

**BOROUGH OF GIBBSBORO  
PLANNING BOARD MINUTES**

**August 26, 2025  
7:00 P.M.**

**Meeting called to order** at 7:00 p.m.

**Moment of Silence** for Anne Levy

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

**ROLL CALL**

Present:

LuAnn Watson

Edward G. Campbell, Mayor

John Ritz, Council

Jack Flynn

Dan Keashen

Mike Kelly

Barry Rothberg

Barbara Gellura

Absent:

Dennis Deichert

Kathleen McGill Gaskill, Solicitor

Brian Slaugh, Planner

Shawn Seroke, Engineer

**RESOLUTIONS**

PB2025-8-23 RESOLUTION GRANTING BULK VARIANCES WITH CONDITIONS FOR THE NUMBER, SIZE AND LOCATION OF THE SHEDS ON THE SUBJECT PROPERTY KNOWN AS BLOCK 75, LOTS 3, 4.10, 6.02 & 7, ALSO KNOWN AS 6 HENRY ROAD, GIBBSBORO, NEW JERSEY

Michael Mally, Esquire, appeared on behalf of Barbara Headley regarding the conditions of approval set forth in this resolution. Chairwoman Watson stated that the Board's decision had already been voted on at the previous meeting and that the resolution was a memorialization of that decision.

Motion to approve the resolution: Mr. Rothberg, second Mr. Keashen

Poll: Ayes – Rothberg, Campbell, Ritz, Kelly, Keashen, Watson

**MINUTES**

Motion to dispense reading and approve the minutes of 7/22/25 \*: Councilman Ritz, second Mayor Campbell

Vote: Ayes unanimous (Flynn, abstain)

\* The minutes shall reflect that Mr. Keashen changed his vote on Resolution PB2025-7-21 from Aye to Abstain in order to avoid any perceived conflict of interest.

## **SWEAR IN PROFESSIONALS**

## **OLD BUSINESS**

## **COMPLETENESS**

## **NEW BUSINESS**

### **1. MINOR SITE PLAN WITH VARIANCES (#24-10)**

Applicant: Gibbsboro Green Energy LLC  
Project: Expansion of convenience store & signage  
Location: 55 East Clementon Road (Block 7.03, Lots 16.03, 20, 27.01, 27.02)

Kevin Diduch, Esquire, appeared on behalf of the applicant, Huy Chen. Joe Mancini, engineer, also appeared on behalf of the application. Mr. Chen and Mr. Mancini were sworn in by Ms. Gaskill in preparation for their testimony. The property is located in the C-2 Zone, and the applicant is requesting minor site plan approval with bulk variances to remove the existing vehicle repair bays and expand the retail space to include a convenience store. They also propose to replace four (4) fuel dispensers, expand the parking and lot circulation, replace the upper portion of the existing monument sign, and add new signage to the building façade. Additional upgrades to the property include lighting, landscaping, and streetscape walls.

A bulk variance is required for lot size to allow a combined use on 0.63 acres where 1.0 acre is required, lot coverage, and three (3) façade signs where two (2) are permitted. Design waivers are requested for the size of parking spaces, size of the loading area, curb radii, and width of the drive aisle.

The applicant intends to replace the upper portion of the existing monument sign with a digital sign to show changing fuel prices. Additional façade signage is proposed for the building. The initial request to add signage to the canopies is withdrawn. Mr. Slauch proposed deferring any sign approvals until the application returns for a Certificate of Appropriateness.

The convenience store will operate for 6 a.m.-10 p.m. on Monday-Saturday and 7 a.m.-9 p.m. on Sunday. There will be two (2) employees, including the owner. The applicant testified that deliveries will be limited to box trucks or sprinter vans, no tractor trailers or large delivery trucks. The applicant agreed to provide a circulation plan showing detail for fuel delivery trucks, trash collection, and fire truck access. The Fire Official and Fire Chief will review the circulation plan and provide recommendations as a condition of approval.

The applicant agreed to install sidewalks along Lakeview Drive and Clementon Road. The Board required that sight triangles be added to the plan to ensure that the right form and height of wall be selected near the egress on Clementon Road. The applicant agreed to install a trash enclosure using the same materials and design as the Wawa.

Public Comment: None

Ms. Gaskill charged the Board: the applicant is seeking a minor site plan to operate combined retail and sales on less than one (1) acre, to exceed the permitted lot coverage with an upward bound of 85%, three (3) façade signs, and they have withdrawn their request for canopy signs. The applicant is requesting design waivers for parking space size, loading area size, curb radii, and drive aisle width. The applicant has agreed to work with the Planner on trees and landscaping plans, to install a trash enclosure similar to Wawa, to install sidewalks on Clementon Road and Lakeview Drive, and to provide streetscape easements. A revised plan will be submitted to include circulation and additional lighting detail.

Motion to approve the application with conditions: Councilman Ritz, second Mr. Kelly

Poll: Ayes – Campbell, Kelly, Ritz, Keashen, Flynn, Rothberg, Watson

2. CERTIFICATE OF APPROPRIATENESS (#25-09)

Applicant: Russell Posser  
Project: Installation of rooftop solar  
Location: 2 Glenview Court (Block 59.04, Lot 9)

Russell Posser, the owner and applicant, appeared on behalf of the application. Nick Fillari of Sunny Mac Solar was also in attendance. Mr. Posser and Mr. Fillari were both sworn in by Ms. Gaskill in preparation for their testimony. Mr. Fillari testified that the panels will be closer to 3” than 6” from the roof (the plans submitted specify a range of 3”-6”). Mr. Slauch requested that a black array skirt be added in the front. Mr. Posser testified that at his previous property he had had multiple issues with wildlife building nests under the panels and eating through wires. He intended to have a critter guard installed, which would make the addition of an array skirt impossible. Mr. Slauch agreed this was acceptable and requested that Mr. Fillari provide some photographs of the critter guard for review.

Public Comment: None

Ms. Gaskill charged the Board: the applicant is seeking a Certificate of Appropriateness to install rooftop solar panels. The panels will not be more than 3” from the surface of the roof, and the solar company will provide photographs of the critter guard to be installed.

Motion to approve the application: Mayor Campbell, second Mr. Rothberg

Poll: Ayes – Campbell, Kelly, Ritz, Keashen, Flynn, Rothberg, Gellura, Watson

**FUTURE BUSINESS**

1. CERTIFICATE OF APPROPRIATENESS (#25-10) – *September*

Applicant: John McAleer  
Project: Installation of rooftop solar  
Location: 28 Glenview Way East (Block 59.04, Lot 10)

**INFORMATIONAL**

1. Next regular Planning Board meeting is scheduled for Tuesday, September 23, 2025 at 7:00 p.m. at the Borough Hall.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Motion to adjourn the meeting at 8:42 p.m. Mr. Rothberg, second Mayor Campbell

Vote: Ayes unanimous

  
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AMY C. TROXEL, Secretary

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**RESOLUTION OF THE GIBBSBORO PLANNING BOARD  
GRANTING BULK VARIANCES WITH CONDITIONS FOR THE NUMBER, SIZE AND  
LOCATION OF THE SHEDS ON THE SUBJECT PROPERTY KNOWN AS  
BLOCK 75, LOTS 3, 4.10, 6.02 & 7, ALSO KNOWN AS 6 HENRY ROAD,  
GIBBSBORO, NEW JERSEY**

On July 22, 2025, the Borough of Gibbsboro Planning Board (hereinafter the "Board") held a public hearing at which time the following members were present:

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

The following were also present at the meeting:

Kathleen McGill Gaskill Esquire, Solicitor  
Amy C. Troxel, Planning Board Secretary  
Shawn Seroka, Planning Board Engineer  
Brian Slaugh, Planning Board Planner

**SUBJECT**

Whereas the Board considered the Application of Barbara A. Headley, residing at 6 Henry Road, Gibbsboro, New Jersey 08026 (hereinafter referred to as "the Applicant"), for variances to install an additional oversized shed at her residence at 6 Henry Road, Gibbsboro, New Jersey, also known as Block 75, Lots 3, 4.10, 6.02, 7 on the Gibbsboro Tax Map (hereinafter the "Subject Property");

Whereas the application was reviewed by the Board's Planner, Brian Slaugh, AICP, by letters dated 07/21/2025;

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

- (1) Gibbsboro Land Use Application signed by the Applicant, dated 06/17/25 and docketed as 2025-08;
- (2) Notes on Application prepared by the Applicant dated 06/23/25;
- (3) Borough of Gibbsboro Submission Checklist;
- (4) Survey of Premises by Albert N. Floyd & Sons, PLS, and dated 05/24/2004;
- (5) Affidavit of Ownership, signed by the Applicant, dated 06/17/2025, unnotarized;
- (6) Copy of the invoice from R.H. Vassallo Inc. on the proposed second shed;
- (7) Copy of the Official Tax Map Sheet showing the Subject Property; and
- (8) Escrow Account Certification;

RESOLUTION GRANTING BULK VARIANCES WITH CONDITIONS FOR THE NUMBER, SIZE AND LOCATION OF THE SHEDS ON THE SUBJECT PROPERTY KNOWN AS BLOCK 75, LOTS 3, 4.10, 6.02 & 7, ALSO KNOWN AS 6 HENRY ROAD, GIBBSBORO, NEW JERSEY

Whereas based on the recommendations of the Board's planner, Brian Slaugh, the application was deemed complete for hearing purposes, and a hearing on the application followed with the Applicant appearing *pro se* with notice of this hearing having been given in accordance with New Jersey statutes, the Open Public Meetings Act and the Municipal Land Use Law, with a quorum being present;

Whereas the Board heard the testimony of the Applicant and the expert testimony of the Board's planner, Brian Slaugh, AICP and the Board's engineer. Shawm Seroka, PE, and comments by the Board's solicitor, and having open the hearing to the public and no member of the public stepping further to comment and having considered the application, the testimony 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 Applicant is the owner of the Subject Property which is located on the corner of Henry and Hilliards Roads, which property has an address of 6 Henry Road, Gibbsboro, New Jersey, and is designated as Block 75, Lot 1 on the Official Tax Map of the Borough of Gibbsboro. The Subject Property is situated in the R-40 Residential Zoning District and is an undersized lot for the requirements of that District. The Subject Property is 19,831 SF in area and is improved with a two-story frame dwelling. An existing oversized shed (10 ft. by 14 ft.) is located on the Subject Property. In 2008, the Zoning Board granted bulk variance relief to the Applicant to replace an existing shed with this oversized shed and bulk variance relief from the rear yard setback. This shed was to be located in the rear yard of the northeast corner of the Subject Property. However, it was located at the southeast corner of the Subject Property and is located between the dwelling and Hilliards Road, which makes its location in the front yard. Sheds in the front yard are prohibited per Borough Code §400-10.C, and a variance was required to situate this shed in that location. No such variance was requested or granted in 2008.

2. The Applicant is seeking in the present application a bulk variance relief to install a second shed on the Subject Property from the provisions of Borough Code § 400-10.E, which limits the number of sheds on a residential property to one. The Applicant is also seeking variance relief to allow this second shed to be 240 SF (10 ft by 20ft.) in size when Borough Code §400-10.A limits the size of sheds to 100 SF. The Board took notice that the existing oversized shed was placed in a front yard of the Subject Property in a location not approved in that 2008 approval by the Zoning Board, and will consider this matter as a retroactive variance application,

3. In addressing the issue of the existing front yard shed on the Subject Property, the Applicant explained that she was told that she could locate the shed anywhere on the Subject Property provided she complied with the 10 foot setback, which she did. The Applicant maintained that the shed would be better placed in its present location as placing same to the rear of the dwelling once the rear setback is considered leaves very little area in the rear yard between the dwelling and the proposed shed for customary outdoor activities. As noted by the Board's planner in his testimony, there are practical difficulties in complying with the setbacks requirements of the

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R-40 District when considering a placement to the rear of the dwelling and patio, which already encroach into the rear yard of this shallow lot, and when the Subject Property is an undersized lot of 19,831 SF and the setback requirements have been established for the minimum lot size of 40,000 SF. The Applicant testified that this front yard area is a wooded area which serves as a buffer for the properties across the street on Hilliards Road and mitigates against shed being visible to Hilliards Road. The existing shed was painted a color to blend in with the surrounding environment.

4. The Applicant testified that she needs a second shed on the Subject Property. She testified that the basement of the dwelling on the Subject Property is below the water table and is subject to flooding so the basement is not an appropriate place to store items. Additionally, it is difficult to move the outdoor item into and out of the basement. She further testified that she recently closed her office and is using the garage to temporarily store office items, but for safety reasons, she wants to be able to resume parking her vehicle in the garage. In the existing shed, she stores outdoor item, lawn equipment and some patio furniture. She is planning on using the new shed to store office items and an 8 seat outdoor dining table and other outdoor furniture. The Applicant presents Exhibits A-1 through 9, which were photographs of her yard and existing shed.

5. The new shed which is being proposed is 12 ft by 20 ft (240 SF) in size, which is more than twice the permitted shed size of 100 SF. As per the installation invoice submitted with the application, the shed will be mounted on a crushed concrete pad, will be a light gray cottage-styled shed with a charcoal black roof, will have a 9 ft by 7 ft overhang door on the side with two (2) windows and a 6 ft wide panel door in the front, and will be 10 feet in height. There will be no utility service to this shed. She proposed to locate this shed in the northeastern corner of the Subject Property. It will be 10 feet from the property line to the north and will require the removal of two section of the existing fence, and will be 21.5 feet from the rear property line, and will comply with the setback requirements. Aside from the desire to store an 8 seat outdoor dining table and office items in this oversized shed, the Applicant offer no additional testimony as to why this shed needed to be as large as proposed.

6. The various Board members raised questions and concerns on the need to have two oversized sheds on the Subject Property, which aggregate 380 SF in size when only 100SF is permitted. It is unclear the extent of the office records, equipment and furniture will be stored in this proposed oversized shed. It was suggested that a second oversized shed may be permitted if reduced to 12 feet by 16 feet, which will address the Applicant's unique storage need but that the shed will need to be removed when the Subject Property when sold, which provision would be enforced by a deed restrictions.

### **CONCLUSION OF LAW**

Whereas the Board while acting in its capacity as a Zoning Board of Adjustments has jurisdiction over this application for bulk variances under *N.J.S.A. 40:55D-70(c)*, which authorizes the granting of variance relief in the event of hardship or, alternatively, which authorizes the granting of variance relief if the purposes of the New Jersey Municipal Land Use Law are substantially advanced by deviation from the Zoning Ordinance requirements, and the benefits of deviation substantially outweigh any detriment.

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Whereas the Board finds that the Applicant has demonstrated by clear preponderance of evidence that the granting of the bulk variances to allow for a shed to be located in the front yard, to allow for a second shed on the Subject Property and to allow that second shed to be oversized subject to the conditions herein above proposed is appropriate given the undersized and shallow nature of the Subject Property, the existing configuration of the dwelling and improvements in the rear yard of the Subject Property, the limited use to be made of the dwelling's basement, and the Applicant's unique need to store items from her closed business. The proposed reduced size of the second shed will mitigate any adverse impact on the surrounding properties by this second shed, and any impact to the surrounding area will be mitigated by the fact that this non-conforming shed will be removed prior to the sale of the Subject Property. Subject to the conditions herein imposed, the benefits outweigh the detriments, thus satisfying the positive and negative criteria for the granting of bulk variance relief under, and pursuant to N.J.S.A. 40:55D-70(c).

**NOW THEREFORE, BE IT RESOLVED**, that the motion duly made by Mayor Campbell and duly seconded by Barry Rothberg on July 22, 2025 that the required bulk variance relief from the provisions of Borough Code§400-10A as to shed size and 400-10E on the number of sheds permitted subject to the conditions herein set forth and retroactive bulk variance relief for the continuation of existing shed in the front yard of the Subject Property be and are hereby GRANTED subject to the conditions herein set forth.

1. That the application, all exhibits, testimony, maps and other documents submitted, and all representations made, and all testimony given before the Board at its meeting of July 22, 2025 are true and accurate of the facts relating to the Applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that the application, exhibits, testimony, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same have been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought, the Board may rescind its approval and rehear the application, or any part of said application, either upon the application of an interested party or on its own motion, when unusual circumstances so require, where a rehearing is necessary and appropriate in the interest of justice;

2. As a condition of approval, the new non-conforming oversized shed will be located as indicated by the Applicant's testimony in the northeast corner of the Subject Property and shall be reduced in size from 240 SF (12 ft. by 20 ft.) to 192 SF (12ft. by 16 ft.).

3. As a condition of approval, the Applicant shall cause this nonconforming oversized second shed on the Subject Property to be removed prior to the sale or transfer of the Subject Property, and a deed restriction memorializing that condition shall be duly executed by the Applicant for recordation with the Office of the Camden County Clerk. All costs associated with the drafting and recordation of that deed restriction shall be the responsibility of the Applicant.

4. The Applicant is responsible for obtaining all other approvals or permits from other governmental agencies as may be required by law, and the Applicant shall comply with any requirements or conditions of such approvals or permits which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of



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said relief. The Applicant is solely responsible for determining which governmental and/or public agencies permits and/or approvals, if any, are required. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from any such outside agencies, with a copy thereof to the Board's solicitor, engineer and planner.

5. The Applicant must maintain an escrow account with the Borough of Gibbsboro and pay the costs of all professional review and other fees required to act on the application, pursuant to the applicable provisions of the Borough's land development ordinances, zoning code and any other applicable municipal codes, and the New Jersey Municipal Land Use Law. The Applicant's escrow account must be current prior to any permit being issued, or construction or other activity commencing on the approved application.

6. At any time after adoption of this Resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition set forth herein, upon a proper showing of materially misleading submission, material misstatement, materially inaccurate information or a material mistake made by the Applicants, the Board reserves the right to conduct a hearing with the Applicants present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault or deficiency in the application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval or such other action as appropriate.

7. The Applicant s shall indemnify and hold the Borough of Gibbsboro harmless from any claims whatsoever which may be made as a result of any deficiency in the application, or as to any representation made by the Applicants, including but not limited to proper service and notice upon interested parties made in reliance on certified list of property owners and other parties entitled to notice, said list having been provided to the Applicants by the Borough pursuant to N.J.S.A. 340:55D-12.C, and publication of the notice of public hearing in this matter in accordance with the law.

**ROLL CALL VOTE**

LuAnn Watson, Chairperson	YES
Barry Rothberg, Vice-Chairperson	YES
Edward Campbell, Mayor	YES
John Ritz, Councilman	YES
Michael Kelly	YES
Dan Keashen	YES
Dennis Deichert	YES

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution of Memorialization be sent via regular mail to the Applicants within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk

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of the Borough, Borough Construction Official, Borough Zoning Officer and made available to all other interested parties.

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LuAnn Watson, Chairperson  
Planning Board  
Borough of Gibbsboro

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Amy C. Troxel, Secretary  
Planning Board  
Borough of Gibbsboro

#### CERTIFICATION

This Resolution of Memorialization being adopted by action of the Joint Land Use Board of the Borough of Gibbsboro on this 26th day of August 2025 is a true copy of the action taken by the Lindenwold Joint Land Use Board at its meeting held on July 22, 2025.

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Amy C. Troxel, Secretary  
Planning Board  
Borough of Gibbsboro

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