



When a registered gun owner passes away she would handle the Estate's transfer of any firearms to the appropriate party who is properly licensed and according to the ATF procedures.

Mr. Sherman inquired about the transfer process of the possession of the pistol from beginning to end. Mr. Sherman's previous scenario was that the Police Department had to hold them until he was able to show them evidence that he had the proper documentation to be able to put them on his permit. Ms. Morico confirmed that she would be contacted once an individual has passed away and there is no appropriate party to legally have the firearms. Once in her possession she would lock them in one of the two (2) basement office gun safes. Then she would work with the customer/appropriate party for their background check and paperwork so they could legally take possession of the weapon. Upon proper evidence she would then finalize the transfer and the party can take their weapon.

The inventory of all firearms must be recorded in a book, by serial number. Ms. Morcio advised that the ATF has strict guidelines as to the information on each transfer or sale. The information must include: where the weapon is from, the party name, the serial number and the date of either the sale or the transfer depending on the situation. This record is kept indefinitely for the ATF. For any new sales she is responsible for the background investigations. She already has a NYS NICS account set up for the background investigations for the purchase of ammunition. If the use permit is approved she then plans on having a NICS account set up through ATF for the complete background investigations. Mr. Sailer asked for confirmation that the security system for surveillance will include a central station burglar alarm that will be monitored. Ms. Morcio advised yes, federal law requires 24 hour surveillance and those recordings will have to be kept for two (2) years. Ms. Morcio confirmed to Ms. Bebak the recordings will be stored with the security company.

Mr. Hayes asked where in the process the Applicant is and approximately how long before the business could be up and running. Ms. Morico indicates she has been approved by the ATF and has her FFL and needs the approval from the Town. She believes within three (3) months the business will be up and running. This is the last step to get approval from the town to have a business operating out of her home. She is an avid hunter and already has her pistol permit and is very familiar with guns. The interview with the ATF was approximately four (4) hours long. There is additional training for the hiring of employees along with updates on the new laws and regulations and she will continue to educate herself on these topics. Right now, there will be no additional employees other than herself and her partner. Mr. Hayes followed up for additional information on the safes. Ms. Morico confirmed they are anchored, are 5-hour fireproof and can hold a maximum of 26 long guns, though she does not plan to have that many. They have their own guns in the house which also will be secured and locked up.

Ms. Bebak asked for a summary procedure for online sales. Ms. Morico anticipates that an order will come in, or will be placed, the background check is done, once cleared then an appointment to come to the house and pick up their weapon will be made. She will ensure the individual is properly permitted. Ms. Bebak wanted confirmation that ammunition is separate from firearms. The response was yes, everything must be kept separately and securely.

Ms. Morico further advised that ammunition will be sold online and can also be shipped. If the applicant of the order is cleared here in NYS and purchase is made with vendor in Maine, all background checks are in the same system. If the applicant wanted a firearm and ammunition that would not be the same transaction, it

would be a separate transaction. Emphasized all transactions are going to be by appointment and guns are not going to be stocked in the house. They will be ordered on demand. The transfers based only on a situation such as a death as you cannot have a gun without a permit. Ms. Morcio confirmed for Mr. Holmes that she will not be doing gunsmithing or loading. She understands that there are educational classes, perhaps down the line, not right now, if she wanted to do that.

Mr. Hayes wondered if the applicant looked into whether other facilities are already available in West Seneca and wondered if there is a need for this. Unbeknownst to the applicant when she applied for the business permit she was advised that there are a few others in West Seneca furthermore, she believes there is a need. Ms. Morico confirmed to Mr. McCabe that she does not plan to sell reloading components such as powder.

The basement has glass block window for additional security. There are entrances on both the front and the side of the home and the side entrance will be used for the business. The security system will cover all entrances both the front, side and inside the house.

Is there any local or state ordinance for the close proximity to playground? Mr. Scheiber advised that there is nothing in the town's local law regarding the query made by Mr. Hayes. Town Attorney Mr. Trapp advised that the Department of Justice just today issued a final ruling on the definition of what constitutes being engaged in a business of firearms. As it was coincidental it just came out today and wanted the board to be aware. Mr. Trapp confirmed to Ms. Bebak that yes this fits the definition from the ATF. Mr. Sherman confirmed that it also fits the definition of the Town Code for home businesses. Mr. McCabe reiterated that the ATF is very vigilant in terms of monitoring those individuals with a FFL.

Questions from the public:

Bill Kruger – 80 Dirkson Avenue – Asked about partner and wanting more information about keys to house, keys to the safe? Safe are they regular gun safes?

Mr. Sherman confirmed that Applicant previously stated has gun safes that are locked, bolted to the floor and have fire protection.

Ms. Bebak did also ask the applicant for further information about the business partner, whether he lives in the house, and is authorized by the ATF.

Applicant confirmed yes authorized by ATF, Kyle Funk lived there two (2) years and also went through the process. ATF requires two (2) individuals as you cannot do this solely on your own. ATF requires a additional responsible party to verify the paperwork. He will have access to everything. The applicant advised that her daughter also resides in the home. Everything will be locked and kept separate from each other in two different places. Mr. McCabe asked if Mr. Funk has his pistol permit, which was confirmed yes. Additionally, her daughter also has her pistol permit. Mr. McCabe advised that thorough background checks would have been done in order to get the permits.

The house is in her name and so she applied as owner for the home use permit which is the only request being considered by the Board today.

Chris Leo - 138 Dirkson Avenue – Wondered about friends in the house, other people in the home? Is the safe locked by key or combination? Where are those kept, can anyone come in the home to visit and get the keys or the combination.? Where is the safe located, is the combination written down somewhere, who has access to that? As this is a new business to get up and running, are you going to be doing any advertising? What



**WEST SENECA COMMUNITY ROOM**  
**1300 Union Road**  
**West Seneca, NY 14224**

**WEST SENECA PLANNING BOARD**  
**Minutes #2024-04**  
**April 11, 2024**

Kate Newton

Town Clerk/Planning Board Secretary