

BRIAN D. ASARNOW
55 Community Place
Long Branch, NJ 07740
732-870-2570

BRIAN D. ASARNOW,

Plaintiff,

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MONMOUTH COUNTY

Docket No. MON. L-1422-22

Civil Action

City of Long Branch, A Municipal Corporation;
Edward Bruno and E&L Paving, Inc.;
63 Community Place, LLC;
Ray Grieco & Atlantic Paving (& Coating), LLC;
Jose A. Rosario, Jr. & Rosario Contracting Corp.,
Custom Lawn Sprinkler Co., LLC.;
R. Brothers Concrete, LLC

Defendants,

**CERTIFICATION IN SUPPORT OF
PARTIAL SUMMARY JUDGMENT**

BRIAN D. ASARNOW, of full age, being duly sworn upon his oath does hereby depose and say:

I am the Plaintiff in the above matter by reason of my ownership of adjacent property, my personal observations and my thorough review of the files pertaining to this matter. I have full and first hand knowledge of the facts and details contained herein. I make this Certification in support of my motion for partial summary judgment.

1. A true and accurate copy of the Amended Complaint filed 7/7/22 in this matter under Docket MON. L-1422-22 is annexed hereto as **Exhibit A, (pg. 2)**

2.. A true and accurate copy of statutes and ordinances is annexed hereto as **Exhibit B, (Pg. 15)**

3 A true and accurate copy of a tax map showing predecessor lots which make up consolidated Lot 19.01, and which are referenced in the 8/3/09 zoning permit is annexed hereto as **Exhibit C (pg 34)**

4. A true and accurate copy of a September 24, 1998 letter from zoning officer Juska that lots in violation should be clear pending site plan approval is annexed hereto as **Exhibit D (pg 36)**

5 A true and accurate copy of violations and summonses for 1998, 2010, 2011 thru 2015 for expansion of use including on lot 32.01, where a house once stood, and operation of businesses other than Atlantic Paving, which are ongoing, is attached as **Exhibit E (pg 37)**

6 A true and accurate copy of Plaintiff's 4/10/02 site plan for 55 Community Place is attached hereto as **Exhibit F** (pg 66)

7 A true and accurate copy of the zoning permit issued 8/3/09 to Atlantic Paving and ancillary permits derived therefrom containing the name Atlantic Paving are attached as **Exhibit G** (pg 68)

8 A true and accurate copy of 10/10/10 and 10/30/23 opas showing only a zoning permit for a fence and for Atlantic Paving exists on lot 19.01 or predecessor lots and none other bearing the names Rosario Contracting, Custom Lawn Sprinkler or R Brothers Concrete is attached as **Exhibit H** (pg 76)

9. A true and accurate copy of the 2/1/13 deposition portion of Carl H. Turner, former head of planning and zoning stating each business needs their own sets of permits and violations issued evidencing same is attached as **Exhibit I** (pg 88)

10. A true and accurate copy of the 2/1/13 and 2/19/14 Deposition portions of Carl H. Turner, former head of planning and zoning, which affirms that the use of what is now consolidated lot 19.01 by Atlantic Paving is to be contained in the original garage headquarters, is annexed hereto as **Exhibit J** (pg 98)

11. A true and accurate copy of 2 pages from Atlantic Paving's 10/9/13 original and the entire Amended zoning board Application filed 2/20/15 is attached hereto as **Exhibit K** (pg 112)

12. A true and accurate copy of the 10/28/14 open public records request showing no Certificate of Non-Conforming use exists for E&L Paving is annexed hereto as **Exhibit L** (pg 137)

13. A true and accurate copy of a Landscaping Plan dated 2/17/15 and site plan taken from Defendant's rejected Zoning Board Application for Preliminary & Final Site Plan Approval showing lot 19.01 and proposed new lots 19.02, 19.03 and 19.04 is annexed hereto as **Exhibit M** (pg 142)

14. A true and accurate copy of photos showing: part of a sidewalk across the street on 4/6/15; removed sidewalk and installation of buffer on 10/11/19-10/18/19; that no curbs exists across the street where occupants of lot 19.01 park and that egress of small trucks is restricted due to parking across the street where no curbs exist is annexed hereto as **Exhibit N** (pg 145)

15 A true and accurate copy of the "Resolution of Denial" of July 10, 2017 of the Zoning Board Application submitted by Atlantic Paving, LLC is annexed hereto as **Exhibit O** (pg 149)

16 A true and accurate copy of the June 19, 2018 Order of Hon Jamie S. Perri, J.S.C. denying Defendant Atlantic Paving, LLC 's appeal and dismissing its action in lieu of prerogative writs with prejudice is annexed hereto as **Exhibit P** (pg 200)

17 A true and accurate copy of the April 2, 2018 Order denying Plaintiff's Intervention in the appeal is annexed hereto as **Exhibit Q** (pg 203)

18. A true and accurate copy of the June 19, 2018 Appeal Transcript of Hon Jamie S. Perri, J.S.C. is annexed hereto as **Exhibit R** (pg 205)

19 A true and accurate copy of photos from 10/21, 8/22, 10/22 and 11/16/23 showing the use of lot 19.01 as a contractor's yard and heavy machinery from lot 19.01 moved to and repaired in the dead end loading zone and trash and a post installed by Rosario on my grassy ROW is annexed hereto as **Exhibit S** (pg 216)

20. A true and accurate copy of the Business Status Report of 63 Community Place, LLC which lists Raymond Grieco and Jose Rosario under managers/members/managing members and a May 10, 2021 "Discharge of Mortgage" made by 63 Community Place, LLC to Edward Bruno for Block 237 lot 19.01 also known as 63 Community Place listing Raymond Grieco and Jose A. Rosario, Jr. as members of 63 Community Place, LLC and owners of that property is annexed hereto as **Exhibit T** (pg 229)

21. A true and accurate copy of the 10/19/22 business status report for Atlantic Paving showing business license revoked since 2009, a table of paving jobs (deposition exhibit P-5) and 2/19/24 deposition portion of Ray Grieco admitting he and son are only employees, the listing of paving jobs is inaccurate and very little paving or sealcoating done and no insurance maintained for paving equipment and no website or interest in new businesses as getting ready to retire, is attached hereto as **Exhibit U** (pg 237)

22. A true and accurate copy of the 12/15/23 Deposition portion of Taha Siyouf admitting Rosario uses the garage and office for his businesses and not Atlantic Paving is annexed hereto as **Exhibit V** (pg 256)

23. A true and accurate copy of the 2/19/24 Deposition portion of Raymond Grieco admitting Atlantic Paving uses the C-2 zone and not the garage for the business is annexed hereto as **Exhibit W** (pg 265)

24. A true and accurate copy of the 2/19/24 Deposition portion of Jose Rosario, Jr. admitting he uses the garage and office for his businesses and not Atlantic Paving and that no zoning permits exist bearing the names Rosario Contracting Corp. or Custom Lawn Sprinkler, LLC is annexed hereto as **Exhibit X** (pg 274)

25. A true and accurate copy of the 3/30/24 report of Plaintiff's land use expert Peter Steck is attached hereto as **Exhibit Y** (pg 287)

26. A true and accurate copy of Defendant's 4/29/24 Planner Report without appendices admitting on page 12 therein the above history of the property and zoning changes over time is thorough is attached hereto as **Exhibit Z** (pg 337)

27. A true and accurate copy of 6/4/24 summary portion of Plaintiff's 9/20/23 Appraisal Report showing substantial diminution of value and loss of utility due to the use of lot 19.01 and proximate off site areas is annexed hereto as **Exhibit AA** (pg 350)

28. Videos taken 2/23-6/23 to be played and in possession of Defendants show occupants of lot 19.01 parking in street and placing trash in the dead end loading zone area. **Exhibit BB**

I hereby certify that the foregoing statements made by me herein are true. If any statements made by me are willfully false, I am subject to punishment.

Dated: July 8, 2024


Brian D. Asarnow