

**BOROUGH OF GIBBSBORO**  
**PLANNING BOARD MINUTES**  
**November 29, 2023**  
**7:00 P.M.**

**Meeting called to order** at 7:02 p.m.

**Opening Statement:** "All the notice requirements of the Open Public Meeting Act have been complied with in full."

**ROLL CALL**

Present:

Chairwoman LuAnn Watson  
Vice Chairman Michael Kelly  
Mayor Edward G. Campbell  
Ms. Barbara Gellura  
Mr. Barry Rothberg  
Mr. Dennis Deichert  
Mr. John Ritz

Absent:

Councilman Michael MacFerren  
Mrs. Susan Croll

Professionals:

Solicitor, Kathleen McGill Gaskill  
Engineer, Gregory Fusco  
Planner, Brian Slaugh

**RESOLUTIONS**

**PB2023-11-28 RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS FOR THE INSTALLATION OF A SOLAR PANEL SYSTEM ON THE FUEL STATION CANOPY OF THE WAWA CONVENIENCE STORE LOCATED AT 3 NORTH LAKEVIEW DRIVE, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 7.04, LOT 19.16 OF THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO**

Motion to approve resolution: Mr. Rothberg, Mr. Deichert

Poll: Ayes – Kelly, Campbell, Gellura, Rothberg, Deichert, Ritz, Watson

**MINUTES**

Motion to dispense reading and approve the minutes of 10/25/23: Mr. Deichert, second Mr. Kelly

Vote: Ayes unanimous (MacFerren, absent)

**CORRESPONDENCE**

To: LuAnn Watson, Chairwoman, received 11/17/23  
From: Alfred & Karen Deterding  
Re: Request for zoning change on Johnson Road

NOVEMBER 29, 2023

No action at this time. Correspondence will be filed and considered with the next review of the Master Plan.

To: Secretary Troxel, received 11/28/23  
From: Gina Lower, Del Duca Lewis & Berr  
Re: Request for continuance (Docket #23-08) to December 27, 2023

**COMPLETENESS:**

1. PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #23-08)

Applicant: MAKS Properties LLC  
Project: Improvements to building exterior and parking lot for remodeling company showroom and office space  
Address: 138 South Lakeview Drive  
Block 18.02, Lots 2.09 & 1.04  
Fee/Escrow: Paid

Motion to deem application incomplete: Mayor Campbell, second Mr. Deichert

Poll: Ayes – Kelly, Campbell, Gellura, Rothberg, Deichert, Ritz, Watson

Applicant may submit revisions to address completeness issues no later than 12/15/23 in order to be placed on the December 27, 2023 meeting agenda. No new notices will be sent.

2. MINOR SITE PLAN (Docket #23-13)

Applicant: Topless Pre Rolls LLC  
Owner: Fifth New Jersey Corp  
Project: Operation of a Cannabis Class 2 Manufacturing Business  
Address: 16 Democrat Way  
Block 59.03, Lot 3  
Fee/Escrow: Paid

Motion to deem application complete: Mayor Campbell, second Mr. Rothberg

Poll: Ayes – Kelly, Campbell, Gellura, Rothberg, Deichert, Ritz, Watson

**OLD BUSINESS**      None

**NEW BUSINESS**

1. PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #23-08)

Applicant: MAKS Properties LLC  
Project: Improvements to building exterior and parking lot for remodeling company showroom and office space  
Address: 138 South Lakeview Drive  
Block 18.02, Lots 2.09 & 1.04  
Fee/Escrow: Paid

Fire Review Letter, dated 11/8/23  
Planner Review Letter, dated 11/22/23

Application deemed incomplete. No public hearing was conducted.

2. MINOR SITE PLAN (Docket #23-13)

Applicant: Topless Pre Rolls LLC  
Owner: Fifth New Jersey Corp  
Project: Operation of a Cannabis Class 2 Manufacturing Business  
Address: 16 Democrat Way  
Block 59.03, Lot 3  
Fee/Escrow: Paid

Fire Review Letter, dated 11/8/23  
Planner Review Letter, dated 11/21/23  
Engineer Review Letter, dated 11/20/23

Kirk Pavoni, esquire, Alan Lemmerman, owner and CEO, and Greg Simons, engineer from Ewing Associates, appeared on behalf of this application. Mr. Lemmerman, Mr. Simons, and the Board professionals, Mr. Slauch and Mr. Fusco, were sworn in by the Board Solicitor, Ms. Gaskill.

In response to items raised by the review letters, Mr. Lemmerman testified that lighting would be placed on the building for purposes of security, that a generator would be placed on a 4'x4' pad in the rear of the building with an enclosure, that signage would be installed for fire lanes as well as a Knox Box. These items will be included in a revised site plan, to be submitted as a condition of approval.

Mr. Lemmerman testified to the hours of operation, number of employees, security measures, solid waste (both cannabis-related and other), and filtration system for odor control. The operation is purely for manufacturing, and no customers will be permitted on site.

Public Comment: None

Motion to approve application and grant design waivers subject to the conditions of the Board: Mayor Campbell, second Mr. Deichert

Poll: Ayes – Kelly, Campbell, Gellura, Rothberg, Deichert, Ritz, Watson

**PENDING BUSINESS** None

**INFORMATIONAL**

1. Next regular Planning Board meeting is scheduled for Wednesday, December 27, 2023 at 7:00 p.m. at the Senior Recreation Center.
2. The January 24, 2024 Reorganization will be held at the Borough Hall, located at 49 Kirkwood Road.

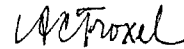
**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Motion to adjourn the meeting at 8:22 p.m. Mr. Rothberg, second Mr. Deichert

Vote: Ayes unanimous



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AMY C. TROXEL, Secretary

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**RESOLUTION OF THE BOROUGH OF GIBBSBORO PLANNING BOARD  
GRANTING A CERTIFICATE OF APPROPRIATENESS FOR THE INSTALLATION OF  
A SOLAR PANEL SYSTEM ON THE FUEL STATION CANOPY OF THE WAWA  
CONVENIENCE STORE LOCATED AT 3 NORTH LAKEVIEW DRIVE, GIBBSBORO,  
NEW JERSEY, ALSO KNOWN AS BLOCK 7.04, LOT 19.16 OF THE OFFICIAL TAX  
MAP OF THE BOROUGH OF GIBBSBORO**

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On October 25, 2023, the Borough of Gibbsboro Planning Board (hereinafter the "Board") held a public hearing at which time the following members were present:

LuAnn Watson, Chairperson  
Michael Kelly, Vice-Chairperson  
Edward Campbell, Mayor  
Michael MacFerren, Councilman  
Susan Croll  
Dennis Deichert  
Barbara Gellura  
Barry Rothberg  
John Ritz

The following were also present at the meeting:

Kathleen McGill Gaskill Esquire, Solicitor  
Amy C. Troxel, Planning Board Secretary  
Greg Fusco, Planning Board Engineer-absent  
Brian Slaugh, Planning Board Planner

**SUBJECT**

Whereas the Board considered the application of Solare America LLC, maintaining an office at 207 S. State Road, Suite 100, Upper Darby, Pennsylvania 19082 (hereinafter referred to as the "Applicant") seeking a Certificate of Appropriateness with respect to the proposed installation of solar energy facilities to the existing fuel canopy of the Wawa convenience store located at 3 North Lakeview Drive, Gibbsboro, New Jersey, also known as Block 7.04, Lot 19.16 on the Gibbsboro Official Tax Map (hereinafter the "Subject Property") and located in the Historic District of the Borough of Gibbsboro; and

Whereas the Board considered the following documents submitted by the Applicant:

1. Gibbsboro Planning Board Land Use Application dated 9/14/23, with Solare America being the Applicant;
2. Gibbsboro Historic Preservation Application undated and unsigned;
3. Letter of Agency and Consent dated 8/25/23 by Katherine J. Dickinson, Assistant Secretary of WAWA Inc. consenting to the Applicant acting as Wawa's agent;



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3. Plan for Canopy PV System, prepared by David C. Hernandez, P.E. of Exactus Energy Engineering, dated 7/5/23, consisting of the following:
  - a. Cover Sheet (Sheet G01),
  - b. Electrical Site Plan (Sheet E10),
  - c. Microinverter Layout (Sheet E20),
  - d. Line Diagram (Sheet E30),
  - e. AC & DC Calculations (Sheet E31),
  - f. System Details (Sheet E40),
  - g. Power Source Directory (Sheet E50),
  - h. Equipment Specs (Sheet E70); and
4. Architectural Plans, prepared by E. Safaa of Exactus Energy Engineering, dated 5/15/23, consisting of the following:
  - a. Clamp Layout (Sheet S1),
  - b. Clamp and Rail Layout (Sheet S2),
  - c. Solar Array Layout (Sheet S3),
  - d. Equipment Page 1 & 2 (Sheet A1 & A2); and
5. Set of Four Photographs of Existing Fueling Canopy;

Whereas the application was reviewed by the Board's planner, Brian Slaugh, AICP, PP, by letter dated 10/17/23;

Whereas a hearing on this application was conducted on October 25, 2023 and upon motion duly made and seconded, the application was deemed complete for hearing with the Applicant president, John Scorsone, appearing with counsel, Peter Jecanian, Esquire;

Whereas the Board heard the testimony of the Applicant's president, John Scorsone, and that of the Board's planner, Brian Slaugh, AICP, PP and having open the hearing to the public and no member of the public appearing and having considered the application and exhibits submitted in connection herewith.

NOW THEREFORE BE IT RESOLVED that the Board makes the following findings of facts:

**FINDINGS OF FACT**

1. The Subject Property is a 2.4 acre site on which is situated an existing Wawa convenience store having a fueling station with a canopy over the dispensing pumps. The fueling station canopy is situated in the front of the convenience store facing North Lakeview Drive and located at the southwest corner of North Lakeview Drive and Clementon Road. The Subject Property is situated in the C-2 Highway Business District and is surround by several commercial establishments with a future car wash to the west, a Wells Fargo Bank to the east, a Citgo gas station to the north and vacant land associated with the Brandywine townhouse development to the south. The Subject Property is also located in the Historic District of the Borough of Gibbsboro.



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2. The Applicant has been in the solar energy business for more than 15 years and has partnered with Wawa Inc. for the installation of solar energy facilities at 125 Wawa stores. Wawa has designated the Applicant as its agent for the limited purpose of applying for the necessary approvals to install and operate the solar energy facilities proposed for the Subject Property.

3. The Applicant has entered into a 25-year lease with Wawa with the Applicant supplying the equipment and owning the power which is then sold to Wawa. At the conclusion of the lease, Wawa will own the equipment. The Applicant has received interconnection approval from the New Jersey Board of Public Utilities but as testified to by Mr. Scorsone, the system is not big enough to transfer power to the electric grid and does not have approval to do so. In addition, the Wawa convenience store power demands are such that there will be no surplus power to sell to the grid.

4. A discussion arose in the course of the hearing as to whether this application constitutes a second commercial use of the property. The Board's solicitor noted the following: that the relationship between the Applicant and Wawa appears to be akin to long term installment plan where the system is owned by Wawa at the end of the lease term; that the power generated from the solar panels will be used exclusively by Wawa, which has a large energy demand; that as installed the system will not generate surplus energy to transfer/sell to the power grid; and that the Applicant has no approval from the New Jersey Board of Public Utilities to do so. Given these circumstances, the Board's solicitor reasoned that the solar energy facilities to be installed at the Subject Property are subordinate to the main business operation at the Subject Property which is the convenience store, will not generate surplus energy for the Applicant to transfer energy to the power grid for use by others and has no authority to do so, and can reasonably be deemed to be an accessory operation providing power for the primary use of the Subject Property as a convenience store.

5. The solar panel array will consist of 190 panels installed on an A-frame sloped canopy over the fuel dispensing pumps with 94 panels installed to face the convenience store and 96 panels installed to face towards Lakeview Drive. The Applicant explained that the installation of the solar array on the convenience store roof was not feasible as there are several HVAC systems situated there. He also explained that increasing the number of panels facing the store was not possible as the ACP units for this system were located on the back slope of the canopy facing the store, reducing visibility from the road. The system will be a photovoltaic system, with the panels absorbing light and will not reflect light so there will be no resulting glare to motorists on Lakeview Drive. The panels will match the color of the roof, will be black on black giving the appearance of glass and are considered the most efficient panels to use. The micro-inverters are to be located under the panel. The mounting rails and panels will be approximately 7 inches off the roof. The panels will be flush or consistent with the roof line of the canopy. The Board's planner was concerned about the visibility of the gap between the panel and the canopy roof which can be addressed by the installation of solar panel skirts around the edge of the solar panel array. The Applicant indicated that the gaps are needed for air flow and heat dispersion. Addressing any



visibility concerns of the Board's planner with this gap will be a condition of approval. Lastly, the Applicant testified that the system is designed with six safeguards for fire, one of which is that the micro-inverter shuts down immediately. As set forth in the plans submitted by the Applicant, the system has been designed to meet snow load and wind exposure standards.

### **CONCLUSION OF LAW**

1. The Gibbsboro Planning Board has jurisdiction to approve the application for the Historic Certification of Appropriateness in accordance with N.J.S.A. 40:55D-111 and Section 222-7(A) of the Gibbsboro Historic Preservation Ordinance.

2. The Planning Board concludes that the application is complete and sufficiently satisfies the criteria for granting a Certificate of Appropriateness and complies with the review standards under Section 222-8 of the Borough subject to the following terms and conditions:

- a. The visibility of the gap between the solar panel array and the roof will be assessed by the Board's planner to determine if a solar panel skirt will be required, and if a skirt is determined to be required, it shall match the black mounting hardware and panels.
- b. The ACP units servicing the system shall be located on the roof canopy so as to face the store and not be directly visible from the roadway.

**NOW THEREFORE, BE IT RESOLVED**, by the motion duly made by Susan Croll and seconded by Dennis Deichert on October 25, 2023 that the Board grants the Certificate of Appropriateness for the installation of a solar panel system on the fuel canopy of the Wawa convenience store located at 3 North Lakeview Drive, Gibbsboro, New Jersey, subject to the conditions hereinabove set forth.

LuAnn Watson, Chairperson	Yes
Michael Kelly, Vice-Chairperson	Yes
Edward Campbell, Mayor	Yes
Michael MacFerren, Councilman	Yes
Susan Croll	Yes
Dennis Deichert	Yes
Barbara Gellura	Yes
Barry Rothberg	Yes
John Ritz	Yes



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**BE IT FURTHER RESOLVED** that a certified copy of this Resolution of Memorialization be sent via regular mail to the Applicant within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official, Borough Zoning Officer and make available to all other interested parties.




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Amy C. Troxel, Secretary  
Planning Board  
Borough of Gibbsboro

The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on November 29, 2023, memorializing the action of the Board taken on October 25, 2023.




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Amy C. Troxel, Secretary