of Appeals ruled that such uses were not permitted principal nor accessory uses in that particular zoning district, which the trial court upheld. The landowner appealed to the Supreme Court, arguing that retreats, weddings, and other events fell within the state statutory definition of agritourism. However, the Supreme Court found in favor of the Town, opining that growing Christmas trees as part of a commercial Christmas tree operation is a "farming" operation but that "hosting events such as those the petitioner proposes is not." In fact, the Court held that such events are not "incidental to farming operations" and that nothing in the State's definition of agritourism "provides that activities that constitute agritourism also constitute agriculture."

Together with limitations on size, frequency, and duration, among other considerations, it is clear that holding special occasion events is not unfettered in agricultural zoning

districts across much of the country, *let alone being unfettered on publicly preserved farmland*.

The SADC recommends the overriding goal of the SOE law be to enable *ALL* preserved farms, not just wineries, to hold an appropriate number and scale of special occasion events, over and above the events and activities already permitted on preserved farms in New Jersey, in order both to attract more members of the public to their farms, thereby increasing the opportunity to market their agricultural output, and provide an opportunity for supplemental, farm-based income. While the genesis of New Jersey's pilot program came from the wine sector, the SADC believes all sectors of the agricultural industry could benefit from having SOE opportunities. Conversely, the SADC does not recommend allowing preserved farms to conduct an unlimited number of SOEs that can cause marketing and sale of farm products to become secondary to a primarily nonagricultural, most likely catering-type business. This concern was echoed by some members of the public during the pilot program, and of the NJ wine industry, who see enabling preserved farm wineries to become "wedding mills" or event venues as diminishing the authenticity of New Jersey's wine and agricultural industries. For these reasons, the SADC recommends the holding of SOEs should be subject to reasonable limits as discussed in the remainder of this report.

Defining SOEs

A critically important factor to consider in this discussion is the fact that some of the events being held at wineries and reported as SOEs **are already permitted on preserved farmland** as commonly accepted marketing of a farm's agricultural output or recreational uses already explicitly permitted in the FPP deed of easement. Therefore, such uses should not count as a SOE for purposes of future legislation/regulation. For example, a wine festival held at a winery periodically or seasonally to celebrate wine production and market wine is currently permitted on preserved farmland and eligible for protection under the Right to Farm (RTF) Act (NJSA 4:1C-1 et seq) and the SADC's adopted agricultural management practice (AMP) for On-Farm Direct Marketing (N.J.A.C. 2:76-2A.13). Similarly, holding a "music night" whereby a performer plays background music in the winery's tasting room, or an event where the winery offers snacks or other food samples (cheese, olives, chocolate, fruit, etc.) in a paired wine tasting would be considered direct retail marketing of the wine, and permitted on preserved farmland and eligible for RTF protection.

With respect to recreational uses, the FPP deed of easement explicitly authorizes the landowner to conduct certain recreational uses as long as the recreational use does not interfere with agricultural production and uses the property in its existing condition[12]. So, a preserved farm that hosts "yoga with goats" inside an existing barn, or a stargazing party in a secluded area of the farm may be able to do so without it counting as an SOE because such a use may already be considered a permitted use under the deed of easement. Therefore, some portion of the SOEs reported by the wineries in the pilot are considered to be permitted under the FPP deed of easement by the SADC, and, therefore, not likely to be recommended for future limitations associated with SOEs.

Similarly, the same potential for confusion exists in relation to what kinds of farm-based events are eligible for Right to Farm protection, and which are not and, therefore, are considered SOEs. The SADC adopted RTF standards setting forth specific definitions of "farm-based activities and events" pursuant to the On Farm Direct Marketing Agricultural Management Practice (OFDM AMP) referenced above. The SADC considers events and activities that qualify for RTF protection under the OFDM AMP to be commonly accepted agricultural management practices, and as such, permitted on preserved farmland. Preserved farms should be able to continue to conduct the types of activities and events that qualify under the provisions of the OFDM AMP on preserved farmland without those activities counting as SOEs.

The potential confusion between what kinds of activities are already permitted on preserved farmland, including those that qualify for RTF protection, and which are considered "special occasion events" subject to the pilot program is one of the primary

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[12] The standard SADC deed of easement language related to recreational uses reads: "*Grantor may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the Premises in its existing condition. Other recreation activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.*" (N.J.A.C. 2:76-6.15(a)9.).

concerns voiced by the CADBs affected by the pilot program, and one of the major observations contained in the SADC's Interim Report[13]. Assuming future legislation will place some parameters around SOEs, the ability for preserved farm owners, CADBs and the SADC to be able to distinguish activities that are considered SOEs, and those that are not is critical.

Therefore, in order to clarify the distinction between such uses, the SADC recommends that the definition of a SOE contained in the pilot program be amended to exclude any activity or event that is eligible to be considered on-farm direct marketing pursuant to the Right to Farm Act (4:1C-1 et seq.) or as a recreational use permitted under the SADC's deed of easement. Further, such a definition should apply uniformly across the state to avoid the unlevel playing field created under the pilot program which allows each county to adopt its own definition of a SOE, and to ensure publicly preserved farmland is protected equally statewide.

SOE-Derived Income

The pilot law limits SOE income to being *"less than 50 percent of the annual gross income of the winery"*[14] and SADC's implementing regulations require wineries annually to submit a certification of income form to its CADB attesting that the annual gross income from SOEs accounts for less than 50% of the annual gross income of the winery for the prior calendar year.[15] However, the CADBs and the SADC have no ability to determine the veracity of the information contained in the certification forms, as the data required currently either is not submitted to state agencies (ABC or Taxation) by the wineries , or if the information is submitted, it is not available to be accessed by the SADC and CADBs. The result is that the only way for CADBs or the SADC to verify the income information submitted by the winery is to require an audit of the winery's operation,

[13] Exhibit D, page 16.
[14] N.J.S.A. 4:1C-32.8.a.(1) and -32.8.b.
[15] N.J.A.C. 2:76-27.6.

the cost of which must be borne by the winery.[16] No audits have been called for during the pilot program, as subjecting a winery to the audit process is perceived as a fairly heavy-handed, even somewhat hostile method of ensuring compliance with the law and would surely cause substantial disruption and expense to a winery.

Use of income as a primary factor in regulating SOEs also causes a large administrative burden on the preserved farm owner (in having to track, document and report the information that would be needed), as well as what could be a huge administrative burden on CADBs, land trusts and the SADC if the regular collection and analysis of the information is required to ensure legislative compliance. Indeed, concern about the administrative burden associated with record-keeping was one of the most significant concerns voiced from those experienced in the pilot program, from both wineries and CADBs/nonprofit administrators alike. **For these reasons, the SADC recommends the legislature consider eliminating the use of income as a factor for determining statutory compliance and instead rely on defining the scale and frequency of SOEs that are permitted to occur on preserved farmland.**

Further, should the legislature choose to continue to regulate winery SOEs utilizing an income threshold, **the SADC recommends the allowance of SOE income be reflected as a percentage of the gross income from <u>sale of wine</u>, and not gross income of the winery, in order to maintain a proper relationship between the sale of agricultural product and the income associated with SOEs.**

Finally, because the current law requires SOE income to account for less than 50% of the gross winery income, it allows a winery to earn almost half of its entire gross income from nonagricultural facets of SOEs activities. This limit seems too high if the intent is to provide the opportunity for income that *supplements,* rather than *supplants*, agricultural income. Again, should the legislature choose to continue to use income as a benchmark to regulate wineries, **the SADC recommends that SOE income be limited**

[16] N.J.S.A. 4:1C-32.9.

to 25%, not 50%. These changes will ensure that SOEs remain supplemental to the production and sale of agricultural products as the first priority use of preserved farmland. **In addition, it is recommended that all data that would be required to determine compliance with the legislative income limit be reported annually to the NJ Bureau of Alcohol Beverage Control (ABC) as part of each winery's annual licensure reporting and that SADC be granted access to such information if required to determine a winery's compliance with the SOE law.**

Agricultural Production Requirements for Preserved Farms

Table 3 reflects that **all** farms included in the pilot program grow greater than 50% of the grapes used to produce their wine product. This is a critically important factor for both the Farmland Preservation and Right to Farm programs, and to what extent these and future winery operations will be able to qualify to operate on preserved farmland and be eligible for RTF protections in the future.

Wineries are considered a type of 'farm market' for purposes of both the FPP and RTF programs. The SADC has previously determined that farm markets located on preserved farmland that process raw agricultural product into a finished product (e.g., milk into ice cream, or grapes into wine) may utilize agricultural products grown outside of their farm management unit so long as at least

51% of the agricultural product processed is grown on the farm operation's FMU[17]. This interpretation is supported by the language of the RTF Act, which similarly requires retail farm markets to produce greater than 50% of its income from the sale of the farm's agricultural output[18].

New Jersey's winery law, conversely, requires only a minimum of ***three (3) acres*** of land (to be located on, or adjacent to, the winery premises) be dedicated to growing and cultivating grapes or fruit used in the production of wine grapes in order to qualify for a farm or plenary winery license (N.J.S.A. 33:1-10). As such, there is no limit to the volume of grapes or juice that can be obtained from other farms, whether they be in NJ, elsewhere in the United States, or even in other countries, and still operate as a licensed NJ winery. *This standard highlights a fundamental difference between the extent of agricultural production required to be a licensed NJ winery versus that of operating on a preserved farm.*

The SADC recommends the legislature not disturb the SADC's ruling that in order to process raw agricultural commodities into a finished product on a preserved farm, at least 51% of the raw product must be produced on the farm management unit of the preserved farm. This standard appropriately recognizes that in order for a processing facility to exist on a preserved farm, it must first and foremost be a facility needed to process the agricultural output of the farm operation. Without such a standard, preserved farms could be used to provide a relatively "inexpensive" source of land upon which to build dairies/creameries, slaughterhouses and food processing factories with little or no connection to the farm operation located on the preserved farm. The SADC believes that maintaining these ag production standards is central to retaining

[17] SADC Resolution #FY2017R2(4), February 23, 2017.

[18] N.J.S.A. 4:1C-3 defines a "farm market" as a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm…".

the legitimacy of not just preserved-farm wineries, but all agricultural operations located on preserved farmland, and upholds the statutory requirement that permanently preserved farmland shall have "*agricultural or horticultural production as the first priority use of that land.*"[19]

Agricultural Production Requirements for SOE Thresholds

Two categories of evaluation factors were considered to establish thresholds for holding SOE on preserved farmland – those factors that establish the extent of agricultural productivity, and therefore legitimacy of the operation (acreage in ag. Production), and those factors that impact the preserved farmland (size, frequency, duration, and extent of events). This section will focus on acreage/income thresholds and the attendant number of events that can be held for various acreage/income ranges.

In examining the relationship between agricultural production and the ability to hold SOEs the SADC considered the two established agricultural production tests for farms to receive Right to Farm protection. Enacted in 1983, those "commercial farm" thresholds remain at $2,500 in production of agricultural products for farms five acres and greater, and $50,000 in production value for farms less than five acres. While $2,500 in agricultural production might then seem appropriate amount to warrant a minimum number of permitted SOEs, it should be noted that $2,500 in 1983 equates to $6,546 in today's dollars using the Consumer Price

[19] Garden State Preservation Trust Act; N.J.S.A. 13:8C-3.

Index to adjust for inflation. This value falls within the $5,000 - $9,999 tier utilized in Table 2 of the 2017 Census of Agriculture (Market Value of Agricultural Products Sold). Agricultural production levels below this threshold are akin to "hobby" type farming operations and not the focus of this effort to improve true farm viability through the hosting of SOEs.

With regard to the number of SOEs to be authorized, we note that under New Jersey's Uniform Fire Code (N.J.A.C. 5:70-2.7) farm buildings as defined by the Uniform Construction Code (N.J.A.C. 5:23-3.2) can be used as places of temporary public assembly up to 15 days in a calendar year, after which they are classified as assembly buildings proper. This change of use in the building usage seems to be an appropriate litmus test for the limit of hosting SOEs on a farm demonstrating the minimum required agricultural production. **Thus, the SADC proposes that preserved farms producing agricultural products worth at least $10,000 annually from the farm management unit be permitted to host up to 15 SOEs per year.** Setting this modest minimum agricultural production requirement will ensure that most all preserved farms qualify to hold SOEs and that a farm owner must be committed to at least that level of agricultural production before qualifying to use the preserved farm for nonagricultural SOE events.

For farms with a more substantial agricultural production level, it is proposed that they receive a higher SOE allocation, as it is fitting that with a greater extent of "agriculture" comes a greater level of "tourism" opportunity. **Thus, the SADC proposes that preserved farms producing agricultural products worth at least $100,000 annually from the farm management unit be permitted to host up to 26 SOEs per year.** For purposes of this recommendation the SADC suggests that, generally, an "event" equal to **one day** so that, for example, if a farm operation holds a brunch in the morning and a farm to table dinner that same night, both of those activities together count as only one "event" against the farm's SOE allocation. Further, the SADC similarly recommends that a single event be allowed to last not more than two consecutive days so that, for example, a weekend festival count as only one SOE event.

To get a sense of what these proposed agricultural production figures equate to on the ground, let's first consider wineries. In 2017, the same year as the latest Census of Agriculture, the average bearing grape acreage per grower in New Jersey was 10.48 acres while the average grapes harvested is estimated at 3 tons/acre[20]. Multiplying these figures yields 31.44 average tons harvested, with an estimated raw (not finished into wine) price of $1,500 per ton[21], yields a gross grape value of $47,160. Again, these are averages, with higher yields per acre and higher prices per ton possible depending on the varietal being harvested.

Table 5 provides an estimate of grape production value on each of the six wineries included in the pilot program based on vineyard acreage reported. Results show four of the six wineries would qualify for the highest level of allowable SOEs (≥ $100,000 production value), while two would qualify for the lower level (≥ $10,000, but less than $100,000) number due to the relatively small acreage in production within each farm's farm management unit.

[20] Gary Pavlis, Agriculture and Natural Resources County Agent, Rutgers Cooperative Extension Agent, February 2020.

[21] Gary Pavlis, Agriculture and Natural Resources County Agent, Rutgers Cooperative Extension Agent, February 2020.

Table 5 – Estimated Grape Production Values

Winery	Total grape acres in FMU	Grape tons per acre harvested	Total tons grapes harvested	Agricultural value of grapes produced ($1,500/ton)
1	50	3	150	$225,000
2	37.5	3	112.5	$168,750
3	43	3	129	$193,500
4	102	3	306	$459,000
5	21	3	63	$94,500
6	8	3	24	$36,000

For examples of other agricultural crops, the $10,000 threshold would, on average, be met by approximately 18 acres of field corn, 5 acres of fresh beans or less than 2 acres of blueberries, therefore meeting the $100,000 level would require 180 acres of field corn, 52 acres of fresh beans and 13 acres of blueberries[22].

Administrative Approval Methodology for Determining Agricultural Production Values

Considering the potentially large pool of applicants that may apply to conduct SOEs, it is necessary to create a process that is ministerial in nature so that CADBs, nonprofits and the SADC (collectively "grantees" of the FPP deed of easement) can easily qualify

[22] National Agricultural Statistics Service data for New Jersey, 2015.

farms for SOE activity without an unacceptable administrative burden. To effectuate this approach the grantees could utilize the information already available from a farm's annual Application for Farmland Assessment (Form FA-1), the Supplemental Land Use Form required by Farmland Assessment which takes the actively devoted acreage and assigns it to one of five soil classes (ranging from very good production to very poor farmland) and Table 2 of the annual report of the State Farmland Evaluation Committee (FEAC), which prescribes productivity value and potential income based on U.S. Department of Agriculture farm income data. The grantee could generate a basic computer map using geographic information systems (GIS) technology to verify the acreage reported by the farmer. By utilizing this methodology, the SOE process could obviate the need to delve into a farmer's financial records if simple calculations of farmland assessment valuation show that a farm meets the requisite SOE thresholds. In essence, the farmer could simply provide to the grantee the information already supplied as part of the farmland assessment application process and avoid duplicative paperwork.

If utilizing FEAC data does not yield the intended result for the landowner, SADC staff could examine current crop value data for harvested acres from the National Agricultural Statistics Service to impute gross sales figures for certain crops grown on certain acreage. If the farmer disagrees with the outcomes of both processes, he or she could then decide to supply Schedule F of IRS Form 1040 or Form 1120S for corporations as an alternative source of demonstrating gross farm income.

Location and Size of Events

Location of Events

The winery law requires that special occasion events be conducted ***in*** *(a) temporary structure, such as an enclosed or open canopy or tent or other portable structure of facility; (b) an existing permanent agricultural building; (c) a farm or open-air pavilion; or (d) another structure used in the normal course of winery operations and activities*.

The requirement that SOEs occur **"in"** a structure has the practical effect of limiting the overall size of the events that occur (the number of people the permanent or temporary structure can accommodate), as well as their location on a farm. However, data from the pilot program makes it clear that wineries are seeking to hold some events outside of existing or temporary structures as "open-air" events, some of which can occupy a substantial area of the farm.

Location of events is also particularly important when weighing the impacts of SOEs on surrounding neighborhoods. Events held indoors where music and other loud sounds are more contained reduces the potential for neighbor and community conflicts associated with noise. Conversely, outdoor events or those held in tents or temporary structures increase the potential for disturbing neighboring properties. Further, state noise codes that set a daytime sound level standard of 65 decibels (dB) and a nighttime standard of 50dB will likely be insufficient to prevent noise complaints from occurring depending on the proximity of the SOE to surrounding, particularly residential, land uses and due to the typically low ambient noise level that exists in rural areas.

Size of Events

SOEs reported in the pilot program range from gatherings of less than 25 people all the way up to weekend-long events attracting over ten thousand people. Future legislative initiatives should consider the potential negative impacts of SOEs on both the preserved farmland, (effects such as compaction and disturbance of farm soils, increased erosion, removal of land from agricultural production, etc.) and on surrounding land use and neighborhoods so as to not unduly burden neighbors and host communities with negative off-site impacts (such as noise, traffic, public intoxication, property trespass and safety). To that end, several factors are recommended for consideration in the enabling legislation.

First is to limit the number of SOE events that would be considered "large" events – events bring in more than 250 people per day. **The SADC suggests that for farms qualified to hold 15 events per year, a maximum of 2 of those events could be "large" events, and for farms holding up to 26 events per year, there be a maximum of 6 "large" events.** Second, because large events have the greatest potential for negative impacts to both the preserved farmland and neighbors, **the legislature may want to**

require that any planned large events receive specific municipal review to ensure public safety issues are adequately addressed and negative impacts are minimized.

Next, the extent of the impact to the preserved farm must be addressed to protect the farm's resources and prevent SOE activities from diminishing the potential for agricultural production. If left unfettered, SOE events could grow to a massive scale as farmers seek to increase profitability per event. **The SADC recommends the future legislation requires the area that will be used to support SOE activities be defined as the "occupied area" and that all temporary uses and equipment associated with the SOE be confined to that area (tents, parking, vendors, porta potties, stage areas, seating, bleachers, etc.). The SADC recommends the occupied area be defined as a minimum of 2.5 acres, up to 5% of the farm, with a maximum occupied area of 5 acres[23].** Any impacts to the occupied area must be minimal to ensure protection of the agricultural resources and that the land can readily be returned to agricultural production use at the conclusion of the SOE.

The SADC recommends that infrastructure needed to support the SOE should be limited to existing buildings/structures and temporary items (tents, tables, seating, stage areas, porta-potties, removable fire pits, booths, pergolas, etc.). Improvements to existing buildings should be limited to those required for the protection of public health and safety. No other disturbance to the soil resources of the site should be permitted.

Municipal Review

As the SADC envisions this program operating, SOEs will be, by definition, ineligible for Right to Farm protection (as these events are over and above what is eligible for RTF protection) and therefore, typically would be subject to full municipal land use review, including zoning and site plan approvals. However, the SADC recognizes that the legislature may wish to *ensure* that farms can hold SOEs under the broader goal of

[23] A football field contains 1.32 acres; 5 acres is equivalent to ~3.8 football fields.

expanding agritourism opportunities in New Jersey despite municipal zoning ordinances to the contrary. Conversely, we also recognize that CADBs, nonprofits and the SADC itself do not have sufficient staff resources or expertise to conduct much of the necessary public health and safety review as municipal review affords. Therefore, **the SADC recommends that if the legislature wishes to ensure SOE opportunities for farms, the enabling legislation waive the need for zoning, or a land use variance approval, but rely on municipal review and approval for all other health and safety issues associated with conducting the proposed SOEs (traffic, noise, solid waste, parking, food safety, etc.)**.

Food Service

As alluded to earlier, occasions where the winery provides small snacks or samples of other food (a piece of cheese, olives, chocolate, fruit, etc.) in a paired wine tasting are common marketing activities and not considered a SOE. The SADC also recognizes the need to supply food during events where participants will remain on the premises for longer periods of time and consume more wine than, say, that associated with a typical "tasting" or on-site consumption of a glass of wine. Certainly, when the public is invited to a winery for a wedding, private party, corporate event or day-long festival, supplying a much greater amount of food sufficient to constitute a meal, is expected and warranted.

Caterers should be permitted to bring food on site for such SOEs, whether in the form of traditional event-catering suppliers or in the form of food trucks and other such vendors. The preserved farm should be able to provide kitchen facilities for the caterer to store/refrigerate/warm food prepared off-site, but in no case should a preserved farm be permitted to allow on-site cooking and preparation of food. Further, preserved farms should be prohibited from running retail food establishments, or "restaurants" on-site, as such a use constitutes a clear violation of the FPP deed of easement[24]. ***The SADC recommends that parameters around food service be included in future SOE legislation to ensure appropriate foodservice is provided in support of the SOE functions but that the expansion of such food service into retail food establishments be clearly prohibited.***

[24] An exception to a finding of violation would include cases where the food being served at the retail establishment is grown or raised on the farm management unit of the preserved farm.

Administrative Review Process

As indicated earlier in this report, one of the most frequently voiced concerns about the proposal to allow and/or expand SOE uses on preserved farmland is the additional administrative burden at the County/nonprofit and SADC level associated with the need for approval, monitoring and enforcement of SOE standards. The Ocean CADB provided a detailed accounting of its extensive experience associated with administering to just one winery that is highly active in conducting SOEs[25]. The Ocean CADB estimates that during the life of the pilot program the winery conducted nearly 325 events out of the 571 days the winery was open for business (56.7%) which involved the submission of 86 checklists to the CADB for review and approval.

Of course, if SOEs are limited by number and frequency as recommended in this report, those limits help to minimize the administrative burden as compared to the current pilot program where there are no limits on the number of SOEs a winery can conduct. However, expansion of SOEs to all preserved farms from just the six wineries associated with the pilot program would, no doubt, have a substantial impact on CADB/land trust/SADC administrative duties.

A number of CADBs sharing the same concern proposed a "permit by rule" approach for at least some of the SOEs, to enable those events to occur with little grantee review, and others recommended that particular scrutiny should be applied to larger events to ensure both community impacts are addressed and the preserved farm resources are protected. The SADC can envision a scenario in which a preserved farm owner applies to the grantee under its deed of easement (the county/land trust or SADC) once, at the beginning of the SOE program, to obtain approvals to conduct the allowable number of SOEs per year (15 or 26). The grantee can perform the eligibility evaluation and review a plan for the designated "occupied area" in which the SOE activities will take place (what buildings will be used, where will tents and parking be accommodated, etc.) and

[25] Ocean CADB; *Full Report on the Special Occasion Events Pilot Program*, March 1, 2018.

once the grantee approves that SOE proposal, the landowner can seek whatever approvals may be necessary from the municipality. Once approval is granted by both the grantee and the municipality, the landowner could then conduct the authorized number of SOEs without further involvement from the grantee and simply keep track of the number of SOEs held. On an annual basis, that information can be sent to the grantee for monitoring and record-keeping purposes.

If there is no change in the occupied area, or impacts to the farm associated with SOEs there would be no need for a farm owner to reapply to the grantee annually, rather, the approval the owner receives at the beginning of the SOE process could remain in place indefinitely, and only need to be reassessed upon change of conditions. Perhaps only plans to host a "large" event which would likely cause traffic, public safety or other community impacts that had not theretofore received prior review and approval would necessitate notification to the grantee and a second level of review by the municipality.

In short, the SADC recommends that any new enabling legislation require grantee approval of permission to hold SOEs, direct the SADC to establish through rule-making an approval process that is as streamlined as possible, and ensure municipalities retain authority over all public health and safety matters. Further, the legislation should authorize the deed of easement grantees to charge review fees, if necessary, for SOE application review and set forth parameters for such a fee schedule.

Enforcement

A primary observation contained in the SADC's Interim Report related the fact that the pilot law directed CADBs to define special occasion events in each individual county but placed sole authority to enforce the law's provisions on the SADC. This placed the State agency in the unusual position of interpreting and enforcing county standards that it had no role in developing. Further, the pilot law requires that the SADC pursue enforcement of the special occasion events law through the Penalty Enforcement Act –

which requires the agency to seek fines or suspensions in municipal or Superior Court instead of directly imposing such sanctions after a public hearing. The pilot law also contains a fine structure (up to $1,000 for a first offense; up to $2,000 for a second offense and up to $3,000 for subsequent offenses) and the ability to suspend an operator's right to hold SOEs for up to six months after a second offense; between six months and a year after a third offense; and one to two years for a fourth or subsequent offense.

The enforcement mechanism contained in the SOE pilot law is unworkable, administratively burdensome and lacks a fee structure that provides a meaningful deterrent. The SADC believes that if preserved farms are going to be provided the additional opportunity to conduct nonagricultural "tourism" type activities such as wedding receptions on preserved farmland, landowners should be respectful of the limitations placed on this privilege and strictly adhere to the provisions of the enabling law, or be subject to a meaningful penalty. Without such an enforcement mechanism, the SADC fears there will be little enforcement occurring and the program could easily get out of hand.

Therefore, the SADC recommends that the SOE-enabling law establish an enforcement process modeled on the Right to Farm appeals process whereby the grantee hears and decide any question of SOE violation. If appropriate, suspensions and/or fines outlined in the new SOE enabling law could be instituted and collected by the grantee. If the farm owner wishes to appeal the grantee's decisions to the SADC, the SADC would forward the appeal to the Office of Administrative Law for a hearing and recommendation from the Administrative Law Judge. The SADC would then issue a final decision and levy penalties and/or suspensions as authorized under law.

Conclusion

The SADC wishes to thank Governor Murphy and Legislature for their consideration of the recommendations in this report and appreciates the steadfast interest in supporting the viability of New Jersey's farms now and into the future.

Exhibit A

EXHIBIT A

Special Occasion Events (SOEs) on Preserved Farmland

Summary of SADC Legislative Recommendations

March 2, 2020

Evaluation Factor	Parameters	Notes
Purpose of Allowing Special Occasion Events on Preserved Farmland	Recognize "agritourism" as an increasingly common on-farm activity related to hosting SOEs that provides preserved farm landowners opportunity for additional income that is accessory to the overall farming operation and increases community access to preserved farmland. Improve the farm-public interface, and in doing so, expand support for NJ farms and the Farmland Preservation Program	Proposed parameters are for all preserved farms, both wineries and non-wineries. Must be a "commercial farm"
Defining SOEs	SOE's are **IN ADDITION TO** events that: • Are eligible to receive Right to Farm (RTF) protection • Are permitted recreational uses under the Farmland Preservation Program (FPP) deed of easement	Examples of SOEs: public and private events – e.g., community festivals; fundraisers; movie night; concerts; weddings; corporate gatherings; private parties
Size and Frequency For <u>All Farms</u>	**Utilize size and frequency of events, and <u>not SOE-derived income</u>, as basis for approval.** Total # of events permitted: Farms with <u>></u> **$10,000** in agricultural production value can hold up to **15 SOEs per year** • Up to **2** events can be **"large"** (greater than 250 people at a given time) Farms with <u>></u>**$100,000** in agricultural production value can hold up to **26 SOEs per year** • Up to 6 events can be **"large"** (greater than 250 people at a given time)	Farms generating < $10,000 in agricultural production value are not eligible to hold SOEs Two brackets of event allowability, 15 & 26, related to the extent of agricultural productivity. Farms with greater ag productivity qualify for a greater number of events. Income will be determined using existing data (reported production acreage from FA1 forms; FEAC data; NASS data; GIS mapping) Farmer can appeal CADB/SADC analysis with farm receipts/proofs as needed

Special Occasion Events (SOEs) on Preserved Farmland
Summary of SADC Legislative Recommendations
March 2, 2020

Evaluation Factor	Parameters	Notes
Ag. Production Requirement for Processed Output	At least 50% of raw agricultural commodity used to process finish product (e.g., milk into ice cream; wine into grapes) must be grown on the farm management unit	This is not a new standard – the SADC long ago clarified preserved farms must generate at least 51% of ag commodities processed
Duration	A single event can last not more than 2 consecutive days (e.g. a weekend festival). Otherwise, an event is considered one day.	For example, a 3-day festival would count as 2 SOEs. For example, a farm could host multiple events on a single day (e.g., a brunch in the morning and a birthday party the same evening) and they together still constitute just one SOE.
Eligible for RTF Protection	NO SOEs are events that are <u>OVER AND ABOVE</u> what a farmer can qualify for under Right to Farm.	Landowner must comply with all public health and safety rules and ordinances (noise, traffic, solid waste, food service, etc.)
Local Approvals	Law should enable SOE use without the need for municipal zoning/land use approval Landowner required to secure all necessary public health and safety approvals.	Legislature may wish to consider extending SOE use to all farms, not just preserved farms.
Occupied Area	**Minimum of 2.5 acres up to 5% of the premises; maximum of 5 acres** Any impacts to the occupied area are minimal to ensure protection of ag resources and that land can readily be returned to productive ag use at the conclusion of the SOE	Occupied area means the area of the premises (does not apply to exception areas) devoted to supporting the SOE, including but not limited to areas for parking, vendors, gatherings, tents, porta potties, etc. Portions of a farm where attendees just 'walk around' are not included in occupied area.

Special Occasion Events (SOEs) on Preserved Farmland
Summary of SADC Legislative Recommendations
March 2, 2020

Evaluation Factor	Parameters	Notes
Utilities	No new utilities, but allow temporary utilities, e.g., portable generators Allow temporary porta-potties	Included in occupied area
Parking	Existing parking areas, curtilage and grassed areas for temporary parking, to the maximum extent practicable Temporary parking and offsite parking Temporary parking must comply with standards in SADC's On Farm Direct Marketing – Agricultural Management Practice (OFDM AMP) N.J.A.C. 2:76-2A.13(h)4.	Included in occupied Area
Vendors / Food Offerings	Permitted – e.g., catering, food vendors; other farms' output; food trucks; jewelry/crafts	Included in occupied area "Restaurants" and retail food establishments prohibited
Grantee Approval/Registration Process	**General / "One Time" Approval** – Landowner submits to the Grantee a plan for hosting SOEs, including site map detailing buildings, infrastructure and occupied area to be used. **Grantee approval required for all events.** If plan is approved, a landowner may hold SOEs for up to 250 people in accordance with Grantee approval. **Individual Approval** - For "large" events (over 250 people) Grantee review and approval is required (if not previously approved in "one-time" approval). Municipal review of public health and safety issues required for large events.	Logistics of notice/details to be worked out in regulations. Consider a "permit by rule" approach to Grantee review, particularly for events under 250 people. Authorize Grantees to delegate approvals to staff as appropriate Landowner must copy grantee and SADC on local approvals.

Special Occasion Events (SOEs) on Preserved Farmland
Summary of SADC Legislative Recommendations
March 2, 2020

Evaluation Factor	Parameters	Notes
Enforcement	SADC and Grantee have right to inspect to confirm compliance For suspected violations, the SADC or Grantee is required to hear the matter and issue its decision. CADB and nonprofit decisions subject to appeal to SADC. If a violation is found to have occurred, landowner receives written warning. Second and subsequent offenses result in revocation of permit to hold SOEs for some period of time (TBD) and subject to fines.	Effective enforcement provisions needed to ensure compliance.
Address All Alcohol-Based Agriculture Operations	Recognize wineries are not the only type of alcohol-based agricultural operations; others include breweries, cideries, distilleries and meaderies.	Recommend that all alcohol-based operations be included in future legislation and AMP's adopted by SADC. All alcohol-based agriculture should be treated equally.

S:\LEGISLATION\Special Occasion Events - All Farms\SOE Working Group w. Farm Bureau\SOE Evaluation Factor Chart. FINAL SADC approved.3-2-20.docx

Exhibit B

EXHIBIT B

Summary of Comments
Special Occasion Events (SOEs) on Preserved Farmland Evaluation Criteria (Feb 2020)

Evaluation Factor	Comments and Concerns	Commenter Suggestions	Commenter Observations
Administration	• Grantees' administrative burden associated with approvals, monitoring and enforcement of SOEs. Concern that an intolerable workload will be created as a result of additional administrative burden on CADBs by the current standards (9 CADBs, 1 FB) • Recordkeeping and reporting requirements seem unnecessary and burdensome for wine growers and such requirements may discourage vineyard owners from preserving their farms in the future (GSWGA)	• Implement an administrative review process (template/checklist) to simplify approvals (5 CADBs) • Municipalities should take an active role in administering approvals. Applicants should be required to receive municipal approvals prior to applying to CADBs or SADC (5 CADBs, 1 Twp, 1 NP) • Implement a "Permit by Rule" system to save on admin time and resources (3 CADBs) • Delegate SOE approval authority to administrators or board chairs (3 CADBs) • Allow farmers the right to appeal approvals (1 CADB)	• Could the SADC develop a checklist for SOEs similar to the green, yellow and red-light template used for soil protection? • Should applicants receive approval from municipalities prior to applying to CADBs or SADC?
Compliance & Enforcement	• Introduce fines for violations to help maintain compliance (1 CADB) • Concern that CADBs will lack the capacity to enforce SOEs which will result in agencies "turning a blind eye" to wineries who market or conduct events without notice or approval (1 I)	• Encourages the SADC develop a rulemaking proposal separate from the SOE proposal that more fully explores enforcement and fines for DOE violations (1 CADB) • Easement holders be granted the right to accept or deny the privilege of allowing SOEs on farms they are party to the easement with (2 NP)	• Why should SOE violations alone incorporate fines while violations currently do not? • Who will monitor events held on weekends and week nights? • Who will collect fine $$?

CADB= County Agriculture Development Board / NP= Nonprofit Easement Holder / I= Independent / GSWGA= Garden State Wine Growers Association / Twp= Township / FB= New Jersey Farm Bureau

Summary of Comments
Special Occasion Events (SOEs) on Preserved Farmland Evaluation Criteria (Feb 2020)

Evaluation Factor	Comments and Concerns	Commenter Suggestions	Commenter Observations
	• Agencies enforcing rules must have interest in the easement (1 NP)	• Municipalities should be responsible for monitoring compliance, as they have the existing infrastructure to issue violation notices, levy fines, and hold court hearings (1 CADB) • Municipalities should adopt model ordinances that are consistent with SADC SOE objectives (Twp)	• What are the enforcement methodologies should a violation occur?
Size & Frequency of Events	• Number of events permitted for wineries (52) and non-wineries (15) is inequitable (10 CADBs) • Strongly opposes restricting the number, size and frequency of events permitted on preserved farm wineries (2 I) • Opposes regulating SOEs with respect to the specific type or size of an activity (GSWGA) • The proposed number of events allowed on preserved farm wineries is "fairly excessive" (1 I) • The upper limit of 250 people per SOE is too restrictive (FB, 1 CADB)	• Allow equal # of events/year for wineries and non-wineries (7 CADBs, 1 NP, FB, GSWGA) • Allow all preserved farms the right to host a certain # of SOEs (1 or few); regardless of income or production. Events exceeding that number could require formal approvals (2 CADBs) • Allow up to 15 SOEs/year for farms/wineries generating at least $10,000 in agricultural production and allowing up to 26 SOEs/year for farms/wineries generating at least $100,000/year (FB, GSWGA)	

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Summary of Comments
Special Occasion Events (SOEs) on Preserved Farmland Evaluation Criteria (Feb 2020)

Evaluation Factor	Comments and Concerns	Commenter Suggestions	Commenter Observations
	• 50 annual events are too many; no more than 25 SOEs should be considered standard (1 CADB) • An occupied area of 5 acres (maximum) is too restrictive (1 I) • SOEs should be much more limited in scope, as the current proposal does not reflect the intent of extinguishing non-agricultural commercial rights through taxpayer dollars (1 NP)	• Number of events should be independent of farm size, as long as the farmer meets all local requirements and qualifies for farmland assessment (1 CADB) • Allow all farms the ability to host one SOE, anything additional should increase in proportion with a farm's production value (1 CADB) • Farmers should only be required to obtain CADB and local approvals for events >250 people (GSWGA)	
Eligibility Criteria	• Supports using existing agricultural data to determine a farm's eligibility to host SOEs (1 CADB) • Oppose capping income derived from SOEs on wineries to 25% of gross winery income and requiring 50% of grapes processed by the winery be grown by the commercial farm (GSWGA, FB, 1 I) • The $10,000 threshold of agricultural production value is excessive (1 I)	• Use FA1 forms or other methods to determine eligibility in lieu of soil testing (2 CADB) • In accordance with UCC code, events under 50 people should be subject to less restrictive eligibility requirements (1 CADB) Modify current, "preserved farm landowners" to "commercial farm operators" in draft rules to clarify SOEs are for the benefit of commercial farmers, not caterers or other venue owners (1 Twp)	• Smaller farms may benefit from SOEs. Could the income requirement be waived, or could small farms be subject to different eligibility requirements? (2 CADBs) • Is soil productivity the right test? Would rocky farms in North Jersey and Cranberry bogs would be at a disadvantage compared to farms with better soils? (1 CADB)

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Summary of Comments
Special Occasion Events (SOEs) on Preserved Farmland Evaluation Criteria (Feb 2020)

Evaluation Factor	Comments and Concerns	Commenter Suggestions	Commenter Observations
	• Farmers will likely be confused and struggle to meet income qualifications needed to earn 15 or 26 SOEs/year (FB)	• Eliminate current winery conditions of (1) no more than 25% of gross winery income allowed from SOEs, and (2) at least 50% of the grapes processed by the winery must be grown by the commercial farm (FB, GSWGA) • Farmers generating <25% income from SOEs should be held to less restrictive reporting standards than farms generating >25% income from SOEs (GSWGA)	• Would farms preserved through the federal Agricultural Land Easement Program (ALE) and Farm and Ranch Land Protection Program be eligible for SOEs? (1 NP)
Relationship to RTF	• SOEs should not be eligible to receive RTF protection (3 CADBs) • SOEs should be eligible for RTF protection (1 CADB, 1 I) • Refine and create a clear definition of an SOE to help clarify the difference between SOEs and events allowed under the DOE and protected by RTF (6 CADBs) • Concern that CADBs will adopt conditions from SOE rules when tailoring site specific agricultural management practices (SSAMP) for non-preserved farm wineries and non-wineries (1 I)	• The definition of an SOE should include events that do not relate to the agricultural use of the farm. Celebratory events, given if the majority (51% or more) of food served is produced by the farm should be protected by RTF and covered by the OFDM-AMP (1 CADB) • Celebratory events that assist with marketing the output of the farm should be viewed from the perspective of the OFDM-AMP and not subject to SOE restrictions (FB, GSWGA) • Create an alcohol-based tourism (wineries, breweries, distilleries and cideries) AMP similar to the OFDM-AMP that exists for other commodities (FB, GSWGA)	

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Summary of Comments
Special Occasion Events (SOEs) on Preserved Farmland Evaluation Criteria (Feb 2020)

Evaluation Factor	Comments and Concerns	Commenter Suggestions	Commenter Observations
Site Improvements	• Support allowing infrastructure to be used to support SOEs so long as the infrastructure does not interfere or negatively impact current and potential for future agricultural production (4 CADBs) • One (1) CADB supports prohibiting new permanent utilities	• Eliminate removal requirements for temporary infrastructures (e.g., tents, port-a-potties) for events taking place over consecutive weekends (1 CADB) • Require all temporary infrastructure be removed within 24 or 48 hours after each event to ensure infrastructure remains temporary (1 CADB) • Allow infrastructure improvements to encourage overall building maintenance and repair on farms (FB)	
Long term goals	• Concerned SOEs will have the potential to alter land values similar to catering facilities or event-type establishments (1 CADB, 1 Twp)	• SADC host listening and education sessions for farmers, counties and municipalities (2 CADBs) • SADC and other easement holders should consider referencing SOEs in future DOEs (1 CADB)	
Potential Negative Impact	• SOEs have the potential to negatively impact the agricultural/conservation values and natural resources that are protected through the DOE. SOEs may take land out of production (2 NP) • The allowance, administration, monitoring and enforcement of SOEs is beyond the	• Landowners should review their current property liability insurance policies to ensure SOEs are covered as many of these properties may not have been previously open to public visitors (1 CADB, 1 NP)	

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Summary of Comments
Special Occasion Events (SOEs) on Preserved Farmland Evaluation Criteria (Feb 2020)

Evaluation Factor	Comments and Concerns	Commenter Suggestions	Commenter Observations
	scope of the original agricultural easement (1 NP) • Allowing SOEs on preserved farmland may create difficulties for Nonprofits seeking to renew accreditation under the national Land Trust Alliance (LTA) (1 NP)	• Rules should be flexible enough to allow growers to adapt to changes in direct marketing and agritourism trends (1 CADB)	

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CADB= County Agriculture Development Board / NP= Nonprofit Easement Holder / I= Independent / GSWGA= Garden State Wine Growers Association / Twp= Township / FB= New Jersey Farm Bureau

Exhibit C

EXHIBIT C

Winery Special Occasion Event Pilot Program -- Total Reported Events*

**Based on reporting data received from 2019 Winery Registration, Certification of Compliance, and Winery Questionnaire unless otherwise indicated*

Winery	Acres Under Vine within the Farm Management Unit (FMU)	Events	# of Attendees	Estimated Frequency	Location	% SOE Income (2018)	Winery Notes	Winery Comments on Pilot Program
#1	10 acres of grapes on the Preserved Farm 40 acres of grapes on another farm (e.g., leased) under the same operation	Birthdays/showers/ anniversaries Fundraisers Comedy Nights Corporate Events Wine Festivals w/ food	30-80 30-80 50-80 30-60 Not reported	1 to 4/month or 12 to 48/year 2/month or 24/year 1/month (1st Saturday) or 12/year 2/month or 24/year 6/year **Total Events:78-114/year** **Total Private Events (meal served):72-108/year** **Total Public Events (meal served): 6** **Total Public Events (w/o meal): None** **Total Recreational Events: None**	All events held inside the winery tasting room, the vista room, or an outdoor deck.	12.00%	Markets bulk of wine through tasting room and tourism on the property; events offer opportunity to educate and promote agriculture; food at weddings supplied by outside caterer.	Believes SOEs are used as a marketing tool. The pilot program should distinguish SOEs from marketing activities and other wine tastings events which may be used to celebrate a life milestone or other occasion; as they are part of the winery business and are designated to sell wine.
#2	19 acres on the Preserved farm 16 acres on another farm under the same ownership 2.5 acres on another farm (e.g., leased) under the same operation	Life milestone events (e.g, weddings, showers, engagement parties, birthday's, other private gatherings) Private corporate activities Private fundraising activities Public wine lunches or dinner Wine festival w/ food trucks Live Music Events Vendor Markets 5k Run, Race, Fun Run	40-120 Not reported Not reported Approx. 100 Approx. 500 Not reported Not reported Not reported	24-50/year 3/year 1/year 5-6/year 1/year (5/12) 6/year 4/year (4/28-29, 2/27-28, 11/9-10) 1/year **Total Events:45-72/year** **Total Private Events (meal served):28-54/year** **Total Public Events (meal served): 12-13/year** **Total Public Events (w/o meal): 4/year** **Total Recreational Events: 1/year**	Events held on the winery floor, cave room, patio adjacent to the winery, farmhouse, or whole property (festivals)	9.70%	Wine is marketed and sold through the tasting room, online, through a wine club, at farmers markets, on-site and off-site tasting events, wine dinners and private events (e.g., weddings and corporate)	Believes SOEs are used as a marketing tool for wineries and supports allowing them on preserved farmland.

Private Events / Public Events with a Meal / Public Events Without a Meal / Recreational Events

Winery Special Occasion Event Pilot Program -- Total Reported Events*

**Based on reporting data received from 2019 Winery Registration, Certification of Compliance, and Winery Questionnaire unless otherwise indicated*

Winery	Acres Under Vine within the Farm Management Unit (FMU)	Events	# of Attendees	Estimated Frequency	Location	% SOE Income (2018)	Winery Notes	Winery Comments on Pilot Program
#3	43 acres on the preserved farm	Life milestone events (e.g., weddings, baby and bridal showers, birthday and engagement partes, other private social gatherings)	100-200	23-75/year	Events held inside the winery, outside pergola or in existing temporary structures, and on grounds adjecent to winery/vineyard	28.86%	Other than 3 restaurant outlets, all wine is marketed to the general public in-house and on the grounds through events at the winery Festivals commonly include wine tasting and service, vineyard tours, live music, food trucks, other vendors, fireworks Multiple points of sale both in-house and outside on the grounds adjacent to the winery and in the wine grove; events are designed to maximize wine sales.	Strongly believes SOEs are used as a marketing tool and strongly supports allowing SOEs on preserved farmland.
		Other Private events	Not reported	25-30/year			Other Private events include farm-to-table dinners, breakfasts, lunches, and dinner events, corporate activities and private fundraisers.	
		Food truck festivals	4,000-10,000	(10) two-day events = 20			Public Events (meal served) reported on 2019 questionnaire (18 Wine Festivals; 24 Lunches, Brunches, Dinners and other food offerings; 18 food trucks)	
		Shamrock Festival	1,000-2,000	(1) 2-day event = 2				
		St Patty's Festival	1,000-2,000	(1) 2-day event = 2				
		Summer grill nights	50-150	(13) 1-night event = 13				
		Good Day for a Run	600-800	(1) 1-day and (1) 2-day event = 3				
		Independence Day	Not reported	(1) 1-day				
		Irish Festival	1,000-2,000	(1) 2-day event = 2				
		Customer Appreciation Day	400-600	(1) 1-day event = 1				
		Grape Stomp Festival	1,000-2,000	(1) 2-day event = 2				
		Winterfest	1,500-3,000	(2) 2-day event=4				
		Outdoor Dances	750-1,000	(2) 2-night event = 4				
		Blessing of the Grapes	100-200	(1) 1-day event = 1			Public Events (w/o meal) reported on 2019 questionnaire (25 instructional classes, 19 live music events)	
		Blessing of the Vineyard	125-200	(1) 1-day event= 1				
		Corn Hole Tournament	100	(1) 1-day event = 1				
		Instructional classes	75	(2) 1-day event= 2				
		Girls night out	Not reported	(43) 1-day event= 43				
		Indoor Dances	275-325	(15) 1-night event = 15				
		Movie and Wine Night	250-600	(2) one-night event = 2				
		Laurita Idol	75-150	(20) one-night event = 20				
		Walk to end Brain Tumors	75-200	(1) 1-day event = 1				
		Vines of Life Walk	700-900	(1) 1-day event= 1				
				Total Events:148-252/year				
				Total Private Events (meal served):48-105/year				
				Total Public Events (meal served): 54-60/year				
				Total Public Events (w/o meal): 44-85/year				
				Total Recreational Events: 2/year				

Private Events / Public Events with a Meal / Public Events Without a Meal / Recreational Events

Winery Special Occasion Event Pilot Program -- Total Reported Events*

**Based on reporting data received from 2019 Winery Registration, Certification of Compliance, and Winery Questionnaire unless otherwise indicated*

Winery	Acres Under Vine within the Farm Management Unit (FMU)	Events	# of Attendees	Estimated Frequency	Location	% SOE Income (2018)	Winery Notes	Winery Comments on Pilot Program
#4	35 acres on the preserved farm 67 acres on other farms under the same ownership	Events (no description provided)	Not reported	Unknown	Unknown	less than 10%	100% onsite marketing of wine. Prior issues with registration completeness. Previous registrations referred to weddings (1-6/month), wine-paired events promoting agriculture or served ag produce (1-6/month), and Uncorked Comedy wine nights (1 month)	Highly supportive of allowing SOEs on preserved farmland and believes the program should promote farm wineries. Strongly opposes wineries taking on the administrative burden related to administration and compliance.
#5	21 acres on the preserved farm	Life milestone events (e.g., showers, funerals, small receptions) Private farm to table dinners Private corporate activities Private fundraising activities Public Farm to Table Dinners Other Public Meal Events Blessing of the Vines Public Fundraising events Instructional classes 5k Run, Races, Fun Run, etc.	Not reported Not reported Up to 50 Not reported Not reported Up to 100 Up to 150 Not Reported Not reported Not reported	10/year 5/year 2/year 2/year 5/year 2-10/year 1/year 5/year 1/year 2/year **Total Events:35-43/year** **Total Private Events (meal served):19/year** **Total Public Events (meal served): 13-21/year** **Total Public Events (w/o meal): 1/year** **Total Recreational Events: 2/year**	Events held in main winery building, other existing indoor space or patio	3.00%	Outside caterer supplies food at all events. Winery does not host weddings. Other Public Meal Events include grill nights and lobser bake dinners.	Believes SOEs are used as a marketing tool that complement densely populated tourist areas, and attract new customers who visit resort areas of the state.

Private Events / Public Events with a Meal / Public Events Without a Meal / Recreational Events

Winery Special Occasion Event Pilot Program -- Total Reported Events*

**Based on reporting data received from 2019 Winery Registration, Certification of Compliance, and Winery Questionnaire unless otherwise indicated*

Winery	Acres Under Vine within the Farm Management Unit (FMU)	Events	# of Attendees	Estimated Frequency	Location	% SOE Income (2018)	Winery Notes	Winery Comments on Pilot Program
#6	8 acres on the preserved farm	Life milestone events (e.g., baby/bridal shower, birthday and engagement parties, weddings, graduations, etc.) Instructional classes (e.g., yoga, art, ceramics, etc.) Public Fundraising activities	20-50 Not reported Not reported	4-12/year 2/year 3/year **Total Events:9-17/year** **Total Private Events (meal served):4-12/year** **Total Public Events (meal served): None** **Total Public Events (w/o meal): 5/year** **Total Recreational Events: None**	All events held in tasting room or tent	Less than 1%	Newer winery Wine sold in tasting room Remote tasting room located in Mt. Holly opened Summer 2019	Strongly believes SOEs are used as a marketing tool and are an esential part of agritourism; as they help connect the public to NJ agriculture.

Private Events / Public Events with a Meal / Public Events Without a Meal / Recreational Events

Exhibit D

EXHIBIT D

Interim Report:

Pilot Program for Winery Special Occasion Events

New Jersey State Agriculture Development Committee

June 2018

Background

P.L. 2014, ch. 16, "the Winery Special Occasion Events Law," was enacted in July 2014 to allow wineries to conduct special occasion events on preserved farmland under certain conditions as part of a 44-month pilot program. Following the pilot program's expiration on March 1, 2018, the Legislature authorized extending the pilot program for two years and directed the State Agriculture Development Committee (SADC) to provide an interim report on the implementation and operation of the pilot program to date.

Wineries are subject to the pilot program only if they conduct special occasion events on the preserved premises. They are not subject to the pilot program if they do not conduct special occasion events or conduct them only within exception areas – areas that were excluded from the Farmland Preservation Program deed of easement at the time of preservation. The law characterizes a special occasion event as a "wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board."

The SADC initially identified 20 preserved farms with wineries that potentially could be subject to the pilot program. Two farms subsequently were deleted from the list – one ceased production and the other was in an eight-year farmland preservation program that expired. One newly established winery was added to the list, resulting in a revised list of 19 wineries associated with preserved farmland. While not all the wineries on this list conduct special occasion events, they have been the subject of the SADC's outreach efforts on the pilot program.

The SADC has collected two complete years of pilot program information (registrations/certifications/surveys), which is the basis for this interim report.

SADC Pilot Program Procedures

The SADC established the pilot program framework in October 2014, identifying the roles that the law set forth for the agency, county agriculture development boards (CADBs), affected wineries and municipalities. The SADC met with CADB staff and wineries to review their responsibilities under the pilot program and also conducted outreach to potentially affected host municipalities.

From the outset the SADC has viewed its primary role in administering the pilot program as a collector of information to assist the Legislature in making an informed decision on future actions at the conclusion of the pilot program. The SADC established pilot program procedures in August 2015, including requiring that participating wineries provide certain documentation. Specifically, wineries were required to provide to the SADC by October 15, 2015 (and subsequently by March 31, 2016 and 2017) a completed registration form and a signed certification form acknowledging understanding of, and compliance with, the pilot program's requirements as set forth in the law. The registration form asks for a short description of the farm operation and requires wineries to list the various types of special occasion

events they anticipate conducting in the upcoming year, the dates to the extent known, the expected number of attendees and the location (e.g., the winery or another farm structure).

Wineries also have been required to provide to the CADBs by March 31, 2016 and 2017 a signed form certifying that they meet the law's income requirement, i.e., that the winery's gross income from special occasion events accounted for less than 50 percent of the annual gross income of the winery during the prior calendar year. As part of that they were required to specify the percentage of winery income that special occasion events constituted for the prior calendar year.

The SADC in October 2017 voted to adopt rules to formalize its existing winery pilot program procedures and to implement the provision of the law allowing for the SADC or CADBs to request audits if necessary to ensure compliance with the law's gross income requirement. The law specifies that audits of wineries be conducted by an independent certified public accountant approved by either a CADB or the SADC, with the costs paid by the owner or operator of the winery.

The SADC's regulations were developed to ensure equitable treatment of wineries statewide by establishing uniform audit procedures for the State agency's audits of wineries, and also to serve as a resource to assist CADBs that may choose to follow these procedures. In developing the rules, the SADC consulted with a certified public accounting firm with extensive experience with winery accounting. The rules, approved by the SADC for adoption in October 2017, take a phased approach to income verification in order to minimize documentation that wineries must provide to demonstrate compliance with the law's income limit and to avoid, to the maximum extent possible, requiring winery owners to conduct audits at their own expense. No audits have been requested to date.

Wineries in the Pilot Program

Registration

In 2015, the following 5 wineries that conduct special occasion events on the preserved premises registered under the pilot program:

- Cape May Winery and Vineyard, Lower Township, Cape May County
- Laurita Winery, Plumsted Township, Ocean County
- Old York Cellars, East Amwell Township, Hunterdon County
- Unionville Vineyards, East Amwell Township, Hunterdon County
- Willow Creek Winery, West Cape May Borough, Cape May County

In 2016, two additional wineries registered:

- Southwind Vineyard and Winery, Deerfield Township, Cumberland County
- Iron Plow Vineyards, Mansfield Township, Burlington County

All seven of these wineries also registered in 2017, and the SADC considers these wineries to be part of the pilot program. (While a couple of additional wineries submitted registration forms to be helpful or err on the side of caution, they indicated they do not conduct special occasion events on the premises and, therefore, the SADC does not consider them subject to the pilot program at this time.)

For all but one winery, the registration forms generally provided adequate detail to understand the various types of special occasion events that wineries intended to conduct. The winery that was the exception did not provide sufficient descriptions of events and also had issues with completeness on its certificate of compliance form. While the winery whose reporting indicates it holds the most frequent and largest events did not list all types of events that it hosts on its registration form, the SADC was able to pick up the additional information from the CADB's thorough reporting on approvals of events pursuant to the SADC's delegated authority.

Timeliness of submissions among all wineries improved since 2015 as they became more familiar with the registration process. All participating wineries have submitted the most recent registration and certification forms that were required by March 31, 2017.

Wineries reported farming between 3 and 50 acres of grapes and selling the majority of their wine onsite; two reported selling their wine exclusively onsite.

Reporting

The seven wineries participating in the pilot program report hosting a variety of events – weddings, wedding rehearsal dinners, other sit-down wine-paired dinners and food events, birthday parties, bridal and baby showers, funeral memorial gatherings, corporate events, fundraisers, open mic events, wine and art events, and wine and other festivals. Some reported holding few events, while one of the more active wineries regularly hosts a variety of events, including weddings for 100 to 200 people, as well as various types of weekend festivals that can attract several thousand visitors per day. While wineries generally are able to identify the types of events they anticipate hosting in the upcoming year, it has been more difficult to quantify the actual number of events as wineries schedule them on an ongoing basis throughout the year.

Income certification forms for the seven wineries reported that the percentage of their gross annual income derived from special occasion events in calendar year 2016 (the most recent year-end reporting) ranged from 1 percent to approximately 29 percent. Pursuant to the winery special occasion events law, gross income from special occasion events includes, but need not be limited to, admission fees; rental fees; setup, breakdown and cleaning fees, and all other

revenue that is not directly related to the agricultural output of the winery, but is received by the winery in conjunction with conducting a special occasion event. Therefore, it does not include income from wine sales or from the sale of complementary and supplementary products related to the winery's wine, such as wine glasses, winery-branded T-shirts, bottle openers, etc.

The winery law requires that special occasion events be conducted in an existing permanent agricultural building, a temporary structure (e.g., open canopy, tent or other portable structure), a farm or open air pavilion, or another structure used in the normal course of winery operations and activities. Three wineries reported holding special occasion events outside such structures: Two reported outdoor wedding ceremonies, another a music festival for up to 100 people and open mic nights for two dozen behind the winery, and the third holds several mostly outdoor events (e.g., food truck and other festivals) that can attract a few thousand visitors per day and cover a sizable portion of the winery's grounds (encompassing an estimated area of about 5 acres) where the winery states that it has established multiple points of sale.

For a summary of the most recent winery registration/certification of income information, please see Attachment A.

Wineries Associated With Preserved Farms

All 19 wineries associated with preserved farmland (including the 7 in the pilot program) were mailed questionnaires in June 2016 inquiring about calendar year 2015 event activities. They were asked the acreage and origin of grapes and other fruit used to make wine; the volume of wine produced; how they market wine; what food, other beverages or services are offered and which individual or entity receives payment; fees; their position on whether events are an essential marketing tool for New Jersey wineries; their best-guess estimate of the number of new visitors to the winery as a result of events; the percentage of the winery's total income derived from events; any conflicts with neighbors or municipalities; suggestions for improving the pilot program, and any other feedback they wanted to provide.

Participation in the survey was voluntary. Five wineries completed the 2016 questionnaire, and the summary below is based on information they provided on calendar year 2015 event activities.

Acreage and Origin of grapes/fruit

Four wineries reported grape acreage ranging from 11 acres to 40 acres, with the fifth winery – which produces pear and apple wines – reporting 4.5 acres of fruit. Grapes or fruit grown on

the preserved farm or on other land that was in common ownership or leased, accounted for 75 to 100 percent of the wine produced by the wineries. Three wineries used grapes from out-of-state, which accounted for between 1 percent and 20 percent of wine produced by those wineries. Wine production for the responding wineries ranged from about approximately 1,200 to 19,000 gallons in 2015.

Marketing Wine

Most wineries indicated that on-site tasting rooms and on-site retail/wholesale sales accounted for approximately 60 to 75 percent of winery income from wine sales; the exception was a small winery that reported 20 percent of its wine sales came from its on-site tasting room and wholesale sales, with the remainder from off-site wine festivals. It hosts no public events other than occasional Garden State Wine Growers Association (GSWGA) Wine Trail Weekends.

For the other wineries, private and public events accounted for an estimated 5 to 40 percent of their wine sale income. Three wineries required (and the fourth stated intentions to require in the future) a minimum wine purchase for weddings and other life milestone events, e.g., one case per 25 guests. Responses varied regarding whether minimum wine purchases were required at other types of events. For example, one winery stated that a minimum wine purchase was required at all events, pointing to the inclusion of wine tastings as part of the ticket price. Another winery also indicated that wine tastings are included with admission for its wine festivals and stated that a minimum wine purchase for private events will be required under new management. Another winery requires minimum wine purchases only for weddings and other life milestone events, but not for public events out of concern for potential abuse.

Other reported means of marketing included through authorized outlets such as restaurants or liquor stores, farmers markets and online sales. Three wineries that market through these outlets report that they account for 2 to 31 percent of winery income from wine sales.

Food/other beverages/services

Where food was provided during events, most wineries reported it was provided by an outside caterer with no revenue-sharing to the winery. One winery did not respond to the question of who other than an outside caterer provided food, but indicated that the winery received 12 percent of a caterer's food sales. The majority of wineries allow caterers to provide non-alcoholic beverages during events. Only one winery stated that it sometimes permitted other alcoholic beverages to be provided (by an outside caterer or by party hosts for weddings) at certain events. The small winery that participates only in GSWGA events stated that no beverages are provided other than the winery's wine.

The majority of wineries listed a number of ancillary services associated with conducting events and indicated that all fees went to a third-party provider. These services include flowers, music, linens, tables, tent, music/entertainment, photographs and officiants. Four wineries reported receiving rental fees for events (e.g., facility/room, tent, equipment, supplies), with two indicating that they received admission fees and one charging a fee for setup, breakdown and cleaning fees.

Winery Event Income

Winery events, including wine sales at such events, accounted for between 5 and 60 percent of winery income in 2015.

New visitors

Wineries were asked to quantify to the extent possible the number of new visitors to the winery as a result of events in 2015 and the percentage of those visitors who subsequently returned as customers, based on records available to them or their best guesses. One winery that holds smaller events (three weddings in 2015 with no more than 150 guests) sees an estimated 10 percent of wedding guests again who become regulars. Other responses: For private and corporate events, one winery sees a return of hosts a couple of times a year and "maybe one out of 25 guests" who attended an event return based on a signup form in the tasting room that asks how visitors heard of the winery; 55 percent of visitors to the winery are new and about half return, based on one winery's educated guess and guest interviews. Another winery believes that most of the 8,000 guests at events in 2015 (not including the tasting room) were new to the winery and stated that many become club members and regulars. It also receives many inquiries from those who have attended other private events. The winery that only participates in GSWGA events indicated no new visitors as a result of events.

Conflicts

Asked about conflicts with neighbors or a municipality, one winery indicated that a neighbor complained about music. The winery asked all musicians to lower music and monitor this, as well as relocated the music area. Another winery stated that the CADB wanted sand removed from the premises and it complied. (The CADB had determined that the importation of sand for a giant sand sculpture that was erected violated the farmland preservation deed of easement.)

Other feedback

The winery that only participates in GSWGA events agreed with the statement that events are an essential marketing tool for New Jersey wineries, while the other four wineries strongly agreed with that statement. Wineries view events as a great way to market and advertise their wine and to attract visitors to their rural settings. One winery operator stated that events also

allow New Jersey wineries to compete with other wineries in neighboring states that reportedly hold these types of events. Another winery operator indicated that while they "hate" events, they regularly field calls from people asking what events are scheduled and if there are none the people do not visit. "Wineries must host events to draw people to our rural settings."

One winery manager stated that without event revenue the winery may have been forced to close. He believes that New Jersey wineries are at a disadvantage to those in the Napa Valley, Sonoma or other established wine regions where wine tourism is already inherently part of the local economy. While these wineries can sell wine by simply being open, a New Jersey winery not already in a well-trafficked area may struggle to see a single customer on a weekday. He also stated that New Jersey wineries are at a disadvantage regarding production. With humid, warm summers, New Jersey grape growers must use a disproportionately larger number of vineyard laborers to tend the vines than wineries on the West Coast. "The regulatory burden, additional labor, cost of land and scale of operations makes it incredibly difficult to compete in the wholesale market." He believes that life celebratory events are a legitimate way for a winery to generate awareness of the winery brand and drive traffic to the winery in a wine region that is working to earn legitimacy.

On the other hand, he is not in favor of permitting such events carte blanche. He believes that an open-ended approach can leave the door open to a business using preserved farmland as a catering hall or banquet facility. He also expressed concern about maintaining the authenticity and integrity of New Jersey farm products. At the conclusion of the pilot program, he expects certain limits will be in place and would like to see consideration for greater allowances for wineries that are 100% estate, mostly estate or at least sourcing exclusively from New Jersey. Regulations he would find reasonable include correlating an allowed percentage of facility rental revenue to total annual winery revenue; correlating an allowed dollar amount of facility rental revenue to total acres grown or gallons of verified New Jersey grown wine; and requiring a certain threshold of acres grown in order for private events to be allowed on the property.

Another winery that holds frequent and often large special occasion events recommended that the SADC take a favorable view of agritourism on preserved farms and encourage the young industry to be inventive. The winery manager stated that more people stay longer at vineyards than at other farms in New Jersey. He believes this is because of the events conducted and the enormous capital investment required to create a proper setting. "Americans are rediscovering farming and they are most pleased to see where a product comes from, how it is grown, produced and marketed. Our wines are truly farm to table and NJ residents appreciate knowing the source of their wine enjoying the hospitality used to sell it and sharing the experience with family and friends."

The winery that only participates in GSWGA events noted that it is a very small winery that has no interest in conducting special events on the preserved farm now or in the future.

Two wineries did not respond to the questionnaire, but submitted letters with comments. An attorney for the first winery, which is participating in the pilot program, stated that New Jersey wineries have competitive disadvantages compared to those in other states and called for streamlining regulations and minimizing bureaucratic obstructions. He recommended the permanent adoption of the special occasion events legislation and a further liberalization of its requirements to enable farms to become sustainable and promote economic growth, new jobs, increased tourism and more revenues. He suggested that "agricultural output" of a winery on a preserved farm should be interpreted to include products that the preserved winery produces, which are manufactured from fruit, produce and/or any other products from any New Jersey farm. He stated that failure to encourage agritourism will increase the exodus of farmers and investment revenues to states that are more farm-friendly.

In contrast, the letter from the second winery owner, which does not participate in the pilot program, stated that weddings do nothing to help market estate wines and advocated stopping the pilot program. He stated that large wedding mill wineries are not really in the vineyard and winery business. He recommended that if the purpose of special occasion events is to market the winery's wines, wine should be the only alcohol served at the event. The focus should be on farming grapes and crafting quality wines.

For a summary of winery survey information, please see Attachment B.

County Agriculture Development Boards (CADBs)

Special Occasion Event Definitions

The winery special occasion events law directed CADBs to adopt a definition of what constitutes a special occasion event in each individual county. Eight CADBs have adopted such definitions to date: Burlington, Cape May, Cumberland, Gloucester, Monmouth, Ocean, Warren and Hunterdon.

Several CADB administrators met early in the pilot program to share ideas and there are similarities among several of the county definitions. Five CADBs – Burlington, Cape May, Cumberland, Gloucester, Hunterdon – adopted definitions that included broad language describing public or private gatherings organized or held to recognize, celebrate, commemorate or discuss a specific person, purpose, event or cause.

The Cape May and Cumberland CADBs limit alcohol at the event to the winery's wine and list specific examples of events that qualify as special occasion events.

Monmouth and Hunterdon's definitions clarify that they apply to events that are not otherwise permitted under the Farmland Preservation deed of easement or under the SADC's On-Farm Direct Marketing Agricultural Management Practice (AMP), which sets forth the standards that commercial farms must meet in order to receive Right to Farm protection for on-farm marketing activities. (The SADC considers activities that meet those standards to also be permitted on preserved farms.)

Warren County defines a special occasion event as one that does not threaten the public health, safety or welfare, or the agricultural production of the preserved farm, or otherwise violate the terms of the Farmland Preservation deed of easement. The Burlington CADB's definition refers to events that are of the appropriate scale so as not to significantly interfere with use of the land for agricultural purposes, and establishes that events with 250 or fewer guests are of the appropriate scale; any event that exceeds that threshold requires prior approval from the CADB.

The Ocean CADB adopted the most detailed definition of special occasion events, defining the terms "wedding," "lifetime milestone events" and "other cultural or social events" and requiring CADB prior approval for events that will attract 225 or more people, be held outside the main winery building or outside patio area, or occur on a day other than Friday through Sunday or a State or federal holiday.

The Ocean CADB further adopted a checklist for the winery to complete when seeking prior permission for an event requiring its approval, detailing aspects such as the location and hours of the event, any municipal approvals required, and the expected number of visitors and wine sales.

There are 18 CADBs, 11 of which have winery operations associated with preserved farms. Of those 11 CADBs, three have not adopted a special occasion event definition (Mercer, Salem, Sussex). Mercer and Sussex have indicated that their wineries have large exception areas where special occasion events are not subject to the pilot program, while Salem stated that its one winery sells wine only through a small shed. All CADBs with wineries in the pilot program have adopted definitions.

Delegation of SADC Approvals

P.L. 2014, c. 16 requires that wineries obtain SADC approval for any special occasion event held on a day other than Friday-Sunday or a State or federal holiday, or CADB approval if the SADC

delegates that approval authority to the CADBs. The SADC acted in August 2015 to conditionally delegate to the CADBs its authority under the law for such approvals.

Ocean and Cape May are the only CADBs to date to report approving events pursuant to that delegated authority. The Cape May CADB approved requests for a weekly Wednesday Grill Night from June to September in 2016. It approved a similar request in 2017, along with a request for a one-day tasting event with unamplified in-house music for approximately 100 attendees in the winery's tasting building. The Ocean CADB issued approvals for more than two dozen delegated events – many of them multiple-day or repeating events — under this delegated authority over the course of the pilot program. The CADBs appear to have considered all of the factors required as part of the SADC's conditional delegation of authority (e.g., number of attendees/cars, traffic, amplified music).

CADB Feedback

The SADC in June 2016 mailed questionnaires to the 11 CADBs that have wineries associated with preserved farmland. They were asked whether they have adopted a special occasion event definition, and for calendar year 2015, whether they had issued approvals of events on a day other than a Friday-Sunday or State/federal holiday pursuant to the SADC's conditional delegation of its authority; whether they were aware of any conflicts with municipalities or neighbors; their impression of winery and municipal understanding of the winery special occasion events law, and winery compliance with the law. They also were asked for any additional feedback they would like to provide. All 11 CADBs returned completed questionnaires.

At that time, six CADBs had adopted special occasion event definitions and two CADBs – Ocean and Cape May – had issued approvals of events in accordance with the SADC's conditional delegation of that authority for certain events. None of the CADBs was aware of any municipal conflicts. Most felt that wineries and municipalities understood the pilot program and the law.

The CADBs did not report issues with winery compliance in 2015, however, the Ocean CADB noted that it had adopted its definition in July 2015, but was unable to obtain from the winery an application for special occasion events until January 2016. The CADB had informed the winery it would be in violation of the pilot program law if it was not in compliance with the County's special occasion event definition by then.

The Ocean CADB has jurisdiction over the winery in the pilot program reporting the most frequent and often large special occasion events. It stated that the CADB had devoted a substantial amount of staff and Board time and effort to administering the pilot program at the county level. The review of events at the winery was a regular meeting agenda item and the

review of winery special occasion events occupied most of its time. The CADB indicated that the municipality was supportive of the pilot program and the winery, but that more communication was needed between the CADB, the town and the winery to ensure proper approvals. The Ocean CADB stated that it has approached the pilot program as an effort to collect data with the hope that this will help provide a clear path for a more focused and balanced approach to allowing certain appropriate events at preserved farm wineries.

The SADC reached out to CADBs again in August 2017 to solicit any additional feedback on the pilot program. The Ocean CADB was in the process of compiling a comprehensive report chronicling its implementation of the pilot program at the county level, which it adopted on March 1, 2018. The report noted the large volume of special occasion events held by the winery. The CADB estimated that between January 1, 2016 and March 1, 2018, the winery conducted special occasion events on approximately 324 days out of the 571 days (57 percent) the winery was open for business.

The CADB's definition of special occasion events permits the winery to hold such events without prior approval provided that attendance is limited to under 225 persons, the event is contained to the main winery building and attached patio, and the event occurs on a Friday, Saturday, Sunday, State or federal holiday. For special occasion events that do not meet those thresholds, the winery is required to submit a checklist to help the CADB review a request and evaluate any potential impacts on the preserved farm.

The CADB reported that from January 1, 2016 to March 1, 2018, the winery submitted 86 checklists for special occasion events occurring on 246 days. (That does not include special occasion events limited to the main winery building, such as weddings, which do not require checklists.) Many of the checklists submitted were for events where more than 1,500 people were expected to attend, requiring submission of a temporary parking plan, approvals by the local municipality, as well as consideration of other concerns depending on the type of event. The CADB noted that review and processing of the checklists alone represented a significant increase in the amount of time the Ocean County Planning Board staff has dedicated to the Ocean CADB (more than 86 staff hours for routine reviews, not counting additional hours dealing with specific issues that arise).

While the CADB report is supportive of special occasion events under certain conditions, it did identify some significant concerns. The report noted an October 2017 two-day food truck festival, described as a mostly outdoor event with wine service, 20-30 food trucks, vendors, live music, line dancing, live animal displays, demonstrations and vineyard tours, with food service provided by the winery's existing food service in addition to the food trucks. An estimated 10,000 to 20,000 people attended, far exceeding projected attendance. The event resulted in

several complaints directed to the County, Township and SADC, including complaints concerning the total number of attendees; the ability of winery visitors to efficiently enter and leave the onsite and offsite parking; the increase in traffic resulting in traffic congestion; public intoxication; sanitation, and safety. The CADB reported that it was in the process of obtaining more information about the complaints and addressing them with the winery.

The Ocean CADB also found the winery in violation of the special occasion events law for hosting two Dance Night events and two Food Truck Festivals in 2016 using structures or areas of the preserved farm where gas and electrical service connections had been installed, but not approved by the Township. The CADB had denied approval for the events until the necessary permits were in place. The CADB forwarded its findings to the SADC, which in April 2017 also determined that the winery was in violation of the special occasion events law for two separate offenses, contrary to N.J.S.A. 4:1C-32.8a.(5). The SADC referred the matter for further action to the Attorney General's office, which filed a complaint in Superior Court to initiate a proceeding in accordance with the Penalty Enforcement Law as required under the winery special occasion events law. This case was recently settled.

The CADB report noted the Board's concern that income from third-party vendors at special occasion events is not considered in the law or pilot program. The law requires that the gross income generated by the winery from all special occasion events must account for less than 50 percent of the gross income of winery. A vendor may pay a small flat fee to the winery for the right to sell products during a special occasion event, however the gross sales for all products sold are not captured in financial reporting procedures. "This failure greatly frustrates the determination by a local County Agriculture Development Board as to whether a specific special occasion event is an appropriate mechanism to increase the gross revenue generated by a preserved winery or whether the preserved winery is merely a 'backdrop for unrelated commercial activities,'" the report stated. The Board believes that limitations must be developed not only on the amount of income permitted by third-party vendors, but also that the size and scope of third-party vendors must be in relative relation to the winery's ability to sell wine.

The Ocean CADB's report indicates that the Board has been consistently committed to ensuring the viability of farms into the future and specifically the economic prosperity of the County's preserved farmland. As such, the CADB recommended continuation of the special occasion events law with several suggested conditions, including affording all preserved farms the same ability to hold special occasion events; limiting the frequency, size and scope of special occasion events; requiring CADB prior approval of all special occasion events; seeking a new and separate revenue source from the Legislature to fund the increased CADB oversight and administrative costs; and establishing a uniform procedure for all preserved farms limiting the

number of third-party vendors and accurately capturing the amount of all sales related to nonagricultural products sold by the third-party vendors during a special occasion event.

Please refer to Attachment C for a summary of CADB questionnaire responses and Attachment D for the Ocean CADB's report on the pilot program and its full list of recommendations.

Municipalities

The SADC in June 2016 mailed questionnaires seeking feedback on winery special occasion events to the 17 municipalities that have at least one winery associated with preserved farmland. Twelve (71 percent) responded. They were asked if in calendar year 2015 the municipality had taken any actions to enforce its ordinances, adopt new ordinances or revise existing ordinances as they apply to special occasion events at a winery; whether a winery had sought site plan or other applicable development approvals; any concerns regarding special occasion events on preserved or nonpreserved farmland; any positive or negative impacts regarding special occasion events, and any other comments they wanted to provide.

Ordinances/Concerns

Pohatcong Township, Warren County, reported adopting a special occasion events ordinance in 2016 that defines special event as a public gathering that will likely require the expenditure of Township resources (public safety, public works). The special event permit was adopted to ensure the Township could provide adequate safety and controls. East Amwell Township, Hunterdon County, had no special events ordinance, but hoped to adopt one in the near future. No wineries had applied for site plan approval or other applicable development approvals in 2015.

Pilesgrove Township, Salem County; Mansfield Township, Burlington County, and East Amwell Township stated common concerns regarding sanitation and public safety issues – e.g., bathroom facilities, parking and traffic – regardless of the preservation status of the land. East Amwell listed additional concerns – e.g., meeting the conditions of original approvals; clear definition of special occasion events (the Hunterdon CADB had not yet adopted a definition); music amplification control; alcoholic beverage control; noise and light pollution; and any limitations on the frequency of special events. Since East Amwell had no special events ordinance at the time of its response, the Township indicated that it was generally unaware of the occurrence of such events. The Township stated that it would benefit from being notified to provide some oversight on health and safety issues, especially compliance with applicable Board of Health regulations and ensuring adequate traffic and parking control.

Special Occasion Event Impacts

The majority of municipalities felt that special occasion events have a positive impact on their communities, including by promoting tourism, other businesses in the municipality and the municipality itself, as well as helping to keep preserved farms economically viable. East Amwell was the only town to point to a negative impact – i.e., occasional music amplification causing a disturbance to neighboring residents – although it was supportive of the winery pilot program and hoped it could be expanded to other types of preserved farms.

The SADC reached out to municipalities again in August 2017 requesting any additional comments, feedback or recommendations that they wanted to provide. The mayor of Plumsted Township, Ocean County, which hosts a winery that holds frequent and often large events – including the food truck festival that unexpectedly attracted 10,000 to 20,000 attendees in one weekend – recommended the establishment of maximum attendance numbers for any winery holding special occasion events based on roadway infrastructure, arrangements for offsite parking and size of the facility. While he stated that it is positive that special occasion events have become popular, the unintended consequence is gridlock due to the traffic volume. Other businesses suffer huge loss in sales and local residents are unable to drive out of their driveways. He also stated that there should possibly be a required number of security personnel on site, depending on attendance, which would help reduce the number of drunken incidents. He also stated that there should be tight control of individuals' alcohol consumption.

For a summary of municipal questionnaire responses, please refer to Attachment E.

OBSERVATIONS TO DATE

Based on the information collected to date, the SADC offers the following observations:

A. Special Occasion Event definition issues:

- Because counties are required to adopt special occasion event definitions individually, not all wineries are subject to the same allowances, permissions or requirements – creating a patchwork of standards and an uneven playing field across the state.

- CADBs generally adopted very broad definitions that essentially permit any event for any purpose, with little or no relationship to the sale of wine products. Some do not distinguish between special occasion events and typical winery marketing events that wineries already are permitted to conduct on preserved farmland outside of the pilot program – instead categorizing all events as special occasion events. Several do not address potential physical impacts and the protection of the preserved farm as an

agricultural resource.

- There is likely confusion over what constitutes a special occasion event versus an expressly permitted winery marketing event on a preserved farm.

- There is likely confusion between special occasion event definitions for purposes of the pilot program (i.e., what is permitted on a preserved farm) vs. what is permitted and eligible for protection under the Right to Farm Act.

B. Documentation issues:

- There is an inability to verify information reported by the wineries. If the information submitted is needed to ascertain compliance with the law, the information needs to be sufficiently documented.

- The SADC should explore whether certain winery information sought from wineries under the pilot program can be accessed from data supplied to other State agencies (e.g., the Division of Alcoholic Beverage Control) in order to reduce winery reporting requirements under the pilot program to the extent possible.

- The law provides for audits, however the SADC recognizes that the audit process can be burdensome to wineries. Its recently adopted audit rules take a phased approach to income verification in order to minimize documentation that wineries must provide to demonstrate compliance with the law's income limit and to avoid, as much as possible, requiring winery owners to assume the cost of conducting audits. It is not yet known whether wineries will find those documentation requirements overly onerous.

- There has been inadequate reporting by one of the seven wineries in the pilot program, which is significant given the small number of wineries participating and the number of special occasion events held at the winery.

- There was a limited response to the voluntary questionnaire sent to wineries – 26 percent completed it. Fifty percent of applicable wineries in the pilot program completed it (3 of 6 wineries – the seventh winery currently in the pilot program was not operational during the time period covered by the questionnaire).

- Some wineries indicate that the reporting and documentation requirements are overly burdensome and counter to efficient use of their resources.

C. Administrative Issues

- Not all CADBs have the staff resources, time or inclination to follow up with wineries to ensure that they are applying to CADBs for required approvals on delegated days or otherwise operating in compliance with the pilot program.

- There is a sizable administrative burden on one particular CADB that has oversight of a winery that holds frequent and sometimes large-scale special occasion events, but no funding source to provide for the increased and substantial staff time, legal fees and other administrative costs of administering the program.

- The importance of adequate oversight is underscored by the findings of that CADB and the SADC that the winery violated the pilot program on at least two occasions in connection with lack of compliance with municipal permitting related to public health and safety.

- The law directed CADBs to define special occasion events in each individual county – i.e., to determine what events are permitted on preserved farmland under the pilot program. However, the responsibility for pursuing penalties for violations under the law was given to the SADC, placing the State agency in the unusual position of enforcing county standards that it had no role in developing.

- The requirement that the SADC pursue enforcement of the special occasion events law through the Penalty Enforcement Act – which requires the agency to seek fines or suspensions in Superior Court instead of directly imposing such sanctions – impedes the ability of the SADC to promptly address violations.

D. Impact Issues

- Large and/or frequent special occasion events can have negative community impacts as seen with the October 2017 food truck festival that attracted 10,000 to 20,000 people for the weekend and prompted complaints about traffic congestion, public intoxication, sanitation and safety.

- The provision in the winery special occasion events law directing that special occasion events be held in permanent or temporary structures – presumably to limit impacts to the preserved farm and/or neighbors – is not consistently followed. If it is not practical to restrict special occasion events to such structures, an alternative limit should be considered to minimize event impacts.

- It is not uncommon for wineries to host occasional wine-paired dinners and other food events, and some wineries reportedly have incorporated restaurant operations to

accommodate events. Appropriate parameters are necessary to ensure that wineries on preserved farms operate primarily as wineries and not restaurant facilities.

NEXT STEPS

With the two-year extension of the winery pilot program pursuant to A2787, the SADC will continue the winery registration/certification process in 2018 and 2019. The SADC also will again reach out to wineries, municipalities and CADBs to seek additional information and any feedback on the pilot program that they have not already provided, including annual reports that the CADBs are newly directed to prepare pursuant to A2787.

The SADC has established, in cooperation with New Jersey Farm Bureau, a Special Occasion Events Working Group that has been meeting regularly since June 2017 to examine special occasion events as they apply not only to wineries, but to all types of preserved farms that may have an interest in holding special occasion events. The working group intends to make recommendations to the Committee for consideration.

The SADC looks forward to reviewing those findings, which it anticipates will inform recommendations the agency will make to the Legislature on future actions for consideration. Those recommendations will be issued in the SADC's final pilot program report to the Legislature.

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ATTACHMENT A

Winery Special Occasion Event Pilot Program -- Registration/Certification of Income*

Winery	Acres Under Vine	Events	# of Attendees	Frequency	Location	Winery SOE Income for CY2016**	Notes
Winery #1	13 acres	Birthdays, showers and anniversaries Fundraisers/Corp. events Weddings (cocktail/buffet)	30-80 30-80 30-80	1 to 4 times per month 2 times per month 3 to 5 times per year Total: 39-77	All events inside/deck	10.00%	Markets bulk of wine through tasting room and tourism on property; events offer opportunity to educate and promote agriculture; food at weddings supplied by outside caterer
Winery #2	40 acres, owned or leased	Wedding receptions Smaller social events (e.g., birthdays, showers) Wine festivals Public/club food events Open mic	100 50 1,200 125 30	2 times/month (mostly warm months) 3 times/month (mostly warm months) 2 times per year 3 times per year 10 times per year Total: 45	Winery/other room/patio; vineyard ceremonies Winery/other room Entire property Patio Tasting room	9.70%	Wine is marketed and sold through the tasting room, online, through a wine club, at farmers markets, on-site and off-site tasting events, wine dinners and private events (e.g., weddings and corporate)
Winery #3	40 acres	Weddings Food truck festivals Harvest, Grape Stomping Festivals Other festivals (e.g., Bacon, Irish, Winter) Customer Appreciation Day Blessings of the Grapes/Vineyard Vineyard Run Girls Night Out Concerts/music events (indoor) Concerts (outdoor) Movie Night Fundraisers Car Shows Business events/luncheons Grill Night Civic Events Dance parties Private repasts Craft class	100-200 4,000-6,000 per day 2,000-3,000/day 1,500-5,000/day 300-500 150-250 300 50-75 75-325 400-1,000 300 60-700 100-200 30-75 100 60-100 110-500 50 100	3-4 per month, generally April-Nov. 7 two-day events 2 two-day events 5 two-day events Annually 2 1 Weekly 18 5 3 4 2 4 3 2 7 2 1 Total: ~ 250	Reception: Winery Ceremony: pergola or inside Mostly outdoors Mostly outdoors Mostly outdoors Mostly outdoors Indoor/outdoor Vineyards roads/paths Winery Winery Outdoor stage Vineyard lawn Winery/outdoors (walk) Vineyard grounds/road Winery Patios Winery Most indoors, one outdoors Winery Winery	28.80%	Other than 3 restaurant outlets, all wine is marketed to the general public in-house and on the grounds through events at the winery Multiple points of sale both in-house and outside on the grounds adjacent to the winery and in the wine grove; events are designed to maximize wine sales Winery buildings and structures screened by dense woodlands Festivals commonly include wine tasting and service, vineyard tours, live music, food trucks, other vendors, fireworks Event information derived from registration form and from Ocean CADB summary of delegated event approvals

Winery	Acres Under Vine	Events	# of Attendees	Frequency	Location	Winery SOE Income for CY2016**	Notes
Winery #4	50 acres	Events (no description provided)	50-350	Weekly (usually Fridays, Saturdays and Sundays) Total: ?	Main winery	10.00%	100% onsite marketing of wine 2017 event description vague/incomplete. Winery also had issues with completeness – e.g., failing to check box on 2017 certification of compliance certifying that it consents to the audit requirement of the winery law and submitting a 2016 certification of compliance that was copied with a Post-It note obscuring its response to a question. Winery non-responsive to requests for clarification on events or to resubmit certification of compliance forms that were incomplete. Previous registrations referred to weddings (1-6 per month, wine-paired events promoting agriculture or served ag produce and covered by Right to Farm (1-6 per month), and Uncorked Comedy wine nights (1 month winter) Animals, vegetatbles, fruit, eggs grown and processed on site.
Winery #5	26 acres	Grill nights (sitdown dinners w/wine) Lobster bake (sitdown dinners w/wine) Funerals Small receptions Fundraisers	up to 100 up to 100 up to 100 up to 100 up to 100	Weekly during summer 2 times during summer Undetermined – Future bookings Undetermined – Future bookings Undetermined – Future bookings Total: 24	Events held in main winery building, other indoor space or patio	less than 2%	95% of wine sales from retail on premises; 5 % from outlet retail Outside caterer supplies food at all events
Winery #6	3 Acres	Walk for cancer Open mic nights Music festival Small wedding Wedding shower	30 20 50-100 80 50	1 per year 1 per month (June-Sept.) 1 per year (three days) 1 time only 1 time Total: 5	Trails on property Yard behind winery Grass area behind winery Tents behind winery Tent behind winery	1.30%	Winery has small space for tasting room, so all events are held outside in farm setting; patrons may rent tents
Winery #7	8 Acres	Birthday parties Wedding shower Music accompanying wine tasting	20-50 40 Not indicated	1 every 3 months 1 time to date Friday-Sunday Total: 5 (music accompaniment N/A)	All events in tasting/barrel rooms	2.00%	Newer winery Wine sold in tasting room

***Based on special occasion events held from April 1, 2017 through February 28, 2018 unless otherwise indicated**

****Special occasion event income does not include income from wine sales or sales of related products (e.g., wine glasses, winery-branded T-shirts)**

ATTACHMENT B

Winery Special Occasion Event Pilot Program -- Winery Survey Results*

Winery	Grapes/Fruit Acreage	Wine Produced	Marketing	Types of Events	Min. Wine Purchase?	Food/Beverages/Services	Event Income**	Notes
Winery #1	12 Acres of grapes on Preserved Farm 100% of wine from grapes grown on farm	4,000 gallons	60% On-Site Tasting Room 1% Public Events 8% Private Events 25% Authorized Outlet 6% Online	Public: Wine festivals (3); lunches/brunches/dinners (5); classes (8); live music events (20); wine and comedy (6) Private: Life milestone events (50); corporate events (16); fundraisers (12)	Yes – Tickets prices at public events include wine tasting Corporate/fundraiser events include wine tasting; other private events are minimum purchase with education and tasting included	Food and non-alcoholic beverages provided by outside caterer (no sales share to winery) Winery received rental fees from events Flowers, music, linens, tables, tents, entertainment provided by third party, no revenues to winery	9%	Events are essential marketing tool for wineries typically located in more remote areas, and they drive traffic to other local businesses as well Visitors: 3,120 guests for private events, 5,075 for public events, not including tasting room. Most attending events are new to winery; many become club members and regulars Conflicts: Neighbor complained about music; winery addressed this

Winery	Grapes/Fruit Acreage	Wine Produced	Marketing	Types of Events	Min. Wine Purchase?	Food/Beverages/Services	Event Income**	Notes
Winery #2	15 acres of grapes on preserved farm; 17 preserved acres under common ownership; 25 acres leased 30% of wine from grapes grown on the preserved farm 50% from grapes grown on other land owned or leased by winery 19% from other NJ farms; 1% from non-NJ farms	14,000 gallons	57% On-site tasting room 5% Wholesale sales 8% Public events 8% private events 15% Authorized outlet 7% Farmers market	Public: Wine festivals (2); lunches/brunches/dinners (3); classes (2); live music events (10); fundraisers (2) 5K Run, races, etc. (1) Private: Life milestone events (20); corporate events (4)	No in 2015, except for wine festivals and classes Policy changed in 2016 to require purchase of 1 case per 20 people	Non-alcoholic beverages provided by either caterer or winery, food by outside caterer; no share to winery from third-party sales Winery received admission and rental fees 3rd party vendors include florists, bands, DJ's and officiants – no financial share to winery	23%	Events are lead generation and marketing tool. A winery not in well-trafficked area may struggle to see single customer on a weekday. Regulatory burden, additional labor due to warm, humid summers, cost of land, scale of operations make it difficult for NJ wineries to compete in wholesale market. Wineries operating event spaces rather than to supplement the farm, should be focus of study. Suggestions: correlating an allowed percentage of facility rental revenue to total annual winery revenue; correlating an allowed dollar amount of facility rental revenue to total acres grown or gallons of verified NJ grown wine; requiring certain threshold of acres grown in order for private events to be allowed on the property. Visitors: Based on signup sheet in tasting room, maybe 1 of 25 had attended prior event Conflicts: None

Winery	Grapes/Fruit Acreage	Wine Produced	Marketing	Types of Events	Min. Wine Purchase?	Food/Beverages/Services	Event Income**	Notes
Winery #3	40 acres of grapes on the preserved farm 90% of wine from grapes on the farm 10% of wine from grapes on other NJ farms 5% of wine from other fruit from non-NJ farms	19,000 gallons	20% On-site tasting room 38% Retail sales 35% Public events 5% Private events 2% Authorized outlet	Public: Wine festivals (6); other festivals and fairs (not quantified); lunches/brunches/dinners (7); food trucks (6); classes (10) exhibits/demonstrations (2); live music events (80); fundraisers (6); recreational events (not quantified) Private: Life milestone events (109); breakfasts/lunches/dinners (8); fundraisers (6)	Public events: No, out of concern for abuse Private events: Yes for life milestone events; no for breakfast, lunch, brunch or fundraisers	If food was provided by caterer or other outside party, winery typically received 12% of sales In addition to the winery's wine, wine from other NJ wineries, and other alcoholic and nonalcoholic beverages may be provided by caterer or outside party hosts for weddings; winery received no portion of sale revenues Winery also hosts events where no other beverages are provided Winery receives admission fees, rental fees, and setup, breakdown and cleaning fees	60%	Recommend that SADC take favorable view of agritourism on preserved farms More people stay longer at vineyards than other NJ farms because of events and capital investment in setting. People want to see where product comes from and how it is processed and marketed, and enjoy sharing the experience with family and friends Winery employs private security at outdoor events and ensures safe drinking practices; guests may have just a single glass over the usual 4-hour stay and are not pressured or induced to drink more Visitors: 55% of new visitors to the winery as the result of events; 50% return, based on educated guess and guest interviews Conflicts: CADB wanted sand removed and the winery complied (CADB found importation of sand for a giant sand sculpture violated deed restrictions)
Winery #4	A winery in the pilot program provided a letter from its attorney stating that the questions in the voluntary questionnaire focused on intrusive minutia and the winery declined to complete it. The attorney submitted subsequent correspondence stating that New Jersey wineries have competitive disadvantages compared to those in other states and called for streamlining regulations and minimizing bureaucratic obstructions. Agritourism in Cape May County has exploded since implementation of the pilot program. The winery recommends the permanent adoption of the special occasion events legislation and a further liberalization of its requirements to enable farms to become sustainable and promote economic growth, new jobs, increased tourism and more revenues. The winery suggests that wineries and farms conducting agritourism events be viewed as marketing hubs for New Jersey agricultural products. It further suggests that the "agricultural output" of a winery on a preserved farm be interpreted to include products that the preserved winery produces, which are manufactured from fruit, produce and/or any other products from any New Jersey farm. Failure to encourage agritourism will increase the exodus of farmers and investment revenues to states that are more farm-friendly.							

Winery	Grapes/Fruit Acreage	Wine Produced	Marketing	Types of Events	Min. Wine Purchase?	Food/Beverages/Services	Event Income**	Notes
Winery #5	11 acres of grapes on preserved farm 75% of wine from grapes grown on farm 5% from grapes grown on other NJ farms 20% from other non-NJ farms	2,850 gallons	75% On-site tasting room 5% Private events 10% Authorized outlets 10% Farmers markets	Public: Farm to table dinners (3); live music events (10) Private: Life milestone events (5); corporate events (2)	Yes – one case of wine/25 guests	Food provided by outside caterer, who may also provide non-alcoholic beverages; no revenue share by winery Winery receives rental fees Flowers, photographs, music provided by third-party, no revenue share by winery	8%	Do not like to do events but all wineries do them; people do not visit if no events Wineries must host events to draw urban people to their rural settings. Do tasting events featuring other local producers who bring their products to pair with wine Visitors: Events are small; no wedding more than 150 guests and limited to locals (No NYC people as fewer guests would return); farm to table dinners limited to 42 guests and existing customers. About 10% of wedding guests return and become regulars, based on educated guess Conflicts: None
Winery #6	4.5 acres in other fruit on preserved farm – all fruit used in wine comes from farm	1,212 gallons	10% On-site tasting room 10% Wholesale sales 80% Off-site wine festivals	Public events: Garden State Wine Growers Wine Trail Weekends (3) Private events: None	No minimum wine purchase	No food or beverages other than the winery's wine	5%	The owner indicated the winery is small and has no interest in conducting special events on the preserved farm, now or in the future
Winery #7	A owner of a winery with NJ's largest vineyard – more than 125,000 vines in the ground – provided a letter stating that he believes weddings do nothing to help market estate wines and that the pilot program should be stopped at all wineries. Large wedding mill wineries are not really in the vineyard and winery business. If this is truly about marketing NJ wines, then they should be the only alcohol served at the event.							

*** Surveys based on winery event activities in Calendar Year 2015; summary also includes additional comments submitted in 2017 in response to follow-up outreach**

**** Event income means the approximate percentage of the winery's total income from winery events, including wine sales at such events.**

ATTACHMENT C

Winery Special Occasion Event Pilot Program -- CADB Surveys*

CADB	Adopted SOE Definition?	Delegated Approvals Issued?	Municipal Conflicts?	Winery Understanding of Pilot Program	Town Understanding of Pilot Program	Winery Compliance	Suggestions/Comments
Burlington County	Not at time of survey, but subsequently adopted definition after establishment of new winery wishing to conduct special occasion events: "Any private or public gathering of the appropriate scale so as not to significantly interfere with the actual use of the land for agricultural purposes, organized or held for recognizing, promoting, discussing, celebrating, honoring or commemorating a person, group, event or cause. These events shall comply with the procedures set forth in (the SADC's resolution delegating approval authority for certain events). The Burlington CADB has determined that guests which include 250 or fewer guests/attendees are of the appropriate scale. Events which exceed 250 guests/attendees will require prior approval from the CADB. (Adopted 7/2016)	No	Unknown	Unknown	Unknown	N/A	Possibly develop a short informative video of the law, its definitions and requirements, to be provided to each winery in the pilot program.
Cape May County	"Any private gathering organized or held for the purpose of recognizing, celebrating, commemorating or discussing a specific person, purpose, event or cause. Any public or private gathering organized or held by a community, fraternal, governmental, business or social organization for the purpose of recognizing, publicizing, celebrating or commemorating a specific person, purpose, event or cause. These events include, but are not limited to private celebrations (other than weddings or life milestone events), fundraising events, business meetings, and conferences, organizational meetings, and displays of musical and artistic works. Also including, but not limited to, Local Fund Raisers, Farm to Table, Wine Dinners, Grill Night & Local Oyster/Lobster Bake, Watercolor and Wine Night, Rehearsal Dinner, Local Funeral Gatherings, Bridal Showers, Birthday Party, Corporate Wine Tasting Event, Holiday Party, Reunion. The alcoholic beverage at any event will be limited to the agriculture output of the winery and all events shall comply with all the conditions of S-837 effective 7/2/2014. Any winery that has filed for and received SSAMP approval on or before the effective date of P.L. 2014, c. 16 shall be exempt from site plan review in accordance with N.J.S.A. 4:1C-32.8(a) (6), except that any such winery shall be obligated to file an appropriate application for approval of any change in use granted under that prior SSAMP approval." (Adopted 5/2015)	2015 – None 2016 – One approval for weekly Grill Night during summer season 2017 – Two approvals for Weekly Grill Night and one-day tasting event	No.	Both wineries are very well versed in what constitutes marketing and what constitutes special occasion events.	Both municipalities share a code enforcer, thereby sharing a mutual understanding of events and marketing.	Both wineries were very careful in sponsoring events because of the law and focused on marketing.	Not enough experience to date to offer suggestions.

CADB	Adopted SOE Definition?	Delegated Approvals Issued?	Municipal Conflicts?	Winery Understanding of Pilot Program	Town Understanding of Pilot Program	Winery Compliance	Suggestions/Comments
Cumberland County	"Any private gathering organized or held for the purpose of recognizing, celebrating, commemorating or discussing a specific person, purpose, event or cause. Any public or private gathering organized or held by a community, fraternal, governmental, business or social organization for the purpose of recognizing, publicizing, celebrating, or commemorating a specific person, purpose, event or cause. These events include, but are not limited to, private celebrations, fundraising events, business meetings and conferences, organizational meetings, and displays of musical and artistic works. (Adopted 7/2015)	No	No	The one winery likely finds the reporting/approval process onerous.	Understood.	Believes the winery has been compliant.	Reduce the complexity and reporting requirements.
Gloucester County	"Any private gathering organized and/or held for recognizing, promoting, celebrating, honoring, or commemorating a person, group, event or cause. Any public or private gathering organized, promoted or held by a community, governmental, social, professional or educational organization for the purpose of recognizing, celebrating, commemorating or discussing a specific person, purpose, event or cause. These events contemplated may be held for any legitimate purposes that involve holding such gatherings on the winery and complying with such procedures specifically set forth in (the SADC's resolution delegating approval authority for certain events). (Adopted 9/2015)	No	No	Affected wineries in county seem to have a firm understanding of the law and pilot program.	While no issues have arisen to generate contact with municipalities, CADB believes the towns have a firm understanding of the law and pilot program.	Satisfactory.	None, as the CADB had no practical experience yet with affected wineries.
Hunterdon County	Not at time of survey, but subsequently adopted definition following noise/nuisance complaint against winery. "Any private or public gathering of appropriate scale so as not to significantly interfere with the actual use of the land for agricultural purposes, organized or held for recognizing, promoting, discussing, celebrating, honoring or commemorating a person, group, event or cause. These events shall comply with the procedures set forth in (the SADC's resolution delegating approval authority for certain events) and will include special occasion events not otherwise permitted under the agricultural deed of easement nor currently defined under 'On-Farm direct marketing activity' or 'On-Farm direct marketing event'" (pursuant to the SADC's adopted agricultural management practice for on-farm direct marketing facilities, activities and events). "The alcoholic beverage at any event will be limited to the agricultural output of the winery and all events shall comply with all the conditions of the" (winery special occasion events law). (Adopted 7/2017)	No	No	CADB/Freeholders had not had to address any complaints against wineries at that time.	Municipalities and wineries have a great working relationship. No notice or complaints from towns regarding winery events/operations.	The two wineries have fully complied with any requests from the CADB. Any information on events has been provided to all 4 wineries in the County.	The Freeholders continue to promote economic development throughout the County. This includes ag development and agritourism, recently hiring a County economic development director. They recognize wineries and special occasion events as a growing ag industry under agritourism. The CADB and Freeholders are committed to increasing/promoting farmland preservation and the importance of farmers and the ag industry thoughout the County.
Mercer County	No. All wineries on preserved farms have extensive exception areas.	No	No	They understand.	Unknown.	No issues.	

CADB	Adopted SOE Definition?	Delegated Approvals Issued?	Municipal Conflicts?	Winery Understanding of Pilot Program	Town Understanding of Pilot Program	Winery Compliance	Suggestions/Comments
Monmouth County	"In accordance with the requirements of Public Law 2014, c. 16, an event in which the primary use of a facility enrolled in the pilot program for licensed wineries on preserved farms is to host a wedding, lifetime milestone celebration, or other cultural, social, fundraising, or entertainment affair not otherwise permitted by the deed of agricultural easement nor covered under the 'on-farm direct marketing event' definition in the state's On-farm Direct Marketing AMP (N.J.A.C. 2:76-2A.13)." (Adopted 7/2015)	No	Not aware of any.	Good. The CADB worked closely with its winery to obtain input on the special occasion events definition and educate them about the pilot program.	No issues. The CADB reached out to the town regarding the pilot program. Another town where a new winery has been proposed has some awareness of the pilot program and law, and has been in touch with the CADB and the proposed winery.	Good.	Tastings and special events are being held on unpreserved land, so the CADB has little involvement at this time. The farm/vineyard obtained special events permits from the Township.
Ocean County	Defines what constitutes "lifetime milestone events" and "other cultural or social events," and requires no prior approval from the CADB provided attendance is under 225 people, the event is contained to the main winery building and/or outside patio area, and the event occurs on a Friday-Sunday or State or Federal holiday. All other special occasion events require prior CADB approval. Adopts a checklist to be utilized by wineries on preserved farmland when seeking permission for a special occasion event requiring prior approval, to be submitted to the CADB at least 30 days prior to the proposed event. Information solicited via the checklist includes location of the event; use of temporary structures and vineyards; any food service/catering; municipal approvals or permits required; soil disturbance; hours and expected size of the event, including number of attendees and cars; expected wine sales; and parking arrangements. Wineries may not violate any of the restrictions in the Farmland Preservation deed of easement. (Adopted 7/2015)	Not in 2015. The CADB adopted its definition in July 2015, however it was unable to obtain an application for special occasion events from the winery until January 2016. The CADB gave the winery a grace period until January to come into compliance with the new definition or be in violation of the pilot program law. The CADB did approve events under its delegated authority in 2016 and 2017.	No	The winery owner appeared to understand at the July 2015 meeting and was present when the definition was adopted. However, it took several months for compliance and filing of checklists required for approval. As of June 2016, the time of the survey completion, the winery continued to have confusion between the CADB checklist and the SADC checklist.	The municipality is supportive of the program and the winery. More communication is needed among the CADB, the town and the winery to ensure proper approvals.	The CADB cannot assess based on 2015 since the definition was not approved until late July 2015. While the winery did not immediately comply, it were given until January 2016 to start applying appropriately to the CADB for events. As of this survey completion date, the CADB reported having to still chase the winery down for checklists for events that they see advertised, but have not been vetted with the CADB.	Without more guidance from the SADC and the Legislature, the CADB, which is a volunteer board, is left with a lot of work. The CADB has taken this pilot program as a task in collecting data. Data on events will be provided to the SADC at the end of the program. The CADB hopes this will provide a clear path for a more focused and balanced approach to allowing certain appropriate events on preserved wineries. The CADB is placed in the role of policing a winery that is very active and creative in the planning of events. It has one vacancy that has been difficult to fill and 2 members who must recuse themselves from winery matters. The review of events at the winery is now a regular meeting agenda item and takes up most of the CADB's time.
Salem County	No. Salem County has only one winery, which has a small shed to sell its wines.	No	No	Understood.	Understood.		
Sussex County	No. CADB felt that since the only winery had a 5-acre exception, adopting a policy was not necessary; would consider adopting one in the future.	No	No	Winery has been supplied information on the pilot program. All events occur in exception area.	Moderate	N/A	
Warren County	"A Special Occasion Event is an event which does not (i) threaten or impair the public health, safety or welfare; (ii) threaten or impair the current or future agricultural production of preserved farmland; and (iii) otherwise violate the terms of the farmland preservation deed of easement." (Adopted 8/2015)	No	No	CADB and SADC staff met with each winery owner/operator in Warren County to explain the program. The wineries understand the law and pilot program very well.	Municipalities may not be familiar with the law and pilot program.	Compliance has not been a problem because the wineries in the County hold their events in exception areas.	None at the time.

***Based on Calendar Year 2015 Unless Otherwise Indicated**

Attachment D

Ocean County Agriculture Development Board

Full Report on the
Special Occasion Events Pilot Program

March 1, 2018

Prepared and Adopted by: Ocean County Agriculture Development Board

2018 Board of Chosen Freeholders:

Gerry P. Little……...Director

John C. Bartlett, Jr.… …….Deputy Director

Virginia E. Haines ……...…Freeholder

John P. Kelly. ……..……Freeholder

Joseph H. Vicari ……..……Freeholder

Carl W. Block…….…….Administrator

Betty Vasil…….……...Clerk of the Board

Ocean County Agriculture Development Board Members:

Doug Hallock…….....Chairman

Jeff Adams…….……...Vice Chair

Jon Dancer……..Secretary

Martin Lynch…….…..Member

Alan Perry……..…..Member

Kathleen Sucharski……..Member

Mark Vodak…….....Member

Non-Voting Members:

Mark A. C. Villinger, Program Administrator…….Planning Department

Christine Raabe…….....Ocean County Soil Conservation District

Dr. Steven Yergeau…….....Rutgers Cooperative Extension of Ocean County

Others:

Anthony M. Agliata, PP, LLA, Planning Director……..Planning Department

David J. McKeon, Planning Director (Ret.)……Planning Department

Mathew B. Thompson, Esq. …….…….County Counsel's Office

Jenny M. J. Mance, Assistant Planner…….....Planning Department

Stephanie L. Specht, Assistant Planner……...Planning Department

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Executive Summary

On July 2, 2014, P.L. 2014, Ch. 16 was signed into law by Governor Chris Christie establishing a forty-four (44) month pilot program permitting "Special Occasion Events" to be conducted at wineries located on preserved farms irrespective of any prohibitions contained in the deed of easement. In Ocean County, the Pilot Program is only applicable to one preserved farm, a 182-acre winery owned by the Charles Plum Corporation, known as "Laurita Winery," and is located in the Township of Plumsted.

The Ocean County Agriculture Development Board (the "Board") had been engaged in a number of issues with the Charles Plum Corporation and special occasion events held at Laurita Winery prior to the enactment of the Pilot Program. The Pilot Program has, at least temporarily, legitimatized events and activities occurring on the winery that the Board had otherwise deemed violations of the deed of easement. In fact, the State Agriculture Development Committee (hereafter known as the "SADC") was in the midst of litigation with Charles Plum Corporation over Special Occasion Events prior to this legislation being proposed and the legal action was stalled until this legislation was signed into law.

The Pilot Program directed County Agriculture Development Boards to develop a definition for Special Occasion Events, which was to include weddings, lifetime milestone events, or other cultural or social events. The Board decided that the most appropriate type of event that would not impact agriculture was those events that would take place in the main winery building or the immediate patio area. The Board added a threshold of 225 persons, which is the maximum seating as defined by the website of the Winery's caterer, Branches Catering. Any Special Occasion Event that did not meet these thresholds required a checklist application submitted to the Board for review. Over the course of the Pilot Program the Board has debated the limitation of the total number of special events held in a year as well as the overall scale of those events held on a preserved farm. The Board wrestled with the question as to how many special occasion events, which have no direct nexus to agriculture, can be permitted in one year before the character and primary use of the preserved farm changes from agriculture to commercial. In the twenty-six (26) months since the OCADB adopted a definition of a Special Occasion Event, the Winery has

submitted a total of 86 checklists occurring on 246 days, resulting in over 86 man-hours devoted to just reviewing and processing each checklist.

Taking into consideration the economic future of farming and how preserved farms must evolve to stay up to date with practices, the Board recommends a statewide evaluation of the farmland preservation program. Current deeds of easement were paid for with significant public investment to preserve viable farms. Preserving farms ensures food security, access to agricultural resources and enhances our State.

ii.
Recommendations

The Board has consistently been committed to ensuring the viability of farms into the future and specifically the economic prosperity of the County's preserved farmland. The Board understands that agriculture is evolving and constantly requires a review of appropriate agricultural practices. Beneficial uses of preserved farmland should be permitted consistent with the intent of the deed restrictions and the significant financial investments made to preserved farmland. Preserved farms currently have Agriculture Management Practices (AMPs) developed by the SADC. One of these is the On-Farm Direct Marketing AMP, which simply allows for certain agritourism activities that help farmers on preserved farms market their products. Special Occasion Events are inherently distinct from these as they do not need to have a direct nexus to the agricultural product of the farm.

With these goals and policies in mind, the Board recommends the continuation of the Special Occasion Events Legislation with the following suggested conditions:

1. Special Occasion Events should be expanded to all preserved farms.
2. Special Occasion Events should not be eligible for Right to Farm Act protections.
3. All preserved farms, regardless of type, should be treated equally and have the same limitations on conducting Special Occasion Events.
4. Special Occasion Events should be limited to a total number of days in a calendar year, as determined by the Legislature and/or the State Agriculture Development Committee. The limitation on days should be specific to Special Occasion Events and does not impact already protected agritourism practices.
5. Limitations should be placed on the size and scope of a Special Occasion Event.
6. The limitation should be based on a preserved farm's capacity to provide existing or temporary onsite parking. Any use of offsite parking should be considered by

the local governing body to determine the appropriate public health and safety standards.

7. Creation of temporary onsite parking should follow standards set forth in N.J.A.C. 2:76-2A.13 (h) with guidance from the local Soil Conservation District to limit impacts to agriculture.

8. Any preserved farm seeking to hold Special Occasion Events shall make application to the appropriate local planning authority. If a site plan is required per the Municipal Land Use Law, then copy should be made available to the local County Agriculture Development Board. Site plans should identify the property boundary, areas of public assembly, parking, and circulation and where directed by the review engineer provide for a traffic study.

9. All Special Occasions Events should undergo review and approval by local County Agricultural Development Board prior to the event being held.

10. Any preserved farm operator holding Special Occasion Events should provide an annual report to the SADC to include the number and type of events, number of attendees, and any incidences requiring public services (police, fire, first aid or otherwise) for each event held.

11. Those Special Occasion Events which require temporary onsite parking and/or offsite parking must provide the same notice of the proposed Special Occasion Event as those farmers seeking a Site Specific Management Plan. See N.J.A.C. 2:76-2.8

12. The Legislature must also provide a new and separate revenue fund to local boards to offset the increased oversite and administrative costs.

iii.
Introduction
a.
The Ocean County Agriculture Development Board and the Preservation of Farmland in the County of Ocean.

On January 25, 1984 the Ocean County Board of Chosen Freeholders (hereafter "County") adopted a resolution creating the Ocean County Agriculture Development Board (hereafter 'Board"). The Board is comprised of ten (10) members appointed by the County, of whom seven (7) members are voting members[1] and three (3) members are nonvoting members[2]. The Board 's responsibilities include the administration of the Conflict Resolution Process and development of site specific agricultural management practices (SSAMPs) for eligible farms as well as the coordination and recommendation of appropriate agricultural land within the County for preservation. N.J.S.A. 4:1C-15d.

The core principles of farmland preservation in New Jersey originate from the Agriculture Retention and Development Act (hereafter "ARDA") N.J.S.A. 4:1C-11, *et seq*. The ARDA's stated intent is to strengthen the agricultural industry and the preservation of farmland. Further, the terms "Farmland" and "farmland preservation" have legislatively created definitions that illuminate the purpose and intent of the preservation of farmland. Under the Open Space Preservation Act of 1989 "farmland" is defined as:

> Land identified as prime, unique or of Statewide importance according to criteria adopted by the New Jersey State Soil Conservation Committee, and land of local importance as identified by local agricultural preservation agencies established by law in cooperation with local soil conservation districts, and which qualifies for lower property taxation, pursuant to the "Farmland Assessment Act of 1964" and any other land on the farm which is necessary to accommodate farm practices as determined by the Department of Agriculture.
>
> N.J.S.A. 13:8-1.

For the purposes of the Garden State Preservation Act, "farmland" is defined as:

> Land identified as having prime or unique soils classified by Natural Resources Conservation Service in the United States Department of Agriculture, having soils of Statewide importance according to criteria adopted by the State Soil Conservation Committee, established pursuant to R.S.4:24-3, or having soils of

[1] The seven voting members must be residents of Ocean County, four (4) members must be actively engaged in farming and own a portion of the land they farm and three (3) members shall represent the general public.
[2] The three (3) nonvoting members consist of a representative of the Ocean County Planning Board, a representative of the Ocean County Soil Conservation District and the Ocean County agent of the New Jersey Cooperative Extension Service.

> local importance as identified by local soil conservation districts, and which land qualifies for differential property taxation pursuant to the "Farmland Assessment Act of 1964" P.L. 1964, c. 48 (C.54:4-23.1 et. seq.), and any other land on the farm which is necessary to accommodate farm practices as determined by the State Agricultural Development Committee.
>
> N.J.S.A. 13:8C-3.

The Garden State Preservation Act defines "farmland preservation" as:

> The permanent preservation of farmland to support agricultural or horticultural production as the first priority use of that land.
>
> N.J.S.A. 13:8C-3.

The above definitions bear witness that the content of the soil, the soils ability to support agriculture, and the ability to have agriculture production as its first priority use are the core principles of farmland preservation. With the core principles of farmland preservation in mind, the Board and County began acquiring easements and placing deed restrictions on eligible farmland within the County of Ocean. The first easement purchased by the Board and County was the Hallock U-Pick Farms property in 1991 located in the Township of Plumsted. To date, the Board and County have purchased forty-seven (47) easements preserving two thousand, six hundred and sixty-one (2,661) acres of farmland. The Laurita Winery (hereafter "Winery") is the only winery located on a preserved farm within the County of Ocean.

b.

Laurita Winery

The Winery is a located on property owned by the Charles Plum Corporation (hereafter "Charles Plum") in the New Egypt section of the Township of Plumsted. On November 30, 1993, Charles Plum conveyed their non-agricultural rights on 368.268 acres of property to the Board and/or the New Jersey State Agricultural Development Committee (hereafter "SADC").[3] Prior to the conveyance of non-agricultural developmental rights, the property operated as a dairy farm. Shortly after preservation, on December 17, 1993, Charles Plum conveyed 152.678 acres of the preserved farmland to Hallock U-Pick Farms, Ltd[4]. Thereafter, on October 7, 1994 approximately thirty-nine (39) acres of the remaining preserved farm was transferred to Stanley Graser, Jill Graser

[3] See Deed Book 5120 Page 177, the total amount of consideration paid was $1,084,420.00.
[4] See Deed recorded in Deed Book 5143 Page 0768.

and Mark Emery. The total remaining acreage of preserved farmland in the County of Ocean owned by Charles Plum is 182 acres.

The Winery is generally open to the public on Wednesdays from 4 p.m. to 9 p.m., Thursdays, Fridays and Saturdays from 12 p.m. to 9 p.m., and Sundays from 12 p.m. to 7 p.m. However, several of the Winery's requests to conduct a Special Occasion Event provide hours of operation which exceed the Winery's regularly posted hours. The Winery is generally closed on Mondays and Tuesdays.

On June 15, 2005 the Winery met with the SADC members and SADC staff to review plans for a proposed winery and winery building to be located on the preserved farm. The Winery sought approval to construct a 20,093 square foot three story winery building[5]. The first floor of the building was to be used for the processing, bottling, and storage of wines. The first floor would also contain restroom facilities, a laboratory and a library. The second floor was to contain an agricultural room; meats, cold cuts, cheese, pies and food stuffs area; grape seminar/lecture room; and restroom facilities. The proposed third floor contained large open areas that were designed as a work room, display area, balcony and owner suite. The proposed plan called for seventy-eight (78) parking spaces and twelve (12) spaces for recreational vehicles resulting in a total of ninety (90) spaces. The SADC noted that at the time of the meeting, a representative of the Winery suggested that a Deed Restriction be placed on the property specifically prohibiting the Winery from conducting any weddings or corporate events.

On June 17, 2005, the Winery issued a letter to the SADC to clarify that the Winery "agreed that no weddings would take place and wouldn't be doing any catering of any kind whatsoever. Indeed, I [the Winery] invited the SADC to put those in as prohibitions because we are not eager to go into those businesses as we know nothing about them."

Thereafter, on September 22, 2005 the SADC approved the Winery's request to construct a winery facility and authorized its use for functions in which the "**primary purpose of any function to be held at the winery facility or surrounding premises shall be related to the sale of wine.** Furthermore, **the sale of art work, or other such nonagricultural items on display is not permitted since it is not considered a related commodity as contained in the definition of "Agricultural Use" in the Deed of Easement. The sale of meats, cold cuts, cheese, pies and**

[5] The first floor would consist of 9,382 square feet, the second floor 6,811 square feet, and the third floor 3,450 square feet.

food stuffs are permitted provided that they are offered to the customer to compliment the tasting of wines."

In September of 2008, the Winery held its grand opening.

On May 26, 2009, the Board advised the Winery that the weddings and wedding receptions were activities specifically prohibited by Deed Restriction and by SADC in its September 2005 approval.

On July 2, 2009, the Board's attorney wrote to the Winery seeking an explanation concerning the construction of a pergola and fire pit in the production area of the vineyard.

On July 8, 2009, the Board, at its regularly scheduled meeting, discussed the issue of weddings occurring at the Winery. Thereafter, on July 31, 2009, Board Staff wrote to the Winery advising that the "weddings at the winery are specifically prohibited unless and until this restriction is formally amended by the SADC, and agreed to by the [Board]."

On July 31, 2009, the Board advised the Winery that it would not revisit the issue as to whether weddings and wedding receptions could be permitted activities on a preserved winery.

On November 4, 2009, Counsel for the Board wrote to the Winery requesting the Winery "cease hosting all catered wedding receptions."

On May 24, 2012, the SADC adopted Resolution #FY2012R5(2) concerning a review of the Non-Agricultural Events & Activities on the Winery. The SADC found that 1) the construction of a pergola for the primary purpose of conducting wedding ceremonies was prohibited; 2) the use of the farm for hosting events and activities for which the primary purpose of the functions is other than the sale of the farm's agricultural product/output constitutes development of the premises for nonagricultural activities; and 3) the use of the farm for hosting events and activities for which the primary purpose of the functions is other than the sale of the farm's agricultural product/output, constitutes a nonagricultural use of the premises, which was not in existence at the time of the conveyance.

On October 22, 2012, counsel for the Board wrote to the Winery regarding the removal of the wooden pergola and gas fire pit. The Winery was advised, "It is the position of the OCADB that the removal of active, tillable land on a preserved farm to be replaced with structures used for marketing and entertainment is ancillary to the production of the agricultural product. It appears that the secondary marketing of the end product has replaced the active potential to grow crops on tillable soil."

iv.
Legislative History

On January 14, 2014, Senate Bill S837 (hereafter "Bill") requiring the SADC to establish a pilot program permitting special occasion events to be conducted on preserved farmland at wineries under certain conditions (hereafter "Pilot Program") was introduced and referred to the Senate Economic Committee. On March 24, 2016, the Bill was reported from Committee with Amendments. The Statement from the Senate Economic Committee noted:

> As amended and reported, this bill would require the adoption of agricultural management practices (AMPs) for agricultural tourism events[6] related to marketing and advancing agricultural output of farms, and allow special occasion events that promote agricultural tourism to be conducted at wineries under certain circumstances.
>
> ***
>
> The bill would amend the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.) to include certain events as a permitted activity under the law, by allowing a farm to conduct agriculture-related educational and farm-based recreational events provided that the events are related to marketing and advancing the agricultural or horticultural output of the commercial farm. Under the AMPs, agricultural tourism events would include special occasion events.

The Bill passed the Senate receiving thirty-seven (37) "yes" votes and zero (0) "no" votes. Thereafter, S837 was received in the New Jersey Assembly and substituted for Assembly Bill 1272. The New Jersey Assembly passed S837 and the Bill was sent to the Governor's desk for signature to become law.

On May 12, 2014, Governor Christie issued a conditional veto and returned S837 to the New Jersey Legislature with suggested recommendations[7]. In the issuance of the Conditional Veto, the Governor noted the following concerns:

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[6] The 2008 "Ocean County Comprehensive Farmland Management Plan" prepared by the Board recognized the importance of agricultural tourism to the financial stability of all local farmers as well as a means to supplement the local economies by attracting visitors to the area. See Page 74.

[7] A governor's conditional veto of a bill is a significant source of insight into the legislative intent underlying a provision affected by the conditional veto. See Fisch v. Bellshot, 135 N.J. 374, 386 (1994). A governor's conditional veto message often states with particularity why the changed language is essential for a passed bill to secure the governor's signature and be enacted into law. The New Jersey Supreme Court has recognized that a governor's conditional veto provides legitimate information to be "considered in determining legislative intent, and may be 'strong evidence' of that intent when the veto directly affects that part of the legislation to be construed." DiProspero v. Penn, 183 N.J. 477, 503 (2005). Here, Governor Christie exercised his conditional veto and expressed specific concerns about extending Right to Farm protections to "events and activities with minimal or no relationship to the agricultural output of the farm" thereby "reduc[ing] the farm to a mere backdrop for unrelated commercial activity." The Board has recognized the inherit

The Right to Farm program is designed to allow farmers to undertake traditional agricultural production free from unnecessary and overly burdensome governmental interference. **This bill, however, would extend Right to Farm protections to events and activities with minimal or no relationship to the agricultural output of a farm, such as weddings, festivals, fairs, and other social events.** By including these new agricultural tourism activities into the Right to Farm rubric, these undertakings would be exempt from local ordinances and regulations, as well as from public and private nuisance actions, even though such activities may have no relation to the farm's main agricultural business**. As such, this extension of Right to Farm would reduce the farm itself to a mere backdrop for unrelated commercial activities.**

The State's Farmland Preservation program has similarly incentivized farming through the purchase of easements and deed restrictions by State and local governments for the purpose of prohibiting non-agricultural activities and development on farmland. Since its inception, the program has expended significant public funds to preserve thousands of farms across the State, which has enhanced the quality of life for our citizens. **This bill would effectively and permanently eliminate many of those bargained-for restrictions by significantly expanding the types of non-agricultural activities that are permitted on preserved farmland.** Furthermore, the bill would unnecessarily subject wineries that are not operated on preserved land to new restrictions. Currently, wineries not located on preserved farmland may conduct weddings and other events as long as such wineries observe applicable State laws and local ordinances. Conversely, wineries located on preserved farmland are prohibited from holding such events if such activities would violate the terms of their farmland reservation easements. By subjecting all wineries to the bill's provisions, wineries that have not received the benefit of farmland preservation funds will now face the potential of new and unnecessary regulation.

On May 12, 2014 Governor Christie's conditional veto was received by the Senate. On June 12, 2014 the New Jersey Senate concurred with the recommendations contained in the Governor's May 12, 2014 Conditional Veto. On June 23, 2014, the revised S837 was passed by the Senate and received by the Assembly. On June 23, 2014 the revised S837 was approved by the Assembly. On June 26, 2014 the revised S837 was passed by the Assembly.

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conflict between the Legislature's desire to allow a Preserve Winery the ability to conduct a wide range of special occasion events to attract business against the Governor's concerns.

On July 2, 2014, P.L. 2014, Ch. 16 was signed into law by Governor Chris Christie establishing a forty-four (44) month pilot program permitting "Special Occasion Events" to be conducted at wineries located on preserved farms. Pursuant to P.L. 2014, Ch. 16, the Pilot Program will expire on March 1, 2018.

v.

Establishment and Implementation of the Pilot Program by the SADC

On October 3, 2014, the SADC approved a Pilot Program concerning Special Occasion Events on Preserved Farmland. However, the SADC did not develop any regulations to implement the Pilot Program. The SADC noted:

> The SADC does not anticipate promulgating regulations to implement the majority of the pilot program. The law already specifies the criteria wineries must meet in order to hold special occasion events and delineates SADC, CADB and local government responsibilities. As the purpose of the pilot program is to gather information, the SADC believes this can be accomplished by requesting information on a voluntary basis. However, the SADC will need to develop regulations to implement the provisions of law allowing the SADC or CADBs to request an audit, in order to ensure uniform SADC audit procedure that CADBs may also choose to use. The SADC intends to contract with a certified public accountant who has experience with wineries to assist in drafting rules that establish protocols.

On October, 28, 2014, Susan E. Payne, Executive Director of the SADC wrote to each County Agricultural Development Board (hereafter "CADB") advising the SADC approved a Pilot Program and that the SADC identified the responsibilities of the SADC, CADBs, the municipalities and the wineries.

The SADC identified their responsivities as follows:

1. Establish a Pilot Program
    a. Notify wineries on preserved farms, municipalities and county agricultural development board (CADBs) to make them aware of the law's provisions;
    b. Assist CADBs in identifying affected farms and relevant data to be collected;
    c. Annually collect required information regarding wineries compliance with the law's gross income requirement;
    d. Collect additional information related to pilot program issues, including feedback from wineries and municipalities on successes and challenges of the pilot program;
    e. Promulgate rules to establish SADC audit procedures; and
    f. Provide any other assistance in implementation of the law as requested or required.

2. Approve (or delegate approval authority to CADBs) any special occasion event (SOE) that will be held on any day of the week other than a Friday, Saturday, Sunday or federal or State holiday;
3. May order audit of winery (and request additional information) if necessary to determine compliance with the gross income requirement;
4. Approve CPA conducting the audit or may establish a list of approved CPAs for conducting audits; and
5. May undertake legal action to collect penalties and to suspend wineries from conducting SOEs after repeat violations.

The SADC described the CADB's responsibilities as follows:

1. Determine what constitutes an SOE (county-by-county determination). The law defines an SOE as a "wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agricultural development board"
2. May order audit of winery (and request additional information) if necessary to determine compliance with the gross income requirement;
3. Approve CPA conducting the audit or may establish a list of approved CPAs for conducting audits; and
4. Forward wineries' annual certifications of meeting gross income requirements to the SADC.

The SADC described the Municipality's responsibilities as follows:

1. Exercise authority over site plan review and to applicable development approvals; and
2. Exercise ordinances related to litter, solid waste, traffic, the protection of public health and safety, the playing or performing of music outside winery structures and curfews.

The SADC described the Winery's responsibilities as follows:

1. Annually certify to the CADB and that SOEs account for less than 50 percent of the winery's gross income for the prior calendar year;
2. Pay reasonable costs for an audit if determined necessary to verify compliance with gross income requirement;
3. Use "the agricultural output of the winery, to the maximum extent practicable, to promote agricultural tourism and advance the agricultural or horticultural output of the winery";
4. Seek and obtain approval of any SOE to be held any day other than a Friday, Saturday, Sunday or federal or State holiday.
5. Not knowingly result in a significant and direct impact to the adjacent property;
6. Conform with State and federal requirements regarding the legal drinking age; and
7. Hold SOEs in a tent or other temporary or portable structure in place only long enough to accommodate the SOE; in an existing permanent agricultural building, in a farm or open air pavilion, or in another other structure used in the normal course of winery operations and activities.

The SADC's October 28, 2014 letter did not address the issue as to whether the SADC would retain or delegate the authority to approve Special Occasion Events on days other than a Friday, Saturday, Sunday, State or Federal holiday. On August 27, 2015 the SADC adopted Resolution FY2016R8(1) delegating the authority to approve a Special Occasion Event occurring on any day other than a Friday, Saturday, Sunday, or a State or Federal holiday to each local CADB subject to certain conditions. Resolution FY2016R8(1) requires each CADB to review an application seeking to conduct Special Occasion Event occurring on any day other than a Friday, Saturday, Sunday, State or Federal holiday to determine 1) whether the proposed event meets the CDAB's definition of a "special occasion event" adopted pursuant to N.J.S.A. 4:1C-32.7; 2) whether the proposed event will disturb the quiet enjoyment of adjoining property owners; and 3) whether the proposed event will result in significant traffic impacts on surrounding public roadways including typical peak traffic periods or interfere with school bus route schedules.

Resolution FY2016R8(1) further required wineries subject to the Pilot Program to submit annually a "Registration for Conducting Special Occasion Events on Preserved Farmland" (hereafter "SADC Yearly Registration Form") directly to the SADC. Resolution FY2016R8(1) mandates that a winery seeking to conduct a special occasion event on a day other than a Friday, Saturday, Sunday, or federal or State holiday must submit an application directly to the CADB for each event.

On September 20, 2015, Susan E. Payne, Executive Director wrote to the Winery in part to advise of the new registration requirement contained in Resolution FY2016R8(1). The letter instructed:

> The **short registration** form requires that you provide a general description of the winery and the location, types and frequency of special occasion events that will be held. As part of that registration, winery owners must sign a **certificate of compliance** acknowledging that they understand their responsibilities under the law. Copies of the registration and certification forms are enclosed and are also on the SADC's website at www.nj.gov/agriculture/sadc/farmpreserve/postpres/. If during the year you wish to hold a type of special occasion event that is not listed on the registration form you earlier provided, you will need to submit a registration form to cover the additional event(s).

The September 20, 2015 letter further advised the Winery that if they wished to conduct a special occasion event on a day other than a Friday, Saturday, Sunday, State and Federal Holiday an application must be submitted to the Board prior to the proposed event.

vi.

Establishment and Implementation of a Resolution Defining a Wedding, Lifetime Milestone Event or other Cultural or Social Event.

On December 10, 2014, the Board reviewed the October 28, 2014 letter from Susan E. Payne, Executive Director of the SADC identifying the responsibilities of the Board. The Board initiated the process of determining how to develop the definition of a "wedding, lifetime milestone event or other cultural or social event" as required by N.J.S.A. 4:1C-32.7. The Board suggested that the staff investigate and report at the next regular meeting as to the manner in which other CADBs would be defining a "wedding, lifetime milestone event or other cultural or social event."

On December 15, 2014, Board staff attended a CADB Administrator's meeting in which a discussion focused on the implementation of the Pilot Program. The CADB Administrators agreed that although the law defines a "Special Occasion Event" as a wedding, lifetime milestone event, or other event as defined by the CADB, a definition focusing on identifying specific events would be difficult. The group discussed a proposed definition at length, and decided that a definition a Special Occasion Event on alternate criteria is most favorable.

The CADB administrators proposed the following definition for a Special Occasion Event:

> wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate CADB and conducted pursuant to the requirements set forth in subsection a. of section 2 of P.L. 2014, c.16. The special occasion event must comply with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, and traffic and the protection of public health and safety. The municipality in which the special occasion event is being held must approve the site plan, showing the location of the structures, parking, ingress/egress, and other relevant details (as defined by the municipality) of the special occasion event. The special occasion event cannot impact existing and/or future agricultural operation and/or production, and cannot create a violation to the existing Deed of Easement.

On January 14, 2015, the Board continued the discussion of the development of a definition of a "wedding, lifetime milestone event, or other cultural or social event" under the Pilot Program. The Board reviewed the proposed definition by the CADB Administrators and determined that the definition proposed would not be well suited for the County of Ocean. The Board instructed the staff to arrange a meeting between representatives of the Winery and the Board to review the legislation, the SDAC guidelines and to discuss the development of a definition of a "wedding,

lifetime milestone event, or other cultural or social event." The Board desired to obtain information as to the type of Special Occasion Events the Winery sought to be conducted on the preserved farm land.

On February 24, 2015, members of the Board and Board Staff met with representatives of the Winery to discuss the implementation of the Pilot Program and the creation of a definition of a "Special Occasion Events." The Winery described their vision of the types of Special Occasion Event which they would like to occur on the preserved farm.

On March 11, 2015, the full Board, at its regular March meeting, discussed the meeting with the Winery. The Board instructed the Staff to develop a definition a "wedding, lifetime milestone event or other cultural or social event" broad enough to assure the financial stability of the preserved winery while at the same time ensuring preservation of the bargained for restrictions placed on the Winery and is consistent with the goals and objectives of both the Pilot Program and Farmland Preservation Act.

On March 27, 2015 the Winery submitted a "calendar for 2015 showing all known events." The Winery specifically identified bar/bat mitzvahs, proms, quinceañera and sweet sixteen parties as Special Occasion Events deemed to be "unacceptable."

On April 8, 2015 the full Board, at its regularly scheduled April meeting, discussed several ideas concerning how the Board desired to craft the definition a "wedding, lifetime milestone event or other cultural or social event." The Board recognized the difference between those Special Occasion Events contained within the Main Winery Building and the area immediately adjacent to the Main Winery Building (hereafter collectively referred to as "Main Winery Building") and those Special Occasion Events occurring largely on the Winery's preserved farmland. The Board was willing to consider a broader definition of a Special Occasion Event to those Special Occasion Events limited to the Main Winery Building. However, the Board was hesitant to create an unrestrictive definition of a Special Occasion Event planned on the Wineries preserved soil. The Board was concerned that the activities associated with a Special Occasion Event could violate the core principles of Farmland Preservation and negatively affect the soil's ability to support agriculture. At the same time, the Board did not want create a definition which would severely limit or prohibit all Special Occasion Events from occurring within the vineyard portion of the preserved farm.

On May 18, 2015, the Board met and reviewed a draft Resolution and Checklist. The Board recommended several revisions to the Resolution and Checklist before approval.

On June 10, 2015, the Board reviewed the revisions to the proposed Resolution definition a "wedding, lifetime milestone event or other cultural or social event" and Checklist. The Board made additional changes to be incorporated.

On July 6, 2015, the Board sent the Winery a copy of the proposed resolution defining a "special occasion event" and the proposed checklist to be adopted at the next regularly scheduled meeting. The Board welcomed any comments or suggestions the Winery may have. The Board did not receive any written comments or suggestions from the Winery concerning the proposed resolution or checklist.

On July 30, 2015 the Board held a regularly scheduled meeting. In attendance at the meeting was a representative of the Winery. The proposed resolution was reviewed and discussed by the Board and the representative of the Winery. Thereafter, the Board formally adopted a resolution establishing the Definition of a "Wedding, lifetime Milestone Event or other Cultural or Social Event" (hereafter "Resolution"). The Resolution defined a **"**Wedding**"** as "the act of legally or formally recognizing the union of two persons as partners in a relationship." The Board defined a **"**Lifetime Milestone Event**"** as a "point in an individual(s) life which marks an important achievement or event." The Board provided the following examples of a "Lifetime Milestone Events" to include but were not limited to**:**

1. Wedding or Civil Union Reception
2. Wedding or Civil Union Anniversary Celebration
3. Rehearsal Dinner
4. Baby Shower
5. Birthday Party
6. Bridal Shower
7. College Graduation
8. Engagement Party
9. Repast
10. Reunion

The Board defined an "Other Cultural or Social Events" as "events emphasizing different artistic, cultural, social or educational activities on the preserved wineries." The Board further provided that "Other Cultural or Social Events" shall be one (1) to three (3) days in duration and must be designed to promote agricultural tourism and enhance economic

opportunities for preserved wineries. The Board provided the following examples of an "other Cultural or Social Events" as:

1. Art Exhibition
2. Bridal Show Case
3. Business Meetings
4. Campaign Fundraisers
5. Corporate Picnics
6. Food Truck Festivals
7. Fraternal Society Meetings
8. Holiday Celebrations
9. Holiday Parties
10. Pageants
11. Seminars
12. Service Club Meetings
13. Talent Contests
14. Theatrical Productions

The Board Resolution restricted the definition of a "Wedding, Lifetime Milestone Event or other Cultural Event" to events where the attendance is limited to under 225 persons[8]; the event is contained to the Main Winery Building and the attached patio (hereafter collectively referred to as "Main Winery Building"); and the event occurs on a Friday, Saturday, Sunday, State or Federal Holiday. If an event does not meet the definition developed by the Board, the Winery may submit the Special Occasion Checklist (hereafter "Checklist") sixty (60) days prior to the planned Special Occasion Event.

On August 12, 2015 the Board forward the Winery a copy of adopted Resolution defining "Wedding, Lifetime Milestone Event or other Cultural Event" together with the approved Checklist and Map.

On August 13, 2015, the Winery wrote the Board attaching a list of events planned for the balance of 2015 including an event entitled "Customer Appreciation Day" planned for September 7, 2015. Thereafter, on August 24, 2015, the Board wrote to the Winery in response the August 13, 2015 submission of a list containing additional events. The Board reminded the Winery that pursuant to the Resolution defining a Special Occasion Event all Special Occasion Events which require Board review, a Checklist must be submitted. The Board attached a copy of the Resolution defining a "Special Occasion Permit" and the required Checklist to the Winery.

[8] The limitation of 225 persons is based upon the maximum occupancy for seating capacity as established by the winery's official caterer for Special Occasion Events.

On October 13, 2015, Laurita Winery submitted to the Board the 2016 SADC Yearly Registration Form. The Winery provided the following description of the winery's current operation:

> Rustic location in agricultural community not observable from roads due to our decision to minimize impact on neighboring properties. Winery building, multiple out buildings and structures are screened by dense woodlands. Forty acres under the vine with nine varieties currently producing approximately twenty different wines. Other than three restaurant outlets, all of our wines are marked to the general public in house and on the grounds through events conducted at our winery each year. Each event, activity and offering is designed to maximize wine sales.
>
> We planted our first block of grapes in 1998 and expanded the vineyard to its current 40 acres. We have established multiple points of sale both in house and outside of the grounds adjacent to the winery and in the wine grove.

The SADC Yearly Registration Form requires the Winery to describe all Special Occasion Events to be conducted, including frequency and dates. The Winery noted twenty-eight (28) weddings were planned for the Main Winery Building with an occasional wedding in a tent on the Winery grounds. The SADC Yearly Registration Form further noted "Food Truck and Wine Festivals" occurring over the course of fourteen (14) different days. The Winery identified the following "Festivals" planned: 1) Winter Ice and Wine; 2) Shamrock Festival; 3) St. Patty's Weekend; 4) Spring Festival; 5) Irish Festival; 6) Grape Stomping; 7) Customer Appreciation Day; 8) Blessing of the Grapes; 9) Vines of Life; and 10) Harvest Festival. The ten (10) festivals were to be conducted over the course of fifteen (15) days. The Certification submitted with the SADC Yearly Registration Form provided that the Winery was <u>not</u> requesting to conduct events outside of Friday, Saturday, Sunday or federal or State holidays.

On November 25, 2015, the Board wrote to the Winery and provided a copy of the Resolution defining a "Special Occasion Permit" and together with the required Checklist. The Board again requested the Winery it must submit a Checklist no later than sixty (60) days before a Special Occasion Event in order to properly reviewed and approved by the Board.

On December 16, 2015, the Board Attorney wrote to Winery advising that the Board has not received any applications to conduct a Special Occasion Event for the 2016. However, numerous Special Occasion Events appeared on the Winery's official website.

On December 19, 2015 the Winery emailed the Board advising that "the Winery has recently decided to host an event which will occur over the course of several Thursdays entitled "Laurita

Idol." Thereafter, on December 21, 2015, the Board Attorney wrote the Winery advising the Winery's December 19th email and attached letter was insufficient under the SADC guidelines and Board's Resolution. The Winery must submit a Checklist previously provided to the Winery.

On December 24, 2015, the Winery submitted a Checklist to Conduct a Special Occasion Event on a day other than a Friday, Saturday, Sunday, federal or State holiday. The Winery was seeking to conduct events entitled "Junior Idol[9]" "Regular Idol" and "Senior Idol" over the course of fifteen (15) separate Thursday nights in January, February, March and April. The Winery provided the following description:

> Events will be held in main winery building. Food and soft drinks will be offered. Wine tastings, wine for onsite consumption, and wine to take home are offered throughout. Junior Idol, while the contestants performing are age 8-17, the vast majority of the audience ware adults, parents, grandparents, aunt & uncles, adult friends, and siblings.

The December 24, 2015 Checklist tendered for the proposed "Laurita Idol" Special Occasion Event to be held on various Thursdays created some concerns as to whether the Board had the authority to grant an approval for the requested special occasion event. The 2016 SADC Yearly Registration Form provided by the Winery certified that there would not be seeking to hold Special Occasion Events on Thursday nights. Therefore, the Board staff wrote to Susan Payne, Executor Director of the SADC seeking clarification as to whether Winery would have to submit a corrected 2016 SADC Yearly Registration Form.

On December 29, 2015, the Winery submitted a Checklist to Conduct a Special Occasion Event on a day other than a Friday, Saturday, Sunday, federal or State holiday seeking permission to conduct "Ice Festivals" on January 23rd; January 24th; February 6th; February 7th; February 13th; February 14th; February 20th; February 21st; February 27th; and February 28th. Fireworks would be conducted on January 23rd and February 20th only. The anticipated number of patrons expected was between 2,500 and 5,000 per weekend.

On January 7, 2016, the Winery forwarded a Checklist seeking approval of an "Ice Festival" to be conducted on tentatively on January 23rd; January 24th; February 6th; February 7th; February 13th; February 14th; February 20th; February 21st; February 27th; and February 28th. The "Ice Festival" is described as "indoor/outdoor even featuring ice sculptures and other winter

[9] This request for a Special Occasion Event was approved by Resolution 2016-002 conditionally upon the Winery submitting an updated yearly registration to the SADC.

activities." The food service will be provided by the Winery's market place and ten (10) private food trucks. The Winery is expecting approximately one thousand (1,000) people per day resulting in an influx of six hundred (600) vehicles per day. The Winery intents to utilize the Winery's main parking lot.

The Winery's website provides an admission charge will be assessed each guest over the age of twelve (12). The Cost of admission includes 1) parking; 2) shuttle service; 3) Souvenir Laurita Wine Glass; 4) entrance to the event featuring hand carved ice sculptures, classic winter activities, a variety of themed food and beverage options; and 5) kids activities including a "huge playground ice luge (we supply the sleds!) [and] mini snow mobiles."

On January 7, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Blessing of the Vineyard[10]" to be conducted on January 16, 2016. The "Blessing of the Vineyard" is described as an "outside ceremony, brief, to bless the vineyard followed by inside celebration." The food service will be the Winery's market place. The Winery is expecting approximately one hundred and fifty (150) people to attend this event resulting in an influx of seventy five (75) vehicles. The Winery intents to utilize the paved parking lot to accommodate the parking. There is no admission fee for this event.

On January 7, 2016, the Winery forwarded Checklist seeking approval of a "Valentines Dinner" to be conducted on February 12th and 13th. The "Valentines Dinner" is described as "sit down dinner, with wine service" contained solely within the main winery building. The food service will be provided by the Winery's food service provider. The Winery is expecting approximately one hundred and fifty (150) people per day resulting in an influx of seventy (70) vehicles per day. The Winery intents to utilize the Winery's parking lot. Pursuant to the Board's Resolution, this proposed Special Occasion Event does not need Board approval.

On January 7, 2016, the Winery forwarded Checklist seeking approval of a "Valentines Brunch" to be conducted on February 14th, 2016. The "Valentines Brunch" is described as "brunch with two seatings, at 10:30 and at 1:30, with wine service provided." The food service will be provided by the Winery's food service provided. The Winery is expecting approximately two hundred and fifty (250) people resulting in an influx of eighty (80) vehicles. The Winery intents to utilize the Winery's main parking lot. Pursuant to the Board's Resolution, this proposed Special Occasion Event does not need Board approval.

[10] The Special Occasion Event was approved by Resolution 2016-01 of the Board without any conditions.

On January 7, 2016, the Winery forwarded Checklist seeking approval of a "County Line Dance" to be conducted on January 16, 2016. The Checklist submitted indicates that this Special Occasion will repeat "February 6, 2016 and throughout the year" but no additional dates are provided. There is a five dollars ($5.00) pre event and seven dollars ($7.00) day of the event admission fee charged by the winery. The Winery is expecting approximately two hundred (200) people resulting in an influx of eighty (80) vehicles. The Winery intents to utilize the Winery's main parking lot. Pursuant to the Board's Resolution, this proposed Special Occasion Event does not need Board approval.

On January 7, 2016, the Winery forwarded Checklist seeking approval of a "Handbell Ensemble" to be conducted on January 30, 2016. The Checklist submitted indicates that this Special Occasion may be a repeating event "depending on the success" but no additional dates are provided. There is an advertised twenty dollars ($20.00) general admission, a twenty five ($25.00) general admission with wine tasting and a ten dollars ($10.00) admission for those patrons under the age of sixteen (16). A portion of the profit will be given to the Impulse Handbell Ensemble. The Winery is expecting approximately one hundred fifty (150) people resulting in an influx of seventy five (75) vehicles. The Winery intents to utilize the Winery's main parking lot. Pursuant to the Board's Resolution, this proposed Special Occasion Event does not need Board approval.

On January 7, 2016, the Winery forwarded Checklist seeking approval of a "Eastern Wind Symphony" to be conducted on February 27, 2016. There is an advertised a twenty-five ($25.00) dollar general admission fee which includes a complimentary glass of wine. The Winery is expecting approximately one hundred seventy (170) people resulting in an influx of seventy (70) vehicles. The Winery intents to utilize the Winery's main parking lot. Pursuant to the Board's Resolution, this proposed Special Occasion Event does not need Board approval.

On January 7, 2016, the Winery forwarded Checklist seeking approval of a "Canvas Mixer" to be conducted on January 29, 2016. The Checklist submitted indicates that this Special Occasion will repeat "throughout the year" but no additional dates are provided. The Winery's website provides that there is a forty dollar sign up fee would include "all materials, hands on instruction, and a glass of acclaimed Laurita wine!" Those patrons wishing to pre-register are directed to contact through their website at canvassmixers.com or telephone at (856) 873-2614. The Winery is expecting approximately ninety (90) people resulting in an influx of fifty (50) vehicles. The

Winery intents to utilize the Winery's main parking lot. Pursuant to the Board's Resolution, this proposed Special Occasion Event does not need Board approval.

On January 13, 2016, Susan E. Payne, Executive Director of the SADC advised the Board that "if the registration submitted does not include the type of event(s) for which a winery is seeking CADB approval, the SADC does not consider that a valid registration and winery must submit an amended registration."

On January 13, 2016 the Board met and discussed the ten (10) Checklists submitted by the Winery. The Board dismissed seven (7) of Checklists provided. The seven (7) events proposed met the pre-approval requirements of the Boards Resolution and no further action would be required by the Board. The Board expressed some concerns related the checklist for the proposed "Ice Festival." As a result of the concerns discussed, the Board conditionally approved the event upon the submission of 1) a complete and detailed list of anticipated events and attractions with a description and location of each; 2) a revised site plan or boundary survey of the property which encompasses the entire preserved premises showing the locations of anticipated events; 3) confirmation that snow will not be imported onsite; 4) copies of all approvals, including any resolutions and permits. The fireworks permit should be submitted with assurances that all unburned aerial shell fragments and other pyrotechnic debris will be removed from the premise,; 5) acknowledgment that the sandcastle, its structure and elements will not be used or incorporated into the event as this item remains a deed of easement violation; and 6) details of all parking areas and anticipated usage.

On March 8, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Bacon Festival (formally called Spring Festival)" to be conducted on April 30 and May 1st. The "Bacon Festival" is described as "a family fun day filled with live music, wine, food, shopping and other fun activities as county line dancing, live animal displays, vineyard tours, face painter, and mechanical pig rides." The food service will be provided by the Winery's in house caterer and an unknown number of private food trucks. The Winery is expecting approximately four thousand (4,000) people per day resulting in an influx of one thousand five hundred (1,500) vehicles per day. The Winery intents to utilize the Winery's parking lot and temporary parking located by the Solar Panels and adjacent non-preserved the farm.[11]

[11] According to the Winery's website, the outside events planned for the Bacon Festival were cancelled due to the forecast of heavy rains. The Winery's website advised patrons with pre-purchased tickets to the Bacon Festival that those tickets can be used at any of the seven (7) food truck festivals

The Board reviewed the request for "Bacon Festival" at its regularly scheduled meeting on March 9, 2016. The Board noted some concerns regarding the information provided. One of the issues that the Board sought clarification was the use of "Dance Barn[12]." The "Dance Barn" appeared to be an old agricultural storage barn which had been rehabilitated with a new roof, a poured concrete floor and the installation of electricity. Based upon the information provided, the Board was concerned that the use of the barn for a dance hall was conversion of an agricultural building for a nonagricultural use and requested the Winery to explain the Dance Barn and its intended use. The Board further questioned whether any municipal approvals were received and whether a certificate of occupancy was obtained. The Board also requested information regarding a parking plan, the number of restroom facilities, location of the proposed pony rides and clarification of some discrepancies between the checklist and municipal submissions. The Board's concerns were contained in an email to the Winery dated March 22, 2016.

On March 24, 2016, the Winery responded to the Board's concerns of the use of the "dance barn." The Winery noted that the municipal approvals were "pending" and a certificate of occupancy was not required.

On April 13, 2016, the Winery forwarded a Checklist seeking approval of a "Ron Dancer Event" to be conducted on Tuesday, April 20, 2016. The "Ron Dancer Event" is described as a fundraising event to be located in the Main Winery Building with food provided by the current food service caterer. The Winery is expecting approximately fifty to seventy-five (50-75) people resulting in an influx of no more than fifty (50) vehicles.

On April 13, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Girls Night Out" to be conducted on Wednesday Nights beginning on April 13, 2016 through July 27, 2016. The "Girls Night Out" is described as "Live music, yoga class, card reader, jewelry vendor, cosmetic vendor and wine tasting." The food service will be provided by the "current food service at existing market place. The Winery is expecting approximately fifty (50) people per event resulting in an influx of twenty-five (25) vehicles per event. The Winery intents to utilize the Winery's parking lot

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[12] On December 31, 2015, the Winery wrote to the Board regarding a proposed "Dance Barn" in the site plan advising:

> We do not have a dance hall. We have an existing structure whose roof was replaced and whose floor was changed from dirt to concrete. It is a multipurpose building as we are additionally constructing an additional a tasting bar within the structure to accommodate our guests.

The Board again reviewed the request for "Bacon Festival" at its regularly scheduled meeting on April 13, 2016. The additional information supplied by the Winery was reviewed by the Board and a representative was present to answer any further questions.

The Board conducted the annual inspection of the Winery on June 23, 2016. In attendance was a Township Code official and a representative of Ocean County Soils. The Township Code Official noted that there are only two active areas in the Winery which have approvals, the main winery building and the solar panels. The Township Code Official further noted many of the Winery's structures showed evidence that there had upgraded electrical panels installed without the proper permits as well as other improvements performed which would require review.

On June 23 2016, the Winery forwarded a Checklist seeking approval of an event entitled "British Car Show" to be conducted on August 14, 2016. The "British Car Show" is described online as a "car club to display their cars along existing vineyard road." The food service will be provided by the Winery's existing food service. The Winery is expecting approximately two hundred (200) people per day resulting in an influx of eighty (80) vehicles.

On June 23, 2016, the Winery submitted a Checklist seeking approval to conduct an "80"s Dance" on August 19, 2016 and September 2, 2016. The "80's Dance" is an 80's themed dance party located in the Wine Grove with a DJ providing music from the "Grove Stage." The checklist provides that food service will be provided by the Winery's in house caterer. However, the Winery's website provides that food trucks will be on premise as well. The Winery is expecting approximately five hundred (500) people resulting in an influx of two hundred (200) vehicles per day. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On August 2, 2016, the Board Staff wrote to the Winery advising that it come to the attention of the Board that some recent events conducted at the Winery failed to receive the proper approvals prior to the event. The Board Staff also noted it has not received a Checklist for the impending "Irish Festival" advertised for August 6th and 7th, 2016. The Board Staff again reminded the Winery that simply supplying the Board a copy of the SADC Yearly Registration Form will with the various events is insufficient under the Board's Resolution.

On August 3, 2016, the Winery forwarded a Checklist seeking approval of an "Irish Festival" to be conducted on August 6 and 7th. The "Irish Festival" is described as "mostly outdoor event featuring live music, Irish dancing, Irish food offerings, artisan vendors/crafters, wine tasting

& service, face painting, and pony rides." The food service will be provided by the Winery's in house caterer and two (2) private food trucks. The Winery is expecting approximately two thousand five hundred (2,500) people per day resulting in an influx of one thousand (1,000) vehicles per day. The Winery intents to utilize the Winery's main parking lot and temporary parking located by the Solar Panels and adjacent non-preserved the farm.

The Winery's website provides a five ($5.00) dollar admission charge will be assessed each guest over the age of twelve (12). The Cost of admission includes 1) parking; 2) shuttle service; 3) Souvenir Laurita Wine Glass; 4) entrance to the event featuring live entertainment, vineyard tours, Irish dancing, and traditional Irish Fare; and 5) kids activities including our huge playground, bounce house and face painting.

The Checklist fails to identify the amount or nature of the artisan vendors/crafter which will be soliciting their wares during the "Irish Festival." However, the Winery's website identifies the name of eighteen (18) Irish Craft Vendors.

On August 3, 2016, the Winery forwarded a Checklist seeking approval of a "Food Truck Festival" to be conducted on August 20th and 21st. The "Food Truck Festival" will be repeated on September 24th and 25th, October 22nd and 23rd, and November 12th and 13th. The "Food Truck Festival" is described as "mostly outdoor event with private food trucks artisan vendors, live music, vineyard tours, wine tasting & service, line dancing, face painting, pony rides [and] bounce house." The food service will be provided by twenty five (25) private food trucks. The Winery is expecting approximately four thousand (4,000) people per day resulting in an influx of one thousand six hundred (1,600) vehicles per day. The Winery intents to utilize the Winery's main parking lot and temporary parking located by the Solar Panels and the adjacent non-preserved the farm. The Winery has applied to the Township to conduct fireworks on Saturday night during the events.

The Winery's website provides a five ($5.00) admission charge will be assessed each guest over the age of twelve (12). There is a listed group discount for the purchase of tickets. The Cost of admission includes 1) parking; 2) shuttle service; 3) Souvenir Laurita Wine Glass; 4) entrance to the event featuring live entertainment, country line dance area and twenty five food trucks; and 5) kids activities including our huge playground, bounce house and face painting.

The Checklist failed to identify the amount or nature of the "artisan vendors/crafter" which will be soliciting their wares during the "Food Truck Festival."

On August 3, 2016, the Winery forwarded Checklist seeking approval of a proposed event entitled "Grape Stomping" to be conducted on September 10th and 11th. The "Grape Stomping" is described as "mostly outdoor event with live music, private food trucks, artisan vendors, wine tasting & service areas, pony rides, bounce house, face painting, and a grape stomping area." The food service will be provided the Winery's cater and by private food trucks. There is no indication on the Winery's website or checklist the total number of food trucks expected. The Winery is expecting approximately two hundred and fifty (250) people per day resulting in an influx of one hundred (100) vehicles per day. The Winery will utilize the parking lot and the temporary parking located by the Solar Panels to accommodate all vehicles.

The Winery's website provides a five ($5.00) dollar admission fee will be assessed each guest over the age of twelve (12). There is a listed group discount for the purchase of tickets. The Cost of admission includes 1) parking; 2) shuttle service; 3) Souvenir Laurita Wine Glass;4) live entertainment 5) kids activities including "our huge playground!, bounce house!!, face painting Pony Rides too for just $5" and 5) Grape stomping, up to the first 800 in attendance.

On August 3, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Blessing of the Grapes" to be conducted on September 18, 2016. The "Blessing of the Grapes" is described as "mostly outdoor event with live music, vineyard tours, wine tasting & service area and a brief blessing ceremony of a lug of grapes for a good harvest." The food service will be provided by the Winery's in house caterer. The Winery is expecting approximately two hundred and fifty (250) people to attend this event resulting in an influx of one hundred (100) vehicles. The Winery intents to utilize the main parking lot to accommodate the parking.

On August 3, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Vines of Life" to be conducted on October 2, 2016. The "Vines of Life" is described as an "outdoor event with live music, wine tasting & service [and] a walk around the perimeter of the vineyard, with additional wine and cheese stations." There is a temporary food tent with regular food service to be provided by the Winery's in house caterer. The Winery is expecting approximately eight hundred (800) people to attend this event resulting in an influx of one hundred (320) vehicles. The Winery intents to utilize the Winery's main parking lot and temporary parking to be located on the adjacent non-preserved farm.

On August 3, 2016, the Winery forwarded a Checklist seeking approval of a "Harvest Festival" to be conducted on October 8th and 9th. The "Harvest Festival" is described as "mostly

outdoor event with live must, artisan vendors, wine tasting & service area, dance area, vineyard tours, face painter, bounce house [and] pony rides." The food service will be provided by [*] private food trucks. The Winery is expecting approximately three thousand (3,000) people per day resulting in an influx of one thousand two hundred (1,200) vehicles per day. The Winery intents to utilize the Winery's main parking lot and temporary parking located by the Winery's Solar Panels and the adjacent non-preserved the farm.

On August 4, 2016, the Winery forwarded Checklist seeking approval of a "Girls Night Out" to be conducted on Wednesday nights starting August 24, 2016 through December 28, 2016. The "Girls Night Out" is described as "Live music, yoga class, card reader, jewelry vendor, cosmetic vendor and wine tasting." The food service will be provided by the current food service at existing market place. The Winery is expecting approximately fifty (50) people per event resulting in an influx of twenty-five (25) vehicles per event. The Winery intents to utilize the Winery's main parking lot. On September 1, 2016, the Winery advised that they would like to amend the Checklist approved by the Board for "Girls Night Out" to include "themed" events such as "coloring books class, basket weaving, pumpkin painting, glass painting, ornament making and pottery class."

On August 10, 2016, the Board conducted a regular meeting in Plumsted Township. The Board raised several concerns as to whether they could approve a request for a Special Occasion Event which had activities occurring in structures which had not received approvals from the local building inspector. The Board was particularly apprehensive about approving events utilizing the "Grove Stage" and "Dance Barn." The Board expressly denied the request to conduct an "80's Dance" Special Occasion solely for the reason it contained activities within a structure which has not received proper municipal approvals. The Board approved the Winery's request to conduct the "British Car Show" and "Girls Night Out" Special Occasion Events. The remaining Checklists were held and not acted upon. A representative of the Winery was in attendance of the meeting and made aware of the Board's concerns about utilizing structures without proper municipal approvals.

On August 18, 2016, Mark Villinger wrote to the Winery enclosing the resolutions adopted at the August 10th meeting. Mr. Villinger further emphasized that "the Board maintains that any events outside the main winery building that include any unpermitted structure or areas will not be approved until municipal approvals are satisfied."

On August 24, 2016, the Board Staff and representatives of the Winery met to discuss several issues which have arisen during the course of the first year. The Winery indicated that they were unaware of electrical permit requirements and assumed all electrical work performed had received any and all permits and approvals. The Board Staff conveyed that the Board would not in any circumstances approve a Special Occasion Event to be conducted in a structure on the property without all necessary approvals from the Township. The Board Staff stressed that the burden is on the Winery to insure all approvals are required prior to the planning and advertising of the Special Occasion Event.

The Winery inquired whether the sixty (60) day checklist submission could be relaxed. The Winery felt that sixty (60) day requirement was unduly burdensome and inhibited the Winery's ability to plan events. The Winery inquired whether a special subcommittee of the Board could be established in the event a checklist could not be submitted prior to a monthly meeting.

On August 25, 2016, the Winery forwarded Checklist seeking approval of an event entitled "Yoga & Wine Tasting" to be conducted on Sunday, October 16, 2016. The "Yoga & Wine Tasting" is described as a "yoga class on the Grand Lawn followed by wine tasting in the main winery building." The food service will be provided by Winery's caterer. The Winery is expecting approximately one hundred (100) people resulting in an influx of fifty (50) vehicles.

On August 25, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Car Show" to be conducted on October 16th, November 6th and November 20, 2016[13]. The "Car Show" is described online as "[t]his is *not* a show or contest, but rather an exhibit of beautiful, vintage cars! If you have a vintage automobile, you are welcome to drive it to Laurita, and if there's room we will be happy to display it." The vintage cars are to be displayed along the vineyard road and grove area. The food service will be provided by one (1) food truck and by the Winery's in house caterer. The Winery is expecting approximately two hundred (200) people per day resulting in an influx of eighty (80) vehicles per day.

On August 25, 2016, the Winery forwarded a Checklist seeking approval of a "Live Music Concert" to be conducted on November 11, 2016. The "Live Music Concert" is described as "live band concert/dance in the grove, wine tasting, wine service, food trucks and dancing" The food

[13] The Winery's Website describes the November 20th car show as the "Vintage British Car Show at Laurita" and is limited vintage cars produced in Brittan.

service will be provided by private food trucks and regular food service. The Winery is expecting approximately seven hundred fifty (750) people resulting in an influx of three hundred (300) vehicles. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On August 26, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Yoga Glow Flow" to be conducted on November 18, 2016. The "Yoga-Glow Flow" is described as an "enhanced yoga class followed by wine tasting in the wine barn."[14] The food service will be provided by the regular food service located in the main winery building. The Winery is expecting approximately one hundred (100) people resulting in an influx of fifty (50) vehicles. The Winery intents to utilize the main Winery's parking lot.

On August 27, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Farm to Table Dinner" to be conducted on every Thursday between September 8, 2016 thru October 27, 2016. The "Farm to Table Dinner" is described online as "[g]uests will savor (4) gourmet, local-sourced, on site freshly prepared courses, each paired with a glass of winemaker-selected reserve, to be enjoyed in one of the most beautiful settings in all of New Jersey, as the sun sets over the vineyard to the West." The Winery further boasts that "[w]e are proud to serve dishes prepared with locally-sourced ingredients, fruits, vegetables, meats & seafood from New Jersey Farms including Hallock's Farm, Krowicki Farm, DeWolf Farm, Local 130 Seafood, Simply Grazin, Griggstown Farm, Fulper Family Farmsted, D'Artagnan Farm & Cherry Grove Farm." The Winery is expecting approximately fifty (50) people to attend this event each night resulting in an influx of twenty five (25) vehicles. The Winery intents to utilize the Winery's parking lot and adjacent non-preserved farm.

On September 6, 2016, the Winery forwarded a Checklist seeking approval of a "Live Music Concert" to be conducted on October 14, 2016. The "Live Music Concert" is described as "live band concert/dance in the grove, wine tasting, wine service, food trucks and dancing" The food service will be provided by private food trucks and regular food service. The Winery is expecting approximately seven hundred fifty (750) people resulting in an influx of three hundred

[14] A "yoga glow flow" appears to be a gathering of yoga enthusiasts who either creative use of the fluorescent body paints to decorate themselves with an array of symbols to turn their bodies and clothes into a canvas of illuminated artwork or dress which reacts to black lighting, the lights in the "wine barn" will be turned down and the yoga participants will "glow" when illuminated by black lights.

(300) vehicles. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On September 14, 2016, the Winery forwarded a Checklist seeking approval of a "NJ Food Association Event" to be conducted on Thursday, October 13, 2016. The "NJ Food Association Event" is a meeting of the NJ Food Association to be located solely within the Winery Building. The food service will be provided by Winery's caterer. The Winery is expecting approximately thirty five (35) people resulting in an influx of twenty (20) vehicles. Pursuant to the Resolution, this Event is preapproved and does not need Board approval.

On September 14, 2016, the Winery forwarded a Checklist seeking approval of a "Ron Dancer Event" to be conducted on Tuesday, October 11, 2016. The "Ron Dancer Event" is described as a "private event in the main winery with food provided by [the] current food service caterer." The Winery is expecting approximately sixty (60) people resulting in an influx of thirty (30) vehicles.

On October 6, 2016, the Winery forwarded the electrical and plumbing approvals from the Township of Plumsted. The electrical sub-code application noted three (3) lighting fixtures, nine (9) receptacles, one (1) switch and six (6) 100 AMP subpanels. The plumbing approved outdoor gas piping and two (2) outdoor heaters.

On October 12, 2016, the Board held its regularly scheduled October meeting. They reviewed the recently received municipal approvals by the Winery and discussed whether could or would approve Special Occasion Event, which had occurred. The Board resolved that it would table the review for Special Occasion Events, which had occurred and only noted for the record that the municipal permits had been applied for and received. It was the Board's position it did not want to create a precedent of retroactively approving Special Occasion Events which had already occurred on a preserved farm.

On November 2, 2016, the OCADB wrote to the Plumsted Construction Code Official reminding the Township of the Winery's obligation to obtain necessary approvals from the Township is separate and distinct than approvals from the Board.

On November 2, 2016, Board Staff wrote to the Winery advising that they desired to conduct a Special Meeting of the Board to be held on November 30, 2016 to determine whether the Winery violated the Pilot Program by conducting certain Special Occasion Events without approval from the Board.

On Wednesday, November 16, 2016, the Winery conducted a Special Occasion Event entitled "Wine & Cheese 101 with The Cheese Cave." The Cheese Cave is an artesian cheese shop located in Borough of Red Bank. The Winery's website provides "we are thrilled to welcome Steve Catania from The Cheese Cave for a delicious and educational evening of wine & cheese pairing basics." The cost of entry to the event is $45.00 per person if purchased prior to the event and $50.00 at the door. The price includes five 1.5 oz. tasting glasses of wine.

On November 26, 2016, the Winery forwarded a Checklist seeking approval of a "Girls Night Out" to be conducted on Thursday nights beginning on January 5, 2017 and continuing until March 30, 2017. The "Girls Night Out" is described as "live music, wine tasting, card reader, a few vendors plus weekly featured craft and wine pairing classes." The food service will be provided by the "current food service at existing market place." The Winery is expecting approximately sixty (60) people per event resulting in an influx of twenty-five (25) vehicles per event. The Winery intents to utilize the Winery's main parking lot.

On November 26, 2016, the Winery forwarded a Checklist seeking approval of an event entitled "Blessing of the Vineyard" to be conducted on January 28, 2017. The "Blessing of the Vineyard" is described as a "brief outside ceremony by the flag pole in the vineyard followed by inside celebration." The food service will be the Winery's market place. The Winery is expecting approximately one hundred and fifty (150) people to attend this event resulting in an influx of seventy five (75) vehicles. The Winery intents to utilize the paved parking lot to accommodate the parking. There is no admission fee for this event.

On November 27, 2016, the Winery forwarded a Checklist seeking approval of an "Ice Festival" to be conducted tentatively on January 21st and 22nd 2017 and February 18th and 19th 2017. The "Ice Festival" is described as "indoor & outdoor even featuring ice sculptures and other winter activities plus wine and food service." The food service will be provided by the Winery's market place and private food trucks. The Winery is expecting approximately one thousand (1,000) people per day resulting in an influx of six hundred (600) vehicles per day. The Winery intents to utilize the Winery's main parking lot.

On November 28, 2016, the Winery forwarded a Checklist seeking an amendment of the previously submitted event, "Ice Festival" to the new title of "Winter Festival." This amendment included rain dates of January 28-29, 2017, and February 25-26, 2017.

On November 28, 2016, the Winery forwarded a Checklist seeking approval of a "British Car Show" to take place on Saturday, April 1, 2017. The "British Car Show" is described online as a "car club to display their cars along existing vineyard road." The food service will be provided by the Winery's existing food service. The Winery is expecting approximately one hundred (100) people per day resulting in an influx of fifty (50) vehicles.

On November 28, 2016, the Winery forwarded a Checklist seeking approval of a "British Invasion" event to take place on Saturday, April 1, 2017. The "British Car Show" is described as a ""whole house" live music concert with wine and food service." The food service will be provided by the Winery's existing food service. The Winery is expecting approximately three hundred-fifty (350) people per day resulting in an influx of fifty (150) vehicles. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On November 30, 2016 the Board conducted a special meeting for the purpose to determine whether the Winery had violated the terms of the Pilot Program. The Legislation and guidance from the SADC fail to provide guidance to the Board as how to proceed in the event there is a potential violation. The Legislation only provides that for the first offense, the SADC may assess a civil penalty up to $1,000.00. N.J.S.A. 4:1C32.10 The Legislation is ambiguous as to whether a winery is entitled to a hearing concerning an alleged violation or the nature of the penalty concerning a first offense. However, subsequent offense requires a hearing before the SADC before the imposition of a suspension of a winery's right to conduct events under the Pilot Program. Out of an abundance of caution, the Board elected to conduct a special meeting solely for the purpose of determining whether the Winery violated the conditions of the Pilot Program. The format of the special meeting provided that the Board staff would present their findings to the Board for each alleged violation. Upon completion of the presentation of an alleged violation, the Winery was then given the opportunity to present whatever evidence it deemed appropriate for the Board's consideration. Thereafter, the Board would vote and move to the next alleged violation.

The first violations to be considered was a repeating event entitled "80's Dance" and "70's Dance[15]" held on August 19th and September 2 respectively. On August 10, 2016, the Board had denied the Winery's request by resolution to conduct the proposed event entitled "80's Dance" because a major component of the event was to utilization of a structure identified as the "Grove

[15] The Winery initially sought to have an "80's Dance" on both dates. Subsequent to the denial of the Board, the Winery rebranded the September 2, 2016 "80's Dance" to a "70's Dance." All activities and events were to be the same. The only difference would be the theme and music.

Stage." At the time of the request, the "Grove Stage" did not have the proper municipal permits. The Winery received final municipal approval after the Special Occasion Events on October 6, 2016. The Winery admitted the Special Occasion Events occurred and it has used the structure identified as the "Grove Stage" without receiving final municipal approvals. The Winery argued that because it had made an application for the permits and inspection and final approvals were pending, the Board should consider this fact as a mitigating factor against a determination of whether it intentionally violated the Pilot Program. The Board determined that the Winery had conducted a Special Occasion Event which was not expressly authorized by Board's Resolution defining a Special Occasion Event and thus found the Winery to be in violation of the Pilot Program.

The Board also reviewed the activities occurring at the Winery's Food Truck Festival on October 22nd and 23rd and November 12th and 13th 2016. The Resolution authorizing the Food Truck Festival specifically prohibited the use of the "Dance Barn" until all municipal approvals had been received. The Winery did not dispute that during the course of the Food Truck Festivals the "dance barn" was utilized by its patrons. The Winery noted that at the time of the submission of the Checklist to the Board, the Winery had submitted an application to the Township to change the use of the structure to "mercantile." The intent was to allow the Winery to sell its product as a main use and have an assembly use as a secondary use[16]. However, based upon a November 28, 2016 letter from the Plumsted Construction Official, the Winery is now seeking to have the structure classified as S-2 (low hazard storage). The Winery further indicated it was the Winery's intent to amend their application to the Township to reflect the change in use to Storage. In addition, the Winery provided that because of the storage classification, the Winery was now entitled to use the building for an assembly use up to thirty (30) time per year without any additional municipal permits.[17] The Board determined that the Winery had used the "dance barn" in violation of the resolution of approval resolution in a violation of the Pilot Program.[18]

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[16] In a letter to the Plumsted Fire Official, dated November 15, 2016, the Winery noted that "we are applying for an M-1 (Mercantile designation for Unit "B" which consists of 2,827 square feet. In anticipation of receiving that designation, we would using the former storage building for a number of uses including but not limited to dance, yoga, sale of wines, and wine related merchandise."

[17] The Winery relies in part upon N.J.A.C. 5:23-3.2 8 which provides that "a commercial farm building may be used as a place of public assembly for not more than 15 days in a calendar year" and in part upon a request to the Plumsted Fire Official seeking from the limitation of 15 events to have the ability to conduct up to 30 events in a year.

[18] On November 30, 2016 the Board conducted a special hearing to determine whether the Winery violated the Pilot Program concerning the events held on August 19th, September 2nd, October 23rd and 24th, and November 12th and 13th, 2016. The Board determined that the Winery did violate the Pilot Program and forwarded their findings to the SADC on December 27, 2016. On April 28, 2017 the SADC found that the Winery was in violation of the Pilot Program and authorized an enforcement action in the Superior Court. Thereafter, on June 16, 2017, the SADC filed Complaint, Docket Number OCN-L-1739-17, against the Charles Plum

On December 10, 2016 the Board conducted a regular meeting and review the checklists submitted for "Girls Night Out", "Blessing of the Vineyards"; and "Ice Festival." The Board approved the Winery's request for "Girls Night Out" contingent upon the filing of the 2017 SADC Registration.

On December 15, 2016, the Winery forwarded the 2017 SADC Registration for conducting Special Occasion Events.

On January 5, 2017, the Winery forwarded the requested municipal permit from the Township of Plumsted including the fireworks permit from the fire marshal and an updated site plan, both for the "Winter Festival."

On January 11, 2017, the Board held its regularly scheduled meeting. They reviewed the recently received municipal approvals by the Winery and discussed whether they could or would approve Special Occasion Event, which had occurred. The Board approved the Winery's request to conduct the "Winter Festival", "British Car Show", and "British Invasion" Special Occasion Events. Staff questioned the interest of creating a subcommittee for the Board or delegation of staff to approve Special Occasion Events outside of OCADB meetings. Counsel stated that the original resolution may need to be amended in order to permit the subcommittee or staff delegation. The Board authorized staff to draft a preapproval process on special occasion events that are received within short notice where it would not meet in a regularly scheduled meeting but then follow up on a resolution, which would be reviewed and signed at the next available meeting.

On January 26, 2017, the Winery forwarded a Checklist seeking approval of a "Shamrock Festival" event to take place on the weekend of March 11-12, 2017. The "Shamrock Festival" is described as "an indoor, outdoor event with Irish music, dancing, food, vendors, wine tasting, glass and bottle service including vineyard tours and three (3) food trucks." The Winery specified that this event had been held previously and that "building F" would not be utilized. The food service will be provided by the Winery's existing food service in addition to three (3) food trucks. The Winery is expecting approximately one thousand (1,000) people per day resulting in an influx of four hundred (400) vehicles. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

Corporation and Laurita Winery seeking to impose a civil penalty. On August 18, 2017 the Charles Plum Corporation and Laurita Winery filed an Answer. This matter is still pending as of the date of this report.

On January 26, 2017, similar to the "Shamrock Festival", the Winery forwarded a Checklist seeking approval of a "St. Patty's Festival" event to take place on the weekend of March 18-19, 2017. The "St. Patty's Festival" is described as "an indoor, outdoor event with Irish music, dancing, food, vendors, wine tasting, glass and bottle service including vineyard tours and three (3) food trucks." The Winery specified that this event had been held previously and that "building F" would not be utilized. The food service will be provided by the Winery's existing food service in addition to three (3) food trucks. The Winery is expecting approximately one thousand (1,000) people per day resulting in an influx of four hundred (400) vehicles. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On January 26, 2017, the Winery forwarded a Checklist seeking approval of a series of repeating events titled "Girls Night Out" to be conducted on Wednesday nights beginning on April 5, 2017 and continuing until December 27, 2017. The "Girls Night Out" is described as "live music, wine tasting, card reader, a few vendors plus weekly featured craft and wine pairing classes." The food service will be provided by the "current food service at existing market place." The Winery is expecting approximately sixty (60) people per event resulting in an influx of thirty (30) vehicles per event. The Winery intents to utilize the Winery's main parking lot.

On January 26, 2017, the Winery forwarded a Checklist seeking approval of a series of repeating events titled "Laurita Idol Singing Contests" to be conducted on Thursday nights. The contests have been structured to involve different age groups; "Adult Idol" is to take place from April 6, 2017 through May 4, 2017, "Junior Idol" from July 6, 2017 through August 3, 2017, and "Senior Idol" from September 12, 2017 through October 12, 2017. The "Laurita Idol" events are described as "an adult singing contest with children being accompanied by adults." The food service will be provided by the "current food service at existing market place." The Winery is expecting approximately seventy-five to one hundred twenty-five (75-125) people per event resulting in an influx of forty to sixty (40-60) vehicles per event. The Winery intents to utilize the Winery's main parking lot.

On February 9, 2017, the Winery forwarded a Checklist seeking approval of a "Ron Dancer Event" to be conducted on Tuesday, April 25, 2017. The "Ron Dancer Event" is described as a fundraiser event to be located in the Main Winery Building with food provided by the current food service caterer. The Winery is expecting approximately fifty to seventy-five (50-75) people

resulting in an influx of no more than fifty (50) vehicles. The Winery intents to utilize the Winery's main parking lot.

On February 23, 2017, the Winery forwarded the requested list of vendors for the "Winter Festival" that took place on February 18-19, 2017, which included twelve (12) food trucks and three (3) vendors. The Winery did not hold the scheduled January 21-22, 2017 events due to "uncooperative weather" and would not be utilizing the rain dates. The Winery also indicated that the "Ron Dancer Event" date has been changed from April 25, 2017 to May 9, 2017.

On March 2, 2017, the Winery forwarded a Checklist seeking approval of an "Ocean County Military Support Committee" event to be conducted on April 5, 2017. The "Ocean County Military Support Committee" event is described as "a "Meet and Greet" with the Lt. Governor and military supporters from the surrounding counties with food and wine." The food service will be provided by the "current food service at existing market place." The Winery is expecting approximately sixty (60) people per event resulting in an influx of forty (40) vehicles per event. The Winery intents to utilize the Winery's main parking lot.

On March 4, 2017, the Winery forwarded a Checklist seeking approval of a "NJ Manufactured Housing Association" event to be conducted on Wednesday, July 26, 2017. The "NJ Manufactured Housing Association" event is described as a "networking event with food and wine service" to be located in the Main Winery Building with food provided by the current food service caterer. The Winery is expecting approximately forty (40) people resulting in an influx of no more than thirty (30) vehicles. The Winery intents to utilize the Winery's main parking lot.

On March 19, 2017, the Winery forwarded a Checklist seeking approval of a previously approved "Bacon Festival" event to take place on the weekend of April 29-30, 2017. The "Bacon Festival" is described as "a mostly outdoor event with food trucks, artisan vendors, live music, dancing, vineyard tours, wine tasting and service areas, antique tractor display, and fireworks (to be held on Saturday)." The food service will be provided by the Winery's existing food service in addition to food trucks. The Winery is expecting approximately five thousand (5,000) people per day resulting in an influx of two thousand (2,000) vehicles. The Winery intents to utilize the main Winery's parking, the temporary parking located by the Solar Panels, and "Primary Parking" located a half mile from the Winery.

On March 31, 2017, the Winery forwarded the Registration for Winery Pilot Program for Special Occasion Events on Preserved Farmland for the duration of April 1 2017 through February

29, 2018. The Registration included thirty-two (32) planned wedding events, seven (7) weekends of Food Truck and Wine Festivals, and twelve (12) "other festival and wine events."

On April 2, 2017, the Winery forwarded the requested list of vendors for the "Shamrock Festival" that took place on the weekend of March 11-12, 2017, which included nine (9) food trucks and four (4) vendors. The Winery also forwarded the list of vendors for the "St. Patty's Festival" that took place on the weekend of March 18-19, 2017. The Winery indicated that no food trucks participated in the "St. Patty's Festival" due to inclement weather, however four (4) vendors participated in the event.

On April 7, 2017, the Winery forwarded a Checklist seeking approval of a "Food Truck Festival" to be conducted on May 20-21, 2017. The "Food Truck Festival" will be repeated on June 17-18, July 15-16, August 19-20, September 16-17, October 21-22, and November 11-12. The "Food Truck Festival" is described as "mostly outdoor event with wine service, twenty to thirty (20-30) food trucks, vendors, live music, line dancing, live animal displays, demonstrations, and vineyard tours." The food service will be provided by the Winery's existing food service in addition to food trucks.

The Winery is expecting approximately five thousand (5,000) people per day resulting in an influx of four thousand six hundred (4,600) vehicles per day. The Winery intents to utilize the Winery's main parking lot and temporary parking located by the Solar Panels and the adjacent non-preserved farm. The Winery has applied to the Township to conduct fireworks on Saturday night during the events. The Winery's Checklist provides a seven dollar, 48 cent ($7.48) admission charge will be assessed each guest over the age of twenty-one (21). There is a listed group discount for the purchase of tickets.

On April 30, 2017, the Winery forwarded the requested list of vendors for the "Bacon Festival" that took place on the weekend of April 29-30, 2017, which included eight (8) food trucks and seven (7) vendors. The Winery also forwarded a permit from the Plumsted Township Fire Marshal permitting "Type 1 Mercantile/ Entertainment" use of the "dance barn." This approval is contingent on adherence to the following conditions: "N.J.A.C. 5:70-2.7(a)3.ix. The occasional use in any building of a multipurpose room with a maximum permitted occupancy for 100 or more for amusement, entertainment, or mercantile type purposes."

On May 10, 2017, the Winery forwarded a Checklist seeking approval of a "Country Night" to be conducted on May 26, 2017. The "Country Night" is described as a "live country

band on Grove Stage and DJ inside main winery with line dancing." The food service will be provided by the Winery's existing food service in addition to two (2) food trucks. The Winery's Checklist provides a five dollar ($5.00) admission charge for advance purchase or a seven ($7.00) admission charge at the door. The Winery is expecting approximately four hundred (400) people per day; the Winery did not provide the anticipated amount of vehicles parked. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On May 11, 2017, the Winery forwarded a Checklist seeking approval of a "Monroe Township Seniors Luncheon" to be conducted on Wednesday, June 21, 2017. The "Monroe Township Seniors Luncheon" is described as an "afternoon luncheon for a large group of seniors from Monroe Township in the Main Winery" The food service will be provided by the Winery's existing food service, Branches Catering. The Winery is expecting approximately one hundred (100) people per day; with an anticipated amount of fifty (50) vehicles. The Winery intents to utilize the main Winery's parking lot.

On May 11, 2017, the Winery forwarded a Checklist seeking approval of a "Live Music Concert - Indoor" to be conducted on Friday, July 14, 2017. "Live Music Concert - Indoor" event is described as a "band playing live music in the main winery." The food service will be provided by the Winery's existing food service. The Winery is expecting approximately three hundred twenty-five (325) people with an anticipated amount of one hundred thirty (130) vehicles parked and $3,900 in wine sales. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On May 11, 2017, the Winery submitted a Checklist seeking approval of a "Live Music Concert - Outdoor" to be conducted on July 28, 2017 with repeating events on August 11th, September 22nd, and October 20th. The "Live Music Concert - Outdoor" is described as a "band playing live music outside on the Grove Stage." The food service will be provided by the Winery's existing food service in addition to four (4) food trucks. The Winery's Checklist provides a five dollar ($5.00) admission charge for advance purchase or a seven ($7.00) admission charge at the door for an estimated amount of $12,000 in wine sales. The Winery is expecting approximately one thousand (1,000) people per day and an anticipated amount of four hundred (400) vehicles parked. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On May 11, 2017, the Winery submitted a Checklist seeking approval to conduct an "80"s Dance" on Friday, June 30, 2017. The "80's Dance" is an 80's themed dance party located in the Wine Grove with a DJ providing recorded music from the "Grove Stage." The checklist provides that food service will be provided by the Winery's in house caterer plus three (3) food trucks. The Winery is expecting approximately five hundred (500) people resulting in an influx of two hundred (200) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On May 18, 2017, the Winery submitted a Checklist seeking approval to conduct a "Movie Night" on Friday, July 7, 2017 from 8pm to 11pm. The "Movie Night" is described as a "movie night screened on a large portable screen with amplified sound on the vineyard lawn" The checklist provides that food service will be provided by the Winery's regular food service and a popcorn stand with an anticipated wine sales of $3,600. The Winery is expecting approximately three hundred (300) people resulting in an influx of one hundred twenty to one hundred thirty (120-130) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On May 24, 2017, the Winery forwarded the requested list of vendors and permits for the "Food Trucks Festival" that took place on the weekend of May 20-21, 2017, which included twenty-six (26) food trucks and fifteen (15) vendors.

On June 8, 2017, the Winery submitted a Checklist seeking approval to conduct a "Vintage Car Show" on Sunday, July 9, 2017 from 12pm to 4pm. The "Vintage Car Show" is described as a "car show on the road directly in front of the vineyard" The checklist provides that food service will be provided by the Winery's regular food service inside the main winery with an anticipated wine sales of $2,400. The Winery is expecting approximately two hundred (200) people resulting in an influx of seventy-five (75) vehicles and intents to utilize the Winery's main parking lot.

On June 10 2017, the Winery submitted a Checklist seeking approval to conduct an "Irish Festival" on the weekend of August 5-6, 2017 from 11am to 9pm on Saturday and 11am to 8pm on Sunday. The "Irish Festival" is described as a "mostly outdoor event featuring live music, Irish dancing, Irish food offerings, artisan vendors/ crafters, wine tasting & service, vineyard tours, and food trucks" The checklist provides that food service will be provided by the Winery's regular food service and food trucks with an anticipated wine sales of $42,000. The Winery is expecting approximately two thousand (2,000) people on Saturday and one thousand five hundred (1,500)

people on Sunday resulting in an influx of at least four hundred (400) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On June 21, 2017, the Winery forwarded the requested list of vendors and permits for the "Food Trucks Festival" that took place on the weekend of June 17-18, 2017, which included twenty-two (22) food trucks and twenty-two (22) vendors.

On June 29, 2017, the Winery submitted a Checklist seeking approval to conduct a "Murder Mystery" event on Thursday, August 10, 2017 from 6pm to 9pm. The "Murder Mystery" event is described as a "Wine dinner with interactive audience participation to solve the "murder mystery."" The checklist provides that food service will be provided by the Winery's regular food service with anticipated wine sales of $1,200. The Winery is expecting approximately one hundred (100) people resulting in an influx of at least seventy-five (75) vehicles. The Winery intents to utilize the Winery's main parking lot. This event was later cancelled on July 13, 2017.

On June 29, 2017, the Winery submitted a Checklist seeking approval to conduct a "Grill Nights" event on Thursday, August 10, 2017 from 6pm to 10pm, repeating on August 17, 24, and 31. The "Grill Nights" event is described as a "hot and cold wine dinner with grilled food on patios." The checklist provides that food service will be provided by the Winery's regular food service with anticipated wine sales of $1,200. The Winery is expecting approximately one hundred (100) people resulting in an influx of at least fifty (50) vehicles. The Winery intents to utilize the Winery's main parking lot.

On June 29, 2017, the Winery forwarded a Checklist seeking approval of a series of repeating events titled "Laurita Idol Singing Contests" to be conducted on Thursday nights. The contests are to take place on September 14, 21, 28, October 5, 12, 26, and November 2, 9, 16, 30 from 7pm to 10pm. The "Laurita Idol" events are described as an "adult singing contest in the main winery and food service provided." The food service will be provided by the "current food service at existing market place." The Winery is expecting one hundred (100) people per event resulting in an influx of fifty (50) vehicles per event. The Winery intents to utilize the Winery's main parking lot.

On June 29, 2017, the Winery submitted a Checklist seeking approval to conduct a "People's Pantry" event on Thursday, September 7, 2017 from 6pm to 11pm. The "People's Pantry" event is described as a "private event hosted by the People's Pantry organization with

dinner, wine, and presentations. Gift auctions will be conducted by the group as well." The checklist provides that food service will be provided by the Winery's regular food service with anticipated wine sales of $2,160. The Winery is expecting approximately one hundred eighty (180) people on resulting in an influx of at least seventy-five (75) vehicles. The Winery intents to utilize the Winery's main parking lot. On August 9, 2017 the Winery resubmitted the checklist moving the event to Wednesday, October 25, 2017.

On July 13, 2017, the Winery submitted a Checklist seeking approval to conduct a "Movie Night" on Friday, August 18, 2017 from 8pm to 11pm. The "Movie Night" is described as a "movie night screened on a large portable screen with amplified sound on the vineyard lawn" The checklist provides that food service will be provided by the Winery's regular food service and a popcorn stand with an anticipated wine sales of $3,600. The Winery is expecting approximately three hundred (300) people resulting in an influx of one hundred thirty (130) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On July 13, 2017, the Winery submitted a Checklist seeking approval to conduct a "Run the Vineyards 5K" event on Saturday, October 7. 2017 from 9am-2pm. The "Run the Vineyards 5K" is described as a "5k run through the vineyard and adjoining property with wine service and live music in the Grove plus two (2) food trucks." The checklist provides that food service will be provided by two food trucks with anticipated wine sales of $3,600. The Winery is expecting approximately three hundred (300) people resulting in an influx of one hundred fifty (150) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On July 13, 2017, the Winery submitted a Checklist seeking approval to conduct a "Grape Stomping Festival" event on the weekend of September 2-3, 2017 from 12pm-9pm on Saturday and 12pm-7pm on Sunday. The "Grape Stomping Festival" is described as a "mostly outdoor event with live music, artisan vendors, wine tasting, glass/bottle service, vineyard tours, and a grape stomping area." The checklist provides that food service will be provided by the Winery's regular food service with two (2) food trucks with anticipated wine sales of $18,000. The Winery is expecting approximately one thousand five hundred (1,500) people resulting in an influx of six hundred (600) vehicles. The Winery intents to utilize the Winery's main parking lot and a

temporary parking located by the Winery's Solar Panels. On August 18, 2017, the Winery resubmitted the checklist to include a fireworks display on Saturday, September 2, 2017.

On July 13, 2017, the Winery submitted a Checklist seeking approval to conduct a "Customer Appreciation Day" on Monday, September 4, 2017 from 12pm to 6pm. The "Customer Appreciation Day" is described as a "mostly outdoor event with live music, wine tastings and service, vineyard tours, and pony rides." The checklist provides that food service will be provided by the Winery's regular food service with anticipated wine sales of $6,000. The Winery is expecting approximately five hundred (500) people resulting in an influx of two hundred (200) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On July 13, 2017, the Winery submitted a Checklist seeking approval to conduct a "Blessing of the Grapes" event on Sunday, September 24, 2017 from 1pm to 4pm. The "Blessing of the Grapes" is described as an "outdoor event in the Grove with live music, wine tasting and service, vineyard tours, and a brief ceremony to bless the harvest." The checklist provides that food service will be provided by the Winery's regular food service inside the winery with anticipated wine sales of $1,800. The Winery is expecting approximately one hundred fifty (150) people resulting in an influx of sixty (60) vehicles and intents to utilize the Winery's main parking lot.

On July 16, 2017, the Winery forwarded the requested list of vendors and permits for the "Food Trucks Festival" that took place on the weekend of July 15-16, 2017, which included twenty-seventeen (17) food trucks and ten (10) vendors. The Winery noted that they were able to host 500 military and their families at no charge.

On July 19, 2017, the Winery submitted a Checklist seeking approval to conduct a "Vines of Life" event on Sunday, October 1, 2017 from 11am to 3pm. The "Vines of Life" is described as an "a walk around the perimeter of the vineyard with 3 wine and cheese stations to stop at along the route." The checklist provides that food service will be provided by the Winery's regular food service inside the winery with anticipated wine sales of $8,400. The Winery is expecting approximately seven hundred (700) people resulting in an influx of sat least three hundred (300) vehicles and intents to utilize the Winery's main parking lot and temporary parking located by the Winery's Solar Panels.

On July 19, 2017, the Winery submitted a Checklist seeking approval to conduct a "Harvest Festival" event on the weekend of October 14-15, 2017 from 11pm to 9pm on Saturday and 11pm to 8pm on Sunday. The "Harvest Festival" is described as a "live music, wine tasting and service, artisan vendors, vineyard tours, and food trucks." The checklist provides that food service will be provided by the Winery's regular food service with three to four (3-4) food trucks with anticipated wine sales of $18,000. The Winery is expecting approximately one thousand five hundred (1,500) people resulting in an influx of six hundred (600) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On July 19, 2017, the Winery forwarded the requested fireworks permits and report for the "Food Trucks Festival" that took place on the weekend of July 15-16, 2017; fireworks were only performed on Saturday, July 15, 2017.

On July 29, 2017, the Winery submitted a Checklist seeking approval of a "Live Music Concert" to be conducted on Friday, September 1, 2017 from 7pm to 11pm. The "Live Music Concert" is described as a "band playing live music outside on the Grove Stage." The food service will be provided by the Winery's existing food service in addition to four (4) food trucks with an estimated amount of $12,000 in wine sales. The Winery is expecting approximately one thousand (1,000) people per day and an anticipated amount of four hundred (400) vehicles parked. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On August 9, 2017, the Winery forwarded the requested list of vendors and fire department permits for the "Irish Festival" that took place on the weekend of August 5-6, 2017, which included two (2) food trucks and twenty-one (21) vendors.

On August 17, 2017, the Winery submitted a Checklist seeking approval of a "Live Music Concert" to be conducted on Friday, November 17 from 7pm to 11pm. The "Live Music Concert" is described as a "live band playing music with dancing in the main winery." The food service will be provided by the Winery's existing food service in the main winery building with an estimated amount of $3,900 in wine sales. The Winery is expecting approximately three hundred twenty-five (325) people per day and an anticipated amount of one hundred thirty (130) vehicles parked. The Winery intents to utilize the main Winery's parking lot and the temporary parking located by the Solar Panels.

On August 23, 2017, the Winery forwarded the requested list of vendors and fire department permits for the "Food Trucks Festival" that took place on the weekend of August 19-20, 2017, which included twenty (20) food trucks and nine (9) vendors.

On September 7, 2017, the Winery forwarded a Checklist seeking approval of a "Ron Dancer Event" to be conducted on Tuesday, October 10, 2017 from 6pm to 8:30pm. The "Ron Dancer Event" is described as a "private fundraiser event for Assemblyman Dancer in the main winery with food provided by current food service, Branches Catering. Wine service from the main bar with wine also available to take home." The Winery is expecting approximately sixty (60) people resulting in an influx of thirty to forty (30-40) vehicles. The Winery intents to utilize the Winery's main parking lot.

On September 7, 2017, the Winery forwarded a Checklist seeking approval of a "Pumpkin Craft Class" to be conducted on Thursday, October 19, 2017 from 6pm to 9pm. The "Pumpkin Craft Class" is described as a "wine and pumpkin craft class in Main Winery Laurita Room" The Winery is expecting approximately one hundred (100) people resulting in an influx of fifty to sixty (50-60) vehicles. The Winery intents to utilize the Winery's main parking lot.

On September 7, 2017, the Winery submitted a Checklist seeking approval to conduct a "Movie Night" on Friday, October 27, 2017 from 8pm to 11pm. The "Movie Night" is described as a "movie night screened on a large portable screen with amplified sound on the vineyard lawn" The checklist provides that food service will be provided by the Winery's regular food service and a popcorn stand with an anticipated wine sales of $3,600. The Winery is expecting approximately three hundred (300) people resulting in an influx of one hundred thirty to one hundred fifty (130-150) vehicles. The Winery intents to utilize the Winery's main parking lot and a temporary parking located by the Winery's Solar Panels.

On September 7, 2017, the Winery forwarded the requested list of vendors and fire department permits for the "Grape Stomping Festival" that took place on the weekend of September 2-3, 2017, which included two (2) food trucks and twelve (12) vendors.

On September 27, 2017, the Winery forwarded the requested list of vendors and fire department permits for the "Food Trucks Festival" that took place on the weekend of September 16-17, 2017, which included twenty-one (21) food trucks and eleven (11) vendors.

On October 6, 2017, the Winery forwarded a Checklist seeking an amendment of the previously submitted event, “Food Truck Festivals” to include rain dates on November 25-26, 2017 for the originally submitted November 11-12, 2017 event.

On October 19, 2017, the Winery forwarded the requested list of vendors and fire department permits for the “Harvest Festival” that took place on the weekend of October 14-15, 2017, which included two (2) food trucks and twenty-two (22) vendors.

On October 19, 2017, the Winery submitted a Checklist seeking approval to conduct “Dance Parties” on Saturday, January 20, 2018 from 7pm to 11pm, repeating on February 3, 23, March 3, 23, April 7, 21. The “Dance Parties” event is described as a “dance parties in the Main Winery with themes of the 80's and Country Line Dancing.” The checklist provides that food service will be provided by the Winery’s regular food service with anticipated wine sales of $3,600. The Winery is expecting approximately three hundred to three hundred twenty-five (300-325) people resulting in an influx of at least one hundred ten to one hundred fifty (110-150) vehicles. The Winery intents to utilize the Winery’s main parking lot and a temporary parking located by the Winery’s Solar Panels.

On November 3, 2017, the Winery forwarded the requested list of vendors and fire department permits for the “Food Truck Festival” that took place on the weekend of October 21-22, 2017, which included thirty (30) food trucks and thirteen (13) vendors.

On November 15, 2017, the Winery submitted a Checklist seeking approval to conduct an “Umstead Family Repast” on Thursday, November 16, 2017 from 1pm to 4pm. The “Umstead Family Repast” is described as a “catered luncheon for a family repast held on the loft area with food and wine service.” The checklist provides that food service will be provided by the Winery’s regular food service with an anticipated wine sales of $500. The Winery is expecting approximately fifty (50) people resulting in an influx of approximately twenty-five (25) vehicles and intents to utilize the Winery’s main parking lot.

On November 15, 2017, the Winery forwarded the requested list of vendors and fire department permits for the “Food Truck Festival” that took place on the weekend of November 11-12, 2017, which included thirty-one (31) food trucks and seventeen (17) vendors.

On January 8, 2018, the Winery submitted a Checklist seeking approval to conduct a “Blessing of the Vineyard” on Saturday, January 20, 2018 from 2pm to 4pm. The “Blessing of the Vineyard” is described as a “brief outdoor ceremony by the flagpole in the vineyard followed by

an indoor celebration." The checklist provides that food service will be provided by the Winery's regular food service with anticipated wine sales of $1,200. The Winery is expecting approximately one hundred (100) people resulting in an influx of approximately fifty to seventy (50-70) vehicles and intents to utilize the Winery's main parking lot.

On January 8, 2018, the Winery forwarded a Checklist seeking approval of a "Winter Fest" to be conducted on the weekends of January 27-28, 2018 and February 17-18, 2018 from 11am to 9pm. In addition, the Winery submitted rain dates of January 13-14, 20-21 and February 3-4 and 24-25, 2018. The "Winter Fest" is described as an "indoor and outdoor event featuring ice sculptures, other winter activities, food trucks, recorded music, wine tastings, and wine service." The food service will be provided by food trucks and the Winery's regular marketplace food offerings with anticipated wine sales of $50,000. The Winery is expecting approximately three thousand (3,000) people on Saturday events and two thousand (2,000) people on Sunday events resulting in an influx of approximately one thousand two hundred (1,200) vehicles per day. The Winery intents to utilize the Winery's main parking lot, onsite temporary overflow parking, and offsite parking.

On January 8, 2018, the Winery forwarded a Checklist seeking approval of a series of repeating events titled "Girls Night Out" to be conducted on Thursday nights beginning on February 1, 2018 and continuing until March 29, 2018. The "Girls Night Out" is described as a "special ladies night with live music, card readers, plus weekly craft, yoga, wine paring classes." The food service will be provided by the "current marketplace food offerings" with anticipated wine sales of $600-900. The Winery is expecting approximately fifty to seventy (50-70) people per event resulting in an influx of approximately forty to sixty (40-60) vehicles per event. The Winery intents to utilize the Winery's main parking lot.

On January 31, 2018, the Winery submitted a Checklist seeking approval to conduct an "Acevedo Repast" on Wednesday, January 31, 2018 from 1pm to 4pm. The "Acevedo Repast" is described as a "luncheon with wine service following the funeral ceremony." The checklist provides that food service will be provided by the Winery's regular food service with an anticipated wine sale of $250. The Winery is expecting approximately forty-five (45) people resulting in an influx of approximately twenty (20) vehicles and intents to utilize the Winery's main parking lot.

vii.
The October 21st and 22nd 2017 Food Truck Festival

On April 7, 2017, the Winery forwarded a Checklist seeking approval of a "Food Truck Festival" to be conducted on the weekend of October 21 & 22, 2017. The "Food Truck Festival" is described as "mostly outdoor event with wine service, twenty to thirty (20-30) food trucks, vendors, live music, line dancing, live animal displays, demonstrations, and vineyard tours." The food service will be provided by the Winery's existing food service in addition to food trucks.

The Winery expected approximately five thousand (5,000) people per day resulting in an influx of four thousand six hundred (4,600) vehicles per day. The Winery intended to utilize the Winery's main parking lot and temporary parking located by the Solar Panels and the adjacent non-preserved the farm. The Winery has applied to the Township to conduct fireworks on Saturday night during the events. The Winery's Checklist provides a seven dollar, forty-eight cent ($7.48) admission charge will be assessed each guest over the age of twenty-one (21). There is a listed group discount for the purchase of tickets.

The weather for October 21 and 22 was ideal for guests enjoying the food truck festival events occurring on the Winery. Thus, the actual attendance at the Food Truck Festival far exceeded the estimated five thousand (5,000) people per day. The estimated actual total weekend attendance is between from 10,000 to 20,000 guests. The SADC, Township of Plumsted and County of Ocean officials directly and via social media received many complaints about the Food Festival pertaining to but not limited the total number of attendees, the ability of the Winery's guests to efficiently ingress and egress the onsite and offsite parking, the increase in traffic creating an immense pressure on the local infrastructure resulting in traffic congestion, public intoxication, sanitation, and safety. These concerns highlight the significant impacts that events of this nature can have on a community and a preserved farm. The Board is currently in process of obtaining more information about these complaints and addressing them with the Winery.

viii.
Board Survey

During the month of November 2017, Planning staff developed a questionnaire and surveyed members of the Board. Members were given a wide range of questions to answer using a Likert Scale to determine their general feelings about statements pertaining to the Special Occasion Events legislation. Respondents were given the opportunity to expand on their answers to each questions and open ended questions regarding recommendations were provided. The Board

typically agreed that the Special Occasion Events legislation should be continued and expanded to include all preserved farms. They also agreed that they felt this legislation provides a new avenue for preserved farms to be economically successful and competitive with unpreserved farms that do not have the same restrictions.

ix.

Board Recommendations

The Board's recommendations are set forth in sections entitled "Recommendations." However, the Board felt that some of the recommendations needed further discussion to convey the depth of some of the concerns related to the recommendations.

a.
Special Occasion Events Should Be Limited To A Total Number of Days Per Year As Determined Appropriate by the Legislature and SADC.

The Board recommends the Legislature and SADC establish a uniform procedure for all preserved farms limiting the number of Special Occasion Events permit by a preserved farm. On July 30, 2015 the Board adopted a resolution defining Special Occasion Events. There are 791 days between the January 1, 2016 and the conclusion of the 44-month pilot program. However, the Winery is closed on Monday and Tuesdays[19] resulting in a total of 571 days in which the Winery is open to the public for business. Between the January 1, 2016 and the conclusion of the 44 month pilot program the Winery has submitted 86 checklists concerning Special Occasion Events occurring on 246 days. The 246 event days does not include those Special Occasion Events limited to main winery building such as weddings, which do not require checklists. The Winery has submitted certifications to the SADC stating that the Winery does approximately three (3) to (4) four weddings a month. This would result in an additional 78[20] event days on which a special occasion events are held. Therefore, between January 1, 2016 and the conclusion of the 44 month pilot program, the Winery would have conducted Special Occasion Events on approximately 324 days out of the 571 days (56.7%) the Winery was open for business.

[19] There are a total of 226 Monday and Tuesdays between January 1, 2016 and the conclusion of the 44 month pilot program. Six (6) events were held on Mondays or Tuesdays during the 44-month pilot program.
[20] There are 26 months between January 1, 2016 and the conclusion of the 44-month pilot program. Conservatively using only 3 weddings a month, an additional 78 event days for weddings are included in the total number of event days.

It is imperative that preserved farms maintain agriculture as the dominate use of the farm. If the agricultural use is subordinate the farm's non-agricultural exploitation of the property significant property tax consequences are implicated. The Farmland Assessment Act of 1964 and the New Jersey Constitution allow eligible farmland to be assessed at favorable values. Under the Farmland Assessment Act of 1964, land over 5 acres, actively devoted for agricultural/horticultural uses for at least two successive years immediately preceding the tax year at issue, is to be assessed at a value for agricultural or horticultural uses. Certain minimum revenue generating requirements from the sale of agricultural/horticultural products produced on the property must be met. The primary goals of the Farmland Assessment Act of 1964 and the Constitution are to preserve "family farms" by providing "family" farmers with economic relief and to encourage preservation of open space. However, even if a property meets all of the standards under the Act, if it is also used for commercial purposes, the benefits of the statute may not apply. In Atlantic Coast LEH, v. Township of Little Egg Harbor, 26 Tax 151, (2011) the Tax Court concluded that although a property may technically qualify for farmland assessment, if the dominating use of the property is not agricultural the property would lose its entitlement to farmland assessment status under the Farmland Assessment Act of 1964.

Additionally, under the Uniform Construction Code, agricultural buildings are permitted no more than fifteen (15) events of fifty (50) or more people annually. N.J.A.C. 5:23-3.2(d)(8). The Board deliberated limiting the number of events to fifteen (15) to mirror the Uniform Construction Code. For example, if the preserved winery chooses to use the agriculture structure for more than fifteen (15) days in a calendar year, it is considered a change in the character of the use and the building is required to comply with all the provisions of the Rehabilitation Subcode of the Uniform Construction Code.

It is the Board's opinion that the Legislature should adopt specific guidelines as to the total number of Special Occasion Events that are permitted within one (1) year. It was suggested that Legislature and SADC should determine the most appropriate number of permitted Special Occasion Events per year before the primary use of a preserved farm changes from agricultural to commercial. The limitation on days should be specific to Special Occasion Events and would not impact previously recognized agritourism practices.

b.
The Legislature and SADC Must Address the Use of Third Party Vendors and How to Capture Income by Third Party Vendors during Special Occasion Events.

The Board recommends the Legislature and SADC establish a uniform procedure for all preserved farms limiting the number of third party vendors and accurately capturing the amount of all sales related to nonagricultural products sold by the third party vendors during a Special Occasion Event. The Preserved Farm Winery Law mandates that the "gross income generated by the Winery from all special occasion events conducted for the calendar year together account for 50 percent of the annual gross income of the winery." N.J.S.A. 4:1C-32.8. The Law further includes in the definition of the "gross annual income" received from any special occasion "admission fees; rental fees; setup, breakdown, and cleaning fees; and all other revenue that is not directly related to the agricultural output of the winery but is received by the winery in conjunction with conducting a special occasion event." N.J.S.A 4:1C-32.8(11)b. The Board acknowledges that the Legislature clearly anticipated a Winery could receive income from the sale of nonagricultural products during a Special Occasion Event so long as the income received does not exceed 50 percent of the annual gross income. However, the Legislation and Rules adopted by the SADC fail to address whether the products that are sold by a vendor during a Special Occasion Event should be captured as income during a Special Occasion Event. By way of example, if a preserved farm conducts a Special Occasion Event in which vendors are permitted, for a fee, set up and sells dream catchers to the preserved farm's patrons. The vendor may simply pay a small flat fee to the Winery for the right to sell their products during a Special Occasion Event. However, the gross sales of all products sold at a special occasion event are not captured in the financial reporting procedures. This failure greatly frustrates the determination by a local County Agriculture Development Board as to whether a specific Special Occasion Event is an appropriate mechanism to increase the gross revenue generated by a preserved winery or whether the preserved winery is merely a "backdrop for unrelated commercial activities." See Governor's Condition Veto.

Additionally, the Board questions why the Legislature did not use the same language for preserved wineries as used by "farm markets" under N.J.S.A. 4:1C-3. To qualify as a "farm market" under N.J.S.A. 4:1C-3, at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the

sales area shall be devoted to the sale of agricultural output of the commercial farm. Whereas, the preserved winery Legislation and Regulations only requires the winey to certify that "the special occasion events together account for less than 50% of the annual income of the winery." N.J.S.A. 4:1C-32.8 Thus, a preserved winery with a "farm market" to sell its wine seems to have one set of requirements for nonagricultural products sold in the "farm market" versus income derived the sale of nonagricultural products by a preserved winery during a Special Occasion Event. Moreover, unlike "farm markets," Special Occasion Events have no limitation on the sales area devoted to nonagricultural products. By way of example, a preserved winery may have a five thousand (5,000) square foot building to sell its wines; however, there is no limitation on the amount of non-agriculturally related products, which may be sold during a Special Occasion Event. Whereas, a five thousand (5,000) square foot farmers market would only be allowed to sell non-agricultural products within two thousand four hundred and fifty (2,450 sq. ft.) square feet of the market. The Board feels that the Legislature and SADC must develop limitations not only on the amount of income permitted by third party vendors during a Special Occasion Event but also size and scope of third party vendors must be in relative relation to the wineries ability to sell wine. Without the aforementioned conditions, the agricultural character of the preserved winery would be a "mere backdrop" for the sale nonagricultural products that have no relationship to the preserved farm.

c.
Special Occasion Events Requiring either Temporary Onsite Parking and/or Offsite Parking Must Require the Same Notice Those Farmers Seeking a Site Specific Management Plan under N.J.A.C. 2:76-2.

The Board recommends that if Legislature seeks to continue Special Occasion Events on preserved farm that the notice requirements under N.J.A.C. 2:76-2 be mandatory for any event utilizing Temporary Onsite or Offsite Parking. The Board believes that proper notice should be given to all potential parties that could be affected adversely by the proposed Special Occasion Event. The majority of agricultural activities within the County of Ocean occur within the Township of Plumsted. The Township of Plumsted is forty (40) square miles and has maintained its rural character and strong farming heritage. According to the 2007 Farmland Assessment data, 4,816 acres of land is currently farm-assessed in the Township of Plumsted. Moreover, the Winery is within walking distance to three large U-Pick Farm operations and within several miles of the New Egypt Speedway. The Board believes it is important for the local farmers, particularly the

U-Pick farmers, be provided proper notice of any proposed Special Occasion Event. Special Occasion Events which fail to properly address traffic pose a substantial threat to other farmer's livelihood. By way of example, within the Township of Plumsted and approximately within less than one (1) mile of the County's only preserved winery there is a large blueberry U-pick farm and two (2) general U-pick farms. It is therefore critical for the U-Pick Farmer to ensure that their customers have the ability to visit the farm to pick their farms. By providing proper notice, the U-Pick Farmers would be able to voice any concerns regarding any proposed traffic plans associated with a proposed Special Occasion Event and advise their clients of the most efficient means of traveling to the farms. The Board feels that requiring full disclosure to the municipality and property owners, the county agricultural development boards, in administrative forum, may balance the legislative intent of advancing the agricultural output of preserved wineries by conducting special occasion events while insuring that property owner's within 200 feet may voice any concerns to the Board. (See Township of LoPatong v. Raub, OAL Dkt No. ADC 03446-08, Agency Ref. No. SADC 695 Final Decision November 8, 2012)

d.
The Legislature Must Provide a Funding Source for the Local Over Sight of the Special Occasion Event Legislation.

The Pilot Program permitting Special Occasion Events on preserved wineries imposes an unfunded mandate requiring local CADB's not only to determine what constitutes a Special Occasion Events but to also administer the Pilot Program. Local CADB's must review upcoming events to ensure that they meet the local definition of a Special Occasion Event, confirm that none of the activities or events planned violate any specific deed restriction and investigate and respond to any alleged violation. The OCADB adopted a resolution on July 30, 2015 defining a Special Occasion Event and began reviewing events as of January 1, 2016. In the twenty-six (26) months since the OCADB adopted a definition of a Special Occasion Event, the Winery has submitted a total of 86 checklists concerning Special Occasion Events occurring on 246 days. Many of the checklists expected over 1,500 people in attendance requiring the submission of a temporary parking plan, approvals for the local municipality as well as other concerns depending on the type of event. The 246 event days does not include those Special Occasion Events limited to main winery building such as weddings, which do not require checklists. If the OCADB staff spends a minimum of one hour reviewing each Special Event checklist resulting in over 86 man-hours

devoted to just reviewing and processing each checklist. This does not include any issues, which may require additional staff time or legal fees. This is a significant increase in the amount of time that the Ocean County Planning Board Staff have dedicated to the OCADB. Therefore, the Board recommends that if the Pilot Program permitting Special Occasion Events on Preserved Wineries is extended or made permanent that the State Legislature authorizes resources, other than property tax, to offset the additional expenditures required to implement the Special Occasion Legislation. The State should either specify the new resource that is authorized to pay for the administration of the program or include a provision in the Special Occasion Event legislation permitting the OCADB to collect a fee for each application to offset the administrative costs associated with program.

Appendix A

RESOLUTION OF THE OCEAN COUNTY AGRICULTURAL DEVELOPMENT BOARD ESTABLISHING THE DEFINTION OF A "WEDDING, LIFETIME MILESTONE EVENT OR OTHER CULTURAL OR SOCIAL EVENT"

WHEREAS, P.L. 2014, Ch. 16 was signed into law by Governor Chris Christie on July 2, 2014 establishing a pilot program permitting "Special Occasion Events" to be conducted at wineries on preserved farms; and

WHEREAS, P.L. 2014, Ch. 16 defines a "Special Occasion Event" as a "wedding, lifetime milestone event or other cultural or social event"; and

WHEREAS, P.L. 2014, Ch. 16 mandates each County Agricultural Development Board ("CADB") establish a definition of a "wedding, lifetime milestone event or other cultural or social event"; and

WHEREAS, pursuant to P.L. 2014, Ch. 16 a "Special Occasion Event" may be conducted on a Friday, Saturday, Sunday, State or Federal holiday, except that a "Special Occasion Event" may be conducted on any other day of the week with approval from the State Agricultural Development Committee ("SADC") unless the SADC delegates the approval authority to each local CADBs; and

WHEREAS, the SADC has not made a determination as to whether it will delegate the authority to approve a Special Occasion Event occurring on any day other than a Friday, Saturday, Sunday, State or Federal holiday to each local CADB; and

WHEREAS, the Ocean County Agricultural Development Board ("Board") has developed a Checklist to be used by wineries on preserved farms within the County of Ocean seeking to hold a Special Occasion Event which is not expressly authorized by the Board; and

WHEREAS, the purpose of the Checklist is to assist the Board in the determination as to whether the event and activities proposed meet the definition of a Special Occasion Event; and

WHEREAS, the Board has forwarded a copy of the proposed definition of a "Special Occasion Event" and Checklist to all wineries on preserved farms within the County of Ocean, all municipalities containing wineries on preserved farms within the County of Ocean and the SADC for comments;

NOW THEREFORE, BE IT RESOLVED, that pursuant to P.L. 2014, Ch. 16 the Ocean County Agricultural Development Board hereby defines "Wedding, Lifetime Milestone Event or other Cultural or Social Event" as follows:

> **"Wedding"** shall mean the act of legally or formally recognizing the union of two persons as partners in a relationship.
>
> **"Lifetime milestone Event"** shall mean a point in an individual(s) life which marks an important achievement or event. "Lifetime milestone Events" generally

permitted at wineries on preserved farms shall include but are not limited to the following:

1. Wedding or Civil Union Reception
2. Wedding or Civil Union Anniversary Celebration
3. Rehearsal Dinner
4. Baby Shower
5. Birthday Party
6. Bridal Shower
7. College Graduation
8. Engagement Party
9. Repast
10. Reunion

The above listed "**Lifetime Milestone Events**" shall not require prior approval from the Board provided that:

1. Attendance is limited to under 225 persons; and
2. The event is contained to the main winery building and/or the outside patio area; and
3. The event occurs on a Friday, Saturday, Sunday, State or Federal Holiday.

"Other Cultural or Social Events" shall be defined as events emphasizing different artistic, cultural, social or educational activities on the preserved wineries. "**Other Cultural or Social Events**" shall be one (1) to three (3) days in duration. Such events are designed to promote agricultural tourism and enhance economic opportunities for preserved wineries and may include but are not limited to the following:

1. Art Exhibition
2. Bridal Show Case
3. Business Meetings
4. Campaign Fundraisers
5. Corporate Picnics
6. Food Truck Festivals
7. Fraternal Society Meetings
8. Holiday Celebrations
9. Holiday Parties
10. Pageants
11. Seminars
12. Service Club Meetings
13. Talent Contests
14. Theatrical Productions

The above listed "**Other Cultural or Social Events**" shall not require prior approval from the Board provided that:

1. Attendance is limited to under 225 persons; and
2. The event is contained to the main winery building and/or the outside patio area; and
3. The event occurs on a Friday, Saturday, Sunday, State or Federal Holiday.

And Be It Further Resolved that:

1. The areas identified as the "main winery building" and "outside patio area" shall mean those areas designated on the photograph attached as Exhibit A.

2. The Board hereby adopts the attached "Special Occasion Event Checklist" to be utilized by wineries on a preserved farm within the County of Ocean when seeking permission for a "Special Occasion Event" needing prior approval.

3. Wineries on a preserved farm shall seek permission from the SADC for approval for any Special Occasion Event occurring on any day other than a Friday, Saturday, Sunday, State or Federal holiday.

4. In the event the SADC delegates the authority to approve a Special Occasion Event occurring on any day other than a Friday, Saturday, Sunday, State or Federal holiday to the Board, wineries on a preserved farm shall submit the attached Special Occasion Event Check List at least 30 days prior to the event.

5. Wineries on a preserved farm within the County of Ocean shall submit to the Board the attached Special Occasion Event Checklist at least 30 days prior to all proposed events a Special Occasion Events which is not expressly authorized by the within Resolution.

6. The Board reserves the right to remove any event specifically identified in the permitted list of approved activities and place it on the list of prohibited activities.

7. The Board reserves the right to require a Special Occasion Event Checklist for any event listed as not needing prior approval from the Board.

8. Wineries on a preserved farm within the County of Ocean shall ensure that the activities occurring during any "Special Occasion Events" do not violate any of the restrictions contained in the recorded Deed of Easement. Activities prohibited by the recorded Deed of Easement include but are not limited to following examples:

a. Activities which remove from or import onto the preserved winery sand, gravel, loam, rock, or other minerals.
b. Activities which are detrimental to the drainage, flood control, water conservation, erosion control or soil conservation.
c. Activities which are detrimental to the continued agricultural use of the preserved farm.

9. In the event the pilot program permitting "Special Occasion Events" is not renewed, extended or permanently enacted in to law, this Resolution shall automatically be repealed.

10. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

11. All prior Resolutions or parts of Resolutions of the Board which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

12. Copies of this Resolution shall be kept on file and made available for public inspection in the Office of the Ocean County Department of Planning during normal business hours.

13. Certified copies of this Resolution shall be forwarded to the following:

a. State Agricultural Development Committee
b. Township of Plumsted
c. Charles Plum Corporation

Jeff Adams, OCADB Vice-Chairman

7/30/2015
Date

	Yes	No	Abstain	Absent
Mr. Hallock				✓
Mr. Adams	✓			
Mr. Dancer				✓
Mr. Perry	✓			
Ms. Sucharski	✓			
Mr. Vodak	✓			
Vacant				

As Recorded by:

Rebecca S. Ziefle,
Assistant Planner

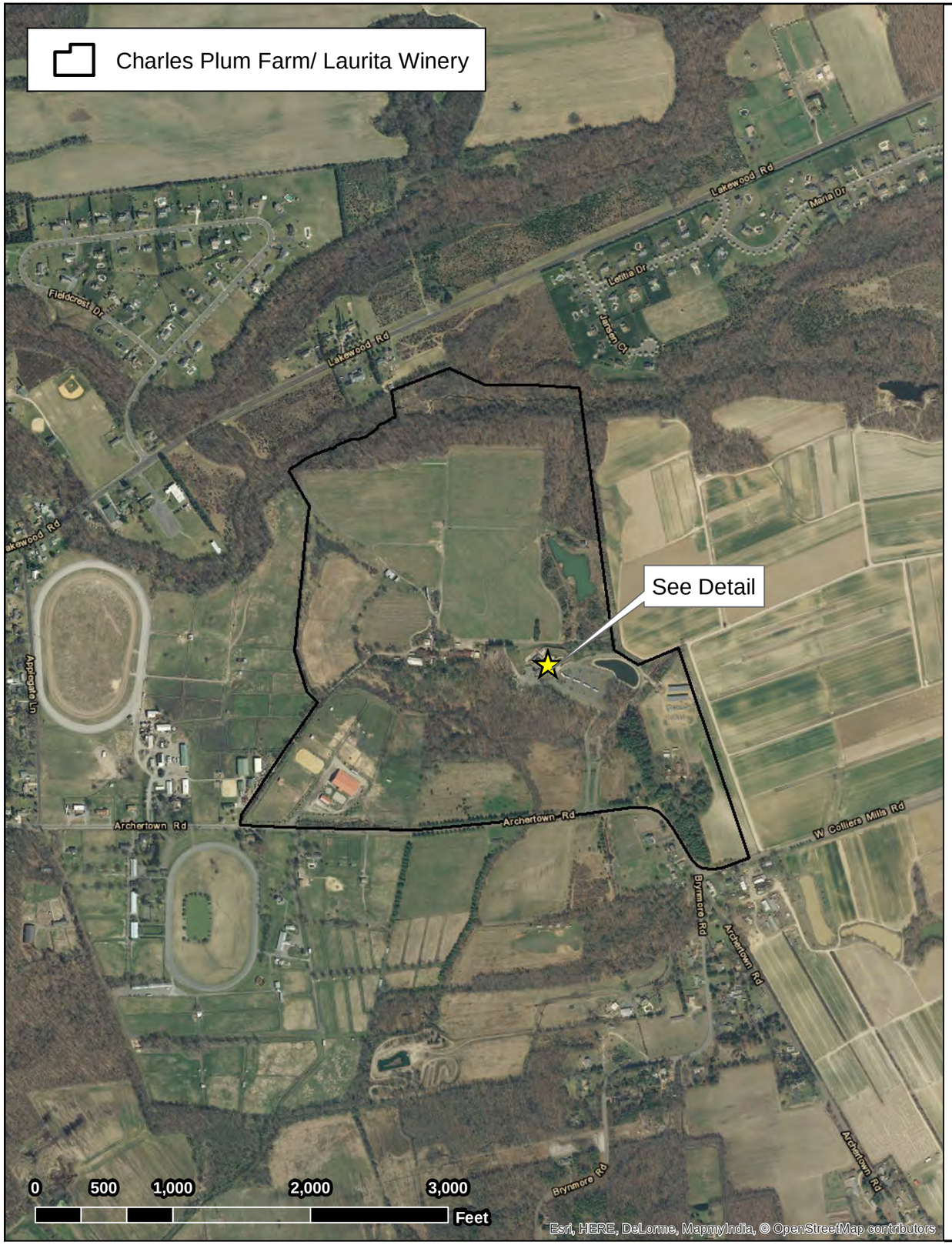
Laurita Winery	**Event:**		**Date of Event:**
General Questions	**Y**	**N**	**Describe/Explain**
Will this event be held on a Friday, Saturday, Sunday, or Federal or State Holiday? If no, approval from the SADC/OCADB is needed 30 days prior to event.			
Will this be a repeating event?			
Will a temporary structure be built?			
If yes, describe the structure/size/location			
Will there be food service/catering?			
Will the vineyards be used in any way? Describe			
Is this a Fundraiser for an outside organization?			
Is Municipal approval or notification required?			
Is a permit needed? (township, health department, etc.)			
Was a permit obtained?			
Will there be more than 5,000 sq. ft. of soil disturbance? If yes, a permit is needed from the Ocean County Soil Conservation District.			
What percentage of the event will be:			**Describe/Explain**
Main Winery Building	%		
Outside Patio Area	%		
Accesory Building	%		
Vineyard Grounds	%		
Open Fields	%		
Parking Lot Area	%		
Expectations of event:			**Describe/Explain**
Expected Wine Sales	$		
Expected Size of Event:			
Number of People			
Number of Cars			
Hours of Event			
Attachments Included	**Y**	**N**	**Additional Comments**
Site Plan of Event (General)			
Area of Overflow Parking			

CERTIFICATION OF APPLICANT

I hereby certify that I am a representative of the winery on preserved farmland and I am fully authorized to execute this Application for a Special Occasion Event. I have reviewed the Application and certify that the all the information provided in the Application is true and accurate. I have reviewed the recorded Deed of Easement held by the Ocean County Agricultural Development Board and certify that none of the activities of the proposed Special Occasion Event would violate any of the restrictions. I further certify that I have reviewed the State of New Jersey Alcohol Beverage Control laws and regulations governing the commerce of alcoholic beverages in New Jersey and that none of the activities of the Special Occasion Event would violate any of the restrictions . Additionally, I certify that the Special Occasion Event meets requirements imposed by the Ocean County Board of Health.

_____ _____

Signature Date of Signature


Charles Plum Farm/ Laurita Winery
See Detail
Lakewood Rd
Maria Dr
Leslie Dr
Jensen Ct
Fieldcrest Dr
Applegate Ln
Archertown Rd
W Colliers Mills Rd
Brynmore Rd
0
500
1,000
2,000
3,000
Feet
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

Detail Map
Attached Patio *
Main Winery Bldg *
0
25
50
100
150
200
Feet
* Areas determined solely by aerial interpretation. This map was prepared for illustrative purposes and for clarification in defining Special Occasion Events.
Map prepared by the Ocean County Planning Department, 6/29/2015 using NJDEP Imagery and Ocean County Parcels.

Appendix B

OCADB Application #:

Laurita Winery	**Event:**		**Date of Initial Event:**
Will this event:	**Y**	**N**	**Please Describe and Explain**
1) Be held on a Friday, Saturday, Sunday, or Federal or State Holiday?			***If no, approval using SADC and OCADB checklist is needed 30 days prior to event.***
2) Be held entirely within main winery building and its attached patio as shown on approved map?			
3) Be limited to 225 persons at one time?			
If the above 3 questions are YES, then the event meets preapproval conditions and does not require a checklist.			
	Please Describe and Explain For All Fields		
Describe the event			
Will this be a repeating event? Provide dates.			
General Questions	**Y**	**N**	**Please Describe and Explain For All Questions**
Will a temporary structure be built?			
If yes, describe the structure/size/location			
Will there be food service/catering?			
Will the vineyards be used in any way?			
Permits and Approvals	**Y**	**N**	**Please Describe and Explain For All Items and Attach Approvals/Permits**
Will there be fireworks?			
Is Municipal approval/notification required?			
Are any permits needed? (Township, Health Department, etc)			
Will there be over 5,000 sq. ft. of soil disturbance?			
Have neighbors been notified of the event?			
Expectations of event	**Please Describe and Explain For All Questions**		
Number of people per event			
Hours of each event			
	Y	**N**	***If yes, please provide details.***
Will there be traffic control?			
Is there a staffing plan?			
- Number of staff provided for parking.			
- Number of staff provided for traffic control.			
Parking	**Y**	**N**	**Please Describe and Explain**
Number of cars and the areas utilized for parking			***If there are greater than 100 cars, a parking plan must be submitted.***
- Onsite Paved Parking			
- Onsite Overflow (Solar Panels)			
- Offsite Parking			
Income Expectations	**Y**	**N**	**Please Describe and Explain For All Questions**
Will there be entrance fees and how much?			
Will there be a parking fee and how much?			
Will fundraising be a part of the event?			
How Much Wine Sales?			
How many vendors and fees charged?			
Will fundraising be a part of the event?			
Mandatory Attachments	**Y**	**N**	**Comments**
Site Layout of Event			
Parking Plan			
Staffing Plan			
Approvals and permits			

CERTIFICATION OF APPLICANT

I hereby certify that I am a representative of the winery on preserved farmland and I am fully authorized to execute this Application for a Special Occasion Event. I have reviewed the Application and certify that the all the information provided in the Application is true and accurate. I have reviewed the recorded Deed of Easement held by the Ocean County Agricultural Development Board and certify that none of the activities of the proposed Special Occasion Event would violate any of the restrictions. I further certify that I have reviewed the State of New Jersey Alcohol Beverage Control laws and regulations governing the commerce of alcoholic beverages in New Jersey and that none of the activities of the Special Occasion Event would violate any of the restrictions. Additionally, I certify that the Special Occasion Event meets requirements imposed by the Ocean County Board of Health.

Date

Signature

revised 4/13/2016

Appendix C

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2016-001	Country Line Dance	1/16/2016	Saturday	2/6/16 & throughout the year		Marketplace	N	N	Main Winery Bldg/ Outside Patio Area		$ 2,400.00	200	80	7-11pm		Y		
2016-002	Blessing of the Vineyard	1/16/2016	Saturday	Every January	Outside Ceremony to bless the wine followed by indoor celebration	Marketplace	N	N	Main Winery Bldg/ Outside Patio Area (weather permitting), Vineyard Grounds		$ 1,800.00	150	75	2-4pm		Y	2016-001	
2016-003	Laurita Idol	1/21/2016	Thursday	Thursday nights 1/2/21, 1/28, 2/4, 2/11, 2/18, 2/25, 3/3, 3/10, 3/17, 3/24, , 3/31, 4/7, 4/14, 4/21, 4/28	Thursday night singing contest. 3 Separate contests (15 weeks total) 3 weeks of tryouts, 1 semi final, 1 final	Light fare (cheese and sandwiches) accompany wine	N	N	Laurita Room and Tasting Bar		$600-1800 at $12 per person plus take out wine	50-150	25-75	7-9pm		Y	2016-002	Winery must amend SADC registration and to have guardians present
2016--004	Ice Sculpture Festival	1/23-24/2016	Sat/ Sun	Weather permitting: 1/30, 1/31, 2/6, 2/7, 2/13, 2/14, 2/20, 2/21	Indoor/ outdoor event featuring ice sculptures and other winter activities	Food trucks and marketplace	N	Y - Fireworks	Outside patio area, Accessory Building - Outside tasting bars		$ 36,000.00	3000	1200	11am-8pm		Y	2016-003	Permits, Applications, Sand Castle, Cleanup Plan, No Snow Importation
2016-005	Canvas Mixer	1/29/2016	Friday	Throughout the year	A party with wine and painting class	Marketplace	N	N	Main Winery Bldg		$ 1,080.00	90	50	7-10pm		Y		
2016-006	Handbell Ensemble	1/30/2016	Saturday	Depending on Success	Musical performance with wine testing	Marketplace	Y - Percentage of proceeds to non-profit group	N	Main Winery Bldg		$ 1,800.00	150	75	7-9pm		Y		
2016-007	Sunday Brunch	1/31/2016	Sunday	Throughout the year	Sunday Brunch w/ wine - 2 seatings: 10am, 1 pm	Branches Catering	N	N	Main Winery Bldg		$ 1,200.00	200	80	10am-2pm		Y		
2016-008	Valentine Dinner	2/12-13/2016	Fri/ Sat	No	Sit down dinner with wine service	Branches Catering	N	N	Main Winery Bldg		$ 1,800.00	150	75	7-10pm		Y		
2016-009	Valentine Brunch	2/14/2016	Sunday	No	Brunch w/ 2 seatings: 10:30am and 1:30pm, wine service provided	Branches Catering	N	N	Main Winery Bldg		$ 1,500.00	250	80	10:30am - 2:30pm		Y		
2016-010	Eastern Wind Symphony	2/27/2016	Saturday	Yearly	25 piece symphony concert w/ wine service	Marketplace	Y - Percentage of proceeds to non-profit group	N	Main Winery Bldg		$ 2,040.00	170	70	7-9pm		Y		
2016-011	Irish Festivals	3/12-13/2016, 3/19-20/2016	Sat/ Sun	Yes, 3/12-3/13 and 3/19-3/20/16	Inside and outside event featuring food trucks, craft vendors, Irish dancing, and Irish live music	Food trucks and marketplace	N	N	Winery building and outside	Existing lot for club members, general parking restricted to adjacent farm w/ shuttle, solar field will be used for overflow	$ 18,000.00	1500-2000	500	Sat 11-8, Sun 11-7		Y	2016-004	If fireworks at event, permits and approvals need to be submitted.
2016-012	Bacon Festivals	4/30-5/1/2016	Sat/Sun	No	A family fun day with live music, wine, food, shopping, and other fun activities such as country line dancing, live animal displays, vineyard tours, face painter, and mechanical pig rides.	Food trucks and current food service	N	Y - Fireworks	Mostly outdoor event but guests come inside to taste and purchase wine as well		$ 96,000.00	8000	3000	Sat 11-9, Sun 11-7		Y	2016-005	
2016-013	Ron Dancer Fundraiser	4/26/2016	Tuesday	No	Private fundraiser event for Assemblyman Ron Dancer.	Branches Catering	Y		Main Winery Building		$ 500.00	50-75	25-50	6pm-8pm		Y	2016-006	
2016-014	Girls Night Out	4/13/2016	Wednesday	Yes	Wine tasting and discount glass and bottle offerings. With yoga class, live music, card readings, and vendors.	Branches Catering	N	N	Main Winery Building		$500 - $750	50-75	25-580	6pm-9pm		Y	2016-007	
2016-015	Sunset Farm to Table	7/7/2016	Thursday	Yes 7/14/16, 7/21/16, 7/28/16, 8/4/16, 8/18/16, 8/25/16	Food and Wine Paring, Vineyard Tour	Branches Catering	N	N	Vineyard Grounds		$500-$700	50	25	7pm-930pm		Y	2016-008	
2016-016	Movie Night	7/15/2016	Friday	Unknown	A movie will be shown on the lawn on a large portable screen	Current Marketplace	N	N	Lawn outside main Winery		$1500-$2000	150-200	75-90	8pm-1030pm		Y	2016-009	
2016-017	Junior Idol	7/27/2016	Wednesday	Yes 8/3/16, 8/10/16, 8/17/16, 8/24/16	Singing Contest in the main winery building	Current Marketplace	N	N	Main Winery Building		$750-$1250	75-125	40-60	7pm-9pm		Y	2016-010	
2016-018	Senior Idol	9/8/2016	Thursday	Yes- 9/15/16, 9/22/16, 9/29/16, 10/6/16	Singing Contest in the main winery building	Current Marketplace	N	N	Main Winery Building		$750-$1250	75-125	40-60	7pm-9pm		Y	2016-011	

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2016-019	Laurita Idol	10/20/2016	Thursday	Yes- 10/27/16, 11/3/16, 11/10/16, 11/17/16	Singing Contest in the main winery building	Current Marketplace	N	N	Main Winery Building		$750-$1250	75-125	40-60	7pm-9pm		Y	2016-012	
2016-020	Vintage Car Show	6/12/2016	Sunday	Yes, 8/14/16	Car club to display their antique cars along the vineyard road	Existing Food Service	N	N	Main Winery Building, Vineyard Grounds	Existing paved parking lot, 100+ spots, If overflow is needed, use grass fields by solar panels & carports	$ 1,200.00	100	50	12pm-5pm		Y	2016-013	1)must provide estimate of number of cars to be displayed on the vineyard road 2) update site plan to show vineyard road w/ dimensions 3) after the event provide exact number of cars to be displayed on vineyard rd
2016-021	Canvas Mixer	6/23/2016	Thursday	Yes, dates not submitted	Painting party with wine service in the Laurita Room	Existing Caterer	N	N	Main Winery Building	Parking in Paved Lot	$ 1,050.00	75-100	40	6:30pm-9:30pm		Y	2016-014	
2016-022	Country Night	7/8/2016	Friday	N/A	Live music outside on "Grove" stage, DJ in wine barn, dancing, food service outside on "Grove" Road, wine service and tastings outside	2 Food Trucks on "Grove" Road	N	Y - Notification of 25+ people	Wine Grove and Wine Barn	Paved lot, overflow on grass fields	$ 6,000.00	500	200	6pm-11pm		Y	2016-015	Identification on a site map the location of grove road and the two food trucks to be located thereon.
2016-023	80's Dance	7/22/2016	Friday	N/A	DJ music outside on the Grove Stage, dancing, wine tastings & service from Grove Bars	Existing Caterer	N	Y - Notification of 25+ people	Wine Grove	Paved lot, overflow on grass fields	$ 6,000.00	500	200	6pm-11pm		Y	2016-016	
2016-024	British Car Show	8/14/2016	Sunday	Yes, dates not submitted	Positive Earth Car Club to display 25-35 of their cars on existing vineyard road in same orientation as similar car show on June 12, 2016	Existing Caterer	N	N/A	Main Winery Building and Vineyard Grounds	Paved lot, existing parking area	$ 1,200.00	200	80	12pm-3pm		Y	2016-017	
2016-025	80's Dance	8/19/2016	Friday	Yes, 9/2/16, 10/21/16	DJ music outside on the Grove Stage, dancing, wine tastings & service from Grove Bars	Existing Caterer	N	Y - Notification of 25+ people	Vineyard Grounds	Existing Paved lot, 85 marked spots plus 20 on the sides, overflow parking on grass for additional 500 cars	$ 6,000.00	500	200	6pm-11pm		N	2016-018	Reason for denial: Lacked municipal permits
2016-025A	80's Dance	10/21/2017	Friday	Yes, 9/2/16, 10/21/16	DJ music outside on the Grove Stage, dancing, wine tastings & service from Grove Bars	Existing Caterer	N	Y - Notification of 25+ people	Vineyard Grounds	Existing Paved lot, 85 marked spots plus 20 on the sides, overflow parking on grass for additional 500 cars	$ 6,000.00	500	200	6pm-11pm		Y	2016-027	Approved the October event the 10/12/16 meeting
2016-026	Irish Festivals	8/6-7/2016	Saturday - Sunday	Yes (Annual)	Mostly outdoor event featuring live music, Irish dancing, Irish food offerings, artisan vendors/ crafters, wine tasting & service, face painting, pony rides	Existing Caterer and 2 private food trucks	No (Advertised as fundraiser for Police Depts.)	Y - Notification of 25+ people	N/A	Current lot plus adjacent farm	$ 60,000.00	5000	2000	Sat: 11am-9pm, Sun: 11am-8pm				Reviewed 8/10. Lack municipal approval for associated structures, items held/not approved to occur. OCADB held review in abeyance and did not give approval
2016-027	Food Truck Festival	8/20-21/2016	Saturday-Sunday	Yes, September 24-25, 2016, October 22-23, 2016, November 12-13, 2016	Mostly outdoor event with private food trucks, artisan vendors, live music, vineyard tours, wine tasting and service, line dancing, face painter, pony rides, bounce house. Fireworks Saturday pm only.	Private food trucks	N	Y - Notification of 25+ people & Fireworks	N/A	Existing lot plus adjacent farm	$ 96,000.00	8000	3200	Sat: 11am-9pm, Sun: 11am-8pm		Y	2016-024	Reviewed 8/10. Lack municipal approval for associated structures, items held/not approved to occur. 10/21/2016 Update: Approval for October and November events under condition that dance barn is prohibited
2016-028	Customer Appreciation Day	9/5/2016	Monday	Yes (Annual)	Mostly outdoor event with live music, vineyard tours, wine tasting and service, food tent, bounce house, pony rides	Existing Caterer	N	N	N/A	Existing lot and adjacent field	$ 6,000.00	500	200	12pm-5pm				Reviewed 8/10. Lack municipal approval for associated structures, items held/not approved to occur. OCADB held review in abeyance and did not give approval

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2016-029	Grape Stomping	9/10-11/2016	Saturday-Sunday	Yes (Annual)	Mostly outdoor event with live music, private food trucks, artisan vendors, wine tasting and service areas, pony rides, bounce house, face painters, grape stomping area	Private food trucks and current caterer	N	Y - Notification of 25+ people	N/A	Paved lot and adjacent farm	$ 60,000.00	5000	2000	Sat: 11am-9pm, Sun: 11am-8pm				Reviewed 8/10. Lack municipal approval for associated structures, items held/not approved to occur. OCADB held review in abeyance and did not give approval
2016-030	Blessing of the Grapes	9/18/2016	Sunday	Yes (Annual)	Mostly outdoor event with live music, vineyard tours, wine tasting and service area, and a brief blessing ceremony of a lug of grapes for a good harvest	Inside winery, normal food service	N	Y - Notification of 25+ people	N/A	Paved lot	$ 3,000.00	250	100	12pm-5pm				Reviewed 8/10. Lack municipal approval for associated structures, items held/not approved to occur. OCADB held review in abeyance and did not give approval
2016-031	Vines of Life	10/2/2016	Sunday	Yes (Annual)	Outdoor event with live music, wine tasting and service, a walk around the perimeter of the vineyards, with additional wine and cheese stations	Outside food tent and regular food service	N	Y - Notification of 25+ people	N/A	Paved lot plus adjacent field	$ 9,600.00	800	320	11am-3pm				Reviewed 8/10. Lack municipal approval for associated structures, items held/not approved to occur. OCADB held review in abeyance and did not give approval
2016-032	Harvest Festival	10/8-9/2016	Saturday - Sunday	Yes (Annual)	Mostly outdoor event with live music, artisan vendors, wine tasting and service areas, dance area, vineyard tours, face painter, bounce house, pony rides	Current caterer plus private food trucks	N	Y - Notification of 25+ people	N/A	Paved lot plus adjacent farm	$ 72,000.00	6000	2400	Sat: 11am-9pm, Sun: 11am-8pm				Reviewed 8/10. Lack municipal approval for associated structures, items held/not approved to occur. OCADB held review in abeyance and did not give approval
2016-033	Girls Night Out	8/31/2016	Wednesday	Every Wednesday until December 28, 2016	Live music, yoga class, card reader, jewelry vendor, cosmetic vendor, wine tasting	current food service at existing marketplace	N	N	Main Winery Building	Not filled out	$ 500.00	50	25	6pm-9pm		Y	2016-019	
2016-034	Farm to Table Dinner	9/8/2016	Thursday	Every Thursday through October 27, 2016	Four course small plate meal paired with wine, near the flagpole in open grass area between vineyard fields. Prior resolution 2016-008	Current caterer	N	Y - Notification of 25+ people	Open grass area between rows of vines	Not filled out Update 9/12/16: "n/a"	$ 500.00	50	25	7pm-9:30pm		Y	2016-020	
2016-035	Ron Dancer Event	10/11/2016	Tuesday	Yes, Next Date Unknown	Fundraiser for Assemblyman Ron Dancer inside the main winery	Current Caterer	Y	N	Main Winery Bldg	Parking in Paved Lot	$ 700.00	60	30	6-8 pm		Y	2016-021	
2016-036	NJ Food Association	10/13/2016	Thursday	No	Group meeting, dinner, and wine tasting inside main winery "Club Room"	Current Caterer	N	N	Main Winery Bldg	Parking in Paved Lot	$ 300.00	35	20	6-9:30 pm		Y	2016-022	
2016-037	Live Music Concert	10/14/2016	Friday	No. Note :Upcoming event with same title	Live Band Concert/ Dance in the Grove, Wine tasting, Wine service, food trucks, dancing	Food Trucks and Current Caterer	N	Y	Main Winery Bldg & Vineyard Grounds	Paved Lot and Solar Field	$ 9,000.00	750	300	5-11 pm, no amplification after 11 pm		Y	2016-025	
2016-038	Yoga & Wine Tasting	10/16/2016	Sunday	No	Yoga class on the Grand Lawn followed by wine tasting in the main winery	Current Caterer	N	N	Winery Grounds and Main Winery Building	Paved Lot	$ 1,200.00	100 (estimate)	50	11 am -1:30 pm		Y - no approval necessary		
2016-039	Car Show	10/16/2016	Sunday	Yes 11/6/16 & 11/20/16	Car club showing vehicles parked on Vineyard Rd. Expecting 25-35 cars	1 Food Truck and Current Caterer	N	Y	Vineyard Rd & Service Area	Average 2.5 per car	$ 2,400.00	80	200	12 pm - 4 pm		Y	2016-023	
2016-040	Yoga - Glow Flow	11/18/2016	Friday	No	Enhanced yoga class followed by wine tasting in the wine barn	Regular food service option in wine barn	N	N	Wine Barn	Paved Lot	$ 1,200.00	100	50	7-9:30 pm		Y	2016-026	Use of dance barn prohibited
2016-041	NJNLA Education Foundation	12/1/2016	Thursday	Yes (Annual)	NJNLA event to include meeting, dinner, and wine tasting.	Current Caterer	N	N	Completely inside Main Winery Building	Paved Lot	$ 1,200.00	100	50	6-10pm		Y	2016-028	
2017-001	Girls Night Out	1/5/2017	Thursday	Yes, every Thursday from 1/5/17 - 3/30/17	Live music, wine tasting, card reader, a few vendors plus featured craft & wine pairing classes	current food service at existing marketplace	N	N	Main Winery Building	Paved Lot	$ 600.00	60	30	6pm-9pm		Y	2016-031	
2017-002	Blessing of the Vineyard	1/28/2017	Saturday	Annual	Brief outdoor ceremony by the flagpole in the vineyard followed by an indoor celebration	Current food service from existing marketplace	N	N	Paths and roadways around the vineyard/ indoor celebration	Not filled out	$ 1,800.00	150	75	2pm-4pm		Y	2016-032	

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2017-003	Winter Fest	1/21-22/2017	Saturday and Sunday	Yes, 2/18-19/2017; Rain Dates: 1/28-29/2017, 2/25-26/2017	Indoor and outdoor event featuring ice sculptures, displays, and other winter activities plus wine and food service	Existing market place plus food trucks	N	Fireworks permit and Town resolution	Main winery/ vineyard grounds. Site plan attached/ 53' freezer truck and (4) 20' sealant trailer and container	1/2 mile from main winery	$ 42,000.00	3500	1400	11am-8pm	11/27/2016, amended sent 12/28/2016	Y	2016-033	Contingencies: vendor list and fireworks permit
2017-004	British Car Show	4/1/2017	Saturday	N/A	Car club showing their vehicles parked along the vineyard road. Expecting 20-30 cars.	Regular food service	N	N	Vineyard Grounds	Regular paved parking area, overflow in solar field	$ 1,200.00	100	50	12pm-4pm	12/28/2016	Y	2017-001	
2017-005	British Invasion	4/1/2017	Saturday	No	A "whole house" live music concert with wine and food service	Regular food service	N	N/A	Main Winery Building	Regular paved parking area, overflow in solar field	$ 4,200.00	350	150	6pm-11pm	12/28/2016	Y	2017-002	
2017-006	Shamrock Festival	3/11-12/2017	Saturday and Sunday	No	Indoor, outdoor event with Irish music, dancing, food, vendors, wine tasting, glass and bottle service plus vineyard tours and 3 food trucks	Current Marketplace and food trucks	N	Y - Notification of 25+ people	30% Main Winery Building, 70% Vineyard Grounds	Regular paved parking area, overflow in solar field	$ 12,000.00	1000	400	Saturday 12-9pm, Sunday 12-8pm	1/26/2017	Y	2017-003	provide vendor list and fireworks permit
2017-007	St. Patty's Festival	3/18-19/2017	Saturday and Sunday	No	Indoor, outdoor event with Irish music, dancing, food, vendors, wine tasting, glass and bottle service plus vineyard tours and 3 food trucks	Current Marketplace and food trucks	N	Y - Notification of 25+ people	30% Main Winery Building, 70% Vineyard Grounds	Regular paved parking area, overflow in solar field	$ 12,000.00	1000	400	Saturday 12-9pm, Sunday 12-8pm	1/26/2017	Y	2017-004	provide vendor list and fireworks permit
2017-008	Girls Night Out	4/5/2017-12/27/2017	Wednesday	Every Wednesday until December 27, 2017	Live music, card reader, a few vendors plus weekly featured craft and wine pairing classes	current food service at existing marketplace	N	N/A	Main Winery Building	Regular 85 space paved parking lot	$ 600.00	60	30	6-9pm	1/26/2017	Y	2017-005	
2017-009	Laurita Idol	4/6/2017	Thursday	4/6-5/4, 7/6-8/3 and 9/14-10/12	Adult singing contest in the main winery	current food service at existing marketplace	N	N/A	Main Winery Building	Regular 85 space paved parking lot	$750-1250	75-125	40-60	7-9pm	1/26/2017	Y	2017-006	
2017-010	Ron Dancer Event	5/9/2017	Tuesday	No	Fundraiser for Assemblyman Ron Dancer inside the main winery	Catered event by current food service	Y	N/A	Main Winery Building	Regular 85 space paved parking lot	$ 700.00	60	30	6-8:30pm	2/9/2017	Y	2017-007	
2017-011	Ocean County Military Support Committee	4/5/2017	Wednesday	No	Wednesday afternoon/ evening meet and greet with food and wine with the Lt. Governor and local military supporters	Current caterer, Branches Catering	N	N/A	Main Winery Building	Regular 85 space paved parking lot	$ 720.00	60	40	4pm-6pm	3/2/2017	Y	2017-008	
2017-012	NJ Manufactured Housing Assoc	7/26/2017	Wednesday	No	Wednesday night networking event with food and wine service	Current caterer, Branches Catering	N	N/A	Main Winery Building	Regular 85 space paved parking lot	$ 480.00	40	30	6pm-9pm	3/4/2017	Y	2017-009	
2017-013	Bacon Festival	4/29-30/2017	Saturday and Sunday	No	Mostly outdoor event with food trucks, artisan vendors, live music, dancing, vineyard tours, wine tasting & service areas, antique tractor display, fireworks (Saturday)	Food Trucks and Current Caterer	N	Y - Notification of 25+ people, fireworks	80% Vineyard grounds, 20% Main Winery Building	Regular 85 space paved parking lot	$60,000 per day	5,000 per day	2,000 per day	Saturday 11-9, Sunday 11-8	3/19/2017	Y	2017-010	provide vendor list. fireworks permit, approvals for dance barn
2017-014	Food Truck Festival	5/20-21/2017	Saturday and Sunday	June 17-18, July 15-16, Aug 19-20, Sept 16-17, Oct 21-22, Nov 11-12	Mostly outdoor event with wine service, food trucks, vendors, tours, live music, line dancing, live animal displays, demonstrations, vineyard tours	Regular food service inside, gourmet food trucks outside	N	Y - Notification of 25+ people, fireworks	Vineyard grounds used for live music, vendors, tours, food trucks, demonstrations, etc.	100 onsite paved parking, 1500 onsite overflow (solar panels), 3000 offsite parking	$60,000 per day	5,000 per day	4,600 per day	Saturday 11am-10pm, Sunday 11am-9pm	4/7/2017	Y	2017-011	provide vendor list. fireworks permit, approvals for dance barn. UPDATE: 10/6 added rain dates for 11/11-12 event for 11/25-26
2017-015	Country Night	5/26/2017	Friday	No	Live country band on Grove Stage and DJ inside main winery	Regular food service inside and 2 food trucks outside near the Grove	N	Y - Notification of 25+ people, fireworks	Main Winery Building and Grove Stage	Onsite parking and onsite overflow	$ 4,600.00	400		7pm - 11pm	5/10/2017	Y	2017-012	
2017-016	Monroe Township Seniors Luncheon	6/21/2017	Wednesday	No	Afternoon luncheon for a large group of seniors from Monroe Township	Branches Catering			Main Winery Building	Regular 85 space paved parking lot		100	50	12pm - 3pm	5/11/2017	Y	2017-013	
2017-017	Live Music Concert - Indoor	7/14/2017	Friday	No	Band playing live music in the main winery	Regular food service		Y - Notification of 25+ people	Main Winery Building	100 Paved, 30 Solar Field	$ 3,900.00	325	130	7pm - 11pm	5/11/2017	Y	2017-014	
2017-018	Live Music Concert - Outdoor	7/28/2017	Friday	Fridays - August 11, Sept. 22, October 20	Band playing live music outside on the Grove Stage	Regular food service inside plus 4 food trucks near the Grove		Y - Notification of 25+ people	Main Winery Building and Grove Area	100 Paved, 300 Solar	$5 in advance, $7 at the door / $12,000 total	1000	400	7pm-11pm	5/11/2017	Y	2017-015	New Non-SADC Resolution for Jeff to sign - Friday not Wednesday

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2017-019	Movie Night	7/7/2017	Friday	No	Movie screened on a large portable screen with amplified sound on vineyard lawn	Regular food service and popcorn stand	N	Y - Notification of 25+ people		100 Paved, 20-30 Solar Field	$5 in advance, $7 at the door / $3600 total	300	120-130	8pm-11pm	5/18/2017	Y	2017-016	
2017-020	Vintage Car Show	7/9/2017	Sunday	No	Car show on the road directly in front of the vineyard	Regular food service inside the winery	N	Y- Notification of 25+ people	Vineyard Road	85 marked spots plus 15 along sides of lot, solar lot if needed	$ 2,400.00	200	75	12pm-4pm	6/8/2017	Y	2017-017	
2017-021	Irish Festival	8/5-6/2017	Saturday and Sunday	No	Mostly outdoor event featuring live music, Irish dancing, Irish food offerings, artisan vendors/ crafters, wine tasting & service, vineyard tours, food trucks	Current food service and food trucks	N	Y- Notification of 25+ people	Main Winery Building, Vineyard Road, Grove Area	100 paved, 300 Solar, 4000 offsite	$ 42,000.00	2,000 Saturday, 1,500 Sunday	400 + offsite	11am-9pm Saturday, 11am-8pm Sunday	6/10/2017	Y	2017-018	
~~2017-022~~	~~Murder Mystery~~	~~8/10/2017~~	~~Thursday~~	~~No~~	~~Wine dinner with interactive audience participation to solve the "murder mystery."~~	~~Branches Catering~~	~~Y~~	~~N~~	~~Main Winery Building~~	~~85 paved parking~~	~~$ 1,200.00~~	~~100~~	~~50~~	~~6pm-9pm~~	~~6/29/2017~~			Event Canceled
2017-023	Grill Nights	8/10/2017	Thursday	Thursdays - August 17, 24, and 31	Hot and cold wine dinner with grilled food on patios	Branches Catering	Y	N	Patios	85 paved parking	$ 1,200.00	100	50	6pm-10pm	6/29/2017 revised 7/13/2017	Y	2017-019	
2017-024	Laurita Idol	9/14/2017	Thursday	September 14, 21, 28, October 5, 12, 26, November 2, 9, 16, 30	Adult singing contest in the main winery and food service provided	Current caterer in marketplace	Y	N	Main Winery Building	85 paved parking	$ 1,200.00	100	50	7pm-10pm	6/29/2017	Y	2017-020	
2017-025	People's Pantry	10/25/2017	Wednesday	No	Private event hosted by the People's Pantry organization. Dinner, wine, presentations. Gift auctions will be conducted by the group as well.	N/A	Y - Gift auction during the event. Proceeds go to the organization	N	Main Winery Building	85 paved parking	$ 2,160.00	180	75	6pm-11pm	6/29/2017	Y	2017-021	Revised checklist - original date 9/7/2017
2017-026	Movie Night	8/18/2017	Friday	No	Movie night screened on a large portable screen with amplified sound on our vineyard lawn	Regular food service and popcorn stand	N/A	N	Vineyard Lawn	100 Onsite paved parking, 30 onsite overflow (solar panels)	$ 3,600.00	300	130	8pm-11pm	7/13/2017	Y	2017-022	Revised - Rain Date moved to October 27
2017-027	Run the Vineyards, 5k	10/7/2017	Saturday	No	5k run through the vineyard and adjoining property. Wine service and live music in the Grove plus 2 food trucks	Two food trucks near the Grove	Y - Portions of the proceeds to Mary's Place by the Sea	Y - Notification of 25+ people	Race course on the roads throughout the vineyard	100 onside paved parking, 50 onsite overflow (solar panels)	$ 3,600.00	300	150	9am-2pm	7/13/2017	Y	2017-023	
2017-028	Grape Stomping Festival	9/2-3/2017	Saturday and Sunday	No	Mostly outdoor event with live music, artisan vendors, wine tasting, and glass/bottle service, vineyard tours, and a grape stomping area	Regular food service plus 2 food trucks	N	Y - Notification of 25+ people and fireworks	Main winery, grove area, vineyard road - see site plan	100 onsite paved parking, 500 onsite overflow (solar panels)	$ 18,000.00	1,500	600	Saturday 12-9pm, Sunday 12-7pm	7/13/2017	Y	2017-024	8/18 revised to include Fireworks on Saturday night only
2017-029	Customer Appreciation Day	9/4/2017	Monday	No	Mostly outdoor event with live music, wine tasting and service, vineyard tours, and pony rides	Current caterer	N/A	Y - Notification of 25+ people	Main winery, grove area, vineyard road - see site plan	100 onsite paved parking, 100 onsite overflow (solar panels)	$ 6,000.00	500	200	12pm-6pm	7/13/2017	Y	2017-025	
2017-030	Blessing of the Grapes	9/24/2017	Sunday	No	Outdoor event in the Grove with live music, wine tasting and service, vineyard tours, and a brief ceremony to bless the harvest	Regular food service from current caterer inside the winery	N/A	Y - Notification of 25+ people	Main winery, grove area, vineyard road - see site plan	60 cars onsite paved parking	$ 1,800.00	150	60	1pm-4pm	7/13/2017	Y	2017-026	
2017-031	Vines of Life	10/1/2017	Sunday	No	A walk around the perimeter of the vineyard with 3 wine and cheese stations to stop at along the route.	Regular food service inside the winery	Y - Donation to Breast Cancer Charity	Y - Notification of 25+ people	Winery and roads/ paths as part of the walk route	100 onsite paved parking, 200 onsite overflow (solar panels)	$ 8,400.00	700	300	11am-3pm	7/19/2017	Y	2017-027	
2017-032	Harvest Festival	10/14-15/2017	Saturday and Sunday	No	Live music, wine tasting and service, artisan vendors, vineyard tours, food trucks.	Regular food service as well as 3-4 food trucks	N	Y - Notification of 25+ people	Main winery, grove area, vineyard road - see site plan	100 onsite paved parking, 500 onsite overflow (solar panels)	$ 18,000.00	1500	600	Saturday 11am-9pm, Sunday 11am-8pm	7/19/2017	Y	2017-028	
2017-033	Live Music Concert	9/1/2017	Friday	No	Band playing live music on the Grove Stage	Regular food service inside winery plus 4 food trucks near the grove	N	Y - Notification of 25+ people	Mostly outdoor in the Grove Area (see site plan)	100 cars onsite paved parking, 300 onsite overflow (solar panels)	$ 12,000.00	1,000	400	7pm-11pm	7/29/2017	Y	2017-029	
2017-034	80's Dance	6/30/2017	Friday	No	DJ playing recorded music outside on the Grove Stage	Regular food service plus 3 food trucks outside near the grove	N	Y - Notification of 25+ people	Outdoor Grove Area	100 onside paved parking, 100 onsite overflow (solar panels)	$ 6,000.00	500	200	7pm-11pm	5/11/2017	Y	2017-030	

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2017-035	Live Music Concert	11/17/2017	Friday	No - Held previously	Live band playing music with dancing in the main winery	Regular food service inside the winery	N/A	Y - Notification of 25+ people	Main winery building	100 Onsite paved parking, 30 onsite overflow (solar panels)	$ 3,900.00	325	130	7pm-11pm	8/17/2017	Y	2018-001	
2017-036	Ron Dancer Event	10/10/2017	Tuesday	No - Held previously	Private fundraiser event for Assemblyman Dancer in the main winery with food provided by current food service, Branches Catering. Wine service from the main bar, wine also available to take home.	Current caterer	Y	Y - Notification of 25+ people	Main winery building	30-40 cars onsite paved parking	$ 700.00	60	30-40	6pm-8:30pm	9/7/2017	Y	2018-002	
2017-037	Pumpkin Craft Class	10/19/2017	Thursday	No	Wine and pumpkin craft class in Main Winery Laurita Room	Current Market Place Food Service	N	Y - Notification of 25+ people	Main Winery Laurita Room	50-60 cars onsite paved parking	$ 1,000.00	100	50-60	6pm-9pm	9/7/2017	Y	2018-003	
2017-038	Movie Night	10/27/2017	Friday	No	Movie screened on a large portable screen with amplified sound on vineyard lawn	Regular food service and popcorn stand	N	Y - Notification of 25+ people	Vineyard Lawn	100 cars onsite paved parking, 30-50 onsite overflow (solar panels)	$ 3,600.00	300	130-150	8pm-11pm	9/7/2017	Y	2018-004	
2017-039	Umstead Family Repast	11/16/2017	Thursday	No	Catered luncheon for a family repast held on the loft area with food and wine service.	Current caterer	N	N	Main Winery Building - Loft	50 cars onsite paved parking	$ 500.00	50	25	1pm-4pm	11/15/2017	Y	2018-005	
2017-040	Business Luncheon - Nova Nordisk	11/24/2017	Tuesday	No	Business luncheon for Nova Nordisk with wine tasting and wine service	Current food service, Branches Catering will be service hot and cold buffet lunch	N	N	Main Winery building	Regular paved parking area	$ 600.00	50	party bus	10am-4pm	11/29/2017	Y	2018-006	
2018-001	Dance Parties	1/20/2018	Saturday	February 3, 23, March 3, 23, April 7, 21	Dance parties in the Main Winery with themes of the 80's and Country Line Dancing	Regular food service	N	Y - Notification of 25+ people	Main winery building	85-100 onsite paved parking, 25-50 onsite overflow (solar panels)	$ 3,600.00	300-325	110-150	7pm-11pm	10/19/2017	Y	2018-007	Contingent to NO events held past conclusion of Pilot Program (3/1/2018)
2018-002	Blessing of the Vineyard	1/20/2018	Saturday	No	Brief outdoor ceremony by the flagpole in the vineyard followed by an indoor celebration	Current food offerings from Marketplace	N	N	Flagpole Ceremony and Main Winery Building	Onsite paved parking	$ 1,200.00	100	50-70	2pm-4pm	1/8/2018	Y	2018-008	
2018-003	Winter Fest	1/27-28/2018	Saturday and Sunday	February 17-18 plus rain dates of 1/13-14, 1/20-21, 2/3-4, 2/24-25	Indoor and outdoor event featuring ice sculptures, other winter activities, food trucks, recorded music, wine tastings, and wine service	Food Trucks and current marketplace food offerings	N	Fireworks (Saturday only) and food trucks	Main winery building and grove area	Onsite paved parking, onsite overflow parking, offsite parking	$ 50,000.00	5,000 (3,000 Sat/ 2,000 Sun)	1200	11am-9pm	1/8/2018	Y	2018-009	Receipt of Fireworks Permit and Vendor List
2018-004	Girls Night Out	2/1/2018	Thursday	Every Thursday Feb 1 through March 29	Special ladies night with live music, card readers plus weekly craft, yoga, wine pairing classes	Current marketplace food offerings	N	N	Main winery building	Regular paved parking area	$600-900	50-75	40-60	6pm-9pm	1/8/2018	Y	2018-010	
2018-005	March Irish Festivals	3/10-11/2018	Saturday and Sunday	Shamrock Festival March 10-11, St. Patty's Festival March 17-18	Indoor and outdoor event with Irish music, dancing, food, vendors, wine tasting, glass and bottle service, plus vineyard tours	3-4 Food trucks plus our current Marketplace food offerings	N	Y - Notification of 25+ people	Main winery building and grove area, vineyard tours	onsite paved parking and onsite overflow parking	$ 36,000.00	3,000	600	12pm-9pm	1/8/2018	Y	2018-011	Not permitted after conclusion of pilot program (3/1/2018)
2018-006	Acevedo Repast	1/31/2018	Wednesday	No	In the Main Winery club room, a luncheon with wine service following funeral ceremony	Current Caterer	N	N	Main winery building	Regular paved parking area	$ 250.00	45	20	1pm-4pm	1/31/2018	Y		
2018-007	NJ Chamber of Commerce	3/8/2018	Thursday	No	Networking event of the NJ Chamber of Commerce with wine tasting, light fare, and winery tours. Event will be held in the loft.	Light fare from current food service, Branches Catering	N	N	Main winery building	Onsite paved parking	$ 600.00	30	30	5:30pm-8pm	2/8/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
2018-008	Networking Open House	3/28/2018	Wednesday	No	In the main winery loft area, a network gathering with various vendors and event planners. Food to be served by Branches Catering, wine service, tastings, and to go bottles	Branches Catering	N	N	Main winery building	Onsite paved parking	$ 900.00	75	50-60	5:30pm-8:30pm	2/8/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
2018-009	Earthshare Breakfast	5/23/2018	Wednesday	No	In the main winery loft area, catered breakfast with wine service and to go sales during and at the end of the event	Branches Catering	N	N	Main winery building	Onsite paved parking	$ 600.00	50	25-30	9am-11am	2/8/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
2018-010	Ameriprise Financial	10/4/2018	Thursday	No	In the main winery loft area, catered business buffet dinner with wine service and to go sales during and at the end of the event	Branches Catering	N	N	Main winery building	Onsite paved parking	$ 600.00	50	25-30	6pm-9pm	2/8/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2018-011	Outdoor Festivals 2018		Saturday/ Sunday	Yes	Mostly outdoor event featuring wine tastings, food trucks, wine service, live music, vendors, dancing, vineyard tours. Vineyard grounds are used for live music, vendors, tours, wine service, food trucks, demonstrations, wine tastings, etc.	Several gourmet food trucks outside and regular food service inside	N	Y - Township of Plumsted Notification of Event, Fireworks, Food trucks	Main winery building, vineyard grounds	Onsite paved parking, onsite overflow parking, offsite parking	Varies			Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Bacon Festival	4/28-29/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 95,000.00	5000/2900	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Food Truck Festival	5/19-20/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 42,000.00	2000/1500	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Food Truck Festival	6/16-17/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 62,000.00	2800/2400	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Food Truck Festival	7/21-22/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 76,000.00	4200/2100	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Irish Fest	8/4-5/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 36,000.00	1500/1550	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Food Truck Festival	8/18-19/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 81,000.00	4400/2300	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Grape Stomp	9/8-9/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 26,000.00	1100/1000	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Food Truck Festival	9/22-23/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 93,000.00	4500/3200	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Harvest Festival	10/6-7/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 48,000.00	2500/1500	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
	Food Truck Festival	10/20-21/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 231,000.00	13000/6300	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot
	Food Truck Festival	11/10-11/2018	Saturday/ Sunday	No	""	""	""	""	""	""	$ 57,000.00	3000/1700	N/A	Saturday 11am-10pm, Sunday 11am-9pm	2/9/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
2018-012	Girls Night Out	4/4/2018	Wednesday	Every Wednesday through December 26, 2018	Live music, card reader, select skin care, jewelry, craft and vendors. Weekly featured classes - yoga, crafts, food and wine pairing, wine tastings and wine specials	Branches Catering	N	N	Main Winery Building	main paved parking lot	$ 720.00	60	25-40	6pm-9pm	2/16/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
2018-013	Laurita Idol	4/5/2018	Thursday	Every Thursday 4/5-5/3, 5/24-6/21, 7/12-8-9	Event takes place in main dining Laurita Room where a judged singing competition takes place. Wine tastings, glass, bottle, and to-go sales from tasting bars	Marketplace and Branches Catering	N	N	Main Winery Building	main paved parking lot	$750-1250	75-125	40-60	6:30pm-9:30pm	2/16/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)
2018-014	Grill Nights	6/6/2018	Wednesday	Every Wednesday 6/6/2018 - 8/29/2018	Grilled hot foods and cold accompaniments provided by Branches Catering. Wine tasting, pairing, glass, bottle and to-go from tasting bars	Branches Catering	N	N	Weather dependent, event will take place on three pergolas and Laurita room as needed.	main paved parking lot	$600-900	50-75	25-40	6:30pm-10:30pm	2/16/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)

Laurita Winery Special Occasion Events

Event #	Event Name	Date	Day of Week	Repeating Event?	Description	Food Service	Fundraiser (Y/N)	Permit (Y/N)	Location	Parking	Wine Sales	# of People	Cars	Hours	Date Submitted	Approval (Y/N)	Resolution Number	Contingencies/ Comments
2018-015	Winter Fest	3/3-4/2018	Saturday and Sunday	No	Indoor and outdoor event featuring ice sculptures, other winter activities, food trucks, recorded music, wine tastings, and wine service. This event was previously approved but was not able to be held due to weather.	Food Trucks and current marketplace food offerings	N	Fireworks (Saturday only) and food trucks	Main winery building and grove area	Onsite paved parking, onsite overflow parking, offsite parking	$60,000 ($36,000 Saturday, 24,000 Sunday)	5,000 (3,000 Sat/ 2,000 Sun)	1200	Saturday 11am-9pm, Sunday 11am-8pm	2/21/2018			Events not currently permitted past the conclusion of the pilot program (3/1/2018)

ATTACHMENT E

Winery Special Occasion Event Pilot Program -- Municipal Surveys*

Municipality/ Respondent	Actions Taken Regarding Ordinances?	Site Plan or Other Approvals Sought?	Concerns	Positive Community Impacts	Negative Community Impacts	Other Comments
Pohatcong Twp., Warren County Twp. Clerk	Township approved 3 permits for Mother's Day, Father's Day and Grand Harvest events at winery. Winery paid all required fees for police coverage. Township revised its special events ordinance in 2016 to require a permit for a seasonal special event that is held regularly during a specified season of up to 3 months, with the special event limited to a maximum of 2 days per week.	No	The Special Event permit was adopted to ensure that the Township could provide adequate traffic and safety controls.	Events bring positive tourism and help promote the beautiful municipality.	No	
Knowlton Twp., Warren County Township Committeeman	No	No	No	Events support the winery, which being on preserved land is a positive contribution to the Township's commercial zone.	No	Wineries in New Jersey cannot really survive without special events. It would be best if these events took place on exceptions, but if for some reason that is not possible flexibility would be advised. It is understood that it can be difficult to be flexible without setting a precedent.
Montague Twp., Sussex County Twp. Clerk	No	No	No	Special occasion events bring revenues to a business in a town with only 3,800 residents and show people the beauty of Sussex County and other attractions it has to offer.	No	Winery has a 5-acre exception area.

Municipality/ Respondent	Actions Taken Regarding Ordinances?	Site Plan or Other Approvals Sought?	Concerns	Positive Community Impacts	Negative Community Impacts	Other Comments
East Amwell Twp., Hunterdon County Twp. Clerk, with comments from Zoning Officer, Ag Advisory Chair, Mayor, Farmland/Open Space Chair, Farmland Open Space Committee members and Twp. Administrator	No. Had no special events ordinance but hoped to adopt one by the end of 2016.	No.	For both preserved and nonpreserved farms: Meeting the conditions of their original approvals; clear definition of special occasions (CADB had not yet adopted a definition); music amplification control; parking; public safety; alcoholic beverage control; sanitation; noise and light pollution; any limitations on frequency. (Something every Thursday-Sunday would not be appropriate.) One Farmland Committee member spoke with a resident about a vineyard event "with noise pollution in the form of disruptive music and not an agricultural use that taxpayers should be funding." Since the Township had no special events ordinance at the time, it generally was unaware of the occurrence of such events. Would benefit from being notified to provide some oversight on health and safety issues, especially compliance with applicable Board of Health regulations and ensuring adequate traffic and parking control.	Events are beneficial for the Township as they attract visitors from across the country and state who they hope will patronize other businesses in town. Events also reflect the scenic and economic value of preserved land. Another positive to the Township is the viability of the agricultural pursuit, not the special event. Special events should be a small percentage of the operation in terms of revenue – almost part of the marketing campaign to promote the wine. One Township representative felt there was nothing positive for anyone other than the winery, but did not see that as a negative.	Occasional music amplification causing a disturbance to neighboring residents.	Expand program beyond wineries for events on preserved farms such as weddings/special celebrations. Loosen requirements to sell farm-produced products at special events as condition of approval for the special event. The concept of agrotourism should be expanded beyond the wineries to enable all farmers to generate supplemental income on their property (e.g., barn weddings). The supplemental income should help farmers remain in agriculture as their primary focus. Land preservation may not be sufficient to keep farms economically viable and we need to be creative to help farmers. The winery pilot program is a good model and the Township hopes it can be expanded to other farms.
Holmdel Twp., Monmouth County Twp. Clerk	No	No	No	No	No	

Municipality/ Respondent	Actions Taken Regarding Ordinances?	Site Plan or Other Approvals Sought?	Concerns	Positive Community Impacts	Negative Community Impacts	Other Comments
Plumsted Twp., Ocean County Township Committeeman and Police Chief (survey) Mayor (subsequent comments)	No	No	No	Police chief stated that events have brought the community together and business to other local business owners. The owners of the winery have always worked well with the police department when coordinating events. They take into consideration security, traffic and overall community awareness to ensure a safe event. The staff is very diligent when it comes to not over-serving patrons and checks IDs to ensure no under-age drinking is occurring.	See Other Comments	Following a large winery event where attendance far exceeded expectations, the Mayor subsequently provided comments that he believes that maximum attendance numbers need to be established for any winery holding special events, based on roadway infrastructure, any arrangements for offsite parking and facility size. Some events have become extremely popular, which is good. However, the unintended consequnce is the town is literally shut down because of the traffic volume. Other businesses suffer huge loss in sales and local residents are unable to drive out of their driveways. He suggested possibly requiring a certain number of security personnel on duty at the site, depending on the number of attendees, to help reduce drunken incidents. He also stated that there needs to be tight control on the amount of alcohol any individual consumes, as special events are not like a bar or restaurant setting where servers can monitor this.
Mansfield Twp., Burlington County Municipal Clerk	No	No	For preserved and nonpreserved farms: safety issues – police coverage, adequate parking, bathroom facilities (temporary), traffic control, etc.	The winery in the Township offers taste testings (not special occasions), which has resulted in more individuals passing through the Township, thereby promoting more visibility to some of the Township's small businesses.	No	
Logan Twp., Gloucester County Municipal Clerk	No	No	No	Yes. Events have brought positive attention and recognition to the Township.	No.	

Municipality/ Respondent	Actions Taken Regarding Ordinances?	Site Plan or Other Approvals Sought?	Concerns	Positive Community Impacts	Negative Community Impacts	Other Comments
Harrison Twp., Gloucester County Mun. Clerk	No	No	No	No	No	
Pilesgrove Twp, Salem County Clerk/Admin.	No	No	For both preserved and nonpreserved farms: sanitary issues, i.e., bathroom facilities, traffic and parking	Attendees at special occasion events are likely to patronize other businesses in the community.	No	
Deerfield Twp., Cumberland County Clerk/Admin.	No	No	No	Not aware of any.	Not aware of any.	
Lower Twp., Cape May Twp. Clerk	No	No	No	People enjoy the events.	No	

***Based on 2015 calendar year unless otherwise indicated**