

New Jersey

Known Condemnations Benefiting Private Parties ²⁸⁹

Filed/Authorized Condemnations    26

Threatened Condemnations       585

Legend  = 10  = 100

Asbury Park

In September 2005, the City Council voted to use eminent domain on six more properties, including Anybody’s Bar, a two-family house and four lots. The house sits on a block with 17 other properties that Asbury Partners, a private developer, has already managed to buy.

Asbury Partners offered Leonard Soriano, owner of Anybody’s Bar, less than a tenth of his asking price, prompting Soriano to write to Acting Governor Richard Codey in August 2005: “While the purpose and intent of redevelopment may originally have been noble and legitimate, it is being abused by municipalities and their connected carpetbagger redevelopers to confiscate the properties, businesses, and livelihoods of long-time, loyal, taxpaying citizens.”²⁹⁰

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²⁸⁹ These numbers were compiled from news sources. Many cases go unreported, and news reports often do not specify the number of properties against which condemnations were filed or threatened.

²⁹⁰ Nancy Shields, “Asbury OK forced sale of house; Developer to buy bar, 2-family house,” *Asbury Park Press*, September 8, 2005, at B1.

“I don’t have much time left. But I had intended to live out the rest of my life in that little house I got, tend to my garden and be living in peace.”

Carteret

City officials and preferred developer Kaplan Cos. have begun to demolish 76 buildings on 8.5-acres to make room for condos, townhouses, lofts and commercial space. Nearby business owners and residents are holding their breath while they wait to find out if they will be forced to leave. The waterfront redevelopment is called Gateway at Carteret.²⁹¹

Seventy property owners must make way for the project, including the Brown family whose store, Mark Brown Hardware, has been in the family for 105 years and employs 23 people. It isn’t clear from news reports how many properties have been condemned but according to Jason Kaplan, president of Kaplan Cos., “Once we started dealing with the homeowners, they weren’t against the project, they were against me taking their property. We were forced to use condemnation and eminent domain.” In August 2005, 37 buildings still remained to be acquired.²⁹²

One homeowner, Johnnie Stevens, who fought in the Battle of the Bulge, has been fighting city hall at the same time he’s fighting cancer.²⁹³ “I don’t have much time left. But I had intended to live out the rest of my life in that little house I got, tend to my garden and be living in peace.”²⁹⁴

Cinnaminson

Three developers have submitted proposals for a 15-acre swath of Route 130 between Cinnaminson and Highland avenues. City officials want to raze four motels that cater to low-income, minority residents, a home, a restaurant and two other businesses and replace them with a \$20-million mixed-use development. The motels make up some of the scarce affordable housing in the area. Some owners sold because they didn’t believe they had the resources to fight; others are holding on. Ninety-two-year-old Bill Kieme, who bought his modest home in

291 “Land grab feared in area towns; Eminent domain case eyed closely,” *Home News Tribune*, February 24, 2005, at A1.

292 Arielle Levin Becker, “Chrome residents enthused by project,” *Home News Tribune*, August 15, 2005; Victoria Hurley-Schubert, “Mixed-use comes on strong,” *Business Dateline*, March 27, 2006, at 20; “Land grab feared in area towns; Eminent domain case eyed closely,” *Home News Tribune*, February 24, 2005, at A1.

293 George Mytrowitz, “When government takes what it doesn’t own,” *The Record*, March 24, 2005 (opinion); Fox Hannity & Colmes, “World War II Vet to Lose Home to Eminent Domain,” *Fox News*, November 17, 2005.

294 Fox Hannity & Colmes, “World War II Vet to Lose Home to Eminent Domain,” *Fox News*, November 17, 2005.

1957, does not want to leave—"I don't know where the heck I'll go. I'd just like to stay here another three years. I don't think I'll live longer than that."²⁹⁵

Highland Park

In September 2005, the Borough Council adopted the Downtown Redevelopment Plan, which calls for retail, residential and office space along Raritan Avenue as well the use of eminent domain.²⁹⁶ Standing in the way are 60 properties, including Dunkin' Donuts, Unity Bank, La Fonda Restaurant, a Sunoco station, AA Discount Rentals and an automobile repair business.²⁹⁷ Several owners have formed a group called Highland Park Citizens for Property Rights Protection, in order to fight the abuse of eminent domain.²⁹⁸ Three business owners in the redevelopment area have sued the Town to halt their possible condemnation.²⁹⁹

Lawnside

On July 6, 2005, the Borough Council voted to create a 120-acre redevelopment district, which gives officials the power to use eminent domain "as a last resort." The district envelops 15 homes and 65 acres owned by developer Vineland Construction, which had been in talks with the Borough to redevelop its property on its own.³⁰⁰

"This is a land grab, pure and simple," said Willa Colettrane, a 65-year-old widow and sister-in-law to jazz great John Coltrane, who has poured \$50,000 into renovating her home in Lawnside. According to Mayor Mark Bryant, however, "the needs of the many outweigh the needs of the few."³⁰¹ If the Borough gets its way, Wesley Reid, 73, and his wife Gloria, will lose their home of 40 years.

There is some room for speculating just whose "needs" Bryant is looking

295 Jim Walsh, "Elderly man to lose home; Redevelopment plan for Cinnaminson's Motel Row also ousts low-income families," *Courier-Post*, November 27, 2005, sec. B, at 1a.

296 Letters to the Editor, "A gentle pat on the back for town's new plan," *Home News Tribune*, October 14, 2005, at B8 (written by Micky Landis, chairman of Highland Park Redevelopment Agency); http://www.hpboro.com/documents/102005HP_DRP_09_30_05_screen.pdf (retrieved May 25, 2006); Rick Harrison, "Vote on downtown delayed; Highland Park seeking further input," *Home News Tribune*, September 8, 2005, at B1.

297 Kathleen G. Sutcliffe, "A rendering shows proposed redevelopment in East Brunswick, N.J.," *Home News Tribune*, January 21, 2005.

298 "Land grab feared in area towns; eminent domain case eyed closely," *Home News Tribune*, February 24, 2005, at A1.

299 "Land-rights fight spreads in N.J.," *Home News Tribune*, January 8, 2006, at A1.

300 Jason Laughlin, "Despite objections, Lawnside OKs plan," *Courier-Post*, July 8, 2005, at B2G; Jason Laughlin, "In Lawnside, some fear redevelopment," *Courier-Post*, August 29, 2005, at B1G; Elisa Ung, "Relationships entangle Lawnside redevelopment," *Philadelphia Inquirer*, March 20, 2006, at B6; Jason Laughlin, "Lawnside board advances plan for redevelopment," *Courier-Post*, May 11, 2005, at B1G.

301 Elizabeth Mehren, "The Nation; States acting to protect private property; Preserving homeowners rights has become a bipartisan goal since the Supreme Court ruled that governments can take land for developers," *Los Angeles Times*, April 16, 2006, at A1; Dan Keashen, "Local group mobilizes on eminent domain issue," *Haddon Herald*, June 27, 2005, at http://www.zwire.com/site/index.cfm?newsid=14764516&BRD=1695&PAG=461&dept_id=44219&rfi=8.

There's no way the current residents will be able to afford the estimated \$365,000 the new townhouses will go for.

after. According to a lawsuit filed by the homeowners to stop the project, Mayor Bryant owns 19 properties in the redevelopment zone. His brother, Senator Wayne Bryant, whose law firm is the Borough's solicitor, owns 17 properties. Councilmember Walter Lacey owns 53.³⁰² In January 2006, the only member of the planning board to vote against the plan was replaced on the board by Senator Bryant's son. Another new appointee to the planning board, Malcolm Stills, is the brother of a current council member.³⁰³

In addition to the proposed use of eminent domain, the plan has come under fire because the Council meetings pertaining to it are conducted in closed session and minutes have not been kept, a violation of state law.³⁰⁴

In March 2006, Township officials began considering the first of several different proposals from developers. The proposals are being kept secret so that no firm gets a competitive advantage, according to the Mayor.³⁰⁵

Lodi

In February of 2005 Borough officials voted to approve Lodi 46 Renewal LLC to demolish two trailer parks, inhabited by elderly and low-income residents, and put in a more upscale gated senior community with 242 age-restricted townhouses, and 120,000 square feet of retail space. The plan did not receive much public review. According to Councilman Marc N. Shrieks, "[T]he ordinance was faxed to Borough Hall at 2:30 p.m. I was asked to vote on something four hours later. Two residents attended the entire meeting."³⁰⁶ The proposed development supposedly would bring in roughly \$2 million more in property taxes than the trailer parks.³⁰⁷ There's no way the current residents will be able to afford the estimated \$365,000 the new townhouses will go for.³⁰⁸

According to Mayor Gary Paparozzi, the trailers in which the two parks' 233

302 Renee Winkler, "Seizure delay is promised in Lawnside," *Courier-Post*, September 10, 2005, at B2G; Elisa Ung, "Relationships entangle Lawnside redevelopment," *Philadelphia Inquirer*, March 20, 2006, at B6.

303 Alan Guenther, "Lawnside official charges nepotism," *Courier-Post*, February 3, 2006, at B1G.

304 Jason Laughlin, "Records error threatens plan," *Courier-Post*, April 8, 2006, at B1G.

305 Jim Walsh, "Lawnside reviews proposal for site; Borough wants to redevelop part of Oak Avenue," *Courier-Post*, March 8, 2006, at 2B.

306 Heather Kays, "Builder's proposal riles trailer park residents; Plan calls for retail space, senior housing," *Herald News*, April 29, 2005, at B01; Heather Kays, "Residents hope court will save their trailer homes," *The Record*, May 6, 2005, at O1.

307 Heather Kays, "Home, bitter, home; For trailer park residents, imminent gain of eminent domain strikes fear," *Herald News*, July 24, 2005, at A1.

308 Heather Kays, "Builder's proposal riles trailer park residents; Plan calls for retail space, senior housing," *Herald News*, April 29, 2005, at B01.

families reside “aren’t really homes.”³⁰⁹ The owners of Brown and Costa trailer parks sued the Borough; a group of mobile home owners and residents called Save Our Homes joined the suit shortly after.³¹⁰

To justify taking the homes, Borough officials declared the trailer parks, to which they have never issued any citations, blighted.³¹¹ However, it became apparent at trial that the trailer homes needed only minor repairs, and the person conducting the blight study never even went inside any of the homes.³¹² In October a Superior Court judge ruled that the redevelopment designation was improper, and the Borough could not condemn the trailers.³¹³

Papparozi sounded chastened: “I’ll go so far as to say I don’t agree with eminent domain. I don’t think we should take down a row of houses to put up another one. But it should be taken on a case by case basis.” Actions speak louder than words, however. In December 2005, the officials filed an appeal in hopes that the Borough may still be able to condemn the properties and replace lower-income homes with higher-income ones.³¹⁴

Long Branch

Officials in “The Friendly City” are condemning and razing charming beachfront homes for expensive condominiums and townhomes. The City has divided its 12-acre redevelopment efforts into three projects: Beachfront North Phase I and II, and Beachfront South. The City hired three law firms, one of which City Attorney James Aaron is a partner in, to push the project. The developers are paying for the attorney fees.³¹⁵

Residents across Long Branch, Neptune and Asbury Park rallied en masse against the abuse of eminent domain on the eve of the oral argument in *Kelo v. New London*.³¹⁶ After the *Kelo* decision, however, Long Branch moved forward on

309 “Lodi’s land grab; Condemnation could leave hundreds homeless,” *The Record*, September 28, 2005, Opinion, at L6.

310 Heather Kays, “Trailer tenants get day in court; Fight Lodi proposal to take properties,” *Herald News*, September 23, 2005, at A1.

311 “Lodi’s land grab; Condemnation could leave hundreds homeless,” *The Record*, September 28, 2005, Opinion, at L6; Heather Kays, “Trailer tenants get day in court; Fight Lodi proposal to take properties,” *Herald News*, September 23, 2005, at A1.

312 Heather Kays, “Trailer tenants get day in court; Fight Lodi proposal to take properties,” *Herald News*, September 23, 2005, at A1.

313 Ashley Kindergan and Jaci Smith, “Masters of their domain; Trailer court residents win battle against borough,” *Herald News*, October 8, 2005, at A1.

314 Heather Kays, “City appeals trailer ruling; Eminent domain irks residents of 2 parks,” *Herald News*, December 21, 2005, at E1.

315 Jonathan V. Last, “Razing New Jersey; In which developers in league with city hall have come up with a curious definition of ‘blight,’” *Weekly Standard*, February 13, 2006, at FEATURES Vol. 11 No. 21.

316 A. Scott Ferguson, “Eminent domain hits home,” *Asbury Park Press*, February 21, 2005, at A1.



A "blighted" home that Long Branch wants to replace with upscale condominiums.

at least 20 condemnations.³¹⁷ In November 2005, 20 homeowners received letters telling them to vacate their homes in 90 days.³¹⁸ To date, the owners have refused to move.

These homes are being seized for the so-called Beachfront North Phase II portion of the project, for which the City will raze 38 homes along Marine Terrace, Ocean Terrace and Seaview Avenue ("MTOTSA") so that Applied Partners and Matzel and Mumford (a subsidiary of K. Hovnanian) can build more condo towers along the water. While some portions of the waterfront did have blight, the MTOTSA area does not.³¹⁹

In December 2005, four days before Christmas and Hanukkah, the City Council voted unanimously to approve the redevelopment deal for Beachfront South, which will require the acquisition of another 30 residences on 12 acres

317 Verified Complaint in *City of Long Branch v. Brower*, No. L-4987-05 (filed in N.J. Super. Ct. Nov. 18, 2005); Verified Complaint in *City of Long Branch v. DeLuca*, No. L-5552-05 (filed in N.J. Super. Ct. Dec. 23, 2005); Verified Complaint in *City of Long Branch v. Anzalone* (filed in N.J. Super. Ct. Jan. 10, 2006); see Brief of Long Branch in Response to Defendant's Objection to the Conferring of Jurisdiction and the Appointment of Commissioners and to Dismiss, No. L-4987-05 (filed in N.J. Super. Ct. March 17, 2006).

318 Carol Gorga Williams, "City's letter 'scares tactic'; Long Branch's notice to vacate irks residents," *Asbury Park Press*, November 14, 2005, at A1.

319 Jonathan V. Last, "Razing New Jersey; In which developers in league with city hall have come up with a curious definition of 'blight,'" *Weekly Standard*, February 13, 2006, at FEATURES Vol. 11 No. 21; Christine Varno, "Council expected to act on Beachfront South plan; 30 homes to be bulldozed, replaced," *Atlanticville*, December 22, 2005.

The properties there are “big, beautiful houses facing the ocean with nothing in between them and the beach except wide, rolling lawns. They would not look out of place in a [Winslow] Homer painting.”

to build five new condo towers.³²⁰ According to one reporter, the properties there are “big, beautiful houses facing the ocean with nothing in between them and the beach except wide, rolling lawns. They would not look out of place in a [Winslow] Homer painting.”³²¹ In fact, according to the City’s own study, the document meant to provide justification for seizing property, only *four* percent of the properties were in “poor” condition in 1995, when officials began laying the groundwork for the project.³²²

The project continues despite national outrage, overwhelming opposition from the community and public disclosure of blatant corruption. For instance, Arthur Greenbaum, an attorney hired by the City, sits on the board of Hovnanian Enterprises. “The interest of the city and K. Hovnanian are the same,” according to City Attorney James Aaron. Greenbaum eventually pulled his firm out of the project. Joe Barry, the president of Applied Development, is doing 25 months in prison for making payoffs to elected officials in neighboring Hudson County—a separate but not particularly comforting state of affairs. And while officials claim they are condemning to remedy a “blighted” area, there are no plans to address the abandoned buildings across from City Hall. Well-kept Victorians and beach bungalows near the ocean seem to be more desirable “blighted” property.³²³

Neptune City

In July 2005, shortly after the Supreme Court’s decision in *Kelo*, the Borough Council voted to declare a 21-acre industrial and residential area of town “in need of redevelopment,” which gave the Borough the authority to use eminent domain.³²⁴ The plan for the area includes new high-density housing and

320 Tom Feeny, “Over loud protest, Long Branch approves waterfront plan; Shore town’s residents decry use of eminent domain to seize their property, but officials cite the greater good,” *Star-Ledger*, December 22, 2005; Christine Varno, “Council expected to act on Beachfront South plan; 30 homes to be bulldozed, replaced,” *Atlanticville*, December 22, 2005.

321 Jonathan V. Last, “Razing New Jersey; In which developers in league with city hall have come up with a curious definition of ‘blight,’” *Weekly Standard*, February 13, 2006, at FEATURES Vol. 11 No. 21.

322 Long Branch City Planning Department and the Atlantic Group, Report of Findings, Area in Need of Redevelopment, Long Branch, N.J. (January 1996).

323 Jonathan V. Last, “Razing New Jersey; In which developers in league with city hall have come up with a curious definition of ‘blight,’” *Weekly Standard*, February 13, 2006.

324 Bill Bowman, “Neptune City Oks recommendation on redevelopment plan,” *Asbury Park Press*, July 26, 2005, at B1.

commercial space. The plan calls for removing at least 28 homes and businesses.³²⁵ Condemnation continues to loom over the properties, as officials try to reassure residents that eminent domain will only be used “as a last resort.”³²⁶

Netcong

In October 2005, Borough officials chose developers Woodmont Properties and Roseland Properties, who will work under the name Rosewood Netcong LLC, to build condos, townhouses, retail and office space as well as a community center. According to Borough business administrator Marvin Joss, properties in the 13-acre area will be subject to eminent domain if they do not sell to Rosewood Netcong. Netcong’s designation as a transit village along NJ Transit even qualifies officials to make use of State funds for the redevelopment.³²⁷ The properties affected include a tavern, an auto repair shop and a road construction company’s garage.³²⁸

North Arlington

In October 2005, the City Council voted to approve a memorandum of understanding between the City and a subsidiary of Cherokee Investment Partners, which is benefiting from the abuse of eminent domain all over the state. In March 2006, it emerged that the developer wants the removal of a row of businesses on Porete Avenue because, according to Bill Gauger, president of Cherokee Northeast, “I can’t create a sense of place with the businesses right next door” to the \$500,000 condos envisioned. In April 2006, Council members received a 334-page final agreement and voted to accept it, without any discussion, the very next day. Over 20 businesses with 500 employees will be forced out if the Borough has its way. In May 2006, the North Arlington Property Rights Coalition filed a suit to stop the borough from using eminent domain for the project.³²⁹

Passaic

In January 2006, the Passaic Redevelopment Agency voted to name James Demetrakis, a principal in Arilex Realty, the exclusive developer of a 32-acre

325 Michelle Sahn, “Borough unveils redevelopment plan,” *Asbury Park Press*, September 21, 2005.

326 Karen Sudol, “‘Oldest taxpayer’ could lose home,” *Asbury Park Press*, April 30, 2006, at 6A.

327 Zenaida Mendez, “Netcong’s downtown drawing interest; Committee will choose from redevelopment proposals by four prospective builders,” *Daily Record*, July 27, 2005, at 9A; Zenaida Mendez, “Netcong officials have chosen the building companies working,” *Daily Record*, October 11, 2005, at 1A.

328 Abbott Koloff, “Some in Morris fearing for their property rights; Business owners afraid eminent domain could close up shops,” *Daily Record*, November 14, 2005, at <http://www.dailyrecord.com/apps/pbcs.dll/article?AID=/20051114/NEWS01/511140311/1005> (retrieved May 25, 2006); Abbott Koloff, “When a home trumps a house; Targeting a residence would be an improper use of eminent domain,” *Daily Record*, December 19, 2005, at <http://www.dailyrecord.com/apps/pbcs.dll/article?AID=/20051219/COLUMNISTS03/512190329/1102/COLUMNISTS> (retrieved May 25, 2006).

329 Laura Mansnerus, “Eminent domain’s pre-eminence,” *New York Times*, May 28, 2006, at Section 14, New Jersey Weekly Desk, 1; Steve Gugliocciello, “Porete Avenue owners plan lawsuit,” *The Leader*, May 17, 2006, at <http://www.leadernewspapers.net/modules.php?name=News&file=article&sid=1548> (retrieved May 30, 2006).

A New Jersey Superior Court judge ruled that municipalities may seize property from one developer to transfer it to another developer with similar plans.

former industrial site. The area has eight separate owners, from whom the City may seize property if they do not sell so Demetrakis can build a retail and residential development along the Passaic River.³³⁰

Pennsauken

Private developer Vineland spent a considerable amount of time and money on its 137-acre development proposal, which officials in Pennsauken had tentatively approved. After that a politically connected competitor, Cherokee, entered the scene and officials did an about-face. The local government has spent several years and a lot of money trying to acquire the property so “Cherokee can basically do the same things we will do,” said Vineland’s lawyer, Lloyd Levenson.³³¹

In December 2005, a New Jersey Superior Court judge ruled that municipalities may seize property from one developer (with plans to remediate and build) to transfer it to another developer with similar plans. The judge found that “politically connected developers may, under current New Jersey law, utilize their contacts with those in government to gain the inside track on redevelopment projects.” Further, “There is no doubt that the developer’s political connections got it a prompt meeting with key decision makers in Pennsauken.” Citing *Kelo*, the judge ruled that courts owe city governments an enormous amount of deference in decisions about development projects.³³²

South River

In August 2005, the South River Borough Council hired planning consultant THP Inc. to “study” three areas in town, totalling five acres, to see if they might be “in need of redevelopment.” Affected property owners, including Jay Patel and Joe Manzo Sr., have spoken out loudly against the idea that their homes and businesses are blighted. Patel owns Krauszer’s food store on Main Street and leases adjoining space to several other businesses and a church, and Manzo’s family owns a two-family home. Prior to any study or City vote, Mayor Robert Szegeti already said

330 Alexander MacInnes, “Riverfront set for a face-lift; Developer chosen by city for project,” *Herald News*, January 25, 2006, at B1.

331 Porus P. Cooper, “Trial under way in dispute over waterfront land; A company contends the township is unfairly using its power to take over nearly 140 acres,” *Philadelphia Inquirer*, September 28, 2005, at B3; *Vineland Construction Co. v. Township of Pennsauken*, No. L-2223-04 (N.J. Super. Ct. Law Div. Dec. 12, 2005).

332 *Vineland Construction Co. v. Township of Pennsauken*, No. L-2223-04 (N.J. Super. Ct. Law Div. Dec. 12, 2005).

that eminent domain would be used as “a last resort.”³³³

At a May 2006 public hearing, the City’s consultant said that 20 of 27 properties that he studied met the criteria for redevelopment. By the end of a three-hour discussion not one of the many members of the public who spoke praised the redevelopment project.³³⁴

Stanhope

In June 2005, Stanhope officials asked private developer K. Hovnanian to draw up plans for redeveloping the site of the former Compac factory.³³⁵ The plan calls for new residences along the Musconetcong River. According to Mayor Diana Kuncken, the developer then asked the Borough to include three additional properties—a home and two businesses—in the redevelopment area. The plan did not come to light until November 2005 after the daughter of the long-time homeowner, Norma Fluke Peterson, demanded access to public records.³³⁶ After public outcry, Peterson’s home was then exempted, but the majority of the plan proceeded.³³⁷ In April 2006, Stanhope’s Land Use Board recommended designating an 18-acre area “in need of redevelopment,” putting two businesses, Isolatak International, a manufacturer of fire resistive material for steel construction that has 75 employees who work at the site, and Salmon Brothers Inc., a road construction company, at risk of condemnation “as a last resort.”³³⁸

Westville

On August 9, 2005, Rhoads Inc. realty firm, hired by developer Fieldstone Associates, sent letters to Westville residents telling them they had two weeks to get in touch with the company or the Borough would begin condemnation proceedings.³³⁹ City officials reprimanded Rhoads for the letter, which was not appropriate for beginning negotiations.³⁴⁰ But, although it wants a kinder and gentler presentation, the City does in fact plan to give Fieldstone 100 properties,

333 John Majeski, “Redevelopment talk shakes South River,” *Home News Tribune*, April 24, 2006; John Majeski, “S. River eyeing sites to redevelop,” *Home News Tribune*, December 9, 2005, at B1.

334 Michael Acker, “Redevelopment idea panned in So. River; Tensions run high as Planning Board hears from public,” *The Sentinel*, May 18, 2006 at http://ebs.gmnews.com/news/2006/0518/Front_page/005.html (retrieved May 31, 2006).

335 Andrea Levene, “Stanhope board recommends redevelopment,” *New Jersey Herald*, April 26, 2006, at <http://www.njherald.com/354192497350450.php> (retrieved May 26, 2006).

336 Steve Chambers, “Eminent-domain issue roils Stanhope,” *Star-Ledger*, November 30, 2005.

337 “Woman threatened with eminent domain gets to keep home,” Fox Hannity & Colmes, January 27, 2006, transcript; Abbott Koloff, “When a home trumps a house; Targeting a residence would be an improper use of eminent domain,” *Daily Record*, December 19, 2005, at <http://www.dailyrecord.com/apps/pbcs.dll/article?AID=/20051219/COLUMNISTS03/512190329/1102/COLUMNISTS> (retrieved May 26, 2006).

338 Andrea Levene, “Stanhope board recommends redevelopment,” *New Jersey Herald*, April 26, 2006, at <http://www.njherald.com/354192497350450.php> (retrieved May 26, 2006).

339 Wilford S. Shamlin, “Firm criticized for threatening eminent domain,” *Courier-Post*, September 10, 2005, at B2G.

340 “Westville ‘threat’ still a factual one,” *Gloucester County News*, August 30, 2005.

many of which are single-family homes and rental units along the waterfront.³⁴¹

Fieldstone has proposed building townhouses, condos, a marina, commercial space and a restaurant on the 11-acre site.³⁴² Homes, a restaurant and a marina already sit in the redevelopment area and residents and business owners are adamantly against the plans.³⁴³

As of April 2006, Borough officials are still talking up the development and Fieldstone's principal reminds property owners that eminent domain is "a last resort." Residents and businesses remain opposed.³⁴⁴

341 "Other large projects in the region," *Philadelphia Inquirer*, February 22, 2005, at http://www.philly.com/mld/inquirer/news/local/states/new_jersey/10935208.htm (retrieved May 26, 2006).

342 Wilford S. Shamlin, "Developer plans flooding studies," *Courier-Post*, October 27, 2005, at B5G.

343 Wilford S. Shamlin, "Firm criticized for threatening eminent domain," *Courier-Post*, September 10, 2005, at B2G; Richard Pearsall, "N.J. bill targets eminent domain," *Courier-Post*, August 4, 2005.

344 Wilford S. Shamlin, "Redevelopment plans detailed," *Courier-Post*, April 16, 2006, at B1G.