

Long Branch homeowners take fight to appeals court

Posted by [LCraven](#) May 14, 2008 13:20PM



Tony Kurdzuk/The Star-Ledger
Kim Dainty of Middletown wipes away a tear as she joins protesters from Long Branch in a rally against eminent domain outside the Hughes Justice Complex today.

A three-judge state appeals court panel heard more than two hours of arguments today in Trenton in the case of 11 Long Branch residents who are fighting an effort by the city to take 36 middle-class homes in a beachfront community through eminent domain and replace them with high-end condominiums.

In what was a very unusual scene for an appeals courtroom, more than 80 Long branch residents and their supporters, many wearing T-shirts opposing the use of eminent domain, crowded into the Justice Complex chamber and created a standing-room only situation. Among them were a couple in their 90s who fear losing the home they have owned for over a half-century, and small children sitting on their mothers' laps to get their first view of the justice system.

The judges, following the usual procedure, did not make an immediate decision but questioned attorneys representing the Long Branch government about how the city reached the decision to declare the Marine Terrace, Ocean Terrace and Seaview Avenue neighborhood blighted in 2000.

Prior to the hearing, about 50 people, most of them neighborhood residents, rallied in front of the Justice Complex and waved signed opposing eminent domain.



Tony Kurdzuk/The Star Ledger A protester placed a sign on a bronze sculpture of a man talking to his attorney outside the Hughes Justice Complex today. This was during a rally this morning against eminent domain.

"Our home means everything to us," Lori Vendetti said, "It is not merely a brick structure. My father worked hard to have this house built in 1960 and it has always been a part of our family. I'll continue to fight until there's no eminent domain abuse hanging over us. We hope the court will find in our favor and end this nightmare so we can all get on with our lives."

The case has garnered attention as the use of eminent domain to claim property for redevelopment has become a national issue. Attorneys from the Virginia-based Institute for Justice -- an organization that litigated eminent domain before the U.S. Supreme Court and spearheaded a nationwide reform effort - is representing the homeowners with the support of the state Office of the Public Advocate.

The homeowners are appealing a June 2006 trial court ruling that upheld the city government's decision to condemn their cherished homes for private development. The homeowners want the judges to throw out the city's condemnations or, at minimum, send the case back to the trial court on why the eminent domain attempt violates the laws and Constitution of New Jersey.

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Comments

slash666 says...

I hope the residents win. Mayor Schneider is despicable.

Posted on 05/14/08 at 1:36PM

cost13 says...

Taking peoples homes so they can sell them to a private developer who'll squeeze 4 \$800k condo/townhouses on to a lot.

WHY AREN'T MORE PEOPLE OUTRAGED BY THIS?

Posted on 05/14/08 at 1:56PM

rurichdog says...

I'm mad as hell, and I'm not going to take it any more! Stop eminent domain abuse for private developers!

Posted on 05/14/08 at 2:06PM

alcanino says...

Nj Political Policy- Greedy

"Squeeze as many as possible into a ShoeBox with no lawn or Surrounding Property" This is what jersey politics want. And you pay through the nose for it.

This is what happens when you have a OneSided State Gov't.

Answer, move out of the communistic state.

Posted on 05/14/08 at 2:06PM

section16 says...

There were allot of people outside the courthouse. This fight has been going on a while people forget everything. There is a war going on, nobody cares other then those being directly effected. Your right more people should have shown up.

Posted on 05/14/08 at 2:06PM

omarsplan says...

Imagine the govt telling you there kicking you out of your house and will pay you half of what its worth. Then they turn around and sell it to a developer and make 10 times profit. Disgusting abuse of power.

Posted on 05/14/08 at 2:09PM

Taxd2Death says...

Developer is probably long gone now that property values are plummeting!

These politicians signing off on this should fear for their well being.

Posted on 05/14/08 at 2:13PM

raynj732 says...

This is shameful, nothing less. Good luck to the residents!

Posted on 05/14/08 at 2:14PM

Politburo says...

Why are more Long Branch residents concerned? There has been ample time to vote out the government that made the original decision.

Posted on 05/14/08 at 2:22PM

KalNJ says...

This whole eminent domain issue, as practiced by the state of NJ is the most anti-American decision the Supreme Court of the USA has handed down since I can remember.

Fight on, we're all with you (except if you are a crooked politician or a developer).

Every politician who is for this use of eminent domain (taking one person's private property and giving it to another private person) should be kicked out of office and never be able to touch the public monies again.

THIS IS ANTI-AMERICAN AND AGAINST EVERYTHING THIS COUNTRY STANDS FOR!!!!

Posted on 05/14/08 at 2:23PM

scrumfussel says...

Good luck to the residents. This is a deplorable action by the government to line their pockets at the expense of hard working middle class americans. Once the residents win this one (and I believe they WILL win!!), they should oust every single member of their municipal government immediately.

The only way I could see agreeing with eminent domain in any form is in the case of an emergency situation, such as when Manville condemned and bought a dozen or so houses that were built over an old creosote dump, and the residents were literally in danger of being poisoned. ED for the sake of higher end housing, strip malls, etc. is shameful and un-American.

GOOD LUCK RESIDENTS!! WE'RE BEHIND YOU!

Posted on 05/14/08 at 2:31PM

Politburo says...

KalNJ: I don't agree with the takings in that case, but the decision was keeping in principle with the Federalist ideals that this country was founded on. The Connecticut state legislature, as elected by the residents of that State, set out rules for how eminent domain is handled, and the Supreme Court generally defers to the state legislature in these cases.

Posted on 05/14/08 at 2:48PM

d4775 says...

Perhaps, the U.S. Attorney's Office should look into this land deal. Or better yet, if the Justices find that, this is an appropriate function of government, the State should purchase their homes, make a museum out of them. We can call it "A Liberal's View of Socialism." Sadly it further highlights all that is wrong with our system in the Garden State.

Posted on 05/14/08 at 2:49PM

Politburo says...

Do you know what the phrase "activist judges" mean, or does it just sound good to you?

In Kelo, the "activist" thing to do would have been to stop the takings, as that would have ignored years of jurisprudence, overturned an act of the elected legislature and overturned an act of the elected town government.

Posted on 05/14/08 at 3:28PM

NJtime46 says...

New Jersey, the makes you want to puke state.

Posted on 05/14/08 at 3:37PM

rolle says...

we're losng our democracy folks! arm yourselves!!

Posted on 05/14/08 at 3:41PM

bella927 says...

Politburo stop turning me on with all your legal jargon.

Posted on 05/14/08 at 3:42PM

howard08817 says...

The FBI should bring in a team of forensic accountants to uncover the tangled web of shell companies and frontmen who are going to benefit from this theft of private property.

If any of these politicians who have their eyes on stealing the property of others for themselves and their goombas happen to have a bible at home (perhaps that's where they hide their cash) they should look up the story of Ahab and Jezebel, how they coveted their neighbor's garden and how they both ended up. Their bodies were thrown into the town garbage dump and eaten by wild dogs, kind of a fitting biblical end.

Although New Jersey politicians usually end up rich and retired in Florida.

Posted on 05/14/08 at 3:50PM

LlyodXmas says...

As a former local we all know this is just going to be Pier Village 2. Long Branch is so concerned about cleaning up the beach area for tourists, too bad Long Branch will never truly clean up with all the public housing it has. North End & West End are great places to live but the center of town is like a different world.

Posted on 05/14/08 at 4:02PM

KalNJ says...

Politburo, you are right in that the "spirit of the law" is in line with the principals this country was founded on.

However, the implimentation of eminent domain by the state of NJ is simply to take private property and line the pockets of other private people - namely connected developers / politicians.

Posted on 05/14/08 at 4:04PM

deeknow1984 says...

What I understand (after taking my Real Estate Appraisal Course), eminent domain is the process which the government uses to purchase at fair market value for the sole purpose for the good of the community (i.e. improvement to a school, firehouse, government use). WHERE THE HELL IS THE IMPROVEMENT FOR GOVERNMENT USE!!!! YOU SCUMBAGS ARE TAKING THIS PROPERTY FOR A DEVELOPER!!!! LEAVE THESE POOR PEOPLE ALONE!!!! THIS IS ABSOLUTELY DISGRACEFUL!!!!

Posted on 05/14/08 at 4:19PM

KalNJ says...

deeknow1984 - "THIS IS ABSOLUTELY DISGRACEFUL!!!! "

And in New Jersey - legal!!!!

Or as they say in Trenton - "Business as Usual".

Posted on 05/14/08 at 4:22PM

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