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## Front Page

### Business owners dig in

Group hires attny. to fight loss of properties to eminent domain

**BY CHRISTINE VARNO**  
Staff Writer

Business owners in one of the city of Long Branch's redevelopment zones are taking steps to prevent loss of their properties through eminent domain.

"We are not going to wait around for our properties to be taken from us," Kevin Brown said. "We are getting involved now."

"We are not looking to stop redevelopment, we are looking to be included in the plans," said Brown, who owns the building at 162 Broadway, which houses Garcia's Music on the first floor and his residence on the second floor.

"We are more than willing to renovate our properties. We are here now and we want to stay here."

Brown, along with five other property owners in the Broadway Corridor redevelopment zone, has retained William J. Ward of Carlin & Ward, Florham Park, to study the redevelopment plans for the zone.

Ward said Friday that he has received retainers from two of the business owners and expects the other four owners to retain him shortly.

"Initially, I am going to look at the approval process [of the redevelopment plans] and whether the inclusion of properties was properly done," Ward said.

October 13, 2005

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“Depending on how that turns out, we will decide whether or not these business owners will contest the taking of

their properties,” he said. “None of them are happy about [their properties] being condemned.”

Ward said he is still in the process of reviewing the actions of the designated redeveloper of the zone.

Broadway Arts Center (BAC) LLC, Long Branch, was awarded a Memorandum of Understanding in November to act as potential developer of the two-block zone that extends nine acres from Second to Memorial avenues, and from Union Avenue to the north and Belmont Avenue to the south.

Plans call for the estimated \$100 million project to be anchored by two performing arts theaters and to include 190,000 square feet of retail and art space, 500 residential units, restaurants and 1,500 parking spaces.

Principals in BAC are members of the Katz and Siperstein families, who own Siperstein’s on Broadway, and the Pereira family, which owns Pax Construction Co. on Broadway.

Another business owner whose property would be affected by the plan said last week he was never notified that his property could be taken by eminent domain.

“If I want to change my sidewalk, I need permits and have to do everything officially,” Bill Leshowitz who has owned 153 and 155 Broadway, the site of LaSierra restaurant, Heads Up barber shop and two rental apartments, for over 20 years. “But I do not even get a notice that my property could be taken from me. That is just incredible.”

Leshowitz, along with Brown, said all he wants is to be included in the redevelopment plan.

“I asked if I could be included and I was told that [BAC] were not accepting anyone else in the group,” Leshowitz said. “There is no reason for us not to be included. I would be glad to put a new façade on my place and clean it up.”



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Brown said that the BAC plan is an abuse of eminent domain.

Brown, Leshowitz and possibly four other business owners retained Ward, who is no stranger to redevelopment issues in Long Branch.

Ward is currently representing Bruce MacCloud, whose home was taken through eminent domain proceedings for the Beachfront North, phase I, redevelopment zone. MacCloud was offered \$140,000 for his 17-room home on Cooper Avenue located 300 feet from the beach, Ward said.

Ward is asking that MacCloud be compensated \$630,000 and is awaiting a trial date.

Ward is also representing two residents in the Beachfront North, phase II, redevelopment zone who have received notice from the city that they have two weeks to negotiate the sale their homes before eminent domain is used to seize the properties.

Ward said he successfully tried a case in November in which Fred and Dorothy Strahlendorf were awarded \$500,000 for their property in Beachfront North, phase I, after the city offered them \$189,000.

Ward said he is waiting to receive the appraisals on the properties in the Broadway area to determine whether the BAC plan to condemn the properties is justified.

Leshowitz said last week if his property is taken from him, he is worried about displacing his tenants.

Todd Katz, a principal with BAC, said that BAC is currently working with several businesses that will remain in the project.

“We are working hand-in-hand to make those businesses more successful,” Katz said. “For the ones that will not be part of the project, we will work to relocate them.”

Patience O’Connor of O’Connor & Co., Washington, D.C., managing director of the project, said BAC has made a commitment with the city to work with the residential and commercial properties

in the zone.

“We have always been committed to making a real outreach effort with the tenants,” O’Connor said.

“On the residential side, we will relocate renters as well as resident owners according to the state’s relocation plan,” O’Connor said.

“On the commercial side, we have been working with a majority of commercial properties since the summer and plan to relocate them and work with them on building their business.”

O’Connor said she could not give figures as yet on the number of commercial and residential properties included in the zone.