MEMORIALIZING RESOLUTION
GREEN TOWNSHIP LAND USE BOARD

Decided: August 13, 2026
Memorialized: September 10, 2026

IN THE MATTER OF
CLAUDIO PETUCCO
BULK VARIANCE RELIEF
BLOCK 31, LOT 27
APPLICATION #LU-2612

WHEREAS, Claudio Petucco (the "Applicant") has applied to the Green Township Planning Board (the "Board") for bulk variance approval for property located in the AR-5/2 Zone, which property is commonly known as 12 Sunny Lane and designated as Block 31, Lot 27, 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, the property is at the corner of the intersection of Sunny Lane and Mountainview Drive and has an existing single family house;

WHEREAS, the Applicant has constructed or partially constructed an elevated front patio/terrace and two monuments/columns in the front yard together with walkways and patios without the benefit of a Zoning Permit;

WHEREAS, the Applicant seeks the following variance relief for the proposed aforesaid structures:

A. Dimensional variances as follows:

	Required	Existing	Proposed
Front Yard setback	100 ft	87.2 ft.	73.5 ft.
Maximum Height of Structure in Front Yard	4 ft.	N/A	>4 ft.
Structure in the Road ROW	Not Allowed	N/A	4 ft.

WHEREAS, the minimum lot depth is 600 ft, but the Property is 431 ft deep which is not being changed by the proposal;

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

- Plan entitled, "The Petucco Residence" prepared by Babula Architecture LLC dated September 16, 2024 and last revised January 7, 2026 consisting of two pages.

WHEREAS, the Applicant introduced the following exhibits:

- A-101 – Letter from neighbor, Jospeh Pender.

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 August 13, 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, 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 at the intersection of Sunny Lane and Mountainside Drive with a residence fronting on Sunny Lane. The Subject Property is compliant with bulk lot standards except that it is 431 feet deep whereas 600 feet is required.

3. The Applicant testified that there was confusion with the architect as to who would obtain permits, which led to the failure to obtain the same. He then described the work that had been done to date and pointed out the same on the plan. Mr. Petucco explained that another house has a similar look which is attractive and the patio/terrace work would provide useable outdoor space. The Applicant pointed out that the house, as it exists, has a first floor elevation significantly higher than the surrounding grade with a significant amount of foundation exposed, and the patio/terrace softens and transitions from the grade thereby improving the aesthetics.

4. As to the monuments/columns in the ROW, the Applicant admitted the same serve no functional purpose. Nothing about the property requires them to be partially in the ROW or to exceed the height limit in the Ordinance.

5. The Board finds that the granting of the requested bulk variances is for the patio/terrace, in the front yard is appropriate proper pursuant to N.J.S.A. 40:55D-70c(1) as the physical aspects of the property present a hardship. The lot is lacking in depth per the current ordinance, and the house is already 87.2 feet from the front property line whereas 100 feet is required. The elevation of the first floor results in a significant amount of exposed foundation. The patio/terrace makes for a more attractive front by covering the foundation and provides an attractive and usable feature. The location of the house and the elevation of the first floor further constitute hardships which limit the Applicant's option. There is no substantial detriment to the public welfare or the Township Zoning Ordinance or Zone Plan in granting the variance.

6. The Board does not find that the requested variances for the location of the monument/columns on the ROW or the height of the same are justified under N.J.S.A. 40:55D-70(c). The same are partially off the property and on the Township Right of Way. There is no hardship requiring that location nor any planning or functional reason from that location or from the excess height. The location creates snow plowing issues for the Township, impedes the Township's future use of the ROW and inhibits observation of persons in or approaching the driveway. To grant a variance would pose a substantial detriment to the public good.

7. Subject to the conditions of this resolution, the Applicant meets the requirements for the granting of the bulk variance relief for the front patio/terrace only.

NOW, THEREFORE, BE IT RESOLVED, that the application of Claudio Petucco 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. Commencement of work or use of the property per this resolution shall serve as irrevocable consent by the Applicant, landowner and/or their successors and/or assigns to the following: In the event the project includes work or items that require a bond (cash or surety) and such work is not performed or items installed, and the bond is called, the applicant, landowner and their successors and assigns shall permit the municipality and its contractor to enter the property to perform the work or install the items that are the subject of the bond.

14. 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.

15. 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.

16. The monuments/columns shall be removed within 60 days hereof. The sidewalk may extend to the paved street, subject to the Township's ownership, control and rights in the ROW.

17. The architectural plans shall be revised to include the steps, the removal of the wall on the terrace and replacement with a balustrade, the construction details and such other information as required by the Board Engineer. Once approved by the Board Engineer, the plan shall be filed with the Board Secretary.

18. The Applicant shall notify the Construction Official of the work done, request the appropriate permits and request the official to inspect the structures and comply with all construction codes.

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 August 13, 2026.

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 September 10, 2026.

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

Application #LU-2612

Board Action Approving Application						
	Motion	Second	Ayes	Nays	Abstain	Absent
Holzhauer			✓			
Wilson			✓			
Phillips						✓
Rose						✓
Miller						✓
Cercone			✓			
Lynch			✓			
Mullen						✓
Kobilinski			✓			
Diaz (Alt #1)		✓	✓			
Douglass (Alt #2)	✓		✓			
Cahill (Alt #3)						✓
Redlich (Alt #4)			✓			

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Board Action on Memorializing Resolution						
Holzhauer						✓
Wilson			✓			
Phillips					✓	
Rose					✓	
Miller					✓	
Cercone	✓		✓			
Lynch		✓	✓			
Mullen					✓	
Kobilinski			✓			
Diaz (Alt #1)						✓
Douglass (Alt #2)					✓	
Cahill (Alt #3)					✓	
Redlich (Alt #4)			✓			

Kim Mantz

KIM MANTZ, Board Secretary
Green Township Planning Board

Dated: September 10, 2026

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