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Bloomfield letter: Eminent domain

By John Schepisi

To the editor:

Eminent domain abuse is rearing its ugly head in the Garden State again with Bloomfield Township as its latest target. Two councilmen are trying to condemn the Lion Gate property and stop development of a 104-unit housing complex there, despite the lack of plans for public use. The councilmen are looking at eminent domain to stop the development.

This is not the first time Bloomfield has attempted to abuse its power via eminent domain, as other projects have stalled in the past and impeded progress, including projects at the Lackawanna Place train station. In both of these projects, Bloomfield is abusing its powers of eminent domain.

Eminent domain is the taking of one's property by a governmental entity for a public purpose; it is not just the taking of one's property because a member of the governing body may not like what is being built, which is the case at Lion Gate. Government, whether it be municipal, county, state or federal should not threaten an owner or developer with the taking of his property by using the sovereign power of eminent domain, unless the governmental entity has a legitimate governmental purpose for the property.

Members of every governmental entity must remember that its purpose is to enforce the Constitution of the United States and the State of New Jersey, and not to threaten a property owner with eminent domain because what is being built on the property doesn't appeal to them. The owner has a Constitutional right to his land, and it must be protected by those in government rather than threatened. If government approvals have been obtained, then construction on the Lion Gate property should go forward.

If the governing body of Bloomfield does, in fact, have a legitimate, planned use for a piece of property and has done the necessary studies, allocated the funds for the acquisition and followed the eminent domain laws of the state, only then should there be an attempt to take property by eminent domain.

To threaten a property owner that his land will be taken because an elected official wants to stop a duly approved project is wrong. Using eminent domain to stop development is an unconstitutional abuse of power.

Elected officials and municipalities must remember why this country was founded and why our Constitution guarantees one's right to property. That basic right is to be enjoyed by every citizen of this country without improper threats or abuse. The elected officials of Bloomfield must be reminded that they should not threaten the citizens of this country with a violation of their Constitutional rights just because they may not agree on what is being built on a piece of property.

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