

**Danby Planning Board  
Meeting Minutes  
March 17, 2010**

**Members Present:**

Olivia Vent  
Ray Van de Bogart  
Naomi Strichartz  
Robert Roe  
Anne Klingensmith  
Ted Melchen

**Members Absent:**

Steve Selin

**Others Present:**

Pamela Goddard	Town Clerk
Susan Beeners	Code Enforcement Officer
Ric Dietrich	Supervisor
Councilpersons	Leslie Connors, Dan Klein

**Members of the Public:**

Joel Gagnon, Camille Doucet, Henrike Burton, Suzanne Green, Tom Seaney, Nancy Medsker

**Designating a Chair for this meeting:**

Ray Van de Bogart was nominated to Chair the meeting by general acclamation.  
The meeting was called to order at 7:05pm

**Oaths of Office:**

The Town Clerk administered the Oath of Office for position of Planning Board member to Robert Roe. Steve Selin, being absent in Florida, will be given the Oath of Office at the first opportunity.

**Approval of Minutes:**

**Resolution No. 7 of 2010 - APPROVAL OF MINUTES, 02/17/2010**

**Resolved**, That the Planning Board of the Town of Danby approves the minutes for the 02/17/2010 meeting.

Moved by Strichartz, Second by Klingensmith. The motion passed.  
In Favor: Klingensmith, Melchen, Strichartz, Van de Bogart, Vent  
Abstained: Roe

**Recommendation regarding Planning Board Chair:**

The Planning Board decided to delay this recommendation until the full Board, including Steve Selin, could meet to discuss it.

**Beautification Committee:**

There was a proposal from Naomi Strichartz that the Beautification Committee, currently an ad hoc Danby Committee, be formally made a sub-committee of the Planning Board. The Beautification Committee receives grant money for its activities through the Town of Danby but has not, in the past, reported to the Town.

There was a general discussion about ad hoc committees (such as the Trails Committee) and to which Town boards they might report. The Beautification Committee currently includes Dave Mastroberti, Naomi Strichartz, and Olivia Vent along with several volunteers.

**Resolution No. 8 of 2010 - BEAUTIFICATION COMMITTEE TO BE PLANNING BOARD SUB-COMMITTEE**

**Resolved,** That Beautification Committee be a subcommittee of the Planning Board of the Town of Danby, and will report to the Planning Board on a regular basis.

Moved by Klingensmith, Second by Roe. The motion passed.  
In Favor: Klingensmith, Melchen, Roe, Strichartz, Van de Bogart, Vent

**Privilege of the Floor/Discussion regarding Aromahead Institute:**

Following a presentation by Nancy Medsker of 67 Marsh Road (and a member of the Danby BZA) there was a general, lengthy discussion regarding proposed summer workshops to be offered by the Aromahead Institute at 58 Marsh Road. Medsker expressed her concerns that the increased level of traffic due to these workshops and concurrent workshops presented by a Danby Art Camp at 38 Marsh Road, could, “Change the character of the neighborhood.” She wondered, “Why a new construction project that is designed as a school is allowed [in a] low-density neighborhood without a Special Permit,” and a public hearing. Medsker expressed the opinion that, “This school could take away the enjoyment of where we live.”

Naomi Strichartz expressed concerns about the process by which the determination was made that the Aromahead Institute can be regarded as a customary Home Occupation, why this question had not previously been brought to the Planning Board, and why a public hearing had not been held.

Code Enforcement Officer Sue Beeners explained the process of how zoning decisions are made by her office. According to the Zoning Ordinance, a regular Home Occupation requires no public hearing. A Home Occupation with exterior visible evidence requires a public hearing. Based on the information presented by owners Andrea Butje and Cindy Black about the size and number of workshops to be offered, and in consultation with the Town attorney, it was the CEO’s determination that the proposed workshops fell in the category of a customary Home Occupation.

Following the CEO’s report, there was an opportunity for neighbors and members of the Town Board to express concerns and opinions. There were questions of whether the proposed low level of workshop participation with car-pooling and the limitation of parked cars to four was realistic and how this would be enforced. Some neighbors expressed a concern that the scale of operations be considered in these cases. It was also suggested that concurrent activities from adjacent Home Occupations be considered in terms of traffic, noise, and other neighborhood impacts. It was agreed, in general, by neighbors and members of the Town and Planning Boards, that providing an opportunity for neighbors to express questions and concerns via a public hearing, is desirable.

Members of the Planning Board aired questions regarding how such a process is handled and who is responsible for a determination on Special Use Permits. There was a lengthy discussion of questions regarding the “gray area” between Home Occupation and commercial designation—when proposed

workshops rise from the level of Home Occupation teaching to a commercially oriented school—and what happens to zoning enforcement when a small business grows to a larger level or is sold to a future owner.

Beeners advised that if there are questions about this zoning determination, the normal provision to send an appeal to the Board of Zoning Appeals is available. An appeal could be made either by members of the neighborhood or by the Planning Board. Sending the question to the BZA would result in a public hearing, allowing additional input from Aromahead Institute owners Butje and Black.

**Resolution No. 9 of 2010 - APPEAL TO THE BZA REGARDING AROMAHEAD INSTITUTE**

**Resolved,** That the Planning Board of the Town of Danby appeals to the Danby Board of Zoning Appeals regarding the determination of the Code Enforcement Officer that the workshops of the Aromahead Institute at 58 Marsh Road in the Town of Danby is regarded as a customary Home Occupation.

Moved by Strichartz, Second by Vent. The motion passed.  
In Favor: Klingensmith, Melchen, Strichartz, Van de Bogart, Vent  
Opposed: Roe

**Art Day Camp:**

CEO Beeners asked the Planning Board to consider the question of the Art Day Camp, raised by Nancy Medsker as an additional “Special Use Permit” issue for the Planning Board. The PB asked questions of Camille Doucet and her neighbors. According to Doucet, the Art Day Camp operates for between five and seven weeks through the summer, 9am-1pm, with an average of six children quietly painting at an outdoor picnic table. Doucet had previously taught similar Art Day Camps at her previous residence on Durfee Hill Road without consideration by the Town. Neighbors from Durfee Hill Road stated that these activities had no negative impact in that area.

On the agreement that no more than eight (8) cars would be visibly parked at this double occupancy home and that a privacy fence be erected to keep the art activities from view, it was agreed that this endeavor fell in the category of Home Occupation.

**Adjournment:**

The Planning Board meeting was adjourned at 9:00pm.

**Further Meetings between Planning Board and Town Board:**

The Planning Board and Town Board will continue reviewing projects and priorities on various “Work Lists” during a joint meeting on Thursday, March 25, 2010 at 7pm in the Danby Town Hall.

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Pamela S Goddard, Planning Board Secretary