

### **Borough of Rumson**

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

# JUN 09 2025 ZONING OFFICE

## APPLICATION TO THE ZONING BOARD OF ADJUSTMENT

Name of Applicant  Email	609-636-	7555
Name of Applicant Email	Phone Number	
Property Address  N. R. R. Road, Russon, N. J. 07760	5 1	
	Block L	ot
Six Black Sums LLC		
Name of Owner (IF NOT APPLICANT)  A corporation S-Corp. LLC or LLP MUST be represented by the second of the second		
A corporation, S-Corp, LLC or LLP MUST be represented by a licensed attorney in the Sta	te of New Jersey.	
John B. Arckerson, III, Fsq., Foss, Son Filippo + M: Inc, LLC 225 Brown Applicant's Attorney and contact information (if any)	Street, Red &	bonk, NJ
Al Shissias RA RLA Shissias Design + Development, 27 1st Stree Applicant's Architect and contact information (if any)		
Applicant's Architect and contact information (if any)	er, Rumson, NJ	07766
EM Waterbury + Associates P.A., 530 prospect Aven	. W. S V. 20	14. (1)
	ce, on a ze	NJ NJ
Tipos Araisan Pizza a Rom sur LLC	12/12/21	100
Signature of Applicant or Agent	12/18/94	
Samuel of Agont	Date /	
Proposed plan Applicant (only)		
Proposed plan Applicant proposes interes renovations to the	tirst floor	
of the existing building on the corner of First Street a	ad W. River Ro	4d
The space is precently allowed to seats for patrons. Applica	al cooks no	mar thus
20 sears in partons. No exterior renoverious.	No sike work	No
variances requested		additions,
See attached Statement of varionies.		see attached
		narrative.

Tino's Artisan Pizza of Rumson LLC 13 First Street (a/k/a 44 W. River Road) Block 5, Lot 1 Zone District: GB Rumson, New Jersey 07760 FSM File No. 9716.00001

### NARRATIVE OF DEVELOPMENT

Six Black Swans, LLC owns 13 First Street (a/k/a 44 W. River Road), Rumson, New Jersey (the "Property").

The Property is presently improved with a mixture of residential and commercial buildings and uses consisting of the following: a) a two-story building with two (2) apartments on the second floor and with Tino's Artisan Pizza on the first floor; b) a detached single-family home; c) a detached garage; d) a driveway with approximately four (4) tenant parking spaces for use by the tenants of the apartments; and e) a refuse enclosure.

Tino's Artisan Pizza of Rumson LLC is the Applicant (the "Applicant").

The Applicant presently occupies the first floor of the building on the corner of First Street and W. River Road (the "Premises"). Applicant presently runs a traditional pizzeria in the Premises with take-out and with minimal dine-in. Though Applicant's allowable occupancy is 43 customers, Applicant is allowed just six (6) seats. This leaves Applicant with too much standing room and not enough seating.

Applicant seeks approval for interior renovations (only) to the first floor of Premises to increase the seating for patrons from the current six (6) seats to not more than twenty-eight (28) seats.

The Applicant is **not** proposing any exterior renovations or expansion of the building.

The Applicant is **not** proposing any changes to the second floor, any changes to the single-family home, any changes to the detached garage or any site work of any kind.

The Applicant's current hours of operation are 11 AM to 9 PM daily. Those hours are not anticipated to change.

The Applicant presently employs 4-6 staff members. That is not proposed to materially change, but Applicant may need to employ one additional staff member business dependent.



#### Borough of Rumson

rumsonnj.gov

**BOROUGH HALL** 80 East River Road Rumson, New Jersey 07760-1689 Marie DeSoucey Land Use & Development Official

office 732.842.3300 732.219.0714

mdesoucey@rumsonnj.gov

## **Denial Memorandum**

Date:

October 15, 2024

Applicant: Six Black Swans, LLC / Tino's Artisan Pizza

Address: 13 First Street

Block

Lot

Zone

Rumson, NJ 07760

5

GB

#### Applicant's Request for:

Zoning Board approval to modify the certificate of occupancy issued to applicant which allows occupancy for forty-nine (49) persons but limits the number of seats to six (6). Applicant request for approval of thirty-four (34) total seats.

Was denied and will require approval from the Zoning Board of Adjustment for the following reasons:

- Currently approved as "Delicatessen / Prepared food take-out store" (22-5.11a1 (d)15), in a nonconforming building.
- Intensifying the current use with an expansion to thirty-four (34) seats changes the facility to restaurant status, which is a permitted conditional use in the GB zone (22-5.11d3).
- The conditional use application does not meet the minimal standards set forth in Ordinance 22-6.10 Restaurants, therefore requiring a D3 Variance.
- Engineering review and Site Plan approval is required.

The variances identified above were evaluated based on the Land Use & Development Permit application, dated October 8, 2024; "Background Information in Support of Tino's Artisan Pizza", 1-page memo; Image of property; Copy of signed Commercial Tenant Fit-Out plan prepared by Alec Shissias, dated May 24, 2023, five (5) 8.5"x11" sheets; Potential seating plan, prepared May 19, 2023, one sheet.

If you have any questions or require additional information, please do not hesitate to contact me.

Marie DeSoucey

Land Use & Development Official

Cc:

Thomas Rogers, Borough Clerk/Administrator David M. Marks, P.E., C.M.E., Borough Engineer Sabine O'Connor, Technical Assistant



Date:

### **Borough of Rumson**

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



Marie DeSoucey
Land Use & Development Official

office 732.842.3022

OCT 08 2024

mdesoucey@rumsonnj.gov



## LAND USE & DEVELOPMENT PERMIT

	ALL RESIDENTIAL APPLICATIONS \$50 ALL COMMERCIAL APPLICATIONS \$100
	Checks shall be made payable to: Borough of Rumson.
1	With this application you are required to submit one (1) copy of a current survey/plot plan/site plan and one (1) set of architectural plans. Surveys must show the existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations and easements, all drawn to scale. All surveys <i>must</i> be prepared by a land surveyor (signed/sealed). Architectural plans must show Zoning data existing and proposed setbacks (Schedule 5-1), Building Height (Schedule 5-2), Lot Coverage and Building Coverage (Schedule 5-4) and Floor Area (Schedule 5-3).
	ALL APPLICATIONS MUST INCLUDE A PLAN(S), SURVEY AND/OR SKETCH. SUBMIT ALL PDF'S TO MDESOUCEY@RUMSONNJ.GOV UPON SUBMISSION OF THE LAND USE & DEVELOPMENT PERMIT.
	PLEASE CONFIRM A DIGITAL COPY HAS BEEN PROVIDED UPON SUBMISSION.
	ALL FLOOD ZONE APPLICATIONS MUST BE ACCOMPANIED WITH AN ELEVATION CERTIFICATE
*	* Pools require a fence. Please indicate type, height, and area of fence and location of filter/heater.  ** Air Conditioner Units: Please indicate proposed location & provide specifications which show the height.  Generators: Please indicate proposed location & provide specifications which show that the unit has a  Critical Muffler & Sound Attenuation Enclosure. These must be screened from neighboring properties and the street.
	(Please Print Clearly)
1.	Location of property for which Permit is desired:  Street Address: <u>13 First Strut, Rumson Block:</u> Lot Zone: GB
2.	Applicant's Name: Tino's Ortison Pinga. Address: 44 W River Road, Rumson Email Kathryn @vonarxlaw.com  Tel. 732.747. 4200
3.	Property Owner's Name: Six Black Swans, LLC Address: Privarient Terrace, Hillsborrych, Marsa
	Email
4.	Description of Work: The property location is 13 First Street / 44 WRiver Road
	of occupancy issued to applicant which allows occupancy for 49 persons but limits the number of seats to 6. Cyplicant

Has the	above pren	nises been the sul	bject of any prior applica	tion to the Planning	Board/ Zoning Board of	Adjustment?
res		r yes, state date:_	(Submit a co	py of the Resolution	on)	22B:
Board: 1	ot kn	own to a	pplicant Re	solution # (if any):	並 5217	RZB Resolution
requirement	s of site plan	approval variance	d information made and cant further states that a ces and other permits gr in (10) business days fro	an perunent municipa	al ordinances, and all c	rue to the best of his/he onditions, regulations and complied with. All Zoning
Signature of A Brooks Print Applicant	You	2/X, Esq	- attorney for	Opplicani	Date	
Signature of C	wner (if differ	ent than applicant)	F			
		applicant,			Date	
Print Owner's	Name (if differ	rent than applicant)				
			<u>FOR OF</u>	FICE USE		
Approved	- 1.1	Denied				
COMMENTS	:					
		See	attache	Denial 1	Vemo dat	ēd
			October 1	4606,3		
The Board remay be exten	serves the rided by actio	ght to deem addition of the Zoning Bo	ional information and/or			ng Board as provided by site plan, or subdivisions. valid for one (1) year, and
Land	e DeSoucey I Use & Dev	elopment Official	1		Date /	,

# BACKGROUND INFORMATION IN SUPPORT OF TINO'S ARTISAN PIZZA FOR APPROVAL OF ADDITIONAL PERMITTED SEATING

Applicant respectfully requests Zoning Board approval to modify the Certificate of Occupancy issued for its premises at 44 W River Road.

The Certificate of Occupancy provided to the Applicant upon taking over the premises allows occupancy by 49 persons but limits the number of seats to 6. A copy of the C.O. is attached hereto.

The Applicant employs 4-6 staff members. Thus, the current C.O. authorizes occupancy for 43 customers but allows for only 6 seats.

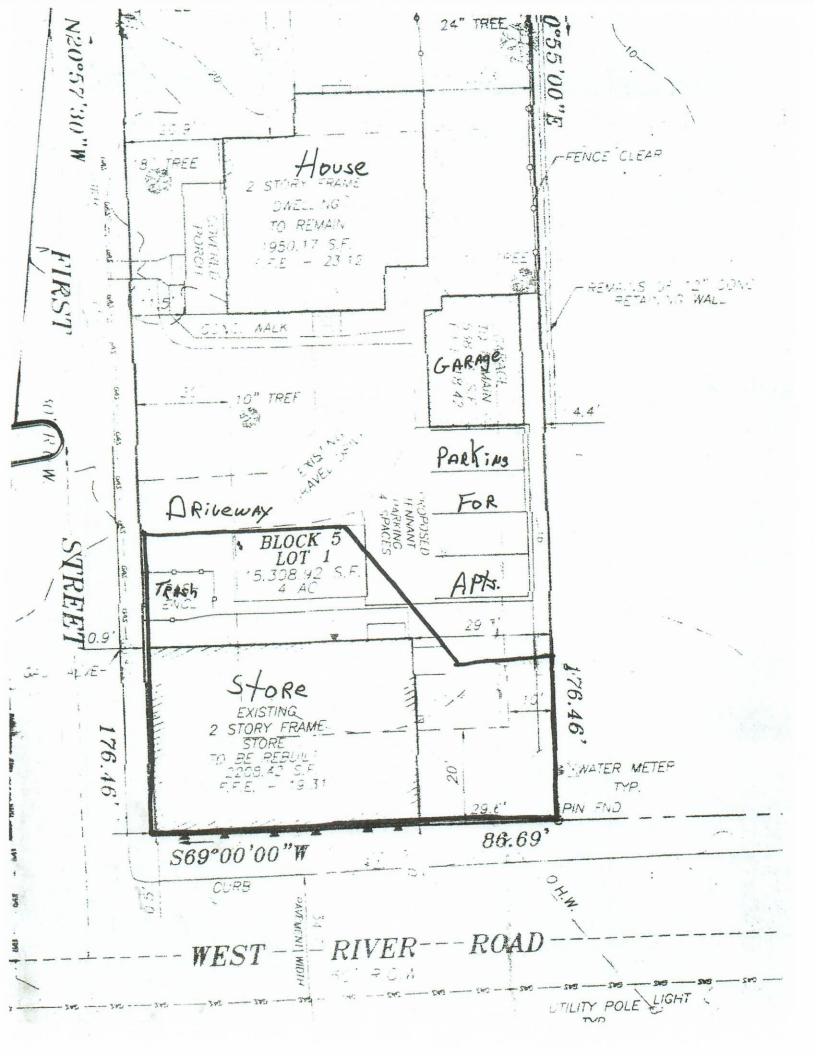
Applicant's business is that of a traditional pizzeria. It provides take-out services and should be able to accommodate sufficient on-site seating for families and other groups.

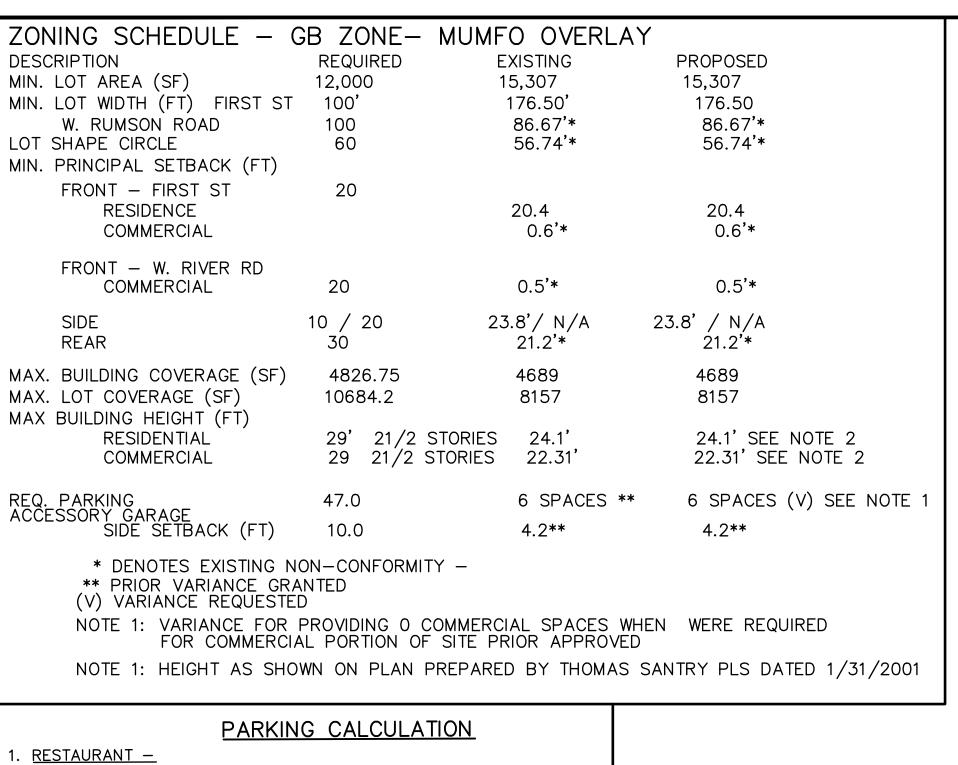
Applicant is hindered by the 6 seat limitation and, as it is unable to accommodate potential diners in a sit-down setting on-site. It has been obligated to turn away customers because of the lack of seating, Applicant's business has suffered as a result.

A large public parking lot is adjacent to the site.

Current hours of operation are not expected to change: 11 AM to 9 PM daily. No change in staff is expected but depending on business, one additional staff member may be needed.

Applicant respectfully requests that it be granted approval for additions of the seating plan per the attached plan which calls for a total of 34 available seats spread out over the first floor area.





# S 69°00'00" W 86.82' LOT 2 \_\_SETBACK, TYP. TWO STORY FRAME DWELLING No. 13\_ FIRST STREET BLOCK 5 TM LOT 1 TM 15.307 S.F.± 0.3514 AC.± 25' SHAPE CIRCLE D=56.74'56.3' ROOF DRAIN RESTORE 4 TENANT PARKING SPACES TO APPROVED LIMITS FROM 2001 APPROVAL VIA IMPORTATION OF MATCHING GRAVEL AS MAY BE REQUIRED TWD STORY FRAME SEE DRIVEWAY DETAIL. BRICKEACE\_BUILDING\_ SIGN "NO PARK" N 69'00'00" E 86.67' WEST RIVER (50' R.O.W.) ROAD DOUBLE YELLOW LINES

95 AVE OF TWO RIVERS RUMSON, NJ 07760 CAREY, TIMOTHY J & KIM M 54 WEST RIVER ROAD RUMSON, NJ 07760 15 Second 15 SECOND STREET RUMSON, N.J. 07760 Street DONALD E NELSON, RYAN P & LAUREN E 9 SECOND STREET RUMSON, NI 07760 EYAS PARTNERS, LLC 6 HUNT STREET RUMSON, NJ 07760

1 SECOND ST.

COMMONS

31 WEST RIVER ROAD

27 WEST RIVER ROAD

RUMSON, NJ 07760

RUMSON, NJ 07760

RUMSON, NJ 07760

LEONARDO, NJ

RUMSON, NJ 07760

07737

200' LIST OF PROPERTY OWNERS

1 Second St.

27 W River

KATHRYN 2-6 First St. L.S.P., L.L.C. 1 FIRST STREET RUMSON, NJ 07760 8 First St. 8 FIRST STREET, LLC 1 FIRST STREET RUMSON, NJ 07760 10 First St. HECK, DIANE ELAINE 10 FIRST STREET RUMSON, NJ 07760 14 FIRST STREET RUMSON, NJ 07760 HILLSBOROUGH, N 13 First St SIX BLACK SWANS, LLC 9 RIVERVIEW TERRACE 1 First Street L.S.P., L.L.C. 1 FIRST STREET RUMSON, NI 07760 2300 NEPTUNE REALTY, LLC 70 FAIR HAVEN ROAD BOROUGH OF RUMSON 80 EAST RIVER ROAD RUMSON, NJ 07760 RUMSON, N.J. 07760 BORO OF RUMSON VICTORY PARK 95 AVENUE OF TWO JNM HOLDINGS, INC RUMSON, NJ 07760 45 W. River 45 WEST RIVER ROAD, LLC 180 AVENUE AT THE SHREWSBURY, NI

KIM, HAN JU & MI S

RGR ENTERPRISES LLC

15 First St. B&J DEVELOPMENT LLC PO BOX 23

6 Allen St. STROUSE, CLAIRE S

B:5 / L:2.02 B:5/L:4 B:2 / L:2 B:28 / L:3 B:28 / L:17 B:28 / L:16 B:28 / L 1115 B:28 / L:13 B:28 / L:12 B:27 / L:22 B:26 / L:4 B:25 / L:1 B:27 / L:17

> LOCATION MAP SCALE 1"=200'

LOCATION MAP TAKEN FROM MONMOUTH COUNTY PREOPERTY VIEWER WEBSITE

### **GENERAL NOTES**

UTILITY INFORMATION SHOWN HAS BEEN COLLECTED FROM VARIOUS SOURCES AND IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS. THE CONTRACTOR WILL REQUEST UTILITY MARK DUTS FROM THE RESPECTIVE COMPANIES AND VERIFY ALL INFORMATION TO HIS SATISFACTION PRIOR TO EXCAVATION. WHERE EXISTING UTILITIES ARE TO BE CROSSED BY PROPOSED CONSTRUCTION, TEST PITS WILL BE DUG BY THE CONTRACTOR PRIOR TO CONSTRUCTION TO ASCERTAIN EXISTING INVERTS, MATERIALS AND SIZES. TEST PIT INFORMATION WILL BE GIVEN TO THE ENGINEER PRIOR TO CONSTRUCTION TO PERMIT ADJUSTMENTS AS REQUIRED TO AVOID CONFLICTS.

2.THIS SET OF PLANS HAS BEEN PREPARED FOR PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL OF THIS SET OF PLANS WILL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED ON THE DRAWINGS AND EACH DRAWING HAS BEEN REVISED TO INDICATE "ISSUED FOR CONSTRUCTION."

3.ALL WORK WILL BE DONE IN COMPLIANCE WITH THE CURRENT CONSTRUCTION STANDARDS OF THE FOLLOWING WHERE APPLICABLE:

- LATEST EDITION.
- B. CURRENT, PREVAILING MUNICIPAL & COUNTY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.
- C CURRENT PREVAILING UTILITY COMPANY/AUTHORITY SPECIFICATIONS, STANDARDS OR REQUIREMENTS.
- D. NEW JERSEY ADMINISTRATIVE CODE TITLE 5 CHAPTER 21, "RESIDENTIAL SITE IMPROVEMENT STANDARDS".

4.ONLY ORIGINALPAPER COPIES FOR EACH PROJECT SHEETMARKED WITH AN ORIGINAL EMBOSSED SEAL OF THE SIGNING ENGINEER'S SEAL SHALL BE CONSIDERED TO BE VALID AND/OR ONLY PDF COPIES OF THE PROJECT CONTAINING A VAERIFIED AND CERTIFIED DIGITAL SEAL OF THE SIGNING ENGINEER'S SEAL SHALL BE CONSIDERED TO BE VALID COPIES

5.THIS PLAN WAS PREPARED FOR SUBMISSION TO THE BORDUGH OF RUMSON FOR THE PURPOSES OF A ZONING AND BUILDING PERMIT. THE COPYING OR REUSE OF THIS DOCUMENT, OR PORTIONS THEREOF, FOR OTHER THAN THE ORIGINAL PROJECT OR FOR THE ORIGINAL INTENTION, WITHOUT THE WRITTEN PERMISSION OF E.M.WATERBURY & ASSOCIATES, IS PROHIBITED.

NO.	DATE CT NO:	REVISIONS	BY DRAWING:	CHECKED
NO	DATE	REVISIONS	BY	CHECKED

## TINO'S ARTISAN PIZZA

## 44 WEST RIVER ROAD

VARIANCE AND MINOR SITE PLAN LOT 1, BLOCK 5, TAX 2

BOROUGH OF RUMSON, MONMOUTH COUNTY, NJ

## VARIANCE PLAN

# E.M. Waterbury & Associates, P.A.

ENGINEERING • PLANNING • LAND USE & DEVELOPMENT 530 Prospect Avenue, Suite 2C, Little Silver, NJ 07739 • P:732.747.6530 F:732.747.6778 Email:emwssoc@aol.com

CERTIFICATION

ELIZABETH M. WATERBURY, P.E., P.P. LICENSED PROFESSIONAL ENGINEER AND PLANNER STATE OF NJ LICENSE No., 31645 (P.E.) 03591 (P.P.)

5/19/2025 INITIAL RELEASE DATE

SHEET

1 PER 3 SEATS = 28 SEATS/3=9.33 OR 9 SPACES20 PER 1,000 SQ. FT. PER GFA\* 2100SF\*/ 1000 X 20=2200/1000X20=42.0 SPACES CONTROLLING REQUIREMENT WHICHEVER IS GREATER= 42.0 SPACES

2. RESIDENTIAL

a. SINGLE FAMILY REQUIRED — 3 BEDROOM DWELLING PER RSIS=2 SPACES

b. APARTMENTS=2= 1.5 (PER 10R2 BEDROOM UNIT) X 2=3.0 TOTAL 5.0 SPACES

\* MEASURED TO INSIDE OF EXTERIOR WALLS

3. TOTAL PARKING REQUIREMENT

a. RESTAURANT 42.0 SPACES RESIDENTIAL 5.0 SPACES TOTAL 47.0 SPACES

b. <u>PROVIDED</u>

a. REQUIRED -

GARAGE AND DRIVE = 2 SPACES STONE DRIVE - 4 SPACES PER 2001 SITE PLAN APPROVAL TOTAL 6 SPACES

NOTE: PRIOR 2001 VARIANCE GRANTED TO PROVIDE 6 SPACES WHERE 29 (23+6) WERE REQUIRED

MAXIMUM PERMITTED COVERAGE LEGEND CALCULATIONS PER ORDINAINCE LOT AREA- 15307 SF EXISTING LOT LINES BUILDING-EXISTING BUILDINGS a. MIN. FOR RANGE 10,000-70000= 3500 SF \_ \_ \_ \_ BUILDING SET BACK LIN b. <u>5307x0.25= 1326.75 SF</u> \_\_\_\_\_ EXISTING CURB LINE c. TOTAL =4826.75— W — EXISTING WATER LINE — G — EXISTING GAS LINE LOT COVERAGE — s — **existing sewer line** a. MIN. FOR RANGE 10,000-70000= 7500 S TBR TO BE REMOVED b. <u>5307x0.6= 3184.2 SF</u>

c. TOTAL =10684.2 SF

a. 10,000 X 0.4= 4000 SF

c. TOTAL =5592.1/ 15307= 0.365

b. 5307x0.3= 1592.1 SF

LOT COVERAGE CALCULATION

**BUILDING COVERAGE** DWELLING 1703 SF COVERED PORCH 239 SF GARAGE 551 SF COMMERCIAL BLDG 2196 SF TOTAL 4689 SF /15307=30.6%

LOT COVERAGE BUILDING COVERAGE 4689 SF WALKS, CONC PADS, CURB, STAIRS, WALLS =1041 SF

BOXES 12 SF CELLAR ENTRANCES 48 SF STONE DRIVE/PARKING 2367 SF TOTAL 8157 SF / 15307 SF=53.3% PROJECT DESCRIPTION

LOCATION: BLOCK 5, LOT 1, ZONE GB (MUMFO OVERLAY) 13 FIRST STREET RUMSON, NJ 07760

EXISTING USE: SINGLE FAMILY, APARTMENTS COMMERCIAL - DELICATESSEN PROPOSED USE: SINGLE FAMILY, APARTMENTS COMMERCIAL - PIZZA RESTAURANT

OUTBOUND AND TOPOGRAPHIC AND ELEVATION INFORMATION BASED ON SURVEY PREPARED BY ROBERT M. HORVATH PLS. DATED LAST REVISED FEBRUARY 6, 2025.

APPLICANT - TINO'S ARTISAN PIZZA 4428 ROUTE 27 N.,

OWNER-

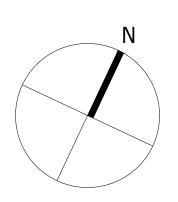
9 RIVERVIEW TERRACE, HILLSBOROUGH 08844

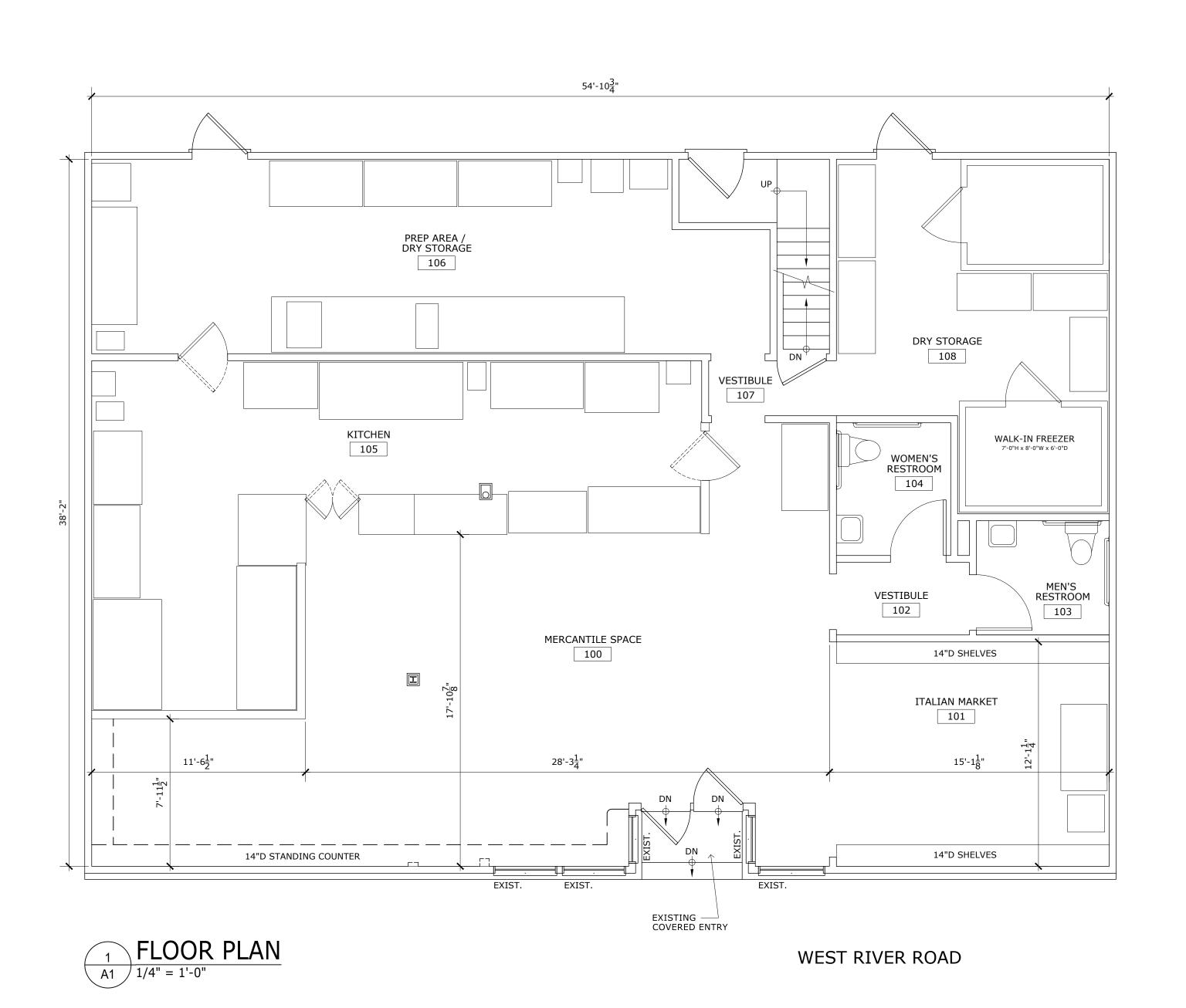
SCALE = 1" = 20'

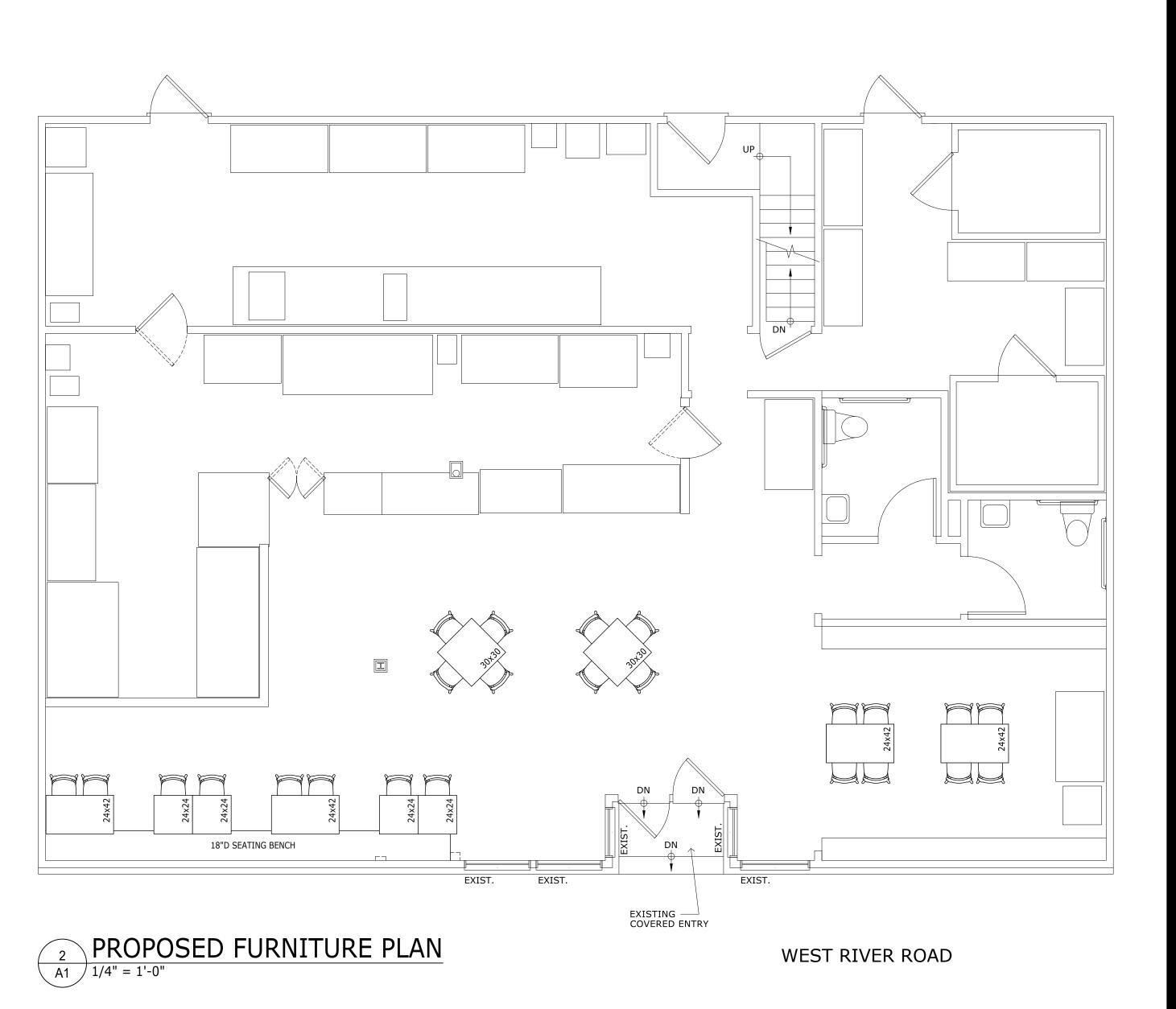
OWNER AND APPLICANT

KINGSTON, NJ 08528

SIX BLACK SWANS LLC







06 / 09 / 23 Permit Review Revisions 0 Tino

Commercial

NOT FOR CONSTRUCTION UNLESS SIGNED & SEALED BY ARCHITECT & APPROVED BY ALL AGENCIES HAVING JURISDICTION.

USE OF THIS DESIGN OR DISSEMINATION IS PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF SHISSIAS DESIGN AND DEVELOPMENT. ALL COPYRIGHT LAWS ARE RESERVED. DRAWINGS ARE NOT INTENDED FOR PROTOTYPICAL USE. SHISSIAS DESIGN AND DEVELOPMENT © 2023.

Proj. No: 2023.30 Issued For: Zoning Date: 05 / 23 / 2023

PROPOSED FLOOR PLAN & FURNITURE PLAN

1 of 1



RMPB-R1950 July 15, 2025 Via Email (mdesoucey@rumsonnj.gov)

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

Re: Preliminary & Final Major Site Plan
Tino's Artisan Pizza of Rumson LLC
13 First Street; Block 5, Lot 1, GB Zone
Completeness Review, Engineering Review, and Fee Determination

#### Dear Board Members:

As requested, I have reviewed the above-referenced Preliminary & Final Major Site Plan application, plans and supplemental information submitted for the above-referenced project.

The subject property, Lot 1 of Block 5, is a corner lot parcel fronting on First Street to the west and West River Road (County Route 10) to the south. The property contains an existing two-story building known as Tino's Artisan Pizza, which also includes two residential apartment units on the second floor, and a two-story single family dwelling with accessory garage. This property previously received minor site plan approval with variance relief from the Zoning Board in 2001 to reconstruct the existing mixed-use building after damage from a fire. With this application, the applicant is requesting approval to reconfigure the existing first floor space within the mix-used building to increase the total seating from six (6) to twenty-eight (28) seats. No exterior building renovations or building expansion is proposed. Four (4) parking spaces designated for tenants exist on-site in a gravel parking area and the applicant proposed to expand the gravel parking area to its originally approved limits. The applicant intends to utilize an off-site parking lot adjacent to the property on 1st Street to meet Tino's Artisan Pizza parking demands. The proposed seating expansion will change the use of Tino's Artisan Pizza to be categorized as a restaurant, which is permitted as a conditional use in the GB Zone, however, the provisions of this conditional use are not fully met, requiring variance relief.

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

- 1. Variance Plan prepared by Elizabeth M. Waterbury, P.E., P.P., of E.M. Waterbury & Associates, P.A., dated May 19, 2025, consisting of one (1) sheet.
- 2. Proposed Floor Plan & Furniture Plan, prepared by Alec P. Shissias, R.A., R.L.A., of Shissias Design + Development, dated May 23, 2023, last revised June 9, 2023, consisting of one (1) sheet.
- 3. Survey of Property prepared by Robert M. Horvath, P.L.S., of Brunswick Surveying Incorporated, dated February 6, 2025, consisting of one (1) sheet.
- 4. Resolution of Findings and Conclusions, Board of Adjustment, Borough of Rumson #5217, adopted on March 20, 2001.
- 5. Zoning Board Submission Letter, prepared by Foss San Fillipo & Milne, LLC, dated June 5, 2025.
- 6. Zoning Board of Adjustment Application form & Narrative, received June 9, 2025.
- 7. Land Use & Development Permit Denial, dated October 15, 2024.
- 8. Land Use & Development Permit Approval, approved May 11, 2023.
- 9. Zoning Board of Adjustment Consent Form.
- 10. Disclosures of Ownership
- 11. 200-foot list of property owners.
- 12. Certification of Taxes paid.
- 13. Escrow Agreement & W-9 Form.
- 14. Draft Notice of Hearing, prepared by Foss San Fillipo & Milne, LLC.



#### A. Completeness Review

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

- <u>Item No. B8</u> Signature blocks for Chairman, Secretary, and Municipal Engineer. (I have no objection to the Board granting completeness waivers for this item provided that revised plans include same as a condition of approval.)
- <u>Item No. B19</u> Size and location of all existing structures within 200 feet of the site boundaries. (I have no objection to the Board granting completeness waivers for this item, provided an aerial photo exhibit is submitted at the public hearing.)
- <u>Item No. B24</u> Location of streams, floodplains, wetlands or other environmentally sensitive areas on or within 200 feet of the project site. (I have no objection to the Board granting completeness waivers for this item.)
- <u>Item No. B29</u> Preliminary architectural plans and elevations. (Architectural floor plans are provided, but not elevations. I have no objection to the Board granting completeness waivers for this item provided a street view photo exhibit of the building is submitted at the public hearing.)
- <u>Item No. B30</u> Site Triangles. (I have no objection to the Board granting completeness waivers for this item.)
- <u>Item No. B33</u> Solid waste management and recycling plan showing holding location and provisions for waste and recyclables. (I have no objection to the Board granting a completeness waiver, provided testimony is provided on as to the applicant's proposal for trash and recycling.)
- <u>Items No. C1 thru No. C4</u> Construction Plans (I have no objection to the Board granting completeness waivers for these items.)
- <u>Item No. D1</u> 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 same is submitted as a condition of approval.)
- <u>Item No. D7</u> Payment of all applicable fees. (I recommend this item be provided prior to the application being deemed complete.)

We find that the application is adequately complete for the purpose of performing a first engineering review and have 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 that Item D7 be provided prior to the public hearing.



#### **B.** Fee Determination

We have prepared a fee determination for the application in accordance with Section 22-3.14 of the Borough Ordinance. We have calculated the application fee to be \$3,775.00 and the escrow fee to be \$2,000.00. Please see Schedule "A" attached. Any remaining fee balances should be posted as separate checks.

#### C. Engineering Review

Based on our review of the application, we offer the following comments for the Board's consideration:

#### 1. Planning and Zoning

*This application requires the following Use 'D' Variances:* 

- 1.1 Per §22-5.11d. of the Borough Ordinance, a restaurant is a permitted as a conditional use in the GB Zoning District, provided that the use and buildings adhere to the minimum standards of the zoning district and to the requirements of Ordinance §22-6.10, whereas the existing property and buildings exhibit several deficiencies of §22-6.10. Therefore, a 'D3' Use Variance (conditional use) is required.
- 1.2 The application submission indicated the potential need for a 'D2' Use Variance (expansion of nonconforming uses), due to intensification of the existing mixture of uses on site (permitted single family dwelling, permitted delicatessen/prepared food take-out store, two non-permitted apartments on second floor). It is our opinion that the as the mixed used building contains a non-permitted multifamily use (although previously approved) and the applicant proposes a change in use from a "Delicatessen/Prepared food take-out store" to a "Restaurant", within this mixed use building, this would constitute an expansion of non-conforming uses, and a 'D2' Use Variance is required. However, we will defer final determination of whether 'D2' variance relief is required to the Board & Board Planner, based upon testimony provided at the hearing.

#### *This application requires the following Bulk 'C' Variances:*

1.3 Per Schedule 9-2 of the Borough Ordinance, the proposed restaurant seating expansion and existing residential uses require forty-eight (48) on-site parking spaces, whereas six (6) spaces are provided. Therefore, a variance will be required.

As part of the prior approval, the following use and bulk variances were granted by the Board:

- 1.4 Per Ordinance §20-5.11.a.1(d), multi-family dwelling are not a permitted use in the GB Zone, whereas residential apartments exist above the existing nonresidential building.
- 1.5 Per Ordinance §22-5.2.d, every principal building is to be located on a lot and that except for multi-family and non-residential uses, no more than 1 principal building may be erected per lot, whereas two principal buildings exist on the lot.
- 1.6 Per Schedule 5-1 of the Ordinance, a minimum lot width and frontage of 100 feet is required for corner lots, whereas the existing property contains a lot frontage of 86.67 feet along West River Road.



- Per Schedule 5-1 of the Ordinance, a minimum lot shape diameter of 60 feet is required for 1.7 corner lots, whereas the property contains a shape diameter of 56.74 feet.
- Per Schedule 5-1 of the Ordinance, a minimum front yard setback of 20 feet is required for corner lots, whereas the existing non-residential building has a front yard setback of 0.6 feet from First Street and 0.5 feet from West River Road.
- 1.9 Per Schedule 5-1 of the Ordinance, a minimum rear yard setback of 30 feet is required for corner lots, whereas the existing residential dwelling has a setback of 21.2 feet from the rear property line.
- 1.10 Per Schedule 5-1 of the Ordinance, a minimum side yard setback of 10 feet is required for accessory structures corner lots, whereas the existing frame garage associated with the residential dwelling has a side yard setback of 4.2 feet from the east property line.
- 1.11 Per Schedule 5-1 of the Ordinance, a maximum floor area of 5,592 square feet is permitted, whereas 8,317.18 square feet of floor area exists.
- 1.12 Per Schedule 5-5 of the Ordinance, a maximum building coverage of 4,827 square feet is permitted, whereas 4,940.5 square feet of building coverage was proposed. It is noted that the Variance Plan for the current application indicates a conforming building coverage of 4,689 exists today, which should be confirmed.
- 1.13 Per Schedule 9-2 of the Borough Ordinance, the twenty-nine (29) on-site parking spaces, whereas six (6) spaces were provided.

#### 2. Site Requirements & Layout

- The applicant should clarify if any new signage is proposed. 2.1
- 2.2 The applicant should clarify if any lighting and/or landscaping is proposed.
- 2.3 The plans shall be revised to include a detail for the proposed parking space bumper blocks.
- 2.4 The plans indicate to 'see driveway detail' for the proposed gravel area. The plans shall be revised to include this detail.
- Per a site visit the existing trash enclosure's gate and façade material was in need of minor repairs. It is recommended that the plans are revised to include same.

#### 3. Traffic, Parking, & Site Access

3.1 Per Ordinance §22-9.2b.1., the on-site parking requirement is as follows:

Garden Apartment (RSIS Section 5:21-4.14.(c), Table 4.4): 2 Spaces per 2-Bedroom Unit @ 2 Units = 4 spaces Single Family Dwelling Detached (RSIS Section 5:21-4.14.(c), Table 4.4): 2 Spaces per 3-Bedroom Dwelling @ 1 Unit = 2 Spaces



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Restaurant (Ordinance §22-9.2b.1.(c), Exhibit 9-2),

The greater of

20 Spaces per 1,000 SF GFA @ 2,100 SF GFA = 42 Spaces

Or 1 Spaces per 3 seats @ 28 seats = 10 Spaces
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Total Required Spaces = 48
Total Provided Spaces = 6
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Based upon the proposal, the Borough's parking requirements will <u>not</u> be met. A variance is required. It is noted that the applicant was granted a variance in 2001 for the six (6) parking spaces on site, whereas twenty-nine (29) spaces were required. These parking spaces were noted to be reserved for the residential tenants' use. The increase in seating from six (6) seats to twenty-eight (28) seats will likely require additional parking spaces. Testimony shall be provided on parking demands for the proposed use, including needs of employees & customers, and customer turnover times.

- 3.2 The applicant shall provide testimony on proposed operations and if the applicant proposes changes to how the use operates, i.e., if the take-out style operations will be continued or if a sit-down style restaurant is being sought.
- 3.3 The applicant indicated that the parking lot west of First Street is intended to be utilized for off-street parking. It is our understanding that this parking lot, although privately owned, is under an agreement with the Borough to be utilized as public parking for the various uses in the area. The applicant shall provide testimony clarifying anticipated parking demands of the proposed use, how many parking spaces are anticipated to be utilized in this parking lot, and potential impacts to parking availability for other uses which utilize this parking lot.
- 3.4 Testimony shall be provided to the on-site parking spaces indicated as reserved for the residential tenants and if employees utilize this parking area. It is recommended that signage is provided which clarifies the on-site parking as being reserved for the residential tenants.
- 3.5 Testimony shall be provided to loading/delivery operations on site, including where these operations occur today and if any changes are proposed.
- 3.6 The applicant shall confirm that an ADA accessible route is provided from the adjacent parking lot to the restaurant entrance.

#### 4. Grading/Drainage

- 4.1 Pursuant to Borough Ordinance §16-2.2.c.2.A, the project is not subject to the Borough's Stormwater Management & Control Ordinance §16-2.11 'Stormwater Management Requirements for Other Than Major Development's as lot coverage is below 85% and approximately 1,500 SF of disturbance is proposed to restore the gravel parking area.
- 4.2 The applicant does not propose modifications to the existing drainage patterns as part of this application and no additional lot coverage is proposed except for restoring the gravel parking area to its original limits. Therefore, the application it not anticipated to have an impact on the



existing grading and drainage. The applicant should provide testimony clarifying if any drainage issues exist on site.

#### 5. General

- 5.1 Testimony shall be provided regarding the use, including changes in operations as a result of this application. The applicant shall be prepared to discuss:
  - a. Compliance with the provisions of §22-6.10 Restaurants and relief requested from this section.
  - b. If any changes to the existing residential uses and features on site are proposed.
  - c. Primary operations.
  - d. Hours of operation.
  - e. Employees (total and maximum per shift).
  - f. Frequency and type of trucks that will access the site.
- 5.2 If approved, the building department should review the final architectural seating floor plans for ADA compliance.
- 5.3 The final plan submitted for signatures must be signed by the owner and notarized.
- 5.4 Approvals or letters of no interest should be obtained from any agencies having jurisdiction. These may include, but shall not be limited to, the following:
  - a. Borough Construction Official
  - b. Borough Fire Official/Fire Sub-Code HHS
  - c. Monmouth County Planning Board

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

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.

RUMSON ZONING BOARD ENGINEER

#### EWH:GMM

cc: Thomas S. Rogers, Borough Administrator (trogers@rumsonnj.gov)

David M. Marks, PE, CME, CFM, Borough Engineer (dmarks@rumsonnj.gov)

Matthew J. Palmer, Chief Financial Officer (mpalmer@rumsonnj.gov)

Michael B. Steib, Esq., Zoning Board Attorney (msteib@mbslaw.net)

Kendra Lelie, Zoning Board Planner (klelie@kylemcmanus.com)

Tino's Artisan Pizza of Rumson LLC, Applicant (tino@nojunkpizza.com)

John B. Anderson, III, Esq., Applicant's Attorney (janderson@fsfm-law.com)

Elizabeth M. Waterbury, P.E., P.P., Applicant's Engineer (emwssoc@aol.com)

Alec P. Shissias, R.A., R.L.A., Applicant's Architect (ashissias@gmail.com)

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Preliminary & Final Major Site Plan Re: Tino's Artisan Pizza of Rumson LLC

13 First Street; Block 5, Lot 1, GB Zone

Completeness Review, Engineering Review, and Fee Determination

RMPB-R1950 July 15, 2025

#### **SCHEDULE "A"**

### TINO'S ARTISAN PIZZA PRELIMINARY & FINAL MAJOR VARIANCE PLAN 13 FIRST STREET; BLOCK 5, LOT 1 **DETERMINATION OF REQUIRED FEES**

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

	e.	Major Site Plan Approval Fee	S
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2.	Preliminary Application Fee	\$500.00
	Preliminary Approval Fee ) Preliminary Approval Fee (\$50 per 1,000 SF Lot Area) ) Preliminary Approval Fee (\$25 per paved parking space)	\$300.00 \$750.00 \$100.00
4.	Final Approval (50% Of Preliminary Approval Fee)	\$575.00
riances		

#### 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 less

\$1,000.00

**Conditional Uses** g.

\$250.00

**Public Hearing** h.

\$100.00

SUBTOTAL \$3,775.00

#### Refundable Application Escrow Fee m.

6. Refundable Application Escrow Fees.

(b) Commercial Development

(1,001—1,000 S.F., GFA / 0-5 Parking Spaces)

\$2,000.00

TOTAL FEES \$5,775.00



Dynamic Traffic, LLC 1904 Main Street Lake Como, NJ 07719 T: 732-681-0760

September 9, 2025

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

Attn: Marie DeSoucey, Zoning Board Secretary

RE:

**Parking Assessment** 

Tino's Artisan Pizza of Rumson LLC

44 West River Road (CR 10) / 13 First Street

Block 5 - Lot 1

Rumson Borough, Monmouth County, NJ

DT # 5921 25-03287

Dear Zoning Board Members,

Dynamic Traffic has prepared the following parking assessment to evaluate whether the current parking supply is adequate to accommodate the proposed increase in seating capacity within the existing Tino's Artisan Pizza. The site is located in the northeast corner of the intersection of West River Road (CR 10) and First Street in the Borough of Rumson, Monmouth County, New Jersey. The site is designated as Block 5 — Lot 1 on the Borough of Rumson Tax Maps. The site is currently developed with a two-story building consisting of Tino's Artisan Pizza on the first floor and two residential apartment units on the second floor, in addition to a single-family dwelling in the rear. It should be noted that Tino's Artisan Pizza is the former home of Brennan's Delicatessen, a deli use. It is proposed to maintain the existing residential uses and construct interior renovations to Tino's Artisan Pizza that will shift the use from the former/current deli/takeaway type use to more of a restaurant, and increase the seating capacity from a total of six (6) seats to twenty-eight (28) seats.

The mixed-use development is presently supported by six (6) parking spaces on-site that are reserved for residents. Customers and staff of Tino's Artisan Pizza rely on public and on-street parking facilities, and the proposed interior enhancements will preserve the existing parking arrangements. This assessment presents an evaluation of the existing and proposed parking conditions to determine if the existing parking supply is sufficient to continue to support the anticipated parking demand.

#### **Local Ordinance Parking Requirements**

The Rumson Borough parking schedule was obtained from the Local Ordinance, Section § 22-9.2. For restaurant uses, the Ordinance requires one (1) space per three (3) seats or twenty (20) spaces per 1,000 SF Gross Floor Area (GFA), whichever greater. Additionally, the Residential Site Improvements Standards (RSIS) set forth a parking requirement of two (2) spaces per 3-bedroom home and two (2) spaces per 2-bedroom apartment unit. This equates to a parking requirement of two (2) spaces for the single-family home, four (4) spaces for the 2 apartment units, and forty-two (42) spaces for Tino's Artisan Pizza (2,200 SF), or a total of forty-eight (48) spaces.

#### www.dynamictraffic.com

It is proposed to maintain the existing parking arrangements which include an on-site parking supply of six (6) spaces and a reliance on public and on-street parking to accommodate the Tino's Artisan Pizza demand. Therefore, a variance for the number of parking spaces is required. It should be noted that a variance was previously granted for the site in 2001 to allow six (6) spaces whereas twenty-nine (29) were required. When considering the prior variance, the new variance is for eighteen (18) spaces.

As previously indicated, Tino's Artisan Pizza is an existing establishment and the GFA is proposed to be maintained. As such, the parking requirement for restaurant uses of 1 space per 3 seats provides a more appropriate assessment of the anticipated increase in parking demand. It is proposed to increase the number of seats from six (6) to twenty-eight (28), or an increase of 22 seats. This equates to an increase in parking demand of eight (8) spaces when considering the additional seats. It should be noted that a portion of the existing Tino's Artisan Pizza customer base is expected to shift from takeaway to dine-in, and conservatively no credit was taken for the existing parking demand associated with Tino's Artisan Pizza. In addition, Rumson is a walkable community and it is anticipated that a portion of the customers will walk or bike to the restaurant, but again no credit was taken for the pedestrian trips.

#### **Parking Accumulation Counts**

Parking accumulation counts were conducted within walking distance of the site to determine the availability of additional on-street and municipal parking lot spaces that could accommodate the anticipated increase in demand associated with the additional seats. Parking demand counts were conducted on Friday, August 22, 2025, from 6:00 PM to 8:00 PM. These specific count times were selected to coincide with the typical peak parking hours of the pizza restaurant. The counts were conducted at municipal lots within walking distance of the restaurant, as well as on-street in the commercial areas surrounding the site and West River Road.

The parking counts are appended, along with a map which graphically illustrates the area which was considered. Based upon the parking accumulation counts, it was determined that a minimum of twenty-seven (27) parking spaces were available at any given time during the peak parking hours. Therefore, there is ample parking available within a reasonable walking distance from the site to accommodate the anticipated increase in demand of eight (8) parking spaces when considering the difference in seats.

Additionally, it should be noted that the National Parking Association (NPA) sets forth Level of Service (LOS) standards for walking trips between parking facilities and destinations ranging on a scale from "A" to "F". A walking distance of less than 400' is considered LOS "A". A minimum of nine (9) spaces were available at any given time within 400' of the site, which exceeds the anticipated increase in parking demand. As such, the Board can feel comfortable granting the requisite variance.

#### Conclusion

Based upon our Parking Assessment as detailed in the body of this report, it is the professional opinion of Dynamic Traffic that there is adequate parking available in the vicinity of the site to accommodate the anticipated increase in parking demand associated with the additional seats, and the required parking variance can be granted with no determinantal impact to the subject lot or adjacent properties. Should you have any questions on the above, please do not hesitate to contact our office.

Sincerely,

Dynamic Traffic, LLC

Justin Taylor, PE, PTOE

Senior Principal

NJ PE License 45988

Nicole Dahl, PE Project Manager

NJ PE License 60909

NED;msa Enclosures

c: Tino Procaccini / Dominick Natoli / Andrea Dimeglio (via email)

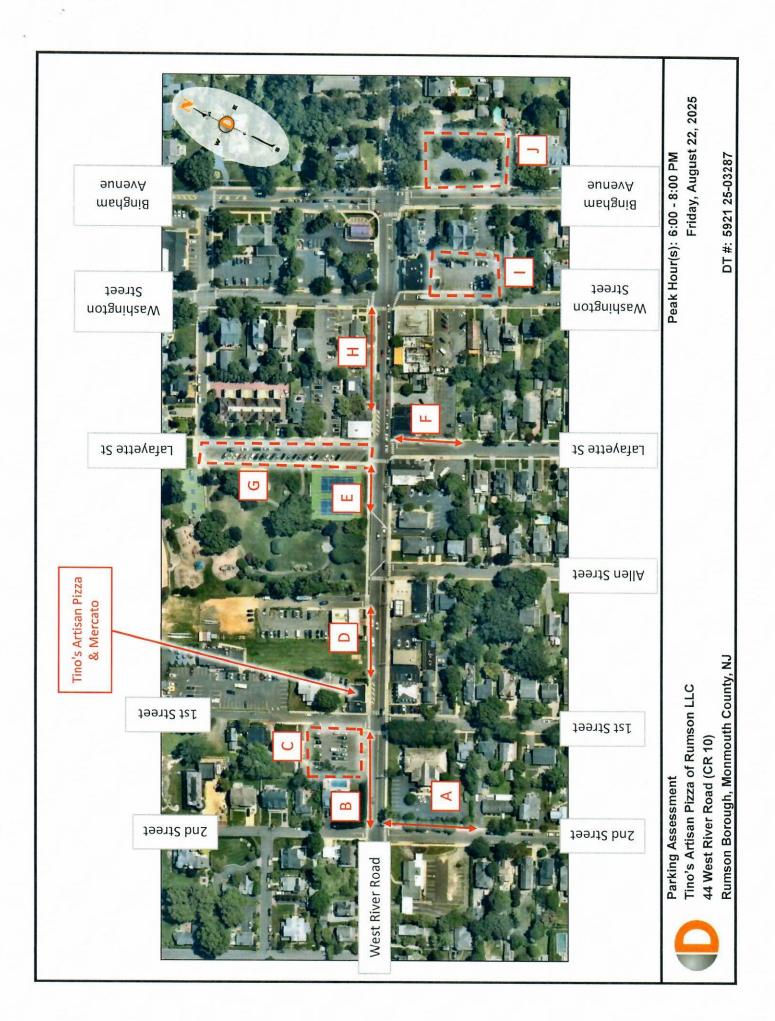
John Anderson (via email)

Christine Nazzaro-Cofone (via email)

Elizabeth M. Waterbury (via email)

Al Shissias (via email)

File: T:\TRAFFIC PROJECTS\5921 Tinos Artisan Pizza of Rumson\25-03287 Rumson\Engineering\Planning\2025-09-09 Parking Study\2025-09-09 Parking Study\docx





Location: Tino's Artisan Pizza & Mercato - 44 W River Rd	Date: Friday 8/22/2025
Municipality: Rumson	Enumerator: Justin Taylor
State: NJ	Job #: 5921 25-03287

Zone:	A - 2nd Street	B - W River Road On-str J - Bingham Ave Lot (N side btwn 1st St. & 2n		Total Demand	Spaces Available
Supply:	5	5	25	132	
6:00 PM	1	0	11	94	38
6:30 PM	1	0	12	98	34
7:00 PM	2	0	12	104	28
7:30 PM	3	0	13	105	27
8:00 PM	1	0	12	101	31