

MEMORIALIZING RESOLUTION
GREEN TOWNSHIP PLANNING BOARD

Decided: February 12, 2026
Memorialized: March 12, 2026

IN THE MATTER OF
DANIELLE SCERBO
BULK VARIANCE RELIEF
BLOCK 77, LOT 15
APPLICATION #LU-2601

WHEREAS, Danielle Scerbo (the “Applicant”) has applied to the Green Township Planning Board (the “Board”) for bulk variance approval for property located in the R-1.0 Zone, which property is commonly known as 8 Michael Court and designated as Block 77, Lot 15, on the official Tax Map of the Township of Green, Sussex County, New Jersey;

WHEREAS, the Applicant is the owner of the subject property;

WHEREAS, Michael Court is a horseshoe-shaped road connecting to Wolf’s Corner Road and serving 15 houses. The Subject Property is located on the outside edge of the curve of the horseshoe;

WHEREAS, the Applicant proposes to construct an addition to the rear of the house and cover a porch in the front of the house;

WHEREAS, the Applicant seeks the following new variance relief for the proposed development:

A. Dimensional variances as follows:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Front Yard setback	60 ft	40.4 ft.	35.5 ft.
Rear Yard setback	75 ft.	53 ft.	36 ft.

WHEREAS, the minimum lot size is 43,566 sq ft, but the Property is 40,641 sq ft which is not being changed by the proposal;

WHEREAS, the Board considered the Applicant’s development proposal as depicted in the following plans:

- Variance Plan for 8 Michael Court, Sussex County, Green Township, New Jersey, Block 77, Lot 15, prepared by Andesign dated December 10, 2025 and revised January 6, 2026 consisting of one page.

WHEREAS, the Applicant introduced the following exhibits:

- A-101 – Set of 8 Pictures of the Property.

WHEREAS, the Board has also considered all testimony, reports, exhibits, and other evidence submitted in connection with the application;

WHEREAS, the application was the subject of a duly noticed public hearing held on February 12, 2026, during which the Board reviewed and considered all of the documentary evidence submitted by the applicant, the comments of the Board Engineer, the comments of the Board Planner, the witnesses presented by the applicant and the comments from the public, if any, from which the Board makes the factual findings and conclusions set forth below;

WHEREAS, the Applicant presented testimony to the Board;

WHEREAS, a neighbor, Amy Munoz, presented testimony;

WHEREAS, the Board has made the following findings and conclusions based upon the evidence submitted:

1. The Applicant is the owner of the property and has standing to bring this matter before the Board.

2. The Subject Property is located on Michael Court which road is in the shape of a horseshoe with two intersections with Wolf's Corner Road. The Property is at the "bottom" outside edge of the curve of the horseshoe. The Subject Property is an undersized 40,641 sq ft lot improved with a one-story residence.

3. The applicant testified that she is looking to expand the house by adding an addition at the rear of the house that will provide an expanded kitchen and new living room, extending the left side deck to be flush with the addition. She also proposes a covered porch on the right portion of the front over the front door area.

4. The footprint of the dwelling will be increased by 454 sq. ft. The addition will not increase the number of bedrooms. The deck will increase by 383 sq. ft. The front covered porch will extend to cover part of the existing front sidewalk.

5. The Property is undersized and oddly shaped with sidelines that "flare out" at sharp angles from Michael Court. The driveway is in the middle of the frontage, and the house is "off center" to the right side. The lot is very shallow compared to its width, being approximately 120 feet deep. The survey submitted shows that the lot was created by a subdivision map in 1987 and that, at that time, the front yard setback was 40 feet and the rear

yard setback 35 feet whereas the current requirement for the front yard is 60 feet and for the rear yard, 75 feet. The existing front yard setback is 40.4, and the rear yard 53 to the house. The proposal would reduce the front yard to 35.5 feet and the rear yard to 36 feet.

6. The septic system is located to the right of the dwelling and impedes expansion of the house in that direction. Expansion to the left is impractical given the floor plan and room layout

7. The neighbor to the rear (Block 6, Lot 77) testified regarding concerns over the visibility of the rear addition/deck which will be closer to the rear line and any effect on drainage towards her property. The Board noted that a second story could be added without getting closer to the rear line and that would be substantially more visible. The Board also noted that there is a band of woods on the neighbor's property of 200 feet to 300 feet in depth that impedes visibility from the neighbor's house. Nonetheless, the Board felt some additional landscaping would mitigate the aesthetic impact. As to drainage, there will be no change to the drainage pattern, and the increased coverage is less than 500 sq ft. The Board felt that minimal measures were needed to address this di minimis increase in coverage.

8. The Board finds that the granting of the requested bulk variances is proper pursuant to N.J.S.A. 40:55D-70c(1) as the physical aspects of the property present a hardship. The lot is slightly undersized and oddly shaped with a shallow depth under present Zoning Standards. The location of the house, driveway and septic, as well as the floor plan of the house, limit options for expansion. The design of the lot and house met the standards in 1987 when the lot was created but do not do so now. In fact, the current front yard and rear yard setbacks would leave no building envelope. The proposed expansion of the house and deck and construction of a covered porch are reasonable in size and scope and are not out of keeping with the development pattern on Michael Court. There is no substantial negative impact on the public welfare or the Zoning Ordinance or Zoning Plan. The visual impact on the neighbor to the rear is mitigated by the trees and buildings on the neighbor's property and will be further mitigated by the Applicant installing a vegetation buffer. The minor increase in run-off can be mitigated by use of a "drainage pit."

9. Subject to the conditions of this resolution, the Applicant meets the requirements for the granting of bulk variance relief.

NOW, THEREFORE, BE IT RESOLVED, that the application of Danielle Scerbo for bulk variance relief be and is hereby granted subject to the following conditions:

1. Applicant shall comply with all applicable Municipal, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits.

2. If another governmental entity or agency grants a waiver or variance affecting this approval or the conditions attached to it, then the Applicant shall notify or apply to this Board and this Board shall have the right to view that issue as it relates to this approval and these conditions and modify and amend same, if appropriate.

3. In the event the Applicant or its successors or assigns construct or attempt to construct any improvement, use or operate the property, or take any action, which construction, use, operation, or action is in violation of or in conflict with the terms of this approval, or if the Applicant or its successors or assigns omit to take any action required by the terms of this approval, the Board hereby reserves the right to withdraw the instant approval and any variances granted hereby. In the event that any other required regulatory approval conflicts with the terms and conditions hereof, or materially alters the same, or the terms and conditions hereof are materially altered by any change in applicable law or regulation other than those municipal regulations for which change is prohibited by the Municipal Land Use Law (MLUL), the plans approved by the Board shall not be signed and no permits or certificates for construction of the project will be issued until the Applicant applies for and receives an amended approval from the Board.

4. The Applicant shall recycle all material as required by local ordinance both during construction and for the duration of occupancy.

5. All construction, use and development of the property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, and all terms and conditions of this resolution, all of which have been relied upon by the Board in rendering its decision. The Applicant shall be bound to comply with the representations made before this Board by the Applicant and its professionals and the conditions imposed by the Board at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval. Prior to the commencement of any land disturbance or construction, the Applicant shall have submitted and received approval for all corrections, revisions, amendments and/or additions to the filed plans and reports required by this approval. Construction permit(s) shall not be issued by the Building Department until the Board Engineer determines that the construction documents submitted for permits conform to all Board approval requirements.

6. The Applicant shall comply with all applicable Municipal, County, State and Federal laws, ordinances, regulations and directives, including without limitation, obtaining all applicable local, state and federal approvals and/or permits. The Applicant shall confirm, in writing, the necessary agency approvals required as part of the project and shall provide certification, in writing, that all such permits and/or requests for said approvals have been applied for. All required permit applications and/or requests to other agencies having jurisdictional oversight with respect to this project shall be submitted to such agencies for review within sixty (60) days from the date of this resolution. Prior to the signing of the approved plans, and prior to the commencement of any land disturbance or construction, the Applicant shall submit proof to the Board Engineer that it has obtained all required governmental approvals and permits required for the project. Without limitation of the foregoing, if required by Municipal ordinance, a Soil Removal/Soil Disturbance permit shall be obtained from the Municipal Engineer in all instances where more than 500 square feet, or 10 cubic yards, of soil and/or rock will be disturbed and/or removed.

7. The Applicant must pay all outstanding taxes, application fees, technical review fees, inspection fees and performance guarantees that may be required hereunder or by the Board Engineer or Municipal Engineer. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification. Failure to pay the same shall permit the Board to withdraw this approval and any variances approved hereby.

8. The Applicant, its successors and assigns shall comply with all regulations of the municipality and the Council on Affordable Housing (COAH), including any amendments or revisions thereto, which may impact the subject property and any and all affordable housing obligations accruing from this development. The Applicant shall comply with all requirements of the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 et seq.) to the extent and at such time as said requirements shall become applicable to the proposed development.

9. The Applicant will consult with the Board Engineer in connection with the sequencing of construction, storage of construction materials, and the like, and agrees to post such bonds as may be required by the Board Engineer in connection therewith. If requested by the Board Engineer, the Applicant shall arrange for and attend one or more pre-construction meetings with the Municipal Engineer and such other Municipal Officials as the Municipal Engineer shall designate.

10. One set of revised plans and reports incorporating all additions, amendments and corrections made a part of this approval as indicated during testimony and as required by the Board, Board Professionals and other agency reviews having jurisdiction in the matter, shall be submitted to each of the Planning Board Secretary, the Board Engineer and the Board Planner. Said plans and reports shall be delivered within thirty (30) days of receipt of final approval from all other jurisdictional agency reviews for the project and shall be submitted not more than one hundred eighty (180) days from the date of this resolution. In the event the Applicant does not comply with these time frames, it shall apply to the Board for an extension. Errors and omissions by the Applicant in the submission process will not be deemed to be a valid basis for extension requests of the aforementioned timeframes.

11. Upon written confirmation from the Board Engineer that the required plan and report revisions are acceptable, a total of six (6) sets of such final plans and reports shall be delivered to the Municipal Land Use Office, not later than thirty (30) days from the date of said written confirmation, for signatures by the Board. The signed plans will then become the official plans for the project. The Applicant shall not request final inspections or the issuance of a Certificate of Occupancy until the Board Engineer confirms that all site plan details and conditions of approval have been complied with.

12. If required by the Municipality, the Applicant shall execute a Developer's Agreement in a form acceptable to the Board Engineer, the Municipal Attorney, and the Board Attorney, which agreement shall provide, among other things, for the posting of such performance and other bonds as the Municipality determines to be necessary and appropriate for the construction of the proposed development project.

13. Upon completion of construction of the project, the Applicant shall provide six (6) copies of an “as built” survey prepared by a licensed land surveyor.

14. If the Applicant desires to make any changes to the final plans, regardless of whether any such change is material or non-material, the Applicant shall request approval therefor by written application to the Board Engineer, which application shall clearly identify each change proposed. The Board Engineer shall determine whether each such change is “material” or “non-material”. Changes determined by the Board Engineer to be non-material shall be automatically approved. Material changes shall require an application for amended approval to be filed with the Board. Failure to comply with this condition will subject the Applicant to a fine pursuant to applicable Ordinances and may be sufficient grounds for withholding any certificate of occupancy or revocation of any previously issued certificate of occupancy pursuant to N.J.A.C. 5:23, Uniform Construction Code of New Jersey.

15. Applicant shall install evergreens along the rear property line behind the house. The evergreens shall be a maximum of 6 feet tall at planting. The species, planting pattern and length of the installation shall be subject to review and approval by the Board engineer.

16. Applicant shall install a drainage pit to accept roof run-off equivalent to at least the additional impervious surface caused by the proposal. The location, size and specifications of the pit shall be subject to review and approval by the Board engineer.

17. Applicant shall confirm with the Sussex County Health Department that the septic is designed/sized for a three-bedroom house.

18. Applicant shall receive any other approvals as necessary , such as from the Sussex County Planning Board, the Green Township Construction Department, the Sussex County Health Department and Green Township for Soil Erosion and Sediment Control.

ALL NOTES INCLUDED IN THE APPROVED PLANS, INCLUDING NOTES REQUIRED BY THIS RESOLUTION, SHALL BE DEEMED TO BE CONDITIONS OF APPROVAL HAVING THE SAME FORCE AND EFFECT AS CONDITIONS EXPRESSLY SET FORTH IN THIS RESOLUTION.

I HEREBY CERTIFY that this is a true copy of a resolution of the Green Township Planning Board, which Board is a nine (9) member planning board as authorized by N.J.S.A. 40:55D-25(c), duly adopted at a regular public meeting held on March 12, 2025.

Pursuant to N.J.S.A. 40:55D-10g(2), this Resolution memorializes the action taken by this Board at a public meeting of the Board held on February 12, 2026.

The record of voting on the application and memorializing resolution appears on the following page.

Application #LU-2601 - Scerbo

Board Action Approving Application						
	Motion	Second	Ayes	Nays	Abstain	Absent
Holzauer			✓			
Wilson			✓			
Phillips						✓
DeYoung <i>ROSE</i>			✓			
Miller			✓			
Cercone			✓			
Lynch						✓
Mullen			✓			
Kobilinski		✓	✓			
Diaz (Alt #1)	✓		✓			
Douglass (Alt #2)						✓
Cahill (Alt #3)			✓			
Smith (Alt, #4)						

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Board Action on Memorializing Resolution						
Holzauer			✓			
Wilson	✓		✓			
Phillips					✓	
DeYoung <i>ROSE</i>						✓
Miller						✓
Cercone						✓
Lynch						✓
Mullen		✓	✓			
Kobilinski			✓			
Diaz (Alt #1)						✓
Douglass (Alt #2)						✓
Cahill (Alt #3)						✓
Smith (Alt. #4)					✓	

Kim Mantz

KIM MANTZ, Board Secretary
Green Township Planning Board

Dated: March 12, 2026

*Prepared by: David Burton Brady, Esq.
Brady & Correale, L.L.P.*