

Minutes of the Asbury Park Planning Board SPECIAL Meeting  
**July 19, 2021**  
In-Person Meeting  
6:00pm

Announcement by the Chairperson that the virtual meeting is being held in accordance with the with the “Open Public Meetings Act,” Chapter 231, Public Law 1975, amended 2020, which explicitly permits a public body to conduct meetings electronically during a state of emergency. Adequate notice of this meeting has been provided to the Coaster and Asbury Park Press. All notices are on file with the Board Secretary. In addition, a notice regarding this virtual meeting and instructions were published in the Asbury Park Press and the City of Asbury Park website. A copy of that notice is on file with the Board Secretary. The notices and the conduct of this meeting are in accordance with the guidelines for virtual meetings issued by the New Jersey Department of Community Affairs. Official action may be taken on the matters listed below.

Members in Attendance: Mayor John Moor, Councilwoman Yvonne Clayton, Jim Henry, Jennifer Souder, Eric Galipo & Rick Lambert

Members Absent: Trudy Syphax, Michael Manzella, Alexis Taylor & Barbara Krzak

Members Recused:

Staff: Jack Serpico (Board Attorney); Donna Miller (Conflict Board Planner), Doug Clelland (Board Engineer) & Irina Gasparyan (Board Secretary)

Meeting begins at 6:02 pm

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**A. Salute to the Flag**

**B. Roll Call**

**C. Minutes: June 21, 2021 Virtual Meeting Minutes**

Motion by: Jim Henry      Seconded by: Rick Lambert  
All in Favor

**D. Resolutions: 202-204 Seventh Avenue**

Motion by: Jim Henry      Seconded by: Rick Lambert  
Recused: Galipo  
All in Favor

**E. Applications:**

**1. 1401 Ocean LLC, 1401 Ocean Avenue**

**Block 4204, Lot 1, WRA Zone**

Amended Site Plan application to add an observation deck, rooftop bar/event space with proposed restrooms on existing rooftop of Berkeley Oceanfront Hotel.

George McGill, Esq. for applicant

Albert Faks, Asset Manager for applicant, sworn in

Serpico: all notices in order to proceed. Also put into record that in-person meeting noticed

Gasparyan: this special meeting noticed in Coaster and AP Press, as well as the annual meeting notice in the same

Henry: Are you going to serve any other food at weddings? Will you be turning music off @ 10 like Asbury Hotel?

Faks: main idea pass arounds d’ordeurves don’t want to exclude any other food. Directed all noise south, have all small speakers vs. a couple large speakers so idea is to have low background noise. Sound barrier behind bar.

Galipo: how will ensure sound

Faks: everything is plugged into a limiter. Access is always controlled no matter what type of event.

McGill: we don't have problem cutting off live music @ 10 either

Clelland: times when events not happening is access to roof open?

Faks: not sure Albie will speak to that

Galipo: can someone off street access roof/bar open?

Faks: yes, not sure to times open

Open to public Q's

Ralph Mitschelle, Ocean Ave: aware have live music @ pool? Do you have anyone @ hotel on weekends holidays to take complaints?

Faks: not aware. I gave you my personal contact number.

Ellen Muller, Ocean Ave: how many nights/week anticipate open?

Faks: Not sure

Close Public Q's

Albie Manzo, operations manager for applicant, sworn in

Lambert: what are hours of current observation deck?

Manzo: Don't want to talk about hours until we see how it goes. If specific event like wedding, we could shut it down at specific time.

Galipo: What is capacity of elevator?

Manzo: 2500 lbs.

Clayton: is service elevator used for food?

Manzo: yes but if someone has to go up like manager can use regular elevator

Clelland: can anyone access roof late?

Manzo: have key access so would be locked if no one up there to supervise

Lambert: so, is overall goal to have another bar on deck?

Manzo: doesn't always involve drinking, also idea to have yoga on roof.

Henry: what are anticipated hours of rooftop?

Manzo: adjust to demand. If I can answer now would say noon-10pm, but hypothetical.

Henry: what are specific events intend up there?

Manzo: weddings, corporate events, etc.

Serpico: were not here to approve the use. Under ordinance doesn't matter what special events they have. The bar and related uses are permitted. We're approving a minor site plan application with no bulk variances and no design waivers, not the use.

Miller: clarify one of TRC recommendations to have windproof cans on roof.

Manzo: Hoping sound barrier would help wind as well. We take seriously the waste.

Clelland: does current refuse/recycling have capacity to handle increase in demand?

Manzo: may not be an increase, on weekends have large events that handle fine, so on daily basis no difference.

Galipo: how do you currently clean glass surfaces on roof? Concerned about age & wearing

McGill: not going to use umbrellas or tents?

Manzo: no, use some sun sails

Miller: only thing suggest if sun sail used it will have appearance effect of the hotel.

Open to public Q's

Clinton, north beach: if rain, won't have a tent up there?

Manzo: no, we have space in hotel for rain dates for events

Close public Q's

Daniel Condatore, architect for applicant, sworn in

Condatore: explained locations of proposed on aerial view

Exhibit A-1: Site plan

Exhibit A-2: Aerial Image of hotel

Condatore: reviewed proposed site plan. The location of proposed space is really best location because everything deflects away from the residential areas.

Lambert: unisex bathroom?

Condatore: yes. ADA, there is additional bathrooms elsewhere in hotel. Can get 4 stalls, they're full rooms w/ common sink area. Green roof – trying to provide buffer- felt planter boxes better use to get taller shrubs.

Miller: not green roof, they are planter boxes.

Galipo: how will you ensure plants you pick out will survive?

Condatore will work w planner after approval to choose.

Galipo: TRC recommend contact SHPO. Need to clarify.

McGill: not registered, its subject to an opinion. Technically its listed in Monmouth co listings but not federal register.

Miller: not on national register, it is state level.

McGill: will also go over CAFRA approval- have DEP letter approval entire waterfront permit covers.

Condatore: clarify bar comes out 10'

Miller: what color sound wall?

Condatore: intend to match brick

Galipo: feel service should be toward back & bathroom to front- can put privacy screen

Condatore: can look into that w owner

Miller: how many planters?

Souder: height?

Condatore: level w/ masonry parapet

Galipo: where are observation spaces? Think should have more space

Condatore: planters not fixed, just suggested number/placement. Something we can discuss

Lambert: observation important element of the hotel.

Souder: could the plants vary in height?

Lambert: arrange to create spaces

Condatore: yes, we will look at those. Discussed proposed lighting sheet- after TRC came up w low light fixtures, have a few wall mounted for wayfinding.

Souder: are they dark sky certified?

Condatore: everything is shooting down- they are 2' off ground.

Miller: wonder if consider other light fixtures that throw fixtures that wash the floor.

Condatore: can look @ that.

Henry: what are dimensions & # of planters? Stationary or moveable?

Serpico: there was discussion about creating more view corridors- are planters able to do that? Will be able to

Condatore: yes

Lambert: what is spacing between planters?

Miller: suggest advised applicant to come up w/ planters that are movable, different space, provide accents, also suggest not go with shrubs, but grasses, flowers, etc.

Souder: want to have some substantial planters that are there, wouldn't go all the way to have all smaller.

Galipo: there are opportunities to place the substantial in front of- exhaust, etc.

Serpico: they're going to give us back a plan based on these comments. Submit the plan for Board planner review.

Clelland: no additional metering or mechanicals, have adequate capacity for new demand?

Condatore: yes, we will have engineer submit as part of permits.

Clelland: there is a current structural analysis? New one performed as part of building review?

Condatore: yes.

Henry: trc report has contradictory heights for parapet

Condatore: numbers I have are correct.

Henry: how handle existing lighting?

Condatore: the proposed lighting is replacing area lighting. There is some existing lighting outside of the area proposed that is remaining. Anything that has to do with egress will be replaced.

Open to public Q's

Ralph Michele: is the wall putting up opaque? From floor up to 8' no opening? Dimensions of parapet correct?

Condatore: opaque. May be a few inches at floor. Existing- 4' plus glass on top- not changing that.

Mike Goonan, Ocean ave: Said egress door at top how will it be locked?

Condatore: emergency alarm lock

Close public Qs

5-minute recess Motion: Souder 2<sup>nd</sup>: Lambert All in favor

Roll call

Norman Dotti, acoustic engineer for applicant, sworn in

Dotti: Asked to do a more detailed report after TRC. Done multiple venues can be controlled successfully. Solution to have several small speakers spread around the room so any listener is closer than when have speakers in one location, all low mounted, spaced. 2<sup>nd</sup> thing need to have is control- house sound system. Security code to change levels w/ programmable limiter. Our analysis done after 10pm which is when state limit kicks in @ 85 dba. They're so low given ambient sounds in air, neighbors would never hear it. The city hired outside engineer & they agree with my report.

Exhibit A-3: July 2020 report by Dotti

Exhibit A-4: Jan 2021 report by Dotti

McGill: any impact on neighbors?

Dotti: no impact. The ocean waves will make more sound. This was designed to be controllable thing.

Lambert: where are the speakers?

Dotti: there are 17 spread around

Open to Public Q's

Ellen Muller, Ocean Ave

Open Public Comments- Motion: Henry Second: Lambert All in Favor

Maggie Clinton, North Beach

Ralph Mitchele, 1501 Ocean

Michael Goonin, 1100 Ocean

Close Public Comment Motion: Henry Second: Clayton All in favor

Clayton: as part of TRC & council thank you for addressing problems with sound

Moor: sorry that the neighbors left because they can call me directly. If anyone has issues with sound call police immediately. Same as Clayton, thanks to applicant for being responsible.

Serpico: conditions: trash- address receptacles covered sturdy, capacity @ 150 not 176, one elevator that will limit patronage, food will be appropriate to event, not full dinners, planters- numbers and size will change based on comments, consideration of appropriate view corridors, wall mounted light fixtures, provide new photometric plan

Henry: including existing lighting.

Moor: idea of having someone up there to secure roof

McGill: when bar is in operation will have someone up there to secure area

Motion to approve application with conditions discussed: Souder

Seconded by: Clayton

All members vote in favor

APPLICATION APPROVED

## 2. Adjournment

Motion to Adjourn: Henry Second: Galipo All in favor

Meeting Adjourned: 8:52pm