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Residents seek limits on eminent domain in city

Unger supports reintroduction of Protecting the American Dream ordinance

BY CHRISTINE VARNO Staff Writer

A group of Long Branch residents are calling on the City Council to move forward with an ordinance that will restrict eminent domain from being used to transfer private property to private developers.

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Residents from the Beachfront South and Marine and Ocean Terraces and Seaview Avenue (MTOTSA) neighborhoods are proposing that the Protecting the American Dream ordinance be reintroduced after the measure was dropped in April as a result of lack of support from the council.

"MTOTSA and Beachfront South plan to initiate this ordinance into a vote to reassure the city's commitment to not use eminent domain," the homeowners wrote in a letter to community members seeking support on the proposal.

"The current legal and economic conditions have made this ordinance a serious consideration for the city," the letter states. "It would permit us the freedom to prosper as all other homeowners in the country."



The proposed ordinance does not prohibit the use of eminent domain in Long Branch for public use, but prohibits the forced transfer of private residential property from one owner to another.

The proposed ordinance was first distributed to the council by Councilman Brian Unger during a workshop in April. The proposed ordinance aims to protect residential property owners in the city by terminating the city's use of eminent domain for economic redevelopment without the written consent of the owner.

Homeowners in MTOTSA and Beachfront South have sent letters to the City Council and Mayor Adam Schneider asking that they review the proposed ordinance and put it on an upcoming agenda for introduction.

Schneider said Monday that he does not support the measure and does not foresee the ordinance being introduced in the city.

"It's not going to get introduced ever, I don't think," Schneider said. "We can't use eminent domain right now."

"We took it off the table in Beachfront South and until the [MTOTSA] lawsuit is resolved, and it would have to be resolved in our favor in order for us to then use it."

"I am not doing it and I don't think we would ever do it," he said.

The city has pledged that it will not use eminent domain as it moves forward with zoning plans for the Beachfront South zone in the wake of developer K. Hovnanian pulling out of its agreement to redevelop the oceanfront zone.

Also, residents of the MTOTSA zone and the city are currently negotiating to reach a settlement for the three-street neighborhood. Schneider had said the goal of the negotiations is not to use eminent domain.

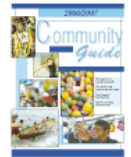


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"We have been meeting with [MTOTSA] and we didn't reach a resolution or settlement yet, but this is going to settle," Schneider said. "We, the city, need to put this to bed.

"They are looking for an assurance with this ordinance for us to not use eminent domain," he said.

"Do I think it will be necessary to use eminent domain at some point in other redevelopment zones?" Schneider asked, before answering, "Maybe, yes."

But some residents say they would like to see something in writing now that will protect their homes from being subject to eminent domain.

"This ordinance is important to us," MTOTSA resident Denise Hoagland said. "The mayor has no integrity to us. He has to put something in writing if he wants us to believe he is being completely honest about his intentions.

"We want them to rescind the ordinance that approved eminent domain in our area and pass an ordinance that says eminent domain will not be used in our area," she said. "We don't have to be removed from the redevelopment zone. That doesn't matter."

Hoagland continued, "We just want to know that eminent domain will not be used."

In the letter to the city administration, the homeowners said that it has been suggested that the city will not use eminent domain in MTOTSA and Beachfront South.

"If eminent domain is truly off the table, as has been reported, elected officials of Long Branch must take reasonable actions that demonstrate such risk is being eliminated," the letter states. "Words are cheap and we have learned from personal experience with the city that empty rhetoric must be followed up with tangible actions as a basis to develop the level of trust and confidence to move forward."

Unger said that the ordinance has his support.

"This ordinance can help start the process of rebuilding our community and providing a basis for hope and confidence in our city's future," said Unger. "I urge my colleagues on the council to join with me in moving towards the future together, and in the spirit of giving during this holiday season.

"Let's seriously consider adoption of this ordinance, and send a strong signal that brighter days are ahead for Beachfront South, Beachfront North and every part of

Long Branch," he said.

He added that recent legal and economic developments now compel the city to bring a quick end to the eminent domain controversy.

"I can only applaud the mayor and members of council for finally coming around to this point of view, and I look forward to working with them to ensure fairness and equity for our citizens and taxpayers," Unger said.

"Certainly, beachfront development has proceeded successfully up to this point, but now we should focus on our current residents, our current taxpayers, and the current problems that face Long Branch as a complex urban coastal environment," Unger added.

