

BARRY•CORRADO
& GRASSI, PC

ATTORNEYS AT LAW

Mailing Address:
2700 Pacific Avenue
Wildwood, New Jersey 08260
P: 609 729 1333
F: 609 522 4927

601 Longwood Avenue, Suite A
Cherry Hill, New Jersey 08002

www.capelegal.com

Stephen W. Barry •
Frank J. Corrado
Oliver T. Barry •
Suzanne Pasley
Erika Lezama-Simonson
Shauna L. Friedman •

Of Counsel:
Joseph C. Grassi

- Certified Civil Trial Attorney
- Member of NJ and PA Bars
- Member of NJ, PA and NY Bars

September 13, 2023

Via e-mail to Brian.Smith@ag.nj.gov

Brian Smith, Esquire
State Agricultural Development Committee
P.O. Box 330
Trenton, NJ 08625-0330

Re: Michael E. Halpern - Ocean City Winery
Block 723, Lot 37, Upper Township, Cape May County, NJ

Dear Mr. Smith:

I represent Upper Township in this matter. I have received and reviewed the appeal filed on September 12, 2023, by Richard King, Esquire, on behalf of a group of neighbors to the winery.

On behalf of his clients, Mr. King has appealed the Cape May County Agricultural Board's decision approving a Site Specific Agricultural Management Plan for the proposed commercial winery, embodied in Resolution CADB-2-2023.

Please be advised that Upper Township joins in this de novo appeal of that determination.

The Township recognizes that the approved SSAMP reflects the applicant's modification of the original proposal to eliminate on-site commercial sales. The Township further recognizes that the resolution contains several conditions, requested by the Township and agreed to by the applicant, that ameliorate the impact of the winery operation on the surrounding community.

Nevertheless, the Township asks the SADC to resolve the significant issues raised by the neighbors' appeal. In particular, the SADC must determine whether 1) the hearing on

Brian Smith, Esquire
September 13, 2023
Page 2

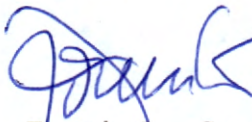
the size of the winery was properly noticed; and 2) the property itself satisfies the requirements for a "commercial farm."

Additionally, the Township asks the Committee to determine whether the neighboring residential property, particularly on the north side of the winery, is sufficiently buffered to protect the residents from any negative effects of the winery's operation.

Thank you for your attention.

Respectfully submitted,

BARRY, CORRADO & GRASSI, P.C.



Frank L. Corrado
Attorney for Upper Township

FLC/kcc

cc: Colin Bell, Esquire by email
Rich King, Esquire by email
Jon Batistini, Esquire by email
Joanne Herron, RMC, Upper Township Clerk