

MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD

**RIGHT TO FARM CONFLICT RESOLUTION
FINDINGS AND RECOMMENDATIONS**

**SERGIO NERI, OWNER
HOPEWELL VALLEY VINEYARDS
46 YARD ROAD, HOPEWELL TOWNSHIP
BLOCK 48; LOTS 2 and 3.02**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-10.1(a) and the State Agriculture Development Committee's Right to Farm Rules, N.J.A.C. 2:76-2.10(a), any person aggrieved by the operation of a commercial farm shall first file a complaint in writing with the applicable County Agricultural Development Board (CADB), or, the State Agriculture Development Committee (SADC) in counties where no CADB exists, prior to filing an action in court; and,

WHEREAS, in April 2010, the Mercer CADB received complaints from four parties against Hopewell Valley Vineyards (HVV) and its wine marketing activities (Attachment #1); and,

WHEREAS, the complaints concerned activities that are not addressed by an agricultural management practice recommended by the SADC or a site specific agricultural management practice adopted by the Mercer CADB, the Mercer CADB, pursuant to the requirements of N.J.S.A. 4:1C-10.1(c) and N.J.A.C. 2:76-2.10(c), forwarded the complaints to the SADC for a determination of whether the HVV disputed agricultural operation constituted a generally accepted operation or practice; and,

WHEREAS, pursuant to N.J.A.C. 2:76-2.10(c), the SADC concluded that HVV satisfied the criteria for Right to Farm protection eligibility as a commercial farm and held a public hearing on August 12, 13, and September 20, 2010 regarding the complaints against HVV; and,

WHEREAS, at its February 24, 2011 meeting, the SADC adopted its Public Hearing Officer's Report and Recommendations (Attachment #2); and,

WHEREAS, following SADC adoption on March 22, 2011 of its February 24, 2011 meeting minutes and passage of the 15-business day gubernatorial review period for meeting minutes, the SADC recommendations were forwarded to the Mercer CADB, Sergio Neri as owner of HVV, and the four complainants at which time the statutory 60-calendar days time period, ending on June 13, 2011,

commenced for the Mercer CADB to issue final findings and recommendations on the matter; and,

WHEREAS, the Mercer CADB held a public hearing on May 2, 2011 (transcript Attachment #3) during which the Mercer CADB heard testimony and comments and accepted evidence from HVV, the complainants, and the general public, and provided the parties with an additional seven (7) calendar day period within which to provide additional submissions for consideration by the Mercer CADB; and,

WHEREAS, the Mercer CADB thereafter held a Special Meeting on May 10, 2011 to close the May 2nd public hearing and to discuss the testimony and evidence from the May 2nd public hearing as well as the SADC recommendations.

NOW THEREFORE BE IT RESOLVED, that the Mercer CADB conditionally adopts the SADC Hearing Officer's Findings and Recommendations as to the permitted activities in which HVV can engage, with the following exception: although the SADC Recommendation determined that "vintner's dinners" are not a generally accepted agricultural practice, the Mercer CADB believes that the specific pairing of a vintner's new, ready-for-market wine with catered food is a common educational activity which the Mercer CADB finds eligible under N.J.S.A 4:1C-9h of the Right to Farm Act; and,

BE IT FURTHER RESOLVED, that the Mercer CADB expresses its disappointment that, after many years of discussion, the SADC has yet to implement a State-wide Agricultural Management Practice that would address Direct Marketing and Agri-Tourism activities thereby providing direction and right-to-farm protection for commercial farms, such as HVV, to market their product, it also being strongly noted by the CADB that the production of agricultural products is inherently tied to the marketing of agricultural products, and strongly urges the SADC to take immediate action to implement such a State-wide Agricultural Management Practice for Direct Marketing and Agri-Tourism activities.

I certify that the above Resolution was adopted at a meeting of the Mercer County Agricultural Development Board on June 6, 2011.



Daniel Pace, Secretary
Mercer CADB

Attachments are part of the permanent record and are located in the Mercer County Planning Division Office. Electronic copies of the Attachments are available upon request.