

Pashman Stein Attorney Andrew Bayer Wins Dismissal of Residents' Complaint Against Borough of Eatontown's Monmouth Mall Redesign

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This past summer, the Planning Board of the Borough of Eatontown, New Jersey, approved the redesign of the Monmouth Mall, which will turn the 1960s-era shopping mall into a town center called The Heights at Monmouth. Andrew Bayer, Partner in Pashman Stein's Litigation, Municipal Law and Land Use groups, was the Borough Attorney to the Borough of Eatontown for six years. In this capacity, he advised the Borough on the rezoning of the Monmouth Mall property from a business zone to a mixed use zone allowing 700 units of residential housing with an affordable housing set-aside.

Previously, in September 2016, four residents challenged the rezoning ordinance on the basis of an Open Public Meetings Act violation and an argument under the Municipal Land Use Law as to whether the ordinance was "not inconsistent" with the Master Plan. Bayer litigated the matter before Assignment Judge Lisa Thornton in Monmouth County, who, in a decision issued on October 25, 2018, dismissed the residents' complaint and sided with the Borough. Bayer, quoted in the Asbury Park Press about the matter, had said, "The record shows that the Borough engaged in a very public process, it went above and beyond what was required by law," referring to the actions the Borough took to adopt the zoning ordinance. Judge Thornton agreed and lauded the Borough's Governing Body for including as many residents in the process as possible by stating "their efforts are not only noble and be applauded, they were reasonable."

The Monmouth Mall has struggled in recent years as online shopping has become a preferred choice for shoppers. The redesign intends to be an economic boost to Eatontown and the surrounding area.

To see a copy of the decision please click [here](#).

