

## The Commissary's Required Permits & Documents

The permits and documents outlined below are required so that we ensure businesses operating in The Commissary are complying with food safety and legal requirements. We want our environment to be safe.

The cost and time required to fulfill these may seem significant, but this work will be a tremendous investment toward the growth of your food business. The cost and estimated timeline are outlined for each document/permit.

Proof of all of these requirements must be sent to [info@rochestercommissary.org](mailto:info@rochestercommissary.org) before your business can be admitted to operate in The Commissary.

All applicants must submit documents 1-7. Depending on the business type, some need 8-9 and others need 10-13. Please note that this document includes many hyperlinks to help guide you through this process.

**\*NOTE:** Right click all links below and select "Open in New Tab" to keep this document in your browser.

### **1. Organize an Entity**

Decide your legal structure, or what kind of entity you will be. Given the significant liabilities associated with running a food business, forming an LLC or corporation are highly recommended. While a sole proprietorship or partnership is easier and less expensive, those entity forms open you to personal liability for the debt and obligations of the business. Not sure which one suits you best? [Check out this guide.](#)

Cost: \$225 out of pocket expenses for a corporation (filing fees) or \$700 and up for LLC out of pocket expenses (filing fee and publication fee). Legal fees are in addition to these out of pocket costs. It is crucial that your entity be properly organized because if it is not, you can lose the liability shield you are expecting from the entity. You can begin operating the day your LLC is filed, but you must file your certificate of publication within 120 days.

Estimated Timeframe: 1-7 days.

EIN: Depends on methods of filing. The fastest filing is online with immediate response.

<https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>

### **2. Apply for your Sales Tax Certificate/Certificate of Authority**

It is important that you understand if you are required to collect sales tax from your customers. If you do not collect and remit the proper sales taxes to NYS, you will have personal liability for the unpaid taxes (the corporation or LLC do not shield you from this personal liability). Wholesale businesses that do not collect sales tax are still required to register for a Certificate of Authority in order to issue and accept most exemption certificates.

Cost: No cost.

Estimated Timeframe: Must register 20 days prior to beginning business. Online application at:

<https://www.tax.ny.gov/bus/st/register.htm>

### 3. File your business name with New York State

If you want to conduct business under a name other than the name of your LLC or corporation, you must file a "Certificate of Assumed Name" with New York State's Department of State [here](#).

Cost: \$50.

Estimated Timeframe: You will receive a certified copy same day. You need to post a copy of the D/B/A Certificate in a prominent place in each of your business locations.

### 4. Provide a Certificate of Insurance for General Liability + Product Liability

All businesses producing in The Commissary must provide a certificate of insurance covering themselves and their business for 1 million per occurrence and 2 million in aggregate for both general and product. Rochester Commissary LLC must be named as additionally insured and endorsed on your policy, located at 250 East Main Street Rochester, NY 14604.

At the [Food Liability Insurance Program \(FLIP\)](#), annual policies start at \$299. We also recommend working with Roger Panara at Canandaigua Insurance Company (585-394-5544 x119) or email at [rbpanara@CanandaiguaInsurance.com](mailto:rbpanara@CanandaiguaInsurance.com), who has helped The Commissary fulfill its own insurance needs. He can provide General Liability, Workers Compensation and NYDBL insurance.

***You must have your insurance placed before you can submit your application to either the Department of Health or NYS Department of Ag & Markets.***

Cost: Varying depending on type of business and its circumstances, can range from \$300-\$5,000 annually.

Estimated Timeframe: To find the best price and appropriate type of insurance plan, we recommend getting quotes as early as possible.

### 5. Employer Obligations

- a. Any individual that is not an owner of the business and that is participating in production is viewed as an employee of the business.
- b. If you do not have employees, [this certificate](#) attests that a business is not required to carry these permits.
- c. If you have employees, you are required to provide [workers' compensation](#) insurance to protect injured workers. [Check out the New York State Insurance Fund](#). Annual policies start at \$600.
- d. If you have employees, you are also required to provide employees with [unemployment insurance coverage](#), paid family leave and disability insurance.

Cost: Varying from \$0-\$600+ depending on number of employees.

Estimated Timeframe: 0-21 days depending on number of employees.

**6. The Commissary Membership Fee:** Annual fee – cost of us processing application and orientation of the facility, includes admission to all workshops for members.

Cost: \$150

Estimated Timeframe: Less than 1 day.

**7. The Commissary Security Deposit:** This is a one-time fee that will be held during your time as a member at The Commissary. If all rentals are paid for in full and no damage to the facility or its equipment occurs as a result of your business, it will be returned to you.

Cost: \$200

Estimated Timeframe: Less than 1 day.

**If your business involves selling food directly to the public (including caterer, baker, virtual restaurant, food truck)...submit items 8 & 9 to operate as a legal business, regulated by the Monroe County Health Department:**

### **8. Food Worker Certification**

Every member of The Commissary regulated by the Monroe County Health Department must obtain a Food Manager/Level One Food Safety Certification. Additionally, a Certified Food Worker is required to be present at all operating times for food service establishments, including temporary food stands. Operating times are defined as any time when food preparation is being performed and is not limited to the establishment's operating hours.

Costs vary depending on courses taken and the required exam. Acceptable certifications include The Monroe County Health Department's Level 1 Management Training and ServSafe Manager training.

***This certification must be current or your test for certification must be scheduled before you can submit your application for a permit to the Department of Health.***

Cost: \$180.

Estimated Timeframe: It's self-study, it depends on the person studying.

### **9. Apply to the Department of Health for a Food Establishment Permit**

County Executive Bello has announced that the 2021 permit fee for food establishments will be waived. You must still fill out the standard form [here](#).

**Under "Type of Establishment" you will check either Catering, Restaurant/Tavern, Mobile Truck or Pushcart depending on your intended use. If you plan to deliver food to clients directly (not with a delivery service), you will need to check Catering as your Type of Establishment. If you plan on serving directly from The Commissary, either at the Pick Up Window or otherwise, you will select Restaurant/Tavern as your Type of Establishment. If you have a Truck or Pushcart, you will need to fill out the information pertaining to your vehicle/cart when you select that option and have your truck/cart ready for inspection. You can select more than one option if you plan on multiple uses.**

You will need to list The Commissary, 250 East Main St, Suite 130 Rochester NY 14604 as the location. Before you submit this application, you must have your ServSafe Certification in place and valid insurance (#4 & #6).

Your application for this permit must be submitted 21 days before you plan to start working in The Commissary.

If you are an existing business with another location or food truck, you must have a permit for each of your locations.

***Please contact us at info (at) rochestercommissary.org before you submit your application so that we can help expedite the process and ensure that you've filled out the correct type of permit for your specific business' needs.***

Cost: \$225 Annually. All active members of The Commissary will have their permits paid for by a generous grant from the Monroe County Industrial Development Corporation (MCIDC). You do NOT need to provide payment if you are a verified and active member of The Commissary.

Estimated Timeframe: Submission of application must be 21 days before you plan to start working in The Commissary.

**-OR-**

**If you are a producer of packaged food goods or shelf stable food products...submit items 10-13 to operate as a legal business, regulated by the Department of Agriculture & Markets:**

#### **10. Form 3537**

Food manufacturers must keep records that identify the immediate previous source of all food and ingredients received by their facility and the immediate recipient of the products produced by the manufacturer and sold wholesale to a retailer or distributor. Even though The Commissary is your manufacturing facility, each business owner needs to create an account with the FDA and fill out online to register [here](#).

Cost: No cost for registering and it must be updated every 2 years.

Estimated Timeframe: A week for the information to be emailed directly to The Commissary.

#### **11. Develop your scheduled process with Cornell**

A scheduled process is a detailed procedure for a single product that includes formulation, critical control points, processing steps, and storage, distribution, selling conditions/restrictions. **Low-acid canned foods (canned vegetables), acidified foods (pickles, fermented foods, etc.), and/or water activity controlled foods (pastes, syrups, etc.), that are intended to be offered for sale as shelf-stable (unrefrigerated) will always require a scheduled process. Foods that generally will not require a scheduled process would include most baked goods, most refrigerated foods.** If your product does not clearly fall into either category, we recommend contacting our partners at Cornell for further guidance.

If your product requires a schedule process or process review, that will need to be complete before you can submit an application to the NYS Department of Ag & Markets for a 20C license.

Cost: Varies.

Estimated Timeframe: 4-6 weeks. If your product requires a scheduled process, you must have this step completed prior to scheduling your inspection with Ag & Markets in order to receive your 20C license and operate.

**12. Apply for a Department of Agriculture & Markets 20-C Food Processing license.**

- a. First Time Applicant (incubator food processing facility) \$0 for two years.
- b. Small Scale Processor (no more than 10 FT employees) - \$175
- c. All Others - \$400

***Please contact us at info (at) rochestercommissary.org before you submit your application so that we can help expedite the process. Do not submit this application until you have been accepted by The Commissary for membership.***

Cost: \$0-\$400.

Estimated Timeframe: 60 days to be processed.

**13. Complete your Good Manufacturing Practices Course.** The course is \$200 and offered through Cornell. [Register Here](#). While this course is not mandatory for all 20-C regulated manufacturers, either NYS or Cornell may require it based on the specific qualities of your product.

Cost: \$200.

Estimated Timeframe: 12 weeks to complete 12 modules.

***Please contact the department issuing the relevant permit with any questions.***