



**Borough of Rumson**  
 BOROUGH HALL  
 80 East River Road  
 Rumson, New Jersey 07760-1689  
 rumsonnj.gov

**APPLICATION TO THE ZONING BOARD OF ADJUSTMENT**

Undici Due, LLC	vicrallo@gmail.com	(732) 687-3103	
Name of Applicant	Email	Phone Number	
11 West River Road		29	4
Property Address		Block	Lot

Name of Owner (IF NOT APPLICANT)  
*A corporation, S-Corp, LLC or LLP MUST be represented by a licensed attorney in the State of New Jersey.*

Rick Brodsky, Esq. Ansell Grimm & Aaron, PC 1500 Lawrence Avenue, CN7807, Ocean, NJ 07712 Tele. (732) 922-1000 ext. 256 rbrodsky@ansell.law

Applicant's Attorney and contact information (if any)

Scott Harrell, Mancini Duffy Architects LLC 374 Millburn Ave., Suite 101W, Millburn, NJ 07041

Applicant's Architect and contact information (if any)

Charles Surmonte, P.E. & L.S. Professional Engineering and Land Surveying, 301 Main Street, Allenhurst, NJ 07711 Tele. (732) 660-0606

Applicant's Engineer and contact information (if any)  
 ANSELL GRIMM & AARON, PC, ATTORNEYS FOR APPLICANT

By:

Signature of Applicant or Agent Rick Brodsky, Esq.

4/7/26  
 Date

***Proposed plan***

Application for permanent approval of outdoor seating in front of the existing restaurant, including eight tables on the public sidewalk.

***Hardship Encountered***

Special reasons exist in support of the "d" variances and, with respect to the bulk variances, the benefits of granting same substantially outweigh any detriment, especially where, as here, the proposed outdoor use seeks to continue the outdoor use which has existed at the site since COVID (i.e., 2019), and the Applicant is not proposing any increase in the overall number of seats at the restaurant (by limiting the utilization of indoor seating when the outdoor seating is being utilized).

***Variances Requested***

See attached "List of Variances"

**Zoning Board of Adjustment Application**

Applicant: Undici Due, LLC

11 West River Road, Rumson, New Jersey

Block 29, Lot 4

ZONE GB

**LIST OF VARIANCES**

**Use Variances**

- D-2 Variance – Expansion of a nonconforming conditional use
- D-3 Variance – Conditional Use not meeting conditions (intensification)

**Section 22-7.37 Outdoor Café**

- Outdoor cafes must be located on the subject property and not within any right-of-way, easement or sidewalk. The proposed seating is on the public sidewalk.
  - 22-9.2b 6c requires sidewalks abutting a curb to maintain six feet.
- The perimeter of an outdoor café, adjacent to a pedestrian way, shall be defined by the setting of a portable-type enclosure. The proposed sidewalk seating does not include an enclosure. An enclosure would further encroach in the sidewalk clearance way.

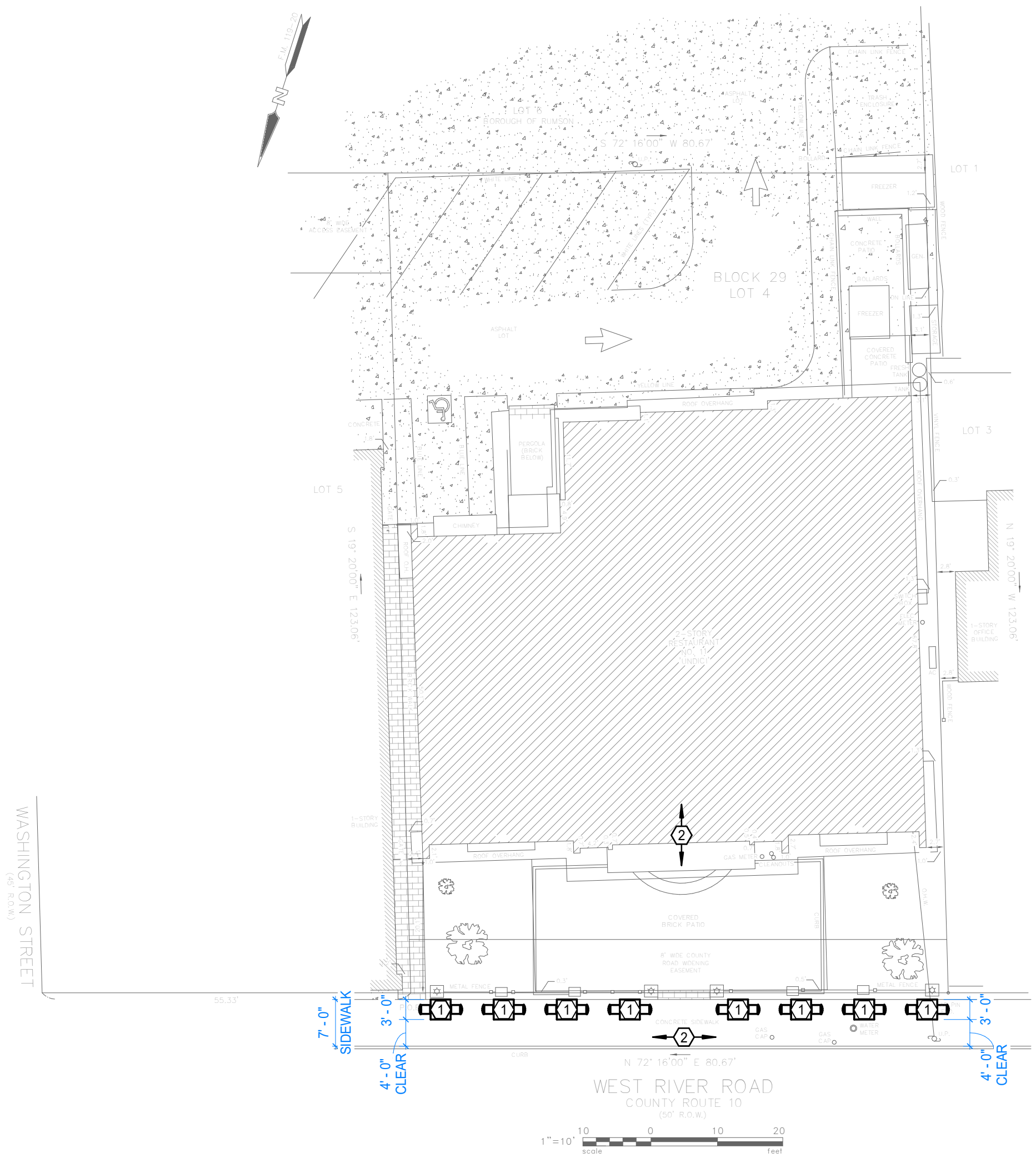
**Section 22-9.2 Improvement Standards**

- 22-9.2a.6.c sidewalks abutting a curb must maintain six feet clearance. The proposed sidewalk tables leave 4' from the table to the curb.

# KEYNOTES

PLAN KEY: (#)

- 1 36" DINING TABLE AND TWO CHAIRS. A CLEAR PATH OF 48" MINIMUM ALONG SIDEWALK SHALL BE MAINTAINED AS INDICATED.
- 2 EXISTING SITE CONDITIONS



**1** SIDEWALK FURNITURE PLAN  
SCALE: 1/16" = 1'-0"

**MANCINI:**

MANCINI DUFFY ARCHITECTS LLC  
374 MILLBURN AVE, SUITE 101W, MILLBURN, NJ 07041

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

DRAWING TITLE:  
**UNDICI RUMSON - SIDEWALK FURNITURE PLAN**

SITE WORK  
1 WEST RIVER ROAD, RUMSON, NJ, 07760

DRAWING NUMBER:

**A-100**

DRAWING SCALE:

1/16" = 1'-0"

ISSUE DATE: 03.09.2026

Proposed new licensing area 2 feet by 50 100 square feet

River Road

8 ft. Sidewalk

6 ft. Required Adding FOUR, 2 top tables, to sidewalk, proposed for dining & alcohol consumption



CURRENTLY UNLICENSED

HOISTING/TENT/DECK AND/OR ACCESSIBLE BY CHAIRLIFT

Licensed already ADDING TENT

Tent #1

Area Currently Licensed for dining & alcohol consumption

Tent #2

EMERGENCY EXIT

# Undici Building

Includes: Bar, Liquor Storage, Liquor Preparation

Area Currently Licensed for dining & alcohol consumption

EMERGENCY EXIT

EMERGENCY EXIT

20 ft.

To-Go Tent To-Go Cocktails (Removed Daily)

10 ft.

Currently Unlicensed

2020

TWO RIVER PARTNERS LLC

License # 1342-33-006-006

Address:

11 West River Rd  
Rumson, N.J. 07760

Total Seating Capacity: 165

Proposed Outdoor Seating: 50

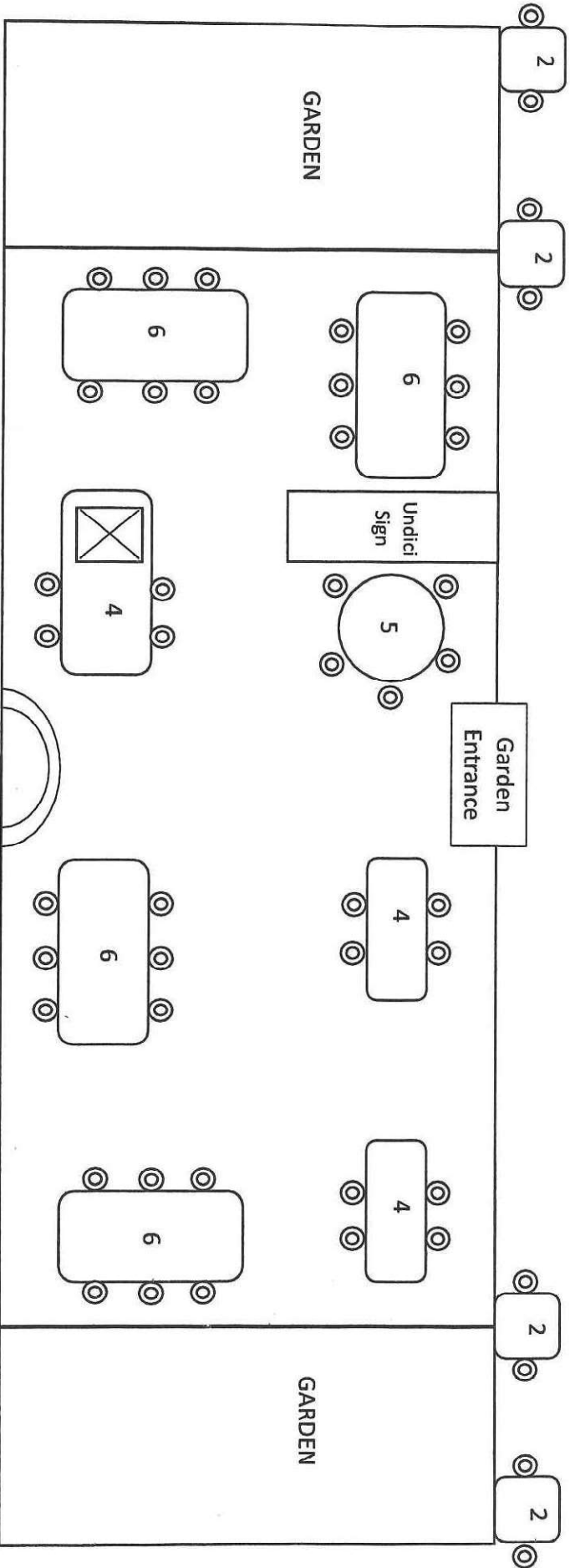
ALL PROPOSED OUTDOOR SEATING IS ON COVERED PROPERTY

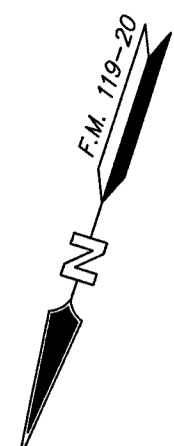
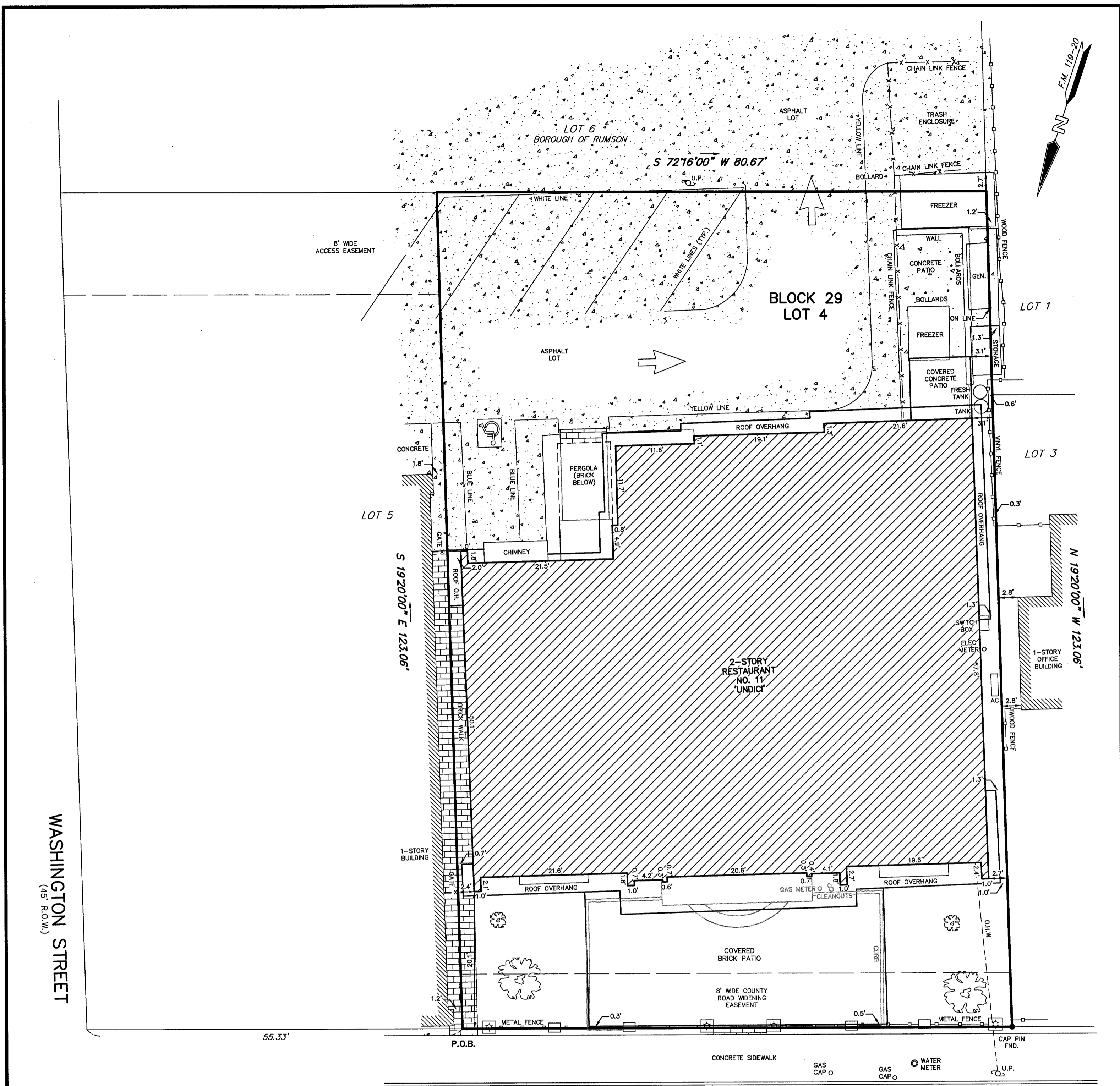


Table

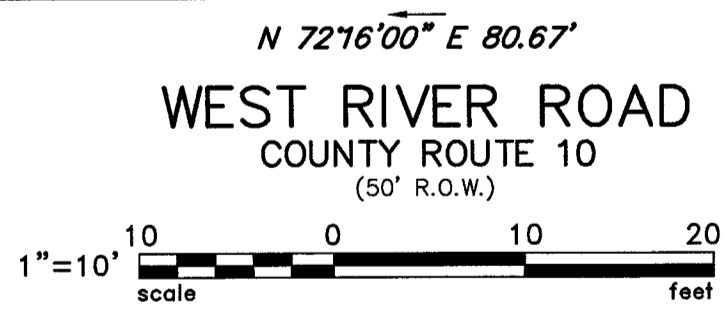
River Road

2020





WASHINGTON STREET  
(45' R.O.W.)



<b>SURVEY OF PROPERTY</b> PREPARED FOR UNDICI DUE LLC 11 WEST RIVER ROAD LOT 4 BLOCK 29			
BOROUGH OF RUMSON		MONMOUTH COUNTY	
NEW JERSEY			
<b>Charles Surmonte P.E. &amp; P.L.S.</b> New Jersey Professional Engineer and Surveyor License No. <del>                    </del>			301 Main Street, 2nd Floor Allenhurst, New Jersey, 07711 Phone 732-660-0606 Fax 732-660-0404
PROJECT No.	DATE:	SCALE:	SHEET:
26-153	03-04-26	1"=10'	1 OF 1



YOUR GOALS. OUR MISSION.

RMZB-R2060

April 27, 2026

Marie DeSoucey, Board Secretary  
Borough of Rumson Zoning Board  
80 East River Road  
Rumson, NJ 07760

*Via Email (mdesoucey@rumsonnj.gov)*

**Re: Undici Due, LLC  
11 West River Road (CR 10); Block 29, Lot 4, GB Zone  
Minor Site Plan  
Completeness Review, Engineering Review, and Fee Determination**

Dear Board Members:

As requested, we have reviewed the above-referenced application, plans, and supplemental information submitted for the above-referenced project.

The subject property, Lot 4 of Block 29, fronts along West River Road (County Route 10) within the General Business (GB) Zone. The property contains an existing restaurant, known as Undici Restaurant, which includes an existing outdoor café seating area under a permanent awning in the front yard.

The applicant proposes the installation of an additional outdoor café seating area in front of the existing awning and within the public sidewalk. The proposal include 8 tables, each accommodating 2 patrons, or 16 additional seats. No site work is proposed as part of this application.

We have reviewed the following documents submitted by the applicant in support of this application:

1. Undici Rumson – Sidewalk Furniture Plan, prepared by Mancini Duffy Architects LLC, dated March 9, 2026, consisting of one (1) sheet.
2. Survey of Property prepared by Charles Surmonte, PE, PLS, dated March 4, 2026, consisting of one (1) sheet.
3. Denial Memorandum, prepared by Marie DeSoucey, Borough of Rumson Land Use & Development Official, dated December 31, 2025, updated March 5, 2026.
4. Zoning Board of Adjustment Application form received April 8, 2026
5. Draft Notice of Hearing, prepared by Rick Brodsky, Esq.

#### **A. Completeness Review**

Based on our review of the Minor Site Plan application, the applicant has submitted all applicable checklist items with the exception of the following:

- **Item B5** – Key map at specified scale showing location to surrounding properties, streets, municipal boundaries, etc., within 500 feet of property. *(I have no objection to the Board granting a completeness waiver for this item.)*
- **Item B7** – Schedule of required zone district requirements, including lot area, width, lot shape circle, lot coverage, floor area ratio, yard setbacks, building coverage, open space, parking, etc. *(I have no objection to the Board granting a completeness waiver for this item provided that testimony is given during the public hearing regarding conformance to the zone district requirements.)*
- **Item B8** – Signature blocks for Chairman, Secretary, and Municipal Engineer. *(I have no objection to the Board granting a completeness waiver for this item provided revised plans include same.)*



Re: Undici Due, LLC  
11 West River Road; Block 29, Lot 4, GB Zone  
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- **Item B9** – Proof that taxes are current. *(I recommend this item be provided prior to the public hearing.)*
- **Item B19** – Size and location of all existing structures within 200 feet of the site boundaries. *(I have no objection to the Board granting a completeness waiver for this item.)*
- **Item B23** – Property owners within 200 feet of subject property. *(I recommend this item be provided prior to the public hearing.)*
- **Item B24** – Location of streams, floodplains, wetlands or other environmentally sensitive areas on or within 200-feet. *(I have no objection to the Board granting a completeness waiver for this item.)*
- **Item B29** – Site identification signs, traffic control signs, and identification signs. *(I have no objection to the Board granting a completeness waiver for this item.)*
- **Item B30** – Sight triangles. *(I have no objection to the Board granting a completeness waiver for this item.)*
- **Item B33** – Solid Waste Management and Recycling Plan. *(I have no objection to the Board granting a completeness waiver for this item.)*
- **Items C1 - C7** – Construction Plans. *(I have no objection to the Board granting completeness waivers for these items.)*
- **Item D1** – List of all federal, state, regional, and/or municipal approvals or permits required. *(I have no objection to the Board granting completeness waivers for these items provided that any applicable approvals or permits are received as a condition of approval.)*
- **Item D3** – Freshwater Wetlands Letter of Interpretation. *(I have no objection to the Board granting completeness waivers for these items.)*
- **Item D4** – Disclosure statement. *(I recommend this item be prior to the public hearing.)*
- **Item D5** – Statement from utility companies as to serviceability of the site. *(I have no objection to the Board granting completeness waivers for these items.)*
- **Item D7** – Payment of all applicable fees. *(I recommend this item be prior to the public hearing.)*

The application is adequately complete for the purpose of performing a first engineering review and there is no objection to the board granting the above completeness waivers. The Board should consider memorializing the above completeness waivers prior to commencing the hearing. As noted above, we recommend Items B9, B23, & D7 be provided prior to the public hearing.

## **B. Fee Determination**

We have prepared a fee determination for the application in accordance with Ordinance §22-3.14. We have calculated the application fee to be \$2,925.00 and the escrow fee to be \$4,000.00. Please see Schedule “A” attached. Any remaining fee balance should be posted as separate checks.



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## C. Engineering Review

### 1. Planning and Zoning

1.1 Per Borough Ordinance §22-5.11d., a restaurant is a conditionally permitted use in the GB Zoning District, provided that the use and building adhere to the minimum standards of the zoning district and to the requirements of Ordinance §22-6.10. The applicant proposes to modify the restaurant use. The existing property and building exhibit several deficiencies of §22-6.10. Therefore, a 'D3' Conditional Use Variance is required.

- a. Ordinance §22-6.10.a requires a minimum lot area of 20,000 square feet whereas the existing lot is 9,923-square feet. Ordinance §22-6.10.a also requires a minimum lot width of 125 feet whereas, the existing lot is 80.67 feet wide.
- b. Ordinance §22-6.10.c requires restaurant buildings to have a minimum 50-foot setback from any street line whereas the existing building is 20.1 feet from the River Road right-of-way line. Ordinance §22-6.10.c also requires a minimum 25-foot setback from any lot line; whereas, the existing building is located 2.7 feet from the westerly property line and 2.0 feet from the easterly property line.
- c. Ordinance §22-6.10.i requires outdoor cafes to conform to the standards set forth in Ordinance §22-7.37, whereas the proposed outdoor cafe does not comply as noted below.
  - i. Ordinance §22-7.37.a.1 requires outdoor cafes to be located on the subject property and shall not be located within any right-of-way and/or sidewalk, whereas the seating area is proposed within the right-of-way and public sidewalk.
  - ii. Ordinance §22-7.37.a.2.(2) requires outdoor cafes to be located between the restaurant use and the front property/street line on an existing improved surface. The applicant proposes the seating area between the front property line and the existing street line.
  - iii. Ordinance §22-7.37.a.2.(3) requires that outdoor cafes not result in any additional seating. 16 seats are proposed and it appears the applicant does not propose to remove other existing seating.
  - iv. Ordinance §22-7.37.b requires outdoor cafés to be setback at least 50% of the required setbacks noted in §22-6.10c. Therefore, the outdoor café requires a setback of 17.5 feet to front/side/rear lot lines and a setback of 25 to the street line. No setback is provided from the lot lines as the area is proposed outside the property. A setback of 4.5 feet is provided to the street line.
  - v. Ordinance §22-7.37.c.2 requires outdoor cafés to contain a defined perimeter by the setting of a portable-type enclosure, where no such perimeter is proposed (and would further encroach into the sidewalk).
  - vi. The applicant should confirm during testimony that the proposed outdoor café will conform with Ordinance §22-7.37.c.1 and §22-7.37.c.4 through §22-7.37.c.10. Unless variance relief is obtained for these provisions, these requirements should be listed as conditions of approval.

1.2 Due to the expansion of non-conforming use, a 'D2' Use Variance is required.



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**2. Site Requirements & Layout**

- 2.1 Per the Public Right-of-Way Access Guidelines (PROWAG), a minimum 4-foot-wide continuous clear width is required. The plans indicate the sidewalk is 7 feet wide, the proposed tables are 3 feet wide, and a 4-foot-wide clear width will be maintained. However, an existing utility pole conflicts with this requirement and provides approximately 2 - 2.5 feet of clearance between the utility pole and the seating area. The seating area shall be relocated/reduced as necessary to provide a minimum 4-foot-wide clear width at all points along the property frontage, including around the utility pole.
- 2.2 Testimony shall be provided clarifying whether, outside of operating hours, the tables and chairs will remain in place or be stored within the applicant’s property.
- 2.3 Testimony shall be provided to loading/delivery/food pick-up operations on site, including where these operations occur today and if any changes are proposed.
- 2.4 Per Ordinance §22-9.2b.1., the off-street parking requirement is as follows:

Restaurant (Ordinance §22-9.2b.1.(c), Exhibit 9-2),  
*The greater of*  
 20 Spaces per 1,000 SF GFA @ 6,098\* SF GFA = 122 Spaces  
*Or*  
 1 Spaces per 3 seats @ 165\* existing seats = 55 Spaces  
 + 1 Spaces per 3 seats @ 16 proposed seats = 6 Spaces  
 61 Spaces  
 Total Required Spaces = 122  
 Total Provided Spaces = 5\*

*\*Value obtained from past application information. Applicant shall confirm.*

It is noted that the applicant was granted a variance in for 5 parking spaces on site, whereas 122 spaces were required. Testimony shall be provided on parking demand for the use, including needs of employees & customers, and if any spaces the rear parking lot are dedicated/reserved for the subject property’s use.

**3. General**

- 3.1 We defer to the Board Attorney as to whether an approval for outdoor seating within the public sidewalk/right-of-way must be conditioned upon the applicant entering into a license agreement with the Borough, including maintenance, indemnification, hold-harmless provisions, and submission of insurance naming the Borough as an additional insured, in a form acceptable to the Borough Attorney.
- 3.2 The applicant should obtain Monmouth County Planning Board approval or a “Letter of No Interest.”



Re: Undici Due, LLC  
11 West River Road; Block 29, Lot 4, GB Zone  
Minor Site Plan  
Completeness Review, Engineering Review, and Fee Determination

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES  
JULIE NASTASI, P.E., C.M.E.  
CLIENT MANAGER

*George Minaidis*

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GEORGE MINAIDIS, P.E.  
CONSULTING ENGINEER

cc: Thomas S. Rogers, Borough Administrator (trogers@rumsonnj.gov)  
David M. Marks, PE, CME, CFM, Borough Engineer (dmarks@rumsonnj.gov)  
Michael B. Steib, Esq., Zoning Board Attorney (msteib@mbslaw.net)  
Rick Brodsky, Esq., Applicant's Attorney (rbrodsky@ansell.law)



Re: Undici Due, LLC  
11 West River Road; Block 29, Lot 4, GB Zone  
Minor Site Plan  
Completeness Review, Engineering Review, and Fee Determination

April 26, 2026

**SCHEDULE "A"**

**UNDICI DUE, LLC  
11 WEST RIVER ROAD; BLOCK 29, LOT 4  
DETERMINATION OF REQUIRED FEES**

**(REFERENCED IS MADE TO SECTION 22-3.14)**

d.	Minor Site Plan Approval Fees	
	2. Application Fee	\$200.00
	3. \$25 per 1,000 SF Lot Area	\$250.00
	4. \$25 per 500 SF Floor Area	\$300.00
	5. \$25 per Parking Space	\$125.00
f.	Variances	
	3. Hardship or Bulk Variances (c) Other – Minimum Parking Requirement ( \$200.00/minimum)	\$200.00
	4. Use Variances (b) GFA 5,000 square feet or more	\$1,500.00
g.	Conditional Uses	\$250.00
h.	Public Hearing	\$100.00
		<u>SUBTOTAL \$2,925.00</u>
m.	Refundable Application Escrow Fee	
	6. Refundable Application Escrow Fees. (b) Commercial Development (1,001—10,000 S.F., GFA)	\$4,000.00
		<u>TOTAL FEES \$6,925.00</u>

MEMORANDUM

**FROM: MICHAEL B. STEIB, ESQ.**

**TO: RUMSON ZONING BOARD OF ADJUSTMENT**

**DATE: APRIL 28, 2026**

**RE: UNDICI RESTAURANT EXPANSION BL. 29, L. 4**

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I am in receipt of the Completeness, Review, Engineering Review and Fee Determination of T&M associates in connection with the above referenced matter. The applicant proposes to install an additional outdoor café-seating area in front of the existing awning and within the public sidewalk, which includes 8 tables with 2 seats at each table for a total of 16 additional seats.

Paragraph 3.1 of the T&M report defers to the Board Attorney as to whether approval for outdoor seating within the public sidewalk/right-of-way must be conditioned on the applicant entering into a license agreement with the Borough including maintenance, indemnification, hold-harmless provisions and submission of insurance naming the Borough as an additional insured. This memorandum is in response to that inquiry.

In November of 2024 the Premises Expansion Permit Act N.J.S.A. 40:55D-164 – 171 was adopted. The Statute provides for the issuance of a Premises Expansion Permit which entitles the license holder to sell alcoholic beverages in outdoor spaces as an extension of their business premises controlled by them either on, contiguous to or qualified non-contiguous premises. Contiguous spaces may include public sidewalks which are defined as a locally or county owned public right-of-way adjacent to the business premises or a portion thereof. In this case the contiguous sidewalk would appear to be in the County right-of-way as West River Road is County Route 10.

The process to obtain a Premises Expansion Permit requires the following:

1. Application must be submitted to the Director of the Alcoholic Beverage Commission (“Director”). It must include:
  - a. Name, address and license number of the applicant
  - b. Description of the property with sketch or photographs
  - c. Property Owner consent and authorization for the use if the license owner is not the owner of the property

