



**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

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ZBA BOARD MEMBERS:

Acting Chairman: Mark Tomko
Members: Clayton Ellis
Tom Smallcomb
Thomas Jackson, Jr.
Alternates: Eugene Burns
John Taylor
Attorney: Matthew Butler

**TOWN OF VESTAL
ZONING BOARD OF APPEALS**

In the Matter of the Application of

Thomas Evanoika
112 Mary Street
Vestal, NY 13850
B.C.T.M.P. # 173.39-1-1

DECISION

For a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-154(a)(3) of the Code of The Town of Vestal, Broome County, New York
(Zoning Ordinance)

At a meeting duly scheduled for December 10, 2020 the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Thomas Evanoika, regarding premises situate at 112 Mary Street, Vestal, NY 13850, (B.C.T.M.P.# 173.39-1-1) for a Special Permit as required by Chapter 24, Article IV, Division 1, Section 24-154(a)(3) of the Code of The Town of Vestal, Broome County, New York (Zoning Ordinance), pertaining to a having a non-listed home occupation being allowed at this parcel to operate a public safety, law enforcement, and defense, online store from this parcel. Appearing in support of the Special Permit request is the applicant Thomas Evanoika.

Proof of publication of the notice of the hearing in the Town Crier was submitted, and the Board's letter to the applicant in response to his application was read. The applicant submitted a package outlining his request along with a copy of the application.

Board members present, Mark Tomko, Acting Chairman, Thomas Jackson, John Taylor, Tom Smallcomb and Clayton Ellis. All Board members stated that they had visited the site and were familiar with the character and nature of the area and this property.

After due deliberation, the Zoning Board of Appeals makes the following findings of fact and conclusions of law:

Applicant is requesting a Special Permit to operate an online business from this property to operate a public safety, law enforcement, and defense online store. The business will engage in the procurement and sales of tactical equipment and clothes, safety and rescue equipment and firearms for online customers globally. The applicant states that the Special Permit is needed to secure licenses from the Bureau of Alcohol, Tobacco and Firearms Federal Firearms License, New York

State Police "Dealer in Firearms" license, and the Department of State Directorate of Defense Trade Controls (ITAR-USML) export licensing. Approval of these licenses hinge exclusively on the prior approval, and the sustained compliance of local code and ordinance set forth by the town in which the business will operate from.

The Applicant states that he is currently employed at Lockheed in safety and firearms storage design with lots of contacts and a high security clearance for this work and from his military experience. His short-term goal is start this business on-line and then eventually grow the business to retail store front with a shooting range along with continued on-line procurement and sales. His package contains the specifications/drawings for the safe and secure storage of any firearms and supplies as required for licensing purposes as well as how any of the business would affect the neighborhood and the tests needed for granting of the Special Permit. Deliveries would be by FedEx, UPS, USPS, etc. as needed to this property and there would be no retail sales out of it, accounting for possibly 1-3 deliveries per day. An occasional customer may need to stop by to pick up and complete proper paperwork for final sales, but this would be very minimal as a majority of sales would be completed and shipped from the suppliers to the customer. A small amount of "final assembly" may be required to complete a weapon or attach something to the weapon, but no machining or fabricating will be done on premise. A small amount of ammunition may be stored, but will be for testing purposes only and not for retail.

Upon questioning from the Board members, the applicant stated that no neighbors that he was aware of were opposed to the Special Permit and that they are aware of what he is proposing. The applicant was also questioned if he had spoken with the Vestal Chief of Police regarding this proposal and he had not as of yet, and he was advised to do so as a courtesy to the Chief since there would be potential storage of weapons on site.

The meeting was opened to the public, and no one appeared in opposition or support of the Special Permit issuance. The public portion was closed as no members of the public were present or wished to be heard.

This is a Special Permit request and the provisions of SEQR do not apply.

Therefore in consideration of the above, and in balancing the factors of; 1.) Whether an undesirable change would be produced in the character of the neighborhood or would be a detriment to the nearby properties; 2.) Whether the benefit sought by the applicant can be achieved by a feasible alternative; 3.) Whether the requested variance is substantial; 4.) Whether the requested variance would have an adverse impact on the physical or environmental conditions in the neighborhood; and 5.) Whether the alleged difficulty was self-created;


A motion was made by Thomas Smallcomb to grant a **Special Permit** as per Chapter 24, Article IV, Division 1, Section 24-154(a)(3) at B.C.T.M.P.# 173.39-1-1 aka 112 Mary Street, Vestal, NY 13850 to **allow the non-listed home occupation at this property as an online store as presented to the Board. Conditions to this Special Permit are 1) Applicants to follow all ATF and State regulations concerning their sales operations; 2) There will be no firing of weapons on site; 3) There will be no ammunition reloads on site; and 4.) There will be no retail shop on site.** A vote was called and:


The request for a **Special Permit** is hereby **GRANTED** by a 5-0 vote. The vote was not unanimous and the votes were cast as follows: Acting Chairman, Mark Tomko-AYE, Thomas Jackson-AYE, Tom Smallcomb-AYE, John Taylor-AYE, and Clayton Ellis AYE.

The Code Enforcement Officer is herewith authorized to take the necessary action to carry out the provisions of this Decision.

Dated: December 13, 2020

ZONING BOARD OF APPEALS
OF THE TOWN OF VESTAL

BY: 
Mark Tomko, Acting Chairman


SUSAN M BAILEY
Notary Public - State of New York
No. 01BA6405217
Qualified in Broome County
Commission Expires 03/02/2024