

RESOLUTION NO. - 95 2024

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. 250 -2024 entitled "A LOCAL LAW authorizing the County of Westchester, 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 to the total amount payable under the Lease by an amount of \$500,000.00 for work required by WCC to be able to operate as a 21st century facility. The public hearing will be held at 7:30 p m. on the 3 day of June, 2024, 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: _____, 2024
White Plains, New York

**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, 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, Yonkers, in order to authorize an increase to the total amount payable under the Lease by an amount of \$500,000.00 for work required by WCC to be able to operate as a 21st century facility.

The Lease, as previously amended, provided 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 Cross County Shopping Center once the work necessary for WCC's occupancy (the "Landlord's Work") was complete and WCC was 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, performed the Landlord's Work, in accordance with plans that had 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 was responsible for any additional cost of said work or any change orders requested by WCC. Local Law 11-2021 further provided that change orders that, in the aggregate, 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.

Pursuant to Local Law 15 -2022 the County was authorized to amend the Lease in order to increase the total amount payable under the Lease by an amount of \$900,000.00 for work required by WCC to be able to operate as a 21st century facility. The work that WCC requested the Landlord to undertake included, but was not limited to: High-Flex classrooms that enable students to be taught in person and remotely at the same time; and additional wiring and related infrastructure work 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 WCC requested the Landlord to undertake more work, which includes, but is not limited to, additional security, signage and engineering services. The change order requested by WCC in the amount of \$500,000.00, together with the previously approved change order in the amount of \$900,000.00, exceed the authority your Honorable Board granted to the Board of Acquisition & Contracts in this matter, thus requiring an amendment to the Lease, in a form mutually agreed by the parties, subject to your Honorable Board's approval. Therefore, approval of your Honorable Board for an amendment to the Lease to increase the total amount payable thereunder by \$500,000.00 is necessary. All other terms and conditions of the Lease, as previously amended, will remain in full force and effect.

The proposed 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.

The Department of Planning has advised your Committee that based on its review, the authorization of the proposed amendment may be classified as a Type "II" action pursuant to the

State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 ("SEQR"). Therefore, no environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this recommendation.

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

Dated: May 13th, 2024
White Plains, New York

COMMITTEE ON:

c/dlv.emc 04.25.24

Samuel Zell Jones
J. J.
Maryann
David J. Tubino
Smith
John
Stef

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J. J.
Maryann
Smith
Stef

Budget & Appropriations

Public Works & Transportation

Dated: May 13, 2024
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations

A handwritten signature in black ink, appearing to read "Colin J. Smith". The signature is written in a cursive style with a large, stylized initial "C".

TO: Carla Chaves, Senior Assistant County Attorney
Department of Law

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

DATE: April 25, 2024

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

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 additional work needed at the leased premises, including security, signage and engineering services.

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: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Blanca P. Lopez, Commissioner of Planning
Stewart Glass, Westchester Community College
Claudia Maxwell, Principal Environmental Planner