



BOROUGH OF RUMSON

80 East River Road,
Rumson, NJ 07760
732-842-3022

Date of Application

Month: 07 Date: 17 Year: 2025

APPLICATION TO THE PLANNING BOARD

Please check all appropriate boxes below

MAJOR SUBDIVISION <input type="checkbox"/>	MINOR SUBDIVISION <input type="checkbox"/>
MAJOR SITE PLAN <input checked="" type="checkbox"/>	MINOR SITE PLAN <input type="checkbox"/>

PROJECT NAME Surf BBQ Real Estate LLC

132 East River Road	54	6
Location of subdivision/site plan	Street Address	Block Lot

Surf BBQ Real Estate LLC	132 East River Road	Rumson	NJ	07760
Name of Applicant	Address	City	State	Zip code

(732) 687-3103	vicrallo@gmail.com
Applicant Phone	Applicant email

Same as Applicant

Owner (if other than Applicant)	Address	City	State	Zip code	Phone
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DEVELOPMENT PLANS:

Number of proposed lots N/A

Area of entire tract _____

Area being subdivided N/A

ANSELL GRIMM & AARON, PC, Attorneys for Applicant/Owner

Signature of applicant By: _____

RICK BRODSKY, ESQ.

Received by _____ Date _____

Installation of a 60 kW generator at the rear of the subject property to ensure safety of patrons in the event of power outages. The benefits of granting the variance substantially outweigh any detriment, especially where, as here, the long existing and previously approved non-conforming restaurant use leaves limited space on site for the proposed generator, which generator is proposed primarily to ensure the safety of patrons during power outages. In addition, the generator is utilized only under limited circumstances; that is, once per week for a 10-minute exercise cycle, and during power outages.



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PROJECT CONTACT INFORMATION

ATTORNEY

Name: Rick Brodsky, Esq. Address: Ansell Grimm & Aaron, PC
1500 Lawrence Avenue, CN 7807
Ocean, NJ 07712
Phone: (732) 922-1000 Email: rbrodsky@ansell.law

ARCHITECT N/A

Name: _____ Address: _____
Phone: _____ Email: _____

ENGINEER

Name: Charles Surmonte, P.E. & P.L.S. Address: 301 Main Street, 2nd Floor
Allenhurst, NJ 07711
Phone: (732) 660-0606 Email: ct.surmonte@comcast.net

ENVIRONMENTAL ENGINEER N/A

Name: _____ Address: _____
Phone: _____ Email: _____

PLANNER N/A

Name: _____ Address: _____
Phone: _____ Email: _____



EAST RIVER ROAD
f.k.a. OCEANIC ROAD
(50' R.O.W.)

SURVEY OF PROPERTY
PREPARED FOR SURFBQ REAL ESTATE LLC
132 EAST RIVER ROAD
LOT 6 BLOCK 54

BOROUGH OF RUMSON

MONMOUTH COUNTY

NEW JERSEY

Charles Surmonte P.E. & P.L.S.
New Jersey Professional Engineer and Licensed Professional Land Surveyor
License No. 35885

301 Main Street, 2nd Floor
Allenhurst, New Jersey, 07711
Phone 732-660-0606
Fax 732-660-0404

07-10-25 REMOVAL OF SHED, RELOCATION OF GENERATOR

PROJECT No. 25-191

DATE: 03-19-25

SCALE: 1"=10'

SHEET: 1 OF 1

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 54, LOT 6**

WHEREAS, SURFBBQ Real Estate LLC has applied to the Board of Adjustment of the Borough of Rumson for permission to expand the existing restaurant use by utilizing an existing concrete patio area in the rear of the existing restaurant/bar as an outdoor café seating area for seasonal dining at the existing premises located at 132 East River Road and known as Block 54 Lot 6 on the Tax Map of the Borough of Rumson, and which premises are in the General Business (GB) Zone; and

WHEREAS, on February 23 and March 15, 2016 at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the public, including Minor Site Plan by J. Kennedy, P.E., 1 sheet dated 1/29/16, revised 3/1/16; Plan for Outdoor Dining Area by Christopher Rice, Architect, 1 sheet dated 11/15/15; survey by Teunissen Surveying & Planning Co., dated 9/11/15; Review Letter from T&M Consulting dated 2/5/16; Site Plan Application dated 11/16/15; minutes of prior Zoning Board hearing on previous application in July 2008; and several site photographs, has made the following factual findings:

1. The property is a pre-existing restaurant/bar, operated for many years as Briody's and more recently as Molly Maguire's. The premises is located on a slightly irregular 6,221 s.f. corner lot, having 70 feet frontage on East River Road and 85 feet frontage on Blackpoint Road. The property is in the General Business (GB) Zone, with commercial uses located adjacent and across East River Road and the Borough Firehouse on the other corner of East River Road and Blackpoint Road. However, to the rear of the property along Blackpoint Road are located single family residences. As noted, the property has been in place and used for many years as a restaurant/bar, with occasional entertainment inside the restaurant building.

2. Restaurants are a conditionally permitted use in the GB zone; as detailed below the site as presently existing does not conform to a number of the conditional use standards. The applicant recently acquired the site and liquor license and is intending to essentially continue the operation within the building as a restaurant/bar with certain limited operational changes. In the rear of the existing structure is an existing concrete pad area. The applicant initially proposed to convert and utilize this existing concrete pad area as a 28 seat seasonal

and utilize this existing concrete pad area as a 28 seat seasonal outdoor dining area. The Borough has Regulations in the Borough Code at §22-7.37(c) which regulate such outdoor café facilities, and the applicant agreed to conform those standards, as may be amended, as a condition of any approval.

3. The property, as a long in-place pre-existing restaurant use, has a number of nonconformities with the current conditional use standards for restaurants in the GB Zone, detailed as follows:

- a. Section 22-6.10a requires restaurants to have a minimum area of 20,000 s.f. and minimum lot frontage of 125 feet. The existing lot is only 6,221 square feet and has 70 feet of frontage on East River Road and 85 feet of frontage on Blackpoint Road.
- b. Section 22-6.10.b requires restaurants to be at least 100 feet from the intersection of any two collector streets; the existing restaurant is located at the corner of East River Road and Blackpoint Road.
- c. Section 22-6.10.c requires buildings to be set back at least 50 feet from any roadway and at least a 25 foot setback along any lot line. The existing building is approximately 2 feet from both East River Road and Blackpoint Road, 7 feet from the rear property line, and abuts the side property line.
- d. Section 22-6.10.d requires driveways to be 25 feet from any side lot line and 40 feet from the intersection of streets. The existing driveway is over the easterly property line.
- e. Section 22-6.10.h requires a 25 foot planted landscape buffer abutting a residential zone; no buffer exists.
- f. Section 22-6.10.i requires outdoor cafes must conform to standards set forth in Section 22-7.37, whereas the proposed outdoor cafe does not comply is noted below in G through I below.
- g. Section 22-7.37.a.l requires that outdoor cafes not be located on the sidewalk. The proposed cafe extends onto the sidewalk (on property owned by the applicant) by approximately 2 feet.
- h. Section 22-7.37.b requires outdoor cafes to be setback from a lot line by 50% of the required setback as noted in Section 22-6.10c. Therefore, the outdoor cafe must have a front yard setback of 25 feet and a side/rear setback of 17.5 feet. The applicant proposes a front yard setback of 0 feet, on both East Front Street and Blackpoint Road, and a setback of approximately 12 feet from the east property line; therefore, variance relief is required.
- i. Section 22-7.37.b requires outdoor cafes to have a side or rear setback of 50% of the setback as noted in Section 22-6.10h when abutting a residential zone. The outdoor cafe should have a side yard setback of 25 feet and the applicant proposed a side yard setback of approximately 12 feet; therefore, variance relief is required.

4. In addition, the site has a number of pre-existing nonconformities with the general bulk requirements of the GB Zone. Further, the proposal for this added outside dining area will result in certain additional nonconformities to those bulk requirements. The existing and new nonconformities are detailed as follows:

- a. Section 22-5.11.e requires a minimum lot area of 12,000 square feet. The existing lot is on 6,221 square feet; therefore, a "c" variance is required for this pre-existing condition.
- b. Section 22-5.11.e requires a minimum lot width and frontage of 100 feet. The existing lot 70 feet on East River Road and 85 feet on Blackpoint Road; therefore, "c" variances are required for these pre-existing conditions.
- c. Section 22-5.11.e requires a minimum front yard setback of 20 feet. The existing building is setback 2 feet from both East River Road and Black Point Road; therefore, a variance is required for this pre-existing condition.
- d. Section 22-5.11.e requires a minimum side yard setback of 10 feet. A "c" variance is required for the pre-existing non-conforming 0 foot side setback for the existing building.
- e. Section 22-5.11.e requires a minimum rear yard setback of 30 feet. A "c" variance is required for the pre-existing non-conforming 7.72 foot rear yard setback.
- f. Section 22-5.11.e requires a minimum lot shape circle of 60 foot diameter. A "c" variance is required for the pre-existing non-conforming lot shape circle diameter of 45 feet.
- g. Section 22-5.12.e permits a maximum lot coverage of 4,665.7 square feet. The existing/proposed lot coverage is approximately 6221 square feet; therefore, a "c" variance is required for this pre-existing condition.
- h. Section 22-5.12.e permits a maximum building coverage of 2,177.3 square feet, whereas, the proposed building coverage is 4,284 square feet; therefore, a "c" variance is required; the site has an existing building coverage of 4,221 square feet.
- i. Section 22-5.12.e permits a maximum floor area of 2,488.4 square feet (0.4 FAR). The site has an existing floor area of approximately 4,778 square feet (0.768 FAR); therefore, a "d" variance is required for this pre-existing condition.
- j. Schedule 22-5.4.e requires a minimum 25 foot wide landscaped buffer strip where a non-residential use abuts a residential zone. A "c" variance is required for this pre-existing condition since the existing site does not have the required landscape buffer strip along the rear property line.
- k. Section 22-7.25 requires that fences be located 2 feet from the property line. The applicant proposes a fence around the outdoor seating area that abuts the east property line. Therefore variance relief is required.

- l. Section 22-9 requires 1 parking space for each 3 seats or 20 parking spaces per 1,000 square feet of floor area, whichever is greater. The existing 4,841 square foot restaurant requires a parking space minimum of 97 spaces and the approximately 600 square foot outdoor seating area requires 12 additional parking spaces, whereas no on-site parking spaces are either existing or proposed. A bulk "c" variance is required for the 12 parking space increase in the parking deficiency caused by the outdoor cafe.
- m. A variance is required from Section 22.9.2.c. of the Ordinance since loading area is not provided.

5. As noted, the premises has for many years been in use as a restaurant/bar, with occasional musical entertainment largely on weekends in the building. The applicant's principal Victor Rallo, Jr. testified as to the intended operation as a barbeque restaurant. The inside seating will be 142 restaurant/table seats, with additional seating at the bar. Any musical entertainment would be limited, within the building only, and would be acoustical and without amplification. The applicant's principal/partners have operated another restaurant/bar, relatively similarly situated, in the Borough for the past several years with minimal problems and/or complaints and that facility is generally compatible with the community. The applicant's principal testified that this property/restaurant will be operated similarly, so as to minimize disruption and noise to nearby residences and/or businesses. It was noted that most, if not all, of the several long-established restaurants/bars in the Borough are similarly situated, in relatively close proximity to other businesses and nearby residential areas, with little or no on-site parking. These are largely pre-existing uses/facilities in place for many years, and have been reasonably integrated into the community.

6. With that background and history, the applicant now proposes to expand by utilizing the existing rear concrete pad area for seasonal outdoor dining. As previously noted, the Borough several years ago adopted Code provisions allowing seasonal outdoor dining in existing restaurants, subject to the limitations and regulations therein, in order to allow this seasonally popular option, where appropriate and minimizing noise and disruption to nearby properties. The applicant seeks approval for this expanded use/facility; however, since the site does not conform to all the specified conditions, this application and Board approval is required.

7. Four residential neighbors appeared and expressed concern over the noise and disturbance that has occasionally occurred from the operation of the restaurant/bar in the past, and that the disturbance/noise would likely increase by adding the seasonal outdoor dining in the rear concrete pad area of the property in relatively close proximity to several residences on Blackpoint Road. These neighbors described varying levels of

disturbance arising primarily from band noise from the restaurant, on occasion from intoxicated and/or loud patrons leaving the premises, or from noise during staff cleanup from emptying bottles/cans into dumpsters late at night. The applicant's operator testified that the type of restaurant/operation planned for the site would diminish such noise/disruptions as any musical entertainment would be acoustical and/or non-amplified, the intended patronage would be more dining/family oriented, and the applicant would agree to no late night dumping of bottles/cans.

8. As a result of further comments and discussion as to reducing any noise or disruption from the proposed outdoor dining area, the applicant agreed and proposed to reduce the seating capacity in the rear concrete patio area to a maximum of 18 patrons at 3-4 tables, to limit the use of that concrete patio dining area to be closed by 9:00 p.m. (the Ordinance allows operation to 10:00 p.m.), to limit any musical entertainment to acoustical and non-amplified in the building only, and to accept a prohibition on bottles/cans being emptied or placed into the on-site dumpster after 9:00 p.m. The site plan would be revised to shift and locate two tables (with a maximum seating capacity of 10 patrons) to be placed and located in the existing small paver area in front of the building, to be utilized for seasonal outdoor dining (this front outdoor dining area may remain in use until 10:00 p.m. as per the Ordinance). Further, the applicant would place and maintain a 6 foot height solid back-to-back stockade fence along the east side of the rear outdoor dining area. This fence would provide some visual and noise attenuation to the residential properties to the east along Blackpoint Road. The revised Plans would further provide for a 3 foot high fence along the rear outdoor café area adjacent to the Blackpoint Avenue public sidewalk, and a 3 foot high wrought iron fence along the front outdoor dining area adjacent to the East River Road public sidewalk. There would be a smoking area designated at the front of the building (along East River Road), and the applicant/operator would secure and/or police the rear outdoor dining area to insure it does not become a customer/staff loitering and/or smoking area when not open as a dining area.

9. With these conditions and limitations, the Board concluded the Minor Site Plan Application with the variances and waivers required could be properly approved. As indicated, outdoor dining is a popular seasonal option. The site is a long-established restaurant located in the GB Zone, and is near mostly commercial uses. The applicant has presented and included a number of concessions and revisions that the Board concludes will minimize any disruption or noise from this relatively small rear outdoor dining area. As indicated, the applicant's principal/partners have operated another restaurant/bar in the Borough for several years, and that facility has been operated in a proper manner so as to reduce or eliminate any problems impacting nearby residences. Consequently, the Board concluded that the Minor Site Plan could be approved, subject to the Plans

being revised and reviewed at the March 2016 meeting to incorporate the stated changes and the agreed Conditions being incorporated into this Resolution.

10. The applicant presented revised Plans at the March 2016 meeting, showing the site revisions proposed and agreed to. In addition, the certain agreed conditions incorporated in this Resolution will also assist in making this small outdoor dining facility not intrusive on nearby residences. The Board finds that allowing outdoor dining feature/option will allow this site to remain competitive and assist in maintaining the Borough General Business district. Any detriments from the applicant's facility should be minimized or eliminated by the applicant's operation and the limitations imposed by this Resolution and the Borough's Outdoor Dining Ordinance standards.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 15th day of March 2016 that the application of SURFBBQ Real Estate LLC for the variances and waivers as listed above to expand the existing restaurant use by utilizing an existing concrete patio area in the rear of the existing restaurant/bar as an outdoor café seating area for seasonal dining on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.
3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.

4. Prior to issuance of any Certificate of Occupancy the applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project. The applicant must also repair and/or replace the portion of the sidewalk referenced in the engineer's letter at 5.4, to the satisfaction and approval of the Board Administrative Officer.

5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:

a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.

b. Taxes must be current.

c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.

d. Insurance certificates must be provided if construction of public improvement is involved.

e. Any outstanding review fees or escrow deficiency must be paid.

f. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

PERMANENT CONDITIONS

6. Use of the building/property for any residential use or occupancy is prohibited. There shall be no residential apartment or sleeping quarters/use on the property.

7. The rear outdoor dining area will be used and occupied by no more than 4 tables, with a seating capacity and use for no more than 18 patrons/customers. The rear outside dining area shall be closed to the public, and patrons required to vacate that area, no later than 9:00 p.m. After 9:00 p.m. the owner/operator of the site shall not allow or suffer that area to be utilized as a smoking area or a place of assembly/lounge area for employees and/or patrons/public.

8. The applicant/successor in operation of the property shall locate and maintain a 6 foot high back-to-back stockade fence on the east side of the rear outdoor dining area.

9. The front outdoor dining area in the paver area in front of the restaurant building will be limited to 2 tables with seating for no more than 10 customers/patrons. That outdoor dining area may remain open and in use until 10:00 p.m. as per the Borough Ordinance (or such other time as may be amended by Borough Ordinance). That front outdoor dining area will have a 3 foot high decorative metal fence along its boundary with the public

sidewalk on East River Road.

10. The applicant/operator of the restaurant will establish and designate a smoking area, with an adequate cigarette/cigar disposal device, located in front of the building (East River Road).

11. The applicant and/or its operator or successor will not dump bottles/cans into any outside dumpsters on site after 9:00 p.m. This is to prevent disturbing noise to nearby residences.

12. Other than as modified herein, the applicant/operator/successor in title or operation shall adhere to and comply with all requirements of the Borough Code regulating outdoor dining cafes (Section 22-7.37c) as may be in place or amended. This includes compliance with the Code requirement that when the outdoor seating area is operational the inside restaurant seating capacity (142 seats) will be reduced by the same number of seats so that the total seating capacity of the property (outside and inside dining) remains at a maximum of 142 restaurant seats.

13. Musical entertainment shall be limited to acoustical music only without amplification, within the restaurant building only. Any such musical entertainment will end no later than 11:00 p.m. There will be no entertainment of any kind in the outdoor dining areas.

14. These conditions are binding upon the applicant and/or any operator of the facility/property and any successor in title or operation. The applicant shall be responsible to place any operator and/or any successor in title or operation of this property upon notice of these conditions. Repeated violations or failure to comply with any of these Permanent Conditions, after notice to the applicant/owner and/or operator of the property and hearing before the Zoning Board, may constitute sufficient cause for the Zoning Board to revoke or terminate this Approval for the Outdoor Dining use/areas (both rear and front), and the applicant and any successor operator/owner is on notice of that as a potential remedy for such violations and/or failure to comply.

Above Resolution moved by *MR. THOMPSON*,
seconded by *MR. DUDDY*, and on roll call the
following vote was recorded:

In the Affirmative: *BRODSKY, THOMPSON, DUDDY*

In the Negative: *NONE*

Abstain: *SEAMAN, TORCIVIA*

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on

March 15, 2016, as copied from the Minutes of the said meeting.

DATE: 3/15/16

J. J. Andre
Secretary
Board of Adjustment