

# A tough question for the City's witness: “You have a financial interest in this, don't you?”

The Bethlehem Gadfly 2 W. Market St., Neighborhoods, Northside January 11, 2020

🌀 97th in a series of posts on 2 W. Market St. 🌀

What did you think of the testimony of Mrs. Virgilio, the sole resident witness put on by the City/Marketers?

If I were to boil her testimony down, I'd say Mrs. Virgilio feels it's ok for a financial service office to operate out of 2 W. Market even though it's in an area zoned residential *because it's a commercial area and because it has raised property values.*

Would you agree with the way Gadfly put it?

Last post I asked you to use Google to “see” what Mrs. Virgilio sees. Now see the area through the [City zoning map](#). (Have you ever seen the zoning map. Pretty interesting.) Yellow is residential; the other (pink?) is commercial.



Now Mrs. Virgilio “sees” the New and Market intersection as commercial even though 3 of the corners are zoned residential. Councilman Callahan said basically the same thing at a key Council meeting long ago and even extended his purview of the commercial area west on Market toward Main, saying something like “you can’t tell me W. Market St here is residential.”

Here is the audio of the cross examination of Mrs. Virgilio by the neighbors’ attorney.

AUDIO FILES NOT AVAILABLE IN THIS ARCHIVE

The attorney makes several points in that cross examination:

- Though there was a dentist office in the Virgilio B&B before they bought the property, it would not be allowed now by law.
- Verizon is in the business district, and Glemser bldg and the law offices are grandfathered, so they have no legal bearing on 2 W.
- Though there is a longstanding law office near the B&B, a new one would not be allowed there now by law.
- Though Mrs. Virgilio testified that there was no “commercial creep” in the neighborhood, the recent opening of a financial service office at 2 W. itself is indeed an example of commercial creep.

Valid points, Gadfly thought.

But, climatically, the neighbors’ attorney focused on what for Gadfly was precisely his big takeaway from Mrs. Virgilio’s testimony when he asked, “You have a financial interest in this, don’t you?” Go back to the last post and look at her stress on increased property values under examination by the City attorney. Did you notice that?

For Mrs. Virgilio the touchstone is money, thought Gadfly. Hmmm.

Her answer to this question of whether she had a financial interest in the approval of the Marketer’s presence — delivered with emphasis and urgency as if it was a stupid question — almost jolted Gadfly out of his seat with its dollar-sign clarity:

*Isn’t that the whole idea of buying property?*

A rhetorical question. As if the answer could be nothing but a “yes.” But Gadfly, sitting in the cheap seats, was about ready to shout “NO.”

The principal purpose of buying property is to make money? Not always.

Mrs. Virgilio is a businesswoman. Ok, you buy a property as a businesswoman, and you hope to build on your investment.

She was answering with honesty and complete transparency.

But if you are buying a “home,” you have a lot of other values in mind, the kind of things a long line of neighbors talked about in meeting after meeting embodied in references to a sense of community, eyes on the street, borrowing cups of sugar, shoveling sidewalks, watching each others’ kids, and so forth.

A “neighborhood” for a prospective home owner and for a prospective businesswoman would mean two different things.

Mrs. Virgilio admits of such when she says if she was looking for a place to raise kids, she wouldn’t have bought there.

But kids have been raised in the 2 W. Market house. The previous owner Schadts had one or maybe two children there. One testified several times, and Gadfly believes another may have done so once.

The Romerils (Martin testified last meeting) were raised on the block. Ms. Van Wirt, also a prior testifier, is now raising kids on the block.

More importantly, by her own admission at the beginning of her testimony, Mrs. Virgilio herself raised three sons at the intersection of New and Market.

So, children can and have been raised at the intersection of New and Market. One can have a home there.

New and Market is residential.

The fact that a street has double yellow lines, the fact that a street has parking meters, the fact that a street has a bus stop does not make an area commercial to Gadfly’s way of thinking.

So Gadfly was no more moved by Mrs. Virgilio's testimony here than he was similar testimony by many more people during the original stages of this controversy.

And he doesn't see that she goes anywhere to rebutting the two main conclusions of the neighbors' expert witness.

Here's the full interchange between the attorney and Mrs. Virgilio:

Attorney: You have a financial interest in this, don't you, in that a financial service office has been placed diagonally across from your property that has now increased the value of your property?

Mrs. Virgilio: Isn't that the whole idea of buying property?

Attorney: Well, isn't the whole idea of when you buy into a residential neighborhood that it remains residential?

Mrs. Virgilio: I think I stated up front that when we purchased our property we purchased it with the idea of putting a business in there. It was already a business when we purchased it, and we purchased it with the intent of continuing it as a different type of business, but it would still be a business. I already said if we were looking to buy a home as a residence to raise our children, we would have never looked at New and Market.