



**BOROUGH OF RUMSON
PLANNING BOARD
Meeting Minutes
September 8, 2025**

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. Baret, Mrs. Carras, Mr. Ciambrone, Mrs. Ford, Councilman Kingsbery, Mr. Shissias, Mr. Torres, Mr. McManus, Chairman Brodsky
Absent: Councilman Casazza, Mr. Goodes

Also present, Michael B. Steib, Esq., David Marks, Borough Engineer, Edward Hermann representing T&M Associates, Thomas Rogers, Municipal Clerk & Administrator, Kendra Lelie, Borough Planner, Marie DeSoucey, Board Secretary.

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

Mr. Marks, Mr. Hermann and Ms. DeSoucey were sworn in.

Administrative

After review and discussion, Mrs. Ford made a motion to approve the **August 4, 2025 Meeting Minutes** as submitted; Seconded by Mr. Ciambrone. By voice vote the August 4, 2025 Meeting Minutes were approved with Mrs. Baret and Mr. McManus abstaining from the vote.

Resolutions

Mr. Shissias made a motion to approve **Resolution #2025-11** approving the application of Michael Fazio for property located at 18 Broadmoor Lane, Block 121, Lot 1.01, 1.02, 1.03 in the R-2 Zone; Seconded by Mr. Torres.

Roll call vote:

Ayes: Mr. Ciambrone, Mrs. Ford, Councilman Kingsbery, Mr. Shissias, Mr. Torres,
Chairman Brodsky

Nays: None

Abstain: Mrs. Baret, Mrs. Carras, Mr. McManus

Old Business

None.

New Business

The application of **River Point Inn** for property located at **132 East River Road** was presented for the Board's consideration.

Mr. Steib stated Service has been reviewed and is in order. The Board has jurisdiction to hear the matter.

After review of the Technical review, Mrs. Baret made a motion to grant the requested waivers; Seconded by Mrs. Carras. By voice vote the waivers requested were approved.

The Board is in receipt of the following exhibits: A-1 Development Permit Application dated 2/24/2025; A-2 Variance Application dated 4/16/2025; A-3 Denial Memorandum dated 3/30/2025; A-4 Generac Brochure; A-5 Rear Location and Drawing; A-6 Survey prepared by Charles Surmonte Professional Engineer and Land Surveyor revised 7/10/2025; A-7 Violation Notice dated 2/11/2025; A-8 Resolution #6066 dated 3/15/2016; A-9 Site Plan Application dated 7/17/2025; A-10 Partial Floor Plan (generator, dumpster & outdoor eating area); A-11 T&M Associates Preliminary Completeness and Fee Review dated 6/27/2025

Rick Brodksy, Esquire from the Ansell, Grimm and Aaron law firm representing Surf Barbecue Real Estate, LLC addressed the Board. The application seeks variance approval for the already installed generator at .7 feet off the property line.

Mr. Brodsky introduced Victor Rallo, owner and operator of the property. Mr. Rallo was sworn in. Mr. Rallo gave the rationale for the installation of the generator and the location. Mr. Rallo is willing to install sound attenuating panels.

Mr. Marks and Mr. Hermann explained the setback requirements for generators under the ordinance and the pre-existing nonconformities on the property.

Board members inquired whether solar panels or other options in lieu of a generator were investigated. Mr. Rallo stated those options were not practical for the restaurant's needs. The Board also questioned the installation of the generator without permits being issued. Mr. Rallo stated the contractors paid the fines for the violation.

Mr. Steib advised the applicant is also seeking a waiver for full site plan approval, which is a requirement under the ordinance. Mr. Hermann stated that a full site plan would be of no great value in this unique situation.

Mr. Brodsky introduced Charles Surmonte, a New Jersey licensed engineer and land surveyor. Mr. Surmonte was sworn in, and the Board accepted his credentials. Mr. Surmonte described the existing conditions at the subject premises.

There are limited location possibilities on this property based on the existing conditions. The generator is located 0.7 feet off the property line and the generator pad has been cut back to just

inside the property line. The shed has been removed and the fence encroachment is a pre-existing condition.

Board Members asked for the technical requirements for generator installation, any other possible locations for the unit and whether the sound attenuation feature can be contained on the subject property.

Mr. Brodsky stated that he is aware that they are seeking forgiveness and not permission. However, he asks for the application to be considered as if it was prior to the generator being installed and take into consideration the existing conditions at the property.

Chairman Brodsky opened the application for public questions and/or comments. Claudia Escalante residing at 68 Black Point Road was sworn in. Ms. Escalante logged the complaint with the Borough. Kevin Donohoe spoke on behalf of Ms. Escalante. Mr. Donohoe stated they were displeased with the installation of the generator and the proximity to their residence and the lack of compliance with requirements. Mr. Donohoe read the Escalantes' letter into the record and supplied photographs of the existing conditions, which were marked O-1. Ms. DeSoucey advised that the Board packet contained a resolution pertaining to the fence on 68 Black Point Road.

The Board asked whether sound attenuation would improve the situation. Mr. Donohoe stated that the Escalantes are open to some sort of positive solution to benefit everyone. Mrs. Escalante stated her husband has health issues and his quality of life has been impacted by the generator and perhaps it should be relocated on the property.

John Alwine residing at 70 Black Point Road was sworn in. Mr. Alwine spoke in favor of the sound attenuating panels being a potential favorable solution but felt the best option to minimize the noise produced by the generator would be to place it in the ground. Don Asay residing at 81 Black Point Road was sworn in. Mr. Asay also stated the sound attenuating system could potentially be a favorable solution and commended the establishment in the neighborhood. Clark McIntyre residing at 130 East River Road was sworn in. Mr. McIntyre spoke in favor of the sound attenuation but preferred it not be on the roof because it would be louder to his bedrooms.

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

Mr. Brodsky recalled Victor Rallo. Mr. Rallo stated that whatever measures needed to reduce noise emanating from the generator will be taken, i.e., landscape buffering/screening, sound attenuation. Mr. Brodsky supplied the sound attenuation specifications marked as A-12.

Board Members strongly suggested the applicant apply for all proper permits, consult with and/or hire a professional to provide sound attenuation details and testimony, and a possible fencing or landscape buffering plans for review and approval.

Mr. Brodsky asked the application be carried to the next available date.

The application will be **carried to the October 6, 2025** Planning Board Meeting at 7:30 pm without further notice.

The application of **Meltese Estate/Wells** for property located at **4 and 4A Third Street** in the **R-5 Zone** was presented for the Board's consideration.

Mr. Steib advised the service has been reviewed and is in order. The Board does have jurisdiction to hear the application. A motion was made to grant the requested completeness waivers; Seconded by Mrs. Ford. By voice vote the completeness waivers were granted.

The Board is in receipt of the following exhibits: A-1 Development Permit Application dated 5/8/2025; A-2 Minor Subdivision Plan prepared by Charles Surmonte dated 4/11/2025; A-3 T&M Associates Completeness Review dated 9/4/2025; A-4 Memorandum prepared by Mr. Steib dated 9/8/2025

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. The application seeks minor subdivision/lot line adjustment. The property currently houses an existing residential home and is proposed to remain on one lot. The proposal is to subdivide the property and form two conforming lots and shift the lot line on the proposed new lot. There are existing nonconformities associated with the dwelling contained on proposed Lot 2.01 that will not change. The existing garage is located on Lot 2.02 which has not be utilized in decades. No new construction is proposed on the newly created lot under this application.

Mr. Steib advised the Board that these are two separate tax lots. The issue is that the lots have merged for zoning purposes. There is an existing residence on one lot, and there is a garage on the other lot that serviced the existing home. Making the two lots used as a single dwelling unit and merged. Although they are two separate tax lots for the purposes of zoning, they are one unit. Proposing to move the lot line making Lot 2.02 conforming in dimension except for the front yard setback for the existing home. The garage on Lot 2.01 is now being eliminated and the ordinance requirement is for the existing home to have a garage.

Mr. Brodsky suggests Lot 2.01 not having garage is an existing condition. The exception in the ordinance requires garages for new construction. Lot 2.02 will have new construction eventually.

Mr. Steib cited Section 22-5.8.b.2 of the ordinance. Existing garages shall not be enclosed or converted into another use without the construction of a conforming replacement garage. The Zoning Officer's position is that if you are removing a garage that is a change of use making it open space. The intent of the ordinance was homes should have garages.

Mr. Brodsky introduced Kimberly Wells, executrix for the Meltese Estate. Ms. Wells was sworn in. Ms. Wells testified there is adequate parking on the property and the garage has never been used to park a car. The proposal is to have a new driveway on the south side of the property and would be amenable to extending the driveway back portion of the house allowing

for three parking spaces. Ms. Wells described the existing conditions at the subject property. The third floor was used as three bedrooms, making it a four-bedroom home.

Mr. Marks and Ms. DeSoucey provided the parking setback requirements.

Board Members questioned creating two conforming lots in size however existing conditions albeit preexisting. Ms. DeSoucey stated the existing home is nonconforming in front setback but on a conforming lot and cited the provisions in the ordinance for renovations to the home.

Mr. Brodsky introduced Charles Surmonte, a New Jersey licensed engineer. Mr. Surmonte was sworn in, and the Board accepted his credentials. Mr. Surmonte explained existing conditions at the subject premises.

Mr. Surmonte testified that these were initially two 50-foot lots side by side. The property now is 114.75 feet wide. Each lot requires 6,000 square feet. This proposal adds 59.25 feet to the proposed new Lot 2.01. The driveway is proposed to be 10 feet wide by 54 feet deep front the front of the house providing three 10-foot by 18-foot off-street parking spaces on the left side of the property lining up with the neighbor's driveway. The rear yard contains a brick patio built into a wall.

Mr. Surmonte described the neighboring properties that do not have garages and parking in the front yard.

Chairman Brodsky opened the application for public questions and/or comments. Rich Scholl residing at 2B Third Street was sworn in. Mr. Scholl inquired whether decisions on the driveway and setback for one lot prerequisites to creating the second lot or view as two completely differently discussions and presentations; and if the Board approves the driveway on the one light does that automatically give approval for the subdivision. Mr. Scholl also advised the Board of drainage issues in the immediate area and if there were any Deed restrictions associated with the property.

Mr. Steib advised the application is a package. The approval of the driveway gets the application closer to the goal line. The subdivision will create two lots that fully conform dimensionally with the ordinance requirements. The lot to the north will be a vacant lot. Anyone wanting to develop that lot would have to construct a dwelling that would conform with the setback requirements, lot coverage requirements, building coverage requirements, floor area ratio. If they don't comply, they would have to come before this Board or the Zoning Board for variances. Mr. Steib explained the process for any development on the proposed new lot.

Mr. Brodsky advised there are no Deed restrictions associated with the easement.

Mr. Marks supplied information regarding the Sugar Maple Estates subdivision.

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

Board Members discussed the issues associated with granting the subdivision. The creation of a lot containing an existing dwelling without a garage and off-street parking provided via an extended driveway.

After deliberations, Chairman Brodsky asked the pleasure of the Board. Mr. Shissias made a motion to approve the subdivision as presented with the driveway extension; Seconded by Mr. Torres.

Roll call vote:

Ayes: Mrs. Carras, Mr. Ciambrone, Mrs. Ford, Mr. Shissias, Mr. Torres, Mr. McManus, Chairman Brodsky

Nays: Councilman Kingsbery,

Abstain: Mrs. Baret,

Executive Session

Motion was made and seconded to go into Executive Session to conduct a Workshop on the Master Plan Review Introduction presented by Kendra Lelie.

There being no further business before the Board, the meeting was **adjourned** at approximately 10:30 p.m.

The next regularly scheduled **Planning Board Meeting will be held on October 6, 2025** at 7:30 p.m.

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