MILLSTONE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MINUTES
February 25, 2026

The Millstone Township Zoning Board of Adjustment regular meeting was called to order by Chairman Mostyn on Wednesday, February 25, 2026 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, Ms. Arpaia, Mr. Cadigan, Mr. Lambros and Mr. Sinha.
Absent:	Mr. Barthelmes, Mr. Ferrara and Mr. Borgese (Alt. I); one vacant seat (Alt. 2).
Attending:	Greg Vella, Esq., Board Attorney; Matt Shafai, PE, PP, Board Engineer and Planner; and Danielle Sims, Board Secretary.

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 January 28, 2026 Reorganization and Regular Meeting

The Board received the minutes in advance of the meeting for their review. With no comments from the Board, Mr. Cadigan made a motion to adopt the Minutes from January 28, 2206, which was seconded by Mr. Sinha. The Minutes were adopted on a roll call vote: Chairman Mostyn, Mr. Cadigan, Mr. Lambros and Mr. Sinha: Approved, 4-0.

Attorney Vella took a moment to update the Board on the litigation against the Board by Winding Brook Farm. The Trial Court upheld the decision by the Board. To date, there has not been any notice of further appeal.

RESOLUTION(S):

Resolution ZB2026-08 Annual Report of the Millstone Township Zoning Board of Adjustment
Review of decisions made by the Zoning Board of Adjustment in 2025.

The review of the Annual Report was deferred to the next meeting.

APPLICATION(S)

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. Application was heard on 11/13/25 and the applicant requested to carry the hearing to December, but asked for an additional adjournment. Time Extension granted to act.

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

Mr. Vella, Esq. confirmed in advance of the meeting that the Board continues to have jurisdiction to hear the application.

Board member Arpaia reviewed the application documents, transcript and video of the previous hearing and has signed the applicable certification to be eligible to act on this application.

The following witnesses were sworn in and are under oath:

Matt Shafai, PE, PP – Board Engineer
McKinley Mertz, PP, AICP – Board Planner
Allison Coffin, PP – Applicant's Planner
Daniel Merkel – Applicant
Lorali Totten, PE, PP (appearing in place of 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
A-19 Copy of Conservation Easement to NJDEP, filed 1/30/26
A-20 Freshwater Wetlands LOI Plan, dated 9/30/24, revised 10/13/25, prepared by Crest Engineering, Approved by NJDEP 12/23/25
A-21 Wetland Delineation and Buffer Averaging Plan, dated 9/30/24, revised through 12/8/25, prepared by Crest Engineering, Approved by NJDEP 12/23/25

A-22 Proposed Improvement Display, one (1) sheet, prepared by Crest Engineering Associates, Inc., dated 10/22/25, revised 2/25/26

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 previous hearing before the Board. Mr. Pape acknowledged that the applicant did not meet some of the conditions of the 2017 Zoning Board approval and there were discrepancies identified in the plans approved by the Board and what was submitted to the construction department. These were identified at the previous hearing and requested relief for the same. Mr. Pape reminded the Board that the applicant requested to continue the hearing while they were waiting on the NJDEP permit, which was already pending for a year and a half. He noted that the one shed the applicant committed to taking down was removed a week after the last meeting. The other shed cannot be removed until a new goat shelter is constructed.

Garrett Essler was previously sworn in and remained under oath. He stated they received two authorizations from the NJDEP for LOI for full extent of wetlands and buffers and the other is a transition averaging plan for the buffer area (permit plan). The stamped permit plan was introduced (Exhibit A-20) and described by Mr. Essler.

The plan shows the relief granted by the NJDEP and the swap of wetlands buffer area.

Applicant is looking to maintain the fenced in area in the wetlands and the wetlands buffer area. Engineer Shafai noted that the LOI permit prohibits the fence, garden and lawn area. Mr. Essler stated they have an email from Avery Thomas from the NJDEP stating it is permitted. Attorney Vella noted that this permit is a filed document and the Board cannot act on it. The NJDEP permit would need to be modified and refiled. Attorney Vella noted the approval is only granting the construction of the new garage addition, new shed and the concrete walkway area. The permit does not call out the fencing, the lawn area or other structures. Mr. Essler stated that if the NJDEP took exception to the other existing and proposed items, they would have addressed the same. Engineer Shafai noted that the plan does not say "to be removed" or anything, but the permit specifically restricts this. Mr. Essler stated that the permit will only address the averaging plan structures. He stated the amendment wouldn't address the fence and other items since they are not part of the buffer averaging plan. Mr. Pape confirmed that the one shed has been removed and the other shed will be removed.

Attorney Vella stated that the applicant will need to make it very specific for the NJDEP, noting that they have a notice of violation from the town for structures in the wetlands and buffer area. He stated any revised permit will need to clearly include this or it will have to be removed.

Engineer Shafai inquired about the new proposed fence in the buffer area. Mr. Essler stated that this was also addressed in his email with Avery Thompson from the NJDEP. This will also have to be addressed with the revised permit. Planner Mertz inquired about the conservation easement since the town requires this to be placed in conservation. Mr. Pape stated that the applicant is asking the Township to accept the same conditions of the NJDEP for the conservation easement.

Ms. Lorali Totten, PE, PP, was sworn in and provided her credentials as a licensed engineer. She has appeared before the board many times and was accepted as a professional engineer. She is filling in for Mr. Peter Strong, PE, who previously appeared. Ms. Totten described the buffer averaging areas and the enhanced buffer.

Allison Coffin, PP, previously sworn in and remained under oath, reviewed the requested relief before the Board. The applicant is seeking D1 for the expanded use, D4 for FAR, existing lot area and side yard setbacks, front yard setback to the new garage addition, side yard setback to new garage addition, accessory structure side yard setback and minimum distance between structures. She reviewed the previous 2017 approval, stating the site is particularly suited for the use. Ms. Coffin reviewed the proofs provided at the prior hearing for the required variance relief. She noted that the amendment to the 2017 approval would not significantly change the function of the site.

Planner Mertz confirmed that there are no residential zones that have a FAR requirement. She confirms the applicant will require approval from the NJDEP. Secretary Sims requested clarification if the applicant is seeking relief from putting the buffer areas in conservation easement or if they were seeking a waiver to allow the encroachments and lawn areas in the conservation area. Attorney Vella suggested there were some different ways this can be handled. He would recommend that the Township Committee would have to make that decision

Mr. Sinha confirmed that the new garage will not have any driveway, including no stone or other hard material for access of vehicles. Mr. Pape stated that it will be used for lawn mowers and equipment.

Chairman Mostyn asked the Board if they had any questions or comments. Ms. Arpaia stated that she would want to make sure that the applicant follows through with all conditions this time around. Mr. Lambros would like to know what they can do to make sure they comply. Attorney Vella stated the applicant is required to meet resolution compliance before they get any permits. They will also require inspections and an as-built to confirm it was built to the approved plans, and then get a C/O. Secretary Sims noted that the Township has a new tracking software that will help with the checks and balances.

Engineer Shafai noted that the conservation easement line shown on the plan may change. It currently does not show the wetlands buffer or buffer averaging areas in the conservation easement. Depending on how the Zoning Officer, Township Attorney's office and the Township Committee want to address it, the conservation easement area may change.

Mr. Sinha is concerned that there may not be a way to control things like someone adding driveway areas to the new rear garage area. Attorney Vella stated that we can require that the resolution be filed with the County Clerk.

Engineer Shafa noted that any substantial changes from the NJDEP approval will require the applicant to come back to the Board.

Chairman Mostyn opened the matter to the public. With no members of the public present, Chairman Mostyn closed the public session.

Mr. Pape, based on the comments from the Board, decided it be appropriate to request a vote with just five Board members.

Attorney Vella reviewed all conditions discussed during the course of the hearings.

With no further comments, a motion to grant the requested use and bulk variances with the conditions placed on record was made by Mr. Cadigan, which was seconded by Ms. Arpaia. The Board voted to approve application Z24-14 on a roll call vote, with those in favor: Chairman Mostyn, Ms. Arpaia. Mr. Cadigan, Mr. Lambros, and Mr. Sinha. Motion passes 5-0.

BOARD DISCUSSION:

None.

ADJOURNMENT:

With no further business, Chairman Mostyn adjourned the meeting.

Respectfully submitted,

Danielle B. Sims, Board Secretary