

**VILLAGE OF PORT CHESTER**  
**BOARD OF TRUSTEES**  
**Meeting, Monday, December 7, 2015**  
**Regular Meeting: 7:00 P.M.**  
**PROPOSED EXECUTIVE/CLOSED SESSION 6:00-7:00 P.M.**  
**VILLAGE JUSTICE COURTROOM**  
 350 North Main Street  
 Port Chester, New York  
**AGENDA**

**TIME: 6:00 P.M.**

<b>I</b>	<b>PROPOSED MOTION FOR EXECUTIVE SESSION</b>	<b>ACTION</b>
1	Consultation with the Village Manager regarding particular persons within the Police Department	
2	Consultation with the Village Manager regarding particular persons within the Building Department	

**TIME: 7:00 P.M.**

<b>II</b>	<b>PUBLIC COMMENTS</b>	<b>ACTION</b>
<b>III</b>	<b>PRESENTATION</b>	<b>ACTION</b>
1	52 Eldredge zoning petition presentation by applicant	
<b>IV</b>	<b>DISCUSSIONS</b>	<b>ACTION</b>
1	Adopt an Island Program	
2	Update on status of G+S negotiations	
3	Update on status of MTA negotiations	
4	Police/Court facility replacement	
5	Update on the status of Starwood Capital Application	
<b>V</b>	<b>RESOLUTIONS</b>	<b>ACTION</b>
1	Bid award for RFP 2015-08 title work on and around the MTA Train Station property	
2	Authorizing the borrowing of funds for reconstruction of fire house aprons	
3	Accepting the 2014-15 Court Audit	
4	Authorizing use of DEA funds for vehicle modifications for the Police Department	
5	Accepting the election of members of the Port Chester Volunteer Fire Department	
6	Authorizing an agreement with the MTA	
7	Authorizing the appointment of two probationary police officers	
<b>VI</b>	<b>CORRESPONDENCE</b>	<b>ACTION</b>
1	From John-Paul Bonanno requesting Repeal of Village Code Chapter 291 Prohibiting Tattooing and Adopting a new	

	Chapter 291 permitting tattooing and tattoo parlors subject to restriction.	
2	From Bryan Diaz on his resignation from the Board of Ethics	
3	From Pouyan Darian on his interest in the Board of Ethics	
4	From Brooksville Engine & Hose Co. #5, Inc. on the election of Elizabeth Halat to membership	
5	From Putnam Engine & Hose Co. No. 2 on the election of of Martin Vargas to membership	
<b>VII</b>	<b>MINUTES</b>	
1	Minutes from September 8, 2015	
2	Minutes from September 21, 2015	
3	Minutes from October 5, 2015	
4	Minutes from October 19, 2015	
5	Minutes from November 2, 2015	
<b>VIII</b>	<b>PUBLIC COMMENTS AND BOARD COMMENTS</b>	

**TIME:** \_\_\_\_\_

**MOTION FOR  
EXECUTIVE  
SESSION**

# PUBLIC COMMENTS



# PRESENTATIONS

1



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Planning and Development Department

**BOT Meeting Date:** 12/07/2015

**Item Type:** Resolution

<b>Sponsor's Name:</b>	Jesica Youngblood, Village Planner
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Description	Yes	No	Description	Yes	No
Fiscal Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			BID #		
Account #:			<b>Strategic Plan Priority Area</b> Business & Economic Development		
	Yes	No			
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Manager Priorities</b> Planning & Zoning		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

**Agenda Title**

Presentation: 52 Eldredge Rezoning Petition

**Summary**

**Overview:**

On November 16, 2015 the Board addressed correspondence from Anthony R. Tirone, Esq. on behalf of Frank Testa, 52 Eldredge Street Realty LLC, petitioning a zoning map change for 52 Eldredge Street.

Please find the following submission packet supplied by Anthony Tirone, Esq. on behalf of the applicant/property owner of 52 Eldredge Street, for the rezoning of said property from the R2F Two-Family District to C1 Neighborhood Commercial District:

- Petition
- Exhibits
- SEQRA Short Form

Additionally, find an attached map comparing existing zoning to proposed zoning.

Lastly, find attached a memo incorporating Planning Commission comments raised upon referral of petition by the Board pursuant to Section 345-34 of the Village Code.

Next Steps:

Upon adequate presentation and consideration of the petition, the Board may schedule a public hearing regarding the zoning map petition. All public notification requirements pursuant to Section 345-110 are applicable.

<b>Attachments</b>
<ul style="list-style-type: none"><li>• Zoning Petition as submitted by Applicant</li><li>• Zoning Map: Existing, Proposed</li><li>• Memo: Planning Commission comments</li></ul>

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PRESENTATION on Monday, December 7, 2015, at 7:00 P.M. or thereafter in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending the official zoning map of the Village of Port Chester.

<b>Address</b>	<b>Section, Block, Lot</b>
52 Eldredge Street	142.61-1-5
<b>Existing Zone</b>	<b>Proposed Zone</b>
R2F	C1

A copy of the petition for the proposed zoning map amendment is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com).

Date: November 24, 2015

/s/ Dave Thomas

**Dave Thomas**

Village Clerk

Village of Port Chester, New York

THE LAW OFFICE OF

*Anthony R. Tirone, Esq., P.C.*

RECEIVED  
Village of Port Chester

NOV 05 2015

Planning and Zoning

202 Mamaroneck Avenue, Suite 500  
WHITE PLAINS, NEW YORK 10601  
TEL: 914-686-7007 • FAX: 914-686-7019

November 4, 2015

**Via Hand Delivery**

Board of Trustees  
The Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573  
Attn: David Thomas, Village Clerk

**Re: 52 Eldredge Street, Port Chester, New York 10573**  
**Applicants: 52 Eldredge Street Realty, LLC**  
**Verified Petition to Change Zoning Code and Amend Zoning Map**

Dear Mr. Thomas:

We represent 52 Eldredge Street Realty, LLC ("Applicants") in connection to the within Petition for a Change in Zoning of a parcel located at 52 Eldredge Street, Port Chester, New York 10573. Please place the matter on the agenda for the Board of Trustees Meeting to be held on November 16, 2015.

Accordingly, please find enclosed for submission to the Village Board of Trustees, pursuant to § 345-34 of the Village Code, the following:

1. An original plus sixteen copies of Applicant's Petition for Zoning Change;
2. The application fee in the amount of ***One Thousand Dollars and Zero Cents*** (\$1,000.00), as set forth in Chapter 175 of the Village Code; and
3. A map accurately drawn to an appropriate scale, showing the proposed one district boundary changes, property lines, tax lot identification, the calculated areas affected in acres or square feet, the street rights-of-way in the immediate vicinity and the lands and names of owners immediately adjacent to (and extending within 100 feet of) all boundaries of the property to be rezoned.

The attached Petition proposes a re-zoning of the subject property at 52 Eldredge Street from an R2F Two Family Residence District to a C1 Neighborhood Retail District and a Zoning Map amendment to place the subject property in the new C-1 Zoning District.

52 Eldredge Street  
November 4, 2015  
Page 2 of 2

The applicant's principal, Mr. Frank Testa, appreciates the Village Board's time and assistance with respect to this Petition. We believe that the requested zoning change is overall in the best interest of the Village.

Please direct any correspondence regarding this matter to our office. Also, please feel free to contact me if you have any questions or concerns regarding the above application.

Respectfully submitted,

  
Anthony R. Tirone

Enclosures

cc: Mr. Frank Testa, President  
52 Eldredge Street Realty, LLC

The Hon. Dennis G. Pilla, Mayor  
The Hon. Gregory K. Adams, Trustee  
The Hon. Daniel Brakewood, Trustee  
The Hon. Gene Ceccarelli, Trustee  
The Hon. Joseph D. Kenner, Trustee  
The Hon. Luis A. Marino, Trustee  
The Hon. Saverio L. Terenzi, Trustee

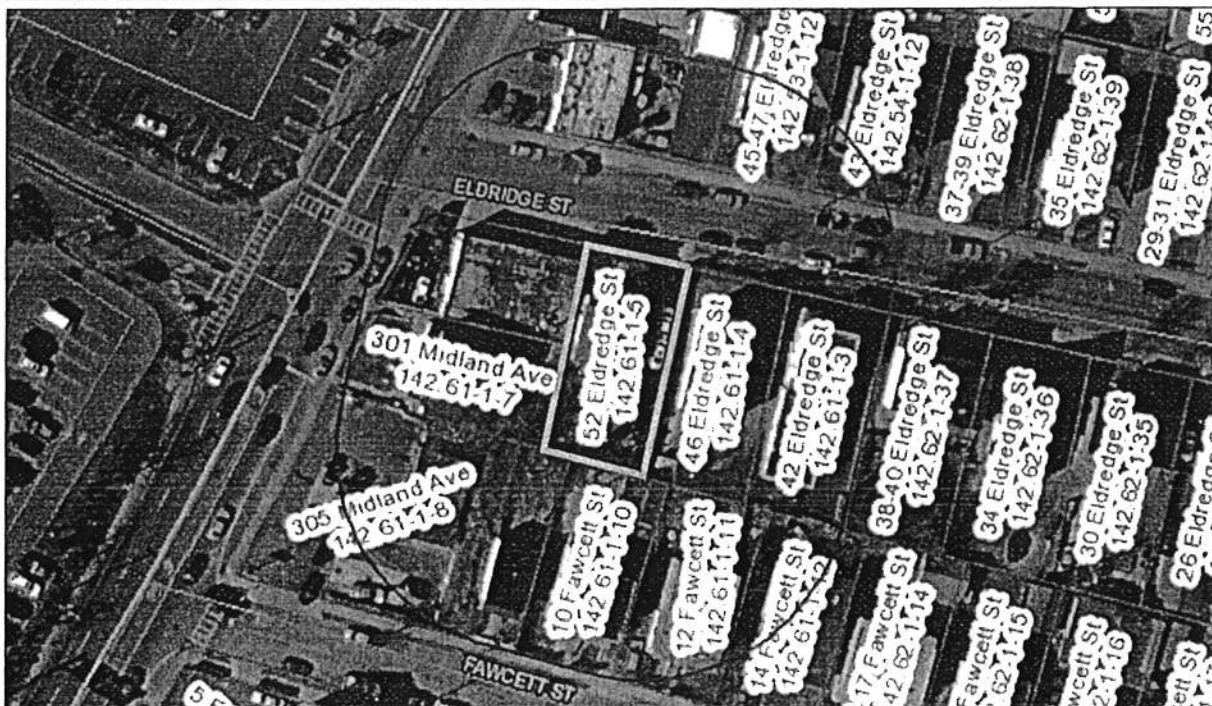
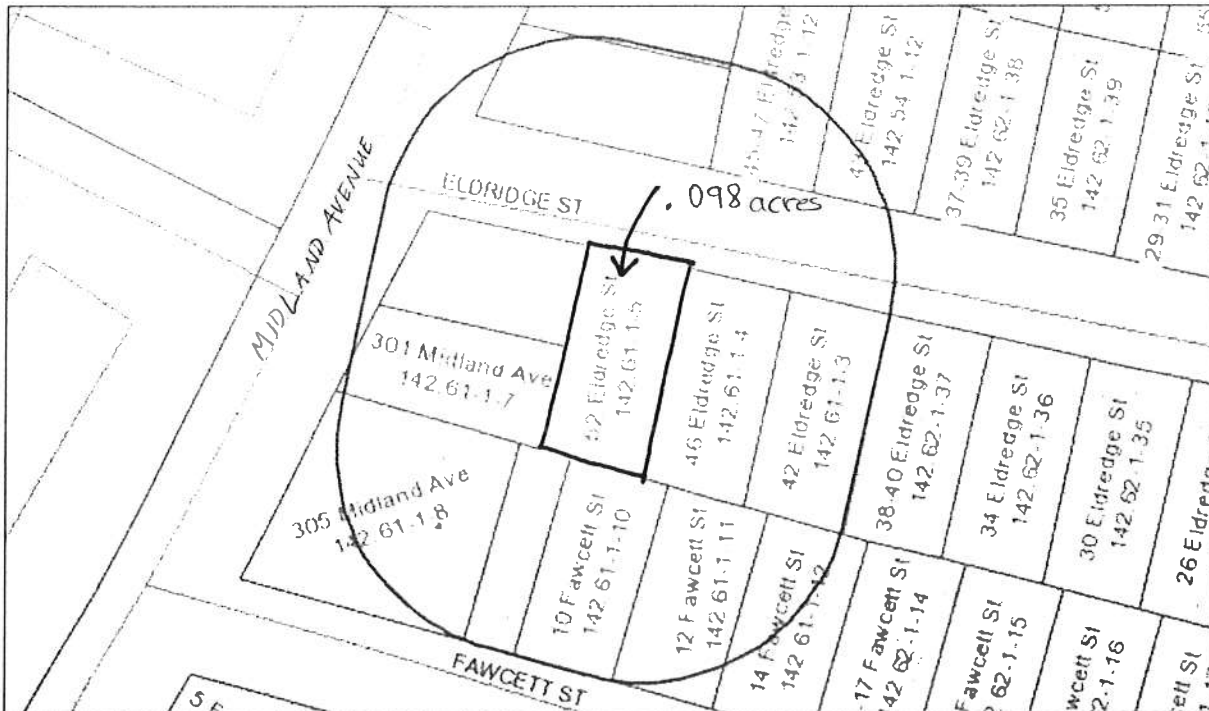
Ms. Jesica Youngblood, Village Planner  
Mr. Peter Miley, Building Inspector and Dir. Of Code Enforcement  
Mr. Anthony M. Cerreto, Esq., Village Attorney

# Tax Parcel Maps

Address: 52 Eldredge St

Print Key: 142.61-1-5

SBL: 1420610001005000000



**Disclaimer:**

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.



**RESULTS: TAX MAP, GIS & RADIUS ABUTTER SEARCH TOWN OF RYE: WITHIN 100 FT OF 52 ELDRIDGE STREET**

Date: October 27, 2015

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	PROPSBL
Testa, Frank	52 Eldredge St	Port Chester	10573	142.61-1-5	1.42061E+19
Marin, Miguel	46 Eldredge St	Port Chester	10573	142.61-1-4	1.42061E+19
Radice, Daniel J.	306 Midland Ave	Port Chester	10573	142.53-1-10	1.42053E+19
Ramos, Alicia Rayford	14 Fawcett St	Port Chester	10573	142.61-1-12	1.42061E+19
Testa, Frank	312 Midland Ave	Port Chester	10573	142.61-1-6	1.42061E+19
Giliotti, Carmella	10 Fawcett St	Port Chester	10573	142.61-1-10	1.42061E+19
Abele, Christopher	310 Midland Ave	Port Chester	10573	142.53-1-11	1.42053E+19
Mecca, Angelo	42 Eldredge St	Port Chester	10573	142.61-1-3	1.42061E+19
SR Holdings I, LLC,	38-40 Eldredge St	Port Chester	10573	142.62-1-37	1.42062E+19
Hinchey, Joseph	43 Eldredge St	Port Chester	10573	142.54-1-12	1.42054E+19
SR Holdings I, LLC,	12 Fawcett St	Port Chester	10573	142.61-1-11	1.42061E+19
Brogan, Nancy	9 Fawcett St	Port Chester	10573	142.61-1-9	1.42061E+19
305 Midland Realty, Corp.	305 Midland Ave	Port Chester	10573	142.61-1-8	1.42061E+19
Blue Mountain Partners LL	301 Midland Ave	Port Chester	10573	142.61-1-7	1.42061E+19
Lovallo, Joseph	45-47 Eldredge St	Port Chester	10573	142.53-1-12	1.42053E+19

NOV 05 2015

Planning and Zoning

**VILLAGE OF PORT CHESTER**  
**Board of Trustees**

**52 Eldredge Street Realty, LLC**

**Petition for Zoning Code and Map Amendment**  
**Pursuant to VPC Zoning Code §345-34**

**Proposed: Residential RF2 to Retail District C1**

***In Re: 52 Eldredge Street***  
**52 Eldredge Street Realty, LLC**  
**SBL: 142.61 – 1 – 5**

***November 16, 2015***

**Law Office of Anthony R. Tirone, Esq., P.C.**  
**202 Mamaroneck Avenue, Suite #500**  
**White Plains, New York 10601**  
**914-686-7007**

## INDEX

### **Petition for Zoning Code and Map Amendment** **Pursuant to VPC Zoning Code §345-34**

*52 Eldredge Street Realty, LLC*

*November 16, 2015*

1. Notice of Hearing on Verified Petition to Change Zoning Code and Amend Zoning Map in the Village of Port Chester
2. Verified Petition
3. **Exhibit A:** Existing Tax Parcel Map for 52 Eldredge Street with Names and Addresses within 100 Feet of Property
4. **Exhibit B:** Proposed Tax Parcel Map
5. **Exhibit C:** Certificate of Occupancy issued 9/22/14
6. **Exhibit D:** 52 Eldredge Street Realty, LLC with the NYS Division of Corporations
7. **Exhibit E:** Rendering of Proposed New Structure
8. **Exhibit F:** Stormwater Management Plan & Drainage Analysis
9. **Exhibit G:** Village of Port Chester Comprehensive Plan Excerpts
10. **Exhibit H:** Short Environmental Assessment Form

Village Board of Trustees: Village of Port Chester  
County of Westchester, State of New York

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In the Matter of the Petition of Frank Testa as President of 52  
Eldredge Street Realty, LLC, (“Petitioner”).

**NOTICE OF HEARING ON  
VERIFIED PETITION TO  
CHANGE ZONING CODE  
AND AMEND ZONING  
MAP IN THE VILLAGE  
OF PORT CHESTER**

For an Amendment to the Zoning Designation and Zoning Map  
of the Village of Port Chester, pursuant to Section 345-34 of the  
Village of Port Chester Code, for the subject property located at  
52 Eldridge Street and designated on the Tax Map as Section  
142.61, Block 1, Lot 5.

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**NOTICE OF HEREBY GIVEN**, pursuant to Section § 345-34 of the Village of Port  
Chester Zoning Code, that a Petition by Frank Testa as Owner and President of 52 Eldredge  
Street Realty, LLC, (the “Petitioner”), 52 Eldridge Street, Port Chester, New York 10573, to:  
(1) Change the Zoning Designation for 52 Eldridge Street, Port Chester, New York (“Eldridge  
Street Property”) from an R2F Residential Zoning District to a C1 Neighborhood Retail District;  
and (2) Amend the Zoning Map to reflect the change in zoning. The Eldridge Street Property is  
located solely in the Village of Port Chester, and is more particularly described as follows: Tax  
Map Section 142.61, Block 1, Lot 5.

On November <sup>16<sup>PM</sup></sup> 2015, at 7:00 p.m., in the Village Justice Courtroom located at 350  
North Main Street, 2<sup>nd</sup> Floor, Port Chester, New York, 10573, a Hearing will be held by the  
Board of Trustees of the Village of Port Chester, State of New York upon said Petition.

Petitioner Frank Testa as Owner and President of 52 Eldredge Street Realty, LLC., seeks  
to change the zoning code designation for the Eldridge Street Property shown on the Village of  
Port Chester Tax Map as Section 142.61, Block 1, Lot 5, which is referenced in the Petition at  
**Exhibit A** and is also known as “52 Eldridge Street”.

The subject property at 52 Eldridge Street is located within the R2F Residential Zoning District as indicated in the Zoning Map of the Village of Port Chester. Currently, the subject property is a buffer to the R2F Residential District abutting the C1 Retail District on the south and west borders and R2F properties on the north and east borders.

The Petitioner's main objective is to utilize the subject property as second floor office space comprising 1,630 square feet, and in accordance with Section 345-14 of the village code to create an accessory use as of right on the entire first floor as a private garage/off-street parking and overnight storage area for a maximum of six vehicles. Additional driveway parking would be available for up to four vehicles. The private parking garage would not be used for storage of used or new motor vehicles for sale or hire; nor, would the garage be used as a workshop, repair area, or anything other than the designated use described herein.

Wherefore, Petitioners request that the Board of Trustees change the zoning designation for 52 Eldridge Street from R2F Residential Zoning District to a C1 Neighborhood Retail District to accommodate the intended use of the property which would be in conformance with said designation. Upon approval by the Board, Petitioners also request an Amendment to the Zoning Map of the Village of Port Chester to reflect the change in zoning and/or new zoning code for the Eldridge Street Property.

The Members of the aforesaid governing Board of Trustees for the Village of Port Chester will meet at the time and place above specified and will receive information as well as hear any objections which may be presented against such Petition for Change in the Zoning Designation and Zoning Map, including but not limited to, any of the following demands:

- a.) That a person signing the Petition is not qualified to request the relief; or
- b.) That the Petition does not comply in form or content with the provisions of Section 345 of the Village of Port Chester Code; or
- c.) That the proposed change and/or amendment is not in the overall public interest;  
or
- d.) That the proposed change would permit a use that is prohibited in the proposed zone.

BY ORDER OF THE TOWN BOARD  
OF TRUSTEES OF THE VILLAGE OF PORT CHESTER  
VILLAGE CLERK

DATED: November , 2015

**Village Board of Trustees: Village of Port Chester  
County of Westchester, State of New York**

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In the Matter of the Petition of Frank Testa as President of 52 Eldredge Street Realty, LLC, (“Petitioner”).

**VERIFIED PETITION**

For an Amendment to the Zoning Designation and Zoning Map of the Village of Port Chester, pursuant to Section 345-34 of the Village of Port Chester Code, for the subject property located at 52 Eldridge Street and designated on the Tax Map as Section 142.61, Block 1, Lot 5.

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TO THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER:

The Petitioner, Frank Testa as Owner and President of 52 Eldredge Street Realty, LLC, by its attorneys, The Law Office of Anthony R. Tirone, Esq. P.C., 202 Mamaroneck Avenue, Suite 500, White Plains, New York, 10601, as and for its Petition, alleges and states as follows:

**INTRODUCTION**

1. Frank Testa, as Owner and President of Eldredge Street Realty, LLC, submits this Petition, pursuant to § 345-34 of the Village of Port Chester Code, in connection with certain real property that Eldredge Street Realty, LLC owns at 52 Eldridge Street located in the Village of Port Chester, Town of Rye, State of New York, totaling approximately 0.098 acres and designated on the Village of Port Chester Tax Assessment Map as Section 142.61, Block 1, Lot 5 (“Eldridge Street Property”). The Eldridge Street Property is located in an R2F Residential Zone. It borders a C1 Neighborhood Retail Zone to its north and west and borders on an RF2

Residential Zone to its south and east.

2. Annexed hereto as **Exhibit A** is the “existing” Zoning Map which reflects the current zoning for the Eldridge Street Property and the surrounding C1 and R2F properties together with a list of the names and addresses of property owners immediately adjacent to and extending 100 feet from the subject property. The Eldridge Street Property can only be accessed via Eldridge Street. It’s calculated area is 0.098 acres.

3. Annexed hereto as **Exhibit B** is the proposed Zoning Map reflecting the requested change in zoning for the Eldridge Street Property.

4. Petitioners seek to change the zoning designation of the Eldridge Street Property, shown on the Village of Port Chester Tax Map as Section 142.6, Block 1, Lot 5, from an R2F Residential Zoning District to a C1 Neighborhood Retail Zoning District.

5. This requested change in the Zoning Map will create coherent lines and conformity within the Zoning Map and would serve to facilitate Petitioner’s objective of utilizing the Eldridge Street Property as an interior private parking and overnight storage garage for up to six automobiles on the entire first floor of the structure. The second floor would consist of 1,630 square feet of office space only that would be used by Frank’s Auto Body, a long-standing and profitable asset to the community with an auto repair business on the adjacent lot at 312 Midland Avenue, which is owned by Frank Testa. The new structure would include driveway space for off-street parking of four additional vehicles. Petitioner emphasizes, however, that the buildings on the respective properties would remain physically separate. The auto repairs would only take place at Frank’s Auto Body at 312 Midland Avenue while 52 Eldridge would be exclusively used for office-only operations and overnight storage of vehicles.



### **PRIOR USE OF THE SITE**

6. In 2011, Mr. Frank Testa, individually, purchased the distressed, hazardous property at 52 Eldridge Street. At the time of Mr. Testa's purchase, 52 Eldridge Street was bank-owned, having been repossessed by the bank through foreclosure proceedings. The two-family residence was severely overcrowded with twenty-three residents and in significant disrepair to the extent that the expected cost of improvements and upgrades needed to make the property solvent, exceeded the value of the property.

7. On December 4, 2013, the Village of Port Chester issued Permit No. B-2013-596 to Frank Testa for demolition of the existing residential dwelling to the original foundation. The Certificate of Occupancy for said permit was issued on September 22, 2014, a copy of which is annexed hereto as **Exhibit C**.

8. On July 11, 2014, Frank Testa formed 52 Eldredge Street Realty, LLC and duly registered the entity as a domestic limited liability corporation under the laws of the State of New York. Annexed hereto as **Exhibit D** is the proof of registration of the corporation with the New York Department of State Division of Corporations.

9. On September 21, 2015, Frank Testa transferred the subject property to 52 Eldredge Street Realty, LLC by Quit Claim Deed, which was recorded in the Westchester County Clerk's Office on October 13, 2015.

### **EXISTING CONDITIONS**

10. Presently, the Eldridge Street Property remains vacant pending the application to amend the zoning. The current R2F Zoning District does not allow for the use of the Eldridge

Street Property as either an office building/space or as a private garage for overnight storage or off-street parking.

11. Under the Village of Port Chester Code, these types of uses are permitted in a C1 Zoning District, pursuant to Village Code §345-47. Specifically, office or office building are permitted uses in a C1 Zoning District and a private garage for parking and overnight storage, in accordance with § 345-14, is permitted as an accessory as of right use in a C1 Zoning District, so long as there is no storage of new or used vehicles for sale or hire.

12. The adjacent auto body shop at 312 Midland Avenue lies within the C1 Neighborhood Retail District as does the property directly across the street on Eldridge Street. The other adjacent two properties are in the R2F Zone. The office space and overnight vehicle storage usages at 52 Eldridge Street will not be an expansion of Frank's Auto Body repair shop.

#### **PROPOSED AMENDMENT**

13. Petitioner proposes an amendment to the zoning code designating 52 Eldridge Street property as a C1 Neighborhood Retail District. It is important to note that Eldredge Street Realty, LLC., does not propose to expand the auto body workshop onto 52 Eldridge Street.

14. Petitioner proposes to construct a new structure for use as private interior parking, overnight storage, and office space only. While the proposed structure at 52 Eldridge Street would be contiguous with the current structure at 312 Midland Avenue, there would be no interior access from the current to the proposed structure, and no means of transferring vehicles between the two structures.

15. The proposed use of the property would entirely conform to C1 zoning requirements and be designed to further buffer between the C1 and R2F zones by building the

new structure as close to the adjacent C1 border as feasible. Annexed hereto as **Exhibit E** is a rendering of the proposed structure showing the location next to the existing adjacent C1 property.

16. Furthermore, the proposed use of the subject property would
  - i.) be consistent with the Village of Port Chester's Comprehensive Master Plan;
  - ii.) enhance the character of the adjoining R2F district,
  - iii.) alleviate existing traffic and parking issues;
  - iv.) have no negative impacts on the surrounding area, or on public works;
  - v.) provide an aesthetically pleasing structure that will visually complement and enhance the existing C1 zone.

17. In anticipation of new construction, Petitioner's engineer, Hudson Engineering & Consulting, P.C., has meticulously drafted a Storm Water Management Plan & Drainage Analysis dated June 26, 2015, a copy of which is annexed hereto as **Exhibit F** for reference.

18. Going forward, the Petitioner envisions working closely with the Planning Commission to mitigate the relationship between the residential and commercial district. Petitioner's proposal will provide enhancements by reducing traffic and parking demand in the immediate area and by constructing an aesthetically pleasing structure and landscaping that blends well with the surrounding residences. The result will be a more gradual cross-over from the business to residential district than previously existed or currently exists.

19. More specifically, Petitioner contemplates inserting a planting box that runs the entire length of the property at 52 Eldridge Street, thus creating a visually appealing barrier between the residential lots lining Eldredge Street. Moreover, at the recommendation of the Port

Chester Village Commission, Petitioner proposes to construct the structure to abut the rear of the lot, eliminating any opportunity for unsightly exterior storage and allowing the Village of Port Chester to ensure compliance with the Property Maintenance Code of the State of New York without entering onto the property.

**BENEFITS TO THE PROPERTY OWNER AND THE PUBLIC**

20. The proposed zoning change is compatible with the Village of Port Chester Comprehensive Master Plan (“Master Plan”) adopted on December 17, 2012. The Master Plan states that there are 1,300 businesses in the Village providing 18,600 jobs of which personal repair services is the second largest category of businesses (13.8%) and provides 6.9% of jobs. (See Master Plan at pages 108-9). In Chapter 12.3 the Master Plan’s Recommendation #1 is to: “Strengthen and expand economic opportunity and the Village’s tax base by focusing efforts on retaining and expanding existing businesses and attracting new businesses.” (See Master Plan at page 121). The relevant pages of the Master Plan dated December 17, 2012 are annexed hereto as **Exhibit G**.

21. Frank Testa, the President of 52 Eldredge Street Realty, LLC, is a longstanding Port Chester business-owner. Mr. Testa, as the owner of Frank’s Auto Body Shop at 312 Midland Avenue, has successfully run a small, well-known and well-respected business in the Village of Port Chester for decades. It is not uncommon for residents from surrounding communities to drop off their vehicles overnight.

22. The proposed use of the subject property serves to ensure that Frank’s Auto Body continues to thrive by providing the business with the space it needs to serve its existing customer base. The proposal is not to expand the business per se, but to alleviate congestion to

the benefit of the business and the residential zone abutting the business.

23. At present, limited overnight parking is available at Frank's Auto Body Shop for vehicles already serviced and awaiting pickup, or awaiting service at the shop. Vehicles are often lined up along the front of the shop on Eldridge Street, or just around the corner on Midland Avenue. The result is often a crowded street corner and a challenging work environment for Frank's Auto Body and its employees.

24. Frank's Auto Body has long sought additional parking areas for the business to improve working conditions and provide a better customer experience.

25. Acquiring the 52 Eldridge Street Property offers Petitioner the opportunity to create more parking for the auto body shop and to free up parking for the residential property owners in the vicinity. The proposed use will also enhance the residential character of the surrounding area near the corner of Eldridge Street and Midland Avenue as it will reduce or eliminate the need for overnight parking of cars awaiting service and/or pick-up. The result will be a cleaner, safer, less congested and more aesthetically pleasing corner for the residents of the Village of Port Chester and commuters alike.

26. Petitioner proposes to move the current office space at Frank's Auto Body from 312 Midland Avenue to the second floor of the proposed structure at 52 Eldridge Street. The business then contemplates utilizing the current office space and waiting area at 312 Midland Avenue as a customer service area only. The area dedicated to the current customer waiting area is in a very small and tight space. Combining the office space and current customer service area at Frank's Auto Body will create a larger space ideal for discussing the work performed on customers' vehicles and completing the business end of each transaction.

27. Amending the zoning to accommodate Frank's Auto Body business plans, would not negatively impact the adjoining residential areas or place a strain on existing Village services. The auto body shop and office operate during regular daytime business hours, including weekends. The anticipated structure and landscaping on the subject property will be designed so as to create an aesthetically pleasing transition from the auto body workshop facility and the surrounding residential properties. The proposed use places minimal demand on public facilities, as an office space and interior garage do not require heavy usage of electrical, sewer, water, refuse or other like public services.

#### **SEQRA PROCESS**

28. In accordance with the SEQRA regulations, the proposed rezoning is an Unlisted Action, as it does not meet Type 1 Action Thresholds.

29. A Short Form Environmental Form (Part 1) is attached hereto as **Exhibit H.**

#### **RELIEF REQUESTED**

In order to accommodate the proposed use, Petitioner respectfully requests that the Village Board of Trustees take the following actions:

- a.) Accept this Petition and refer this matter to the Village of Port Chester Planning Commission for report pursuant to Section 345-34 (D) of the Zoning Code;
- b.) Schedule, notice and conduct a public hearing on the Petition at the earliest possible date;
- b.) Declare its intention to serve as Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA") N.Y. ENVTL. CONSERV. LAW § 8-0101 et seq. (McKinney 2007), and adopt a Negative Declaration pursuant to SEQRA;

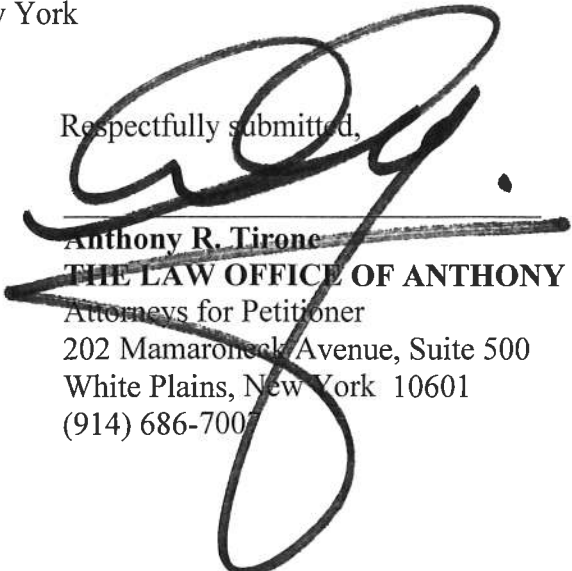
c.) Adopt the Zoning Code designation for the Eldridge Street Property shown on the Village of Port Chester Map as Section 142.61, Block 1, Lot 5; and

d.) Amend the Zoning Map to reflect the change in zoning for the 52 Eldridge Street Property in the C1 Neighborhood Retail District.

WHEREFORE, it is respectfully requested the instant matter be placed on the next available agenda of the Village Board and that the relief sought herein be, in all respects, granted.

Dated: October 27, 2015  
White Plains, New York

Respectfully submitted,

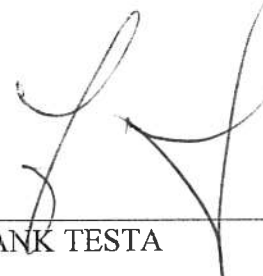


**Anthony R. Tirone**  
**THE LAW OFFICE OF ANTHONY R. TIRONE, ESQ., P.C.**  
Attorneys for Petitioner  
202 Mamaroneck Avenue, Suite 500  
White Plains, New York 10601  
(914) 686-7007

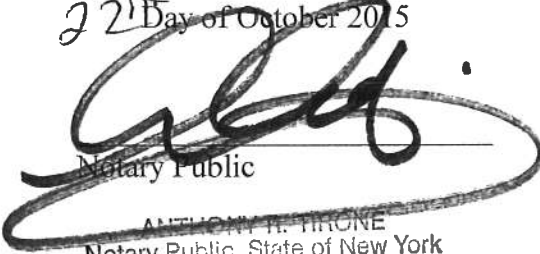
VERIFICATION

STATE OF NEW YORK            )  
  )  
COUNTY OF WESTCHESTER    )     s.s.:

FRANK TESTA, hereby deposes and says that he is the Owner and President of 52 Eldredge Street Realty, LLC, the Petitioner, and says that he has reviewed the foregoing Petition and authorizes the Law Office of Anthony R. Tirone, Esq., P.C., to submit the foregoing Petition to the Village of Port Chester Board on Petitioner's behalf.

  
\_\_\_\_\_  
FRANK TESTA

Sworn to before me this  
22<sup>nd</sup> Day of October 2015

  
\_\_\_\_\_  
Notary Public  
ANTHONY R. TIRONE  
Notary Public, State of New York  
No. 4978390  
Qualified in Westchester County  
Commission Expires 3/4/ 2019



**EXHIBIT A**

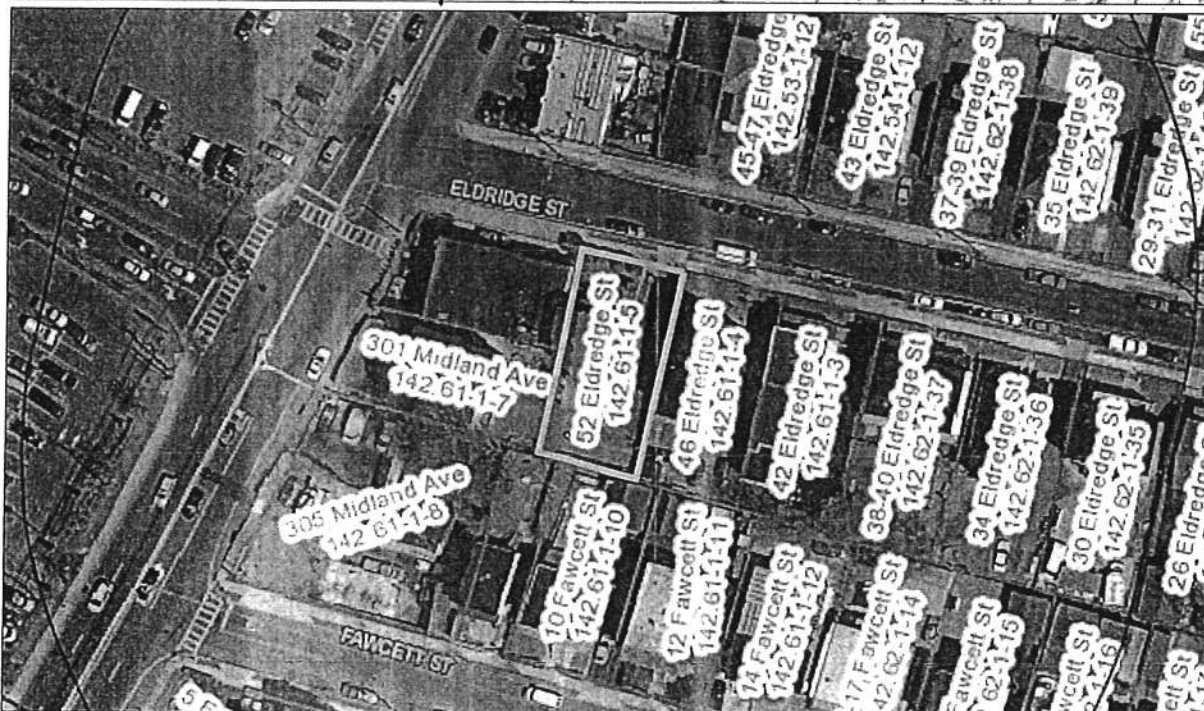
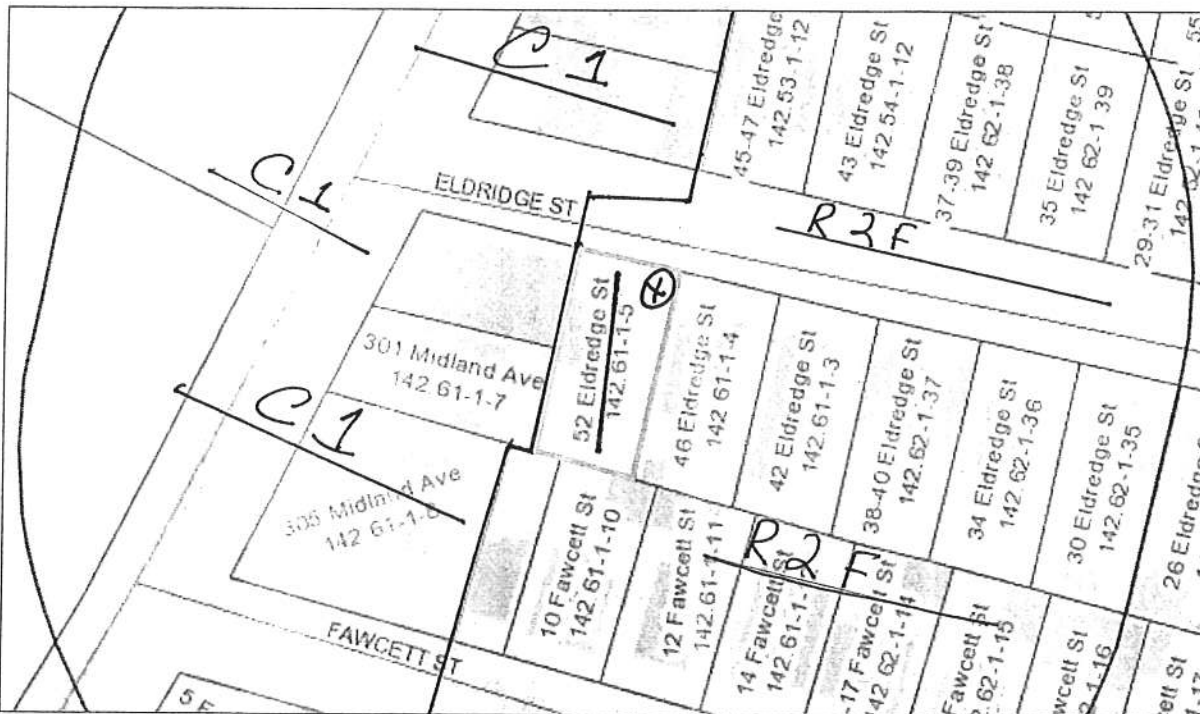
# Tax Parcel Maps

EXISTING

Address: 52 Eldredge St

Print Key: 142.61-1-5

SBL: 14206100010050000000



**Disclaimer:**

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property

**RESULTS: TAX MAP, GIS & RADIUS ABUTTER SEARCH TOWN OF RYE: WITHIN 100 FT OF 52 ELDRIDGE STREET**

Date: October 27, 2015

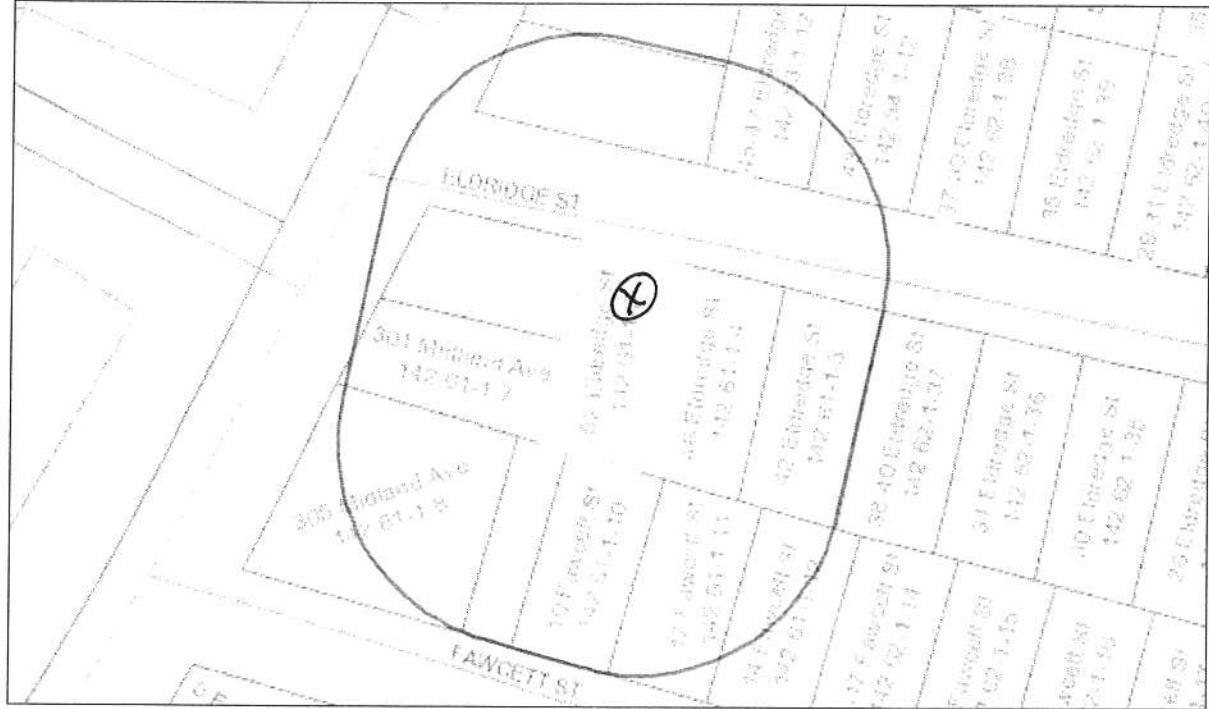
OWNERNAME	PROPADDRESS	PROPCITY	PROZIP	PROPRINTKEY	PROPSBL
Testa, Frank	52 Eldredge St	Port Chester	10573	142.61-1-5	1.42061E+19
Marin, Miguel	46 Eldredge St	Port Chester	10573	142.61-1-4	1.42061E+19
Radice, Daniel J.	306 Midland Ave	Port Chester	10573	142.53-1-10	1.42053E+19
Ramos, Alicia Rayford	14 Fawcett St	Port Chester	10573	142.61-1-12	1.42061E+19
Testa, Frank	312 Midland Ave	Port Chester	10573	142.61-1-6	1.42061E+19
Giliotti, Carmella	10 Fawcett St	Port Chester	10573	142.61-1-10	1.42061E+19
Abele, Christopher	310 Midland Ave	Port Chester	10573	142.53-1-11	1.42053E+19
Mecca, Angelo	42 Eldredge St	Port Chester	10573	142.61-1-3	1.42061E+19
SR Holdings I, LLC,	38-40 Eldredge St	Port Chester	10573	142.62-1-37	1.42062E+19
Hinchey, Joseph	43 Eldredge St	Port Chester	10573	142.54-1-12	1.42054E+19
SR Holdings I, LLC,	12 Fawcett St	Port Chester	10573	142.61-1-11	1.42061E+19
Brogan, Nancy	9 Fawcett St	Port Chester	10573	142.61-1-9	1.42061E+19
305 Midland Realty, Corp.	305 Midland Ave	Port Chester	10573	142.61-1-8	1.42061E+19
Blue Mountain Partners LI	301 Midland Ave	Port Chester	10573	142.61-1-7	1.42061E+19
Lovallo, Joseph	45-47 Eldredge St	Port Chester	10573	142.53-1-12	1.42053E+19

# Tax Parcel Maps

**Address:** 52 Eldredge St

**Print Key:** 142.61-1-5

**SBL:** 1420610001005000000



**Disclaimer:**

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**EXHIBIT B**

# Tax Parcel Maps

- Proposed -

Address: 52 Eldredge St

Print Key: 142.61-1-5

SBL: 14206100010050000000



**Disclaimer:**

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property

**EXHIBIT C**





# BUILDING DEPARTMENT

## Village of Port Chester

222 Grace Church Street, Port Chester, NY 10573

914-939-5203

Date Issued: 9/22/2014

# CERTIFICATE OF OCCUPANCY

This is to certify that the new construction and proposed use of premises described below have been duly inspected and approved for occupancy as stated herein.

To the best of my knowledge the new construction and proposed use comply with the provisions of all laws and ordinances of the State of New York and the Village of Port Chester enforced by the Building Department.

It is specifically understood that this certificate becomes null and void when secured through fraud or by reason of latent violation not ascertainable at the time of inspections or when changes in use, construction, or building service equipment that is controled by the Building code, are made without Building Department approval.

DATE PERMIT ISSUED: 12/4/2013      PERMIT NO.: B-2013-596      DATE OF OCCUPANCY: 9/22/2014

PERMISSION GRANTED TO: Frank Testa

ADDRESS: 52 Eldredge St

SECTION-BLOCK-LOT: 142.61-1-5

# OF NEW ROOMS:                      BATHS:                      LAVATORIES:                      CONST. TYPE NO. 5-B

BLDG. OR ADDITION SQ. FT.:                      NO. OF STORIES:                      HEIGHT:

FOUNDATION:                      ROOF:                      VALUATION OF WORK: 10000.00

FEES PAID:

Residential CO - 1 and 2 Family Dwelling	\$100.00
<b>Total:</b>	<b>\$100.00</b>

### REMARKS AND AMENDMENTS:

Certificate of Occupancy issued for demolition of an existing residential dwelling to original foundation.



BUILDING INSPECTOR



**EXHIBIT D**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through July 15, 2014.

---

Selected Entity Name: 52 ELDREDGE STREET REALTY, LLC

Selected Entity Status Information

Current Entity Name: 52 ELDREDGE STREET REALTY, LLC

DOS ID #: [REDACTED]

Initial DOS Filing Date: JULY 11, 2014

County: WESTCHESTER

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O FRANK TESTA

[REDACTED]  
CARMEL, NEW YORK, 10512

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by viewing the certificate.

**\*Stock Information**



**EXHIBIT E**

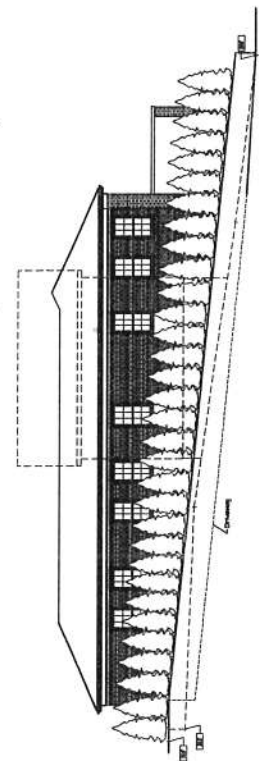
Project	6/2012
Client	UNCC
Location	UNCC
Phase	Design
Scale	1/8" = 1'-0"
Drawn By	P. Anderson

312 Midland Ave, Port Chester, NY 10573  
**Frank's Autobody**  
 Addition / Renovation For

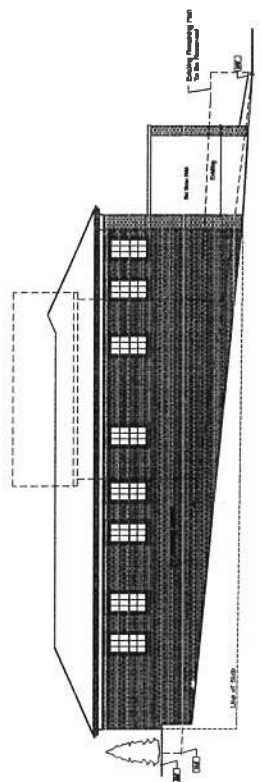
These drawings are the property of the Architect. They are to be used only for the project and site for which they were prepared. No part of these drawings may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect.

**LUIGI DEMASI**  
 Architecture  
 16 Oakbrook Rd, Ossining, New York 10522  
 (914) 325-4090

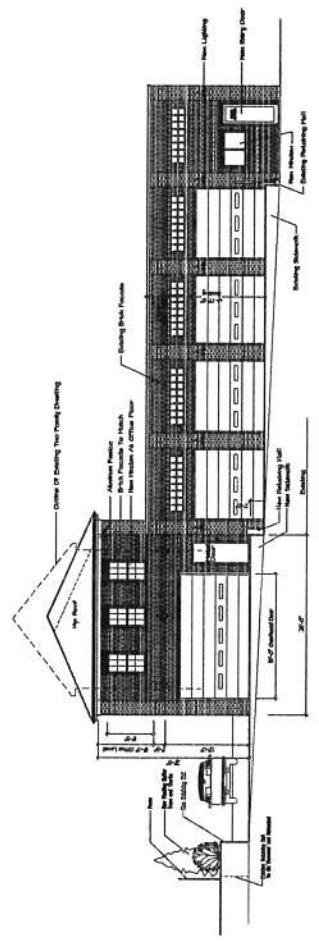
DO NOT SCALE THESE



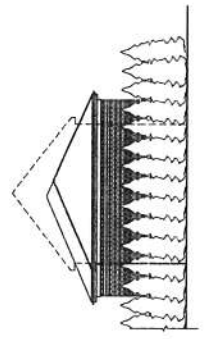
View From Adjacent Property  
**East Elevation**  
 Scale: 1/8" = 1'-0"



**East Elevation**  
 Scale: 1/8" = 1'-0"



**North Elevation**  
 Scale: 1/8" = 1'-0"



**South Elevation**  
 Scale: 1/8" = 1'-0"

**EXHIBIT F**

**STORMWATER MANAGEMENT  
PLAN & DRAINAGE ANALYSIS  
52 Eldridge Street  
Village of Port Chester - New York**

***INTRODUCTION***

This Stormwater Management Plan presents the proposed Best Management Practices (BMPs) to control erosion and sedimentation and manage stormwater during and upon construction of a proposed building at 52 Eldridge Street in the Village of Port Chester, Westchester County, New York.

This Plan consists of this narrative and a plan set entitled: "Proposed Additions & Alterations, Frank's Auto Body, 52 Eldridge Street, Village of Port Chester, Westchester County - New York", all as prepared by Hudson Engineering and Consulting, P.C., Tarrytown, New York, last revised June 26, 2015. Since the project disturbance is less than one acre the New York State Department of Environmental Conservation [NYSDEC] stormwater regulations are not applicable.

***METHODOLOGY***

The stormwater analysis was developed utilizing the Soil Conservation Service (SCS) TR-20 methodologies (HydroCad®) to assist with the drainage analysis and design of the mitigation practice. The "Complex Number" (CN) value determination is based on soil type, vegetation and land use. The time of concentration ( $T_c$ ) is determined by calculating the time required for runoff to travel from the most hydrologically distant point of the watershed to the point of collection. The CN and  $T_c$  data is input into the computer model. The project site is then modeled for the peak rates of runoff from the required extreme storm event(s).

The stormwater management design is based on the NYSDEC "New York State Stormwater Management Design Manual", latest edition and "Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMP's", by the Metropolitan Washington Council of Governments.

***PRE-DESIGN INVESTIGATIVE ANALYSIS***

A pre-design investigative analysis was performed by TRC Engineers, Inc. on November 30, 2012 including percolation and deep holes tests in the locations shown on the plans. A series of percolation tests were performed in the vicinity of the potential stormwater mitigation practice at [TP-1] and [TP-2] until constant rates were achieved, their results as follows:

- TP-1: A percolation rate of 10-minutes per inch (6-inch per hour) was observed.
- TP-2: A percolation rate of 7.60-minutes per inch (7.89-inches per hour) was observed.

Two (2) deep test holes were excavated and labeled TP-1 and TP-2, as shown on the plans.

- TP-1 was excavated to a depth of 84-inches. The test revealed coarse sand to the invert. No groundwater or ledge rock was encountered.
- TP-2 was excavated to a depth of 84-inches. The test revealed mixed sands to the invert. No groundwater or ledge rock was encountered.

*Note, since the depths at which the test holes were excavated was not deep enough to verify adequate separation from ledgerrock and/or groundwater is available, the data was not utilized for the design.*

### **PRE-DEVELOPED CONDITION**

In the pre-developed condition the site is modeled as one watershed, [Watershed 1].

[Watershed 1] contains a tributary area of approximately 5,076 square feet, which includes 1,797 square feet of pervious area, in the form of lawn and landscaping, and 3,279 square feet of impervious area, in the form of patio and walkways. The weighted Complex Number (CN) value is calculated as 90 and the Time of Concentration (Tc) is calculated as 3.6 minutes. The runoff flows overland in a northerly direction and exits the property onto Eldridge Street where it runs along the curb and enters the existing municipal drainage system at the intersection of Eldridge Street and Midland Avenue.

Existing stormwater runoff rates were calculated for [Watershed 1] at design point [DP-1] for the 1, 2, 10, and 25-year Type III – 24-hour extreme storm events.

#### **Pre-Developed Stormwater Runoff Rates** (cubic feet per second)

<b>Storm Event</b>	<b>1 Year</b>	<b>2 Year</b>	<b>10 Year</b>	<b>25 Year</b>
DP-1	0.27	0.35	0.57	0.74

*See Watershed Maps contained herein.*



**POST-DEVELOPED CONDITION**

In the post-developed condition, the project site is again modeled as one watershed [Watershed 1].

[Watershed 1] contains a tributary area of approximately 5,076 square feet, which now includes 4,611 square feet of impervious area in the form of the proposed roof, driveway, and walkway areas, and 465 square feet of pervious are in the form of lawn and landscaping. The watershed has a weighted CN value of 96 and a calculated  $T_c$  of 1.0 minutes (direct entry). The runoff from this watershed is conveyed via a comprehensive on-site drainage system to an attenuation gallery consisting of twenty-two (22) linear feet of 48-inch solid walled HDPE (N-12) pipe. Flow control is provided via three staged orifices and the attenuated runoff is conveyed via a 10-inch HDPE pipe to a proposed catch basin to be located in Eldridge Street immediately adjacent to the property which is to be connected to an existing municipal catch basin on the corner of Eldridge Street and Midland Avenue.

Total runoff rates for the post developed condition are shown below.

**Post-Developed Stormwater Runoff Rates**  
(cubic feet per second)

<b>Storm Event</b>	<b>1 Year</b>	<b>2 Year</b>	<b>10 Year</b>	<b>25 Year</b>
DP-1	0.25	0.35	0.52	0.73

*See Watershed Maps contained herein.*

The proposed post-developed conditions for the site reduce or equal the stormwater runoff rates of the pre-developed conditions at design point [DP-1].

**CONCLUSION**

The stormwater management plan proposed meets all the requirements set forth by the Village of Port Chester. Design modification requirements that may occur during the approval process will be performed and submitted for review to the Village of Port Chester.



**EXHIBIT G**

# VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

Village of Port Chester,  
New York

## **Board of Trustees**

Mayor Dennis G. Pilla  
Daniel Brakewood  
John Branca  
Bart Didden  
Joseph D. Kenner  
Luis Marino  
Saverio Terenzi

Village of Port Chester  
Village Hall  
222 Grace Church Street  
Port Chester, NY 10573

*Prepared by:*  
**BFJ Planning**  
115 Fifth Avenue  
New York, NY 10003  
212.353.7474  
[www.bfjplanning.com](http://www.bfjplanning.com)

*In association with:*  
**Urbanomics**

Adopted by the  
Board of Trustees on:

December 17, 2012

Table 12-1  
Annual Employment by Industry, Westchester County, 2009

Industry	Number	Percent
Agriculture, Forestry, Fishing Hunting	370	0.09%
Utilities	3,026	0.76%
Construction	21,093	5.29%
Manufacturing	14,880	3.73%
Wholesale Trade	14,213	3.56%
Retail Trade	46,845	11.75%
Transportation and Warehousing	10,161	2.55%
Information	10,541	2.64%
Finance and Insurance	17,836	4.47%
Real Estate and Rental and Leasing	8,831	2.21%
Management of Companies and Enterprises	9,308	2.33%
Administrative and Waste Services	19,729	4.95%
Educational Services	15,405	3.86%
Health Care and Social Assistance	65,624	16.46%
Arts, Entertainment, and Recreation	9,035	2.27%
Accommodation and Food Services	24,229	6.08%
Other Services	19,087	4.79%
Government	63,501	15.93%
Unclassified	1,011	0.25%
<b>Total, All Private</b>	<b>335,235</b>	<b>84.07%</b>
<b>Total, All Industries</b>	<b>398,736</b>	<b>100.00%</b>

Source: 2005-2009 American Community Survey 5-Year Estimates

The Village of Port Chester borders Fairfield County in southwestern Connecticut. The South Western Regional Planning Agency (SWRPA) describes the region as “the economic engine of Connecticut,” with an economy built on a foundation of large international corporations, exceptional regional and local retail centers, and a strong professional services sector.” Indeed, southwestern Connecticut has become much like Westchester County one of the country’s premier suburban corporate centers, supported by a well-educated workforce, good accessibility, and the fact that the region is home to many top executives.

Westchester County’s economic development plan identifies six targeted industry clusters, as shown in Table 12-2. Each cluster is cultivated with a unique approach based on its needs. The County works with a variety of businesses and industries, however, and its diversified economy is a key asset.

Table 12-2  
Targeted Industry Clusters in Westchester County

Cluster	Comments
Biotechnology	Nearly 20% of NYS biotech workforce is in Westchester. Complemented by the presence of premiere medical and research institutions (e.g. Westchester Medical Center, New York Medical College).
Education	Higher education provides upwards of 10,000 skilled jobs in Westchester
Headquarters and Corporate Services	Westchester's assets include proximity to NYC, an excellent transportation system, high-tech infrastructure, and quality of life. Sector accounts for >45,000 jobs and 170 businesses, more than a dozen of which are in the Fortune 500.
Information Technology	>900 technology-related businesses, including software firms, Internet service providers, and telecom companies, employing ~14,000 professionals
Manufacturing	Diverse sector includes firms in printing, chemicals and pharmaceuticals, computers and electronics, textiles, and food and beverage.
Tourism	Employs >30,000 people and has a significant economic impact; considered a critical part of Westchester's economic growth strategy.

Source: Westchester County Office of Economic Development, [http://economic.westchestergov.com/business\\_clusters](http://economic.westchestergov.com/business_clusters)

In Westchester County overall, the retail market is thriving after years as an underserved area. Much of the retail growth has occurred in cities such as White Plains, Yonkers and New Rochelle. The development of the Waterfront at Port Chester is also credited with bringing regional and national retailers to the County. Yet one of the region's largest shopping malls is not in Westchester County at all, but in nearby Stamford, Connecticut, where retailers recognized the opportunities presented by this affluent area.

Despite the competition from outlying shopping centers and big box stores, existing commercial centers in some parts of the region – for example, downtown White Plains – remain viable, while others have undergone revitalization.

## 12.2 ECONOMIC DEVELOPMENT IN PORT CHESTER

Table 12-3 presents 2007 estimates of businesses and employment by industry in Port Chester. According to the available information, there are nearly 1,300 business establishments with 8,600 jobs in Port Chester. The Village's approximately 400 retail trade and personal and repair services businesses comprise nearly one-third of all establishments as well as one-third of the employment in Port Chester. (The personal and repair services category includes hair and nail salons, automotive repair, and dry cleaners, among others.) Construction – e.g. contractors, carpenters, bricklayers, plumbers, electricians – also serves as a significant source of employment.

### 12.3 RECOMMENDATIONS

*Recommendation #1: Strengthen and expand economic opportunity and the Village's tax base by focusing efforts on retaining and expanding existing businesses and attracting new businesses.*

- Maintain an inventory of existing businesses and identify and quantify the existing job base.
- Preserve existing commercial and light industrial areas.
- Retain ratable properties in the Village.
- Encourage ground floor retail throughout the Downtown Business District.
- Establish and support a Commercial Development Grant/Loan Program.
- Support the Port-Chester-Rye Brook-Rye Town Chamber of Commerce in its effort to advance the business environment and economic development of the Port Chester community.
- Work with the Port Chester Industrial Development Agency to establish an Industrial Retention and Expansion (IRE) Program to assist local manufacturing companies.
- Identify methods and agencies to seek input from businesses and industries addressing individual needs to improve profitability, performance and encourage existing business retention throughout the Village.
- Focus economic development initiatives within the Downtown Business District.
- Leverage public and private funding sources to strengthen financial and technical assistance programs that support Downtown and neighborhood businesses.
- Identify target industries for job growth and support the development of spaces for job growth.
- Continue to encourage restaurant development in the downtown.
- Promote "entertainment" and performing arts- type" development (theaters) through branding efforts ("Entertainment Capital of Westchester). This effort could be initiated in tandem with the anticipated reopening of the historic Capitol Theatre in mid-2012.

**EXHIBIT H**



## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
52 Eldredge Street Realty, LLC c/o Law Office of Anthony R. Tirone, Esq., P.C.			
Name of Action or Project: Zoning Amendment for 52 Eldridge Street, Port Chester, New York 10573			
Project Location (describe, and attach a location map): 52 Eldridge Street, Port Chester, New York near the corner of Midland Avenue between 312 Midland Avenue and 46 Eldridge Street.			
Brief Description of Proposed Action: The proposed action involves making a zoning map amendment to include 52 Eldridge Street in the C1 Retail District. Presently, the property is located in the R2F Residential Zone. It borders C1 properties on the Midland Avenue side and across the street and R2F properties on the other two borders. The reason for the proposed change is to reflect the desired use of 52 Eldridge Street as office space and private indoor parking and overnight storage of no more than six vehicles.			
Name of Applicant or Sponsor: Eldredge Street Realty, LLC c/o Law Office of Anthony R. Tirone, Esq., P.C.		Telephone: (914) 686-7007 E-Mail: arty@artironelaw.com	
Address: 202 Mamaroneck Avenue, Suite 500			
City/PO: White Plains		State: New York	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Planning Commission approval and Building Department permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.098 acres	
b. Total acreage to be physically disturbed?		_____ 0.098 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.098 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): C1 and R2F <input type="checkbox"/> Parkland			



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: 52 Edrudge St Realty LLC c/o Law Office Anthony R. Tirone Date: October 27, 2015

Signature: 

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Streets

Aerials

142.53-1-3

142.53-1-4

142.53-1-7

142.53-1-6

142.53-1-9

142.53-1-10

142.53-1-11

142.53-1-12

142.54-1-

Eldredge St

**52 Eldredge St, Port Chester, NY, 10573**



142.61-1-2

142.61-1-6

142.61-1-7

142.61-1-5

142.61-1-4

142.61-1-3

142.61-

142.61-1-8

142.61-1-9

142.61-1-10

142.61-1-11

142.61-1-12

142.62-1-

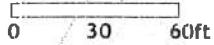
Midland Ave

Fawcett St

142.61-1-17

142.61-1-16

142.61-1-18



Sources: Esri, HERE, DeLorme, USGS, Int

Initial Extent

Zoom In

Zoom Out

Show Overview Map

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

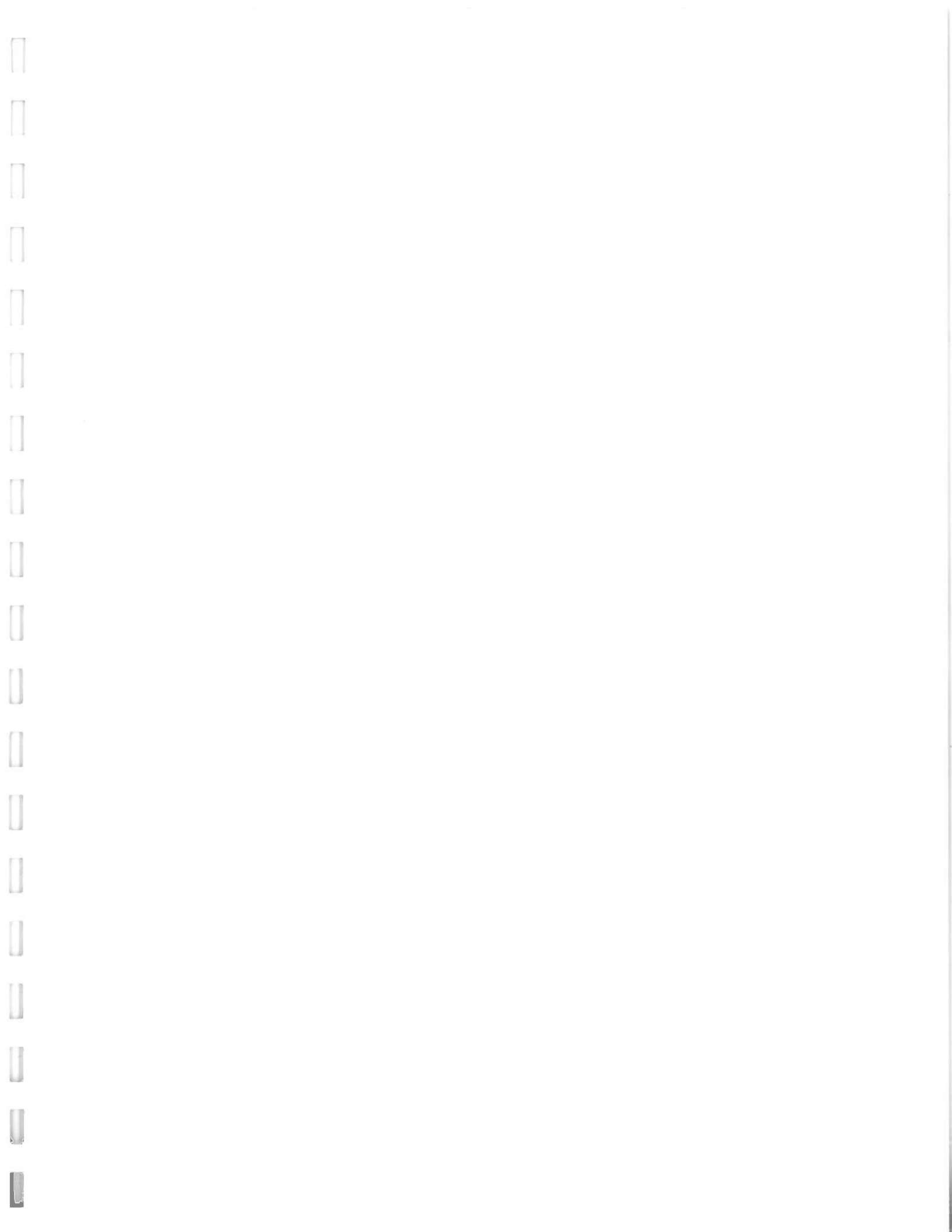
**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

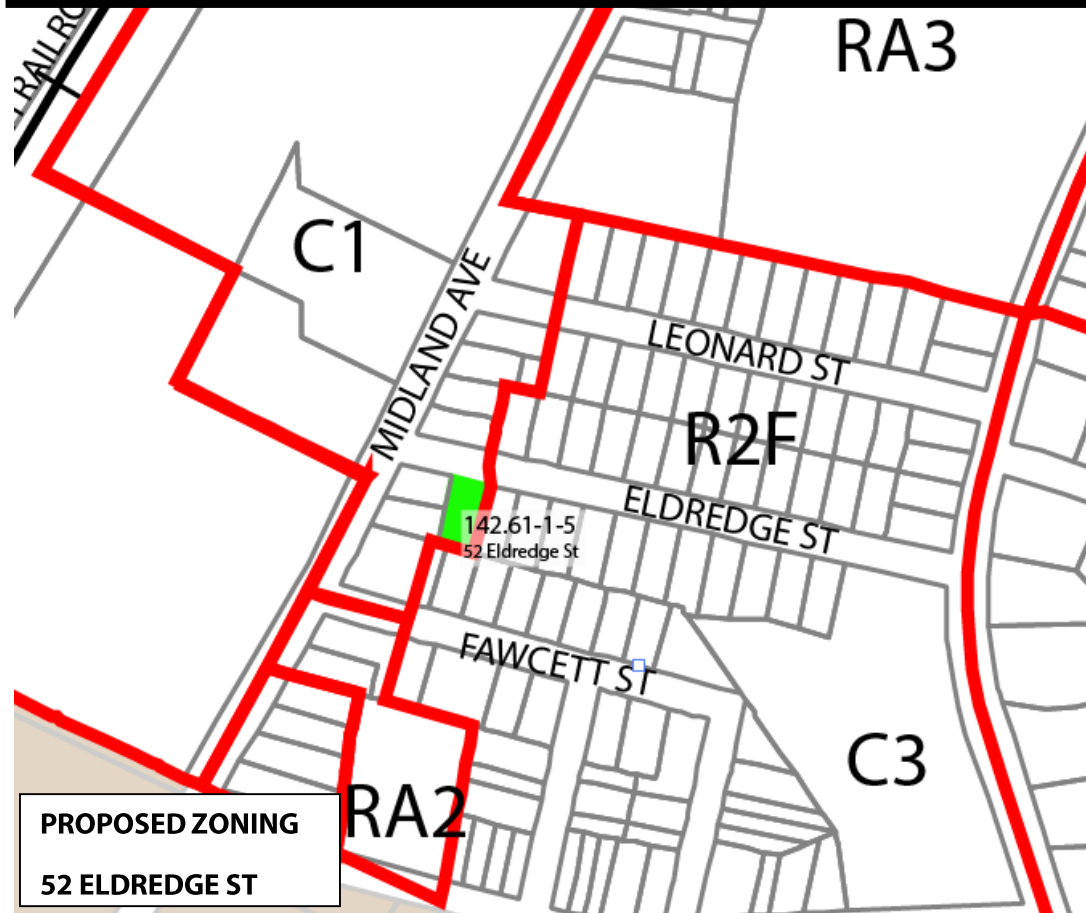
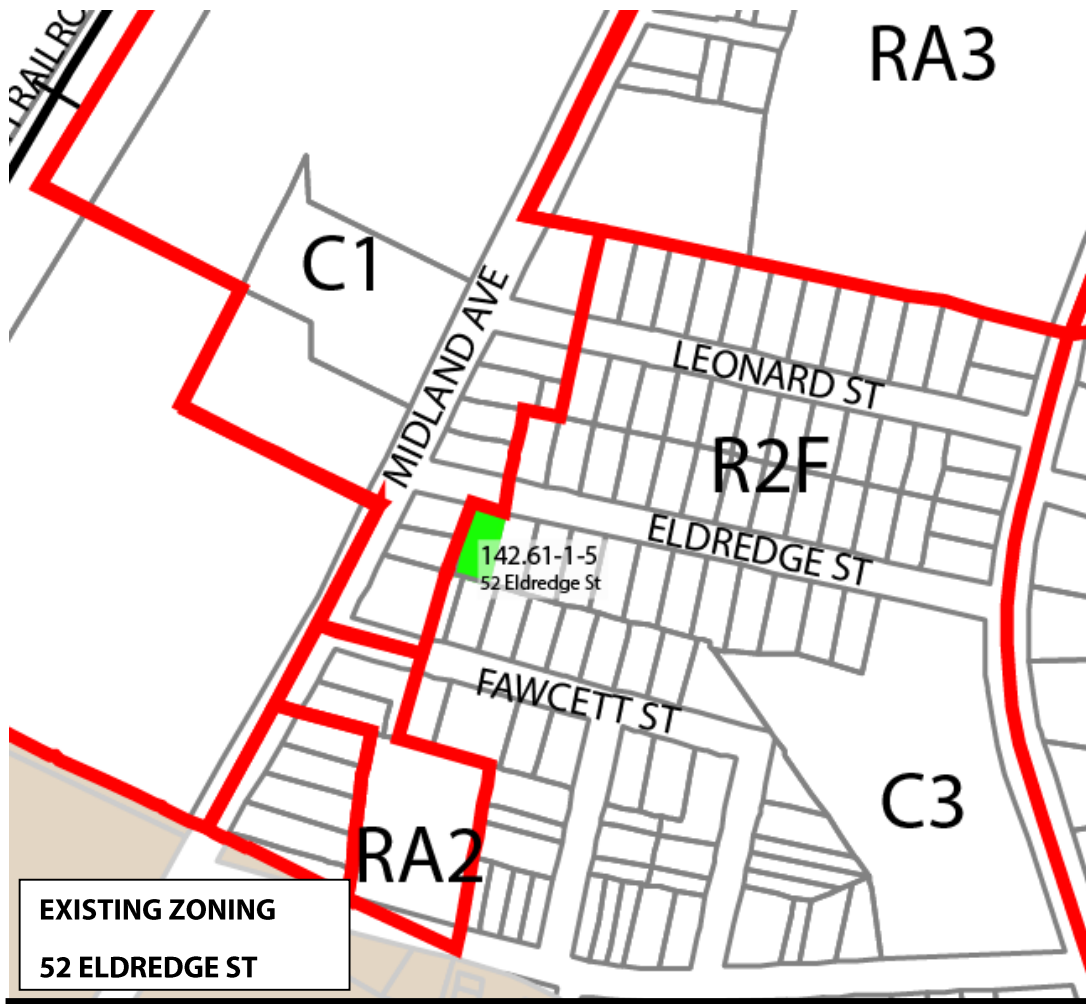
For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**









# VILLAGE OF PORT CHESTER

## DEPARTMENT OF PLANNING & DEVELOPMENT

222 Grace Church Street, Rm. 202  
Port Chester, NY 10573  
(P) 914.937.6780  
(F) 914.939-2733

Jesica Youngblood, Assistant Director of Planning  
Andrea Sherman, Assistant Planner  
Constance Phillips, Planning Commission Secretary

To: Chairman Gregory and Planning Commissioners  
From: Jesica Youngblood, Assistant Director of Planning  
Re: Zoning Petition, 52 Eldredge – BOT Referral  
Date: December 3, 2015

### Purpose:

This memo provides commentary raised during the Planning Commission meeting held Dec. 1, 2015 per the Board of Trustees referral per Section 345-34 of the Village Zoning Code on November 16, 2015 for a rezoning petition of 52 Eldredge St. The property at 52 Eldredge Street is located in an R2F Two-Family District and is petitioned to be rezoned to the C1 Neighborhood Retail District.

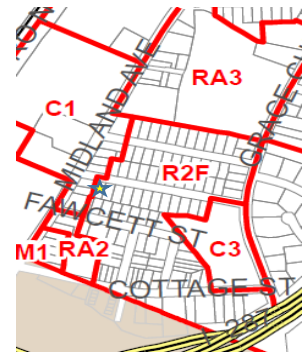


Figure 1 Zoning Map

### Comment Summary

- Given the nature of the application as presented, the Planning Commission commented on traffic and circulation concerns, especially due to the one-way direction of Eldredge Street and that activity associated with an auto body repair and garage use should not impede traffic flow or detract from a safe environment for vehicles and pedestrians. This thinking should be extended to any new uses that could ultimately be permitted for this site if the zoning changes from residential to commercial.
- The Planning Commission does not seek to stymie business expansion; however, the Commission strongly recommends petitions promote growth and development in an orderly and appropriate manner to maintain or reduce environmental impacts to the surrounding area's character.
- The Planning Commission raised concern over future uses and expansion of those uses over time if the zoning line is expanded by amendment further into a two-family residential district. This action includes introducing all permitted uses (as of right or by special exception) of the C1 Neighborhood Retail District. The permission of new commercial uses permitted in an area that remains zoned as a two-family residential district raises questions about the potential, associated impacts, specifically allowing for new land uses to occur on property bordering two different zoning districts.
- If the zoning petition advances, the site plan approval process will undertake analysis examining potential impacts related to the operations on-site and in the immediate vicinity.
- The Planning Commission supports protective dimensional regulations that separate out difference and adjoining uses to preserve the area's character.

# DISCUSSIONS

1



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Office of the Village Manager

**BOT Meeting Date:** 12/7/2015

**Item Type:** Discussion Item

**Sponsor's Name:** Christopher D. Steers, Village Manager

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	x	Public Hearing Required	<input type="checkbox"/>	x
Funding Source:			BID #		
Account #:			<b>Strategic Plan Priority Area</b>		
	<b>Yes</b>	<b>No</b>	Quality of Life & Village Image		
Agreement	<input type="checkbox"/>	x	<b>Manager Priorities</b>		
Strategic Plan Related	<input type="checkbox"/>	x	Other		

**Discussing a Village Adopt-an-Island Program**

**Summary**

**Background:**

The Port Chester Beautification Commission voted on 8/12/15 in favor of the creation of a Village Adopt-an-Island program. The program as proposed would promote beautification efforts, community outreach and the public image of the village. The program involves the following:

In exchange for a small sign to be placed in a designated area, an organization would either fund or donate labor and materials towards the beautification of a site. The program would be run by the Beautification Commission with support from DPW and village administrative staff.

**Attachments**  
**Staff Recommendation for Adopt-an-Island Program.**

## **Adopt an Island Program Proposal**

### **Overview:**

The Village of Port Chester Adopt an Island Program will provide opportunities for companies, civic groups, institutions and individuals to adopt a traffic island or other public space and create attractive, welcoming “oases” throughout the Village. The program provides two options as noted below for those interested in participating.

For both options, the Village of Port Chester will allow groups to propose to the Beautification Commission in writing a measured and clearly defined space which they desire to beautify. Approvals will be made by the commission on a first-come, first-served basis with prior year participants given first right to “re-adopt” the same space. Agreements for both options will be for two years. The commission will be authorized to “police” the program under conditions outlined below.

### **Option 1**

Option 1 provides Adopters the opportunity for hands-on beautification. This could range from basic mowing, weeding and litter control to more extensive efforts such as the planting of flowers trees, shrubs and landscaping. Once approved for adoption, the adopter will monitor their public space and maintain it throughout the season as outlined below.

Under Option 1, Adopters will:

- Identify with measurements and cross streets a traffic island or roadside area that they wish to enhance and provide a simple landscape plan for review of the commission. (this will be the application)
- Purchase the plants and install. (subcontracting to a landscaping company is permissible, however the adopter will remain responsible for the condition and safety in the area.)
- Install any plantings by the third week in May, maintain the bed until the first frost in October and clean up over winter.
- Utilize only natural materials; plastic, silk or other imitation plants, flowers or materials will be removed. Any landscaping (grade changes, stone, masonry, fill) or statuary and other non planting additions will require DPW review and approval.
- Check for watering, litter removal and plant replacement as needed. Maintenance includes mowing, trash removal, weeding, watering, spreading of mulch where applicable and revitalizing and replenishing throughout the season. Grass must remain under 6 inches at all times unless otherwise authorized as part of a planting plan. Response to Beautification inquiries and complaints will be required within 7 days of receipt.
- Where they might interfere with traffic safety, plants cannot exceed 24 inches in height or spread onto the roadway as they grow, or in any way obscure the visibility of passing drivers or pedestrians. Traffic commission approval is required for any plan that includes heights exceeding this limit.
- Remove clippings and waste material completely from the site at time of work. no storage of materials or equipment at the location will be permitted while Adopters or their agents are not working.
- Participants are encouraged to utilize high impact/low maintenance plants wherever possible.
- Provide a name to be affixed to the “Adopt and Island” Sign. (No more than 30 characters)

In return the Village of Port Chester will:

- Provide and install an “Adopt and Island” sign recognizing the Adopter’s efforts (no other signs or signage will be allowed on an island or close cluster of islands). Location of the sign will be chosen by Village Staff in order to maintain safety.

### **Option 2**

Option 2 provides Adopters who are unable to commit to maintaining an island with the opportunity to contribute to the beautification of the Village’s neighborhoods by contributing to the Adopt an Island Fund. In this instance, the Village would provide all services as we currently do, while utilizing the funds contributed to subsidize more intensive maintenance and improved beautification of the site.

Under Option 2 Adopters will:

- Identify with measurements and cross streets a traffic island or roadside area that they wish to enhance
- Pay a yearly fee of \$2 per Sq Ft. of the space. (payable before the 1<sup>st</sup> of May each year)
- Provide a name to be affixed to the “Adopt and Island” Sign. (No more than 30 characters)

In return the Village will:

- Maintain the site by regular mowing, litter removal and tree and shrub maintenance as needed.
- At least half of the funds paid in annual fees will be set aside for site upgrades.
- Under this option, design and organization of the site will be at the discretion of the Department of Public Works.
- Provide and install an “Adopt and Island” sign recognizing the Adopter’s efforts (no other signs or signage will be allowed on an island or close cluster of islands). Location of the sign will be chosen by Village Staff in order to maintain safety.

## The Port Chester Beautification Commission Adopt an Island Program

### Overview:

The Village of Port Chester's Adopt an Island Program will provide opportunities for companies, civic groups, institutions and individuals to adopt a traffic island or other public space and create attractive, welcoming "oases" throughout the Village. The program provides two options, as noted below for those interested in participating.

For both options, the Village of Port Chester will allow groups to propose to the Beautification Commission, in writing, a measured and clearly defined space which they desire to beautify. Approvals will be made by the commission on a first-come, first-served basis, with prior year participants given first right to "re-adopt" the same space. Agreements for both options will be for two years. The commission will be authorized to "police" the program under conditions outlined below.

### Option 1

Option 1 provides Adopters the opportunity for hands-on beautification. This could range from basic mowing, weeding and litter control, to more extensive efforts such as the planting of flowers trees, shrubs and landscaping. Once approved for adoption, the adopter will monitor their public space and maintain it throughout the season for 2 years as outlined below.

Under Option 1, Adopters will:

- Identify with measurements and cross streets a traffic island or roadside area that they wish to enhance, and provide a simple landscape plan for review of the commission. (this will be the application)
- Purchase the plants and install (subcontracting to a landscaping company is permissible, however the adopter will remain responsible for the condition and safety in the area). Participants are encouraged to utilize high impact/low maintenance plants wherever possible.
- Install any plantings by the third week in May, maintain the bed until the first frost in October, and clean up over winter.
- Utilize only natural materials; plastic, silk or other imitation plants, flowers or materials will be removed. Any landscaping (grade changes, stone, masonry, fill) or statuary and other non planting additions will require DPW review and approval.
- Check for watering, litter removal and plant replacement as needed. Maintenance includes mowing, trash removal, weeding, watering, spreading of mulch where applicable and revitalizing and replenishing throughout the season. Grass must remain under 6 inches at all times, unless otherwise authorized as part of a planting plan. Response to Beautification inquiries and complaints will be required within 7 days of receipt of written notice of same.
- Where they might interfere with traffic safety, plants cannot exceed 24 inches in height or spread onto the roadway as they grow, or in any way obscure the visibility of passing drivers or pedestrians. Traffic commission approval is required for any plan that includes heights exceeding this limit.
- Remove clippings and waste material completely from the site at time of work. No storage of materials or equipment at the location will be permitted while Adopters or their agents are not working.
- Provide a name to be affixed to the "Adopt and Island" Sign. (No more than 30 characters)

In return the Village of Port Chester will:

- Provide and install an “Adopt and Island” sign recognizing the Adopter’s efforts (no other signs or signage will be allowed on an island or close cluster of islands). Location of the sign will be chosen by Village Staff in order to maintain safety.

I/We, \_\_\_\_\_, agree to Option 1 of the Adopt an Island 2 year beautification program from May 1<sup>st</sup>-April 1<sup>st</sup>.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Option 2**

Option 2 provides Adopters who are unable to commit to beautifying an island with the opportunity to contribute to the beautification of the Village’s neighborhoods by contributing to the Adopt an Island Fund for a 2 year period. In this instance, the Village would provide all services as we currently do, while utilizing the funds contributed to subsidize more intensive maintenance and improved beautification of the site.

Under Option 2 Adopters will:

- Identify with measurements and cross streets a traffic island or roadside area that they wish to enhance
- Pay a yearly fee of \$500 for the space. (payable before the 1<sup>st</sup> of May each year)
- Provide a name to be affixed to the “Adopt and Island” Sign. (No more than 30 characters)

In return the Village will:

- Maintain the site by regular mowing, litter removal and tree and shrub maintenance as needed.
- At least half of the funds paid in annual fees will be set aside for site upgrades.
- Under this option, design and organization of the site will be at the discretion of the Department of Public Works and The Beautification Commission.
- Provide and install an “Adopt and Island” sign recognizing the Adopter’s efforts (no other signs or signage will be allowed on an island or close cluster of islands). Location of the sign will be chosen by Village Staff in order to maintain safety.

I/We, \_\_\_\_\_, agree to Option 2 of the Adopt an Island 2 year beautification program from May 1<sup>st</sup>-April 1<sup>st</sup>.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# PORT CHESTER TRAFFIC ISLANDS

## DAVENPORT AVE.



## BROWNDALE / NORTH REGENT ST.





HALSTEAD AND HEWLETT



END OF INDIAN RD.



GLEN AVE. AND LAFAYETTE



GLEN AVE. AND PURITAN DR.  
(TAKEN BY JOHN ZICCA)





PURITAN AND INDIAN RD.  
(TAKEN BY JOHN ZICCA)



BARTON AND WESLEY



## PUTNAM AND RIVERDALE



## MILES STANDISH





NORTH REGENT AND ELIZABETH ST.  
(TAKEN BY JOHN ZICCA)



BOWMAN AND HAWTHORNE



GREYROCK AND LAUREL



LIBERTY SQUARE





PEARL ST AND POST RD.



SOUTH REGENT AND WEST WILLIAM





# SUMMERFIELD PARK



# RESOLUTIONS

1



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Office of the Village Attorney

**BOT Meeting Date:** 12/7/2015

**Item Type:** Resolution

**Sponsor's Name:** Anthony (Tony) Cerreto, Village Attorney

	Yes	No	Description	Yes	No
Fiscal Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source: Law Contractual			RFP # 2015-08		
Account #:1.1420.400			<b>Strategic Plan Priority Area</b>		
	Yes	No	N/A		
Agreement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Manager Priorities</b>		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

**Agenda Heading Title**  
*(Will appear on the Agenda as indicated below)*

AWARDING BID FOR MTA TITLE WORK SERVICES (RFP 2015-08)

**Summary**

**Background:**

Seeing that the Village has an outstanding issue with the MTA and the maintenance at the train station property, the Board expressed a desire to improve those conditions. There is a fundamental legal disagreement as to who owns the sidewalks surrounding the station. The MTA will not provide funding to maintain the sidewalks if they belong to the Village. The Board asked that staff perform a title search to verify ownership in order to determine the legal footings for negotiations with the MTA.

The Village advertised a Request For Proposals (RFP 2015-08), seeking proposals for Title research around the MTA train station.

- The Village issued the request through Bid Net, posted it to the paper and website, and forwarded the document to every title company on the American Land Title Association's registry that is registered to work in NY.
- The Village received two proposals for these professional services: East Coast Abstract Inc and Nationwide Court Reporting Services were the respondents.
- Nationwide Court Services was disqualified for being non responsive to the RFP. (They admitted under questioning that that they did not meet the full scope of work in their proposal)
- The Bid amount by East Coast Abstract is \$12,000.

<b>Proposed Action</b>
------------------------

That the Board of Trustees adopt the Resolution

<b>Attachments</b>
--------------------

Resolution

RFP 2015-08

The proposal

RESOLUTION  
AWARDING BID FOR RFP 2015-08 MTA TRAIN STATION TITLE WORK

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village of Port Chester has widely advertised a request for proposals seeking proposals for title investigation work around the train station (RFP 2015-08); and

WHEREAS, the Village received two proposals for these professional services; and

WHEREAS, after an extensive investigation and analysis of both proposals, the Village Attorney recommends that the East Coast Abstract proposal be accepted. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for MTA Train Station Title Work (RFP 2015-08) to East Coast Abstract Inc., 100 Quentin Roosevelt Blvd Suite 101, Garden City, NY 11530, with compensation to be \$12,000; and be it further

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with East Coast Abstract Inc. and be it further

RESOLVED, that the Board of Trustee hereby authorizes the Village Treasurer to transfer the \$12,000 for said work from General Fund contingency as follows:

**General Fund\**

Transfer from:

Contingency A/c	1.1990.400	\$12,000.00
Law Contractual A/c	1.1420.400	\$12,000.00

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

**AYES:**

**NOES:**

**ABSENT:**

**DATE:**



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## EAST COAST ABSTRACT, INC.

---

100 Quentin Roosevelt Boulevard  
Suite 101  
Garden City, NY 11530  
(516) 794-9100 · (800) 734-7110  
Fax: (516) 794-2726  
www.ecabstract.com

Stanley E. Levine, *President/CEO*  
Lee Ann Croutier, *Assistant to the President*  
Tina White, *Senior Vice President*  
Patrick Yu, *General Counsel*  
Charles M. Barredo, *Director of Business*  
Stephen Leiter, Esq., 1947-2005

November 19, 2015

### **BY OVERNIGHT DELIVERY**

Village of Port Chester  
Village Clerk's Office  
Attention: Christopher D. Steers, Village Manager  
222 Grace Church Street, Suite 150  
Port Chester, New York 10573

Re: RFP 2015-08: Port Chester Railroad Station Title Search Services ("RFP")

Dear Mr. Steers:

As an original founder of East Coast Abstract, Inc. ("ECA") and its current President/CEO, I am extremely excited for this opportunity to respond to your RFP.

I am pleased to enclose ECA's response to the RFP. I am available at your convenience to discuss and/or enter into negotiations with the Village of Port Chester with respect to ECA's response. I may be reached by telephone at (516) 794-9100 ext. 878 or by email at Stanley@eca-abstract.com.

Again, I thank you for this opportunity, and I look forward to hearing from you soon.

Sincerely,



Stanley E. Levine, President/CEO

Encl.

*An Authorized Policy Writing Agent for:*  
**Chicago Title Insurance Company · Commonwealth Land Title Insurance Company**  
**Fidelity National Title Insurance Company · First American Title Insurance Company**  
**Old Republic National Title Insurance Company · Stewart Title Insurance Company**  
**Westcor Land Title Insurance Company**



**Response To RFP 2015-08: Port Chester Railroad Station Title Search Services**  
**("Response")**  
**Village of Port Chester ("Client")**  
**Port Chester Railroad Station, 31 Broad Street, Port Chester, NY 10573**  
**("Subject Area")**

**Identifying Information:**

1. **Legal Name:** East Coast Abstract, Inc. is a corporation organized under the laws of the State of New York.

**Addresses:** East Coast Abstract ("ECA") has offices at the following address:

East Coast Abstract, Inc.  
100 Quentin Roosevelt  
Boulevard, Suite 101  
Garden City, New York 11530  
Tel: 516-794-9100

East Coast Abstract, Inc.  
Chrysler Building  
405 Lexington Avenue, 26<sup>th</sup> Floor  
New York, New York 10174  
Tel.: 212-541-2412

2. **FEIN:** ECA's Federal Employer Identification Number is: 11-2551711.
3. **CEO/President:** Stanley E. Levine is the President and Chief Executive Officer of ECA. He is authorized to discuss this response to the RFP. He may be reached by telephone at (516) 794- 9100, ext. 878 or by e-mail at [stanley@eca-abstract.com](mailto:stanley@eca-abstract.com).

**Experience and Qualifications:**

1. **Description:** ECA is a full service title agency and abstract company that underwrites title insurance under agency contracts with seven (7) national title insurance underwriting companies that are licensed to do business in New York. ECA has been in business for 35 years. It has written more than 100,000 title insurance policies insuring all types of real property, including single family homes, condominiums, cooperatives, and commercial and industrial properties. ECA has issued policies insuring the interests of the State of New York and many of its political subdivisions, including the MTA, the cities of New York, White Plains, Long Beach, and Glen Cove, the counties of Westchester, Nassau and Suffolk, the villages of Port Chester, Briarcliff Manor, and Pleasantville. ECA currently has contracts to provide title services with the Town of Hempstead, Department of Planning and Development, the County of Nassau, and the MTA.

**The Team:** ECA's experienced team members who will be responsible for preparing Certificates and Report of Title, making clearance and underwriting decisions and issuing title insurance policies for the "Requested Services" are as follows:



Stanley E. Levine, President/CEO: An original founder of ECA with over 40 years of experience in the title industry, including Vice President of Commonwealth Land Title Insurance Company and branch manager of its Suffolk and Nassau County offices; former chairman of the New York State Land Title Association's Survey Committee, he is an acknowledged expert in the title insurance field and has often been called upon to testify as an expert witness in title-related actions.

Patrick K. Yu, General Counsel: With more than 20 years of experience in the real estate industry, Mr. Yu counsels clients on title insurance products and, if requested, assists them in clearing title exceptions. Prior to joining ECA, Mr. Yu was in private practice where he represented individuals and companies in all facets of real estate matters, including real estate acquisitions and sales, commercial leasing, construction contracts, and landlord tenant litigation. He is admitted to practice in the state of New York; the U.S. District Court, Eastern and Southern District of New York.

Tina White, Senior Vice President: Manager of the production staff of ECA and senior clearance officer, she has more than 40 years of experience in the title insurance industry.

Lee Ann Croutier, Assistant to President: An original ECA member, she assists the President and manages large projects, including commercial transactions and multiple housing development subdivisions and condominiums.

Marvin A. Yoches, Senior Title Officer: With more than 50 years in the industry with jobs from title examiner to title officer, he is a title and survey maven.

Pete Moore, Clearance/Settlement Manager: With more than 15 years under his belt in the title industry. He has spent the past 10 years as the East Coast "go to guy", clearing complicated foreclosure files and managing the closing process for ECA Settlement Services Corp., and coordinator of out of state transactions.

These excellent experienced people are assisted by a well-trained and experienced support team: Flor Alvarez, Ordering; Kelli Moran, Closings; Kathy J. Michels, Title Production; and Caroline Ernst, Recordings.

2. **Services:** We have afforded the same services that are being requested in this proposal. We search and examine title (not less than 40 years), inclusive of all documents that might encumber title and work closely with all of our underwriters for the purpose of issuing title insurance. In addition, we conduct bankruptcy and PATRIOT searches on all parties in interest and, on request, provide full municipal departmental searches. On request, we also provide corporate, litigation and other types of searches. Further, we also coordinate with surveyors to provide ALTA/ACSM standards surveys for the properties and clear title issues that are revealed by our search and examination.
3. **Title Insurance Provider:** ECA is an agent in good standing with the following New York State licensed national title insurance companies: Chicago Title Insurance Company; Commonwealth Land Title Insurance Company; Fidelity National Title Insurance Company; First American Title Insurance Company; Old Republic National Title Insurance Company; Stewart Title Insurance Company; and Westcor Land Title Insurance Company.

Every underwriter that we work with has a "High Liability Approval" requirement. Approval is generally needed for insurance coverage above a stated amount. The amounts vary by underwriter, but are usually for coverage that exceeds between \$2-5 million. Prior approval also may be required for special risks, like mechanic liens or development rights.

Through our agency contracts with our underwriters, ECA has the ability to insure, through co-insurance, more than an aggregate of One Billion Dollars of title insurance on any one transaction.

**References:**

ECA provided similar services to those requested in the RFP for the following three clients:

Company: Leventhal, Cursio, Mullaney & Sliney, LLP  
Contact Person: Steven G. Leventhal, Esq.  
Address: 15 Remsen Avenue  
City/State: Roslyn, New York 11576  
Telephone: (516) 484-5440  
Fax #: (516) 484-2710  
E-Mail Address: [steven@leventhal.org](mailto:steven@leventhal.org)

Company: Douglaston Development  
Contact Person: Jeffrey E. Levine  
Address: 42-09 235<sup>th</sup> Street  
City/State: Douglaston, New York 11363  
Telephone: (718) 281-0550  
Fax #: (718) 281-4811  
E-Mail Address: [JeffLevine@LevineBuilders.com](mailto:JeffLevine@LevineBuilders.com)

Company: Minerva & D'Agostino, P.C.  
Contact Person: Dominick Minerva, Jr., Esq.  
Address: 107 South Central Avenue  
City/State: Valley Stream, New York 11580  
Telephone: (516) 872-7400, ext. 321  
Fax #: (516) 561-8500  
E-Mail Address: [DMinervajr@mindaqlaw.com](mailto:DMinervajr@mindaqlaw.com)

**The Completion Schedule:**

ECA's expected completion time is One Hundred Twenty (120) calendar days from the date of the Village of Port Chester's acceptance of ECA's Response to delivery of the Work, as defined below.

**The Fee Proposal:**

1. **Scope of Work:** The scope of work ("Work") shall consist of a report ("Title Report" or "Certificate of Title") which includes the following information:



- Owners of Interest – Records of all owners of interest, including but not limited to lienholders, mortgagees, and title holders to easements, for each parcel located in the Subject Area.
- Ownership Structure- Report of listed ownership structure, joint tenants, individual, corporate, tenants in common, etc.
- Deed Copy – Include an official copy of the most recent deed for each parcel in the Subject Area with county recoding stamp and date.
- Legal Description – Full property legal description.
- Plat/survey map – Copy of the official county survey, if recorded.
- Property Identification Number (PIN).
- Property restrictions.
- Corrective Deed – In the event an error existed on a prior deed, a corrective deed can be used to rectify the error.
- Right of Way
- Street Dedication information
- Tax searches

**NOTE: ECA has included Tax Searches as part of the Title Report even though it is not part of the original scope of work in the RFP.**

2. **Proposed Fee:** \$12,000.00 (exclusive of applicable taxes)
3. **Additional Services:** ECA's fees for additional services not included in the above Scope of Work is set forth in the "Commercial & Courtesy Fees for Attorneys & Lenders" brochure (2015) annexed as Exhibit "A" hereto.
4. **Title Insurance Premiums:** If ECA is requested by the Village of Port Chester to provide title insurance, ECA will comply with the Title Insurance Rate Service Association, Inc. ("TIRSA") Title Insurance Rate Manual that has been approved by the Superintendent of Insurance of the State of New York, effective September 1, 1993, Fourth Revision: March 3, 2010. All of ECA's underwriting title insurers are members of TIRSA so all rates for title premiums will be calculated as per the TIRSA Rate Manual. Westchester County is in Zone 2; therefore, the title examination, clearance and tax search for one parcel and the closer's fee is included in the insurance premium.
5. **Payment Terms:** On projects that require title insurance, we invoice and collect at closing. For "Requested Services" that do not require insurance, we invoice on completion of the work and expect payment on a net thirty (30) days of date of invoice.

**Miscellaneous:**

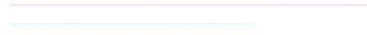
1. ECA is not aware of any conflicts of interest that might arise. It is a private company that owns no interest in any real estate, ECA does not sit on any board that involves any municipal entity nor does ECA employ anyone that is involved with any municipal entity.

2. ECA has had no findings or violations of permissible contacts provisions or the intentional provision of false or inaccurate information to a governmental entity ever in accordance with the Procurement Lobbying Law.
3. ECA has fully reviewed all provisions of the RFP and affirms that all conditions in the Request are acceptable to ECA, without exception.
4. A summary of the professional liability insurance carried by ECA appears in Exhibit "B" annexed hereto.

#### **EXHIBITS**

- A. "Commercial & Courtesy Fees for Attorneys & Lenders" brochure (2015)
- B. Description of Liability Insurance

**EXHIBIT A**



**MORTGAGE TAX RATE  
BY COUNTY** as of 2/1/2015

<b>1.05%</b>	Dutchess* Nassau* Orange*	Putnam* Suffolk*
<b>1%</b>	Allegany Broome Cayuga Clinton Cortland Delaware Erie Franklin Fulton	Hamilton Herkimer Lewis Livingston Montroe Niagara Oneida Onondaga Orleans
<b>3/4%</b>	Chemung Chenango Jefferson Madison	Montgomery Ontario Orisego St. Lawrence
<b>Varied % Rates</b>	Albany.....1.25% Cattaraugus.....1.25% Chautauque.....1.25% Columbia.....1.25% Essex.....1.25% Genesee.....1.25% Greene.....1.25% Rensselaer.....1.25%	Rockland.....1.30%* Schenectady.....1.25% Steuben.....1.25% Warren.....1.25% Wayne.....1.25% Westchester.....1.30%* Yonkers (city).....1.80%* Wyoming.....1.25%

\* Minus \$30 for 1, 2 or condo fam. res.

<b>DEPARTMENT EXTENSIONS</b>	
Accounting .....	873
Applications .....	882
Clearance.....	877/891
Closing .....	880
Recording .....	867



**EAST COAST ABSTRACT, INC.**  
100 Quentin Roosevelt Boulevard, Suite 101  
Garden City, NY 11530  
Phone: (516) 794-9100 (800) 734-7110  
Fax: (516) 794-2726  
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Rev. 2/1/2015

**Commercial & Courtesy Fees  
for  
Attorneys & Lenders**

**EAST COAST ABSTRACT, INC.**

**TITLE EXPERTS**



Stanley E. Levine, CEO

Phone: (516) 794-9100 • (800) 734-7110  
Fax: (516) 794-2726  
www.ecabstract.com

**2015**

**For The Boroughs of  
QUEENS, BROOKLYN, MANHATTAN & THE BRONX  
TRANSFER AND MORTGAGE TAX GUIDE** as of 2/1/2015

Property Type and Transaction Value	NYC RPT	New York State Real Estate Transfer Tax	"Mansion Tax" (NYC)	Mortgage Tax (NYC)
1-2, 3 Family Residential, Co-op or Condo Unit under \$500,000	1%	\$2 per \$500 or portion thereof	N/A	2.175% minus \$30 as above
1-2, 3 Family Residential, Co-op or Condo Unit \$500,001-\$999,999	1.425%	\$2 per \$500 or portion thereof	N/A	2.175% minus \$30 as above
1-2, 3 Family Residential, Co-op or Condo Unit \$1,000,000 or more	1.425%	\$2 per \$500 or portion thereof	N/A	2.05%
All others under \$500,000	1.425%	\$2 per \$500 or portion thereof	N/A	2.8%
All others at \$500,000	2.625%	\$2 per \$500 or portion thereof	N/A	2.8%
All others \$500,001 or more	2.625%	\$2 per \$500 or portion thereof	N/A	2.8%
Payment due date (delivery date is presumed to be date shown on instrument)	30 days after delivery	15 days after delivery	15 days after delivery	Upon recording
Penalty for late payment	5% per month (up to 25% plus interest)	10% penalty plus 2% interest plus interest	Same as deed stamps	See Tax Law Section 258(2)

**RICHMOND COUNTY MORTGAGE TAX**

<b>Residential - 1, 2 &amp; 3 Family Dwellings</b> (% for each \$100 or each remaining major fraction thereof) \$0.00 to \$10,000.00 \$10,000.00 to \$499,999.00 \$500,000.00 and over	1.8% 2.05% (less \$30.00) 2.175% (less \$30.00)
<b>Commercial Property, Vacant Land or 4 or More Dwellings</b> (% for each \$100 or each remaining major fraction thereof) \$0.00 to \$499,999.00 \$500,000.00 and over	2.05% 2.8%



**TITLE SERVICE FEES**

NVC Municipal.....	Standard	\$ 310.00	Per Address/Lot
Nassau/Suffolk/Westchester Municipal.....	Full	\$ 425.00	Per Address/Lot
(Includes C/O up to \$50.00)	Standard	\$ 300.00	Per Address/Lot
Bankruptcy Searches.....	Full	\$ 400.00	Per Address/Lot
Parish Search.....		\$ 25.00	Per Name
Survey Inspection.....		\$ 50.00	Per Name
Sidewalk (Highway).....		\$ 75.00	Per Name
Sewer Search Nassau County.....		\$ 50.00	Per Name
Suffolk County.....		\$ 90.00	Per Name
Escrow Service Charge.....		\$ 35.00	Per Name
First Tax Payment Escrow S/C.....		\$ 50.00	Per Year
Additional Tax Payment Escrow S/C.....		\$ 50.00	Per Year
Survey Order-Processing/Fee or Location of Existing Survey.....		\$ 25.00	Each
Extra Chain Charges.....		\$ 50.00	Each
Extra Tax Charge.....		\$ 140.00	Per Chain
Acrs 2.1 Generation Insured Prop / Courtesy.....		\$ 40.00	Per Tax Search
Acrs 2.1 Generation Co-op.....		\$ 150.00	Per Tax Search
Westchester Prep / Courtesy.....		\$ 100.00	Per Tax Search
First Payoff Satisfaction Fee.....		\$ 150.00	Per Tax Search
Second Payoff Satisfaction Fee.....		\$ 150.00	Per Tax Search
Satisfaction Fee is inclusive of overnight or delivery charge.....		\$ 200.00	Per Tax Search
Recording Service Charge.....		\$ 250.00	Per Tax Search
Closer Fee After 5:30 PM.....		\$ 50.00	Per Doc.
		\$ 75.00	Per Hour

**SPECIAL SEARCH FEES**

Attorney Search (10 Year).....	\$ 325.00
Attorney Search (40 Year).....	\$ 425.00
Certified Last Owner Search.....	\$ 100.00
With Certified Copy of Deed.....	\$ 190.00
Surrogate Search.....	\$ 100.00
Single & Separate Search & Chain of Title.....	\$ 200.00
Co-op Search.....	\$ 100.00
Liability up to \$50,000.....	\$ 425.00
Liability up to \$100,000.....	\$ 450.00
Foreclosure Search with taxes.....	\$ 500.00
Foreclosure Search.....	\$ 425.00
Judgments, Liens, UCC & Litigation Search.....	\$ 500.00
Copy of Deed/POA/Assignment/Termination, etc. (Up to 18 Pages).....	\$ 100.00
Certified Copy of Above Mentioned.....	\$ 60.00
Mortgage Search.....	\$ 90.00
Copy of Mortgage or CE/M (Up to 25 Pages).....	\$ 100.00
Certified Copy of Above Mentioned.....	\$ 100.00

**SPECIAL SERVICES FEES**

Document Prep.....	\$ 150.00
TP 594 Prep.....	\$ 75.00
RP 5217 Prep.....	\$ 75.00
Commercial Settlement Charge.....	\$ 1250.00
Wire Transfer Charge.....	\$ 75.00
Return Check Fee/Stop Payment.....	\$ 25.00

All other fees not listed contact ECA Application Department (x882).

**ECA COMMERCIAL & COURTESY CHARGES**

	MASSAU	SUFFOLK	BOROUGH	WESTCHESTER	ROCKLAND	ALL OTHERS
Deed (5 Pages) Res.....	\$440.00	\$355.00	\$255.00	\$275.00	\$275.00	\$275.00
Deed (5 Pages) Comm. or Vacant Land.....	575.00	480.00	390.00	410.00	410.00	410.00
Memorandum of Lease.....	575.00	480.00	390.00	410.00	410.00	410.00
Each Additional Block/Lot.....	150.00	60.00	2,003.00	5.00	5.00	5.00
Each Additional Page.....	5.00	5.00	5.00	5.00	5.00	5.00
Mortgage (25 Pages).....	360.00	270.00	205.00	240.00	240.00	240.00
Each Additional Block/Lot.....	150.00	60.00	2,003.00	5.00	5.00	5.00
CE/M (Up to 50 Pages).....	480.00	390.00	335.00	340.00	340.00	340.00
Mortgage Affidavit (2).....	50.00	50.00	50.00	50.00	50.00	50.00
Each Additional Block/Lot.....	150.00	60.00	2,003.00	5.00	5.00	5.00
Each Additional Page.....	5.00	5.00	5.00	5.00	5.00	5.00
Assignments of Leases & Rents.....	360.00	270.00	205.00	240.00	240.00	240.00
Assignments of MTG (2 Pages).....	230.00	165.00	90.00	100.00	100.00	100.00
Each Additional Block/Lot.....	150.00	60.00	2,003.00	5.00	5.00	5.00
Each Mortgage Recited.....	3.00	3.00	3.00	3.00	3.00	3.00
Subordination Agreements (5 Pages).....	255.00	165.00	90.00	100.00	100.00	100.00
Satisfactions (2 Pages).....	230.00	140.00	90.00	90.00	90.00	90.00
Each Additional Block/Lot.....	150.00	60.00	2,003.00	5.00	5.00	5.00
Each Additional Page.....	5.00	5.00	5.00	5.00	5.00	5.00
Each Additional Recitation on Sat of Consolidated MTGS.....	3.50	3.00	32.00	50.50	5.00	5.00
Terminations/Releases (5 Pages).....	245.00	145.00	100.00	105.00	105.00	105.00
Each Additional Block/Lot.....	150.00	60.00	2,003.00	5.00	5.00	5.00
Each Additional Page.....	5.00	5.00	5.00	5.00	5.00	5.00
Delaware UCC's.....	215.00	105.00	80.00	75.00	75.00	75.00
UCC County & State.....	150.00	—	2,003.00	—	—	—
Each Additional Block/Lot.....	25.00	25.00	130.00	25.00	25.00	25.00
CO-OP PPT/RETT.....	255.00	145.00	120.00	115.00	115.00	115.00
Rel Fed Tax Lien.....	255.00	145.00	120.00	115.00	115.00	115.00
Rel NYS Est Tax Lien.....	255.00	145.00	120.00	115.00	115.00	115.00
POA (10 Pages).....	285.00	185.00	145.00	145.00	145.00	145.00
Extra Page/Each.....	5.00	5.00	5.00	5.00	5.00	5.00
B/L Agreement.....	240.00	100.00	105.00	100.00	100.00	100.00
Business Certificate with Certified Copy.....	190.00	190.00	195.00	190.00	190.00	190.00
LP with Index No. & R/L.....	515.00	405.00	380.00	375.00	375.00	375.00
Cancel LP.....	215.00	105.00	80.00	75.00	75.00	75.00
Sat of Mechanic's Lien.....	215.00	105.00	80.00	75.00	75.00	75.00
Sat of Judgement.....	50.00	50.00	55.00	50.00	50.00	50.00
Nassau County Assessment Fee...\$75.00 per Recordable Document.....						
*Nassau County per Block, not Lot.....						
For GEE Actual Recording Fees please contact ECA Recording Department (x867).						
All other recording fees not listed please contact ECA Recording Department (x867).						
Rates above are subject to change.						

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**EXHIBIT B**



## **Liability Insurance**

### **Professional Liability Insurance**

ECA maintains Professional Liability Insurance issued through Lloyd's, London. The Policy No. is SUA FEO1245-1503 It has an effective date of July 15, 2015 in the amount of \$1,000,000.00 for each occurrence, and has an aggregate amount of \$1,000,000.00 with \$10,000.00 retention retroactive for claims made 8/22/1997. A copy of the Declaration pages from the policy is enclosed.

### **Cyber Liability Insurance**

ECA maintains Cyber Liability Insurance issued through Lloyd's, London. The Policy No. is SUA 399CYB-T-1503. It has an effective date of July 15, 2015 in the aggregate amount of \$1,000,000.00 with Multimedia liability of \$1,000,000.00 for each claim, Security and Privacy Liability of \$1,000,000.00 for each claim, Data Recovery and Loss of Business Income Coverage of \$1,000,000.00 for each claim, Privacy Regulatory Defense and Penalties of \$1,000,000.00 for each claim, Crisis Management, Customer Notification Costs and Customer Support and Credit Monitoring Expenses of \$1,000,000.00 for each claim and Data Extortion of \$1,000,000 for each claim. A copy of the Declaration pages from the policy is enclosed.

### **Escrow Security Bond:**

ECA maintains a Escrow Security Bond issued through Lloyd's, London. The Policy No. is SUA FESB10089-1503. It has an effective date of July 15, 2015 in the aggregate amount of \$500,000.00. A copy of the Declaration pages from the policy is enclosed.

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2



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Office of the Village Treasurer

**BOT Meeting Date:** 12/7/2015

**Item Type:** Resolution

**Sponsor's Name:** Leonie Douglas, Village Treasurer

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source: BAN			BID #		
Account			<b>Strategic Plan Priority Area</b>		
	<b>Yes</b>	<b>No</b>	Public Safety		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Manager Priorities</b>		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other		

**Agenda Heading Title**  
*(Will appear on the Agenda as indicated below)*

BOND RESOLUTION FOR FIRE HOUSE APRONS

**Summary**

**Background:** At the October 19<sup>th</sup>, the Village Board of Trustees, discussed the deterioration of the Fire house aprons and it was the Boards desire to add the Fire house aprons to FY2015-16 Capital Plan. The Village engineer has estimated that the approximate cost to replace the old aprons is \$112,000. The Village Treasurer is therefore recommending that the Village Board adopts the attached Bond Resolution in the amount of \$112,000 in order to finance said project.

**Proposed Action**

That the Board of Trustees adopt the Resolution

**Attachments**

**EXTRACTS FROM MINUTES OF A  
MEETING OF THE VILLAGE OF PORT CHESTER, NEW YORK**

***(Environmental Compliance Resolution – Addition/Reconstruction of Class “A” Building)***

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at 350 North Main Street, in the Village of Port Chester, New York, on December\_\_\_\_, 2015 at \_:\_\_\_ P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Trustee \_\_\_\_\_ submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee \_\_\_\_\_. The Board of Trustees was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees) with \_\_\_\_ negative votes and \_\_\_\_ votes absent.

**ENVIRONMENTAL COMPLIANCE RESOLUTION TO MAKE FINDINGS  
AND DETERMINATIONS**

WHEREAS, \_\_\_\_\_, the Assistant Director of Planning & Development (the “Director”), has, at the request of the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, reviewed plans and cost estimates for the construction of an addition or additions to or the reconstruction of a class “A” building ,as described in one (1) serial bond resolution to be adopted by the Board of Trustees subsequent to the adoption of this resolution (each object or purpose or component of such various Village improvements, separately, or in any combination thereof, or in the aggregate, the “Project”) and said plans and costs estimates have been filed in the office of the Village Clerk and are on file for public inspection, as may be applicable; and

WHEREAS, the Village has determined that upon the examination of an environmental assessment form (“EAF”) prepared by the Director, that all components the Project are “Type II” actions, as those terms are defined in 6 NYCRR §617.2, and therefore the Village caused the EAF to be prepared and filed with the Village Clerk, as may be applicable; and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project in its entirety is \$112,000 and that the costs of the Project, in whole or in part, as authorized by the Board of Trustees of the Village, are to be financed by the issuance of serial bonds of the Village pursuant to the Local Finance Law and, if deemed advisable, by the issuance of bond anticipation notes in anticipation of the issuance of said bonds; and

WHEREAS, it is proposed that the costs of the Project, as aforesaid, are to be paid in part from a tax levied upon all the taxable property in the Village in annual installments determined by the Board of Trustees;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act (“SEQRA”) regulations, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, NEW YORK, as follows:

Section 1. The Village, by and through its Board of Trustees, declares and designates itself to be the “lead agency” as that term is defined in 6 NYCRR §617.2(u), with respect to the continuing environmental review of the Project.

Section 2. It is hereby determined that the Project as aforesaid, is a “Type II”, as that term is defined in 6 NYCRR §617.2(aj).

Section 3. No other agency other than the Village is involved in said environmental review and no coordinated review is necessary or required.

Section 4. No hearing as set forth in 6 NYCRR §617.9(a)(4) is required in making the determinations contained herein with respect to the costs of the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7(c) upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project: does not require segmentation for adequate environmental compliance analysis, includes no unanticipated or unidentified adverse effects which should be anticipated with respect thereto, and is precluded from further review under the Environmental Conservation Law.

Section 6. It is hereby determined that for purposes of the SEQRA regulations the bond resolutions referred hereinabove to be adopted by the Board of Trustees under the Local Finance Law to finance the Project shall not be or be deemed to be an “action”, as that term is defined in 6 NYCRR §617.2(b), until its effectiveness following the estoppel period prescribed in §82.00 of the Local Finance Law.

Section 7. Taking into account the criteria set forth in 6 NYCRR §617, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project (i) will not have a significant effect on the climate or climate change, and (ii) will not have a significant effect on the environment, and no unidentified adverse effects are anticipated with respect thereto and are precluded from further review under the Environmental Conservation Law.

Section 8. The Village shall include a true copy of this resolution in the file maintained, readily accessible to the public, in the office of the Village Clerk, containing the EAF.

Section 9. This resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

I, **DAVID THOMAS**, Village Clerk of the Village of Port Chester, located in the County of Westchester, State of New York (the "Village"), **HEREBY CERTIFY** as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on December \_\_\_\_, 2015, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the Board of Trustees of the Village.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Board of Trustees of the Village who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_\_ day of December, 2015.

(SEAL)

---

**DAVID THOMAS**  
Village Clerk  
Village of Port Chester, New York



**EXTRACTS FROM MINUTES OF MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PORT CHESTER, NEW YORK**

*(\$112,000 – Addition/Reconstruction of Class “A” Building, 25 years)*

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at 350 North Main Street, in Port Chester, New York, on December \_\_\_\_, 2015 at \_\_:\_\_ P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Trustee \_\_\_\_\_ submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee \_\_\_\_\_. The Board of Trustees of the Village was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with \_\_\_\_ negative votes and \_\_\_\_ votes absent.

**BOND RESOLUTION, DATED DECEMBER\_\_\_\_\_, 2015,  
AUTHORIZING THE ISSUANCE OF UP TO \$112,000 AGGREGATE  
PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT  
CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK,  
PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE  
COSTS OF THE CONSTRUCTION OF AN ADDITION OR ADDITIONS  
TO OR THE RECONSTRUCTION OF A CLASS “A” BUILDING.**

**WHEREAS**, the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the construction of an addition or additions to or the reconstruction of a class “A” building, all in and for the Village, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$112,000, in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$112,000, pursuant to the Local Finance Law, in order to finance costs of the specific objects or purposes hereinafter described.

Section 2. The specific objects or purposes or class of objects or purposes to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of each item of such specific objects or purposes or class of objects or purposes, the principal amount of serial bonds authorized herein for such specific objects or purposes or class of objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes thereof pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The costs of the construction of an addition or additions to or the reconstruction of a class “A” building, together with applicable incidental and preliminary costs in connection therewith, at an estimated maximum cost of \$112,000 for which \$112,000 principal amount of serial bonds are authorized herein and appropriated therefore, having a period of probable usefulness of twenty-five (25) years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) by the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the classes of objects or purposes or specific objects or purposes listed in Section 2 above is \$112,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of such objects or purposes; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds or bond anticipation notes authorized herein; (d) the maturity of the obligations authorized herein will be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within an object or purpose set forth herein for which proceeds of obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took “official action” for federal income tax purposes to authorize capital financing of such item.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes,

and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in Westmore News and The Journal News, newspapers having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on

corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the Board of Trustees.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with, and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are

approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel of the Village in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

I, **DAVID THOMAS**, Village Clerk of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on December\_\_\_\_, 2015, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the Board of Trustees.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Board of Trustees who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_\_ day of December, 2015.

(SEAL)

---

**DAVID THOMAS**  
Village Clerk  
Village of Port Chester, New York



## PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, has on the \_\_\_\_ day of \_\_\_\_\_, 2015, duly adopted, pursuant to the Local Finance Law of New York, a bond resolution which:

(1) authorizes the Board of Trustees to finance the costs of the construction of an addition or additions to or the reconstruction of a class “A” building, in and for the Village, and authorizes the issuance of up to \$112,000 aggregate principal amount of serial bonds of the Village to finance the costs of such purpose, and

(2) states the estimated maximum total costs of the construction of an addition or additions to or the reconstruction of a class “A” building to be not in excess of \$112,000, states that such costs will be financed, in whole or in part, with (i) the issuance of obligations authorized in such bond resolution and (ii) a grant from the Department of State and sets forth the plan of financing of the costs of such purpose, and

(3) determines the period of probable usefulness of the purpose to be twenty-five (25) years, and

(4) determines that the maximum maturity of such serial bonds will be in excess of five (5) years, and

(5) delegates to the Village Treasurer the power to prescribe the terms, form and contents of such serial bonds and the power to authorize the issuance of, and the power to prescribe the terms, form and contents of, any bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and to issue, sell and deliver such serial bonds and such bond anticipation notes, and

(6) states that the validity of such serial bonds, or of such bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if (a) such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or (b) the provisions of law, which should have been complied with at the date of the publication of such bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or (c) if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Such bond resolution is subject to a permissive referendum under the provisions of Article 9 of the Village Law and petitions protesting against such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval may be filed with the Village Clerk at any time within thirty (30) days after the date of the adoption of such bond resolution.

By order of the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York.

Dated: \_\_\_\_\_, 2015

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**DAVID THOMAS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
AFFIDAVIT AS TO POSTING**

**STATE OF NEW YORK** )  
 )SS.:  
**COUNTY OF WESTCHESTER** )

**DAVID THOMAS**, being duly sworn, **DEPOSES AND SAYS:**

1. That he is the Village Clerk of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in County of Westchester.

2. On the \_\_\_ day of \_\_\_\_\_, 2015, he posted a form of Public Notice relative to the bond resolution relating to the financing of the costs of the construction of an addition or additions to or the reconstruction of a class “A” building, adopted by the Board of Trustees on \_\_\_\_\_, 2015, a true copy of which is annexed hereto and made a part hereof, in the six (6) conspicuous places in the Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

\_\_\_\_\_  
**DAVID THOMAS**  
Village Clerk  
Village of Port Chester, New York

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2015

\_\_\_\_\_  
**NOTARY PUBLIC**

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
CERTIFICATE OF NO PROTEST**

I, **DAVID THOMAS**, Village Clerk of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, **HEREBY CERTIFY** as follows:

1. The Board of Trustees at a regular meeting thereof duly called and held on \_\_\_\_\_, 2015, adopted a bond resolution having the following title:

**BOND RESOLUTION, DATED NOVEMBER\_\_\_\_\_, 2015,  
AUTHORIZING THE ISSUANCE OF UP TO \$112,000 AGGREGATE  
PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT  
CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK,  
PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE  
COSTS OF THE COSTS OF THE CONSTRUCTION OF AN ADDITION  
OR ADDITIONS TO OR THE RECONSTRUCTION OF A CLASS “A”  
BUILDING.**

2. On and prior to the date hereof, no petition or petitions protesting such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval have been filed with the Village Clerk.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_ day of \_\_\_\_\_, 2015.

**(SEAL)**

\_\_\_\_\_  
**DAVID THOMAS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK**

**ESTOPPEL NOTICE**

The bond resolution published herewith was adopted by the Board of Trustees of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, on December\_\_\_\_\_, 2015. The effectiveness of such bond resolution was subject to a permissive referendum and notice thereof was given as prescribed by law. The period of time prescribed by law has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of the publication of this notice, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2015

\_\_\_\_\_  
**DAVID THOMAS**  
Village Clerk  
Village of Port Chester, New York

**From:** [Steers, Christopher](#)  
**To:** [Douglas, Leonie](#); [Thomas, David](#); [Ameigh, Chris](#)  
**Subject:** FW: Fire House Aprons  
**Date:** Friday, December 04, 2015 3:52:30 PM  
**Importance:** High

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Print out for the agenda.

Christopher D. Steers, MPA, CFM  
Village Manager  
222 Grace Church Street  
Port Chester, NY 10573  
Phone (914) 939-2200  
Fax (914) 937-3169  
[CSteers@PortChesterNY.com](mailto:CSteers@PortChesterNY.com)

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IMPORTANT WARNING: This message is intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this message in error, please notify the sender immediately and arrange for the return or destruction of these documents

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**From:** Dolph Rotfeld [mailto:[dolph@drepc.com](mailto:dolph@drepc.com)]  
**Sent:** Friday, December 04, 2015 3:22 PM  
**To:** Steers, Christopher <[CSteers@PortChesterNY.com](mailto:CSteers@PortChesterNY.com)>  
**Subject:** Fire House Aprons  
**Importance:** High

Hi Chris!

The following are estimates for the work at three locations:

Brooksville FH	840 SF @ \$ 25/SF	= \$21,000
Fire HDQT	920 SF @ \$ 25/SF	= \$54,000
Washington FH	2,161 SF @ \$ 25/SF	= \$23,000
	Retaing wall west side	= \$14,000

Suggested total Budget \$ 112,000

Call me if you have any questins.

Dolph

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VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Office of the Village Manager

**BOT Meeting Date:** 12/7/2015

**Item Type:** Resolution

**Sponsor's Name:** Christopher D. Steers, Village Manager

Description	Yes	No	Description	Yes	No
Fiscal Impact		X	Public Hearing Required	<input type="checkbox"/>	X
Funding Source:			BID #		
			<b>Strategic Plan Priority Area</b>		
			N/A		
Agreement		X	<b>Manager Priorities</b>		
Strategic Plan Related			N/A		

**Agenda Heading Title**  
*(Will appear on the Agenda as indicated below)*

Accepting the 2014-15 Court Audit

**Summary**

**The NYS Unified Court system requires that the BOT accept the results of each year's Audit in order to make it official for filing with the state. The resolution simple confirms that the BOT accepts the findings and allows the Court to make its required annual audit filing.**

**Proposed Action**

That the Board of Trustees adopt the Resolution

**Attachments**



**Audit  
Resolution**

RESOLUTION

ACKNOWLEDGING THAT AN EXAMINATION OF THE JUSTICE COURT  
RECORDS AND DOCKETS WAS CONDUCTED  
FOR FISCAL YEAR 2014-2015

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, Uniform Justice Court Act, Section 2019-a sets out, in pertinent part, the following:

“It shall be the duty of every justice, at least once a year and upon the last audit day of such village or town, to present his records and dockets to the auditing board of said village or town; which board shall examine said records and docket or cause same to be examined and a report submitted to the board by a certified public accountant or public accountant and enter into the minutes of its proceedings the fact that such records and docket have been duly examined and that the fines therein collected have been turned over to the proper officials of the village or town as required by law. Any such justice who shall willfully fail to make and enter in such records and docket forthwith, the entries by this section required to be made or to exhibit such records and docket when reasonably required, or present his records or docket to the auditing board as herein required, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment provided by law for a misdemeanor, forfeit his office.”

WHEREAS, the Village retained the accounting firm of Drescher Malecki LLP, Buffalo, New York, as independent auditor to conduct an audit of the Village books, including the records and docket of the Justice Court of the Village of Port Chester; and

WHEREAS, the auditors have since presented the Village with the Village’s audit its’ opinion that the financial statements present fairly in all material respects the cash balances as of May 31, 2015 and the cash receipts collected and cash disbursements paid of the Justices of the Justice Court for the 2014-2015 Fiscal Year ended May 31, 2015. Now, therefore, be it

RESOLVED, that the Village Board of Trustees acknowledges that the required audit was conducted of the records and docket of the Port Chester Justice Court for Fiscal Year 2014-2015 and that the fines therein collected have been turned over to the Village Treasurer; and be it further

RESOLVED, that a certified copy of this resolution together with a copy of the audit for the aforesaid year be provided to the New York State Office of Court Administration.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**VILLAGE OF PORT CHESTER,  
NEW YORK**

*Statement of Changes in Cash Balances  
and Statement of Cash Receipts and  
Disbursements of the Village Justices  
for the Year Ended May 31, 2015 and  
Independent Auditors' Report*



**VILLAGE OF PORT CHESTER, NEW YORK**  
**VILLAGE JUSTICES**  
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**Year Ended May 31, 2015**

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Certified Public Accountants

## INDEPENDENT AUDITORS' REPORT

Honorable Mayor and Village Trustees  
Village of Port Chester, New York:

### **Report on the Financial Statements**

We have audited the accompanying cash basis statement of changes in cash balances and the related statement of cash receipts and disbursements of the Village Justices (the "Justices") of the Village of Port Chester, New York, as of and for the year ended May 31, 2015, and the related note to the financial statements as listed in the table of contents.

### *Management's Responsibility for the Financial Statements*

The Village's management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

*Opinion*

In our opinion, the financial statements referred to above present fairly, in all material respects, the cash balances as of May 31, 2015 and the cash receipts collected and cash disbursements paid of the Justices of the Village of Port Chester, New York, for the year ended May 31, 2015, on the cash basis of accounting described in Note 1.

*Basis of Accounting*

We draw attention to Note 1 of the financial statements which describes the basis of accounting. The financial statements are prepared on a cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

*Emphasis of Matter*

As discussed in Note 1, the financial statements of the Justices of the Village of Port Chester, New York are intended to present the cash balances and the cash receipts and cash disbursements that are attributable to the transactions of the Village's Justices. They do not purport to, and do not, present fairly the financial position of the Village of Port Chester, New York, as of May 31, 2015 or the changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

*Drescher & Malachuk LLP*

October 9, 2015



**VILLAGE OF PORT CHESTER, NEW YORK**  
**Statement of Changes in Cash Balances—Village Justices**  
**Year Ended May 31, 2015**

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Cash balance—June 1, 2014	\$ 548,702
Add: Cash receipts	2,851,633
Deduct: Cash disbursements	<u>2,959,763</u>
Cash balance—May 31, 2015	<u>\$ 440,572</u>

The note to the financial statements is an integral part of this statement.

**VILLAGE OF PORT CHESTER, NEW YORK**  
**Statement of Cash Receipts and Disbursements—Village Justices**  
**Year Ended May 31, 2015**

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	Justice				Total
	Troy III	Sisca	Joint Bail	Towing	
Cash balance—June 1, 2014	<u>\$ 95,079</u>	<u>\$ 238,907</u>	<u>\$ 213,636</u>	<u>\$ 1,080</u>	<u>\$ 548,702</u>
Receipts:					
Fines, fees and other	928,145	1,674,228	-	10,815	2,613,188
Bail	<u>-</u>	<u>-</u>	<u>238,445</u>	<u>-</u>	<u>238,445</u>
Total receipts	<u>928,145</u>	<u>1,674,228</u>	<u>238,445</u>	<u>10,815</u>	<u>2,851,633</u>
Disbursements:					
Payments to Village of Port Chester	930,847	1,783,937	-	11,555	2,726,339
Bail forfeitures and refunds	<u>-</u>	<u>-</u>	<u>233,424</u>	<u>-</u>	<u>233,424</u>
Total disbursements	<u>930,847</u>	<u>1,783,937</u>	<u>233,424</u>	<u>11,555</u>	<u>2,959,763</u>
Cash balance—May 31, 2015	<u>\$ 92,377</u>	<u>\$ 129,198</u>	<u>\$ 218,657</u>	<u>\$ 340</u>	<u>\$ 440,572</u>

The note to the financial statements is an integral part of this statement.

**VILLAGE OF PORT CHESTER, NEW YORK**  
**Note to the Financial Statements**  
**Year Ended May 31, 2015**

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**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The accompanying cash basis financial statements include the operations of the Village Justices of the Village of Port Chester, New York (the "Village"). This department maintains accounting records on the cash basis of accounting; whereby, revenue is recognized as cash is received and expenditures are recognized when cash is disbursed. Consequently, accounts receivable due and amounts due to others at May 31, 2015 are not included in the financial statements.

Revenues of the Village, which are collected by this department, are remitted by the department to the Village Treasurer to the extent specified under New York State Law. Other receipts are remitted directly to individuals or entities designated to receive such funds.

The departments' bank accounts are independent of the Village's general books of accounts. All cash balances at May 31, 2015 are FDIC insured or covered by collateral held in the Village's name.

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VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Police Department

**BOT Meeting Date:** 12/7/2015

**Item Type:** Resolution

**Sponsor's Name:** Richard F. Conway, Chief of Police

Description	Yes	No	Description	Yes	No
Fiscal Impact	x	<input type="checkbox"/>	Public Hearing Required		x
Funding Source: DEA Asset Forfeiture Fund Account #: 001-0001-0695			<b>Strategic Plan Priority Area</b> Public Safety		
	<b>Yes</b>	<b>No</b>			
Agreement	x	<input type="checkbox"/>	<b>Manager Priorities</b>		
Strategic Plan Related	x		Emergency Preparedness		

**Agenda Heading Title**

*(Will appear on the Agenda as indicated below)*

Transfer of \$8,150.00 from the DEA Asset Forfeiture Account to Equipment Account for modifications to Chevy Tahoe patrol vehicle.

**Summary**

**Background: Transfer of these funds is necessary to enable an existing patrol vehicle to be safely utilized as an Emergency Service Unit platform.**

**Proposed Action**

That the Board of Trustees adopt the Resolution

**Attachments**

RESOLUTION  
BUDGET AMENDMENT – USE OF DEA FUNDS TO PURCHASE  
EQUIPMENT TO RETROFIT THE CHEVY TAHOE PATROL VEHICLE AS  
AN EMERGENCY SERVICE UNIT PLATFORM

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase equipment to retrofit the Chevy Tahoe Patrol vehicle as an Emergency Service Unit Platform for \$8,150.00 from The Cruisers Division, 420 Mt. Pleasant Avenue, Mamaroneck, NY 10543. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2015-16 General Fund Budget as follows:

**GENERAL FUND**

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(8,150.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$8,150.00
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Appropriations:

001-3120-0200	Police Equipment	\$8,150.00
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# *THE CRUISERS DIVISION*

(TCD)

**420 Mt. Pleasant Ave  
Mamaroneck, NY 10543  
(888) 391-COPS  
(914) 381-7700  
(914) 381-5645 fax**

December 1, 2015  
Port Chester Police Dept.  
350 North Main Street  
Port Chester, NY 10573  
914-939-1000  
Attn: Chief Richard Conway  
[rconway@vpcpd.com](mailto:rconway@vpcpd.com)

We are pleased to quote the following for your Chevrolet Tahoe:

- Second Vehicle Battery
- Front Partition
- Rear Partition
- Remove Rear Seats
- 2 Gunlocks -AR and Shotgun
- Clamp mounts for Halogens in second row
- 3000 Watt Power Inverter with 50 ft. Extension Cord Reel
- Rear View camera with Mirror monitor
- Reverse sensors system (with 4 sensors)
- ESU Lettering
- 2-Day Boxes
- Push Bumper

The Total for this including installation will be: \$8150.00

Thank You,

Jeff Greenberg



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VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Office of the Village Manager

**BOT Meeting Date:** 12/7/2015

**Item Type:** Resolution

**Sponsor's Name:** Christopher D. Steers, Village Manager

	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			<b>Strategic Plan Priority Area</b>		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Manager Priorities</b>		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

**Agenda Heading Title**  
*(Will appear on the Agenda as indicated below)*

ACCEPTANCE OF NEW MEMBERS TO VOLUNTEER FIRE COMPANIES

**Summary**

**Background:**

Accepting the nomination of Elizabeth Halat to Reliance Engine and Hose and Martin Vargas to Putnam Engine and Hose. Nomination letters can be found in correspondence.

**Proposed Action**

That the Board of Trustees adopt the Resolution

**Attachments**

Resolution

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**RESOLUTION AND AGENDA MEMO WILL BE  
PROVIDED AT THE BOARD MEETING BY THE VILLAGE  
ATTORNEY - DRAFT 12 4 15 MNR edits**

**AGREEMENT**

**METRO-NORTH COMMUTER RAILROAD COMPANY  
AND  
THE VILLAGE OF PORT CHESTER**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2015 (“Agreement”) by and between METRO-NORTH COMMUTER RAILROAD COMPANY (“Metro-North”), a public benefit corporation of the State of New York and subsidiary of METROPOLITAN TRANSPORTATION AUTHORITY (“MTA”), having its principal office at 420 Lexington Avenue, New York, New York 10170, and the VILLAGE OF PORT CHESTER (the “Village”), a municipal corporation of the State of New York having its principal office at 222 Grace Church Street, Port Chester, New York 10573 (hereinafter, collectively the “Parties”).

**WITNESSETH:**

WHEREAS, the parties have been in discussion as to how best to improve the appearance of the area surrounding the Port Chester Train Station; and

WHEREAS, there is a disagreement between the parties as to the legal obligations of the parties with respect to the sidewalks adjacent to property owned by MTA/MNR; and

WHEREAS, in the spirit of intergovernmental cooperation, the parties agree that such issue should not impede progress on these discussions, and that there should be a means to address same on an interim basis without prejudice to either party while these discussions continue.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, receipt and legal sufficiency of which is hereby acknowledged, Metro-North and the Village hereby agree as follows:

## **1. DUTIES OF THE PARTIES**

The Village will clear or remove snow and/or ice from all sidewalks adjacent to property owned by MTA/MNR, including but not limited to Broad Street, Westchester Avenue and King Street (the "Sidewalks") as conditions warrant. Metro-North has no obligation to clear or remove snow and/or ice from the Sidewalks.

Metro-North shall replace that portion of the sidewalk adjacent to Broad Street in the area identified in a certain valuation map dated \_\_\_\_\_ incorporated herein as Exhibit "A" during the term of this Agreement.

Metro-North shall repair the driveway apron area at the entrance to the Train Station during the term of this Agreement.

## **2. TERM**

The term of this Agreement shall be December 7, 2015 to June 1, 2016.

## **3. INDEMNIFICATION**

The parties agree to indemnify and save harmless and defend the other against and from any and all claims and suits for all liability, loss or expense (including attorney's fees, costs and disbursements) arising from or incidental to or in connection with damages to or loss of property and any and all claims and suits for, and any liability, loss or expense arising from or incidental to or in connection with injury to or death of any person, which said damages, loss, injury or death shall arise in any manner, directly or indirectly out of or its performance of this Agreement. in connection with the Project.. Nothing herein shall be understood to impose a duty on a party to indemnify or hold harmless the other party for the other's own negligence, in whole or in part.

#### **4. INSURANCE**

#### **5. NOTICES**

Every notice or communication which Metro-North may desire, or be required to give to the Village shall be sufficiently given or rendered if sent by e-mail to:

[csteers@portchesterny.com](mailto:csteers@portchesterny.com); delivered to Christopher D. Steers, Village Manager, personally, sent overnight express mail service or sent by registered or certified mail addressed to him the Village at:the Village of Port Chester, 222 Grace Church Street, Port Chester, New York 10573, or at such address as the Village shall designate from time to time.

Every notice or communication which the Village may desire, or be required to give to Metro-North shall be sufficiently given or rendered if sent by email to [sarch@mnr.org](mailto:sarch@mnr.org), or if in writing, delivered to \_\_\_\_\_ personally, sent by overnight express mail service or sent by registered or certified mail addressed to: Metro-North, 420 Lexington Avenue, 11<sup>th</sup> floor, New York, New York 10170, Attn.: Vice President and General Counsel, or at such address as Metro-North shall so designate from time to time.

The time of the giving of such notice or communication shall be deemed to be three (3) days after the same is mailed to the receiving party or on the day personally delivered thereto.

#### **6. CODE PROSECUTION**

The Village agrees to hold in abeyance and adjourn the prosecution of all notices of violations, appearance tickets and/or informations or superseding informations issued against the MTA and/or Metro-North pending a title report (to be reviewed by Metro-North) certifying ownership to the Sidewalks and during the term of this Agreement, whichever is longer. The Village will not issue any notices of violation, appearance tickets and/or informations or superseding informations to MTA or MNR during the term of this Agreement. If ownership is certified to the Village, the Village will dismiss these charges with prejudice.

## **7. REPRESENTATIONS AND WARRANTIES**

The Village and Metro-North each represents and warrants to the other that it has full power and authority to enter into and to execute this Agreement and to assume and perform all of the obligations undertaken by each hereunder, without the consent or approval of any other person whatsoever, and no further action or approval of any other person is required in order to constitute this Agreement as a binding and enforceable obligation of each of them.

## **8. NON-DISCRIMINATION**

The parties agree that in the performance of the Agreement, no person on the grounds of race, color, sex or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination.

## **9. NO WAIVER**

No failure by either party to insist upon the strict performance of any term hereof or to exercise any right, power or remedy upon a breach thereof, shall constitute a waiver of any such breach or any such term. No waiver of any breach shall effect or alter this





Agreement, which shall continue in full force and effect or alter the rights of Metro-North or the Village with respect to any other then existing or subsequent breach.

#### **10. ENTIRE AGREEMENT**

There are no oral or written agreements between Metro-North and the Village affecting this Agreement. This Agreement may be amended, and the provisions hereof may be waived or modified, only by instruments in writing, executed by Metro-North and the Village.

#### **11. HEADINGS**

The headings of the various paragraphs of this Agreement have been inserted for reference only and shall not to any extent have the effect of modifying, amending or changing the express terms and provisions of this Agreement.

#### **12. SEVERABILITY**

If any of the provisions of this Agreement or any paragraph, sentence, clause, phrase, word, or section, or the application thereof, is in any circumstances invalidated, such invalidity shall not affect the validity of the remainder of this Agreement, and the application of such provision in any other circumstances shall not be affected thereby.

#### **13. BINDING EFFECT**

Subject to the terms and conditions contained herein, this Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and permitted assigns.

#### **14. GOVERNING LAW**

The provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of New York.

**15. RECITALS**

All recitals set forth herein and all exhibits attached hereto are incorporated herein and expressly made a part hereto.

IN WITNESS WHEREOF, Metro-North and the Village have caused this Agreement to be duly executed as of the day and year first above written.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

METRO-NORTH COMMUTER RAILROAD  
COMPANY

By: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

VILLAGE OF PORT CHESTER

By: \_\_\_\_\_  
Christopher D. Steers (Name)

\_\_\_\_\_  
Village Manager (Title)

ACCEPTANCE OF NEW MEMBERS OF PORT CHESTER VOLUNTEER FIRE  
DEPARTMENT

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_

, the following resolution was adopted by the Board of Trustees of the Village of Port  
Chester, New York:

WHEREAS, on November 2, 2015, Harry Howard Hook & Ladder Co. No. 1, held an  
election for a new member; and

WHEREAS, on December 2, 2015, Putnam Engine & Hose Co. No. 2, held an election for a  
new member; and

WHEREAS, Elizabeth Halat and Martin Vargas were elected to be new members. Now,  
therefore, be it

RESOLVED, that the Board of Trustees hereby accepts the election of Elizabeth Halat  
and Martin Vargas to their respective companies of the Port Chester Volunteer Fire Department.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

7



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Police Department

**BOT Meeting Date:** 12/7/2015

**Item Type:** Resolution

**Sponsor's Name:** Richard F. Conway, Chief Police

Description	Yes	No	Description	Yes	No
Fiscal Impact	x	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	x
Funding Source:			BID #		
			<b>Strategic Plan Priority Area</b>		
			Public Safety		
	<b>Yes</b>	<b>No</b>	<b>Manager Priorities</b>		
Agreement	x		Emergency Preparedness		
Strategic Plan Related	x				

**Agenda Heading Title**  
*(Will appear on the Agenda as indicated below)*

The appointment of 2 individuals to the position of Probationary Police Officer

**Summary**

**Background: The Department is recommending the appointment of Kenneth P. Manning Jr. and Leonard Carriero-Granados to the position of Probationary Police Officer. Both have passed the written and physical agility exams administered by the Westchester County Dept. of Human Resources for the position. Furthermore both candidates have successfully completed a background investigation carried out by this Department and an interview process conducted by the command staff**

**Proposed Action**

That the Board of Trustees adopt the Resolution

<b>Attachments</b>

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICERS

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_,

the following resolution was adopted by the Board of Trustees of the Village of Port  
Chester, New York:

RESOLVED, that the Board of Trustees extends a conditional offer of  
employment to \_\_\_\_\_ and \_\_\_\_\_ as police officers of the Village of Port  
Chester, New York, with appointment to be effective upon approval of the Westchester  
County Department of Human Resources.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

**ROLL CALL**

AYES :

NOES :

ABSENT :

DATE :

# CORRESPONDENCE



1

# **JOHN-PAUL BONANNO**

100 Palmer Lane  
Thornwood, New York 10594  
(914) 495-3368  
johnpaulbonanno@gmail.com

December 1, 2015

## **BY HAND**

Mayor Dennis G. Pilla  
222 Grace Church Street  
Port Chester, New York 10573

Board of Trustees  
Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573

**Re: Request to Repeal Village Code Chapter 291 Prohibiting  
Tattooing and Adopt a New Chapter 291 Permitting  
Tattooing and Tattoo Parlors Subject to Restrictions**

Dear Mayor and Board Members:

I am a Westchester County resident currently residing in Thornwood, NY who was raised in Mamaroneck, NY. I hold a Bachelors Degree of Fine Arts from the School of Visual Arts and a Masters Degree of Art Education from Columbia University. Until recently, I have spent the last 11 years as an art education teacher at Dewitt Clinton High School in the Bronx. I am also a professional tattoo artist who was based in New York City with ten years of professional experience who is now interested in opening a professional, fine arts based tattoo studio in the Village of Port Chester but am currently prohibited from doing so pursuant to Village Code Chapter 291.

I write to request that the Village Board amend the Code of the Village of Port Chester to rescind the existing Chapter 291 prohibiting tattooing in the Village and to adopt a new Chapter 291 to permit tattooing and tattoo parlors subject to reasonable restrictions that

would protect the health, safety and welfare of the residents and visitors to the Village.

In 1991 the Village Board adopted Chapter 291 which makes it unlawful for any person to tattoo a human being within the Village except for certain medical purposes. By its terms, Chapter 291 was enacted due to "the experience of other municipalities, including the City of New York, that tattooing has led to increased cases of serum hepatitis"; that "regulatory measures have proved ineffective in eliminating this health risk because of the inability to supervise tattooing establishments at all times"; and that the Village of Port Chester "lacks the resources and personnel to supervise tattooing establishments at all times." While in 1991 (over two decades ago) it may have seemed prudent to prohibit tattooing due to perceived health risks and a lack of oversight, that rationale no longer exists and, as a result, tattoo parlors should be permitted in the Village subject to reasonable restrictions like those imposed in other nearby municipalities.

Indeed, New York City and other local municipalities have repealed similar laws prohibiting tattooing because concerns over the spread of serum hepatitis turned out to be overstated. For example, in 1961 the City of New York enacted Health Code § 181.15, which prohibited tattooing in New York City based on concerns about serum hepatitis and supervision of tattooing establishments (i.e., for the same reasons Port Chester enacted Village Code Chapter 291). That prohibition remained on the books for nearly four decades, until the City finally re-legalized the tattoo trade in 1997 by repealing Section 181.15. As then Mayor Rudolph W. Giuliani recognized in a March 12, 1997 press release announcing a bill to repeal Section 181.15:

The practice of tattooing has been illegal in New York City since 1961, in response to a perceived link between an outbreak of Hepatitis B and tattooing. However, **there has not been a single documented case of Hepatitis B in New York City transmitted by tattooing in almost 40 years since the ban was enacted.**

Pursuant to Health Code Section 181.15, operation of a tattoo establishment in New York City is illegal, however **such establishments do currently operate in the City without regulations. This proposed subchapter would license and regulate tattoo artists to ensure that they are practicing basic health and safety procedures.** (emphasis added).

(A copy of Mayor Giuliani's March 12, 1997 press release announcing the bill to re-legalize tattooing in New York City is enclosed for your reference).

Other local municipalities have followed suit, such as the Village of Tarrytown which in 2011 repealed a local law (Chapter 268) prohibiting tattooing and adopted a new Chapter 268 to permit tattooing and tattoo parlors subject to certain restrictions. (A copy of the new Chapter 268 of the Tarrytown Village Code regulating tattooing is enclosed for your

reference). In repealing the old law the Tarrytown Board of Trustees, after holding multiple public hearings, "determined that the rationale for prohibiting tattoo parlors from existing in the Village no longer exists and that tattoo parlors should be permitted in the Village subject to reasonable restrictions that would protect the health, safety and welfare of the residents and visitors to the Village." (See minutes of regular meeting of the Board of Trustees dated October 3, 2011, a copy of which is enclosed).

While Westchester County and the State of New York do not yet have regulations governing tattooing, Rockland County adopted Article XVI of the Rockland County Sanitary Code, which provides stringent regulations "to protect the health and safety of its citizens by assuring the sanitary and safe practice of body art and the operation of body art establishments and limited body art establishments." A copy of Article XVI of the Rockland County Sanitary Code is enclosed for your reference. I have read the Rockland Sanitary Code and abide by all of the safety standards set forth therein when it comes to tattooing.

In fact, in order for me to create tattoos in New York City I was required to and did obtain a license from the New York City Department of Health and Mental Hygiene. A copy of my current tattoo artist license is enclosed. To secure the license I was required to take a course in universal precautions, proper sterilization procedures and infection control and then take an examination, which I passed. As the son of a medical professional (my father was a renowned plastic surgeon at Lenox Hill Hospital in Manhattan) I take sterilization and the safety of my clients' health as my primary concern in relation to my work. In my ten years as a tattoo artist I have never had a single complication associated with any of my work.

Moreover, as the Village of Tarrytown did, guidelines can be set by the Board which will ensure compliance of safe practice, as well as a business that is professionally run and integrates itself into the fabric of the community, which I would gladly follow. For instance, to ensure proper safety measures are followed, the new Tarrytown Village Code Chapter 268 requires tattoo artists to, among other things, (i) "obtain and maintain at all times any licenses and approvals required now or in the future by Westchester County or the State of New York governing such activities"; (ii) in the absence of any such regulation by Westchester County or New York State, tattoo artists "shall certify to the Village, on an annual basis, compliance with the Rockland County Sanitary Code, Article XVI, Body Art, as amended from time to time"; and (iii) if the Village Administrator believes it is necessary to hire an individual or firm to determine compliance with the Rockland County Sanitary Code, the tattoo artist shall cover the costs associated with such compliance determination. Incorporating guidelines such as this would ensure that the health, safety and welfare of the residents and visitors to Port Chester are well protected.

It also makes good public and business sense to allow tattoo artists such as myself to conduct business in this Village. Port Chester is a continuously growing Village with a

diverse community. Tattoos are not a subcultural phenomenon restricted to criminals, athletes and music stars; they are an increasingly mundane cosmetic expression. People who have tattoos and want tattoos are already working and living in Port Chester, some of whom may be sitting on the Village Board someday. A tattoo parlor will not harm the character of Port Chester, but will rather reaffirm the inclusiveness of the community.

The tattoo studio that I envision would be an independent business creating high end, custom art work for individual clients. My current clients range from school teachers and police officers to lawyers and doctors. I invite you to visit my website ([www.jpbonanno.com](http://www.jpbonanno.com)) to view the type of fine arts tattooing I would be creating if permitted to do so in Port Chester.

Permitting tattoo studios in Port Chester would also be good for the economy as it will bring more business to the Village. There are very few tattoo parlors in lower Westchester and southern Connecticut. My studio would bring customers from all over the tri-state area to the heart of Port Chester.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JPB', written in a cursive style.

John-Paul Bonanno

Enclosures



The City of New York  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

JOHN-PAUL BONANNO

100 PALMER LN  
THORNWOOD, NY 10594-2200

PERMIT/LICENSE TYPE:

TATTOO ARTIST LICENSE: TWO-YEAR - LICENSE

RECORD NUMBER: 41076419 CODE: TATTOO ARTIST LICENSE:TWO-YEAR  
CLASS/SUBCLASS: TATTOO ARTIST LICENSE:TWO-YEAR

ISSUE DATE: 07/02/2015

EXPIRATION DATE: 11/30/2016

PERMITTEE/LICENSEE NAME: JOHN-PAUL BONANNO

ADDRESS OF PERMITTED ENTITY/LICENSED INDIVIDUAL:

100 PALMER LANE  
THORNWOOD, NY 10594

This permit/license is issued to the individual person or other entity named above to conduct a business or other activity regulated by this Department. It is granted in accordance with provisions of the New York City Health Code or other law regulating this activity. This permit/license is not transferable to any other individual or entity or for use at any other premises and is subject to suspension or revocation for failing to comply with the Health Code or other applicable law.

MARY T. BASSETT, MD, MPH  
COMMISSIONER OF HEALTH AND MENTAL HYGIENE

POST CONSPICUOUSLY

COMPLAINTS MAY BE MADE BY PHONE TO 311 OR ONLINE AT NYC.GOV/311

## Archives of the Mayor's Press Office

FOR IMMEDIATE RELEASE

Date: March 12, 1997

### Release #128-97

Contact: Colleen Roche (212) 788-2958, Dwight Williams (212) 788-2972

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## MAYOR GIULIANI CONSIDERS BILL THAT WOULD LEGALIZE TATTOOING IN NEW YORK CITY

Remarks by Mayor Rudolph W. Giuliani at Public Hearing on Local Laws:

The bill before me for consideration today is 832-A which was introduced by Councilmember Kathryn Freed. This bill would amend sections 17-357 to 17-361 of the Administrative Code in relation to tattoo licenses. Introduction 832-A adds a new Subchapter 7, entitled "Tattoo Regulation Act" to Chapter 3 of Title 17 of the City's Administrative Code.

The practice of tattooing has been illegal in New York City since 1961, in response to a perceived link between an outbreak of Hepatitis B and tattooing. However, there has not been a single documented case of Hepatitis B in New York City transmitted by tattooing in almost 40 years since the ban was enacted.

Pursuant to Health Code Section 181.15, operation of a tattoo establishment in New York City is illegal, however such establishments do currently operate in the City without regulations. This proposed subchapter would license and regulate tattoo artists to ensure that they are practicing basic health and safety procedures.

This bill calls for the Commissioner of Health to issue licenses to individual tattoo artists who have met specific criteria. This bill also requires the Commissioner of Health to set forth regulations outlining universal precautions and standards of practice for tattooing. A violation schedule for penalties associated with non-compliance of this subchapter is also laid out in the bill.

I would like to state that the regulations set forth in this bill mirror changes in the Administrative Code which the Department of Health has already begun to enact. I thank Councilmember Freed for introducing this bill and I will take these comments under advisement.

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## Chapter 268: Tattoo Parlors

[1]

*Editor's Note: This local law also repealed former Ch 268, Tattoo Parlors, adopted 8 16 1993 by L.L. No 5-1993.*

### § 268-1 Tattoo parlors permitted.

Tattoo Parlors shall be permitted only in the Restricted Retail zoning district.

### § 268-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **BODY PIERCING**

Puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry of other adornment into the opening. Such term shall not include tongue splitting.

#### **COSMETIC TATTOOING**

A method of tattooing which involves placing ink or other pigment into or under the skin, including but not limited to the eyelids, eyebrow area and lips, by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration.

#### **TATTOOING**

Any method which involves placing ink or other pigment into or under the skin by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin.

#### **TATTOO PARLOR**

An establishment where body piercing, cosmetic tattooing and tattooing are performed. Tongue-splitting is expressly prohibited.

#### **TONGUE-SPLITTING**

The cutting of a person's tongue into two or more parts.

### § 268-3 Distances from other tattoo parlors; schools.

- A. A tattoo parlor shall be no closer than 500 feet to a lot containing another existing tattoo parlor.
- B. A tattoo parlor shall be no closer than 500 feet to a lot containing any school. A school, for the purposes of this chapter, shall be defined as it is in the New York State Public Health Law, § 2164.
  - A.
- C. Any distancing restrictions provided in this chapter shall be measured along public streets by the shortest route of pedestrian traffic between the respective main public entrances or measured horizontally between the respective main public entrances, whichever is greater.

### § 268-4 Displays; signs.

A tattoo parlor shall have no visual or graphic displays or graphic advertising of services performed. A tattoo parlor may have the business name on a sign, in accordance with the provisions of Chapter 251, Signs.

### § 268-5 Licenses; certifications; costs.

- A. The tattoo parlors shall obtain and maintain at all times any licenses and approvals required now or in the future by Westchester County or the State of New York governing such activities.



- B. In the absence of any regulation by Westchester County or the State of New York, the owner and/or operator of a tattoo parlor shall certify to the Village, on an annual basis, compliance with the Rockland County Sanitary Code, Article XVI, Body Art, as amended from time to time. Such certification shall be provided to the Village Administrator.
- C. Should the Village Administrator believe that it is necessary to hire an individual or firm to determine compliance with the Rockland County Sanitary Code, the Village Administrator shall provide notice to the owner and/or operator of a tattoo parlor and the costs associated with this compliance determination shall be borne by the owner and/or operator.

**§ 268-6 Hours of operation.**

The hours of operation of a tattoo parlor shall be limited to 9:00 a.m. to 9:00 p.m. Monday through Saturday and 11:00 a.m. to 7:00 p.m. on Sunday.

**§ 268-7 Restrictions on locations of tattoo parlors in Restricted Retail District; restrictions on operations.**

- A. Tattoo parlors shall not be permitted in the Main Street Historic District
- B. The operation of a tattoo parlor located on the ground and/or first floor of a building shall be screened in a manner that the tattooing and/or piercing is not visible from the window.
- C. Tongue-splitting is not permitted.

## **Regular Meeting September 19, 2011**

Board of Trustees  
Village of Tarrytown  
Regular Meeting No. 16  
September 19, 2011 8:00 p.m.

**PRESENT:** Mayor Fixell presiding; Trustees Basher, Butler, Hoyt, McGee, McGovern and Zollo;  
Deputy Administrator Hart; Village Attorney Shumejda; Village Clerk Booth

The meeting began with the Pledge to the Flag.

### **CONTINUATION OF A PUBLIC HEARING – TATTOO PARLORS**

Mayor Fixell stated that the Board will open this public hearing, hear comments and then close the hearing. The Board made changes to the original proposed legislation requiring the re-notice of the new legislation and will hold a new public hearing at our next meeting on October 3, 2011.

Trustee Basher moved, seconded by Trustee McGovern, and unanimously carried, that the hearing be opened.

Chuck Hognell, prospective tattoo parlor owner, stated the following:

- He is an independent business creating art work for individual clients on a personal level; doesn't see how that ruins the quaintness of the Village. Tattoos today are not about violence.
- He submitted to the Village Clerk 315 signatures from Village residents and people who work in the Village.

Mike Love, owner of Coffee Lab Roasters, stated the following:

- Tarrytown is a very progressive Village and is very diverse.
- It will bring more business to the Village.
- Part Art Gallery; part studio beautiful pieces of art work.
- It's good for the whole, but may not be good for a few.

Lori Semeraro, 205 Martling Avenue, stated that she is concerned that this law may bring multiple tattoo parlors to the Village.

Beth Chesterson, Tarrytown resident, stated the following:

- Many people relocate from Manhattan and Brooklyn to Tarrytown because it offers a quieter, less chaotic life, great place to raise a family but still provides the artsy, funky urban appeal that people are not willing to give up.
- We need to be open to opportunities that will allow our Village to continue to thrive and grow as well as increase appeal for visitors while staying true to our history.
- We have the unique opportunity to support this creative process in our Village; guidelines set by the Mayor and Board of Trustees will ensure compliance of safe practice, as well as a business that is professionally run and integrates itself into the fabric of our community.

Danielle Chung, Tarrytown resident, stated that she agrees and understands that tattoos are an art form,

but she believes there are still perceptions and misconceptions and it may affect property values in the Village. She likes Tarrytown for the small-feel of the community and she doesn't think tattoo parlors have a place here.

Denise Wolfe, 23 Main Street, stated the following:

- Everyone has their own personal perceptions of what Tarrytown is to them and how they feel about it, but laws should be based on facts, not feelings.
- She would like someone to point out to her a court case proven that someone actually transmitted hepatitis from a tattoo; she couldn't find one.

Alfred Coco, Tarrytown resident, states the following:

- With regard to health risks, the Food and Drug Administration which in acknowledging its jurisdictional responsibilities governing the safety of tattoo inks has stated: "because of other public health priorities and a previous lack of evidence of safety concerns, FDA has not traditionally regulated tattoo inks or pigments used in them. The FDA upon considering this issue has taken the position that negative skin reactions related to tattoo ink are such minor in severity or occur so infrequently so as to warrant no additional FDA involvement to date."

Board of Trustees

-2-

September 19, 2011

- Tattoos are not a subcultural phenomenon restricted to criminals and pop stars; they are an increasingly mundane cosmetic expression. People who have tattoos and want tattoos are already working and living in Tarrytown.
- A tattoo parlor will not harm the character of Tarrytown, but will rather reaffirm the inclusiveness of this community.

Melissa Newman, Tarrytown visitor, stated the following:

- She likes that Tarrytown is an artistic community.
- She puts a very high premium on cultural diversity in any environment.
- Tattoo shops are an artistic expression.
- On behalf of her generation and younger, it's not ignorance that makes us want cultural diversity, its acceptance.

Karen Ringen, Sleepy Hollow resident, stated the following:

- It's important to have diversity in Tarrytown.
- She has never seen an infection from a tattoo, but has seen an infection from a manicure.

Dan, Tarrytown resident, stated the following:

- A government ought to contain in itself every power and requisite to the full accomplishment of the objects committed to its care and to complete execution of the trust for which it is responsible free from every other control but regard to the public good and the sense of the people.
- Hepatitis B is transmitted by sexual contact, blood transfusion and dirty needles. Chuck Hognell abides by New York City standards. There is no re-using of needles. He runs a sterile, immaculate shop.
- It makes good public sense to allow Chuck Hognell to conduct business in this town. He met and exceeds the Hep B standards. All that is left is public fear, stereotype and prejudice and that doesn't make good public sense to him.

Daniel Silvers, stated the following:

- New York City regulates tattoo parlors, you have to go through a series of classes. Chuck Hognell has gone through above and beyond what he is required to do.
- New York State does not regulate tattoo parlors. They regulate hair salons, nail salons and

restaurants.

- Westchester Department of Health does not regulate tattoo parlors.
- It doesn't sound fair to put limitations on any business owner who wants to open any business.

Jordan, client of Chuck Hognell, stated the following:

- Tarrytown prides itself on having lots of culture here, such as art galleries and a music store. To have Chuck Hognell run his tattoo shop in Tarrytown will intensify the culture that much more
- It will bring business into the Village.

Ray Tuohy, 11 Storm Street, stated that he was concerned that Tarrytown could potentially have multiple tattoo parlors.

Santo Penalo, Sleepy Hollow resident, stated the following:

- Concerned about the children and the image of a tattoo parlor.
- A tattoo parlor will change the historic character.

Daniel Silvers, stated the following:

- It is a New York State Law that you have to be 18 years of age to get a tattoo. You cannot be 17 with a parent's signature. Only exception is for medical reasons.

Sandra Hickey, Sleepy Hollow resident and works in a tattoo shop in the Bronx, stated the following:

- Tattoo parlors will not negatively affect your children, but bars in town can negatively affect your children, because people can get drunk and go out and drive and kill them, but there is no limitation on how many bars in town.

Board of Trustees

-3-

September 19, 2011

Brian, Sleepy Hollow resident, stated the following:

- It is safer to know you have someone who is reputable and safe to go to, than to go to someone's basement.
- A lot of the opposition to tattoo parlors is discrimination against people with tattoos. He is teaching his son not to discriminate against people for the color of their skin. He finds it disheartening in this day and age.

Joe Queenan, 206 Wilson Park Drive, supports tattoo parlors and thinks it is a legitimate business. He believes that future Village board members will be sitting up there with tattoos.

Mike Love, Coffee Lab Roasters, stated that tattoo shops don't raise our children, we raise our children. We teach them values and right from wrong. He doesn't believe a tattoo parlor is going to affect the feel of the Village.

Christina Sarofeen, Tarrytown resident, stated the following:

- Asked the Board what has changed that the Village will be able to regulate tattoo parlors?
- A tattoo parlor has no place in a historic Village.

Daniel Silvers, stated that Rockland County regulates tattoo parlors and the proposed Tarrytown code will require Chuck to have inspections by the Rockland County Department of Health at his cost.

Christina Sarofeen, Tarrytown resident, asked how the needles would be disposed of.

Sandra Hickey, Sleepy Hollow resident, stated that tattoo needles come individually packaged and after used, go into a sharps container, never to be used again. Medical waste companies are hired to pick up the sharps container.

Steven Cerbone, Rosehill Avenue, stated that as a tax payer, he doesn't feel that it fits historic Tarrytown.

Santo Penala, Sleepy Hollow resident, stated that he doesn't believe that a tattoo parlor will bring positive change to the Village

Trustee Basher moved, seconded by Trustee Zollo, and unanimously carried, that the following that the following resolution be approved: Approved: 7-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby close the Public Hearing on the Local Law to amend the Code of the Village of Tarrytown, Chapter 268, Tattoo Parlors, to rescind the existing Chapter 268 entitled "Tattoo Parlors," which Chapter prohibited tattoo parlors in the Village and to adopt a new Chapter 268 to permit tattoo parlors subject to certain restrictions.

#### CONTINUATION OF A PUBLIC HEARING – TAXI AND LIVERY DRIVERS LICENSES

Trustee Butler moved, seconded by Trustee Basher, and unanimously carried, that the hearing be opened.

Lori Semeraro, 205 Martling Avenue asked what the benefit is for the Village for turning the taxi driver licenses to the County TLC. Mayor Fixell stated that the primary benefit is that the County TLC are experts in this process and that they would be taking on liability for any problems that may occur with regard to any license that is granted.

Barbara Monohan, Chairperson of the Westchester County Taxi and Limousine Commission, stated that the driver's fingerprint is monitored closely. The WTLC has a direct line into the Department of Motor Vehicles and receive reports daily regarding insurance lapses and any driver infractions. They require defensive driving courses and annual drug tests.

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Joseph Kelly, taxi driver, asked if the taxi driver will be required to have both a TLC and a Tarrytown license. Mayor Fixell stated that the taxi driver will only be required to have a County TLC license, not a Tarrytown license. Ms. Monohan, Chairperson of the WTLC stated that there is a one-time fingerprint fee of \$90.00 and an annual TLC license of \$135.00, which includes an annual drug test and a defensive driving course, which is required every 3 years.

Felix Lantigua, taxi driver, stated the following:

- Does his company or taxicab have to be registered in Westchester County to work in Tarrytown. Ms. Monohan stated that he does not.
- With a TLC driver's license, will he be able to pick up passengers anywhere in Westchester County with a taxi plate?
- He just renewed his taxi driver's license including a fee for fingerprints and will now have to pay for another fingerprint and TLC application. Mayor Fixell stated that the Board will look into a possible pro-rated refund to the driver.
- He only sees this as costing taxi drivers more money. Tarrytown does a thorough background check right now and he doesn't see any difference if the TLC takes over

**ARTICLE XVI**

**BODY ART**

**16.1.0 - Declaration of Policy**

It is hereby declared to be the health policy of the Rockland County Health District to protect the health and safety of its citizens by assuring the sanitary and safe practice of body art and the operation of body art establishments and limited body art establishments. (\*Amended 6/16/10.)

**16.2.0 - Definitions**

**16.2.1 Adequate Light**

The term "adequate light" shall mean that the body art establishment or limited body art establishment be so illuminated as to permit all methods of body art to be clearly visible without obstruction by shadow or darkness. (\*Amended 6/16/10 )

**16.2.2 Adequate Ventilation**

The term "adequate ventilation" shall mean a free and unrestricted circulation of fresh air throughout the body art establishment or limited body art establishment and the expulsion of foul or stagnant air. (\*Amended 6/16/10.)

**16.2.3 Aftercare**

The term "aftercare" shall mean written instructions given to the client, specific to the body art or limited body art procedure(s) rendered, regarding caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary. (\*Amended 6/16/10 )

**16.2.4 Applicant**

The term "applicant" shall mean any person who applies to the Rockland County Department of Health for either a body art establishment permit, limited body art establishment permit, body art practitioner permit, guest body art practitioner permit or limited body art practitioner permit. (\*Amended 6/16/10.)

**16.2.5 Apprentice (\*Added 6/16/10 )**

The term "apprentice" shall mean an individual who does not have a permit to practice body art and holds her/himself out as one who wishes to receive instruction and training from a permitted body art practitioner at a permitted body art establishment in an effort to learn how to perform body art procedures.

ARTICLE XVI

BODY ART

16.1.0 - Definition of Tattoo

This article is intended to be the health policy of the Rockland County Health Department to protect the health and safety of its citizens by ensuring the safety and sanitary practice of tattooing and the application of body art. The application of body art shall be defined as follows:

16.1.1 - Definition of Tattoo

16.1.1.1 - Tattoo

The term "tattoo" shall mean the application of any substance to the body by means of a needle or other sharp instrument which is intended to be permanent or semi-permanent in nature and which is not a tattoo done for medical purposes.

16.1.1.2 - Tattooing

The term "tattooing" shall mean the application of any substance to the body by means of a needle or other sharp instrument which is intended to be permanent or semi-permanent in nature and which is not a tattoo done for medical purposes.

16.1.1.3 - Tattooist

The term "tattooist" shall mean any person who applies any substance to the body by means of a needle or other sharp instrument which is intended to be permanent or semi-permanent in nature and which is not a tattoo done for medical purposes.

16.1.1.4 - Tattooing Station

The term "tattooing station" shall mean any place where any person applies any substance to the body by means of a needle or other sharp instrument which is intended to be permanent or semi-permanent in nature and which is not a tattoo done for medical purposes.

16.1.1.5 - Tattooing Station

The term "tattooing station" shall mean any place where any person applies any substance to the body by means of a needle or other sharp instrument which is intended to be permanent or semi-permanent in nature and which is not a tattoo done for medical purposes.

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**16.2.6 Apprenticeship (\*Added 6/16/10 )**

The term "apprenticeship" shall mean instruction of or concerning body art procedures and practices given by a permitted body art practitioner at a permitted body art establishment to an individual who is not a permitted body art practitioner, which involves any actual performance of body art procedures on any individual, including but not limited to clients, family and friends, whether or not in exchange for monetary or any other compensation provided by the individual, apprentice and/or client.

**16.2.7 Autoclave**

The term "autoclave" shall mean an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

**16.2.8 Autoclaving**

The term "autoclaving" shall mean a process, which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty-five (35) minutes at twenty (20) pounds of pressure (psi) at a temperature of 270 degrees Fahrenheit.

**16.2.9 Bloodborne Pathogens Standard**

The term "bloodborne pathogens standard" shall mean U.S. Department of Labor Occupational Safety and Health Administration (OSHA) standards contained in 29 CFR 1910.1030, entitled "Regulations (Standards) Bloodborne Pathogens".

**16.2.10 Body Art**

The term "body art" shall mean the practice of physical body adornment by permitted establishments, limited establishments, practitioners, guest practitioners and limited practitioners using techniques, including but not limited to tattooing, cosmetic tattooing, branding, scarification, body piercing, including but not limited to piercing the ear, other than the earlobe, with a presterilized single-use stud-and-clasp ear-piercing system. This definition shall not include procedures that constitute the practice of medicine as defined by the New York State Education Department, such as tongue-splitting or implants, which are prohibited. (\*Amended 6/16/10.)

**16.2.11 Body Art Establishment or Establishment**

The term "body art establishment" or "establishment" shall mean a location, place, or business that has been granted a permit by the Commissioner where the practices of body art are performed, whether or not for profit

**16.2.12 Body Art Practitioner or Practitioner**

The term "body art practitioner" or "practitioner" shall mean a specifically identified individual who has been granted a permit by the Commissioner to perform body art in an establishment that has been granted a body art



16.2.7. Appliance (Article 6)

The term "appliance" shall mean any device or system which is designed to be used by a person in order to perform a specific function or functions in a particular area of the body or to assist in the performance of a specific function or functions in a particular area of the body.

16.2.8. Accessory

The term "accessory" shall mean any device or system which is designed to be used in conjunction with an appliance in order to assist in the performance of a specific function or functions in a particular area of the body.

16.2.9. Attachment

The term "attachment" shall mean a process which results in the attachment of an appliance or accessory to a person's body or to a specific part of the body.

16.2.10. Biocompatible Polymer Standard

The term "biocompatible polymer standard" shall mean the standard for biocompatible polymers set out in the European Standard EN ISO 10993-1:2010, entitled "Biocompatibility - Evaluation and testing of materials used for medical devices".

16.2.11. Body Art

The term "body art" shall mean the practice of altering the appearance of the body through the use of permanent or semi-permanent alterations to the skin, hair, or nails, or the use of permanent or semi-permanent alterations to the body.

16.2.12. Body Art Application or Replacement

The term "body art application or replacement" shall mean the application or replacement of a body art product on a person's body.

16.2.13. Body Art Practitioner or Practitioner

The term "body art practitioner or practitioner" shall mean a person who is engaged in the practice of applying or replacing body art products on a person's body.

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establishment permit by the Commissioner. This term includes, but is not limited to, tattoo artists and body piercers.

**16.2.13 Body Art Work Station**

The term "body art work station" shall mean the area within a body art establishment in which body art is performed. (\*Amended 6/16/10)

**16.2.14 Body Piercing**

The term "body piercing" shall mean puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. Such term shall not include tongue-splitting. Additionally, this definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear piercing. (\*Amended 6/16/10.)

**16.2.15 Branding**

The term "branding" shall mean inducing a pattern of scar tissue by any means, including but not limited to the use of heat, a heated material (usually metal), freezing, electricity or propane applied to the skin, making a serious burn, skinning or the infliction of any damage to the skin which eventually becomes a scar. (\*Amended 6/16/10.)

**16.2.16 Client**

The term "client" shall mean a member of the public who requests a body art procedure at a body art establishment or limited body art establishment. (\*Amended 6/16/10.)

**16.2.17 Commissioner**

The term "Commissioner" shall mean the Rockland County Commissioner of Health or any representative appointed or designated by the Commissioner to enforce the Rockland County Sanitary Code.

**16.2.18 Cosmetic Tattooing (\*Added 6/16/10)**

The term "cosmetic tattooing" shall mean a method of tattooing, which involves placing ink or other pigment into or under the skin or mucosa, including but not limited to the eyelids, eyebrow area and lips, by the aid of needles or any other instrument used to puncture the skin or mucosa, resulting in permanent coloration, which may or may not be referred to as permanent make-up.

**16.2.19 Department**

The term "department" shall mean the Rockland County Department of Health or its authorized representatives.

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**16.2.20 Disinfectant**

The term "**disinfectant**" shall mean a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA)

**16.2.21 Disinfection**

The term "**disinfection**" shall mean the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

**16.2.22 Earlobe Piercing** (\*Amended 6/16/10.)

The term "**earlobe piercing**" shall mean the puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions. Such earlobe piercing shall be exempt from regulation under this Article. (\*Amended 6/16/10 )

**16.2.23 Ear Piercing** (\*Added 6/16/10.)

The term "**ear piercing**" shall mean the puncturing of the ear, other than the lobe of the ear, with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions. Such ear piercing shall be subject to regulation under this Article.

**16.2.24 Equipment**

The term "**equipment**" shall mean all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment or limited body art establishment. (\*Amended 6/16/10 )

**16.2.25 Experience** (\*Added 6/16/10.)

The term "**experience**" shall mean knowledge, skill, understanding and years of body art practice at a body art establishment or limited body art establishment.

**16.2.26 Guest Body Art Practitioner or Guest Practitioner** (\*Added 6/16/10.)

The term "**guest body art practitioner**" or "**guest practitioner**" shall mean a specifically identified individual who has been granted a temporary permit by the Commissioner to perform body art in an establishment that has been granted a body art establishment permit by the Commissioner. Such individual may perform a single body art procedure or multiple body art procedures during a time period not to exceed thirty (30) days. This term includes, but is not limited to, guest practitioners performing tattoos and body piercings.

**16.2.27 Hand Sink**

The term "**hand sink**" shall mean a lavatory equipped with hot and cold running potable water under pressure, used solely for washing hands, arms or other portions of the body.

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**16.2.28 Hot Water**

The term "hot water" shall mean water that attains and maintains a temperature of 110 degrees to 130 degrees Fahrenheit.

**16.2.29 Implant (\*Added 6/16/10.)**

The term "implant" shall mean the insertion of objects, including but not limited to jewelry, under the skin, including but not limited to transdermal, subdermal or microdermal insertions, whether fully or partially submerged under the skin.

**16.2.30 Instruments Used for Body Art**

The term "instruments used for body art" shall mean hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

**16.2.31 Invasive**

The term "invasive" shall mean entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break or otherwise compromise the skin or mucosa.

**16.2.32 Jewelry**

The term "jewelry" shall mean any object inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches or irregular surfaces, is internally threaded and has been properly sterilized prior to use.

**16.2.33 Limited Body Art (\*Added 6/16/10 )**

The term "limited body art" shall mean the practice of piercing the ear, other than the lobe of the ear, with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions

**16.2.34 Limited Body Art Establishment or Limited Establishment (\*Added 6/16/10 )**

The term "limited body art establishment" or "limited establishment" shall mean a location, place, or business that has been granted a limited body art permit by the Commissioner to solely practice piercings of the ear, other than the earlobe, with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions, whether or not for profit

**16.2.35 Limited Body Art Practitioner or Limited Practitioner (\*Added 6/16/10 )**

The term "limited body art practitioner" or "limited practitioner" shall mean a specifically identified individual who has been granted a limited body art practitioner permit by the Commissioner to perform limited body art in a limited establishment that has been granted a limited body art establishment permit by the Commissioner. Such individual shall be permitted to perform piercings of

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the ear only, which includes other than the earlobe, with a presterilized single-use stud-and-clasp ear piercing system according to the manufacturer's instructions.

**16.2.36 Limited Body Art Work Station (\*Added 6/16/10.)**

The term "limited body art work station" shall mean the area within a limited body art establishment in which piercing is limited to the ear using a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions.

**16.2.37 Minor**

The term "minor" shall mean any person under the age of eighteen (18) years.

**16.2.38 Operator**

The term "operator" shall mean any person who individually, jointly or severally with others, owns, controls, operates, conducts or manages, directly or indirectly, any body art establishment or limited body art establishment, whether or not actually performing the work of a body art practitioner or limited body art establishment. (\*Amended 6/16/10)

**16.2.39 Permit**

The term "permit" shall mean the Commissioner's approval in writing to: (1) operate a body art establishment (2) operate a limited body art establishment (3) operate as a body art practitioner or guest body art practitioner within a body art establishment or (4) operate as a limited body art practitioner within a limited body art establishment. Commissioner approval shall be granted solely for the practice of body art or limited body art pursuant to these regulations. (\*Amended 6/16/10.)

**16.2.40 Person**

The term "person" shall mean an individual or any form of business or social organization, including but not limited to, corporations, partnerships, limited liability companies, associations, trusts or unincorporated organizations.

**16.2.41 Physician**

The term "physician" shall mean an individual licensed as a qualified physician under New York State Education Law.

**16.2.42 Procedure Surface**

The term "procedure surface" shall mean any surface of an inanimate object that contacts the client's unclothed body during a body art procedure or limited body art procedure, skin preparation of the area adjacent to and including the body art procedure or limited body art procedure or any associated work area, which may require sanitizing. (\*Amended 6/16/10.)

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**16.2.43 Regulated Medical Waste**

The term "**regulated medical waste**" shall mean waste as defined in 10 NYCRR 70-1.2.

**16.2.44 Sanitary**

The term "**sanitary**" shall mean clean and free of agents of infection or disease.

**16.2.45 Sanitize**

The term "**sanitize**" shall mean the application of a U.S. Environmental Protection Agency (EPA) registered sterilizer (contained on List A: EPA's Registered Antimicrobial Products Registered with the EPA as Sterilizers) on a cleaned surface in accordance with the label instructions.

**16.2.46 Scarification**

The term "**scarification**" shall mean altering skin texture by any means, including but not limited to, cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids. (\*Amended 6/16/10.)

**16.2.47 Sharp**

The term "**sharp**" shall mean any item capable of causing percutaneous injury as defined in 10 NYCRR 70-1.2.

**16.2.48 Sharps Container**

The term "**sharps container**" shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and that is labeled with the International Biohazard Symbol.

**16.2.49 Single-Use Items**

The term "**single-use items**" shall mean products or items that are intended for one (1) time, one (1) person use and are disposed of after use on each client, including but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

**16.2.50 Sterilize**

The term "**sterilize**" shall mean the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**16.2.51 Tattoo**

The term "**tattoo**" shall mean the indelible mark, figure, scroll, symbol or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

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**16.2.52 Tattooing**

The term "tattooing" shall mean any method, which involves placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

**16.2.53 Tongue-splitting (\*Added 6/16/10.)**

The term "tongue-splitting" shall mean the cutting of a person's tongue into two (2) or more parts.

**16.2.54 Training**

The term "training" shall mean education or schooling obtained

16.2.54.1 at an institution other than the body art establishment or limited body art establishment, or (\*Amended 6/16/10.)

16.2.54.2 by an individual or individuals at a body art establishment or limited body art establishment, which education is approved by the Commissioner. (\*Added 6/16/10.)

**16.2.55 Ultrasonic Cleaning Unit**

The term "ultrasonic cleaning unit" shall mean a unit approved by the Commissioner, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

**16.2.56 Universal Precautions**

The term "Universal Precautions" shall mean a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol 38, No S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol 40, No RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand-washing, gloving, personal protective equipment, injury prevention and proper handling and disposal of needles, other sharp instruments and blood and body fluid contaminated products.

**16.3.0 - Inspections**

The Commissioner shall have access to the body art establishment or limited body art establishment, whether open to the public for service or not, for the purpose of determining compliance with the Rockland County Sanitary Code (\*Amended 6/16/10)

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**16.4.0 - Exemptions**

- 16.4.1 Physicians licensed in accordance with New York State Education Law who perform body art or limited body art procedures as part of patient treatment shall be exempt from these regulations. (\*Amended 6/16/10 )
- 16.4.2 Individuals who pierce only the earlobe with a presterilized single-use stud-and-clasp ear-piercing system shall be exempt from these regulations. (\*Amended 6/16/10.)

**16.5.0 - Restrictions**

- 16.5.1 No tattooing, piercing of genitalia, branding or scarification shall be performed on a minor.
- 16.5.2 Body piercing, other than piercing the genitalia, may be performed on a minor, provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure.
- 16.5.3 The performance of laser removal of tattoos shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State Department of Education.
- 16.5.4 The performance of any kind of implant shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State Department of Education. (\*Added 6/16/10.)
- 16.5.5 The performance of tongue-splitting shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State Department of Education. (\*Added 6/16/10.)
- 16.5.6 No apprentice shall perform or practice any body art procedure nor shall any apprenticeship be permissible in any body art establishment.

**16.6.0 - Operation of Body Art Establishments**

Unless otherwise ordered or approved by the Commissioner, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

**16.6.1 General Physical Facility**

The building and equipment shall be maintained in a state of good repair at all times. The body art establishment premises shall be kept clean, neat and free of litter and rubbish.

- 16.6 1.1 Walls, floors, ceilings and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable and in good repair  
Walls, floors and ceilings shall be maintained in a clean condition  
All procedure surfaces, including but not limited to client chairs and



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benches, shall be of such construction as to be non-porous and easily cleaned and sanitized after each client. No cleaning of any portion of the work station shall be undertaken while actual body art is being performed.

- 16.6.1.2 The floor of the body art establishment shall be of impervious material.
- 16.6.1.3 The body art establishment shall have adequate light and adequate ventilation and be provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled. (\*Amended 6/16/10.)
- 16.6.1.4 The body art establishment shall be separate from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales or any other such activity that may cause potential contamination of work surfaces.
- 16.6.1.5 All body art establishments shall be supplied with potable water and no other source of water shall be permitted.
- 16.6.1.6 There shall be a minimum of one (1) toilet facility containing a toilet and sink for clients. The toilet facility shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser. At least one (1) covered, foot operated waste receptacle shall be provided in each toilet facility. Such facilities shall be in compliance with the Rockland County Sanitary Code. (\*Revised 6/16/10.)
- 16.6.1.7 A separate, readily accessible hand sink with hot and cold running potable water under pressure, preferably equipped with wrist and/or foot-operated controls and supplied with liquid soap and disposable paper towels stored in fixed dispensers, shall be readily accessible within the body art establishment. (\*Amended 6/16/10.)
- 16.6.1.8 At least one (1) janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of adequate size, equipped with hot and cold running potable water under pressure and permit the cleaning of the body art establishment and any equipment used for cleaning. (\*Amended 6/16/10.)
- 16.6.1.9 All instruments and supplies, including but not limited to, needles, dyes and pigments shall be stored in clean, dry and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.

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- 16.6.1.10 The body art establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of thirty-six (36) inches from the required ultrasonic cleaning unit. (\*Amended 6/16/10.)
  - 16.6.1.11 The body art establishment operator shall provide for the disposal of all types of waste products in compliance with 10 NYCRR 70 and the Rockland County Sanitary Code. Solid waste shall be stored in covered, leak-proof, rodent-resistant containers and shall be removed from the premises at least weekly. (\*Amended 6/16/10.)
  - 16.6.1.12 The body art establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the body art establishment. (\*Amended 6/16/10.)
  - 16.6.1.13 The body art establishment shall have a customer waiting area, exclusive and separate from any body art work station, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity. (\*Amended 6/16/10.)
  - 16.6.1.14 No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
  - 16.6.1.15 Smoking shall be prohibited in all areas of the body art establishment.
- 16.6.2 Body Art Work Station
- 16.6.2.1 Each body art establishment shall have one (1) or more body art work stations separated by a wall from the waiting room or any room or rooms used as such. No work station shall be used as a corridor for access to other rooms. Body art shall be performed on clients only in said work station.
  - 16.6.2.2 Each body art work station shall be used by one (1) body art practitioner for the purpose of performing body art on one (1) client at any given time.
  - 16.6.2.3 Each body art work station shall have a minimum of forty-five (45) square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art work stations shall be separated by partitions at a minimum. (\*Amended 6/16/10 )
  - 16.6.2.4 The surface of all work tables shall be constructed of metal or other material which is smooth, light-colored, non-absorbent, corrosive-resistant and easily sanitized.

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- 16.6.2.5 Each body art work station shall be equipped with a hand sink with foot-operated controls and hot and cold running potable water, for the exclusive use of the body art practitioner.
  - 16.6.2.6 At least one (1) covered, foot-operated waste receptacle shall be provided in each body art work station. Receptacles in the work stations shall be emptied daily.
  - 16.6.2.7 Eating or drinking shall be prohibited in the body art work station, with the exception of fluids being offered to a client during or after a body art procedure.
- 16.6.3 Requirements for Single-Use Items Including Inks, Dyes and Pigments
- 16.6.3.1 Single-use items shall not be used on more than one (1) client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 10 NYCRR 70-1.3. There shall be a sharps container at each body art work station properly affixed so as to facilitate safe and sanitary disposal. (\*Amended 6/16/10.)
  - 16.6.3.2 All products applied to the skin, including but not limited to body art stencils, applicators, gauze and razors, shall be single-use and disposable.
  - 16.6.3.3 Hollow bore needles or needles with a cannula shall not be reused.
  - 16.6.3.4 All inks, dyes, pigments, solid core needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. Only non-toxic dyes and pigments shall be used for tattooing.
  - 16.6.3.5 Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
- 16.6.4 Sanitation and Sterilization Measures and Procedures
- 16.6.4.1 All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
  - 16.6.4.2 After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. Sterilization shall be accomplished by placing in an autoclave for a minimum of thirty-five (35) minutes at twenty (20) pounds of pressure (psi) at a temperature of 270

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degrees Fahrenheit. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months. Sterilization methods must meet the requirements of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Disinfection and Sterilization of Patient-Care Equipment, 1985.

- 16.6.4.3 The autoclave shall be used, cleaned and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Commissioner. Autoclaves shall be located away from work stations or areas frequented by the public.
- 16.6.4.4 Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Commissioner. These test records shall be retained by the operator for a period of five (5) years and made available to the Commissioner upon request.
- 16.6.4.5 All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- 16.6.4.6 Following sterilization, instruments shall be handled and stored in such a manner as to prevent contamination. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- 16.6.4.7 If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- 16.6.4.8 When assembling instruments used for body art procedures, the practitioner shall wear disposable medical gloves and use medically recognized standards to ensure that the instruments and gloves are not contaminated.
- 16.6.4.9 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

**16.6.5 Posting Requirements**

The following shall be prominently and conspicuously displayed in the body art establishment, clearly visible to the client: (\*Revised 6/16/10.)

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- 16.6.5.1 A disclosure statement, as approved by the Commissioner. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
- 16.6.5.2 Printed instructions, as approved by the Commissioner, on the care of the skin after the performance of body art as a precaution to prevent infection. A copy of such instructions shall also be given to each client.
- 16.6.5.3 The address and telephone number of the Rockland County Department of Health, Environmental Division, Body Art Program, which has jurisdiction and the procedure for filing a complaint.
- 16.6.5.4 An emergency plan, including:
  - (a) a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
  - (b) a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
  - (c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
- 16.6.5.5 An occupancy and use permit as issued by the local building official.
- 16.6.5.6 A current body art establishment permit as issued by the Commissioner.
- 16.6.5.7 Each body art practitioner's permit as issued by the Commissioner.

**16.6.6 Body Art Establishment Recordkeeping (\*Amended 6/16/10.)**

The body art establishment shall maintain the following records in a secure place for a minimum of five (5) years, and such records shall be made available to the Commissioner upon request: (\*Amended 6/16/10.)

- 16.6.6.1 Body art establishment information, which shall include: (\*Amended 6/16/10.)
  - (a) name, address and telephone number of the establishment;
  - (b) hours of operation of the establishment;
  - (c) name, address and telephone number of the owner or operator;
  - (d) a complete description of all body art procedures performed;

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- (e) an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable invoices or packing slips shall satisfy this requirement;
- (f) a Material Safety Data Sheet, when available, for each ink and dye used by the establishment;
- (g) a copy of the U.S. OSHA standards contained in 29 CFR 1910.1030, entitled "Regulations (Standards) Bloodborne Pathogens";
- (h) a Bloodborne Pathogens Exposure Control Plan as mandated by U.S. OSHA;
- (i) a copy of these regulations.

**16.6.6.2 Employee information, which shall include:**

- (a) full name of the employee;
- (b) exact duties of the employee; (\*Added 6/16/10.)
- (c) date of birth of the employee;
- (d) residence address of the employee;
- (e) residence and work telephone numbers of the employee; and

**16.6.6.3 Client Information, which shall be prepared prior to any procedure being performed, and include:**

- (a) name and signature of the client;
- (b) date of birth and age of the client;
- (c) residence address and telephone number of the client;
- (d) date of the procedure;
- (e) name of the practitioner who performed the procedure(s);
- (f) description of procedure(s) performed and the location on the body;
- (g) a signed consent form as specified by section 16 6.8.4.2, and (\*Revised 6/16/10.)
- (h) if the client is a person under the age of eighteen (18), proof of parental or guardian identification, presence and consent

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including a copy of the photographic identification of the parent or guardian as specified by section 16.5.2.

16.6.6.4 The records of body art performed shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. Additionally, all fully completed and signed client consent forms shall be kept in a binder in reverse chronological order of the date of the procedure(s). Both the bound book and the consent form binder shall be available for examination by the Commissioner and shall be preserved for at least five (5) years from the date of the last entry therein. (\*Amended 6/16/10.)

16.6.6.5 Before any body art procedure is performed, the body art practitioner or guest body art practitioner shall inform the client of the risks involved in the body art requested, and any possible complications, proof of which shall be entered in the record. (\*Amended 6/16/10.)

16.6.6.6 Client information shall be kept confidential at all times.

**16.6.7 Hepatitis B Vaccination Series**

The body art establishment shall require that all body art practitioners and guest body art practitioners have either completed, or were offered and declined, in writing, the Hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Commissioner upon request. (\*Amended 6/16/10.)

**16.6.8 Standards of Practice**

Body art practitioners and guest body art practitioners are required to comply with the following minimum health standards: (\*Amended 6/16/10.)

16.6.8.1 A practitioner or guest practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention. (\*Amended 6/16/10.)

16.6.8.2 A practitioner or guest practitioner shall refuse service to any person who may be under the influence of alcohol, drugs or any intoxicant, or any person with skin lesions or any communicable disease. (\*Amended 6/16/10.)

16.6.8.3 Practitioners or guest practitioner who use ear piercing systems must conform to the manufacturer's directions for use and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the ear. (\*Amended 6/16/10 )

**16.6.8.4 Health History and Client Informed Consent**

Prior to performing a body art procedure on a client, the practitioner or guest practitioner shall: (\*Amended 6/16/10 )

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**16.6.8.4.1** Inform the client, verbally and in writing, that the following health conditions may increase health risks associated with receiving a body art procedure:

- (a) history of diabetes;
- (b) history of hemophilia (bleeding);
- (c) history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
- (e) history of epilepsy, seizures, fainting or narcolepsy;
- (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
- (g) Hepatitis, HIV or any other communicable disease.

**16.6.8.4.2** Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents him/her from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 16.6.5.2.

**16.6.8.5** A practitioner or guest practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices and wear clean clothes; specifically a clean outer garment when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash his/her hands in hot running potable water with liquid soap and individual hand brush, then rinse hands and dry with disposable paper towels or by mechanical means. This shall be done as often as necessary to remove contaminants. (\*Amended 6/16/10.)

**16.6.8.6** In performing body art procedures, a practitioner or guest practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section 16.6.8.5 before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one (1) person. The use of disposable single-use gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program. (\*Revised 6/16/10.)



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- 16.6.8.7** The skin of the practitioner or guest practitioner shall be free of rash or infection. No practitioner or guest practitioner experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice or affected with draining or open skin infections such as boils, impetigo, scabies, infected wounds, open sores, abrasions or weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms. (\*Amended 6/16/10.)
- 16.6.8.8** The Commissioner may require any practitioner or guest practitioner found to have any communicable disease or suspected of having such a disease, as designated in 10 NYCRR 2, to obtain a certificate signed by a duly licensed physician stating that the person has recovered from and is no longer infectious or is free from a communicable disease before permission to resume operation as a practitioner is granted. Said certificate shall be available for inspection by the Commissioner. (\*Revised 6/16/10.)
- 16.6.8.9** Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 16.6.8.10** Preparation and care of a client's skin area must comply with the following:
- 16.6.8.10.1** Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- 16.6.8.10.2** Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
- 16.6.8.10.3** In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers and disposed of in accordance with 10 NYCRR 70-1.3.

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- 16.6.8.10.4** Before placing the design on the client's skin, the practitioner or guest practitioner shall treat the skin area with an EPA approved or hospital grade germicidal solution, which shall be applied with sterile cotton or sterile gauze. Only sterile petroleum jelly (petrolatum) shall be applied to the area to be tattooed and only from single-use, collapsible metal or plastic tubes. The application may be spread by the use of sterile gauze or other sterile applicator but not directly with the fingers. (\*Amended 6/16/10)
- 16.6.8.10.5** Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- 16.6.8.11** The practitioner or guest practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. Said aftercare instructions shall be approved by the Commissioner. A copy of the aftercare instructions shall be provided to the client. The written instructions shall advise the client: (\*Amended 6/16/10.)
- 16.6.8.11.1** of the proper cleansing of the area, which received the body art;
- 16.6.8.11.2** that a completed tattoo shall be washed with a piece of sterile gauze or sterile cotton saturated with an EPA approved or hospital grade germicidal solution from a single-use container. It shall be allowed to air dry. After drying, an anti-bacterial ointment shall be applied to the tattoo and the entire area covered with material appropriate to prevent contamination;
- 16.6.8.11.3** to consult a health care provider for:
- (a) unexpected redness, tenderness or swelling at the site of the body art procedure;
  - (b) any rash;
  - (c) unexpected drainage at or from the site of the body art procedure; or
  - (d) a fever within two (2) hours of the body art procedure; and
- 16.6.8.11.4** of the name, address and telephone number of the body art establishment.

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16.6.8.11.5 contaminated waste shall be stored, treated and disposed in accordance with 10 NYCRR 70-1.3 and 70-1.4.

**16.6.9 Body Art Establishment Permit (\*Revised 6/16/10.)**

16.6.9.1 It shall be unlawful for any person to operate a body art establishment in Rockland County unless such person possesses a valid Permit to Operate a Body Art Establishment issued by the Commissioner, pursuant to this Article.

16.6.9.2 An establishment permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner.

16.6.9.3 Application for a Body Art Establishment Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications. (\*Amended 6/16/10.)

16.6.9.4 The Commissioner shall require that the applicant provide, at a minimum, the following information in order to be issued a body art establishment permit.

16.6.9.4.1 name, address and telephone number of:

(a) the establishment;

(b) the operator of the establishment; and

(c) the practitioner(s) working at the establishment;

16.6.9.4.2 the manufacturer, model number, model year and serial number, where applicable, of the autoclave used in the establishment;

16.6.9.4.3 a signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Rockland County Sanitary Code, Article XVI, Body Art; a drawing of the floor plan of the proposed establishment to scale for a plan review by the Commissioner, as part of the permit application process; and

16.6.9.4.4 such additional information as the Commissioner may reasonably require

16.6.9.5 A permit for a body art establishment shall not be transferable from one place or person to another.

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**16.6.10 Body Art Practitioner Permit (\*Revised 6/16/10 )**

**16.6.10.1** It shall be unlawful for any person to practice body art or perform any body art procedure in Rockland County unless such person possesses a valid Permit to Practice Body Art issued by the Commissioner, pursuant to this Article.

**16.6.10.2** A practitioner shall be a minimum of eighteen (18) years of age.

**16.6.10.3** A Body Art Practitioner Permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner and shall not be transferable from one place or person to another. (\*Amended 6/16/10.)

**16.6.10.4** Application for a Body Art Practitioner Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications. (\*Added 6/16/10.)

**16.6.10.5** Application for a practitioner permit shall include:

**16.6.10.5.1** photographs identifying the practitioner. Two (2) 2" x 3" passport photos taken within thirty (30) days shall accompany the submission of the practitioner application. One (1) photo submitted with the application shall be maintained as a permanent record in the Department's file. The second photo shall be affixed to the practitioner's permit and kept on file and available for inspection at the establishment;

**16.6.10.5.2** name of the practitioner, which includes legal name as well as any trade name, nickname, name also known as (aka) and alias associated with the individual in the body art profession;

**16.6.10.5.3** date of birth of the practitioner;

**16.6.10.5.4** residence address of the practitioner;

**16.6.10.5.5** residence telephone number of the practitioner;

**16.6.10.5.6** mailing address of the practitioner;

**16.6.10.5.7** place(s) of employment as a practitioner; and

**16.6.10.5.8** Practitioner training, education and/or experience (\*Revised 6/16/10.)

Training, education and experience may include certifications, courses and/or seminars provided by

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professional body art organizations or associations, equipment manufacturers, hospitals or other health care or educational institutions, which shall be submitted to the Commissioner for approval. All courses shall be attended in person; no on-line courses shall be acceptable. Required practitioner training, education and/or experience shall be as follows:

- (a) Documentation of bloodborne pathogen training program (or equivalent), which includes infectious disease control; waste disposal; hand-washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques as set forth by U.S. OSHA. Examples of courses approved by the Commissioner include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA); and
- (b) Documentation of first aid certification.
- (c) Documentation of cardiopulmonary resuscitation (CPR) certification.
- (d) Documentation of successful completion of a course in anatomy, successfully completed an examination in anatomy or possesses an equivalent combination of training and experience deemed acceptable to the Commissioner.
- (e) Documentation of successful completion of a course in skin diseases, disorders and conditions, including diabetes, or successfully completed an examination in skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Commissioner.
- (f) Documentation of experience, in lieu of the requirements set forth in sections 16.6.10.5.8 (d) and (e) acquired in other states that regulate body art as deemed acceptable to the Commissioner.

16.6.10.5 9 A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of Article XVI.

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16.6.10.5.10 Any guest practitioner at any body art establishment shall be required to obtain a guest practitioner permit, which shall be subject to all of the aforementioned requirements and the following: (\*Amended 6/16/10.)

16.6.10.5.10.1 A guest practitioner permit shall be valid from the date of issuance and shall automatically expire no longer than thirty (30) days from the date of issuance unless revoked sooner by the Commissioner and shall not be transferable from one place or person to another. (\*Amended 6/16/10.)

16.6.10.5.10.2 A guest practitioner application shall be completed by the guest practitioner, submitted and signed by the owner or operator of the permitted body art establishment where the guest practitioner intends to practice and be accompanied by a copy of the body art establishment's valid permit (\*Added 6/16/10.)

**16.7.0 - Operation of Limited Body Art Establishments** (\*Added 6/16/10 )

Unless otherwise ordered or approved by the Commissioner, each limited body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

**16.7.1 General Physical Facility**

The building and equipment shall be maintained in a state of good repair at all times. The limited body art establishment premises shall be kept clean, neat and free of litter and rubbish.

16.7.1.1 Walls, floors, ceilings and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including but not limited to client chairs and stools, shall be of such construction as to be non-porous and easily cleaned and sanitized after each client. No cleaning of any portion of the limited body art work station shall be undertaken while actual limited body art is being performed.

16.7.1.2 The floor of the limited body art establishment shall be of impervious material.

16.7.1.3 The limited body art establishment shall have adequate light and adequate ventilation and be provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be

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provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

- 16.7.1.4 The limited body art establishment shall be separate from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon or any other such activity that may cause potential contamination of work surfaces.
  - 16.7.1.5 All limited body art establishments shall be supplied with potable water and no other source of water shall be permitted.
  - 16.7.1.6 There shall be access to a toilet facility, containing a toilet and sink for clients, within three hundred (300) feet of the limited body art establishment and without requiring the need to go outdoors. The toilet facility shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser and a waste receptacle. Such facilities shall be in compliance with the Rockland County Sanitary Code.
  - 16.7.1.7 All instruments and supplies shall be stored in clean, dry and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
  - 16.7.1.8 The limited body art establishment operator shall provide for the disposal of all types of waste products in compliance with 10 NYCRR 70 and the Rockland County Sanitary Code. Solid waste shall be stored in covered, leak-proof, rodent-resistant containers and shall be removed from the premises at least weekly.
  - 16.7.1.9 The limited body art establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the establishment.
  - 16.7.1.10 No animals of any kind shall be allowed in a limited body art establishment, except service animals used by persons with disabilities (e.g., seeing eye dogs).
  - 16.7.1.11 Smoking shall be prohibited in all areas of the limited body art establishment.
- 16.7.2 Limited Body Art Work Station
- 16.7.2.1 Each limited body art establishment shall have one (1) or more limited body art work stations. Limited body art shall be performed on clients only in said work station.
  - 16.7.2.2 Each limited body art work station shall be used by one (1) limited body art practitioner for the purpose of performing limited body art on one (1) client at any given time.
  - 16.7.2.3 Each limited body art work station shall have a minimum of thirty (30) square feet of floor space for each limited body art practitioner.

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- 16.7.2.4 All limited body art work station surfaces shall be constructed of metal or other material which is smooth, light-colored, non-absorbent, corrosive-resistant and easily sanitized.
- 16.7.2.5 Each limited body art station shall be equipped with a hand sink with hot and cold running potable water, for the exclusive use of the limited body art practitioner.
- 16.7.2.6 At least one (1) covered, foot-operated waste receptacle shall be provided in each limited body art work station. Receptacles in the work stations shall be emptied daily.
- 16.7.2.7 Eating or drinking shall be prohibited in the limited body art work station, with the exception of fluids being offered to a client during or after a limited body art procedure.

**16.7.3 Requirements for Single-Use Items**

- 16.7.3.1 Single-use items shall not be used on more than one (1) client for any reason. After use, any single use items discarded during the limited body art procedure shall be immediately disposed of in accordance with 10 NYCRR 70-1.3.
- 16.7.3.2 All products applied to the ear, including but not limited to applicators and gauze shall be single-use and disposable.
- 16.7.3.3 All equipment shall be specifically manufactured for performing ear piercings and shall be used according to the manufacturer's instructions.

**16.7.4 Sanitation and Sterilization Measures and Procedures**

- 16.7.4.1 The limited body art establishment shall use only sterile single-use, disposable instruments and products and sterile supplies in accordance with manufacturer's instructions.
- 16.7.4.2 When assembling instruments used for limited body art procedures, the limited practitioner shall wear disposable medical gloves and use medically recognized standards to ensure that the instruments and gloves are not contaminated.
- 16.7.4.3 The presterilized single-use stud-and-clasp ear piercing system shall be properly sanitized and sterilized according to manufacturer's instructions and/or sanitization, disinfection and sterilization methods and techniques as set forth by U.S. OSHA.

**16.7.5 Posting Requirements**

The following shall be prominently and conspicuously displayed in the limited body art establishment, clearly visible to the client:



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- 16.7.5.1 A disclosure statement, as approved by the Commissioner. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of limited body art procedures.
  - 16.7.5.2 Printed instructions, as approved by the Commissioner, on the care of the ear after the performance of limited body art as a precaution to prevent infection. A copy of such instructions shall also be given to each client.
  - 16.7.5.3 The address and telephone number of the Rockland County Department of Health, Environmental Division, Body Art Program, which has jurisdiction and the procedure for filing a complaint.
  - 16.7.5.4 An emergency plan, including:
    - (a) a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
    - (b) a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
    - (c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
  - 16.7.5.5 An occupancy and use permit as issued by the local building official.
  - 16.7.5.6 A current limited body art establishment permit as issued by the Commissioner.
  - 16.7.5.7 Each limited body art practitioner's permit as issued by the Commissioner.
- 16.7.6 Limited Body Art Establishment Recordkeeping

The limited body art establishment shall maintain the following records in a secure place for a minimum of five (5) years, and such records shall be made available to the Commissioner upon request:

- 16.7.6.1 Limited body art establishment information, which shall include:
  - (a) name, address and telephone number of the limited establishment;
  - (b) hours of operation of the limited establishment;
  - (c) name, address and telephone number of the owner or operator;
  - (d) a complete description of the limited body art procedures performed;

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- (e) an inventory of all instruments and ear jewelry used in limited body art procedures, including names of manufacturers and serial numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
- (f) a copy of the U.S. OSHA standards contained in 29 CFR 1910.1030, entitled "Regulations (Standards) Bloodborne Pathogens".
- (g) A Bloodborne Pathogens Exposure Control Plan as mandated by U.S. OSHA.
- (h) a copy of these regulations.

**16.7.6.2 Employee information, which shall include:**

- (a) full name of the employee;
- (b) exact duties of the employee;
- (c) date of birth of the employee;
- (d) residence address of the employee;
- (e) residence and work telephone numbers of the employee; and

**16.7.6.3 Client Information, which shall be prepared prior to any limited body art procedure being performed, and include:**

- (a) name and signature of the client;
- (b) date of birth and age of the client;
- (c) residence address and telephone number of the client;
- (d) date of the limited body art procedure;
- (e) name of the limited body art practitioner who performed the procedure(s);
- (f) description of limited body art procedure(s) performed and the location on the ear;
- (g) a signed consent form as specified by section 16.7 8.4 2. and
- (h) if the client is a person under the age of eighteen (18), proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian as specified by section 16.5 2.

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16.7.6.4 The records of limited body art performed shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. Additionally, all fully completed and signed client consent forms shall be kept in a binder in reverse chronological order of the date of the procedure(s). Both the bound book and the consent form binder shall be available for examination by the Commissioner and shall be preserved for at least five (5) years from the date of the last entry therein.

16.7.6.5 Before performing limited body art, the limited practitioner shall inform the client and parent or guardian of any minor of the risks involved in the limited body art requested, and any possible complications, proof of which shall be entered in the record.

16.7.6.6 Client information shall be kept confidential at all times.

**16.7.7 Hepatitis B Vaccination Series**

The limited body art establishment shall require that all limited body art practitioners have either completed, or were offered and declined, in writing, the Hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Commissioner upon request.

**16.7.8 Standards of Practice**

Limited body art practitioners are required to comply with the following minimum health standards:

16.7.8.1 A limited practitioner shall perform all limited body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention.

16.7.8.2 A limited practitioner shall refuse service to any person who may be under the influence of alcohol, drugs or any intoxicant, or any person with skin lesions or any communicable disease.

16.7.8.3 Limited practitioners who use ear piercing systems shall conform to the manufacturer's directions for use and to applicable U.S. Food and Drug Administration requirements. No limited practitioner shall use an ear piercing system on any part of the client's body other than the ear.

**16.7.8.4 Health History and Client Informed Consent**

Prior to performing a limited body art procedure on a client, the limited body art practitioner shall:

16.7.8.4.1 Inform the client and parent or guardian of a client who is a minor, verbally and in writing, that the following health conditions may increase health risks associated with receiving a limited body art procedure:

(a) history of diabetes;

**Rockland County Sanitary Code**

- (b) history of hemophilia (bleeding);
- (c) history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
- (d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
- (e) history of epilepsy, seizures, fainting or narcolepsy;
- (f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
- (g) Hepatitis, HIV or any other communicable disease.

16.7.8.4.2 Require that the client and parent or guardian of a client who is a minor sign a form confirming that the above information was provided, that the client does not have a condition that prevents him/her from receiving limited body art, that the client and parent or guardian of a client who is a minor consents to the performance of the limited body art procedure and that the client and parent or guardian of a client who is a minor has been given the aftercare instructions as required by section 16.7.5.2.

16.7.8.5 A limited practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices and wear clean clothes; specifically a clean outer garment when performing limited body art procedures. Before performing limited body art procedures, the limited practitioner must thoroughly wash his/her hands in hot running potable water with liquid soap and individual hand brush, then rinse hands and dry with disposable paper towels or by mechanical means. This shall be done as often as necessary to remove contaminants.

16.7 8.6 In performing limited body art procedures, a limited practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section 16.7.8.5 before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.

16.7 8.7 The skin of the limited practitioner shall be free of rash or infection. No limited practitioner experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice or affected with draining or open skin infections such as boils, impetigo, scabies.

**Rockland County Sanitary Code**

infected wounds, open sores, abrasions or weeping dermatological lesions or acute respiratory infection shall work in any area of a limited body art establishment in any capacity in which there is a likelihood that that person could contaminate limited body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

- 16.7.8.8 The Commissioner may require any limited practitioner found to have any communicable disease or suspected of having such a disease, as designated in 10 NYCRR 2, to obtain a certificate signed by a duly licensed physician stating that the person has recovered from and is no longer infectious or is free from a communicable diseases before permission to resume operation as a limited practitioner is granted. Said certificate shall be available for inspection by the Commissioner.
- 16.7.8.9 Any item or instrument used for limited body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- 16.7.8.10 Preparation and care of a client's ear must comply with the following:
- 16.7.8.10.1 The ear surface to receive the limited body art procedure shall be free of rash or any visible infection.
- 16.7.8.10.2 Before a limited body art procedure is performed, the immediate area of the ear surrounding where the ear piercing is to be performed shall be washed with soap and water or an approved surgical skin preparation. The washing pad shall be discarded after a single use.
- 16.7.8.10.3 In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers and disposed of in accordance with 10 NYCRR 70-1.3.
- 16.7.8.10.4 Before piercing the ear, the limited practitioner shall treat the ear with an EPA approved or hospital grade germicidal solution, which shall be applied with sterile cotton or sterile gauze. The cotton or gauze shall be used once and then discarded.
- 16.7.8.11 The limited practitioner shall provide each client and parent or guardian of a client who is a minor with verbal and written instructions on the aftercare of the area of the ear, which received the limited body art procedure. Said aftercare instructions shall be approved by the Commissioner. A copy of the aftercare instructions shall be provided to the client and parent or guardian of a client who is a minor. The written instructions shall advise the client and parent or guardian of a client who is a minor:

**Rockland County Sanitary Code**

16.7.8.11.1 of the proper cleansing of the area of the ear, which was pierced;

16.7.8.11.2 to consult a health care provider for:

- (a) unexpected redness, tenderness or swelling at the site of the limited body art procedure;
- (b) any rash;
- (c) unexpected drainage at or from the site of the limited body art procedure; or
- (d) a fever within two (2) hours of the limited body art procedure; and

16.7.8.11.3 of the name, address and telephone number of the limited body art establishment.

16.7.8.11.4 contaminated waste shall be stored, treated and disposed in accordance with 10 NYCRR 70-1.3 and 70-1.4.

**16.7.9 Limited Body Art Establishment Permit**

16.7.9.1 It shall be unlawful for any person to operate a limited body art establishment in Rockland County unless such person possesses a valid Permit to Operate a Limited Body Art Establishment issued by the Commissioner, pursuant to this Article.

16.7.9.2 A limited establishment permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner.

16.7.9.3 Application for a Limited Body Art Establishment Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.

16.7.9.4 The Commissioner shall require that the applicant provide, at a minimum, the following information in order to be issued a limited body art establishment permit:

16.7.9.4.1 name, address and telephone number of:

- (a) the limited establishment;

**Rockland County Sanitary Code**

(b) the operator of the limited establishment; and

(c) the limited practitioner(s) working at the limited establishment;

16.7.9.4.2 the manufacturer, model number, model year and serial number, where applicable, of the presterilized single-use stud-and-clasp ear-piercing system used in the limited establishment;

16.7.9.4.3 a signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Rockland County Sanitary Code, Article XVI, Body Art;

16.7.9.4.4 a drawing of the floor plan to scale of the proposed limited establishment for a plan review by the Commissioner, as part of the permit application process; and

16.7.9.4.5 such additional information as the Commissioner may reasonably require.

16.7.9.5 A permit for a limited body art establishment shall not be transferable from one place or person to another.

**16.7.10 Limited Body Art Practitioner Permit**

16.7.10.1 It shall be unlawful for any person to practice limited body art or perform any limited body art procedure in Rockland County unless such person possesses a valid Permit to Practice Limited Body Art issued by the Commissioner, pursuant to this Article.

16.7.10.2 A limited practitioner shall be a minimum of eighteen (18) years of age.

16 7.10.3 A limited practitioner permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner and shall not be transferable from one place or person to another.

16.7 10.4 Application for a limited practitioner permit shall include:

16.7.10.4.1 photographs identifying the limited practitioner. Two (2) 2" x 3" passport photos taken within thirty (30) days shall accompany the submission of the limited practitioner application. One (1) photo submitted with the application shall be maintained as a permanent record in the Department's file. The second photo shall be affixed to the limited practitioner's permit and kept on file and available for inspection at the limited establishment;

**Rockland County Sanitary Code**

- 16.7.10.4.2 name of the limited practitioner, which includes legal name as well as any trade name, nickname, name also known as (aka) and alias associated with the individual in the body art profession;
- 16.7.10.4.3 date of birth of the limited practitioner;
- 16.7.10.4.4 residence address of the limited practitioner;
- 16.7.10.4.5 residence telephone number of the limited practitioner;
- 16.7.10.4.6 mailing address of the limited practitioner;
- 16.7.10.4.7 place(s) of employment as a limited practitioner; and
- 16.7.10.4.8 Practitioner training, education and/or experience

Training, education and experience may include certifications, courses and/or seminars provided by professional body art organizations or associations, equipment manufacturers, hospitals or other health care or educational institutions, which shall be submitted to the Commissioner for approval. All courses shall be attended in person; no on-line courses shall be acceptable. Required practitioner training, education and/or experience shall be as follows:

- (a) Documentation of bloodborne pathogen training program (or equivalent), which includes infectious disease control; waste disposal; hand-washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques as set forth by U.S. OSHA. Examples of courses approved by the Commissioner include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA); and
- (b) Documentation of first aid certification.
- (c) Documentation of cardiopulmonary resuscitation (CPR) certification.
- (d) The applicant shall provide documentation, acceptable to the Commissioner, that s/he successfully completed training on the proper use of the presterilized single-use stud-and-clasp ear-piercing system.



**Rockland County Sanitary Code**

16.7.10.4.9 A limited practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of Article XVI.

**16.8.0 - Injury Reports**

A written report of any injury, infection, complication or disease suffered by a client, as a result of a body art procedure, limited body art procedure or complaint thereof, shall be forwarded by the Operator to the Rockland County Department of Health with a copy to the injured client within five (5) days of its occurrence or knowledge thereof. The report shall include: (\*Revised 6/16/10.)

- 16.8.1 the name of the affected client;
- 16.8.2 the name and location of the body art establishment or limited body art establishment involved; (\*Amended 6/16/10.)
- 16.8.3 the nature of the injury, infection, complication or disease;
- 16.8.4 any other information considered relevant to the situation.

**16.9.0 - Complaints**

- 16.9.1 The Commissioner shall review complaints and conduct any necessary investigations received about a body art establishment or limited body art establishment and/or body art practitioner's, guest body art practitioner's or limited body art practitioner's practices or acts, which may violate any provision of the Rockland County Sanitary Code. (\*Revised 6/16/10.)
- 16.9.2 If such investigation reveals a finding that said act(s) or practice(s) is in violation of the Rockland County Sanitary Code, then the Commissioner shall take any and all enforcement action is necessary to remedy the situation. (\*Revised 6/16/10.)

**16.10.0 - Denial, Revocation or Refusal to Renew Permit (\*Revised 6/16/10.)**

- 16.10.1 The Commissioner may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for denial, revocation or refusal to renew. (\*Amended 6/16/10.)
  - 16 10.1.1 any actions that pose a risk to the health or safety of the public; (\*Revised 6/16/10 )
  - 16.10.1.2 fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
  - 16.10.1.3 practicing body art while impaired by alcohol, drugs, any intoxicant, physical disability, or mental instability; (\*Revised 6/16/10 )

**Rockland County Sanitary Code**

- 16.10.1.4 being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs or intoxicants having similar effects;
  - 16.10.1.5 knowingly encouraging, permitting, aiding or abetting an unauthorized person to perform body art activities requiring a permit herein; (\*Amended 6/16/10.)
  - 16.10.1.6 continuing to practice while his/her body art permit is denied, lapsed, suspended or revoked; (\*Amended 6/16/10.)
  - 16.10.1.7 having been disciplined in another jurisdiction, in any way, by the proper permitting authority for reasons substantially the same as the regulations set forth herein those set forth in the Commissioner's regulations; and (\*Amended 6/16/10.)
  - 16.10.1.8 other just and sufficient cause that would render the establishment, limited establishment, practitioner, guest practitioner, limited practitioner or applicant unfit to practice body art as deemed by the Commissioner. (\*Revised 6/16/10 )
- 16.10.2 A permit may be denied, revoked or renewal refused after notice and an opportunity for a hearing has been provided by the Commissioner (\*Revised 6/16/10.)
- 16.10.3 Applicants denied a permit may reapply at any time after denial.

**16.11.0 - Suspension of Permit** (\*Revised 6/16/10.)

A permit may be suspended by the Commissioner, without notice upon violation by the permit holder of the requirements set forth herein this Article, when in his/her opinion there exists an imminent threat to public health, safety or welfare. If the Permit is not reinstated within 5 days of suspension, the permit holder shall be entitled to notice and an opportunity for a hearing on the violation. (\*Revised 6/16/10.)

**16.12.0 - Fees**

A fee shall be charged for each body art establishment, limited body art establishment, body art practitioner, guest body art practitioner and limited body art practitioner permit issued in accordance with Article I of the Rockland County Sanitary Code. This fee shall be paid either by certified check or money order made payable to the Commissioner of Finance of Rockland County. Payment shall accompany the application for permit. (\*Revised 6/16/10.)

**16.13.0 - Severability**

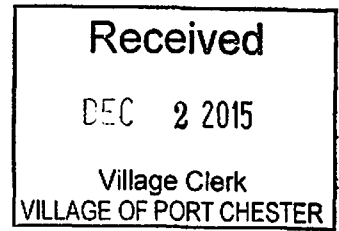
If any provision contained in Article XVI is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

**Rockland County Sanitary Code**

**16.14.0 - Effective Date**

The effective date of this Article is January 21, 2009. Added to, amended and revised June 16, 2010.

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Dear Alex Payan and Board Members,

It is with deep regret that I announce my resignation from the Board of Ethics, effective immediately. Due to my change in work hours I will no longer be able to devote the necessary time and attention to the Board.

Please know that I have thoroughly appreciate and enjoyed the opportunity to serve with you on this Board, I am proud of the achievements and the significant progress that the Board of Ethics has made towards improving the Village of Port Chester and our community. I am truly grateful for the extensive assistance each of the members offered. As a board and as individuals, you are tremendously talented and dedicated, and I feel honored to have volunteered by your side.

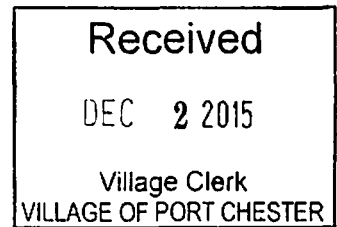
I look forward to seeing your many future accomplishments.

Sincerest regards,

Bryan Diaz

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Pouyan Darian  
411 Westchester Ave.  
Apt 4L  
Port Chester, New York 10573



December 2, 2015

Mayor and the Board of Trustees  
Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573

Dear Mayor Dennis G. Pilla and Board of Trustees,

It is with great enthusiasm that I request your consideration for my appointment to the Village of Port Chester's Board of Ethics. I am a proud resident of Port Chester and, as such, I would like to contribute my time and labor to the extent possible in furtherance of the Village's continued prosperity.

While attending Pace Law School in White Plains, I became interested in immigration law and began to focus all of my energy on my eventual goal of founding an immigration law firm that can assist many of the residents with whom I regularly interact as a resident of Port Chester. Upon graduation from law school, I was awarded a one-year fellowship with the Pace Community Law Practice, a non-profit organization that provides low cost and pro bono legal services to underrepresented segments of Westchester County's immigrant population. During my fellowship, I became acquainted with several local non-profit organizations and personally conducted many community outreach presentations to inform and educate Westchester's immigrant population.

After completing the fellowship, I founded Darian Stout, LLP, a law firm where I am the managing partner. My firm's mission is to help achieve family unity, because family is everything. We have had great success in the fifteen months since our firm was founded, and I have since begun to give back to the community in appreciation for all that has been given to me. I am now a board member of the Hudson Valley Community Coalition, a local organization that seeks to build communities that foster social justice and cultural awareness, particularly with regard to New York's immigrant population. As a partner of Darian Stout, LLP and member of the Hudson Valley Community Coalition, I volunteer my time on Saturdays at the Carver Center in Port Chester where I provide free consultations, immigration benefit screenings, and legal advice to Port Chester residents. Additionally, I regularly conduct community presentations and immigration workshops, the latest of which was presented last month in collaboration with Human Development Services of Westchester in Port Chester. I discussed topics including eligibility for certain immigration benefits, how to avoid immigration scams, and provided "know your rights" information for situations where people are dealing with immigration authorities.

Appointment to the Village of Port Chester's Board of Ethics will further allow me to give back to the community which has given me so much. I believe that my legal training will be an asset for the board by assisting me to competently render advisory opinions to officers and employees of the Village in furtherance of its continued prosperity. For this reason, I respectfully request your consideration for my appointment to the Port Chester Board of Ethics

Sincerely,

  
Pouyan Darian

**Pouyan Darian, Esq.**

411 Westchester Ave., Apt. 4L Port Chester, NY 10573 • (914) 885-3961 • pouyan@darianstout.com

**EDUCATION**

**Pace University School of Law**

White Plains, NY

J.D. received May 2013, Cum Laude

**Binghamton University State University of New York**

Binghamton, NY

B.A. received May 2009

Major: Philosophy, Politics, and Law

**EMPLOYMENT**

**Darian Stout, LLP**

White Plains, NY

*Founding and Managing Partner, September 2014 - Present*

Founding and managing partner of Darian Stout, LLP, a local immigration law firm focusing primarily on providing assistance with family-based immigration petitions and removal (deportation) defense litigation. Regularly work with undocumented children who are the victims of abandonment, neglect, or abuse, so that they can regularize their immigration status. Assist clients to obtain work permits, visas, green cards (permanent residence), and naturalization (U.S. citizenship). Volunteer time by providing free consultations, screenings, and immigration advice at the Carver Center in Port Chester, NY on Saturdays in collaboration with the Hudson Valley Community Coalition. Provide community outreach presentations in collaboration with local non-profit organizations, the most recent of which was held at Human Development Services of Westchester on November 10, 2015 discussing topics including eligibility for certain immigration benefits, how to avoid immigration scams, and "know your rights" when dealing with immigration authorities.

**Pace Community Law Practice**

White Plains, NY

*Fellow, September 2013 - August 2014*

Awarded one-year selective fellowship at non-profit organization providing low cost and pro bono legal services to underrepresented segments of Westchester County's immigrant population. Managed large caseload and engaged in removal (deportation) defense litigation at immigration courts. Applied for visas on behalf of clients, including U Visas for victims of crime and violence. Conducted numerous community outreach events educating the local immigrant population with regard to available immigration benefits as well as "know your rights" presentations throughout Westchester County.

**Immigration Justice Clinic - John Jay Legal Services**

White Plains, NY

*Student Attorney, May 2012 - May 2013*

Independently handled the immigration issues of indigent clients as a student attorney pursuant to 22 NYCRR 805.5. Represented detained asylum-seeker in master and individual hearings at Varick Street immigration court. Represented client in removal proceedings and defeated allegations that criminal conviction amounted to an Aggravated Felony. Represented Special Immigrant Juveniles in Westchester Family Court.

**OTHER**

**Hudson Valley Community Coalition**

Cross River, NY

*Board Member, April 2015 - Present*

Board member of local organization which seeks to build communities that foster social justice and cultural awareness, particularly with regard to New York immigrant populations. Currently engaged in several initiatives, including a campaign to allow undocumented New York residents to obtain driver's licenses as well as a grant to assist undocumented youth to obtain work permits pursuant to federal Deferred Action for Childhood Arrivals ("DACA") program.



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Companies:

Reliance Engine & Hose  
No. 1

Putnam Engine & Hose  
No. 2

Fire Department  
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Pononga Street

Received  
NOV 12 2015  
Village Clerk  
VILLAGE OF PORT CHESTER

Harry Howard Hook &  
Ladder No. 1

Fire Police No. 1

Mellor Engine & Hose Co.  
No. 3

Washington Engine & Hose  
Co. No. 4

Brooksville Engine & Hose  
Co. No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N.Y.:

The *Brooksville & E.H.C. #5 Inc.* respectfully reports that at a meeting held

on *NOV 2 2015* favorable action was taken on the following:

Elected active members *ELIZABETH HALAT 325 KING ST Apt 1K PCNY*

Elected active exempt members \_\_\_\_\_

Elected honorary members \_\_\_\_\_

Members resigned \_\_\_\_\_

Members expelled \_\_\_\_\_

Members suspended \_\_\_\_\_

Members died \_\_\_\_\_

Badges returned (numbers) \_\_\_\_\_

Remarks: \_\_\_\_\_

Secretary,

*Chris Mellis*

Address:

*P.O. Box 1068 PCNY 10573*

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PUTNAM ENGINE & HOSE CO., NO. 2

Organized October 4, 1854

Incorporated May 17, 1954

P.O. Box 933, Port Chester, NY 10573

Received

DEC 3 2015

Village Clerk  
VILLAGE OF PORT CHESTER

December 2, 2015

**VIA EMAIL & REGULAR MAIL**

VILLAGE OF PORT CHESTER

VILLAGE CLERK

222 Grace Church Street

Port Chester, NY 10573

Attn: Vita Sileo

Dear Ms. Sileo:

As of our December 2015 meeting, the Putnam Engine & Hose, Company No.2, has voted into the company the following new member:

Martin Vargas  
138 North Regent Street  
Port Chester, NY 10573

Sincerely yours,  
PUTNAM ENGINE & HOSE COMPANY, No. 2

  
Frank Cervinka  
Secretary

Enclosure



Companies:

Reliance Chemical & Hose  
No. 1

Putnam Steamer & Hose  
No. 2

Fire Department  
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Poningo Street

Received  
DEC 3 2015  
Harry Howard Hook &  
Village Clerk  
VILLAGE OF PORT CHESTER

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose  
No. 4

Brookville Hose No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N. Y.:

The Putnam Engine & Hose Co. 2 respectfully reports that at a meeting held on December 2, 2015 favorable action was taken on the following:

- X Elected active members MARTIN VARGAS
- Elected honorary members \_\_\_\_\_
- Members resigned \_\_\_\_\_
- Members expelled \_\_\_\_\_
- Members suspended \_\_\_\_\_
- Members died \_\_\_\_\_
- Badges returned (numbers) \_\_\_\_\_
- Remarks \_\_\_\_\_

*[Signature]*  
Frank Cervinka  
Secretary  
P.O. Box 933 PCNY