

VILLAGE OF PORT CHESTER

Board of Trustees

Special Meeting

Monday, November 20, 2023 at 6:00 P.M.

PROPOSED EXECUTIVE SESSION 6:00 -6:30 P.M. (Time Approximate)

PROPOSED CLOSED SESSION 6:30-6:45 P.M. (Time Approximate)

Town of Rye Justice Courtroom

350 North Main Street

Port Chester, New York

AGENDA

Trustee Bart Didden will be attending the meeting via videoconferencing from 685 Pelican Court, Marco Island, FL 34145, which will be open to the public for this meeting as well as the 350 N. Main Street Location.

I	CALL TO ORDER / PLEDGE OF ALLEGIANCE	
II	PROPOSED EXECUTIVE SESSION	ACTION
1	Interviews of Prospective Candidates for Boards and Commissions	
III	PROPOSED CLOSED SESSION	ACTION
1	Consultation with Corporation Counsel and Village Attorney	
	OPEN SESSION	
IV	RESOLUTION	ACTION
1	Appointment of Carlos Gomez to the _____	
2	Appointment of Andrew Weiss to the _____	
3	Authorization for the Mayor to Enter into a Purchase and Sale Agreement for the Conveyance of Development Rights to Neri Bakery to Facilitate an Addition over the New Broad Street Municipal Parking Lot for \$535,000.00 and to Authorize an Application to the Planning Commission for Site Plan Approval	

CALL TO ORDER
PLEDGE OF ALLEGIANCE

**PROPOSED MOTION
FOR
EXECUTIVE / CLOSED SESSION**

RESOLUTIONS

RESOLUTION

APPOINTMENT TO _____ COMMISSION

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

RESOLVED, that CARLOS GOMEZ, of Port Chester, NY, be and she hereby is appointed as a member of the Port Chester _____, a seat previously held by _____ effective immediately, with said term to expire on _____.

Approved as to Form:

Anthony M. Cerreto

Anthony M. Cerreto, Village Attorney

RESOLUTION

RES 02
11-20-2023

APPOINTMENT TO _____ COMMISSION

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

RESOLVED, that ANDREW WEISS, of Port Chester, NY, be and she hereby is appointed as a member of the Port Chester _____, a seat previously held by _____ effective immediately, with said term to expire on _____.

Approved as to Form:



Anthony M. Cerreto, Village Attorney

RESOLUTION

AUTHORIZE THE MAYOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE CONVEYANCE OF DEVELOPMENT RIGHTS TO NERI BAKERTY TO FACILITATE AN ADDITION OVER THE NEW BROAD STREET MUNICIPAL PARKING LOT FOR \$535,000.00 AND TO AUTHORIZE AN APPLICATION TO THE PLANNING COMMISSION FOR SITE PLAN APPROVAL

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

WHEREAS, the Village owns and operates a municipal parking surface lot on New Broad Street; (“Village Lot”), designated as Section 142.30-2-5.1 on the Tax Map of the Town of Rye, and

WHEREAS, in correspondence dated June 23, 2023, Anthony Tirone, Esq. expressed interest on behalf of Neri Bakery related entities (“Neri Bakery”) in acquiring development rights above that portion of the Village Lot that is adjacent and contiguous to the rear of 31, 41 and 61 Pearl Street to facilitate a one-story addition for storage space to the existing bakery; and

WHEREAS, the village has been advised that it is not feasible to construct structured parking at the location; and

WHEREAS, Neri Bakery proposed that in connection with such addition it would make certain site improvements to the village parking lot, such as new paving, striping, 24/7 cameras and lighting; and

WHEREAS, in the exercise of due diligence the village commissioned an independent appraisal valuing such requested rights at the Village Lot in the amount of \$535,000.00 and

WHEREAS, the Board of Trustees has the power to sell real property pursuant to New York State Village Law Section 1-102(1) and the method of sale chosen is within the sound discretion of the Board of Trustees; and

WHEREAS, the available methods of sale include the right to sell the property through a private negotiated sale; and

WHEREAS, the Board of Trustees is entrusted with a fiduciary duty to secure the best price obtainable in its judgment or on the most beneficial terms in the public interest for any lawful use; and

WHEREAS, the parties have engaged in extended negotiations; and

WHEREAS, Attorney Tirone, on behalf of Neri Bakery, has forwarded correspondence dated November 15, 2023 proposing a purchase price of \$535,000.00 which reflects the amount of the village's appraisal; and

WHEREAS, the Board accepts such financial terms and desires to move forward. Now, therefore, be it

RESOLVED, that the area above the Village Lot sought by Neri Bakery is hereby declared unnecessary and surplus to village needs; and be it further

RESOLVED, that the Board of Trustees hereby directs the Village Attorney, Anthony Cerreto, and Frank Acocella, of counsel, to prepare the Purchase and Sale Agreement for the conveyance of development rights at the agreed-upon price and upon the terms and conditions expressed in the correspondence of November 15, 2023 subject to any further stipulated terms as may be deemed necessary in furtherance of the agreement so long as the November 15, 2023 terms are not materially altered; and be it further

RESOLVED, that the Mayor be and hereby authorized to enter into the requisite Purchase and Sale Agreement, and be it further

RESOLVED, that the Board authorizes and supports Neri Bakery in making application to the Planning Commission for site plan approval for the proposed addition and be it further

RESOLVED, that this resolution and Purchase and Sale Agreement shall be subject to all applicable law, rules, or regulations, including but not limited to, compliance with the State Environmental Quality Review Act 6 NYCRR Section 617 ("SEQRA"); and be it further

RESOLVED, the Board classifies its action as an Unlisted Action under SEQRA; and be it further

RESOLVED, in furtherance of same, the Board hereby declares its' intent to designate itself as Lead Agency for the purposes of a coordinated SEQRA review and that

such notice be given to all interested and involved agencies

Approved as to Form:

Anthony M. Cerreto

Anthony M. Cerreto, Village Attorney

THE LAW OFFICE OF

Anthony R. Tirone, Esq., PLLC

170 Hamilton Avenue, Suite 300
WHITE PLAINS, NEW YORK 10601
TEL: 914-686-7007 • FAX: 914-686-7019
ARTY@ARTironeLaw.com

November 15, 2023

The Hon. Luis A. Marino, Mayor
and The Board of Trustees of The Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn.: Anthony M. Ceretto, Esq.

**Re: *Neri's Bakery Products, Inc. and Neri's Land Improvement LLC*
*with the Village of Port Chester***

Dear Mr. Ceretto:

Please accept this **Letter of Intent** by Neri's Bakery Products, Inc. and Neri Land Improvement LLC, (Neri's) to the Village of Port Chester (**Village**) for the sale and purchase of certain Village owned air rights to Neri's over a limited area of the New Broad Street parking lot.

The specific area and volume of ***Air Rights*** that are the subject of this offer have been set forth in the map and surveys filed with the Village on **June 22, 2023** and **October 27, 2023** and include the air rights over part of the New Broad Street parking lot, **SBL 142.30-2-5.1** owned by the Village, which are adjacent to and contiguous with the rear of **31, 41 & 61 South Pearl**.

The area as described and delineated therein (***see attached plans***) is directly above the Village parking lot and adjacent to the buildings and parking areas currently owned outright by Neri's. If the air rights are transferred, it is contemplated that Neri's will construct a 1 story addition to its existing facility contiguous with the 2nd floor production area. The grade level fee simple will remain with the Village and the proposed structure will have no effect on the current parking configuration.

The offer for the sale and purchase of the limited and specific ***Air Rights*** is set forth as follows:

1. Purchase Price: **\$535,000.00** (*Five Hundred and Thirty-Five Thousand Dollars*).

2. In-kind property improvements from Neri's to the Village at grade level site include new paving, stripping, 24hr lights and security cameras, covered parking-fully maintained and the like currently valued at **\$125,000.00**.
3. The cost, required by Con Edison's order of magnitude, for upgrading and relocation of the utility services to benefit the Village power grid shall be borne by Neri's at a value estimated at **\$250,000.00**. (#4 *infra*).
4. The Village to provide a **Letter of Approval and Intent** to Con Edison indicating that the Village requests and will support the relocation of the high voltage overhead power lines along with the movement of approximately 6 accompanying poles from the current west side of New Broad St. to the east side of New Broad St.
5. **Contract**: **20** days after BOT direction and Resolution of Approval, subject to title clearance along with a cubic-metes and bounds insurable survey description of the ***Air Rights*** area as set forth herein.
6. **Closing**: Post Site Plan Approval and subject to SEQRA from the Planning Commission and a coordinated review by the BOT as Lead Agency along with Planning Commission.
7. Village Planner to circulate required approvals to and from related agencies upon a fully executed contract.
8. Authorization and Resolution from the Village BOT allowing Neri to proceed to the Planning Commission on November 27, 2023 with a Positive Recommendation as Contract Vendee. Village Planning Commission to accept Neri's application for the **November 27th** meeting.
9. Neri's shall at all times insure indemnify and defend the Village without contribution during the design, development, construction of the structure.

Please accept this Letter of Intent from Neri's to the Village for the sale and purchase of the air rights set forth herein, Thank you.

Respectfully,


Anthony R. Tirone

cc: Mr. Dominic Neri
Neri Land Improvement LLC
Neri Bakery Products Inc.

ART/NTRT



EXTERIOR VIEW
SCALE NTS

studio
ARCHITECTURE

STUDIO ARCHITECTURE, INC.
222 SPENGLER AVENUE, SUITE 200
WEST PLAINS, NY 12159
INFO@STUDIO-ARCH.COM
518-352-1234

Neri's
Bakery Products, Inc.
WHOLESALE • RETAIL

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ISSUE
2023-10-10: EXTERIOR LAYOUT (1/10/23)
18 IN N

NERI'S LAND IMPROVEMENT LLC
41 PEARL STREET
PORT CHESTER, NY, 10573
S.B.L. 142.30-2-6

DATE	10/10/2023
JOB NUMBER	22005 01
SCALE	AS NOTED
DRAWN BY	JAM

RENDERING

LAYOUT 5.0

ROOT

SCHEMATIC DESIGN

studio
ARCHITECTURE

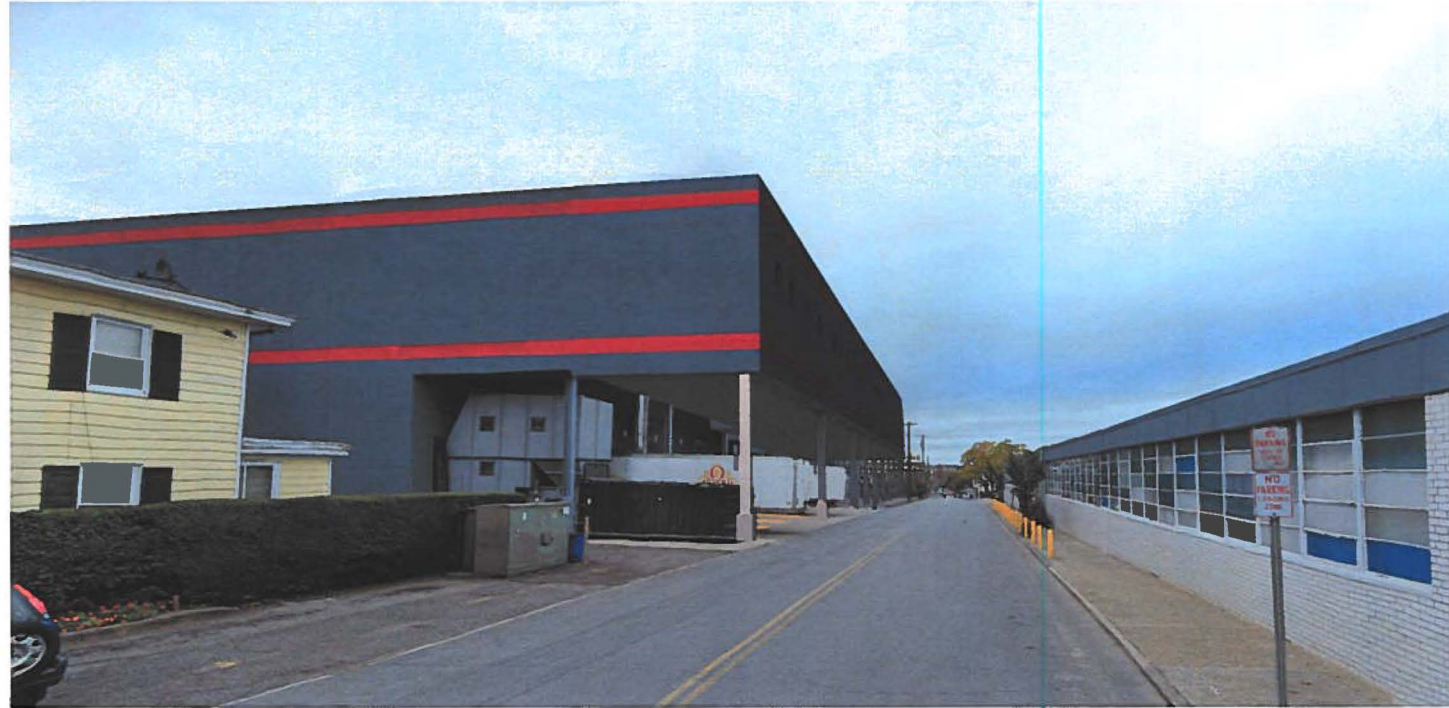
STUDIO ARCHITECTURE, INC.
OFFICE: 1000 WEST 10TH STREET, SUITE 200
PORT CHESTER, NY 10573
PHONE: 516.933.1111
WWW.STUDIOARCHITECTURE.COM

Neri's
Bakery Products, Inc.
WHOLESALE • RETAIL

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ARCHITECTURAL DRAWING AFTER THEIR SEAL AND
NOTATION HAS BEEN AFFIXED BY THEM, IS
CONSIDERED TO BE VIOLATING THE LAW.
SIGNATURE AND DATE OF THE ALTERATION



ISSUE
NO. 2 - FOR THE ELLER (1 LAYOUT 5.0) (30.00%)
16.08.16



EXTERIOR VIEW
SCALE: NTS

NERI'S LAND IMPROVEMENT LLC
41 PEARL STREET
PORT CHESTER, NY 10573
S.B.L. 142.30-2-6

DATE: 10/10/2023
JOB NUMBER: 22005 01
SCALE: AS NOTED
DRAWN BY: JAM

RENDERING

LAYOUT 5.0

R002

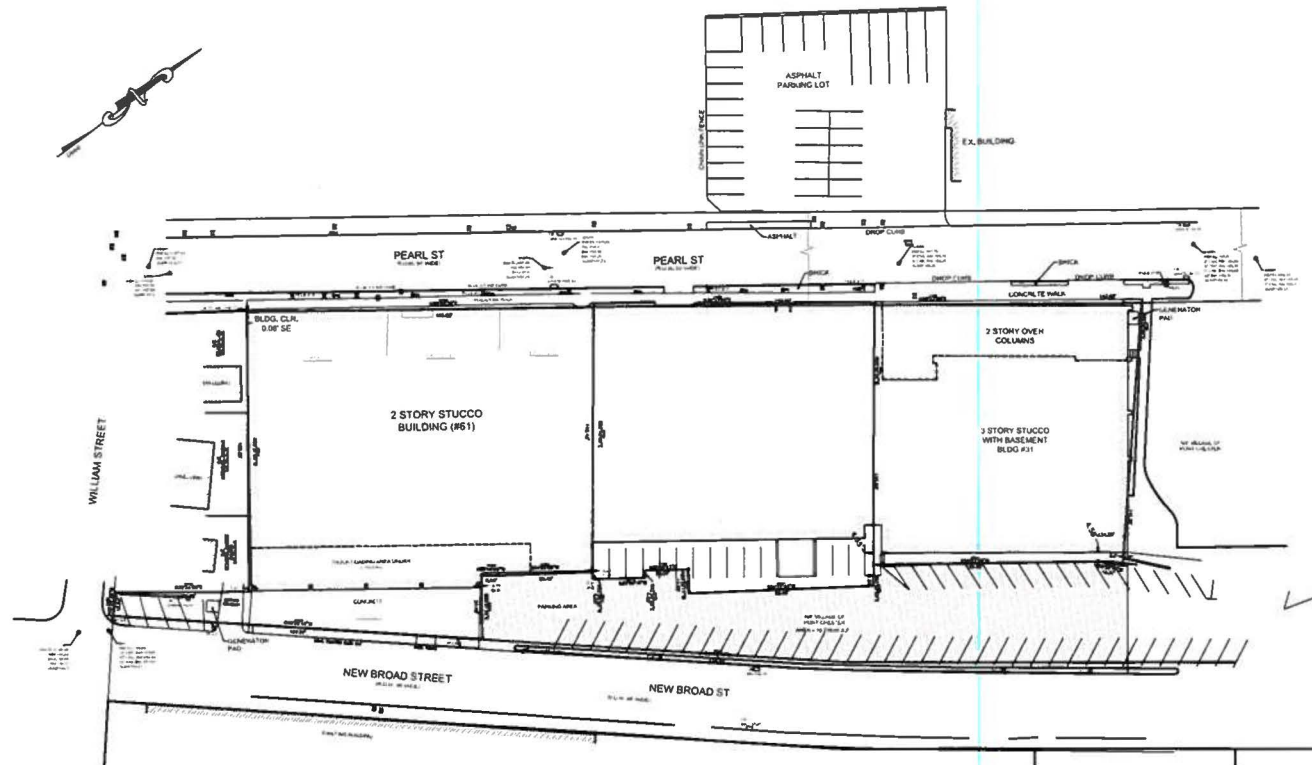
SCHEMATIC DESIGN



ZONE: C4



LEGEND



31-61 Pearl Street, Port Chester, NY 10573

31 Pearl Street = 19,256.38 Sq. Ft. (0.44 Ac.)
61 Pearl Street = 22,483.24 Sq. Ft. (0.52 Ac.)
61 Pearl Street = 31,167.83 Sq. Ft. (0.72 Ac.)

SURVEY NOTES

I, Anastasia I. Parsatoni, L.S., the surveyor who made this map, do hereby certify that the field survey on which this map is based was completed on August 11, 2020 and updated on February 16, 2023 and that this map was completed on August 22, 2020 and updated on March 1, 2023 in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors.

Reference is made to Deed Control No. 462979438, Deed Control No. 49996198 and Deed Control No. 517134115 filed in the office of the register of Westchester County.

Underground utilities, buildings and structures are not shown herein. There may be underground utilities, buildings and structures. Any party utilizing the utility information and data depicted on this survey shall contact the "CALL BEFORE YOU DIG" phone number at 800-485-7362 a minimum of two (2) business days prior to any construction activities to verify the location of any and all underground utilities.

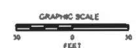
Property intended for sale and all parties to provide tentative easements, dedications and/or easements of record if any.

Dimensions shown from station to property lines are not intended to be used for the construction of fences, structures or other improvements.

Unsubstantiated alterations or additions to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209, Subsection 2 of the New York Executive Law.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

ANASTASIA I. PARSATONI, N.Y. L.S. 051068 DATE



REV. #	REV. DESCRIPTION	DATE
1	PARKING SPACES	03/17/2023

AK AHNEMANKIRBY
ENGINEERS SURVEYORS PLANNERS
1171 East Putnam Avenue, Norwalk, CT 06876
Tel: 203.840.7100 Fax: 203.840.4000
www.ahnemankirby.com

March 1, 2023
1" = 20'
L.S. 051068
2006340
23-25-01
34

PREPARED FOR
NERVIS LAND IMPROVEMENT
31-61 Pearl Street, Port Chester, NY 10573
116-00-012205-01
PLOT PLAN
P-1



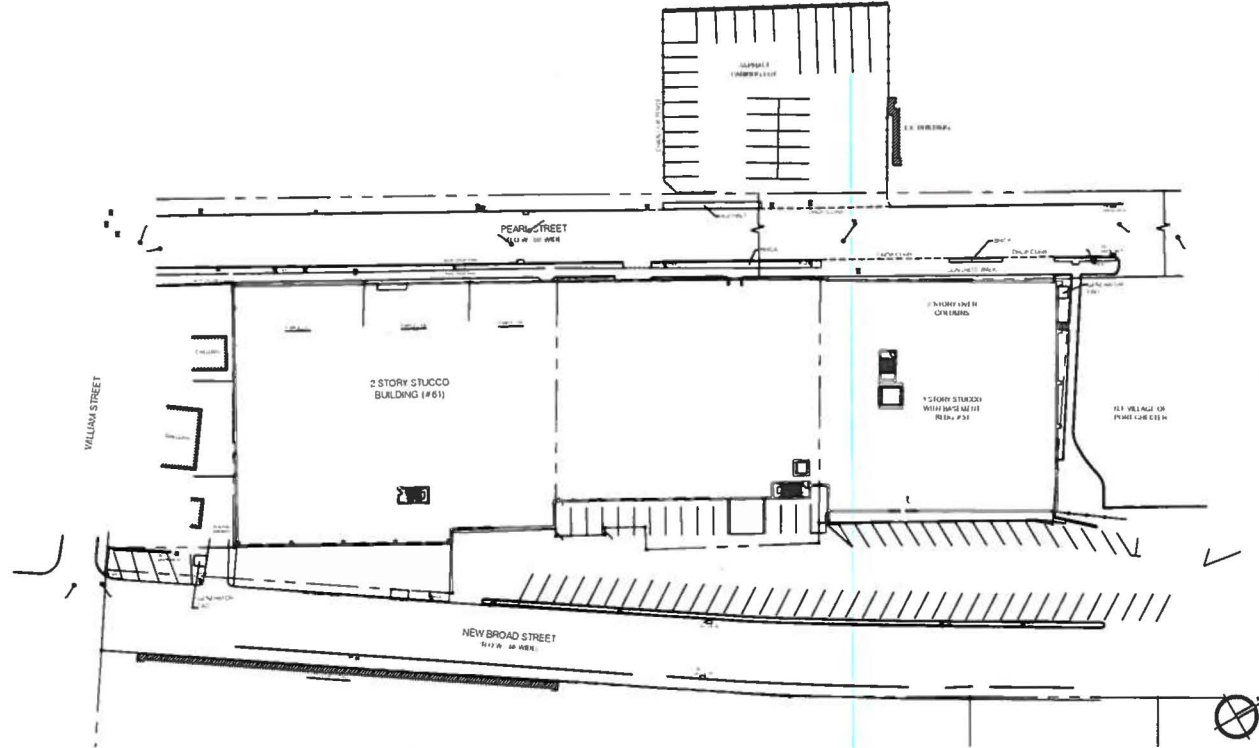
STUDIO ARCHITECTURE INC.
100 WEST 111TH STREET, 10TH FLOOR
NEW YORK, NY 10028
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ISSUE
NO. 1 TO 100
NO. 101 TO 200
NO. 201 TO 300
NO. 301 TO 400
NO. 401 TO 500
NO. 501 TO 600
NO. 601 TO 700
NO. 701 TO 800
NO. 801 TO 900
NO. 901 TO 1000



EXISTING SECOND FLOOR PLAN
SCALE 1/32" = 1'-0"

NERI'S LAND IMPROVEMENT LLC
41 PEARL STREET
PORT CHESTER, NY, 10573
S.B.L. 142.30-2-6

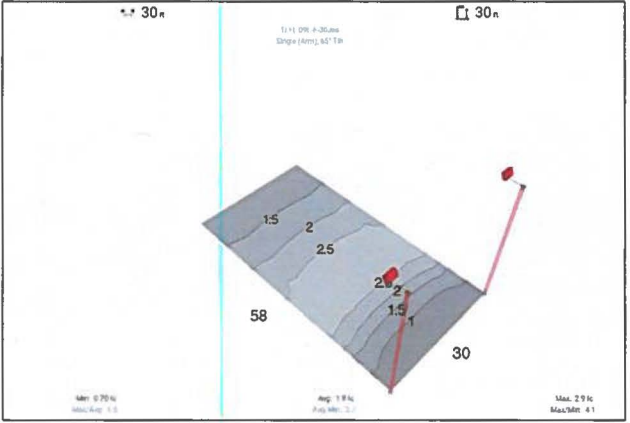
DATE	10/10/2023
JOB NUMBER	22005 01
SCALE	AS NOTED
DRAWN BY	JAM

EXISTING
SECOND
FLOOR PLAN
LAYOUT 5.0
EX120
SCHEMATIC DESIGN

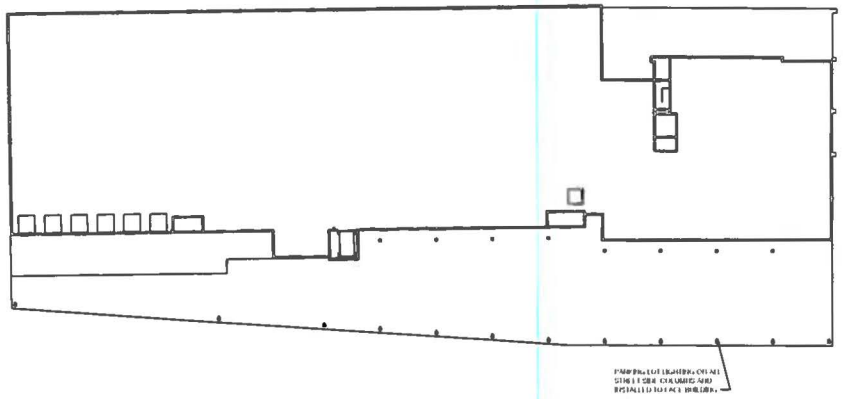


ISSUE

NO. 10-10-2023	DATE



TYPICAL PARKING LOT PHOTOMETRIC
SCALE: NTS



NERI'S LAND IMPROVEMENT LLC
41 PEARL STREET
PORT CHESTER, NY, 10573
S.B.L. 142.30-2-6

DATE	10/10/2023
JOB NUMBER	22005 01
SCALE	AS NOTED
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REFLECTED CEILING PLAN
LAYOUT 5.0
A210
SCHEMATIC DESIGN

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ISSUE

NO. 1	NO. 1	NO. 1	NO. 1

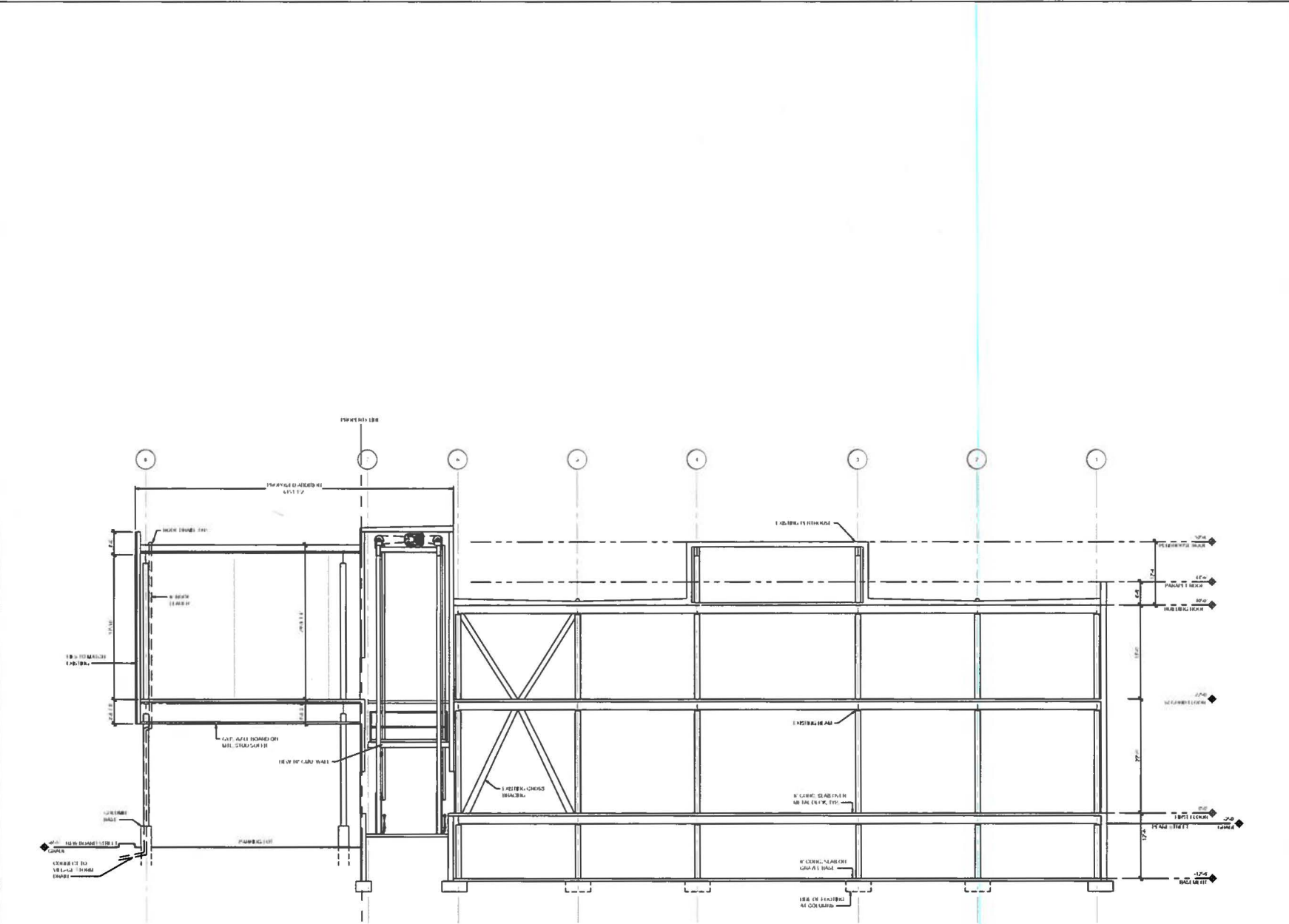
NERI'S LAND IMPROVEMENT LLC
41 PEARL STREET
PORT CHESTER, NY, 10573
S.B.L. 142 30-2-6

DATE 10/10/2023
JOB NUMBER 22005 01
SCALE AS NOTED
DRAWN BY JAM

**SECTIONS
DETAILS**

LAYOUT 5.0
A400
SCHEMATIC DESIGN

X:\2023\2005 01 Schematic Design\A400.dwg 10/10/2023 10:11:14 PM, AutoCAD 2019 (level: Document.dwg)



BUILDING SECTION
SCALE: 1/8" = 1'-0"