

**From:** Naru, Steve

**Sent:** Sunday, November 15, 2020 6:05 PM

**To:** zoningboard@townofnewburgh.org

**Subject:** Comments regarding the application of Alejandro Rivera to operate a small firearms dealer business out of our peaceful Rockwood Drive Neighborhood

To the Town of Newburgh leadership:

I am writing, as a resident of Rockwood Drive in the town of Newburgh, to strongly oppose the application of Alejandro Rivera to operate a small firearms dealer business in our quiet, peaceful Rockwood Drive neighborhood. Our neighborhood is unilaterally against this application.

This is an absolutely ridiculous application request – there is no way that this neighborhood should ever be zoned for a commercial retail business – let alone one that sells firearms.

First of all, a quiet residentially zoned neighborhood is no place to have a commercial enterprise of any kind operating. A neighborhood like ours is zoned residential for a reason. It is not located on a major thoroughfare; it is in a quiet development that has always been, and should be zoned as purely residential. There are plenty of commercial places nearby that this person can rent/buy and run his business from. We don't want any part of the traffic and the people that this business will draw. This neighborhood was not ever supposed to be a place to operate a retail commercial business out of – not to mention the fact that we are talking about firearms here.

Approving this zoning variance would be a huge mistake. Its not like this person is selling cookies from their house. They would be selling deadly weapons out of a peaceful residential neighborhood.

Ours is a quiet neighborhood with lots of senior citizens as well as young children. The precedent that this would establish would be terrible. There is absolutely no reason for this to take place.

Thank you for listening. I also plan on being on the zoom meeting to strongly oppose this.

Steve Naru

Newburgh, NY

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**From:** Glenn Henricksen, Sr.  
**Sent:** Monday, November 16, 2020 3:47 PM  
**To:** zoningboard@townofnewburgh.org  
**Subject:** Proposed basement gun sale shop

Town of Newburgh  
Zoning Board of Appeals  
21 Hudson Valley Professional Plaza  
Newburgh NY 12550

Dear ZBA:

I and many others are deeply concerned about the basement gun sales proposal in our neighborhood. Below I have shared some of my concerns and the reasons for them.

### **10 Reasons to Ban Home Gun Dealers**

You don't have to live in The Town of Newburgh to be concerned about the ramifications of allowing Home Gun Dealers to operate in residential neighborhoods. Guns don't stay where they are sold. And illegal guns all start out as legal guns. Sales of firearms and ammunition, two dangerous products, belong in a commercial business zone with proper security and oversight, not in a residential neighborhood.

Here are 10 good reasons why you should be concerned about having your next door neighbor (Federal Firearms License or FFL dealer) selling guns and ammunition out of his home:

1. The safety of residents in close proximity to home-based firearm and ammunition sales poses concerns about its negative influence on children, the possible increase in violence and/or criminals in residential neighborhoods, trafficked firearms, and the infrequency of federal and state inspections to adequately regulate these business operations once established;
2. Fire and/or explosive hazard caused by potentially large quantities of stored firearms and ammunition in close proximity to the homes of neighboring residents;
3. Potential theft of firearms and ammunition through burglary or robbery;
4. Inability to safely and securely store such firearms and ammunition in a home-based business where children are commonly present;
5. No assurance that appropriate measures are being taken to prevent the accessibility of firearms/ammunition by individuals prevented by law from possessing them (ATF – The Bureau of Alcohol, Tobacco, Firearms, and Explosives – has found that FFLs are

the largest source of trafficked firearms. In 2007, over 30,000 firearms were missing from FFLs' inventories with no record of sale.);

6. Increased vehicular and foot traffic in residential areas caused by a firearms and ammunition sales business that could change the neighborhood's character and harm the quality of life;

7. Probable negative impact on neighboring property values and requirement to "disclose" presence of home gun dealer upon sale of neighbors' homes;

8. Increased demands on local law enforcement resources to monitor numerous home gun dealers, or lack of any oversight by local police department;

9. Lack of sufficient federal or state inspections due to limited resources. (ATF reported in 2007 that it inspects each FFL, on average, only once every 17 years) It is even less today because of cuts in funding;

10. Home gun dealers selling over the Internet are difficult to monitor. According to ATF, home-based Internet FFL gun dealers typically operate by setting up a website offering a variety of firearms and ammunition. The dealer responds to requests by placing orders to the manufacturer, and the firearms are sent to the dealer's home. He then sells them out of his house or redistributes them through the mail to another FFL dealer out of the area.

### **Giffords Law Center Concerns**

The Giffords Law Center, founded in 1993 after a shooting in a San Francisco law firm which saw 14 people shot and merged in 2016 with an organization founded by Gabriel Giffords and thus named for her, the congresswoman who was shot in the head while two others with her were killed, and her husband, Mark Kelly, now the Senator-elect from Arizona, strongly condemns the explosion of FFL licenses which has led to great problems. Here is a link to their statement:

<https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/gun-dealers/>

Here are a few brief comments from the Giffords' statement:

Federal dealer licenses are in high demand because a dealer may purchase unlimited quantities of firearms through the mail, at wholesale prices, without being subject to background checks or any state or local waiting periods.

Oversight of dealers is critical because gun dealers represent a major source of illegally trafficked firearms.

Despite the need for strong dealer oversight, ATF faces numerous obstacles that enable corrupt dealers to go undetected and unpunished.

A 2004 report by the US Department of Justice's Office of the Inspector General (OIG) found that ATF's program for inspecting federal firearm licensees (FFLs), including gun dealers, importers, manufacturers, collectors, and pawnbrokers, was "not fully effective for ensuring that FFLs comply with federal firearms laws because inspections are infrequent and of inconsistent quality, and follow-up inspections and adverse actions have been sporadic." While a 2013 follow-up report by OIG found that ATF had made some improvements in its inspection program, over 58% of FFLs had not been inspected within the past five years due, in part, to a lack of resources. A Washington Post investigation in 2010 found that, as a result of inadequate staffing, ATF was able to inspect less than 10% of FFLs in 2009 and, on average, dealers are inspected only once a decade.

According to a report issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the federal definition of "engaged in the business" often frustrates the prosecution of "unlicensed dealers masquerading as collectors or hobbyists but who are really trafficking firearms to felons or other prohibited persons."

#### **Conclusion**

In conclusion I have to say that people of all different political backgrounds in the Rockwood neighborhood are deeply concerned in this matter. It would be far better for the applicant to find a commercial location for his business. I am certain that in the present environment such locations are far less expensive than they were before the pandemic.

Respectfully submitted,

Glenn I. Henricksen

Newburgh NY 12550

(signed hard copy in the mail)

**From:** Donette Smith

**Sent:** Monday, November 16, 2020 9:12 PM

**To:** zoningboard@townofnewburgh.org

**Subject:** reject special application to sell firearms from 28 Rockwood Drive basement

I am a resident of Rockwood Drive for the past 17 years. We bought our home here in the Town of Newburgh on Rockwood because it is a lovely, quiet, safe RESIDENTIAL area. I oppose the Special Application request to be a firearms dealer submitted by the resident at 28 Rockwood Drive for multiple reasons. Presently the code as written, found in part II General Legislation/Zoning - Article VI, Supplementary Regulations Applicable to Certain Uses states:

H. The home occupation shall not use, store, produce or dispose of any toxic or hazardous material (Guns= Hazardous. The ammunition also poses threat).

L. When applicable, the building construction classification and fire and building safety requirements of the Town for mixed use of residential and the applicable nonresidential use classification of such home occupation and shall be certified by the building inspector. (What safety measures are in place in this mixed use residence that will be storing guns/ammunition? What special fire safety measure are in place?)

Additionally, the Town/Zoning information posted on line indicates that permissible home business include those such as: "art studio, dressmaking, offices for a clergyman, lawyer physician, dentist, architect, engineer, real estate agent or accountant; and teaching, with musical, dancing and other instruction limited to one pupil at a time. However home occupations shall not be construed to include uses such as barbershop or beauty parlor". How can a business selling FIREARMS OUT OF A BASEMENT be acceptable but something like doing haircuts is not? Which is more unsafe to the neighborhood? People coming and going from the neighborhood with children walking by and guns seems very unsafe. Criminal elements may also be more likely to come to the neighborhood to purchase these weapons.

Presently this is one application that we know of to conduct this form of business, and if it is granted than who is prohibit another, then another, and another neighbor from doing the same? Will Rockwood Drive become a Town of gun dealership headquarters? There are many commercial gun dealers already in the local area, including in Walkill, Montgomery, Newburgh, Walden to name a few. Do we really need another, and if so should it be located in a residential area?

Granting this application would change the character of this community and pose hardship to residents. This application must be rejected to preserve the integrity of this residential area.

Regards,  
Donette Smith,

**From:** Marcia Westra  
**Sent:** Monday, November 16, 2020 10:47 PM  
**To:** zoningboard@townofnewburgh.org  
**Subject:** Proposed gun dealership on Rockwood Dr

Dear folks on the zoning board of the Town of Newburgh -

My name is Marcia Westra and I am a practicing psychotherapist for over 35 years. I am hearing the stories of peoples lives all the time - what has been formative and what has been traumatic. I come from Michigan, but have worked in NYC for years where I have met people from all over the nation. I also have experience professionally working in the projects of Patterson, NJ; with child abuse cases in Elizabeth, NJ; and with an agency that housed mentally ill people in apartment situations in Newark, NJ. I say this to illustrate that I have been in all kinds of situations, worked with people of vastly different economic means, and know of the inner worlds of people from tremendously varied backgrounds. What do they all need? At the bottom line, a sense of safety. A feeling of being loved. The feeling that they can trust others to help them if they have a need.

When I come home to my neighborhood, or have my grandchildren visit, or go for a walk myself around our 4 little blocks, I don't want to wonder about who is in the car coming away from the home where they just bought a gun. I don't want to have to wonder if they are mentally stable, legally able to buy firearms, a person who has good self control or ability to manage their anger or frustration. I don't want to have to think about if they might use it in a domestic violence situation - something else I have work experience with. I just want to exchange a friendly hello with other neighbors who I might see or might not see elsewhere. I want to build a sense of community so we might assist one another in a snowstorm or if we have a damaging thunderstorm. I'd rather arrange a block party in the summer with them. I don't want to have a sense of wariness - wondering if there is a dangerous element in my neighborhood - I experienced that in Patterson, Elizabeth, and Newark due to the nature of the social work I did at the time.

My father happened to be a lifelong hunter. Deer, rabbits - an occasional fox. Skeet shooting at other times. He also collected guns and I grew up with a locked cabinet with a valuable gun collection. But he was a safe gun owner. Law abiding citizen. Warm and loving - a safe, trustworthy person. Given the current state of our nation, with polarization and anger, with a sense of threat from the 'other', with assault rifles and military style weapons around, with children killed at elementary schools and high schools and music festivals - no - I don't feel safe like I used to. I myself have become a gun control advocate. I want EVERYbody to be and feel safe - from one another.

Are there not enough firearms sales places available in this region? I believe so. I know there is a home that I pass in Wallkill that has a large guns and ammo sign on it now and I feel disconcerted every time I pass it. Would I feel that way if they cut hair? Had Tupperware parties? Absolutely not.

Do I want to have to tell someone looking at my home when I go to sell it that there is a firearms dealer just 2 blocks away from my house? I may be very worried, but what if they are 'paranoid' and the deal is off because they feel even more unsafe than I?

For myself, I have enough distress reading the news - or hearing my patients stories of trauma. I have an issue with a neighbors unleashed dog. I'd rather keep to a lesser issue like that, than deal with something that really stokes my fear like a firearms dealer in my neighborhood.

The bottom line is - this is a zoned residential neighborhood. PLEASE - leave it that way. When you buy a home, it's what you expect.

Thank you.

**Marcia Westra, LCSW**

**Marcia Westra**

**Sent:** Tuesday, November 17, 2020 7:24 AM  
**To:** zoningboard@townofnewburgh.org  
**Subject:** No Small Firearms Sales in Rockwood Hills

I am a 42 year resident of Rockwood Hills. Rockwood is a great place to live. On any given day you will find runners, joggers, walkers, baby carriages traversing the hills of Rockwood..... enjoying the beauty of both the setting and the people..

Rockwood Hills is an old fashion close knit community. A place where neighbors help each other, share conversation enjoy cookouts and have organized a Cornhole Tournament. Realtors have described a demand for a Rockwood home stating "they are sold within days". Suffice to say Rockwood Hills is a very special place that has remained that way for over 55 years. The R-3 Zoning allows families to thrive and pursue the American Dream without the problems created by a business in the midst of a residential area.

An important aspect of the **Zoning Code: 185-48.6. Part B #3** reads as follows:

*"The purpose of this section is to establish regulations for home occupations so that they do not have detrimental impacts on neighboring residences and residential neighborhoods and to specifically prohibit certain uses and activities as home occupations in residential zones in order to preserve the character of residential neighborhoods".*

I am **adamantly against** the approval of any Sales Based Business in Rockwood Hills. It makes no sense to me that home occupations such as a Barber Shop and a Beauty Salon are not permitted (understandably so).....but a Small Firearms Sales Business would be permitted. A Small Firearms Sales Business operating out of a residential neighborhood will undoubtedly change and destroy the character of this long coveted family friendly community.

As expected there has been a strong visceral reaction against this request encompassing Wood Terrace, Ashwood Terrace, Red Oak Terrace and all of Rockwood Drive. The prospect of a neighborhood Gun Shop with Guns being sold out of a neighborhood house is rife with issues..... including but not limited to safety, violence, strangers in the neighborhood and increased traffic.... just to name a few.



In conclusion I encourage the ZBA to Disapprove this application. The medical mantra of "Do No Harm" applies in this case which will be to the benefit of the 85 residents of Rockwood Hills.

Respectfully,  
Ronald F. Gamma

Newburgh, NY