The Planning Board met at 6:30 PM local time Thursday, May 24, 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: Arsen Markarian  
Bill Bastian  
Jim Burton  
Allyn Hetzke, Jr.  
Sue Kreiser  
Doug McCord  
Terry Tydings

ABSENT:

ALSO PRESENT: Linda Cummings, Secretary  
Katie Evans, Planning Board Clerk  
Mark Valentine, Planning Dept. Head  
Peter Weishaar, Legal Counsel

II. APPROVAL OF MINUTES: May 10, 2012 and May 15, 2012

The Board approved the minutes of May 10, 2012.

Vote: Moved by: Hetzke  Seconded by: Bastian

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

Motion was carried.

The Board approved the minutes of May 15, 2012.

Vote: Moved by: Bastian  Seconded by: Hetzke

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

Motion was carried.
III.  TABLED:

1. 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.

   The application was CONTINUED TABLED pending review of the Drainage Report

   Vote: Moved by: Markarian Seconded by: Bastian

   Chairperson Markarian – Aye Bastian –Aye Burton –Aye Hetzke - Aye

   Kreiser –Aye McCord -Aye Tydings - Aye

   Motion was carried.

2. 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 recused himself from the discussion.

   The Board AUTHORIZED Chairman Markarian to sign the Part II EAF

   Vote: Moved by: Tydings Seconded by: Hetzke

   Chairperson Markarian – Aye Bastian –Aye Burton –Abstain Hetzke - Aye

   Kreiser –Aye McCord -Aye Tydings - Aye

   Motion was carried.

   The application was APPROVED with conditions

   Vote: Moved by: Tydings Seconded by: Hetzke

   Chairperson Markarian – Aye Bastian –Aye Burton –Abstain Hetzke - Aye

   Kreiser –Aye McCord -Aye Tydings - Aye

   Motion was carried.

3. 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.
Department Head Mark Valentine, presented the two alternative sketch plans and provided staff comments on each.

Town Attorney Pete Weishaar, explained the status of the litigation between the applicant and Ellison Heights HOA.
- HOA sued the developer, the Town of Penfield, and certain individuals
- The HOA is seeking to reform the deed, among other things.
- The Town and other defendants filed a motion to dismiss.

Department Head Mark Valentine reviewed the section renderings for the Board and distributed a hard copy of a letter to from Harris Beech to Arsen Markarian regarding the litigation.

The application was CONTINUED TABLED pending review of recently submitted items

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<tr>
<th>Vote: Moved by:</th>
<th>Hetzke</th>
<th>Seconded by:</th>
<th>McCord</th>
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<tbody>
<tr>
<td>Chairperson Markarian – Aye</td>
<td>Bastian – Aye</td>
<td>Burton – Aye</td>
<td>Hetzke - Aye</td>
</tr>
<tr>
<td>Kreiser – Aye</td>
<td>McCord - Aye</td>
<td>Tydings - Aye</td>
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Motion was carried.

IV. MISCELLANOUS:

Town Planner Katie Evans gave an overview of the June Public Hearing agenda items.
- 2000 & 2010 Empire Boulevard – Preliminary/Final Subdivision and Site Plan
- 1851 Frpt. Nine Mile Point Road (YMCA) – Preliminary/Final Subdivision
- 1901 Frpt. Nine Mile Point Road (Alvut Subdivision) – Preliminary/Final Subdivision
- 30 Sanders Farm & 2041 Penfield Road – Sketch (this application has to go before three Boards as follows:
  1. Planning Board – Sketch Plan and Preliminary/Final
  2. Town Board – Special Permit
  3. Zoning Board - Variances

There being no further business to come before the Board, this meeting was adjourned at 7:45 p.m., Thursday, May 24, 2012.

These minutes were adopted by the Planning Board on June 14, 2012.