

RESOLUTION

LAND USE BOARD
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ

DATE: 11.12.25

RESOLUTION: LUB 2025-12

Land Use Board	Motion	Second	Yes	No	Abstain	Absent
Bergen		✓	✓			
Warzala						✓
Putrino	✓		✓			
Agugliaro						✓
Yaccarino					✓	
Dalo			✓			
Sirico			✓			
Wilczynski					✓	
Butler			✓			
Conte-Alt.#1						✓
-Alt. #2						

Carried ☐ Defeated ☐ Tabled ☐

LUB 2025-25

LAND USE BOARD OF THE BOROUGH OF ALLENDALE
RESOLUTION APPROVING
APPLICATION FOR VARIANCE FOR
Mahle, Michael & Marino, Danna
246 Park Avenue – Block 2206, Lot 7

WHEREAS, Michael Mahle and Danna Marino, (“Applicant”) are the owners of the Property located at 246 Park Avenue, known as Block 2206, Lot 7 on the Tax Map, in the Borough of Allendale, County of Bergen and State of New Jersey (the “Property”), applied to the Land Use Board of the Borough of Allendale, seeking variance relief from provisions of the Borough of Allendale Land Use Code;

WHEREAS, the Applicant received variance approval from the Borough of Allendale Planning Board dated March 19, 2025, pursuant to N.J.S.A. 40:55D-70c and N.J.S.A. 40:55D-70d4 to develop a two-story addition to the existing single-family residential dwelling structure, together with an attached two-car garage, inclusive of razing an existing freestanding garage structure (“Prior Approval”);

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WHEREAS, the Applicant has filed the instant application with the Board seeking to amend the Prior Approval;

WHEREAS, an Affidavit of Service and Publication was timely tendered to the Board, which, upon review and confirmation of proper notice, conferred jurisdiction over the Board to commence public hearings on the Application;

WHEREAS, Michael Mahle, Property owner and Applicant, appeared before the Board on October 15, 2025 to prosecute the Application, offering sworn testimony in support of same;

WHEREAS, Mr. Mahle, testified that the instant request is to modify and amend the Prior Approval as follows:

- All development contemplated and approved as part of the Prior Approval, and as depicted on the plans prepared in connection with same, will not be pursued for development;
- The Applicant intends to limit development on the Property to the replacement and improvement of a rear yard area deck;

WHEREAS, Mr. Mahle, presented and testified as to plans prepared and filed in connection with the proposed amendment, prepared by John Musinski, AIA, JMA Architects, LLC, dated September 3, 2025, depicting the proposed deck details;

WHEREAS, Mr. Mahle testified as to the proposed deck dimensions (21'x14'), location (rear yard) and setbacks (side yard setback of 11.7'; rear yard setback of 36.3'; and structure separation from the accessory garage structure of 6.7');

WHEREAS, Mr. Mahle confirmed variance relief, pursuant to N.J.S.A 40:55D-70c is required for:

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- Side yard setback (deck) – 15' required, 11.7' proposed;
- Rear yard setback (deck) – 50' required, 36.3' proposed;
- Structure separation (deck to garage) – 10' required, 6.7' proposed;

WHEREAS, no members of the public appeared during the course of the Application;

WHEREAS, the Borough of Allendale Land Use Board hereby makes the following findings of fact and conclusions:

1. The Applicant is the owner of the Property.
2. The Application was duly noticed, conferring statutory jurisdiction over the Board to commence proceedings.
3. The Property is comprised of approximately 11,063 sf of lot area.
4. The Property is located in the A (residential) Zone.
5. The Property is developed with a single-family residential dwelling and associated amenities.
6. Existing conditions on the Property render it nonconforming to side yard setback and lot area requirements.
7. Existing conditions on the Property, including easements and environmentally sensitive areas render development, otherwise consistent with and promoted by the land development code and Master Plan, impractical without the grant of relief.
8. The Applicant's proposed addition exacerbates and enhances nonconforming conditions.
9. The deck, as proposed, will not be visible from the street.
10. The deck, as proposed, will have adequate clearance from the existing garage structure.

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11. The proposed deck side and rear yard setback exacerbates preexisting nonconforming conditions in the subject yard areas in an amount determined to be de minimis.
12. Upon the recommendation of the Board Engineer, neither a plot plan or soil movement plan will be required.

NOW THEREFORE BE IT RESOLVED, based upon the factual and legal evidence, testimony and contentions set forth herein, that the Allendale Land Use Board hereby grants the Applicant's request for relief from the Borough of Allendale Code, subject to the following conditions, which shall be complied with prior to the issuance of a construction permit:

1. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the Applicant's plans, shall be paid in full to the Borough of Allendale by the Applicant, prior to the issuance of any permits.
2. The Applicant shall satisfy any and all approvals, permits, waivers or other disposition as may be required from any agency having jurisdiction, prior to issuance of permits.
3. All fees and assessments required by ordinances, and due and owing to the Borough of Allendale for this site for professional review and approval of the Applicant's plans, shall be paid in full to the Borough of Allendale by the Applicant, prior to the issuance of any permits.
4. Construction shall proceed in strict accordance with this Resolution, the approved plans and drawings marked in evidence, the testimony of the Applicant in accordance with all applicable State, County and Municipal codes, ordinances, rules and regulations.

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5. The Applicant shall provide a certification that Property taxes are paid current.
6. The approval shall be subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Allendale, County of Bergen and State of New Jersey.
7. The Applicant shall be bound by any and all other conditions set forth during the hearing.
8. The Prior approval is deemed abandoned. In the event the Applicant, or any successor in interest, desires to develop the Property in comport with the Prior Approval, same must be prosecuted pursuant to the requirements of Title 40.

BE IT FURTHER RESOLVED that the Land Use Board Secretary shall mail a copy of this Resolution within ten days from the date of adoption thereof to the Applicant or to their attorney, if any, without charge; and to all other persons who request the same and pay the required fee, therefore. The Secretary shall also file a copy of this Resolution in the offices of the Borough Clerk, Building Inspector, Construction Code Official, Tax Assessor and the Borough Attorney and shall publish a brief notice of the decision in the official newspaper, the cost of which shall be paid for by the Applicant.


Approved:

ALLENDALE LAND USE BOARD



MICHAEL SIRICO, Chairman

Attest:



MELISSA BERGEN, VICE CHAIRWOMAN

Adopted: November 12, 2025