The Planning Board met at 6:30 PM local time Thursday, April 26, 2012 in the Auditorium to discuss, in a meeting open to the public, tabled matters and other business that was before it.

I. CALL TO ORDER:

PRESENT: Bill Bastian
Jim Burton
Allyn Hetzke, Jr.
Sue Kreiser
Doug McCord
Terry Tydings

ABSENT: Arsen Markarian

ALSO PRESENT: Linda Cummings, Secretary
Katie Evans, Planning Board Clerk
Doug Fox, Consultant
Peter Weishaar, Legal Counsel

II. APPROVAL OF MINUTES:

III. TABLED:

1. Jared Lusk, Nixon Peabody Attorneys at Law, 1100 Clinton Square, Rochester, NY 14604/DiMarco Brandt Point, LLC requests the Town Board to consider their pending application for the proposed action. The proposed action has been classified as a Type I Action pursuant to applicable SEQRA Regulations, including 6 N.Y.C.R.R. 617.5 et seq, and the Penfield Environmental Quality Review Local Law #3 of 1996. The Planning Board, acting as lead agency, has accepted a Draft Environmental Impact Statement for the proposed action. A public hearing was held October 14, 2010 at 7:00 PM, at which time the Planning Board heard all interested persons on the content of said document.

The Draft Environmental Impact Statement is available on the Planning Department’s web page on the Town website located at www.penfield.org. Comments on the Draft

- Town Planner, Katie Evans, reviewed the FEIS and noted a correction in the cover sheet. The date of acceptance should read September 7th, not September 8th.

The Board ACCEPTED the FEIS

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<th>Vote</th>
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<tr>
<td>Chairperson Markarian – Absent</td>
<td>Bastian – Aye</td>
<td>Burton – Abstain</td>
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<td>Kreiser – Aye</td>
<td>McCord – Abstain</td>
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Motion was carried.

2. Robert Winans/LaDieu Associates P.C., 40 Cedarfield Commons, Rochester, NY 14615/Masi Enterprises, Inc. requests under Articles III-3-10, VIII-8-2, and IX-9-2 of the Code Preliminary and Final Subdivision and Site Plan approval and EPOD Permits to allow the construction of a 23 lot single family subdivision on 13.6 +/- acres, located at 1813 and 1817 Baird Road. The property is now or formerly owned by Masi Enterprises Inc., James Pschirrer, and Daria Reitknecht and is zoned R-1-20. Appl# 12P-0003. SBL# 124.01-2-28.1 and 124.01-2-29.1.

- Board members would like to see the rear lot extended back approximately 15ft.
The application was CONTINUED TABLED

Vote: Moved by: Bastian Seconded by: Tydings

Chairperson Markarian – Absent Bastian –Aye Burton –Aye Hetzke - Aye
Kreiser –Aye McCord -Aye Tydings - Aye

Motion was carried.

3. Robert Keiffer of T.Y. Lin International, 255 East Avenue, Rochester, NY 14604/Paul and Nancy Failing requests under Articles VIII-8-2 and IX-9-2 of the Code Preliminary and Final Subdivision and Site Plan approval to allow the construction of a total of 4 single family lot subdivision including the existing residence on 10.42 +/- acres, located at 1226 Shoecraft Road. The property is now or formerly owned by LuAnn Ferguson and is zoned RR-1. Appl# 12P-0004. SBL# 094.02-1-3.

- Jim Burton excused himself from the discussion.
- Department Head, Mark Valentine explained that the project is being scaled back and a revised plan will be forthcoming.

NO ACTION TAKEN

4. Doug Eldred of BME Associates, 10 Lift Bridge Lane East, Fairport, NY 14450/Ellison Heights, LLC requests under Articles III-3-10, VIII-8-2, and IX-9-2 of the Code and Town Law 278 a modification/amendment to a previously approved preliminary and final Cluster Subdivision and Site Plan approval as well as Environmental Protection Overlay District permit granted on October 14, 1999 to allow the construction of Phase 2 of the project which now is proposed to consist of 180 unit apartment complex in five, four story buildings, including a 3,000+/- sq. ft. clubhouse with a pool on 18.6 +/- acres, located at 1200-A Penfield Road. The property is now or formerly owned by Ellison Heights, LLC and is zoned MR. Appl# 12P-0005. SBL# 123.19-1-26.11.

- The Board discussed whether or not they should proceed with the application because of the pending legal dispute between the application and the Ellison Heights HOA and decided that they should move forward until directed otherwise.

The application was CONTINUED TABLED

Vote: Moved by: Hetzke Seconded by: Bastian

Chairperson Markarian – Absent Bastian –Aye Burton –Aye Hetzke - Aye
Kreiser –Aye McCord -Aye Tydings - Aye

Motion was carried.

5. The Board APPROVED a 90 Day Extension for Timber Glen

Vote: Moved by: Hetzke Seconded by: Tydings

Chairperson Markarian – Absent Bastian –Aye Burton –Aye Hetzke - Aye
Kreiser –Aye McCord -Aye Tydings - Aye

Motion was carried.

There being no further business to come before the Board, this meeting was adjourned at 8:20 p.m., Thursday, April 26, 2012.

These minutes were adopted by the Planning Board on May 15, 2012.