



**RUMSON ZONING BOARD
JANUARY 22, 2026
MEETING MINUTES**

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call.

Present: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder,
Mr. Hofferber, Mr. Ward
Absent: None

Also present, Michael Steib, Esq., David Marks, Borough Engineer and Marie DeSoucey, Board Secretary

The notice requirements of the **Open Public Meetings Act** were stated as being met.

Mr. Steib administered the Oath of Office to the re-appointed Board Members.

Mr. Marks and Ms. DeSoucey were sworn in.

Reorganization

Mr. Steib asked for nominations for the 2026 Zoning Board Chairman position. Mr. Ward nominated Glenn Hofferber for the 2026 Chairman of the Zoning Board; Seconded by Mrs. Mayo.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward
Nays: None
Abstain: Mr. Hofferber

Chairman Hofferber nominated Alison Mayo for the 2026 Zoning Board Vice-Chairperson position:
Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward, Chairman Hofferber
Nays: None
Abstain: Mrs. Mayo

Mr. Hawley made a motion to approve Resolution #26-1 appointing Michael B. Steib, Esquire as the 2026 Zoning Board Attorney; Seconded Mrs. Mayo.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward,
Chairman Hofferber
Nays: None

Chairman Hofferber made a motion to approve the Resolution #26-2 appointing T&M Associates as the 2026 Zoning Board Engineer; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward,
Chairman Hofferber

Nays: None

Chairman Hofferber made a motion to approve the Resolution # 26-3 appointing State Shorthand Reporting Service, Inc, as the 2026 Zoning Board Reporting Service; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward,
Chairman Hofferber

Nays: None

Chairman Hofferber made a motion to approve the Resolution #26-4 appointing The Two River Times and the Asbury Park Press as the 2026 official Zoning Board newspapers; Seconded Mr. Calder.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward,
Chairman Hofferber

Nays: None

Mrs. Mayo made a motion to approve the Resolution #26-5 appointing Marie DeSoucey as the 2026 Zoning Board Secretary; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward,
Chairman Hofferber

Nays: None

Mr. Hawley made a motion to approve the 2026 Meeting Dates; Seconded by Mrs. Mayo.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward,
Chairman Hofferber

Nays: None

Administrative

Mrs. Mayo made a motion to approve the December 18, 2025 Zoning Board Meeting Minutes as submitted; Seconded by Mr. Ehrenberg.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Mr. Hawley, Mr. Ehrenberg, Mr. Carey,
Mr. Ward, Chairman Hofferber

Nays: None

Abstain: Mr. Calder

Mr. Ehrenberg made a motion to approve **Resolution #8101** approving the application of **Bussard** for property located at **76 Lafayette Street, Block 33, Lot 15** in the **R-5 Zone**; Seconded by Mrs. Mayo,

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Ward, Chairman Hofferber
Nays: None
Abstain: Mr. Calder

Announcements:

None

Unfinished Business:

The continued application from the November 20, 2025 meeting of Tino's Artisan Pizza for property located at 13 First Avenue, Block 5, Lot 1 in the GB Zone was presented for the Board's consideration.

The Board is in receipt of the following additional exhibits: A-16 Parking Assessment Memorandum prepared by Dynamic Traffic, LLC revised date 12/17/2025; A-17 Proposed Commercial Tenant Fit-Out Plan prepared by Alec Shissias revised date 12/22/2025.

John Anderson, Esquire from the Foss, San Filippo & Milne law firm representing the applicant addressed the Board. Mr. Steib stated that Chairman Hofferber and Mr. Calder have certified they reviewed the 11/20/2025 meeting and are eligible to vote on the application.

Mr. Anderson refreshed the Board on the application thus far. The site consists of a commercial building housing a delicatessen/take-out establishment with two apartments on the second floor and a single-family home. There are no changes proposed for single-family home or to the apartments. There are no additions or site improvements. The application solely pertains to the numbers of seats within the interior of the building. Currently there's the capacity to seat six and the proposal was to increase the seating to 28.

Mr. Procaccini supplied operational details at the last hearing, which will not be changed. There will no hosts or hostesses, waiters or waitresses. It will remain where you walk in, place a take-out order or an eat-in order. The proposal has been revised to requesting a total of 20 seats.

Mr. Anderson recalled Tino Procaccini. Mr. Procaccini was previously sworn and remains under Oath. Mr. Procaccini explained he wants to add more seats for his customers convenience if they chose to sit and eat on the premises. The business will remain predominately take-out. Mr. Procaccini has no interest in getting a specific use designation that could potentially alter or improve value for resale. There is no intention to be a full-pledge restaurant. A delicatessen, prepared food take-out is permitted in the zone. A restaurant is conditionally permitted.

Mr. Anderson recalled Alec Shissias, project architect. Mr. Shissias was previously sworn and remains under Oath. Mr. Shissias described the revisions made to the interior floor plans illustrating six tables and 20 seats. There is no other revisions or renovations needed for the proposed seating.

Mr. Anderson recalled Justin Taylor, project engineer and professional traffic operations engineer. Mr. Taylor was previously sworn and remains under Oath. Mr. Taylor supplied testimony regarding the parking assessment. The revised study of the parking demand that might be generated during the lunchtime rush taken on two weekdays in the December. There was a maximum of 51 vehicles parked in this area leaving 85 open parking spaces. Both days there were 13 spaces available in the public lot directly adjacent to the subject property, illustrating that there is parking available in this public area. The ordinance requires the parking demand in two ways for a delicatessen. Either the greater of one space per 50 square feet or one per three seats. This is 2,100 square feet requiring 42 parking spaces for Tino's. Therefore, requiring a variance. In practicality there are six seats currently and the proposal for an increase of 14 seats, which requires five additional parking spaces. There is sufficient parking availability in the surrounding area to accommodate the additional seats.

There is no specific parking standard for a delicatessen. According to the ordinance you need to choose a use as close as possible to the use category that you are in; or there is some leeway on presentation of credible evidence for a municipal agency to create its own parking standard they think more accurately matches what you are presenting.

Mr. Marks explained the ordinance requirements and the comparative analysis on required parking for the uses.

Mr. Steib stated the notice of hearing was requesting conversion to a restaurant. If that is the case, then that is what the Resolution should state, also what the required number of spaces for a restaurant and justification for why that number should be relaxed. Mr. Taylor stated that based on the ordinance calculation for restaurant it's one per 50 square feet. That translates into a parking requirement of 42 spaces for the restaurant space coupled with the RSIS requirements for the residential component. The total number is 48 required spaces. The justification for the variance would be the actual demand based on the parking counts supplied.

Mr. Anderson stated that this is still a "delicatessen", prepared food, take out operation with more seating.

Mrs. Mayo asked for clarification of the streets that were included in the parking study. Mr. Taylor responded they looked at the commercial portion of the streets and excluded any count in the residential streets such as the north side of Washington Street. The count includes Lafayette Street along the park, 150 feet on the south side of Lafayette and the south side of Second street, the municipal lots on Washington, Bingham and directly adjacent to the site, on-street spaces along the north side of River Road.

Mr. Taylor explained the Level of Service gradation for the Board's edification. In his opinion there is no issue with the parking numbers that were found. Within a 400-foot range of Tino's nine available parking spaces within the study times.

Mr. Anderson introduced Christine Cofone, a New Jersey licensed planner. Ms. Cofone was sworn in, and the Board accepted her credentials. Ms. Cofone stated the site is an existing developed property with a single-family home, apartments and Tino's Pizzeria. There are no site plan improvements proposed with this application.

The requested seat has been reduced from 28 seats to 20 seats, which is 14 additional seats for the restaurant area. Ms. Cofone supplied testimony regarding the operations at other pizzerias in the area per the Board's request.

Ms. Cofone confirmed that, in the submission documents, the applicant asked for restaurant status. A restaurant is a conditionally permitted use. The applicant does not meet all the conditions. If this is classified as a restaurant, absent the compliance with all the conditions, this is an appropriate location for the use. There will be no wait staff or host/hostesses. Delicatessen/prepared food is a permitted use in the GB Zone. There is no specific designation for a pizzeria. The reason this is a D-2 expansion of a nonconforming use is because there are multiple principle uses on one lot, and by introducing the 14 seats it is intensification of that use.

There was a variance granted for the property in 2001 for the six parking spaces where required is 29 spaces. Should the Board look favorably on this, there will be stringent conditions of approval and any future proposal for the site would be governed by those standards. A determination needs to be made whether this is classified as a delicatessen or a restaurant.

Mr. Steib advised the initial denial memorandum based upon a higher seating ratio identified this a D variance for a restaurant. Ms. DeSoucey supplied an explanation for the denial. Ms. Cofone stated the ordinance does not define deli. It defines restaurant and that definition does not really give you any guidance as to if seating determines it to be a restaurant or deli. Ms. DeSoucey stated there may be two interpretations and the definition is not cut and dry. The decision is then based on the intent of the use and the set precedence. The other prepared take-out food establishments in Rumson have no seating. It is not black and white and is up to the Zoning Board decide.

Ms. Cofone cited the ordinance definition of restaurant, and this is clearly not a full-service establishment without wait staff and the like. This is a D-2 expansion of a nonconforming use because of the existing conditions on the property. This is a pizzeria and functions as one. Ms. Cofone also cited case law and criteria in the MLUL to justify the grant of the variance. The benefits of granting this variance will outweigh any detriment. There will be no substantial detriment to the public good, the zone plan or the Master Plan of the Borough of Rumson.

Chairman Hofferber opened the testimony for public questions and/or comments. Ann Marie Erwin residing at 15 Second Street was previously sworn and remains under Oath. Ms. Erwin commented these improvements will help the business, but it does not nothing to enhance the neighborhood. There is more traffic. There is never sufficient parking in this area. There will be more noise and more debris. Ms. Erwin would like to business to remain as it is.

Paul Sernal, partner in the LLC owner of 13 First Avenue and 44 West River Road was sworn in. Mr. Sernal stated that parking has always been challenging in the area and gave a history of the uses that were on the property and the operations of the previous businesses. Mr. Sernal stated the hours of operation will not affect the traffic and parking situation.

John Yurish residing at 38 Washington Street, Red Bank was previously sworn and remains under oath. Mr. Yurish commented on congestion in the area. The parking spaces granted to the Sernals was never for the retail element on the property. There is a four-bedroom house, two two-bedroom apartments and

a restaurant/deli on the property. The retail element does not have parking. Mr. Yurish is against a variance being granted unless parking is provided.

There being no further public questions and/or comments, the public portion was closed.

Board Members expressed concern with the number of mixed uses contained on the property, exacerbating the situation with the addition of 14 seats, and impacts on the parking and traffic.

Mr. Steib advised it is the Board's ultimate decision whether to consider the application a restaurant or a delicatessen.

Mr. Anderson advised the applicant is willing to reduce the seating from 20 seats to 16 seats.

After deliberations, Chairman Hofferber asked the pleasure of the Board. Mr. Izzo made a motion to approve the application as a delicatessen use with 16 seats and with the following conditions: improving existing parking; no host/hostesses; no waitressing service; refuse pick up twice a week; vendor delivery in the morning only; delivery vehicles not traversing Barnacle Bill's property; seconded by Mr. Hawley.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Calder, Chairman Hofferber, Mr. Ward (Alt)

Nays: Mr. Carey

New Business

The application of **LSP, L.L.C. (Barnacle Bill's)** for property located at **1 First Street, Block 5, Lot 1 in the GB Zone** was presented for the Board's consideration.

Mr. Steib advised the Board should vote on the granting of submission waivers as listed on the T&M review letter.

The Board is in receipt of the following exhibits: A-1 Land Use and Development Permit Application dated 4/8/2025; A-2 Preliminary and Final Major Site Plan prepared by Kennedy Consultant Engineers revised date 7/21/2025; A-3 Outdoor Deck Plan prepared by Anthony M. Condouris Architect revised date 1/30/2024; A-4 Topographic Survey prepared by *McCanis, White Inc. revised date 3/7/2022; A-5 Denial Memorandum dated 5/14/2025; A-6 Variance Application dated 9/18/2025; A-7 T&M Associates Completeness and Engineering Review dated 11/5/2025; A-8 Zoning Officer Memorandum dated 1/15/2026 including a site plan history

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. Mr. Brodsky stated the application seeks permanent approval of outdoor seating constructed during COVID. The outdoor seating area consists of approximately 40 seats or approximately 10 tables with seating of four. The original submission of 8 seats per table is incorrect. There are also single seats down along the water with no service associated that casual seating. This is a local family-owned business. There are currently two uses on the property. The marina has existed there since approximately 1920's and the restaurant, which is considered a conditional use in the zone, was first approved in approximately 1968.

Mr. Brodsky introduced Todd Sherman, owner/operator. Mr. Sherman was sworn in. Mr. Sherman supplied a history of the property and the business. Mr. Brodsky introduced Samuel Sherman, owner/operator. Samuel Sherman gave an overview of the family business and a history of the outdoor dining area. In May of 2024 the restaurant expanded the lunch hours on Tuesday, Wednesday and Thursday. The restaurant is closed on Mondays.

Mr. Brodsky introduced Andrew R. Comi, a New Jersey licensed engineer. Mr. Comi was sworn in, and the Board accepted his credentials. Mr. Comi submitted Colorized version of the Site Plan marked as A-9. Mr. Comi described the existing conditions at the subject premises and oriented the Board to the location of the property.

The site has a two-way entrance and a one-way exit into the parking lot off of First Street. Currently there is an existing graveled outdoor dining area that has operated for approximately five years. The gravel is proposed to be completely removed and replaced with permanent floor decking for table seating. A second area of contemporary removable decking located further to the north closer to the water. There is a CAFRA permit approval already obtained. There is an existing landing and stairway at the rear of the restaurant that will remain.

There is an increase in lot coverage from 49.3 percent to 56 percent. There are 61 existing parking spaces. There are additional parking areas available. The intension is to provide an ADA parking space closer to the marina with a ramp providing access to the outdoor seating and complying with the ordinance requirements. Parking and landscaping plans will be submitted for review and approval. There is no change proposed for the outdoor lighting.

Mr. Comi explained the existing Stormwater Management System.

The variances being requested for the new decking and this outdoor café located in a side yard. There is also a requirement that outdoor cafes not result in additional seating. The proposal is to have a comparable amount of indoor seating will be removed to account for the outdoor seating and detailed plans would be submitted. There is also a variance required for the total lot coverage proposed due to the permanent and temporary decking. The setback from the outdoor seating area to the rear property line is required to be 12.5 feet and proposed is 6.1 feet.

The applicant will comply with all other ordinance requirements for the outdoor café use and will submit revised plans for review and approval.

Patricia Quigley, managing member of the LLC, was sworn in. Ms. Quigley explained the efforts to try and develop additional parking in this area.

Chairman Hofferber opened the testimony for public questions and/or comments. Ann Marie Erwin residing at 15 Second Street was sworn in. Ms. Erwin commented on the lack of parking and inquired about compliance with the music ordinance requirements for the outdoor café. Mr. Brodsky supplied there is no music proposed for the outdoor café. Alice Russo, owner of 45 West River Road, was sworn in. Ms. Russo commented about the parking and possible additional parking in the area. There being no further public questions and/or comments, the public portion was closed.

Ms. DeSoucey cited the ordinance requirements for outdoor cafe music under the restaurant use.

After deliberations, Chairman Hofferber asked the pleasure of the Board. Mrs. Mayo made a motion to approve the application as presented and with compliance to the T&M Associates review; Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mrs. Mayo, Mr. Izzo, Mr. Hawley, Mr. Ehrenberg, Mr. Carey, Mr. Calder, Mr. Ward,
Chairman Hofferber

Nays: None

EXECUTIVE SESSION:

None

There being no further business before the Board, Motion was made and seconded to adjourn at approximately 10:30 p.m.

The next scheduled meeting will be **February 26, 2026** at 7:30 p.m.

Respectfully submitted,
Michele MacPherson
State Shorthand Reporting Services, Inc.