



CITY OF LONG BRANCH, MUNICIPAL BUILDING,

344 BROADWAY, LONG BRANCH, N. J. 07740, (201) 222-7

January 23, 1984

Eugene A. Iadanza, City Attorney  
1090 Broadway  
P.O. Box 67  
West Long Branch, New Jersey

RE: Storing of Vehicles & Equipment Outdoors and Moving of Soil  
Block 237, Lot 19, 20 & 21, a/k/a 401 Morris Avenue  
Block 237, Lot 40, a/k/a 63 Community Place (off alley)

Dear Mr. Iadanza:

Please be advised that the above matters have been removed from the agenda of the Zoning Board of Adjustment for tonight and are rescheduled for March 26, 1984.

At a meeting called by Mr. Collins, on January 4, 1984, it was agreed by all persons (Mr. Wenning, Mr. Collins, Capt. Williams and this writer) that any failure to act before the Board on the 23rd, shall cause this matter to be brought before Council in Executive Session requesting authority for you to begin an action (injunction) in Superior Court.

E & L Paving Co., Inc., was issued: letter of denial on April 18, 1983; summons on May 20, 1983; new notice of violation dated August 18, 1983. A guilty plea was entered by Mr. Bruno (E & L Paving Co., Inc.) in Municipal Court on November 2, 1983.

Attached are five (5) pages which represent an application, sworn to on January 4, 1984, to the Zoning Board of Adjustment.

If you have any questions, please do not hesitate to contact me.

Yours truly,

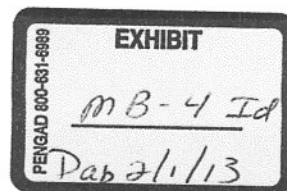
Arthur W. Johnson, Sr.  
Zoning Officer

CC:

Anthony Muscillo, Chief Administrative Officer  
Captain Edward H. Williams

Encl.

Ex. 6  
81a



THIS MATTER IS OPENED TO THE COURT

SUPERIOR COURT  
OF NEW JERSEY

JAN 22 1987

PM  
JOHN M. MAYSON  
CLERK

VERNON & AARON  
Attorneys at Law  
Mill Run South  
59 Avenue at the Common  
Post Office Box 7550  
Shrewsbury, New Jersey 07701  
(201) 542-3331  
Attorneys for Plaintiff

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
GENERAL EQUITY  
MONMOUTH COUNTY

CITY OF LONG BRANCH,

Plaintiff

vs.

E & L PAVING COMPANY, INC.,  
EDWARD P. BRUNO and LONG  
BRANCH ASPHALT COMPANY,

Defendants

:  
: Docket No C-6275-86E

:  
: Civil Action  
: *36*  
: *CONSENT JUDGMENT IN:*  
: PERMANENT RESTRAINING  
: ORDER

This matter having been opened to the Court upon the filing of a Complaint, Temporary Restraining Order and Order to Show Cause on November 17, 1986 by Vernon & Aaron, Esqs., attorneys for plaintiff, and it appearing that the matter having been listed for the return date of the Order to Show Cause on December 10, 1986, and it appearing that the parties wish to settle all matters in dispute via a Consent Judgment consented to by Vernon & Aaron, Esqs., attorneys for the plaintiff. City of Long Branch and George Cieri, Esq., attorney for the defendants E & L Paving Co., Inc., Edward P. Bruno and Long Branch Asphalt Company, and for good and just cause appearing:

EXHIBIT  
MB-5 Id  
Dab 2/1/13  
PENNSYLVANIA 800-631-6889

It is on this 26th day of January, 1986, ORDERED, that the defendant, E & L Paving Co., Inc., as owner and in control of the subject premises, be and is hereby permanently restrained and enjoined from any further stock piling of dirt, or allowing any further stock piling of dirt, on the premises known as Lot 40, Block 237 on the tax map of the City of Long Branch.

It is FURTHER ORDERED that any alleged violation of the restraints contained herein imposed shall be dealt with as a contempt proceeding with jurisdiction of this Court retained.

It is FURTHER ORDERED that the Complaint as to the co-defendants, Edward P. Bruno and Long Branch Asphalt Company, be and the same is hereby dismissed.

It is hereby consented that the form and entry of the within Order is agreed upon by the parties.

*Patrick J. McGinnis, Jr.*

PATRICK J. MCGINNIS, JR. J.S.C.

Dated:

The undersigned, attorney for the defendants, E & L Paving Co., Inc., Edward P. Bruno, and Long Branch Asphalt Company, hereby consents to the form and entry of the within Order.

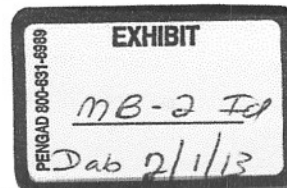
*George Cieri*

GEORGE CIERI, Attorney for Defendants

The undersigned, attorney for the plaintiff, City of Long Branch, hereby consents to the form and entry of the within Order.

*James G. Aaron*

JAMES G. AARON, Esquire  
VERNON & AARON, Attorneys for Plaintiff



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

August 24, 1998

Mr. Ed Bruno  
122 Monmouth Blvd.  
Oceanport, NJ 07757

Re: Block 237 Lots 13.02, 32.02, 38.02, 39 & 40 Community Place

Dear Mr. Bruno:

With regard to the prior notification that you have allowed tractor-trailer trucks to park on your property without prior approvals, I am writing to you a final time. You advised me on July 16<sup>th</sup> that you were going to file an application with the Board of Adjustment. I gave you thirty days to do so. Thirty days have passed. At this time I must notify you that if a complete application is not filed within ten days from receipt of this letter, I will have no choice but to issue a summons on the violations.

Therefore, it is imperative that you submit the application or advise me that the violation no longer exists. Failure to do so may result in the following actions as prescribed in Ordinance 20-11.5.a., concerning violations and the penalties to be applied.

"... The owner or agent of a building or premises where a violation of any provision of this chapter shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation of this chapter shall exist shall, for each and every violation, upon conviction be imprisoned in the Monmouth County Jail for a period not exceeding ninety (90) days or be fined not exceeding one thousand (\$1,000) dollars or both. Each day that violation is permitted to exist shall constitute a separate offense."

Anna R. Juska  
Zoning Officer

Cc: Captain P. Johns  
Howard H. Woolley

AUG 25 1998

34a



recycled paper



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

September 17, 1998

William Jamison  
3 New Court  
P.O. Box 3155  
Long Branch, NJ 07740-3155

Re: Ed Bruno DBA E & L Paving Co., Inc.  
Block 237 Lots 13.02, 32.02, 38.02, 39 & 40  
And Lots 32.01 and 52

Dear Mr. Jamison:

In response to your request of September 16, 1998, I offer you the following information. A subsequent inspection of the above has found that in addition to the original complaint, your client is in violation on three additional lots and of several additional ordinances.

**VIOLATIONS LISTED AS FOLLOWS:**

**Lot 32.01**

20-5.7, 20-4.4, 20-5.4.j, 20-5.4.p, 20-5.4.w., 20-7.3.a.4., 20-7.3.a.5., 20-7.3.a.7.,  
20-7.3.b.2., 20-7.3.b.4., 20-11.2.a., and 20-5.4.c.

**Lot 52**

20-5.7, 20-7.3.a.5., 20-7.3.a.4, 20-11.2.a., 20-7.3.b.2., and 20-7.3.b.4..

**Lot 40**

Violation of Permanent Restraining Order – Docket # C6275-86E (see attached).

**Lots 37.01, 38.02, & 32.01**

Parking of tractor trailers as sublease to Santos & Santos Trucking – 20-5.7,  
20-11.2.a., 20-7.3.b.2., 20-7.3.b.4.

**All of the above**

Expansion of a non-conforming use – 20-5.5.a., 20-5.5.j., 20-10.1.c..

I hope that this is sufficient information to initiate an application. Please be further advised that this matter has been referred to the City Attorney's office, and I have been advised that if the matter is not resolved within five (5) days, appropriate action will be taken.

Anna R. Juska  
Zoning Officer

Cc: Larry Shapiro/City Attorney's Office



CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (908) 222-7000

September 24, 1998

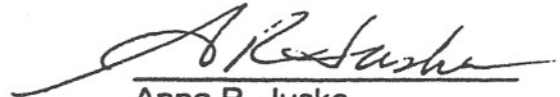
William Jamison  
3 New Court  
P.O. Box 3155  
Long Branch, NJ 07740-3155

Re: Ed Bruno DBA E& L Paving Co., Inc.  
Block 237 Lots 13.02, 32.02, 38.02, 39 & 40  
And Lots 32.01 and 52

Dear Mr. Jamison:

Please be advised that your client called me and informed me that the dirt had been removed from Lot 40. I have made an inspection today and find this to be true. However, there still remains what appears to be the shovel attachments for his equipment. This also has to be removed in order to eliminate any violation on this lot. The property is in a C-2 Zone, separate and distinct from Mr. Bruno's business, and ~~nothing should be on this property, except for natural growth, until such time as Mr. Bruno is granted site plan approval to use it for something else.~~

With regard to the court order, I will advise the City Attorney's office, by copy of this letter, that the soil has been removed. However, the aforementioned, and the previously noted conditions, are still in violation, and appropriate action will be taken.

  
Anna R. Juska  
Zoning Officer

Cc: Lawrence Shapiro, Esq./City Attorney's Office



MUNICIPAL COURT  
 CITY OF LONG BRANCH  
 Monmouth County, New Jersey  
 LB 008331

Anna Juska DOCKET NO.  
 Training Officer City of Long Branch

ED Bruno DBA E & L Paving NON-INDICTABLE  
 DEFENDANT OFFENSE

STATE OF NEW JERSEY  
 COUNTY OF Monmouth

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND

SAYS:  
 NAME Ed Bruno DBA E & L Paving  
 STREET 122 Monmouth Blvd  
 CITY - STATE Oceanport, NJ 07757

ON THE 1 DAY OF OCT. 19 8 AT 9:50 A.M.

MUNICIPALITY OF CITY OF LONG BRANCH

OF MONMOUTH STATE OF NEW JERSEY

LAWFULLY VIOLATE THE PROVISIONS OF:

RE: City Ordinance REGULATION:  
 UNCE: 20-5.7, 20-5.4, 20-5.4.C, 20-5.4.J, 20-5.4.D

MITTING THE FOLLOWING OFFENSE(S) 20-7.3, 20-11.2.a,  
 5.a, 20-5.5.j, 20-10.1.a Expansion of Use,  
 ing, & storage without prior approvals  
 ntary to requirements. BK 297 for 32.01

Undersigned states that he has full and reasonable grounds to believe and swear  
 if the person named above committed the offense(s) herein set forth contrary to  
 7-1-98

Signature and Identification of Officer  
 (to be signed when taking sworn)

SWORN AND BYWORN TO  
 ME THIS DAY

20-11.2.a  
 20-11.2.a

20-11.2.a  
 20-11.2.a

APPEARANCE REQUIRED  
 APPEARANCE DAY OF OCT 19 8 AT 8:15 A.M.  
 OF COURT

178 Broadway • Long Branch, New Jersey 07740

2 120 443 849



Receipt for  
 Certified Mail  
 No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

ED BRUNO	
122 Monmouth Blvd	
Oceanport 07757	
	\$
	\$

10/1/98

EXHIBIT  
 MB-3 ID  
 Dab 2/1/13



STATE OF NEW JERSEY  
MUNICIPAL COURT OF LONG BRANCH  
COUNTY OF MONMOUTH

LONG BRANCH

vs.

CDR#: SC 1998 008331

Name of Defendant- ED BRUNO

Alias Name- DBA E&L PAVING

Address- 122 MONMOUTH BLVD. OCEANPORT NJ, 07757.

Offense- EXP STORG W/O PERMIT

Date of Offense- 10/01/1998

Date of Process- 10/01/1998

Date Process Served- 10/01/1998

Name of Officer- NONE

Department- LONG BRANHC MUNICIPAL COURT

How Defendant pleads & date- NO PLEA. 12/10/1998

Attorney's Appearances- NONE.

Remarks/Witnesses- ANNA JUSKA/ COMP.

Trial Date- 01/27/2000.

Heard By- JUDGE CIERI

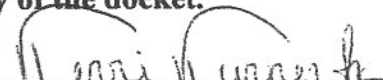
How Disposed of & Sentence- GUILTY.

Total Fines and Costs- \$1030.00. PAID IN FULL

---

I hereby certify that the above is a true  
copy of the docket.

March 9, 2012

  
\_\_\_\_\_  
Court Administrator



THE STATE OF NEW JERSEY

NO. 20001422

NO. SC001470

The State of New Jersey

vs.

Defendant's Name: Edward Bruns

Address: 122 Monmouth Blvd Oceanport

State: NJ Zip Code: 07757

Birth Date: ... Eyes: ... Height: ...

STATE OF NEW JERSEY COUNTY OF MONMOUTH

Complaining Witness: Anna Juska Zoning Officer / City of Long Branch

by affidavit or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the ...

did commit the following offense: Failure to obtain Zoning permit for proposed change use of land.

violation of (and charge only) 345-76.A of land.

LOCATION OF OFFENSE: 845 257 LOT 3201 50 Community Pl.

STATE OF NEW JERSEY ... I certify that the information furnished herein is true and correct to the best of my knowledge and belief.

Signature of Complaining Witness: Anna Juska

Signature of Person Administering Oath: ...

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS: Probable cause is found for the issuance of this Complaint-Summons.

YOU ARE HEREBY SUMMONED TO APPEAR: BEFORE THE COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

COURT APPEARANCE REQUIRED: COURT DATE: 12/30/99

Signature of Person Issuing Summons: ...

more relevant comments, which the officer should note. include every fact.



STATE OF NEW JERSEY  
MUNICIPAL COURT OF LONG BRANCH  
COUNTY OF MONMOUTH

LONG BRANCH

vs.

CDR#: SC 1999 001470

Name of Defendant- ED BRUNO

Address- 122 MONMOUTH BLVD. OCEANPORT NJ, 07757.

Offense- 345-76.A- FAIL TO OBTAIN CO

Date of Offense- 11/10/1999

Date of Process- 11/10/1999

Date Process Served- 11/10/1999

Name of Officer- NONE

Department- LONG BRANHC MUNICIPAL COURT

How Defendant pleads & date- GUILTY. 01/30/2000

Attorney's Appearances- JAMISON AND JAMISON.

Remarks/Witnesses- ANNA JUSKA/ COMP. JAMISON AND JAMISON/ ADEF

Trial Date- 01/30/2000.

Heard By- JUDGE CIERI

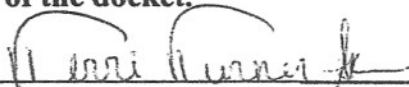
How Disposed of & Sentence- GUILTY.

Total Fines and Costs- \$1030.00. PAID IN FULL

---

I hereby certify that the above is a true  
copy of the docket.

March 9, 2012

  
\_\_\_\_\_  
Court Administrator

APPLICATION FOR DEVELOPMENT

CITY OF LONG BRANCH

2800-06

RECEIVED

FEB 29 2000

NOTE: It is solely the applicant's responsibility to accurately complete this application form in its entirety. Failure to do so will automatically deem the application incomplete and may subject the application to be dismissed without prejudice by the appropriate board.

(Please check where appropriate)

- Zoning Board of Adjustment
- Use variance
- Variance (area & bulk)
- Site plan  minor  major
- Preliminary  Final
- Subdivision  major  final
- Interpretation
- Revision
- Other Site Plan Waiver

- Planning Board
- Variance ( area & bulk )
- Site plan  minor  major
- Preliminary  Final
- Subdivision  major  minor
- Revision
- Other \_\_\_\_\_

Title of Proposed Development E & L Paving Co.

Block: 237 Lot: 37.01 & 32.01 Address of site 50 Community Place, Long Branch

Description of purpose/statement of use (both existing & proposed)

Operation of asphalt paving company and ancilliary activities, including temporary storage (excluding manufacture) of asphalt, stone, sand, topsoil, and similar materials; temporary (overnight and weekend) storage of equipment and machinery when not in use; and parking of private and commercial vehicles owned by applicants and employees; asphalt paving of yard

as exists and as proposed.

I Applicant E & L Paving Co./Ed Bruno

Address 63 Community Place, Long Branch, NJ 07740

Phone ( 732) 229-0833 Tax I.D. # \_\_\_\_\_

II Landowner E & L Paving Co./Ed Brno

Address 63 Community Place, Long Branch, NJ 07740

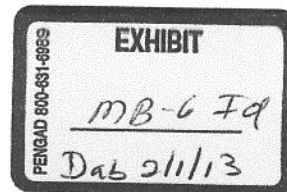
Phone ( 732) 229-0833

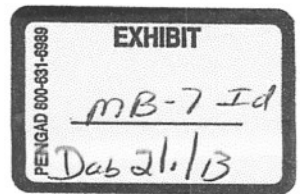
III Attorney Jamison & Jamison, Esqs., (Attn: William H. Jamison, Esq.)

Address 3 New Court, PO Box 3155, Long Branch, NJ 07740

Phone ( 732) 870-3338

EX 3





E. M. Waterbury & Associates, P.A.  
Consulting Engineers

Phone: (732) 747-6530

P.O. Box 8847, Red Bank, New Jersey, 07701

Fax: (732) 741-8712

April 7, 2000

Long Branch Zoning Board of Adjustment  
344 Broadway  
Long Branch, N.J. 07740

LBZB-R0057

Re: E & L Paving Use Variance  
Block 237, Lots 32.01 & 37.01

Dear Sal,

As requested I have reviewed a site plan prepared by Charles C. Widdis, P.E. last revision dated February 2, 2000 and supporting documentation for the above referenced project. The applicant is seeking a use variance and waiver of formal site plan approval to park trucks and construction equipment at this site as an expansion of an existing construction company. Lot 37.01 is in the C-2 zone and does not have street frontage. Lot 32.01 is in the I zone and fronts on Community Pl.

1.0 Off-site Improvements

1.1 I defer comment on off-site improvements to the city engineer.

2.0 Zoning

2.1 A construction yard is not a permitted use in either the I or C-2 zone. Use variances are required

2.2 The following is a listing of bulk requirements for both zones, as well as what exists for each lot:

<u>Requirement</u>	<u>C-2 Zone</u>	<u>Lot 37.01</u>	<u>I Zone</u>	<u>Lot 32.01</u>
Min. Lot Area	10,000s.f.	3,525s.f.*	15,000s.f.	9,583s.f.*
Min. Frontage	100ft.	0ft.*	100ft.	100ft.
Min. Depth	100ft.	90ft.*	150ft.	130ft.*
Max. Coverage	50%	48%	40%	83%*

An \* indicates a variance is required.

The applicant is not proposing any structures on these sites and therefore setbacks are not an issue.

EX 4  
R057

*Handwritten initials and date: WJ 11/30/00*

EXHIBIT  
*MB-8 Id*  
*Dec 21/13*

APPLICANT: E & L PAVING, CO.  
APPLICANT'S ATTORNEY: William H. Jamison, Esq.  
APPLICATION NO.: ZB00-06  
BLOCK(S) 237, LOT(S) 32.01 and 37.01

**RESOLUTION OF THE  
ZONING BOARD OF ADJUSTMENT  
OF THE CITY OF LONG BRANCH**

**DISMISSAL OF APPLICATION**

WHEREAS, E & L PAVING CO., hereinafter referred to as the "Applicant", filed an application with the Zoning Board of Adjustment of the City of Long Branch (hereinafter referred to as the "Board") seeking the following:

Use variance and/or approval for expansion of a non-conforming use, along with related bulk variance relief and site plan approval and/or waiver of same.

WHEREAS, the application pertains to the premises designated as Block(s) 237, Lot(s) 32.01 and 37.01 on the Tax Map of the City of Long Branch, which said premises are commonly known as 50 Community Place, Long Branch, New Jersey (hereinafter referred to as the "Premises");

WHEREAS, the matter was first listed for hearing on June 26, 2000, but was carried without commencement until September 11, 2000;

WHEREAS, at the time of the September 11, 2000 meeting, questions were raised as to whether the application referenced all lots at which the Applicant conducts the business here at issue, and questions also were raised regarding the sufficiency of the notice given by the Applicant, and, as a result of all of these circumstances, the Applicant indicated that it would revise its application and plans to incorporate all relief necessary for all lots affected by the Applicant's business operations, and would further re-notice regarding same, and therefore, the matter was carried by the Board for two months until

its November 13, 2000 meeting to afford the Applicant time to submit a revised application and plans, and re-notice regarding same;

WHEREAS, the Applicant did not submit a revised application or revised plans, and did not re-notice as aforesaid;

WHEREAS, the Applicant's attorney faxed a letter to the Board on November 13, 2000 (the date of the hearing) requesting an adjournment of this matter and indicating that the attorney would be unable to appear before the Board that evening due to a dental procedure performed that day;

WHEREAS, the Board finds that this matter was carried by the Board for a period of two months, from September 11, 2000 to November 13, 2000, to afford the Applicant time to make substantial revisions in its application and plans, and to re-notice for same, but that the Applicant failed to take any such actions and merely, by way of letter faxed from counsel on the day of the hearing, requested a further adjournment of this matter;

WHEREAS, the Board also notes that there are pending violations regarding the Applicant issued by the Zoning Officer;

WHEREAS, the Board finds that because a substantially new application, with new plans and new notice, will be necessary regarding this matter, it serves no purpose to continue to carry this matter (and that the Applicant, when and if the new plans are completed, can simply submit a new application to the Board and provide notice as required for same);

WHEREAS, questions remain regarding the sufficiency of the notice for the existing application;

WHEREAS, the Applicant did not appear at the time of the November 13, 2000 meeting;

NOW, THEREFORE, be it hereby resolved by the Board that the application at issue be and is hereby dismissed for failure of the Applicant to prosecute this matter. ←

ROLL CALL VOTE

THOSE IN FAVOR: 7

THOSE OPPOSED: 0

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Zoning Board of Adjustment of the City of Long Branch at its meeting on 11-27, 2000

DATED:

Frank Pischke  
Secretary



*File*

CITY OF LONG BRANCH, MUNICIPAL BUILDING, 344 BROADWAY, LONG BRANCH, N. J. 07740 (732) 222-7000

## NOTICE OF VIOLATION

**TO:**

ED BRUNO DBA E&L PAVING CO., INC.  
122 MONMOUTH BLVD., OCEANPORT, NJ 07757

**FROM:** ANNA R. WAINRIGHT ZONING OFFICER

**SUBJECT:** BLOCK 237 LOTS 19,20,21

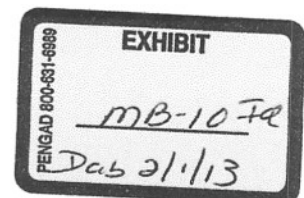
**DATE:** MARCH 15, 2002

### YOU ARE HEREBY NOTIFIED

A recent inspection has found that you are using an adjacent property for storage of vehicles and stockpiling/dumping soil and asphalt. This activity must cease immediately. This property is in the R-4 Single Family Zone, and has no present commercial approvals. There should be no activity at this site. The parking of vehicles, and dumping/stockpiling of soil is prohibited. This is in violation of City Ordinances, such as but not necessarily limited to, 345-76.A, 345-23; 345-105; 345-11.B; 290-2. Therefore, you must cease this activity immediately, and remove any soil/asphalt/gravel which has been dumped, as well as the vehicles. Failure to comply may result in fines and penalties as described below (345-79.A).

"... The owner or agent of a building or premises where a violation of any provision of this chapter shall have been committed or shall exist..., or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation of this chapter shall exist shall, for each and every violation, [upon conviction and in the discretion of the Judge imposing the same: a fine of not more than \$1,000; imprisonment for not more than 90 days: and/or a period of community service not exceeding 90 days] Each day that violation is permitted to exist shall constitute a separate offense."

Anna R. Wainright  
Zoning Officer



*94a*



PERMAD 800-631-6989  
**EXHIBIT**  
 MB-9 Id  
 Dab 2/1/13

Application # ZB02-08

APPLICATION FOR DEVELOPMENT  
CITY OF LONG BRANCH

NOTE: It is solely the applicant's responsibility to accurately complete this application form in its entirety. Failure to do so will automatically deem the application incomplete and may subject the application to be dismissed without prejudice by the appropriate board.

(Please check where appropriate)

Zoning Board of Adjustment

Planning Board

Use variance

Variance ( area & bulk )

Variance (area & bulk)

Site plan  minor  major

Site plan  minor  major

Preliminary  Final

Preliminary  Final

Subdivision  major  minor

Subdivision  major

Revision

final

Other \_\_\_\_\_

Interpretation

Revision

Other seperate subdivision approval ←

Re: Block 237 Lot 52  
 pending Planning Board

Title of Proposed Development E & L Paving Co

Block: 237 Lot: 13.02, 39, 38.02, 37.01, 32.01, 32.02 & 52 (partial purchase pending)  
 Address of site Community Place

Description of purpose/statement of use (both existing & proposed)

Operation of asphalt paving company and ancilliary activities, including temporary storage (excluding manufacture) of asphalt, stone, sand, topsoil, and similar materials, temporary (overnight and weekend) storage of equipment and machinery when not in use; and parking of private and commercial vehicles owned by applicant and employees; asphalt paving of yard as exists and as proposed.

I Applicant E & L Paving Co./ Ed Bruno

Address 63 Community Place, Long Branch, NJ 07740

Phone (732) 229-0833 Tax I.D. # \_\_\_\_\_

II Landowner E & L Paving Co./Ed Bruno

Address 63 Community Place, Long Branch, NJ 07740

Phone (732) 229-0833

III Attorney Jamison & Jamison, Esqs.. (Attn: William H. Jamison, Esq.)

Address 3 New Court, PO Box 3155, Long Branch, NJ 07740-3155

Phone (732) 870-3338 R R

92a Ex 19

Application must be submitted to the Planning Dept. Office at least 10 working days prior to the public hearing date.

Application procedure/plan requirement

Any application for development must be accompanied by appropriate plans and follow procedure requirements as outlined in RD. 20-5.6, 19-5 where applicable. All plans submitted must be folded with the title block showing or additional \$10.00 service fee will be charged.

II

Additional information required

It is solely the applicant's responsibility to obtain and submit the following information. Failure to do so may deem the application incomplete.

- A. \_\_\_\_\_ Written confirmation of availability and capacity of service from public utilities (water, gas, electric, telephone)
- B. \_\_\_\_\_ Written confirmation of availability and capacity of service from City Sewer Authority
- C. \_\_\_\_\_ Written confirmation of approval or uninvolvement by county agencies involved with this proposal (Planning Bd., D.O.T., etc.)
- D. \_\_\_\_\_ Written confirmation of approval or uninvolvement by any state agencies involved with this (D.O.T., DEP, CAFRA, Coastal Commission, Army Corp of Engineers, etc.)

State of New Jersey

County of Monmouth :


I, Ed Bruno, of full age being duly sworn,

according to law, upon my oath, deposes and says:

I am the applicant in the above entitled matter and the matters that contained for the going petition of appeal are true to the best of my knowledge and belief.

Sworn and subscribed to

Before me on this 16th day of Nov month 2000 year.

  
Signature of person administering oath: WILLIAM H. JAMISON  
An Attorney at Law of NJ

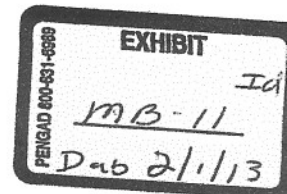
  
Applicant's signature  
ED BRUNO INDIV + OFFICER!  
CORPORATE APPLICANT

**E. M. Waterbury & Associates, P.A.**  
**Consulting Engineers**

Phone: (732) 747-6530

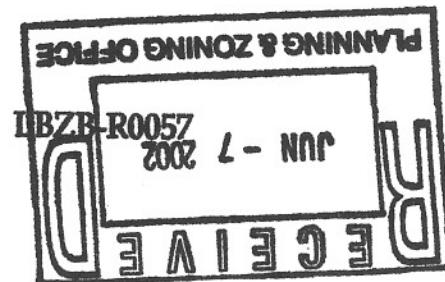
P.O. Box 8847, Red Bank, New Jersey, 07701

Fax: (732) 741-8712



June 5, 2002

Long Branch Zoning Board of Adjustment  
344 Broadway  
Long Branch, N.J. 07740



Attn: Anne Stalworth  
Re: E & L Paving Use Variance  
Block 237, Lots 13.02, 32.01, 32.02, 37.01, 38.02, 39 & 52

Dear Robyn,

As requested I have reviewed a site plan prepared by Charles C. Widdis, P.E. last revision dated June 8, 2001 for the above referenced application. The applicant is seeking a use variance for the operation of an asphalt paving construction company at the site. Therefore a use variance to allow this use and associated site plan approval is required. Lots 37.01, 38.02, 39 and 52 are in the C-2 zone and lots 13.02, 32.01 & 32.02 are in the I zone. The site is located at the end of Community Pl.

Summary

The applicant has addressed several comments from the board and this office from the previously withdrawn application. A 6-foot high stockade fence and buffer plantings have been added on the east side of lot 32.01. The existing large silver maple will be saved. A downward directed lighting fixture is proposed on lot 32.01.

1.0 Off-site Improvements

1.1 I defer comment on off-site improvements to the city engineer.

2.0 Zoning

2.1 A construction yard is not a permitted use in either the I or C-2 zone. A variance for the expansion of a non-conforming use is required.

2.2 The following is a listing of bulk requirements for both zones, as well as what exists for each lot:

EX 20

Mr. Brian D. Asarnow  
55 Community Place  
Long Branch, NJ 07740  
732-870-2570 FAX: 732-870-0606

September 30, 2002

Mrs. Robyn Reilly  
Secretary Long Branch Zoning Board  
Municipal Building Annex  
344 Broadway  
Long Branch, NJ 07740

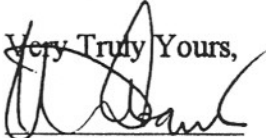
RE: Bruno/E&L Paving Application ZB02-08

Dear Mrs. Reilly:

I wish to point out that as Mr. Bruno acquired all of his lots upon which he operates subsequent to enactment of the LB Zoning Ord. 345-68, with the possible exception of his garage headquarters, his application must be viewed as establishing a non permitted, non-conforming use and not expansion of an existing non-conforming use. I enclose herein proof of the use history of these lots for the board's review and verification . I am looking further into exactly when the garage was constructed. This information was previously made know to the City Attorney, zoning officer A. Juska as well as administrative officials.

As you may know, allowance of a new non-conforming use is considered spot zoning, defeats the purposes and intent of the zoning laws and is illegal and not available for remedy by variance. Caselaw supports this.

In summary, the board should not allow E&L to cast its application as expansion of an illegal non-conforming use when it is actually a new use, though illegally allowed over the years.

Very Truly Yours,  
  
Brian D. Asarnow

encl. List/History of E&L Lots  
via regular mail

cc: Mr. Michael A. Irene, Jr., Esq.  
Attorney for Long Branch Zoning Board of Adjustment  
422 Morris Ave.  
Long Branch, NJ 07740  
via personal service

Mr. Brian Asarnow  
Block 237, Lot 22  
55 Community Place  
Long Branch, NJ 07740  
732-870-2570

*In the Matter of:*

***E&L Paving Co./Ed Bruno***

*Application #: ZB02-08*

*Hearing Date: October 24, 2002* before Zoning Board, City of Long Branch, NJ

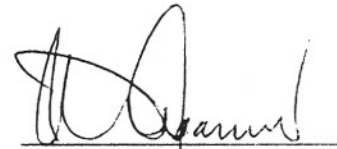
CERTIFICATION IN OPPOSITION

Brian D. Asarnow, of full age, certifies as follows:

1. I have received noticed by the applicant as my property is situated within 200 feet and am familiar with the facts contained herein.
2. Sometime within the past few years I visited the Monmouth County Hall of Records and reviewed the tax records of the lots contained on the attached list, Exhibit A, to determine when purchased by applicant as well as the previous use and zoning and when any improvements were made.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I may be subject to punishment.

Dated: October 7, 2002



Brian D. Asarnow

listing of E&L owned/used lots on Block 237  
previous use + purchase date

---

L 13B: Purchased and subdivided in 1965. Existing garage/headquarters built 1969/1970. Formerly the rear of a grassy residential lot. Currently zoned Industrial.

L. 19, 20, 21: Purchased in 1972 as residential, still a residential lot. Still contains an old garage and illegally used as a shortcut, thoroughfare by E&L between Community Place and Morris Ave. (See Pa81a)

L. 32B: Purchased/subdivided in 1974, See deed attached hereto as Exhibit 5. Previously a lawn and part of 50 Community Place which contained a house, recently demolished. Now in I zone.

L. 37.01: Rear of a grassy lot purchased in 1971 from YMCA which fronts Broadway. C-2 Zone

L. 38.02: Rear of a grassy lot purchased in 1971 from Masonic Temple which fronts Broadway. C-2.

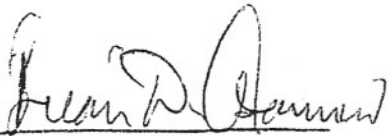
L. 39: Rear of a residential, grassy lot purchased in 1965 from Sal Orechio. E&L built structure in 1965 and removed the structure in 1977. No approval for current use.

L. 40: Rear of a grassy lot purchased in 1977 from YMCA which fronts on Broadway. C-2 zone.

L. 52: Previously grassy lot in C-2 zone, not owned but still used by E&L.

---

L. 32.01 - 12/31/1998 house on grassy lot



Brian P. Asarnow  
Bl 237, lot 22

JAMISON & JAMISON  
ATTORNEYS AT LAW  
P.O. BOX # 3155  
LONG BRANCH, NJ, 07740  
TEL.# (732) 870-3338  
FAX.# (732) 870-9430

File  
E+L  
Parking

FAX TRANSMITTAL

Date: 8/27/07

TO: L.B. ZONING Bd of ADJ.  
ATTN: KELLY KAUFFMAN, SEC'Y  
FAX NO: (732) 222-7755 TEL # (732) 222 7000 X 5432  
FROM: WILLIAM H. JAMISON, ESQ.  
RE: E+L PAVING (BRAND) # ZB 02-08

COMMENTS: AS PER OUR PRIOR TELEPHONE CALLS  
AND CORRESPONDENCE, THE SUBJECT APP-  
LICATION IS HEREBY "WITHDRAWN - WITHOUT  
PREJUDICE" AT THE APPLICANT'S REQUEST.  
PLEASE DESIGNATE IT ACCORDINGLY AT  
TODAY'S MEETING. WE WILL NOT APPEAR.  
THANK YOU FOR YOUR COURTESIES.

ENCLOSURES: \_\_\_\_\_ PAGES AND TRANSMITTAL

If you do not receive all of the pages indicated above, please call us as soon as possible.

\*\*\*\*\*CONFIDENTIALITY NOTE\*\*\*\*\*

The document accompanying this telecopy transmission contains information from the law firm of Jamison & Jamison, Esqs., which is confidential and/or legally privileged this information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you. Thank you for your kind attention to this matter.

EX: TJ-1670  
12-12-12 SJ

**Zoning Board of Adjustment  
Minutes, August 27, 2007**

The regular meeting of the Long Branch Zoning Board of Adjustment of August 27, 2007 came to order at 7:05 p.m. in the City Council Chambers, 344 Broadway, Long Branch, New Jersey, having been duly noticed in accordance with the Open Public Meeting Act.

**ROLL CALL:**

**MEMBERS PRESENT:** Terry Janeczek, Jeffrey Ging, Frank Fishedick (arrived at 7:25 p.m.), Peter Agresti (arrived at 7:30 p.m.), Marcia Blackwell, and Michael Sirianni

**MEMBERS ABSENT:** Richard Miller and Tom Fish

**ALSO PRESENT:** Michael Irene, Esq. (Board Attorney), Elizabeth M. Waterbury (arrived 7:10 p.m.) (Board Engineer), Danielle Golba (Stenographer), Paul Phillips (Board Professional Planner) and Jennifer Rose (Covering Zoning Board Secretary).

**APPLICATIONS TO BE CONSIDERED:**

**ZB 06-17 Gomez 185 Edwards Avenue Blk: 338 Lot: 12**

The applicant requested an adjournment to the next available date.

Mr. Ging made a motion to carry this application to October 22, 2007 without the necessity to renotice and was seconded by Ms. Janeczek. All were in favor of the motion.

→ **ZB 02-08 E&L Paving Blk: 237 Lots: various**

This application was withdrawn without prejudice.

**ZB 07-07 Harari 32-36 Sixth Avenue Blk: 268 Lot: 29, 30, 31**

The applicant requested that this matter be carried to the next available date.

Ms. Blackwell made a motion to carry this application to November 26, 2007 without the necessity to renotice and was seconded by Mr. Ging. All were in favor of the motion.

**ZB 05-08 Seaview Towers 390-392 Ocean Avenue Blk: 215 Lot: 3,4,5.01,5.02,6**

Mr. Ging made a motion to transfer this application to the Planning Board and was seconded by Mr. Sirianni. All were in favor of the motion.

**ZB 05-10 Salt Realty/Westbath, LLC 251 & 263 Bath Avenue Blk: 159 Lot: 9,10**

Mr. Resnikoff was present on behalf of the applicant. Mr. Fishedick made a motion to carry this application to October 22, 2007 and was seconded by Mr. Ging. All were in favor of the motion. Mr. Resnikoff will renotice.

**RESOLUTIONS:**

The resolution for ZB 06-20 GDO Development was memorialized. Ms. Janeczek was the only member eligible to vote on the resolution and voted in favor of memorializing it.