MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
November 13, 2025

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Mostyn on Wednesday, November 13, 2025 at 7:30 p.m. in the Municipal Meeting Room, 215 Millstone Rd., Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law.

Secretary Sims read the Open Public Meetings Act Statement.

There was a salute to the Flag and an observance of a moment of silence offered for those serving and those who have served our country in the past.

Roll call for the below members was called:

Present:	Chairman Mostyn, Mr. Cadigan, Mr. Ferrara, Mr. Lambros, Mr. Sinha and Mr. Borgese (Alt. I);
Absent:	Ms. Arpaia and Mr. Barthelmes; one vacant seat (Alt. 2).
Attending:	Greg Vella, Esq., Board Attorney; Matt Shafai, PE, PP, Board Engineer and Planner; and Danielle Sims, Board Secretary.

Mr. Borgese was seated for Mr. Barthelmes.

PUBLIC COMMENTS:

Chairman Mostyn opened the meeting up to members the public for comments on matters not before the Board. With no members of the public coming forward, Chairman Mostyn closed the public comments session.

MINUTES:

Minutes from September 24, 2025

The Board received the minutes in advance of the meeting for their review. With no comments from the Board, Mr. Ferrara made a motion to adopt the Minutes from September 24, 2025, which was seconded by Mr. Cadigan. The Minutes were adopted on a roll call vote: Chairman Mostyn, Mr. Cadigan, Mr. Ferrara and Mr. Borgese: Approved, 4-0.

RESOLUTION(S):

Resolution of Approval
Phytoplankton Millstone Solar, LLC
Block 56, Lot 5.01 – 550 Monmouth Rd.
Use Variance and Minor Site Plan Application # Z25-02
Attorney Vella prepared the resolution of denial in advance of the meeting for the Board's review. Mr. Ferrara made a motion to memorialize the resolution of approval, which was seconded by Mr. Cadigan. With no comments from the Board, the resolution was adopted on a roll call vote in favor: Chairman Mostyn, Mr. Cadigan, Mr. Ferrara and Mr. Borgese; Motion approved, 4-0.

APPLICATION(S)

JCP&L – Jersey Central Power & Light Company
JCP&L Clean Energy Corridor Upgrades
Blocks: various, Lots: various – see attached
Use Variance, Preliminary & Final Major Site Plan Application # Z25-04
REQUEST FOR SUBMISSION WAIVERS
Request for submission waivers from the Application Checklist and for a Completeness Determination.

This is only a request for submission waivers, so no notice is required.

Attorney Vella explained that the applicant is seeking submission waivers, noting that due to the uniqueness of the application, they may not be applicable. He reminded the Board that if at any point during the course of the application hearing that the Board feels they need the items in order to make a decision, the items can then be requested.

Benjamin Nadell, Esq. appeared on behalf of the applicant.

Engineer Shafai stated he has reviewed the submission items and recommends the Board grant the requested submission waivers and deem the application complete. The Board had no comments on the requests based on Engineer Shafai's recommendation.

A motion to grant requested waivers with a stipulation that should the Board find any of the items necessary in order to properly review the application during the course of the hearing, the applicant will provide anything they require was made by Mr. Ferrara, which was seconded by Mr. Cadigan. The Board granted the request for submission waivers and deemed the application complete on a roll call vote in favor: Chairman Mostyn, Mr. Cadigan, Mr. Ferrara, Mr. Lambros, Mr. Sinha and Mr. Borgese (6 – 0).

The application will be placed on the January 2026 Zoning Board agenda.

Daniel Merkel & Lilly Mark
Block 59, Lot 2.01 – 8 Burnt Tavern Rd.
Use Variance Application # Z24-14
Request for use variance to permit the construction of a +/- 736 s.f. (20' height) garage/storage expansion of the non-conforming residential use on a lot in the BP Zoning District. Bulk variance relief is also required. This application was subject of a prior approval to construct a two-story addition to the home under application # Z17-05. The applicant is also seeking amendments to conditions related to the approvals granted in 2017. Request to adjourn to 7/23/25. Time Extension granted to act.

Court Reporter, Angela Buonantuono was present for this application (a copy of the transcript will be provided by the applicant).

Mr. Vella, Esq. noted he reviewed the proof of service in advance of the meeting, which was in proper form and the Board does have jurisdiction to hear the application.

The following witnesses were sworn in and are under oath:

Matt Shafai, PE, PP – Board Engineer and Planner
Allison Coffin – Applicant's Planner
Daniel Merkel – Applicant
Peter Strong – Applicant's Engineer
Garrett Esler – Applicant's Environmental Specialist

The following exhibits were previously marked in evidence and include newly marked exhibits:

EXHIBITS

A-1 Jurisdictional Notice (Proof of Service)
A-2 Application, Checklist(s) and Administrative Forms
A-3 Prior Zoning Board Resolution Z17-05, memorialized 6/26/17
A-4 Transcript of Zoning Board Meeting 6/28/2017
A-5 Recorded Lot Consolidation Deed, Block 59, Lots 1 & 2, consolidated Lot 2.01, filed 12/31/24
A-6 Outside Agency Approval status (Monmouth County Planning Board and NJDEP)
A-7 Municipal Summons (2/21/24) and Notice from Construction Official (1/12/24)
A-8 Architect's Statement, one (1) page, prepared by Michael Winkler, AIA, dated 1/30/25
A-9 Proposed New Attached Garage Addition Plan, three (3) pages, prepared by Classic Design, LLC, dated 8/12/24, last revised 12/18/24, not signed/sealed
A-10 Variance Sketch, one (1) sheet, prepared by Crest Engineering, dated 1/16/17, last revised 10/2/25
A-11 Boundary and Topographic Survey, one (1) sheet, prepared by Crest Engineering, dated 9/30/24
A-12 Existing Arch. Plans, four (4) sheets, prepared by Saizan & Winkler, Architects, LLC, dated 3/1/17, last revised 2/6/25
A-13 Prior ZBOA Approved Floor Plans, one (1) sheet, prepared by Saizan & Winkler, Architects, LLC, dated 3/1/17
A-14 Extension of Time to Act through 12/31/25
A-15 Proposed Improvement Display, one (1) sheet, prepared by Crest Engineering Associates, Inc., dated 10/22/25
A-16 Series of twenty-two (22) photos, taken by Applicant, presented at hearing on 11/13/25
A-17 Extension of Time to Act through 2/28/26
A-18 NJDEP LOI Permit dated 12/23/25 and associated map

BOARD REVIEWS

ZB-1 Completeness determination dated 3/3/25
ZB-2 Engineer's Review dated 3/6/25
ZB-2b Engineer's Revised Review dated 11/5/25
ZB-3 Planner's Review dated 4/3/25

Mr. Kenneth Pape, Esq. appeared on behalf of the applicant. He provided a summary of the history of the site in the BP zone, including a prior use variance application from 2017. He stated the applicant does not run a business from the property.

Daniel Merkel was sworn in as the applicant. He explained the changes that happened on the site after the previous approvals, including the man door to the garage added, the driveway widening, etc. The applicant also acknowledged they did not satisfy some of the conditions of their prior variance approval. As part of this application, the applicant is seeking an amendment to the previous conditions and would like to seek approval to keep some of the structures in the wetlands/wetlands buffer areas. They are waiting on approvals from the NJDEP for the same.

Peter Strong, PE, was sworn in and provided his credentials, noting his license is current. The Board accepted him as a license professional engineer. Mr. Strong introduced Exhibit A-15, Proposed Improvement Plan, and described the existing site. The plan reflects the wetlands and the proposed modified wetlands buffer areas. They are proposing a buffer averaging and the approvals are pending final approvals from the NJDEP. There is an attached garage addition proposed and a 12' x 24' proposed storage shed, which will be used for the family's goats.

Mr. Strong explained that the property is undersized at 97,970 s.f.; whereas 130,000 s.f. is required. The BP zone has a .2 FAR requirement and the applicant is seeking 'd' variance relief for the FAR of .285. The applicant is seeking other variances such as a 200' diameter circle for

development and does not have enough “usable” area, as described under the ordinance. This is a residential use in the BP zone. There is a minimum separation required of 15’, and they are proposing 11.4’. Engineer Shafai noted that the usable area in required to be contiguous, the additional “usable” area shown on the plan is not contiguous. Mr. Pape explained that under the prior approval, the applicant was required to make a significant dedication of right-of-way to the County and the Township.

Attorney Vella inquired about structures that were required to be removed as a condition of the prior (2017) approval. Mr. Pape confirmed that they have not been removed and have been seeking approval from the NJDEP to allow some of the items to remain (they will be removing the two smaller sheds from the wetlands, but are seeking to keep the fence). Attorney Vella inquired about the area that was supposed to be placed into a conservation easement under the prior approvals and how much of the area they are proposing to use now as part of the buffer averaging. Engineer Shafai noted that the entire buffer averaging area, including the new 12’ x 24’ shed and at least half of the proposed attached garage addition.

Chairman Mostyn inquired about the prior conservation easement. Mr. Pape noted that they received the approval from the NJDEP, but they never filed the easement. Attorney Vella noted that the applicant should have accomplished their resolution compliance and fulfilled the conditions of approval before they received any building permits. Somehow, the applicant received building permits without meeting the conditions. He stated that the applicant is now asking for the conditions to be amended to include the existing conditions and proposed changes. Chairman Mostyn asked what would have been the process if the applicant filed the easement, as required, and they wanted to amend the easement now. Mr. Pape noted that it would be difficult because they would also require approval from the NJDEP Commissioner.

Mr. Merkel introduced A-16, a series of 22 photos of the interior of the garage constructed under the prior approval (showing the half bathroom, game room, theatre and wet bar area), and exterior photos (sheds, goat enclosure, duck enclosure, driveway and street views). He stated that he has three goats, although one is sick in the hospital at this time. They are family pets (three castrated males). They have a few ducks that are also their pets, along with their cats and dogs. They currently are using the batting cage area as an area to protect the ducks. They are seeking to expand the area for their dogs since the ducks have overtaken the yard. He has planted some fruit trees on the property. There is no business activity taking place and would stipulate that no business would occur in the future. Mr. Pape explained that the improvements are truly related to the family’s personal use of the property.

Chairman Mostyn inquired about the man door that was not previously part of the approval and extra square footage of the prior construction. Mr. Merkel stated that the first floor footprint did not change, but the second floor addition was expanded by about four additional feet over the approved first floor area, equaling an approximate 72 s.f. of additional building. Mr. Merkle stated that at some point between the prior Board approval and the time they submitted for construction, they amended the plans. The construction plans did include the additional improvements as constructed.

Mr. Lambros inquired why this wasn’t included in his previous application. Mr. Merkle stated he knew the property had wetlands when he purchased the property. He didn’t think about some of these things when he initially went to the Board. He didn’t get the NJDEP permits until May of 2018 and the contractor suggested the powder room and constructing the additional area on the second floor over the first floor. He stated his wife suggested a theatre area and added it to the plans for construction while he was waiting for the NJDEP approvals. Mr. Merkle noted that there may have been a revision date on his current architectural plan. He added two windows

and the door swing was changed. Engineer Shafai asked if the materials and colors were to match the existing home. Mr. Merkel stated they will match.

Chairman Mostyn inquired about the floor plan and the need for a second floor in the addition. Mr. Merkel stated that the addition will stay under the eve of the existing home and the second floor will only be an attic for storage. The second floor of the proposed addition is not a full height. There will be a connection into the second floor of the existing garage. The proposed attached garage is intended for off road storage and for the animals. He is not seeking to use the proposed garage addition for cars, so he is not proposing any driveway to this addition. Chairman Mostyn inquired about the impervious coverage areas. Mr. Strong stated that the existing lot coverage is 5.6% and proposed to be 6.6%, the existing building coverage is 2.3% and proposed to be 3.0%.

Mr. Garret Essler described his credentials as an environmental specialist, including wetlands specialist certification. He did not file the application, he is representing a colleague, who was not available for this meeting, but is familiar with the application as he reviewed the application for the waiver for the driveway when he was previously employed by the NJDEP. There is no conflict as the old application is closed out. Mr. Essler was accepted as a professional witness. He stated that the application for the transition waiver averaging plan has been reviewed by the NJDEP and they anticipate that it will be approved.

Mr. Pape noted they recognize any relief granted by the Board is contingent on the NJDEP granting the approvals. Mr. Essler stated the fence in the wetlands and wetlands buffer area, he believes, will be deemed acceptable by the NJDEP. Engineer Shafai inquired about the additional proposed fence. Mr. Merkel stated that he is proposing additional fence in the wetlands and buffer area and in the front yard area and will be 2” x 4” woven wire fence. Engineer Shafai stated it seems similar to chain link fence which is not permitted in a front yard area. The Board can decide if this is a permitted or requires variance.

The applicant requested a 5-minute recess. The Board granted the same.

Upon return, the applicant noted that they will finish presenting their last witness and will rest, but ask that the Board reserve their vote for the absent Board members to review the record and have the benefit of a full Board for their vote. They will provide the transcript for the Board member’s review.

Ms. Allison Coffin was sworn in. She previously appeared before the Board and her credentials were accepted as a professional planner. She stated the applicant constructed the additions slightly differently than what was approved by the Board and is seeking correction for the same. The lot is zoned BP, Business Park, and although many uses are permitted, residential uses are not permitted. It is an existing home. She reviewed the existing variances and the special reasons for the same. There has been no change in circumstances since the prior approvals. The wetlands restrict the use of the site. The prior addition does not have a shower or permanent cooking space. The standards in the BP zone do not accommodate residential uses, FAR requirements are not normally restricted for residential uses. Had the site been located in the R-80 zone, the proposal would meet most of the requirements, only requiring relief for the setback distance between structures and the existing non-conformities. Engineer/Planner Shafai agreed that if this were located in the R-80 zone, most of these variances would not be required. Attorney Vella inquired what the benefit of having the proposed fencing the conservation easement, because if it is to allow activities in the conservation easement. Ms. Coffin stated there is no benefit or detriment to the town.

Mr. Pape stated that they are seeking that the Board accept whatever encroachments which are deemed acceptable to the NJDEP. He noted the Environmental Commission had no comments.

Chairman Mostyn opened the matter to the public. With no members of the public coming forward, Chairman Mostyn closed the matter to the public.

Chairman Mostyn asked if the applicant were to show some good faith in removing some of the structures that were supposed to be removed as part of the prior approvals.

The application was CARRIED to Thursday 12/11/2025 without further notice.

Bridge Asset management, LLC
Block 17, Lot 4 – 663 State Highway 33
Appeal of a Decision of a Zoning Officer Application # Z25-05
Appeal of a Zoning Officer`s Decision denying a Zoning Permit for a `Truck Terminal` in the HC Zone. The Applicant seeks to establish that the subject property has been in conformance with a previous appeal for a truck terminal (1972 and 1973 – Cases #170, #174 and #175) and has not been abandoned or expanded. The Zoning Officer has concluded that there are "expanded non-permitted uses on the property: These non-permitted uses include: Renting to individual/independent truck operators, which includes 24-hour storage of trucks and their enclosed trailers. There is a mechanic on site that appears to be working on independent owner vehicles (dump trucks). There is miscellaneous storage of heavy equipment, shipping containers, other commercial vehicles and miscellaneous salvage/refuse items."

Mr. Vella, Esq. noted he reviewed the proof of service in advance of the meeting, which was in proper form and the Board does have jurisdiction to hear the application.

The following witnesses were sworn in and are under oath:

Matt Shafai, PE, PP – Board Engineer and Planner
Bill Joule – Property Owner

The following exhibits were previously marked in evidence and include newly marked exhibits:

EXHIBITS

A-1	Jurisdictional Notice (Proof of Service)
A-2	Application, Checklist(s) and Administrative Forms
A-3	Zoning Denial
A-4	Prior Resolutions: Case #170, Case #174 and Case #175
A-5	Prior Meeting Minutes: 10/17/1972, 3/20/1973, 3/28/1973, 4/17/1973 and 11/20/1973.
A-6	Survey, one (1) sheet, dated 7/11/25, last revised 7/25/25, prepared by First Order, LLC
A-7	Copy of prior Site Plan Case #175, dated 12/27/1973, prepared by Fitzhugh L. Morris, AIA
A-8	Joule Yacht Transport, Inc. – "Truck Logs" 2025

Mr. Matthew Gilson. Esq. appeared on behalf of the applicant. His client is the contract purchaser of the property. He stated as part of his client's due diligence in the purchase of the property, they obtained copies of the prior approvals for the site. Mr. Gilson stated that a truck terminal was previously approved but was not clearly defined. His client, the applicant, was denied a zoning permit for a "truck terminal", noting that the current uses are not permitted.

He stated there is no definition of a truck terminal, this was used by a single company.

Mr. Bill Joule was sworn in, representing the property owners, his parents. He stated the property was purchased from a competitor boat transport company in 1983. He believes that the property has continued as a boat transfer, same as the prior owner. He does not believe that there were any prior approvals for their operation. Mr. Gilson stated an OPRA request for approvals did not reveal any other approvals other than the 1972 and 1973 resolutions (marked as Exhibits).

Attorney Vella inquired about the logs that were submitted as trucking logs (Exhibit A-8). The logs show truck log in and logged out at the exact same time. Mr. Joule was not familiar with the electronic filing logs, but these are official filings with the NJDOT. Chairman Mostyn confirmed that it has been about 53 years since the approval for a trucking terminal and two owners ago.

Mr. Joule stated that the site is currently for sale and his property has been, unknowingly been subbed out for third party rentals. There are shipping containers currently on the site. The site is currently being cleaned out and the other uses and the storage containers and other uses have been issued eviction notices and will be out within thirty days. He noted that there has been a repair mechanic on the site, which he was unaware of, who was working on trucks and other vehicles. There are trucks and construction vehicles on the site, which will also be removed. JV Paving currently is storing equipment which will be removed. Attorney Vella inquired if anyone is living on the site. Mr. Joule stated he is not aware of anyone living there, but does not want to go into some of the buildings. Engineer Shafai stated that there was a person named "Don", who told the Zoning Officer that he lives on the site. Mr. Joule stated that is one additional item to be addressed that he was not aware of.

Chairman Mostyn opened the matter to the public. With no members of the public coming forward, Chairman Mostyn closed the matter to the public.

Attorney Vella stated we heard testimony on the historical and existing uses. Abandonment is when acts or overt acts, which affect the prior approvals. There is no evidence of any approvals for the current uses. The site now has morphed to storage of trucks, mechanic(s) and somebody even living on site, all without permits or approvals. His legal opinion is that they appear to have abandoned prior approvals by the overt acts and the expansion of the uses. The Board has to determine if the Zoning Officer was correct in denying the Zoning Permit. He explained the proofs. Mr. Joule stated that is and always has been a trucking terminal. The contract purchaser is looking to purchase the site and clean up the site. Attorney Vella explained that the applicant is allowed to make the application to go back to a trucking terminal use. The Zoning Officer determined that the truck terminal use was abandoned. The applicant can also bifurcate the application to try to gain approvals and reserve the engineering subject to approval of the use. This is the appropriate way to protect the town and the applicant.

The Board discussed the application. Chairman Mostyn suggested that there are many permitted uses in the Highway Commercial Zone. They may also find a tenant that may not require a use variance. With no further comments, a motion to affirm the Zoning Officer's determination was made by Mr. Lambros, which was seconded by Mr. Cadigan. The Board voted to deny the applicant's appeal of the Zoning Officer's decision on a roll call vote, with those in favor: Chairman Mostyn, Mr. Cadigan, Mr. Ferrara, Mr. Lambros, Mr. Sinha and Mr. Borgese. Motion passes 6-0.

BOARD DISCUSSION:

None.

ADJOURNMENT:

With no further business, Chairman Mostyn adjourned the meeting.

Respectfully submitted,

Danielle B. Sims

Danielle B. Sims, Board Secretary