

Mr. Brian D. Asarnow
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May 10, 2021

Mayor John Pallone
Councilwoman Mary Jane Celli
Long Branch City Hall
344 Broadway
Long Branch, NJ 07740

Re: 63 Community Place Usage

Dear John (& Dr. Celli):

I'm afraid the honeymoon and benefit of the doubt I've given you due to reorganization and covid regarding my neighbor's ongoing illegal use as an outdoor contractor's yard may be ending unless injunctive action is now taken, considering the following facts which you should know or now know:

1. Ed Bruno and E&L Paving beginning in 1965 unilaterally commenced and expanded the non permitted paving business use in a residential zone on Community Place and Morris Ave. and failed to obtain a CO or subdivision approvals on any subsequent parcels he acquired or sold along the creek in a flood zone with wetlands boundaries. On Morris Ave., Defazio Drycleaners, a non-conforming use was abandoned prior to use by E&L There were 2 buildings and only the rear garage remains and is an orphaned accessory structure. As the nonconforming drycleaner use was abandoned, the use should have reverted to residential and the accessory structure demolished. No new non-permitted commercial use may be established. This has occurred and continues to this day. A recent OPRA once again confirms the lack of any CO back in the 1960's shooting holes in the long running hoax perpetrated that the paving use is pre-existing legal and can be legally grandfathered and expanded.

2. Mr. Bruno was found guilty a few times beginning in 1984 for stockpiling and expanding the use without permits and wanted to retire in 2009 and sell but was unable as lacking any approvals, so he and his successor Atlantic Paving prevailed upon the zoning officer to issue a permit seeking to grandfather the paving use and expand to other lots without zoning board approval. **No other companies or uses are mentioned on the permit.** Mr. Turner the planning director at the time stated in a deposition the paving use was to be contained in the original garage headquarters and he did not know why all these other lots were added to the zoning permit considering no prior CO or approvals. The zoning permit had restrictions "no expansion of use" and "no stockpiling" though this was immediately violated and continues including onto a lot where a house once stood on Community Place.

3. Many summonses for expanding the use and allowing 3+ other companies to operate a joint contractors yard were issued and several site plans and a recent subdivision were filed but were not completed or rejected. Any enforcement attempts were a mere charade never meant to abate the illegal use which has always been allowed to continue. By ordinance, zoning violations are to be terminated within 30 days, not be allowed to go on for years and years.

On Oct. 9, 2013, under municipal court "pressure" of 14 summonses (it stretched over 5 years lol), a fourth site plan with subdivisions was filed by Atlantic Paving et al for a use variance for the outdoor multi contractor's yard.

I appeared pro se in opposition and was joined by two neighbors. A potential beneficial use of the property such as a small warehouse where the house once stood with a cul de sac (required by ordinance for subdivisions) was affirmed by my appraiser and it was noted how applicant could easily be doing this legally a few miles away near the county dump. The neighbors appealed but on June 19, 2018 Superior Court Judge Perri denied and dismissed the appeal with prejudice. She mentioned the need for circulation of traffic due to lack of a cul de sac as well as lack of a certificate of non-conforming use mentioned prior by another court and the zoning board to evidence any claims of pre-existing legal non-conforming use.

4. A new plan for a subdivision and minor site plan without variances claiming the previously rejected use is pre-existing legal was filed October 3, 2018 with the planning board this time, upon which the mayor sits and the board engineer opined it looks identical to the dismissed one, and if so, lacks jurisdiction as already decided, and seeks answers on this and other issues including DEP matters.

5. Amazingly, on July 16, 2019 after obtaining several prior adjournments, while continuing to operate an outdoor contractor's yard in violation of the zoning board Resolution and order of a superior court judge denying the use, the new planning board attorney with knowledge of this, gratuitously grants **an indefinite adjournment** based upon a last minute written request by applicant's attorney. **No questions or discussion by the board as to whether warranted and no vote taken. Applicant's attorney was not even present. No hearing has been held since and a recent OPRA shows no attempts by Long Branch since to check with the DEP or applicant or enjoin applicant pending site plan approval.**


A recent OPRA confirms no zoning permits have been issued to the 3 companies which applied for and were rejected for joint site plan and sub division approval and who continue to operate there.

6. **Mr. Bruno continues to hold the mortgage on the property and gain benefit from its use and is friends with both of you which I believe is why the illegal use has never been abated and why an indefinite suspension was given, knowing the application is a repeat of the rejected one and he will be unable to show any preexisting legal use. Attempts by me to expose and address the illegal occupation have been met with repeated threats, assaults, trespass and property damage and restriction of access to/from my property by mostly Joe Rosario, in a effort to get me to give in or leave. An arson occurred and consumed 2 of my vehicles, equipment therein and a wall of my building. I, my business and property continue to be injured and denied benefit of peaceful possession and the rule of law. The dirty, noisy, unsightly, congested use is also a blight on the neighborhood, not in keeping with the city's beautification efforts. See <https://1drv.ms/u/s!ApNTfQHA2brCjHEo23QPARFU3zJQ?e=pW0Tll> and also fairtrialnj.org which will be updated with more details on all of this and new van to be acquired. Folder 2(4) shows little if any paving is done and Atlantic Paving is simply a front for these other businesses. The 2009 zoning permit should be voided. The longer all this is allowed to go on the more it appears to be textbook official misconduct and collusion at play.**

If further harm and damage occur considering all this, I will be filing notice of continuing tort due to the palpably unreasonable lack of abatement. Public entities must act in good faith and lose immunity if palpably unreasonable. This principal was affirmed by a state judge in a prior matter. I hope the rest of the council will demand that the laws be equally enforced throughout the city.

Please let me know if any of you need proof of any of the above. I plan to follow up in council meetings.

Very Truly Yours,



Brian D. Asarnow, Owner
55 Community Place
Long Branch, NJ 07740

Via email: cc to council, city attorney. and business administrator.