



RUMSON ZONING BOARD
November 20, 2025
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: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Izzo, Acting Chairperson Mayo, Mr. Ward

Absent: Chairman Hofferber, Mr. Calder,

Also present, Mark A. Leckstein, Esq., David Marks, Borough Engineer, Marie DeSoucey, Board Secretary

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

David Marks and Marie DeSoucey were sworn in.

Administrative

Mr. Izzo made a motion to approve the October 23, 2025 Zoning Board Meeting Minutes; Seconded by Mr. Hawley.

Roll call vote:

Ayes: Mr. Carey, Mr. Hawley, Mr. Izzo, Chairperson Mayo, Mr. Ward
Nays: None
Abstain: Mr. Ehrenberg

Mr. Ward made a motion to approve **Resolution #8094** denying the application of **Klodaski/Champagne-Winters** for property located at **183 Rumson Road, Block 105, Lot 61 in the R-4 Zone**; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Mr. Carey, Mr. Izzo, Chairperson Mayo, Mr. Ward
Nays: None
Abstain: Mr. Ehrenberg, Mr. Hawley

Mr. Izzo made a motion to approve **Resolution #8095** approving the application of **Bovo** for property located at **13 Osprey Lane, Block 126, Lots 11.02 and 11.03** in the **R-1 Zone**; Seconded by Mr. Carey.

Roll call vote:

Ayes: Mr. Carey, Mr. Hawley, Mr. Izzo, Chairperson Mayo, Mr. Ward
Nays: None
Abstain: Mr. Ehrenberg

Mr. Carey made a motion to approve **Resolution #8096** approving the application of **Conley** for property located at **66 Lafayette Street, Block 33, Lot 11** in the **R-5 Zone**; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mr. Carey, Mr. Hawley, Mr. Izzo, Chairperson Mayo, Mr. Ward
Nays: None
Abstain: Mr. Ehrenberg

Mr. Hawley made a motion to approve **Resolution #8097** approving the application of **Sabino** for property located at **87 Waterman Avenue, Block 144, Lot 7** in the **R-5 Zone**; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Mr. Carey, Mr. Hawley, Mr. Izzo, Mr. Ward
Nays: None
Abstain: Chairperson Mayo, Mr. Ehrenberg

Announcements:

None

Unfinished Business:

The continued Application of **Fallon** for property located at **73 Avenue of Two Rivers, Block 66, Lot 2** in the **R-5 Zone**. The applicant submitted revised plans prepared by Shissias Design and Development for the Board's review. Alec Shissias, Project Architect was previously sworn at the 10/23/2025 hearing and remains under oath. Mr. Shissias gave detailed descriptions of the revisions made to the plans. Mr. Shissias the proposed front yard setback to the porch is uniform with the neighboring properties and conforms with the intent of the ordinance. Board Members suggested the foundation be inspected by a structural engineer to insure it can support the proposed additions. The applicant agreed to this being a condition of approval.

Chairperson Mayo opened the application for public questions and/or comments. There being none, the public portion was closed.

After deliberations, Chairperson Mayo asked the pleasure of the Board. Mr. Hawley made a motion to approve the revised application as presented; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mr. Carey, Mr. Hawley, Mr. Izzo, Chairperson Mayo, Mr. Ward
Nays: None
Abstain: Mr. Ehrenberg

New Business

The application of **Crowe** for property located at **2 Buttonwood Lane, Block 108, Lot 1 in the R-1 Zone** was presented for the Board's consideration.

The Board is in receipt of the following exhibits: A-1 Resolution dated 11/18/2014; A-2 Architectural Plans prepared by Robert W. Adler dated 3/7/2022; A-3 Survey prepared by Morgan Engineering and Surveying dated 10/5/2020; A-4 Development Permit Application dated 2/14/2025; A-5 Variance Application dated 6/3/2025; A-6 Denial Memorandum dated 2/20/2025

Kevin L. Asadi, Esq. from the Zager Fuchs law firm representing the applicant addressed the Board. The variance application is a proposal to construct a new 461 square foot outdoor screened porch at the rear of the home. A variance is being requested for Building Coverage. The existing variances for lot frontage, width and lot shape diameter will remain unchanged.

Mr. Asadi introduced Robert W. Adler, a New Jersey licensed architect. Mr. Adler was sworn in, and the Board accepted his credentials. Mr. Adler described the existing conditions at the subject premises. The property is a slightly undersized corner lot and was designed with patio space in the rear of the home with no respite from the sun. The proposal is to construct a retractable screened-in porch.

Mr. Adler stated this improvement will not be seen from Rumson Road or Buttonwood Lane. There will be no impact to the neighborhood. Mr. Adler described the architectural details of the proposal. This proposal will not have any negative impacts on the neighborhood.

Chairperson Mayo opened the testimony for public questions and/or comments. There being none, the public portion was closed.

After deliberations Chairperson Mayo asked the pleasure of the Board. Mr. Hawley made a motion to approve the application as presented; Seconded by Mr. Ward.

Roll call vote:

Ayes: Mr. Carey, Mr. Ehrenberg, Mr. Hawley, Mr. Izzo, Chairperson Mayo,
Mr. Ward

Nays: None

The application 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 exhibits: A-1 2001 Application, Meeting Minutes and Resolution; A-2 2023 Application; A-3 Architectural Plans; A-4 Proposed Floor Plans and potential seating plan; A-5 Mount Chillie existing buildings and on-site parking; A-6 Plan and Survey prepared by DSI dated 2/6/2025; A-7 Development Permit Application dated 10/8/2024; A-8 Denial Memorandum dated 10/15/2024; A-9 Variance Application with narrative dated 12/18/2024; A-10 Variance Plan dated 5/19/2025; A-11 Completeness Review, Engineering Review and Fee Determination letter dated 7/15/2025; A-12 Parking Assessment revised date 10/27/2025

John Anderson, Esquire from the Foss, San Filippo & Milne law firm representing the applicant addressed the Board. The Board accepted jurisdiction to hear the matter at the September 25, 2025 Zoning Board Meeting. Mr. Anderson supplied the Board with the list of Tino's Artisan Pizza, LLC members. The property is owned by Six Black Swans, LLC and supplied the membership.

Mr. Anderson stated the presentation this evening will consist of operational, architectural, engineering and traffic engineering testimony. This an existing fully developed mixed use site on the corner of West River Road and First Street. It comprises a single-family home in the rear and a commercial building with two apartments above. The site has been before the Board previously where variance relief was granted for pre-existing nonconformities. The single-family home, the garage and the apartments will not be changed. There are no site improvements, architectural treatments or signage. The proposal is solely within the interior space for additional seating.

Mr. Anderson introduced Tino Procaccini, the business owner. Mr. Procaccini was sworn in. Mr. Procaccini has been in business since 1999 and currently has eight locations. It's an all-natural organic pizza concept and includes salads, sandwiches, appetizers and desserts. Each location has approximately 20 to 30 seats. He has been operating at this location since 2023. The current hours of operation are 11 am to 8 pm Sunday through Thursday and 11 am to 9 pm on Fridays and Saturdays with four employees and six dine-in seats. The proposal is for 28 seats and perhaps six employees.

Mr. Leckstein advised that a possible condition of approval could be no wait staff or host/hostess because the variance will run with the land and not just this applicant. Mr. Anderson stated the owners of the building would need to be consulted for any conditions placed on the property. Mr. Anderson read from the description in the ordinance "a restaurant shall mean any establishment however designated at which food is sold for consumption on the premises normally to patrons seated within an enclosed building. However, a snack bar at a public or community playground, play field, park or swimming pool operate solely by the agency or group operating the recreation facilities and for the convenience of patrons of the facility shall not be deemed to be restaurant." The applicant will be selling food for consumption on the premises.

Mr. Marks advised a delicatessen, take-out-based restaurants or food establishments are permitted in the GB Zone also conditionally approved restaurants can be permitted. The initial operational narrative submitted was that this was going to be a typical take-out style pizza. Seating was discussed. Knowing the history of the building, the previous occupants and seating, there was ability to move Tino's use into the space as a delicatessen and the zoning permit was approved. In evaluating the definition of restaurant in our ordinance food is served and consumed on the property. That is not a delicatessen with predominantly take out. If the applicant is requesting more seating and not knowing the operational narratives, the determination was made that it was restaurant. Now that testimony has been provided the Board can understand the operations of the establishment better and there will additional testimony to aid the Board in any determination.

If the Board determines this is a delicatessen operation, then the seating requirement would govern the number of parking spaces required and the associated variance. If the determination is a restaurant, then the gross floor area versus the number of seats and the higher of which is what governs.

Mr. Procaccini explained the refuse area is enclosed with two pickups a week. Vendor deliveries are in the morning and they park on the street. The menu will not be changing.

Mr. Anderson introduced Alec Shissias, a New Jersey licensed architect. Mr. Shissias was sworn in, and the Board accepted his credentials. Mr. Shissias submitted revised Floor Plans dated 6/3/2025 marked A-13.

Mr. Shissias explained the existing interior layout at the subject property. The proposal is to have a 18-inch-deep seating bench on the left side with some removable tables with a couple of four top tables in the middle and right side niche. The front area was previously approved for up to 44 occupants per Building Code. The other previously approved renovations were the two ADA compliant restrooms. No exterior improvements are proposed.

Mr. Anderson introduced Elizabeth Waterbury, a New Jersey licensed engineer. Ms. Waterbury was sworn in, and the Board accepted her credentials. Ms. Waterbury reviewed the existing improvements on the site. The mixed-use building houses Tino's on the lower floor and two apartments on the upper floor. In the back of the building is a single-family dwelling with a garage.

Ms. Waterbury submitted a minor site plan prepared by Thomas P. Santry dated 1/31/2001 marked A-14 and a Site Plan and Zoning Schedule marked A-15. The 2001 application that was before the Board after there was damage to the building and for the reconstruction to enclose a stairwell area created a minor change to the footprint. Ms. Waterbury went on to explain the contents of the 2001 Resolution wherein the parking was broken down into the categories on the site. The single-family dwelling and the apartments required six parking spaces be provided. The commercial aspect required 23 parking spaces, and none were provided for that use. The applicant is looking to re-establish the residential parking delineations that were shown on the approved 2001 plans. Ms. Waterbury reiterated the variance relief granted in the 2001 approval.

Ms. Waterbury gave a comparison of the parking requirement for gross square footage versus seating. The building coverage will not change under this proposal. Mr. Marks advised there is not a parking definition for a delicatessen so the Board should defer to the restaurant's parking requirement which would be 42 parking spaces based on the gross square footage.

Mr. Anderson introduced Justin Taylor, a New Jersey licensed engineer and certified professional traffic operations engineer. Mr. Taylor was sworn in, and the Board accepted his credentials. Mr. Taylor stated the applicant is requesting an additional 22 seats inside the building requiring eight parking spaces per the ordinance. This site has operated without parking for the commercial component using the available municipal parking and on-street parking on River Road. Mr. Taylor conducted a parking demand analysis in the vicinity. There

are 132 on-street parking spaces in the vicinity of the property. The counts were done on a Friday in August between 6 and 8 pm and a Saturday in September between 5 and 8 pm. The minimum available spaces during the count times was 27 spaces. There are 8 spaces available in the area to accommodate the parking need of Tino's. There is no detriment to the surrounding area or residential streets. The Board Members questioned the times of the parking counts. Mr. Taylor responded the counts were done for Tino's busiest times, which is the area dinner rush time.

Mr. Marks asked if the private commercial parking lots were included in the parking availability. Mr. Taylor stated none of the private commercial parking lots or handicap spaces were included in the counts. The count included on-street spaces along River Road and the municipal lots and walkability to the site.

Chairperson Mayo opened the testimony for public questions and/or comments. Patricia Quigley residing at 480 Harding Road, Fair Haven was sworn in. Ms. Quigley is the managing member of LSP, LLC the owner of Barnacle Bills stated she was not opposed to the applicant but was concerned with the exacerbation of delivery trucks on First Street and utilizing Barnacle Bills' parking lot to maneuver through the area. Mr. Anderson advised that if approved there would be a condition that any delivery trucks for Tino's may not access Barnacle Bills' property.

Ann Marie Erwin residing at 15 Second Street was sworn in. Mrs. Erwin expressed concern with the lack of available parking in the area. The popular businesses cause congestion, noise, hazards to pedestrians and they all have parking deficits. Mr. Anderson asked if Mrs. Erwin's comments were directed toward Tino's or the general businesses in the area. Mrs. Erwin said it's not specific to Tino's but there is noise from deliveries, garbage pick ups in the area. John Yurish owner of 38 West River Road was sworn in. Mr. Yurish asked for verification of the parking relief and suggested eliminating the residential use and parking to accommodate the commercial parking needs. The landlord should create parking for the tenants.

Caryn McCann owner of 38 West River Road was sworn in. Ms. McCann needed clarification on the applicant's request and stated the use variance could outlive the current tenancy. Ms. McCann also questioned compliance with the 2001 Resolution. Mr. Leckstein explained the main issue is the parking variance and the use variance and the planning testimony will be presented. Mr. Leckstein stated the 2001 Resolution does reference the approved site plan with a zoning table with the parking calculations dated 1/31/2001. Mr. Anderson asked Ms. McCann for clarification her business' operation at this site and whether her business is affected by the grant of a parking variance, the amount of seating and their hours of operation. Ms. McCann stated she is compliant for their use. There are ten inside seats. They're open from 6 am to 6 pm Monday through Friday. On Saturdays they open at 6 am to 5 pm. Sundays the hours at 7 am to 3 pm.

Alice Russo, the owner of 45 West River Road was sworn in. Ms. Russo was concerned with the on-street parking conditions for the businesses in the area. Does the site accommodate the needs of this tenant? The parking counts should be revisited for other peak times in the area.

Board Members expressed concern with the amount of additional seating and the variance relief for insufficient parking. The Board questioned why a daytime parking study was not performed.

Mr. Anderson stated that the planner will not be available to add testimony until the January meeting. The Board and the applicant are willing to extend the timeline to hear and decide the application to the end of January 2026.

The application will be carried to the January 22, 2026 Zoning Board Meeting at 7:30 pm without further notice required.

EXECUTIVE SESSION:

None

There being no further business before the Board, Motion was made and seconded to adjourn at approximately 10:25 p.m.

The next scheduled meeting will be **December 18, 2025** at 7:30 p.m.

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