

**TOWN OF MAYFIELD PLANNING BOARD
WEDNESDAY, JANUARY 17, 2024
6:00 P.M.
TOWN OF MAYFIELD TOWN HALL

MEETING NOTES**

PRESENT:

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

**RALPH DISIDERIO, TOWN COUNCILMEMBER, PLANNING BOARD LIAISON
NORMAN BARBOSA, CODE ENFORCEMENT OFFICER
AARON ENFIELD, FULTON COUNTY SENIOR PLANNER**

OTHERS:

**TYLER MCNEIL, DAILY GAZETTE / LEADER-HERALD
BILL SHELDON, GRIGGS-LANG CONSULTING LLC
EUGENE JOUBERT, APPLICANT
KATHY STEARNS
PETER STEARNS**

AGENDA ITEMS:

- Griggs Lang Consulting: Special Use Permit for a Soil Mine along NYS Route 29 & Nine Mile Tree Road (Joubert Mine)

I. CALL MEETING TO ORDER:

The meeting was called to order at 6:00 p.m.

II. APPROVE MINUTES OF THE PREVIOUS MEETING:

MOTION: To approve the minutes of the December 20, 2023 meeting.

MADE BY: Richard Miles

SECONDED: Grant Rauch

VOTE: Unanimous

III. 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.

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.

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.

B. December 20, 2023 meeting:

During the December 20, 2023 meeting, the Town of Mayfield Planning Board started its review for a Special Use Permit on a Soil Mine Oak Ridge Farm LLC's - Joubert Mine at 1636 State Highway 29 in the Town of Mayfield. During that time, the Planning Board asked that the following information be provided:

1. Location Map of the project on the Site Plan (Sheet 1 and Sheet 2).

STATUS: Provided.

DISCUSSION:

Fulton County Senior Planner inquired if the Planning Board would like it on sheet 1 and sheet 2?

Planning Board member Richard Miles stated he would like it.

Planning Board members concurred with Mr. Miles.

2. Cross section of the project along Nine Mile Tree Road showing the berm.

STATUS: Provided. A typical cross-section of the berm with respect to the road and roadside ditch is included labeled "Perimeter Berm Types Section." Per Sterling Engineering in the December 2023 meeting, instead of 25' the Applicant has provided 50.'

DISCUSSION:

Planning Board Chairman John Kessler mentioned that he wished to have this located on the Site Plan as well.

Planning Board members and the Applicant had a back-and-forth conversation on the slope of the berm.

3. Type of seed mix that will be used. Fulton County Soil and Water is a good resource to speak to.

STATUS: Provided. The Fulton County Soil and Water Conservation District for the purposes of reclamation at the site is the commercially available All-Purpose Grass Seed mixture, which contains the following:

- 49% Shining Star Perennial Ryegrass
- 22% Creeping Red Fescue
- 16% Annual Ryegrass
- 9% Kentucky Bluegrass.

DISCUSSION:

Bill Sheldon, Griggs-Lang Consulting, indicated that the Applicant will be using the Grass Seed mix from Fulton County Soil and Water Conservation District.

4. Approximate location for well on property bordering the parcel.

STATUS: Provided. The only water well known to the applicants at this time is the water well for 215 State Highway 29A (Tax Map Parcel No. 151.-6-3.1) owned by Richard Argotsinger, is located approximately 400' to the northeast of the northeast corner. Additionally, there is no well for 129 Nine Mile Tree Road (Tax Map Parcel No. 151.-6-5.2) owned by John Fletcher; their water supply is a spring located on the hill to the northwest of the property.

DISCUSSION:

Mr. Enfield inquired if the Planning Board wants to have the well shown on the Site Plan?

The Planning Board indicated that wished to have this provided.

Mr. Sheldon indicated that he would need to coordinate with Richard Argotsinger.

Mr. Enfield indicated that an approximate location is satisfactory as the distance is well beyond the minimum distance from the property line.

Planning Board members agreed with Mr. Enfield's statement that an approximate location would suffice.

5. Type of signage that will be used at the entrance of the mine off NYS 29 within Mixed-Use 1 (MU-1).

STATUS: Provided. The Applicant has indicated that signage will be at the entrance of the road at NYS 29A and will conform to type, style, and size respectively within Article V: Supplementary Regulation, Section 504 of the 2017 Mayfield Zoning Regulations.

DISCUSSION:

Mr. Enfield inquired if the Planning Board like to see a rendering of the sign for the next submittal?

Planning Board members stated that they wish to see the imagery of the sign.

Mr. Enfield asked if the Planning Board would like to see the location on the Site Plan?

Planning Board members indicated they wished to see the location noted on the Site Plan.

Mr. Enfield inquired if any lighting be used on the sign?

Mr. Sheldon stated that there would be no lighting as the operation of the mine would occur during daylight hours.

6. A signed copy of the Full Environmental Assessment Form was not signed.

STATUS: Provided.

7. Landscaping along NYS Route 29

STATUS: Provided. The Applicant has indicated that landscaping will consist of tasteful conifer plantings near the entrance road and sign. The linear tree planting will be located

such that they will not obstruct the sign distance down NYS Route 29 for drivers exiting the site for the duration of the life of the trees, as well as not interfering with site distances from the southern terminus of Nine Mile Tree Road of the entrance road for the adjacent sand and gravel operation to the east.

DISCUSSION:

Planning Board members discussed the type of screening along NYS Route 29. The board felt that screening along Nine Mile Tree Road will not be necessary given the berm & reclamation of the property.

Mr. Enfield indicated that he would work with the applicant before the next submittal to look at different landscaping option for NYS 29.

Planning Board members were in agreement with this process.

8. Topography of the Road:

DISCUSSION:

Planning Board members discussed the topography of the property and how it relates to the road that the mining operation will be using.

Planning Board Alternate David Jankowski inquired if it would be necessary to alter it so it would be easier for trucks to get to the mine, and if so, would it be seen as an eyesore from NYS Route 29?

After a back-and-forth conversation, they concurred that amending the road on the property would not be necessary.

C. State Environmental Quality Review Act (SEQRA):

In an email dated January 17, 2024, Beth Magee of the NYS Department of Environmental Conservation (NYSDEC) indicated that given the type of project, the agency will serve as Lead Agency for SEQR. The agency will not be making any determinations until they have had a chance to review the application materials, visit the site with our mining staff, and coordinate our review with other agencies, including the Town.

DISCUSSION:

Mr. Enfield indicated that he has spoken with the NYSDEC regarding the project. He indicated they are still in the preliminary phase and will be including the Town of Mayfield Planning Board as an Interested Agency. However, he stated it appears to be a while until SEQR will commence.

Mr. Enfield indicated that the Planning Board expressed an interest in including the New York State Historic Preservation Office (SHPO) as well as New York State Department of Transportation. He stated that he could follow up with NYSDEC and indicate that they be included.

Planning Board member Jerry Moore pointed out an error in the Full Environmental Assessment Form. He stated that on page 12 E-3 (a) should be changed from a 'no' to a 'yes' as the property is within Fulton County Agricultural District #1.

Planning Board members concurred and asked for Mr. Enfield to amend their form.

PLANNING BOARD ACTION:

MOTION: To authorize the Fulton County Planning Department to amend the Applicant's Full Environmental Assessment Form E-3(a) on page 12 as the property is within Fulton County Agricultural District #1, and to ask the New York State Department of Environmental Conservation (NYSDEC) to include State Historic Preservation Office (SHPO) and the New York State Department of Environmental Conservation (NYSDOT) during the SEQR process.

MADE BY: John Kessler

SECONDED: Jerry Moore

VOTE: 5 in favor, 0 oppose, 1 abstain (Howland)

D. NYS General Municipal Law §239-m:

During the January 16, 2024 meeting, the Fulton County Planning Board reviewed the project under NYS GML Section 239-m as the project is within 500' of NYS 29. At that time, the Planning Board recommended that the project be approved with modifications:

1. A timeline for the Mining Operation should be given to the Applicant so the Special Use Permit is not open-ended and should come before the Planning Board for an extension at a time that the Town of Mayfield Planning Board deems appropriate.

DISCUSSION:

Mr. Enfield inquired if the Planning Board like to go with the County Planning Board's recommendation. If not, a supermajority vote is necessary to override.

Chairman Kessler indicated he would prefer to table until there has been further review by New York State Department of Environmental Conservation (NYSDEC). Subsequently, he indicated that Mr. Enfield should still work with the applicant on screening options.

PLANNING BOARD ACTION:

MOTION: To table the 239-m recommendation from the Fulton County Planning Board until more review is done by New York State Department of Environmental Conservation (NYSDEC)

MADE BY: John Kessler

SECONDED: Grant Rauch

VOTE: 5 in favor, 0 opposed, 1 abstain (Howland)

E. 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: (1) Richard

Argotsinger (SBL: 151.-6-3.1, 151.-6-6); (2) Deborah Rupert (SBL 151.-6-5.1); and (3) John Fletcher (SBL 151.-6-5.2). To date, there have been no comments by the property owners.

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-

G. Planning Board Action:

It is recommended to table further discussion until NYSDEC has had a chance to do a formal review of the project and do a coordinated review with other agencies including the Town of Mayfield.

DISCUSSION:

Mr. Enfield inquired about how long the SEQR process may go with NYSDEC.

Bill Sheldon, Griggs-Lang Consulting, indicated that time varies from two – to twelve months.

Chairman Kessler indicated that because the Planning Board has yet to be included in the SEQR process by NYSDEC, further review of the project should be tabled.

PLANNING BOARD ACTION:

MOTION: To table further review of Griggs-Lang's Special Use Permit application for a Soil Mine at the corner of Nine Mile Tree Road and NYS Route 29.

MADE BY: Grant Rauch

SECONDED: Rich Miles

VOTE: 5 in favor, 0 oppose, 1 abstain (Howland)

IV. OTHER BUSINESS:

A. Chairman:

Chairman Kessler indicated that the Town Board would like the Planning Board to come up with recommendations for a Battery Energy Storage System (BESS) law as the Town enacted a moratorium.

B. Town Board Liaison

Town of Mayfield Town Board Member Ralph DeSederio indicated that the Town Board took up the recommendation and will have each Town Board serve as a liaison for 3 months a year.

He stated this way all Town Board will get an understanding of projects coming before the Planning Board.

C. Fulton County Planning Department:

Mr. Enfield inquired about Mr. DeRocker's subdivision.

Norman Barbosa, Code Enforcement Officer, indicated that he was waiting for perc. and pit tests from the Adirondack Park Agency.

D. Other:

Grants

Vice Chairman Aaron Howland inquired about the Planning and Zoning Grant that was previously discussed. He indicated that it would be beneficial for the Town to look into.

Mr. Enfield indicated that it does not come out until early June with a deadline end of July.

V. CLOSE OF THE MEETING:

MOTION: To close the meeting at 7:00 pm

MADE BY: Rich Miles

SECONDED: Aaron Howland

VOTE: Unanimous