

**COMBINED SUPPLEMENT
to
LETTER OF INTENT**

**Under the Incentive Zoning Local Law of the
Town of Lysander**

July 7, 2025

Town Board of the Town of Lysander
Lysander Town Hall
8220 Loop Road
Baldwinsville, NY 13027-1321

Applicant submitted its Application for Incentive Zoning to the Town Board of the Town of Lysander in April 2023 (the Original LOI). Since then, the Board has requested that certain revisions be made to the Original LOI, some of which were incorporated into Supplements and submitted to the Town Board. This "Combined Supplement To Letter Of Intent" sets out additional minor revisions to the LOI requested by the Town from those submitted in previous Supplements, and those submitted in the Combined Supplement and LOI dated March 1, 2025. This document, along with the attached Letter of Intent dated July 7, 2025, is/are the formal LOI filing by Applicant to the Town Board as of July 7, 2025. The main elements of the Original LOI remain unchanged.

In an attempt to simplify the Board's review the LOI as revised, all the revisions set out herein are incorporated into the attached and revised LOI dated July 7, 2025. While this Supplement explains the changes in an abbreviated manner for the Board's convenience, the actual revisions are found in the attached Letter of Intent dated July 7, 2025. The revisions submitted with the March 1, 2025 LOI are italicized in blue font while the most recent revisions are italicized in red font. The revised and attached LOI also contains minor editorial-type revisions not addressed here. The Applicant's Application for Incentive Zoning comprises this Combined Supplement to LOI, plus the Original LOI modified by this Supplement as set out in the attached Letter of Intent dated July 7, 2025.

A. REVISIONS TO THE ORIGINAL LOI

1. The Concept Plan, attached to the Original LOI as Exhibit 2, has been re-dated January 2025, and has modified the use of the Project Parcels (see revised Concept Plan attached as Exhibit 2.1) as follows:

a. The townhouse buildings in Lot 1 have been moved northerly and generally parallel to NY Route 370 to minimize obstructions of the views;

b. The townhouse buildings have been turned 90° with two buildings facing each other on either side of a driveway to facilitate private snow removal of the driveways;

c. Three parking spaces have been added to each driveway that accesses two buildings, for a total of 66 parking spaces;

d. The senior and garden apartments have been moved southerly to minimize any impact on the views from NY 370;

e. The workforce apartments have been eliminated;

f. The residential building lots in Lot 5 have been modified to 50 ft wide by 100 ft deep and increased in number to 53.

g. The force main easement through Lot 7 has been moved to intercept the lot line with the third party owner to the south of Lot 7, and has been redesigned into a straight line from Lot 7 to the proposed location of the pump station; and

e. Other minor changes as shown in the Concept Plan renumber Exhibit 2.1.

2. The number of units of each type of residential housing set out under Section IV(B)(1) of the Original LOI is revised as follow:

a. Senior apartments have been moved from Lot 1 to Lot 3 and the number of units changed from 4 buildings of 33 apartments each (134) to 4 buildings with 35 apartment each (140);

b. Garden apartment with garages (on the first floor) have been moved from Lot 1 to Lot 3 and the number of units has remained the same at 168;

d. The townhouses have been moved from Lot 3 to Lot 1 and the number of units has changed from 164 units to 176;

e. The 17 residential building lots in Lot 5 have been modified to 53 smaller lots with minimum dimensions of 50 ft wide and 100 ft deep.

The total number of residential units has changed from 588 to 537.

3. Landscaping, gravel paths, and use of Park fees:

a. Trees along the streets will be planted at a minimum of 40' intervals on both sides of the street (50' intervals for the individual homes in Lot 5) after the infrastructure is installed, the streets have been paved with base course asphalt, and the

houses/townhouses/apartments for each section are completed and certificates of occupancy have been issued.

b. Landscaping for the townhouses/apartments will be installed as reasonably directed by the planning board during the site plan approval for each phase of the project.

c. Gravel paths will be installed within the Town's R-O-W along the streets as shown in the Concept Plan, to be constructed in sections as each section of the project is completed and certificates of occupancy have been issued. Such paths will be maintained by the HOA for the development.

d. At any time during the Due Diligence Period and after the Construction Commencement Date and prior to conveyance of title to Lot 7 to a land trust, the Town may notify Applicant of its intent to have a gravel walking path, four feet wide, through Lot 7, the configuration through Lot 7 of which will be reasonably agreed to between the Town and the Applicant, provided that such path is legally and practicably feasible and avoids any regulated wetlands areas. Applicant shall have no duty to construct the path until at least one-half of the project (in terms of number of units) is completed and certificates of occupancy have been issued.

e. Park land fees paid by the Applicant will be utilized by the Town exclusively for future Seneca River Trail construction. The benefit to the Town will be the difference between the 175 single family lots permitted under the current AR-40 zoning and the 537 units/lots proposed by Applicant in this LOI, which results in an additional \$181,000 for the construction of the Seneca River Trail. The park land fees on the single family lots (Lot 5) will be paid by Applicant prior to Applicant filing the Final Plat for each section of lots developed. The park land fees for the multi-family structures will be paid prior to a certificate of occupancy being issued for each building.

4. The original IZA/LOI Zoning Summary, attached to the Original LOI as Exhibit 2B and imprinted on the original Concept Plan (Exhibit 2), has been modified to reflect the above revisions. The revised IZA/LOI Zoning Summary has been renumbered Exhibit 2B.1 and has been imprinted on Exhibit 2.1 (revised Concept Plan).

5. Lot 2 along NY 370 has a Conservation Easement impressed upon it by the Town. In addition, the Lot will be further burdened by a Declaration of Easement attached to the Original LOI as Exhibit 5. The Declaration of Easement has been revised to change the height of any bushes or trees planted or self germinating, from 12 feet in height, to five feet to protect the view. The Exhibit number has been changed to Exhibit 5.1.

6. In the first paragraph under Section IV(A), the "no later than" date of January 1, 2025 (Commencement Date of construction) is revised to September 30, 2026 provided the Town Board adopts the resolution to grant the Incentive Zoning requested by Applicant within six months following the submission of this Supplement.

7. The Posting of a security Bond provision under Sect IV(A)(1) is revised to update the cost of constructing the Pump Station from a Bond amount of \$1,622,800 to the amount of **\$1,678,200**.

8. To the approvals to be obtained by Applicant set out in Section IV(A)(2) is added approval of a PILOT by the OCIDA.

9. In Section IV(B)(3)(a) and (b) (Details of the residential Project) the revisions relate to the changes in the number and kind of residential units per the changes set out in Paragraph 2, above.

10. In Section IV(B)(4)(e) (Open Space), a second paragraph is added granting to the Town, on demand, an easement or the fee over a strip of land thirty (30) feet wide bordering on the westerly boundary of LOT 7, from its northerly boundary to the southern tip of LOT 7, and a pedestrian ingress/egress easements of strips of land thirty (30) feet wide, within said LOT 6 and/or LOT 7 as determined by the Town.

11. Section V(A)(1) (Due Diligence period) is deleted as being duplicative of Section IV(A)(2).

B. OTHER PROVISIONS OF THE ORIGINAL LOI:

All other provisions, terms and conditions set out in said Original LOI as revised by the attached LOI dated March 1, 2025, are unaffected by this Supplement to LOI and are hereby reaffirmed by Applicant.

C. VERIFICATION:

The undersigned Representative, Mario D'Arrigo, states under penalty of perjury that to the best of his knowledge, after due inquiry, the statements contained in this Combined Supplement to LOI are true and correct.

Dated: July 7, 2025

Respectfully submitted,
LANDMARK CHALLENGER, LLC

By: _____
Mario D'Arrigo, Representative

Supervisor's Signature:

Approved by the Town Board of the Town of Lysander, NY, by Resolution dated _____ to which this Combined Supplement to LOI and attachments

are attached, and signed by the Supervisor pursuant to the authority granted to him by said Resolution, this ____ day of _____, 2025.

Kevin Rode, Supervisor