

## Brian Asarnow

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**From:** Kathy Schmelz [kschmelz@longbranch.org]  
**Sent:** Monday, July 17, 2017 10:57 AM  
**To:** Brian Asarnow  
**Subject:** RE: inquiry

You can forward any email to him to his secretary at [gwinnick@longbranch.org](mailto:gwinnick@longbranch.org)

Kathy L. Schmelz, RMC  
City Clerk  
344 Broadway  
Long Branch, NJ 07740  
(732)571-5644

**WARNING:** Email received by or sent to City Officials are subject to the Open Public Records Act [OPRA]. If you are in any way concerned about the contents of your email being read by someone other than the person(s) you are contacting, you should consider alternate ways of contacting them.

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**From:** Brian Asarnow [mailto:b.asarnow@comcast.net]  
**Sent:** Monday, July 17, 2017 10:56 AM  
**To:** Kathy Schmelz  
**Cc:** Debbie Talerico  
**Subject:** inquiry

Hi Kathy:

Do you have the mayor's email address? I see on website for city council members but not for him. thanks

## Brian Asarnow

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**From:** Brian Asarnow [b.asarnow@comcast.net]  
**Sent:** Tuesday, July 18, 2017 4:30 PM  
**To:** 'gwinnick@longbranch.org'  
**Cc:** 'mjcelli@longbranch.org'; 'jbastelli@longbranch.org'; 'kbillings@longbranch.org'; 'jpallone@longbranch.org'; 'msirianni@longbranch.org'; 'kschmelz@longbranch.org'  
**Subject:** notice of egregious new rights violation and claim forthcoming  
**Attachments:** long.branch.fire.inspections.absent.pdf

Dear Mr. Mayor:

I just did 2 OPRAS for 3 multi unit commercial properties with which I compete for tenants (attached) and found little or no fire inspections as well as no necessary mercantile license renewals for 2015 and 2016 (mercantile license requirements are that a zoning permit first be issued and these are also unknown)

My tenants, on the other hand, must obtain all these permits including undergoing a police background check for the mercantile license. (The background check is absurd since released criminals cannot be stopped from making a living & the alternative is much worse) This can add 2 months and about \$200 and is no doubt used against me by these other property owners. One tenant last year tried to get out of the contract and go back around the corner when he learned of the permit requirements at my building. As you well know, local Fire bureau as well as building and planning & zoning and code enforcement, and now city administration is headed by Mr. Kevin Hayes. He oversaw the recent opra responses or lack thereof according to clerk's office.

Pursuant to the 2 OPRA's, I reviewed the files at City Hall and took notes of all inspections and permits issued for the properties. The attachment first shows my summary and Long Branch's response, then the 5/26 opra for 2 properties around the corner and proof of the number of units, then the 6/13 opra for the other property along with proof of the number of units there. (The zoning dept. failed to included these zoning permits which had the attached plans but I got thru building dept. files – Mr. Hayes overlooked this)

Aside from the obvious inequity and violation of my rights to equal protection, if true, this is a serious breach of the fire code and public safety.

If inspections have been done and documents are being withheld in order to cover up the identify of all the businesses operating at the facilities, that too is a serious matter and will be addressed by me. I would think upon confirming either of these that Mr Hayes would be immediately terminated and if the former, the other facilities made to immediately begin to obtain all permits for current and future tenants. If the latter, the documents should be provided forthwith. However, I don't expect you will as you head a corrupt organization and this is another deliberate attempt at retaliation with the aim of putting me out of business following my first lawsuit in 1998. You were already advised of how your surrogates Ray Greico and Joe Rosario continue to try and block access of vehicles to my property in order to coerce me to leave. You should know by now I'm not leaving and instead will seek damages each and every time I find my rights violated by you and Long Branch. You can violate my rights but I'm going to seek to make you pay.

Though I need not give tort notice for civil rights violations you may consider this as such. This new claim will either be part of the pending conspiracy matter or a new matter.

I intend to appear at the next city council meeting and do futher opra's to followup and see what if anything is being done about this.

Very Truly Yours,  
Brian D. Asarnow, owner  
55 Community Place  
Long Branch, NJ 07740

## Mary Moss

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**From:** Brian Asarnow <b.asarnow@comcast.net>  
**Sent:** Friday, July 07, 2017 3:03 PM  
**To:** Mary Moss  
**Cc:** Kathy Schmelz  
**Subject:** incomplete opras

Hi Mary:

Please note my review of 5/26/17 and 6/13/17 opras and my renewed request for documents. which I will expect by end of next week. Please advise in next day or two if further documents being submitted. If so, I will expect them available by end of next week.

5/26/17 OPRA: Block 237, Lot 33 – 15-17 So. Seventh Ave;

Plans show at least 68 units at site.

Zoning permits: 1 (Matts Pest Control) None other for any unit with fire inspections in 2015, 2016 or not fire inspected.

Mercantile Licenses: 1 in 2015 (for owners), 4 in 2016 (including 1 for owner) None other for any unit with fire inspections in 2015, 2016 or not fire inspected.

CO's: 1 in 2015, 6 in 2016, a few prior to 2015 which may or may not pertain to 2015/2016 tenants

Fire Inspections: 13 in 2015, 23 in 2016

**Need item 2. Need items 3-6 for all 68 units in 2015 and 2016.**

5/26/17 OPRA: Block 237, Lot 34 – 300 Broadway (co issued to ownerx 10/8/14):

Plans/photos show at least 6 units at site.

Zoning permits: none for any unit.

Mercantile Licenses: 1 in 2015 (receipt-Magnolia Baby), 2 in 2016 (Magnolia Baby, Detail Express)

CO's: 2 in 2015 (Magnolia Baby, Jersey Shore Boat/Yacht), 1 in 2016 – Detail Express

Fire Inspections: 4 in 2015 (2 – Riviera Doors/Windows, Magnolia Baby, Detail Express), 2 in 2016 (Jersey Shore Boat/Yacht, Detail Express)

**Need item 2. Need items 3-6 for at least 6 units in 2015 and 2016.**

6/13/17 OPRA: Block 352, Lot 12 aka 179 Branchport Ave.;

Plans show at least 16 units at site.

Zoning permits: some predate 2015 but not known if current tenants.

Mercantile Licenses: 1 in 2015, 1 in 2016

CO's: 0 in 2015, 2 in 2016, a few prior to 2015 which may or may not pertain to 2015/2016 tenants

Fire Inspections: 0 in 2015, 4 in 2016

**Need item 2. Need items 3-6 for at least 16 units in 2015 and 2016.**

Very Truly Yours,  
Brian Asarnow  
55 Community Place  
Long Branch, NJ 07740  
732-870-2570

Plan/Zone —  
Health —  
Fire/Code —  
Due 7/10/17

## Brian Asarnow

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**From:** Mary Moss [mmoss@longbranch.org]  
**Sent:** Monday, July 10, 2017 3:12 PM  
**To:** Brian Asarnow  
**Cc:** Sydney Johnson; Kathy McNulty  
**Subject:** RE: OPRA from Brian Asarnow  
**Attachments:** SLB Clerk17071015210.pdf

Mr. Asarnow,

Please see attached files provided by the Health Department.

Thank you,

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**From:** Mary Moss  
**Sent:** Monday, July 10, 2017 1:21 PM  
**To:** 'Brian Asarnow' <b.asarnow@comcast.net>; Sydney Johnson <sjohnson@longbranch.org>; Kathy McNulty <kmcnulty@longbranch.org>  
**Subject:** FW: OPRA from Brian Asarnow  
**Importance:** High

Mr. Asarnow,

- 
1. Fire/Code has advised that they have supplied all the files they had for both properties.
  2. I have copied Health Department in regards your statement below (in RED) for them to respond to.

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**From:** Brian Asarnow [mailto:b.asarnow@comcast.net]  
**Sent:** Monday, July 10, 2017 1:11 PM  
**To:** Mary Moss <mmoss@longbranch.org>  
**Subject:** RE: OPRA from Brian Asarnow

Ok – but fire and health should know today if they are producing more records. Shouldn't have to wait until 7/18 for answer on that.

Documents should be available then, if any.

thanks

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**From:** Mary Moss [mailto:mmoss@longbranch.org]  
**Sent:** Monday, July 10, 2017 11:13 AM  
**To:** Brian Asarnow  
**Subject:** RE: OPRA from Brian Asarnow

Yes, I actually printed it out and treated it as an OPRA (See attached)



OPEN PUBLIC RECORDS ACT REQUEST FORM

344 Broadway

Phone 732-571-5686 / Fax 732-222-8835

kschmelz@longbranch.org

Kathy L. Schmelz, RMC, City Clerk



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Brian MI D. Last Name Asarnow  
 E-mail Address b.asarnow@comcast.net  
 Mailing Address 55 Community Place  
 City Long Branch State NJ Zip 07740  
 Telephone 732-870-2570, 822-2834 FAX \_\_\_\_\_  
 Preferred Delivery: Pick Up  US Mail \_\_\_\_\_ On-Site Inspect  Fax \_\_\_\_\_ E-mail \_\_\_\_\_  
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.  
 Signature [Signature] Date 5/26/17

Payment Information

Maximum Authorization Cost \$ \_\_\_\_\_  
 Select Payment Method  
 Cash  Check  Money Order   
 Fees: Letter size pages - \$0.05 per page  
 Legal size pages - \$0.07 per page  
 Other materials (CD, DVD, etc) - actual cost of material  
 Delivery: Delivery / postage fees additional depending upon delivery type.  
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- 1) zoning and zoning board files for block 237 lots 33 & 34 including all site plans filed and site plan approvals
- 2) fire inspector's log of all annual fire inspections made in 2015 and 2016 for above locations showing all occupants and units inspected.
- 3) All fire inspection certificates for 2015 and 2016 for above locations showing all occupants and units inspected.
- 4) all mercantile licenses and renewals issued to occupants at above locations in 2015 and 2016. If none, state "none"
- 5) All certificates of occupancy for occupants in item 4 preceding. If none, state "None"
- 6) All zoning permits issued to occupants in item 4 preceding. If none, state "None"

AGENCY USE ONLY

Est. Document Cost \_\_\_\_\_  
 Est. Delivery Cost \_\_\_\_\_  
 Est. Extras Cost \_\_\_\_\_  
 Total Est. Cost \_\_\_\_\_  
 Deposit Amount \_\_\_\_\_  
 Estimated Balance \_\_\_\_\_  
 Deposit Date \_\_\_\_\_

AGENCY USE ONLY

Disposition Notes  
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.  
 In Progress - Open \_\_\_\_\_  
 Denied - Closed \_\_\_\_\_  
 Filled - Closed \_\_\_\_\_  
 Partial - Closed \_\_\_\_\_

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	



CL jersey shore >  
 housing >  
 office & commercial

Posted 7 days ago

## \$1095 / 630ft<sup>2</sup> - 15' x 30' Warehouse/Workshop with Loft (Long Branch)

image 9 of 9



15' x 30' Warehouse/Workshop with 15' x 12' Loft area!  
 Huge work area accessible from either the 12' garage door  
 or through the man door!  
 Unit available for your immediate use! Only \$1,095.00 per month!

Broadway Business Park located at 400 Broadway Long Branch, NJ 07740 has a special offer for Contractors, Roofers, Painters, Plumbers, Cabinet Makers, Landscapers, Car Stereo Installers, Pool Cleaning Co.'s, Recording Studios, Auto Detailers' or any local small business ready to grow.

Great Location off Broadway near Long Branch City Hall and Police Station.

- \* Security cameras record & monitor facility
- \* High speed internet access available
- \* No CAM charges
- \* No real estate taxes
- \* Unlimited 24/7 access

Asarnow 6.13.17 OPRA items

1) zoning and zoning board files for block 352 lot 12 aka 179 Branchport, Ave. including all site plans filed and site plan approvals.



2) All fire inspection certificates for 2015 and 2016 for above location showing all occupants and units inspected.

3) All mercantile licenses and renewals issued to occupants at above location in 2015 and 2016. If none, state "none"

4) All certificates of occupancy for occupants in item 2 & 3 preceding. If none, state "None"

5) All zoning permits issued to occupants in items 2&3 preceding. If none, state "None"

6) Construction plans for all units and lofts at above location and any zoning permits and siteplan approvals and public notice thereto.

7) Construction plans for all units and lofts at Block 237, lot 33 aka 15-17 So. 7<sup>th</sup> Ave. and any zoning permits and siteplan approvals and public notice thereto.

8) Construction plans for all units and lofts at Block 237, lot 33 aka 15-17 So. 7<sup>th</sup> Ave per zoning permit 8115 II and siteplan approvals and public notice thereto.

9) 237, lot 33 aka 15-17 So. 7<sup>th</sup> Ave: Second Request:

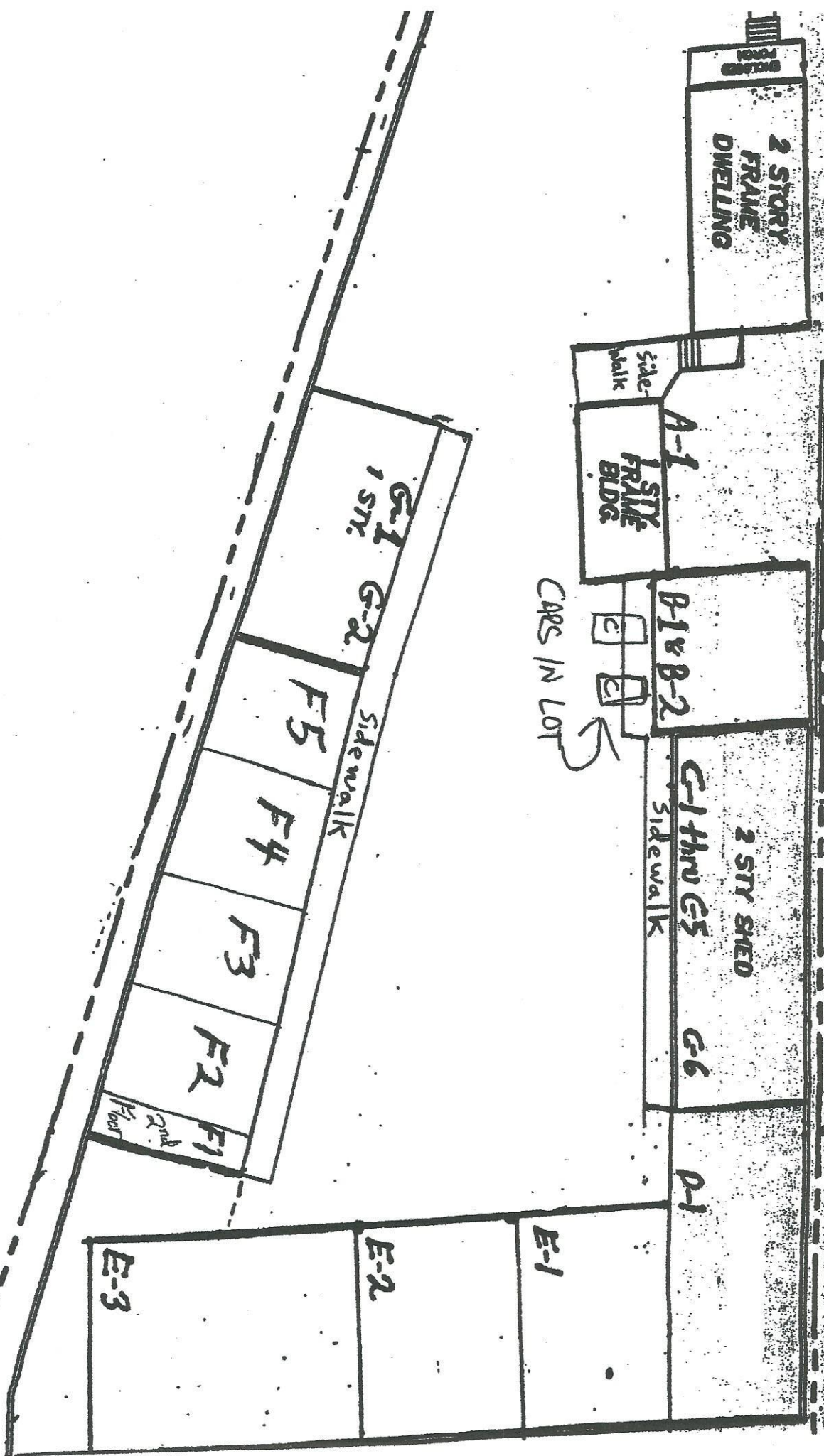
- Zoning permits for: Maps, Ambassador Limo, Adams Limo

10) Block 237, lot 34 aka 400 Broadway: Second Request;

- Zoning permits for: Jersey Shore Boat & Yacht Services, Magnolia Baby, Detail Express, HR Design & Build, Shear Revival.
- Mercantile Licenses for : Jersey Shore Boat & Yacht Services, Magnolia Baby, HR Design & Build, Shear Revival, Riviera Doors & Windows



# 179 Branchport Ave.



Block-352  
Lot-12



# ANSELL GRIMM & AARON PC

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RETIRED  
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ROBERT I. ANSELL

IN MEMORIAM  
LEON ANSCHELEWITZ (1929-1996)  
MAX M. BARR (1929-1993)  
MILTON M. ABRAMOFF (1935-2004)

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PA • FL • CA

† FELLOW, AMERICAN ACADEMY  
OF MATRIMONIAL LAWYERS

† CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A CIVIL TRIAL  
ATTORNEY

† CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A CRIMINAL  
TRIAL ATTORNEY

♦ CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A MATRIMONIAL  
LAW ATTORNEY

July 26, 2017

Via Regular and Certified Return Receipt Requested Mail

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

RE: City of Long Branch  
File No. 4000/493A

Dear Mr. Asarnow:

I wish to take this opportunity to reiterate my offer to you, to set up a meeting with you, the Business Administrator Mr. Kevin Hayes, the Fire Official who conducts inspections, myself and any person or persons that you choose to bring to the meeting to review with you your OPRA requests and the answers that were provided, together with additional information that the OPRA requests do not consider.

The purpose of this meeting would be to explain to you the actions of the Fire Official with respect to property's you question and to provide you with the factual basis for the Fire Marshall's decision making process.

Please advise if you wish me to set up such a meeting and if you would be so kind as to provide me with convenient dates and times of your availability. I will certainly endeavor to set up a meeting within those parameters.

Very truly yours,

JAMES G. AARON, ESQ.  
A Member of the Firm

July 26, 2017  
Page 2

JGA/sb

Enclosure(s)

cc: Kevin Hayes (via email)

Adam Schneider (via email)

Kathy Schmeltz (via email)

Barry Capp, Esq. (via email)

## Brian Asarnow

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**From:** Brian Asarnow [b.asarnow@comcast.net]  
**Sent:** Wednesday, August 09, 2017 11:25 AM  
**To:** 'jga@ansellgrimm.com'; 'gwinnick@longbranch.org'  
**Cc:** 'mjcelli@longbranch.org'; 'jbastelli@longbranch.org'; 'kbillings@longbranch.org'; 'jpallone@longbranch.org'; 'msirianni@longbranch.org'; 'kschmelz@longbranch.org'  
**Subject:** 7/26/17 letter of JGA for meeting  
**Attachments:** JGA.7.26.17.ltr..pdf

Dear Mr. Aaron:

If there is a legally defensible reason for not fire inspecting all units at the three sites previously mentioned, and which can avert litigation, please simply state the section of the fire codes which you and the administration are relying on and when implemented.

If Mr. Hayes has been cleared by any state fire official as he stated after the 7/25 council meeting please advise.

I learned long ago to get everything in writing in my dealings with Long Branch.

Should I not hear back in the next week I will draw my final conclusions.

Of course I am amenable to settlement assuming damages are paid and others have to obtain the same permits as required at my location. I would agree to discuss that. Otherwise if other malfeasance is found thru discovery such as withholding public documents or colluding/conspiring with state officials to cover up putting the public safety at risk, the cost will be much higher including punitive damages sought against those responsible.

The council has been so notified.

Very Truly Yours,  
Brian D. Asarnow, owner  
55 Community Place  
Long Branch, NJ 07740