

RIDGWAY & STAYTON, L.L.C.

Counsellors at Law

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December 13, 2013

"VIA: HAND DELIVERY"

Burlington County Superior Court
Attn: The Honorable Ronald E. Bookbinder, J.S.C.
Chambers 703, 49 Rancocas Road
Mount Holly, New Jersey 08060

RE: Allied Recycling Inc./Last Chance Salvage Inc.
vs. Township of Southampton Zoning Board
Docket No.: L-2448-13

Dear Judge Bookbinder:

Regarding the above referenced, please accept this Letter Brief in Lieu of a more Formal Reply Brief to Defendant, Township of Southampton Zoning Board of Adjustment's Trial Brief. The headings of the paragraphs below will correspond with the headings of the Defendant's Trial Brief.

INTRODUCTION

The witnesses testifying on behalf of the Plaintiff and the testimony of a representative of the Applicant/Owner was in no way imprecise and nebulous. Direct testimony by Mr. Ivins and Mr. Giberson (the prior owner of the company) gave specific and detailed information as to the historical use of the site as a general use junkyard, not solely as an auto salvage yard. Mr. Giberson testified, among other things, that junkyard recycled trash, aluminum, refrigerators, soup cans, televisions, house refuse, boats, countertops, etc. Mr. Gabrysiak testified that there were over forty thousand (40,000) pounds of non-automobile material at the junkyard when he first purchased it.

The 1993 subdivision approval given by the Southampton Township Planning Board is relied upon by the Defendant as imposing as a condition of approval that the owner uses the property as an auto salvage junkyard only. Attached to this Letter Brief as Exhibit "A" is correspondence from counsel for the Plaintiff to counsel for the Defendant Board, Thomas J. Coleman, III, dated April 16, 2013. There are numerous attachments to that correspondence, among them a copy of the Certificate of Incorporation of the business entity named "Last Chance Salvage Inc." being incorporated by Daniel D. Giberson on May 7, 1993. Also attached as exhibits to that letter is the Southampton

Township Zoning Board Resolution 93.8 authorizing the subdivision of the junkyard from the overall parcel.

With respect to the 1993 Resolution, the Application was for a minor subdivision only, -with no variance requests etc. As such, the Board did not have any authority to decide, to determine, or to limit the use of the site. Further, as opposed to the Defendants position that the Resolution limited the property as an auto salvage yard, the opposite is clearly true. As stated in my letter to Mr. Coleman, in paragraph three, page three of the Resolution the Board states quite clearly that it recognizes more than an auto salvage yard is on that site because it says that the "Applicant shall remove any junk cars, parts, or other salvage operations from new lot 36.01" (emphasis added). Further, Defendant's assertion that the Resolution imposed a condition limiting the site to an auto junkyard is factually incorrect. The Resolution evidenced the Planning Board's concern regarding any geographical expansion, not an expansion to a different use. This is proven by paragraph seven on page two stating that the operation is to be confined to area delineated on the Plans submitted the Applicant and further by paragraphs two and three of the conditions of approval that there shall be no further clearing of the wooded portion and there should be no expansion of the area devoted to the operations and that the Applicant shall remove the operations from the remaining lot. Clearly, the Resolution was not, nor could it be, a decision to limit the type of use on the property, but solely the acreage of the junkyard on said property.

Finally, as stated in my initial Trial Brief, Defendant reliance on the Marlboro case is misplaced. In the Marlboro case, there were two types of junkyard licenses that could be issued by the Township and, as defined in the ordinances, an operation either had to be one type of junkyard or a second type of junkyard. The two licenses and the two uses were mutually exclusive.

PROCEDURAL HISTORY

It has consistently been claimed that Plaintiff's predecessor's operation was Last Chance Auto Salvage, Inc. As shown in an attachment to Exhibit "A" of this Letter Brief is the filed Certificate of Incorporation for the company properly known as Last Chance Salvage Inc. Further, attached to this Letter Brief as Exhibit "B" is a copy of the State of New Jersey Certificate of Authority listing, once again, the company's name as Last Chance Salvage Inc.

STATEMENT OF FACTS

Counsel for Defendant gives short shrift to the clear and convincing testimony of three individuals regarding the fact that the site has been operating as a full service

junkyard since its inception. There was specific testimony as to non-automotive uses on that site during its history. Testimony was given from the prior owner that the site started out as a "recycling facility" recycling old soup cans and listing specific instances of many other things being recycled other than automobiles including, but not limited to automobile tire rims, washers, dryers etc. On the contrary, it is the testimony of the objecting neighbors that is nebulous and provides no proof that the site was solely an auto salvage operation. Finally, Defendant gives short shrift to the fact that Gabrysiak removed over forty thousand (40,000) pounds of non-automotive debris from the site as soon as it was under his company's control. It is inconceivable to think that that much material immediately found its way to site as soon as Gabrysiak started operating it. Obviously, that much material had to accumulate over a long period of time.

Conversely, it is the testimony of the objecting neighbors that is nebulous, inconclusive and provides no proof that the site was solely an auto salvage operation from inception. It is clear that the neighbors are concerned only because there is now lighting, potential noise, and the fear more traffic. There is no proof that the lighting, potential noise, and fear of more traffic would result from the fact that the junkyard use has changed. Nearly every comment made by the residents as contained in the Defendant's Brief evidences potential concerns about the fact that you can see things now that you didn't used to be able to see that there this potentially more traffic, there is potentially more noise, and there are lights. The only comments made by any resident that relate to the use of the site are those made by Ms. Topham ("see....see a huge amount of white stuff...."); Nancy King ("I personally never saw a washer, refrigerator, air conditioner going by my house....."(emphasis added); and Mr. Wishart ("It is now a clear operation. Vegetation has been removed and piles of lead aluminum, I would consider lead aluminum, light steel, now tower.....above the trees). There is no statements whatsoever made by the residents as to a change in use of the property. The concerns the residents have, mainly: light, view, potential sound, potential traffic etc. are not evidence of a change in the junkyard use.

LEGAL ARGUMENT

The Defendants reliance on the Paruszewski case is also misplaced. In Paruszewski, Plaintiff was attempting to prove that his farm was used as an air strip. That is certainly a far cry from trying to limit a junkyard use to a certain types of junkyard uses within the Township's junkyard ordinances definitions. The Plaintiff's testimony was in no way anecdotal and, with significant specificity, proved the extent of the junkyard use over the years.

A careful reading of both the Nickels and Avalon cases cited in Defendant's Brief are not on point. In both of those cases, ordinances were enacted well after the uses in question began. The ordinances in question allowed an extreme and significant physical and geographic expansion of the uses.

December 13, 2013

The Honorable Ronald E. Bookbinder, J.S.C.

Docket No.: L-2448-13

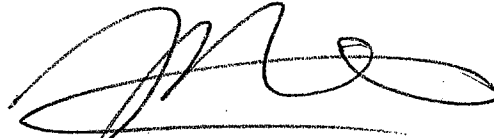
Page 4 of 4

That is not the case in this matter. The Plaintiff is in no way seeking a physical expansion of the junkyard. The Applicant is merely requesting a Certificate of Non-Conforming Use that the site has always been a junkyard within the municipal junkyard definition and the use has been consistent since its inception. Further, contrary to the standard of review required of the Defendant Board that the current use must be exactly the same as its historical use of the site the current use of the site is substantially the same as the historic use.

CONCLUSION

For the foregoing reasons and for the reasons submitted in Plaintiff's Trial Brief, judgment should be entered in favor of the Plaintiff and the Defendant Zoning Board be directed to grant the relief requested by Plaintiff.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MRIDGWAY', with a large, stylized loop at the end.

MICHAEL S. RIDGWAY,
ESQUIRE

MSR:dle

Enclosures:

c: Superior Court of New Jersey, Clerk of Burlington County (via: Hand Delivery)

Thomas J. Coleman, III, Esquire (via: Hand Delivery)

Thomas Gabrysiak, Allied Recycling, Inc. (via: Federal Express Overnight Delivery)

John Gabrysiak, Allied Recycling, Inc. (via: Federal Express Overnight Delivery)

EXHIBIT “A”

RIDGWAY & STAYTON, L.L.C.

Counsellors at Law

MICHAEL S. RIDGWAY
HERBERT J. STAYTON, JR.

3 East Stow Road
Suite 290
Marlton, New Jersey 08053-3191

Telephone: (856) 810-7723
Facsimile: (856) 810-7729
E-Mail: MSR@RSLAW.BIZ
HJS@RSLAW.BIZ

April 16, 2013

"VIA-FACSIMILE, E-MAIL, & REGULAR U.S. MAIL"

Raymond Coleman Heinold Norman, LLP
Attn: Thomas J. Coleman, III, Esquire
325 New Albany Road
Moorestown, New Jersey 08057

RE: Allied Recycling, Inc.
440 New Road, Southampton, NJ

Dear Mr. Coleman:

Regarding the above referenced, I have had a chance to review your correspondence of April 4, 2013. Based upon your suggestion, I have placed a call to Rakesh Darji at ERI to set up an appointment to discuss any concerns he may have with the application. My client is more than willing to attempt to resolve any engineering difficulties that the Board may have with the site.

First, and most importantly, I am not aware of the Township's understanding of the intended and recognized use of the property. From the applicant's perspective and, based upon the uncontested testimony and evidence presented, the use of the property has not changed since its inception over fifty years ago, that of a junkyard. The fact that the Township misidentified the name of the applicant in the resolution by calling it "LAST CHANCE AUTO SALVAGE, INC" is not determinative of the use. The correct name for the applicant is "LAST CHANCE SALVAGE, INC." I enclose, with this correspondence, a copy of the filed Certificate of Incorporation of Last Chance Salvage, Inc., said Certificate being filed with the New Jersey Secretary of State's office on May 7, 1993.

Further, the resolution that you referred to in your letter, (Resolution 93.8) resulted from a two lot minor subdivision application. There was no site plan or use variance request as part of that minor subdivision request. That being the case, the Board would have no right to restrict the use that was existing on the premises at the time of the application. While you are attempting to interpret the intent of the Resolution, nearly twenty years after the ~~he~~ fact, a full reading of the Resolution is at odds with your interpretation that the Resolution contained a prohibition that the exiting use would not expand and would not evolve to another use activity prohibited within the RD Zone. Specifically, in paragraph 5, on page 2 of the Resolution, the Board stated that the "the salvage operation spills over at present in one small area onto a proposed residential (remainder) lot,". The Board was concerned that the use would not geographically expand. This is evidenced by paragraphs 2 and 3 of the conditions to the approval. There is further evidence that,

Raymond Coleman Heinold Norman, LLP
Attn: Thomas J. Coleman, III, Esquire
April 16, 2013
Page 2 of 3

notwithstanding the incorrect name stated in the Resolution, the Board was well aware that not just an auto salvage operation was in use at the premises. Again, in paragraph 5, on page 2 of the Resolution it states "...Applicant has promised to remove all junk cars or other salvage related operations from same:" (emphasis added). Further, in paragraph 3, on page 3 of the Resolution it states "Applicant shall remove any junk cars, parts, or other salvage operations from new lot 36.01" (emphasis added). Clearly, the Board was concerned with the containment of the junk yard on the subdivided lot and there would be no further geographical expansion of the junk yard beyond the area delineated on the subdivision plan (paragraph 7, page 2). It also seems somewhat implausible that you would attempt to restrict the use on the property by way of an interpretation of a 1993 Planning Board Subdivision Resolution when there was significant evidence presented at the recent hearing that clearly demonstrates that the premises has been used for numerous uses, all allowed under the definition of a junkyard use as defined on Southampton's ordinances..

A reliance of the Township of Fairfield v. Likanchucks' Case is inappropriate. In that case it was not disputed that (aside from the dirt and gravel removal operation) the site was used solely as an automobile salvage yard since prior to 1969 as a non-conforming use. The Defendant then secured an erroneously issued Certificate of Occupancy from the township to accept clean fill and demolition for disposal. The Defendant self-described himself as a "Junkyard" and, looking into the ordinance definition of a "junk", attempted to explain that its recent change of use was within the definition of "junk".

The facts of the Last Chance Salvage, Inc. application are completely different on several levels. First, Last Chance Salvage has been operating as a junkyard (not just an auto salvage yard) for over 50 years and has operated with a Township issued junkyard license since the adoption of a junkyard ordinance by the township. I am attaching, with this correspondence, a sampling of the licenses that were issued to the applicant on an annual basis. Although, in several of the licenses, the name on the license was incorrect, none of the licenses issued limits the use of the premises as an auto salvage yard. I am also enclosing a copy the newspaper notice placed in a newspaper of local jurisdiction by the junk yard operator for the initial issuance of a "junkyard license" for the premises in question for 1994. May I also direct your attention to the definition of junkyard found in the Southampton Township municipal ordinances. It defines "junkyard" as follows: "junkyard shall mean a place, location, yard, covered or uncovered, or place in the township kept, maintained, or used for the purpose of buying or selling, exchanging or storing, rags, old metals, old bottles, old glassware, old plumbing fixtures, old lumber, unregistered motor vehicles unfit for reconditioning, dismantled old motor vehicles or parts thereof, used motor vehicles or parts thereof, used motor vehicle parts, motor vehicle junk or any other old material commonly called junk." This expansive definition was an allowed use for the property granted to the Applicant, consistent with the licensing of the property as a "junkyard" from the date of the enactment of the junkyard license.

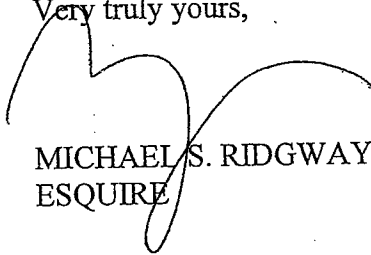
More importantly, in addition to the testimony given at the initial hearing, the Township of Southampton acknowledged that the property was being used as a junkyard as far back as 1967. I enclose a copy of correspondence dated August 3, 1967 from Robert W. Criscuolo, Esquire, the Township attorney at that time. That correspondence clearly acknowledges the use of the property as a junkyard some 46 years ago.

Raymond Coleman Heinold Norman, LLP
Attn: Thomas J. Coleman, III, Esquire
April 16, 2013
Page 3 of 3

In light of the above and, based upon the licensing history of the property, the 1967 letter from the Municipal attorney as well as the testimony presented by the applicants representatives, it is quite clear that the use of that property since its inception was not limited to an auto salvage yard. Consequently, it would appear that the only matter before the Board is whether or not the installation of a weight sale at the premises is an appropriate expansion of that junkyard use..

Upon receipt of this correspondence and enclosure, please contact me if you have any questions or concerns.

Very truly yours,



MICHAEL S. RIDGWAY,
ESQUIRE

MSR:dle

Enclosure:

c: Sherri Hannah, Secretary, Southampton Township Zoning Board of Adjustment (via:
e-mail)
John Gabrysiak, Allied Recycling, Inc. (via: e-mail)
Tom Gabrysiak, Allied Recycling, Inc. (via: e-mail)
James A. Miller (via: e-mail)
Gary Civalier, Civalier Engineering & Surveying, Inc. (via: e-mail)

INB
FILED

CERTIFICATE OF INCORPORATION

MAY 7 1993

OF

LAST CHANCE SALVAGE, INC.

DANIEL J. DALTON
Secretary of State

0846101

THE UNDERSIGNED, of full age, for the purpose of forming a corporation pursuant to the provisions of Title 14A, Corporations, General, of the New Jersey Statute, does hereby execute the following Certificate of Incorporation:

1. The name of the Corporation is Last Chance Salvage, Inc.
2. The purpose of the corporation is to engage in any activity within the purposes for which corporations may be organized under the New Jersey Business Corporation Act, including but not limited to the ownership and operation of a salvage yard or yards.
3. To the full extent that the laws of the State of New Jersey, as they exist on the date hereof or as they may hereafter be amended, permit the limitation or elimination of the liability of Directors or officers, no Director or officer of the Corporation shall be personally liable to the Corporation or its shareholders for damages for breach of any duty owed to the Corporation or its shareholders. Neither the amendment or repeal of this Article which is inconsistent with this Article shall apply to or have any effect on the

0100553123

liability or alleged liability of any Director or officer of the Corporation for or with respect to any act or omission of such Director or officer occurring prior to such amendment, repeal or adoption.

4. The Corporation is authorized to issue one thousand (1,000) shares of capital stock without par value.
5. The address of the initial registered office of the Corporation is 140 West Broad Street, Burlington, New Jersey 08015. The name of the Corporation's initial registered agent at that office is Robert F. Rogers, Esq.
6. Two persons will constitute the first board of directors. Their names and addresses are as follows:

Daniel D. Giberson	Pamela Giberson
302 Isaac Budd Road	302 Isaac Budd Road
Southampton, N.J. 08088	Southampton, N.J. 08088

7. The name and address of the incorporator of the corporation is as follows:

Daniel D. Giberson
302 Isaac Budd Road
Southampton, N.J. 08088

IN WITNESS WHEREOF, the undersigned has signed this
Certificate of Incorporation this 14th day of April
1993.

Daniel D. Giberson
Daniel D. Giberson, Incorporator

SOUTHAMPTON TOWNSHIP PLANNING BOARD
ROBERT L. THOMPSON BUILDING
5 RETREAT ROAD
SOUTHAMPTON, NEW JERSEY 08088

RESOLUTION OF MEMORIALIZATION 93.8

IN THE MATTER OF THE APPLICATION OF
LAST CHANCE AUTO SALVAGE, INC.

BE IT RESOLVED, by the Planning Board of the Township of
Southampton in the County of Burlington and State of New Jersey,
that,

WHEREAS, LAST CHANCE AUTO SALVAGE, INC. ("Applicant") is
the operator of an auto salvage operation (commonly referred
to as a "junk yard") on Lot 36.01, Block 2401, Southampton
Township;

WHEREAS, Applicant has made application to this Board
seeking approval of a minor subdivision of the aforesaid lot;

WHEREAS, the said application was considered by the Board
at a public hearing on September 2, 1993;

The Board finds the following facts:

(1) That Daniel D. Giberson is the owner of the subject
lot and has consented to this application;

(2) The existing lot 36.01 is approximately 34.411 acres
in size, is located along New Road in a Rural Development Zone
in the Pinelands area;

(3) Applicant received a Certificate of Filing from the Pinelands Commission dated June 4, 1993;

(4) The lot is presently dedicated to mixed uses, containing both the auto salvage yard and a single family residence;

(5) Applicant's proposal to divide the lot into new lot 36.02 (12.666 acres) and remainder lot 36.01 (21.751 acres) will create two (2) conforming lots, one dedicated to residential use only and the other dedicated to auto salvage only. To the extent the salvage operation spills over at present in one small area onto the proposed residential (remainder) lot, Applicant has promised to remove all junk cars or other salvage related operations from same;

(6) Applicant proposes no new development on either lot;

(7) The auto salvage operation is confined to an area delineated on the Plan submitted by Applicant - the remainder of proposed lot 36.02 is wooded.

NOW, THEREFORE, BE IT RESOLVED that this application for minor subdivision is hereby granted, subject to the following conditions:

- (1) Approvals from all other agencies having jurisdiction;
- (2) There shall be no further clearing of the wooded

portion of new lot 36.02, nor shall there be any expansion of the area devoted to auto salvage operations (or storage of junk cars);

(3) Applicant shall remove any junk cars, parts, or other salvage operations from new lot 36.01;

(4) This subdivision shall be recorded within the time prescribed by law by map or deed filed at the Burlington County Clerk's Office. Said subdivision lines shall be precisely in accordance with the lot lines set forth on the plan titled "Minor Subdivision" drawn by Raymond L. Worrell, II, dated April 26, 1993, submitted with this application.

The following requirements of the Township ordinances are hereby waived:

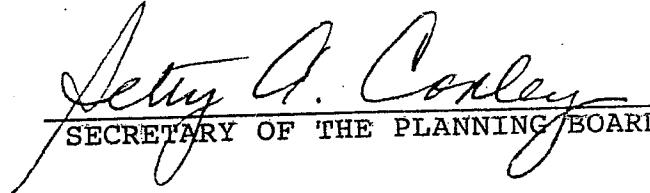
(1) Percolation tests and soil logs, due to the large size of the lots;

(2) Depiction of buildings on adjacent lots, due to large lot sizes and existence of substantial buffering.

SECRETARY'S CERTIFICATE

I hereby certify that the above is a true copy of a resolution adopted by the Planning Board of the Township of Southampton, in the County of Burlington and State of New Jersey,

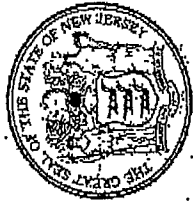
in accordance with the authority granted to it under Ordinance
1976-3 and 1976-7 adopted in pursuance of the authority of
Section 14 of Chapter 433 of the Laws of 1953, and the amendments
thereto, at a meeting held on the 7th day of October, 1993


SECRETARY OF THE PLANNING BOARD

TOWNSHIP OF SOUTHAMPTON

No. 002

Fee \$ 100.00



BURLINGTON COUNTY

NEW JERSEY

Date of Expiration:

December 31, 1992

Date of Issue:

March 17, 1992

Eileen Giberson

License is hereby granted to:

One (1) Year

For the period of

Junk Yard

from date of issue for the following purpose:

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

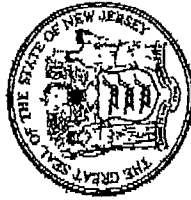
Patricia Connor, Inc.

TOWNSHIP CLERK

TOWNSHIP OF SOUTHAMPTON

FEE \$125.00

Nº 013



BURLINGTON COUNTY

Date of Issue

January 5, 1993

NEW JERSEY

Date of Expiration

December 31, 1993

License is hereby granted to

Eileen Giberson and Son

for the period of One (1) Year from date of issue for the following purpose:

Salvage Yard

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Patricia Conner RMC

TOWNSHIP CLERK

TOWNSHIP OF SOUTHAMPTON

FEES 125.00

No 029



NEW JERSEY

Date of Expiration
December 31, 1994

BURLINGTON COUNTY

Date of Issue

May 17, 1994

Daniel D. and Pamela Giberson

This license is hereby granted to _____ from date of issue for the following purposes:
for the period of One (1) Year Junk Yard

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Patricia C. ...

TOWNSHIP CLERK

Nº 319

TOWNSHIP OF SOUTHAMPTON

FEB \$ 125.00



BURLINGTON COUNTY

NEW JERSEY

Date of Issue

January 18, 2011

Date of Expiration

December 31, 2011

License is hereby granted to Daniel Giberson t/a Last Chance Auto Salvage Inc.

for the period of the calendar year of 2011 from date of issue for the following purpose:
Junk Yard License at 440 New Road, Southampton, NJ, Block 2401, Lot 36.02

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Stephen P. McFadden
TOWNSHIP CLERK

TOWNSHIP OF SOUTHAMPTON

No 261

FEE \$ 100.00



BURLINGTON COUNTY

NEW JERSEY

Date of Expiration

December 31, 1990

Date of Issue

December 19, 1989

Whereby is hereby granted to

Eileen Giberson

from date of issue for the following purpose:

ONE (1) YEAR

for the period of

JUNK YARD

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

TOWNSHIP CLERK

Patricia Connor, Inc.

TOWNSHIP OF SOUTHAMPTON

No. 013

FEE \$125.00



BURLINGTON COUNTY

Date of Issue

January 5, 1993

NEW JERSEY

Date of Expiration

December 31, 1993

License is hereby granted to

Eileen Giberson and Son

for the period of One (1) Year Salvage Yard from date of issue for the following purpose:

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Patricia Connolly

TOWNSHIP CLERK

TOWNSHIP OF SOUTHAMPTON

Nº 039

FEE \$ 125.00



BURLINGTON COUNTY

Date of Issue

1/5/95

NEW JERSEY

Date of Expiration

12/31/95

License is hereby granted to Daniel Giberson t/a Last Chance Auto Salvage, Inc.
for the period of the calendar year 1995
operating a Junk Yard at 302 Isaac Budd Road, Southampton, NJ Block 2401, Lot 36-02

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Patricia Connors

TOWNSHIP CLERK

TOWNSHIP OF SOUTHAMPTON

No. 029

FEES \$ 125.00



BURLINGTON COUNTY

Date of Issue

May 17, 1994

NEW JERSEY

Date of Expiration

December 31, 1994

License is hereby granted to

Daniel D. and Pamela Giberson

for the period of

One (1) Year

from date of issue for the following purpose:

Junk Yard

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business of occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Patricia Camarillo

TOWNSHIP CLERK

TOWNSHIP OF SOUTHAMPTON

No. 319

Fee \$ 125.00



BURLINGTON COUNTY

NEW JERSEY

Date of Issue

Date of Expiration

January 18, 2011

December 31, 2011

License is hereby granted to

Daniel Giberson t/a Last Chance Auto Salvage Inc.

for the period of the calendar year of 2011

from date of issue for the following purpose:

Junk Yard License at 440 New Road, Southampton, NJ, Block 2401, Lot 36.02

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Daniel Giberson
TOWNSHIP CLERK

Nº 302

TOWNSHIP OF SOUTHAMPTON

FEE \$ 125.00



BURLINGTON COUNTY

Date of Issue
February 23, 2009

NEW JERSEY

Date of Expiration
December 31, 2009

License is hereby granted to Daniel Giberson t/a Last Chance Auto Salvage Inc.

for the period of the calendar year of 2009 from date of issue for the following purpose:
Junk Yard License at 440 New Road, Southampton, NJ, Block 2401, Lot 36.02
The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Michael C. McFadden
TOWNSHIP CLERK

SOUTHAMPTON TOWNSHIP PLANNING BOARD
ROBERT L. THOMPSON BUILDING
5 RETREAT ROAD
SOUTHAMPTON, NEW JERSEY 08088

RESOLUTION OF MEMORIALIZATION 94.13

APPLICATION OF DANIEL D. GIBERSON AND PAMELA GIBERSON

WHEREAS, DANIEL D. GIBERSON and PAMELA GIBERSON
("Applicants") are the owners of Lot 36.02, Block 2401 in
Southampton Township;

WHEREAS, Applicants seek renewal of their Junkyard License
and have submitted a Site Plan to the Board for review and
recommendation in accordance with Section 4-4.4 of the Revised
General Ordinance;

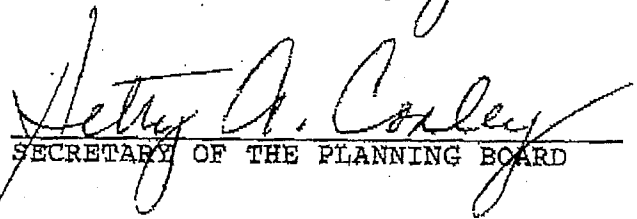
AND the Board having reviewed the Site Plan prepared by
Lord, Anderson, Worrell and Barnett, engineers, as revised to
September 3, 1993, submitted by Applicants, and having found
said Site Plan to be in compliance with the relevant Ordinances
and otherwise to satisfactorily address the concerns of the
Board, except that the title block should be corrected to
indicate "Lot 36.02" rather than "Lot 36.01";

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby
recommend renewal of this Junkyard License upon condition that
the Lot continue to be operated in accordance with the

approved Site Plan and upon condition the lot number on the Site Plan is corrected in the title block to read "Lot 36.02".

SECRETARY'S CERTIFICATE

I hereby certify that the above is a true copy of a resolution adopted by the Planning Board of the Township of Southampton, in the County of Burlington and State of New Jersey, in accordance with the authority granted to it under Ordinance 1976-3 and 1976-7 adopted in pursuance of the authority of Section 14 of Chapter 433 of the Laws of 1953, and the amendments thereto, at a meeting held on 5th day of May, 1994


SECRETARY OF THE PLANNING BOARD

TOWNSHIP OF SOUTHAMPTON

No 261

Fee \$ 100.00



NEW JERSEY

Date of Expiration
December 31, 1990

BURLINGTON COUNTY

Date of Issue
December 19, 1989

Eileen Giberson

Licensee is hereby granted to
ONE (1) YEAR

for the period of JUNK YARD

from date of issue for the following purpose:

The Licensee having paid the fixed fee and having complied with all the requirements of ordinances necessary for obtaining license, this license is granted upon the express condition of a forfeiture in case the licensee, his agents or servants, shall violate any law or ordinance regulative of the business or occupation licensed and that it may be revoked whenever the public good requires that such action be taken.

THIS LICENSE MUST BE POSTED
IN PUBLIC VIEW

NOT TRANSFERABLE

Patricia Conner, L.P.C.

TOWNSHIP CLERK

LAW OFFICES
PARKER, McCAY AND CRISCUOLO
115 HIGH STREET
MOUNT HOLLY, N. J. 08060

HAROLD T. PARKER
ALBERT McCAY
ROBERT W. CRISCUOLO
WILLIAM V. WEBSTER, JR.
RICHARD J. DILL
BARRY T. PARKER

DAVID A. PARKER
ROBERT J. PARTLOW

TELEPHONE
267-2850
AREA CODE 609

August 3, 1967

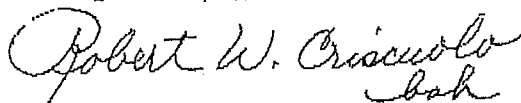
Mr. William Giberson
Buddtown Road
Vincentown, New Jersey

Re: Our File No. 13047C

Dear Mr. Giberson:

The records of Southampton Township indicate you are the owner of Lot 36 in Block 2401 and that a junk business is being conducted on the premises, presumably by Eddie Fuller. The Township ordinance prohibits such a business without a license. We are presently engaged in a campaign to prosecute all violators, and prosecution will follow unless this condition is corrected by either removing the junk or obtaining a license by August 30th.

Very truly yours,


ROBERT W. CRISCUOLO

RWC:bah

cc: Mr. Hector Irick
Mr. Edward Fuller

EXHIBIT “B”

STATE OF NEW JERSEY
CERTIFICATE OF AUTHORITY

DIVISION OF TAXATION
TRENTON, NEW JERSEY
08646

The person, partnership, or corporation named below is hereby authorized to collect:

NEW JERSEY SALES & USE TAX

pursuant to: **N.J.S.A. 54:32B-1 ET SEQ.**

This authorization is good **ONLY** for the named person at the location specified herein.

This authorization is null and void if any change of ownership or address is effected.

Leslie A. Thompson
Director, Division of Taxation

LAST CHANCE SALVAGE, INC.
302 ISAAC BUDD RD.
SOUTHMAPTON NJ 08088-0302

Tax Registration No. **223-236-267/000**
Tax Effective Date **05-07-93**
Document Locator No. **B0000443872**
Date issued **06-23-93**

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

CA-1 5/92

(See Reverse Side)

STATE OF NEW JERSEY
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Leslie A. Thompson
Director, Division of Taxation

LAST CHANCE SALVAGE, INC.
302 ISAAC BUDD RD.
SOUTHMAPTON NJ 08088-0302

Tax Registration No. **005-531-230/000**
Tax Effective Date **05-07-93**
Document Locator No. **B0000443872**
Date issued **06-16-93**

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

CA-1 5/92

(See Reverse Side)

RIDGWAY & STAYTON, L.L.C.

Counsellors at Law

MICHAEL S. RIDGWAY
HERBERT J. STAYTON, JR.

3 East Stow Road
Suite 290
Marlton, New Jersey 08053-3191

Telephone: (856) 810-7723
Facsimile: (866) 584-4571
E-Mail: MSR@RSLAW.BIZ
HJS@RSLAW.BIZ

December 13, 2013

"VIA: HAND DELIVERY"

CLERK OF BURLINGTON COUNTY

Superior Court of New Jersey

Court Complex, 1st Floor

49 Rancocas Road

Mount Holly, New Jersey 08060

RE: Allied Recycling Inc./Last Chance Salvage Inc.
vs. Township of Southampton Zoning Board
Docket No.: L-2448-13

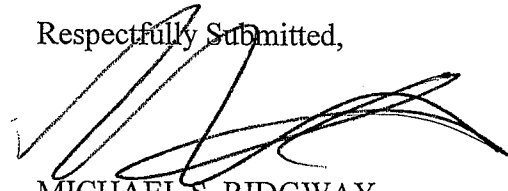
Dear Clerk:

Regarding the above referenced, enclosed please find an original and one copy of Plaintiffs' Letter Reply Brief in Lieu of a more Formal Response to Defendants' Trial Brief.

Please file the enclosed and return a time-stamped filed copy in the self-addressed envelope provided for your convenience.

Should you have any questions or concerns, please do not hesitate to contact our office.

Respectfully Submitted,



MICHAEL S. RIDGWAY,
ESQUIRE

MSR:dle

Enclosures:

- c: The Honorable Ronald E. Bookbinder, J.S.C. (via: hand delivery w/ enclosures)
Thomas J. Coleman, III, Esquire (via: hand delivery w/ enclosure)
Thomas Gabrysiak, Allied Recycling, Inc. (via: Federal Express overnight delivery w/ enclosures)
John Gabrysiak, Allied Recycling, Inc. (via: Federal Express overnight delivery)