



**FULTON COUNTY PLANNING BOARD MONTHLY MEETING**

**TUESDAY, JANUARY 16, 2024 | 8:45 AM**

**1 EAST MONTGOMERY STREET, JOHNSTOWN, NY 12095**

**MEETING NOTES**

**PRESENT:**

- Dave Rackmyre, Jr., Chairman (Code Enforcement Officer for Town of Oppenheim & Town of Stratford)
- James Anderson, Vice Chairman (City of Gloversville)
- Walter Fitzgerald (Town of Northampton)
- Peter Goderie (City of Johnstown & Farmer in Town of Perth and Mayfield)
- Jerry Moore (Town of Mayfield)
- Sheila Perry (Farmer, Town of Broadalbin)
- Jay Pierz (Town of Stratford)
- Frank Lauria (Alternate, Supervisor – City of Gloversville)

Aaron Enfield, Senior Planner

**AGENDA:**

1. 239-m Review: Town of Mayfield Planning Board – Griggs-Lang Consulting- Special Use Permit for a Soil Mining Operation (Oak Ridge Farm LLC / Joubert Mine) on property owned by Eugene and Karen Joubert at the Corner of Nine Mile Tree Road and New York State Route 29.
2. Fulton County Annual Report for 2023

**1. CALL THE MEETING TO ORDER:**

The meeting was called to order at 8:45 am followed by the pledge of allegiance.

**2. APPROVAL OF THE PREVIOUS MEETING MINUTES:**

MOTION: To approve the minutes of the December 19, 2023 meeting as presented.

MADE BY: Jay Pierz  
 SECONDED: Sheila Perry  
 VOTE: unanimous

**3. ANNUAL ELECTION OF OFFICERS:**

The County Planning Board Bylaws stipulate that a Chairman and Vice-Chairman will be elected during the first meeting of each year.

**PLANNING BOARD DISCUSSION:**

Planning Board Alternate Frank Lauria recommended that Dave Rackmyre Jr. should stay as Chairman, and James Anderson should stay as Vice Chairman.

Planning Board members had a back and forth conversation and were in agreement.

**PLANNING BOARD ACTION:**

**MOTION:** To nominate Dave Rackmyre to serve as Chairman, and for James Anderson to serve as Vice Chairman of the Fulton County Planning Board in 2024.

**MADE BY:** Frank Lauria  
**SECONDED:** Peter Goderie  
**VOTE:** Unanimous

**4. NYS GENERAL MUNICIPAL LAW SECTION 239-M:**

In accordance with New York State General Municipal Law § 239-m, the following applications were forwarded to the County Planning Board for review:

**A. Griggs-Lang Consulting – Special Use Permit for a Soil Mine (Oak Ridge Farm – Joubert Mine) at 1636 State Highway 29:**

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.

**PLANNING BOARD DISCUSSION:**

Planning Board member Peter Goderie inquired if the parcel owner receives Ag. Exemption for the property? Subsequently, he inquired if it is currently used for agricultural purposes.

Planning Board member Jerry Moore stated that he used it for the hay in 2023.

Planning Board member Sheila Perry stated that he uses several properties in the Town of Broadalbin for hay as well.

**PLANNING BOARD ACTION:**

**MOTION:** Recognizing no regional implications that could occur from Griggs-Lang Consulting's Special Use Permit for a Soil Mining Operation (Oakridge Farm LLC / Joubert Mine) at the corner NYS 29 and Nine Mile Tree Road the following project should be approved with the following 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.

**MADE BY:** James Anderson  
**SECONDED:** Dave Rackmyre, Jr.  
**VOTE:** 7 in favor, 0 oppose, 1 abstain (Moore)

**5. 2023 Fulton County Planning Board Annual Report:**

In accordance with Section 239-c of the General Municipal Law of New York State, the County Planning Board shall file an Annual Report with the County Board of Supervisors. A copy of the draft 2023 Annual Report was forwarded to County Planning Board members with their Agenda packets.

**PLANNING BOARD DISCUSSION:**

Mr. Enfield indicated that it took longer than expected to analyze data from the past year and that in sending it to the Planning Board. He stated that he would like the Planning Board to review over the next month to review and see if there are any other items he felt should be included to email him before the February meeting.

**6. Other Business:**

Fulton County Planning Department:

**Planning and Zoning Training:**

**FMCC Training:** Mr. Enfield stated that Thursday, April 11, 2024, will be the date for the Planning and Zoning training at Fulton Montgomery Community College.

**Saratoga County:** Mr. Enfield indicated that Fulton County money has been allotted within the 2024 budget for Planning Board members to attend the training at in Saratoga. He stated that anybody who is interested should reach out to him directly.

Other:

**Snowmobile Trails**

Planning Board member Jay Pierz indicated there was some issues with one of the snowmobile clubs embezzling money.

Planning Board members had a back-and-forth conversation on the lack of snow this winter and the snowmobile trails going from Fulton County Highways and Facilities to the Planning Department.

**7. Close of Meeting:**

MOTION: To close the meeting at 9:13 a.m.

MADE BY: Dave Rackmyre, Jr.

SECONDED: Peter Goderie

VOTE: Unanimous