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Eminent Domain Watch

Eminent Domain: the power of a government to take private property for public use; the 5th Amendment of the Constitution and articles in many state constitutions allow this practice provided that just compensation is mad

Eminent Domain in the news, compiled by Alan Krigman, e-mail: krfapt@aol.com

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"...nor shall private property be taken for public use, without just compensation."
– 5th Amendment to the Constitution of the United States

Posted 2/16/07

Developer backs trailer residents in eminent domain fight: *Hackensack NJ Herald News, 2/7/07*

By Suzanne Travers

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Robert D. Bonanno, 80, isn't a man with a plan, he's a man with lots of plans – at least a half dozen rolled up like posters in a tall cardboard box he keeps under his desk.

Since 1948, when he started a car repair shop along a two-lane road that is now bustling Route 46, Bonanno has been working on a strategy that has turned an old horse barn into a 5,000-square-foot building for his family truck company and grown a little plot of land into an 11-lot, 6.1-acre parcel with an assessed value of nearly \$10 million.

Seven businesses employing about 60 people occupy the land, Bonanno said.

"It was nothing when I bought it," he said of his first real estate purchase, in the mid-1950s. "Route 46 was in its infancy."

One of Bonanno's plans, the purchase of Brown's Trailer Park in the mid-1980s, brought him to appeals court last Tuesday, when his attorney, Jan Brody, led the fight against the borough of Lodi's attempt to seize 20 acres of land using eminent domain. Some 200 residents of two trailer parks slated to be seized fought alongside Bonanno under the banner organization Save Our Homes.

The borough [of Lodi] argued that Brown's and neighboring Costa Trailer Court are blighted and could be taken for development into upscale senior housing and a strip mall.

The seizure would be in the public interest because it would increase revenues, allowing the borough to reduce property taxes, Mayor Gary Paparozzi has said.

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But Bonanno has his own plans for redevelopment. He plans to lease two acres to convenience store chain and gradually phase out the trailer park.

Bonanno bought Brown's in 1986 with redevelopment on his mind. Land along the highway had appreciated in value. He was using the lot behind his truck company GoodYear Motors (Bonanno means "good year" in Italian), to store trucks, which considered a waste of the valuable property.

First, he planned town houses, then a medical building with apartments. An architect who was helping him draw up plans suggested the town wouldn't approve them without an alternate access route for residents, one that wasn't off Route 46. They could create that route through the adjacent trailer park, so Bonanno purchased it for \$950,000, he said.

An oddity for North Jersey, the park was built in the 1930s but grew after World War II, when entertainers - "show people," Bonanno called them - crisscrossed the country on tour and stopped to refuel outside New York City. The Brown brothers began selling gas, propane, water and mobile home parts, and to accommodate demand for a place to stop and sleep, they lay down cement "trailer pads," to prevent trailers from sinking, on top of an old landfill.

Bonanno said he asked the town for help in finding alternate housing for the low-income residents living in the trailer park, but learned he could not relocate tenants or raise their rents beyond the borough's rent-control rules. So he developed a new plan: to let the trailer park die a death of attrition, without pushing anyone out. As residents moved out, he shut the vacated trailers down.

"We had 74 but I've been in a program for years and years to diminish that," he said. "We've got it down to about 40 homes."

Gradually, he has shifted tenants from one side of the park to the other to create a parcel fit for development. He convinced the borough to sell him the dead-end stretch of Boyd Street that cut between his truck lot and the trailer park. A small lot the Brown brothers had sold off for a diner effectively cut his property in half, so when the Mexican restaurant there went up for sale, he bought that land, too.

Bonanno cleared enough land, about two acres, to sign a contract with Quick Chek Corporation of Whitehall Station to lease two acres for \$25,000 a month. He said the eminent domain case created legal limbo, but Quick Chek was willing to wait until the case is resolved. Steven Rash, project manager for Quick Chek, said the formal lease and payments would not begin until the borough has approved the store's plans for the site.

Bonanno's plans for the truck parking lot still lack detail, but will be "whatever we can come in that's tasteful for the town and myself," he said. He has yet to take any plans before the Lodi planning board.

Catherine Weiss, an attorney with the New Jersey Public Advocate's Office, which filed a friend of the court brief in support of Save Our Homes, told several memb



who attended the court hearing that their fight was unusual in part because Bona had the means to mount a well-funded legal challenge. Most people affected by eminent domain do not have the money to fight municipalities, she said.

"They have a rightful cause," Bonanno says of Save Our Homes. But he also notes that the borough's land seizure would damage the businesses on his property.

"They do not pay you for your business, they pay you for the value of the real estate," he said. "I've been here for 57 years. I've generated a lot of goodwill. I have a big parking lot to park trucks. Many towns won't have me."

Bonanno, who looks decades younger than his age, says eventually his children and grandchildren will take over and run the property.

"I'm a great-grandfather and I don't have that much time on Earth," he said, "but plans have always been that this would be passed on to my family."

Hackensack NJ Herald News: <http://www.northjersey.com>

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