

**BOROUGH OF NORTHVALE  
PLANNING BOARD/BOARD OF ADJUSTMENT  
OCTOBER 1, 2014**

**MINUTES**

**Chairman, Peter Perretti reads the Sunshine Statement into the record at 8:00 p.m.**

**Roll call by Lisa Walker as Laura Benvenuto is not present.**

**ATTENDANCE:**

**PRESENT:** MR. PERRETTI, MR. AMOROSSO, MAYOR PIEHLER, MR. DELAURA,  
MR. GIANNOTTI, COUNCILMAN SOKOLOSKI, MR. VOLLMER,  
MRS. WALKER (ALTERNATE #1), MR. SILLERY (ALTERNATE #2),  
MR. MORAN (ALTERNATE #4)

**ALSO PRESENT:** BOARD ATTY. JAMES DRONZEK, BOARD ENGINEER, MR. PAUL NIEHOFF

**ABSENT:** MR. DEVLIN, MR. TREBINO, MR. BARGNA (ALTERNATE #3)

**REGULARLY SCHEDULED FORMAL MEETING**

**APPLICATION OF RIO VISTA HOMES AT NORTHVALE, LLC, 199 PARIS AVENUE,  
BLOCK 908, LOT 1 AND BLOCK 603, LOT 6 – SITE PLAN APPLICATION**

At this time, Mr. John Mavroudis of Mavroudis and Guarino, Attorney At Law came forward. Mr. Mavroudis understands that the issue of the five unit COAH matter has not been resolved in the parties that are reviewing this. There is still review going on regarding COAH issues. Mr. Mavroudis stated that he thinks that, although it is important, does not necessarily have to be resolved this evening prior to the Board taking action on this application. Because COAH is in such an uproar at this point, the third round of obligations by COAH hasn't been resolved. There has to be an application by the Borough.

Mr. Mavroudis does not want to delay his starting the models of the four units. The COAH matter could take months. He is willing to find another site to build. Mr. Mavroudis would like to proceed and he will, in good faith, work with the professionals of the Board and Mayor and Council.

Mr. Perretti said when he transferred to the Housing Authority project on Paris Avenue, it wasn't done for free. Mr. Mavroudis must have had to pay them to transfer the five units to them at some cost. There has to be a record of the cost.

Mr. Mavroudis said that what occurred was is that they wanted him to build that site down the block. There were many meetings and in the end, the Bergen County Housing chose not to

have the applicant's company do the construction. The director in charge then is not the director now. Since Mr. Mavroudis never built the units, it was never transferred to them even though there is a Resolution that he was going to do it but never transferred to them.

The certification that was proposed by the municipality had a surplus of units so that those five units didn't make a difference in terms of the municipality being certified as being in compliance with COAH. Mr. Mavroudis said that he is not an expert in COAH but the point is that the Resolution was passed and approval was conditioned upon them receiving the five units from him. Mr. Mavroudis said that he was willing to transfer the units.

Mr. Perretti said that there must be a legal document somewhere regarding this issue. He further noted that there were more senior units than needed in the last round of COAH.

The monetary obligation that was agreed to was that at every closing Mr. Mavroudis would pay between \$3,000 and \$4,000 every time a CO was issued which was the prior obligation for COAH. Mr. Mavroudis did agree to this.

Mr. Amorosso asked if we get back money from the eleven units that were sold. Mr. Perretti said this now will catch up. It is divided by the units to be sold and CO's moving forward. Mr. Niehoff said that we are taking the overall \$300,000 and dividing it into what is left. Before building permits were given they were supposed to give \$150,000. Mr. Mavroudis said that this was not in his Developer's Agreement and he doesn't know about this Ordinance the Board is talking about.

Mr. Niehoff says it was noted in the May 27<sup>th</sup> Developer's Agreement that the ordinance requires COAH fees to be paid in two installments 50% when the building permits are issued and the remainder upon the issuance of the Certificate of Occupancy. Ordinance #809-2005 back in 2005 stated that 50% would be before building permits and the other 50% upon the CO.

It was noted that 77 units are yet to be built. Mr. Mavroudis would like to move forward and finish this development.

Mr. Giannotti asked that a stipulation be noted in the Resolution that no CO's will be issued until all is paid up. Atty. Dronzek said that this got fast tracked at the end of August when Mr. Mavroudis came in and wanted an extension under the permit extension act. In August, a Resolution was adopted right away. The taxes were not paid at the time and the first time this application came before the board was September 17, 2014.

Atty. Dronzek said that he feels the matter should be reviewed more in detail and maybe in two weeks the applicant come back before the Board. He further noted that Mr. Mavroudis should have provided more information to the Board members.

Mr. Sillery said that the COAH obligations could change dramatically but has nothing to do with Mr. Mavroudis - it is only what Mr. Mavroudis agreed to. Atty. Dronzek said if the COAH

obligation has already been satisfied and the applicant doesn't have to build the units on site or someplace else, then potentially the problem is resolved.

Atty. Dronzek asked – does the applicant believe that they still have the obligation to deal with the five COAH units? If the applicant says that he doesn't have that obligation – (Mr. Mavroudis interjects) Mr. Mavroudis said that this is his belief that, in fact, that was transferred. For five units he is not going to get crazy. When that resolution was adopted, Mr. Mavroudis understood that the COAH units were no longer required to be developed and he did sell some of them. He would not have done that if he knew they were to be COAH units.

Atty. Dronzek said that he feels that this application is a good solution to the project. He notes that the applicant agreed that if within the next 90 days it is determined solely on the Borough's analysis of the applicant's obligation – that he is obligated to provide these five units somewhere within Northvale and that he agrees to do it. Mr. Mavroudis said "that is correct".

Mr. Perretti added that at the closings \$3,600 at the closing of every unit is required in order to catch up to the eleven units that are already sold.

The meeting was **opened to the public**. Since no one from the public came forward, the meeting was **closed to the public**.

A motion to **accept** the application with all the conditions that were brought forth by the attorney was made by Mr. Vollmer, seconded by Mr. Giannotti.

ROLL CALL: Mr. Vollmer, Mr. Giannotti, Mr. Perretti, Mayor Piehler, Mr. DeLaura, Councilman Sokoloski, Mrs. Walker, Mr. Sillery, Mr. Moran – YES  
Mr. Amorosso – YES ("for the four units only")

The application was **approved**.

**Correspondence** was discussed.

**General Discussion** by the Board.

A motion to **adjourn** the meeting at 9:07 p.m. was made by Mr. Giannotti, seconded by Mayor Piehler.

All in Favor – "YES".

**Meeting adjourned.**

**Respectfully submitted,**

**Laura Benvenuto, Board Secretary**

