BOROUGH OF WEST WILDWOOD
PLANNING / ZONING BOARD
REGULAR MEETING – April 16th, 2026

Margaret Cantwell chairperson called the regular meeting of the Borough of West Wildwood Planning/Zoning Board to order at 6:00 PM. Solicitor read the Open Public Meeting Act of 1975 and led all present to the flag salute. This meeting was adjourned at 7:45 P.M.

OPENING: Regular Meeting April 16th, 2026, was given adequate notice by the Board Secretary of the date, time, and by posting on the official borough website under legal notices. There were no objections.

ROLL CALL:

MEMBERS:
Mayor Matthew Ksiazek –Present
Commissioner Jane DiMattia– Present
Margaret Cantwell– Present
Ronald McGowan, Jr. – Present
Joe Kline – Absent
Mark Zeszut – Present
Matt Steich – Present
Michael Bader – Absent
Edward Bradley – Present
Noreen Hickman - Present

Also, Present:
Patricia Cullen – Board Secretary
Robert Belasco - Board Solicitor
John Feairheller – Board Engineer

MINUTES:

Motion: To Approve Minutes of March 19th, 2026
Motion: Edward Bradley
Second: Matt Steich

Those in Favor: All Present

Those Opposed: None

NEW BUSINESS

Variance application for 16-18 Lake Road to demolish the existing marina property and construct two new duplexes at the site.

Mr. Jon D Batastini attorney for 16-18 Lake Road LLC c/o Damien Andre introduced himself, Mr. Sprague and Vince Orlando architect and engineer for above property.
They were sworn in. The applicant is seeking a use variance to construct a duplex on each lot and rear yard setbacks to the bulkhead.

Mr. Sprague and Mr. Orlando discussed how these new houses will promote overall look and preserve the character of the surrounding area. They showed drawings to depict what the units will look like when completed. They also discussed what with the marina going away that would help with traffic congestion. They will remove 23 boat slips and 23 wave runner slips.

PUBLIC COMMENT REGARDING VARIANCE

The floor was opened for public comment.

Kathleen Golden 509 West Maple Ave asked why this was a hardship variance, the solicitor explained it was a C2 flexible variance which is not a hardship variance. Mrs. Golden also asked why do they have to build the houses so big maybe consider going smaller to fit the land without a variance.
She also had concerns about parking as she explained there is not enough parking to begin with now four more properties.
She also asked how many boat slips is permissible per unit. She was told two slips per unit.

Mark Wagner 20 Lake Road asked about the new bulk head and would it be returned into his as he has the neighboring property. He is waiting for permits for his bulkhead. They assured him they would discuss this and that the return would be beneficial for both.

Patrick Golden 509 West Maple asked about the size of lot 15 of 45' which he asked how was this permissible. It was explained that even though the lot size is 45' the remained is under water which is permissible.

Motion: To Approve Variance for 16-18 variance
Motion: Ed Bradley
Second: Margaret Cantwell

Those in favor: All Present
Those Opposed: None

The floor was then opened for public comment.

Kathleen Golden 509 West Maple Ave
Mrs. Golden discussed the property at 4 Lake Road. She said it is an empty lot with a dumpster t that the marina is using for their trash. She was told to speak to the code enforcement office. One of the members of the planning board is code enforcement so he told her he would talk to her after the meeting.

She also discussed 510 Maple Ave and asked what was going on with that newly developed property. She was told as of that afternoon there was a stop order on that site.

Motion: To Pay Bills
Motion : Ron Mc Gowan
Second : Mark Zeszut

Through roll call it was unanimously approved to pay bills

Motion to adjourn the meeting at 7:40 P.M. unanimously approved.

Respectfully Submitted,
Patricia Cullen
Board Secretary

BOROUGH OF WEST WILDWOOD
PLANNING/ZONING BOARD
COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2026- 02

WHEREAS, the Borough of West Wildwood Planning/Zoning Board conducted a regular meeting on February 19, 2026; and

WHEREAS, at that meeting the Borough of West Wildwood Planning/Zoning Board (the "Board") heard and considered the application of Robert and Dana Panetta (the "Applicant"), owner of the property located at 640 W. 26th Street, a/k/a Block 101, Lot 27 (the "Subject Property"), seeking minor subdivision approval, a D(1) use variance to permit the development of two-family dwellings in the MC zone, and 'C' variance relief in relation to the minimum bulkhead setback - proposed lot 27.01 (10ft. is required whereas 6.4ft. is proposed to the dwelling and 5ft. is proposed to a pool), minimum bulkhead setback - proposed lot 27.2 (10ft. is required whereas 12.6ft. is proposed to the dwelling and 5.1ft. is proposed to a pool), maximum curb cut width - proposed lot 27.01 (20ft. is permitted whereas two (2) 12ft. curb cuts are proposed), maximum curb cut width - proposed lot 27.02 (20ft. is permitted whereas two (2) 12ft. curb cuts are proposed), in order to subdivide the existing lot to create two (2) 55ft. x 110ft. lots, each to be developed with a two-family (duplex) dwelling; and

WHEREAS, the Applicant has complied with all the requirements of the Municipal Land Use Act and the and the Borough of West Wildwood Planning/Zoning Board's procedural requirements to prosecute this application; and

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

1. Jon Batastini, Esquire, appeared on behalf of the Applicant and provided an overview of the application and the relief requested.
2. In connection with this application, the Board received and reviewed the following plans and documents, all of which are incorporated herein by reference:
    a. Architectural Plans entitled. "Two Duplex Residences, 640 West 26th Street, Project Number 240095," prepared by Brian Newswanger, R.A. of Atlantes Architects, consisting of Seven (7) sheets, dated January 20, 2025, and last revised February 4, 2026.
    b. A Survey of Premises for Lots 27, 28, & 29, Block 101, Project 32971.01, prepared by Thomas A. Pendergast, P.L.S., of the Hyland Group, dated February 28, 2025.
    c. Minor Subdivision Plan entitled, "626 W 26th Street, Block 101, Lot 27, Project 32971.01," prepared by Thomas A. Pendergast, P.L.S., of the Hyland Group, dated April 29, 2025, and last revised February 4, 2026.
    d. A Variance Plan, Block 101, Lot 27, Project Number 10472, prepared by Vincent C. Orlando, P.E. of Engineering Design Associated, two sheets, dated October 9, 2025, and last revised February 4, 2026 which was received by the Board and incorporated herein as fact.
3. The Subject Property is located at 640 W. 26th Avenue, a/k/a Block 101, Lot 27, in the Borough's MC (Marine Commercial) zoning district.
4. Mr. Batastini indicated that the Applicant is proposing to subdivide the Subject Property to create two 55ft. x 110ft. lots to develop a two-family (duplex) dwelling on each proposed lot.

5. Mr. Batastini advised the Board that the Applicant is specifically requesting minor subdivision approval, D(1) use variance relief, and associated bulk variance relief in order to permit the proposed development.
6. Mr. Batastini indicated that, while the proposed lots would satisfy the minimum lot area requirements applicable to the proposed residential development, two-family dwellings are not a permitted use in the MC Zone, thereby necessitating d(1) use variance relief.
7. Brian Newswanger, R.A., of Atlantes Architecture, appeared on behalf of the Applicant. Mr. Newswanger was accepted as an expert in the field of Architecture, and he was placed under oath and provided testimony in connection with the proposed architectural plans.
8. Mr. Newswanger testified that the subject property is located adjacent to a marina.
9. He confirmed that the Applicant's involves subdividing the existing lot to construct a duplex dwelling on both of the newly proposed lots.
10. Mr. Newswanger testified that the ground floor of each proposed duplex would consist of off-street parking, storage, and an elevator to access upper floors.
11. He further testified that the first floor would contain the principal living area, and that the second floor would consist primarily of bedrooms.
12. Mr. Newswanger testified that three of the proposed residential units will contain four (4) bedrooms and one (1) unit is proposed to contain three (3) bedrooms.
13. Specifically, the western unit proposed on Lot 27.01 will contain three (3) bedrooms.
14. Mr. Newswanger reviewed the architectural elevations for the benefit of the Board.
15. He reviewed and confirmed the exterior materials that will be utilized to construct the

dwellings and indicated that decks are proposed along the rear of the properties facing the back bay.

16. Mr. Newswanger distributed the following Exhibits, which were received by the Board, and which are incorporated herein by reference:
    a. Exhibit A-1: A color rendering of the Subject Property and the proposed duplexes;
    b. Exhibit A-2: A second color rendering of the Subject Property and the proposed duplexes; and
    c. Exhibit A-3: A packet consisting of nine (9) pages containing copies of the site and architectural plans and proposed renderings.
17. Mr. Newswanger testified that the site was designed to provide public access to the adjacent marina consistent with an approved NJDEP permit.
18. Mr. Newswanger opined that the Applicant's proposal will enhance the aesthetics of the Subject Property and result in a visual enhancement to the neighborhood.
19. Vincent Orlando, P.E., P.P., L.L.A., C.M.E., of Engineering Design Associates, P.A. appeared on behalf of the Applicant. Mr. Orlando was accepted as an expert in the fields of engineering and land planning, and he was placed under oath and provided testimony in connection with the proposed minor subdivision plan and in support of the requested variance relief.
20. Mr. Orlando reviewed the existing and proposed site conditions of the benefit of the Board.
21. He confirmed that the Applicant is requesting minor subdivision approval to create two (2) 55ft. x 110ft., fully conforming lots in the MC zone.

22. Mr. Orlando testified that the Applicant is requesting use variance relief to construct duplexes on each lot as the proposed use is not permitted in the MC zoning district.

23. He indicated that the site is immediately adjacent to the R-1 zone where duplexes are a permitted use and that duplexes exist within the immediate surrounding neighborhood.

24. Mr. Orlando testified that the minimum required lot area required in the MC zone is 40ft. x 100ft. and the two (2) proposed lots each measure 55ft. x 110ft.

25. He testified that the Applicant is seeking variance relief in connection with the minimum bulkhead setback due to the encroachment of proposed second and third floor decks.

26. He advised the Board that the proposed lots significantly exceed the minimum rear yard setback as 10ft. is required and 33ft. is proposed to the rear façade of the dwellings.

27. He noted that the proposed lots meet all area requirements and exceed the minimum density requirements.

28. Mr. Orlando notified the Board that the Applicant has received a CAFRA permit from the NJDEP and he confirmed that public access will be provided to the water and adjacent marina in accordance with permit requirements.

29. He testified that the lot located to the rear of the Subject Property, the waterway, is owned by the Borough of West Wildwood.

30. Mr. Orlando testified that the Applicant will need to seek a modification of the current Waterfront Development Permit from the Borough.

31. He advised the Board that the Applicant is proposing two (2) curb cuts for each

proposed duplex which total 24ft. in width requiring variance relief as the maximum curb cut width permitted in the Borough is 20ft.variance relief.

32. He testified that the curb cuts could be reduced to comply, but given the fact that the proposed lots exceed the minimum lot frontage and width requirements and the fact that reducing the curb cuts would not result in the creation of additional on-street parking, the request for variance relief was reasonable.
33. He indicated that pools are proposed on both lots and the proposed setbacks are each 5ft which exceeds the required 4ft.
34. With respect to the requested use variance, Mr. Orlando opined that the proposed lots are particularly suited to accommodate the development of duplexes.
35. He indicated that the construction of duplexes is less intense than the permitted uses in the zone which would have a detrimental impact on the existing neighborhood, which consists primarily of residential properties.
36. Mr. Orlando opined that several of the purposes of zoning, outlined within N.J.S.A. 40:55D-2, are also advanced in connection with this application and support the relief sought 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; and
    e. promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

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; and

i. Promotes a desirable visual environment through creative development techniques and good civic design and arrangement.

37. Mr. Orlando further opined that the application could 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 or zoning ordinance as the proposed development will be consistent with the surrounding neighborhood.

38. Board Engineer John A. Feairheller, P.E., P.P., C.M.E., prepared an Engineer's Report dated February 9, 2026, which was received by the Board, and which is incorporated herein as fact.

39. Mr. Feairheller reviewed his report for the benefit of the Board, and he noted the conditions outlined therein. As a condition of approval, the Applicant will comply with any and all comments/conditions set forth within the Engineer's Report.

40. Mr. Feairheller reviewed applicable stormwater management requirements and advised the Applicant that they will be required to comply with same.

41. He discussed the need to replace existing curb and sidewalks, and noted that 26th Avenue may be resurfaced in the near future.

42. He suggested that the Applicant post a bond or escrow funds to install new sidewalks in the future after road reconstruction. As a condition of approval, the Applicant will post a bond or escrow funds to install sidewalks after the 26th Avenue road

reconstruction project is complete.

43. The meeting was opened to the public for comment.

44. No individuals addressed the Board in connection with this Application. Accordingly, the public portion of this application was closed.

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 pursue this application.
2. The taxes are current on the subject property and the notice requirements have been satisfied by the Applicant.
3. The Applicant was represented by Jon Batastini, Esquire.
4. The Subject Property is located at 640 W. 26th Street Avenue, a/k/a Block 101, Lot 27 in the Borough's MC zoning district.
5. The Applicant seeks minor subdivision approval, d(1) use variance relief, and associated bulk variance relief in order to subdivide the existing parcel into two (2) lots and construct one two-family dwelling (duplex) on each resulting lot.
6. In connection with the Applicant's proposal the Applicant is requesting D(1) use variance relief in order to construct duplexes in the MC zoning district.
7. In connection with this application, the Board received and reviewed the following plans and exhibits, all of which are incorporated herein by reference:
   a. Architectural Plans entitled. "Two Duplex Residences, 640 West 26th Street, Project Number 240095," prepared by Brian Newswanger, R.A. of Atlantes Architects, consisting of Seven (7) sheets, dated January 20, 2025, and last

revised February 4, 2026.

b. A Survey of Premises for Lots 27, 28, & 29, Block 101, Project 32971.01, prepared by Thomas A. Pendergast, P.L.S., of the Hyland Group, dated February 28, 2025.

c. Minor Subdivision Plan entitled, "626 W 26th Street, Block 101, Lot 27, Project 32971.01," prepared by Thomas A. Pendergast, P.L.S., of the Hyland Group, dated April 29, 2025, and last revised February 4, 2026.

d. A Variance Plan, Block 101, Lot 27, Project Number 10472, prepared by Vincent C. Orlando, P.E. of Engineering Design Associated, two sheets, dated October 9, 2025, and last revised February 4, 2026 which was received by the Board and incorporated herein as fact.

e. Exhibit A-1, color rendering of the subject property.

f. f. Exhibit A-2, color rendering of the subject property.

g. g. Exhibit A-3, packet containing the site plan and renderings.

8. The property is located adjacent to a marina and within a neighborhood that consists primarily of residential development.

9. The Board finds that the minor subdivision proposed by Applicant is full conforming and will result in the creation of two (2) lots that exceed the minimum area requirements of the MC zone.

10. The Board finds that the proposed duplex buildings are designed with parking, storage, and elevator access on the ground floor, living space on the first floor, and bedrooms on the second floor.

11. Three (3) units will contain four (4) bedrooms and one (1) unit will contain three (3)

bedrooms.

12. The proposed development preserves public access to the marina.

13. The Board accepts the testimony of Brian Newswanger, R.A., as credible with respect to the architectural design, layout, and visual character of the proposed development.

14. The Board accepts the testimony of Vincent Orlando, P.E., P.P., L.L.A., C.M.E., as credible with respect to the subdivision layout, zoning analysis, and planning justification for the relief requested.

15. The Board finds that the Applicant requires D(1) use variance relief because two-family dwellings are not a permitted use in the MC zoning district.

16. The Board further finds that the proposed subdivision results in lots that satisfy the applicable lot area requirements for the proposed residential development, subject to the variance relief requested and the design presented to the Board.

17. The Board finds that variance relief required for the proposed bulkhead setback for deck encroachments and curb cut width are reasonable.

18. The Board finds that the proposed duplex use is less intense than other permitted principal uses in the MC zoning district.

19. The Board agreed that the Subject Property is particularly suited for the proposed development given its location, surrounding development pattern, and proximity to residential uses in the nearby R-1 district.

20. The Board concludes that the Applicant has satisfied the positive criteria for d(1) variance relief.

21. The proposed use promotes the general welfare because the project advances an appropriate residential development pattern at this location, represents a less intense

use than certain uses otherwise permitted in the zone, and provides an aesthetically improved development adjacent to the marina and nearby residential neighborhood.

22. The Board additionally concludes that the purposes of zoning under N.J.S.A. 40:55D-2 are advanced by the application, including promotion of the general welfare, provision of sufficient space in appropriate locations for residential use, promotion of appropriate population densities, and promotion of a desirable visual environment through good civic design and arrangement.
23. The Applicant shall be required to comply with all applicable drainage requirements and such bonding, escrow, and public improvement requirements as may be required by the Borough Engineer.
24. No public comment was received.
25. The Board concludes that the benefits of granting the variance relief sought by the Applicant will substantially outweigh any detriments.
26. The Board further concludes that the variances can be granted without substantial detriment to the public good, and that granting the variances will not substantially impair the intent and purpose of the Borough's Master Plan or Zoning Ordinance

NOW THEREFORE, BE IT RESOLVED, by the West Wildwood Planning Board that the application of Robert and Dana Panetta, owner of the property located at 640 W. 26th Street, a/k/a Block 101, Lot 27, seeking minor subdivision approval, a D(1) use variance to permit the development of two-family dwellings in the MC zone, and 'C' variance relief in relation to the minimum bulkhead setback - proposed lot 27.01 (10ft. is required whereas 6.4ft. is proposed to the dwelling and 5ft. is proposed to a pool), minimum bulkhead setback - proposed lot 27.2 (10ft. is required whereas 12.6ft. is proposed to the dwelling and 5.1ft. is proposed to a pool),

maximum curb cut width - proposed lot 27.01 (20ft. is permitted whereas two (2) 12ft. curb cuts are proposed), maximum curb cut width - proposed lot 27.02 (20ft. is permitted whereas two (2) 12ft. curb cuts are proposed), in order to subdivide the existing lot to create two (2) 55ft. x 110ft. lots, each to be developed with a two-family (duplex) dwelling, is hereby granted, subject to the following conditions:

1. The Applicant shall comply with and obtain any and all other governmental approvals required in connection with this project including, but not limited to, local, county, state and federal approvals.
2. The Applicant shall comply with all zoning, building, and construction ordinances and codes.
3. The Applicant shall submit four (4) copies of revised/final plans, as appropriate, to the Board Secretary and digital copies of all revised plans for review and approval prior to obtaining permits.
4. The Applicant shall comply with the following conditions of approval:
    a. The Applicant will post a bond or escrow with the Borough for the construction of new sidewalks and curbs following the completion of the 26th Avenue road reconstruction project.
    b. The Applicant will comply with any and all comments/conditions set forth within the Engineer's Report.
    c. The Applicant will confirm the lot numbers and property addresses for the proposed lots with the Borough Tax Assessor and reflect same on a revised plan of subdivision.
5. At the discretion of the Borough of West Wildwood Zoning Officer, the Borough

reserves the right to require the Applicant to obtain and submit an "as-built" survey upon completion of development and/or construction to evidence the exact location and height of structures to insure said development is made in accordance with the plans submitted and the resolution approved by the Board and as a condition of the issuance of a certificate of occupancy.

6. As an essential and non-severable condition of this approval, the Applicant shall comply with all affordable housing obligations including but not limited to those created by the Statewide Non-residential Development Fee Act, signed into law in July of 2008 (N.J.S.A. 40:55D-8.1 et seq.).
7. All plans, exhibits and testimony presented to the Board in support of this application are hereby incorporated by the Board and relied upon in the entry of this decision.
8. Agreement by the Applicant to specific items not contained within the Resolution, which are otherwise set forth in the application, or which are contained within the record of the hearing of the application, are adopted by reference even though not set forth herein at length.
9. A copy of this Resolution shall be supplied to the Applicant and filed with the Borough Clerk.
10. A notice of this decision shall be published in the official newspaper of the Borough by the Board Secretary.
11. The proper Board officials are authorized to take all actions necessary to effectuate this approval.
12. This Resolution shall take effect immediately subject to Applicant' compliance with the aforesaid conditions.

ON MOTION OF:

SECONDED BY:

ROLL CALL VOTE

Those in Favor: Through roll call all present approved resolution 2026-02

Those Opposed: None

Abstentions:

Absent: Ronald McGowan, Mark Zeszut, Noreen Hickman

The foregoing Memorializing Resolution was passed by the Planning Board of the Borough of West Wildwood at a meeting held on March 19, 2026. It memorializes a decision the Board reached on February 19, 2026.

Patricia Cullen, Secretary
West Wildwood Planning Board