

**AGENDA
CITY COUNCIL
PUBLIC HEARINGS
TUESDAY, MARCH 9, 2021 - 6:00 P.M.**

I. OPENING EXERCISES

- A. Pledge of Allegiance and Moment of Silence
- B. Call to Order
- C. Roll Call

II. PUBLIC HEARINGS

- A. Conditional Use Request of Kelly R. Pezzuolo for a home occupation online pickup and delivery at 222 E. Elizabeth Avenue, located in the R-1 Low Density Residential District of the Second Ward.
- B. Conditional Use Request of Pacific Islander Company for a home occupation prepare Asian foods as a low-impact business for immediate consumption at 424 Sumner Avenue, located in the R-1 Low Density Residential District of the Second Ward.
- C. Conditional Use Request of Yvonne M. Joseph for to go deli/sandwich shop games of skills/8-10 machines at 847 Arlington Avenue, located in the C-1 General Business District of the Fourth Ward.

III. ADJOURNMENT

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NEW CASTLE, PENNSYLVANIA**

2020-21

WHEREAS, the Planning Commission of the City of New Castle, Pennsylvania is the official advisory agent to the Council of the City of New Castle on matters pertaining to the general planning of land; and

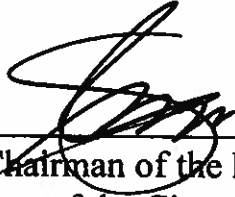
WHEREAS, the Planning Commission of the City of New Castle, Pennsylvania conducted a public meeting on December 15, 2020; and

WHEREAS, the Conditional Use Request of Kelly R. Pezzuolo for a home occupation online pickup and delivery at 222 E. Elizabeth Avenue, located in the R-1 Low Density Residential District of the Second Ward, was reviewed.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NEW CASTLE, PENNSYLVANIA, that approval of the Conditional Use Request of Kelly R. Pezzuolo for a home occupation online pickup and delivery at 222 E. Elizabeth Avenue, located in the R-1 Low Density Residential District of the Second Ward, is recommended.

APPROVAL RECOMMENDED this 15th day of December, 2020.

VOTE: 3 to 0
2 Absent

Vice  ALBERT CONTI
Chairman of the Planning Commission
of the City of New Castle, PA

APPLICATION FOR CONDITIONAL USE

(Pursuant to Section 913.2 of the Municipalities Planning Code and Section 1329.06 of the City of New Castle Zoning Ordinance of 2009)

I. IDENTITY OF PROPERTY FOR WHICH CONDITIONAL USE IS REQUESTED:


Ward: 2 Deed Reference: 2019-007048
[attach copy of deed(s)]

Section: 5 Parcel ID No.: 02119600


Lot No.(s): 313

Street Address: 222 E. Elizabeth Ave.
New Castle, PA 16105

II. APPLICANT:

Name: Kelly R. Pezzuolo Phone No.: 

Address: 222 E. Elizabeth Ave.
New Castle, PA 16105

Owner: Kelly R. Pezzuolo Phone No.: 

Address: 222 E. Elizabeth Ave.
New Castle, PA 16105

(If applicant is not the owner, written authority from the owner to make this application must be attached)

III. CHARACTERISTICS OF PROPERTY FOR WHICH CONDITIONAL USE IS REQUESTED:

Zoning District: R1 Residential Lot Size: 80 x 125

Present Structures or Improvements on the Property: Ranch style home

IV. NATURE OF CONDITIONAL USE REQUEST:

Specific Use Desired: Home Occupation 1329.06(c)
online pickup + delivery

(a site development plan must be attached)

- The desired use is defined as Home Occupation 1329.06(c)
 under §1329.04 of the City of New Castle Zoning Ordinance of 2009.
- The desired use is not defined under §1329.04 of the City of New Castle Zoning Ordinance of 2009.

I verify that the statements of fact made in the foregoing Application for Conditional Use are true and correct to the best of my information, knowledge and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

I request that this Application for a Conditional Use be presented to the Planning Commission of the City of New Castle. I understand that after review of my application, the Planning Commission of the City of New Castle will recommend to New Castle City Council that my conditional use request be approved or denied. I further understand that my request for a hearing pursuant to Section 913.2 of the Pennsylvania Municipalities Planning Code will be made on the date this application is received at a meeting of New Castle City Council.

Dated: 11/05/2020

Kelly R. Pezzuolo
 Applicant

OFFICE OF
Janet L. Kalajainen



REGISTER AND RECORDER
LAWRENCE COUNTY

Lawrence County
Government Center
430 Court Street
New Castle, PA 16101-3593
Phone: (724) 656-2128
Fax: (724) 656-1966
recorder@co.lawrencepa.us



1337137-0034P

RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed

Transaction #: 1320824

Document Date: 09/30/2019

Document Page Count: 4

RETURN TO:

Barristers Land Abstract

SUBMITTED BY:

Barristers Land Abstract

PARCEL ID: 02-119600
NUMBER OF IDS: 1

PARTY 1: CHRIST EVANGELICAL LUTHERAN CHURCH OF NEW CASTLE

CONSIDERATION/SECURED AMT: \$139,900.00

FEES / TAXES:

Recording Fee	\$86.75
State Realty Transfer Tax	\$1,399.00
City of New Castle RTT	\$699.50
City of New Castle SD RTT	\$699.50
Parcel ID Certification Fee	\$10.00

Total: \$2,894.75

Document Number: 2019-007048
Recorded Date: 10/04/2019 08:54:29 AM

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Lawrence County, Pennsylvania



Janet L. Kalajainen

Janet L. Kalajainen
Recorder of Deeds

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
*COVER PAGE MAY NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT
FOR ANY ADDITIONAL INFORMATION.

Prepared by and Return to:
Barristers Land Abstract
1000 Gamma Drive
Pittsburgh, PA 15238
File No.: 19-PA-17875

SPECIAL WARRANTY DEED

This Indenture, made the 3⁰ day of September, 2019,

Between

Christ Evangelical Lutheran Church of New Castle, a Pennsylvania non-profit corporation

GRANTOR, and

Kelly R. Pezzuolo

GRANTEE, and

Witnesseth, that said GRANTOR for and in consideration of the sum of One Hundred Thirty-Nine Thousand Nine Hundred And No/100 Dollars (\$139,900.00) paid to the GRANTOR by the GRANTEE does grant, bargain, sell and convey unto the said GRANTEE, their heirs and assigns,

ALL THAT CERTAIN lot or tract of land situate in the Second Ward of the City of New Castle, County of Lawrence and Commonwealth of Pennsylvania, being known as Lot Nos. 31 and 32, as shown on a certain plan entitled Lots of The Cherryhurst Land Co., as recorded in the Office of the Recorder of Deeds of Lawrence County, Pennsylvania in Plot Book Volume 4, Page 8.

CONTROL NO. 02119600

Certified By mek

BEING the same premises which Fred L. Hartfelder and Jack Hartfelder, Co-Trustees of the Alice K. Hartfelder Living Trust, also known as the Alice K. Hartfelder Trust, dated November 18, 2003, by Deed dated July 20, 2004 and recorded August 2, 2004 in the Office of the Recorder of Deeds in and for the County of Lawrence in Record Book 1963, Page 713, granted and conveyed unto Christ Evangelical Lutheran Church of New Castle, a Pennsylvania non-profit corporation.

SUBJECT to all prior grants and reservations of coal, oil, gas and mining rights, as may appear in prior instruments of record.

WITH the appurtenances; To Have and To Hold the same to and for the use of the said GRANTEE to and for the use of the said GRANTEE, their heirs and assigns forever.

And the GRANTOR, for Christ Evangelical Lutheran Church of New Castle, a Pennsylvania non-profit corporation, hereby covenant and agree that they will WARRANT SPECIALLY the property hereby conveyed.

NOTICE - THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

(This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, the said Grantor has set hand and seal the day and year first above written.

WITNESS

WITNESS

Christ Evangelical Lutheran Church of New Castle, a Pennsylvania non-profit corporation

BY: [Signature]
Rich Matas, Trustee

BY: [Signature]
Timothy Fleissner, Trustee

STATE OF PA

COUNTY OF LAWRENCE

On this, the 30 day of September, 2019, before me, a Notary Public, the undersigned officer, personally appeared Rick Matas & Timothy Fleissner, who acknowledged themselves to be the _____ of _____, and that they as such officers, being authorized to do so, executed the foregoing instrument for the purposes therein.

IN WITNESS WHEREOF, I hereby set hand and official seal.

[Signature]
Notary Public

My Commission Expires: _____

Commonwealth of Pennsylvania - Notary Seal
Michael J. Rapone, Notary Public
Lawrence County
My commission expires September 10, 2022
Commission number 1134259

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS

WITNESS

Kelly R. Pezzuolo
Kelly R. Pezzuolo

Certificate of Residence

I do hereby certify that the Tax Bill Address of the within named grantee/s is:

I do hereby certify that the Owner Mailing Address of the within named grantee/s is

KELLY R. PEZZUOLO
Name/Mortgage Company

In Care of (if required)

In Care of (if required)
222 E. ELIZABETH STREET

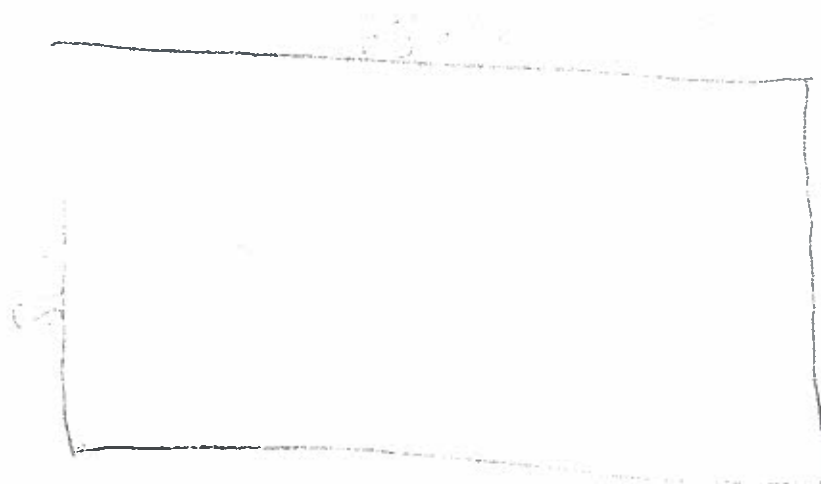
222 E ELIZABETH STREET
Address

Address
NEW CASTLE, PA 16105

NEW CASTLE, PA 16105
City State and Zip Code

City State and Zip Code

[Signature]





Layer List

Layers

Primary Owner_Query result_2

Control Number_Query result

AssessmentInfo

Pictometry



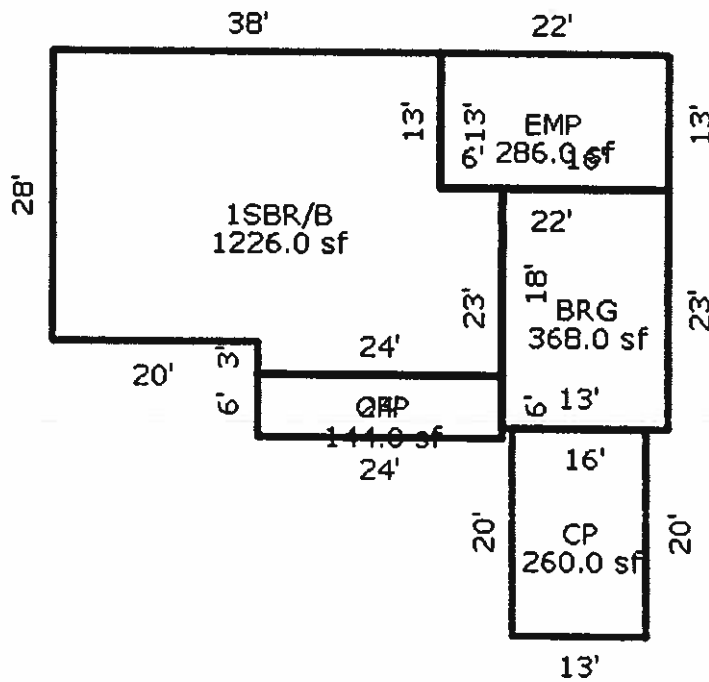
Image Information

Lawrence County

Parcel ID: 02-0005.-0313.-000 Owner: PEZZUOLO, KELLY R

- APEX Sketch (1/1/2011)
- APEX Sketch (1/1/2012)
- APEX Sketch (1/1/2013)
- APEX Sketch (1/1/2014)
- Property Card (3/19/2018)
- APEX Sketch Card (3/22/2018)

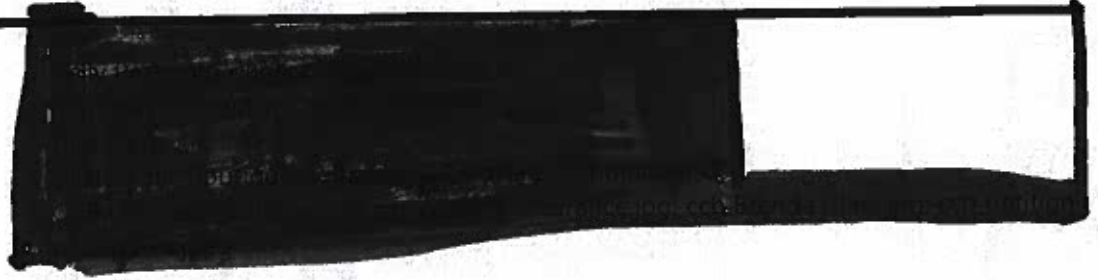
APEX Sketch
Type Code: APEX
Filename: VX008396-1
Date
Acquired: 1/1/2014



courthouseonline.com ... a better way to access public records.™ Website and Services Copyright ©2000 CourthouseOnline.Com, Inc. Copyright and ownership of courthouse data is held by each respective courthouse. All information provided on this site is believed to be reliable but is not guaranteed and should be independently verified. I AGREE that my use of this site is governed by the [Terms of Service](#) and [Privacy Policy](#).

City Clerk

From:
Sent:
To:
Subject:
Attachments:



Hello,

My intent was to have this email sent earlier and my puppy got surgery this week; my sincere apologizes for the delay.

I gathered and compiled several of the letters I had received in support of Castle Chic Boutique. I've also included a screenshot of the responses regarding the Petition I created in hopes to gain even more support amongst the community. I was overjoyed to find that 398 individuals, from all parts of town and even from cities all over, signed my petition in support of my business carrying forward! Please see the attachments.

I ask you all from the bottom of my heart, to please grant me the applied for conditional use permit necessary to allow me to continue my business. As you can see while reading the letters that local business owners and other residents of New Castle wrote me, I am running a very small and very quiet business. I simply started my business to help the people and the city in which I reside. There has never once been more than 2 vehicles in my driveway at once (many times, that is including my own). This is not only my absolute dream and passion, but also my source of income. This is just the beginning, as my plans are to save up as much as possible and soon move into a commercial space where people may come in to shop with me.

Thank you so much for your time in advance. See you all on the Zoom meeting this evening at 6:00pm!

Sincerely,
Kelly Pezzuolo
222 E Elizabeth Street
New Castle, PA 16105

•Michael J. Bailey

232 East Elizabeth St

New Castle, PA 16105


December 2, 2020

Re: Conditional Use Request of Kelly R. Pezzuolo

To Whom It May Concern:

I hope this finds you all safe and well during these uncertain times that this pandemic has created. I am writing this letter to express my wholehearted support for Kelly Pezzuolo and her current request for a home occupation online pickup and delivery at her residence at 222 E. Elizabeth St.

I am Ms. Pezzuolo's direct neighbor, to the west of her property, and would be the most impacted by her business as it relates to any potential associated disturbances. In the short period of time that she has upstarted her business, my wife and I have not experienced any negative disturbance or disruptions with vehicular or customer traffic, and we have not experienced any increase in overall traffic on E. Elizabeth St. Ms. Pezzuolo has done a great job managing the startup of business, while being considerate to the residents in her neighborhood.

My wife and I have been blessed with a close knit family, and prior to the pandemic, many family functions were held at our home. I can assure you that any activity created by Ms. Pezzuolo's business pales in comparison to the traffic that is created by our family functions and we are grateful for our neighbors tolerance around the holidays.

I fully understand that one of many duties of the Commission is to protect the integrity of existing residential areas and to support order and beauty in the development of the City's environment for the convenience and pleasure of its residents. Based on my interactions with Ms. Pezzuolo and her business, I cannot see where an approval of her request would jeopardize the Commission's duty.

Conversely, approving Ms. Pezzuolo's request would give her the opportunity to exercise her right to earn a living as a small business owner, which is critical to her livelihood, especially during these times of economic instability.

Thank you for time, and please reach out if you have any additional questions or concerns.

Best regards,

Michael J. Bailey

• **To Whom it May Concern:**

Hello, my name is Dana Alfasatleh, and I've known Kelly a long time during college and I couldn't imagine someone as kind and sweet as her going through this ordeal. She's running a clean little business with not a lot of foot or vehicular traffic. I would assume we should be more concerned about other issues we are currently facing in New Castle other than her small boutique business. Kelly has hours that you can come by to pickup and look at some stuff, this is not a 24/7 operation. In other words, you can call or text to set up a time and stop by during that specific timeframe. She also has a pickup box for orders, too. New Castle needs more businesses around here and taking another self-owned one away is ridiculous! There is nowhere to buy anything other than Walmart and Gabes. And to be honest..I'm a stay at home mom so I like that I can order off Kelly and have it shipped to me. I would hope you can see and understand this woman's heart and soul is in her business and not shut her down on account of one individual who has an issue or problem. If the person who is complaining could only see exactly what's going on in good faith, I would assure you this wouldn't even be an issue. Thank you for your time.

Sincerely,

Dana Alfasatleh

413 Jenny Ln.

New Castle, PA 16101



• **To whom it may concern,**

Castle chic boutique is a wonderful addition to the town and it deserves to stay. It's so hard for people to start a business with the extremely high rent costs they want right off the bat. This is more than just a start up business, this is someone's dream and livelihood we are talking about. So many peoples business are going under during these horrible times. Now more than ever we need to support small business because it's essentially what keeps this small town in existence anymore.

Getting started in any business is hard. Everyone has to start somewhere and I hate that people just choose to forget that. Kelly is able to slowly build her foundation to opening a store front one day. This is her dream. I don't see how this is an inconvenience to anyone being that she goes by appointment, allowing only two people inside at once and they must wear a mask. It's small and quiet place to pickup orders and take a look at her new items in person. It gets people supporting local so this town doesn't crumble and everyone leave it. Small business are what keeps this town going. As we all know, no outside businesses want to waste their time here so why would you get rid of something that's letting people shop local and support local.

We should be so happy and supportive of Kelly chasing her dreams of starting her business here in the city of new castle. We need this. The people need of this town need places like this. As an almost weekly shopper, if I have the chance to stop here to grab my orders and look at her items in person, for a gift for someone or something for myself, I will do that instead of driving to Boardman to go to the mall. We need places like Castle Chic Boutique. We need to support local people's dreams and let them be achieved. Life is hard and especially during a pandemic, let us enjoy her business, it's not hurting anyone by being here. I hope to see Castle Chic Boutique flourish and I will continue to support Kelly as often as I can.

Thank you,
Chelsea Fiacco
12/1/2020

• **To whom this may concern:**

I am writing this letter as a friend, a shopper, and as a business owner of new castle. I believe Kelly Pezzuolo, owner of Chic Boutique, has brought a beautifully decorated, safe, and enjoyable business to all, including men, to our small area. It excites me to know if I need a last minute gift, Kelly will be available for me to shop and pickup at a scheduled time! As a small business owner, I know how slow start up can be and Kelly truly has pushed herself to succeed and will continue and should be aloud to at her home. She is dedicated and will continue to show you she will not throw the towel in! I will end on this note- let Kelly run her business, let her bring some light to this dark time in our world and to community. Let Kelly be Kelly and let everyone enjoy the business she's worked hard to build!!

Thank you,

-Anonymous (requesting to not be named)

• **To whom it may concern,**

Kelly is one of the kindest, friendliest, and positive people I have ever met. She never has a bad thing to say about anyone and always speaks highly of others. She has worked so hard to get where she is today and is a true inspiration as she has made her dream a reality -- Castle Chic Boutique. Not only is she providing awesome pieces that are reasonably priced, but she is providing positivity and confidence to women of all ages. And considering the current pandemic our country is facing, we could all use a little more positivity and confidence!

I have a 16 month old son and after becoming a mom, a lot changes and sometimes you just don't feel completely like yourself anymore. On the occasions that I have supported her business and talked with Kelly, she has made me feel extremely confident and her positive attitude is contagious! She gives you a positive experience that you never really get when shopping in large department stores. I love that I can choose to pick up my order when it's ready or receive it in the mail, because she conveniently ships! With that being said, everyone could learn something from Kelly, and that is to stay positive no matter what life throws your way! If you don't know Kelly, you might not know just how much her small business means to her, but I am sure others will agree when I say it also means a lot to us women, especially those that need that extra confident boost and positivity in their life.

Sincerely,

Nicole Stanyard

• November 23rd, 2020

To whom this may concern,

I would like to thank you for taking the time for Kelly Pezzuolo to explain her passion for the business she is trying to build. I, Samantha Bovo, first met Kelly in 2010. I was working as a store manager at Dunkin' Donuts in Poland, OH. She was hired as a crew member and quickly transitioned as a shift manager. Kelly was an outstanding employee who customers loved, she lights up a room. Throughout the years, Kelly has also volunteered her time at different Food Banks, giving back to her local communities. For the time I have known Kelly, I know that she loves people, loves fashion and, helps

people feel good about themselves. Starting her own business; Castle Chic Boutique has become a dream of hers. She is good at what she does and works hard for what she has become. She deserves this. Anyone who works hard deserves it. Shutting her business down from her home is not the correct thing to do. She has guidelines people must follow when making an appointment. There has been no harm in any way. I love her website and she clearly explains her guidelines for picking up orders or receiving them via USPS. So there are never several amounts of people on the streets or in her driveway. Please consider keeping her business afloat because this is something she wants to make a career out of. Everyone deserves a chance.

Thank you,

Samantha Bovo

• 11/23/2020

To Whom It May Concern:

My name is Amy Donston and I am writing in support of Castle Chic Boutique, LLC. in recent years, unfortunately many local shops in New Castle and Lawrence County in general have had to close their door. This drives business out of our city and to department stores for purchases. In recent months, local entrepreneurs have been opening small businesses, whether online or in their homes, to provide residents with clothing, gifts, and many other items. This has been very positive for those that enjoy finding unique pieces without leaving New Castle, myself included. Kelly is my sister, however, I stand in support of any and all local small businesses. Kelly has worked very hard to cater to the local community with her business. She has established procedures in place to ensure a safe experience. Kelly has dedicated a space for her received orders in an attached sunroom on the side of her home. While it is attached, it is still totally separate from her living quarters, with its own separate entrance. I am asking that you allow her business to continue to serve the people of the city of New Castle, who have been so

happy to finally have the ability to support local in the city in which they live. I know that Kelly is hardworking, determined and driven in her mission to provide affordable, trendy pieces to the community.

Sincerely,

Amy Donston

•

• **11-25-2020**

• **To Whom It May Concern,**

Kelly Pezzuolo is a motivated and intelligent young adult. She had the desire to start her own business in the area and New Castle needs businesses! She is not only working to improve herself but the community, especially now in these trying and unpredictable times. I hope that you will grant her the opportunity to succeed in our town.

Thank you!

Sincerely,

Susan Scharf

RUSSELL B. CANAN AGENCY, LLC.

1607 West State Street -- New Castle, Pennsylvania 16101 - [REDACTED]

November 30, 2020

Planning Commission
City of New Castle, Pennsylvania

RE: CASTLE CHIC BOUTIQUE

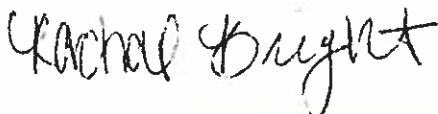
To Whom It May Concern:

We are writing today to show full support for Ms. Kelly Pezzuolo and the Castle Chic Boutique. Further, we are also in full support of the intended home occupancy of the previously stated entity.

As fellow business owners in the New Castle area, we feel compelled to support and encourage other local businesses during these trying times. Castle Chic Boutique helps patrons dress with confidence and gives back to the community. Ms. Pezzuolo generously donated 15% of proceeds from an October sale to the American Cancer Society. We are of the opinion that exemplary business owners such as Ms. Pezzuolo should be allowed to continue operations that allow for such charitable offerings.

Please do not hesitate to call our office at [REDACTED] should you have any further questions or wish for us to expand upon our support for Castle Chic Boutique. We could gladly fill multiple pages with our praise of Ms. Pezzuolo as well as her business pursuit.

Sincerely,



Rachal Bright
Russell B. Canan Agency, LLC
1607 W State Street
New Castle, PA 16101
[REDACTED]

RUSSELL B. CANAN AGENCY, LLC.

1607 West State Street -- New Castle, Pennsylvania 16101 -- [REDACTED]

November 30, 2020

Planning Commission
City of New Castle, Pennsylvania

RE: CASTLE CHIC BOUTIQUE


To Whom It May Concern:

We are writing today to show full support for Ms. Kelly Pezzuolo and the Castle Chic Boutique. Further, we are also in full support of the intended home occupancy of the previously stated entity.

As fellow business owners in the New Castle area, we feel compelled to support and encourage other local businesses during these trying times. Castle Chic Boutique helps patrons dress with confidence and gives back to the community. Ms. Pezzuolo generously donated 15% of proceeds from an October sale to the American Cancer Society. We are of the opinion that exemplary business owners such as Ms. Pezzuolo should be allowed to continue operations that allow for such charitable offerings.

Please do not hesitate to call our office at [REDACTED] should you have any further questions or wish for us to expand upon our support for Castle Chic Boutique. We could gladly fill multiple pages with our praise of Ms. Pezzuolo as well as her business pursuit.

Sincerely,



Rachal Bright

Russell B. Canan Agency, LLC
1607 W State Street
New Castle, PA 16101
[REDACTED]

November 30, 2020

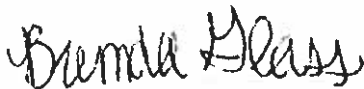
To Whom It May Concern:

This letter is intended to state my full support for Castle Chic Boutique and the owner, Kelly Pezzuolo.

As a patron of Castle Chic Boutique, I can attest to the confidence and joy that shopping with Ms. Pezzuolo gives customers. It is a shining example of positivity for the city, gives back to the community charitably, and is a newfound source of hometown pride. Castle Chic Boutique should be allowed to continue all operations as it has been nothing but a constructive entity from its inception. Ms. Pezzuolo deserves the chance to further develop her business and continue with her planned charitable pursuits.

I can be reached at [REDACTED] if additional supporting statements or documents are desired. Please consider allowing this deserving small business to continue to flourish. Thank you for your time and attention to this request.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Glass".

Mrs. Brenda Glass


Unlock all 356 additional responses →

Castle Chic Boutique, LLC Petition

396
Total Responses

396
Completed Responses

 **Edit**

 **Send**

 **Analyze**

SETTINGS

Survey Status: OPEN



New Response Alerts



DETAILS

Respondents **396**

Completion Rate **100%**

City Clerk

From: [REDACTED]
Sent: Thursday, February 11, 2021 3:11 PM
To: City Clerk
Subject: One last letter from my neighbor

Hello!

I just received a visit from a neighbor of mine, Kris Cousins, inquiring about the public notice sign in my front yard. He felt strongly about the matter and asked to support me by sending his letter in to you all. I hope you have a moment to read it before our meeting this evening, as I feel that the testimonies from my direct neighbors are extremely important and relevant to the matter.

Thank you again so very much for your time. It is pasted below in the body of this email.

Sincerely,
Kelly Pezzuolo

"The Council of the City of New Castle, PA

My name is Kris Cousins and I live two doors down from Kelly Pezzuolo and Mike Anderson. I first met Ms. Pezzuolo when she was walking her dog shortly after she moved in, and seeing her when she walks her dog has been the bulk of my exposures to her. She has always been friendly and kind, but never intrusive, prying, or gossipy; basically my definition of a wonderful neighbor.

I have absolutely no issue whatsoever with Ms. Pezzuolo running her business out of her home. Since she began her operations in the summer, I have not observed any increase in traffic or noise in the neighborhood. If it weren't for the commotion caused by the offending neighbor registering a complaint, I wouldn't have even been aware that she was running a business. I'm guessing nobody else would have either if it weren't for the small tasteful sign placed near their house. I believe Ms. Pezzuolo does the majority of her sales online, utilizing the delivery services of UPS, FedEx, or USPS to receive and deliver her wares. Most everyone is ordering a significant portion of their goods online and having them delivered to their homes nowadays, so Kelly's business is barely distinguishable from someone that simply does a lot of online shopping and sends back things that don't fit, don't work, or are defective. The only mistake she has made is being open and transparent and posting a sign out front, although I personally don't consider that a mistake. If she hadn't posted a sign, a busybody neighbor with too much time and interest in other people's business may have accused her or selling narcotics or machine gun parts, so her transparency should not be punished.

When I am aware of any issues, I always ask myself "Does this cause me any actual harm?". I don't consider hurt feelings or emotions; only examining whether my body, my property, my finances, or my reputation are inflicted with damage. In the event of Ms. Pezzuolo's business, I can assertively state that I have suffered no harm whatsoever.

During this current pandemic, it is especially absurd that an objection has been raised against Ms. Pezzuolo's entrepreneurial efforts. Millions have lost their jobs and our entire economy has been upended; people are scrambling to find new ways to eke out a living, let alone thrive. Not everyone is fortunate enough to have retired with a pension and have so much free time that their biggest concerns are the perfectly legal activities of their neighbors. Instead of taking money out of the government, Kelly is trying to carry her own weight and actually put money back into the

government in the form of income and sales taxes. I'm sure Kelly doesn't want to run her business out of her home and dreams of the day that it's big enough to justify an office space, but that isn't her current reality. If her business gets to be big enough where there is a traffic, noise, parking, or trash problems, I will bring my concerns to Ms. Pezzuolo's attention, but again I reiterate that there have been no issues thus far. I'm confident that it will remain that way.

Thank you for your time and consideration. "

-Sincerely,
Kris Cousins

CONDITIONAL USE PUBLIC HEARING NOTICE

Notice is hereby given that the Council of the City of New Castle, PA, will hold a Public Hearing on Tuesday, March 9, 2021 at 6:00 p.m., for the purpose of hearing comments on the Conditional Use Request of Kelly R. Pezzuolo for a home occupation online pickup and delivery at 222 E. Elizabeth Avenue, located in the R-1 Low Density Residential District of the Second Ward.

Please note that due to the COVID-19 pandemic, it is anticipated that the public hearing will be held virtually via Zoom. If it will be held virtually via Zoom, information regarding when and how to submit comments and/or questions will be available on the City of New Castle website (<http://www.newcastlepa.org/>) on the City's calendar page and a video recording of the public hearing will be posted on the City of New Castle website (<http://www.newcastlepa.org/>) after the public hearing has concluded. If the City Building is open to the public the public hearing will be held in Council Chambers, City Building, 230 N. Jefferson Street, New Castle, PA.

CITY OF NEW CASTLE, PA
Ciara Buck, Deputy City Clerk

LEGAL NEWS:

Friday, February 19, 2021
Friday, February 25, 2021

NO BOLDING - NO AFFIDAVIT

Affidavit

I am the Zoning Office for the City of New Castle, Lawrence County,
Pennsylvania. On FEBRUARY 19, 20 21, I posted a notice announcing the
public hearing on the conditional use request of KELLY R. PEZZUOLO

_____ (“Notice”) upon the premises located at:

222 E. ELIZABETH AVENUE, New Castle, PA 16105

(“Premises”). A true and correct copy of the Notice is attached hereto. The Notice was
posted in a conspicuous place on the Premises.

I verify that the statements made herein are true and correct to the best of my
information, knowledge and belief. I understand that false statements herein made are
subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to
authorities.

Date: 2/19/21

James Farris
James Farris

NOTICE

Notice is hereby given that the Council of the City of New Castle, PA, will hold a Public Hearing on Tuesday, March 9, 2021 at 6:00 p.m., for the purpose of hearing comments on the Conditional Use Request of Kelly R. Pezzuolo for a home occupation online pickup and delivery at 222 E. Elizabeth Avenue, located in the R-1 Low Density Residential District of the Second Ward.

*** Please note that due to the COVID-19 pandemic, it is anticipated that the public hearing will be held virtually via Zoom. If it will be held virtually via Zoom, information regarding when and how to submit comments and/or questions will be available on the City of New Castle website (<http://www.newcastlepa.org/>) on the City's calendar page and a video recording of the public hearing will be posted on the City of New Castle website (<http://www.newcastlepa.org/>) after the public hearing has concluded. If the City Building is open to the public the public hearing will be held in Council Chambers, City Building, 230 N. Jefferson Street, New Castle, PA.**

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NEW CASTLE, PENNSYLVANIA**

2020-22

WHEREAS, the Planning Commission of the City of New Castle, Pennsylvania is the official advisory agent to the Council of the City of New Castle on matters pertaining to the general planning of land; and

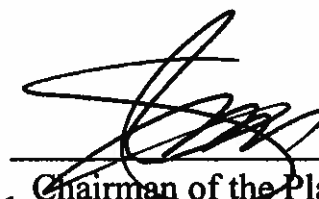
WHEREAS, the Planning Commission of the City of New Castle, Pennsylvania conducted a public meeting on December 15, 2020; and

WHEREAS, the Conditional Use Request of Pacific Islander Company for a home occupation prepare Asian foods as a low-impact business for immediate consumption at 424 Sumner Avenue, located in the R-1 Low Density Residential District of the Second Ward, was reviewed.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NEW CASTLE, PENNSYLVANIA, that approval of the Conditional Use Request of Pacific Islander Company for a home occupation prepare Asian foods as a low-impact business for immediate consumption at 424 Sumner Avenue, located in the R-1 Low Density Residential District of the Second Ward, is recommended.

APPROVAL RECOMMENDED this 15th day of December, 2020.

VOTE: 3 to 0
2 Absent


Vice Chairman of the Planning Commission
of the City of New Castle, PA

Request No.: 2020-22

APPLICATION FOR CONDITIONAL USE

(Pursuant to Section 913.2 of the Municipalities Planning Code and Section 1329.06 of the City of New Castle Zoning Ordinance of 2009)

I. IDENTITY OF PROPERTY FOR WHICH CONDITIONAL USE IS REQUESTED:

Ward: 2ND Deed Reference: DOCUMENT NO. ²⁰²⁰⁻⁰⁰²²²⁴ ~~02300300~~ TLE 11.10.2020
(attach copy of deed(s))
Section: 8 OF NEW TAX MAP, 9 OF OFFICIAL SURVEY Parcel ID No.: 02300300
Lot No.(s): 486 ON SECTION 8; 540, 540-A, & 541 ON SECTION 9
Street Address: 424 SUMNER AVE
NEW CASTLE, PA 16105

II. APPLICANT:

Name: PACIFIC ISLANDER COMPANY Phone No.: [REDACTED]
Address: 424 SUMNER AVE
NEW CASTLE, PA 16105
Owner: TALLORI CURETON Phone No.: [REDACTED]
Address: 424 SUMNER AVE
NEW CASTLE, PA 16105

(If applicant is not the owner, written authority from the owner to make this application must be attached)

III. CHARACTERISTICS OF PROPERTY FOR WHICH CONDITIONAL USE IS REQUESTED:

Zoning District: R-1 Lot Size: 0.61 ACRES
Present Structures or Improvements on the Property: FENCED-IN POOL AREA, POOL HOUSE, 3-CAR ATTACHED GARAGE, RECREATION ROOM WITH BAR & SAUNA

IV. NATURE OF CONDITIONAL USE REQUEST:

Specific Use Desired: PREPARE ASIAN FOODS AS A LOW-IMPACT BUSINESS FOR IMMEDIATE CONSUMPTION

(a site development plan must be attached)

- The desired use is defined as HOME OCCUPATION under §1329.04 of the City of New Castle Zoning Ordinance of 2009.
- The desired use is not defined under §1329.04 of the City of New Castle Zoning Ordinance of 2009.

I verify that the statements of fact made in the foregoing Application for Conditional Use are true and correct to the best of my information, knowledge and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

I request that this Application for a Conditional Use be presented to the Planning Commission of the City of New Castle. I understand that after review of my application, the Planning Commission of the City of New Castle will recommend to New Castle City Council that my conditional use request be approved or denied. I further understand that my request for a hearing pursuant to Section 913.2 of the Pennsylvania Municipalities Planning Code will be made on the date this application is received at a meeting of New Castle City Council.

Dated: 11.03.2020

TALLORI CURETON *Tai Lori Cureton*
Applicant

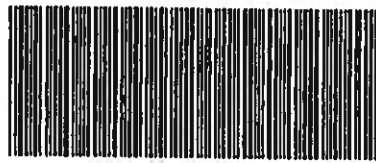
OFFICE OF
Janet L. Kalajainen



REGISTER AND RECORDER
LAWRENCE COUNTY

Lawrence County

Government Center
430 Court Street
New Castle, PA 16101-3593
Phone: (724) 656-2128
Fax: (724) 656-1966
recorder@co.lawrencepa.us



1342883-0023R

RECORDING COVER PAGE

Page 1 of 6

Document Type: Deed
Document Date: 03/06/2020

Transaction #: 1328148
Document Page Count: 5

RETURN TO:
Barristers Land Abstract

SUBMITTED BY:
Barristers Land Abstract

PARCEL ID: 02-300300
NUMBER OF IDS: 1

PARTY 1: VICTOR T EHRE

CONSIDERATION/SECURED AMT: \$199,900.00

FEES / TAXES:

Recording Fee	\$86.75
Extra Page Fee	\$2.00
State Realty Transfer Tax	\$1,999.00
City of New Castle RTT	\$999.50
City of New Castle SD RTT	\$999.50
Parcel ID Certification Fee	\$10.00
Total:	\$4,096.75

Document Number: 2020-002226
Recorded Date: 04/02/2020 03:01:26 PM

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Lawrence County, Pennsylvania



Janet L. Kalajainen

Janet L. Kalajainen
Recorder of Deeds

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.
*COVER PAGE MAY NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT
FOR ANY ADDITIONAL INFORMATION.

Prepared by and Return to:
Barristers Land Abstract
1000 Gamma Drive
Pittsburgh, PA 15238
File No.: 20-PA-20008

SPECIAL WARRANTY DEED

This Indenture, made the 6 day of *March*, 2020,

Between

Victor T. Ehre, III and Kathleen McGuire, husband and wife

Matthew Cureton and Tai Cureton, husband and wife

GRANTOR, and

GRANTEE, and

Witnesseth, that said GRANTOR for and in consideration of the sum of One Hundred Ninety-Nine Thousand Nine Hundred And No/100 Dollars (\$199,900.00) paid to the GRANTOR by the GRANTEE does grant, bargain, sell and convey unto the said GRANTEE, their heirs and assigns,

ALL THOSE CERTAIN pieces, parcels or lots of land situate lying and being in the Second Ward of the City of New Castle, Lawrence County, Commonwealth of Pennsylvania, being Lot No. 482 on Section 8, now known as Lot No. 486 on Section 8 of new Tax Map of the City of New Castle, and Lot Nos. 540, 540-A and 541 on Section 9 of the Official Survey of the City of New Castle, and being bounded and described as follows:

BEGINNING at a point on the South line of Sumner Avenue, said point being 108.1 feet West of the intersection of the South line of Sumner Avenue with the West line of Delaware Avenue; thence by lands now or formerly of Arthur F. Flamino, et ux., South 01 degree 41-1/4 minutes East, a distance of 130 feet to a point on line of lands now or formerly of Rocco J. Vitale, et ux.; thence South 88 degrees 18-1/4 minutes West, a distance of 30.8 feet to a point; thence in a Southerly direction a distance of 25 feet, more or less to a point on line of lands now or formerly of James R. Bruening, et ux.; thence by said lands now or formerly of Bruening and lands now or formerly of Euclid Manor Corporation in a Westerly direction a distance of 137 feet, more or less, to a point on line of lands now or formerly of Robert M. White II, et ux.; thence by line of lands now or formerly of White in a Northerly direction and at right angles to Sumner Avenue, a distance of 153 feet, now 163 feet as shown on new Tax Map of the City of New Castle, to the South line of Sumner Avenue; thence in an Easterly direction along the South line of Sumner Avenue, a distance of 169.64 feet to a point, the place of BEGINNING.

Certified By JR

CONTROL NO. 02300300

BEING the same premises which Robert C. Young and Patricia C. Young, husband and wife, by Deed dated November 30, 2009 and recorded December 9, 2009 in the Office of the Recorder of Deeds in and for the County of Lawrence in Document No. 2009-010236, granted and conveyed unto Victor T. Ehre, III, by Victor T. Ehre, Jr., as attorney in fact.

The said Victor T. Ehre, III is married to Kathleen McGuire who joins in this conveyance to transfer any and all right, title and interest she may have in the above described property.

IN ACCORDANCE with the provisions of "the Solid Waste Management Act of 1980," the undersigned Grantor hereby certifies to the best of his/her/their knowledge that there is not presently, nor has there ever been, any disposal of "hazardous waste" on the piece of parcel of land herein conveyed.

SUBJECT to all prior grants and reservations of coal, oil, gas and mining rights, as may appear in prior instruments of record.

WITH the appurtenances; **To Have and To Hold** the same to and for the use of the said GRANTEE to and for the use of the said GRANTEE, their heirs and assigns forever.

And the GRANTOR, for Victor T. Ehre, III and Kathleen McGuire, husband and wife, hereby covenant and agree that they will **WARRANT SPECIALLY** the property hereby conveyed.

NOTICE - THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

(This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, the said Grantor has set hand and seal the day and year first above written.

WITNESS

Kathleen McGuire
Kathleen McGuire

STATE OF California

County of Orange

On the 6th day of March, 2020, before me, the undersigned officer, personally appeared Kathleen McGuire, married, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereby set hand and official seal.

K

Notary Public

My Commission Expires: Oct 4, 2023

(SEAL)

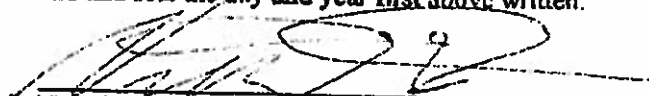


NOTICE - THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT.

(This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

In Witness Whereof, the said Grantor has set hand and seal the day and year first above written.

WITNESS

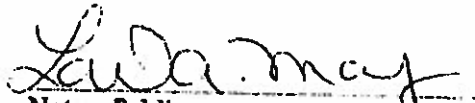

Victor T. Ehre, III

STATE OF Pennsylvania

County of Allegheny

On the 27 day of March, 2020, before me, the undersigned officer, personally appeared Victor T. Ehre, III, a married man, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged executing the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereby set hand and official seal.


Notary Public

My Commission Expires: 6-7-20



(SEAL)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Lori A. Morgan, Notary Public
O'Hara Twp., Allegheny County
My Commission Expires June 7, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS

WITNESS


Matthew Cureton

Tai Cureton

Certificate of Residence

I do hereby certify that the Tax Bill Address of the within named grantee/s is:

I do hereby certify that the Owner Mailing Address of the within named grantee/s is

NEWREZ ,LLC

Name/Mortgage Company

In Care of (if required)

424 SUMNER AVENUE

In Care of (if required)

1100 VIRGINIA DRIVE

Address

NEW CASTLE, PA 16105

Address

City State and Zip Code

FORT WASHINGTON, PA 19034

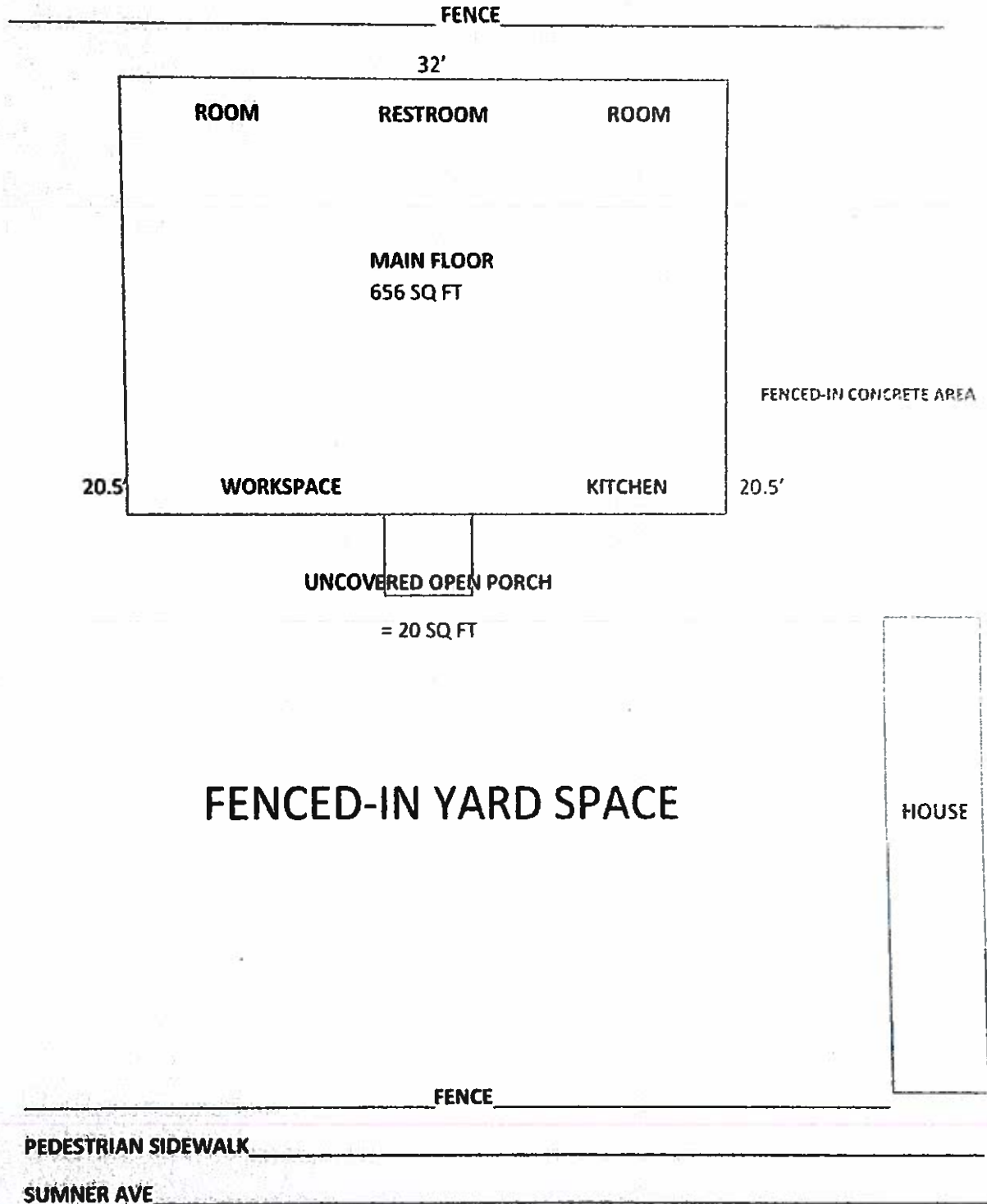
City State and Zip Code



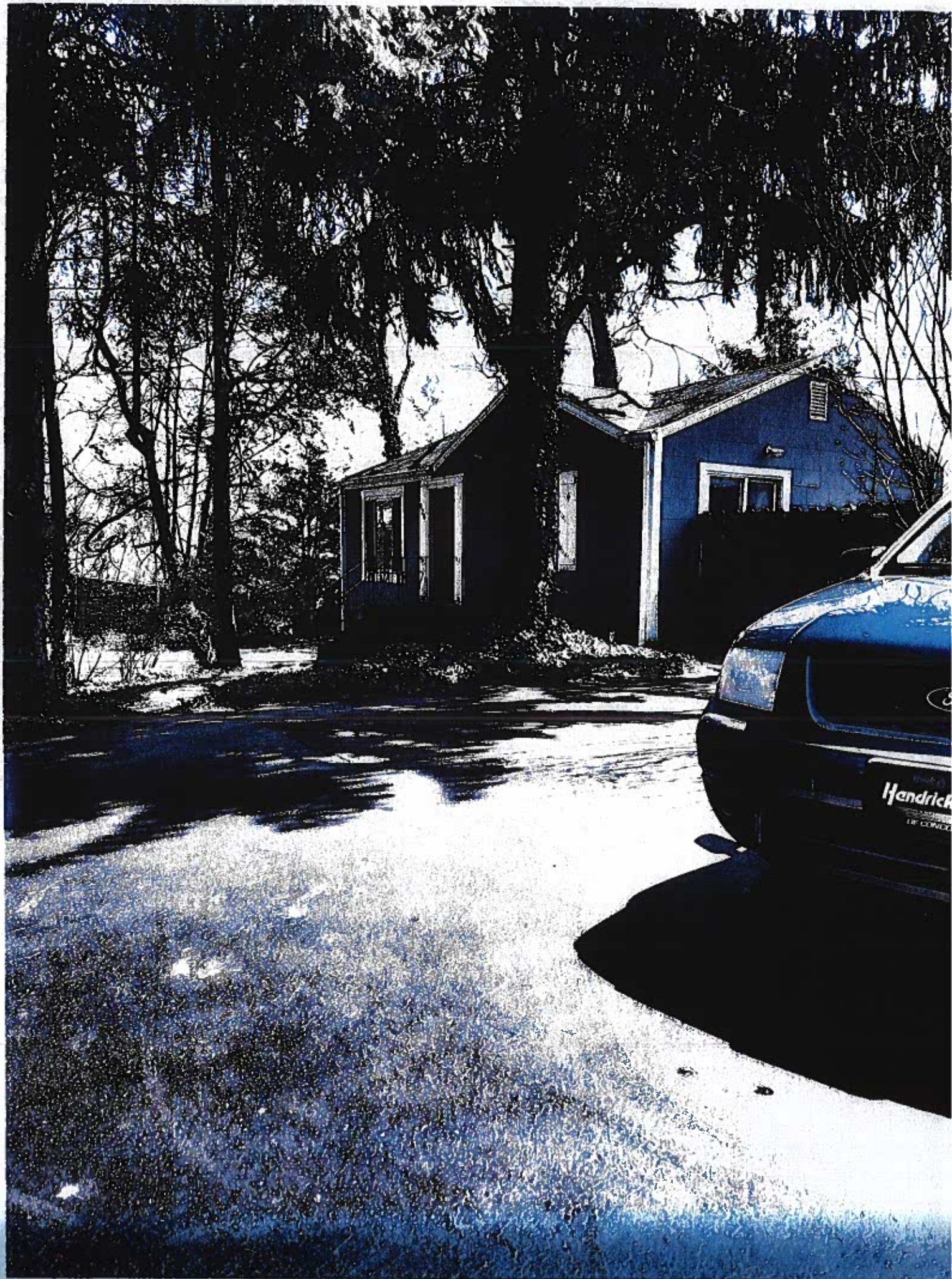
PACIFIC ISLANDER COMPANY - SITE DEVELOPMENT PLAN

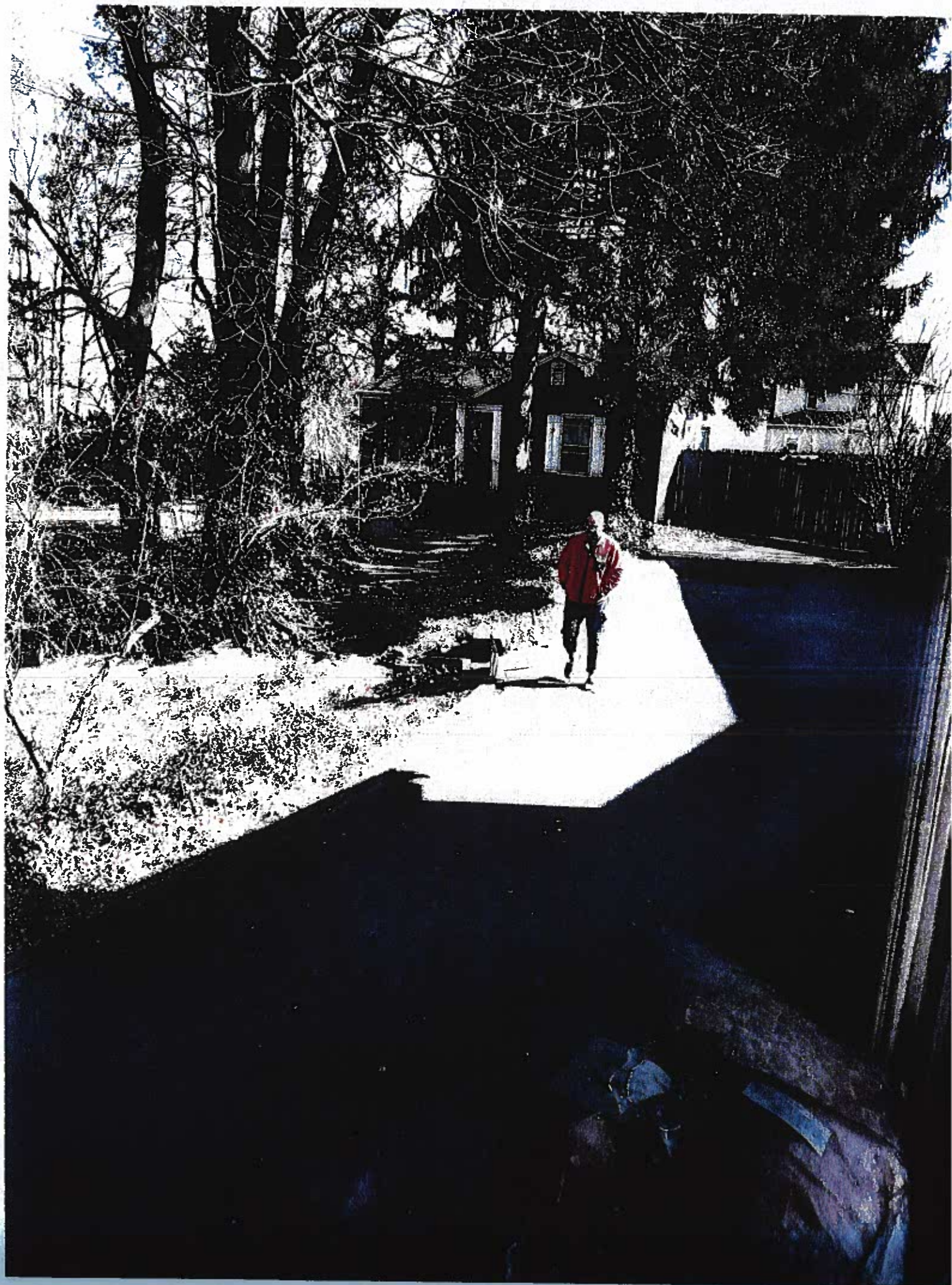
424 SUMNER AVE NEW CASTLE, PA 16108

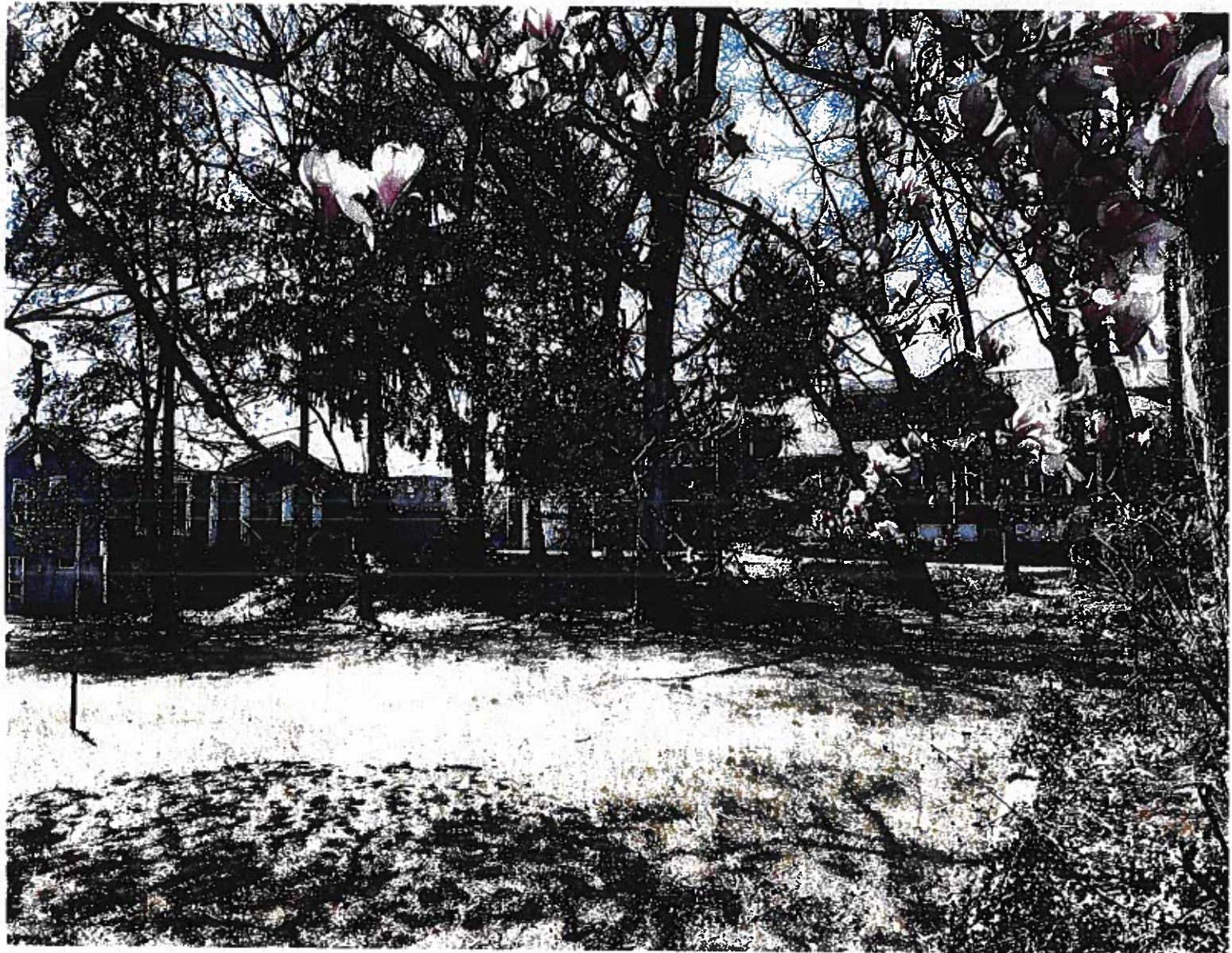
OWNER: MRS TAJ L CURETON



PLEASE NOTE! 1" = 8FT



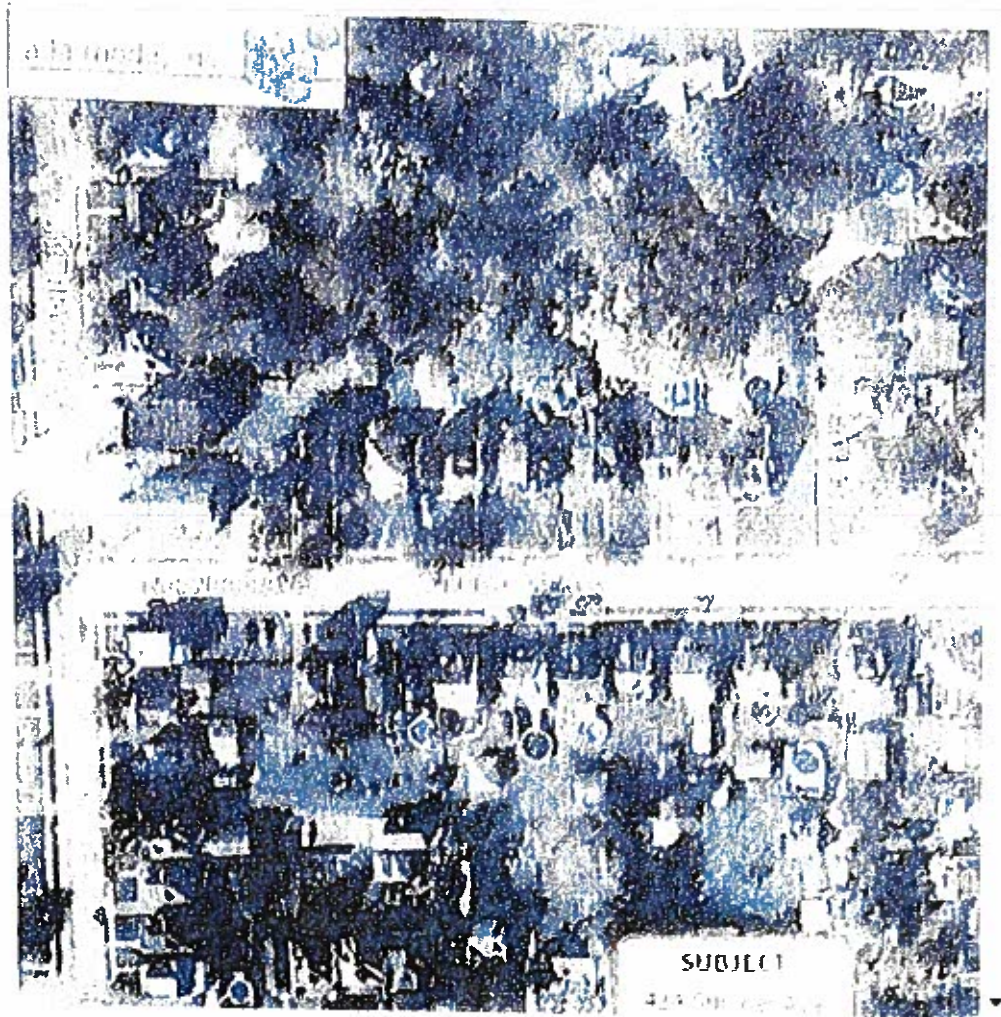






Aerial Map

City/County	Maricopa County
Address	421 Summer Ave
City	New Castle
Zip Code	85113 AZ



City Clerk

From: [REDACTED]
Sent: Monday, February 8, 2021 10:27 PM
To: City Clerk
Subject: Conditional Use Request - Home Occupation - Supporting Documents
Attachments: Business Plan Submission - Pacific Islander Company.pdf; OFFICIAL Pacific Islander Company letterhead.docx; Pacific Islander Company official logo.png; Pacific Islander Company Employee Health Policy.pdf; IMG_20200303_113627877_HDR.jpg; MyPhotos.zip

Importance: High

Good evening!

The following attachments contain supporting documents for my Home Occupation Conditional Use Request. The attachments include pictures of food prep and cooked foods, a business plan, business letterhead, and Employee Health Policy. Thank you graciously for your time; take care and stay safe, and I look forward to the Zoom meeting this Thursday!

Pinahalagahan kita... I appreciate you,

Mrs Tai L Cureton

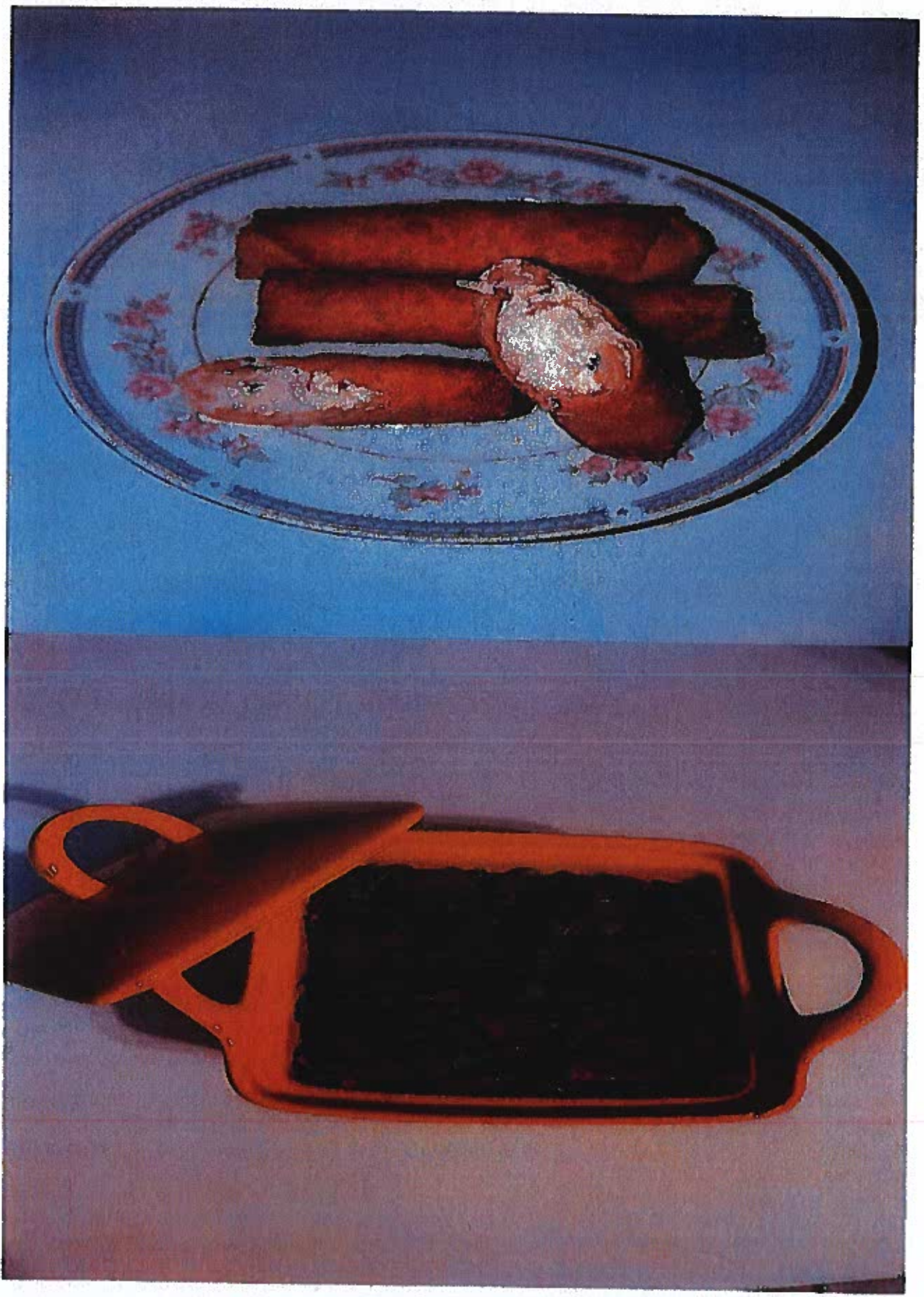
Owner of Pacific Islander Company

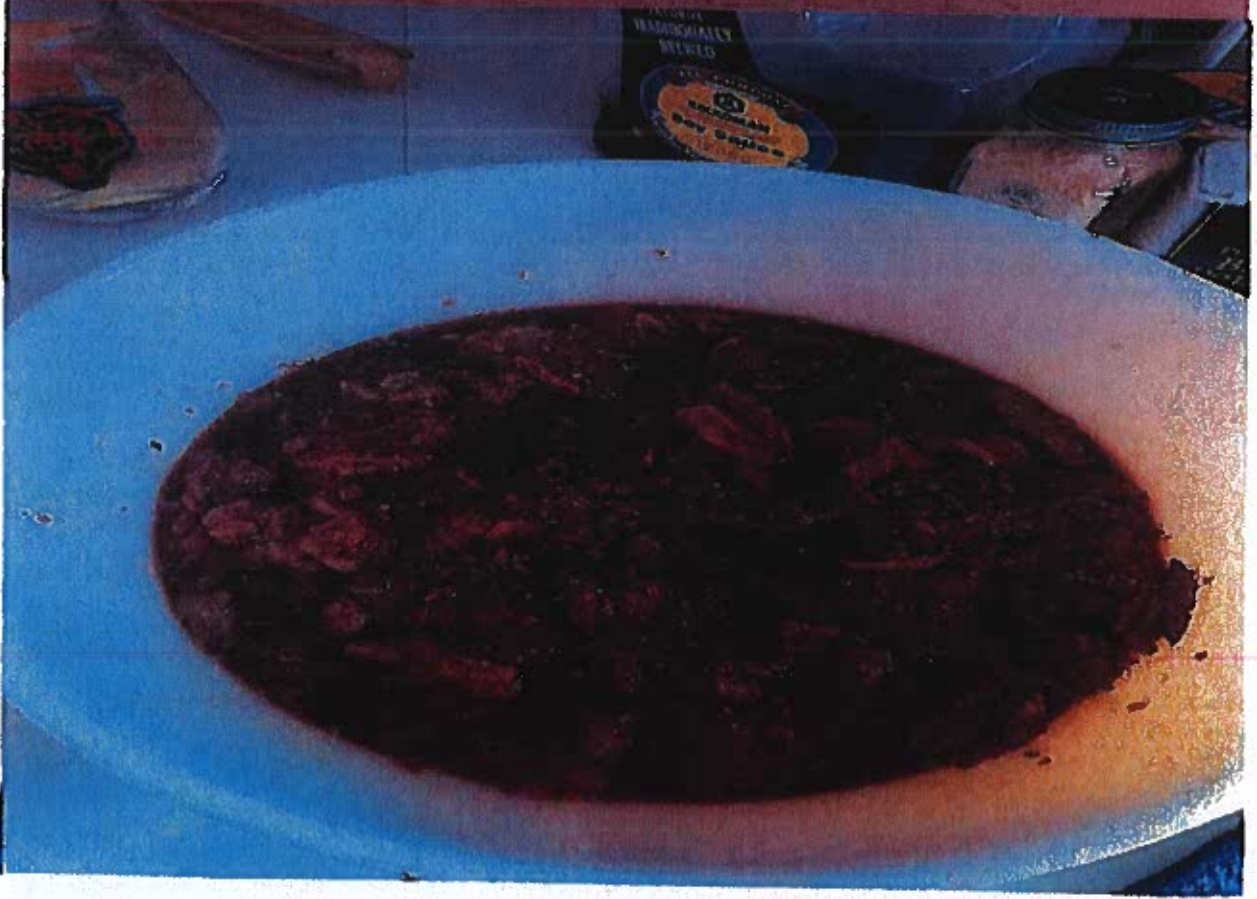
[REDACTED] Main

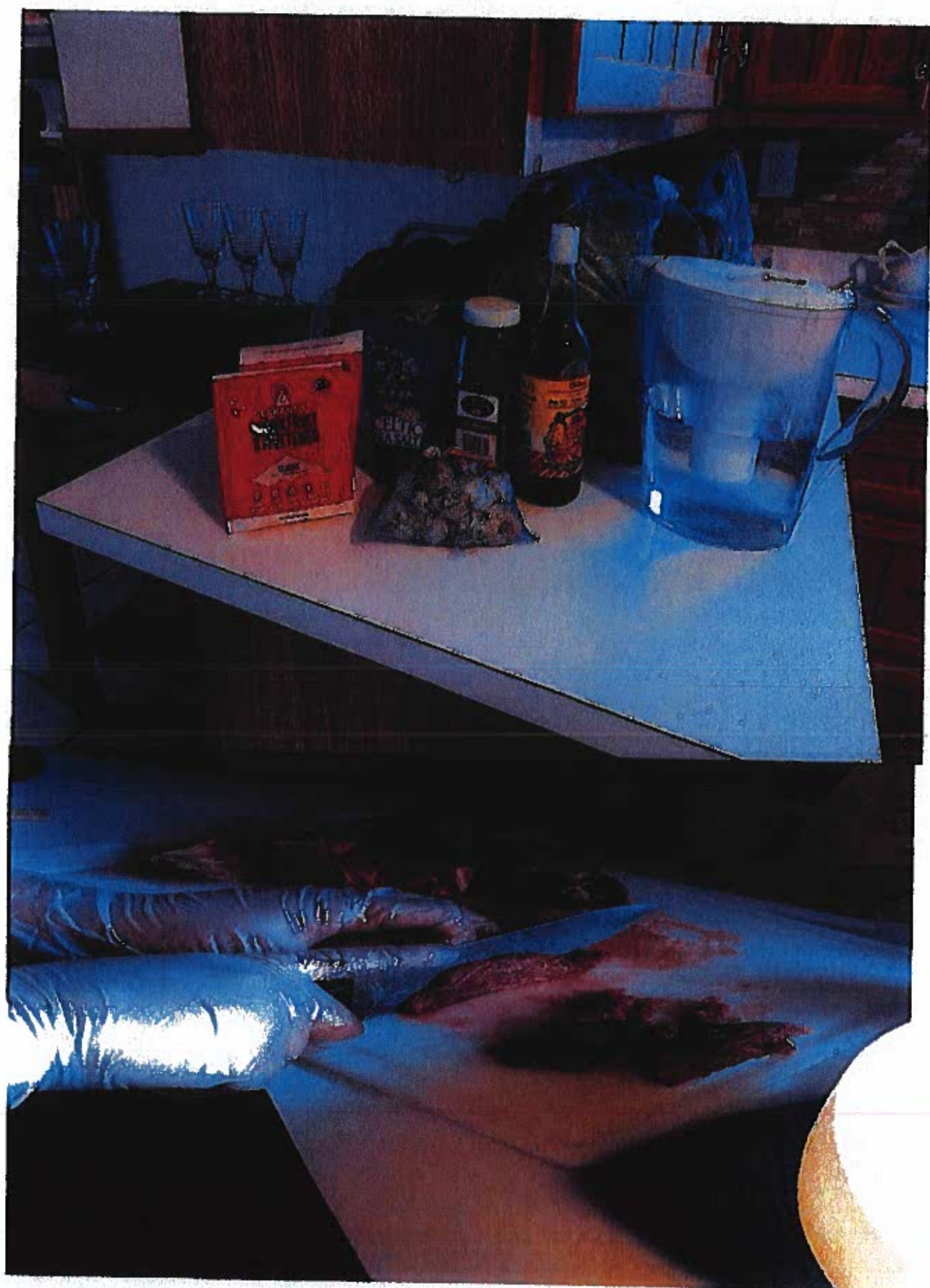
Enjoy some food. Learn the culture. Maraming Salamat!... Thank you very much!

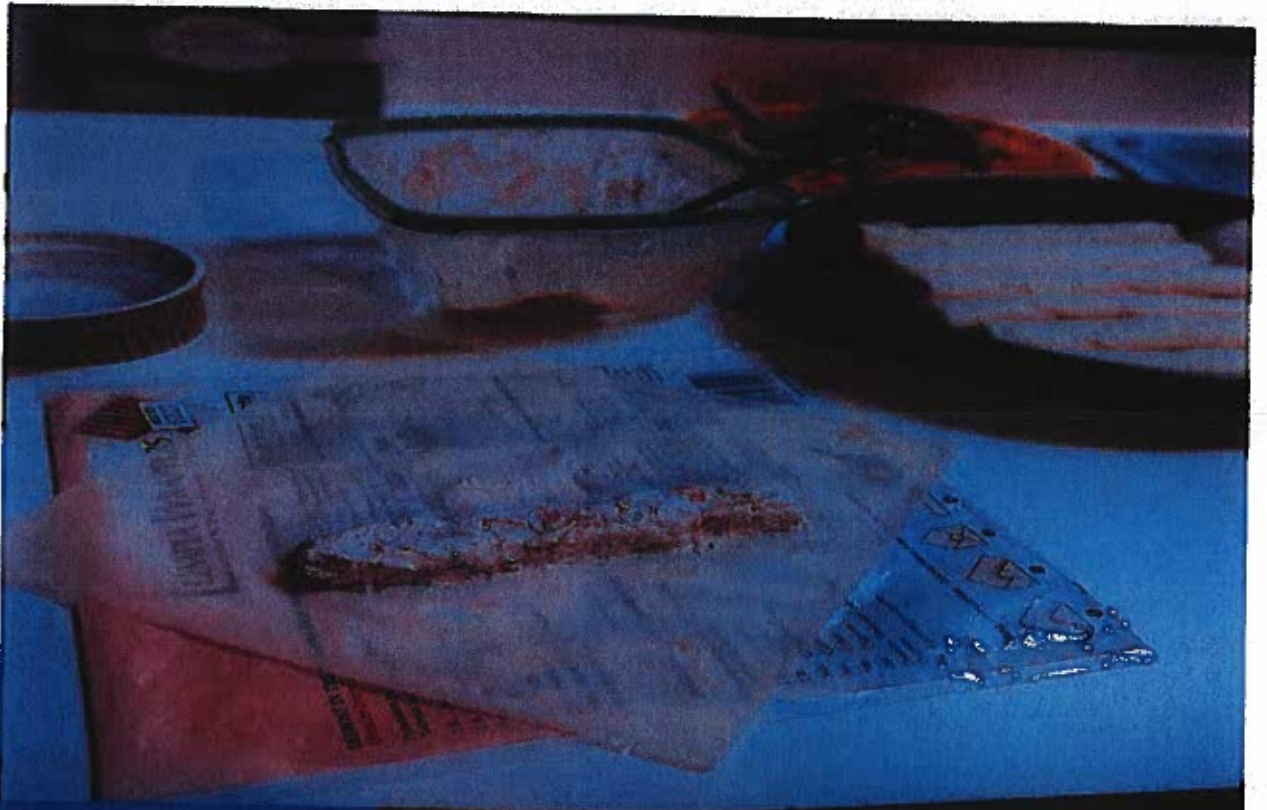


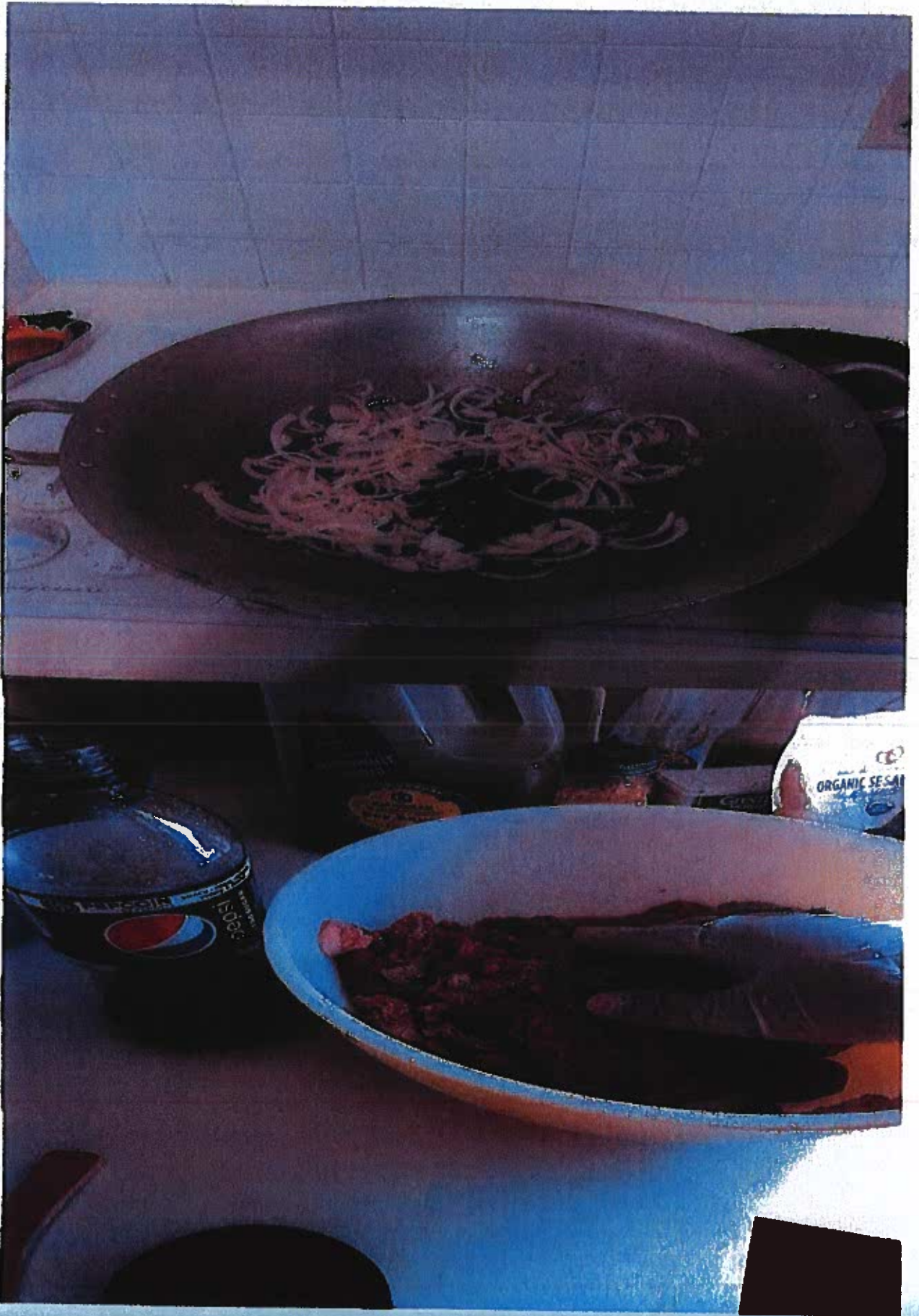














PACIFIC ISLANDER COMPANY - BUSINESS PROPOSAL FOR SERVICES

THE OBJECTIVE

Pacific Islander Company (PIC) is a representation of Mrs. Tai Lori Cureton's long-term goal, to prepare popular foods traditionally made from the Philippines or Korea for consumer purchase and immediate consumption. This low-impact business will bring Filipino and Korean culture to the city of New Castle by way of culturally authentic dishes. With over 20 years of customer service experience, Mrs. Tai Lori Cureton is committed to maintaining the highest standards of customer experience through convenience, accuracy of orders, and timely order pickups or delivery.

Purpose Statement

Pacific Islander Company (PIC) aims to bridge the gap between New Castle and Asian cuisine. There is no immediate access to Asia grocery stores nor eateries. Residents do not have many choices for Asian foods unless they travel outside of New Castle. The wide gap in accessibility is a problem due to the long commute and inconvenience of travel. The solution - to bridge that gap - is to operate a place of business within New Castle city limits. Residents will have immediate access to and will enjoy eating unique Filipino or Korean foods; and in turn, this immediate access will alleviate the inconvenience of having to travel outside of New Castle city limits.

- Menu: Adobo (chicken or pork), ground beef lumpia, chicken or vegetable pancit, chicken afritada, pork menudo, beef kare-kare, pork sinigang, tinola (Filipino chicken soup), kimchi, pork kimchi stew, bulgogi, kimbap, bibimpap, kimchi noodles, bossam (steamed pork), white rice
- Ingredients suppliers: grocery store chains (Wal-Mart, Giant Eagle, Safeway, etc.), Amazon
- Types of equipment used: kitchen bowls, colander, measuring cups and spoons, cutting boards, butcher knife, slicing knife, plates, lid containers, woks, cooking utensils
- Storage areas for equipment: kitchen cabinets; food products: fridge, kitchen cupboards, pantry; packaging: kitchen cabinets, pantry
- Packaging method: mason jar, food container, paper bag, plastic bag
- Production method: Wash hands thoroughly with soap and warm water in dedicated handwash sink. Prep raw meat using separate knife and cutting board from vegetables. Store in food safe bowls with lids until ready to cook. Place cooked meal into food-safe carryout container for customer pick-up or delivery
- Transportation methods for delivery (if applicable): personal vehicle

Limited Food Establishment

This is where Pacific Islander Company (PIC) will conduct daily business operations

- Product sales: retail from home
- Location for retail sale of product to consumer for immediate consumption: 424 Sumner Ave New Castle, PA 16105

The Solution

The following bullet points include recommendations that lead to Pacific Islander Company's proposed solution. How PIC plans to meet those goals are summarized with a statement.

- Open a business within city limits: Operate a business from home where orders are easily accessible for pick-up
- Give customers a choice: Offer menu with a various food selection for Filipino or Korean food, orders made to-go
- Hours of Operation (are subject to change to meet supply and demand): Wednesdays thru Saturdays, 3pm-8pm
- Customer service excellence: Handle all customers' orders with care, treat customers such as family with respect

Timeline for Execution

Key project dates are outlined below. Dates are best guess estimates and are subject to change.

Important dates related to PIC officially opening for business, which is projected for May 1, 2021, are listed below.

<u>Description</u>	<u>Start Date</u>	<u>End Date</u>	<u>Duration</u>
Order items to pass inspection – Phase 1	January 10, 2021	January 31, 2021	3 weeks
<u>Items Ordered</u>	<u>Order Date</u>	<u>Receiving Date</u>	
3-basin sink	January 11, 2021	January 16, 2021	
Kitchen sink faucet w/ pre-rinse device, coiled spring pull down sprayer, add-on spout	January 13, 2021	January 16, 2021	
Basin sink set w/ faucet, drainboard, prep w/ workbench & double storage shelves	January 13, 2021	January 19, 2021	
Refrigerator thermometer	January 13, 2021	January 20, 2021	
Partition, accordion door	January 13, 2021	January 19, 2021	
<u>Description</u>	<u>Start Date</u>	<u>End Date</u>	<u>Duration</u>
Install basin sinks – Phase 2	February 13, 2021	February 13, 2021	4 hours
<u>Items Ordered</u>	<u>Order Date</u>	<u>Receiving Date</u>	
PEX pipe tubing	January 13, 2021	January 19, 2021	
<u>Description</u>	<u>Start Date</u>	<u>End Date</u>	<u>Duration</u>
Inspection – Phase 3	February 19, 2021	February 19, 2021	1 hour
<u>Description</u>	<u>Start Date</u>	<u>End Date</u>	<u>Duration</u>
Prepare for Grand Opening – order appliances, groceries/ingredients, supplies, uniforms, signs/charts, etc.	February 1, 2021	May 1, 2021	3 months

QUALIFICATIONS

Pacific Islander Company (PIC) will prove to be a leader for high quality/guaranteed fully cooked Filipino or Korean meals in the following ways:

- 5+ years of experience in food service settings (restaurant, deli, diner)
- ServSafe Manager certification before May 1, 2021
- Commercial kitchen – not for personal use

Pinahahalagahan kita, maraming salamat! (Tagalog, Filipino language)

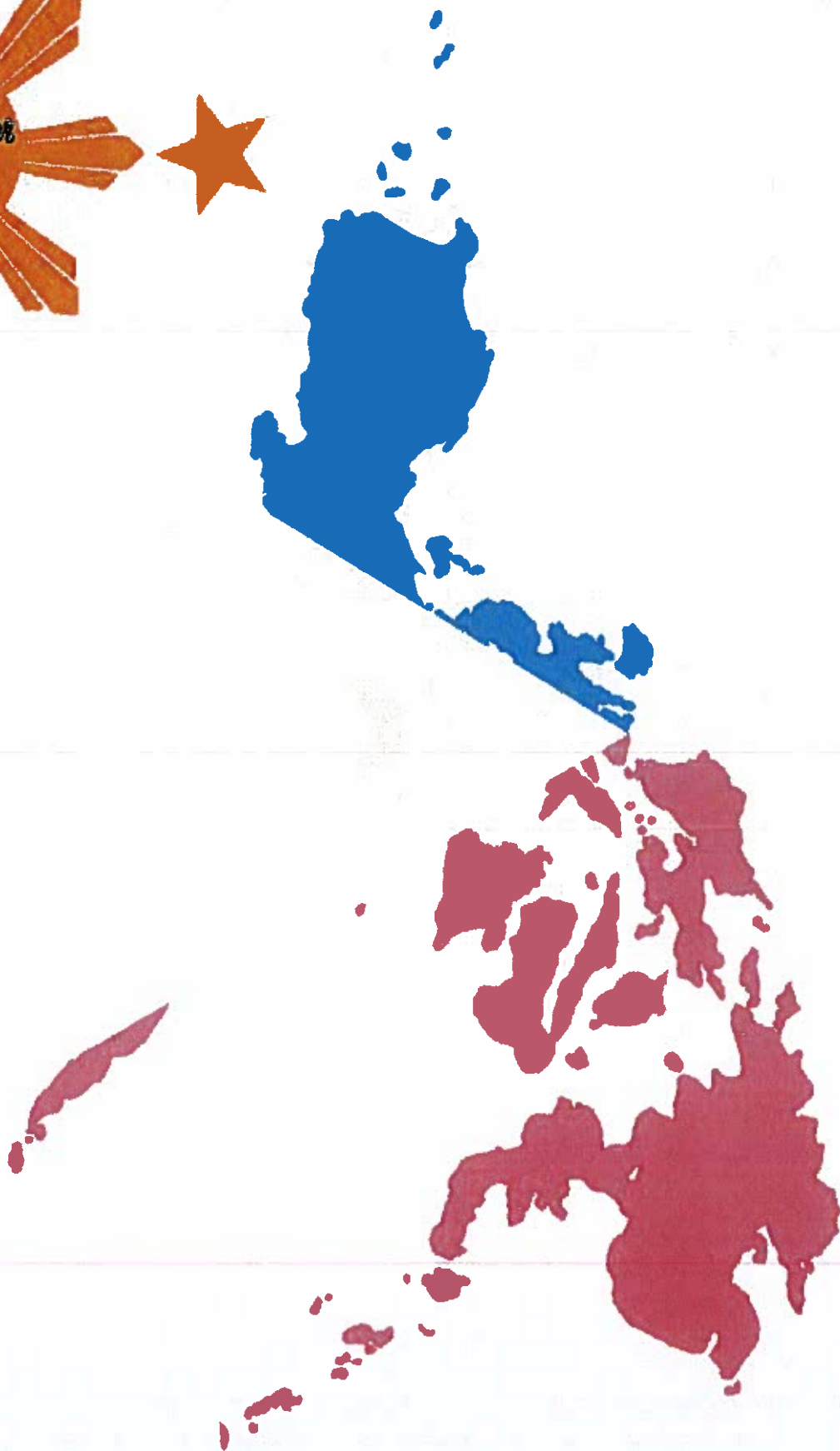
I appreciate you, thank you so much! (English translation of Tagalog dialect)

Mrs. Tai Lori Cureton

Mrs. Tai Lori Cureton
Owner of Pacific Islander Company

"Enjoy some food. Learn the culture. Maraming Salamat!"

MRS. TAI L. CURETON, OWNER
424 SUMNER AVE
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*Pacific Islander
Company*

New Castle, PA

Pacific Islander Company Employee Health Policy

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Food Code

U.S. Public Health Service



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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service • Food and Drug Administration

College Park, MD 20740

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Chapter

2

Management and Personnel

Parts

- 2-1 SUPERVISION
- 2-2 EMPLOYEE HEALTH
- 2-3 PERSONAL CLEANLINESS
- 2-4 HYGIENIC PRACTICES
- 2-5 RESPONDING TO CONTAMINATION EVENTS

2-1 SUPERVISION

Subparts

- 2-101 Responsibility
- 2-102 Knowledge
- 2-103 Duties

Responsibility

2-101.11 Assignment.

(A) Except as specified in ¶ (B) of this section, the PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall ensure that a PERSON IN CHARGE is present at the FOOD ESTABLISHMENT during all hours of operation.^{Pf}

(B) *In a FOOD ESTABLISHMENT with two or more separately PERMITTED departments that are the legal responsibility of the same PERMIT HOLDER and that are located on the same PREMISES, the PERMIT HOLDER may, during specific time periods when food is not being prepared, packaged, or served, designate a single PERSON IN CHARGE who is present on the PREMISES during all hours of operation, and who is responsible for each separately PERMITTED FOOD ESTABLISHMENT on the PREMISES.*^{Pf}

Knowledge

2-102.11 Demonstration.

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

(A) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection; ^{Pf}

(B) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM; ^{Pf} or

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

(1) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a FOOD EMPLOYEE; ^{Pf}

(2) Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of foodborne disease by a FOOD EMPLOYEE who has a disease or medical condition that may cause foodborne disease; ^{Pf}

(3) Describing the symptoms associated with the diseases that are transmissible through FOOD; ^{Pf}

(4) Explaining the significance of the relationship between maintaining the time and temperature of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and the prevention of foodborne illness; ^{Pf}

(5) Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, and FISH; ^{Pf}

(6) Stating the required FOOD temperatures and times for safe cooking of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD including MEAT, POULTRY, EGGS, and FISH; ^{Pf}

(7) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; Pf

(8) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(a) Cross contamination, Pf

(b) Hand contact with READY-TO-EAT FOODS, Pf

(c) Handwashing, Pf and

(d) Maintaining the FOOD ESTABLISHMENT in a clean condition and in good repair; Pf

(9) Describing FOODS identified as MAJOR FOOD ALLERGENS and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction. Pf

(10) Explaining the relationship between FOOD safety and providing EQUIPMENT that is:

(a) Sufficient in number and capacity, Pf and

(b) Properly designed, constructed, located, installed, operated, maintained, and cleaned; Pf

(11) Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT; Pf

(12) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections; Pf

(13) Identifying POISONOUS OR TOXIC MATERIALS in the FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW; Pf

(14) Identifying CRITICAL CONTROL POINTS in the operation from purchasing through sale or service that when not

controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Code; ^{Pf}

(15) Explaining the details of how the PERSON IN CHARGE and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW, this Code, or an agreement between the REGULATORY AUTHORITY and the FOOD ESTABLISHMENT; ^{Pf}

(16) Explaining the responsibilities, rights, and authorities assigned by this Code to the:

(a) FOOD EMPLOYEE, ^{Pf}

(b) CONDITIONAL EMPLOYEE, ^{Pf}

(c) PERSON IN CHARGE, ^{Pf}

(d) REGULATORY AUTHORITY; ^{Pf} and

(17) Explaining how the PERSON IN CHARGE, FOOD EMPLOYEES, and CONDITIONAL EMPLOYEES comply with reporting responsibilities and EXCLUSION OR RESTRICTION OF FOOD EMPLOYEES. ^{Pf}

2-102.12 Certified Food Protection Manager

(A) The PERSON IN CHARGE shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM.

(B) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of FOOD preparation.

2-102.20 Food Protection Manager Certification.

(A) A PERSON IN CHARGE who demonstrates knowledge by being a FOOD protection manager that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for

Accreditation of FOOD Protection Manager Certification Programs is deemed to comply with ¶2-102.11(B).

(B) A FOOD ESTABLISHMENT that has a PERSON IN CHARGE that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for FOOD Protection-recognized accrediting agency as conforming to the Conference for FOOD Protection Standards for Accreditation of FOOD Protection Manager Certification Programs is deemed to comply with §2-102.12.

Duties

2-103.11 Person in Charge.

The PERSON IN CHARGE shall ensure that:

(A) FOOD ESTABLISHMENT operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under § 6-202.111; ^{Pf}

(B) PERSONS unnecessary to the FOOD ESTABLISHMENT operation are not allowed in the FOOD preparation, FOOD storage, or WAREWASHING areas, except that brief visits and tours may be authorized by the PERSON IN CHARGE if steps are taken to ensure that exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination; ^{Pf}

(C) EMPLOYEES and other PERSONS such as delivery and maintenance PERSONS and pesticide applicators entering the FOOD preparation, FOOD storage, and WAREWASHING areas comply with this Code; ^{Pf}

(D) EMPLOYEES are effectively cleaning their hands, by routinely monitoring the EMPLOYEES' handwashing; ^{Pf}

(E) EMPLOYEES are visibly observing FOODS as they are received to determine that they are from APPROVED sources, delivered at the required temperatures, protected from contamination, UNADULTERED, and accurately presented, by routinely monitoring the EMPLOYEES' observations and periodically evaluating FOODS upon their receipt; ^{Pf}

(F) EMPLOYEES are verifying that FOODS delivered to the FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, UNADULTERATED, and accurately presented; Pf

(G) EMPLOYEES are properly cooking TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, being particularly careful in cooking those FOODS known to cause severe foodborne illness and death, such as EGGS and COMMINUTED MEATS, through daily oversight of the EMPLOYEES' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under § 4-203.11 and ¶ 4-502.11(B); Pf

(H) EMPLOYEES are using proper methods to rapidly cool TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are not held hot or are not for consumption within 4 hours, through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures during cooling; Pf

(I) EMPLOYEES are properly maintaining the temperatures of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS during hot and cold holding through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures; Pf

(J) CONSUMERS who order raw or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under § 3-603.11 that the FOOD is not cooked sufficiently to ensure its safety; Pf

(K) EMPLOYEES are properly SANITIZING cleaned multiuse EQUIPMENT and UTENSILS before they are reused, through routine monitoring of solution temperature and exposure time for hot water SANITIZING, and chemical concentration, pH, temperature, and exposure time for chemical SANITIZING; Pf

(L) CONSUMERS are notified that clean TABLEWARE is to be used when they return to self-service areas such as salad bars and buffets as specified under § 3-304.16; Pf

(M) Except when APPROVAL is obtained from the REGULATORY AUTHORITY as specified in ¶ 3-301.11(E), EMPLOYEES are preventing cross-contamination of READY-TO-EAT FOOD with bare hands by properly using suitable UTENSILS such as deli

tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT; ^{Pf}

(N) EMPLOYEES are properly trained in FOOD safety, including FOOD allergy awareness, as it relates to their assigned duties; ^{Pf}

(O) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed in a verifiable manner of their responsibility to report in accordance with LAW, to the PERSON IN CHARGE, information about their health and activities as they relate to diseases that are transmissible through FOOD, as specified under ¶ 2-201.11(A); ^{Pf} and

(P) Written procedures and plans, where specified by this Code and as developed by the FOOD ESTABLISHMENT, are maintained and implemented as required. ^{Pf}

2-2 EMPLOYEE HEALTH

Subpart

2-201 Responsibilities of Permit Holder, Person in Charge, Food Employees, and Conditional Employees

Responsibilities and Reporting Symptoms and Diagnosis

2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees.

(A) The PERMIT HOLDER shall require FOOD EMPLOYEES and CONDITIONAL EMPLOYEES to report to the PERSON IN CHARGE information about their health and activities as they relate to diseases that are transmissible through FOOD. A FOOD EMPLOYEE OR CONDITIONAL EMPLOYEE shall report the information in a manner that allows the PERSON IN CHARGE to reduce the RISK of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE:

reportable symptoms

(1) Has any of the following symptoms:

(a) Vomiting,^P

(b) Diarrhea,^P

(c) Jaundice,^P

(d) Sore throat with fever,^P or

(e) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(i) On the hands or wrists, *unless an impermeable cover such as a finger cot or stall protects the lesion and a SINGLE-USE glove is worn over the impermeable cover,*^P

(ii) On exposed portions of the arms, *unless the lesion is protected by an impermeable cover,*^P or

(iii) On other parts of the body, *unless the lesion is covered by a dry, durable, tight-fitting bandage,*^P

reportable diagnosis

(2) Has an illness diagnosed by a HEALTH PRACTITIONER due to:

(a) Norovirus,^P

(b) Hepatitis A virus,^P

(c) *Shigella* spp.,^P

(d) SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI*,^P

(e) Typhoid fever (caused by *Salmonella Typhi*)^P or

(f) *Salmonella* (nontyphoidal);^P

reportable past illness

(3) Had Typhoid fever, diagnosed by a HEALTH PRACTITIONER, within the past 3 months, without having received antibiotic therapy, as determined by a HEALTH PRACTITIONER;^P

reportable history of exposure

(4) Has been exposed to, or is the suspected source of, a CONFIRMED DISEASE OUTBREAK, because the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE consumed or prepared FOOD implicated in the outbreak, or consumed FOOD at an event prepared by a PERSON who is infected or ill with:

(a) Norovirus within the past 48 hours of the last exposure,^P

(b) SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* or *Shigella* spp. within the past 3 days of the last exposure,^P

(c) Typhoid fever within the past 14 days of the last exposure,^P or

(d) Hepatitis A virus within the past 30 days of the last exposure;^P or

reportable history of exposure

(5) Has been exposed by attending or working in a setting where there is a CONFIRMED DISEASE OUTBREAK, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a CONFIRMED DISEASE OUTBREAK, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

(a) Norovirus within the past 48 hours of the last exposure,^P

(b) SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* or *Shigella* spp. within the past 3 days of the last exposure,^P

(c) Typhoid fever (caused by *Salmonella Typhi*) within the past 14 days of the last exposure,^P or

(d) Hepatitis A virus within the past 30 days of the last exposure.^P

responsibility of person in charge to notify the regulatory authority

(B) The PERSON IN CHARGE shall notify the REGULATORY AUTHORITY when a FOOD EMPLOYEE is:

(1) Jaundiced,^{Pf} or

(2) Diagnosed with an illness due to a pathogen as specified under Subparagraphs (A)(2)(a) - (f) of this section.^{Pf}

responsibility of the person in charge to prohibit a conditional employee from becoming a food employee

(C) The PERSON IN CHARGE shall ensure that a CONDITIONAL EMPLOYEE:

(1) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under Subparagraphs (A)(1) - (3)

of this section, is prohibited from becoming a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria for the specific symptoms or diagnosed illness as specified under § 2-201.13;^P and

(2) Who will work as a FOOD EMPLOYEE in a FOOD ESTABLISHMENT that serves as a HIGHLY SUSCEPTIBLE POPULATION and reports a history of exposure as specified under Subparagraphs (A)(4) – (5), is prohibited from becoming a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria as specified under ¶ 2-201.13(J).^P

responsibility of the person in charge to exclude or restrict

(D) The PERSON IN CHARGE shall ensure that a FOOD EMPLOYEE who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under Subparagraphs (A)(1) - (5) of this section is:

(1) EXCLUDED as specified under ¶¶ 2-201.12 (A) - (C), and Subparagraphs (D)(1), (E)(1), (F)(1), (G) or (H)(1) and in compliance with the provisions specified under ¶¶ 2-201.13(A) - (H);^P or

(2) RESTRICTED as specified under Subparagraphs 2-201.12 (D)(2), (E)(2), (F)(2), (H)(2), or ¶¶ 2-201.12(I) or (J) and in compliance with the provisions specified under ¶¶ 2-201.13(D) - (J).^P

responsibility of food employees and conditional employees to report

(E) A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report to the PERSON IN CHARGE the information as specified under ¶ (A) of this section.^{Pf}

responsibility of food employees to comply

(F) A FOOD EMPLOYEE shall:

(1) Comply with an EXCLUSION as specified under ¶¶ 2-201.12(A) - (C) and Subparagraphs 2-201.12(D)(1), (E)(1), (F)(1), (G), or (H)(1) and with the provisions specified under ¶¶ 2-201.13(A) - (H);^P or

(2) Comply with a RESTRICTION as specified under Subparagraphs 2-201.12(D)(2), (E)(2), (F)(2), (G), (H)(2), or ¶¶ 2-201.12 (H), (I), or (J) and comply with the provisions specified under ¶¶ 2-201.13(D) - (J).^P

conditions of exclusion and restriction

2-201.12 Exclusions and Restrictions.

The PERSON IN CHARGE shall EXCLUDE or RESTRICT a FOOD EMPLOYEE from a FOOD ESTABLISHMENT in accordance with the following:

symptomatic with vomiting or diarrhea

(A) *Except when the symptom is from a noninfectious condition,* EXCLUDE a FOOD EMPLOYEE if the FOOD EMPLOYEE is:

- (1) Symptomatic with vomiting or diarrhea;^P or
- (2) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., *Salmonella* (nontyphoidal), or SHIGA TOXIN-PRODUCING *E. COLI*.^P

jaundiced or diagnosed with hepatitis A Infection

(B) EXCLUDE a FOOD EMPLOYEE who is:

- (1) Jaundiced and the onset of jaundice occurred within the last 7 calendar days, *unless the FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;*^P
- (2) Diagnosed with an infection from hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within 7 calendar days of the onset of jaundice;^P or
- (3) Diagnosed with an infection from hepatitis A virus without developing symptoms.^P

diagnosed or reported previous illness with Typhoid fever

(C) EXCLUDE a FOOD EMPLOYEE who is diagnosed with Typhoid fever, or reports having had Typhoid fever within the past 3 months as specified under Subparagraph 2-201.11(A)(3).^P

diagnosed with an asymptomatic infection from Norovirus

(D) If a FOOD EMPLOYEE is diagnosed with an infection from Norovirus and is ASYMPTOMATIC:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

diagnosed with *Shigella* spp. infection and asymptomatic

(E) If a FOOD EMPLOYEE is diagnosed with an infection from *Shigella* spp. and is ASYMPTOMATIC:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

diagnosed with STEC and asymptomatic

(F) If a FOOD EMPLOYEE is diagnosed with an infection from SHIGA TOXIN-PRODUCING *E. COLI*, and is ASYMPTOMATIC:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

diagnosed with nontyphoidal Salmonella and asymptomatic

(G) If a FOOD EMPLOYEE is diagnosed with an infection from *Salmonella* (nontyphoidal) and is ASYMPTOMATIC, RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION or in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

symptomatic with sore throat with fever

(H) If a FOOD EMPLOYEE is ill with symptoms of acute onset of sore throat with fever:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

symptomatic with uncovered infected wound or pustular boil

(I) If a FOOD EMPLOYEE is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under Subparagraph 2-201.11(A)(1)(e), RESTRICT the FOOD EMPLOYEE.^P

exposed to foodborne pathogen and works in food establishment serving HSP

(J) If a FOOD EMPLOYEE is exposed to a foodborne pathogen as specified under Subparagraphs 2-201.11(A)(4)(a-d) or 2-201.11(A)(5)(a-d), RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION.^P

Managing Exclusions and Restrictions

2-201.13 Removal, Adjustment, or Retention of Exclusions and Restrictions.

The PERSON IN CHARGE shall adhere to the following conditions when removing, adjusting, or retaining the EXCLUSION or RESTRICTION of a FOOD EMPLOYEE:

(A) Except when a FOOD EMPLOYEE is diagnosed with Typhoid fever or an infection from hepatitis A virus:

removing exclusion for food employee who was symptomatic and not diagnosed

(1) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 2-201.12(A)(1) if the FOOD EMPLOYEE:

(a) Is ASYMPTOMATIC for at least 24 hours;^P or

(b) Provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the symptom is from a noninfectious condition.^P

Norovirus diagnosis

(2) If a FOOD EMPLOYEE was diagnosed with an infection from Norovirus and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met;^P or

retaining exclusion for food employee who was asymptomatic and is now asymptomatic and works in food establishment serving HSP

(b) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (D)(1) or (2) of this section are met.^P

Shigella spp. diagnosis

(3) If a FOOD EMPLOYEE was diagnosed with an infection from *Shigella* spp. and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2) of this section are met;^P or

retaining exclusion for food employee who was asymptomatic and is now asymptomatic

(b) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (E)(1) or (2) , or (E)(1) and (3)(a) of this section are met.^P

STEC diagnosis

(4) If a FOOD EMPLOYEE was diagnosed with an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) of this section are met;^P or

retaining exclusion for food employee who was symptomatic and is now asymptomatic and works in food establishment serving HSP

(b) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 24 hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (F)(1) or (2) are met.^P

Nontyphoidal Salmonella diagnosis

(5) If a FOOD EMPLOYEE was diagnosed with an infection from *Salmonella* (nontyphoidal) and EXCLUDED as specified under Subparagraph 2-201.12(A)(2):

Adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(a) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least 30 days until conditions for reinstatement as specified under Subparagraphs (G)(1) or (2) of this section are met;^P or

Retaining exclusion for food employee that remains symptomatic

(b) Retain the EXCLUSION for the FOOD EMPLOYEE who is SYMPTOMATIC, until conditions for reinstatement as specified under Paragraphs (G)(1) or (G)(2) of this section are met.^P

hepatitis A virus or jaundice diagnosis - removing exclusions

(B) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under ¶ 2-201.12(B) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met;

(1) The FOOD EMPLOYEE has been jaundiced for more than 7 calendar days;^P

(2) The anicteric FOOD EMPLOYEE has been symptomatic with symptoms other than jaundice for more than 14 calendar days;^P or

(3) The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a hepatitis A virus infection.^P

Typhoid fever diagnosis - removing exclusions

(C) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under ¶ 2-201.12(C) if:

(1) The PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY;^P and

(2) The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the FOOD EMPLOYEE is free from Typhoid fever.^P

Norovirus diagnosis - removing exclusion or restriction

(D) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 2-201.12(A)(2) or (D)(1) who was RESTRICTED under Subparagraph 2-201.12(D)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a Norovirus infection;^P

(2) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

(3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 48 hours have passed since the FOOD EMPLOYEE was diagnosed.^P

Shigella spp. diagnosis - removing exclusion or restriction

(E) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 2-201.12(A)(2) or (E)(1) or who was RESTRICTED under Subparagraph 2-201.12(E)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Shigella spp.* infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

(a) Not earlier than 48 hours after discontinuance of antibiotics,^P and

(b) At least 24 hours apart;^P

(2) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 7 calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

(3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 7 calendar days have passed since the FOOD EMPLOYEE was diagnosed.^P

STEC diagnosis - removing exclusion or restriction

(F) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(A)(2) or (F)(1) or who was RESTRICTED under Subparagraph 2-201.12(F)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* based on test results that show 2 consecutive negative stool specimen cultures that are taken:

- (a) Not earlier than 48 hours after discontinuance of antibiotics;^P and
 - (b) At least 24 hours apart;^P
- (2) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved and more than 7 calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or
- (3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 7 days have passed since the FOOD EMPLOYEE was diagnosed.^P

nontyphoidal Salmonella - removing exclusion or restriction

(G) Reinstate a food employee who was EXCLUDED as specified under Subparagraph 2-201.12(A)(2) or who was RESTRICTED as specified under ¶ 2-201.12(G) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY ^P and one of the following conditions is met:

(1) The EXCLUDED or RESTRICTED FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE is free of a *Salmonella* (nontyphoidal) infection based on test results showing 2 consecutive negative stool specimen cultures that are taken;

(a) Not earlier than 48 hours after discontinuance of antibiotics,^P and

(b) At least 24 hours apart;^P

(2) The FOOD EMPLOYEE was RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 30 days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

(3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 30 days have passed since the FOOD EMPLOYEE was diagnosed.^P

sore throat with fever - removing exclusion or restriction

(H) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(H)(1) or (2) if the FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER stating that the FOOD EMPLOYEE meets one of the following conditions:

(1) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours;^P

(2) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection;^P or

(3) Is otherwise determined by a HEALTH PRACTITIONER to be free of a *Streptococcus pyogenes* infection.^P

uncovered infected wound or pustular boil - removing restriction

(I) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under ¶ 2-201.12(I) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

(1) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;^P

(2) An impermeable cover on the arm if the infected wound or pustular boil is on the arm;^P or

(3) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.^P

exposure to foodborne pathogen and works in food establishment serving HSP – removing restriction

(J) Reinstate a FOOD EMPLOYEE who was RESTRICTED as specified under ¶ 2-201.12(J) and was exposed to one of the following pathogens as specified under Subparagraph 2-201.11(A)(4)(a-d) or 2-201.11(A)(5)(a-d):

Norovirus

(1) Norovirus and one of the following conditions is met:

(a) More than 48 hours have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or

(b) More than 48 hours have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

Shigella spp. or STEC

(2) *Shigella* spp. or SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and one of the following conditions is met:

(a) More than 3 calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or

(b) More than 3 calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

Typhoid fever (S. Typhi)

(3) Typhoid fever (caused by *Salmonella* Typhi) and one of the following conditions is met:

(a) More than 14 calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or

(b) More than 14 calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

hepatitis A

(4) Hepatitis A virus and one of the following conditions is met:

(a) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of a prior illness from hepatitis A;^P

(b) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of vaccination against hepatitis A;^P

(c) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of IgG administration;^P

(d) More than 30 calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P

**(e) More than 30 calendar days have passed since the FOOD EMPLOYEE'S household contact became jaundiced;^P
or**

(f) The FOOD EMPLOYEE does not use an alternative procedure that allows bare hand contact with READY-TO-EAT FOOD until at least 30 days after the potential exposure, as specified in Subparagraphs (1)(4)(d) and (e) of this section, and the FOOD EMPLOYEE receives additional training about:

(i) Hepatitis A symptoms and preventing the transmission of infection,^P

(ii) Proper handwashing procedures,^P and

(iii) Protecting READY-TO-EAT FOOD from contamination introduced by bare hand contact.^P

2-3 PERSONAL CLEANLINESS

Subparts

2-301	Hands and Arms
2-302	Fingernails
2-303	Jewelry
2-304	Outer Clothing

Hands and Arms

2-301.11 Clean Condition.

FOOD EMPLOYEES shall keep their hands and exposed portions of their arms clean.^P

2-301.12 Cleaning Procedure.

(A) Except as specified in ¶ (D) of this section, FOOD EMPLOYEES shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least 20 seconds, using a cleaning compound in a HANDWASHING SINK that is equipped as specified under § 5-202.12 and Subpart 6-301.^P

(B) FOOD EMPLOYEES shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

(1) Rinse under clean, running warm water;^P

(2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;^P

(3) Rub together vigorously for at least 10 to 15 seconds while:

(a) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure,^P and

(b) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers; ^P

(4) Thoroughly rinse under clean, running warm water; ^P and

(5) Immediately follow the cleaning procedure with thorough drying using a method as specified under § 6-301.12. ^P

(C) To avoid recontaminating their hands or surrogate prosthetic devices, FOOD EMPLOYEES may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a HANDWASHING SINK or the handle of a restroom door.

(D) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, an automatic handwashing facility may be used by FOOD EMPLOYEES to clean their hands or surrogate prosthetic devices.

2-301.13 Special Handwash Procedures.

Reserved.

2-301.14 When to Wash.

FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES^P and:

(A) After touching bare human body parts other than clean hands and clean, exposed portions of arms; ^P

(B) After using the toilet room; ^P

(C) After caring for or handling SERVICE ANIMALS or aquatic animals as specified in ¶ 2-403.11(B); ^P

(D) Except as specified in ¶ 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; ^P

(E) After handling soiled EQUIPMENT or UTENSILS;^P

(F) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;^P

(G) When switching between working with raw FOOD and working with READY-TO-EAT FOOD;^P

(H) Before donning gloves to initiate a task that involves working with FOOD;^P and

(I) After engaging in other activities that contaminate the hands.^P

2-301.15 Where to Wash.

FOOD EMPLOYEES shall clean their hands in a HANDWASHING SINK or APPROVED automatic handwashing facility and may not clean their hands in a sink used for FOOD preparation or WAREWASHING, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.^{Pf}

2-301.16 Hand Antiseptics.

(A) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(1) Comply with one of the following:

(a) Be an APPROVED drug that is listed in the FDA publication **Approved Drug Products with Therapeutic Equivalence Evaluations** as an APPROVED drug based on safety and effectiveness;^{Pf} or

(b) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash,^{Pf} and

(2) Consist only of components which the intended use of each complies with one of the following:

(a) A threshold of regulation exemption under 21 CFR 170.39 - Threshold of regulation for substances used in FOOD-contact articles;^{Pf} or

(b) 21 CFR 178 - Indirect FOOD Additives: Adjuvants, Production Aids, and Sanitizers as regulated for use as a FOOD ADDITIVE with conditions of safe use,^{Pf} or

(c) A determination of generally recognized as safe (GRAS). Partial listings of substances with FOOD uses that are GRAS may be found in 21 CFR 182 - Substances Generally Recognized as Safe, 21 CFR 184 - Direct FOOD Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 - Indirect FOOD Substances Affirmed as Generally Recognized as Safe for use in contact with FOOD, and in FDA's Inventory of GRAS Notices,^{Pf} or

(d) A prior sanction listed under 21 CFR 181 - Prior Sanctioned FOOD Ingredients,^{Pf} or

(e) a FOOD Contact Notification that is effective,^{PF} and

(3) Be applied only to hands that are cleaned as specified under § 2-301.12.^{Pf}

(B) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under Subparagraph (A)(2) of this section, use shall be:

(1) Followed by thorough hand rinsing in clean water before hand contact with FOOD or by the use of gloves;^{Pf} or

(2) Limited to situations that involve no direct contact with FOOD by the bare hands.^{Pf}

(C) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 MG/L chlorine.^{Pf}

Fingernails

2-302.11 Maintenance.

(A) FOOD EMPLOYEES shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
Pf

(B) *Unless wearing intact gloves in good repair*, a FOOD EMPLOYEE may not wear fingernail polish or artificial fingernails when working with exposed FOOD. Pf

Jewelry

2-303.11 Prohibition.

Except for a *plain ring such as a wedding band*, while preparing FOOD, FOOD EMPLOYEES may not wear jewelry including medical information jewelry on their arms and hands.

Outer Clothing

2-304.11 Clean Condition.

Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

2-4 HYGIENIC PRACTICES

Subparts

2-401	Food Contamination Prevention
2-402	Hair Restraints
2-403	Animals

Food Contamination Prevention

2-401.11 Eating, Drinking, or Using Tobacco.

(A) Except as specified in ¶ (B) of this section, an EMPLOYEE shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection can not result.

(B) A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of:

(1) *The EMPLOYEE's hands;*

(2) *The container; and*

(3) *Exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.*

2-401.12 Discharges from the Eyes, Nose, and Mouth.

FOOD EMPLOYEES experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

2-401.13 Use of Bandages, Finger Cots, or Finger Stalls

If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a FOOD EMPLOYEE working with exposed FOOD shall be covered with a single-use glove.

Hair Restraints

2-402.11 Effectiveness.

(A) Except as provided in ¶ (B) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

(B) This section does not apply to FOOD EMPLOYEES such as counter staff who only serve BEVERAGES and wrapped or PACKAGED FOODS, hostesses, and wait staff if they present a minimal RISK of contaminating exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

Animals

2-403.11 Handling Prohibition.

(A) Except as specified in ¶ (B) of this section, FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SERVICE ANIMALS, or pets that are allowed as specified in Subparagraphs 6-501.115(B)(2)-(5).^{PI}

(B) FOOD EMPLOYEES with SERVICE ANIMALS may handle or care for their SERVICE ANIMALS and FOOD EMPLOYEES may handle or care for FISH in aquariums or MOLLUSCAN SHELLFISH or crustacea in display tanks if they wash their hands as specified under § 2-301.12 and ¶ 2-301.14(C).

2-5 RESPONDING TO CONTAMINATION EVENTS

Subpart

2-501 Procedures for Responding

2-501.11 Clean-up of Vomiting and Diarrheal Events.

A FOOD ESTABLISHMENT shall have written procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter. ^{Pf}

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CONDITIONAL USE PUBLIC HEARING NOTICE

Notice is hereby given that the Council of the City of New Castle, PA, will hold a Public Hearing on Tuesday, March 9, 2021 at 6:00 p.m., for the purpose of hearing comments on the Conditional Use Request of Pacific Islander Company for a home occupation prepare Asian foods as a low-impact business for immediate consumption at 424 Sumner Avenue, located in the R-1 Low Density Residential District of the Second Ward.

Please note that due to the COVID-19 pandemic, it is anticipated that the public hearing will be held virtually via Zoom. If it will be held virtually via Zoom, information regarding when and how to submit comments and/or questions will be available on the City of New Castle website (<http://www.newcastlepa.org/>) on the City's calendar page and a video recording of the public hearing will be posted on the City of New Castle website (<http://www.newcastlepa.org/>) after the public hearing has concluded. If the City Building is open to the public the public hearing will be held in Council Chambers, City Building, 230 N. Jefferson Street, New Castle, PA.

CITY OF NEW CASTLE, PA
Ciara Buck, Deputy City Clerk

LEGAL NEWS:

Friday, February 19, 2021

Friday, February 25, 2021

NO BOLDING - NO AFFIDAVIT

Affidavit

I am the Zoning Office for the City of New Castle, Lawrence County, Pennsylvania. On FEBRUARY 19, 20 21, I posted a notice announcing the public hearing on the conditional use request of PACIFIC ISLANDER COMPANY ("Notice") upon the premises located at: 424 SUMNER AVENUE, New Castle, PA 16105 ("Premises"). A true and correct copy of the Notice is attached hereto. The Notice was posted in a conspicuous place on the Premises.

I verify that the statements made herein are true and correct to the best of my information, knowledge and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Date: 2/19/21

James Farris
James Farris

NOTICE

Notice is hereby given that the Council of the City of New Castle, PA, will hold a Public Hearing on Tuesday, March 9, 2021 at 6:00 p.m., for the purpose of hearing comments on the Conditional Use Request of Pacific Islander Company for a home occupation prepare Asian foods as a low-impact business for immediate consumption at 424 Sumner Avenue, located in the R-1 Low Density Residential District of the Second Ward.

*** Please note that due to the COVID-19 pandemic, it is anticipated that the public hearing will be held virtually via Zoom. If it will be held virtually via Zoom, information regarding when and how to submit comments and/or questions will be available on the City of New Castle website (<http://www.newcastlepa.org/>) on the City's calendar page and a video recording of the public hearing will be posted on the City of New Castle website (<http://www.newcastlepa.org/>) after the public hearing has concluded. If the City Building is open to the public the public hearing will be held in Council Chambers, City Building, 230 N. Jefferson Street, New Castle, PA.**

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NEW CASTLE, PENNSYLVANIA**

2020-23


WHEREAS, the Planning Commission of the City of New Castle, Pennsylvania is the official advisory agent to the Council of the City of New Castle on matters pertaining to the general planning of land; and

WHEREAS, the Planning Commission of the City of New Castle, Pennsylvania conducted a public meeting on December 15, 2020; and

WHEREAS, the Conditional Use Request of Yvonne M. Joseph for to go deli/sandwich shop games of skills/8-10 machines at 847 Arlington Avenue, located in the C-1 General Business District of the Fourth Ward, was reviewed.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NEW CASTLE, PENNSYLVANIA, that approval of the Conditional Use Request of Yvonne M. Joseph for to go deli/sandwich shop games of skills/8-10 machines at 847 Arlington Avenue, located in the C-1 General Business District of the Fourth Ward, is recommended, *CONTINGENT UPON APPROVAL OF THE ZONING HEARING BOARD FOR PARKING REQUIREMENTS, AND FOR CITY LICENSES.*
APPROVAL RECOMMENDED this 15th day of December, 2020.

VOTE: 3 to 0
2 Absent

Vice 
Chairman of the Planning Commission
of the City of New Castle, PA

Request No.: 2020-23

APPLICATION FOR CONDITIONAL USE

(Pursuant to Section 913.2 of the Municipalities Planning Code and Section 1329.06 of the City of New Castle Zoning Ordinance of 2009)

I. IDENTITY OF PROPERTY FOR WHICH CONDITIONAL USE IS REQUESTED:

Ward: 4th Deed Reference: 2020-007668
[attach copy of deed(s)]
Section: 608 Parcel ID No.: 04-221700
Lot No.(s): 311
Street Address: 847 Arlington Avenue
New Castle Pa. 16101

II. APPLICANT:

Name: Yvonne M Joseph Phone No.: [REDACTED]
Address: 1109 Roosevelt Street
New Castle Pa 16101
Owner: Self Phone No.: ()
Address: Jame

[If applicant is not the owner, written authority from the owner to make this application must be attached]

III. CHARACTERISTICS OF PROPERTY FOR WHICH CONDITIONAL USE IS REQUESTED:

Zoning District: C-1 General Business Lot Size: .17 A. 1 Story Building 7405
Present Structures or Improvements on the Property: Replace existing sidewalk/walkway
in front + side of building. Update/upgrade existing rear parking
update Bathroom Drywall

IV. NATURE OF CONDITIONAL USE REQUEST:

Specific Use Desired: To go Deli/Sandwich Shop
Games of Skill / 8-10 Machines

[a site development plan must be attached]

- The desired use is defined as _____ under §1329.04 of the City of New Castle Zoning Ordinance of 2009.
- The desired use is not defined under §1329.04 of the City of New Castle Zoning Ordinance of 2009.

I verify that the statements of fact made in the foregoing Application for Conditional Use are true and correct to the best of my information, knowledge and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

I request that this Application for a Conditional Use be presented to the Planning Commission of the City of New Castle. I understand that after review of my application, the Planning Commission of the City of New Castle will recommend to New Castle City Council that my conditional use request be approved or denied. I further understand that my request for a hearing pursuant to Section 913.2 of the Pennsylvania Municipalities Planning Code will be made on the date this application is received at a meeting of New Castle City Council.

Dated: Nov. 16, 2020

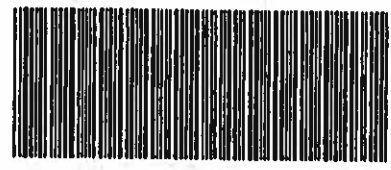
[Signature]
Applicant 724-971-4575

OFFICE OF
Janet L. KulaJainen



REGISTER AND RECORDER
LAWRENCE COUNTY

Lawrence County
Government Center
430 Court Street
New Castle, PA 16101-3593
Phone: (724) 656-2128
Fax: (724) 656-1966
recorder@co.lawrencepa.us



1349603-0024P

RECORDING COVER PAGE

Page 1 of 5

Document Type: Deed
Document Date: 10/22/2020

Transaction #: 1336541
Document Page Count: 4

RETURN TO:
HERITAGE REAL ESTATE SETTLEMENTS
2617 Harlansburg Rd
New Castle, PA 16101-9687
(724) 652-7337

SUBMITTED BY:
HERITAGE REAL ESTATE SETTLEMENTS
2617 Harlansburg Rd
New Castle, PA 16101-9687
(724) 652-7337

PARCEL ID: 04-221700
NUMBER OF IDS: 1

PARTY 1: DEREK MARMO

CONSIDERATION/SECURED AMT: \$17,000.00

FEES / TAXES:

Recording Fee	\$86.75
State Realty Transfer Tax	\$170.00
City of New Castle RTT	\$85.00
City of New Castle SD RTT	\$85.00
Parcel ID Certification Fee	\$10.00
Total:	\$436.75

Document Number: 2020-007668
Recorded Date: 10/26/2020 03:18:00 PM

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Lawrence County, Pennsylvania



Janet L. KulaJainen

Janet L. KulaJainen
Recorder of Deeds

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

**NOTE: If document data differs from cover sheet, document data always supersedes.
*COVER PAGE MAY NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT
FOR ANY ADDITIONAL INFORMATION.**

This Indenture

Made the 22nd day of October, 2020

Between

DEREK MARMO, and JOYCE MARMO,
husband and wife. of New Castle, Pennsylvania

parties of the first part; and

YVONNE M. JOSEPH, a married woman,
of New Castle, Pennsylvania,

party of the second part;

Witnesseth, that the said parties of the first part, in consideration of

SEVENTEEN THOUSAND and no/100 (\$17,000.00) DOLLARS

to them now paid by the said parties of the second part, does grant, bargain, sell
and convey unto the said parties of the second part, her heirs and assigns.

Control No. 04-221700

Certified By MP

ALL that certain piece, parcel or tract of land situate in the Fourth Ward of the City of New Castle, County of Lawrence, Commonwealth of Pennsylvania, being known and designated as City Lot No. 311, on Section 68 of the Official Survey of the City of New Castle, and being more particularly bounded and described as follows:

BEGINNING at the southeast corner thereof at the intersection of the north line of Arlington Avenue and the southwest line of a 20 foot alley; thence Westwardly by said Arlington Avenue, a distance of 69.02 feet to a point; thence Northwardly by lands now or formerly Tony D. Ambrozia, a distance of 107 feet, more or less, to a point on the north line of Lot No. 24 in D.C. Irish Plan of 1893, part 4, now or formerly Wendell H. Barbour; thence Eastwardly by said Lot No. 24, a

distance of 37.7 feet, more or less, to the line of said 20 foot alley; thence Southwardly by the line of said alley, a distance of 141.6 feet to the place of beginning.

SUBJECT to coal and coal bed methane gas and mining rights and all rights incident to the extraction or development coal or coal bed methane gas heretofore conveyed, excepted and reserved by instruments of record; the right of surface, lateral or subjacent support; or any surface subsidence.

SUBJECT to oil and gas and minerals and all rights incident to the extraction or development of oil and gas or minerals heretofore conveyed, leased, excepted or reserved by instruments of record.

BEING the same property which Dale Rote McCormick, a single woman, by Deed dated June 12, 2019 and recorded in the office of the Recorder of Deeds in and for Lawrence County at Document No. 2019-003914, granted and conveyed unto Derek Marmo and Joyce Marmo, husband and wife.

THE GRANTOR HEREIN CERTIFIES THAT THE LAND HEREBY CONVEYED HAS, TO THEIR KNOWLEDGE, NEVER BEEN USED FOR HAZARDOUS WASTE DISPOSAL, AS THAT TERM IS USED IN SOLID WASTE MANAGEMENT ACT NO. 97 OF 1980 (This notice is given pursuant to the requirements of Section No. 405 of said Act - 35 P.S. 6018-101, et seq.)

with the appurtenances: **To Have and To Hold** the same unto and for the use of the said party of the second part, her heirs and assigns forever,

And the said parties of the first part,
for themselves, their heirs, executors and administrators covenant with
the said party of the second part, her heirs and assigns against all
lawful claimants warrants specially the same and every part thereof to
Warrant and Defend.

NOTICE - THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE/HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

Witness the hand and seal of the said party of the first part.

Witness:

Julie K. Andrie

Derek Marmo
_____ (Seal)
Derek Marmo

Janie Ruth

Joyce Marmo
_____ (Seal)
Joyce Marmo

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966, AS AMENDED 1980, OCT. 10, P.L. 874, NO. 156 § 1.

WITNESS:

Julie K. Andrie

Janie Ruth

First American Title Insurance Company

PURCHASER'S AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF LAWRENCE : SS

No. 284-20

ON THE 26th day of October, A.D. 2020, before me, the Subscriber, a Notary Public for the State of Pennsylvania, duly commissioned, personally appeared the undersigned, who, being duly sworn according to law, did depose and say:

That Yvonne M. Joseph is the purchaser of the premises situated
at 847 Arlington Avenue, New Castle, PA 16101

That it is the intention of said purchaser to take title as (state the estate or interest):

Individually

That the said premises are to be owned in the following fractional interests, if any:

That the newly-erected building's, if any, on said premises is/were completed on or about (if none, so state):

That said purchaser (if individual) is of full legal age and sound mind.

That said purchaser has not entered into any unrecorded leases or agreements affecting said premises

That there are no judgments against said purchaser.

That no part of the funds used for the purchase of said premises has been borrowed except

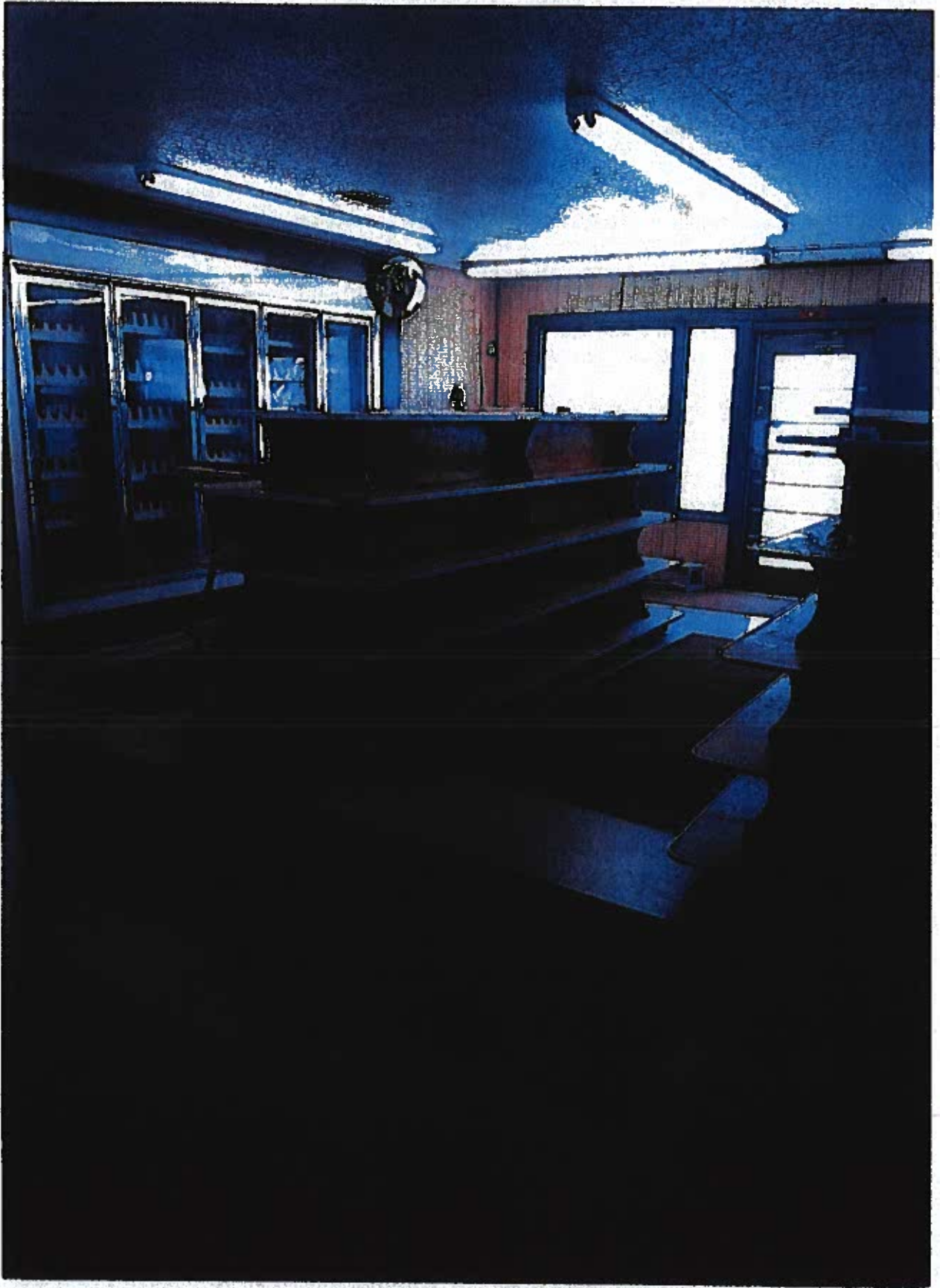
\$0.00 from

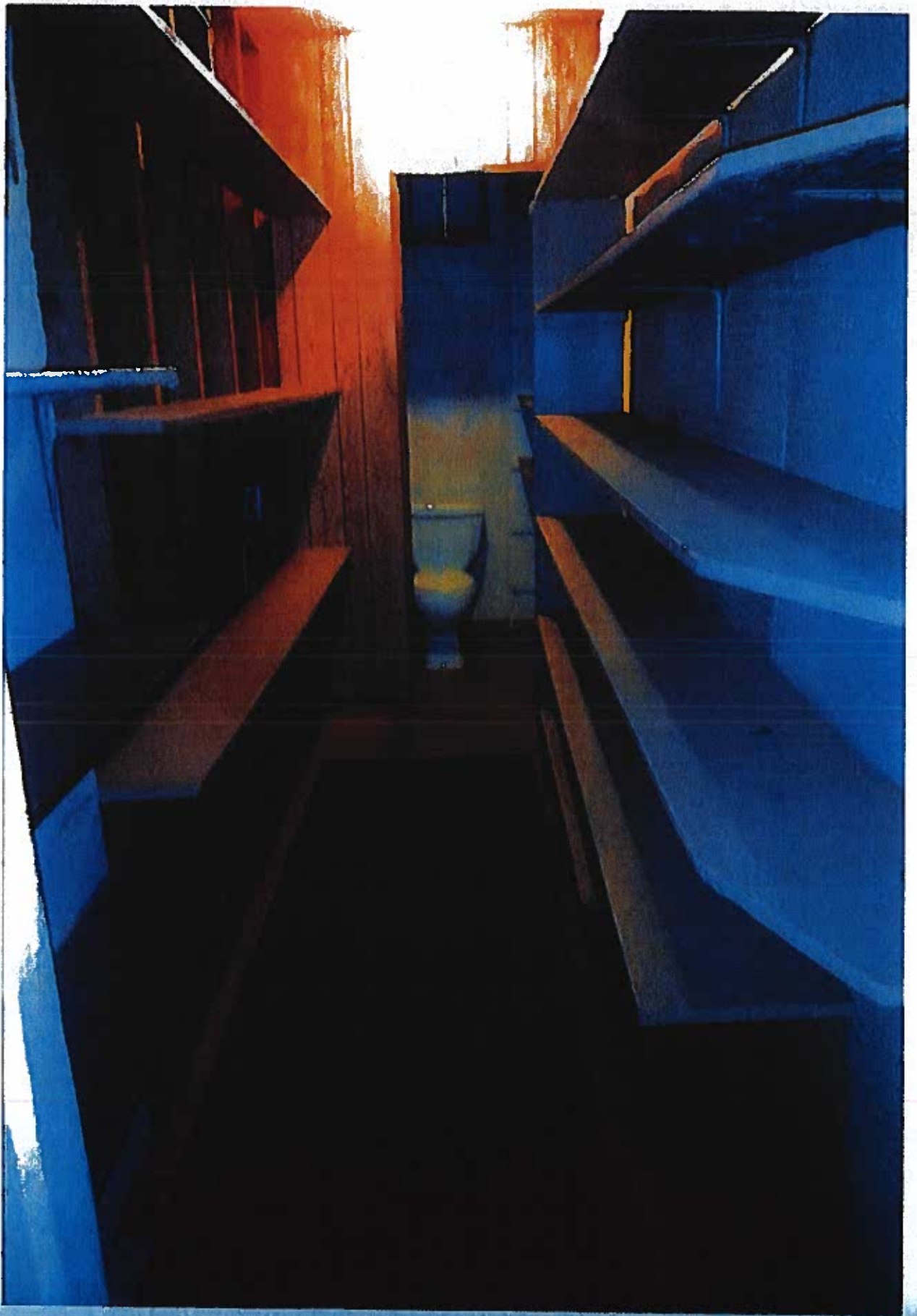
That said purchaser is not involved in any pending divorce action with spouses in any jurisdiction

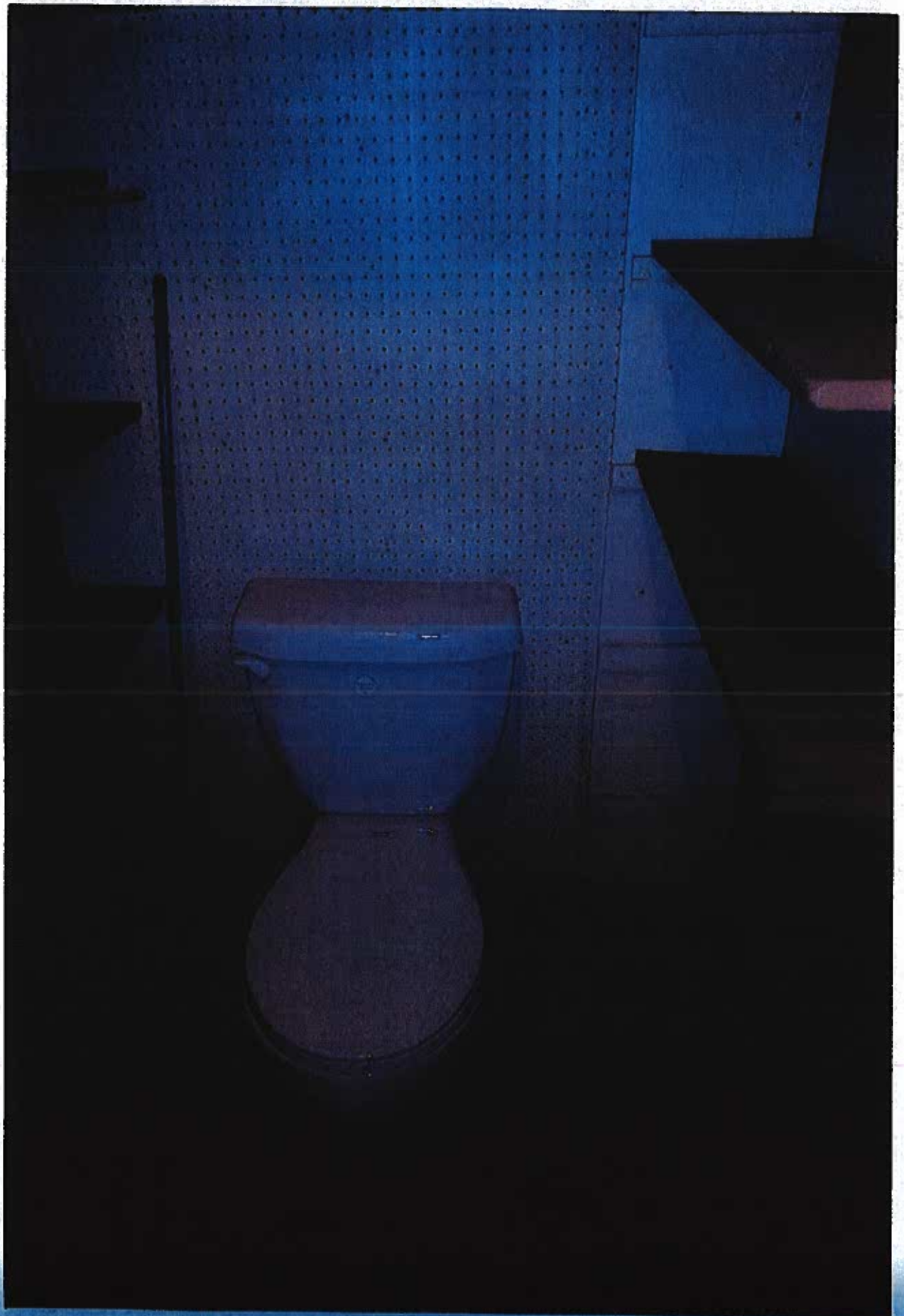
That there are no Overdue Support Obligations of record with the Domestic Relations Section of any Court through the date of recording the instrument(s) to be insured.

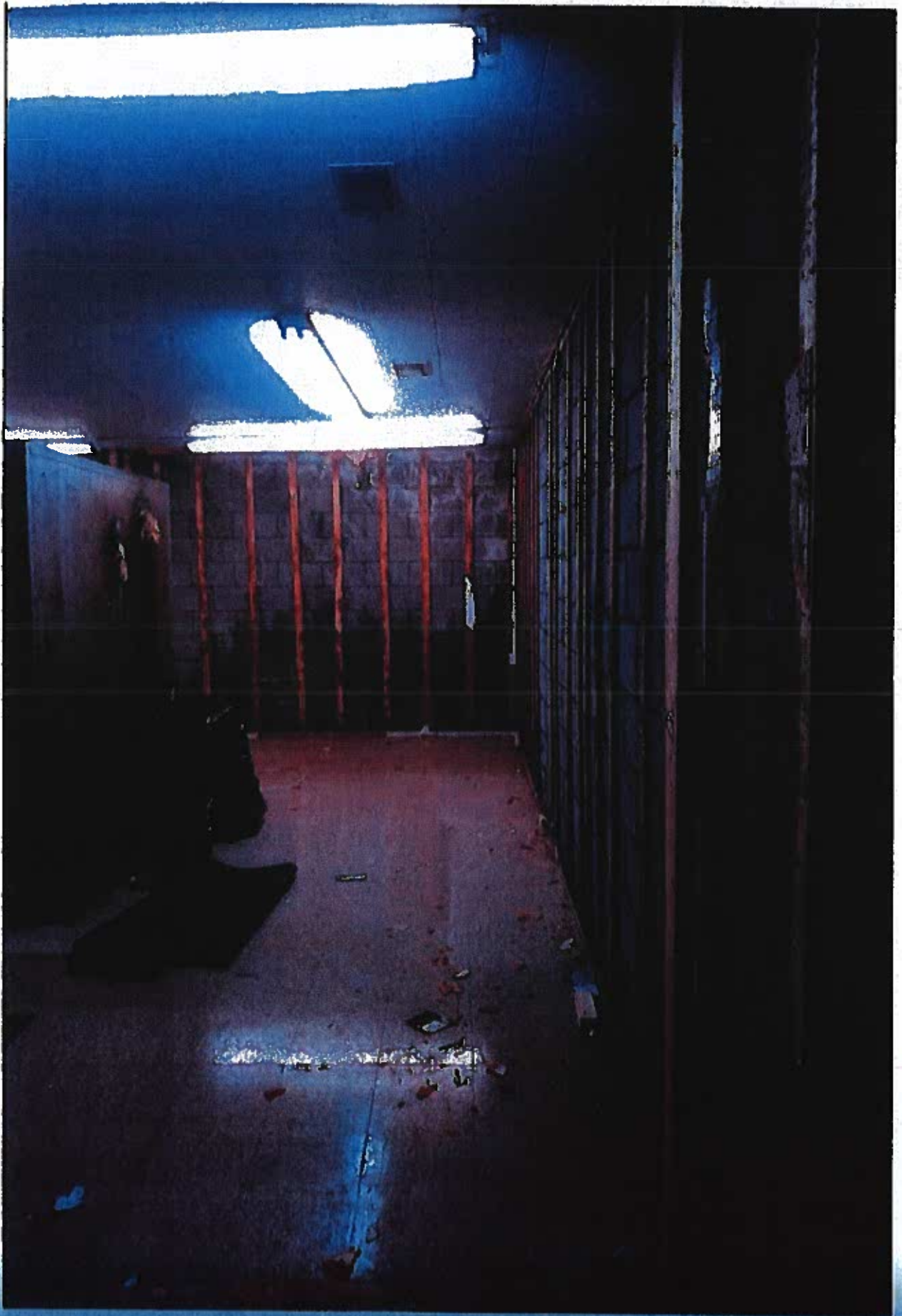
That this affidavit is made for the purpose of enabling First American Title Insurance Company to remove certain objections from the Interim Binder issued under the above cited number, and affiant avers the foregoing statements are true and correct to the best of her knowledge and belief.

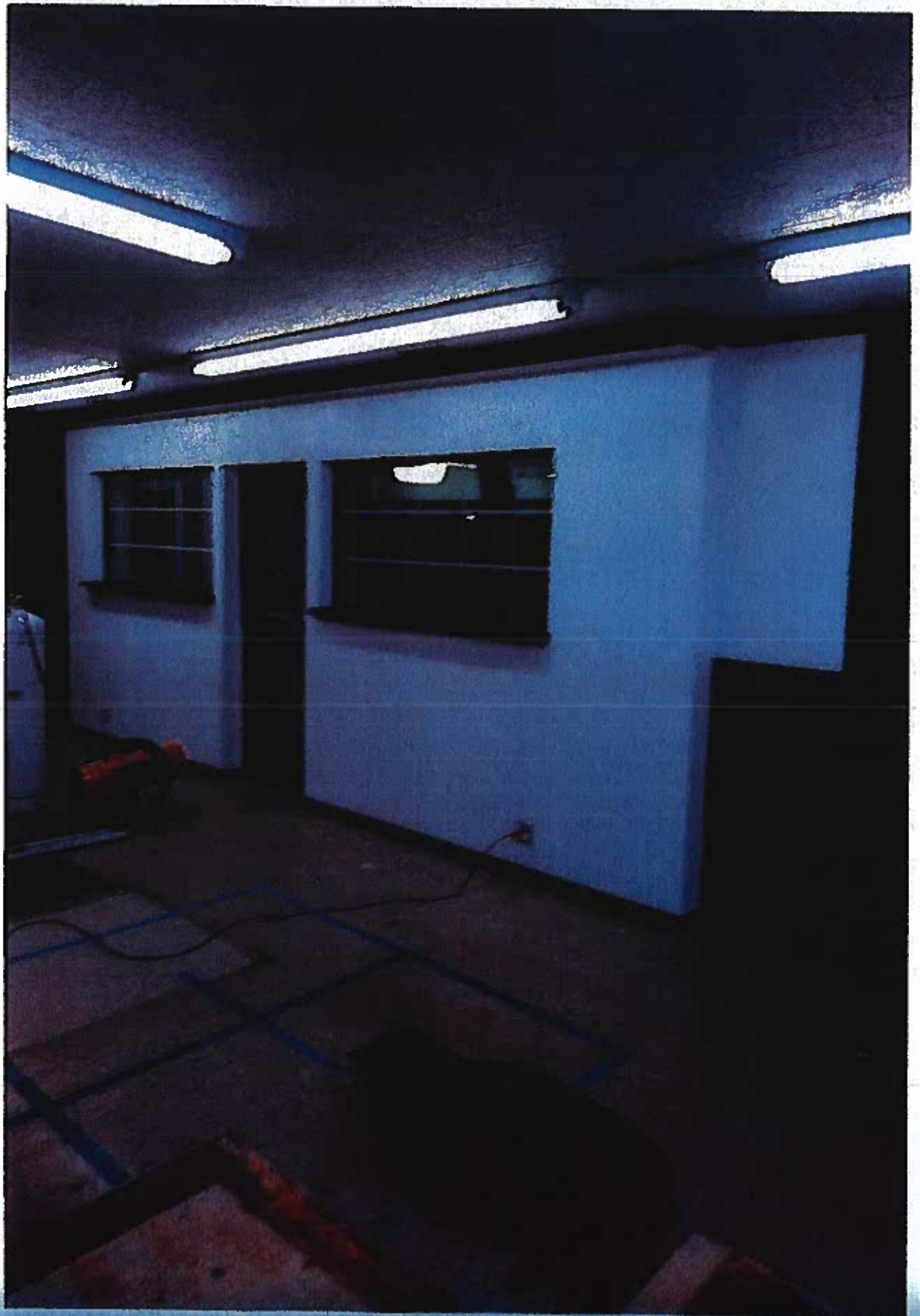
Yvonne M. Joseph 11/16/2020

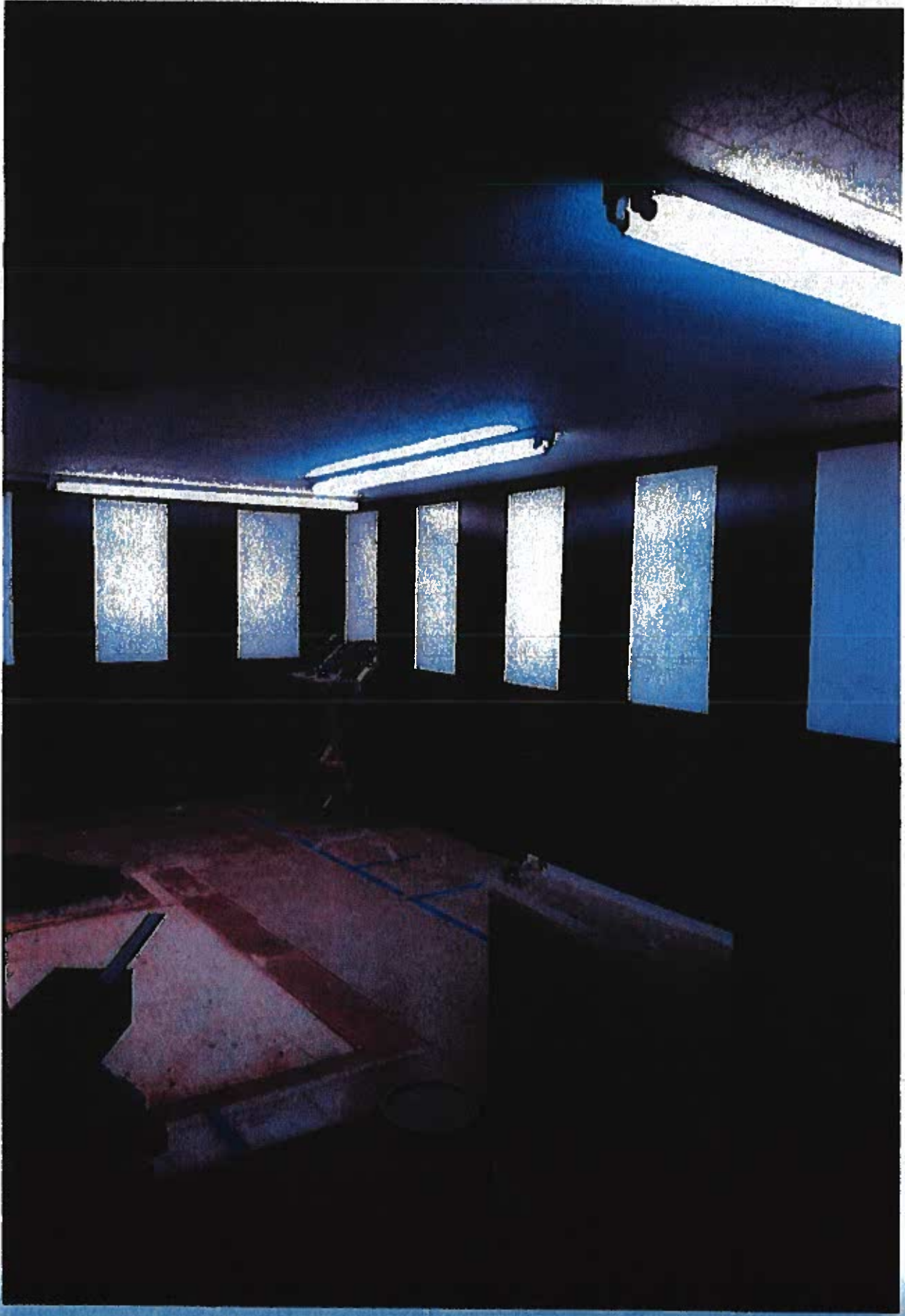


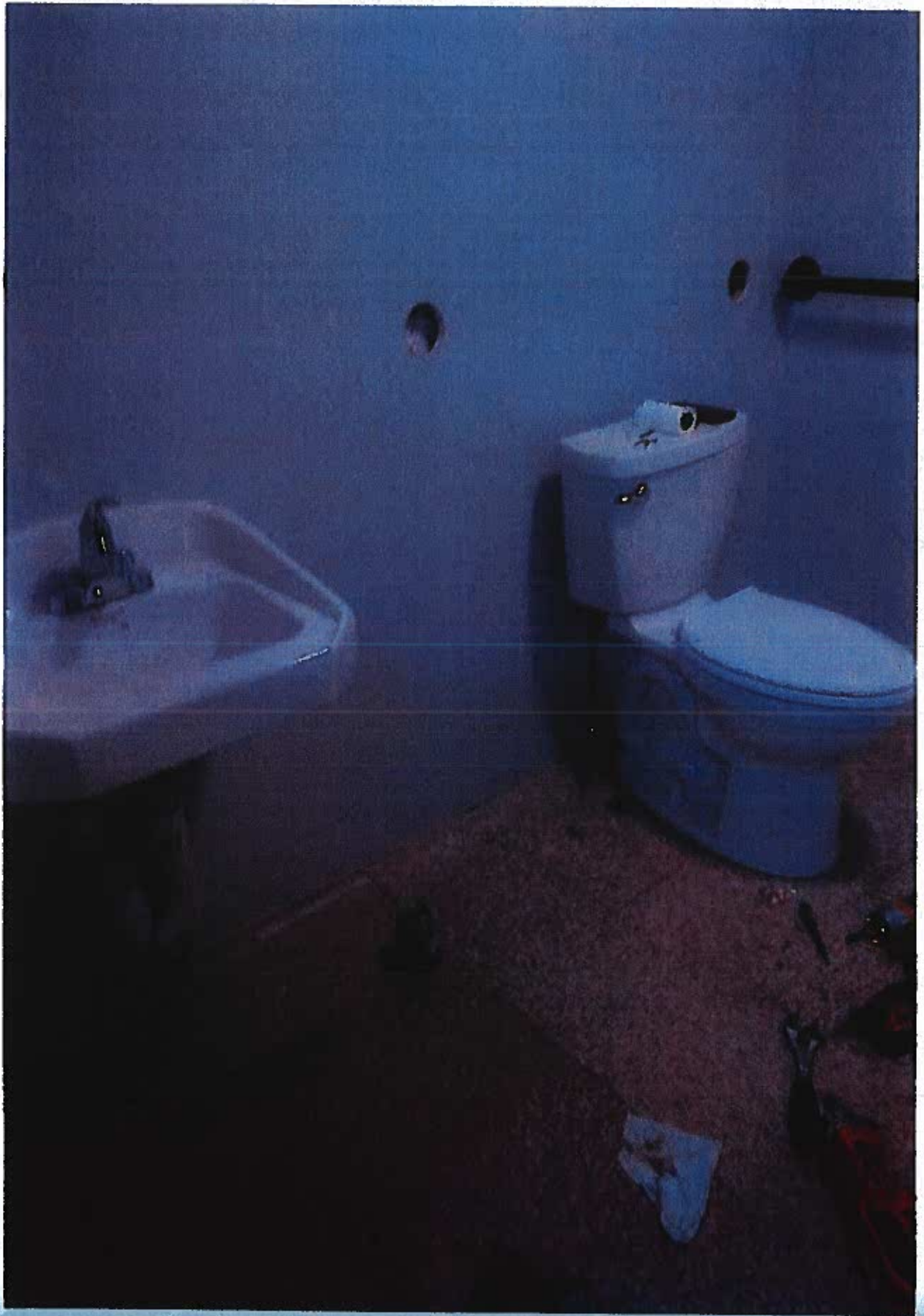


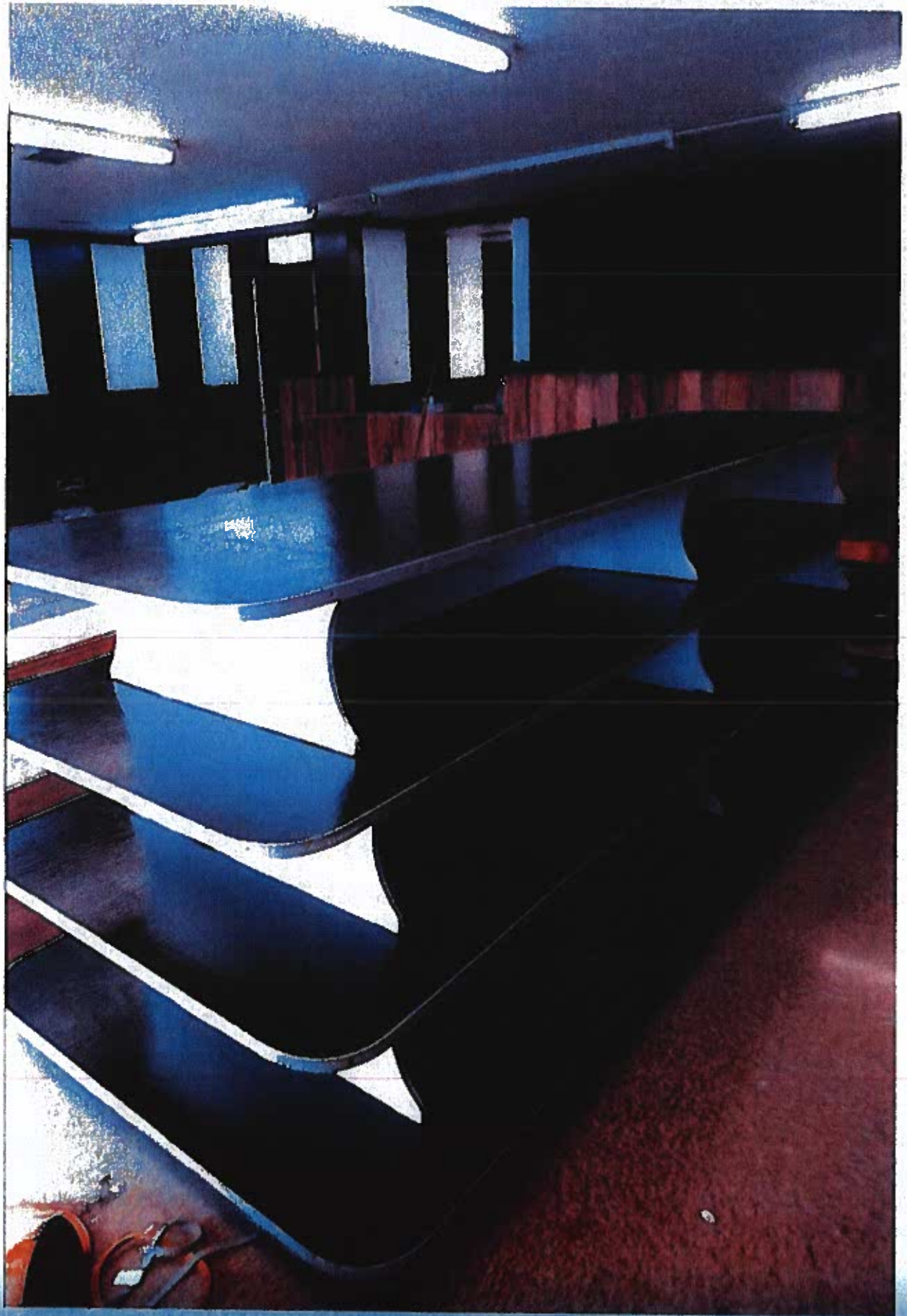


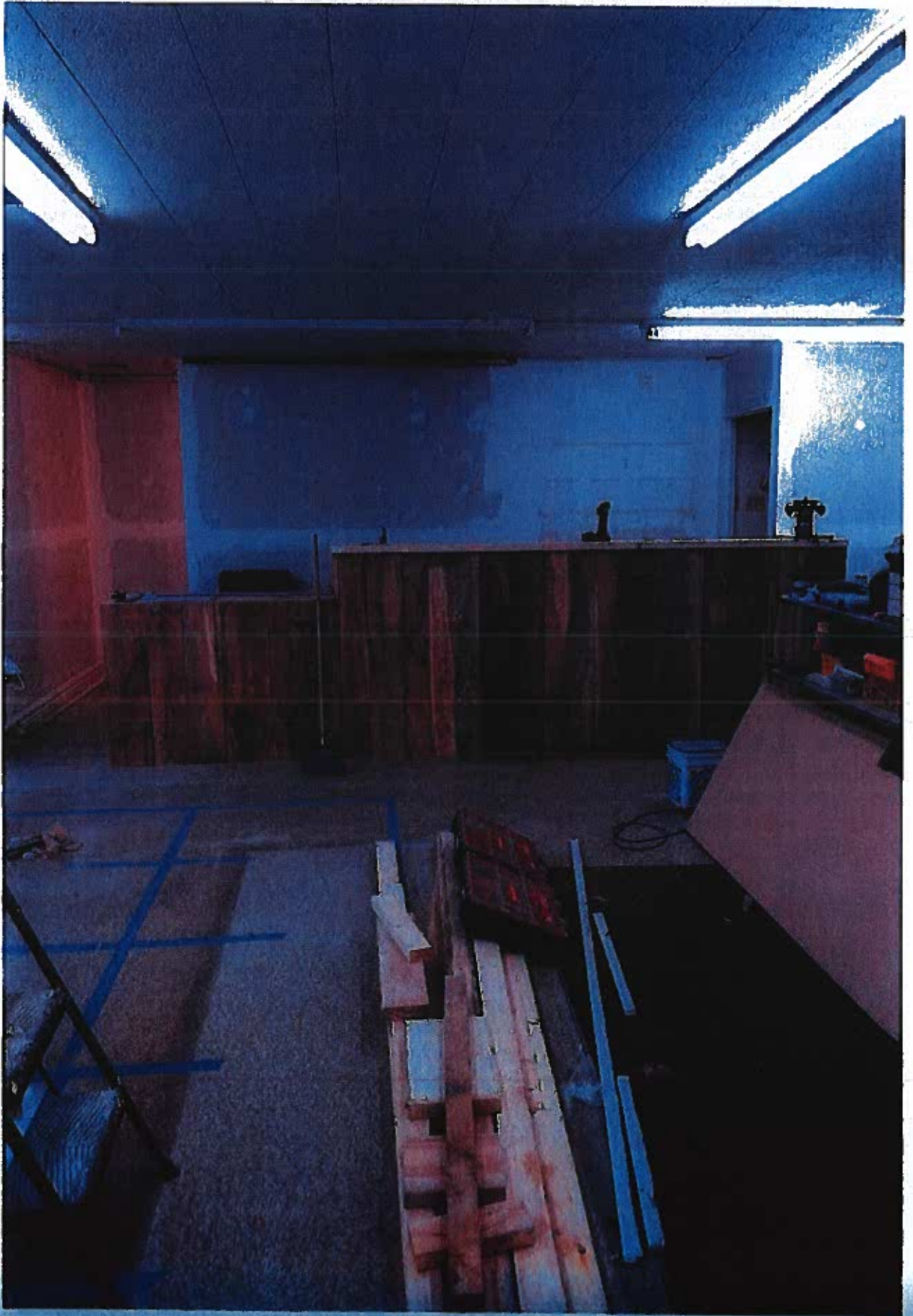


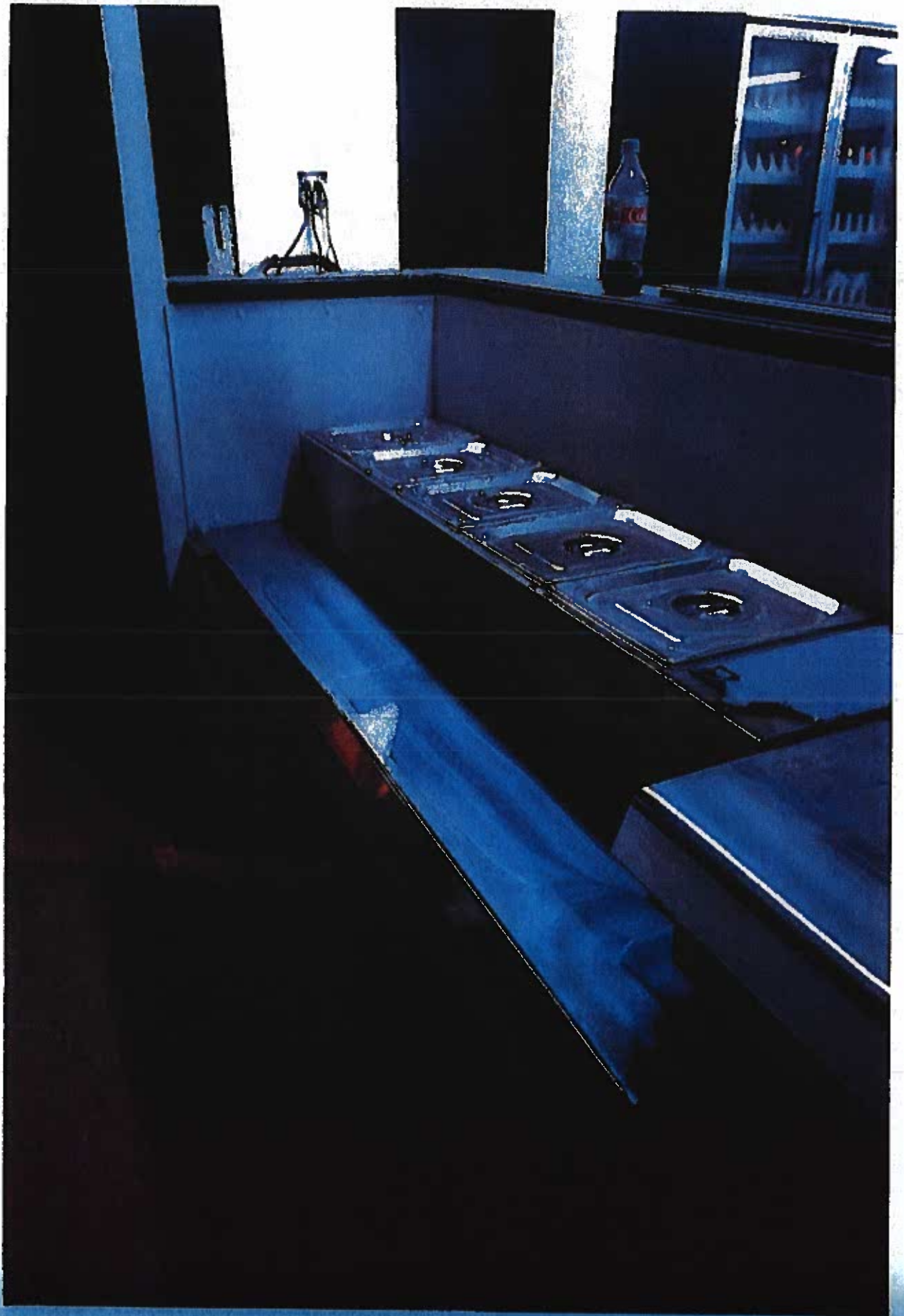


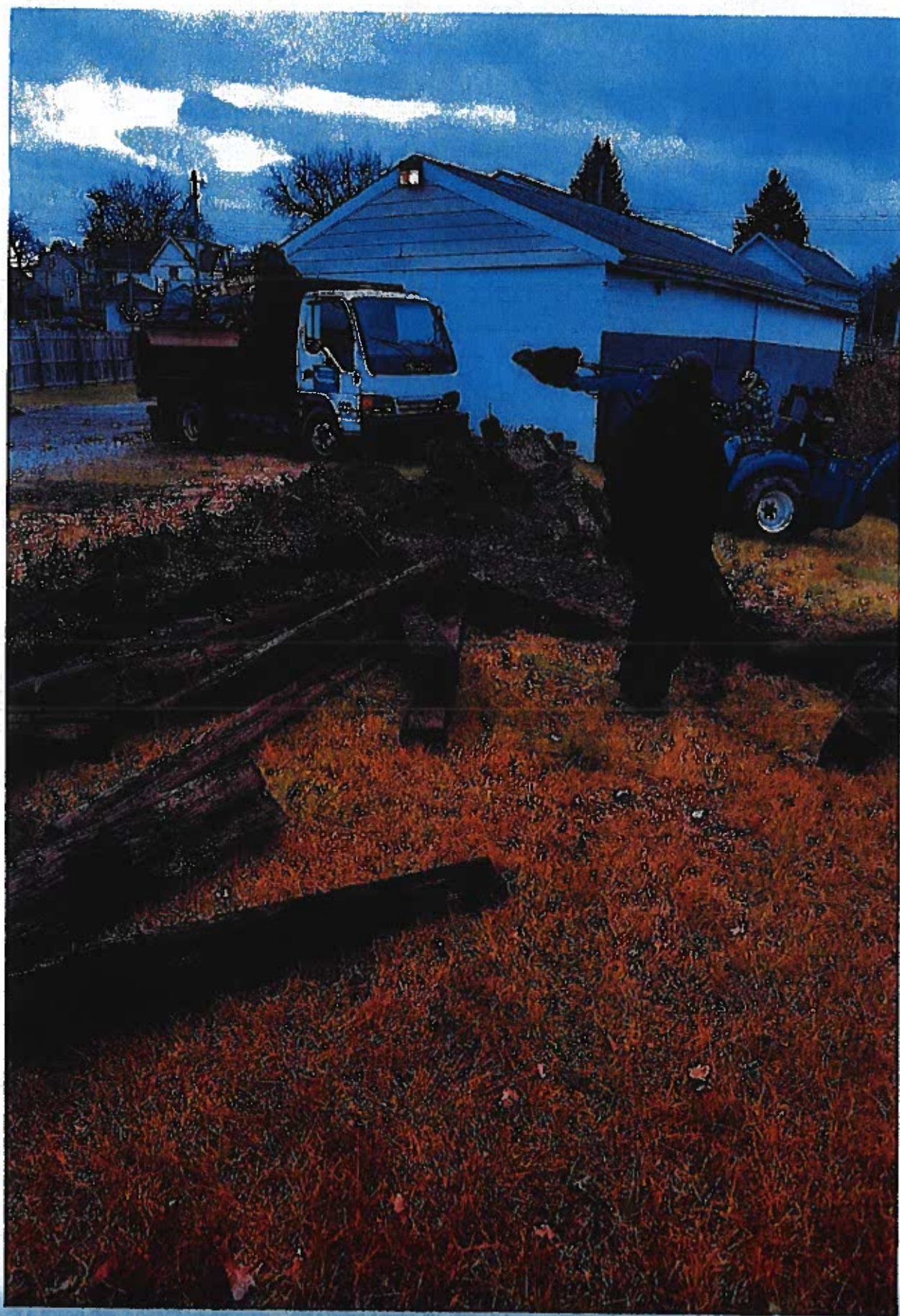


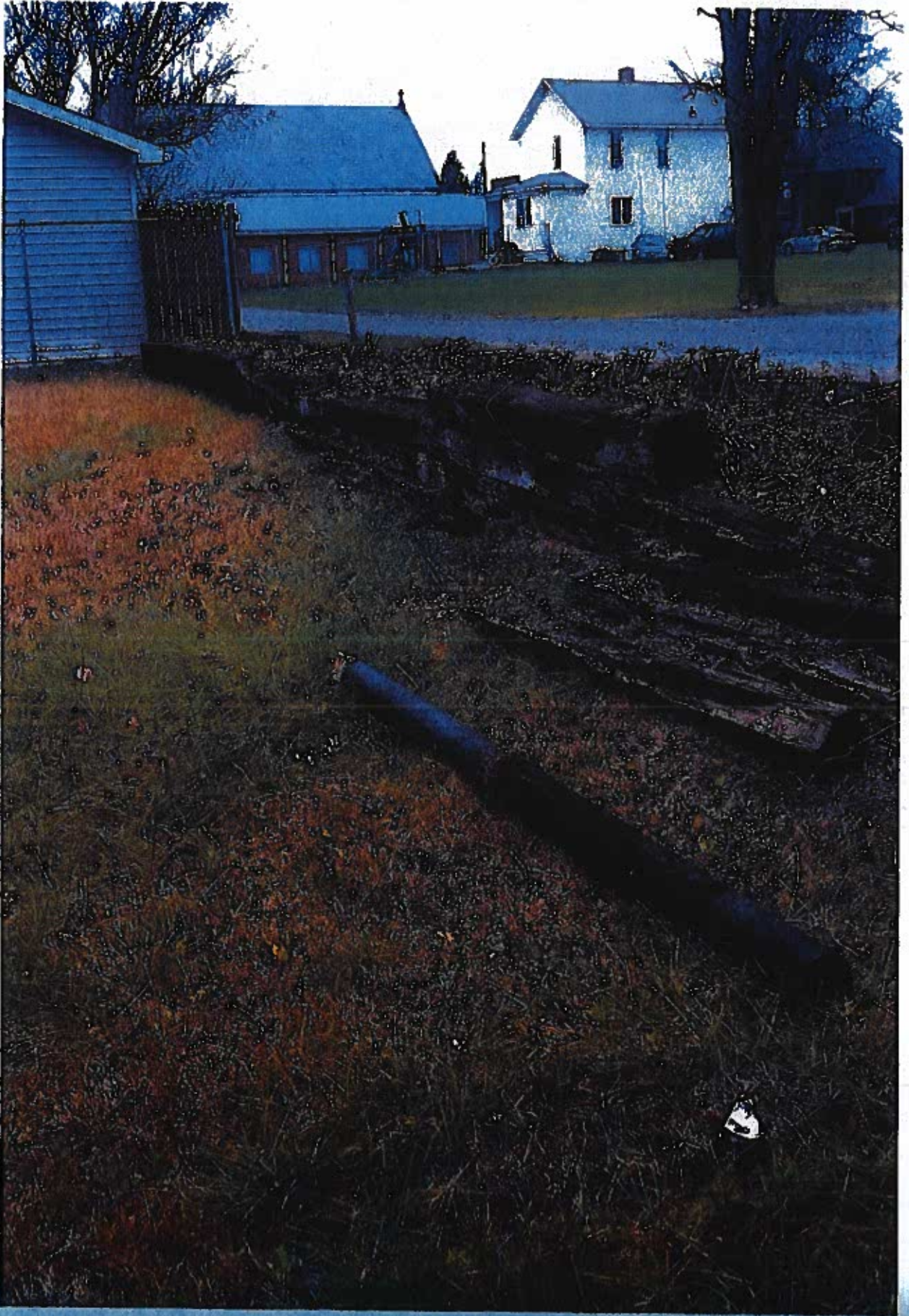


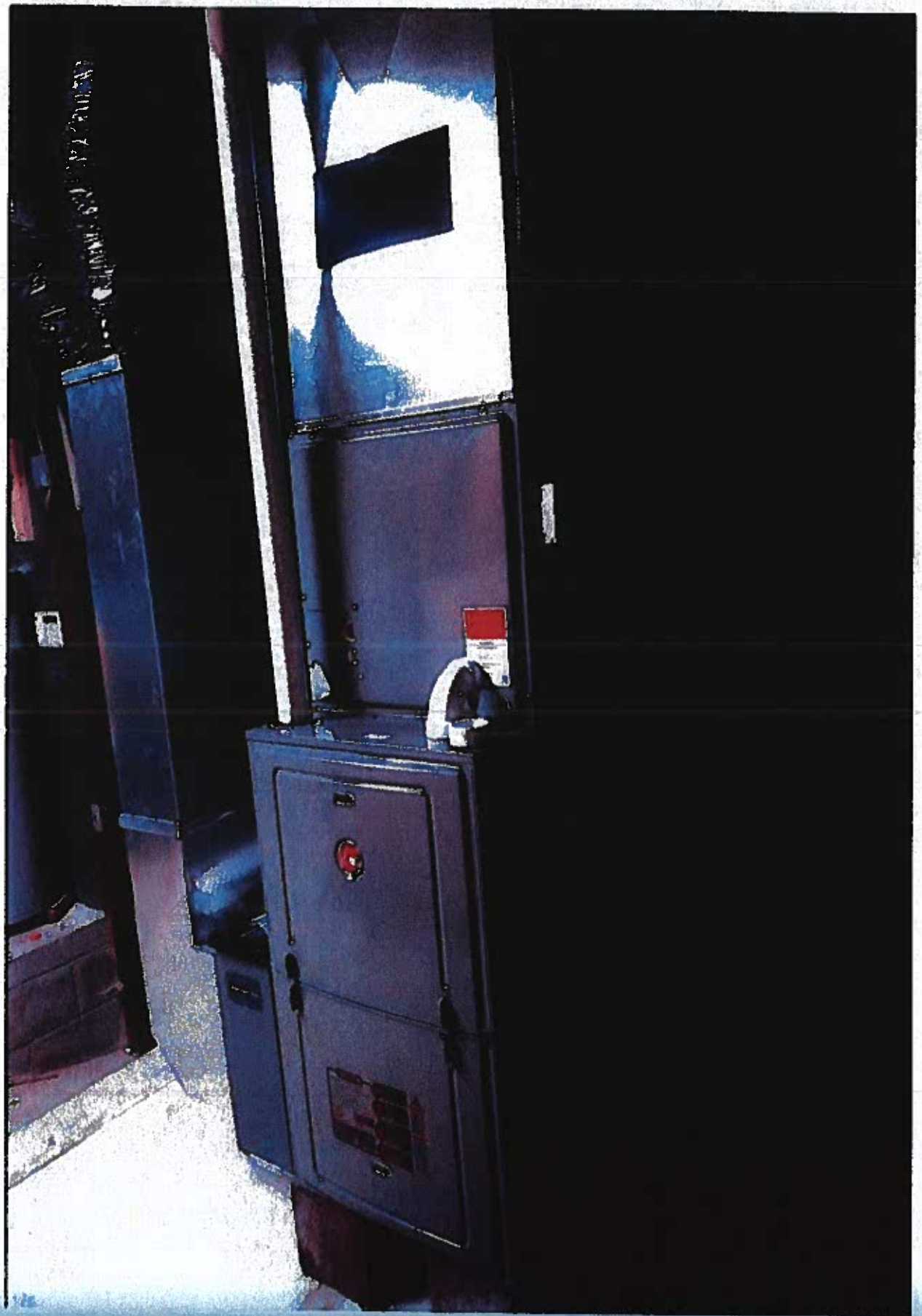












CONDITIONAL USE PUBLIC HEARING NOTICE

Notice is hereby given that the Council of the City of New Castle, PA, will hold a Public Hearing on Tuesday, March 9, 2021 at 6:00 p.m., for the purpose of hearing comments on the Conditional Use Request of Yvonne M. Joseph for to go deli/sandwich shop games of skills/8-10 machines at 847 Arlington Avenue, located in the C-1 General Business District of the Fourth Ward.

Please note that due to the COVID-19 pandemic, it is anticipated that the public hearing will be held virtually via Zoom. If it will be held virtually via Zoom, information regarding when and how to submit comments and/or questions will be available on the City of New Castle website (<http://www.newcastlepa.org/>) on the City's calendar page and a video recording of the public hearing will be posted on the City of New Castle website (<http://www.newcastlepa.org/>) after the public hearing has concluded. If the City Building is open to the public the public hearing will be held in Council Chambers, City Building, 230 N. Jefferson Street, New Castle, PA.

CITY OF NEW CASTLE, PA
Ciara Buck, Deputy City Clerk

LEGAL NEWS:

Friday, February 19, 2021
Friday, February 25, 2021

NO BOLDING - NO AFFIDAVIT

Affidavit

I am the Zoning Office for the City of New Castle, Lawrence County,
Pennsylvania. On FEBRUARY 19, 2021, I posted a notice announcing the
public hearing on the conditional use request of YVONNE M. JOSEPH

_____ (“Notice”) upon the premises located at:

847 ARLINGTON AVENUE, New Castle, PA 16101

(“Premises”). A true and correct copy of the Notice is attached hereto. The Notice was
posted in a conspicuous place on the Premises.

I verify that the statements made herein are true and correct to the best of my
information, knowledge and belief. I understand that false statements herein made are
subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to
authorities.

Date: 2/19/21

James Farris
James Farris

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