

**-PLANNING BOARD, BOROUGH OF WEST WILDWOOD  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**RESOLUTION #2025- 10**

**WHEREAS**, the Planning Board of the Borough of West Wildwood held a regular meeting on September 18, 2025; and

**WHEREAS**, at said meeting the Planning Board of the Borough of West Wildwood (the “Board”) heard and considered the application of D&B General Contractors (the “Applicant”), representative of the owners, Michael and Kelly Padovani and Edward and Jane Razzis, of the property located at 5 C Avenue, a/k/a Block 110, Lot 13 (the “Subject Property”), seeking ‘C’ variance relief in relation to minimum lot area per dwelling unit (2,400SF per dwelling unit is required whereas 1,600SF per dwelling unit is proposed), in order to construct a two-family (duplex) dwelling on an existing 40ft. x 80ft. lot in the R-1 zoning district; and

**WHEREAS**, this Applicant has complied with all of the requirements of the Municipal Land Use Act and the Borough of West Wildwood Planning Board’s procedural requirements in order to prosecute this application; and

**WHEREAS**, at said meeting, the Borough of West Wildwood Planning Board carefully considered the application submitted as well as the testimony and evidence presented as follows:

1. The taxes are current on the Subject Property, and the notice requirements have been satisfied by the Applicant.
2. The application was deemed complete by the Administrative Officer of the Board and the Board Engineer, and therefore the Applicant had standing to proceed.
3. In connection with this Application, the Board received the following plans, which are incorporated herein as fact:
  - a. Plot Plan, 5 C Avenue, Project Number MPD-2401, prepared by William J.

Parkhill, P.E. of MidAtlantic Engineering Partners, dated May 17, 2025.

- b. Architectural Plans, 5 C Avenue, New Two-Family Residence, Project Number MPD-2401, prepared by Robert S. Larsen, R.A., P.P. of MidAtlantic Engineering Partners, consisting of sixteen (16) sheets, dated March 18, 2025, and last revised May 5, 2025.
4. The Applicant was represented by Richard Roy, Esquire.
5. The Subject Property is a 3,200 SF lot located at 5 C Avenue, a/k/a Block 110, Lot 3, in the Borough's R-1 zoning district.
6. Mr. Roy advised the Board that the Applicant is proposing to develop a two-family dwelling (hereinafter "duplex") at the Subject Property.
7. He informed the Board that the Applicant completed due diligence prior to purchasing the Subject Property to ensure that it could be developed with a duplex without the need for variance relief.
8. He indicated that the Applicant reviewed a copy of what was believed to be the Borough's Land Development Ordinance that was posted on the Borough's website, which reflected that a duplex required 1,600 SF/DU.
9. The Land Development Ordinance discussed was a 2014 PDF located on the Borough's website.
10. Mr. Roy advised the Board that he submitted a number of OPRA requests to the Borough.
11. Notwithstanding the adoption of said Ordinance in the year 2000, duplexes were constructed within the Borough on lots that met the 1,600 SF/DU standard.
12. Mr. Roy cited a March 2025 Zoning Permit which was issued allowing the

- construction of a duplex on a lot that met the 1,600 SF/DU standard.
13. The Board Solicitor reviewed the history of the Ordinances adopted by the Borough dating back to the year 2000.
  14. In December of 2024, the Borough transitioned its code book to eCode.com, and a thorough review of Ordinances adopted over the years was conducted by eCode360.
  15. It was discovered that in 2000 the Borough adopted Ordinance 398, which effectively increased the required lot area per dwelling unit to construct a duplex from 1,600 SF/DU to 2,400 SF/DU.
  16. The March 2025 Zoning Permit referenced by Mr. Roy was associated with the property located at 650 W. Glenwood Avenue.
  17. That application proposed the construction of a duplex on a lot that met the 1,600 SF/DU standard. The application was presented in February 2023, the Resolution was memorialized in March 2023, and the zoning permit was requested in March 2025.
  18. The plans associated with that approval were reviewed and approved by the Board under the understanding that 1,600 SF/DU was required, as the error referenced above had not yet been discovered.
  19. Nevertheless, in December 2024, when the Borough discovered that the wrong SF/DU standard was being applied, it corrected the error and applied the requirement that 2,400 SF/DU was required to construct a duplex without variance relief.
  20. Mr. Roy acknowledged the history provided by the Board Solicitor. He noted that the Borough provided no notice that the SF/DU standard was corrected, and the PDF in question was still accessible on the Borough's website.
  21. Mr. Roy distributed a copy of the 2014 Land Development Ordinance, which was

- received by the Board and marked as Exhibit A-1.
22. He contended that the Applicant should not be penalized due to the Borough's failure to remove the PDF from its website notwithstanding the fact that the eCode.com website referenced the correct SF/DU standard.
  23. Michael Padovani, the owner of the Subject Property, appeared, and he was placed under oath and testified before the Board.
  24. Mr. Padovani testified that he intends to occupy one of the units within the proposed duplex with his family.
  25. The other unit will be occupied by his business partner and his family.
  26. Mr. Padovani testified that he conducted due diligence prior to purchasing the Subject Property and relied upon the 2014 Land Development Ordinance posted on the Borough's website with the understanding that the Subject Property was large enough to accommodate a duplex without the need for variance relief.
  27. He advised the Board that the proposed duplex meets all applicable bulk requirements of the R-1 zone with the exception of the required lot area to construct a duplex.
  28. He testified that the units within the proposed duplex each contain three (3) bedrooms and two (2) bathrooms.
  29. Mr. Padovani testified that compliant off-street parking is provided, and he advised the Board that the proposed curb cut would be reduced to 20 ft. in order to eliminate the need for a curb cut width variance.
  30. Edward Razzis, the co-owner of the Subject Property, appeared, and he was placed under oath and testified before the Board.
  31. Mr. Razzis agreed with the testimony of Mr. Padovani.

32. He advised the Board that he relied upon the 2014 Land Development Ordinance when purchasing the Subject Property as he believed a duplex could be constructed by right.
33. Mr. Razzis confirmed that he and his family would occupy their unit and the property would not be rented.
34. Robert Larsen, R.A., P.P., of MidAtlantic Engineering Partners, appeared on behalf of the Applicant. Mr. Larsen was accepted by the Board as an expert in the fields of architecture and land planning, and he was placed under oath and testified before the Board.
35. Mr. Larsen reviewed the proposed plan for the benefit of the Board.
36. He confirmed that each unit within the proposed duplex contains three bedrooms and two bathrooms.
37. Two off-street parking spaces are provided for each unit, which complies with the applicable parking standards.
38. Mr. Larsen testified that the ground floor will be utilized for parking and storage. A common stairwell provides access to the second and third floors, each of which will serve as an individual unit.
39. He noted that the second-floor unit will consist of 1,300 SF and the third-floor unit will consist of 1,400 SF.
40. Porches are proposed along the front façade of each unit.
41. Mr. Larsen distributed a color rendering of the proposed duplex, which was received by the Board and marked as Exhibit A-2.
42. Mr. Larsen testified that the proposed duplex is a permitted use in the R-1 zone, and it

does not exceed the maximum building height.

43. He further testified that the duplex is consistent with development in the surrounding neighborhood.

44. Mr. Larsen indicated that the Applicant had reasonable expectations that a duplex was permitted to be built on the Subject Property based upon the information made available by the Borough on its website.

45. Mr. Larsen opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, would be advanced in connection with the Applicant's proposal and would support the relief sought by the Applicant, as it:

- a. Encourages municipal action to guide the appropriate use or development of all lands in this State in a manner which will promote the public health, safety, morals, and general welfare;
- b. Secures safety from fire, flood, panic, and other natural and man-made disasters;
- g. Provides sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- i. i. Promotes a desirable visual environment through creative development techniques and good civic design and arrangement; and
- m. Encourages coordination of the various public and private procedures and activities shaping land development with a view to lessening the cost of such development and to the more efficient use of land.

46. Mr. Larsen further opined that the requested variance relief can be granted, as there are no substantial detriments to the public good and the application does not impair the intent or purpose of the zone plan and zoning ordinance.
47. He cited a number of goals and objectives outlined within the Borough's most recent Master Plan which speak to providing a variety and range of housing types within the Borough, which the proposed development advances.
48. Mr. Larsen testified that the proposed duplex is consistent in size with a number of other duplexes in the surrounding neighborhood and throughout the Borough which were approved under the former 1,600 SF/DU standard.
49. He confirmed that the proposed duplex meets all applicable bulk requirements, and he reiterated that the curb cut width would be reduced from 24 ft. to 20 ft. to comply with the Ordinance.
50. Board Engineer John A. Fearheller, P.E., P.P., C.M.E., prepared an Engineer's Report dated September 16, 2025, which was received by the Board and incorporated herein as fact.
51. Mr. Fearheller appeared at the meeting, and he reviewed his Report for the benefit of the Board.
52. He reviewed and confirmed the existing and proposed site conditions, the history of the Borough's Ordinance revisions, and he confirmed that the Applicant requires variance relief from the required lot area per dwelling unit associated with the construction of a duplex.
53. The meeting was opened to the public for comment. A total of seven (7) individuals addressed the Board in connection with the Applicant's proposal, namely:

- a. Robert Tommassello, owner of 5 C Avenue, appeared and testified before the Board. Mr. Tommassello advised the Board that he was opposed to the Applicant's proposal. He indicated that parking is an issue in the neighborhood, and he expressed concerns about the increase in traffic that the duplex would generate.
- b. John Murphy, owner of 2 and 4 E Avenue and 725 Glenwood Avenue, appeared and testified before the Board. Mr. Murphy expressed concerns about the Applicant's proposal to construct a duplex on an undersized lot. He indicated that the 2,400 SF/DU standard should be applied. He expressed additional concerns about parking.
- c. Paul Long, owner of 1 D Avenue, appeared and testified before the Board. Mr. Long echoed the concerns raised by other members of the public. He expressed concerns that the proposed parking area would be used entirely for storage, resulting in a negative impact on parking in the surrounding neighborhood. He raised additional concerns about traffic in the neighborhood and the possibility that the owners would rent the units notwithstanding their testimony.
- d. Vince Desanto, owner of 602 W. Magnolia Avenue, appeared and testified before the Board. Mr. Desanto advised the Board that he was not in favor of the development of a duplex on an undersized lot.
- e. Maureen Pomycacz, owner of 650 W. Magnolia Avenue, appeared and testified before the Board. She raised concerns about density and the fact that the Subject Property is an undersized lot. She echoed parking and traffic

concerns raised by neighbors. She was opposed to the Applicant's proposal.

f. Jacquelyn Morici, owner of 733 W. Glenwood Avenue, appeared and testified before the Board. Ms. Morici objected to the Application and the proposal to develop a duplex on an undersized lot.

g. Eck John, owner of 705 W. Glenwood Avenue, appeared and testified before the Board. Mr. John echoed concerns about parking and traffic impacts. He expressed concerns that the approval of a duplex on a 3,200 SF lot would establish a precedent.

54. No additional members of the public addressed the Board in connection with this application. Accordingly, the public portion of this application was closed.

55. In closing, Mr. Roy reiterated that the proposed duplex is a permitted use in the R-1 zone.

56. He noted that the proposed duplex meets all applicable bulk requirements and that compliant off-street parking is provided on site.

57. He reiterated that many other duplexes were constructed on lots that are the same size as the Subject Property without substantial detriments.

**WHEREAS**, the Board, after hearing the testimony and reviewing the application and evidence submitted, made the following findings of fact and conclusions of law:

1. The Applicant is the owner of the subject property and has standing to come before the Board.
2. The taxes are current on the Subject Property and the notice requirements were satisfied by the Applicant.
3. The Applicant was represented by Richard Roy, Esquire.

4. The Subject Property is located at 5 C Avenue, a/k/a Block 110, Lot 3, in the Borough's R-1 zoning district.
5. The Subject Property is a 3,200SF lot.
6. The Applicant is proposing to construct a two-family dwelling (duplex).
7. The R-1 Zone permits a duplex on lots that provide a minimum of 2,400SF per dwelling unit, requiring a total lot area of 4,800SF.
8. The Subject Property contains only 3,200SF, resulting in a deficiency of 1,600SF.
9. The Applicant asserted that reliance was placed upon a 2014 PDF version of the Borough's Land Development Ordinance posted on the Borough website, which incorrectly listed the required standard as 1,600SF/DU, rather than the correct 2,400SF/DU as adopted by Ordinance 398 in the year 2000.
10. The Applicant's witnesses included the owners of the property, who testified that they intended to occupy each of the two dwelling units with their respective families, and that the property would not be used for rental purposes.
11. Both individuals indicated that they relied upon the Zoning Ordinance posted on the Borough's website.
12. In December of 2024, the Borough transitioned to the eCode.com online Code Book, and the error associated with the square footage per dwelling unit was discovered and ultimately corrected.
13. The Applicant's professional planner and architect, Robert Larsen, R.A., P.P., testified that the proposed duplex is otherwise compliant with all bulk standards of the R-1 Zone except for the minimum lot area per dwelling unit.
14. The Applicant originally sought a variance associated with a proposed curb cut width

- of 24ft., whereas a maximum width of 20ft. is permitted; however, the Applicant represented that the curb cut would be revised to comply with the requirements of the Ordinance.
15. Mr. Larsen testified to the purposes of zoning set forth within N.J.S.A. 40:55D-2 which he contends are advanced and provide a basis for granting the relief sought in connection with this proposal.
  16. Mr. Larsen opined that the Applicant's proposal presents no substantial detriments to the public good and same does not impair the intent or purpose of the Borough's zone plan or zoning ordinance.
  17. The Board Engineer confirmed that variance relief was required for lot area per dwelling unit and verified that the correct zoning standard was 2,400 SF/DU.
  18. The Board heard testimony from seven (7) members of the public, all of whom opposed the application.
  19. The objectors expressed concerns regarding parking congestion, traffic impacts, neighborhood density, and precedent-setting concerns if a duplex were to be approved on a lot of this size.
  20. Members of the public testified that existing parking conditions in the neighborhood are already strained during peak occupancy periods and that allowing a duplex on a 3,200 square foot lot would exacerbate those conditions.
  21. The Board considered the testimony of the Applicant's expert regarding promotion of the purposes of zoning, outlined within N.J.S.A. 40:55D-2.
  22. The Board expressed concerns about the fact that the Subject Property is undersized for the development of a duplex, and the relationship between the intensity of use and

the limited lot area.

23. The Board finds that the Subject Property is too undersized for the proposed two-family use, and that the lot cannot reasonably accommodate the intensity of a duplex without resulting in increased parking demand and traffic circulation impacts within the surrounding neighborhood.

24. The Board further found that the proposed variance relief presents a substantial detriment to the zone plan and zoning ordinance and same outweighs the positive criteria put forth by the Applicant.

25. Board Members agreed that the fact that the error associated with minimum lot area per dwelling unit was discovered and that the Applicants were not aware of the situation does not provide justification for granting the requested variance relief.

**NOW THEREFORE, BE IT RESOLVED**, by the West Wildwood Planning Board that the application of D&B General Contractors, representative of the owners, Michael and Kelly Padovani and Edward and Jane Razzis, of the property located at 5 C Avenue, a/k/a Block 110, Lot 13, seeking 'C' variance relief in relation to minimum lot area per dwelling unit (2,400SF per dwelling unit is required whereas 1,600SF per dwelling unit is proposed), in order to construct a two-family (duplex) dwelling on an existing 40ft. x 80ft. lot in the R-1 zoning district, is hereby denied. In addition:

1. A copy of this Resolution shall be supplied to the Applicant and filed with the Borough Clerk.
2. A notice of this decision shall be published in the official newspaper of the Borough by the Board Secretary.
3. The proper Board officials are authorized to take all actions necessary to effectuate

this approval.

4. This Resolution shall take effect immediately subject.

ON MOTION OF:  
SECONDED BY:

ROLL CALL VOTE

Those in Favor:  
Those Opposed:  
Abstentions:  
Absent:

The foregoing Memorializing Resolution was passed by the Planning Board of the Borough of West Wildwood at a meeting held on October 16, 2025. It memorializes a decision the Board reached on September 18, 2025.

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Patricia Cullen, Secretary  
West Wildwood Planning Board