



June 23, 2020,

RE: 125 Mill St, Wallkill, NY 12589 in the Twon of Newburgh

I am writing to object to Mr./Mrs. Gasparini's application for a variance for electrical landlord meter and object to the legalization of this dwelling to two family dwelling at 125 Mill St, located in the Town of Newburgh.

To our knowledge, Mr. and Mrs. Gasparini have yet to close out the first building permit to 'turn on electric' and install smoke detectors.

Did they think they could convert this house illegally themselves to a two family, rent it a few years, then claim it was a preexisting two family? Does anyone think they can convert a house to a two family dwelling, then after a period of time claim it was preexisting?

This house currently contains two illegal apartments. We ask that the dwelling be restored to the one family home it was prior to its illegal conversion to two illegal apartments. Please restore this dwelling back to its prior use existence.

The applicant is crying foul, that is going to cost \$39,000, to reinstall the stairs to bring it back to the single family home it was and should be. After consulting someone with construction experience of over 30 plus years; installing stairs should be an estimated two to three-day job and cost about \$2500 in materials. This is an easy fix for an experienced carpenter.

I will speak at the meeting as will, Mr. Morello who will speak as a first hand witness pertaining to this house in the 1960's to present. We were all friends with Herbie Trubenbach growing up on Mill St. Mr. Hermance who also grew up on Mill St. will also once again voice his objection.

Mr. Morello, will cover zoning requirements, changes and the law regarding building code, sanitary code, public health, zoning codes, etc. as it pertains to this situation.

Ms. Torre's Letter to Board and LISTING PICTURES:

In one of her last letters to this board, Ms. Torre tries introduces a case where there was an existing legal non-conforming house in the Town of Newburgh and she cleverly tries to draw a parallel to this house where there is none.

The house at 125 Mill St was never a two family house, was never used as a two family house and is now due to the Gasparini's illegal work, an illegal two family. There were NO tenants prior to Mr./Mrs. Gasparini purchasing the property.

In addition, it is highly unlikely that ANY ONE would have live upstairs in the unfinished condition it was in, as it was barely framed out. All the listing pictures show the upstairs as not completed. From the pictures, we don't even see electric outlets or heating fixtures, we only see junk and falling insulation, and framing.

It can't be 'preexisting' if it never was in the first place!

Mr./Mrs. Gasparini cannot at this stage in the process as Ms. Torre suggests, claim the listing and listing pictures are of no importance as per her May 22 letter. Ms. Torre suggests that Chariman Scalzo's reference to the listing pictures not be introduced; if that is the case then the Gasparini's claim that they relied on the listing pertaining to this house being a two-family cannot be used by the Gasparini's as a reason for them to believe that it was a two family house. Mr./Mrs. Gasparini can't have it both ways. Either the listings and the listing pictures are considered or they are not.

My neighbors and I have reviewed and researched every online listing Broker's website where we could find had this house on their website, we've found 9 real estate websites with this house at one point listed on their site. Some of them label this a one family, some label it a two family and one labeled it a duplex. Most of the real estate sites list this house as having sewer, and it does not. One lists it as the heating system as Hot water steam heat, which is also incorrect.

I mention these to support the fact that we cannot trust a real estate listing, **AND to cement the fact that anyone buying real estate must do their own homework and investigate and verify facts for themselves (by at least calling the building department).**

Regardless, all the listings have the same thing in the description text:

“Calling all contractors, flippers, and investors!

Already zoned 2 family. Much potential in a great location. Not a short sale or foreclosure.. **Second story was never finished, space ready to be roughed out for renovations.** Bones are still solid. Sump pump failed and there is water in some areas of basement. Mechanicals are above water line. Owners motivated! Bring offers”

Reading is fundamental. All the listing texts say that the upstairs was not complete and was never finished. So, how could anyone have ever lived up there? Are the Mr./Mrs. Gasparini suggesting people were living upstairs when it was just framed out with insulation hanging from the ceiling?

In addition, the listing reads: “Already Zoned 2 family” which is not true. The area may have been zoned as such at one point in time in the past, but was not true in 2017. **Mr./Mrs. Gasparini never inquired or asked the building department prior to purchase.**

Mr./Mrs. Gasparini only had to make ONE phone call to the Building Department!

However, please notice what the listings **do not say** – none say this house IS a two-family - the listings (erroneously) say ‘Zoned’ a two family, an important distinction – the listings are suggesting and hinting that there is a potential to convert this to a two family without every saying definitively that it is currently a two family.

Not one listing suggests anyone could have lived upstairs or ever lived upstairs, because it was only roughed out and never finished. The real estate listings are a marketing ploy trying to entice a buyer by suggesting there is potential.

Mrs. Gasparini’s apparently believed the marketing campaign - But **did not check with the Town of Newburgh Building Department first prior to purchase.**

We find the absence of pictures of a second bathroom and second kitchen telling. Wouldn’t a listing agent try to highlight all features? Common sense must prevail. The picture of a kitchen that was shown was a complete disaster, after what looked like the result of {suggested} frozen pipes. Did the other supposed kitchen look worse? (Picture submitted with our last submission.)

This house was never used as a two family house!

Ms. Torre’s last submission to the board:

Ms. Torres has stated a lot of misguided facts, from relying on young children’s memories, to a deck that was replaced because it was rotten and then astonishingly changing all the

deck facts, to a deck that never was built, but footings were poured. Ms. Torres has no first hand knowledge of this house.

In addition, I acknowledge that Ms. Torre is doing her best to represent her client and in the course of representation is just repeating what her clients have told her, even though she has no personal knowledge. Her doing her job as best of her ability can be the answer to her proposing several preposterous claims, as she is relying on her client for information and she is just repeating those claims.

As per Ms. Torre - No existing staircase when Mr./Mrs. Gasparini purchased the home is proof that it is a two family dwelling. Then Ms. Torre says: The presence of a staircase doesn't exclude it being a two family dwelling. Then she says if there was a staircase in the past, that doesn't prove it was a one family dwelling. That paragraph made me dizzy, I had to sit down. Can't they pick a position or opinion?

Even with all this double talk, we agree - the presence or absence of the staircase proves nothing!

This is not a two family house, never used as such, never was and is now not.

Just because the Gasparini's have been renting it for two years does not grandfather it in - you can't break the law then profit from your unlawful actions. Ms. Torre says in her

letter- the Gasparini's have been renting it for two years then concludes that qualifies as preexisting.

Ms. Torre once again points to these 'resident form letters' or Boiler Plate letters presented and solicited by the Gasparini's from people who happened to be living on Mill St. (I guess) in Jan 2020 (some letters are not dated).

They want you to rely on the memory of a child who was probably 7 or 8 years old when she was 'baby sat' at Herbie's house, over the memory of an adult - Mr. Hermance who picked up his child from the same day care during the same time period.

He SAW stairs which were *blocked off on top with Styrofoam* board to keep the heat from escaping up the stairwell. Once again proving the point, there were stairs and the upstairs was blocked off.

The letters - to be clear - there were only FOUR which were posted. The people who signed either have no first hand personal knowledge of the house, none of them were here long enough to know the history. Certainly none here before the 1990's, whereas we have been here since the 1960's and remember the house and its history.

(These Gasparini letter signers -who the Gasparini's persuaded to sign their form boiler plate pre printed letter -

two are not even home owners, one has only been here 6 years, the longest homeowner has been here 17 years (2003), hardly long enough to know any Mill St history, one is only 23 years old and not a homeowner. Are any of the letters even dated?) These letters are nonsense. There are no letters written by anyone in support of the Gasparini's, there are only pre printed letters composed and printed by the Gasparini's who they coerced to sign for them.

Then we have more double talk pertaining to the deck. Where first they claimed they only replaced the old rotten deck and stairs, then they change their entire story to say that there really wasn't a deck and stairs, but they used the old footings from an old deck from years ago. I have no memory of the deck in the current dimensions. It was xx by xx!

{I intentionally leave this information blank so they can't change the story once again to fit a new narrative}.

Now - Mr./Mrs. Gasparini want us to believe that 35 plus years ago, Herbie, dug holes 3 feet deep and poured concrete footings, 12 x 12 x 6, below the frost line, in the exact number, size, configuration, depth, dimensions - that would be acceptable to the building code 35+ years into the future. And, they want us to believe that all these years Herbie left markers to find these footings?

Did Mr./Mrs. Gasparini dig down each of those footings to make sure they were below the frost line? That they were still intact? Are they even there? Did they get a building permit or any get inspections? Is this deck even attached to the house?

Application to Zoning Board:

I have been impressed with the collaborative nature of this ZBA in working with both homeowners and neighbors. In all I've seen and read, in most cases people do the right thing legally. Then there are cases where people work on a structure and that work is not done inadvertently or done innocently; work is done deliberately by people who do so knowing they needed approvals and permits prior to working on a project; permits for which they choose not to get and ignore the law. Mr. Gasparini claimed to be a contractor of over 15+ years: Work was done on this house that any contractor in Orange County would know needed permits.

It appears that Mr./Mrs. Gasparini did not do things legally with regards to this house as evidence by a total lack of any permits with the exception of the electric permit and they violated the terms of that permit in the process by illegally adding the second electric meter. If the ZBA were to approve this request and sanction any work done to this house, it would be sending an entirely wrong message to the homeowners of the Town of Newburgh.

To approve Mr./Mrs. Gasparini application would be an insult to every homeowner who has done the right thing and obeyed Town Law. Approving Mr./Mrs. Gasparini application would be telling the homeowners of the Town that they can go do whatever they want, make any changes they want, create apartments in any home, and do so without getting any permits or approvals. It is tantamount to saying you don't have to do the work legally. And - Then after the fact cry hardship and expect the board to feel sorry for you when you cry 'my investment.' The very integrity of the ZBA is at stake here.

In closing

Prior to purchase, the Building Department told the Gasparini's and the title company that there MAY BE VIOLATIONS! (See letter from Building Department. Gasparini's ignored this entire statement. They were told there may be violations!!!)

It would have been very easy for the Mr./Mrs. Gasparini to ask the Building Department to do a walk through so Gasparinis could be informed as to what work was necessary in a house they intended to purchase.

Again we ask: Mr./Mrs. Gasparini have never even closed out the first building permit to 'turn on electric' and install smoke detectors. Did they think they could convert this illegally to a two family then claim preexisting?

There are no DO OVERS

What Mr./Mrs. Gasparini's unfortunately did was fall for marketing campaign and purchased a house without the proper investigation a prudent person would conduct. Mr. / Mrs. Gasparini have no right to cry foul.

There are no do overs; they purchased a single-family house. And that is not a bad thing, nor is it a hardship. They will just have a slightly lower the rent roll. They can always sell. I'm sure they can sell at a profit and they can invest at another location. They are not losing their investment, the difference is their investment will not see the rate of return they tried to manufacture, but they will see a very healthy, high rate of return.

Let me be clear as to our objections. This has nothing to do with the Gasparaini's or their tenants. I am sure they are all fine people, but if this were to be approved it will be forever! We want to stop this now. The facts are on our side and as well as the law.

We want to protect our pristine water and quiet nature of our street. This is our home, where we grew up, where we live our lives, and were we will retire. To us, the residents of Mill St, this is not someplace to rent to transient people passing through just to make a rent roll. This is our *home*.

In our 50 plus years on Mill St, this house was never used as a two family house. Considering all the facts in this case, I respectfully request denial of the request.

Thank you,

Debbie Deegan
133 Mill St.