



George Latimer  
County Executive

June 17, 2022

Westchester County Board of Legislators  
800 Michaelian Office Building  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith for your consideration and approval is a proposed Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through the Westchester Community College ("WCC") to amend the lease agreement ("Lease") with Brooks Shopping Centers, LLC ("Landlord") for space located at the Cross County Shopping Center ("CCSC"), Yonkers, in order to authorize an increase of the total amount payable under the Lease by an amount not to exceed \$900,000.00 for work required by WCC to be able to operate as a 21<sup>st</sup> century facility.

The Lease, as previously amended, provides terms for the relocation of WCC's Yonkers Extension Center (the "Extension Center") from the 12,165 square feet of space located at the Cross County Shopping Center ("CCSC"), Yonkers (the "Original Premises") to a new, 39,093 square foot premises (the "New Premises") at the CCSC once the work necessary for WCC's occupancy (the "Landlord's Work") is complete and WCC is able to relocate the Extension Center to the New Premises (the "Adjustment Date").

The original term of the Lease commenced on May 1, 2010 and expired on April 30, 2020 (the "Original Term") and, pursuant to your Honorable Board's Local Law enacted on May 4, 2020, the Lease was extended by eight months from May 1, 2020 to December 31, 2020. Pursuant to your Honorable Board's Local Law enacted on December 8, 2020, the Lease was further extended for one year from January 1, 2021 to December 31, 2021. By Local Law 11-2021 enacted on October 18, 2021, your Honorable Board authorized the County to further amend the Lease in order to provide terms for relocation of the Extension Center to the New Premises on the Adjustment Date, and to extend the term of the Lease for ten (10) years from the Adjustment Date.

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Pursuant to Local Law 11-2021, and the amendment to the Lease that it authorized, the Landlord, using its architect and contractors, will perform the Landlord's Work, in accordance with plans that have been reviewed and approved by WCC, at a cost to the Landlord not to exceed \$5,918,768.53 (the "Landlord's Work Allowance"), and WCC will be responsible for any additional cost of said work or of any change orders requested by WCC. Local Law 11-2021 further provided that change orders that result in an increase to the total amount payable under the Lease in excess of ten percent (10%) of the total principal amount of the Landlord's Work Allowance will require an amendment to the Lease and will be subject to approval of the Board of Legislators and the Board of Acquisition and Contract.

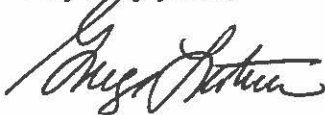
WCC has requested the Landlord to undertake the following work, which includes, but is not limited to, High-Flex classrooms that enable students to be taught in person and remotely at the same time. This capability was installed at the main campus during the COVID-19 pandemic and is needed at this state-of-the-art facility as the methodologies used to provide advanced education continue to evolve. Additional wiring and related infrastructure work is also required to enhance security and wireless internet access, and to increase audio and visual capability in order to maintain the College's ability to stay competitive with other institutions of higher learning.

These change orders requested by WCC are estimated to cost up to \$900,000.00, which exceeds the authority your Honorable Board granted to the Board of Acquisition & Contract in this matter. Therefore, pursuant to Local Law 11-2021, approval of your Honorable Board for an amendment ("Fourth Amendment") to the Lease is necessary. All other terms and conditions of the Lease, as previously amended, will remain in full force and effect.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQRA") have been met. The Planning Department advises that the proposed settlement agreement is classified as a Type II action. Therefore, no further action is required by your Honorable Board. As you know, your Honorable Board may use such expert advice to make its own conclusion.

I believe that the proposed amendment to the Lease is in the County's best interests, and I therefore urge approval of the attached Local Law.

Very truly yours,



George Latimer  
County Executive

GL/CS/BSM/dlv  
Attachment

**HONORABLE BOARD OF LEGISLATORS  
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive wherein he requests that your Honorable Board adopt a Local Law which, which, if adopted by your Honorable Board, would authorize the County of Westchester (the "County"), acting by and through the Westchester Community College ("WCC") to amend the lease agreement (the "Lease") with Brooks Shopping Centers, LLC (the "Landlord") for space located at the Cross County Shopping Center ("CCSC"), Yonkers, in order to authorize an increase of the total amount payable under the Lease by an amount not to exceed \$900,000.00 for work required by WCC to be able to operate as a 21<sup>st</sup> century facility.

The Lease, as previously amended, provides terms for the relocation of WCC's Yonkers Extension Center (the "Extension Center") from the 12,165 square feet of space located at the Cross County Shopping Center ("CCSC"), Yonkers (the "Original Premises") to a new, 39,093 square foot premises (the "New Premises") at the CCSC once the work necessary for WCC's occupancy (the "Landlord's Work") is complete and WCC is able to relocate the Extension Center to the New Premises (the "Adjustment Date"). ).

Your Committee is advised that the original term of the Lease commenced on May 1, 2010 and expired on April 30, 2020 (the "Original Term") and, pursuant to your Honorable Board's Local Law enacted on May 4, 2020, the Lease was extended by eight months from May 1, 2020 to December 31, 2020. Pursuant to your Honorable Board's Local Law enacted on December 8, 2020, the Lease was further extended for one year from January 1, 2021 to December 31, 2021. By Local Law 11-2021 enacted on October 18, 2021, your Honorable Board authorized the County to further amend the Lease in order to provide terms for relocation of the Extension Center to the New Premises on the Adjustment Date, and to extend the term of the Lease for ten (10) years from the Adjustment Date.

Your Committee is advised that, pursuant to Local Law 11- 2021, and the amendment to the Lease that it authorized, the Landlord, using its architect and contractors, will perform the Landlord's Work, in accordance with plans that have been reviewed and approved by WCC, at a

cost to the Landlord not to exceed \$5,918,768.53 (the “Landlord’s Work Allowance”), and WCC will be responsible for any additional cost of said work or of any change orders requested by WCC. Local Law 11-2021 further provided that change orders that result in an increase to the total amount payable under the Lease in excess of ten percent (10%) of the total principal amount of the Landlord’s Work Allowance will require an amendment to the Lease and will be subject to approval of the Board of Legislators and the Board of Acquisition and Contract.

Your Committee is advised that WCC has requested the Landlord to undertake the following work, which includes, but is not limited to, High-Flex classrooms that enable students to be taught in person and remotely at the same time. This capability was installed at the main campus during the COVID-19 pandemic and is needed at this state-of-the-art facility as the methodologies used to provide advanced education continue to evolve. Additional wiring and related infrastructure work is also required to enhance security and wireless internet access, and to increase audio and visual capability in order to maintain the College’s ability to stay competitive with other institutions of higher learning.

Your Committee is advised that these change orders requested by WCC .are estimated to cost up to \$900,000.00, which exceeds the authority your Honorable Board granted to the Board of Acquisition & Contract in this matter. Therefore, pursuant to Local Law 11-2021, approval of your Honorable Board for an amendment (“Fourth Amendment”) to the Lease is necessary. All other terms and conditions of the Lease, as previously amended, will remain in full force and effect.

The proposed Fourth Amendment requires the same approval as the Lease and its prior amendments, namely a Local Law approved by a two-thirds majority of your Honorable Board.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQRA”) have been met. The Planning Department advises that the proposed Fourth Amendment is classified as a Type II action.

Therefore, no further action is required by your Honorable Board. Your Committee has reviewed the annexed SEQRA memo and concurs with that conclusion.

Upon careful consideration, your Committee finds the proposed Fourth Amendment to be in the County's best interest as it provides for the necessary enhancements to new and improved Yonkers Extension Center and therefore your Committee recommends approval of the proposed Local Law.

Dated: \_\_\_\_\_, 2022  
White Plains, New York

COMMITTEE ON:

# FISCAL IMPACT STATEMENT

SUBJECT: Lease-Construction Yonkers Ext.  NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

GENERAL FUND       AIRPORT FUND       SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense      \$ 900,000

Total Current Year Revenue      \$ -

Source of Funds (check one):     Current Appropriations     Transfer of Existing Appropriations

Additional Appropriations       Other (explain)

Identify Accounts:      5443701

Potential Related Operating Budget Expenses:      Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Potential Related Operating Budget Revenues:      Annual Amount \_\_\_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

\_\_\_\_\_

Next Four Years: \_\_\_\_\_

\_\_\_\_\_


\_\_\_\_\_

Prepared by:      Stewart Glass

Title:      Director of Contracting & Procurement

Department:      Westchester Community College

Date:      June 13, 2022

  
Reviewed By: \_\_\_\_\_  
Budget Director

Date:      6/17/22

TO: David Vutera, Associate County Attorney  
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM  
Assistant Commissioner



DATE: June 7, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR AMENDMENT TO  
CROSS COUNTY SHOPPING CENTER LEASE AGREEMENT FOR  
WESTCHESTER COMMUNITY COLLEGE**

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**PROJECT/ACTION:** A local law authorizing the County of Westchester, acting by and through the Westchester Community College (WCC), to amend a lease agreement with Brooks Shopping Centers, LLC for space at the Cross County Shopping Center, located in the City of Yonkers, for use by WCC's Yonkers Extension Center. The amendment authorizes an increase in the total amount payable to provide for additional work needed at the leased premises in order to enable WCC to operate as a 21<sup>st</sup> century facility.

**With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:**

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)(2):**  
replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.

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**COMMENTS:** Additional work includes creating High-Flex classrooms to support simultaneous in-person and remote learning. as well as additional wiring and related infrastructure to enhance security, wireless internet access, and audio/visual capabilities.

DSK/cnm

cc: Andrew Ferris, Chief of Staff  
Paula Friedman, Assistant to the County Executive  
Tami Altschiller, Assistant Chief Deputy County Attorney  
Norma Drummond, Commissioner  
Claudia Maxwell, Associate Environmental Planner

**RESOLUTION NO. - 2022**

**RESOLVED**, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2022 entitled “A LOCAL LAW authorizing the County of Westchester, acting by and through the Westchester Community College (“WCC”), to amend the lease agreement with Brooks Shopping Centers, LLC (the “Landlord”) for space located at the Cross County Shopping Center, Yonkers, in order to authorize an increase of the total amount payable under the Lease by an amount not to exceed \$900,000.00 for work required by WCC to be able to operate as a 21<sup>st</sup> century facility”. The public hearing will be held at m. on the day of , 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Dated: , 2022  
White Plains, New York