

**TOWN OF MAYFIELD PLANNING BOARD  
WEDNESDAY, DECEMBER 20, 2023  
6:00 P.M.  
TOWN OF MAYFIELD TOWN HALL**

**MEETING NOTES**

**PRESENT:**

**JOHN KESSLER, CHAIRMAN  
AARON HOWLAND, VICE-CHAIRMAN  
JERRY MOORE  
GRANT RAUCH  
DAVID JANKOWSKI, ALTERNATE**

**MIKE STEWART, CODE ENFORCEMENT OFFICER  
NORMAN BARBOSA, CODE ENFORCEMENT OFFICER  
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

**AGENDA ITEMS:**

1. Griggs Lang Consulting: Special Use Permit for a Soil Mine along NYS Route 29 & Nine Mile Tree Road (Joubert Mine)
2. Data Analysis of Planning Board Projects 2020 - 2023

**I. CALL MEETING TO ORDER:**

The meeting was called to order at 6:00 pm.

**II. APPROVE MINUTES OF THE NOVEMBER 15, 2023 MINUTES:**

**DISCUSSION:**

Planning Board Chairman indicated that page 3 needed to be amended from the City of Gloversville to Town of Mayfield. He mentioned besides that everything else looked good to approve.

**MOTION:** To approve the minutes of the November 15, 2023 minutes with the stipulation that page 3 be amended to Town of Mayfield, not City of Gloversville.

**MADE BY:** Aaron Howland  
**SECONDED:** Grant Rauch  
**VOTE:** 5 in favor, 0 opposed

**III. APPROVE MINUTES OF THE DECEMBER 7, 2023 MINUTES:**

**MOTION:** To approve the minutes of the December 7, 2023 minutes.

**MADE BY:** Aaron Howland  
**SECONDED:** Jerry Moore  
**VOTE:** 5 in favor, 0 opposed

**IV. GRIGGS-LANG CONSULTING LLC – SPECIAL USE PERMIT FOR A SOIL MINING AT (OAKRIDGE FARM LLC – JOUBERT MINE) 1636 STATE HIGHWAY 29:**

*Vice Chairman Howland has asked to recuse himself from the review process, as he may be involved with the project in the future.*

**A. Background:**

Griggs-Lang Consulting LLC is looking to construct a mining operation starting on the Northeast end of 1639 State Highway 29 (Tax Map Parcel No. 151.-6-9.112) that is approximately 36.131+/- acres in size. The Applicants plan to excavate sand and gravel from the parcel. The mine will start at the north end of the property with access being along Nine Mile Tree Road. Oak Ridge Farm is applying concurrently to the New York State Department of Environmental Conservation (NYSDEC) under the New York State Mine Land Reclamation Law. A Mining and Reclamation Plan Map is submitted in lieu of the Site Plan and Excavation Plan.

There will be no prohibited machinery operated on the site that includes no cement or asphalt plants, and no chemical process for treating the excavated material.

The proposed finished grading will be smoothly graded and topsoil re-spread to a minimum of six inches per NYSDEC regulations or the quantity that is available on the site. The slope will not exceed the normal angle of repose of the material removed, nor the NYSDEC statute of 2H: IV plus 25' from any property lines.

A majority of the property is located within the Agricultural-2 with 475' along NYS Route 29A in the Mixed Use-1 Zoning District. Soil Mining is allowed within Agricultural-2 under a Special Use Permit.

Per the Town of Mayfield Zoning Code, Soil Mining is defined as “excavation for the purpose of removing soil such as gravel pits, quarrying or any subsoil removal. This does not include any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land, or any extraction for the purpose of sale of less than fifty (50) cubic yards in any two-year period.” Excavation for the purpose of soil mining such as gravel pits, quarrying or any subsoil removal shall be allowed only by Special Use Permit and shall be subject to any and all applicable New York State and/or federal regulations.

**B. October 18, 2023 Planning Board meeting:**

During the October 18, 2023 meeting, the Town of Mayfield Planning Board held a Pre-Submission Conference at 1636 State Highway 29 in the Town of Mayfield. The Planning Board expressed concern about the access road to the mining operation being on Nine Mile Tree Road.

**C. October 25, 2023 Conversation with Highway Supervisor Jeff Martin:**

On October 25, 2023, in a phone conversation with Fulton County Senior Planner Aaron Enfield, Town of Mayfield Highway Superintendent Jeff Martin indicated that the entrance to the mining operation should be along NYS 29 and not Nine Mile Tree Road.

**D. Fulton County Planning Department Review:**

The Fulton County Planning Department has reviewed Griggs-Lang Consulting LLC’s Special Use Permit in accordance with Acticle V Supplementary Regulations Section 507 Excavation for

Soil Mining as well as Article XI Special Use Permit Regulations and offer the following comments:

***Article V Section 507 Excavation for Soil Mining:***

1. Site Map. Before a Special Use Permit is issued, the Applicant shall submit to the Planning Board 10 copies of a map with a scale of one inch equal to not more than 100 feet showing all land within 200 feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot numbers, if any, and names of the landowners. Such map shall also show the present topography at two-foot contour intervals. The map shall be signed by a licensed engineer or land surveyor for certification of its accuracy.

STATUS: Provided.

2. Excavation Plan. The Applicant shall also submit to the Planning Board 10 copies of the proposed plan of excavation, at the same scale as above, showing the proposed finished elevations at one foot contour intervals and the proposed drainage plan.

STATUS: Provided.

3. Prohibited Machinery- no cement, asphalt plant or chemical process for treating the product of such excavation shall be permitted.

STATUS: The Planning Board and the Applicant discussed at the concept review on Wednesday, October 18, 2023 Planning Board meeting.

DISCUSSION:

Bill Sheldon, Griggs-Lang Consulting, indicated that was correct.

4. Finished Grading. The proposed finished Grading Plan shall show the land to be smooth graded and topsoil re-spread to a minimum depth of four inches. Slope shall not exceed the normal angle repose of the material removed.

STATUS: Provided.

5. A berm as required and specified by DEC shall be installed around the perimeter of the site.

STATUS: ?

DISCUSSION:

Mr. Sheldon stated, per the recommendation of Sterling Environmental Engineering, the application will be 50' from the middle of Nine Mile Tree Road, not 25', as required. He indicated the reason the application increased this was for safety concerns.

Mr. Sheldon stated that the berm would be on the property after the 50' and would include the 6" of topsoil that is taken off the top of the property.

Planning Board Chairman expressed concern about the sandy nature of the soil blowing along Nine Mile Tree Road and neighboring properties. He inquired what prescriptive measures the Applicant will be taking.

Mr. Sheldon stated that the berm will be 10' – 15' in height. Subsequently, he stated there will be a grass seed mix they will be using too and is planning to reach out to the Soil and Water Agency.

Fulton County Senior Planner Aaron Enfield stated that John Persch at Fulton County Soil and Water would be the best person to speak to on the matter.

Mr. Kessler stated that, given the location, the Fulton County Planning Board will review the project and there is a Tree Farmer on the Board who would be able to offer insight as well.

Code Enforcement Officer Mike Stewart stated that it may be a good idea from the Applicant to get a cross section of what the berm will look like during the operation of the Mine.

Planning Board members were in agreement.

6. Length of Permit. The Special Permit for excavation operations or soil mining shall be granted for a period that matches the DEC permit duration in effect at the time of issuance.

STATUS: The Planning Board and the Applicant discussed at the concept review on Wednesday, October 18, 2023 Planning Board meeting. The length of the mine will be 10 – 20 years depending on the market.

DISCUSSION:

Mr. Sheldon stated that the timeframe would be 20 – 30 years.

Planning Board Member Jerry Moore inquired what the timeframe was for NYSDEC and previously approved projects within the Town.

Planning Board Alternate David Jankowski stated there was no timeframe from NYSDEC perspective.

Planning Board Vice Chairman Aaron Howland stated that the Puthaven Mine did not have a time limit.

Mr. Moore inquired if the Fulton County Planning Department has had a chance to review older mining projects.

Fulton County Senior Planner Aaron Enfield stated that he had not had the chance to review prior to the meeting. He stated he will look into this in the new year.

7. Fees. Upon approval, one copy of the approved Excavation Plan shall be returned to the Applicant by the Planning Board together with the Special Use Permit, upon the payment of a fee in accordance with the schedule of fees as promulgated from time to time by the Town Board to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil-mining operation.

STATUS: Provided.

***Article XI Special Use Permit Review:***

1. The Site Plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless this requirement is waived by the Planning Board.

STATUS: Provided.

2. Application checklist:

- a) Title of drawing, including name and address of Applicant and person responsible for preparation of such drawing.

STATUS: Provided.

- b) North arrow, scale and date.

STATUS: Provided.

- c) Boundaries of the property plotted to scale.

STATUS: Provided.

- d) Existing watercourses, wetlands and floodplains.

STATUS: N/A

- e) Grading and drainage plan, showing existing and proposed contours.

STATUS: N/A

- f) Location, proposed use and height of all buildings.

STATUS: N/A

- g) Locations, design and construction materials of all parking and truck loading areas, with access and egress drives thereto.

STATUS: Provided.

- h) Provision for pedestrian access.

STATUS: N/A

- i) Location of outdoor storage, if any.

STATUS: N/A

- j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fence.

STATUS: N/A

k) Description of the method of sewage disposal and location of design and construction materials of such facilities.

STATUS: N/A

l) Description of the method of securing public water and location, design and construction materials of such locations.

STATUS: N/A

m) Location of fire and other emergency zones, including the location of fire hydrants.

STATUS: N/A

n) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.

STATUS: N/A

o) Location, size and design and construction materials of all proposed signage.

STATUS: Will the Applicant have any signage on NYS Route 29 or Nine Mile Tree Road regarding Joubert Mine?

DISCUSSION:

Mr. Sheldon stated that the site may have signage at the entrance of the mine.

Planning Board Member Grant Rauch stated that may be a good idea given the Argotsinger Mine next door so that trucks do not get mixed up.

Mr. Enfield stated signage regulations would be under the Mixed-Use 1 (MU-1) Zoning District as the entrance to the mining operation is along NYS Route 29.

p) Location and proposed development of all buffer areas, including indication of existing vegetative cover.

STATUS: N/A

q) Location and design of outdoor lighting facilities.

STATUS: N/A

r) Designation of the amount of building area proposed for retail sales or similar commercial activity;

STATUS: N/A

s) General Landscaping Plan and Planting Schedule.

STATUS: Not Provided.

DISCUSSION:

Planning Board members had a back and forth conversation regarding landscape along NYS 29. They agreed that some landscaping would be beneficial for the property.

Chairman Kessler made the recommendation of arborvitaes.

3. Determination of whether the proposal is subject to the State Environmental Quality Review Act.

STATUS: The project is subject to State Environmental Quality Review Act and, given the nature of the project, New York State Department of Environmental Conservation (NYSDEC) will be acting as Lead Agency on the project.

4. Adjacent Land Uses. The Planning Board shall not approve the special permitted use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.

STATUS: There is a current soil mine on a neighboring property.

5. Zoning Regulations. The Planning Board shall not approve the special permitted use unless all requirements of this chapter are met.

STATUS: The Applicant is compliant with Agricultural-2 and Mixed Use-1 Zoning Districts as Soil Mining is an allowed use.

6. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

STATUS: N/A

7. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.

STATUS: N/A

8. Location, arrangement, appearance and sufficiency of off-street parking and loading.

STATUS: N/A

9. Location, arrangement, size, design and general site compatibility of buildings, lighting and signage.

STATUS: N/A

10. Adequacy of stormwater and drainage facilities.

STATUS: N/A

11. Adequacy of water supply and sewage disposal facilities.

STATUS: N/A

12. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the Applicant's and adjoining lands, including the maximum retention of existing vegetation.

STATUS: N/A

13. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

STATUS: ?

DISCUSSION: What are the hours the Soil Mine will be in operation?

Mr. Sheldon stated that the hours of operation will be Monday through Friday from 7:00 am – 6:00 pm, Saturday 7:00 AM – 2:00 PM. He stated that the mine will not be in operation on Sundays, as well as federal holidays, which is a stipulation of NYSDEC.

Mr. Enfield inquired if the mine will be operating all 12 months out of the year?

Mr. Sheldon stated that they will be in operation from January – December. He indicated that, during the winter months, the mining operation will have shorter hours.

14. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

STATUS: N/A

15. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

STATUS: N/A

16. Staffing:

DISCUSSION:

Mr. Enfield inquired how many staff the Applicant plans to have working on the mine?

Mr. Sheldon stated there will be between 3 – 4 with potentially of adding two (2) more for larger projects.

17. Additional Entrance:

DISCUSSION:

Mr. Jankowski inquired if the Applicant will have another entrance on Nine Mile Tree Road?

Mr. Sheldon stated they will not.

18. Wells:

Chairman Kessler expressed concern with potential impact on wells on neighboring properties. He requested to have the approximate location of wells located on the Site Plan. Subsequently, he inquired if sand would be getting in the wells?

Mr. Sheldon stated that the likelihood is very low.

Mr. Stewart concurred with Mr. Sheldon.

Chairman Kessler inquired procedures should a spill happen onsite, stating that it might impact aquifers.

Mr. Sheldon stated that NYSDEC visits the mines regularly and that any spills that occur would have clean up immediately.

19. Structures

Mr. Enfield inquired if there were going to be any structures on the property.

Mr. Sheldon stated there will be a temporary scale house .

20. NYSDEC Application:

Planning Board Member Jerry Moore inquired if the Applicant filed with New York State Department of Environmental Conservation (NYSDEC)?

Mr. Sheldon stated that they had received a copy of the application.

Mr. Enfield stated that he has been speaking with the agency on the project and will be including several employees as a cc regarding follow-up correspondence.

21. Lighting:

Mr. Rauch inquired if there will be any lighting?

Mr. Sheldon stated that the only lighting would be on the excavation trucks.

**E. Consultant Review:**

The Planning Board may consult with the Code Enforcement Officer, Fire Commissioners, Town Highway Superintendent, Town Engineer, and other local and County officials, the New York State Health Department, Department of Environmental Conservation and Department of Transportation. Does the Planning Board feel as though any additional outside entities should weigh in on the project in addition to Town Highway Superintendent?

**DISCUSSION:**

Planning Board members did not feel that any additional outside Consultants would be necessary outside of Highway Superintendent Jeff Martin.

**F. Stipulations for residents within 500' for Public Hearing:**

The Applicant shall be required to give notice, by certified mail, return receipt requested, of said public hearing, to every real property owner of record within 500 feet of the area for the proposed special permitted use, and to file proof of such notice at or before the public hearing-

**DISCUSSION:**

Mr. Enfield indicated that the Applicant should coordinate with the Fulton County Planning Department on getting a list of property owners when a Public Hearing occurs.

**G. NYS General Municipal Law §239-m:**

In accordance with NYS General Municipal Law Section 239-m, the Town of Johnstown Planning Board shall refer projects to the Fulton County Planning Board to assess any regional impacts that are within 500' of a municipal boundary, County or State existing or proposed road, a County or State existing or proposed park or recreation area, a County or a State-owned property (existing or proposed, on which a public building or institution is located), or a farm operation located within an agricultural district. Project referrals include Site Plan, Special Use Permit, Zoning Amendments, Comprehensive Plans, or other authorizations, which the Board may issue under zoning provisions.

**DISCUSSION:**

Planning Board members were in agreement to forward to the Fulton County Planning Board.

**PLANNING BOARD ACTION:**

**MOTION:** To forward Griggs-Lang Consulting LLC's application for a Special Use Permit for a Soil Mine at 1636 State Highway 29 (Oakridge Farm LLC – Joubert Mine) within the Town of Mayfield to the Fulton County Planning Board for a 239-m review.

**MADE BY:** David Jankowski  
**SECONDED:** Grant Rauch  
**VOTE:** 4 in favor, 0 opposed, 1 abstain (Howland)

**H. Fulton County Agricultural District #1:**

In accordance with Section 305-a of Article 25AA of the Agriculture and Markets Law of New York State, a Site Plan subdivision application for a piece of property within an Agricultural District containing a farm operation or on property within 500’ of a farm operation located in an Agricultural District must include an Agricultural Data Statement. All Agricultural District property owners within 500’ of the project site must receive notice of the proposed action. It has been identified that the following property owners are within 500’ of the project:

- Richard Argotsinger, 1586 State Highway 29A, Mayfield, NY (SBL: 151.-6-3.1, 151.-6-6)
- Deborah Rupert, 603 Truesdale Hill Road, Lake George, NY 12945 (SBL 151.-6-5.1)
- John Fletcher, 131 Cherrywood Drive, Amsterdam, NY 12010 (SBL 151.-6-5.2)

**DISCUSSION:**

Planning Board members were in agreement to do an Agricultural Data Statement.

**PLANNING BOARD ACTION:**

**MOTION:** To forward an Agricultural Data Statement to Richard Argotsinger, Deborah Rupert, and John Fletcher as their properties fall within Fulton County Agricultural District #1 and offer comments until Tuesday, January 26, 2024.

**MADE BY:** David Jankowski

**SECONDED:** Grant Rauch

**VOTE:** 4 in favor, 0 opposed, 1 abstain (Howland)

**I. State Environmental Quality Review Act (SEORA):**

Given the nature of this project, New York State Department of Environmental Conservation (NYSDEC) will be the Lead Agency. To date, the NYSDEC has yet to receive the Environmental Assessment Form from the Applicant.

**DISCUSSION:**

Mr. Enfield stated that he was given the Full Environmental Assessment Form prior to the meeting and would like to review it and have it as an agenda item next month.

Mr. Enfield stated that Section G is not signed and will contact Frank Fernandez as he filled it out.

Mr. Moore inquired if any additional agencies may be required in addition to NYSDEC?

Mr. Enfield stated that New York State Department of Transportation (NYSDOT) would be.

Mr. Moore inquired if State Historic Preservation Office will be included?

Mr. Enfield stated that they could be and could recommend that NYSDEC speak to them on the parcel. Subsequently, he stated that, during the Planning Board’s comment to NYSDEC, they could ask that both agencies be included in the review.

**J. Planning Board Action:**

Given the nature of this project and the fact that SEQRA has yet to be submitted to New York State Department of Environmental Conservation, it is recommended to table further action.

**PLANNING BOARD ACTION:**

**MOTION:** To table further action until more information is provided by the Applicant.

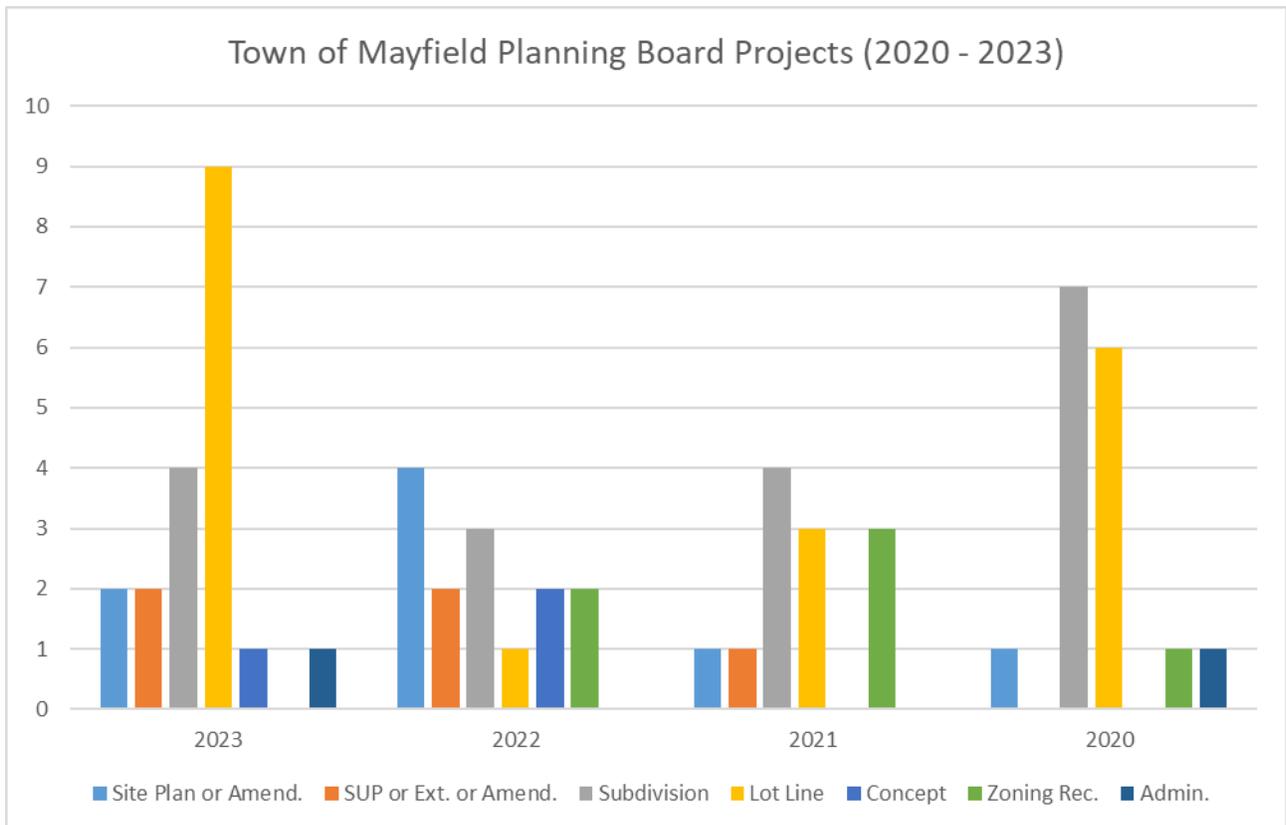
**MADE BY:** Grant Rauch

**SECONDED:** David Jankowski

**VOTE:** 4 in favor, 0 opposed, 1 abstain (Howland)

**V. TOWN OF MAYFIELD PLANNING PROJECTS 2020 – 2023:**

In 2023, The Town of Mayfield saw 19 projects, an increase of 35% from 2022. While there was a decline between 2020 and 2021, one could assume it was likely because of the COVID-19 Pandemic. Calendar year 2021 saw 12 projects and, in two years, the Planning Board saw an increase of 58%. The type of project the Planning Board saw in 2023 was Lot Line Adjustments (9) followed by Subdivisions (4). Over the past four (4) years, Subdivisions and Lot Line Adjustments have historically been the largest type of projects the Planning Board saw. All Subdivisions during this timeframe have been minor subdivisions.



<b>Total Number of Planning Board Projects per Year</b>			
2020	2021	2022	2023
16	12	14	19

DISCUSSION:

Mr. Enfield gave an overview of the data and stated that he has been reviewing past projects and has only been able to go back to 2020. He stated that this data be done for the Planning Board on a yearly basis as an overview of what was reviewed. He also stated it will be beneficial to see how the Town Planning Board projects have evolved.

Planning Board members enjoyed the presentation and the data that was provided.

**VI. OTHER BUSINESS:**

A. Code Enforcement Officer:

**Fill-in Code Enforcement Officer**

Mr. Stewart stated that his contract as Code Enforcement Officer will expire at the end of 2023.

**Planning Board Items**

Mr. Stewart gave Planning Board members information regarding the Adirondack Park Association, LL 1-2011 (which pertains to alternates), and some recommendations on the items to look at potentially amending Subdivision and Site Plan Review.

Planning Board members had a back and forth conversation with Mr. Stewart, Mr. Barbosa, and Mr. Enfield on the identified items and will review the Subdivision and Site Plan during the January meeting.

B. Fulton County Planning Department:

**Michael DeRocker Minor Subdivision**

DISCUSSION:

Mr. Enfield inquired if there was any movement from Michael DeRocker regarding the conditional approval on his subdivision?

Town of Mayfield Code Enforcement Officer Norman Barbosa and Mike Stewart both indicated that the Town has reached out to him but has not heard back.

Mr. Enfield stated that he will contact his surveyor.

**NYS Consolidated Funding Application (CFA)**

The NYS Consolidated Funding Application (CFA) was created to support the Regional Economic Development Council (REDC) Initiative. The CFA has streamlined and expedited the grant application process marking a fundamental shift in the way State resources are allocated, ensuring less bureaucracy and greater efficiency to fulfill local needs. Historically, the Mohawk Valley REDC has received the least amount of applications and, in turn, received the least

amount of funding. Should the Planning Board wish to potentially update its Zoning Ordinance or Comprehensive Plan, a CFA grant will cover up to 90% if awarded through the Smart Growth Comprehensive Planning Grant.

**DISCUSSION:**

Mr. Enfield stated that, during calendar year 2023, several Planning Board members expressed interest in wanting to address issues with the Zoning Ordinance. He indicated that it might be better to hire a professional to look holistically at the zoning.

Mr. Enfield stated that the CFA comes out in early June with a deadline the end of July.

Vice Chairman Howland stated that he spoke with Supervisor Argotsinger and felt as though this is something that could be done through the Planning Services Agreement.

Chairman Kessler stated that it might be a good idea to get an outsider perspective.

Mr. Enfield stated that, while this can be done through the Planning Services Agreement with the Fulton County Planning Department, he is involved with larger County projects such as the Agricultural and Farmland Protection Plan Update, Great Sacandaga Lake Museum and History Center, and currently reviewing eight (8) solar projects throughout the County. Subsequently, he stated that Sunset Bay will be coming back in 2024, which will take up a lot of time.

Mr. Enfield stated that the Fulton County Planning Department could be utilized to write the grant and, if awarded, assist in the Request For Proposal (RFP) process.

Planning Board members had a back and forth conversation and liked the idea and agreed to think about the grant.

**Town Board Liaison to the Town of Mayfield Planning Board**

Some municipalities around NYS and within the County have a representative of the Town Board present at Planning Board meetings to update the Planning Board on issues happening on the Town level or to offer additional insight. Throughout the year, Town Board Member Ralph Desiderio has provided comments during meetings. Is this something that the Planning Board might want to have in the future?

**DISCUSSION:**

Mr. Enfield inquired if the Planning Board might want to have a Town Board member present during the Planning Board meetings.

He indicated that, in other communities he has been in, at times, it has helped clarify misinformation that might come up during a Public Hearing or review of a project.

Planning Board members were in agreement to request a Planning Board Liaison.

**PLANNING BOARD ACTION:**

**MOTION:** To recommend that the Town of Mayfield Town Board appoint a Board Member as a Planning Board Liaison.

MADE BY: Grant Rauch  
SECONDED: David Jankowski  
VOTE: 5 in favor, 0 opposed

**Adirondack Park Association**

Mr. Enfield stated that he has spoken with a staff member of the Adirondack Park Agency on doing a training for municipal boards. He inquired if the Planning Board members would be interested in having training from them?

Planning Board members agreed this would be beneficial to the Board.

**VII. CLOSE OF THE MEETING:**

MOTION: To close the meeting at 7:24 pm.

MADE BY: David Jankowski  
SECONDED: Grant Rauch  
VOTE: 5 in favor, 0 opposed