

**Cape May Court House, NJ  
TOWNSHIP OF MIDDLE  
TOWNSHIP COMMITTEE  
WORKSESSION AGENDA  
October 21, 2013 4:00 P.M. (prevailing time)**

**CALL TO ORDER:**

Mayor's Announcement: I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

Notice of this meeting was properly given in Resolution No. 18-13 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 3, 2013.

Members present are Mayor Lockwood and Committeemember Donohue. Committeemember DeLanzo arrived at 5:30pm.

Business Administrator Connie Mahon, Township Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Municipal Solicitor Marcus Karavan & Municipal Engineer Marc DeBlasio.

**FLAG SALUTE:****DEPARTMENTAL REPORTS AND PROJECT UPDATES:****Administration:**

Discussion on "Patsy's Way" Housing Development

Senator Van Drew – Was not aware of project until received e-mails and letters asking questions about same. Received letter from Mayor and Township Committee expressing concerns about the project. Knew that there was a press conference which gave information about the project, but did not attend and was not aware of meetings and conference calls about the project until after the fact. Spoke to NJ DCA and Governor's office who advised that this is a municipal function being done with Superstorm Sandy funding, which is used to replace housing that was lost in the storm. Does not necessarily mean that this project has to go through. Governing Body has to sign off to move forward with this project. Senate and Legislature does not sign off on projects such as this.

Mike Butterfield – Asked Senator to confirm that Governing Body must sign Certificate of Need.

Senator Van Drew – Yes.

KP Arenberg – Does Certificate of Need have to be done by Resolution?

Senator Van Drew – Believes so.

KP Arneberg - Is there other funding available to support this project if Certificate of Need is not signed?

Mayor Lockwood – Initial funding awarded to developer and waived requirement that that Resolution of Need be put in place. Additional funding available to developer if Resolution for Need is signed. At this time, there is no formal request for the Resolution of Need. Initial funding of \$500,000 was issued from Superstorm Sandy funding by State of New Jersey.

Ron Ruckenstein, Developer – Gave presentation on prospective project to be done at Patsy's Way. Developer has been awarded tax credits from Hurricane Sandy funds, and other funds are available if a Certificate of Need is obtained. Homes to be constructed would be single family, 3 bedroom homes on 1 acre lots, ADA compatible with wider hallways, doors, lower light switches, etc. Received feedback of need for homes for people with special needs in this area. Homes would be available to rent for families with developmental or physically disabled occupants. Introduced Martin from United Cerebral Palsy, would be non-profit partner in this project.

Martin Bershstein, United Cerebral Palsy – spoke of personal background having 4 special needs children, believes this project would be beneficial to this area.

Ed Dillio – Asked if homes would be for rent or to buy? Only for handicap people?

Ron Ruckenstein – Homes would be for rent, preferably only to special needs families, but open to option to allow non-special needs, but would have to confirm that would be permitted within scope of project.

Dana Tyndall – Square footage of homes?

Ron Ruckenstein – Approximately 1,500 sqft.

Dana Tyndall – Asked if developer was aware of deed restriction of 1,800sqft in that neighborhood? Gave Mr. Ruckenstein copy of deed restriction.

Ron Ruckenstein – Was not aware of deed restriction, thanked Ms. Tyndall for information, will review.

Dana Tyndall – Asked if properties would be Section 8?

Ron Ruckenstein – Advised that they cannot discriminate if they are on rental assistance. Offered to provide a resident assistance plan to provide more information.

Mike Butterfield – Asked what is defined as "disabled"? Mr. Ruckenstein mentioned 13,000 disabled people in Cape May County, which seems like a lot for this year. Asked if project is confirmed to move forward, or can residents have an impact on decision to move forward with project?

Ron Ruckenstein – Received data provided by census. To move forward, homes would have to be regarded to allow ADA, which would be more costly. To do that successfully, we will be asking the Township to consider providing us with a Resolution of Need which confirms that there is a need for a project in this community, and would allow us to be eligible for more funding through the State. This Resolution does not require the Township to provide any funding for this project.

Mike Butterfield – Is there a second tier option if a disabled resident does not move in? Are felons excluded? Who will oversee the project and the properties?

Ron Ruckenstein – Felons would be excluded. There will be a management company, which we are looking into. As of right now, a management company has not been established. Would like to have one of the homes set for a management company.

Madelyn McCarrol – Gave definition of “disabled” as found on special needs trust fund website. Asked how much developer is purchasing property for, old owner bought for \$900k.

Ron Ruckenstein – Purchasing property for less than \$900k.

Madelyn McCarrol – Provided street names with flooding issues in that area. Doesn’t find it realistic to build on flood affected lots with flood money. Mentioned the area not having any sidewalks.

Ron Ruckenstein – Understands concerns but does not have answers. Will have to be addressed by engineer.

David May – Do the project have to meet all approvals from previous application still have to be maintained?

Ron Ruckenstein – Yes, developer is not asking for any waivers.

Bob Rixey – Asked about connected between Fishing Creek Road and Tally Ho Road. Would have to cross bike bath to connect the areas.

Ron Ruckenstein – Streets will not be connected, Tally Ho home is separate area, although part of 10 home project.

Gary Rhile – Asked how Sandy money was available for people not affected by the hurricane?

Martin Bershstein – Replacement money for housing for houses lost, no restricted to residents who were affected..

Gary Rhile – To what degree and how long will properties be maintained?

Ron Ruckenstein – 99.x% owned by financial entity for tax benefit, different groups responsible for looking over the properties. Division within financial entity will be responsible for overlooking properties, as well as several other State agencies.

Sandy Cohn – Concerned with area becoming “undesirable” and properties not being able to sell.

Martin Bershstein – Plans to keep properties maintained and not become “SRO” or “slum area”.

Sandy Cohn – Still considered a rental with no control on how a person maintains a property. From experience, expressed that she knows that tenants do not maintain properties.

Ron Ruckenstein – Asks tenants to sign quality of life amendments to the lease. Committed to keeping properties maintained. Does not believe it is going to be the type of population that everyone is expecting.

John Anderson – Who is responsible for outside maintenance?

Ron Ruckenstein – Maintenance company, not the tenants.

Sam Kelly – All criteria in this project was proposed in Conifer project, no tenants could be declined for that project either. Applauded project for affordable housing attempt in single family homes.

Dave Cohn – Asked for clarification – disabled or not?

Martin Bershstein – Targeting families with disabled family member before looking elsewhere. Cannot discriminate, may be disabled and have rental assistance.

Dave Cohn – Questioned increase in grade on property. First time did not work, project will make it worse for neighboring streets.

Ron Ruckenstein – Approved subdivision, not improved.

Dave Cohn – Is this project up to Committee for final approval? Can project be stopped by Township Committee?

Committeemember Donohue – Project can be built without Resolution of Need. If Committee signs Resolution of Need, it opens the opportunity for more funding. This project was presented to us as special needs, affordable housing project at the press conference, since they very first time that we heard about it. Committee did not drive the conversation for this project.

Ron Ruckenstein – Looked at this as a unique opportunity for affordable housing in single family homes.

Martin Bershstein – Spoke about tax credits and credits available for special needs housing.

Dave Cohn – spoke of tremendous amount of water in the area after storms, snow.

Judy Anderson – Is there current development as this that has been successful in New Jersey?

Martin Bershstein – This is the first single family development in New Jersey. Cost is usually an issue which is why it has not been done before.

Dawn Robbins – Spoke of area being rural, no sidewalks, does not believe to be “safe” for a disabled person to be going up and down the street with constant traffic.

Ron Ruckenstein – Looking to provide shuttle service for this development.

Dawn Robbins – So there will now be a shuttle service to increase traffic in this area?

Karin Buckingham – Spoke of relative who is “disabled” and “works the system”? Asked if developer would want this type of housing going in his neighborhood? Spoke of concern with potentially not being able to get hold of management company if they are not going to be on site.

Committeemember Donohue – Believes disability v. special needs is a legitimate concern.

Josh Gartner – Believes this type of development will bring property values down, safety will decrease, and traffic will increase as area becomes “undesirable”. Asked how developer will prevent this from happening.

Ron Ruckenstein – Creating a home targeting from this area, one unit dedicated to staff to address issues, etc.

Josh Gartner – Would developer be willing to put this in writing to be sure it is implemented? Could neighbors approve the terms to be implemented?

Ron Ruckenstein – Would be willing to put into writing, not sure about being approved by neighbors.

David May – Subdivision was approved, bond was submitted, just waiting for infrastructure to be completed. Developer could have built these houses without any discussion that they were going to become rental properties. Suggests that plans be updated and provided to engineer for review, original plans were reviewed in 2005.

Mike Butterfield – Asked how many acres for total property? How many houses initially approved? Questioned lots on additional side of street.

Ron Ruckenstein – 9 lot subdivision and one additional single lot. Lots across the street are owned by someone else.

Judith Papchak – Subdivision approved several years ago, prior to flooding. Spent close to \$5,000 to pump water from her property, awful experience, others experienced worse situations.

Joan Bahler – Owns four other lots plus adjacent property. Involved as partners with previous owners of subdivision. Adjacent neighborhoods were covered under different flooding regulations, this property covered under more strict flooding regulations. Spoke of drainage issues and old regulations.

Mayor Lockwood – By background, 2010 was one of the worst years when it came to excessive rainfall and flooding, draining issues.

Marc DeBlasio – New Jersey Stormwater Regulations have changed since 2005. Recommends drainage being reviewed again.

Dana Tyndall – Without the grant which required Resolution of Need, can the development be afforded?

Ron Ruckenstein – Yes, tax credits represent over 75% of financing which are not tied into a Resolution of Need.

Dana Tyndall – Does deed restriction for 1,800 sqft stand for this development?

David May – Not part of approvals, but it is a filed documents, not a planning board approval.

Committeemember Donohue – Deed restriction is a document from Homeowner's Association, not a Township regulation.

Dana Tyndall – Spoke of possible increase in taxes, if a student has to go to a special school which costs more money to the taxpayers. Will the developer cover those costs?

Martin Burkstein – Costs will not be covered by developer.

Dana Tyndall – Spoke of FEMA plans, would like to see flooding in this area be reevaluated.

Rick Rixey – Asked who pays real estate tax?

Ron Ruckenstein – No abatement, developer will pay full property taxes.

Eileen Fausey – PILOT program or regular property taxes?

Martin Bershstein – Developer will pay regular property taxes, like everyone else.

Sandy Cohn – special needs v. disability, criteria for disabilities, sex offenders, etc., developer mentioned it was a last minute decision to add special needs. Asked if developer would be happy with this in your backyard?

Martin Bershstein – Would welcome this project in backyard. Not going to be high density complex.

Ron Ruckenstein – Believes comments are being mischaracterized. Has a similar project near his neighborhood, wants to offer high level of support services.

Madelyn McCarroll – Spoke of Resolution from Planning Board in 2005, before issues with flooding. Spoke of concerns with drainage. Mentioned United Cerebral Palsy does not have a website, but is an organization with millions of dollars. Presented Resolutions to Committee

Mayor Lockwood – Addressed some concerns with DCA and Office of Sandy Recovery, should be hearing back from them. Possibly address these concerns with Senator Van Drew.

Madelyn McCarroll – Spoke of IRS forms and questioned Mr. Ruckenstein signing these forms.

Dave Cohn – Is cerebral palsy program funding the project?

Martin Bershstein – Group is from social services standpoint, Ron is more the financial statement.

Kimberly Anderson – Has child with disability, believes homes should be left open for those with disabilities, not a second tier for someone without a disability.

**Finance:**

**Public Works & Engineering:**

**Legal:**

**Tax Collection/Tax Assessment:**

**Construction/Planning/Zoning:**

**Recreation:**

**Police:**

**Buildings and Grounds:**

**Sewer:**

**Grants:**

**Personnel:**

**Zoning:**

**Township Clerk:**

**SPECIAL PRESENTATIONS OR DISCUSSIONS:**

**PUBLIC COMMENT:**

Mayor Lockwood and Committeemember Donohue –  
Thanked everyone for coming to meeting.

Madelyn McCarroll –  
Asked Committee about their position on this project.

Mayor Lockwood –  
Learned a lot more about the project today. Believes having a family member with a disability is hard and has a measure of impact on family members. Understands concerns of the neighbors. Believes Resolution of Need is a “Catch 22”, as they have funding which will make this project happen without the Resolution. There are more questions and concerns which still need to be answered.

Sam Kelly –  
Thanked Committee for having this forum, has family with disability and believes would be beneficial to community.

Sandy Cohn –  
Same tax relief as Confier?

Marc Karavan –  
Not part of fair share housing plan.

Sandy Cohn –  
Date for proposed ground breaking?

Mayor Lockwood –  
End of this year, early 2014.

Committeemember Donohue –  
All concerns are from original planning board approvals. Issues now are about who is going to live there and how maintenance is going to be taken care of. Believes a lot of good points were made at this meeting.

Madelyn McCarroll –  
Reiterated that agreement says that water issues have not been addressed.

David May –  
Has letter in file that states that changes were made and issues have been addressed.

Judy Anderson –  
Asked for timeframe of having answers to questions answered?

Mayor Lockwood –  
30 days, December Work Session meeting; discuss clarifying process/guarantees behind screening process, as well as managing the process, and how nature of development will be maintained and who will the people be who are responsible for maintenance.

Motion to adjourn meeting – 6:10pm

1<sup>st</sup>: Committeemember Donohue 2<sup>nd</sup>: Mayor Lockwood

Roll Call Vote: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood